

To: Chair and Members of the Planning Committee

Date: 6 September 2017

Direct Dial: 01824 712589

e-mail: democratic@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, 13 SEPTEMBER 2017** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 9 - 10)

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 11 - 18)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 12 July 2017 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 -11) -

5 APPLICATION NO. 01/2016/1243 CA - FORMER DENBIGH TECHNOLOGY AND VOCATIONAL EDUCATION CENTRE, MIDDLE LANE, DENBIGH (Pages 19 - 42)

To consider an application for demolition of former school buildings at the site of former Denbigh Technology And Vocational Education Centre, Middle Lane, Denbigh (copy attached).

6 APPLICATION NO. 02/2017/0688 PF - 15 HAULFRYN, RUTHIN (Pages 43 - 54)

To consider an application for the formation of vehicular access and parking area to front of dwelling at 15 Haulfryn, Ruthin (copy attached).

7 APPLICATION NO.15/2017/0573 PF - TY MINFFORDD, ERYRYS, MOLD (Pages 55 - 72)

To consider an application for erection of a detached double garage with first floor accommodation at Ty Minffordd, Eryrys, Mold (copy attached).

8 APPLICATION NO. 16/2017/0628 PF - TYN Y CELYN, LLANBEDR DYFFRYN CLWYD, RUTHIN (Pages 73 - 96)

To consider an application for demolition of existing dwelling and outbuildings and erection of a replacement dwelling at Tyn Y Celyn, Llanbedr Dyffryn Clwyd, Ruthin (copy attached).

9 APPLICATION NO. 43/2017/0541 PF - 1 LINDEN CLOSE, PRESTATYN (Pages 97 - 116)

To consider an application for alterations and extensions to dwelling at 1 Linden Close, Prestatyn (copy attached).

10 APPLICATION NO.45/2017/0335 PO - LAND ADJACENT TO 21 STANLEY PARK AVENUE, RHYL (Pages 117 - 132)

To consider an application for development of 0.05 ha of land by the erection of 1 no. dwelling (outline application including access, layout and scale) at Land adjacent to 21 Stanley Park Avenue, Rhyl (copy attached).

11 APPLICATION NO.45/2017/0575 PF - 8/9 MARKET STREET, RHYL (Pages 133 - 144)

To consider an application of change of use of class A1 retail shop to class A2 financial and professional services with ancillary accommodation to rear of no. 8 Market Street, Rhyl (copy attached).

12 PLANNING APPEALS UPDATE (Pages 145 - 162)

To consider for information a report by the Head of Planning and Public Protection on recent planning appeal decisions received from the Planning Inspectorate on cases within the County (copy attached).

MEMBERSHIP

Councillors

Joe Welch (Chair)

Alan James (Vice-Chair)

Ellie Chard

Ann Davies

Meirick Davies

Peter Evans

Brian Jones

Huw Jones

Pat Jones

Tina Jones

Gwyneth Kensler

Christine Marston

Bob Murray

Merfyn Parry

Peter Scott

Tony Thomas

Julian Thompson-Hill

Emrys Wynne

Mark Young

COPIES TO:

All Councillors for information

Press and Libraries

Town and Community Councils

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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 21 elected Members. In accordance with protocol, 11 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

ELECTRONIC VOTING PROCEDURE

Members are reminded of the procedure when using the electronic voting system to cast their vote.

Unless otherwise advised by the Chair or Officers, 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:

When voting on **applications**, on the voting keyboard, press

- 1** - to **GRANT / APPROVE** the application
- 2** – to **ABSTAIN** from voting on the application
- 3** – to **REFUSE** the application

When voting on **special reports and enforcement items**, on the voting keyboard, press

- 1** - to **ACCEPT THE OFFICER RECOMMENDATION**
- 2** - to **ABSTAIN** from voting on the recommendation
- 3** - to **NOT ACCEPT THE OFFICER RECOMMENDATION**

In the event of problems with the electronic voting system, the Chair or Officers will advise on the procedures to be followed.

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, (<i>name</i>)	<input type="text"/>
a *member/co-opted member of <i>(*please delete as appropriate)</i>	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:- <i>(*please delete as appropriate)</i>	
Date of Disclosure:	<input type="text"/>
Committee (<i>please specify</i>):	<input type="text"/>
Agenda Item No.	<input type="text"/>
Subject Matter:	<input type="text"/>
Nature of Interest: <i>(See the note below)*</i>	<input type="text"/>
Signed	<input type="text"/>
Date	<input type="text"/>

*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 Council Chamber, County Hall, Ruthin on Wednesday, 12 July 2017 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Meirick Davies, Alan James (Vice Chair) Brian Jones, Huw Jones, Pat Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Bob Murray, Merfyn Parry, Peter Scott, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Observers – Councillors Tony Flynn and Paul Penlington

ALSO PRESENT

Head of Planning and Public Protection (GB); Team Leader – Places Team (SC); Development Manager (PM); Principal Planning Officer (IW); Senior Engineer – Highways (MP); Strategic Planning and Housing Manager (AL); Planning Officer (KB), and Committee Administrator (KEJ)

POINT OF NOTICE

Due to a technical issue following commencement of the meeting it was not possible to webcast the meeting or use the electronic voting equipment.

1 APOLOGIES

Councillor Peter Evans
Councillor Julian Thompson-Hill would be arriving late for the meeting.

2 DECLARATIONS OF INTEREST

Councillor Tony Thomas – Personal Interest – Agenda Item 8
Councillor Julian Thompson-Hill – Personal & Prejudicial Interest – Agenda Item 7
Councillor Emrys Wynne – Personal Interest – Agenda Item 5

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee meeting held on 14 June 2017 were submitted.

RESOLVED that the minutes of the meeting held on 14 June 2017 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 9) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information received since publication of the agenda which related to particular applications. It was noted that there were no public speaking requests.

5 APPLICATION NO. 43/2015/1241/PO - LAND ADJACENT TO MAGISTRATES COURT, VICTORIA ROAD, PRESTATYN

[Councillor Emrys Wynne declared a personal interest in this item because he was a Justice of the Peace in North East Wales and could be called to the bench in Denbighshire.]

An application was submitted for development of 0.051 hectares of land for the erection of 3 retail units and 20 residential units (outline application with all matters reserved) at land adjacent to Magistrates Court, Victoria Road, Prestatyn.

General Debate – Councillor Tony Flynn (Local Member) referred local residents' concerns which primarily focused on (1) highway issues – parking and congestion, particularly in Windermere Drive, and (2) open space – local children used the existing green space as a general play area which would be lost. Councillor Paul Penlington (Local Member) agreed, adding that there were valid highway concerns and the development would cause major difficulties. He referred to traffic reviews undertaken the previous year which had identified issues for further consideration. Further concerns were raised regarding the proposal for retail units which would have a detrimental impact on existing local business and employment. Whilst there was no objection to the principle of a housing development there was a concern around the number of houses and impact on the local highway network and the development of retail units. He asked that the application be modified to remove the retail element and ensure housing was better spaced out.

The Development Manager elaborated upon the planning context advising that it was an outline planning application relating to the principle of the development for a mixed use of housing and retail units. The detail of the layout and size of properties and open space was not a matter for consideration at this time and would need to be subject to a separate application. The planning policy supported local housing in the area and the county was in need of housing, particularly affordable housing. Previous use and intensity of the site when it operated as a Police Station also had a bearing on the application. The issue for consideration by members at this time was whether they agreed to the development in principle. The Highways Officer reiterated that the application was in outline stage and whilst appreciating the concerns on the local highway network, detail of those reserved matters (including highways) would be agreed at a later date and covered by appropriate conditions. Consequently he felt there were no highway grounds to refuse the application.

Members considered the merits of the application and Councillor Bob Murray sought clarity over the retail element of the development given the potential impact on local businesses. Further questions were raised regarding the conditions to be imposed if the application was granted. In response officers –

- advised that competition and the impact on existing local businesses opposite the development site was not a material planning consideration and it was not possible for the committee to refuse the application on that basis or remove the retail element from the application
- drew attention to the proposed condition limiting the retail floor space (condition no. 13) which was imposed on retail units outside of town centre development in order to protect town centre trade – however it was acknowledged that if members had concerns regarding the negative impact on the vitality and viability of the town centre given the lack of detail regarding the retail units in the outline application, it was a potential ground for refusal of the application
- the green space referred to by Councillor Flynn had not been designated as open space in the Local Development Plan and was likely to be an informal area of open space given that children had access to the site and had played there historically. The proposed development would be required to meet the Council's policies and SPG in relation to provision for open space which would form part of the planning conditions (condition no. 8 as detailed within the report).

Proposal – Councillor Merfyn Parry proposed, seconded by Councillor Tony Thomas, that the application be granted in accordance with officer recommendation. Councillor Bob Murray proposed, seconded by Councillor Ellie Chard, that the application be refused, contrary to officer recommendation, on the grounds that granting the application would result in a negative impact on the vitality and viability of the town centre.

VOTE:

GRANT – 12

REFUSE – 5

ABSTAIN – 0

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

[Councillor Julian Thompson-Hill took no part in the discussion or voting on the application as he had not been present for the duration of the item.]

6 APPLICATION NO. 45/2017/0335/PO - LAND ADJACENT TO 21 STANLEY PARK AVENUE, RHYL

An application was submitted for development of 0.05 ha of land by the erection of 1 no. dwelling (outline application including access, layout and scale) at land adjacent to 21 Stanley Park Avenue, Rhyl.

The Development Manager explained that the applicant had submitted revised plans which necessitated further consultation. Consequently officers had recommended that the application be deferred.

VOTE:

FOR DEFERRAL – 18

AGAINST DEFERRAL – 0

ABSTAIN – 0

RESOLVED that the application be deferred in accordance with officer recommendation.

7 APPLICATION NO. 45/2017/0384/PF - FORMER DRIFT PARK, WEST PARADE, RHYL

[Councillor Julian Thompson-Hill declared a personal and prejudicial interest in this item because he was a member of the Rhyl Waterfront Board and he left the meeting during consideration of the application.]

An application had been submitted for demolition of existing skate park and ancillary retail huts and construction of new Waterpark and Leisure Attraction comprising: Indoor leisure pool with flumes, slides, play structure, and water confidence area, changing areas, kids' play, party rooms and climbing activities, café / licensed bar, outdoor paddling pool with play equipment, indoor/outdoor seating areas, ancillary accommodation and plant room at former Drift Park, West Parade, Rhyl.

General Debate – Councillor Alan James (Local Member) spoke in favour of the development and reported that Rhyl Town Council had been working closely with the Council to develop the new facility as part of the regeneration of Rhyl. It was considered that the facility would enhance other developments currently being undertaken, offer local employment and improve the economic viability of the town. Councillor James advised that it was a much wanted development which was seen as a catalyst to bring forward other developments for the benefit of both local residents and tourism. He also made reference to the consultation currently taking place on the relocation of the skate park which was seen as a positive step to replace the existing skate park facilities which were now in quite poor condition.

Councillor Emrys Wynne also spoke in favour of the development and was also keen for the skate park to be successfully relocated for the benefit of its users. Whilst there was no great impact on the Welsh Language as a result of the development he hoped that the developers conformed to the linguistic requirements of the Council.

Proposal – Councillor Alan James proposed, seconded by Councillor Pat Jones, that the application be granted in accordance with officer recommendation.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

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

8 APPLICATION NO. 45/2017/0507/PS - ST. DAVIDS RESIDENTIAL HOME, 36 EAST PARADE, RHYL

[Councillor Tony Thomas declared a personal interest in this item because he was the Local Member and also a member of Rhyl Town Council]

An application was submitted for variation of condition no. 1 of planning permission code no. 45/2011/0572 allowed under appeal to allow an extension of time to commence the development at St. Davids Residential Home, 36 East Parade, Rhyl.

General Debate – Councillor Tony Thomas (Local Member) highlighted the background to the application with planning permission having already been granted on appeal. It was noted that the principle of the development could not be revisited at this point.

Proposal – Given the planning history and officer recommendation, and the fact that the development would generate jobs for the area, Councillor Tony Thomas proposed, seconded by Councillor Brian Jones, that the application be granted.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

9 APPLICATION NO. 47/2017/0475/PF - WADHAM HOUSE, RHUALLT, ST. ASAPH

An application was submitted for erection of a detached ancillary domestic accommodation building and associated works at Wadham House, Rhualt, St. Asaph.

General Debate – Councillor Christine Marston (Local Member) elaborated on concerns raised by Tremeirchion, Cwm and Waen Community Council and how she hoped, on reflection, those concerns had been allayed as follows (1) having visited the site the proposed building did not appear disproportionate, (2) with regard to visual impact on the AONB there was no visibility from the public highway, (3) the materials appeared suitable for the nature of the development, and (4) a condition had been proposed to prohibit the building for commercial use.

In response to members' questions officers responded that –

- a condition had been proposed to prohibit the building being used as an independent residential unit and any reports of unauthorised use of the building would be investigated in order to enforce that condition
- the site was close to, but outside, the AONB development boundary and no representations had been received from the AONB Joint Committee regarding the development. The likely impact on the AONB would be negligible as the building would not be clearly visible from any public vantage points.

Proposal – Councillor Christine Marston proposed the officer recommendations to grant the application, seconded by Councillor Merfyn Parry.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

10 TREE PRESERVATION ORDER NO. 01/2017 IN RELATION TO LAND ADJACENT TO GLASFRYN, GELLIFOR

A report was submitted requesting members confirm Denbighshire County Council Tree Preservation Order (TPO) No. 01/2017 in relation to land adjacent to Glasfryn, Gellifor (as detailed in Appendix 1 to the report).

A TPO made it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the local planning authority's permission. The Planning Officer (KB) elaborated upon the legislative process with regard to procedures for making TPOs and advised that two representations had been received in support of the order. The matter had been deferred from the last meeting to allow a follow up on initial correspondence from a party with an interest in the land who had since confirmed that they did not wish to object to the TPO. Consequently the Council could confirm the TPO in accordance with officer recommendation or decide not to confirm the TPO which would leave the tree without that protection once the provisional order expired in September 2017. Councillor Meirick Davies noted that no picture of the tree had been provided and he felt it would be a useful addition in reports of this nature.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendation to confirm TPO No. 01/2017, seconded by Councillor Alan James.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 0

RESOLVED that members confirm Denbighshire County Council Tree Preservation Order Number 01/2017 in relation to land adjacent to Glasfryn, Gellifor in the County of Denbighshire as detailed in Appendix 1 to the report.

11 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN: DRAFT REVIEW REPORT AND DRAFT DELIVERY AGREEMENT - PROPOSED CONSULTATION

A report was submitted seeking members' endorsement of the Denbighshire Local Development Plan (LDP) Draft Review Report together with accompanying Delivery Agreement, Habitats Regulations Assessment, Sustainability Appraisal Scoping

Report and updated background Information Papers for public consultation before submission to the Welsh Government.

The Strategic Planning and Housing Manager provided some background to the report and guided members through the documentation, outlining the timetable and process for developing Denbighshire's replacement Local Plan and highlighting the different stages within the process and important considerations, including the opportunity for members, the public and key stakeholders to input as part of the consultation exercise. The draft report highlighted where changes to the policy approach were needed but did not set out what those changes should be at this stage. The Chair urged members to respond to the forthcoming consultation with their views and comments on the draft policy.

In response to questions officers –

- confirmed it was a statutory requirement to have an LDP and highlighted the benefits of that approach in order to set local policy instead of being reliant on national and government policies, illustrating the problems and vulnerabilities faced by other local authorities, particularly in terms of housing developments
- provided assurances regarding the timescales for the eight week consultation period advising that the consultation was likely to commence mid-August and would continue until at least the end of September and possibly the beginning of October to ensure sufficient time for comments
- advised that Welsh Language was a statutory planning consideration and drew attention to the Information Paper on Respecting Distinctiveness which included Welsh Language and highlighted the level of Welsh Language spoken in particular areas. All of the consultation documentation would be produced bilingually
- elaborated upon the housing land supply and housing completions from 2006 and population projects and annual dwelling requirements. Much more indepth discussions on how that information informed the LDP in future was required.

The Chair read out the officer recommendations and upon being put to the vote it was unanimously –

RESOLVED that members endorse the Denbighshire Local Development Plan Draft Review Report (attached as Appendix 2), together with accompanying draft Delivery Agreement, Habitats Regulations Assessment, Sustainability Appraisal Scoping Report and updated background Information Papers for consultation.

The meeting concluded at 11.00 a.m.

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Agenda Item 5

Ian Weaver

WARD : Denbigh Central

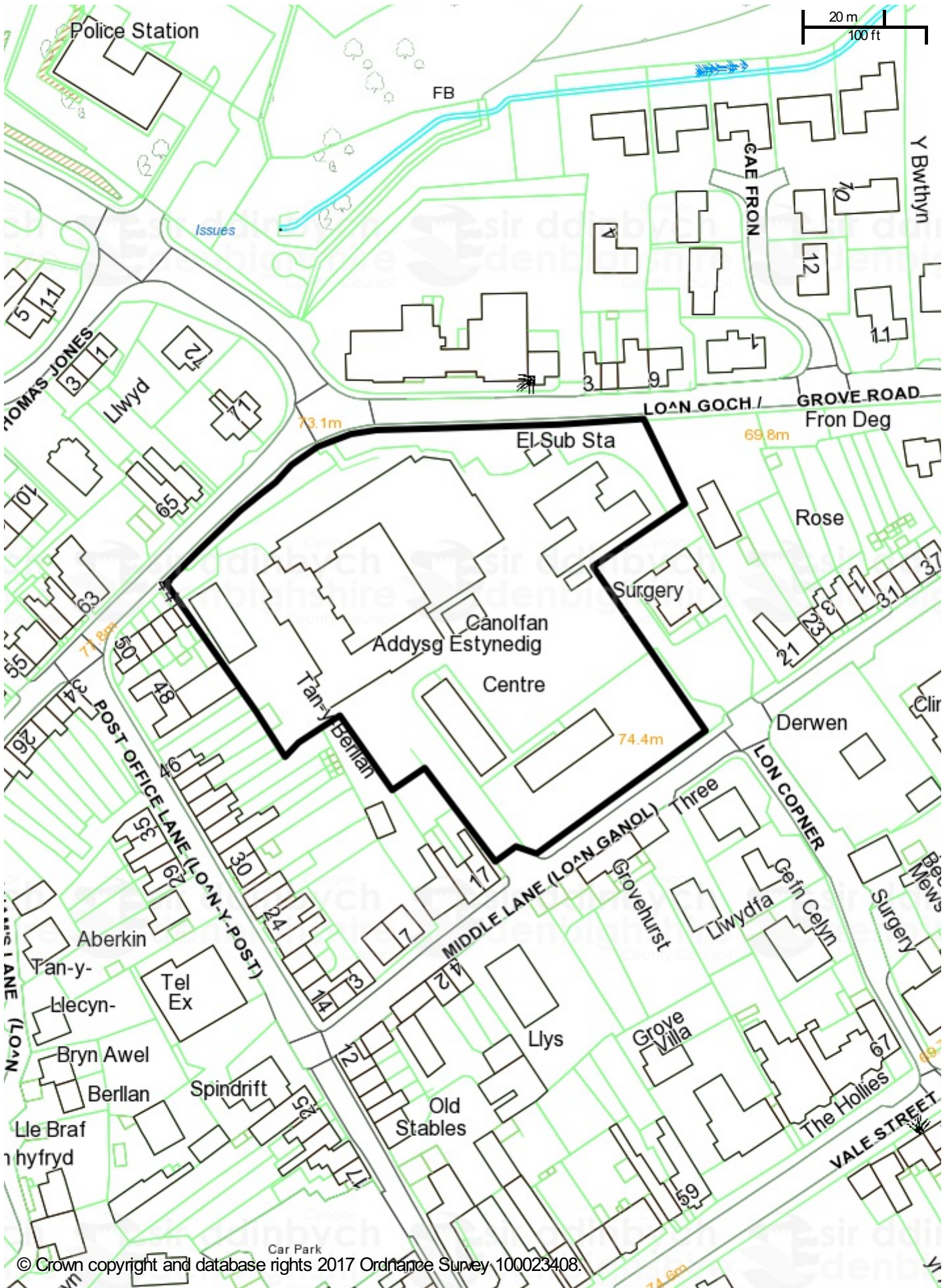
WARD MEMBER: Councillor Gwyneth Kensler (c)

APPLICATION NO: 01/2016/1243/ CA

PROPOSAL: Demolition of former school buildings

LOCATION: Site of former Denbigh Technology And Vocational Education
Centre Middle Lane Denbigh

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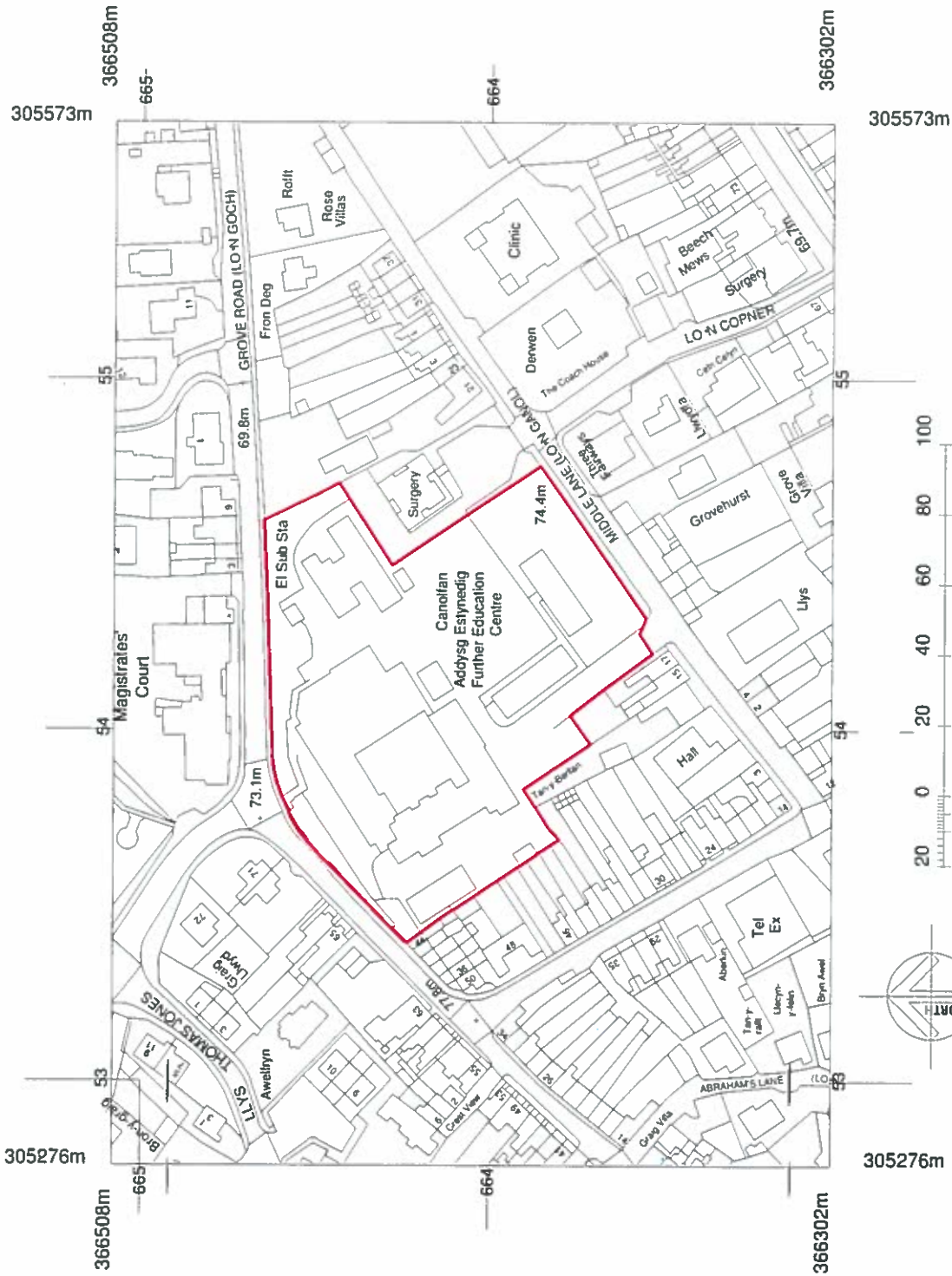


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01/2016/1243

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REV	DESCRIPTION	DATE	BY
B	SURVEY USE ADDED TO PLAN	09.06.20	MS
A	SCHEME OPTIONS DEVELOPED AND DRAWING NUMBERS REVISED	04.04.20	IS

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PROJECT
PENTRE CANOL, DINBYCH
 for GRŴP CYNEFIN

DRAWING TITLE
CYNLLUN LLEOLIAD Y SAFLE -
SITE LOCATION PLAN

SCALE 1:1250 @ A3 | DATE 09.06.20 | DRAWN BY MS | CHECKED BY IS

DRAWING STATUS
PLANNING

JOB No. DRAWING No. REVISED
C895 001 B



THE OLD POLICE STATION, 15, QUEENSWAY, MANMAGEN, ON 18th FEBRUARY 2020. I, MS, ARCHITECTS, HAS PREPARED THIS DRAWING FOR THE ARCHITECT'S USE ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL FEES PAID TO THE ARCHITECT.

PERMIT ID: 1/1/10/2016/15 11 10 44

A3

1 CYNLLUN OS - OS PLAN
 SCALE 1:1250

PLAN IDENTIFYING BUILDINGS TO BE DEMOLISHED

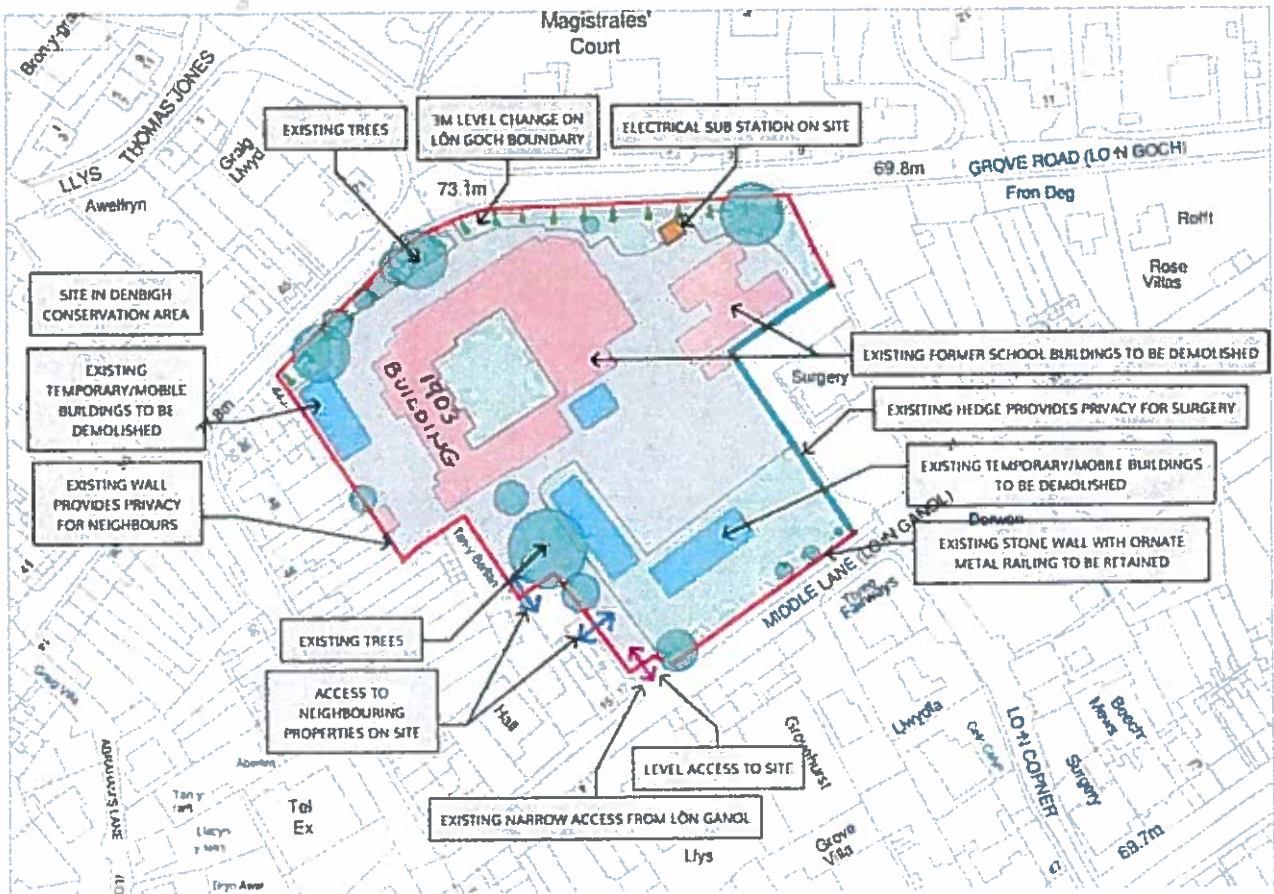


Image 01 - Site Appraisal Diagram



5.00 · CHARACTER

PROPOSED SUPPORTED LIVING VILLAGE

PENTRE CANOL, DENBIGH

AG AINSLEY GOMMON ARCHITECTS

**SITE LAYOUT PLAN
FROM 01/2016/1241
-REDEVELOPMENT FOR
EXTRA CARE SCHEME**

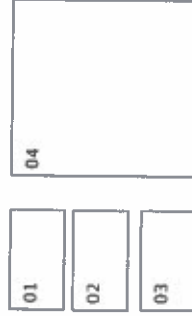


Image 01 3D Aerial view expressing south facing sheltered courtyards

Image 02 Courtyard garden

Image 03 — Entrance from LŴn Ganol

Image 04 First Floor Layout Plan



WARD : Denbigh Central

WARD MEMBER: Councillor Gwyneth Kensler (c)

APPLICATION NO: 01/2016/1243/ CA

PROPOSAL: Demolition of former school buildings

LOCATION: Site of former Denbigh Technology And Vocational Education Centre Middle Lane Denbigh

APPLICANT: Mr R Bryn Davies, Grwp Cynefin

CONSTRAINTS: Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

"No objections. The Town Councillors did however wish to confirm that they would like the old building at the location be recorded as per notification from Fiona Gale."

CADW

CADW's comments below are contained in two emails forwarded to the Council by Welsh Government following the latter's confirmation in July 2017 that the application is one for determination by Denbighshire (see section 1.1 of the report for the background to this situation)

- First response to Welsh Government dated 10.4.17

This confirmed the collection of buildings, which includes the former Denbigh High School, are unlisted but within the Denbigh conservation area. It contained an 'Architectural Assessment' from Cadw's Inspector of Historic Buildings, Nick Davies, which included the following main commentary:

"The original school building of 1903, with stone elevations, slate roof slopes and decorative central cupola with lead spire, has been added to over the years with a mixture of unsympathetic additions. These include substantial two-storey, flat roofed wings, various ancillary structures and mobile classrooms. It would be easy to justify clearing all this post war clutter to reveal the original composition but the plans involve the clearing of the whole site. The application justifies this because the buildings are said to be in poor condition and incapable of being incorporated into the new scheme. There is no explanation, however, why this is the case. There are no draft / concept schemes to show the inclusion of the 1903 building or to illustrate the problems of including it, so it is hard to accept that it could not have formed the centre piece of a new development. Instead, the proposed scheme is standard modern domestic accommodation which borrows little or nothing from the character of the Denbigh Conservation Area in which it sits. The scheme misses, therefore, the opportunity to retain a traditional building and use it to inspire a locally distinctive development that would make a more positive contribution to the conservation area."

The CADW response goes on to refer to the contents of the main Welsh Government Circular in place at the time (61/96) which contained the general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area, and the requirement to assess demolition proposals against the same broad criteria as proposals to demolish listed buildings. 61/91 also refers to the need for full information about

what is proposed for the site after demolition, and suggests that consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It goes on to outline the tests in paragraphs 91 and 92 of the circular which deal with the issue of demolition of listed buildings.

CADW's conclusion on the basis of the information in the submission at the time was:

"As there is little to suggest in the current application that there was ever any effort to explore the possibility of retaining the core traditional buildings, incorporating them in the new scheme, or use them to inspire the overall design of the new development, the application could be refused outright. Alternatively, the applicant could be asked if further information is available to satisfy paragraphs 33, 91 and 92, such as a structural survey, evidence of efforts to reuse the buildings and concept drawings to show the evolution of the design process, starting with a scheme which included the traditional buildings through to the eventual proposals that have now been submitted."

Officers understand that there was subsequent dialogue between CADW, Welsh Government officials and the applicant's agents, and that additional information was provided by the agents to assist consideration of the application. This resulted in a second email from CADW to Welsh Government.

- Second CADW response dated 28.6.2017

CADW's second response repeated some of the contents of the one referred to above, but provided a detailed appraisal of the qualities of the original building and comments on the issues relevant to the application:

"Cadw looked at the school some years ago to consider listing but concluded, in its current form, the original 1903 element was too compromised by the unsympathetic and overwhelming additions which enclosed the principal elevation in a tight courtyard, completely screening it from view other than from corridors in the later wings. The redevelopment of the site, however, provides an opportunity to reverse the damage, restore the building to its original form and reveal the hidden main façade. Cadw has listed buildings by this architect of similar significance and, accordingly, if returned to its original form and appearance would also have this potential."

So although we are considering only conservation area issues in this application, it does illustrate that this is more than a run of the mill conservation area building, but one that has the potential to be listed as a good example of an early twentieth century school. It was built by the Denbigh architect James Hughes with a well composed and detailed principal elevation in the Tudor style with three storey porch and stone copings to the verges. As well as various chapels, Hughes also designed another prominent public building in Denbigh, the former Church Institute in Henllan Place, 1915-16, which is grade II listed. Tudorbethan was not an unusual style for schools at the time and Friars School in Bangor, built in 1900 by the Chester architect, John Douglas, is very similar (and again grade II listed) and perhaps provided Hughes with inspiration for his Denbigh design. The County Governing Body (for schools) apparently insisted on the use of local limestone to face the Denbigh school. The main façade was clearly intended to be seen and to impress. And to be locally distinctive. All of which could come into play again once the façade is revealed. The building appears to be largely intact and a drawing of the original design is attached for information."

It is argued that the condition of the building makes it unviable to retain in the new scheme but apart from isolated leaks to the roof and related, minor outbreaks of dry rot in the affected floors, the building appears to survive in a sound structural condition."

It would seem that the main reason for demolishing the building is to create a cleared site which allows the preferred site layout without the complications of working with an existing structure. There are small changes in level and the main entrance to the 1903 school (currently blocked) does have stone steps leading up to the threshold which would inevitably restrict disabled access. But these are common challenges and a secondary side entrance should easily address this issue. There is also likely to be a preconceived idea of the layout of new residential units and perhaps the old school doesn't lend itself easily to providing this sort of accommodation. There must, however, be requirements for staff accommodation, offices or communal spaces that this original building could readily provide."

The building has a relatively small footprint in relation to the site as a whole, occupying only a small percentage of the overall acreage, and should not reduce the number of units in total. The current proposals, however, involve a site layout with a new site entrance and service road, as well as plans for a temporary works access, and the existing building is in the way of all these elements. Ideally, the desirability of retaining the old school should have been acknowledged at the outset and avoided the considerable investment in the current proposals. The whole character of the development could have borrowed from the original building and given the scheme a locally distinctive character, worthy of the conservation area. The building was written off because it currently has little impact on the conservation area but proposals have a responsibility to enhance rather than just protect the conservation area and in this instance the scheme fails to meet this challenge.

I therefore recommend that the applicant should take the opportunity to enhance the character and appearance of the conservation area by incorporating the original school building within the proposed development.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Archaeologist

Has checked the Historic Environment Record and there are no previously known archaeological sites. However the original school building is of interest and prior to demolition a level 3 record of the building should be made. A condition should be attached to any permission, should it be granted, which ensures that this takes place.

Conservation Officer

Has outlined the reasons for supporting the application including the demolition of the original 1903 school building:

“1. Denbighshire County Council asked Cadw to inspect the original 1903 building around 2011 with a view to listing. A Cadw officer visited the site and the conclusion was this building was not worthy of listing as it had been compromised with the later poor quality additions to the site. During the process of pre-application advice the above decision was a significant factor in my decision to support the application as we were dealing with an unlisted building in a Conservation Area which Cadw had previously decided was not of interest in its current form. Also my predecessor had already agreed to the principle of demolition and proposals prior to my appointment on 01/07/16 and my opinion was to provide a consistent approach from Denbighshire County Council Conservation .

2. I believe the applicants agents did consider the potential of retaining the original school building in their feasibility studies but the conclusion proved to make the project unfeasible for various reasons including, existing floor levels not being suitable for disabled users or elderly persons to provide level access to tie in with the new buildings, it would be problematic gaining new vehicular access from Grove Road including retaining the existing structure during excavations , would have resulted in a loss of units making the project unviable. As well as these reasons above the areas of the 1903 building where the later additions have been attached are compromised (but the damage could be reversed with sympathetic reinstatement works)

3. The location of the 1903 building is set back from Grove Road/Beacons Hill and more significantly from Lon Ganol. At present the 1903 building is virtually screened from public view by the later additions providing very minimal visual benefit to the Conservation Area. Combined with the erection of the new buildings surrounding it on the site would mean it was mainly screened from both public highways again resulting in minimal visual impact to the Conservation Area. The visual impact of retaining the 1903 building could only be improved if there was a significant revision to the current plans to reveal more of its elevations.

Bearing in mind this scheme is a major project and investment to the town of Denbigh and surrounding area providing extra care/supported housing for the elderly and vulnerable, I feel the benefit of the scheme as a whole to the community outweighs the benefit of retaining the 1903 building and I reluctantly agree to demolish a building of quality based on the above reasons.

I therefore have no objection to this application”

RESPONSES FROM PRIVATE INDIVIDUALS:

One representation sent in relation to the planning application and this Conservation Area Consent application, from:

M. Fairlamb, 67 Beacon’s Hill, Denbigh

Summary of representations relevant to the Conservation Area Consent application:

Interested in the Council’s response to the suggestion that any development – even one that demolishes a prime period building in the conservation area – is preferable to leaving the site for another developer to work with more proactively in the future. Many residents in the area live with punitive restrictions to what they are permitted to do with the fabric of their properties: down to which specific paint must be used for exterior woodwork. Residents who have been forced to live with the poor environmental and economic impact of period, single-glazed windows and other expensive restrictions will certainly see many barriers to the development as currently planned.

EXPIRY DATE OF APPLICATION:

N/a

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The report relates to an application for consent to demolish existing buildings at the former Denbigh Technology and Vocational Centre site on Middle Lane in Denbigh. These include the original stone built school building and a range of attached and detached structures spread across the site.
- 1.1.2 The application is submitted by agents acting for Grwp Cynefin, and links to a planning application granted permission at Planning Committee in February 2017 to redevelop the site by way of a 70 unit extra care scheme (application reference 01/2016/1241).
- 1.1.3 The site is within the Denbigh Conservation Area, and the County Council are the owners of the land.
- 1.1.4 Authorisation procedures separate to planning permission apply to demolition of buildings in such areas, and oblige applications to be made for Conservation Area Consent. At the time of submission of the Grwp Cynefin application, it was understood that applications involving demolition of Council owned buildings in Conservation Areas had to be referred for determination by Welsh Government (in this case, in addition to the fact that the County Council are working in partnership with the applicants in the operational side of the scheme). Consequently a brief report was presented on the Conservation Area Consent application to Committee in February, seeking Members’ agreement to refer the application to Welsh Government with the recommendation that if the County Council was empowered to determine the application, then it would grant consent. The application was duly referred to Welsh Government for assessment on 16th February 2017.
- 1.1.5 Since that time, Welsh Government officials have sought advice from CADW on the application, in order to assist consideration of issues relevant to the demolition of the

buildings on site. CADW officials have visited the site to assess the proposals and have provided Welsh Government with comment on the merits of the application for the demolition of the original stone built school building.

- 1.1.6 Following communication with Denbighshire Officers, and some 5 months following referral of the application to them, Welsh Government officers confirmed in mid July 2017 that having received further legal advice, on the basis that the Council is not the applicant, the application does not fall for Welsh Ministers to determine and it is for the Council to do so. CADW's advice was duly passed on for consideration in determining the application, and is included in the consultation responses section of the report.
- 1.1.7 In consultation with the Legal Officer, it has therefore been agreed to refer the application to Planning Committee for consideration and determination. This is considered to be the most appropriate and transparent process given the background circumstances.
- 1.1.8 The report consequently provides updated information including the observations of CADW, the applicant's agent and the Council's Conservation Officer, with commentary thereon – and assessment of the merits of the proposals against Welsh Government planning policy and guidance.
- 1.1.9 The applicants have been offered opportunity to provide additional information of relevance to the proposals, having regard to developments since February 2017. They have advised as follows:

"From our early site/building visits we considered the conservation value and impact of the original 1903 school building. Our Conservation Architect's Heritage Statement evaluated the site, the quality of the existing buildings and the impact of any new development on the setting of the Conservation Area. We consulted with the Council's Conservation Officers, considered planning policy researching material, studied planning records and investigated leads to ascertain who may have been responsible for the design of the 1903 building and its historical significance. We evaluated the building interior, its structural condition and quality of its external form. We noted that it was not listed and did not figure in any of Cadw's previous assessments of the Conservation Area.

Our initial Feasibility Study produced in February 2016 not only considered options for new development, but carefully evaluated potential for re-use of the 1903 former school building with the later additions stripped away and demolished to investigate the possibilities of integrating the building within any new proposals. Early sketch proposals including drawings C895.002 and 003 considered whether it might be possible to incorporate the school structure into our proposals but it soon became apparent that this would not be possible for a number of reasons:

- a) *The main façade and north elevation are directly adjacent to the only viable way of gaining suitable access to the site from Lon Goch (Grove Road) required for construction traffic, service and emergency vehicles as it is not possible to develop and service this large brownfield site for its intended use from Lon Ganol (Middle Lane) without causing major disruption to the surrounding area. As the scheme evolved and a new vehicle access was agreed with Highways at a considerably lower level than the ground floor of the school building, we investigated further the possibilities of linking the 1903 building with new development and supporting the school structure. We concluded this was fraught with planning and technical difficulties and could not be handled sympathetically in a way which would sit comfortably within the setting of the Conservation Area and a number of listed buildings close by including Denbigh Museum.*
- b) *It would not be possible to reinstate the ground in front of the North elevation and main East façade (which impact most with the Conservation Area) as it might have been laid out originally before the later more plain additions were incorporated while*

marrying in with modern construction without altering or undermining the existing building features or altering the character of the school building.

- c) The existing 1903 building floor levels do not lend themselves to providing new level access for older persons, disabled users, staff and visitors and even with lifts and ramps we could not integrate and readily convert the school building so it could line through with new development. Our drawing C895.045 provided shows the full extent of the level differences. In their report Cadw states... "the 1903 school does have stone steps leading up to the threshold which would inevitably restrict disabled access". We do not agree that a 'secondary side access could address this issue' and both these factors would significantly compromise user accessibility.

- d) Cadw's assertion that we adopted a 'preconceived idea of the layout of new residential units' without fully considering the 1903 school building's full potential for re-use is not correct as we did investigate this fully and were unable to readily accommodate 'staff accommodation, offices or communal spaces' within the former building as the spaces and their location within 1903 structure were unsuitable and inappropriate for the intended use on this site. During our site visit Cadw appeared to accept our conclusions that the 1903 building could not be converted readily to provide older persons extra care housing or supported living dwellings for older persons or those with disabilities to an acceptable modern standard.

Cadw suggest in their report that as the 'building has a relatively small footprint in relation to the site as whole, occupying only a small percentage of the overall acreage it should not reduce the numbers in total'. This statement is not correct as the location of the 1903 building is significant when evaluating the full potential of the site, the number of new homes that can be provided and how any new development may be laid out. In particular if we were to retain the 1903 building and create open space in front of the main façade as Cadw suggest so the building can ... 'be seen and to impress' and to convey its 'local distinctiveness' this would have significant implications for site density, effectively sterilizing a substantial area. This would include land where the later unwanted school building additions are currently are placed, effectively moving the new building line back and compressing any new development to the South.

The original school façade facing East is largely obscured by the later more plain additions and the courtyard which had become overgrown. A small glimpse of the North elevation is visible from Lon Goch. The West and South elevations of the original school house tucked away out of view. If Cadw envisage a 'stand-alone' converted school building within the context of the intended development this would be of limited viability, would not offer sustainable or practical re-use and in our view make only a modest contribution to the Conservation Area.

Our earlier report dated 24th May 2017 concluded that 15 fewer apartments could be provided if the 1903 building was retained impacting significantly on the scheme viability and the ability to provide the range of support and communal facilities envisaged by Grŵp Cynefin and its partners on the site. We provided overlay drawing C895.046 showing how the footprint of the existing 1903 building sits in relation to the new proposal to further explain the implications of this.

In their later report following their site visit, Cadw accepts that the 1903 building currently has little impact on the conservation area. It is not correct for Cadw to state that due consideration was never given to the possible retention of the 1903 building as this clearly is not the case in our view. Equally we do not believe that it would be wise for any new development to 'borrow its character from the original building' as any new development should convey its own distinctiveness within the setting of the Conservation Area without relying upon the form of the 1903 building. Finally we believe the proposed scheme, which addresses a multitude of complex requirements, seeks to enhance and protect the character of the Conservation Area while offering a modern building fit for its new purpose "

1.2 Description of site and surroundings

- 1.2.1 The original development on the site was the stone walled, slate roofed school building in the north west corner of the site, which was built in the early 1900's and was known as Denbigh High School. It has been enveloped by extensions over time, and the site is currently occupied by a mix of more modern masonry and flat roof buildings from the 1950s, and light weight timber framed low pitched roof buildings from the 1970's. The physical condition of these buildings is poor.
- 1.2.2 The main vehicle access is off Middle Lane, with a pedestrian access off Lon Goch.
- 1.2.3 The site has level access from Middle Lane but falls sharply down via high stone retaining walls to Lôn Goch. There are large expanses of tarmac within the site, providing car parking and recreation areas, and the area between the more modern buildings and Middle Lane is partly grassed and has some mature trees, and the overgrown strip between the buildings and Lon Goch has some shrubs and mature trees.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Denbigh in the Local Development Plan, and is in the Denbigh Conservation Area.

1.4 Relevant planning history

- 1.4.1 Planning permission was granted in February 2017 for the redevelopment of the site in the form of a 70 unit extra care scheme, involving the demolition of all the former school / education centre buildings on the site. Otherwise there are no applications of direct relevance to the matters for consideration of this Conservation Area Consent application.

1.5 Developments/changes since the original submission

- 1.5.1 The application has not been changed since submission. Exchanges with Welsh Government since the referral of the application to the former in February 2017, and CADW's input to that process is outlined in section 1.1 of the report. The comments of CADW, the Council's Conservation Officer and the applicant's agents are all included in the earlier sections of the report so members are fully aware of the arguments in relation to demolition of the original school building.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 Application 01/2016/1241/PF

Demolition of existing buildings and redevelopment of land by the erection of 70 extra care apartments, community living unit, construction of new vehicular and pedestrian accesses, alteration of existing vehicular access and hard and soft landscaping.

Granted at Planning Committee 8th February 2017

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Supplementary Planning Guidance Conservation Areas SPG – March 2015

3.2 Government Policy / Guidance

Planning Policy Wales Edition 9 - November 2016

Technical Advice Note 24: The Historic Environment - May 2017

Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by The Historic Environment (Wales) Act 2016

Managing Conservation Areas in Wales (CADW) May 2017

The contents of PPW Chapter 6, TAN 24 and CADW's Managing Conservation Areas in Wales reflect the general themes set in the earlier Planning (Listed Buildings and Conservation Areas) Act 1990 and the Historic Environment (Wales) Act 2016 in respect of considerations to be given to proposals impacting on the historic environment, and are an up to date expression of Welsh Government's position on the context for consideration of a conservation area consent application. Key sections of these documents are set out below to ensure there is a full appreciation of this context within which the application needs to be assessed :

- *The Council's Supplementary Planning Guidance – Conservation Areas* provides only limited guidance for the consideration of conservation area consent applications. Section 5.1 sets out basic principles requiring assessment of the impact of proposals on the character and appearance of conservation areas, and notes that consent for demolition will not normally be granted until it is known what form redevelopment will take, and how it preserves or enhances the conservation area. It recognises there may however be some poor quality buildings which, if removed, would result in visual improvements to Conservation Areas.

- *Planning Policy Wales 9, Chapter 6* provides basic guidance on the considerations to be applied to applications involving impacts on the historic environment. It reflects the general requirements in the *Historic Environment Act 2016 / 1990 Act* in respect of protecting the historic environment. This stretches to proposals involving World Heritage sites, archaeological remains, listed buildings and Conservation Areas. PPW stresses the importance of the historic environment to the country's culture and character, our sense of place and cultural identity; and that what is of significance needs to be identified and change that has an impact on historic assets must be managed in a sensitive and sustainable way. 6.1.4 states that ... "any actions must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values".

Section 6.5.19 makes clear that there is no statutory requirement to have regard to the provisions of the Development Plan when considering applications for conservation area consent, as the Courts have accepted Section 54A of the 1990 Act (superseded by Section 38(6) of the Planning and Compulsory Purchase Act 2004, does not apply. The policies of the Local Development Plan are not therefore material to the application.

The fundamental approach to consideration of conservation area consent applications is set out in 6.5.20:

"There should be a general presumption in favour of the preservation or enhancement of the character and appearance of a conservation area or its setting."

In terms of principles, this section of PPW suggests:

- It is preferable for related planning and conservation area consent applications to be considered concurrently, and for planning applications to be for full rather than outline permission.

- Account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological, or historic interest of the conservation area as a whole.
- The general presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of a conservation area
- Proposals should be tested against conservation area appraisals where they are available
- *TAN 24* sets out the following in relation to proposals for conservation area consent:

“6.12Applications for Conservation Area Consent will require a heritage impact statement, which should explain why demolition is desirable or necessary alongside a broader assessment of the impact of the proposals on the character or appearance of the area.

6.13 There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.

6.14 It may be appropriate to impose a condition on the grant of consent for demolition so that it does not take place until full planning permission has been granted and a contract for carrying out the development work has been made.”

Paragraph 5.15 of *TAN 24*, as referred to in 6.13 above states as below:

“An application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building. The following factors need to be considered:

- The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
- The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
- The merits of the alternative proposals for the site, including whether the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition. “

- *Managing Conservation Areas in Wales*
This CADW publication issued in May 2017 supplements Planning Policy Wales and Technical Advice Note 24: The Historic Environment. It sets out the policy context and duties for local planning authorities to designate and manage conservation areas, and is intended to assist local planning authorities in how to take account of Cadw's Conservation Principles for the Sustainable Management of the Historic Environment in Wales to achieve high-quality sensitive change. Section 6.1 provides guidance on control over demolition in conservation areas. It repeats the basic guidance in Planning Policy Wales 9 Section 6:

“Local planning authorities should favour retaining buildings which make a positive contribution to the character or appearance of a conservation area. In cases where a building makes little or no such contribution, the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not normally be given without acceptable and detailed plans for the reuse of the site, unless redevelopment is itself undesirable. Local planning authorities can consider the broad principles of a proposed

development, such as its scale, size and massing, when determining whether consent for demolition should be given.”

It should be noted here that the abovementioned policy / guidance in Planning Policy Wales, TAN 24 and the Historic Environment Act and CADW’s Managing Conservation Areas in Wales have come into being after the submission of the application. Previous versions of PPW and Welsh Office Circular 61/91 contained similar approaches to the principle of demolition in conservation areas in emphasising the presumption in favour of the preservation or enhancement of the character and appearance of a conservation area or its setting.

4. MAIN PLANNING CONSIDERATIONS:

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

- Principle of demolition
- Impact on the Denbigh conservation area or its setting

4.2. In relation to the main planning considerations:

- Principle of demolition
The policy and guidance applicable to consideration of a Conservation Area Consent application are set out in detail in Section 3 of the report.

In applying the basis of this policy and guidance to what is involved in this application, it is reasonable to conclude that the demolition of unlisted buildings in the Denbigh Conservation area would not be unacceptable in principle. However, it is incumbent on the Council to assess whether the particular impacts of demolition on the character and appearance of the Conservation Area or its setting are acceptable, alongside other material considerations. These are the subject of review in the following section of the report.

- Impact on the Denbigh conservation area or its setting

The applicant’s case

Following their dialogue with CADW, the agents have clarified the basis of their arguments for demolition, in particular in respect of the removal of the original stone school building. The main points are highlighted in section 1.1.9 of the report. In brief, it is contended that due consideration has been given to the practicality and feasibility of retaining the original building as part of a redevelopment scheme, but this is not possible having regard to the need to achieve access from Lon Goch, significant levels issues, complications achieving level access to modern standards within the building and between it and any new development; and the inevitable sterilisation of land around the school building, leading to any new development being compressed into the south of the site (losing at least 15 units from the extra care scheme).

It is argued that the proposed redevelopment ‘addresses a number of complex requirements, seeks to enhance and protect the character of the Conservation Area while offering a modern building fit for its new purpose.’ The applicant’s Conservation architect has suggested that CADW’s own admission that the 1903 building is too compromised to be suitable for listing is fairly fundamental and that if they wished to protect the future of this building when the site was up for redevelopment then surely it should have been listed at that time.

Consultation responses

There are no objections to the demolition of the buildings on the site from Denbigh Town Council, the Council's Archaeologist and the Conservation Officer. The Town Council and Archaeologist suggest it would be appropriate to oblige a suitable photographic record of the original school building if consent is granted. The Conservation Officer sets out reasons why the decision was made to support the application, having regard to CADW's position, the merits of the original school building, the practicality of incorporating it into a revised scheme and the benefits of the redevelopment.

There is a single representation from a private individual which refers to the loss of a 'prime period building' but this is not expressed as an objection to the proposals.

The main concerns over demolition are those expressed by CADW, and in respect of the loss of the stone built former Denbigh High School building. CADW's comments are set out in detail in the Consultation Responses section of the report. They consider this is a good example of an early 20th century school and that there is an ideal opportunity to reverse the damage of unsympathetic additions to reveal the original main façade and appearance, opening the possibility of consideration for formal listing. CADW conclude the applicants should take the opportunity to enhance the character and appearance of the conservation area by incorporating the original school building within the proposed development. They express reservations over the case made for demolition and the efforts to explore the possibility of retention of the building at design stage, and they pose questions over conclusions on the structural condition of the building and the feasibility of its reuse.

Assessment in relation to current policy and guidance

In relation to the policy and guidance referred to in section 3.2 of the report:

The proposals do not pose any obvious conflicts with the contents of *the Council's Supplementary Planning Guidance – Conservation Areas*. The application contains sufficient information to assess the impacts on the conservation area and its setting, and has to be viewed in the context of the full planning permission detailing the form the proposed redevelopment will take. The removal of the range of poor quality modern buildings would result in clear visual improvements to the Conservation Area.

Having regard to the contents of *Planning Policy Wales 9, Chapter 6, and CADW's Managing Conservation Areas in Wales*, it is fully accepted that there should be a general presumption in favour of the preservation or enhancement of the character and appearance of a conservation area or its setting. The impacts of the demolition of the original school building have been assessed in detail and due respect has been given to the reservations of CADW in weighing the merits of the application:

- The application for conservation area consent was submitted at the same time as the full planning application for the redevelopment of the site, which is in accord with PPW's suggestion that both applications should be considered concurrently, and that the planning application should be for full rather than outline permission.

- Full account has been taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological, or historic interest of the conservation area as a whole.

- In accepting that there is a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of a conservation area, this has to be balanced against the feasibility of incorporating the original school building within a scheme, and the positive benefits of the extra care scheme (reflected in the Planning Committee's deliberations and approval of the planning application in February 2017)
- The conservation area appraisal for the Denbigh Conservation Area was drafted at a time when the site was outside the Conservation Area boundary. Its contents are of limited relevance to considerations to be applied to the Conservation Area Consent application.

Having regard to the contents of *TAN 24*:

The application was accompanied by a heritage statement, which addresses considerations contained in WO Circular 61/96 and PPW 9 Chapter 6, which were in place at the time of submission, and the supplementary information from the applicant's agent referred to in 1.1.9 sets out a case:

- As to why demolition is acceptable / necessary alongside a broader assessment of the impact of the proposals on the character or appearance of the area.
- How the proposals to demolish the original school building have been considered with regard to the criteria applied to proposals to demolish listed buildings. The Council has full information about what is proposed for the site after demolition.
- It is a matter for the Council to impose a suitably worded condition on any consent to ensure demolition does not take place until a contract for carrying out the redevelopment work has been made.

In relation to the contents of *TAN 24* para 5.15, concerning tests in respect of listed building demolition proposals:

- The applicants have set out arguments for demolition, countering concerns that this is acceptable simply because redevelopment is economically more attractive than the repair and re-use of the original school building –
 - Potential for re-use and integration of the old school building has been seriously investigated and ruled out as not being possible for a number of reasons (implications on accessibility of the site, levels issues within and between buildings impacting on accessibility, practicality of conversion to modern standards, sterilisation of a significant proportion of the site, etc.). Use as a standalone development is considered impractical given the location of the building and difficulties of achieving an independent access. The implication is that the value derived from its continued use is limited and retention would impact severely on the feasibility of the redevelopment scheme.
 - The building has not been deliberately neglected.
 - The original school building is part of a large complex of buildings, is itself enveloped by modern extensions and as noted above is inaccessible as an independent building. Its re-use relies on access being provided through any redevelopment which may take place around it. This inevitably limits the potential to keep it in use or to secure a new use, regardless of what options may be feasible for disposal through unrestricted freehold or sale at a fair market price that reflects its condition and situation.
 - It is to be noted that the merits of the alternative proposals for the site have been considered by Planning Committee and have been deemed acceptable through grant of planning permission for the extra care scheme in February 2017. In respecting CADW's comments on the merits of the design of the redevelopment, it is considered there are substantial benefits for the

community that need to be weighed against the loss resulting from demolition, which is the basis of support from the Conservation Officer.

Conclusions

Having regard to the background information including the PPW / TAN 24 tests, in concluding on the merits of the application, it is clear that the main issue is whether the case is made for the demolition of the original school building. There are no arguments made by any party for the retention of other buildings, indeed it would seem common ground that the removal of the mix of poor quality buildings across the site offers the potential for considerable visual benefits in the Conservation Area. Officers' take on the factors which weigh in favour and against the demolition consent application are as follows:

Against the grant of consent for demolition of the original school building –

- It is a good example of an early 20th century school building, worthy of retention
- CADW consider it has a potential for designation as a listed building if the enveloping extensions are removed
- Its loss would have a negative impact on the character and appearance of the conservation area
- Its condition does not seem to be so poor as make retention impractical
- Options can be explored to incorporate the building in a revised development scheme
- There is no compelling financial viability case made to conclude retention would make a scheme impractical

In support of consenting to demolition of the original school building –

- CADW have had opportunity to decide whether to list the school building, but have not done so in 2011 and in recent months, on the basis that its current form is compromised by unsympathetic / inappropriate extensions.
- The redevelopment scheme has been developed in the knowledge that CADW have not listed the old school
- The location of the building is such that even if it were to be retained in its entirety as part of a 'redesigned' redevelopment on the rest of the site, it would only be visible from a limited number of publicly accessible viewpoints at the bottom of Beacon's Hill, hence making only a limited contribution to the Conservation Area.
- Its removal would consequently not have a significant negative adverse impact on the character and appearance of the conservation area or its setting.
- Retention of the school building would sterilise a significant part of the site, limiting the scope and potential benefits of a redevelopment.
- It would be impossible to implement the approved 70 unit extra care scheme, with the loss of its attendant community benefits, which are a material consideration.

Officers recognise that there are difficult matters to weigh in this instance, but are satisfied that all the relevant considerations are before the Committee, so a measured decision can be made.

Having regard to the range of issues, Officers take the view that the balance falls in favour of consenting to demolition, including the old school building. CADW's conclusions on the quality of the old school building and the arguments for its retention in a redesigned scheme have been given the closest scrutiny alongside the case on behalf of the applicants, which shows the attempts to incorporate the original school building into a scheme, the feasibility of retaining it, and the impacts of its retention on the feasibility of a redevelopment scheme. Whilst the issues are finely balanced here, it is ultimately suggested that the clear community benefits from the

development of the extra care scheme granted planning permission by Planning Committee in February 2017 are a factor which weigh significantly in favour of the proposals.

5. SUMMARY

- 5.1 The application relates to demolition works necessary to facilitate the redevelopment of a brownfield site within the development boundary of Denbigh in the adopted Denbighshire Local Development Plan.
- 5.2 Full planning permission has been already been granted at Planning Committee in February 2017 for a development of 70 apartments and a community living unit, offering extra care / supported housing for the elderly and vulnerable. This scheme included for the demolition of all existing buildings on the site.
- 5.3 Welsh Government have confirmed that responsibility for determination of this conservation area consent application now rests with Denbighshire County Council.
- 5.4 The report sets out the main planning considerations relevant to the consideration of the application, i.e. the acceptability of the proposals in terms of impacts on the character or appearance of the conservation area, or its setting.
- 5.5 There are no local objections to the application. CADW have reservations over the loss of the original school building and consider it should be retained as part of a scheme. The applicants have put forward detailed arguments explaining the practical difficulties of incorporating it into a development. The application is supported by the Council's Conservation Officer.
- 5.6 In reviewing the proposals against the policies / guidance in Planning Policy Wales and TAN 24, and weighing the considerations relevant to the determination, it is concluded that whilst the demolition of the original school building would have a limited negative impact on the conservation area and its setting, this would not be so significant as to be unacceptable in this location, and taking into account the positive benefits of the redevelopment scheme, it would be reasonable to recommend consent be granted.

RECOMMENDATION: CONSENT- subject to the following conditions:-

1. No demolition, site clearance, or development shall be permitted to begin until a Level 3 photographic record has been made of the buildings on the site in accordance with the standard methodology in the Clwyd-Powys Archaeological Trust's specifications, as set out in the Notes to Applicant attached to this permission, and the resulting photographs have been 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.
2. No demolition works shall be permitted to commence on the original stone school building until the written approval of the Local Planning Authority has been given to proposals for the reuse of stone and agreed architectural features in the redevelopment scheme granted planning permission under application code no.01/2016/1241/PF.

The reasons for the conditions are:-

1. In the interests of investigation and recording of historic buildings
2. To recognise the history of the site through the incorporation of features of the old school in the redevelopment scheme.

Agenda Item 6

Denise Shaw

WARD : Ruthin

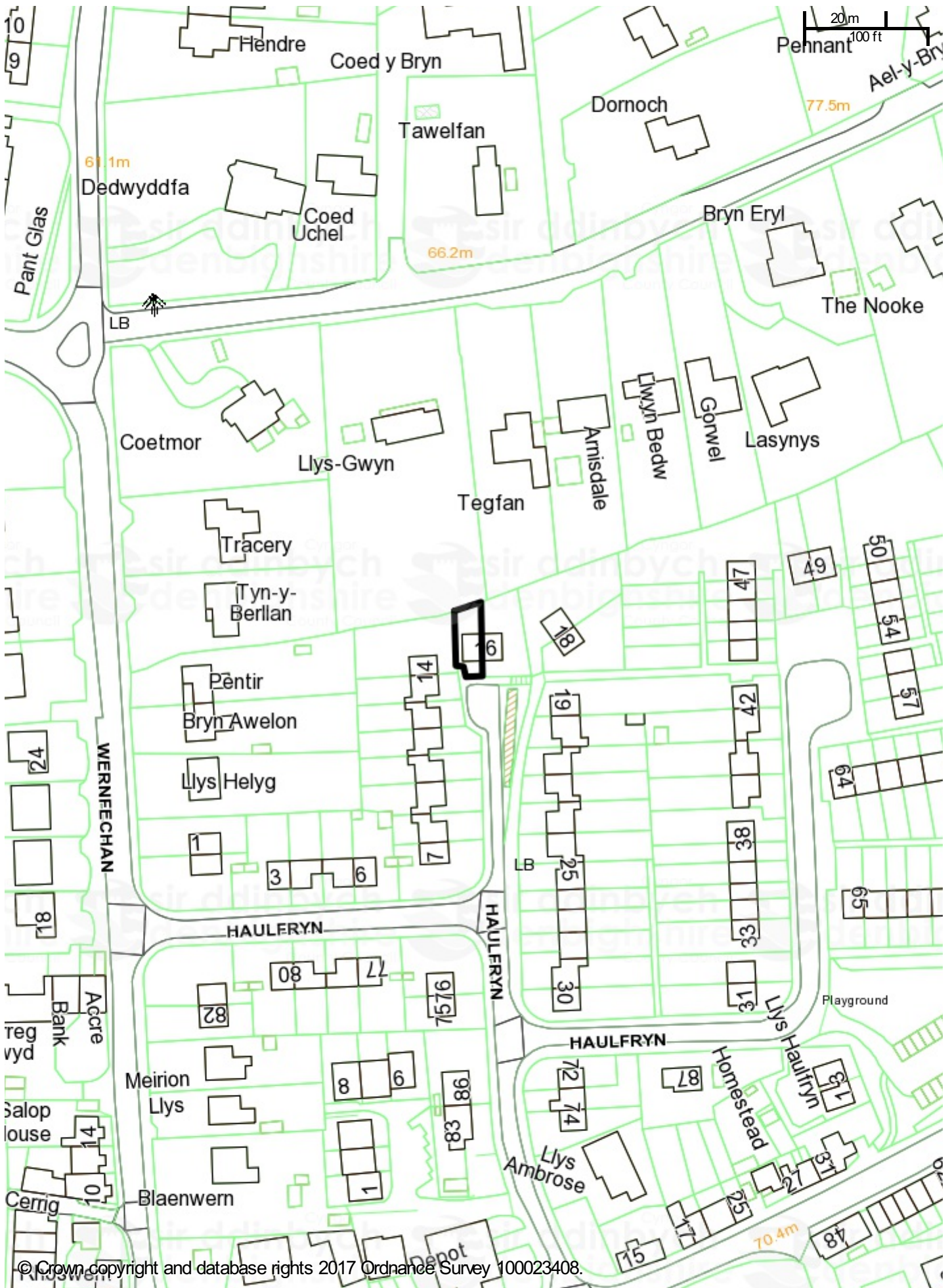
WARD MEMBER(S): Cllrs Bobby Feeley, Huw Hilditch Roberts and Emrys Wynn (c)

APPLICATION NO: 02/2017/0688/ PF

PROPOSAL: Formation of vehicular access and parking area to front of dwelling

LOCATION: 15 Haulfryn Ruthin

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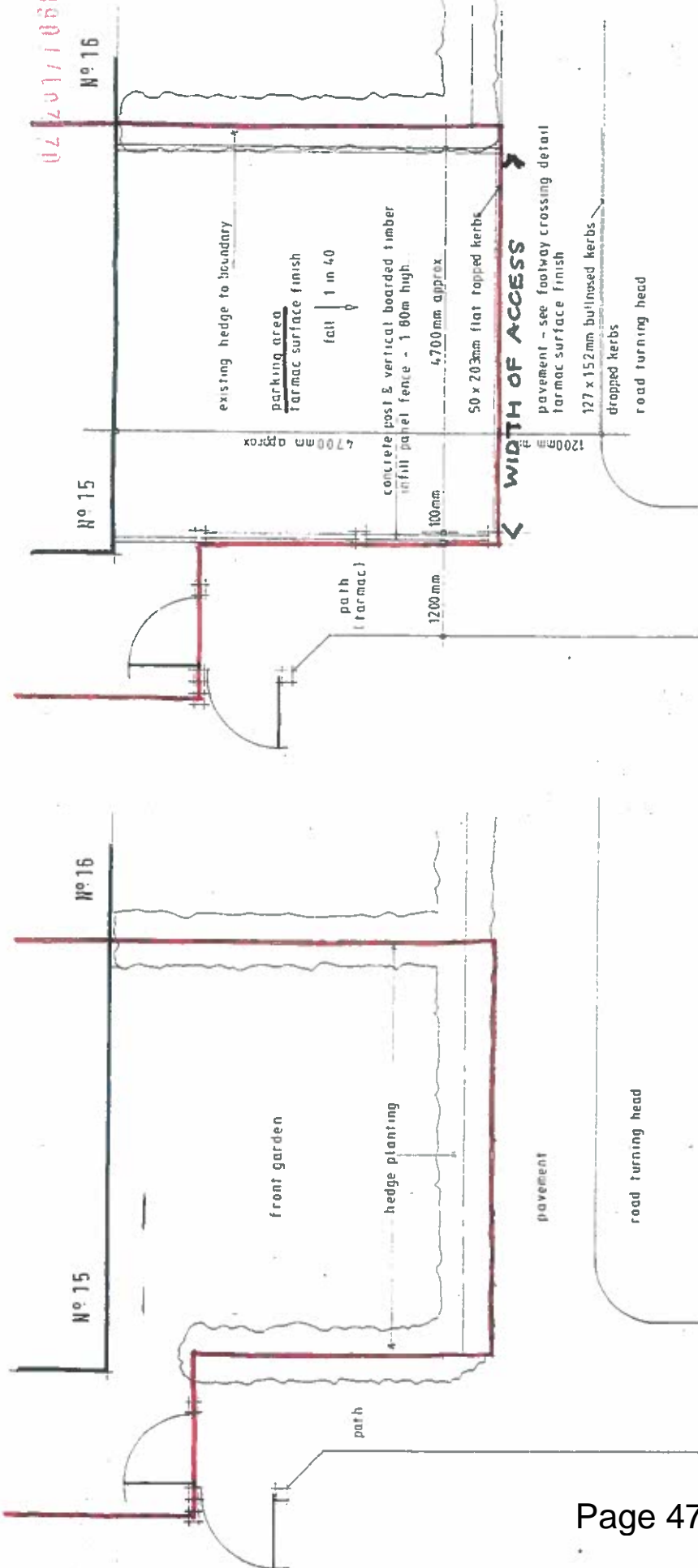
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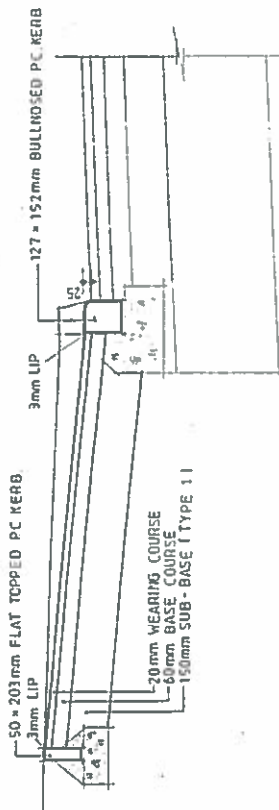
U2201/10888/PF

SITE PLAN



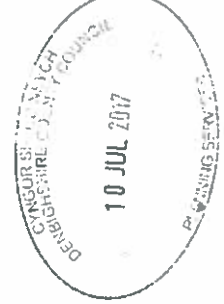
PROPOSED SITE LAYOUT PLAN
1:50

EXISTING SITE LAYOUT PLAN
1:50



VEHICULAR CROSSING
1:20

- Footway/Vehicular Crossing Construction**
- Slab - 3mm thick slurry bed complying with the requirements of M4AS.
 - Wearing Course - 20mm consolidated thickness of Dense Wearing Course Macadam complying with Clause 7.5 BS 4987 Part 1 & 2; 1993, 6mm nominal size aggregate, 300 pen binder.
 - Base course - 60mm consolidated thickness of Dense Base Course Macadam complying with Clause 6.5 BS 4987 Part 1 & 2; 1993, 20mm nominal size aggregate, 200 pen binder.
 - Sub-Base - 150mm thickness of granular sub-base material Type 1 complying with Clause 6.03 of the SHW.
 - Kerbs - 51 x 203 mm flat topped edging kerb on 12mm 4:3 cement/sand mortar bedding on 250 x 100 mm Class ST1 concrete base and haunching.
 - 127 x 152mm bull-nosed precast concrete kerbs on 12mm 1:3 cement/sand mortar bedding on 250 x 150mm Class ST1 concrete base and haunching.



MATISCHOK & ROSS
architectural services

project title
No 15, HAULFRYN, RUTHIN

drawing title
Existing & Proposed Site Plans

project no. 0728	drawing no. 1	revision
date 10-07-17	scale 1:50, 1:20	drawn by PM

Birch House, Iken Lon Parcwr, Ruthin, Denbighshire, LL15 1NA
t 01824705222 e 01824707171
e: mail@matischokross.co.uk w: www.matischokross.co.uk

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WARD : Ruthin

WARD MEMBER(S): Cllrs Bobby Feeley, Huw Hilditch Roberts and Emrys Wynn (c)

APPLICATION NO: 02/2017/0688/ PF

PROPOSAL: Formation of vehicular access and parking area to front of dwelling

LOCATION: 15 Haulfryn Ruthin

APPLICANT: Miss Emily Owen

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:

RUTHIN TOWN COUNCIL
"No objections"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
No objection. The loss of on-street parking has been considered and is not a highway safety concern. Separate Highway consent will be required to construct the vehicular footway crossing.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Philip McLaren, 10 Haulfryn, Ruthin (O)
Mrs. A. L. Edwards, 17 Haulfryn Ruthin (O)
Mrs G Vaughan, 20 Haulfryn, Ruthin (O)
P. M. Thomas, 8, Haulfryn, Ruthin (O)

Summary of planning based representations in objection:

Highway impacts

Inappropriate for a cul de sac, will adversely affect vehicular access along the road and reduce turning space / will reduce the availability of on-street parking to other residents of Haulfryn - already difficult to park on the estate, and the proposal will force neighbours to have to park further away from their houses.

EXPIRY DATE OF APPLICATION: 06/09/2017

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for the formation of a vehicular access and parking area to the front of the dwelling.
- 1.1.2 The proposal is to remove an existing hedge which currently forms the front boundary to enable vehicles to access the site, and the existing front garden area would be finished with a tarmac surface to form the parking area.
- 1.1.3 A 1.8m fence is proposed along the side boundary adjacent to the path leading to the front door, and the hedge along the side boundary with the adjoining property is proposed to be retained.
- 1.1.4 The basic details can be seen on the plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The dwelling is a semi-detached property which occupies a plot at the end of a cul de sac on the Haulfryn housing estate in Ruthin.
- 1.2.2 Some dwellings on the estate are served by private vehicular accesses with off-road parking, although the majority do not have their own vehicular access and driveway / parking area, meaning there are a number of cars parked on the estate road, and along the cul de sac leading to the application site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Ruthin development boundary as defined in the Local Development Plan.

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 Separate highway consent would be required for the construction of the vehicular footway crossing and dropped kerb.

2. DETAILS OF PLANNING HISTORY:

- 2.1 N/A

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 RD1 – Sustainable development and good standard design

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

SPG Parking Standards in New Development

3.3 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Development Control Manual

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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 3.1.3). It advises that material considerations '... must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability' (Section 3.1.4).

The Development Management Manual 2016 states that material considerations 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 (Section 9.4).

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

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

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

Other matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Policy RD 1 Sustainable development and good standard design sets basic tests to be applied to proposals on sites within development boundaries.

The site is located within the development boundary of Ruthin.

The principle of this type of proposal would normally be considered acceptable, subject to consideration of localised impacts, which are referred to in the following sections of the report.

- 4.2.2 Visual Amenity
Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

The application proposes the formation of a new vehicular access and a parking area within the curtilage of the dwelling. To facilitate the development, the existing hedgerow along the front boundary would be removed and the front garden area would be surfaced with tarmac. A 1.8m fence is proposed to be erected along the side boundary along the path leading to the front door, and the hedge along the side boundary with No.16 is proposed to be retained.

The proposal would have some impact on the visual appearance of the property, but it is not considered this would be unacceptable in this location.

- 4.2.3 Residential amenity
Local Development Plan Policy RD 1 test (vi) seeks to ensure development proposals do not unacceptably affect the amenity of the locality.

Neighbours have raised concerns with the proposal on grounds that it would reduce the availability of on-street parking, which would affect their amenity as it would result in them having to park further from their own homes.

Having regard to the detailing, it is not considered the proposals would directly impact on any individual private vehicular access or dedicated parking space within the curtilage of neighbouring properties. The presence of the access would mean the section of highway immediately in front of the property could not be used for parking purposes, but this is considered a limited impact. As ever it is not possible to ensure any residents have a dedicated parking space close to their dwellings on any public highway, and consequently it is not concluded this is a reasonable residential amenity objection.

4.2.4 Highways

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users; and consideration of the impact of development on the local highway network. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Concerns have been raised by neighbours over the impact of the proposal on the availability of on-street parking, and on access and turning space along the cul de sac.

Highways Officers have raised no objection to the proposal and they have confirmed that the loss of on-street parking has been considered and it is not a highway safety concern.

Whilst respecting the comments of neighbours, in considering an application of this nature Officers consider due account needs to be taken of the advice of key technical consultees in matters of highway safety. The site is situated at the end of a cul de sac and as such there would be no through traffic, and vehicular movements along the highway would be low. Highways Officers have clearly stated that the loss of on-street parking is not a highway safety concern, and therefore Officers would consider that the relevant policy and guidance in relation to highways considerations is met.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs.

It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is for an access and hardstanding to park a vehicle off the road in a housing estate location where the majority of properties do not have vehicular accesses and driveways and there is parking on the public highway.

- 5.2 Neighbours have raised concerns with the proposal as it would reduce the availability of on-street parking, and on the impact on access and turning space along the cul de sac.
- 5.3 Highways Officers have raised no objection to the proposal, and have confirmed the impact on on-street parking has been considered and is not a highway safety concern.
- 5.4 The proposal would result in the loss of a hedgerow along the front boundary, which would alter the appearance of the site, however it would not unduly impact on the character of the site and the surrounding area, and as such the visual amenity impacts of the proposal are not considered unacceptable.
- 5.5 The loss of an on street parking space in front of the property to allow access to the parking area is noted, but there is no legal duty or policy requirement to ensure residents are able to park on the public highway outside their own house, and therefore the proposal does not warrant a refusal on highway or residential amenity grounds.
- 5.6 Whilst Officers recognise the concerns raised by neighbours, the proposal would be in general compliance with relevant policy and guidance and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 13th September 2022.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing and proposed site plans (Drawing No. 1) received 10 July 2017
 - (ii) Location plan received 10 July 2017

The reasons for the conditions 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 to ensure a satisfactory standard of development.

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Agenda Item 7

Paul Griffin

WARD : Llanarmon yn Ial

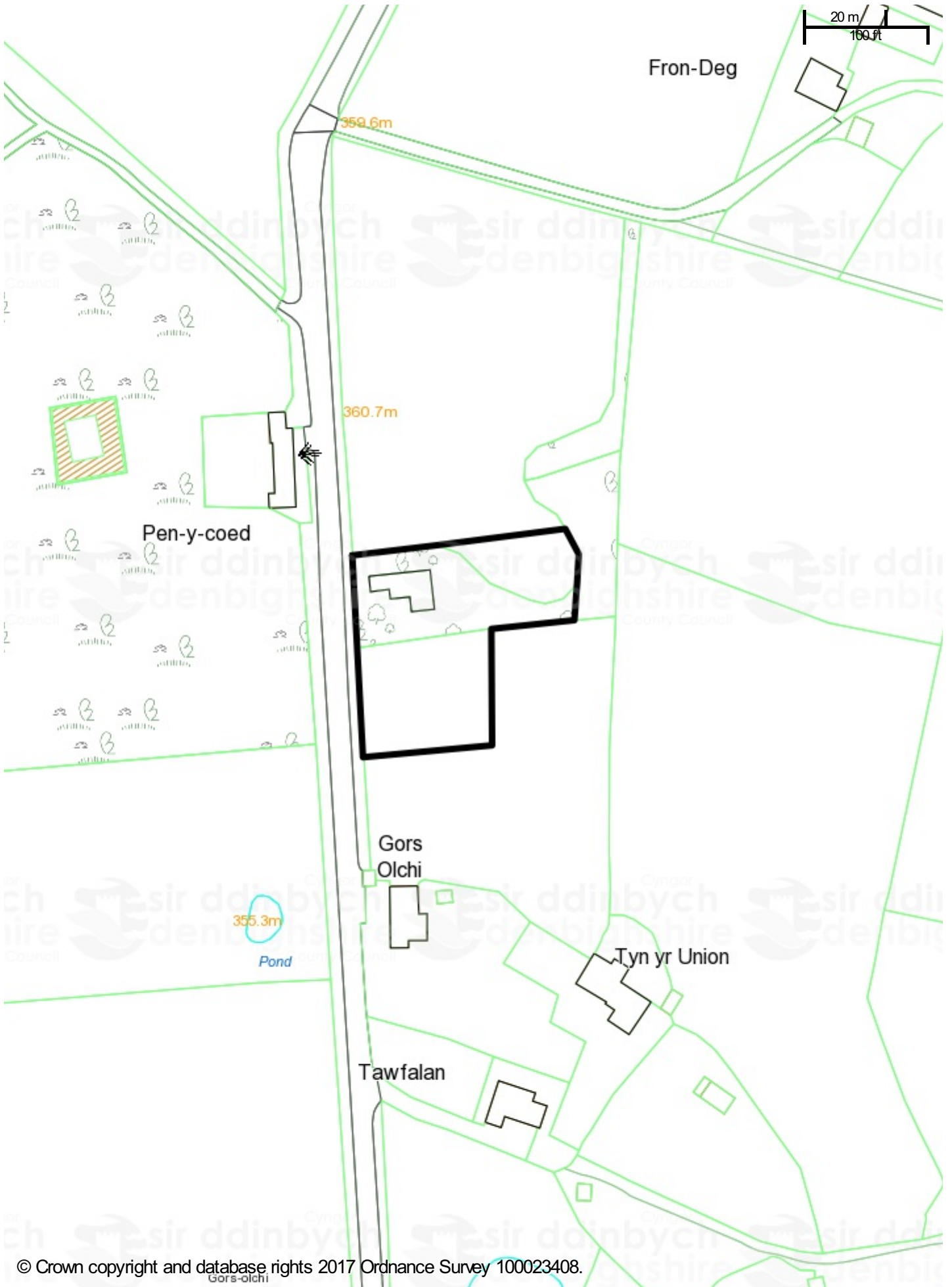
WARD MEMBER: Councillor Martyn Holland

APPLICATION NO: 15/2017/0573/ PF

PROPOSAL: Erection of a detached double garage with first floor accommodation

LOCATION: Ty Minffordd Eryrys Mold

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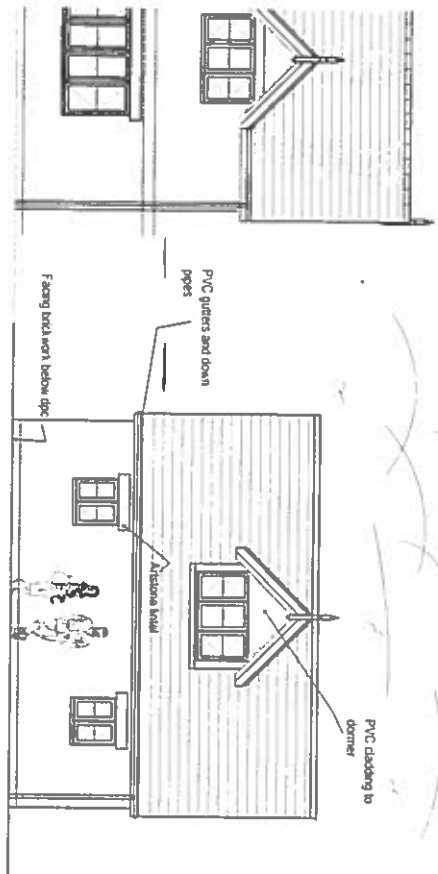
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15/2017/0573

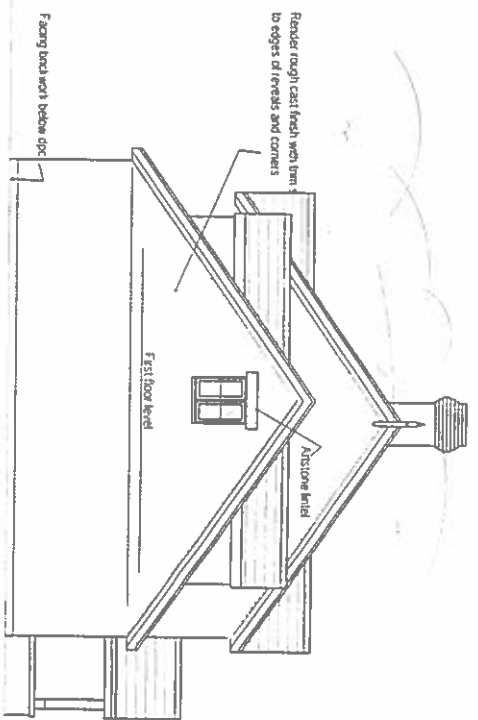
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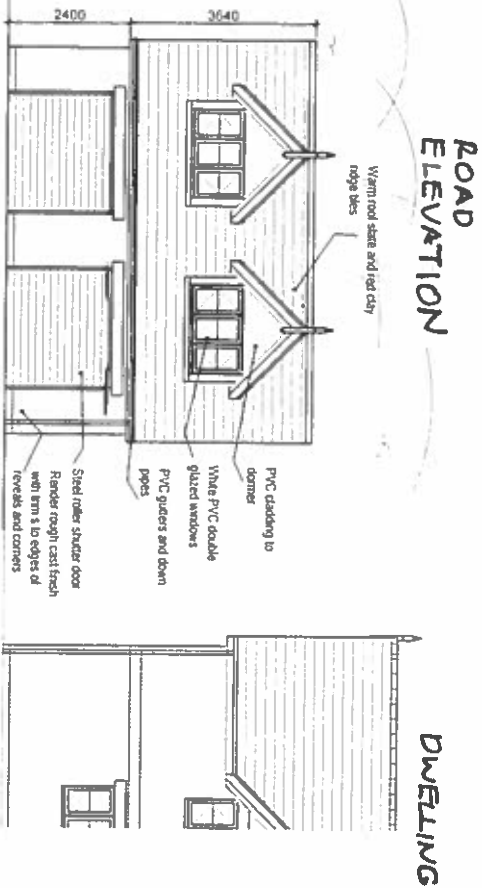
ELEVATION PLANS



REAR ELEVATION



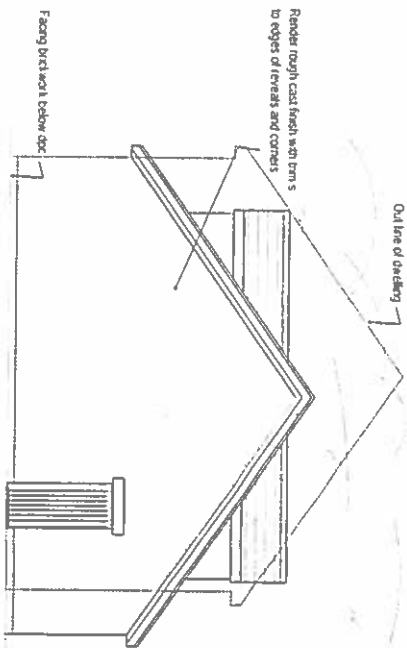
GABLE ELEVATION



ROAD ELEVATION

FRONT ELEVATION

GARAGE



SIDE ELEVATION

- 7 JUN 2017

PROJECT & CLIENT

NEW GARAGE @ TY MINFFORDD
ERYRYS, MOLD CH7 4DD.
FOR SHARON ROBINSON



Chartered Institute of
Architectural Technologists

DWG. TITLE:

PROPOSED GARAGE
ELEVATIONS

DWG. No:

DATE:

REV:

SCALE:

Page 59

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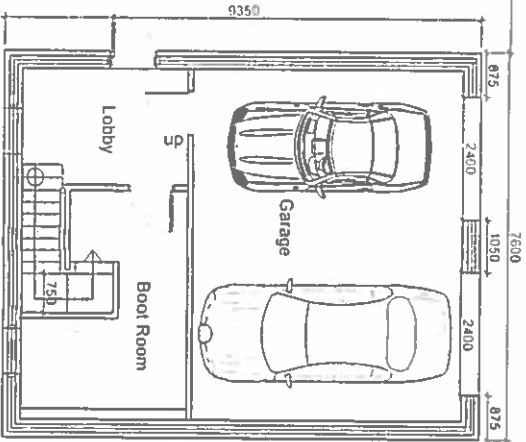
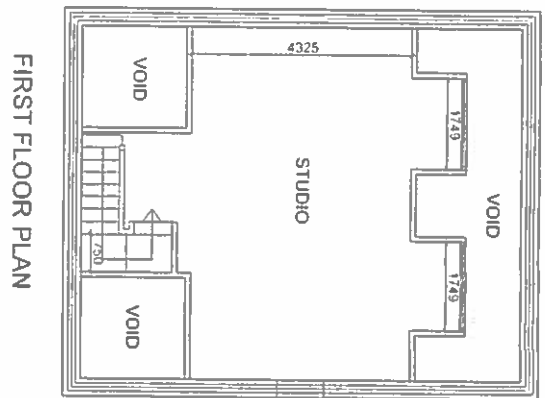
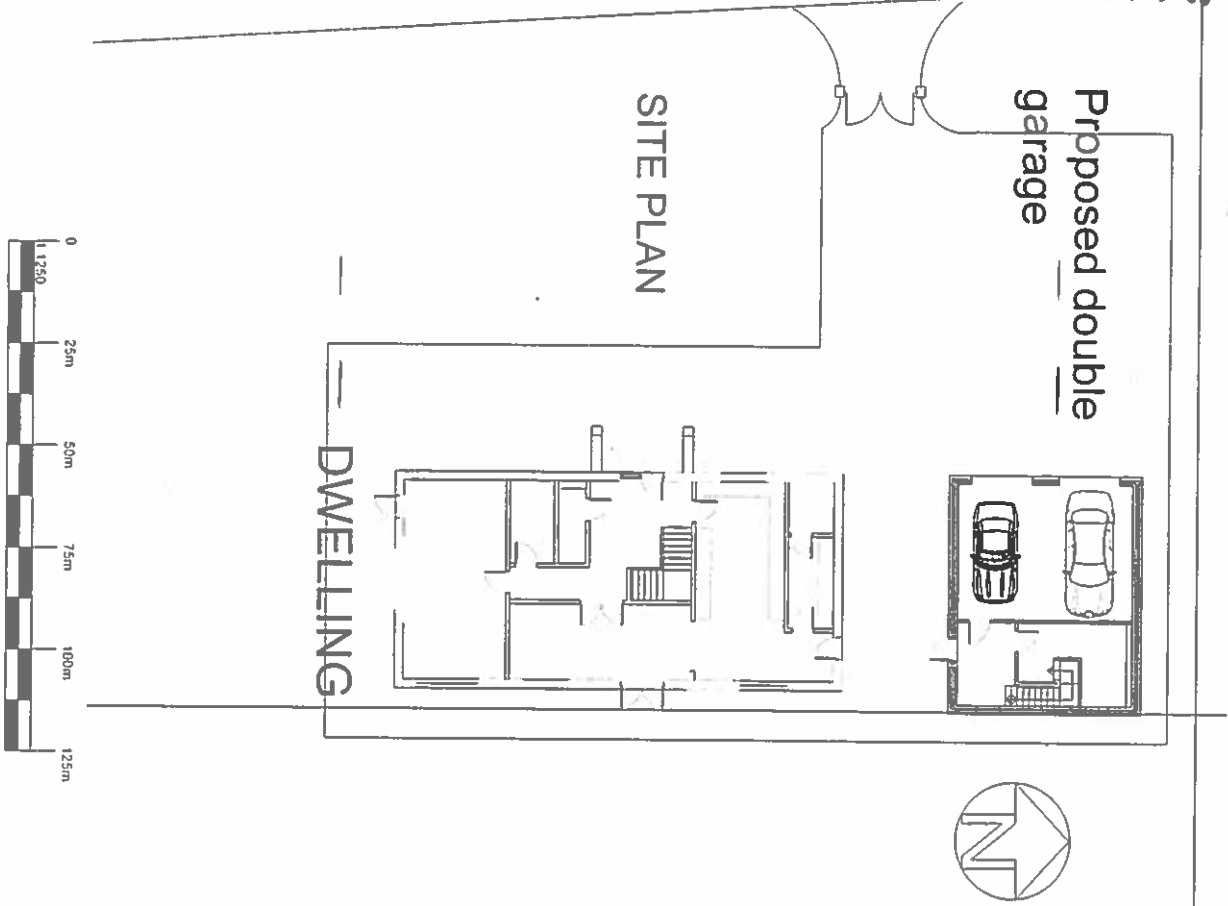
Brian Lewis MCIAT
Architectural Services

10 Parc y Llan, Lanfair DC,
Ruthin, Denbighshire, LL15 2YL
Tel. 01824 704725

Email. brian.lewis-architecture@hotmail.co.uk

15 2017/0573/PF

FLOOR PLANS



- 7 JUN 2017

15 2017 / 0573 / PF

PROJECT & CLIENT

NEW GARAGE @ TY MINFFORDD
 ERYRYS, MOLD CH7 4DD
 FOR SHARON ROBINSON



Chartered Institute of
 Architectural Technologists

DWG TITLE:

PROPOSED GARAGE
 PLANS AND ELEVATIONS

DWG No:

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DATE:

05-2017

REV:

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SCALE:

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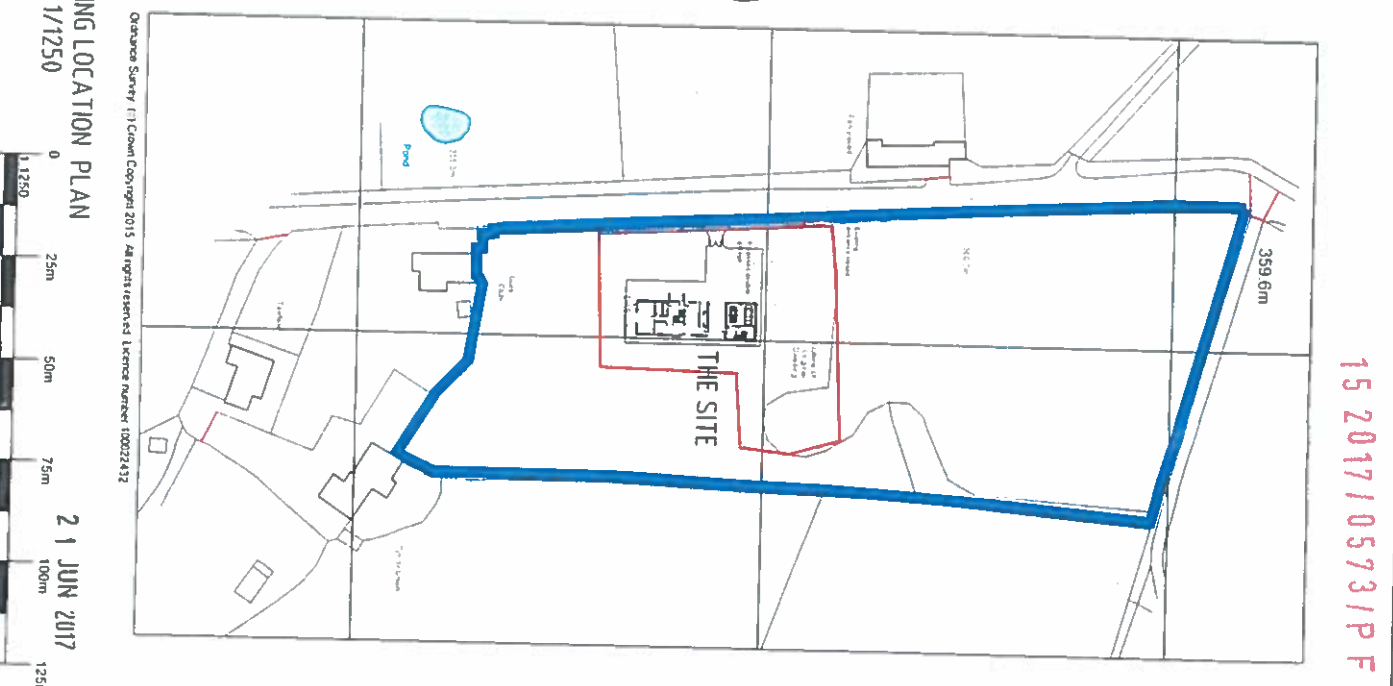
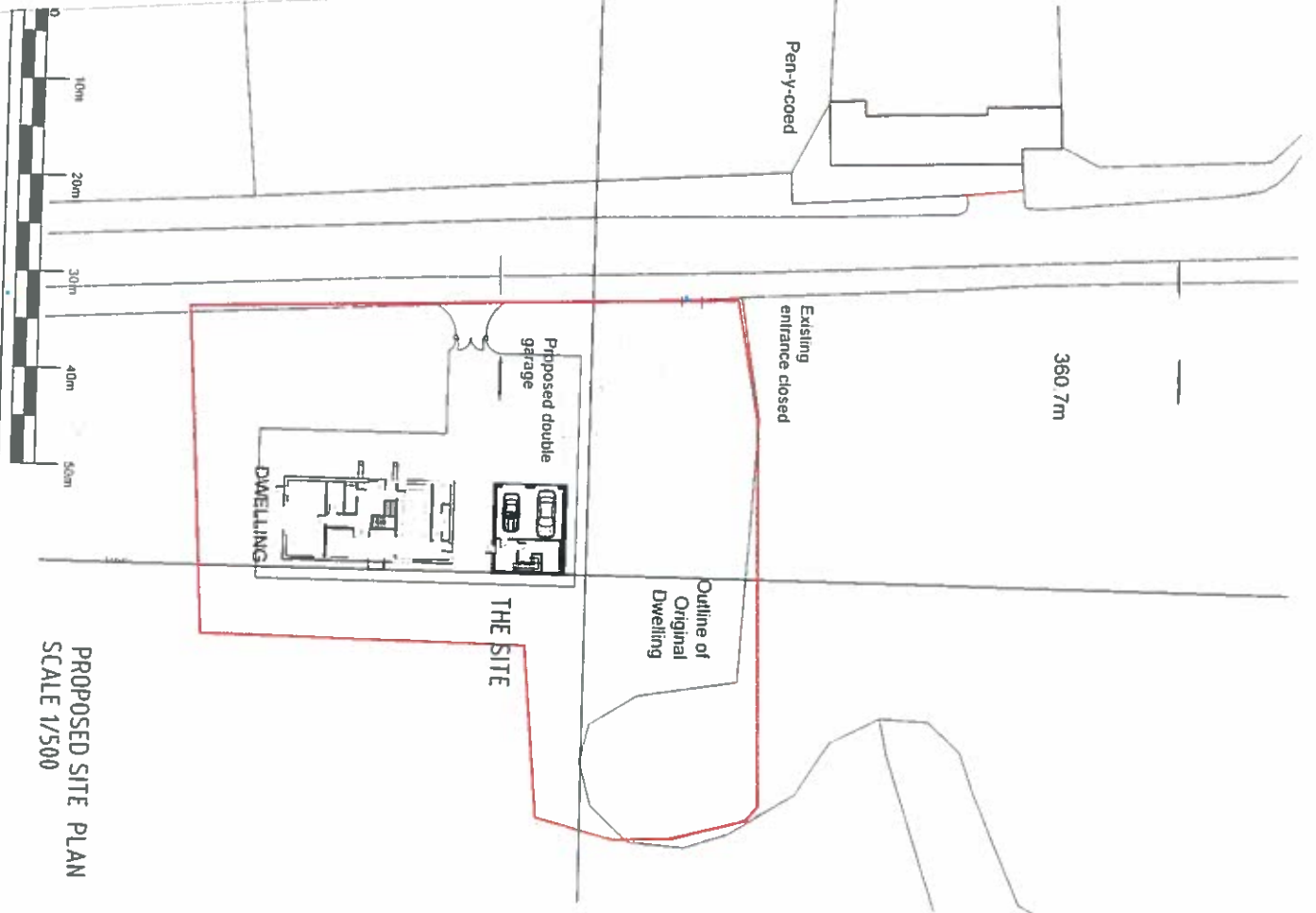
Brian Lewis MCIAT
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 Ruthin, Denbighshire. LL15 2YL

Tel. 01824 704725

Email: brian.lewis-architecture@hotmail.co.uk

SITE PLAN



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PROJECT & CLIENT
NEW GARAGE @ TY MINFFORDD
ERYRYS, MOLD CH7 4DD.
FOR SHARON ROBINSON



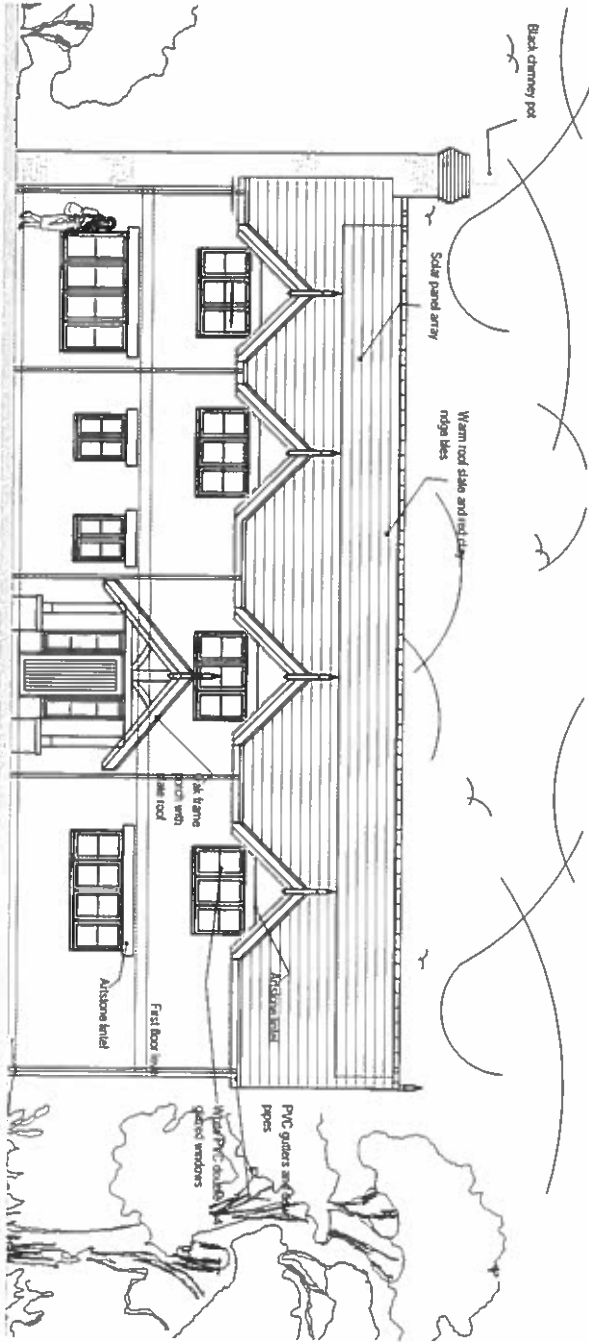
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SITE AND LOCATION PLAN

DWG No	DATE	REV	SCALE
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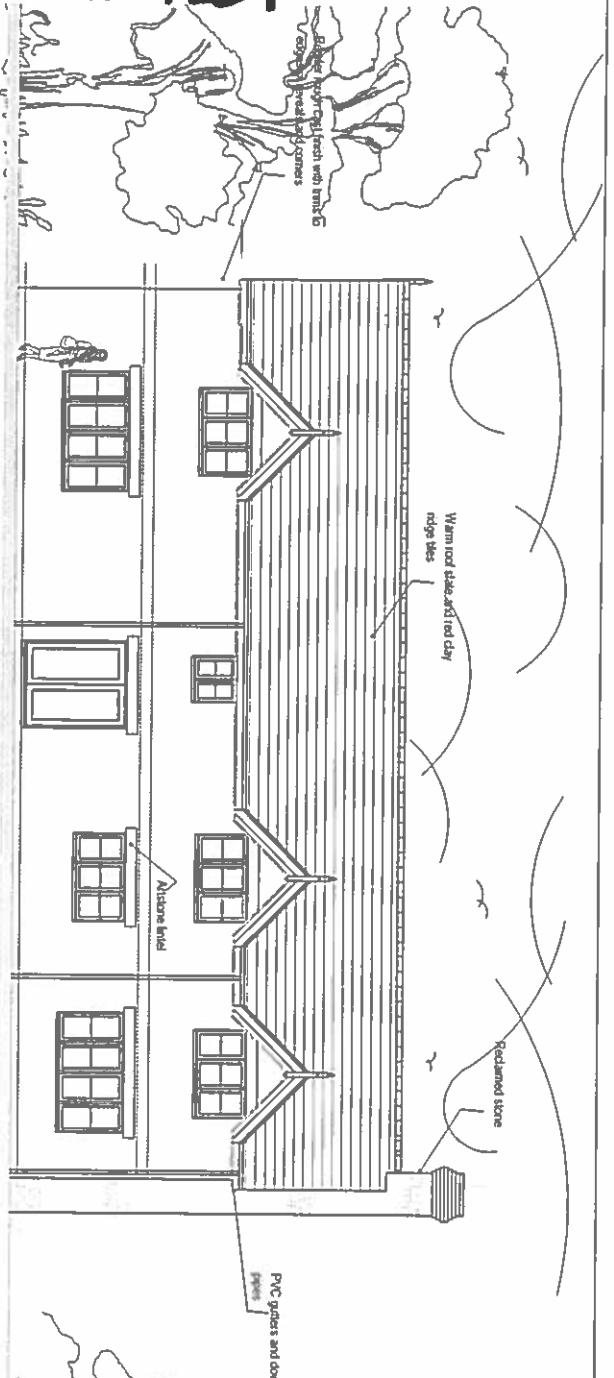
Brian Lewis MCIAT
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Ruthin Denbighshire. LL15 2YL
Tel. 01824 704725
Email. brian.lewis-architecture@hotmail.co.uk

AS APPROVED DWELLING FOR PLOT

FRONT ELEVATION



REAR ELEVATION



10/03/16 Rev C
 After discussion with Planning officer :-
 Floor plan area reduced, ridge height reduced
 Brick arches over openings changed to stone lintels
 Dwelling relocated and rotated to face road on site

PROJECT & CLIENT
**REPLACEMENT DWELLING @ PEN Y COED
 ERYRYS FOR SHARON ROBINSON**



DWG. TITLE:
PROPOSED ELEVATIONS

DWG No: DATE: REV: SCALE:
 07-2015 C 1/100

Brian Lewis MCIAT
 Architectural Services

10 Parc y Llan, Lanfair DC,
 Ruthin, Denbighshire, LL15 2YL
 Tel. 01824 704725
 Email. brian.lewis-architecture@hotmail.co.uk

WARD : Llanarmon yn Ial

WARD MEMBER: Councillor Martyn Holland

APPLICATION NO: 15/2017/0573/ PF

PROPOSAL: Erection of a detached double garage with first floor accommodation

LOCATION: Ty Minffordd Eryrys Mold

APPLICANT: Mrs Sharon Robinson

CONSTRAINTS: AONB

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

REASON(S) APPLICATION DELEGATED:
Scheme of Delegation Part 1

CONSULTATION RESPONSES:

LLANARMON YN IAL

"Not Supported. Councillors' felt there was no need for accommodation above the garage, as it should stay a single storey building with a lesser pitched roof- being in character. It should remain as just a garage, and not be converted into a dwelling.

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

"The replacement dwelling currently under construction has a significantly greater mass and visual presence than the original dwelling, and the proposed new garage will add to this. The Joint Committee would not wish to see an overdevelopment of this rural site and, in this context, considers that the garage as currently proposed is too large a structure. It is suggested that the footprint should be reduced, the front building line set back behind that of the house, and the roof dormers be replaced with roof-lights. These changes will reduce the scale and mass of the building. In addition, facing the most prominent front and north elevations in traditionally finished natural local stone would help integrate the development into its rural setting."

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 15/8/17

EXTENSION OF TIME AGREED? N/a

REASONS FOR DELAY IN DECISION (where applicable):

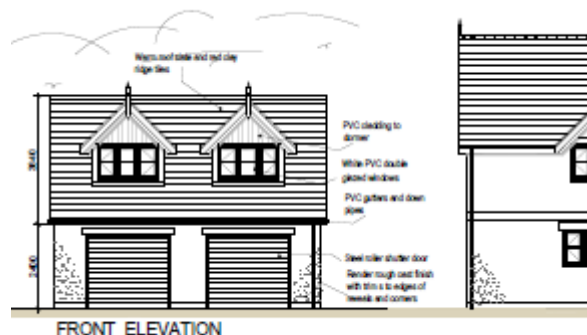
PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Permission is sought for the erection of a detached garage immediately adjacent to a replacement dwelling which is under construction.
- 1.1.2 The plans show the footprint of the garage would measure 9.3m x 7.6m, and that it would accommodate 2 cars and include a small boot room with a lobby at ground

floor level with stairs to a studio room within the roof area. The proposed external materials are render on the walls and slate on the roofs. The road elevation plans are below and show the relationship with the main dwelling.



1.2 Description of site and surroundings

1.2.1 The site is located in the open countryside to the north east of Eryrys, on the east side of the minor road running north towards Maeshafn.

1.2.2 The replacement dwelling consented in 2016 is under construction. This is a detached dwelling measuring 17.6m x 8.5m with rendered walls and a slate roof.

1.2.3 There is scattered development in the area, with a number of detached dwellings dispersed in a linear manner close to the road.

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the AONB.

1.4 Relevant planning history

1.4.1 Permission was granted for the house in 2016. The construction work is ongoing.

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:

15/2016/0009

Erection of replacement dwelling.

GRANTED at Planning Committee . Decision dated 18/05/2016.

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 RD1 – Sustainable development and good standard design

Policy RD3 – Extensions and alterations to existing dwellings

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

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

SPG Residential Development

SPG Residential Space Standards

SPG Parking Standards in New Development

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 including AONB
- 4.1.3 Residential amenity

Other matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Policy RD 3 advises that the extension or alteration of dwellings will be supported subject to compliance with detailed criteria. Whilst the proposal relates to a detached garage the principles to be applied are considered to be the same as for extensions.

With regard to the Community Council's comments regarding the need for additional accommodation, there is no planning policy requirement for an applicant to demonstrate need for extensions and ancillary buildings. The application is for a new build garage and not for the conversion / extension of an existing single storey building as implied in the Community Council's response.

It is considered therefore that the proposal to erect a domestic garage within the curtilage of a dwelling is acceptable in principle with regard to planning policy. The issues are the acceptability of the detailing which are reviewed in the following sections of the report.

- 4.2.2 Visual Amenity
Criteria i) of Policy RD 3 the scale and form of the proposed extension or alteration is 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 a proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building. Policy VOE2 seeks to protect the character of the AONB.

The AONB committee consider that the proposal would be too large, should be reduced in scale, and should be constructed in stone, but do not indicate what the impact / harm upon the AONB would be from the development proposed.

The garage would be clearly smaller in scale than the adjacent dwelling – approximately 6 metres in height, some 1.8m lower than the approved ridge height of the dwelling. It would replicate features on the dwelling. Materials would match those on the dwelling.

Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the replacement dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the policies listed. With respect to the AONB committee comments, it is considered the starting point for assessment of the proposal has to be the approved replacement dwelling and not the development which previously occupied the site. The garage will appear clearly subordinate to the replacement dwelling. The approved dwelling will have rendered walls, so the use of stone on the garage, as suggested, would not be consistent with the main building to which it relates.

It is not considered that the proposal would have a detrimental impact upon the character of the AONB.

4.2.3 Residential Amenity

Test iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site, to ensure that sufficient external amenity space is retained. The Residential Development SPG (2016) states that no more than 75% of a residential property should be covered by buildings the Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are no representations on residential amenity issues.

The proposal is not located adjacent to any other dwellings. A large residential curtilage would remain after the garage is built.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the policies listed above.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 13th September 2022.

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed Elevations (Dwg. No. 001 Rev a) received 7 June 2017.
 - (ii) Proposed Floor & Site Plan (Dwg. No. 002) received 7 June 2017
 - (iii) Site & Location Plan (Dwg. No. 003 Rev A) received 21 June 2017

The reasons for the conditions 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 to ensure a satisfactory standard of development.

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Agenda Item 8

Denise Shaw

WARD : Llanbedr D.C.

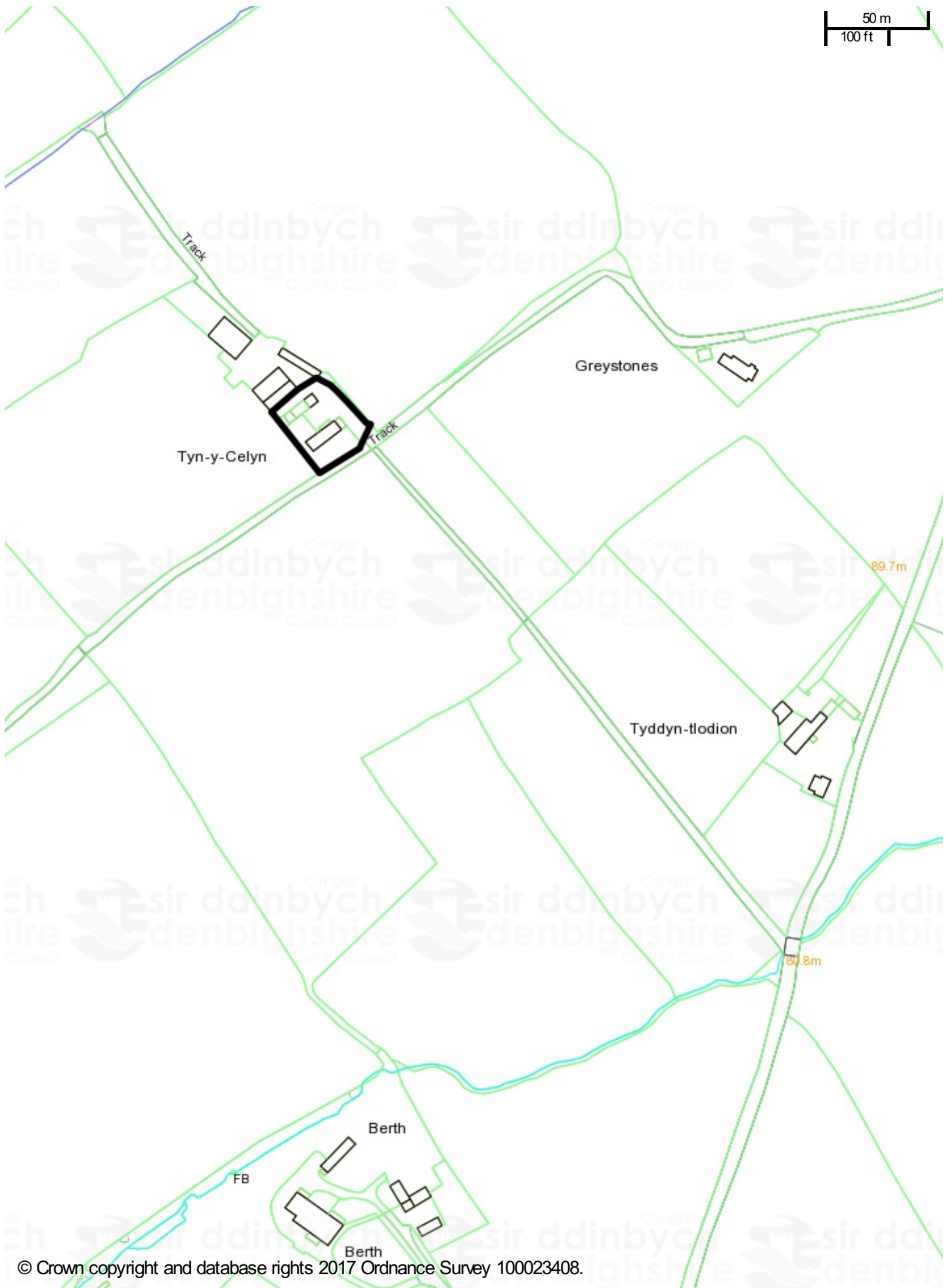
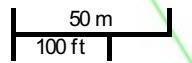
WARD MEMBER: Councillor Huw O. Williams

APPLICATION NO: 16/2017/0628/ PF

PROPOSAL: Demolition of existing dwelling and outbuildings and erection of a replacement dwelling

LOCATION: Tyn Y Celyn Llanbedr Dyffryn Clwyd Ruthin

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16/2017/0628

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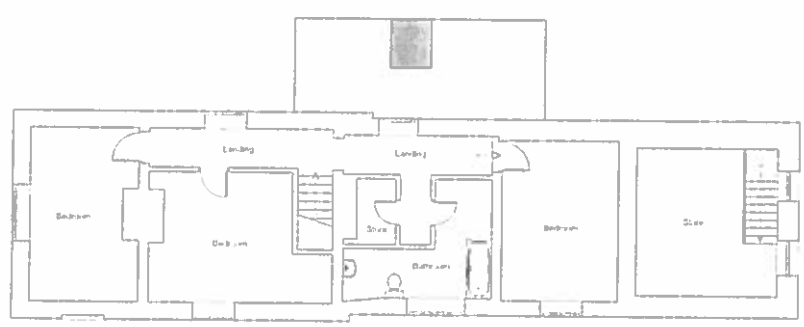
**EXISTING
DWELLING**



Tyn Y Celyn, Llanbedr Dyffryn Chwyd, Ruthin.

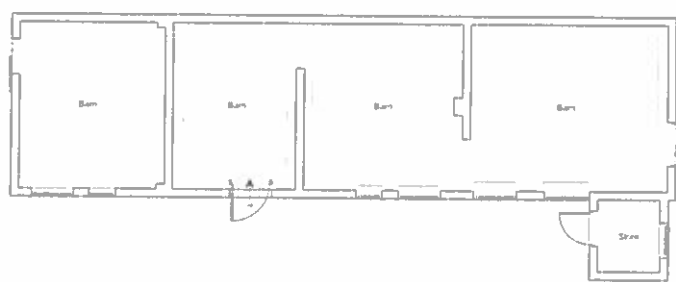


EXISTING DWELLING - FLOOR PLANS



Existing First Floor Plan

	Project Proposed Replacement Dwelling	Existing Survey Drawings
	Address 171 F. Celyn, Llanberis, Gwynedd LL 51 3JH	
	Client Mr & Mrs B Evans	
	Scale Scale 1:100 @A1	Drawing - 1/24/05/02



Hard Parking Area



Existing Ground Floor Plan

	Project Proposed Replacement Dwelling	Existing Survey Drawings
	Address 171 F. Celyn, Llanberis, Gwynedd LL 51 3JH	
	Client Mr & Mrs B Evans	
	Scale Scale 1:100 @A1	Drawing - 1/24/05/02

PROPOSED DWELLING

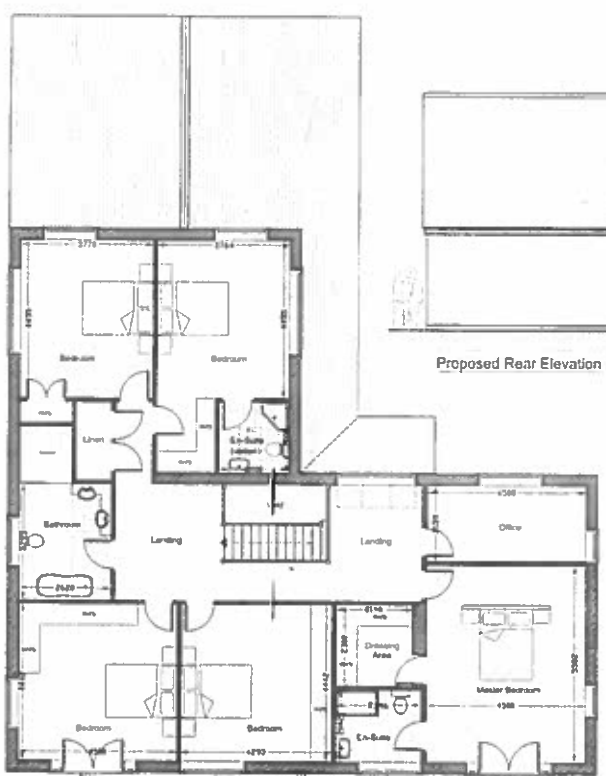


Proposed Front Elevation



Proposed Side Elevation

	Project	Proposed Replacement Dwelling	Planning Drawings
	Address	Tŷ T Celyn, Llanberran DC, Deirdegru 11, 5/5H	
	Client	Mr & Mrs E Evans	
	Scale	Scale 1:100 @A3	Drawing - 1 of 2 (04/23)



Proposed First Floor Plan

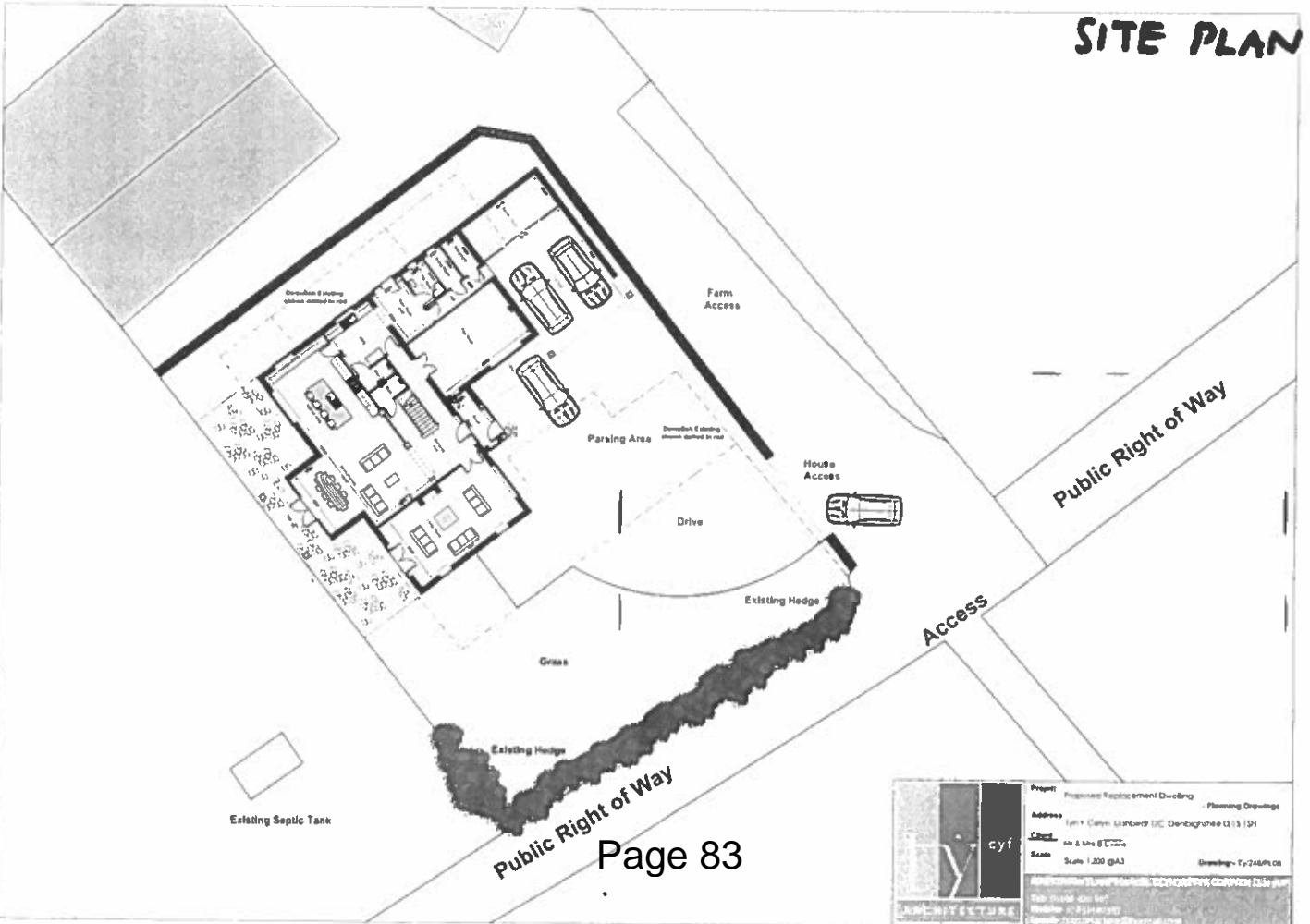


Proposed Rear Elevation

	Project	Proposed Replacement Dwelling	Planning Drawings
	Address	Tŷ T Celyn, Llanberran DC, Deirdegru 11, 5/5H	
	Client	Mr & Mrs E Evans	
	Scale	Scale 1:100 @A3	Drawing - 1 of 2 (04/23)

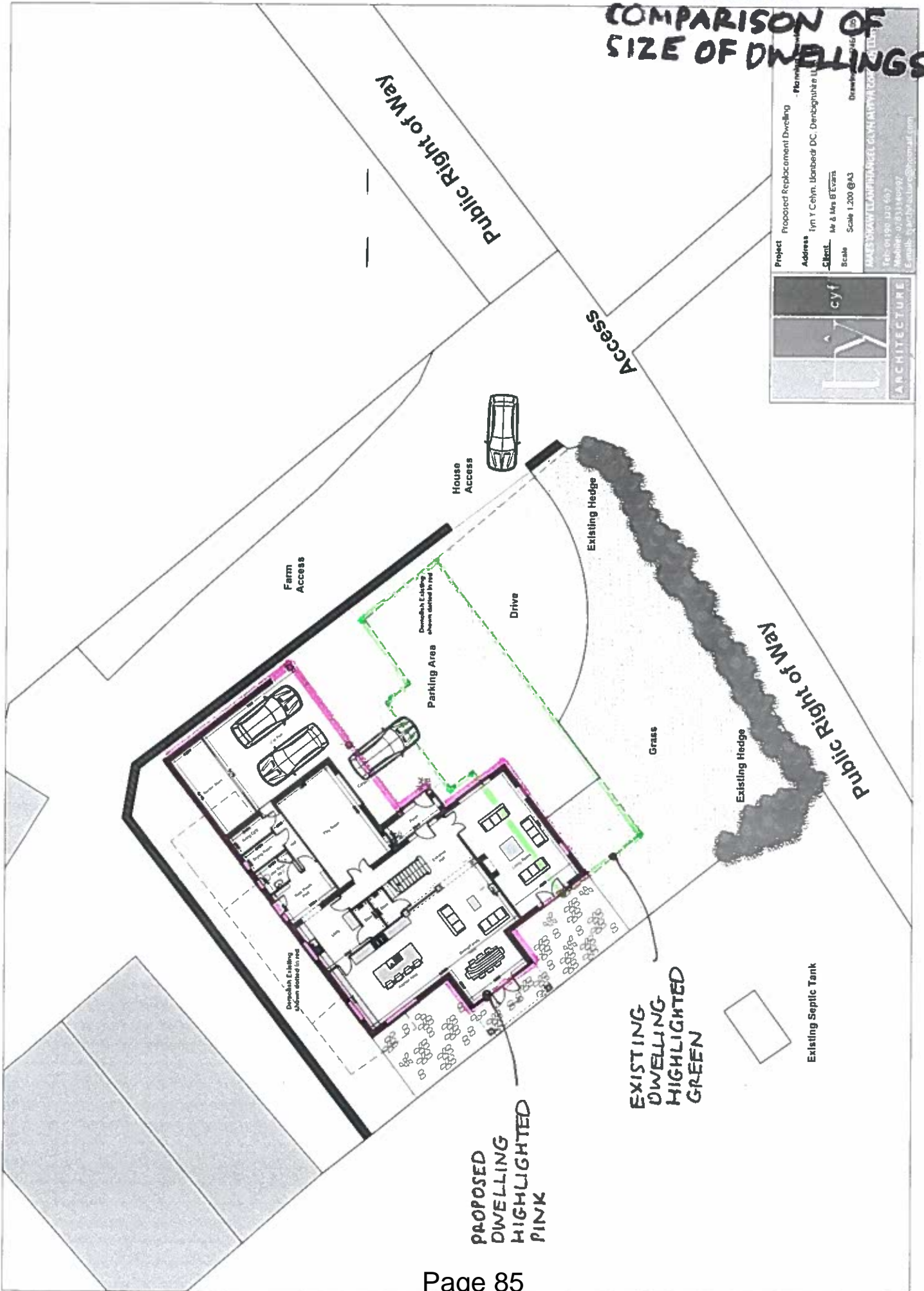


	Project: Proposed Replacement Dwelling	Planning Drawings
	Address: 1111 Glenview Road, Donaghadee, Co. Wick	
	Client: Mr & Mrs B. Evans	
	Scale: 1:100 @A1	Drawing: Ty246P101

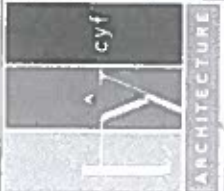


	Project: Proposed Replacement Dwelling	Planning Drawings
	Address: 1111 Glenview Road, Donaghadee, Co. Wick	
	Client: Mr & Mrs B. Evans	
	Scale: 1:200 @A1	Drawing: Ty246P108

SITE PLAN - COMPARISON OF SIZE OF DWELLINGS



Project	Proposed Replacement Dwelling
Address	17m T. Celyn, Llanbedd DC, Denbighshire, LL41 2JG
Client	Mr & Mrs Evans
Scale	Scale 1:200 @ A3
Drawn	DAVID SWAIN
Checked	DAVID SWAIN
Date	10/01/2017
Mobile	0783340997
Email	ty@architecturespace.com



WARD : Llanbedr D.C.

WARD MEMBER: Councillor Huw O. Williams

APPLICATION NO: 16/2017/0628/ PF

PROPOSAL: Demolition of existing dwelling and outbuildings and erection of a replacement dwelling

LOCATION: Tyn Y Celyn Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr & Mrs Berwyn Evans

CONSTRAINTS: PROW

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

LLANBEDR DC COMMUNITY COUNCIL
"Noobjections"

NATURAL RESOURCES WALES

The bat report submitted in support of the application has identified the site supports the brown long eared bat and the common pipistrelle bat. It concludes the proposal is likely to adversely impact on bats present at the site. NRW recommend planning permission should only be granted if planning conditions are applied to ensure the proposal does not adversely impact on the favourable conservation status of the protected bat species.

CLWYD POWYS ARCHAEOLOGICAL TRUST

The farm buildings proposed for demolition are not currently recorded within the Historic Environment Record, but appear on the first edition OS mapping, the c.1840 tithe map and the Ordnance Surveyors mapping of 1819 and are therefore at least 200 years old. From the photographs submitted with the application the structure appears to be an original stone farmhouse which is typical of the local vernacular for agricultural buildings and adds character to the historic landscape. The buildings are of at least local architectural and historic importance. The issues identified in the structural reports are relatively minor and capable of being addressed by a sympathetic developer with an appropriate renovation. The ground floor damp can be tackled with a damp proof course and the failed lintels have already been replaced. The walls are robust and the roof is in good condition. We would wish to see this farmhouse retained and renovated, perhaps with appropriate extensions which retain the façade and character of the farmhouse range. The older outbuildings could also usefully be renovated and converted.

Should permission be granted, CPAT recommend a Level 3 (Historic England guidance) assessment of the buildings is required and a written scheme of investigation should be submitted and approved before they commence any works on-site.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
No objection.
- Footpaths Officer
Comments awaited
- Ecologist
Happy with the ecological reports carried out. Based on presence of protected species found on site (two species of bats and nesting birds), recommend planning conditions be applied should the application be granted in the interests of protecting ecological interests.

RESPONSE TO PUBLICITY:

In support

Representations received from:
Patricia Vickers, Greystones, Llanbedr DC

Summary of planning based representations in support:

- Demolition of existing dwelling will allow for more suitable family accommodation.
- Replacement dwelling would be attractive and in keeping with the area.

EXPIRY DATE OF APPLICATION: 15/08/2017

EXTENSION OF TIME AGREED? 13/09/2017

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the demolition of the existing two storey traditional stone farmhouse and detached stone and brick outbuilding and the erection of a replacement dwelling.
- 1.1.2 The replacement dwelling is a detached two-storey detached property with integral double carport.
- 1.1.3 The respective detailing of the existing stone dwelling and the proposed replacement can best be appreciated from the plans at the front of the report.
- 1.1.4 The existing 3 bedroom dwelling dates back to the 1800's and measured from the floor plans has a ground floor footprint of some 130 sq. metres and a total floor area of some 245 sq. metres, including a store section on its north east end.
- 1.1.5 The proposed dwelling would have a ground floor footprint of some 270 sq. metres (including the car port) and a total floor area of some 455 sq. metres. It would contain:
 - At ground floor level - an entrance hall, living room, kitchen / dining room, utility, playroom, rear porch with wet room, drying room and airing cupboard and an integral double garage with garden store to the rear.
 - At first floor level - an office, master bedroom with en-suite and dressing room, four further bedrooms and a bathroom.
- 1.1.6 The application is supported by a Building Condition Report, a Report of the Condition of the Structure, and a Bat and Nesting Bird Survey Report.

1.2 Description of site and surroundings

- 1.2.1 The site is currently occupied by a traditional stone farmhouse and stone outbuilding located within open countryside some 2.3km to the north-west of Llanbedr Dyffryn Clwyd.
- 1.2.2 The existing two storey traditional stone farmhouse comprises of the original house which dates back to the mid 1800s, and a two storey extension which it is understood was added in the late 1800s.
- 1.2.3 The outbuilding is a stone and brick barn to the north west of the dwelling, and there are other farm buildings which are of steel frame construction with sheet metal cladding further to the north west.
- 1.2.4 The site is some 350m from the nearest public highway, and is accessed via a track designated as a Public Right of Way.
- 1.2.5 The site is set away from other residential properties, with the closest neighbours being Greystones 200m to the east and Tyddyn Tlodion 280m to the south-east.
- 1.3 Relevant planning constraints/considerations
 - 1.3.1 The site is outside of any development boundaries defined by the Local Development Plan, and is therefore considered to be in open countryside.
 - 1.3.2 The site is within the Vale of Clwyd Historic Landscape.
 - 1.3.3 The track along which the site is accessed is a Public Right of Way
- 1.4 Relevant planning history
 - 1.4.1 There is a record of a planning permission and prior approval application for agricultural buildings at Tyn y Celyn.
- 1.5 Developments/changes since the original submission
 - 1.5.1 Revised proposed elevation plans were submitted on 8 August 2017, which included changes to the proposed external wall treatments. The revised elevation plans have removed previously proposed sections of brickwork on the external walls. Walls are proposed to be finished in local stone and render.
- 1.6 Other relevant background information
 - 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 26/13809. Erection of Agricultural Building. Granted 18/11/1993
- 2.2 16/2008/0732. Demolitions of existing dutch barn and erection of extension to existing agricultural building (Prior Approval Application). Determined that Prior Approval Not Required 04/08/2008.

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 RD4 – Replacement of existing dwellings

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

- 3.2 Supplementary Planning Guidance

Archaeology SPG

Conservation and Enhancement of Biodiversity SPG

Residential Development SPG

Parking requirements in New Developments SPG

Residential Development SPG

Residential Space Standards SPG

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 24: The Historic Environment (2017)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 Highways (including access and parking)

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

LDP Policy RD4 allows for the replacement of an existing dwelling outside of settlement boundaries where it can be demonstrated that:

- i) The building has legal use rights as a dwelling; and
- ii) The dwelling is not local historical importance or makes a valuable contribution to the character of an area; and
- iii) The dwelling is structurally unsound, of poor design and inefficient in terms of energy and water.

Each of the policy tests are addressed separately below:

RD4i) – legal use as a dwelling

The existing dwelling is clearly habitable and is currently occupied. The proposal would comply with criterion i).

RD4ii) - architectural / historic merit of existing dwelling

The site is within the Vale of Clwyd Historic Landscape. LDP Policy VOE1 seeks to protect Historic Landscapes from development that would adversely affect them and Planning Policy Wales 9, Chapter 6.2.1 states it is important that the historic environment is protected, managed and conserved, including the need to conserve areas on the register of historic landscapes in Wales.

The information provided with the application indicates the farmhouse dates back to the mid 1800's and the Clwyd-Powys Archaeological Trust (CPAT), in their

consultation response note the farmhouse appears on the first edition OS mapping, the c.1840 tithe map and the Ordnance Surveyors mapping of 1819 and is therefore at least 200 years old.

CPAT consider the original stone farmhouse, which is typical of the local vernacular for agricultural buildings, adds character to the historic landscape, and that the existing buildings proposed to be demolished are of at least local architectural and historic importance.

From the information provided, CPAT consider the issues identified in the structural reports are relatively minor and capable of being addressed by an appropriate renovation, and could be sympathetically extended to provide additional living accommodation. CPAT would wish to see this farmhouse retained and renovated.

In light of CPATs comments, there is a question as to whether the proposal would comply with RD4ii), as the building is considered to be of local historical importance and makes a contribution to the character of the area.

RD4iii) – condition of existing dwelling

The application is supported by a Building Condition Report and a Report of the Condition of the Structure.

The Building Condition Report prepared by a building Surveyor includes a schedule of remedial / refurbishment works necessary to rectify deficiencies in the building, however due to what are referred to as prohibitive costs, it advises a replacement dwelling is a more cost effective solution.

The Report of the Condition of Structure prepared by a Structural Engineer considers the buildings are affected by foundation movement; walls / floors do not have adequate resistance to damp penetration and ventilation is inadequate; external walls are not weatherproof; roof timbers are not protected by felt or insulated; and slates on the roof need re-laying. The report concludes that the property needs extensive works to upgrade to the current standards of Part L of the Building Regulations, and the optimum course of action would be to replace the existing building.

RD4iii) requires the existing dwelling to be structurally unsound, of poor design and inefficient in terms of energy and water.

The structural information does not establish that the dwelling is structurally unsound. It does not appear to be beyond repair or incapable of being adapted / extended as part of a development scheme, albeit extensive work is necessary to bring it up to modern building standards.

By virtue of its age and solid stone construction, the existing building is clearly energy inefficient. Again this could be improved at expense. Officers would note however, much of the works proposed are refurbishment works rather than remedial works (new kitchens, bathrooms etc.), and the structural repairs that are required are not significant (e.g. new damp proofing, re-pointing walls, re-plastering, re-laying roof slates etc.).

In concluding on this test, it is acknowledged that it may be more cost effective to the applicant to demolish and replace rather than refurbish and extend the property to meet the applicant's needs, but it would be difficult to argue the buildings are 'structurally unsound'. There is therefore considered to be conflict with test iii.

Conclusion on principle of development

Policy RD4 supports the replacement of an existing dwelling outside of settlement boundaries only where proposals comply with three policy criteria. Having regard to CPAT's views, Officers would consider the existing dwelling is of local historical importance and makes a valuable contribution to the character of the historic landscape area, and fails to comply with RD4ii). The proposal also does not fully

comply with RD4iii) as it is not apparent that the dwelling is 'structurally unsound'. Failure to comply with two of the basic tests of RD4 suggests the proposed replacement dwelling proposal is therefore not acceptable in principle.

4.2.2 Visual amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

With respect to development in the countryside, Planning Policy Wales 4.7.8 states new development in the open countryside must continue to be strictly controlled and all new development should respect the character of the surrounding area and should be of appropriate scale and design.

Policy RD4 of the Local Development Plan does not require proposals for replacement dwellings to be of a similar scale and design to the existing property, so proposals for replacement dwellings have to be assessed on their own merits.

The assessment of the impact of the loss of the existing farmhouse and outbuilding on the visual amenity of the local area has been considered in section 4.2.1, and therefore this section deals with the impacts of the proposed replacement dwelling on the visual amenity of the area:

The site is within a rural location within the Vale of Clwyd Historic Landscape adjacent to a public right of way and set away from other residential properties. There are a number of substantial detached properties in this area, with a mix of building styles.

The dwelling proposed is a substantial 5 bedroom detached dwelling with an integral double carport, which is considerably larger in scale and massing than the existing farmhouse and outbuilding it seeks to replace.

It is to be noted that the footprint of the proposed replacement dwelling is over twice the size of the existing dwelling it seeks to replace. The existing dwelling is a traditional two storey stone cottage of simple and attractive form, similar to the outbuilding to be removed. The proposed replacement dwelling has a noticeably higher ridgeline than the dwelling it seeks to replace (8 metres compared with 6.3 metres), and the overall scale and massing of the replacement dwelling is also significantly greater than the building it seeks to replace, especially when viewed from the front and rear elevation. These will be apparent from the plans at the front of the report.

It is unfortunate in Officers' opinion that attempts have not been made to incorporate the original dwelling into a scheme, and that its design features have not been respected in the design of the replacement.

The revised proposed elevation plans at least show the dwelling proposed would be finished with a mix of reclaimed stone to be applied to the walls on the front and side elevations, with render to be applied to the rear elevation and part of the side elevation. The roof would be clad with Welsh slate, and oak piers are proposed to be installed to support the porch and carport, which to a point are sympathetic to more traditional developments in the area.

Unfortunately the detailing of the proposed dwelling, including its fenestration and shallow roof pitches pay little heed to traditional design features in the area or those of the original dwelling. There are a mix of window styles and proportions and the rear elevation in particular is poorly detailed. The result is a dwelling of conflicting styles

and in officers' view represents a missed opportunity to achieve a development of distinction in this location, incorporating and / or respecting the original dwelling.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

The occupants of the closest neighbouring property have written to confirm they are supportive of the scheme.

The proposed replacement dwelling would comply with the Council's Residential Space Standards SPG and would provide a satisfactory standard of accommodation. Having regard to the separation distances between the site and the nearest neighbouring property, the proposal would not adversely impact on amenity of other residential properties in the vicinity of the site.

Officers would conclude the proposed development would not give rise to any adverse impacts on residential amenity.

4.2.4 Ecology

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.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The biodiversity / ecological impacts of a development proposal are a material consideration.

This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and Conservation and Enhancement of Biodiversity SPG.

The application is supported by a Bat and Nesting Birds Survey Report, which identified three bat roosts within the farmhouse. Surveys observed four different bat species active on, or nearby, which represents moderate bat activity in the area, and two species of bat (brown long eared bat and common pipistrelle) were observed entering and emerging from the farmhouse. No bats were observed entered or emerging from the outbuilding. Swallows were also found to be occupying the farmhouse and the outbuilding during the survey.

Based on the findings of survey, the Council's Ecology Officer and Natural Resources Wales (NRW) have both recommended a series of planning conditions be applied to ensure the proposal does not have an adverse impact on protected species or their habitat. Conditions proposed require further details to be submitted for approval in relation to bat avoidance, mitigation and compensation measures; a light spillage scheme; a post construction monitoring and surveillance scheme; and the provision of bird nesting boxes.

Bats species are protected by European and domestic law and nesting birds are also protected by domestic law and as such it is a criminal offence to disturb bat habitat or nesting birds, and a European Protected Species (EPS) Licence from Natural Resources Wales is required before any works being undertaken. As bats and nesting birds are protected under separate wildlife legislation, and Officers consider it is unnecessary to apply planning conditions which duplicate other regulatory controls such as applying a condition requiring an EPS licence to be obtained. However, should planning permission be granted, Officers would recommend an appropriately

worded Note to Applicant is attached to the Decision Notice to bring the applicant's attention to the additional requirements under separate wildlife legislation.

Having regard to the conclusions of the Bat and Nesting Bird Survey Report and the advice of the Council's Ecology Officer and NRW, Officers consider that, subject to the application of relevant planning conditions and an appropriately worded Note to Applicant, the proposal would not result in an adverse impact on ecological interests or result in a detrimental impact on the favourable conservation status of protected species.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration. 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 site is accessed via a track leading from the public highway some 350m to the north east. The proposed site plan shows sufficient onsite parking and turning space to serve the development and Highways Officers have raised no objection.

The track which leads to the site is a Public Right of Way. The proposed siting of the replacement dwelling would not interrupt the Public Right of Way, however this would need to be safeguarded during the construction phase. Separate Highways legislation provides protection to safeguard Public Rights of Way and to this end it would not be necessary to apply planning conditions, however should planning permission be granted, an appropriately worded Note to Applicant is advised to bring this to the attention of the applicant.

Having regard to the above, Officers would conclude the proposal would not adversely impact on highway interests.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 LDP Policy RD4 sets out the policy context for replacement dwellings. The policy supports the replacement of an existing dwelling outside of settlement boundaries only where proposals can comply with three tests.

5.2 Having regard to CPAT's views, Officers would consider the existing dwelling is of local historical importance and makes a valuable contribution to the character of the historic landscape area, and that the proposal fails to comply with RD4ii).

5.3 The proposal also does not fully comply with RD4iii) as it is not obvious that the existing dwelling is 'structurally unsound'.

5.4 There is consequently conflict with key tests of the replacement dwellings policy.

5.5 Having regard to the scale, design and appearance of the replacement dwelling proposed, Officers also have reservations over the suitability of the development in terms of visual amenity.

RECOMMENDATION: REFUSE- for the following reason:-

The reason is:-

1. It is the opinion of the Local Planning Authority that the proposals are in conflict with key tests of the Council's policy in relation to replacement dwellings, in that the existing dwelling is a 19th century stone farmhouse typical of the local vernacular for agricultural buildings, is considered to be of local historical importance and makes a valuable contribution to the character of the Historic Landscape of the Vale of Clwyd; and it is not structurally unsound. The conflicts with Local Development Plan policy RD4 ii) and iii) are considered to be compounded by the scale and detailing of the proposed replacement dwelling which would appear inappropriate in this open countryside location, and in the context of the existing dwelling, and would result in material harm to visual amenity, which is a material consideration on an application as identified in Planning Policy Wales 9, sections 3.1.4 and 4.11.9.

NOTES TO APPLICANT:

None

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Agenda Item 9

Emer O'Connor

WARD : Prestatyn East

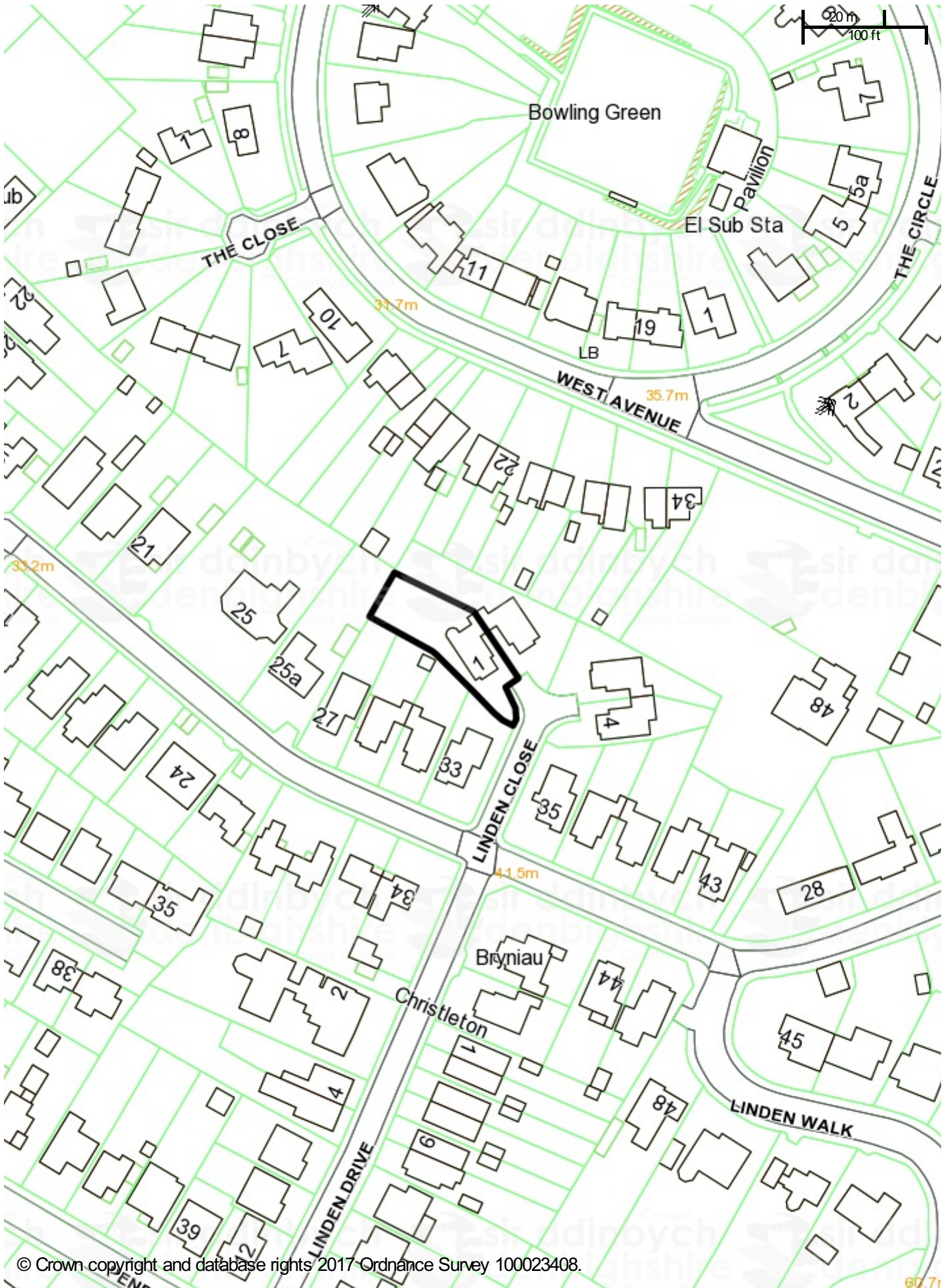
WARD MEMBER(S): Cllrs Anton Sampson and Julian Thompson Hill (c)

APPLICATION NO: 43/2017/0541/ PF

PROPOSAL: Alterations and extensions to dwelling

LOCATION: 1 Linden Close Prestatyn

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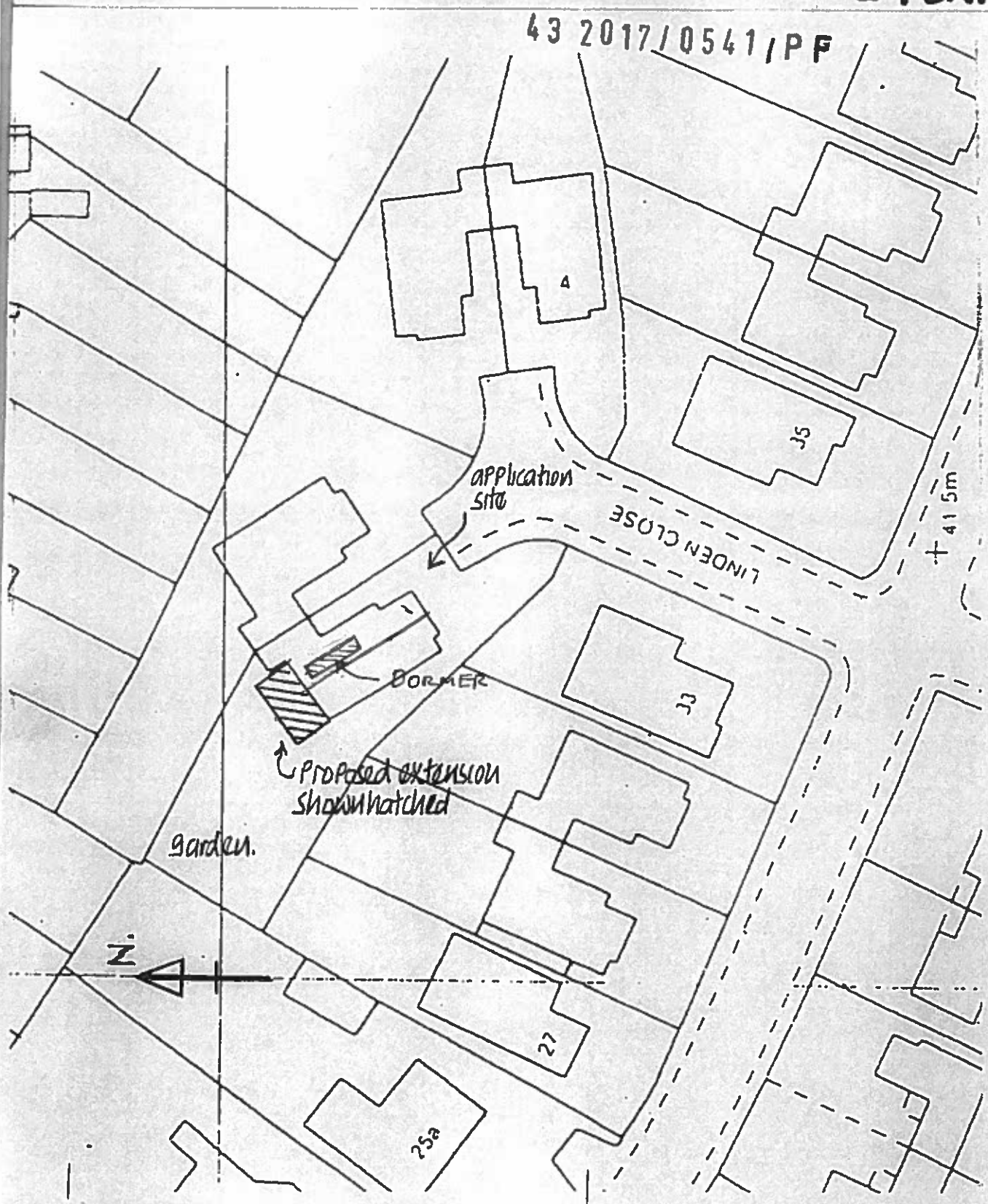
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43/2017/0541
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SITE PLAN

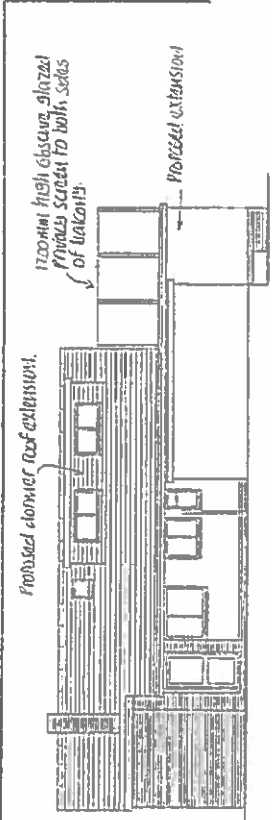
43 2017/0541/PF



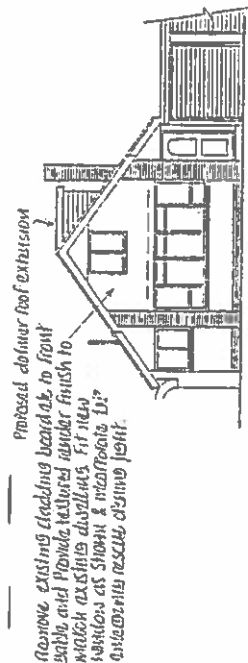
Site Plan ~ 1 Linden Close / 600 DUG PROPOSED.

DENBIGHSHIRE COUNTY COUNCIL
30 MAY 2017
PLANNING SERVICES

PROPOSED PLANS



NORTH EAST



SOUTH EAST

Proposed external finishes of extension and original All as described on D63

1 LINDEN CLOSE
1:50 1:100 D64

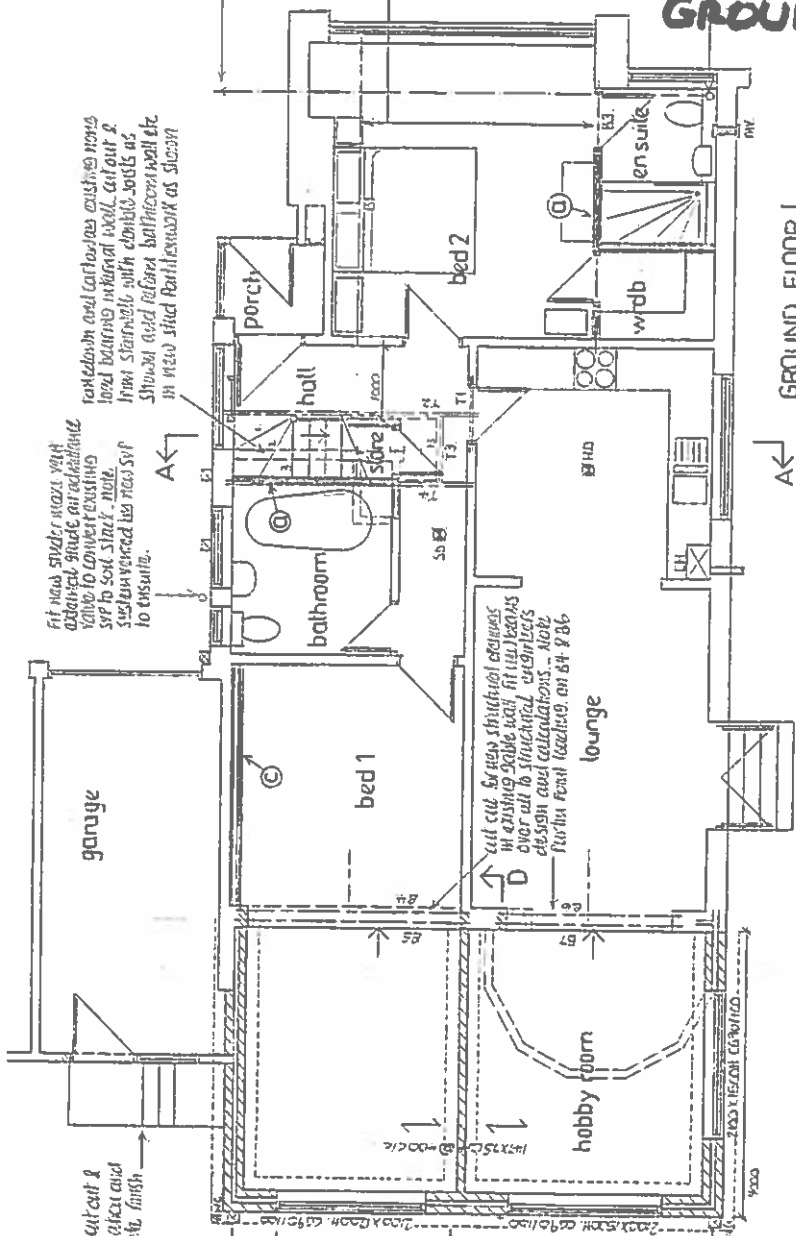
PROPOSED

17.7.17. Rev A. Reduced to current size

Accession for drive from outside to connect to existing system

New first floor without beams over all to structural engineers design and calculations

Accession for visit to open air for 900mm above dry ceiling within 3m of driveway for minimal to 100



GROUND FLOOR

GROUND FLOOR



Remove existing cladding, beaded to front gable and provide textured timber finish to match existing dwellings. Fit new windows as shown & incorporate 1st & 2nd floor recessed ceiling joist.

Remove existing garage windows, cut out & fit new door and window combination and form new steps as shown in context, finish

Accession for drive from outside to connect to existing system

New first floor without beams over all to structural engineers design and calculations

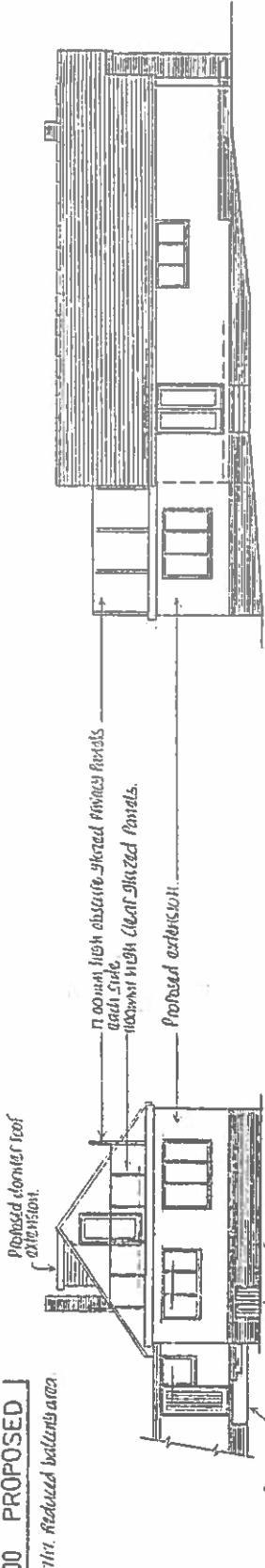
Accession for visit to open air for 900mm above dry ceiling within 3m of driveway for minimal to 100

garden

Accession for visit to open air for 900mm above dry ceiling within 3m of driveway

PROPOSED PLANS

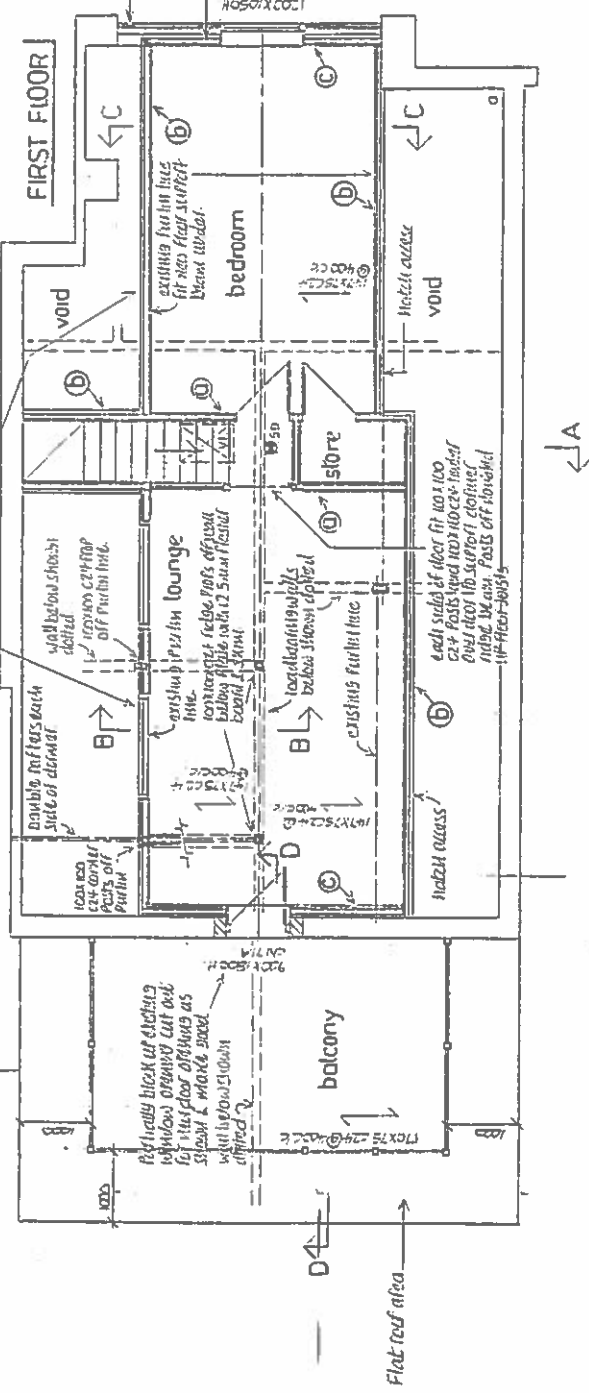
1 LINDEN CLOSE DG 3
 1:50 1:100 PROPOSED
 Rev A. 17/11/11. Reduced balcony area



NORTH WEST

SOUTH WEST

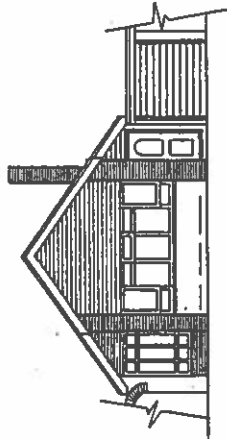
Proposed external finishes of extensions
 Rock Gable timber membranes, brick
 wire fascias etc.
 Walls textured render and facing brick
 Plinth to match existing.
 Window fascia & eaves to be brown
 like Cladding Eaves.
 Doors and windows white uPVC double
 glazed units to match existing.



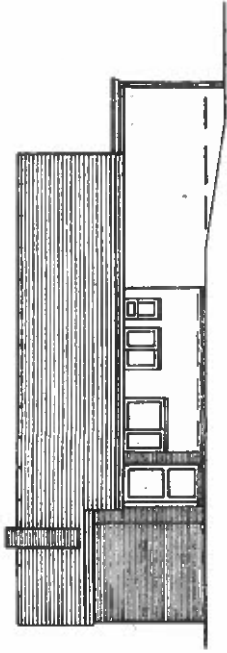
FIRST FLOOR

43 2017/0541/PF

EXISTING PLANS



SOUTH EAST



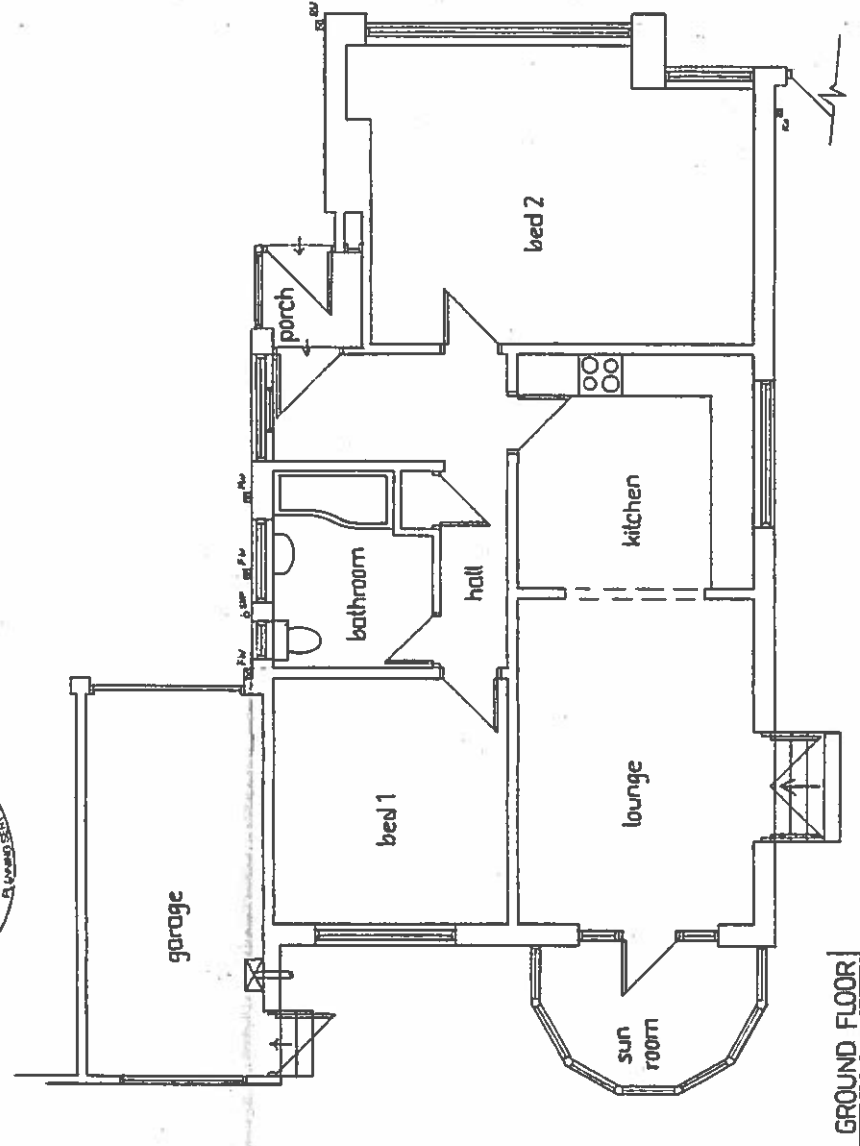
NORTH EAST

LEASING TO SIR RODRIGUEZ
LEWIS AND COUNTY COUNCIL
30 MAY 2017
A100005555

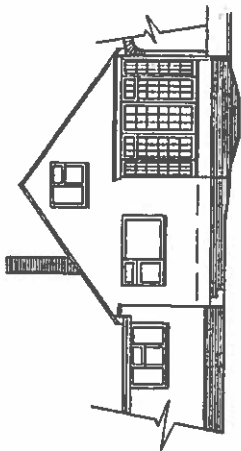


1 LINDEN CLOSE
DG1 1:50 1:100
EXISTING

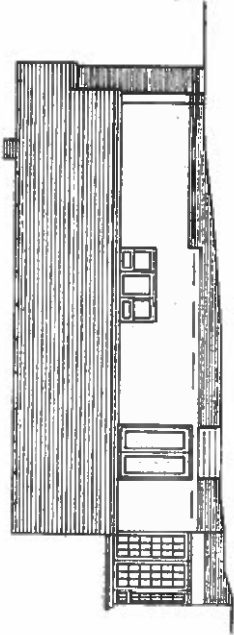
GROUND FLOOR



43 2017/0541/PF



NORTH WEST

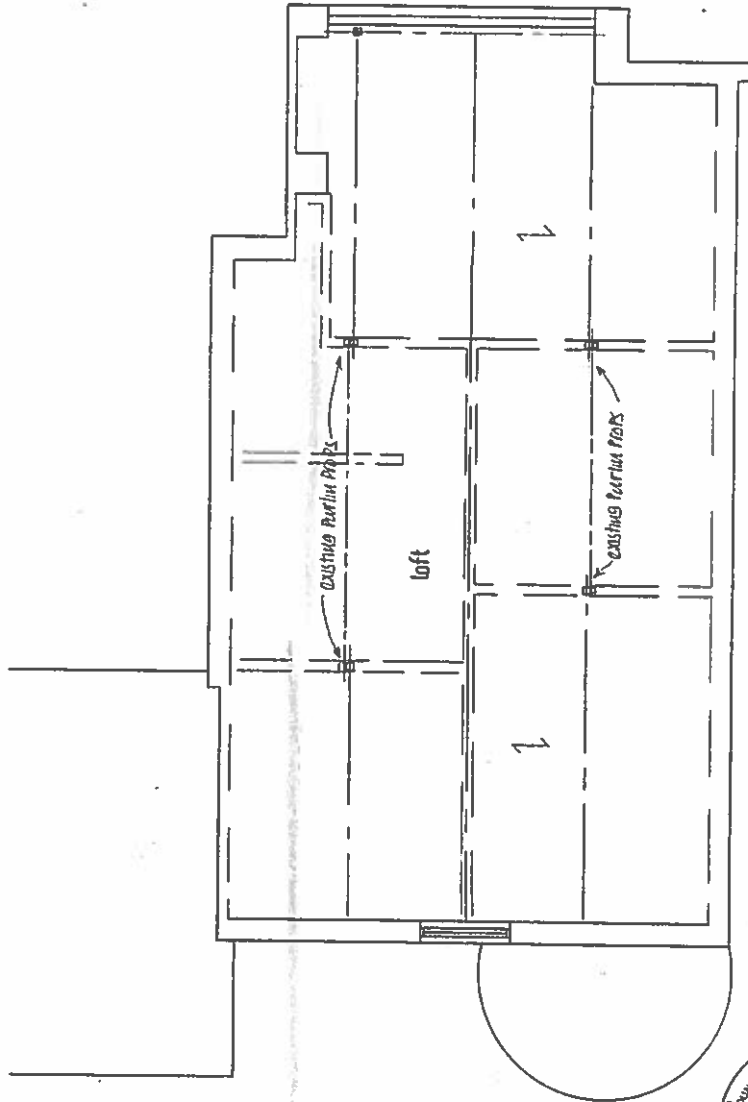


SOUTH WEST



EXISTING PLANS

FIRST FLOOR



ROOF PLAN



1 LINDEN CLOSE
DG2 1:50 1:100
EXISTING

WARD : Prestatyn East

WARD MEMBER(S): Cllrs Anton Sampson and Julian Thompson Hill (c)

APPLICATION NO: 43/2017/0541/ PF

PROPOSAL: Alterations and extensions to dwelling

LOCATION: 1 Linden Close Prestatyn

APPLICANT: Mr Steve O'Donnell-Roberts

CONSTRAINTS: Article 4 Direction

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
- Town Council Objection

CONSULTATION RESPONSES:

PRESTATYN TOWN/COMMUNITY COUNCIL

“Objection- Members commented upon the potential adverse visual impact upon neighbouring properties and detriment to street scene. Reference was also made to possible loss of privacy for neighbouring property.

Chairman reported upon correspondence received from local residents expressing concerns about plans and details would be forwarded to Denbighshire County Council, Planning Authority.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Sue Cott, 3, Linden Close, Prestatyn (C)

R. McCully, 16, West Avenue, Prestatyn (O)

F. P. Mellor, 2, Linden Close, Prestatyn (O)

Mr & Mrs J Knox, Corin 31 Linden Walk (C)

Mrs. J. Watkins, 20, West Avenue, Prestatyn (O)

Wayne Harris, 25A Linden Walk, Prestatyn

Mr and Mrs Bone. Jacks Bungalow, 4 Linden Close. Prestatyn

Donal and Moya McCarthy, 25 Linden Walk, Prestatyn

A. Wilkinson, 33 Linden Walk, Prestatyn (O)

Summary of planning based representations in objection:

Character- proposal would be out of keeping with area.

Amenity- proposal would impact on amenity of adjacent occupiers by overlooking.

Dormer and balcony would be visible from neighbouring dwellings.

Over-development- proposal would represent an overdevelopment of the site.

In support

Representations received from:

Mr Jack Smith, 29 Linden Walk, Prestatyn

Summary of planning based representations in support:

Proposal would modernise dated dwelling.

EXPIRY DATE OF APPLICATION: 24/07/2017

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Alterations and extensions are proposed to an existing bungalow at 1 Linden Close in Prestatyn.
- 1.1.2 A flat roofed single storey extension is proposed to project 4 metres to the rear across the width of the existing house. Part of the roof of the extension would be utilised as a balcony, which would be set in 1m from all sides and have 1.7m high obscure glazed 'privacy panels' along the sides.
- 1.1.3 A flat roof dormer window is also proposed on the north east facing side of the roof of the existing dwelling. It would facilitate the conversion of the loft space in the bungalow to living accommodation (a lounge and bedroom).
- 1.1.4 To facilitate the development of the extension to the rear of the dwelling, the existing sun room would be removed.
- 1.1.5 The proposals can best be appreciated from the plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The semi-detached bungalow is sited in a cul de sac of 4 similar dwellings off Linden Walk in Upper Prestatyn. This is a predominantly residential area characterised by a mix of dwelling types.
- 1.2.2 The dwelling occupies a relatively large plot with over 200 sq metres of garden area to the rear, as a result it has boundaries with several dwellings.
- 1.2.3 The boundary runs along the rear gardens of five adjacent dwellings on Linden Walk to the south of the site, to the attached house No. 2 to the north and to 25a Linden Walk to the west.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 There is no planning history on the site.

1.5 Developments/changes since the original submission

- 1.5.1 The size of the balcony area on the flat roof has been reduced since the original submission.

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 Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD3 – Extensions and alterations to existing dwellings
Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance
SPG Residential Development

3.3 Government Policy / Guidance
Planning Policy Wales Edition 9 November 2016
Development Control Manual

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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 3.1.3). It advises that material considerations '... must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability' (Section 3.1.4).

The Development Management Manual 2016 states that material considerations 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 (Section 9.4).

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

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria.

Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met.

The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments.

The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.

4.2.2 Visual Amenity

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 a proposal is sympathetic in design, scale, massing and materials to the character and

appearance of the existing building. Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

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 vi) of Policy RD1 requires that development proposals do not affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

Representations on the visual amenity impacts have been made by adjacent occupiers who are concerned that the dormer and balcony would be out of character with the area and would interrupt views from adjacent dwellings (in the cul de sac). The Town Council comment on impact on the street scene.

The existing dwelling has a flat roof sun room which would be removed to facilitate the rear extension. There is a dormer on one the dwellings off Linden Walk which no. 1 shares a boundary. The dwelling is one of four similar properties on a cul de sac off Linden Walk where there is a mix of dwelling types. There are no landscape designations in the area.

The proposal involves the construction of a small dormer on the north east facing side roof plane of the dwelling. The dormer would have a flat roof and would be finished in materials to match the existing roof. The extension to the rear would have a flat roof, and the walls would be finished in render. The balcony would be framed by glazed panel sides.

As noted, the dwelling is located in an area where there is a mix of dwelling types and sizes. No. 1 Linden Walk and the adjacent group of dwellings on the cul de sac were probably built in the 1970's are of typical 'modern' detailing for that period. A precedent has clearly been set elsewhere for flat roof extensions and dormers in the area, and the proposals are not unique in this context. Having regard to the distances between the property and others nearby, the design, siting, scale, massing and materials of the proposed extensions in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential Amenity

Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

Criteria 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.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.

The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

Representations on the residential amenity impacts have been made by adjacent occupiers who are concerned about overlooking of their dwellings and garden areas from the dormers and the balcony proposed over the flat roof extension. Overdevelopment has also been mentioned in representations. The Town Council comment on loss of privacy.

The dormer is proposed to be sited on the northern roof plane, and would face the linked dwelling at No. 2. There are two small windows proposed in the dormer which would serve a first floor lounge area, and these would have a relatively high internal sill level (1.6m). One of the proposed windows would be over the garage and one

would be closer to the front of the dwelling. There are side windows at ground floor level in the attached bungalow, and it is understood that these windows serve a hall and bathroom.

The dwelling and the attached house no. 2 occupy relatively large plots with substantial garden areas to the rear. Consequently, it is not considered that the proposal at No.1 would represent an overdevelopment of the site as the policy requirement for garden depth and space are well exceeded should the extension be permitted.

Whilst concerns have been raised by neighbours over potential overlooking from the proposed dormer and balcony Officers consider it would be difficult to resist the proposal for these reasons:

- In relation to the dormer, owing to its siting and the window detailing it is likely only to impact on no. 2 Linden Close, but the proposed internal cill heights are such that they serve to light the first floor lounge rather than create the potential for direct overlooking. The side elevation of no. 2 does not contain habitable rooms.
- In relation to the balcony:
 - * If the rear extension is permitted, the dwelling would still have a rear garden depth of at least 16 metres, so reasonable distances would be maintained relative to the rear garden of No. 25a.
 - * The Agent has sought to address any potential for overlooking of adjoining gardens to the north east (No.2) and south west (Nos 27, 29, and 31) by proposing 1.7 metre obscure glazed screening on the sides of the balcony. It is considered this would go some way to mitigate potential overlooking impacts to the rear of these gardens. However Officers consider that the detailing could be revised to improve this relationship further by providing 1 metre 'returns' of the 1.7m high screen on the north west side on the balcony. A condition can be attached to this effect.

Subject to the above, having regard to the scale, location and design of the proposed development in relation to the site layout and relationship to adjacent dwellings it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs.

It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, representations and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 13th September 2022.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing elevations and floor plan (Drawing No. 1) received 30 May 2017
 - (ii) Existing elevations and roof plan (Drawing No. 2) received 30 May 2017
 - (iii) Proposed elevations and first floor plan (Drawing No. 3) Revision A received 20 July 2017
 - (iv) Proposed elevations and ground floor plan (Drawing No. 4) Revision A received 20 July 2017
 - (v) Existing site plan (Drawing No. 5) received 30 May 2017
 - (vi) Proposed site plan (Drawing No. 6) received 30 May 2017
 - (vii) Location plan received 30 May 2017
3. Notwithstanding the submitted plans which show 1 metre high glazed panels on the north west facing elevation of the balcony, the 1.7 metre high obscure glazed panels along the south west and north east sides of the balcony shall be continued in the form of a 1 metre 'return' on each side of the north west elevation, in accordance with such revised detailing as may be submitted for the consideration of the Local Planning Authority. The balcony shall not be brought into use until the written approval of the Local Planning Authority has been obtained to the detailing, and the balcony has been completed in accordance with the approved detailing. The balcony shall be retained at all times as approved in accordance with this condition.

The reasons for the conditions 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 to ensure a satisfactory standard of development.
3. In the interests of the residential amenities of occupiers of adjoining dwellings.

NOTES TO APPLICANT:

DWR CYMRU 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.

In relation to condition no. 3, the intention of this condition is to ensure there is no overlooking to the sides of the proposed balcony. The arrangement would be similar to the original plans put forward to the LPA on the 30 May 2017.

Agenda Item 10

Emer O'Connor

WARD : Rhyl South East

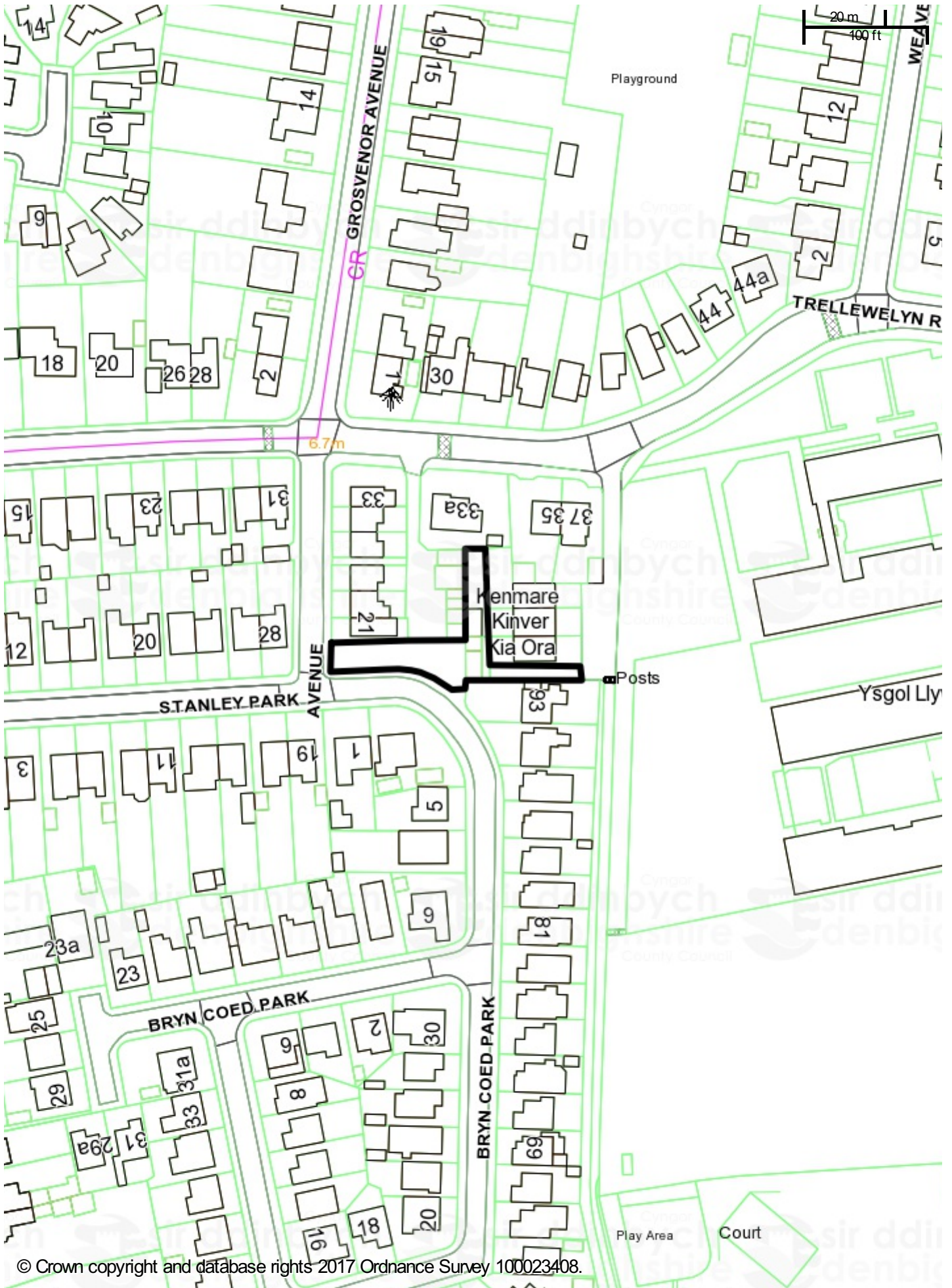
WARD MEMBER(S): Cllrs Brian Blakeley, Brian Jones and Cheryl Williams

APPLICATION NO: 45/2017/0335/ PO

PROPOSAL: Development of 0.05 ha of land by the erection of 1 no. dwelling
(outline application including access, layout and scale)

LOCATION: Land adjacent to 21 Stanley Park Avenue Rhyl

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45/2017/0335

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PROPOSED SITE PLAN

Rev B: July 17: Full extent of red line shown. Proposed dwelling updated to accord with design revisions.
 Rev A: April 17: Site levels and finished floor level of proposed dwelling added.



<p>MARSH Planning + Design Ltd Drive Lodge Curlew Road Preskillyn LL19 9YF T: 01248 289 775 E: info@marshdesign.co.uk</p>	
By	Mr M. O'Loughlin 11a Gillian Drive Rhyll Denbighshire
For	Proposed Site/Block Plan & Street Scene
Site	Land adj. 21 Stanley Park Avenue, Rhyll, Denbighshire LL18 4SB
Scale	1:200 @ A2
Date	JANUARY 2017
Rev No	1608 / P / 01
Rev	B



Proposed Street Scene

Proposed Site Layout

PROPOSED FLOOR & ELEVATION PLANS



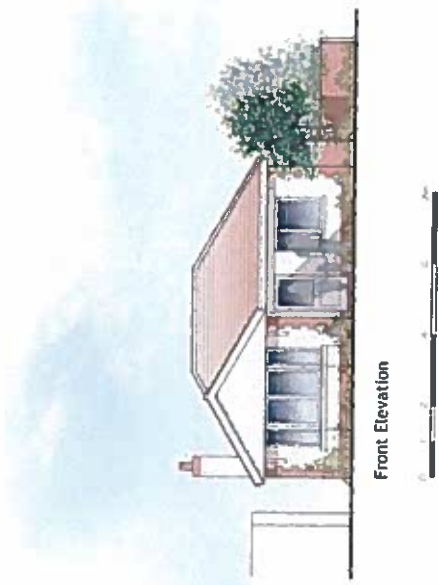
Side Elevation

Rear Elevation

Side Elevation



Ground Floor Plan



Front Elevation

Rev A: July 17: Footprint enclosed, Floor layout updated to suit and elevations revised to accord.

<p>MARSH Planning + Design Ltd Dore Lodge Cromart Road Prestatyn LL19 9DT T: 01749 299 773 E: info@marshplanning.co.uk</p>	
<p>Mr M. O'Loughlin 11a Gillian Drive Rhyll Denbighshire</p>	
<p>Proposed Illustrative Floor Plan and Elevations</p>	
<p>Land adj. 21 Stanley Park Avenue, Rhyll, Denbighshire LL18 4SB</p>	
Date:	1/06/17 11:00 @ A2
Scale:	0.2M
Drawn:	January 2017
Rev No:	1608 / P / 02
Sheet:	A

WARD : Rhyl South East

WARD MEMBER(S): Cllrs Brian Blakeley, Brian Jones and Cheryl Williams

APPLICATION NO: 45/2017/0335/ PO

PROPOSAL: Development of 0.05 ha of land by the erection of 1 no. dwelling (outline application including access, layout and scale)

LOCATION: Land adjacent to 21 Stanley Park Avenue Rhyl

APPLICANT: Mr Milo O'Loughlin

CONSTRAINTS: Article 4 Direction

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 Council objection.

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Objection on the grounds of over intensification"

DWR CYMRU/WELSH WATER

No objection subject to notes to applicant.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

BIODIVERSITY OFFICER

No objection subject to conditions.

HIGHWAYS OFFICER

No objection subject to conditions.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Miss M A Coe, 33A Trellewelyn Road, Rhyl

T & M Foslin-Higgins, 93 Bryn y Coed Park, Rhyl

In support

Representations received from:

Glenda Roberts, 30 Trellewelyn Road, Rhyl

Alex Wenger, B&W Builders and Decorators, Unit 11 Bay Trading Estate, Kinmel Bay

Matters raised

Brick walls were demolished when applicant acquired land, replaced with poor quality fencing, boundaries should be reinstated around site.

Applicant showing land outside his control.

Proposal would utilise a piece of problem land.

EXPIRY DATE OF APPLICATION: 03/07/2017 extended to 15/09/2017

REASONS FOR DELAY IN DECISION (where applicable):

Amended plans received and reconsultation necessary.
Awaiting consideration at Committee.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for outline planning permission for the erection of a dwelling on land adjacent to 21 Stanley Park Avenue in Rhyl. The application seeks approval of the access, layout, and scale of the development, leaving appearance and landscaping for further approval.
- 1.1.2 The plans show details of a bungalow to be sited in the eastern corner of the site. The bungalow would comprise of one bedroom and associated living accommodation. It would have a low pitched roof and primary windows to the front and northern side.
- 1.1.3 Access to the site would be provided on the Stanley Park Avenue frontage to the west of the site. The proposed dwelling would be provided with amenity space stretching into an area to the northern side of the site. Complimentary hard and soft landscaping is proposed around the site.
- 1.1.4 The plans are included at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site is a vacant parcel of land which was originally part of the side garden to the adjacent dwelling at 21 Stanley Park Avenue.
- 1.2.2 The site has an existing vehicular access at the front (west) of the site adjacent to the entrance to No. 21, at a point where the frontage to the road measures 8 metres, and it then narrows back parallel with the adjacent curtilage along Bryn Coed Park and has a frontage of around 30 metres along this southern boundary. There is a pathway proposed to the rear of the dwelling to access the late serving the dwellings to the rear (between Kia Ora and no. 93 Stanley Park).
- 1.2.3 The site is abutted by houses to the north and east with a row of brick lock up garages to the north east and there are further bungalows and houses across the roads to the west and south.
- 1.2.4 The site currently contains no buildings but does have a concrete driveway leading in off the vehicular access point with metal gates across, and is bounded by a low stone wall of around 1 metre in height along the road sides.
- 1.2.5 Permission was granted for the erection of a garage on the land in 2014, but this has not been implemented.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Rhyl development boundary as defined in the Denbighshire Local Development Plan.

1.4 Relevant planning history

- 1.4.1 There have been three previous refusals on the site for the development of a single dwelling, and permission for a domestic garage in 2014.
- 1.4.2 The dwellings have been resisted primarily on amenity grounds (see full reasons below). However it is to be noted that the applications have been for larger dwellings on a smaller site area than that now proposed.

1.5 Developments/changes since the original submission

1.5.1 The proposed siting of the dwelling was altered following concerns raised by an adjacent occupier over the proximity of the proposed boundary.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 45/2014/1239 - Erection of detached dwelling: Refused 14/01/2015 for the following reasons:
1. It is the opinion of the Local Planning Authority's that the proposed development would result in a cramped form of development which is out of keeping with the character of the area. The proposal is therefore contrary to criteria i) of Policy RD 1 Local Development Plan advice as contained in Planning Policy Wales Edition 7.

2. It is the opinion of the Local Planning Authority's that the proposed development would result in an adverse impact on the amenity of existing and future residents. The development of the site in such close proximity to 21 Stanley Park Avenue would have a negative impact on the outlook of this property and in respect of future occupiers of the proposed dwelling would not provide reasonable levels of privacy as a result of overlooking from first floor windows in the side elevation of the neighbouring dwelling at 21 Stanley Park Avenue. The proposal is therefore contrary to criteria vi) of Policy RD 1 Local Development Plan advice as contained in Planning Policy Wales Edition 7.

2.2 45/2014/1093 - Erection of a single storey pitched roof double garage: Granted 24/05/2014.

2.3 45/2008/1133 - Development of 0.03 ha of land by the erection of 1 dwelling (outline application including layout and scale): Refused 13/11/2008 for the following reason:

1. It is considered that the residential development of the site in the manner proposed would result in a cramped form of development out of character with the area. The development of the site in close proximity to adjacent properties would be overbearing and detrimental to neighbouring residential amenity and would not provide reasonable levels of privacy and amenity for occupiers of the proposed dwelling. The proposal is therefore contrary to criteria i) and v) of Policy GEN 6 of the Denbighshire Unitary Development Plan and advice as contained in paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 'Housing'.

2.4 45/2007/1454 - Development of 0.028 hectares of land by erection of 1 dwelling (Outline application): Refused 18/01/2008 for the following reasons:

1. The Council does not consider that it has been satisfactorily demonstrated that a new dwelling could be positioned within the site so as not to have an adverse impact on the area or not to result in an unacceptable loss of privacy or amenity or be overbearing to the adjacent dwellings. As such the proposal is unacceptable as it is contrary to criteria (i) and (v) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within paragraphs 9.3.3 and 9.3.4 of Ministerial Interim Planning Policy Statement 01/2006 Housing.

2. The Council does not consider that it has been satisfactorily demonstrated that the site is capable of accommodating a satisfactory access with sufficient parking and turning facilities to serve a new dwelling without having an adverse impact on the appearance of the site or on highway safety. As such the proposal is unacceptable as it is contrary to criteria (i) and (vi) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan.

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 RD1 – Sustainable development and good standard design
Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority
Policy BSC3 – Securing infrastructure contributions from Development
Policy BSC11 – Recreation and open space
Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance
Residential Space Standards SPG
Residential Development SPG
Parking Requirements in New Developments SPG

3.3 Government Policy / Guidance
Planning Policy Wales Edition 9 2016

Well-being of Future Generations (Wales) Act 2015

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, December 2016 (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 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 Residential amenity impact
- 4.1.3 Visual Amenity
- 4.1.4 Highway safety
- 4.1.5 Open Space

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development in towns is BSC1 which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries.

Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. The proposal would be acceptable in terms of the general principles of these policies, subject to an assessment of impacts which is set out in the remainder of the report.

The site is located within the development boundary of Rhyl in the LDP. This site has previous refusals for residential development under the Unitary Development Plan's policies, however these related to the detailed impacts rather than the principle and it is noted that the Applicant has acquired an extra parcel of land to the north of the proposed bungalow in this application and also a smaller scale bungalow is proposed

to address these issues. The detailed impacts are considered below.

4.2.2 Residential amenity impact

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 Residential Space Standards SPG sets out the minimum internal floor space and garden areas required for new dwellings and advice is provided within the Residential Development SPG on siting generally.

The Town Council are concerned that the proposal would represent an over-intensification of development on the site.

The application proposes a bungalow to be sited to the eastern side of the site. The illustrative plans show the primary windows would face out to the western and northern sides of the site. The bungalow would have a garden area to the front (west) and a private amenity area measuring over 100sq metres to the north.

Owing to the size and configuration of the site and siting of the proposed dwelling, Officers consider that the development would not have an unacceptable impact on the residential amenity of occupiers of existing or adjacent dwellings. With respect to the comments of the Town Council, the development would not represent an overdevelopment of the site as there is a significant amount of space to the front and side of the dwelling, meaning the dwelling would occupy a relatively small proportion of the site. Permitted development rights to extend can be removed to ensure control is retained over future alterations in the interests of amenity of the adjacent occupiers, owing to the slightly unusual shape of the site. It is considered consequently that the proposal would not pose unacceptable residential amenity impacts or conflict with the relevant amenity related planning policies.

4.2.3 Visual Amenity

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the visual amenity of the area. There is a general requirement for development proposals to respect the site and surroundings by virtue of siting, scale, form, character, materials and spaces in and around buildings. Public views into and out of townscapes and across the open countryside should also be respected.

A low profile bungalow is proposed, to be finished in brick and render. The dwelling would have a single gable projecting forward of the front elevation, to match adjacent bungalows. There is a mix of development styles locally ranging from bungalows opposite the site to two storey terraces to the north and north east. Landscaping / boundary details are proposed as reserved matters and can be addressed at that stage.

Considering the scale and form of the dwelling and the nature of surrounding development it is considered that the proposed design would be appropriate on the site without detriment to the visual amenities of the wider area. It is considered the proposal would accord with Policy RD 1 in terms of visual amenity impacts.

4.2.4 Highway safety

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8).

The plans show access would be from an existing vehicular access adjacent to No 21, with a pedestrian access onto Bryn Coed Park. A parking / turning area is shown in front of the dwelling.

Highways Officers have not objected to the proposal, therefore it is considered the proposal would not give rise to unacceptable adverse impacts on highway safety.

4.2.5 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings. At the time of this report being prepared, for single dwellings the payment of a commuted sum of £1237.22 was required.

The development is therefore considered to be able to comply with the requirements of Policies BSC 3 and BSC 11 via a suitable condition.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs.

It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

Comments on boundary walls, etc.

In respecting comments from local residents over activities on the site in the past, including the demolition of brick walls and the quality of replacement fencing, and ownership disputes, these are not matters which have any bearing on the land use planning merits of the application before the committee.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Whilst concerns have been raised by adjacent occupiers over matters not relevant to planning (i.e. boundary wall issues) and by the Town Council relating to over intensification, it is the opinion of officers from assessment of the relationship with nearby dwellings and the mixed character of development in the area that there are no strong grounds to warrant resisting the planning permission. The application is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the appearance of the building(s) and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Any application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed elevations and floor plan (Drawing No. 1608/P/02) received 9 May 2017
 - (ii) Proposed site/block plan and street scene (Drawing No. 1608/P/01 Rev. A) received 9 May 2017
 - (iii) Existing elevations, site and location plan (Drawing No. 1608/S/01) received 3 April 2017
5. The proposed dwelling shall be a bungalow with a maximum height of 4.6 metres and footprint dimensions as shown on drawing no. 1608/P/0.
6. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
7. All planting, seeding or turfing, screen walling and fencing, and boundary treatment comprised in the approved details of landscaping shall be completed strictly in accordance with the timescale set out therein. Any trees or plants which within a period of 5 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. All screen walls and fences shall be maintained and retained as approved unless the Local Planning Authority gives written approval to any variation.
8. The dwelling hereby approved shall not 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 reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.
5. For the avoidance of doubt and to ensure a satisfactory standard of development in the interests of residential amenity.
6. In the interests of residential and visual amenity.
7. In the interests of visual and residential amenity.
8. In the interest of compliance with adopted open space policies.

NOTES TO APPLICANT:

Highways Note to Applicant

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991 - Part N Notice.

Dwr Cymru / Welsh Water Note to Applicant:

You are advised that you may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into

a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Open Space Note to applicant

In relation to Condition 5 you are advised that a commuted sum payment of £1237.22 is required towards the provision of Open Space in accordance with Policy BSC 11 in the Denbighshire Local Development Plan. Please note the amount payable is correct at the time of issuing this planning permission however it may change. For further information please refer to the Local Development Plan and Open Space Calculator which is available on our website at www.denbighshire.gov.uk.

Agenda Item 11

Emer O'Connor

WARD : Rhyl Central

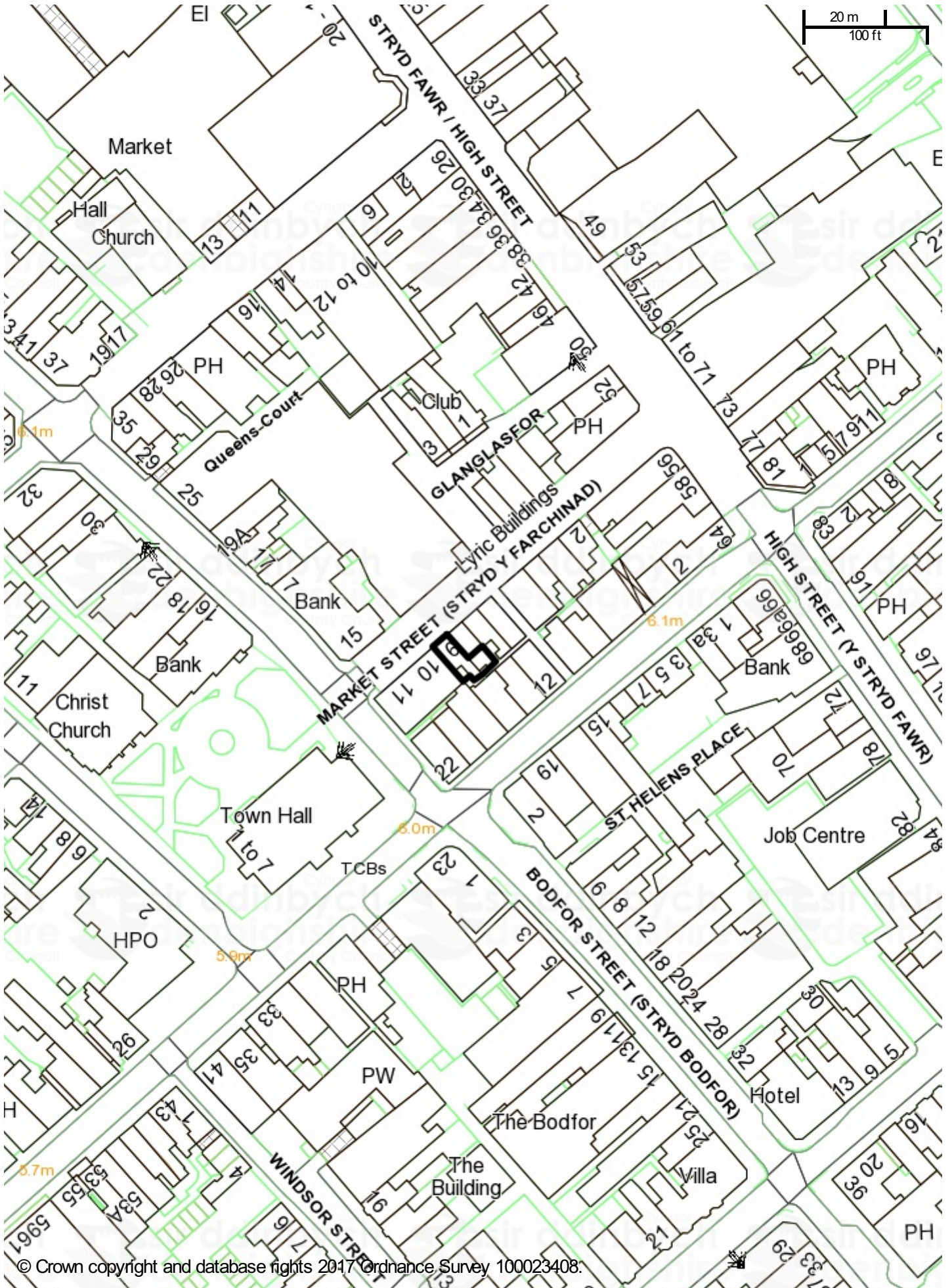
WARD MEMBER(S): Cllrs Alan James (c) and Joan Butterfield

APPLICATION NO: 45/2017/0575/ PF

PROPOSAL: Change of use of class A1 retail shop to class A2 financial and professional services with ancillary accommodation to rear of no. 8

LOCATION: 8/9 Market Street Rhyl

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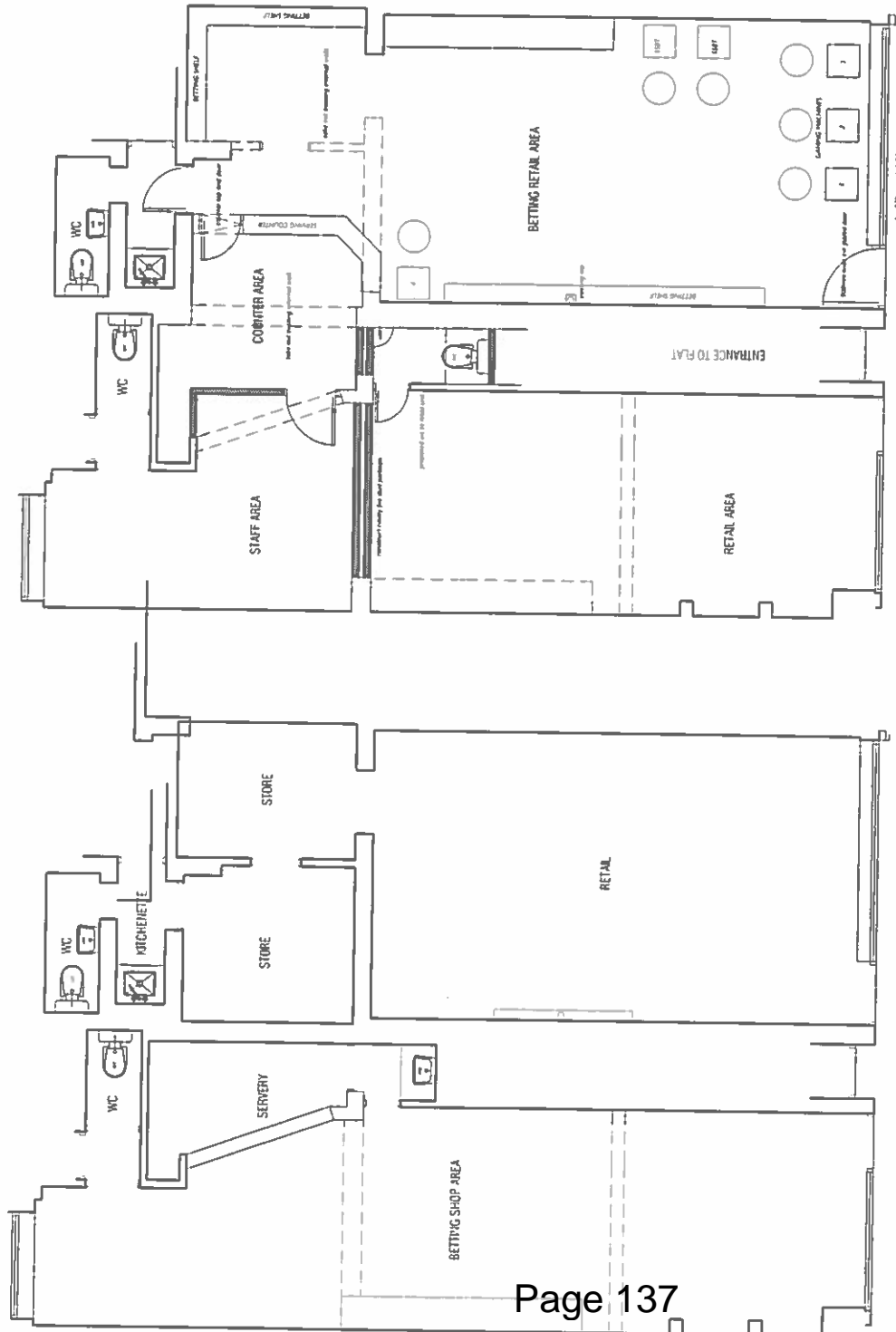
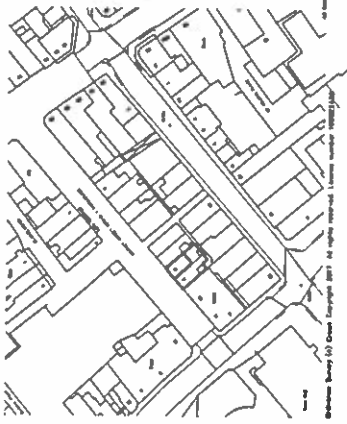
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45/2017/0575

Scale: 1:1250

Printed on: 22/8/2017 at 17:20 PM

EXISTING & PROPOSED FLOOR PLANS



CONSULT TO NOT SCALE. CHECK DIMENSIONS ON SITE. REPORT ANY ERRORS OR OMISSIONS TO ARCHITECT. ALL RIGHTS RESERVED. 2017

Party Davies Architects.		Chartered Architects.	
PROJECT NO.	9 MARKET STREET AND REAR OF 8 MARKET STREET - RHYL	SCALE	1:500
DRAWING NO.	EXISTING PLAN / PROPOSED PLAN / LOCATION PLAN	DATE	16/07/2017
STUDIO	Studio 55, 28 North Wales Business Park, Abergystwyth, LL23 3J	PROJECT NO.	JC 5718/3
		REV	A
		DATE	16/07/2017

PROPOSED ELEVATION



corbett sports

retain security roller behind new shop sign

take out existing shop front and external door complete
reduce window sill to floor level and take away security roller complete

full height window shop front and entrance combi frame 2,000mm high
all frames to be aluminium blue powder coated

900mm wide ext glazed door 4no 830mm wide full height glazed panels
2200MM full height

FRONT ELEVATION

© COPYRIGHT DO NOT SCALE CHECK DIMENSIONS ON SITE REPORT ANY ERRORS OR OMISSIONS TO ARCHITECT PLANNING PURPOSE ONLY

Parry Davies Architects.		Chartered Architects.			
PROJECT TITLE	9 MARKET STREET AND REAR OF 8 MARKET STREET RHYL	DATE	SCALE	DRWN	CHK
DRWG TITLE	PROPOSED FRONT ELEVATION	FEB 2017	1:50@A3	RSJ	
Studio 55:20 North Wales Business Park Aberystwyth LL18 7LJ		DRWG NOS	REV		
		16. 5718/2			
		Tel 01745 585517 E-mail PDPArchitect@aol.com			

WARD : Rhyl Central

WARD MEMBER(S): Cllrs Alan James (c) and Joan Butterfield

APPLICATION NO: 45/2017/0575/ PF

PROPOSAL: Change of use of class A1 retail shop to class A2 financial and professional services with ancillary accommodation to rear of no. 8

LOCATION: 8/9 Market Street Rhyl

APPLICANT: Corbett Sports

CONSTRAINTS: C1 Flood Zone
Conservation Area
Article 4 Direction

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. No .8 Market Street is the last remaining A.1 retail building in this block of shops and the change of use would have an unacceptable impact on the essential retail character of this part of the principal shopping frontage within the town centre of Rhyl contrary to the intentions of Policy Objective 4 of the adopted Denbighshire Local Development Plan.”

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 21/08/2017

EXTENSION OF TIME AGREED? 15/09/2017

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application forms state the proposals involve:

- a. the change of use of no. 9 Market Street and an area to the rear of no. 8 Market Street to a class A2 Financial and Professional Service use.
- b. the change of use of the remainder of the unit at no. 8 back to A1 retail use.

Members are referred to the plans at the front of the report to appreciate the extent of the respective uses.

1.1.2 No physical alterations are proposed to the building other than the re-glazing of the shopfront.

1.1.3 It is understood that the change of use of the remainder of No 8 to an A1 use can be undertaken as 'permitted development' under current planning regulations, i.e. without the need for planning permission.

1.2 Description of site and surroundings

1.2.1 No. 8 is currently operating as Corbett Bookmakers and the adjacent unit at no. 9 is a vacant A1 retail unit.

1.2.2 The site is located on Market Street in Rhyl Town Centre. To the west is a vacant A3 Fish and Chip Shop and to the east is an A3 café. Opposite the units is the Wilko retail store.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in what is a 'Town Centre' area as shown on the Proposals map in the Local Development Plan, to which Policy PSE 8 applies.

1.3.2 The site is also within the Rhyl Central Conservation Area.

1.4 Relevant planning history

1.4.1 No relevant planning history.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The plans show the unit at no.8 would be changed to an A1 use should the use of no. 9 be permitted. It is the Applicants intention to simply relocate the existing Corbett Bookmakers shop to a larger unit (i.e. no. 9).

1.6.2 The change from A2 to A1 is 'permitted development' therefore this has not been included in the description of the planning application.

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 RD1 - Sustainable development and good standard design

Policy PSE 1 - North Wales Coast Strategic Regeneration Area

Policy PSE8 - Development within town centres

Policy VOE1 - Key areas of importance

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application proposes a change of use of an existing A1 use to an A2 use.

Policy PSE 1 of the Local Development Plan is of relevance as it states the Council will support proposals which retain and develop a mix of employment generating uses in town centres. As the site is located in the Rhyl Town Centre Policy PSE 8 allocated area, this policy also applies. It advises that development proposals within town centres defined on the proposals maps will be permitted provided that they enhance the vitality and viability of the town centre and they do not result in an unacceptable imbalance of retail and non-retail uses.

Rhyl Town Council has objected to the application on the basis that it would conflict with Local Development Plan Objective 4 which aims to re-establish Rhyl as one of the sub-region's most attractive shopping centres.

An A2 use is proposed at no.9. This use is defined as a 'financial and professional service'. No. 9 is currently vacant. The existing use of no. 8 at present is A2 and the application plans and documents indicate that if permission is permitted for change of use of no. 9, the use of no. 8 would be changed to an A1 shop.

Planning policy requires that proposals should only be permitted where they enhance the vitality and viability of the town centre and do not result in an imbalance of retail and non-retail uses. Looking at the proposal in the context solely of Market Street, it would result in the loss of an A1 unit in no. 9 and its replacement with an A1 use in a marginally smaller unit in no.8. On this basis, Officers respectfully suggest it would be difficult to sustain an argument that there would be an obvious loss of vitality and viability in the town centre or that this would result in an unacceptable imbalance of retail and non-retail uses, to the point where a refusal could be sustained, with any prospect of supporting it with evidence on appeal.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of character, design and materials, which are matters relevant to the visual impact of development. Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales stresses the importance of protecting the historic environment, and in relation to

Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting.

The application proposes change of use of no. 8 and 9 Market Street and some minor alterations to the shopfront. The site is located within the Rhyl Central Conservation Area but is not a building of architectural or historic merit.

Considering the nature of the development, the character of the adjacent buildings and the surrounding area it is the opinion of Officers that the proposal would not conflict with the relevant planning policies.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 In conclusion, subject to conditional control over the use of the two units, the proposal is considered acceptable under the relevant policies and therefore recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 13th September 2022.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing front elevation (Drawing No. 16.5718/1) received 7 June 2017
 - (ii) Proposed elevations (Drawing No. 16.5718/2) received 7 June 2017
 - (iii) Existing and proposed floor plans and location plan (Drawing No. 16.5718/3 rev A) received 7 June 2017
 - (iv) Block plan (Drawing No. 16.5718/B1) received 7 June 2017
3. The use of no. 9 Market Street as an A2 Financial and Professional Service use shall not be permitted to commence until the cessation of the A2 Financial and Professional Service in no.8 Market Street.

The reasons for the conditions 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 to ensure a satisfactory standard of development.
3. To comply with LDP planning policy to ensure that the primary function of the town centre is not eroded by incremental non-retail development.

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

PLANNING APPEALS UPDATE

1. PURPOSE OF REPORT

This item provides members with information on recent planning appeal decisions received from the Planning Inspectorate on cases within the County. It covers the one year period from September 2016 to date.

Future reports will be presented to the Committee on a six monthly basis.

2. CONTENTS

Appendix A attached contains a quick guide table listing the appeal decisions received in this period, with basic information including the outcome, type of appeal, and input from Planning Committee and Town / Community Councils.

Appendix B provides a summary / review of key points relevant to each case.

If Members wish to read the full versions of the Planning Inspectors' decisions on the appeals, these can be viewed via the Denbighshire website (Planning; *Find a planning application; (Insert reference number of application); Search; Documents; Appeal decision.*

http://planning.denbighshire.gov.uk/Planning/lg/plansearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning

3. RECOMMENDATION

That the report be received for information.

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APPEAL ANALYSIS

<u>Appeal Case</u>	<u>Decision Date</u>	<u>Decision</u>	<u>Appeal Type</u>	<u>Officer Recommendation</u>	<u>Committee Decision</u>	<u>Town Council Response</u>
1 14/2016/0723/LP - Gelli Farm, Bontuchel - lawful development (caravan)	09/08/17	Allow	Written	Delegated - Refuse	N/A	N/A
2 43/2014/1166/PO - Warren Drive, Prestatyn - residential development	19/12/16	Allow	Inquiry	Delegated - Refuse	N/A	No objection
3 43/2016/0512/PF - 74 Gronant Road, Prestatyn - apartments	12/07/17	Allow	Hearing	Grant	Refuse	Objection - overintensification, loss of trees, increased traffic.
4 46/2014/1061/PR - Bryn Gobaith, St. Asaph - residential development	29/09/16	Allow	Hearing	Delegated - Refuse	N/A	No objection
5 47/2015/1152/PF - The Croft, Rhualt, St. Asaph - caravan for rural enterprise	22/12/16	Allow	Written	Delegated - Refuse	N/A	Object - no need demonstrated
6 01/2015/1244/PF - The Airfield, Lleweni Parc, Denbigh - log cabin	05/10/16	Dismiss	Written	Delegated - Refuse	N/A	Building inappropriate for use, precedent
7 01/2016/1002/PS- Bryn Hyfryd, A525 roundabout, Denbigh - removal of condition re affordable dwelling	15/08/17	Dismiss	Written	Delegated - Refuse	N/A	No objection
8 05/2015/1066/PF - Tyn y ceubren, Glyndyfrdwy, Corwen - extension to dwelling	05/10/16	Dismiss	Written	Delegated - Refuse	N/A	Concerns over size
9 05/201/0675/PF - Colomendy Lodge, Corwen - new dwelling	12/04/17	Dismiss	Written	Delegated - Refuse	N/A	No observations received
10 14/2015/0854/PFWF - Land at Foel Uchaf, Cyffylliog - 2 wind turbines	27/10/16	Dismiss	Written	Refuse	Refuse	Objection - visual impact, noise
11 16/2015/1047/PF - Llanbedr Hall - 13 dwellings	04/11/16	Dismiss	Hearing	Delegated - Refuse	N/A	Objection - traffic, drainage, no affordable housing
12 24/2016/0615/PF - Plas Isa, Rhewl - garden extension	16/02/17	Dismiss	Written	Delegated - Refuse	N/A	No objection
13 30/2016/0368/PF - Tweedmill, St. Asaph - car wash	26/04/17	Dismiss	Written	Delegated - Refuse	N/A	Inappropriate development
14 40/2016/1116/PF - Woodland View, Bodelwyddan - new dwelling	10/08/17	Dismiss	Written	Delegated - Refuse	N/A	No Objection
15 49/2016/0032/PF - The Willows, St. Asaph Road, Dyserth - replacement garage	31/01/17	Dismiss	Written	Delegated - Refuse	N/A	No objection
16 69/2015/0870/AD - 2 Aberconwy Road, Prestatyn - signage	22/11/16	Dismiss	Written	Delegated - Refuse	N/A	Objection - large and intrusive signage
17 49/2016/1154/PF - 49 Green Lanes, Prestatyn - erection of replacement extensions and new roof	24/03/17	Dismiss	Written	Delegated - Refuse	N/A	No Objection
18 ENF/2016/00023 - Ynys Wen, Bodfari - enforcement appeal re erection of annexe, garage and access ramp Costs	26/07/17	Dismiss	Written	N/a	N/a	N/a

- Total of 18 appeal decisions from 1/9/2016 - 1/9/2017 - 16 planning appeals, 1 lawful use, 1 enforcement appeal
- 5 allowed, 13 dismissed (72% success)
- 14 out of the 18 appeals were done by written representations, 3 by Hearings, 1 by Public Inquiry
- 2 of the 16 planning appeal decisions arose from Committee decisions
- 14 of the 16 planning appeals arose from delegated Officer decisions, and of these, 11 were dismissed
- 1 of the 2 appeals arising from Committee decisions was successful on appeal

- 4 out of the 5 allowed appeals were delegated Officer decisions
- 2 of the above 5 allowed appeals followed the recommendation of the Town/Community Council
- Town Councils had supported or raised no objections to 7 out of the 12 appeals dismissed
- Town Councils had objected to 2 out of the 7 appeals allowed..

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APPEALS SUMMARY

APPEALS ALLOWED

1. APPLICATION NO.14/2016/0723 -

SITE ADDRESS: **Land adjacent to Gelli Farm, Bontuchel, Ruthin**

PROPOSAL: Certificate of lawful use or development for the stationing of a caravan for use ancillary to agriculture or forestry

BASIS OF REFUSAL: The basis of the refusal to issue a Certificate of Lawfulness was that on the evidence submitted, the continued stationing of a caravan at the site was not ancillary to an agricultural/forestry use of the land, and therefore it constituted development requiring planning permission.

TYPE OF APPEAL: **Hearing**

COSTS AWARDED AGAINST COUNCIL: **No**

ISSUES OF NOTE

The Inspector considered the main issue was whether or not the stationing of a caravan on the land comprises a material change of use of the land.

Inspector's conclusions:

A caravan stationed on agricultural land and used for ancillary purposes to the agricultural / forestry use of the land does not involve development or a material change of use of land, and does not therefore require planning permission. Use as a residential caravan involves a material change of use.

Postscript / practice points

Officers had considered on the original application that, based on investigations of the use of the said caravan, it was being used for residential and not agricultural purposes.

The appellant was able to provide amended information at the appeal which convinced the Inspector the caravan was now being used for ancillary agricultural purposes. i.e. by removing residential paraphernalia from the site and emphasising agricultural machinery and equipment storage.

2. APPLICATION NO. 43/2014/1166

SITE ADDRESS: Land off Warren Drive, Prestatyn

PROPOSAL: Development of 2.4 hectares of land for residential development (outline application – all matters reserved)

BASIS FOR REFUSAL: Unjustified loss of designated employment land in favour of residential development, and unacceptable risks from flooding.

TYPE OF APPEAL: Public Inquiry

COSTS AWARDED AGAINST COUNCIL: Yes (Partial award). Estimated to be around £5K. Failure to provide substantive written evidence to support contentions that the proposals were contrary to advice on economic development in TAN 23.

ISSUES OF NOTE

The Inspector considered the main issues were:

- Whether the proposal satisfies the tests for highly vulnerable development in zone C1 set out in Technical Advice Note 15: Development and Flood Risk (TAN 15) and policy RD1 of the Denbighshire Local Development Plan, and if not, whether there are material considerations sufficient to outweigh any conflict with TAN 15 and policy RD1
- The proposal's effect on the availability/supply of employment land in the area, having regard to local and national planning policies and advice, and if there is harm, whether there are other material considerations sufficient to outweigh the harm.

Inspector's conclusions:

- Development would assist the development plan strategy of providing housing in Prestatyn, and would be on previously developed land; and would be necessary to deliver dwellings over the plan period
- Thresholds in TAN 15 relating to depth of inundation and velocity of floodwater are only indicative and should not be taken as prescriptive or definitive. Judgement has to be made on the circumstances at each site. Thresholds in TAN 15 are only marginally exceeded. Flooding event could be acceptably managed, and meets the tests in TAN 15.
- Loss of employment land not considered unduly harmful to employment interests in the area and would not prejudice the ability of the area to meet a range of employment needs. Lack of 5 year housing land supply weighs heavily in favour of the proposal.

Postscript / practice points

The Inspector gave significant weight to the lack of a 5 year housing supply, which is an argument being used increasingly against the Council to support residential development proposals

Flood risk issues are being judged on a case by case basis. The decision emphasised that the thresholds in TAN 15 relating to depth of flooding and the velocity of floodwater have to be treated as indicative, and assessed alongside the acceptability of mitigation proposals.

3. APPLICATION NO. 43/2016/0512

SITE ADDRESS: **74 Gronant Road, Prestatyn**

PROPOSAL: Residential development comprising 5 no.apartments and 6 no.detached dwellings together with associated roads and sewers

BASIS OF REFUSAL: Unacceptable scale and size of the apartment block and the impact on the character of the area.

TYPE OF APPEAL : **Hearing**

COSTS AWARDED AGAINST COUNCIL: **No**

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the apartment block on the character and appearance of the area.

Inspector's conclusions:

- The apartment block would be large in comparison with the dwellings on the northern side of the road and from directly across the road, but in the context of the properties on the southern side of the road, the size and scale would not be detrimental to the character and appearance of the area.
 - Design of fenestration can be addressed by condition
-

4. APPLICATION NO. 43/2014/1061

SITE ADDRESS: **Land at north side of Bryn Gobaith, St Asaph**

PROPOSAL: Details of layout, scale and appearance of 14 no. dwellings and site landscaping submitted in accordance with condition number 1 of outline planning permission 46/2013/0802/PO

BASIS OF REFUSAL: Unacceptable density of development / inefficient use of land and inappropriate mix of house sizes to reflect local need.

TYPE OF APPEAL: **Hearing**

COSTS AWARDED AGAINST COUNCIL: **Yes.** Council did not pay due regard to the legal opinion and cases drawn to its attention prior to the Hearing, or to the definition of the scope of the 'reserved matters' in the relevant Order, resulting in the appellants having to pursue an unnecessary appeal.

ISSUES OF NOTE

The Inspector considered the main issues were

- Whether it is reasonable that the issues of density and mix of housing type be required for agreement at the reserved matters stage; and, if so,
- Whether the scheme provides an appropriate density of development, and mix and balance of house sizes, having regard to the principles of sustainable development, and national and local plan policies.

Inspector's conclusions:

- Case law indicates that density and housing mix cannot be determined as part of reserved matters relating to scale and layout, i.e. they have to be controlled at outline stage through seeking further details or by way of applying suitable planning conditions
- Given the above conclusion, there was no need to consider the acceptability of density or housing mix at the appeal as these are outside the terms of the outline planning permission.

Postscript / practice points

The decision sets out significant conclusions on the scope of control over density and housing mix on residential development proposals, in that these have to be addressed at outline application stage. If such details are not requested at outline stage or are not conditioned for further approval at that point, they cannot be dealt with at reserved matters stage.

5. APPLICATION NO. 47/2015/1152/PF

SITE ADDRESS: Land at The Croft, Rhualt, St Asaph

PROPOSAL: Change of use of land to station a mobile caravan to provide residential accommodation for a temporary period in connection with an existing rural enterprise.

BASIS FOR REFUSAL: The information submitted did not meet the TAN6 tests requiring a functional and financial need to be proven to justify the case for a temporary caravan.

TYPE OF APPEAL: Hearing

COSTS: Applied for by the Council but not granted. Appellant's submission of late financial information and confusion over documents relating to the appeal did not amount to unreasonable behaviour or mean the Council incurred unnecessary costs.

ISSUES OF NOTE

The Inspector considered the main issue was whether the proposed development is essential for the maintenance of a viable rural enterprise.

Inspector's conclusions:

- The submitted business plan and financial information are not sufficient to prove that the enterprise is financially sound, with good prospects of remaining economically sustainable for a reasonable period of time.

- Where a case is not completely proven, TAN 6 allows opportunity for temporary accommodation to establish the case for a permanent residential unit, and at the end of 3 years, all the tests of TAN 6 would have to be met.

Postscript / practice points

The Inspector gave the appellant considerable 'benefit of the doubt' in allowing a 3 year permission for a caravan since the submitted information at application and appeal stage did not demonstrate a clear prospect of the business being financially sound

APPEALS DISMISSED

6. APPLICATION NO. 01/2015/1244/PF

SITE ADDRESS: **The Airfield, Lleweni Parc, Denbigh**

PROPOSAL: Erection of a log cabin to be used occasionally by gliding instructor.

BASIS FOR REFUSAL: The relevant tests of TAN 6 relating to establishing a functional need, time and financial tests and alternative dwelling considerations were not met.

TYPE OF APPEAL: **Written representations**

COSTS : N/A

ISSUES OF NOTE

The Inspector considered the main issue was whether the proposed development complies with national policy designed to protect the countryside.

Inspector's conclusions:

- The need for the accommodation as part of the established use has not been explained.
- The proposal would result in a new dwelling in the countryside without the need for that dwelling being properly justified.

Postscript / practice points

The decision reaffirmed the need to apply the TAN6 tests to establish the need for a residential presence in relation to a rural enterprise and that these were clearly not met in this instance

7. APPLICATION NO. 01/2016/1002/PS

SITE ADDRESS: **Bryn Hyfryd, A525 roundabout, Denbigh**

PROPOSAL: Removal of condition number 4 of planning permission 01/2014/1283 relating to arrangements securing the dwelling as an affordable dwelling for local needs.

BASIS OF REFUSAL: The removal of the condition would involve the loss of an affordable dwelling

TYPE OF APPEAL: **Written representations**

COSTS: N/A

ISSUES OF NOTE

The Inspector considered the main issue was whether it is reasonable and necessary to secure the development as an affordable dwelling for local needs

Inspector's conclusions:

- Development should be in accord with policy BSC9 of the Local Development Plan, hence its occupation as affordable housing for local need is required.
- Development of a market dwelling would be contrary to BSC9 and removal of the condition is not justified

Postscript / practice points

An important reaffirmation of the need for dwellings outside settlements to be restricted to affordable housing, in line with Local Development Plan policy BSC9

8. APPLICATION NO. 05/2015/1066

SITE ADDRESS: **Tyn y Ceubren, Glyndyfrdwy, Corwen**

PROPOSAL: Erection of two storey rear extension

BASIS FOR REFUSAL: Adverse impact on the character and appearance of the existing dwelling, the surroundings and Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

TYPE OF APPEAL: **Written representations**

COSTS: N/A

ISSUES OF NOTE

The Inspector considered the main issues were the effect of the proposed development on the character and appearance of the host property, the local area and the surrounding Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

Inspector's conclusions:

- The proposed extension would result in a development that would not only be detrimental to the character and appearance of the host property, but also to the wider area which is a designated AONB, contrary to Local Development Plan policies.
-

9. APPLICATION NO. 05/2016/0675

SITE ADDRESS: Colomendy Lodge, London Road, Corwen

PROPOSAL: Demolition of existing building (stable) and replacement with a single storey house detached from the neighbouring dwelling.

BASIS FOR REFUSAL: The site is not defined as a hamlet in the Local Development Plan, the proposal does not provide affordable housing and its development does not constitute infill, adverse impact on the outlook of the adjacent occupiers, and unacceptable harm to the character and appearance of the landscape.

TYPE OF APPEAL: Written representations

COSTS : N/A

ISSUES OF NOTE

The Inspector considered the main issues were whether the development would satisfy national and local policy in respect of the location of new dwellings; the effect of the development on the living conditions of the occupants of the neighbouring dwelling, with regard to outlook; and the effect on the character of the landscape.

Inspector's conclusions:

- Proposal would not meet the requirements in respect of new dwellings in the open countryside, contrary to planning policy
 - the degree of change to the outlook from nearby property would be sufficient to harm the living conditions of the occupants
 - proposal would lead to significant visual harm which would be detrimental to the character of the landscape
-

10. APPLICATION NO. 14/2015/0854

SITE ADDRESS: Land at Foel Uchaf, Cyffylliog

PROPOSAL: Installation of 2no.small scale wind turbines and associated equipment housing and access tracks.

BASIS FOR REFUSAL: Visual / landscape impact in prominent hilltop location, spread of turbines outside Strategic Search Area.

TYPE OF APPEAL: **Written representations**

COSTS : N/A

ISSUES OF NOTE

The Inspector considered the main issues were the effect of the development on the character and visual amenity of the surrounding landscape and whether any harm in such terms is outweighed by other material considerations.

Inspector's conclusions:

- Taking account of the prominent nature of the site and its place in the landscape, the intrinsic qualities of the locality and the significance of the views affected, the development would cause serious harm to the character of the landscape and its visual amenity.
- Although relatively close to the Strategic Search Area, the site lies within an area of a very different landscape character, which sets a different context for the consideration of wind turbine proposals.
- Additional income stream for the farm enterprise, diversification benefits for the business and contribution to renewable energy targets do not outweigh particularly adverse visual and landscape impacts

Postscript / practice points

The decision recognised that the development would have an unacceptable impact on a high quality landscape on the fringe of the Strategic Search Area, and would be unacceptably harmful.

Benefits of renewable energy production and farm diversification were not considered sufficient to outweigh the harm identified

11. APPLICATION NO. 16/2014/1047/PF

SITE ADDRESS: **Llanbedr Hall, Llanbedr, Ruthin**

PROPOSAL: Replacement of Llanbedr Hall by erection of 13 3-storey dwellings.

BASIS FOR REFUSAL: The number of dwellings proposed exceeds the existing number, hence no exceptional circumstances to justify development outside village boundary, contrary to rural restraint policies.

TYPE OF APPEAL: **Hearing**

COSTS: N/A

ISSUES OF NOTE

The Inspector considered the main issue was whether the proposal would be an acceptable form of development having regard to national and local policies relating to the countryside

Inspector's conclusions:

- The proposal would result in a development in the open countryside in an unsustainable location, with a heavy reliance on the private car, for which there are no exceptional circumstances.
-

12. APPLICATION NO. 24/2016/0615/PF

SITE ADDRESS: **Plas Isa, Rhewl**

PROPOSAL: Change of use of agricultural land to domestic curtilage area, erection of a detached garage/storage building and associated works.

BASIS OF REFUSAL: The land was of high agricultural quality and there was no overriding need for the garden extension.

TYPE OF APPEAL: **Written representations**

COSTS : N/A

ISSUES OF NOTE

The Inspector considered the main issue was whether there is an overriding need for the development which is sufficient to justify the use of high quality agricultural land.

Inspector's conclusions:

- overriding need for the development has not been satisfactorily demonstrated to justify the permanent loss of this area of best and most versatile agricultural land
-

13. APPLICATION NO. 30/2016/0386/PF

SITE ADDRESS: **Tweedmill, St. Asaph**

PROPOSAL: Construction of car wash with office cabin, wash and valeting bays.

BASIS FOR REFUSAL: Unrelated piecemeal development on an established retail site, and visually obtrusive.

TYPE OF APPEAL: **Written representations**

COSTS : N/A

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the development on the character and appearance of the existing retail complex and its surroundings.

Inspector's conclusions:

- proposed design and materials of the car wash would be visually inappropriate and detract from the overall appearance of the complex.

- inappropriate development unrelated to the main retail activity on the site.
-

14. APPLICATION NO. 40/2016/1116/PF

SITE ADDRESS: Land adjacent to Woodland View, Terfyn, Bodelwyddan.

PROPOSAL: Construction of new dwelling

BASIS FOR REFUSAL: The basis of the refusal was that the site is outside any development boundary, would not constitute infill, extending development out in an unsatisfactory ribbon fashion, and would not meet the affordability criteria in development plan policies.

TYPE OF APPEAL: **Written representations**

COSTS: N/A

ISSUES OF NOTE

The Inspector considered the main issue(s) were whether the proposal accords with planning policies that seek to strictly control residential development in the open countryside, and the effect on the character and appearance of the area.

Inspector's conclusions:

- No legal agreement has been put forward by the Appellant to confirm that the dwelling would be an 'affordable dwelling' in perpetuity. In these circumstances the construction of a dwelling at this location would represent an intrusion of built form into the countryside.
- The proposed dwelling would be sited in a prominent position and it would result in harm to the character and appearance of the area.

Postscript / practice points

- The Inspector confirmed the basic test to be applied in relation to arguments that the absence of a 5 year housing supply should weigh in favour of granting permission, i.e. that it can be given weight where a development complies with policy, but this should be limited where there are clear conflicts with policy.
In this case, the development did not comply and therefore less weight was attributed to the contribution this development would make to housing land supply. It was not considered that in this case such a contribution, or the potential need to increase the supply of land for housing, would justify a development that would be contrary to the policies identified.
-

15. APPLICATION NO. 42/2016/0032/PF

SITE ADDRESS: **The Willows, St. Asaph Road, Dyserth**

PROPOSAL: Erection of replacement garage

BASIS FOR REFUSAL: The garage would be an overbearing form of development which would appear out of scale to the original dwelling and development within the locality.

TYPE OF APPEAL: **Written representations**

COSTS : N/A

ISSUES OF NOTE

The Inspector considered the main issues were the visual impact of the proposed garage both in regard to its association with the existing house and the neighbouring properties.

Inspector's conclusions:

- proposed garage building would be out of scale with its surroundings, harmful to the character of the area, and would have an unacceptably overbearing visual impact on the occupiers of adjoining and nearby properties.
-

16. APPLICATION NO. 43/2015/0879/PF

SITE ADDRESS: **2 Aberconwy Road, Prestatyn**

PROPOSAL: Unilluminated sign

BASIS OF REFUSAL: Unacceptable impact on the visual amenity of the locality

TYPE OF APPEAL: **Written representation**

COSTS: N/A

ISSUES OF NOTE

The Inspector considered the main issue was the impact of the advertisement on the character and appearance of the area.

Inspector's conclusions:

- The proposed sign would be detrimental to the character and appearance of this residential area.

Postscript / practice points

The Inspector interestingly commented that there are adequate other signs advertising the presence of the business without the proposed sign.

17. APPLICATION NO. 43/2016/1154

SITE ADDRESS: **49 Green Lanes, Prestatyn**

PROPOSAL: Demolition of 2 conservatories and single storey extension, erection of extension, new roof with first floor accommodation and new porch

BASIS FOR REFUSAL: Cumulative adverse impact on the character and appearance of the existing dwelling and the immediate area, and on the amenity of adjacent occupiers by virtue of overbearing impact.

TYPE OF APPEAL: **Written representations**

COSTS : N/A

ISSUES OF NOTE

The Inspector considered the main issue(s) were the effect of the proposed development on the character and appearance of the host dwelling and its surroundings, and on the living conditions of occupiers of adjacent dwellings.

Inspector's conclusions:

- development would harm the character and appearance of the appeal property and the surrounding area.
 - the increase in roof height and installation of a dormer would not have an overbearing impact on the nearest property.
-

18. ENFORCEMENT REFERENCE NO. ENF/C/17/3166767

SITE ADDRESS: **Ynys Wen, Mold Road, Bodfari**

UNAUTHORISED DEVELOPMENT / USE: Retention of annexe and erection of an associated garage and access ramp.

ORIGINAL DECISION: Planning permission refused for retention of annexe.

TYPE OF APPEAL: **Written representations**

INSPECTORATE DECISION: Appeal dismissed and enforcement notice upheld. Planning permission refused on deemed application

COSTS: N/A

ISSUES OF NOTE

The Inspector concluded that:

- the works specified in the Notice are adequately identified and the steps required to be taken to comply are concisely and unambiguously described
- there is no dispute that the annex, garage and ramp have been constructed and are unauthorised

- planning permission should not be granted as the scale of development involved is a discordant feature within the curtilage and immediate rural landscape
 - the steps required to comply with the notice do not exceed what is necessary to remedy the breach
 - a period of 4 months is sufficient to undertake the demolition works required to comply with the notice
-

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