

To: Chair and Members of the Planning Committee

Date: 17 May 2018

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, 23 MAY 2018** 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 APPOINTMENT OF CHAIR**

To appoint a Chair of the Planning Committee for the 2018/2019 municipal year.

### **4 APPOINTMENT OF VICE-CHAIR**

To appoint a Vice-Chair of the Planning Committee for the 2018/2019 municipal year.

### **5 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.

**6 MINUTES (Pages 11 - 16)**

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 18 April 2018 (copy attached).

**APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 7 - 12) -**

**7 APPLICATION NO. 16/2018/0027/ PF - TY CAPEL (FORMER LLWYNEDD CHAPEL), LLANBEDR DYFFRYN CLWYD, RUTHIN, LL15 1UT (Pages 17 - 44)**

To consider an application for erection of 1 no. dwelling (amended details to previously approved/implemented scheme ref. 16/294/96) at Ty Capel (former Llwynedd Chapel), Llanbedr Dyffryn Clwyd, Ruthin, LL15 1UT (copy attached).

**8 APPLICATION NO. 23/2018/0268 - LLWYN AFON, LLANRHAEADR, DENBIGH (Pages 45 - 68)**

To consider an application for development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved) at land at Llwyn Afon, Llanrhaeadr, Denbigh (copy attached).

**9 APPLICATION NO. 43/2017/1121 - FFRITH BEACH, VICTORIA ROAD WEST, PRESTATYN (Pages 69 - 94)**

To consider an application for use of land for the siting of an additional 65 touring caravan pitches and 39 timber camping pods, storage building and associated works at Ffrith Beach, Victoria Road West, Prestatyn (copy attached).

**10 APPLICATION NO.45/2018/0194 - ARRIVA CYMRU LTD, FFYNNONGROEW ROAD, RHYL (Pages 95 - 110)**

To consider an application for erection of acoustic boundary fence and new roof to existing bus wash to contain overspray at Arriva Cymru Ltd, Ffynnongroew road, Rhyl (copy attached).

**11 APPLICATION NO.45/2018/0217 - 42 WEAVERTON DRIVE, RHYL (Pages 111 - 132)**

To consider an application for demolition of garage to erect a single storey pitched roof extension to rear of dwelling at 42 Weaverton Drive, Rhyl (copy attached).

**12 APPLICATION NO.45/2018/0244 - 433 441 RHYL COAST ROAD, RHYL (Pages 133 - 168)**

To consider an application for variation of Condition No. 2 of planning permission Code No. 45/217/99/PF to allow amendments to layout and design of approved plans at 433 441 Rhyl Coast Road, Rhyl (copy attached).

## **PART 2 - CONFIDENTIAL ITEMS**

### **EXCLUSION OF PRESS AND PUBLIC**

It is recommended in accordance with Section 100A (4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item of business because it is likely that exempt information as defined in paragraphs 14 of Part 4 of Schedule 12A of the Act would be disclosed.

### **13 FORMER NORTH WALES HOSPITAL DENBIGH - CPO - GENERAL VESTING DECLARATION (Pages 169 - 174)**

To consider a confidential report to amend the resolution previously made by Planning Committee in January 2017 when it authorised the service of the General Vesting Declaration (GVD) in order to complete the Compulsory Purchase Order (CPO) of the Former North Wales Hospital Site (copy attached).

## **MEMBERSHIP**

### **Councillors**

Councillor Joe Welch (Chair)

Councillor 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

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### 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>	<b>Denbighshire County Council</b>
<b>CONFIRM</b> that I have declared a <b>*personal / personal and prejudicial</b> 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 the Council Chamber, County Hall, Ruthin on Wednesday, 18 April 2018 at 9.30 am.

### PRESENT

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

**Observers** – Councillors Bobby Feeley and Tony Flynn

### ALSO PRESENT

Head of Legal, HR & Democratic Services (GW), Head of Planning & Public Protection (EJ), Development Manager (PM), Principal Planning Officer (SS), Senior Engineer: Development Control (MP), Planning & Public Protection Manager (AL), Planning Officer (KB), and Committee Administrator (SLW)

#### 1 APOLOGIES

Apologies for absence were received from Councillors Tina Jones and Peter Scott

#### 2 DECLARATIONS OF INTEREST

Councillors Julian Thompson-Hill, Huw Jones and Tony Thomas declared a personal interest in item 9, Supplementary Planning Guidance AONB.

#### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

#### 4 MINUTES

The minutes of the Planning Committee held on 14 March 2018 were submitted.

Page 15 – General Debate – name of Councillor should be Hugh Irving and not Hugh Evans.

**RESOLVED** that subject to the above, the minutes of the meeting held on 14 March 2018, be approved as a correct record.

### APPLICATIONS FOR PERMISSIONS FOR DEVELOPMENT (ITEMS 5-8)

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the Agenda which related to particular applications.

**5 APPLICATION NO. 02/2018/0065/PF - LAND AT (PART GARDEN OF) TAN Y GERDDI, MWROG STREET, RUTHIN**

An application was submitted for the erection of a detached dwelling, alterations to the existing vehicular access and associated works (amended scheme to that previously approved under application code no. 02/2015/0995 at land at (part garden of) Tan Y Gerddi, Mwrog Street, Ruthin.

**Public Speaker –**

Catherine Cordova (**Against**) – stated that she represented six households who would potentially be affected by the development. The site had originally been purchased and planning permission granted for a two-bedroom bungalow. The size of the current application would impact on the quality of life of the existing residents caused by the diminished light into neighbouring properties together with windows facing directly on to the cottages. The building would be too large, over-powering and intrusive.

Mark Braxton (**For**) – explained he had purchased the site to build the house for himself. The house was to be a technologically advanced modern property. Mr Braxton was looking for approval to move on with the development.

**General Debate** – a Site Inspection Panel meeting had taken place on 16 April to assess the impact of the proposal on the surrounding area and adjacent residential properties.

Councillor Emrys Wynne (Local Member) had spoken to neighbours to the site. He was concerned about the style of the building within a conservation area but the Conservation Officer had raised no objection.

Ruthin Town Council had objected due to the siting, scale, design and massing of the building which, in their opinion, would have an adverse impact on neighbouring properties within the conservation area.

Clarification had been sought in relation to the application of the “25 degree guide” and potential loss of light at 130 and 132 Mwrog Street. Given the distances between the properties and the application of the 25 degree guide, it was Officers’ opinion that the dwelling would not pose any conflicts with the guide, and the development would not give rise to unacceptable relationships with existing properties.

During debate, concerns were raised regarding the proposed size of the application in comparison to the size of the actual site. Members relayed concerns from owners of neighbouring properties, due to the loss of light and privacy.

The original application approved in 2015 had been for a two-bedroom bungalow which, local members stated, would have been more suitable for the site within the conservation area.

It had been confirmed by planning officers that windows positioned on the west elevation would be the windows which would be able to be opened. The obscured windows on the south and east first floor elevation would not be able to be opened which would ensure the privacy of the neighbouring properties.

Following the in depth discussion, the Local Member proposed refusing the application due to the impact on neighbouring properties.

**Proposal** - Councillor Emrys Wynne proposed refusal of the application, against officer recommendation, due to the impact on neighbouring properties, seconded by Councillor Christine Marston.

**VOTE:**

GRANT in accordance with officer recommendation – 8

ABSTAIN – 0

REFUSE against officer recommendation – 9

**RESOLVED** that the application be **REFUSED** against officer recommendation.

**6 APPLICATION NO. 21/2018/0166/PF - 12 BRYN ARTRO AVENUE, LLANFERRES, MOLD**

An application was submitted for the erection of a single storey extension at 12 Bryn Artro Avenue, Llanferres, Mold.

At this juncture, Councillor Meirick Lloyd Davies requested the application be deferred due to incorrect measurements.

Officers confirmed that, in their view, the application could proceed on the current information.

**Proposal** – Councillor Meirick Lloyd Davies proposed, seconded by Councillor Gwyneth Kensler that the application be deferred.

**VOTE:**

IN FAVOUR OF DEFERRAL – 9

ABSTAIN – 0

AGAINST DEFERRAL – 7

**RESOLVED** that the application be deferred to a later date.

**7 APPLICATION NO. 43/2018/0030/PF - FOUR WINDS CARAVAN SITE, FFORDD FFYNNON, PRESTATYN**

An application was submitted for alterations to existing touring caravan park area for the siting of 12 touring caravan pitches in lieu of existing provision for 5 pitches at Four Winds Farm Caravan Site, Ffordd Ffynnon, Prestatyn.

### **Public Speaker –**

Lyn Buck (**Against**) – explained she was the Chairman of the Abandoned Animals Association. Concern had been raised of the number of incidents involving cars towing caravans passed the Abandoned Animals Association which had included damage to the wall of the Association. There were no footpaths along the road, making it dangerous for walkers and horse-riders who utilised the road. There was poor highway access and egress. Future applications for more caravans were also a concern.

**General Debate –** Councillor Bob Murray (Local Member) expressed concern regarding the amount of passing places and the increase in traffic on the lane.

Traffic calming measures had been suggested but it was clarified that this would not be an option for a low traffic road.

It was confirmed that there were no objections from the Highways Officer subject to the provision of passing places on the access road from Ffordd Ffynnon.

Councillor Julian Thompson-Hill stated he had concerns regarding the prospective traffic problems but felt the application had to be assessed on its merit. Therefore he stated that regrettably, he moved to grant the application in accordance with officer recommendation.

**Proposal -** Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, seconded by Councillor Huw Jones.

### **VOTE:**

GRANT – 14

ABSTAIN – 1

AGAINST – 3

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

## **8 APPLICATION NO. 43/2018/0158/PR - LAND ADJACENT TO MAGISTRATES COURT, VICTORIA ROAD, PRESTATYN**

An application was submitted for the details of access, appearance, landscaping, layout and scale of 2 no. retail units submitted in accordance with Condition 1 on outline planning permission ref 43/2015/1241/PO (Phase 2 reserved matters application) and details of finished floor levels of 2 no. retail units submitted in accordance with condition 11 at land adjacent to Magistrates Court, Victoria Road, Prestatyn.

**General Debate -** Councillor Tony Flynn (Local Member) read a brief statement received from Councillor Rachel Flynn (Local Member) giving the reasons why she was not in favour of the application. Councillor Tony Flynn then went on to explain his arguments against the application which included:

- (i) whether 22 car parking spaces would be sufficient for the two retail unit customers and staff
- (ii) concerns from local residents due to the possibility of shoppers parking on the roadside
- (iii) competition for established businesses along Victoria Road which could cause them financial difficulties and even closure.

During discussion the following suggestions and issues were raised:

- (i) double yellow lines to be placed along the adjacent roadways which would be required to go out to consultation.
- (ii) car parking plan to be put in place which could include car parking opening times, cycle parking, height restriction barriers and also the use of CCTV.
- (iii) members were assured that from a planning perspective, building regulation officers would monitor the build of the approved plans and if any issues arose, planning officers would be informed.

Whilst summing up, the Development Manager confirmed two additional conditions may be addressed within recommendation A:

- (i) Suitable car parking management plan, hours of operation - whether open overnight, cycle parking, and height restriction barriers. On receipt of the car parking management plan, officers would liaise with local members as to whether to bring it back to Committee
- (ii) Yellow lines and safety markings at the junction. This was a separate highway process which would go out to consultation. Again, local members would be consulted as to whether it needed to come back to Committee.

**Proposal** - Councillor Huw Jones proposed the officer recommendation to grant Recommendation A and Recommendation B

**VOTE:**

RECOMMENDATION A (including two additional conditions):

GRANT – 17

ABSTAIN – 0

AGAINST – 0

RECOMMENDATION B

GRANT – 16

ABSTAIN – 0

AGAINST – 1

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report together with the two prospective additional conditions.

**9 SUPPLEMENTARY PLANNING GUIDANCE AONB**

At this juncture, Councillors Julian Thompson-Hill, Huw Jones and Tony Thomas declared a personal interest.

Councillor Brian Jones, Lead Member for Highways, Planning and Sustainable Travel, introduced the report presenting the Supplementary Planning Guidance (SPG) Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) – Adoption of finalised document.

A decision was required on the matter of adopting the final document following a 10 week public consultation between November 2017 and January 2018. The Welsh Government had confirmed that following public consultation and subsequent Local Planning Authority document adoption, the SPG could be treated as a material planning consideration when determining planning applications or appeals.

The Strategic Planning Officer confirmed the production of the document had been a joint effort between Denbighshire County Council, Wrexham County Borough Council, Flintshire County Council, and the AONB Joint Committee, together with input from Natural Resources Wales.

**Proposal** – Councillor Tony Thomas proposed to adopt the SPG, seconded by Councillor Meirick Lloyd Davies.

**VOTE:**

APPROVE – 16

ABSTAIN – 0

AGAINST – 0

**RESOLVED** that:

- (i) The Committee confirms it has read, understood and taken account of the Wellbeing Impact Assessment as part of its consideration*
- (ii) Members adopt the draft SPG document “Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)” in line with proposed amendments as set out in the Consultation Report.*

**The meeting concluded at 11.27 a.m.**



# Agenda Item 7

**WARD :** Llanbedr Dyffryn Clwyd / Llangynhafal

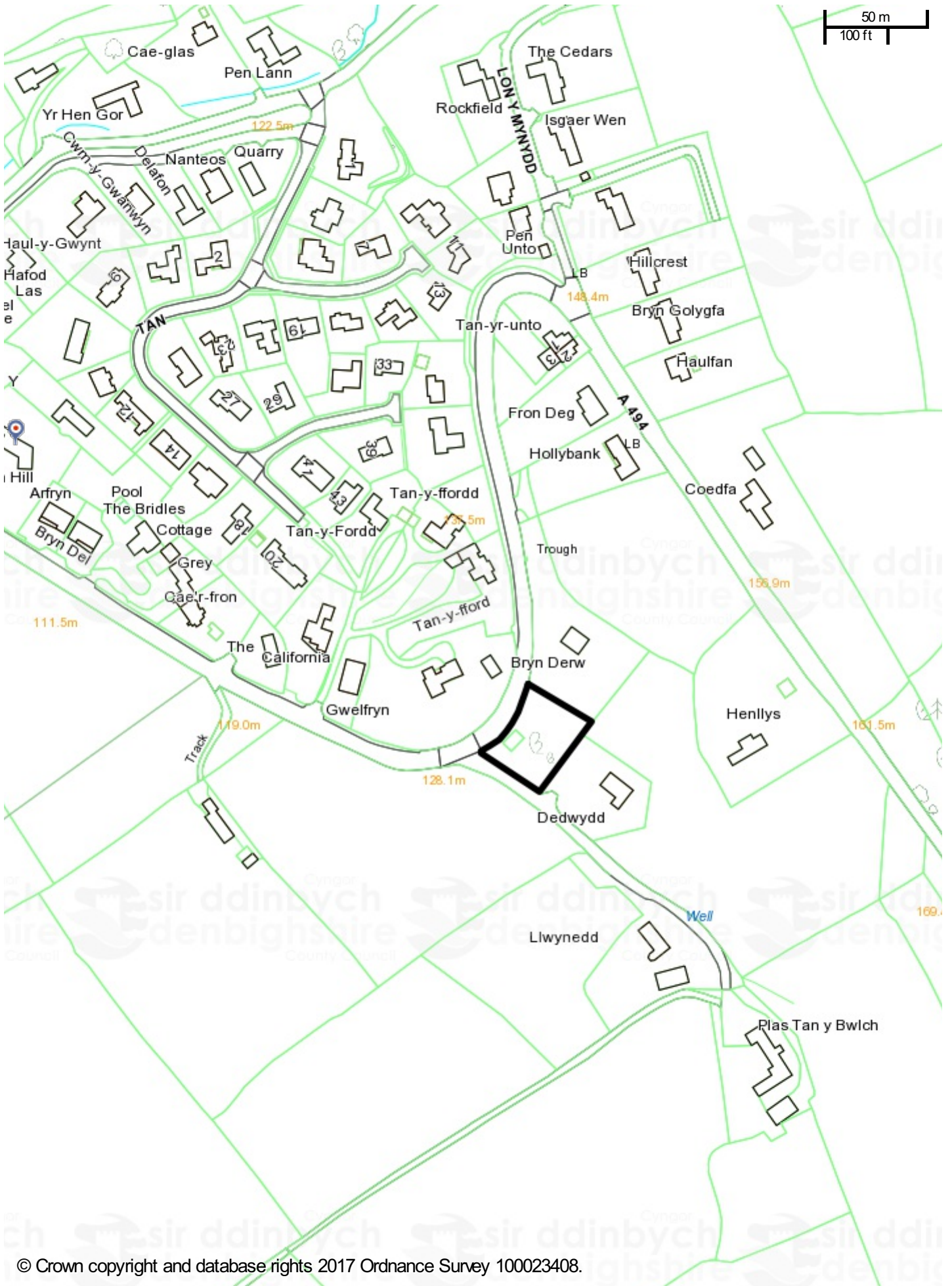
**WARD MEMBER(S):** Cllr Huw Williams

**APPLICATION NO:** 16/2018/0027/ PF

**PROPOSAL:** Erection of 1 no. dwelling (amended details to previously approved/implemented scheme ref. 16/294/96)

**LOCATION:** Ty Capel (former Llwynedd Chapel) Llanbedr Dyffryn Clwyd  
Ruthin LL15 1UT

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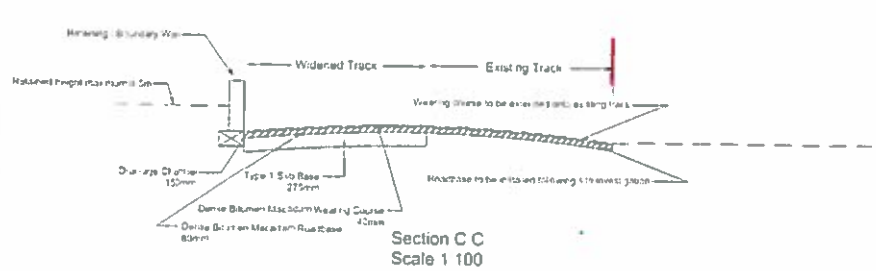
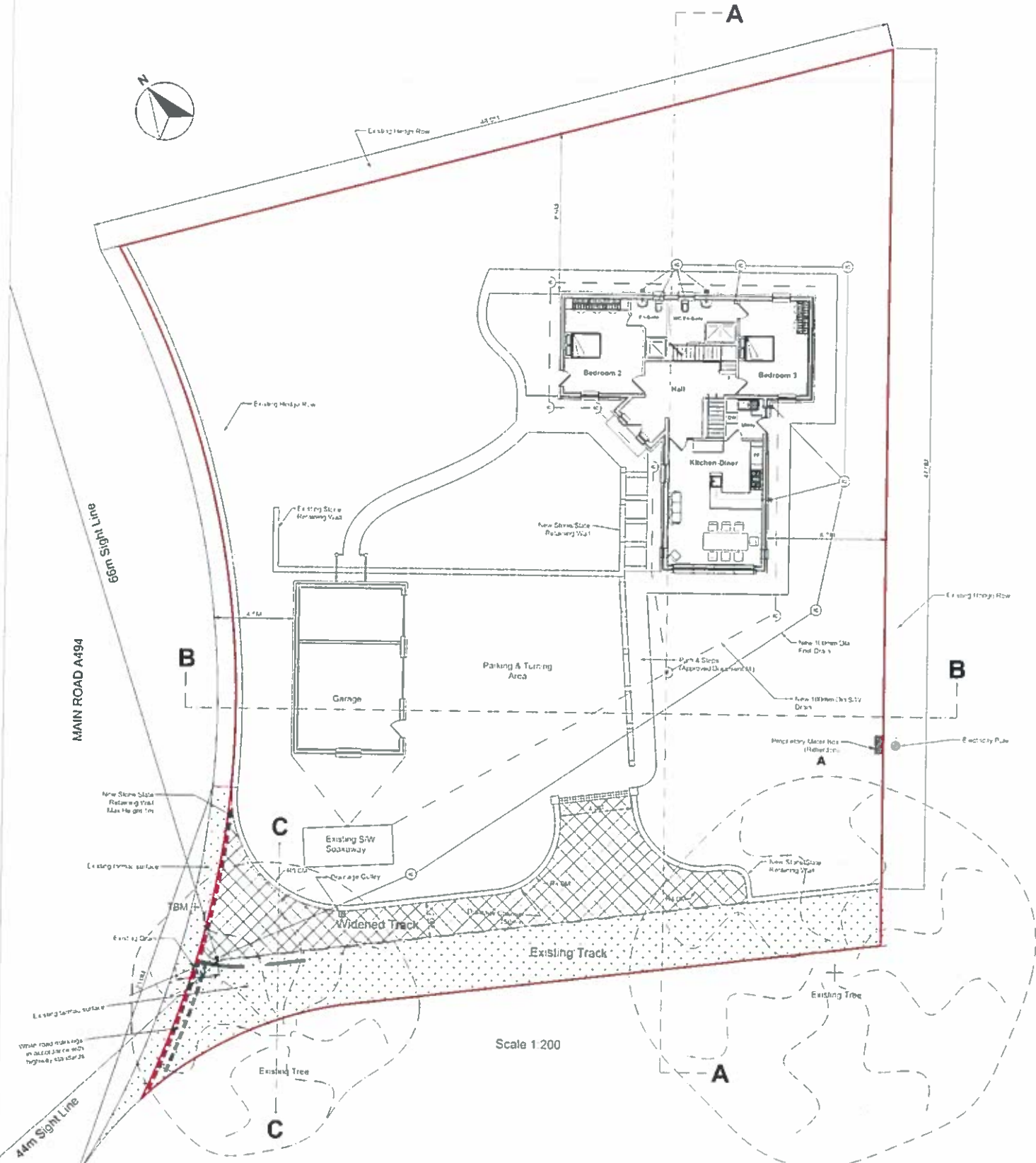
16/2018/0027

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# PROPOSED SITE PLAN



SCALE 1:200

**New Dwelling**  
**Ty Capel**  
**Llanbedr DC**  
**Nr Ruthin, LL15 1UT**  
**for Mr & Mrs R. Tidd**

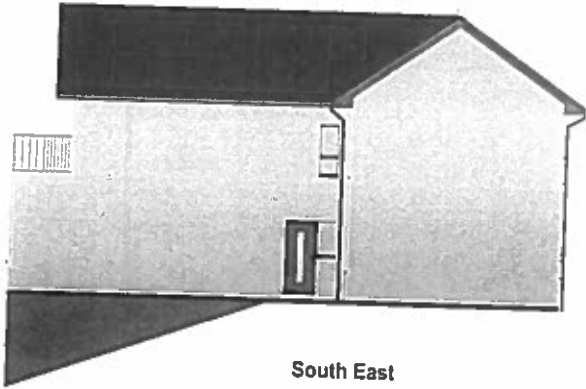
**Proposed Block Plan**  
**Scale 1:200**

Drawing no RET/2018/03 Rev C

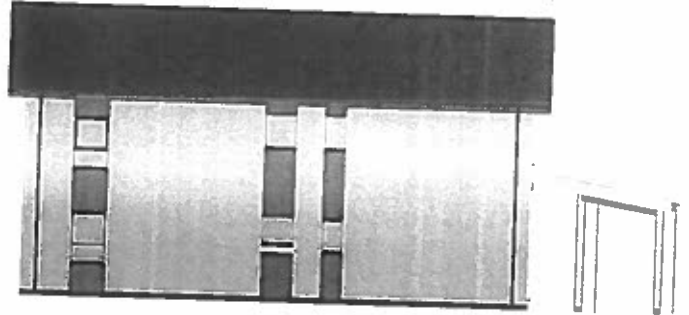
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# PROPOSED ELEVATIONS



South East



North East

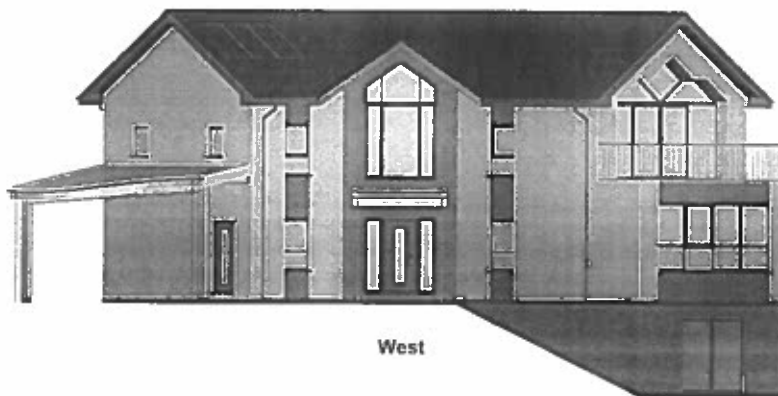
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New Dwelling  
Ty Capel  
Llanbedr DC  
Nr Ruthin, LL15 1UT  
for Mr & Mrs R. Todd

Proposed House South-East and  
North-East Elevations  
Scale 1:100

Drawing no. RET/2018/07 Rev A

Paper Size A3



West

SCALE 1:100

New Dwelling  
Ty Capel  
Llanbedr DC  
Nr Ruthin, LL15 1UT  
for Mr & Mrs R. Todd

Proposed House West Elevation  
Scale 1:100

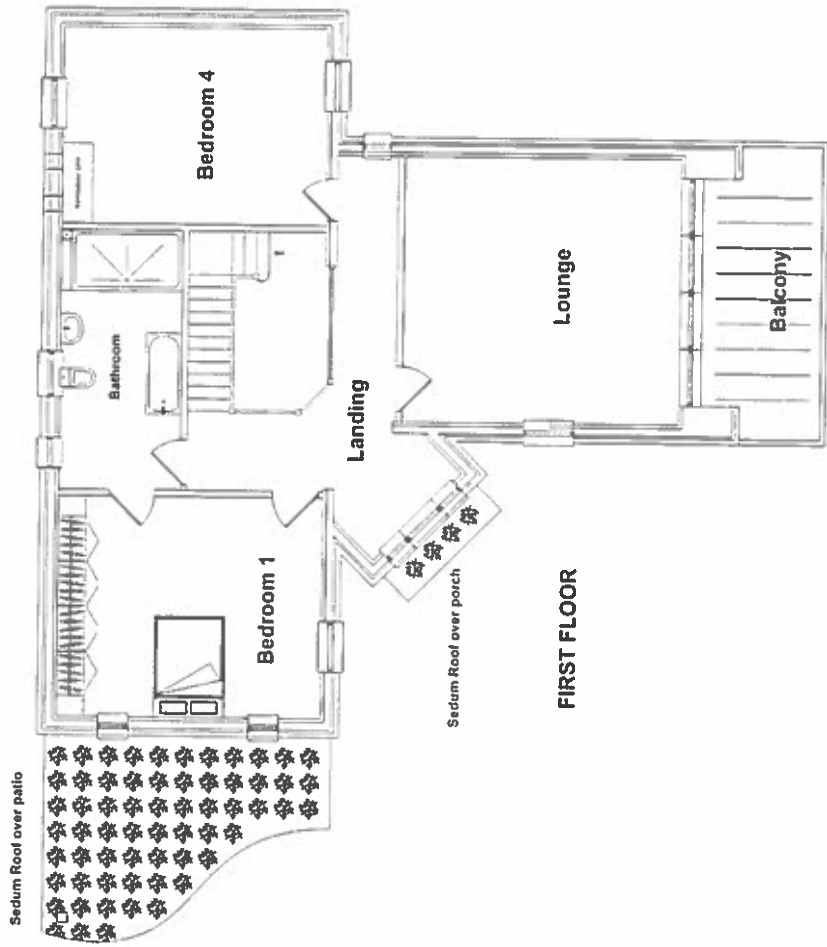
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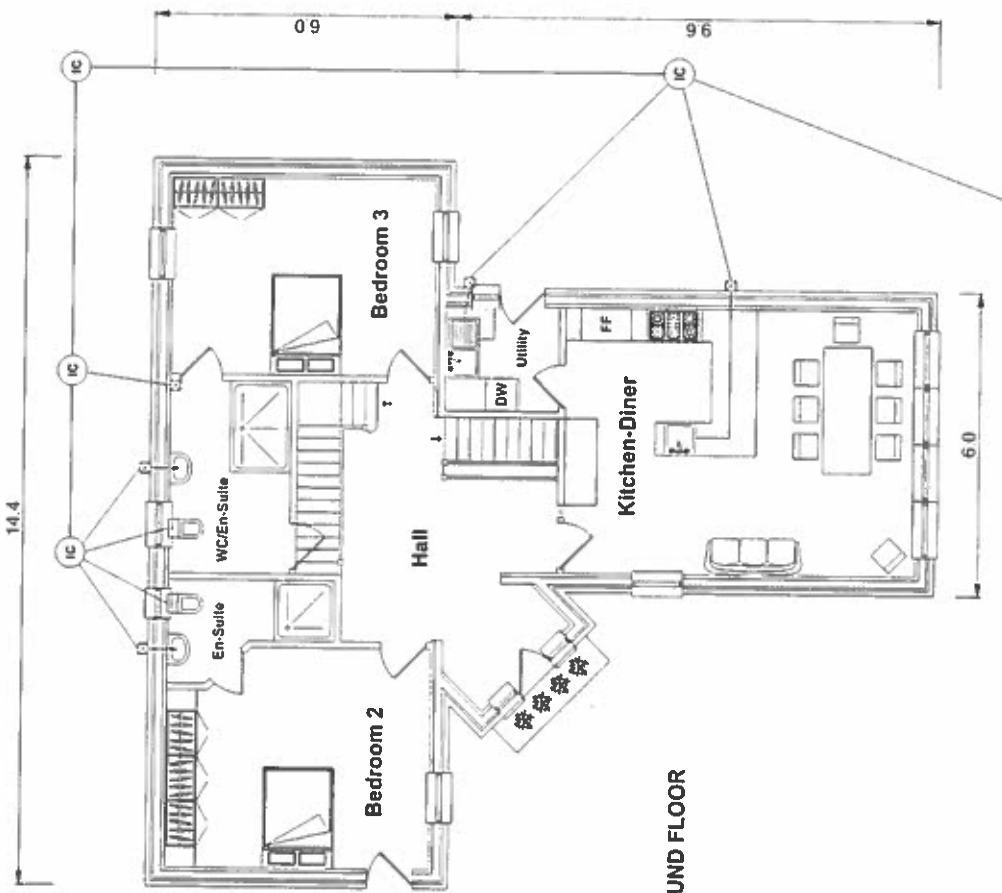
# PROPOSED FLOOR PLANS



New Dwelling  
 Ty Capel  
 Llanbedr DC  
 Nr Rulhin, LL15 1UT  
 for Mr & Mrs R. Tidd

Proposed House Floor Plans  
 - Ground & First Floor  
 Scale: 1:100

Drawing no. RET/2018/04 Rev A  
 Paper Size: A3













# 1996 SCHEME ELEVATION PLANS



SIDE ELEVATION





**WARD :** Llanbedr Dyffryn Clwyd / Llangynhafal

**WARD MEMBER(S):** Cllr Huw Williams

**APPLICATION NO:** 16/2018/0027/ PF

**PROPOSAL:** Erection of 1 no. dwelling (amended details to previously approved/implemented scheme ref. 16/294/96)

**LOCATION:** Ty Capel (former Llwynedd Chapel) Llanbedr Dyffryn Clwyd Ruthin LL15 1UT

**APPLICANT:** Mr & Mrs Robert Tidd

**CONSTRAINTS:** Within 67m Of Trunk Road  
PROW  
CouncillorName  
AONB

**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:**

LLANBEDR DC COMMUNITY COUNCIL:

"Llanbedr Dyffryn Clwyd Community Council has reviewed the revised plans for this application and wishes to make the following observations:

Llanbedr Dyffryn Clwyd Community Council still does not support this application because:

The revised plans do not answer any of our original objections, which we will use the number order that was in our original letter:

2. Scale of the proposed development does not reflect the existing dwellings in the immediate area

The development is still a three storey dwelling. The Council supports the representation made by Clwydian Range and Dee Valley AONB Committee:

"The committee would favour the three storey section being reduced in scale to two storeys which will have the effect of stepping the building up the hillside which will reduce its impact and better integrate the development into the local topography."

Hence our original observations remain unchanged.

3. Biodiversity and habitat for existing fauna and flora

The revised plans do not answer our original objection, which thus remains our view, especially that a Biodiversity Statement should be a de minimis requirement for this application.

4. Access

The revised plans do not answer our original objection, especially the destruction of a large section of an historic stone wall, which thus remains our view

5. Surface Run Off Water

The revised plans do not answer our original objection, which thus remains our view

6. Conclusion

Llanbedr Dyffryn Clwyd Community Council still opposes this proposed development for all the grounds set out above and in our initial letter, plus the fact that it continues to fail to meet:

Denbighshire's LDP Policy RD 1 Sustainable Development and Good Standard Design criteria i), iii), iv), vi), xi) and xiii)"

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

Response to initial consultation:

“The Joint Committee has no objection in principle to development of this site within the Development Boundary of Llanbedr DC. However, the committee is concerned that the design and scale of the currently proposed dwelling is excessive in this location. In particular, the three storey elevation appears incongruous and is an overdevelopment of the site. The committee would favour the three storey section being reduced in scale to two storeys which will have the effect of stepping the building up the hillside which will reduce its impact and better integrate the development into the local topography. In addition, the roof should be natural blue/grey slate and not the specified Cambrian slate. The intention to inset solar PV panels into the roof with dark grey/blue panels and frames to match the roof is supported, along with the reuse of reclaimed stone from the site to create new traditionally finished stone walls and retaining structures.”

Response to re-consultation:

“The Joint Committee notes the amended design which has slightly reduced the potential impact of the new dwelling and, having regard to the extant permission for a dwelling of similar scale, has no further observations to make.”

**DWR CYMRU / WELSH WATER**

No objections

**WELSH GOVERNMENT TRUNK ROAD AGENCY:**

No directive issued subject to conditions relating to the creation of the access being imposed.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

- Highways Officer:  
No objections
  
- Footpaths Officer:  
No objections

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Robin Davies, Bryn Derw, Llanbedr D.C., Ruthin x2  
Bob Barton, Glan Alyn, Llanferres Road,  
Llanarmon yn Ial  
Sian Jones, Llwyn Dedwydd, Llanbedr DC

Summary of planning based representations in objection:

Access:

The proposal does not have a safe access and the increase in vehicular movements would have an adverse impact upon highway safety

Design:

The proposed design is not in keeping with the character of the area and would be harmful to the character of the AONB

Drainage:

The proposal would result in an increase in surface water run off as the soakaways will be ineffective.

Biodiversity:

The site should be surveyed for the presence of protected species.

**EXPIRY DATE OF APPLICATION: 11/03/2018**

**EXTENSION OF TIME AGREED? Yes**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a 3 storey dwelling on a plot within the development boundary of Llanbedr D.C. village.
- 1.1.2 The 'T' shaped dwelling would have a ridge height of 8 metres above ground level and 10.2 above its lower ground floor, as the lower ground floor would be partially sunk into the ground owing to the sloping nature of the site. The lower ground floor would be approximately 2 metres higher than the access track running along the southern boundary of the site.
- 1.1.3 The dwelling would include 4 bedrooms, a kitchen/diner, lounge with balcony, games room and w/c's.
- 1.1.4 A 2 storey pitched roof garage/ancillary building is also proposed between the dwelling and the A494. This would measure 9.8m by 6.4m and be 6m high to the ridge.
- 1.1.5 Materials for both buildings would be slate for the roofs and render for the walls,
- 1.1.6 Parking and turning would be provided within the site, with private garden area to the north and west of the dwelling. The garden area would exceed 400 square metres.
- 1.1.7 The application proposes to regrade the land to sink the rear of the dwelling into the slope. Existing mature hedging and planting would be retained along the northern, western, and eastern boundary. To the southern boundary, an existing retaining wall would be removed and rebuilt 2 metres further to the north to facilitate construction of the access to the site.

- 1.1.8 Access to the site would be via the aforementioned access track onto the A494(T), which serves 3 other properties. Alterations to this access point are proposed, in the form of widening the access and constructing a new retaining wall along the northern visibility line.
- 1.1.9 The detailing of the development can be appreciated from the plans at the front of the report. The main elevation plans are below:



## 1.2 Description of site and surroundings

- 1.2.1 The site was formerly occupied by Capel Llwynedd, which was demolished in the late 1990's. It is located east of the A494 trunk road on the outside of a bend below Tan Yr Unto bend as the road falls into Llanbedr D. C. village from the Mold direction.
- 1.2.2 The site slopes significantly up from south to north, with a 7 metre difference in levels.
- 1.2.3 The east, west and northern boundaries are marked by mature hedgerows and planting. The southern boundary features a low stone wall and a low hedge.
- 1.2.4 A public bridleway runs along the southern boundary of the site. This bridleway serves as an access road to 3 other dwellings, Llwyn Dedwydd, Llwynedd and Plas Tan y Bwlch. To the north of the site is the dwelling Bryn Derw, which is accessed from a separate access further up the A494.
- 1.2.5 Development in the surrounding area is of mixed character, with a number of modern dwellings featuring rendered walls, slate roofs, large expanses of glazing and balconies.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Llanbedr D. C. village, as defined in the adopted Local Development Plan. The site is also within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty AONB.

## 1.4 Relevant planning history

- 1.4.1 Planning permission was granted in 1996 for the demolition of the chapel, and the erection of a dwelling-house with detached garage with ancillary office over.
- 1.4.2 Work commenced on this permission in 1998, and included the laying of the foundation and base for the detached garage. The development did not progress beyond this point.
- 1.4.3 In 2014 the owner applied for a Certificate of Lawfulness of Existing Development. This was granted, establishing that the 1996 permission was extant and could still be implemented.
- 1.4.4 It is a matter of fact that the scheme as approved in 1996 is a fall-back position which is a significant material consideration in determining the current application.

## 1.5 Developments/changes since the original submission

1.5.1 Following discussions with the Welsh Government Trunk Road Officers, the improvement of the junction of the access onto from the A494 has been included in the scheme and features improvements to its width.

**1.6 Other relevant background information**

1.6.1 In relation to the improvements to the already approved access, following discussions with the Rights of Way Officer, the Council's Legal Officer and the applicant, it was concluded that on balance it was most likely that the bridleway along the frontage of the site was owned jointly by the applicant and the owner of the field opposite the site and adjacent to the Bridleway.

1.6.2 Investigation followed into the ownership of the bridleway, and a Certificate B has been submitted with the application confirming that requisite notice has been served on the owner of the field opposite the site. To Officers' best knowledge and in the absence of evidence to the contrary, it is considered that the correct ownership notices have been served.

1.6.3 During the time that this application has been being considered, work in relation to the previously consented development has recommenced in the form of ground clearance.

**2. DETAILS OF PLANNING HISTORY:**

2.1 16/294/96/PF – Erection of dwelling house and detached garage with office accommodation over and construction of new vehicular access. GRANTED at planning committee 2<sup>nd</sup> December 1996.

2.2 16/2014/1010 - Existing Lawful development certificate to determine that planning permission 16/294/96 for the erection of a dwelling is extant. GRANTED 9<sup>th</sup> October 2014

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC11** – Recreation and open space

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

**Policy ASA3** – Parking standards

3.2 Supplementary Planning Guidance

Residential Space Standards

Residential Development Guide

Parking requirements

Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2017

Technical Advice Note 18 Transport

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 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 2017 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 Drainage
- 4.1.5 Highways (including access and parking)
- 4.1.6 Open Space
- 4.1.7 Area of Outstanding Natural Beauty/Area of Outstanding Beauty
- 4.1.8 Ecology

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 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 is acceptable in terms of the general principles of these policies.

It is to be noted that the dwelling would be located within the development boundary.

The planning history of the site and the extant planning permission for one dwelling are significant considerations.

The development of the land in this location for residential purposes is therefore considered acceptable, subject to compliance with the general development control criteria as set out in Policy RD 1.

4.2.2 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 be respected.

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 visual amenity impacts of a development proposal are a material consideration.

Given the fall-back position of the extant planning permission, this application is to all intents and purposes seeking approval of an amended design to that previously approved.

Concern has been raised by the Community Council that the proposed dwelling does not reflect the character of other dwellings in the area. They suggest that the dwelling should be 2 storey and stepped up the hill to better integrate the development into the local topography.

In respecting the Community Council's comments, it is important initially to consider what can be built on the site under the extant permission. Examining the previously approved plans shows that the ground floor level would be set at approximately 5 metres above the level of the bridleway. This is the same as the ground floor level on the plans now being considered. The lower ground floor of the current proposal would be below this level and be approximately 2 metres above the level of the bridleway. The ridge height of both the current and extant scheme would be 8m above ground level, which is approximately 13 metres above the bridleway. The form of both the original dwelling and the one now proposed are similar, although the approved dwelling is 2.5metres wider than the current proposal. Both involve schemes with the main sections of 15 metres depth and feature glazing and balconies to the southern elevation overlooking the open fields. The previous scheme included 4 dormers to the front elevation, 4 dormers to the rear elevation, and 5 in total to the side elevations. The current scheme does not include dormers. The garage building design on both schemes is to all intents and purposes identical.

With regard to the points raised by the Community Council, it is Officers' opinion that the current proposal is almost identical in scale to that as previously approved. Whilst noting the inclusion of a lower ground floor in the current scheme, this would be partially set into the ground and would not make the dwelling appear any higher from most angles. It is also considered that to implement the previously approved scheme and achieve the approved ground floor level, the ground would have to be built up by approximately 2.5 - 3 metres, so the impact would be similar. Having regard to the topography of the land to the rear of the proposed dwelling, the established trees, and the presence of other large dwellings on higher ground, it is not considered that the proposed dwelling would appear obtrusive within the landscape. In terms of detailed design, it is considered that the omission of dormer windows results in a less 'fussy' appearance than the previously approved scheme, and reflects other new development in the area.

In conclusion, it is considered that the scale and form of the proposed dwelling are in keeping with the character of the area. The choice of materials and layout are considered acceptable in this location. It is therefore Officers' opinion that the proposal would not result in a detrimental impact upon the visual amenity of the area, and the proposal therefore accords with the general aims of Policy RD 1.

#### 4.2.3 Residential amenity

Policy RD 1 sets specific tests to be applied to amenity impacts of development. Proposals for development should comply with these tests. The Residential SPG offers guidance on site layout to ensure the impact on residential amenity is acceptable. Space standards are suggested in SPG Space Standards.

There are no representations on the application raising residential amenity concerns.

The proposed dwelling would be located to the front but offset from the dwelling Bryn Derw, which lies to the north east. It would be located some 32 metres from this dwelling, and set 5 metres lower. There is mature planting along the boundary between the site and Bryn Derw. To the east of the site is the dwelling Llwyn Dedwydd. The side elevation to side elevation distance between the proposed dwelling and Llwyn Dedwydd would be approximately 30 metres. The boundary between the two dwellings features mature planting and inter-visibility between the two plots is limited as a result.

In respect of the above, having regard to policy RD 1 and relevant SPG's, the siting, orientation, internal space, external space and window positions are not considered

likely to result in harm to the residential amenity of the area. The distance between the proposed dwelling and neighbouring properties is considered acceptable and in excess of guidance as set out in the Residential Development SPG. It is not considered that the dwelling would result in an unacceptable loss of light, overshadowing or loss of privacy to neighbouring dwellings. The proposed dwelling provides an adequate amount of amenity for the future occupants in terms of room size and garden area.

#### 4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales 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 drainage / flooding impacts of a development proposal are a material consideration.

Concerns have been raised by the Community Council in regard to the adequacy of the ground to for a soakaway.

Drainage from the site is proposed to be handled by way of mains drainage for foul sewage and soakaway for surface water.

The application proposes the same drainage mechanism as the scheme as previously approved. The suitability of the ground to accommodate a soakaway would be tested at the Building Regulations stage, and if it is not acceptable, the developer would have to consider alternative means of dealing with soakaway water. It is therefore considered to be acceptable to leave the details of the soakaway system to be controlled through the Building Regulations process.

#### 4.2.5 Highways (including access and parking)

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

Representations have been received that raise concern about the impact upon highway safety in the form of obstructing visibility at the junction, unacceptable increase in vehicular movements, and substandard access onto the A494. The Welsh Government has been consulted in this respect and they have not raised an objection and have submitted suggested conditions to deal with the alterations to the access onto the trunk road and to prevent surface water run off onto the trunk road. The Public Rights of Way Officer has not raised an objection, but agrees that the method of dealing with surface water should be a condition. The Public Rights of Way Officer has also requested that a visual demarcation between the public bridleway and the additional 2 metres of tarmac provided by way of a planning condition. The Highway Officer does not raise an objection to the proposal.

The proposal involves the creation of a new vehicular from the public bridleway into the site. Land from within the site is to be lowered to that of the Public bridleway to allow its width to be increased from 2 metres to 4 metres along the width of the site frontage. A new 6m radii curve to the access onto the A494 is proposed. These details all roughly accord with the previously approved plans.



Whilst acknowledging the concerns of the Community Council and residents, given the extant planning permission and the comments of the Welsh Government, The Public Rights of Way Officer and the Highway Officer, it is not considered that there is any reasonable grounds to oppose the development on grounds of highway safety and the suitability of the access to the site.

#### 4.2.6 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.

In this instance the fall back position of an extant planning permission that allows one dwelling to be built on the site without the need for an open space contribution should be given significant material weight.

It is Officers' opinion that given the planning history of the site there are no grounds for insistence on an open space contribution in this instance.

#### 4.2.7 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

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

Planning Policy Wales section 5.3 refers to considerations to be given to conserving landscape and biodiversity, and in respect of statutory designations such as AONBs, confirms the primary objective for designation is the conservation and enhancement of their natural beauty, whilst noting the need to have regard to the economic and social well-being of these areas.

The AONB committee, having considered the planning history of the site, have not raised an objection to the proposal.

The site is located within a designated Area of Outstanding Natural Beauty. It is visible from the adjacent public bridleway, and from some distant views further to the south of the site. Views of the site from the trunk road would be limited to those travelling north wards. The site would be seen against a backdrop of scattered development rising up above the site. There is mature planting around the site.

It is therefore Officers' opinion that the proposal would not have an unacceptable impact upon the character and appearance of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

#### 4.2.8 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

The Community Council have raised concern that the site should be surveyed for the presence of protected species.

The site has been lain dormant for nearly 20 years, and consequently has become overgrown.

In noting the Community Council's comments, the fall-back position is that the developer can go on site and clear the site and continue work regardless of the outcome of the current application. The Authority has no control over this aspect of the development and cannot insist that the site be surveyed. In any event, since this application was submitted the site has been cleared of all vegetation, save for the boundary planting.

On the basis of the planning history of the site, and the current state of the site, it is not considered that there any ecological issues to address.

#### 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 commenced planning permission established the principle of developing the site, and dealt with drainage, ecological and open space issues, and significantly accepted the use of the access track onto the A494 to serve the development. This development can continue regardless of the decision on the current application.
- 5.2 It is therefore suggested the main considerations on the current application are the detailing of the dwelling and whether there are material changes from the previously approved scheme. The proposed improvements to the access from the Bridleway provide an opportunity to add some additional controls that were not included on the 1996 permission.
- 5.3 In Officers' opinion the revised design would not harm the visual amenity of the area, or the character and appearance of the Area of Outstanding Natural Beauty. It is therefore recommended that planning permission be granted.

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

1. The development to which this permission relates shall be begun no later than 23rd May 2023
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 South-West & North-West Elevations (Drawing No. RET/2018/06 Rev A) received 6 March 2018
  - (ii) Proposed South-East & North-East Elevations (Drawing No. RET/2018/07 Rev A) received 6 March 2018
  - (iii) Proposed West Elevation (Drawing No. RET/2018/08 Rev A) received 6 March 2018
  - (iv) Proposed Garage Elevations & Floor Plan (Drawing No. RET/2018/09) received 15 January 2018
  - (v) Proposed House Ground & First Floor Plan (Drawing No. RET/2018/04 Rev A) received 6 March 2018
  - (vi) Proposed House Basement Floor & Roof Plan (Drawing No. RET/2018/05 Rev A)

received 6 March 2018

(vii) Proposed Cross Section A-A Plan (Drawing No. RET/2018/10 Rev A) received 6 March 2018

(viii) Proposed Cross Section B-B Plan (Drawing No. RET/2018/11) received 15 January 2018

(ix) Existing Block Plan (Drawing No. RET/2018/02 Rev B) received 27 March 2018

(x) Proposed Block Plan (Drawing No. RET/2018/03 Rev C) received 27 March 2018

(xi) Location Plan (Drawing No. RET/2018/01 Rev A) received 27 March 2018

(xii) Additional Elevational Images received 6 March 2018

3. The access shall be laid out and constructed strictly in accordance with the approved plan RET/2018/03 REV C and shall be completed before the dwelling is occupied.
4. No drainage from the development site shall be connected to or allowed to discharge into the Trunk Road drainage system, and the proposed junction and access road shall be constructed so that the surface water run off does not drain onto the Trunk Road or onto Public Bridleway 17.
5. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roofs of the development hereby permitted and no materials other than those approved shall be used.
6. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed before the development is brought into use.
7. No work shall commence on the erection of the external walls of the dwelling until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment;
  - (f) Design, siting and materials of retaining walls within the site and on the site boundaries
8. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the dwelling of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. The finished floor level of the ground floor shall not be higher than 5metres above the level of public bridleway 17 (where adjacent to the site), as indicated on approved drawing no. RET/2018/10 Rev A.
10. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
11. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
12. No obstacles, fences, gates or other means of enclosure shall be erected on or immediately adjacent to the access track and bridleway.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To maintain the safety and free flow of trunk road traffic.
4. To maintain the safety and free flow of trunk road traffic
5. In the interest of visual amenity.
6. To provide for the parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of highway safety.
7. In the interest of visual amenity
8. In the interest of visual amenity.
9. In the interest of visual amenity.
10. In the interest of visual amenity.
11. In the interest of visual amenity.
12. In the interest of ensuring that the benefits of the widened access track are achieved and in the interest of the safe and free flow of traffic on the highway.

#### **NOTES TO APPLICANT:**

The dwelling shall not be occupied until a permanent line denoting the boundary between the proposed access track and the public bridleway has been marked upon the surface and that line shall be maintained as such at all times.

- (i) Highway Supplementary Note No's, 1, 3, 4, 5, & 10.
- (ii) New Roads and Street Works Act 1991 - Part N Notice.
- (iii) Highways Act 1980 Section 184 Consent to Construct/Alter a Vehicular Crossing over a verge.

If you are intending to resurface the full bridleway surface as well as the access area, to contact the Council for a license agreement to resurface the existing highway whatever agreement they come to with the opposite owner. Furthermore, any wearing course may need to have an appropriate grip treatment to increase skid resistance. Please could the applicant contact the Public Rights of way Team on 01824 706872/71, or 01824 706923. In addition, you must ensure the following:

- The boundary between the widened access and old road area needs to be defined in a permanent manner
- No building materials to be stored on the right of way, which may cause a nuisance or obstruction to the user.
- No diminution in width of the Bridleway as a result of the development
- No additional gates are placed across the right of way, of either a temporary or permanent nature, unless required for agricultural purposes. If so, a licence will be required - please contact the Public Rights of Way Team on the numbers above for further information.

# Agenda Item 8

**WARD :** Llanrhaeadr Yng Nghinmeirch

**WARD MEMBER:** Councillor Joseph Welch (c)

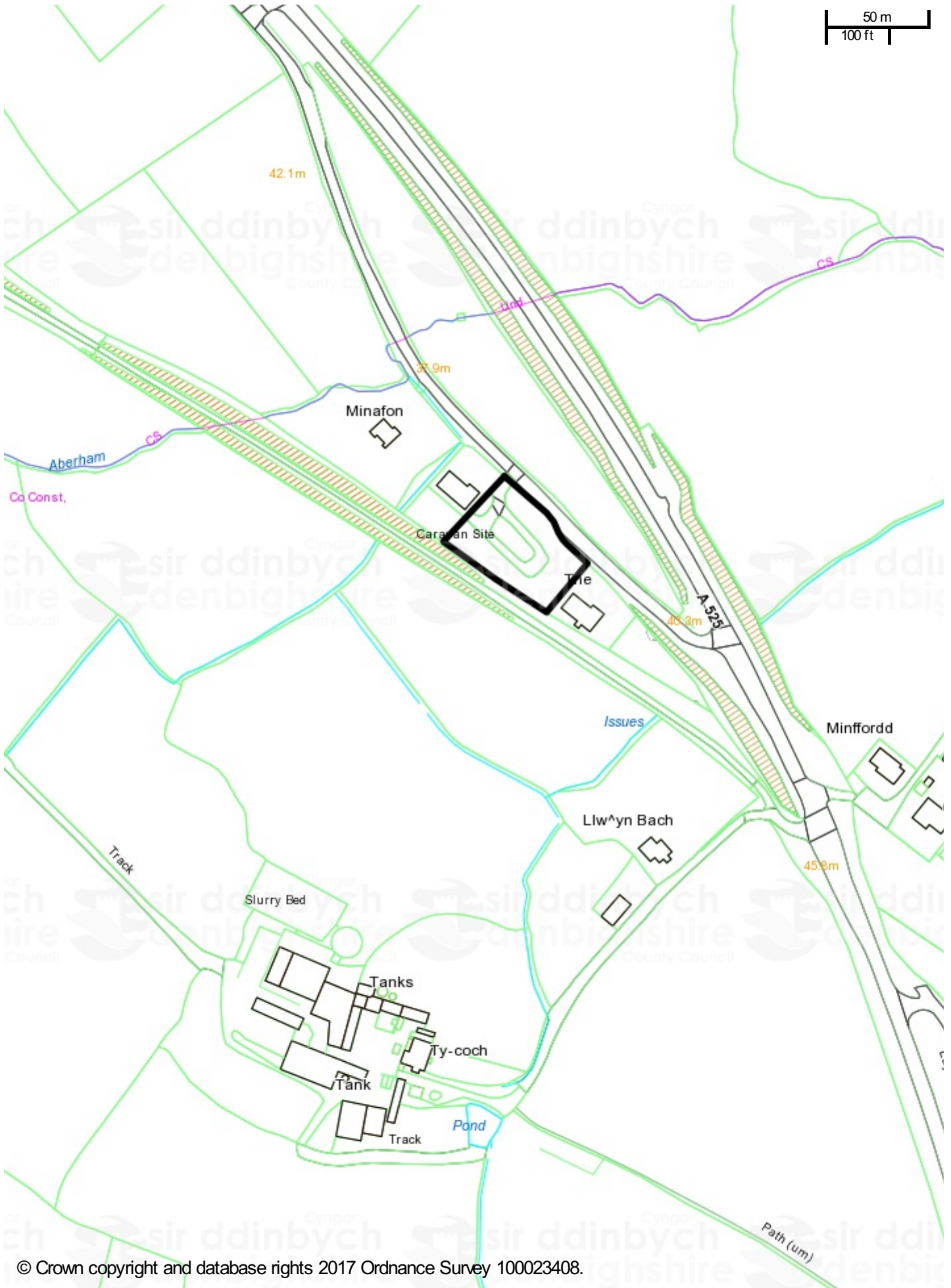
**APPLICATION NO:** 23/2018/0268/ PO

**PROPOSAL:** Development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved)

**LOCATION:** Land at Llwyn Afon Llanrhaeadr Denbigh

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50 m  
100 ft



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23/2018/0268

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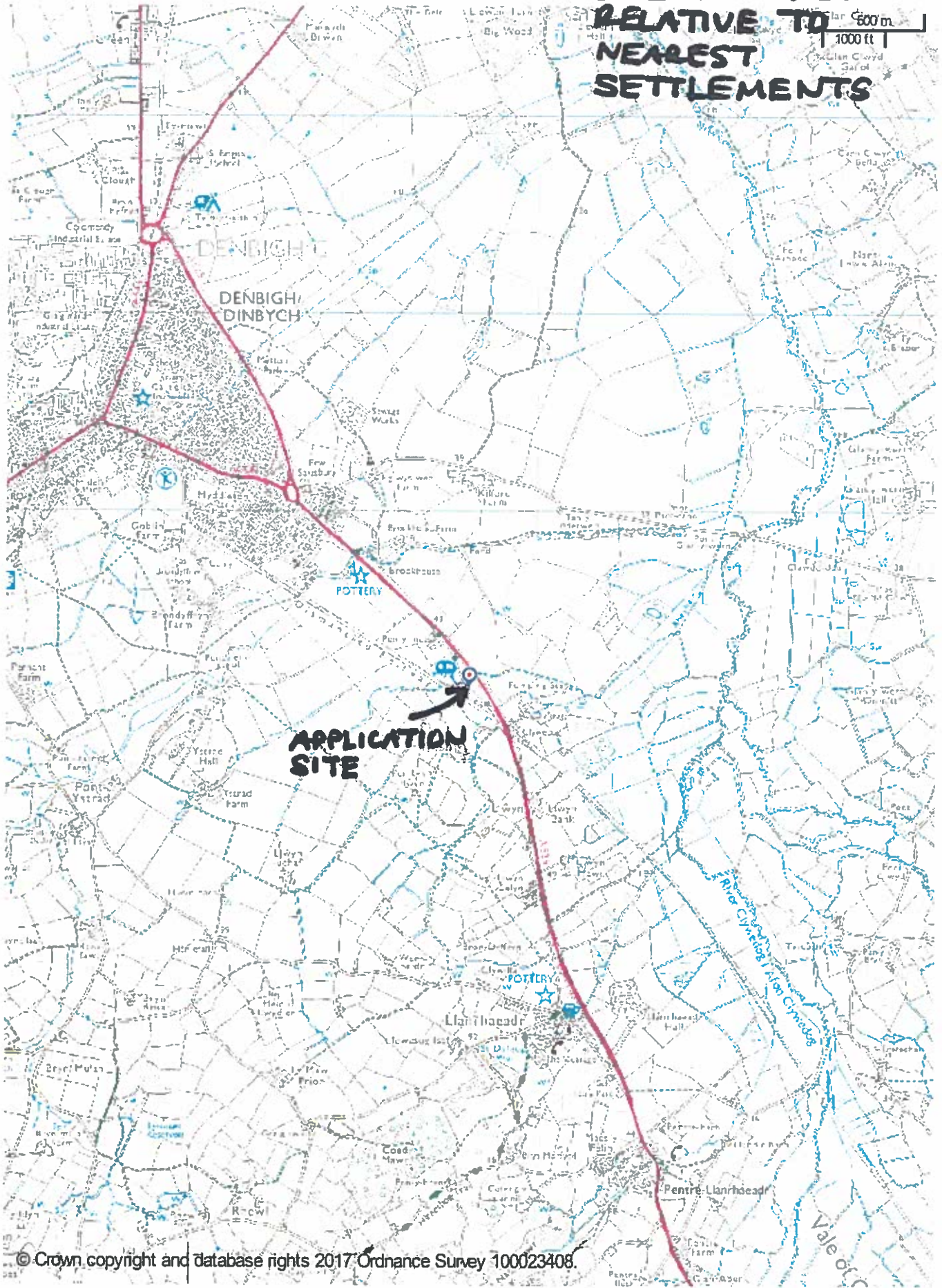
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# SITE LOCATION RELATIVE TO NEAREST SETTLEMENTS

600m  
1000ft



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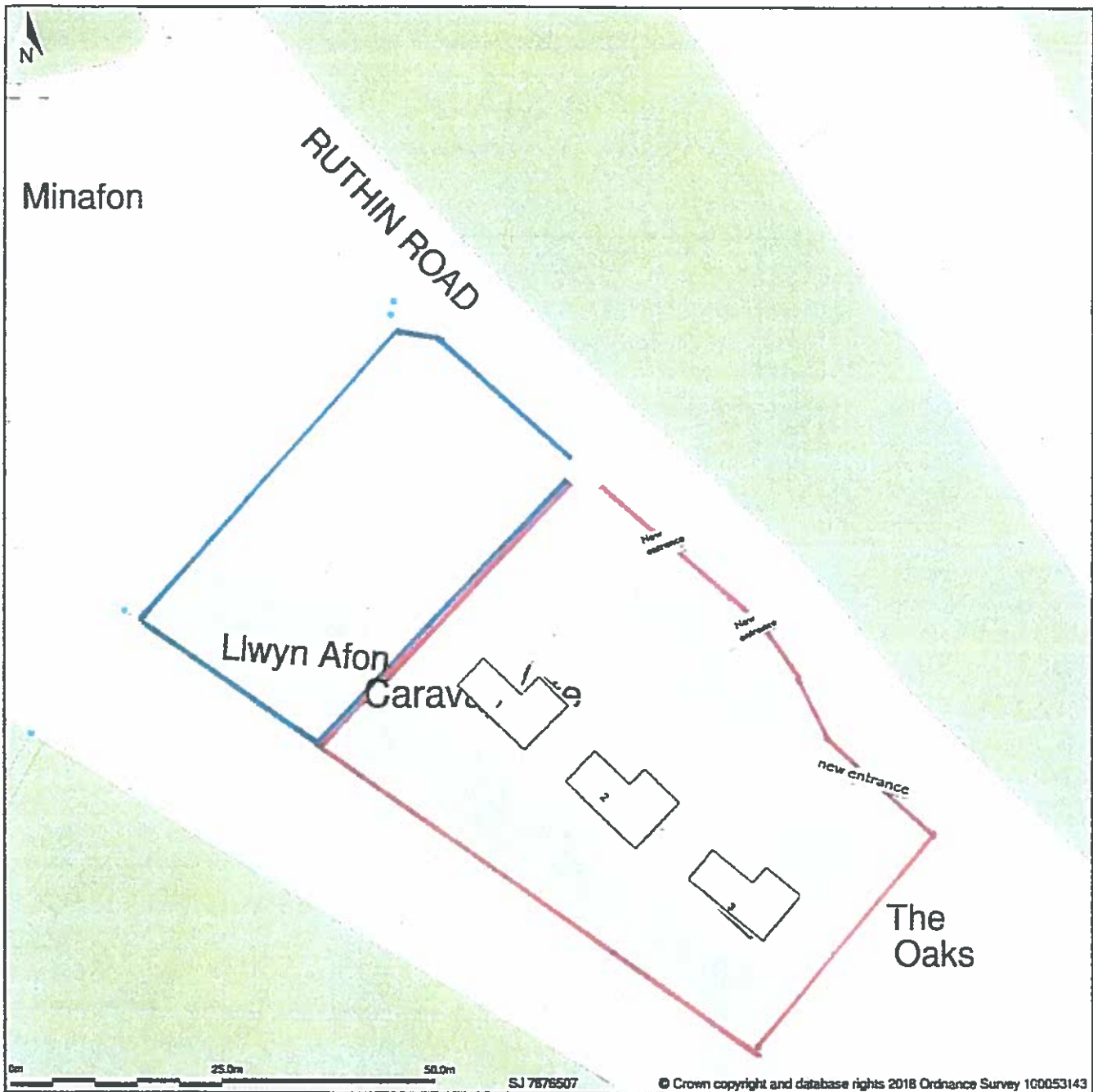
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Additional Information;  
Approximate layout of the site

Llwyn Afon, A525 Pentre Llanrhoeadr Xrds To Brookhouse Mill Jct, Llanrhoeadr, Denbigh, Denbighshire, LL16 4NG



Block Plan shows area bounded by: 387611.0, 385911.8, 387738.8, 385128.8 (at a scale of 1:500). OSGridRef: SJ 7676507. The representation of a road, track or path is no evidence of a right of way. The representation of features on lines is no evidence of a property boundary. Produced on 27th Mar 2018 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2018. Supplied by www.beyondata.co.uk a licensed Ordnance Survey partner (189923143). Urban plan reference: 60008335-FD1238. Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Bay A Plan logo, pdf design and the www.beyondata.co.uk website are Copyright © Pass Inc Ltd 2018

The approximate layout of the of the properties;  
not drawn to scale for reference only.

16 APR 2018

The approximate layout of the of the properties;  
not drawn to scale for reference only.

There are no existing structures on the caravan park

Upper and lower limits for proposed dwellings  
Height: 5.5m  
Width: 10m  
Length: 18m

Llwyn Afon Caravan Park  
Llanrhoeadr  
Denbigh  
Denbighshire  
LL16 4NG



**WARD :** Llanrhaeadr Yng Nghinmeirch

**WARD MEMBER:** Councillor Joseph Welch (c)

**APPLICATION NO:** 23/2018/0268/ PO

**PROPOSAL:** Development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved)

**LOCATION:** Land at Llwyn Afon Llanrhaeadr Denbigh

**APPLICANT:** Mr & Mrs G. Jones Llwyn Afon Caravan Park

**CONSTRAINTS:** None

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

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

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**LLANRHAeadR COMMUNITY COUNCIL**

“Llanrhaeadr Y.C. Community Council objects to the above planning application as the application does not apply with the Denbighshire County Council Planning Policy that all three proposed dwellings at this location must be affordable homes.”

**NATURAL RESOURCES WALES**

Recommend that the Council should only grant planning permission if conditions are attached to deal with potential impact on bats, i.e. details of lighting and ecological enhancement measures. Consider the ecological survey and assessment to be satisfactory for the purposes of informing the planning decision making process. In relation to foul Drainage, draw attention to relevant legislation / process to be followed dependent on the proposed means of disposal.

**DWR CYMRU / WELSH WATER**

Note the developer proposes to dispose of surface water runoff via a Sustainable Urban Drainage System. However, it is unknown how the developer proposes to dispose of foul flows. In light of the above, hence request that if the Council are minded to grant Planning Consent, condition (s) and Advisory Notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

- Highways Officer  
The case officer has advised there are no highway objections. The detailing of the access arrangements can be agreed at reserved matters stage.
- Strategic Planning and Housing Officer  
Confirms as the site lies outside of any settlement development boundary or hamlet area of search in the adopted Denbighshire LDP, the principle of development on the site can only be



considered under LDP Policy BSC 9 – Local Connections Affordable Housing within small groups or clusters. The policy allows for the development of one or two dwellings within a gap in an otherwise continuously developed frontage for local connections affordable housing. The proposal is for 3 dwellings; 2 being open market housing and 1 affordable. Policy BSC 9 allows for a maximum of 2 local connections affordable dwellings, 3 dwellings is in excess of this maximum and the proposal fails to meet the requirements of the policy, and as there is no policy provision for open market housing in this location. The applicant has provided no evidence of local affordable housing need and it is not therefore possible to assess whether the proposal meets this policy requirement. It is considered that the proposal does not meet the relevant policy requirements in the adopted LDP and is not supported.

## **RESPONSE TO PUBLICITY:**

Neither in support or in objection

Representations received from:

M. Robinson, Minafon, Llanrhaeadr, Denbigh

Seeks to correct contents of the Design and Access Statement in relation to the responsibility for fences and hedges between the application site and adjoining property.

**EXPIRY DATE OF APPLICATION: 10/06/2018**

## **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 seeks outline planning permission for the development of 3 dwellings on land at the Llwyn Afon Caravan Park, which is located between Denbigh and Llanrhaeadr.
- 1.1.2 The description of the application on the submitted forms is 'Change of use from Caravan Park; Outline Planning for two residential dwellings and one affordable home'.
- 1.1.3 All 'reserved matters' (access, scale, layout, landscaping, and appearance) would be the subject of a detailed submission if outline permission is granted.
- 1.1.4 The submitted plans identify the site and show illustrative ideas for the location of the three dwellings, and indicate that these would be served by separate vehicular accesses. The plan is at the front of the report.
- 1.1.5 The application includes a Planning Support Statement, a Design and Access Statement, and a preliminary Ecological Appraisal.
- 1.1.6 The supporting documents contain a volume of information of relevance to the consideration of the application:

#### **The Planning Support Statement**

This 5 page document provides a background to the application and highlights:

- The site is outside the defined LDP boundary, but there are factors to support the proposals
- The land is 'Previously Developed Land', as defined in Planning Policy Wales; Section 2.7 makes a strong case to develop brownfield sites over greenfield

- The LDP Review report (December 2017) confirms:
  - o housing completions have not reached the annual requirements; the annual growth levels are unrealistic and will not meet initially projected growth over the remaining lifetime of the plan; there is reference to a limited contribution which can be made to housing needs through infill development
  - o there is an identified need for affordable housing across the County; in relation to infill policy, BSC9 expands on national policy allowing for development of very limited new housing within existing small groups and clusters; all infill developments were to be restricted to affordable housing to meet local needs; but this policy has delivered very few houses and should be reviewed for the replacement LDP; affordable housing delivery since 2006 is well below the target in policy BSC4.
- Pre-application advice has been sought from the Development Plan section of the Council.

The Conclusion of the Support Statement is as follows:

'The proposal is for two Market Dwellings and one Affordable Home, the site has previous planning permission and uses dating back from 1980 when consent was granted for a garden centre, consent was granted for 12 touring caravans 2001 and most recently 2004 a static caravan park.

As part of the two residential units we are offering one affordable home (in total three dwellings) this is a generous offer, in just over two years the revised draft LDP will be adopted and the infill policy BSC9 now restricted to affordable homes will be reviewed. The Local Planning Authority agrees that policy BSC9 has delivered very few houses as infill and should be reviewed in the replacement LDP.

During Pre Application Advice it has been settled by Lara Griffiths senior planning officer that the site would be acceptable as infill in accordance with BSC9

The site is previously developed land/brownfield as it was occupied by a permanent structure i.e. a glasshouse. It was also considered to be brownfield during an appeal decision 24th June 2008 by R G Gardener BSc (Townplan) MRTPI. Appeal Ref: APP/R6830/A/08/2071072, again he made reference to the glasshouse as a permanent structure.

It is noted within the appeal decision that the sustainability of the site in principle was considered acceptable by virtue of its links via public transport together with cycle routes and public footpaths close by. As there are no numerical figures on infill now the site accords with BSC9, this was the main issue raised in the previous appeal that the site did not meet the essential group of six properties in accordance with policy HSG5 in the then UDP.

Dwellings would be more in keeping with the area rather than static caravans as they are visually intrusive, this is a small site with planning for eight lodges granted 2004, we question the viability of the park long term as there is no land available to expand. The site is under-used brownfield.

Enquiries have been made with 3 Registered Social Landlords in regards of the Affordable Homes being of interest to them, their response has been negative.

We would enter into an s106 agreement with the Local Planning Authority to secure the Affordable Home for local needs.

We sense that what we have on offer is beneficial to local people and the LPA housing needs, the application is worthy of the support of the LPA and committee members.'

### **The Design and Access Statement**

The 5 page Statement provides commentary on the Site and Constraints, Accessibility, Character, Community Safety, Environmental Sustainability, and movement to, from and within the development.

Points of relevance to the application include:

- o The site forms part of an established Caravan park. It is underused for mobile homes. All essential services are present. Enquiries made by local people have been for permanent use of the mobile homes/ chalets, i.e. residential use.
- o The site is surrounded by a number of properties and is amongst a cluster / line of dwellings albeit it is in open countryside.
- o There are no contamination or flood risk issues
- o New dwellings would be designed to fit comfortably to reflect existing properties
- o Dwellings would be more complementary on the site rather than mobile homes
- o The site is not suitable as a holiday park and has no future.

### **The Preliminary Ecological Appraisal**

The appraisal concludes that the development will have minimal impact on any protected or notable species or habitats. It states most habitats within the site are of low ecological value, the loss of which will have no impact on the wider green infrastructure. It notes the most significant features of concern are the oak tree on the east corner and the hedgerow on the north east boundary, both of which would be retained, albeit with gaps created in the hedge (for new vehicular accesses). It is suggested there is considerable scope for ecological enhancement in the form of bat and bird boxes, with the addition of native tree and hedgerow species.

#### 1.2 Description of site and surroundings

- 1.2.1 The site lies in open countryside on the west side of a spur road off the A525 as it approaches the town of Denbigh from the south. It is located between this spur road and the land which was formerly part of the Denbigh – Ruthin railway line.
- 1.2.2 The site is some 1.5km from the outskirts of both Denbigh and Llanrhaeadr village.
- 1.2.3 It is a flat area of land sitting between the applicant's dwelling Llwyn Afon (to the north west), and The Oaks, a private dwelling in separate ownership to the south east. There is a further dwelling, Minafon, immediately to the north west of Llwyn Afon, and a loose scattering of dwellings further to the south, the nearest of which is Llwyn Bach, some 130 metres from the nearest part of the site.
- 1.2.4 The location of the site relative to Denbigh town and Llanrhaeadr village, and the respective relationship between the site, highways, and the dwellings in this locality can be appreciated from the plans at the front of the report.
- 1.2.5 Measured off the submitted location plan, the site has a road frontage of some 60 metres.
- 1.2.6 The site itself consists of areas of mown grass with a number of ornamental trees, a service track loop off an access onto the highway, with a long established hedgerow along the majority of the highway boundary and the boundary with The Oaks. The site backs onto the old railway embankment.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 None.

#### 1.4 Relevant planning history

- 1.4.1 There is a considerable planning history relating to the application site, dating back to the development of a garden centre in the early 1980's, detailed in section 2.1 of the report.
- 1.4.2 The dwellings at Llwyn Afon and The Oaks were consented during Glyndwr District Council days, and built in connection with the garden centre. Following closure of the garden centre, permission was granted in 2001 to use the land as a touring caravan site, and in 2004 for use as an 8 van static caravan site. Permission was granted on appeal in 2010 for the 12 month occupation of the static caravans for holiday purposes.
- 1.4.3 Applications to develop the site for residential purposes were submitted in 1998, 2006 and 2007. All were refused permission on the 'in principle' grounds that the site was in open countryside, outside defined development boundaries, in an unsustainable location, there were no 'essential need' or planning policy justification. The 2008 refusal was the subject of an appeal, but this was dismissed by the Planning Inspectorate. Issues raised in that appeal which have some relevance to the current application are referred to elsewhere in the report.



1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application is reported to Committee at the request of the Local Member so that the policy around infill and affordable housing can be discussed.

1.6.2 Informal Officer advice has been given by the Development Management team in response to a pre-application enquiry in relation to a 4 dwelling development on the site in October 2017.

**2. DETAILS OF PLANNING HISTORY:**

Earlier applications in the sequence below relate to land previously developed in conjunction with a garden centre and a caravan site.

2.1 34/4129

Development of land by the erection of a bungalow and establishment of a garden centre and construction of vehicular access and septic tank (outline application)  
REFUSED 19<sup>th</sup> February 1980 (Sporadic form of residential development, no essential need / special circumstances)

2.2 34/4244

Erection of garden centre  
GRANTED 3<sup>rd</sup> June 1980

2.3 34/4631

Development of land as garden centre GRANTED 14<sup>th</sup> July 1980

2.4 34/4932

Development of land by the erection of a bungalow and garage, construction of vehicular accesses and septic tank (outline application)  
GRANTED 7<sup>th</sup> April 1981

2.3 34/8237

Development of land by the erection of an agricultural worker's bungalow, construction of septic tank and alteration of existing vehicular access (outline application)  
REFUSED 17<sup>th</sup> October 1986

2.4 34/9279

Development of land by the erection of a bungalow and alteration of existing vehicular access (outline application)  
REFUSED 11<sup>th</sup> March 1988 (Sporadic residential development outside any recognisable settlement, no proven essential need for a dwelling)  
Subsequent appeal DISMISSED

2.5 34/9460

Development of land by the erection of a bungalow and alteration of existing vehicular access  
REFUSED 24<sup>th</sup> June 1988 (Sporadic form of residential development outside any recognisable settlement, no essential need for a dwelling).

2.6 23/894/98

Development of 0.2 hectares of land for residential purposes and installation of septic tanks (outline application).  
REFUSED 17<sup>th</sup> December 1998 (No special circumstances to constitute a special need in Green Barrier and open countryside; sporadic development impacting on open character of area; precedent)

- 2.6 23/2000/1016  
Use of land as touring caravan site including erection of amenity block and alterations to existing vehicular access  
GRANTED 8<sup>th</sup> May 2001
- 2.7 23/2003/1238  
Change of use of land from 12 touring caravan site to 12 van static caravan site  
REFUSED 25<sup>th</sup> February 2004
- 2.8 23/2004/0749  
Change of use of land from 12 van touring caravan site to 8 van static caravan site  
GRANTED 1<sup>st</sup> September 2004
- 2.9 23/2006/1480  
Development of 0.27ha of land for residential purposes (outline application)  
REFUSED 11<sup>th</sup> April 2007 (Outside settlement limits, not within a group of dwellings as defined in planning policy, no essential need, unsustainable location, inadequate drainage detailing)
- 2.10 23/2007/1351  
Development of 0.25 ha of land by the erection of 3no. dwellings and installation of private treatment plant (outline application)  
REFUSED 14<sup>th</sup> March 2008 (Outside settlement limits, sporadic development, no essential need, not infilling, no affordable need case justified, unsustainable location)  
Appeal DISMISSED
- 2.11 23/2009/1368  
Variation of condition 4 of permission 23/2004/0749 to allow 12 month occupation of static caravans for holiday purposes  
REFUSED 17<sup>th</sup> March 2010  
Appeal ALLOWED

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy BSC1** – Growth Strategy for Denbighshire  
**Policy BSC2** – Brownfield development priority  
**Policy BSC3** – Securing infrastructure contributions from Development  
**Policy BSC4** – Affordable Housing  
**Policy BSC9** – Local connections affordable housing within small groups or clusters  
**Policy BSC11** – Recreation and open space  
**Policy ASA3** – Parking standards
- 3.2 Supplementary Planning Guidance  
 \* Residential Development SPG  
 • Affordable Housing SPG  
 • Planning Obligations SPG  
 • Recreational Public Open Space SPG
- 3.3 Government Policy / Guidance  
 Planning Policy Wales (Edition 9) November 2016  
 Development Control Manual November 2016  
 Technical Advice Notes  
 Circulars

### 3.4 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.

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

- 4.3.1 Principle
- 4.3.2 Visual amenity / landscape
- 4.3.3 Residential amenity
- 4.3.4 Ecology
- 4.3.5 Drainage (including flooding)
- 4.3.6 Highways (including access and parking)
- 4.3.7 Affordable Housing
- 4.3.8 Open Space
- 4.3.9 Previously developed land
- 4.3.10 Sustainability considerations

4.4 In relation to the main planning considerations:

#### 4.4.1 Principle

The main Local Development Plan Policy relevant to the principle of residential development in the County is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages, and it states developers will be expected to provide a range of house sizes, types and tenure. In relation to residential development outside settlements with defined development boundaries, there are 'exceptions' policies setting out circumstances where affordable housing may be acceptable. These relate to Local Connections Affordable Housing in hamlets (BSC6); Rural Exception sites (BSC8); and Local Connections Affordable Housing within small groups or clusters (BSC9). BSC 6 and 8 are not relevant to the circumstances at Llwyn Afon, as the collection of dwellings is not recognised as a hamlet in the Development Plan, and the site is not immediately adjoining a development boundary. The applicants are not suggesting these are applicable. The policy against which the applicant is suggesting the proposal should be assessed is BSC9. This is quoted in full below:

*'In open countryside, local connections affordable housing development of one or two units will be permitted within small groups or clusters, provided that the proposal meets all the following criteria:*

- i) comprises infilling of a small gap between buildings within a continuously developed frontage; and*
- ii) does not result in ribbon development or the perpetuation of existing ribbon development; and*
- iii) is of comparable scale and size to, and is sited so as to respect adjacent properties and the locality; and*
- iv) satisfactory arrangements can be made to ensure that the dwelling(s) are retained in perpetuity as affordable dwelling for local need and this is contained in a Section 106 agreement. ‘*

Section 4 of Planning Policy Wales deals with Planning for Sustainability and deals with development in rural areas. Paragraphs 4.7.7 and 4.7.8 are of particular relevance to proposals for new dwellings outside designated settlements:

‘4.7.7 For most rural areas the opportunities for reducing car use and increasing the use of walking, cycling and public transport are more limited than in urban areas. **In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes** when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

4.7.8 **Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.’

The Community Council have objected to the proposal on the basis of conflict with Planning Policy, pointing out that all three proposed dwellings at this location must be affordable homes.

The Strategic Housing and Planning Officer comments on the tests of policy BSC9 of the Development Plan and concludes the application cannot be supported - Policy BSC 9 allows for a maximum of 2 local connections affordable dwellings; 3 dwellings is in excess of this maximum; there is no policy provision for open market housing in this location ; the applicant has provided no evidence of local affordable housing need and it is not therefore possible to assess whether the proposal meets this policy requirement. It is concluded the proposal does not meet the relevant policy requirements in the adopted LDP and is not supported.

The basis of the proposals and the applicant’s case is summarised in section 1.1.6. It clarifies that the application is for two market dwellings and one affordable home; that the revised draft LDP will be adopted in just over 2 years and the infill policy (BSC9), now restricted to affordable homes will be reviewed; the Council has accepted in pre-application advice that the site is acceptable as infill in accord with BSC9; it is previously developed / brownfield land and is sustainable, as accepted by a previous appeal inspector; dwellings would be more in keeping with the area than caravans; enquiries with local Registered Social Landlords in regard to interest in affordable homes generated negative interest; a S106 agreement would be entered into to secure the affordable home for local needs.

In relation to the Development Plan, the wording of BSC9, and the contents of Planning Policy Wales, Officers’ comments in relation to the principle of the development are :

- The site is located in open countryside, being some 1.5km from the nearest part of the development boundaries of Denbigh and Llanrhaeadr village. It is not within any Hamlet area of search in the Local Development Plan.

- The premise of BSC9 emphasises the Development Plan and PPW approach to residential development in open countryside, which is that this should be strictly controlled and will only be acceptable as an 'exception' where it meets a local need for affordable housing. The submission does not argue a case for three affordable dwellings. As the proposal is for two open market dwellings and one affordable home, it is in fundamental conflict with the main requirement of the policy, as two of the dwellings are not intended as local connections affordable housing. There is no planning policy provision for open market dwellings in open countryside.
- BSC9 provides only for local connections affordable housing developments of one or two units within small groups or clusters. The proposal is in conflict with this element of the policy as it is for three dwellings, as noted, two of which would be open market units.
- There is no definition of 'small groups or clusters' or 'infilling of a small gap between buildings within a continuously developed frontage' (test i) of BSC9), either in the Development Plan, Supplementary Planning Guidance on Affordable Housing, or Planning Policy Wales. The Planning Inspector dealing with the 2008 appeal against refusal of planning permission for 3 dwellings on the site noted that the proposal had some of the characteristics of infill development, but having regard to the Unitary Plan and Supplementary Guidance which permitted infill opportunities only within cohesive groups of at least 6 dwellings, it was concluded the appeal site formed part of a 'dispersed, loose assembly of dwellings, which did not have the essential group cohesiveness required'. It remains a matter of opinion whether there is a continuously developed frontage here as there are only three dwellings spread over a road frontage of some 160m.
- In respect of test ii) of BSC9, it is not considered that the proposal would result in ribbon development or the perpetuation of ribbon development, as the site would not extend development out beyond the three existing dwellings along the spur road off the A525.
- In respect of test iii) of BSC9, the application is in outline form, so it is only possible to make basic comment on whether the development would be of a comparable scale and size, and would be sited so as to respect adjacent properties and the locality. The illustrative plans submitted suggest that the nature of development on the site would appear more cramped than is characteristic of existing development in the locality. The three existing dwellings along the old Ruthin Road are all bungalows set in relatively generous plots, and are well spaced out from one another. The approximate distances between the dwellings are 30 metres between Minafon and Llwyn Afon, and 70 metres between Llwyn Afon and The Oaks. The size of the footprints of the dwellings on the illustrative plan suggests these would be 2 storey units, and to fit the width of the site, would be approximately 7 metres apart.
- In respect of test iv) of BSC9, the applicant has confirmed willingness to enter into a S106 agreement with the Council to secure what the submission refers to as the affordable home for local needs. The proposal is however in conflict with test iv) as the two open market dwellings would not be subject to the arrangements necessary to retain them in perpetuity as affordable dwellings.

#### 4.4.2 Visual amenity / landscape

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. 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. These are basic development control considerations to be applied to applications, as highlighted in section 9.4 of the 2016 Development Management Manual.

There are no consultation responses raising issues in relation to the visual amenity and landscape impacts of the proposals.

It is clearly not possible to assess the detailed visual impact of the dwellings at this stage as the application is in outline form with no approval sought for details of appearance, layout, house types etc.. However, as set out in the previous section of the report in relation to test iii) of Policy BSC9, it seems likely the erection of 3 dwellings on the site will appear more cramped than surrounding development and this could impact on the visual impression of what is a loose / scattered pattern of development in this open countryside location. Additionally, the provision of three separate access points to serve the dwellings would inevitably involve the removal of sections of the well-established frontage hedgerow, further opening out views of the site from the east (A525).

#### 4.4.3 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. 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, are considerations highlighted in section 9.4 of the 2016 Development Management Manual.

There are no consultation responses raising issues in relation to the residential amenity impacts of the proposals.

Whilst the application contains an illustrative layout indicating a possible format for a development, given the application seeks only outline planning permission with all matters reserved for later approval, there are no elevation details or floor plans to allow assessment of the impact on adjacent properties. It is not possible or appropriate therefore to consider such matters at this point. Full consideration would be given to the details of dwelling types, siting, and proximity to existing property at detailed plan stage, taking account of levels, distances between dwellings, etc..

#### 4.4.4 Ecology

Policy VOE 5 of the Local Development Plan requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity.

There are no objections from consultees in relation to ecological impacts. NRW have asked that conditions be attached if permission is granted, to mitigate impacts on bats.

Having regard to the above, it is not considered there are any adverse ecological impacts likely to arise from the proposed development. Conditions could be attached to a permission to oblige submission and approval of details of lighting and enhancement measures in relation to bats.

#### 4.4.5 Drainage (including flooding)

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. The drainage impacts of a development proposal are a material consideration.

Dwr Cymru Welsh Water raise no objections but request inclusion of conditions requiring details of the drainage proposals to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. NRW have drawn attention to the need to comply with legislation and guidance in relation to the means of disposal of foul water.

In respect of an outline application and the responses from the main consultees, it is not considered there are any drainage grounds to oppose the development. Conditions would need to be attached to any permission to oblige submission of full drainage details at reserved matters stage.

#### 4.4.6 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. 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 Highway Officer has indicated there are no objections to the proposal.

It is not considered that there are any basic highway concerns over the proposals. Details of the proposed accesses to serve the dwellings would need to be submitted for consideration at reserved matters stage.

#### 4.4.7 Affordable Housing

The application sets out arguments that the proposals are in compliance with Policy BSC9 of the Local Development Plan, which relates to Local Connections Affordable Housing within small groups or clusters. BSC9 is quoted in full in section 4.2.1 of the report. Fundamentally, the policy sets out the 'exceptional' circumstances which need to be met for residential development to be acceptable in open countryside locations, and as a premise restricts new residential development to affordable housing to meet local need.

The Strategic Planning and Housing Officer has assessed the proposals against the contents of policy BSC 9. This requires development in small groups or clusters to be for local connections affordable housing. As the application is for 3 dwellings, 2 being open market housing and 1 affordable, and the policy allows for a maximum of 2 local connections affordable dwellings, the conclusion is that the proposals are in clear conflict. There is no policy provision for open market housing in this location. There is no evidence provided of local affordable housing need. It is considered that the proposal does not meet the relevant policy requirements in the adopted LDP and is not supported. On the basis of the above, and the conclusions set out in section 4.2.1 of the report Officers consider there is a fundamental conflict with current Development Plan policy, as the basic tests of BSC9 are not met.

#### 4.4.8 Open Space

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

There are no consultation responses raising issues in relation to open space provision.

The open space requirements of the Development Plan policies can be secured by imposition of a planning condition requiring agreement to the mechanism for compliance.

#### 4.2.9 Previously developed land

There are no Local Development Plan policies directly relevant to proposals involving previously developed land in open countryside locations. Policy BSC2 – Brownfield Development Priority seeks to direct development proposals within development boundaries of settlements and villages.

Planning Policy Wales Section 4.9 sets out a preference for the re-use of land and states:

‘Previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.’

‘Previously developed land’ is defined in Figure 4.4 of PPW 9:

‘Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land in built-up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- previously developed land the nature conservation value of which could outweigh the re-use of the site; and
- previously developed land subsequently put to an amenity use.’

The applicant’s supporting statement refers to the site as previously developed land / brownfield as it was occupied by a permanent structure, i.e. a glasshouse, and notes that it was accepted as brownfield by the 2008 appeal Inspector on this basis. The appeal decision letter confirms the Inspector gave detailed consideration to the arguments over the status of the land and that having regard to the passage of time and the changes arising from the caravan site use, these did not remove the brownfield status of the land bestowed by the previous garden centre use, Nonetheless, the Inspector also noted that ‘ Planning Policy Wales recognises that not all brownfield land, perhaps because of its location, is suitable for development.’

In relation to the above, Officers’ opinion is that the location of the application site does not necessarily render it unsuitable for development, but the open countryside location is the subject of planning policy constraints, and there are clear conflicts with the tests of the key Development Plan policy which should not be overridden by the previously developed land / brownfield arguments.

#### 4.2.10 Sustainability considerations

The Local Development Plan’s basic vision in relation to development within the County places an emphasis on this being through sustainable development through a range of



approaches, such as protecting the high quality of the environment, directing new development towards existing centres, ensuring high design standards, avoiding development in flood areas, and provision of adequate housing and employment opportunities.

Planning Policy Wales reinforces this general approach, Section 4 setting out principles for Planning for Sustainability, within which Section 4.7 focusses on Sustainable settlement strategy and the location of new development, and in paras 4.7.7 and 4.7.8 the approach to be adopted towards development in open countryside areas (quoted in section 4.2.1 of this report). These paragraphs suggest new development should be concentrated in settlements which have relatively good accessibility by non-car modes, the principle being to minimise the need to travel by modes other than the private car.

The Supporting Statement with the application notes that the 2008 appeal decision concluded that the sustainability of the site in principle was considered acceptable by virtue of its links via public transport together with cycle routes and public footpaths close by.

Factually, the 2008 appeal Inspector's concluding comment on the accessibility issue, having regard to the local circumstances, was 'Insofar as a non-settlement development is concerned, the sustainability credentials of the site are not good, but may be regarded as reasonable'. In his conclusion in relation to the site, he stated...'its sustainability credentials are not persuasive, but neither do they determine that otherwise acceptable development on the land should be refused'.

Officers' take on this issue is that there are questions over the accessibility of the site by modes other than the motor car, but in light of the appeal Inspector's assessment, the weight to be attached to the sustainability of the site is largely 'neutral' and should not be a factor which has significant bearing on any decision.

#### Other matters

##### Housing need / 5 year supply issues

Planning Policy Wales 9.2.3 sets a requirement on Local Planning Authorities to 'ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing'. Calculated against the methodology set in Technical Advice Note 1, Denbighshire's latest (2017) supply was 1.79 years, meaning it is not able to currently demonstrate a 5 year housing land supply. Members will be well aware, however, that the Council contends that the methodology it is required to use does not present a realistic view of the actual land supply situation in the County.

Paragraph 6.2 of TAN1 states that when housing land supply is below the five year requirement, "...the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies...". Whilst the development would provide three additional dwellings that would contribute to meeting housing need, the preceding sections of the report conclude that the proposals conflict in key respects with tests of Policy BSC9 of the Development Plan, and it is considered that the housing land supply situation should therefore only provide limited weight in favour of the proposal.

##### Review of Local Development Plan and Policy BSC9

The application documents refer to the forthcoming review of the Local Development Plan and to the possibility of policy BSC9 being changed as part of that review, including its restriction on new dwellings being affordable homes. It quotes the LDP Review Report produced in December 2017 which notes that Policy BSC9 has delivered very few houses and should be reviewed.

In respecting the applicant's comments on the possibility of changes to planning policies in any review of the Local Development Plan, it is incumbent on the Local Planning Authority to consider applications on the basis of the adopted Plan in place at the time of determining them. The review of the plan is still some way off, and it may be that no changes are made to policies, or that they may be revised in a totally different form, with no guarantee that sites such as the one at Llwyn Afon would be considered suitable for open market, or indeed, affordable housing.

#### 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 application proposes the erection of 2 open market dwellings and one affordable dwelling on land in the open countryside between Denbigh and Llanrhaeadr village.
- 5.2 Development Plan policies only make provision for new housing development outside settlements in exceptional circumstances, including for agricultural / forestry purposes, and where such development is for affordable dwellings for local need. This reflects the approach in Planning Policy Wales to new development in open countryside.
- 5.3 The main planning policy applicable to the proposal is BSC9 of the Development Plan. This allows local connections affordable housing development of one or two units within small groups or clusters, subject to four tests.
- 5.4 The applicant's arguments are set out in detail in the report. Officers conclusions are that the proposals are in clear conflict with key elements of Policy BSC9 as they involve the development of three dwellings, two of the three dwellings are proposed as open market units, and the dwellings are unlikely to be of a comparable scale and size to adjacent properties. The sustainability credentials of a development in this location, the arguments on housing supply and that the site constitutes 'previously developed land' are not considered compelling and worthy of affording significant weight to set against the fundamental policy conflicts.
- 5.5 Given the above, Officers recommendation is that permission should be refused, as the development is in clear conflict with current policy.

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

The reason is :-

1. The application site is in an open countryside location outside any settlement identified in the Denbighshire Local Development Plan, where new housing development is only considered appropriate if it can be justified for an essential worker in connection with a rural enterprise, or in particular circumstances as an exception to policy where it is for local connections affordable housing and meets specific policy criteria in the Denbighshire Local Development Plan. In the opinion of the Local Planning Authority, the proposal is in clear conflict with the premise and key tests of Policy BSC9 of the Development Plan, in that it involves the development of more than one or two dwellings, two of the three dwellings are proposed as open market units, and the dwellings are unlikely to be of a comparable scale and size to adjacent properties, all conflicts which are not outweighed by other material considerations. In these circumstances, the erection of three dwellings would represent an unacceptable sporadic development in open countryside, contrary to basic planning policy and guidance.

**NOTES TO APPLICANT:**

None

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# Agenda Item 9

**WARD :** Prestatyn North

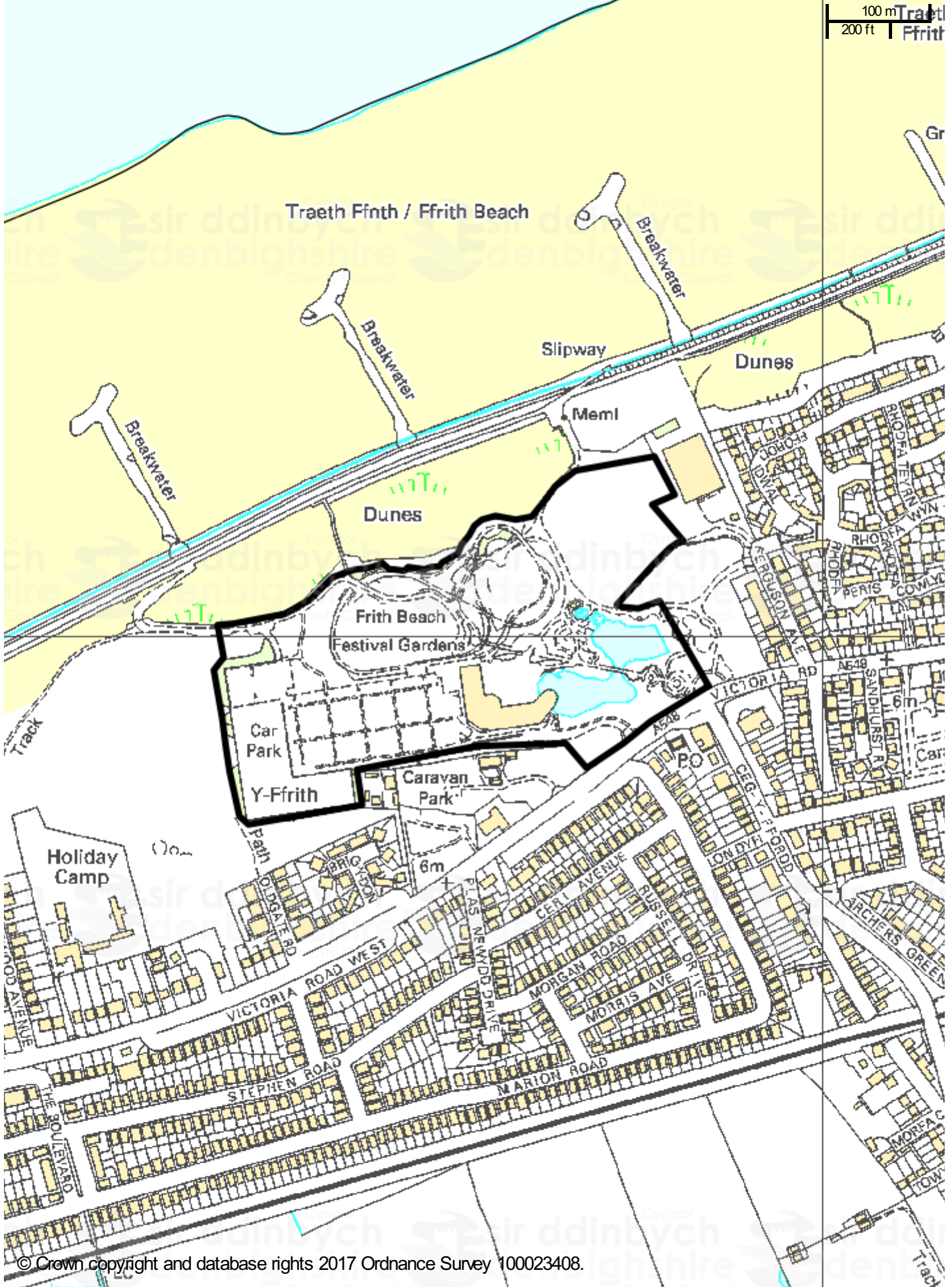
**WARD MEMBER(S):** Cllr Rachel Flynn  
Cllr Tony Flynn  
Cllr Paul Penlington

**APPLICATION NO:** 43/2017/1121/ PF

**PROPOSAL:** Use of land for the siting of an additional 65 touring caravan pitches and 39 timber camping pods, storage building and associated works

**LOCATION:** Ffrith Beach Victoria Road West Prestatyn

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43/2017/1121

Scale: 1:5000

Printed on: 9/5/2018 at 16:16 PM









# PROPOSED STORAGE BUILDING

**NOTES**

1. All dimensions are to the outside of the building unless otherwise indicated.

2. All materials to be used shall be of the highest quality and shall conform to the latest specifications of the relevant authorities.

3. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

4. The contractor shall be responsible for ensuring that the building is constructed in accordance with the approved plans and specifications.

5. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant building codes and regulations.

6. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant fire safety regulations.

7. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant environmental regulations.

8. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant health and safety regulations.

9. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant accessibility regulations.

10. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant sustainability regulations.

**Materials/Finish**

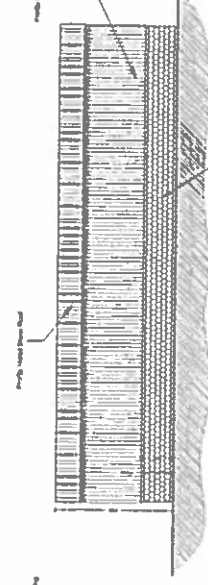
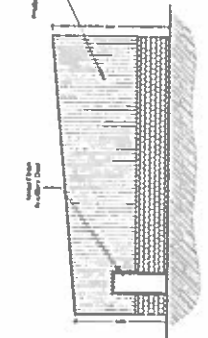
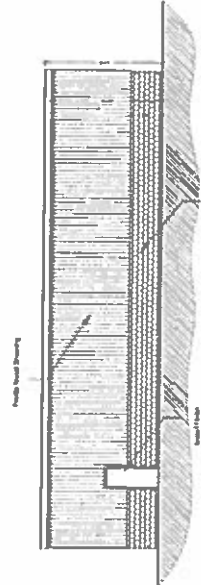
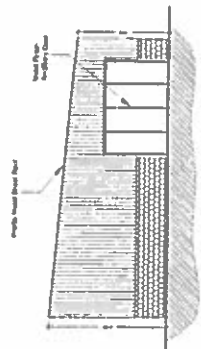
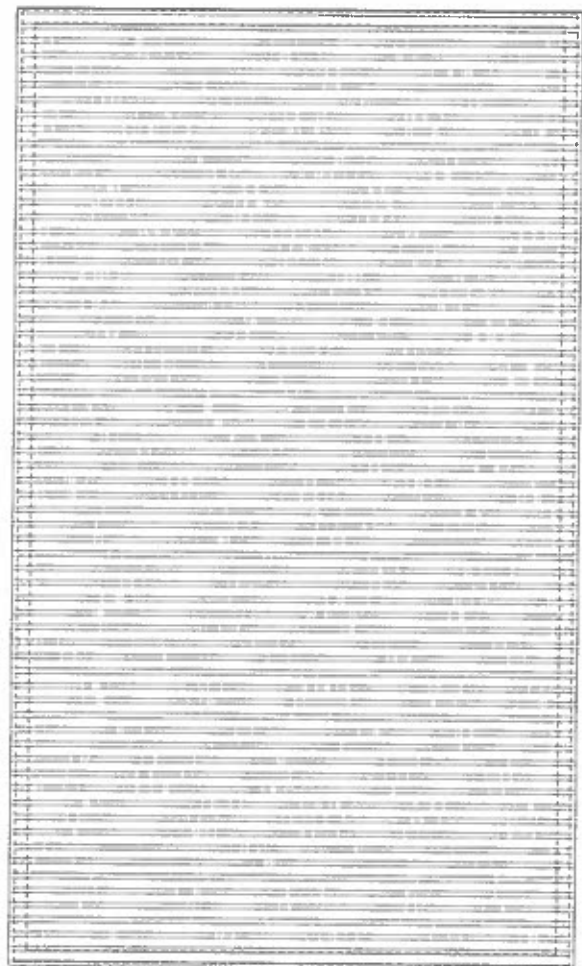
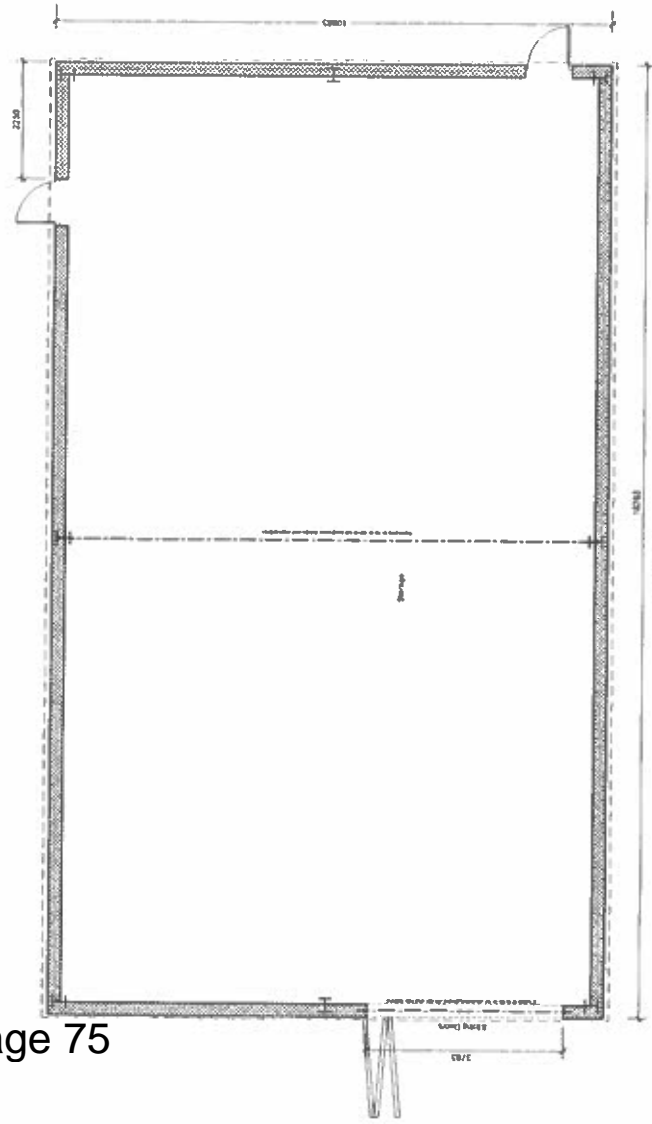
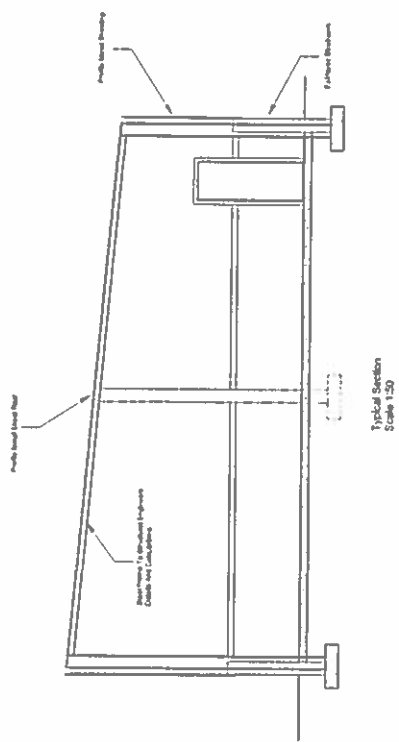
Roof: Profile Metal Sheet/Ply

Walls: Concrete Blockwork to Local Authority approval

Floor: Concrete Slab to Local Authority approval

Doors: Metal / Iron

Other: Areas of responsibility are to be to Local Authority approval.



mpas	
Project Name	Proposed Addition to Site B - Storage Building
Client	Mr. H. Robinson
Project No.	2017-18
Scale	200



# EXAMPLE OF CAMPING POD

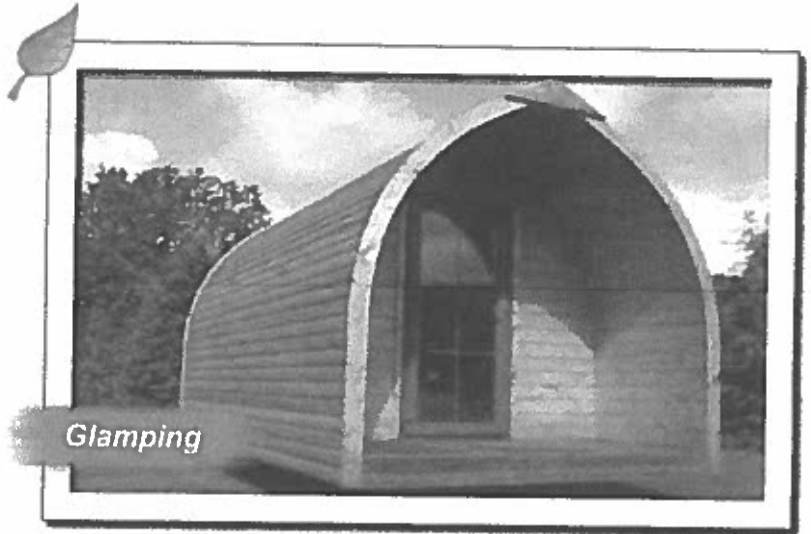
## Premium Log Pods



Log Pod camping pods have become an industry byword for luxury camping, often referred to as **'Glamping'**. Manufactured by skilled craftsmen from top quality materials and supplied from our own factory in South Wales our Log Pods have been designed to give campsites, holiday park and hotel owners a cost effective route into the popular and lucrative Glamping sector.

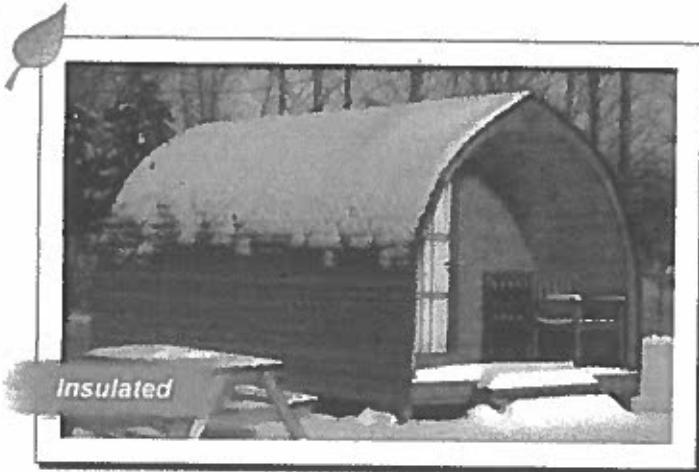
Warm in winter and cool in summer, our Premium Log Pods are fully insulated for all year round occupation. Supplied with a certified electrical system allowing for home comforts such as lighting, heating and TV

they offer your guests the ultimate **'home away from home'** experience letting them get **'back to nature'** without the inconvenience or effort normally associated with traditional camping under canvas.



Glamping

## Generate all year round income



Insulated

For site owners and operators one of the greatest benefits of Log Pods is the ability to accommodate visitors all year round no matter what the famous British Weather can throw at you. They can also broaden your customer base as you will find that they encourage people to holiday with you who would not normally consider traditional camping in a canvas tent.

Log Pods can also be sited on ground which would not normally be suitable for camping allowing you to maximise your revenue by letting pitches on land that would otherwise be unused. With their generous floor space and

headroom along with a luxury feel they are sure to be a hit with your guests, whilst their ever increasing popularity and long service life are sure to have a positive impact on your business.

## Outstanding luxury camping

In meeting the needs and expectations of our customers, a Log Pod combines smooth curves and natural beauty with all the quality and practicality that you would expect from a craftsman built luxury product.

- Fully mobile multi wheeled chassis
- Visually pleasing 'Arched' design
- Deep covered porch area with decking
- Double glazed door and window
- Suitable for wheelchair access
- Certified electrical system installed
- Metrotile shingles or Loglap exterior
- Choice of finish to suit your site
- Blends effortlessly into rural landscapes
- Very spacious luxury timber interior



For a friendly no obligation quote tailored to your requirements just call 01269 850 005 or email [trevor@thelogpod.co.uk](mailto:trevor@thelogpod.co.uk)





<b>WARD :</b>	Prestatyn North
<b>WARD MEMBER(S):</b>	Cllr Rachel Flynn Cllr Tony Flynn Cllr Paul Penlington
<b>APPLICATION NO:</b>	43/2017/1121/ PF
<b>PROPOSAL:</b>	Use of land for the siting of an additional 65 touring caravan pitches and 39 timber camping pods, storage building and associated works
<b>LOCATION:</b>	Ffrith Beach Victoria Road West Prestatyn
<b>APPLICANT:</b>	Mr Noah Robinson Lakeside Prestatyn Ltd.
<b>CONSTRAINTS:</b>	C1 Flood Zone PROW Article 4 Direction
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

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

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

**CONSULTATION RESPONSES:**

**PRESTATYN TOWN COUNCIL**

“Objection.

Chairman gave a brief history of site that was purchased by Prestatyn Urban District Council in 1933 and opened to public in 1935. It had been purchased for public recreation and leisure and was made available to town’s residents and visitors to enjoy open space, fresh air and exercise, together with unrestricted access to the beach.

Since 1933 local government has changed and Denbighshire County Council (DCC) are the successor public body in title which means they are current property owners. However in recent years Denbighshire County Council has leased much of the site to a tenant company.

DCC planning portal has received many written objections and views about proposed development. Ward Councillors T. Flynn and R. Flynn have called a public meeting on Monday 12<sup>th</sup> February 2018 at Alive Church, Prestatyn commencing at 6.00pm.

**RESOLVED OBJECTION**

Loss of open public space and adverse impact upon local environment/ecology.

Insufficient highway infrastructure for large number of touring caravans. Development within flood risk zone.

Dune system and public access to beach requires protection and improvement.

Size and scale of proposed development would lead to over concentration of caravans on site and in locality.

Landscape value impact assessment of caravan development required.

## NATURAL RESOURCES WALES

No objection subject to the imposition of planning conditions relating to the base levels of the touring caravan site and flood evacuation plan details

## DWR CYMRU / WELSH WATER

No objection

## BADGER GROUP

The group is surprised that no badger activity was found on the site. Have concerns relating to the development on the grounds of considerable reduction in foraging opportunities and the possibility of sett damage.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

### Highways Officer

Have given consideration to the following elements of the proposals;

- Capacity of existing network
- Accessibility
- Site access
- Site Layout
- Parking

The following information has been reviewed as part of the assessment of the proposals;

- Site Plans
- Transport Statement
- Planning Statement
- Design and Access Statement
- Construction Traffic Management Plan

Having regard to the submitted details it is considered that sufficient information has been submitted.

### **Capacity of Existing Network**

Criteria viii) of Policy RD 1 advises that proposals should not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate.

As highlighted in the submitted Transport Statement a net increase in two-way traffic of up to 19 vehicles is predicted during peak hours during the peak holiday season and 27 on a Bank Holiday. The existing site access arrangements are to remain and the predicted traffic flows are not likely to have a significant impact on the local highway network.

Having regard to the scale of the proposed development, the existing highways network and the submitted Transport Statement, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

### **Accessibility**

At 8.7.1 Planning Policy Wales (PPW) specifies that when local planning authorities determine planning applications they should take account of the accessibility of a site by a range of different transport modes. TAN 18 at 6.2 states that walking should be promoted as the main mode of transport for shorter trips. Section 6.2 goes onto specify that when determining planning applications local planning authorities should;

- ensure that new development encourages walking as a prime means for local journeys by giving careful consideration to location, access arrangements and design,



- including the siting of buildings close to the main footway, public transport stops and pedestrian desire lines;
- ensure that pedestrian routes provide a safe and fully inclusive pedestrian environment, particularly for routes to primary schools;
- ensure the adoption of suitable measures, such as wide pavements, adequate lighting, pedestrian friendly desire lines and road crossings, and traffic calming;

Policy RD1 of the LDP states that development should provide safe and convenient access for disabled people, pedestrians and cyclists. Policy ASA 2 of the LDP identifies that schemes may be required to provide or contribute to the following;

- Capacity improvements or connection to the cycle network;
- Provision of walking and cycling links with public transport facilities;
- Improvement of public transport services.

The proposed development is located in a sustainable location and is well served by various modes of transport. Having regard to the location of the existing site and existing arrangements it is considered that the proposals are acceptable in terms of accessibility and the policy requirements identified above.

### **Site Access**

Criteria vii) of Policy RD 1 of the Denbighshire Local Development Plan (LDP) requires that developments provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles. In order to comply with this requirement site accesses should meet relevant standards. Technical Advice Note 18: Transport (TAN 18) specifies at 5.11 that new junctions must have adequate visibility and identifies Annex B as providing further advice on required standards.

The site is served by a wide access at the junction with the A548 with good visibility in either direction. The access road leading to the site also features a layby which can operate as a passing place for development traffic prior to entering the main site. It would appear the existing site access arrangements are adequate to cope with the vehicle movements associated with the proposed development.

### **Site Layout (including roads, pavements, manoeuvring, lighting etc.)**

Criteria vii) of Policy RD1 of the LDP states that development should provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate parking, services and manoeuvring space.

Specific design guidance is contained within the following documents;

- Manual for Streets
- Denbighshire County Council Highways and Infrastructure: Minimum
- Specification for the Construction of Roads Serving Residential Development and Industrial Estates
- Denbighshire County Council: Specification for Highway Lighting Installations
- Denbighshire County Council: General Requirement for Traffic Signs and Road Markings

Having regard to the details provided and guidance identified above, it is considered that the on-site highways arrangements are acceptable.

### **Parking**

Policy ASA 3 requires that development proposals, including changes of use, will be expected to provide appropriate parking spaces for cars and bicycles. Supplementary Planning Guidance Note: Parking Requirements in New Developments (Parking SPG) identifies the required standards.

Policy ASA 3 also identifies circumstances that will be given consideration when determining parking provision. These circumstances are;

- The site is located within a high-densely populated area;
- Access to and availability of public transport is secured;
- Parking is available within reasonable distance of the site;

- Alternative forms of transport are available in the area

The proposed development will result in a loss of 264 parking spaces and retention of 236 of the existing 500 spaces. Although this is a significant loss in parking, it can be shown that the current usage of the site is significantly lower than the remaining 236 spaces. It is also noted that each touring caravan pitch and camping pod will have their own car parking space.

Having regard to the detailed assessments above, Highways Officers would not object to the proposed development, subject to appropriate conditional controls

Ecologist

No objections subject to the inclusion of conditions

Economic and Business Development

No objection, a quality glamping development, and the creation of more jobs would be in line with what the Tourism Growth Plan seeks to achieve.

Facilities, Assets and Housing

No objection

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

S. Owens, 41, South Avenue, Prestatyn  
 K. Kirwan, 46, Meliden Road, Prestatyn  
 David Clark, 54 Ffordd Idwal, Prestatyn  
 Mr John Jones, White House by the Sea, Prestatyn  
 Collette Ashworth, 256 Victoria Road, Prestatyn  
 Natalie Jackson, 7 St Francis Close, Prestatyn  
 Frank Jones, 8 Grasmere Close, Prestatyn  
 Stuart Lawrie, 3 Chester Close, Prestatyn  
 Lesley Brown, 87 Fforddisa, Prestatyn  
 Jean Payne, 64 Stephen Road, Prestatyn  
 Nic Torpey, 48 Ffordd Ty Newydd, Prestatyn  
 Margaret Hampson, 53 Green Lanes, Prestatyn  
 Mr Terry Brown, 26 Knowles Avenue, Rhyl  
 Mr Peter Evans, 85 Ffordd Idwal, Prestatyn  
 J Price, 3 Franklyn Avenue, Prestatyn  
 Andrea Tomlin, 58 Nant Hall Road, Prestatyn  
 Rob Caton, 15 Brig y Don, Prestatyn  
 Ken Prydderch, 8 Wats Dyke Way, Prestatyn  
 Linda Muraca, 9 Mostyn Avenue, Prestatyn  
 Heather Prydderch, 8 Wat's Dyke Way, Sychdyn  
 Allyson Evans, 109 High Street, Prestatyn  
 David Neary, 148 Ffordd Idwal, Prestatyn  
 Stephen Fenner, 21, Berwyn Crescent, Prestatyn  
 Geof Hodgson, 4, Berwyn Crescent, Prestatyn  
 Claire Jones, 1 Lon Dyfi, Prestatyn  
 Richard Large, 63, Ffordd Anwyl, Rhyl  
 Angela Sheridan, 161 High Street, Prestatyn  
 Mark Roberts, 4 Penrhyn Road, Prestatyn

45 Letters raising objections also passed to Planning after Public meeting

Summary of planning based representations in objection:

Visual Amenity:

It is one of the few open areas left in the coastal area so should be kept this way, the development of an open site would impact on the character of the area.

Highway Issues:

Number of caravans using the site will have an adverse impact on the local highway network causing dangers to road users; the area is already congested; queries adequacy of parking spaces on the site.

Impact on Wildlife:

There would be loss of local wildlife if the development is allowed; adverse impact on flora and fauna within the area.

Sand dunes/flood risk

More development would compromise the integrity of the sand dune system

Residential Amenity

Proximity of caravans to nearby properties would cause noise and disturbance for occupiers;

General Comments:

There are enough caravan parks in the area; loss of walking facilities; concerns relating to access to the beach; the land is for use by local people; the development would not benefit the local area or local community; current shower block insufficient for extra caravans; development effectively will result in the loss of public open space.

In support

Representations received from:  
Keith White, 133 Winchester Drive, Prestatyn

12 letters of support also passed to the Council after the public meeting.

Summary of planning based representations in support:

In full support of the proposals which will enhance the 'offer' of Prestatyn;  
The proposal would offer good quality camping pods attracting visitors to the area to spend their money;  
Will provide job opportunities within the area;  
Makes better use of the area which has become run down and investment in the site;  
The existing touring site has improved the area;  
We are a seaside town and rely on tourists, development is good for the economy of Prestatyn

Comments (Neither in objection or in support)

From 'Friends of the Ffrith' ( c/o 14 Cherry Close, Prestatyn)

Welcomes the proposal for timber camping pods.  
It is important that the public footpath is maintained;  
Questions plans to move play area  
Welcomes discussions with relevant parties in relation to access paths to ensure access but also to avoid damage of the dunes.

**EXPIRY DATE OF APPLICATION: 23/5/2018**

**REASONS FOR DELAY IN DECISION: N/A**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal seeks full planning permission for the use of land for the siting of an additional 65 touring caravan pitches and 39 timber camping pods, a storage building and associated works at the Ffrith in Prestatyn.
- 1.1.2 The proposal comprises of 3 main elements which are annotated on the plan at the front of this report as A, B2 and C.
- \* A - The siting of 65 touring caravans within an existing redundant car parking area.
- \* B2 – The siting of 31 timber camping pods of differing sizes to accommodate couples and families on an area of scrub land to the north of the car park.
- \* C – The siting of 8 timber camping pods, described as ‘exclusive’ family sized units on an area of scrub land to the north of the main leisure/amenity building.
- 1.1.3 To the rear of the main amenity building it is also proposed to erect a storage building to be used in connection with the existing and proposed use to keep tools and equipment required to maintain the site. The proposed storage building would measure 10m by 18m with a lean to roof measuring 4.5m sloping down to 3.5m. The proposed building would be constructed of profiled metal sheeting, colours have not been specified.
- 1.1.4 Parking facilities will be provided for each touring caravan proposed and the majority of camping pods would also be provided with a dedicated parking space. Visitor car parking space is to be provided within the site, and the remaining car parking area would contain 236 spaces.
- 1.1.5 Existing toilet facilities are available within the leisure/amenity building on site and part of the proposal is to enhance/refurbish them to provide toilet and shower facilities for use in connection with the proposed development.
- 1.1.6 In support of the application the following documents have been submitted:
- Pre-Application Consultation Report
  - Planning, Design and Access Statements
  - Construction Management Plan
  - Water Conservation Statement
  - Flood Consequences Assessment
  - Community & Linguistic Impact Assessment
  - Ecology Report
  - Transport Statement

## 1.2 Description of site and surroundings

- 1.2.1 The Ffrith is located on the A548 on Victoria Road West, on the western edge of Prestatyn. It covers an area of some 10ha
- 1.2.2 There is an existing leisure facility at the site, consisting of a bowling alley, sports bar, restaurant and children’s play with a large car park. To the west of the site is an existing touring caravan site comprising of 56 touring caravan pitches and space for 13 motor homes with shower/WC facilities in the form of a detached single storey building.
- 1.2.3 To the north of the site are sand dunes leading to the promenade and Irish Sea beyond. To the western boundary of the Ffrith is open land with a golf course beyond. To the south of the site are residential properties and Pen y Ffrith Caravan Park and The White House By the Sea Caravan Park. To the east are residential properties on Ferguson Avenue and North Wales Bowls Centre.
- 1.2.4 The site has a direct vehicular access off the main A548 Coast Road, also known as Victoria Road West.

### 1.3 Relevant planning constraints/considerations

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

1.3.2 The site is located within a Coastal Tourism Protection Zone.

1.3.3 The site is located within a C1 flood zone as defined by the development advice maps within TAN 15: Planning and Flood Risk.

### 1.4 Relevant planning history

1.4.1 Planning permission was granted in 2010 for 56 touring caravans and 13 motor homes along with the erection of WC/shower block and associated landscaping. This planning permission has been fully implemented and the site is in operation.

### 1.5 Developments/changes since the original submission

1.5.1 An updated Flood Consequences Assessment has been submitted in response to NRW's initial consultation response, along with an amendment to the proposal which now includes a storage building. Some additional landscaping details have also been submitted.

### 1.6 Other relevant background information

1.6.1 None

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

2.1 43/2009/1253/PF Use of land for 56 touring caravans and 13 motor homes, erection of WC/shower block and associated landscaping GRANTED at Planning Committee on 16<sup>th</sup> June, 2010.

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

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

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

**Policy PSE12** – Chalet, static and touring caravan and camping sites

**Policy PSE13** – Coastal tourism protection zones

**Policy PSE14** – Outdoor activity tourism

**Policy ASA3** – Parking standards

3.2 Supplementary Planning Guidance

SPG Parking Requirements in New Developments

SPG Conservation and Enhancement of Biodiversity

SPG Trees and Landscaping

Draft SPG Caravans, Chalets and Camping

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

Circulars

3.4 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
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy PSE 12 relates to chalet, static and touring caravan and camping sites. The policy states proposals for new static caravan sites will not be permitted. It allows for the environmental improvement of existing static holiday caravan or chalet sites by remodelling, provision of new facilities and by landscaping subject to proposals being acceptable in terms of other plan policies and such a proposal; preserves the or enhances the character of the area; demonstrates that any increase in the number of static caravan / chalet units would preserve or enhance the landscape setting of the overall site

PSE 12 encourages new touring and camping sites where all of four tests are met. These relate to the appropriateness of the scale and location; whether the scheme would result in an over concentration of sites in a locality; whether it would make a positive contribution to biodiversity, the natural and built environment; whether the development would appear obtrusive in the landscape, is of high quality layout etc, and has no adverse highway or community impacts.

Policy PSE 13 seeks to protect coastal tourism protection zones from development which would result in the loss of tourism facilities. The policy recognises how the coastal areas of Rhyl and Prestatyn are vital to the visitor economy of the area and an integral part of the regeneration of the coastal area it to re-position the resorts to attract new and higher spending visitor quality attractions, activities, accommodation and environment.

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

There are representations raising concerns over the nature of the development and suggestions that the site should remain open for public use.

The point has been clarified in 'Other Matters' below. It is appropriate to point out that the site is not allocated as public open space and therefore there is no planning requirement to retain the site as open space and the public have no right of access to the site with no 'Right to Roam'.

Policy PSE 12 seeks to resist the development of further static sites, but encourages proposals for new touring and camping sites that are appropriate in scale, do not lead to an overconcentration, make a positive contribution to local biodiversity and natural environment and do not appear obtrusive within the landscape. The policy also encourages the improvements of existing sites provided the development preserves or enhances the character and appearance of the area and it can be demonstrate that the increase in the number of units would preserve or enhance the landscape setting of the overall site.

The site is located within the development boundary of Prestatyn within a Coastal Tourism Protection Zone. The proposals are to extend an existing touring caravan site into an area which is currently a derelict open tarmacked car park. It is also proposed to introduce high quality camping pods within scrub areas to the north of the site and in addition would enhance local biodiversity and landscaping within the site. Static caravans are a more prevalent form of development within this area and therefore it is not considered touring caravan and camping pods would lead to an over-concentration of touring provision in the area.

The principle of tourism development is considered acceptable in policy terms and is in line with what the County's Tourism Growth Plan seeks to achieve.

#### 4.2.1 Visual amenity

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

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 visual amenity impacts of a development proposal are a material consideration.

There are representations raising concerns over the visual impact of the development and the loss of the open character of the site with further development.

Firstly in relation to the extension of the touring caravan site: to the west is an existing site for 56 tourers and 13 motorhomes with shower/WC facilities block constructed. There is parking within the site and additional landscaping has been undertaken. More recently, planning permission was granted for a small children's play area to the south of the site. The proposal is to extend the existing site to the east, incorporating additional car parking land to provide an additional 65 touring pitches with associated parking and landscaping. The car parking area at present is substantial and therefore predominantly unused. In visual terms it is considered that the extension to the touring site would improve the area and with additional landscaping would enhance the area.

In relation to the camping pods proposed within 2 areas: The sites are located at a lower level than the dunes but at a higher level than the car park/touring site. Area B2 immediately to the north of the car park/touring site would have 31 pods of differing sizes, and Area C to the north of the leisure/amenity building would have 9 larger pods. Some scrub clearance has taken place and it is proposed to continue to clear open areas in order to locate the pods, parking and amenity space. Paths will be gravelled and additional landscaping undertaken within and around the site. Additional visitor parking areas will be made available for the pods. In visual impact terms the camping pods would sit well in the topography of the site, they are low level structures constructed of timber and with additional landscaping within and around the site it is considered that the camping pods would enhance the visual appearance of the area.

Having regard to the scale and detailing of the development it is considered that the overall area of the Ffrith would be enhanced by the development with no unacceptable adverse impacts on visual amenity.

#### 4.2.2 Residential amenity

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

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.

There are representations raising concerns in relation to impact of the proposed development on the nearby residential properties.

The closest residential properties to the site are on Brig y Don, some 60m to the south of the proposed extension of the touring site. The existing touring site is in closer proximity to these properties than the area which is the subject of the proposal. There are properties located at The White House By the Sea and Pen y Ffrith Caravan Parks, understood to be occupied by the caravan site owners/operators.

Having regard to the existing use of the site and relationship of residential properties it is not considered that there would be any unacceptable residential amenity impacts.

#### 4.2.3 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

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, TAN 5 and Council's Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

There are representations raising concerns in relation to the impact of development on local wildlife.

An Ecology Report has been submitted with the application. Clwyd Badger Group have raised some concerns in relation to the impact of the proposal which have been discussed with the Council's Ecologist and referred to the applicants agent/ecologist.

Following discussions between the Council's Ecologist and Clwyd Badger Group, it is accepted there is the potential for some elements of this development to be within 30m of a badger sett. As such, it is suggested precautions should be undertaken to ensure that the development does not impact on badgers or result in a criminal offence. The County Ecologist agrees that the issue of loss of foraging habitat is unlikely to be significant, and feel that with a slight modification to approach, the development could proceed without any negative impacts to badgers. Due to the vulnerability of badgers to persecution, the specifics of these measures can not be included within this report, but the County Ecologist is happy to discuss them with the developer and project ecologist at any time.

The County Ecologist has reviewed the submission and has raised no objection to the proposal subject to the inclusion of planning conditions to ensure the development is undertaken in accordance with the mitigation and recommendations within the submitted report and works are undertaken at the appropriate time of year.

#### 4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales 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 drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales Section 12.4.1 states 'The adequacy of water supply and the sewage infrastructure are material in considering planning applications and appeals.'

Planning Policy Wales Section 13.2 and 13.4 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed. PPW 13.4 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

There are representations raising concerns that the development would increase the risk of flooding within the area, particular reference has been made to the sand dunes being compromised.

A Flood Risk Assessment has been submitted and in relation to drainage the proposal is to connect the foul sewage to the mains sewer and surface water will be disposed of via sustainable drainage methods, no details have been provided.

Dwr Cymru Welsh Water (DCWW) and Natural Resources Wales (NRW) have been consulted and have not raised any objections to the proposal subject to the inclusion of suitable conditions being imposed if planning permission is granted.

In relation to flood risk, a revised Flood Consequences Assessment (FCA) has been submitted in response to the original consultation comments from NRW. The revised FCA has been assessed by NRW and no objections have been raised, subject to the imposition of planning conditions requiring the submission of finished base and parking levels for the touring caravan site and also requiring the submission of a flood evacuation plan.

In relation to surface water drainage, the proposed new development will create impermeable areas in the form of caravans, pods, driveways and access roads and therefore will increase surface water run-off compared with the existing conditions. The additional surface water flow needs to be managed so that it does not exacerbate the existing surface water flood risks or create new flood risk elsewhere. The risk from surface water runoff should be managed through the use of Sustainable Drainage Systems and a suitable surface water drainage strategy should be secured by the imposition of a suitably worded planning condition.

There are no objections from technical consultees. It is reasonable to assume that an acceptable surface water drainage scheme can be achieved on the site. It is considered appropriate to secure the provision of an appropriate drainage scheme through condition. The proposals are therefore considered acceptable in relation to drainage and flood risk.

#### 4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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 factor relevant to the application of standards. More detailed guidance is contained with the SPG: Parking Requirements in New Developments.

These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

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 highway impacts of a development proposal are a material consideration.

There are concerns raised within representations in relation to highway safety in terms of the increase in traffic on the local highway network and also in relation to detailing of parking within the site for the touring units and pods.

The proposed development would be accessed from the existing junction on the A548 and no access improvements are proposed. A Transport Statement has been

submitted with the application, which describes the local highway network and standard of the existing access.

Highways Officers have raised no objections to the proposal and have no concerns in respect of the adequacy of the local highway network. In respect of the concern relating to the parking provision on site for the proposed touring units and pods, it is acknowledged that some of the spaces appear small therefore it is suggested that a condition is attached ensuring the spaces meet the minimum size of 2.4 by 4.8m as set out in SPG guidance.

It is not considered, with respect to objections raised, that there are any strong highway grounds to refuse permission here given the scale and nature of the development and the standard of the existing access and road network.

#### Other matters

Denbighshire County Council is the freehold owner of the site. The Council's Facilities, Assets and Housing Section have confirmed that the applicant has a long term Lease agreement with the Council. The land incorporating the lake, bridges, building complex and car park are all incorporated in the lease to the Tenant. The Tenant is responsible for all repair and maintenance of the site within the application site area.

A number of comments have been made during the consultation process in respect of access rights to the site, the loss of open space and loss of access through the site to the beach.

For clarity, there is no 'Right to Roam' over the site or public right to access the site.

The site is not allocated within the adopted Local Development Plan for public open space.

In relation to public rights of way, there is only 1 public footpath within the site which will not be affected by the development proposals. It is acknowledged that the current directional signage is poor and therefore the Council will work with the applicant to ensure this is addressed.

#### 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:**

The principle of the development of tourism accommodation in this location is considered acceptable. It is considered there would be no adverse impact on the visual amenity of the area or local biodiversity. Flood Risk and Surface Water drainage impacts are also considered acceptable. It is not considered that the proposal would result in an adverse impact on the local highway network.

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

1. The development to which this permission relates shall be begun no later than 23rd May 2023

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) Storage building plans and elevations (Drawing No. 2017-18-200) received 23 April 2018
  - (ii) Site layout as existing (Drawing No. 2017-18-500 A) received 5 December 2017
  - (iii) Site layout as proposed (Drawing No. 2017-18-502 C) received 23 April 2018
  - (iv) Landscaping layout as proposed (Drawing No. 2017-18-900 A) received 23 April 2018
  - (v) Location plan received 24 November 2017.
  
3. In relation to the use of the touring caravans and camping pods:
  - (i) None shall be used other than for holiday purposes only,
  - (ii) None shall be occupied at any time as a person's sole or main place of residence.
  - (iii) No caravan or motor home shall be permitted to be present on the site for a period in excess of 21 consecutive days or to return to the site within a period of 21 days from the date it was last present on the site.
  - (iv) The site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and motor homes, and the dates each caravan or motor home arrives on the site and leaves the site. The register shall be made available on request for inspection by officers of the Local Planning Authority. Responsibility for the maintenance of the register shall be that of the caravan site licence holder or his/her nominated person(s).
  
4. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority.  
 The Statement shall provide for:
  - 1) Site compound location
  - 2) Traffic management scheme
  - 3) The parking of vehicles of site operatives and visitors;
  - 4) Loading and unloading of plant and materials;
  - 5) Storage of plant and materials used in constructing the development;
  - 6) The management and operation of construction vehicles and the construction vehicle routes
  - 7) Wheel washing facilities;
  - 8) Measures to control the emission of dust and dirt during construction;
  - 9) The hours of site works and deliveries.

The approved Statement shall be adhered to throughout the construction period
  
5. Prior to the use of the extended touring caravan site commencing, details of the layout of the remaining car parking area shall be submitted to and approved in writing by the Local Planning Authority. The car parking area shall be laid out in accordance with such approved details and be made available for parking purposes at all times.
6. The parking spaces provided for individual pitches and camping pods shall be a minimum of 2.4m by 4.8m.
7. Biodiversity  
 The development shall be carried out in strict accordance with the recommendations set out in Section 11 of the Ecological Assessment (Document Reference: 2138126 received on 05/12/2017) in respect of reptile avoidance, mitigation and compensations measures, and habitat retention on site.
8. Works which could result in the damage or destruction of active bird nests must take place outside the of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.
9. No development shall take place until details of the measures to protect the wildlife site/sand dunes during the construction phase and during the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of fencing and access arrangements. The development shall proceed in accordance with such approved details.
10. Landscaping

- Notwithstanding the submitted landscaping details, prior to the development hereby permitted being brought into use a full landscaping scheme shall be submitted and approved in writing by the Local Planning Authority.
11. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
  12. **Flood Risk & Drainage**  
The development shall be carried out in accordance with the recommendations contained in the amended Flood Consequences Assessment (FCA) received on 23rd April, 2018.
  13. No development shall take place until the details of the finished base levels and parking areas of the touring caravan site (Area A) have been submitted to and approved in writing by the Local Planning Authority. There development shall proceed in accordance with such approved plans.
  14. Prior to the occupation of the development a Flood Evacuation Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be adopted and implemented in accordance with the approved details.
  15. Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or beyond manhole reference number SJ04828950 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.
  16. No development shall take place until a fully detailed scheme of surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before use commences.
  17. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
  18. **Lighting**  
Prior to the installation of any new external lighting within the site a detailed lighting scheme for the site which shall include details of existing and proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with such approved details.
  19. **Storage Building**  
Prior to the erection of the storage building hereby permitted details of the colour finish of the wall and roof metal sheeting shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.
  20. The storage building shall be used for storage purposes only in connection with the maintenance of the site and not for any other purpose.

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 order that the Local Planning Authority is able to retain control over the uses of the caravans to holiday purposes to prevent use as permanent places of residence.
4. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. To ensure sufficient parking facilities is available within the site for all users.
6. To ensure sufficient parking facilities is available within the site.
7. In the interests of nature conservation.
8. In the interests of nature conservation.
9. In the interests of nature conservation.
10. In the interest of visual amenity and the character of the area.
11. In the interests of visual amenity.
12. To ensure relevant measures are undertaken to limit any risks arising from flooding.
13. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
14. In the interest of the management of flood risk.

15. In the interest of the management of flood risk.
16. In the interest of the management of flood risk.
17. In the interest of the management of flood risk.
18. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
19. In the interests of visual amenity.
20. For the avoidance of doubt.

#### **NOTES TO APPLICANT:**

Major Development NTA (notification of commencement and site notice requirement)

Please be reminded that you will need a new Site Licence to operate the site.

In relation to Condition 9, the measures are required to reduce the impacts of the development on the County Wildlife Site. As specified in the condition, this should include an access agreement with the owner of the Y Ffridd County Wildlife Site, and appropriate fencing to reduce erosion and damage to the dunes as a result of visitors from the proposed development accessing the site.

#### **Dwr Cymru Welsh Water Advisory Notes**

The applicant 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](http://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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### **SEWAGE TREATMENT**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

#### **WATER SUPPLY**

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

# Agenda Item 10

**WARD :** Rhyl West

**WARD MEMBERS:** Cllr Alan James (c)  
Cllr Joan Butterfield

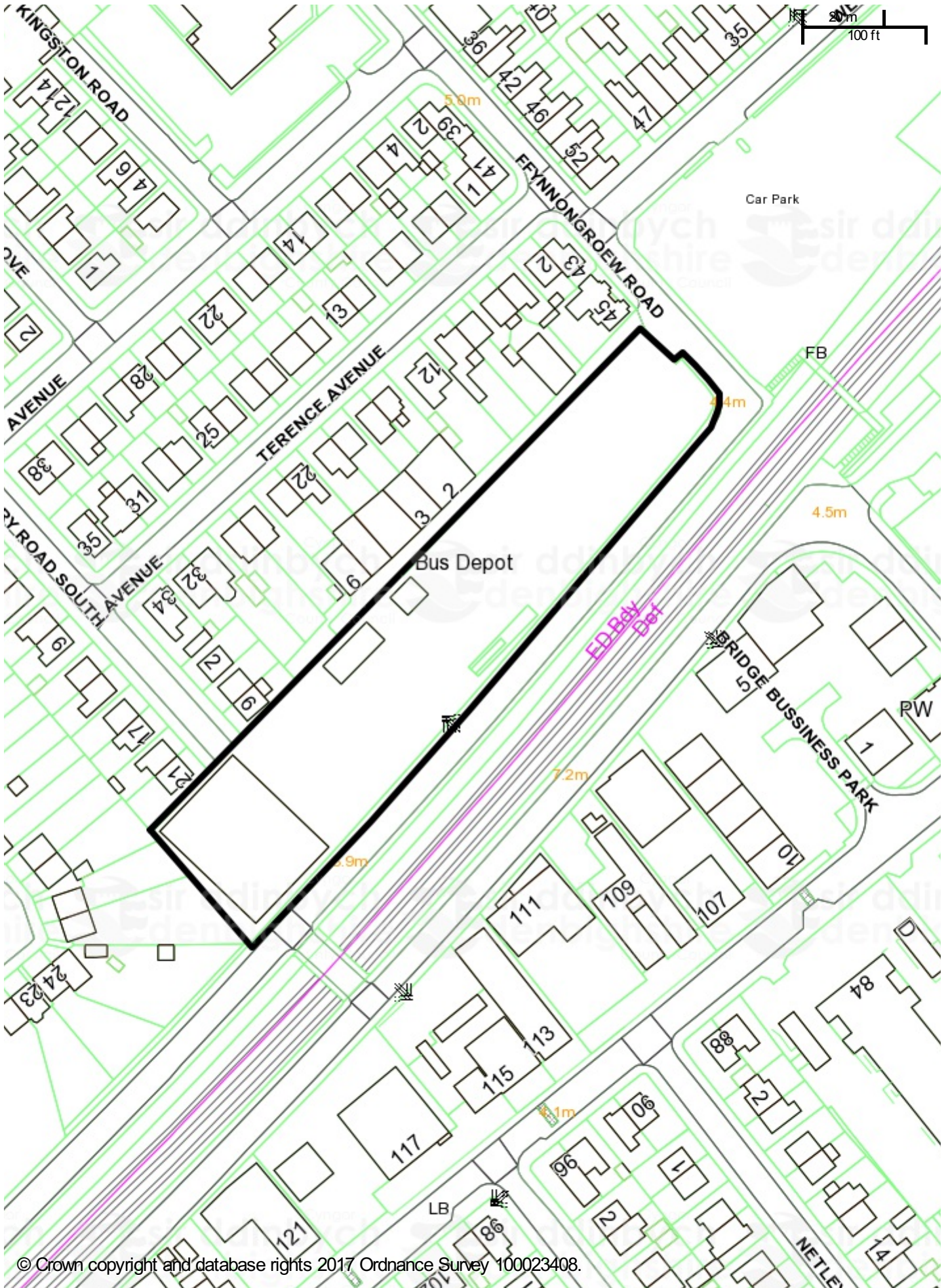
**APPLICATION NO:** 45/2018/0194/ PF

**PROPOSAL:** Erection of acoustic boundary fence and new roof to existing bus wash to contain overspray

**LOCATION:** Arriva Cymru Ltd Ffynnongroew Road Rhyl LL18 1DB

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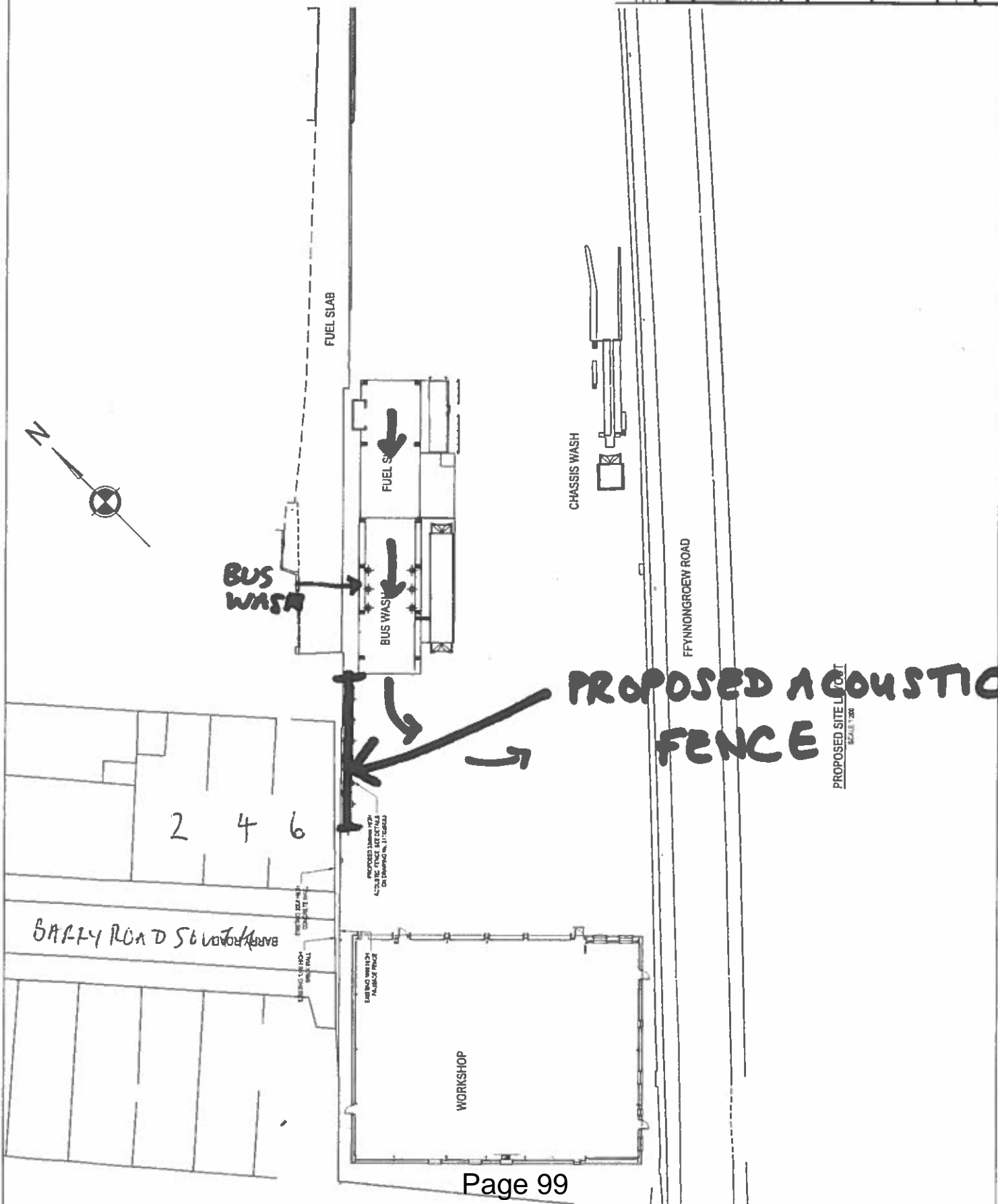
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# PROPOSED SITE LAYOUT

## GENERAL NOTES

1. THIS DRAWING IS TO BE USED FOR CONSTRUCTION OF THE PROPOSED LAYOUT ONLY.
2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
3. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR BEFORE COMMENCEMENT OF WORK.
4. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR BEFORE COMMENCEMENT OF WORK.



PRELIMINARY	
 SHEPHERD WATSON CONSULTING CIVIL & STRUCTURAL ENGINEERS 28 WINDY CLIFF FRENCH LANE, RHYL, BRYN AELLYN, LL23 7JG Telephone: 01772 821041 Fax: 01772 821042 Website: www.shepherdwatson.co.uk	
CLIENT	ARRIVA CYMRU LTD
PROJECT	ARRIVA BUS DEPOT, FFYNNNGROEW ROAD, RHYL
DRAWING TITLE	PROPOSED LAYOUT WITH ACOUSTIC FENCE
DATE	05/06/17
BY	JULY 2017
DRAWING NUMBER	217/026/002
Pg 3	















**WARD :** Rhyl West

**WARD MEMBERS:** Cllr Alan James (c)  
Cllr Joan Butterfield

**APPLICATION NO:** 45/2018/0194/ PF

**PROPOSAL:** Erection of acoustic boundary fence and new roof to existing bus wash to contain overspray

**LOCATION:** Arriva Cymru Ltd Ffynnongroew Road Rhyl LL18 1DB

**APPLICANT:** Arriva North West & Wales Ltd.

**CONSTRAINTS:** C1 Flood Zone 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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
"No Objection".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
Pollution Control Officer  
No objection

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Varughese Koshy, 6 Barry Road South, Rhyl  
Mrs A M Prosser, 30 Terence Avenue Rhyl  
Mrs G Gwillam, 28 Terence Avenue Rhyl Ruth Jenkinson, 4 Barry Road South, Rhyl J Iobai,  
Unit 1, Ffynnongroew Road, Rhyl  
Rita Bird, 34 Terrence Avenue, Rhyl

Summary of planning based representations in objection:

Residential Amenity Impacts:

Noise: The noise from the bus wash is loud and unpleasant

Smell: During bus wash time, chemicals from the washing detergent blows in to neighbouring properties

Spray: As the bus wash unit is open both ends spray causes an issue

Light: There is lighting on the bus wash unit which is close to residential properties.

Air pollution: Chemicals within cleaning detergent is used which is carried by the wind

General comments

The bus wash was located in the wrong location.

The proposal won't solve the problem, the bus wash unit is open both ends so spray and noise will still be an issue.

**EXPIRY DATE OF APPLICATION:** 23/05/2018

**REASONS FOR DELAY IN DECISION:** N/A

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of an acoustic boundary fence and a new roof over the existing bus wash at the Arriva Bus Depot on Ffynngroyw Road in Rhyl.
- 1.1.2 The proposed acoustic boundary fence would be 3.3m in height with a 45 degree 'splay' at the head of the fence. The fence would be faced on both sides with tongue and grooved 'V' jointed vertical boarding with a 'golden oak' sadolin paint finish.
- 1.1.3 The fence would be located along the boundary of the site from the edge of the bus wash to approximately half way down the gable end of No 6, Barry Road South, a total length of approximately 18m.
- 1.1.4 The existing bus wash is approximately 6.5 m high and is located close to the northern boundary of the site. The bus wash has an open roof and entrance/exit. A temporary tarpaulin cover has recently been placed over the roof of the bus wash following complaints from local residents relating to spray, noise, light and smells.
- 1.1.5 This application seeks permission to erect a permanent roof to the bus wash unit, finished in cladding to match the existing wall cladding. It is also proposed to replace the wall cladding on the northern elevation of the bus wash with insulated acoustic panels in goosewing grey to match the existing, in order to minimise noise transmission.
- 1.1.6 In addition, it is also proposed to partially close the open end of the bus wash where the buses exit the washer by installing acoustic panelling above the door header and also plastic roof carpet and vertical brushes within the actual opening.
- 1.1.7 Plans are provided at the front of the report to indicate the position and detailing of the acoustic fence and elevations of the bus wash following the proposed alterations.

1.2 Description of site and surroundings

- 1.2.1 The bus wash is within the long established Arriva Bus Depot site, located off Ffynngroyw Road in Rhyl. The site bounds some residential properties to the north and west with the railway line immediately abutting the southern boundary of the site.
- 1.2.2 The site has a single access point off Ffynngroyw Road near the corner of the 'H' Bridge.
- 1.2.3 The whole site has recently been redeveloped including the erection of a new depot, fuel and wash facilities a new entrance and associated works.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

1.4.1 Planning permission for the redevelopment of the site including the bus wash facility was granted in 2014.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application has been submitted following the involvement of the Council's Pollution Control Officer.

**2. DETAILS OF PLANNING HISTORY:**

2.1 45/2013/1369/PF Demolition of existing workshop, offices and buildings and erection of a new bus depot, fuel and wash facilities, chassis wash facility, fuel tank, new entrance and boundary treatments GRANTED 11<sup>th</sup> under delegated powers on 11<sup>th</sup> February, 2014.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

TAN 11: Noise (1997)

TAN 12: Design (2016)

**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

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site is an established bus depot located within the development

boundary of Rhyl. The principle of reasonable development in association with an existing business is considered to be acceptable subject to an assessment of the local impacts.

#### 4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development;

test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside;

test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines;

test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context..

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 visual amenity impacts of a development proposal are a material consideration.

There are no specific objections relating to the impact of the proposal on visual amenity.

As noted, the proposal is to erect an acoustic fence along part of the boundary of the bus depot to provide a barrier from the edge of the bus wash unit. The vertical height of the fence would be 2.6m and there would be a 45 degree splay to the head of the fence adding 0.7m to its overall height. In relation to materials, facing the residential property the fence would be finished with a 'golden oak' sadolin paint finish on both sides.

The proposed alterations to the bus wash unit will be done in materials to match the existing building which are in keeping with other buildings on the site.

In terms of visual impact, it is considered the proposal would not result in an unacceptable adverse impact on the visual amenity of the area.

#### 4.2.3 Residential amenity

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

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.

There are a number of specific amenity issues raised by local residents, who do not consider that the proposals will address their concerns.

#### In relation to noise:

The proposal includes the erection of an acoustic boundary fence and alterations to the bus wash unit, as described previously.

The Council's Pollution Control Officer has been consulted and has raised no objection to the proposals. In relation to noise, the solutions presented by the

applicant are considered to be appropriate.

In relation to spray:

It is proposed to install a permanent clad roof to the bus wash unit and to partially close the open end of the bus wash where the buses exit the washer by installing acoustic panelling above the door header and also a plastic roof carpet and vertical brushes within the actual opening.

The permanent roof proposed to the unit along with enclosing the area where the buses exit the washer would significantly minimise any spray from leaving the washer unit.

If spray does escape, the 3.3m high fence would also assist in screening the residential properties from spray to an acceptable degree.

The Council's Pollution Control Officer has been consulted and has raised no objection to the proposals. In relation to spray, the solutions presented by the applicant are considered to be appropriate

In relation to smell and air pollution (from the spray):

It is proposed to install a permanent clad roof to the bus wash unit and to partially close the open end of the bus wash where the buses exit the washer by installing acoustic panelling above the door header and also a plastic roof carpet and vertical brushes within the actual opening.

The permanent roof proposed to the unit along with enclosing the area where the buses exit the washer would significantly minimise spread of any spray and therefore smell from leaving the washer unit.

The effect of the fence structure would also assist mitigation of smell from the cleaning process.

The Council's Pollution Control Officer has been consulted and has raised no objection to the proposals. In relation to smell, the solutions presented by the applicant are considered to be appropriate.

In relation to light:

There is an existing lighting column located along the boundary with the neighbouring property and there is lighting located within the bus wash unit itself.

It is proposed to install a permanent clad roof to the bus wash unit and to partially close the open end of the bus wash where the buses exit the washer by installing acoustic panelling above the door header and also a plastic roof carpet and vertical brushes within the actual opening.

The lighting column located along the boundary of the site with the neighbouring property is no longer in use and has been permanently disconnected.

The permanent roof proposed to the unit along will enclose the area where the buses exit the washer and therefore would significantly minimise any light escaping from the bus wash unit.

The 3.3m high fence proposed would also assist in screening the residential properties from any light from the bus wash unit and from the buses exiting the bus wash to an acceptable degree.

The Council's Pollution Control Officer has been consulted and has raised no objection to the proposals. In relation to light, the solutions presented by the applicant are considered to be appropriate.

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 respecting the representations on the application, the proposals are considered acceptable in visual and residential amenity terms.

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

1. The development to which this permission relates shall be begun no later than 23rd September 2018.
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 bus wash indicating steelwork to be removed (Drawing No. 217/026/006 Rev. P1) received 21 February 2018
  - (ii) Existing bus wash indicating steelwork to be added (Drawing No. 217/026/007 Rev. P1) received 21 February 2018
  - (iii) Acoustic fence details (Drawing No. 217/026/003 Rev. P3) received 21 February 2018
  - (iv) Existing block plan (Drawing No. 1275/P/002) received 2 March 2018
  - (v) Proposed layout with acoustic fence (Drawing No. 217/026/002 Rev. P3) received 21 February 2018
  - (vi) Location plan received 21 February 2018
3. The bus wash shall only be permitted to operate between the hours of 7am and 9.30pm on any day.

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 residential amenity

# Agenda Item 11

**WARD :** Rhyl South

**WARD MEMBER(S):** Cllr Ellie Chard (c)  
Cllr Jeanette Chamberlain Jones

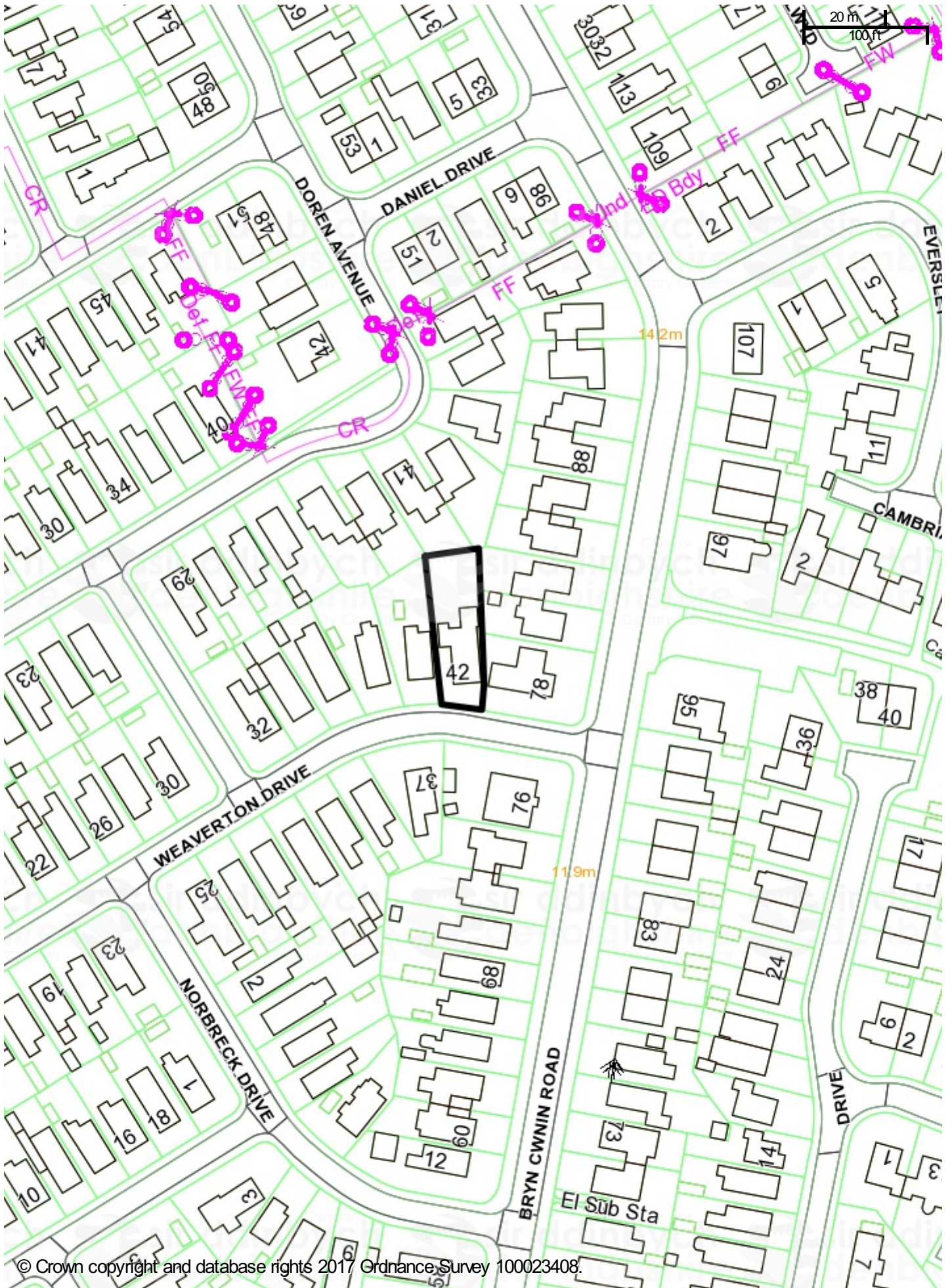
**APPLICATION NO:** 45/2018/0217/ PF

**PROPOSAL:** Demolition of garage to erect a single storey pitched roof extension to rear of dwelling

**LOCATION:** 42 Weaverton Drive Rhyl LL184LB

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45/2018/0217

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# Existing Elevations



EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING WEST ELEVATION



Existing Floor Plan



Site Plan Scale 1: 500

# EXISTING ELEVATIONS

All elevations to be developed on the ground to match surrounding.  
The Contents of this drawing are the property of Pennaf Ltd.

**Pennaf**  
42 Weaverton Drive, Rhyd  
Cwmwd A163 / DEVELOPMENT  
25.03.2011 No. 11  
1:100 @ A2  
As shown

Client: Cwmwd A163 / DEVELOPMENT  
Project No: 25.03.2011 No. 11  
Scale: 1:100 @ A2  
As shown

Drawn By: JRJ  
Check By: JRJ

Project No: 25.03.2011 No. 11  
Scale: 1:100 @ A2  
As shown

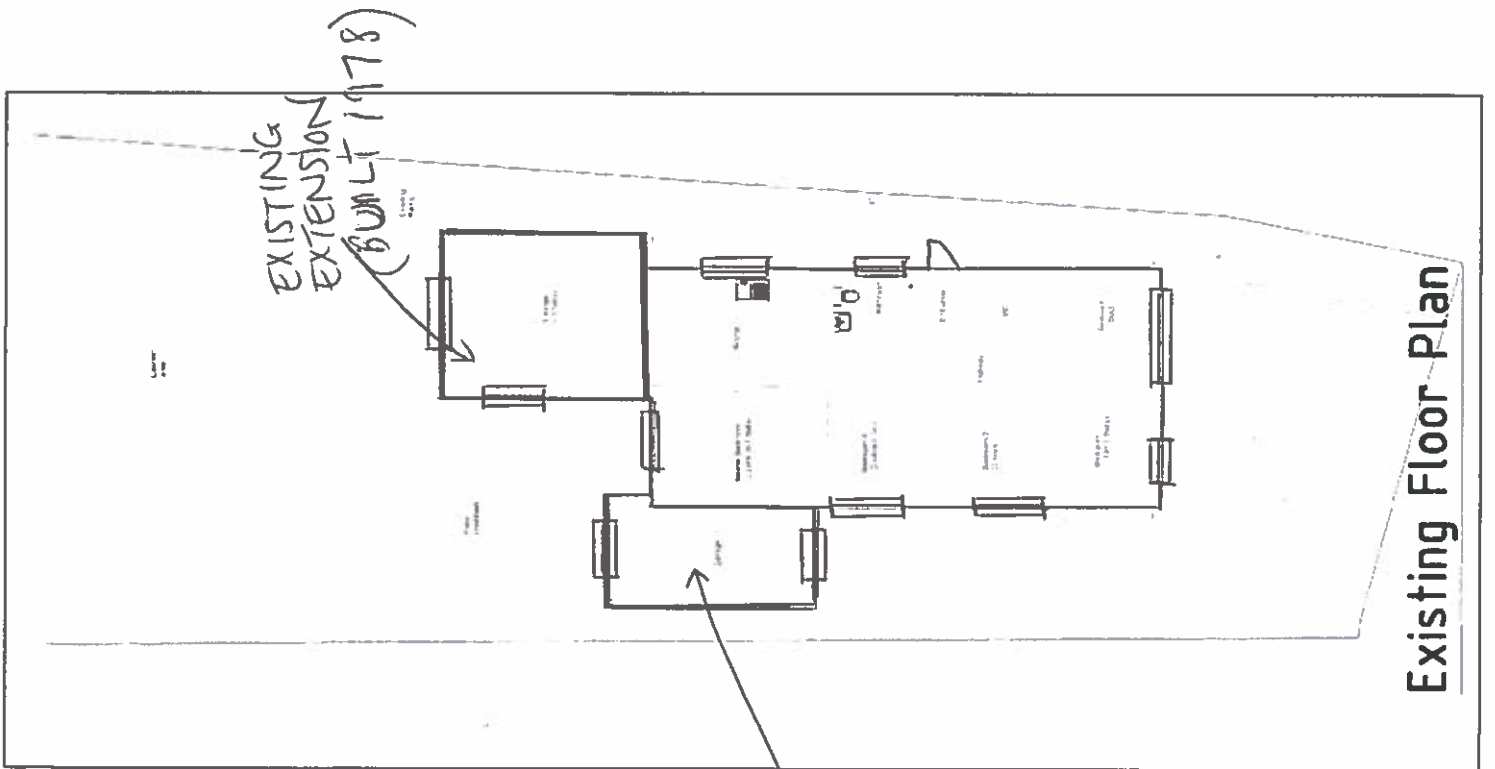
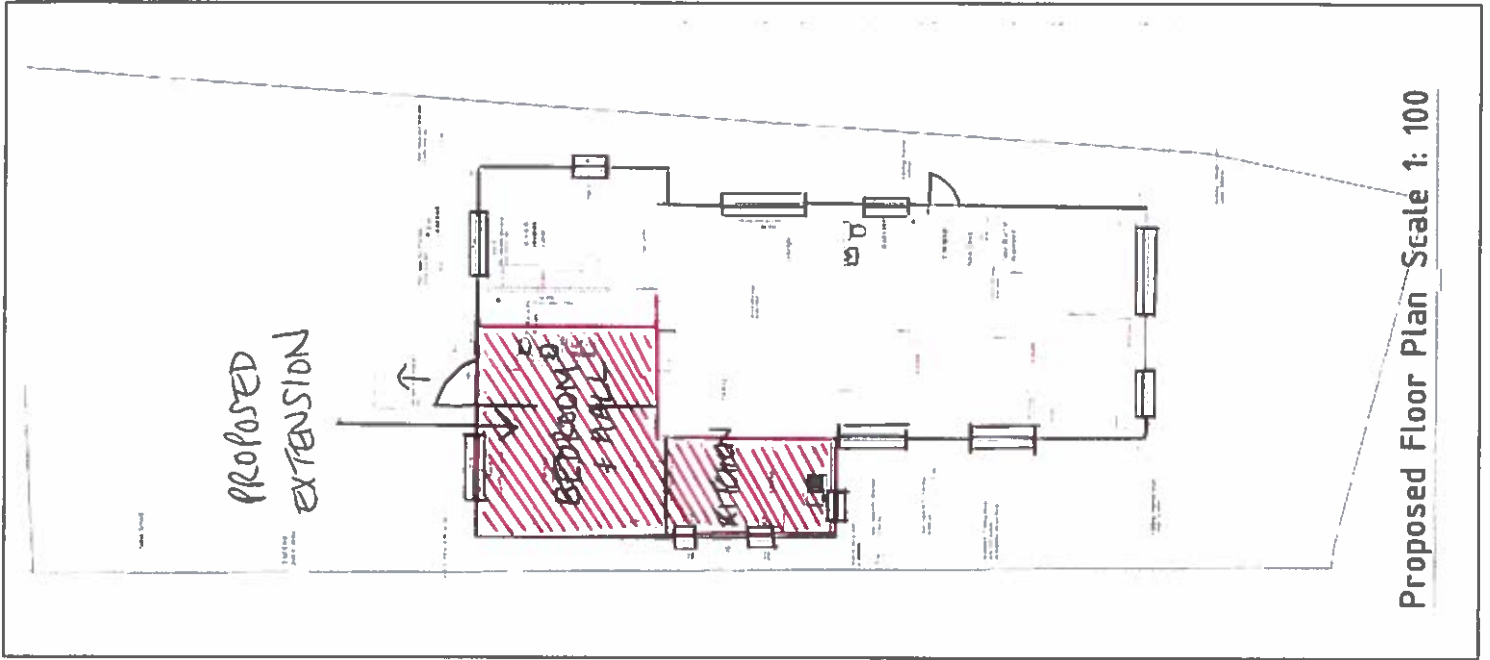
Drawn By: JRJ  
Check By: JRJ







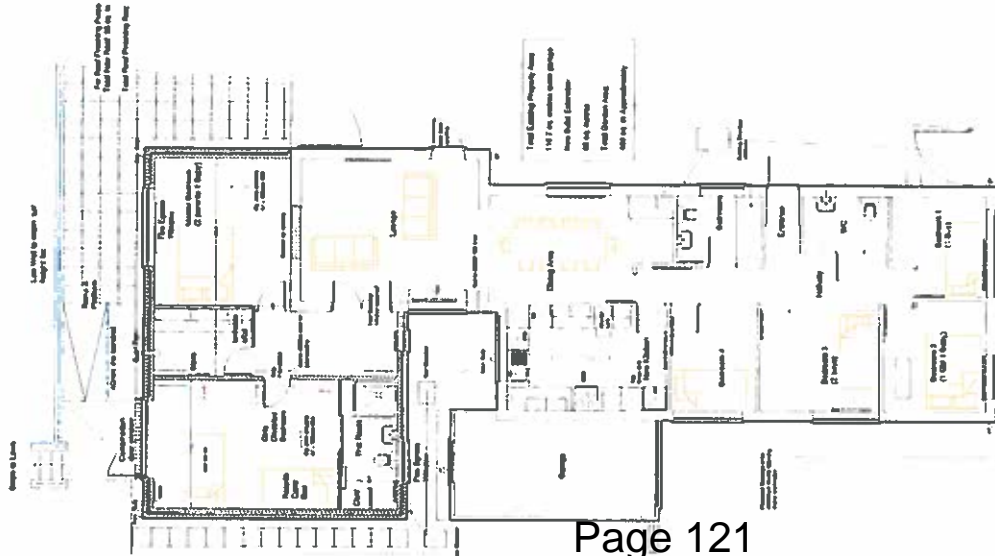
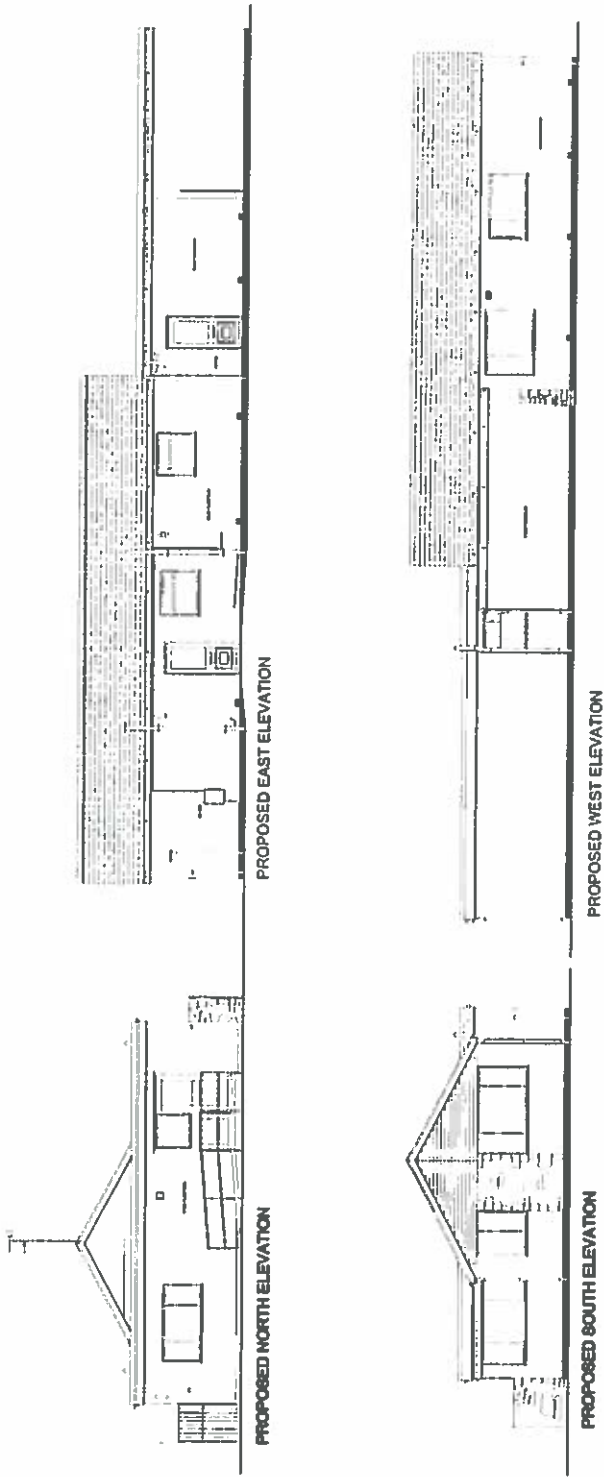
# FLOOR PLANS







# Proposed Elevations



Proposed Floor Plan

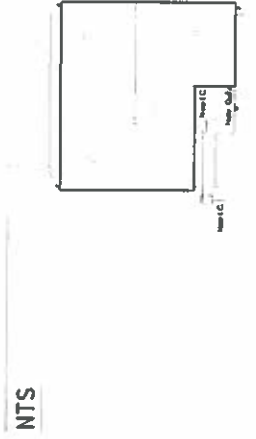
# REFUSED SCHEME 2011

All elevations to be submitted on the following representation:  
 - The location of the building on the site plan representation  
 - The location of the building on the site plan representation  
 - The location of the building on the site plan representation



Project Name	42 Wessington Drive, Rtyl
Project No.	Proposed Floor Plans
Client	City of A. J. / DEVELOPER
Project No.	25 03 2311
Project No.	15 21
Project No.	15 21 0 A2
Project No.	As shown
Project No.	RU
Project No.	RU

# Roof Plan



Site Plan Scale 1: 500



**WARD :** Rhyl South

**WARD MEMBER(S):** Cllr Ellie Chard (c)  
Cllr Jeanette Chamberlain Jones

**APPLICATION NO:** 45/2018/0217/ PF

**PROPOSAL:** Demolition of garage to erect a single storey pitched roof extension to rear of dwelling

**LOCATION:** 42 Weaverton Drive Rhyl LL184LB

**APPLICANT:** Mr John Robert Jones Clwyd Alyn Housing Association

**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
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

“Out of character with the scale and form of development in the surrounding area.  
- The extensions are no longer subordinate to original building and therefore constitute over intensification of site.  
- Concerns over additional traffic and lack of onsite parking availability for occupiers and visitors including onsite carer

The Town Council would also wish to express concerns that:-  
- the submitted “existing plans” do not appear to represent the current layout of the building in that the garage appears to have been converted to an additional room. It is not known whether this change benefited from planning consent but appears to have been undertaken prior to 2009.”

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Ms J P Sturgess, 78 Bryn Cwnin Rd, Rhyl  
Mr T W Baylis 84 Brycwnin Road, Rhyl  
Muriel T Mathews, 82 Bryncwnin Road, Rhyl Edward John Newson, 80 Bryn Cwnin Road, Rhyl  
Peter Harrison, 40 Weaverton Avenue, Rhyl Mrs Pauline Jackson, 30 Doren Avenue, Rhyl

Summary of planning based representations in objection:

Residential amenity:

Proximity of new lounge window to bedroom window of nearby property; proposed new pitched roof would result in loss of light for bedroom of nearby property at 78 Bryn Cwnin Road; the proposed will be clearly visible from the garden and rear windows of 80 Bryn Cwnin Road

changing the rear view and blocking the light; would encroach on light and privacy for nearby property at 82 Bryn Cwnin Road; changes to window sizes which will directly overlook neighbouring properties

General Comments:

The property would be too big in the area which is 2/3 bed bungalows for retired people and therefore allowing an extension would make it out of character with the area.

The property already has too many cars which cause cars to park on the road.

Queries existing use of the 'garage'.

Construction works would cause disruption for local residents.

**EXPIRY DATE OF APPLICATION: 23/5/2018**

**REASONS FOR DELAY IN DECISION: N/A**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of a single storey pitched roof extension to an existing bungalow at 42, Weaverton Drive in Rhyl.
- 1.1.2 The extension would be located to the side and rear of the property, and would involve the demolition of an existing flat roof garage on the western side of the dwelling, i.e. between Nos. 42 and 44. The side section of the proposed extension would be on the same footprint as the existing garage.
- 1.1.3 To the rear, the proposed extension would extend 5.2m out from the rear elevation of the original property to bring it in line with an existing flat roof extension. It is proposed to erect a pitched roof over the whole of the proposed extension and to carry this over the existing flat roof extension.
- 1.1.4 The eaves height of the extensions would be 2.7m, with a ridge height at the rear of 4.4m. The kitchen extension proposed to the side, on the footprint of the existing garage to be demolished would also have a pitched roof, with a marginally lower ridge height of 4.1m.
- 1.1.5 There are no changes to existing window details within the main front elevation. The proposed side kitchen extension which is set back from the front elevation by approximately 8.5m would have a smaller window facing south than that currently on this elevation of the garage.
- 1.1.6 Within the rear (north) elevation 2 bedrooms and a door are shown with a ramped access to the rear garden. Within the side (west) elevation facing 44 Weaverton Drive it is proposed to locate 2 higher level (1.6m high cill), obscure glazed kitchen windows. Within the other side elevation (east) facing the rear of properties on Bryn Cwnin Road, it is intended to insert a larger window which would serve a living room instead of a kitchen and within the existing extension it is proposed to insert a bedroom window.
- 1.1.7 The rear elevation of the extension would be level with the existing extension which is approximately 13.5m from the rear garden boundary.
- 1.1.8 The application form states the roof would be tiled and walls would have a smooth painted rendered finish to match the existing dwelling.

1.1.9 The detailing can best be appreciated from the plans at the front of the report.

## 1.2 Description of site and surroundings

1.2.1 The application site comprises of a single storey dwelling located within an area of Rhyl characterised by single storey properties.

1.2.2 The dwelling has previously been extended with a flat roof extension to the rear measuring 4.5m wide by 5.2m and also a flat roof garage extension to the side measuring 2.7m by 5.7m.

1.2.3 A number of properties within the area have extensions to the rear and sides, with some dormer extensions.

1.2.4 The property is set within a spacious plot which measures approximately 477sqm.

1.2.5 To the front and side of the property are off street car parking spaces for up to 3 cars.

1.2.6 The boundaries of the property are a mix of timber fencing and breeze block walls.

## 1.3 Relevant planning constraints/considerations

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

## 1.4 Relevant planning history

1.4.1 Planning permission was refused in 2011 for an extension to the rear of the property. This refusal has been referred to by local residents within their representations.

1.4.2 Details of the 2011 extension are shown at the front of the report. This was a flat roof extension projecting some 9 metres out from the original rear wall of the dwelling, refused on basic design and scale grounds.

## 1.5 Developments/changes since the original submission

1.5.1 In response to a query raised during the consultation stage, the applicant has confirmed the use of the garage is as specified on the plans, although windows were inserted many years ago by the previous owner, and the space has been used for storage purposes and has not been converted to living accommodation. Planning permission for this work would not have been required.

## 1.6 Other relevant background information

1.6.1 Although not required with householder planning applications, a Design and Access Statement (DAS) has been submitted which sets out the reasoning for the proposal. The DAS explains that the extension has been designed to meet the requirements of a family with various disabilities which affect their daily living and the extension and adaptations proposed are to assist in meeting their long term medical needs.

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

2.1 RYL/483/78 Flat roof extension (for dining/living room) GRANTED 25<sup>th</sup> July, 1980.

45/2011/0427/PF Erection of a single storey flat roof extension to rear of dwelling REFUSED under Delegated Powers on 13<sup>th</sup> July, 2011 for the following reason:

*"It is the opinion of the Local Planning Authority that the design, form and scale of the proposed extension would be harmful to the appearance of the original dwelling and would be out of character with the scale and form of development in the surrounding area. It is therefore considered that the proposal would be contrary to Policy GEN 6 criteria i) and ii),*

*Policy HSG 12 criteria i), ii) and iii) of the adopted Denbighshire Unitary Development Plan, and advice as contained in SPG 1, Extensions to Dwellings”*

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

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> 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

SPG Access for all

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/character of the area

4.1.3 Residential amenity

4.1.4 Highways including parking

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/character of the area

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.

There are no representations specifically raising visual amenity issues in relation to the detailing of the proposed extension. Some general comments have been made in relation to the character of the area being retirement bungalows which are 2/3 bed in size and that the proposed extension would result in a larger property which is out of keeping with the area.

It is acknowledged that the property has already been extended, and that the proposal would result in a further increase in the size of the property. However, having regard to the size of the plot and detailing of the proposed extension it is considered that this remains subordinate to the original and would not appear out of character with the dwelling or others in the area.

Policy RD 3 Criteria i) *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.*

Rhyl Town Council have raised concerns that the extensions are no longer subordinate to the original building.

The existing rear extension was built approximately 40 years ago with planning and building regulation records available to confirm this. In policy terms the starting point is the dwelling as it was 20 years before the making of an application, hence the flat roof extension at the rear has to be considered as part of the original dwelling. Officers' view is that the proposed extension is subordinate to the dwelling as it was 20 years ago.

Policy RD 3 Criteria ii) *requires that a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.*

The proposal is considered to be appropriate in design, scale and massing and all external materials would match those on the main dwelling. The use of a pitched roof detailing is entirely in keeping with the original dwelling, and as the proposals would remove the flat roof garage and extend a pitched roof over the old flat roof extension, this is considered to represent a marked improvement in the appearance of this dwelling.

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

Rhyl Town Council have raised concerns that the extensions constitute over intensification of the site.

The proposal is for a single storey pitched roof extension which wraps around the side and rear of the property. It is proposed to demolish an existing garage, so overall the actual increase in floorspace is 35sqm.

With respect to Rhyl Town Council's concern relating to subordination and over-intensification of the site, the size of the plot is 477sq.m. Existing built development on the site measures approximately 130sq.m, and with the proposed extension would be approximately 165sq.m, which equates to 35% coverage of the site.

The Residential Development SPG states that over development of residential curtilages should be avoided, which can occur when a substantial part of the amenity space is taken over by buildings including extensions. As a rule of thumb the SPG refers to no more than 75% of the site being covered. As noted, the application site occupies a large plot, as a result of the development 35% of the plot would be taken over by built development. This is significantly below the SPG guidance and hence it is not considered there are reasonable grounds to argue that the site would be overdeveloped or that the proposals would represent over intensive development. .

Having regard to the design, siting, scale, massing and materials of the proposed extension, 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 would 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 40m<sup>2</sup> of private external amenity space should be provided as a minimum standard for residential dwellings.

With respect to rear extensions, the Residential Development SPG advises that one of the main issues involved is the need to protect the amenities of occupiers of dwellings immediately adjoining, in terms of protecting privacy, maintaining sunlight and daylight and maintaining a reasonable outlook.

There are representations by local residents raising residential amenity issues in relation to the height of the roof of the proposed extension and location of windows resulting in overlooking and loss of privacy.

#### In relation to properties opposite on Weaverton Drive.

The extension is located to the rear of the property and within the front (south) elevation there are no changes to existing window arrangements within the main elevation.

#### In relation to 44, Weaverton Drive

The window detailing of the proposed side kitchen extension facing 44 Weaverton Drive (west elevation) would differ from the existing extension as 2 higher level kitchen windows are proposed.

Having regard to the proximity and relationship of the property with its neighbour at no 44 (which has a side window) and that the boundary fence is lower in this location, the plans show 2 small high level kitchen windows with a 1.6m high internal cill height and also that the windows would be glazed with obscure glass to avoid impacting upon the privacy of the neighbouring property. The applicant has confirmed that the windows could be detailed to ensure they have no opening sections.



There is a 2m gap in between the application site and its neighbour at No. 44 and the proposal would not result in any part of the building being any closer. There are windows within the rear elevation of no.44.

SPG guidance provides a tool to help assess whether a proposal would have an adverse impact on adjoining property in terms of overshadowing habitable windows in neighbouring properties. This is referred to as the '45 degree guide'.

The basis of the 45 degree guide is to project an imaginary line from the centre of the nearest ground floor window of any habitable room in an adjoining property, horizontally at a 45 degree angle. The guidance suggests that no part of the proposed development should cross this line. The guidance is worded to contain an element of flexibility and requires consideration of matters such as the direction of sunlight and shadow fall predicted from the new development.

In relation to the 45 degree guide, the proposal is for a pitched roof single storey extension. The roof of the extension would be of a 'hipped' detailing to the rear side adjacent to the boundary with no 44. Based on Officers' assessment of the location of windows in the rear elevations of no 44 and the position of the proposed extension, there would be a small section of the proposed extension falling within the 45 degree arc in relation to a rear ground floor window in No 44. Officers do not however consider that the extent of intrusion would give rise to unacceptable impacts on no 44, taking account of the fact that the proposed extension is single storey, with 2.7m eaves height and having a hipped roof which mitigates the impact of the roof when viewed from No.44. There is also a 1.8m screen fence between the application site and no 44. It is concluded there would be limited loss of sunlight and overshadowing from the extension on the north side of the application site, in relation to No.44.

#### In relation to properties adjoining / fronting Bryn Cwnin Road

There are 3 properties that have a rear boundary abutting the eastern (side) boundary of the application site – Nos.78, 80 and 82 Bryn Cwnin Road.

Within the elevation facing the rear of properties on Bryn Cwnin Road, it is intended to insert a larger window which would serve a living room instead of a kitchen within the side elevation of the original property, and within the existing extension it is proposed to insert a bedroom window.

The existing extension facing these properties is to be retained in its current form with the change proposed being to replace the flat roof with a pitched roof, forming a gable with an eaves height of 2.7m and ridge of 4.4m. The increase of 1.5m in overall height, from an existing flat roof height of 2.9m to a proposed 4.4m pitched roof height at a distance of approximately 11m to the nearest wall of No. 80 Bryn Cwnin Road is not considered to be significant or likely to adversely impact on this property. The side window it is proposed to introduce in this existing extension at ground floor level would be located behind a 2m high breeze block boundary wall.

In relation to the existing kitchen window which would serve the relocated living room, with respect to the comments made by the neighbour, internal alterations and alterations to existing windows can be made to most residential properties without the need for planning permission. The internal living space is being re-configured to meet the needs of the residents which is resulting in some changes and a larger window required in the side elevation, this does not need planning permission, but has been shown on the proposed plans as it results from the extension and alterations overall. In any event, the 2m high breeze block wall which runs along this boundary effectively screens this window from view from Nos, 78 -82.

Having regard to the detailing of the proposal, the distance and relationship of the properties in addition to boundary detailing in this location, there would be no unacceptable adverse impact on residents on Bryn Cwnin Road.

#### In relation to properties to the rear on Doren Avenue

Within the proposed rear (north) elevation 2 bedrooms and a door are shown with a ramped access to the rear garden. The extension would be no closer to the boundary of the property with its neighbour on Doren Avenue than the existing extension but its overall height would be increasing from a 2.9m high flat roof to a 4.4m high pitched roof. As the closest property on Doren Avenue is located some 23m away from the rear of the single storey extension and it is also orientated at an angle so that it does not directly face the application site property, it is not considered there would be any loss of privacy or outlook for this property.

In relation to the amenity afforded to the occupiers of the dwelling itself, SPG guidance states that sufficient private garden space should be left after any extensions have been built to firstly, provide private play and amenity space and secondly, to ensure that enough space is kept between neighbouring properties so as to prevent a cramped, overcrowded feel to the area. The property would have in excess of 175sqm of rear amenity space which would be retained which is well in excess of the 70sq.m standard recommended for a larger property in the SPG. Existing off street car parking facilities are unaffected by the proposal.

Overall, 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 tests of the policies referred to.

#### 4.2.4 Highway Issues including parking

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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.

Rhyl Town Council have raised concerns over additional traffic and lack of on-site parking availability for occupiers and visitors including on-site carer.

The property has off street parking space for 3 cars with on street parking available on Weaverton Drive and surrounding streets. The proposal is to extend an existing dwelling, to meet the requirements of a family with various disabilities which affect their daily living and the extension and adaptations proposed are to assist in meeting their long term medical needs.

Officers consider it unlikely that the proposed extension would result in an increase in traffic. What demand is generated for parking can be accommodated within the site or on highways in the vicinity. It is not considered there are any reasonable grounds to resist the application on highway / parking impacts.

#### 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, 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 23rd May 2023.
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 number 11) received 6 March 2018
  - (ii) Proposed elevations, floor and roof plan (drawing number 33) received 6 March 2018
  - (iii) Location plan (drawing number 12) received 6 March 2018
3. The 2 no. kitchen windows shown on the proposed west elevation plan which face the residential curtilage of 44 Weaverton Drive shall be non-opening windows fitted with obscure glazing. The windows shall be retained as non opening and obscurely glazed windows unless otherwise agreed in writing by the Local Planning Authority.

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 protecting residential amenity.

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# Agenda Item 12

**WARD :** Prestatyn North

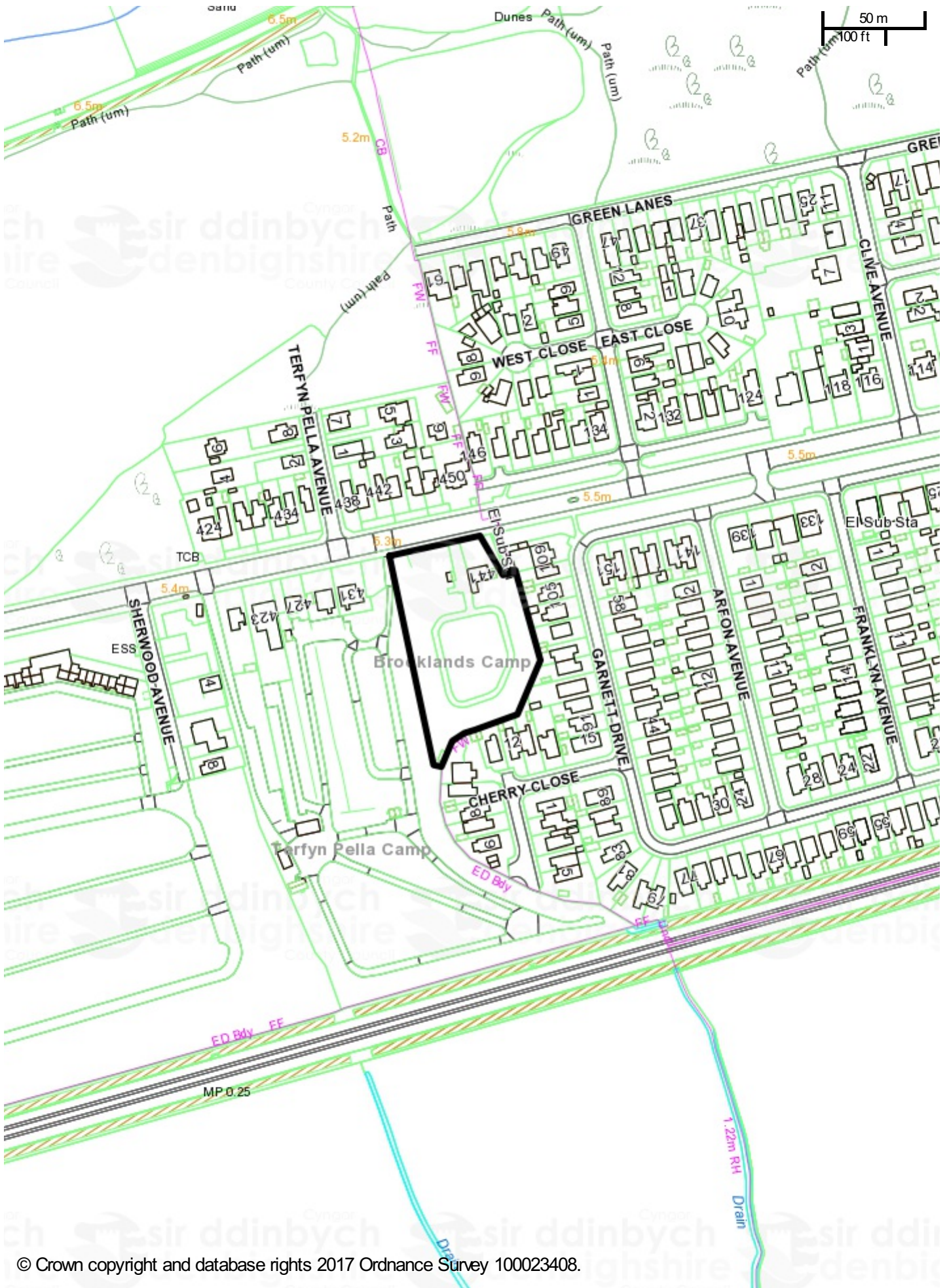
**WARD MEMBER(S):** Cllr Rachel Flynn  
Cllr Tony Flynn  
Cllr Paul Penlington

**APPLICATION NO:** 45/2018/0244/ PS

**PROPOSAL:** Variation of Condition No. 2 of planning permission Code No. 45/217/99/PF to allow amendments to layout and design of approved plans

**LOCATION:** 433 441 Rhyl Coast Road Rhyl LL18 3YE

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45/2018/0244

Scale: 1:2500

Printed on: 9/5/2018 at 15:27 PM

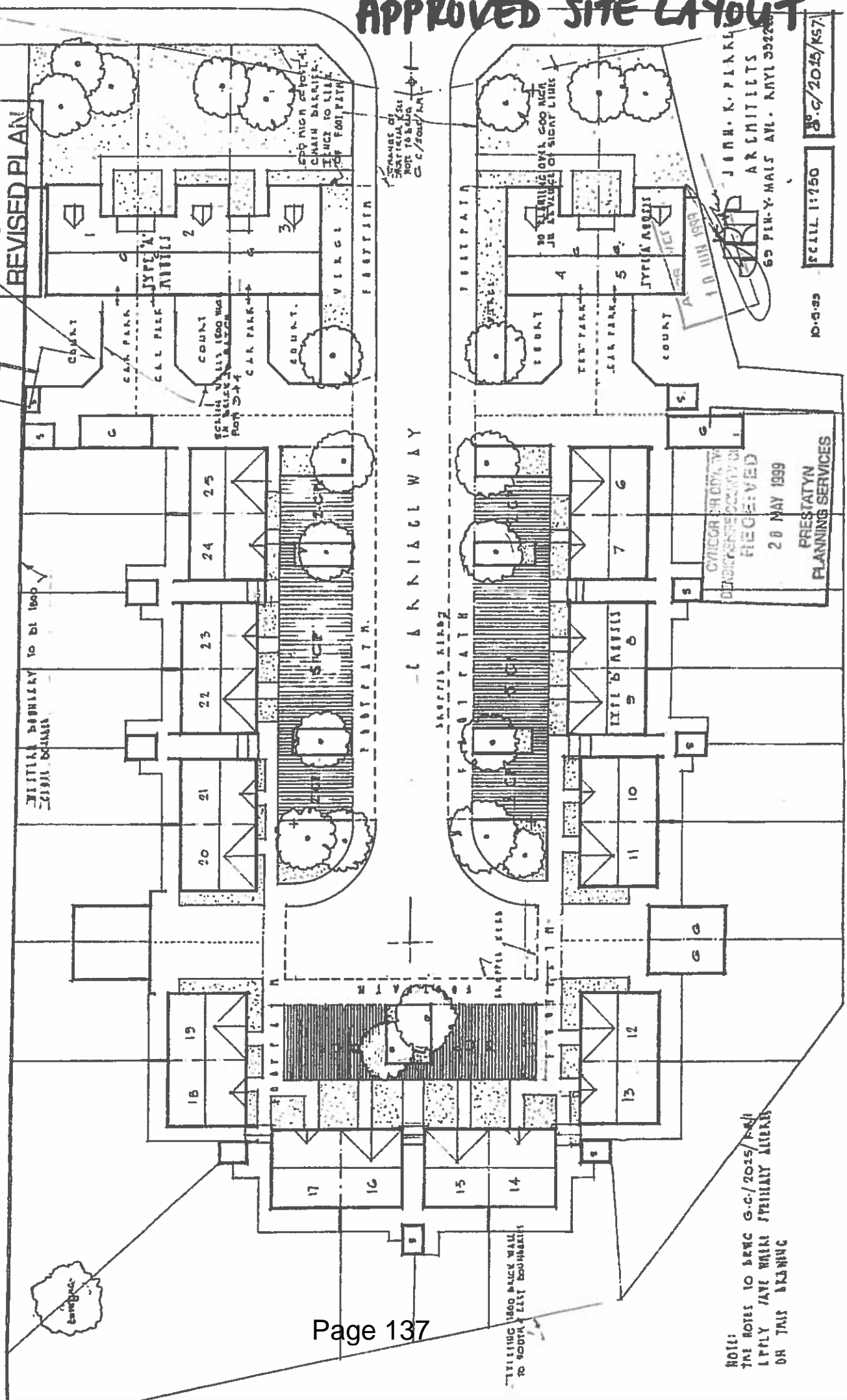




REVISED ROAD & PARKING LAYOUT

RESIDENTIAL DEVELOPMENT  
 BROOKLANDS SITE  
 J. P. GRIFFITHS ESQ.

45/ 217/99/PF



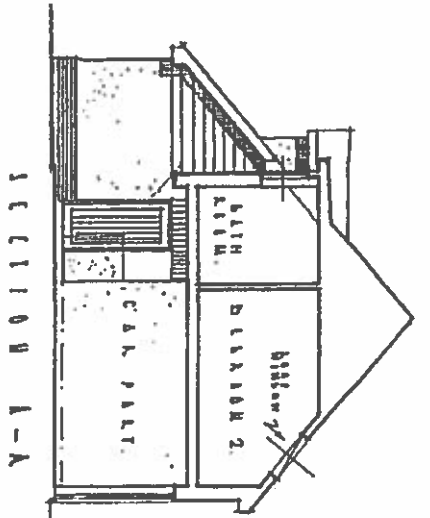
NOTE: THE NOTES TO DWG G-C/2015/P41  
 APPLY HAVE BEEN SPECIALLY ALIGNED  
 ON THIS DRAWING

FCALL 1:250  
 28/6/2015/KS7

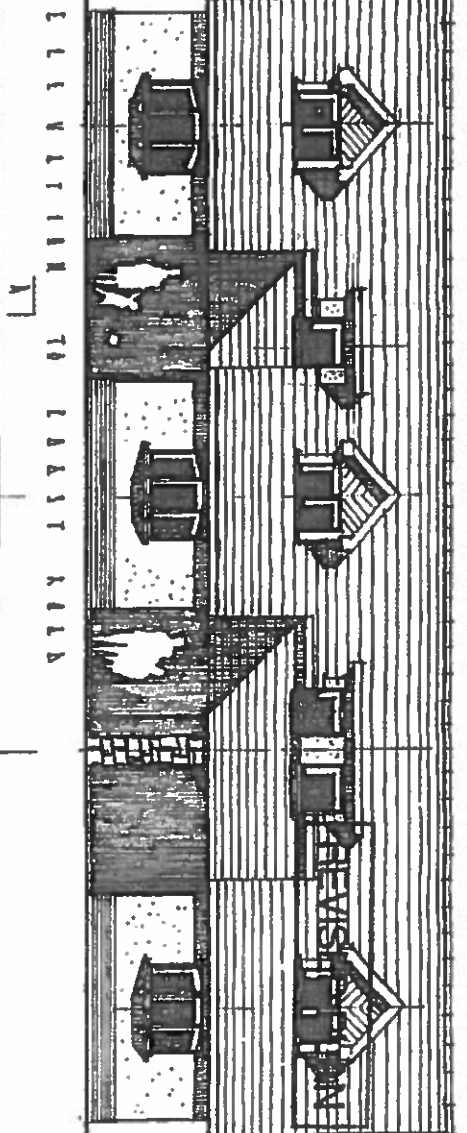
10-3-99



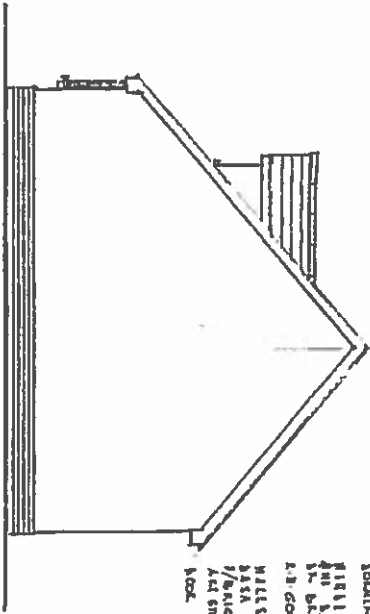
# APPROVED DETAILS - PLOT 1-3



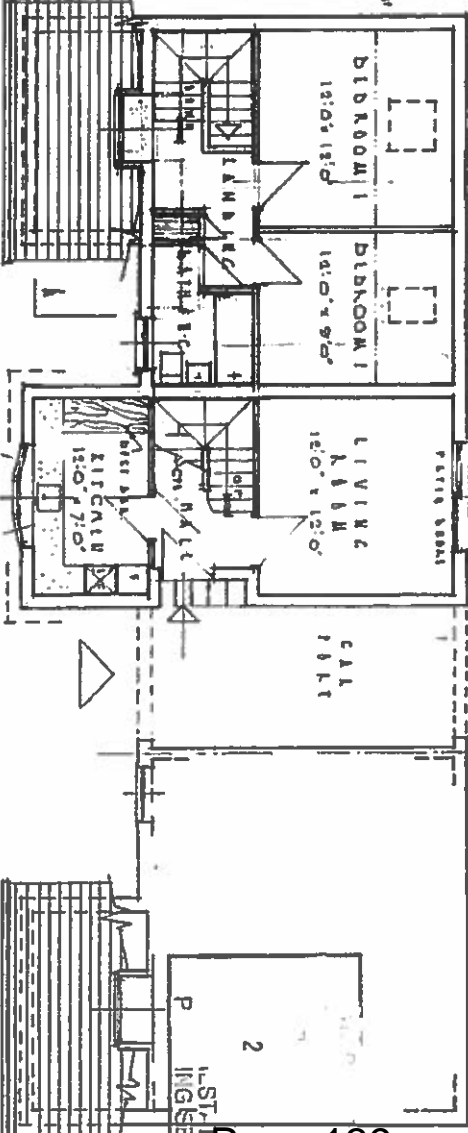
SECTION 1-A



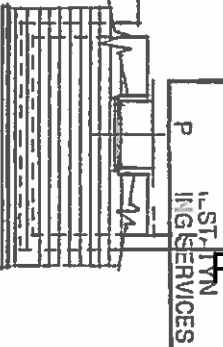
ELEVATION TO EAST SIDE



ROOF BY LOGGY/PA  
 METEOROLOGICAL  
 W AIR DIVE AIR UP  
 SOLAR & FRONT KITCHEN  
 MATERIALS: STAINLESS  
 AIR VENTILATION STAINLESS  
 IN BATH  
 2.8 COOLS BATHS DRIVE  
 WALLS: WHITE TRIS  
 BATHS WITH MARBLE  
 7/8" BRICK PLUMB & TRIM  
 AD STONE PINE  
 FLOOR: CERAMIC



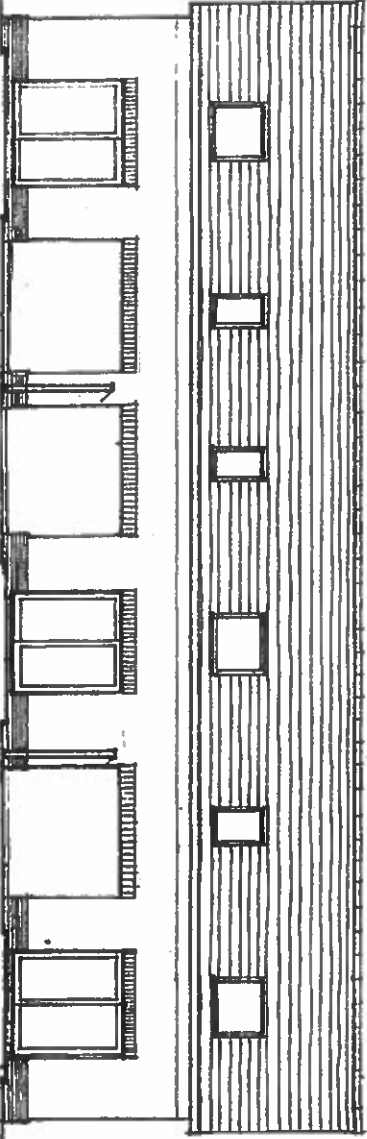
FIRST FLOOR



REAR ELEVATION

REAR ELEVATION (SIMILAR MATERIALS)

FRONT ELEVATION (SOUTH)



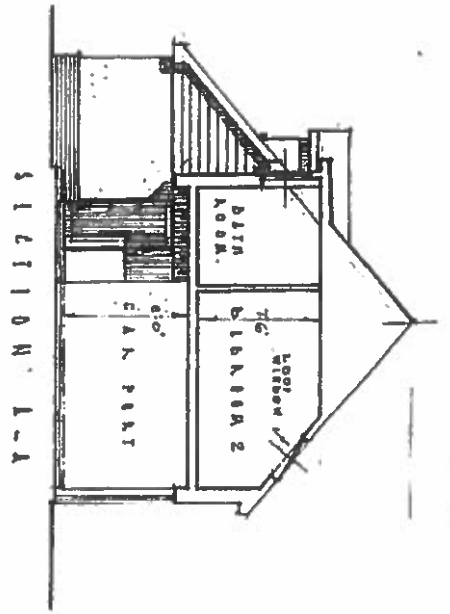
TYPE 'A' 2 BR HOUSES WITH CARPENTERS PLOTS 1-3  
 RESIDENTIAL DEVELOPMENT  
 BROOKLANDS SITE R  
 J.C. BRIFFITHS LTD  
 REFERENCE MATTERS  
 CONSULT 2/84/04/3/00/P  
 DATE 29 JAN 91  
 JIM R. PARKER  
 ARCHITECTS  
 10 JURY ROAD  
 59 PIE-Y. MILL AVE NYL 33210

SCALE: 1/8" TO 1'0"  
 NO: GC/2025/R/A

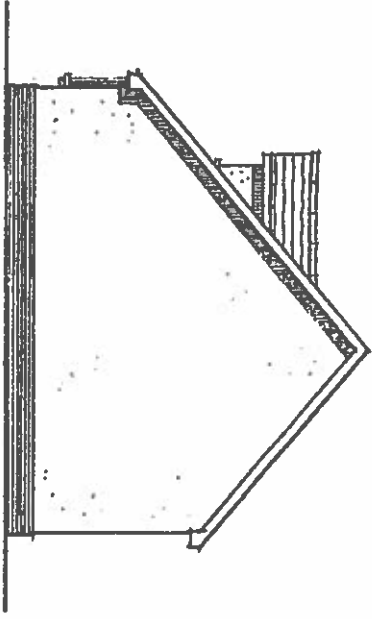
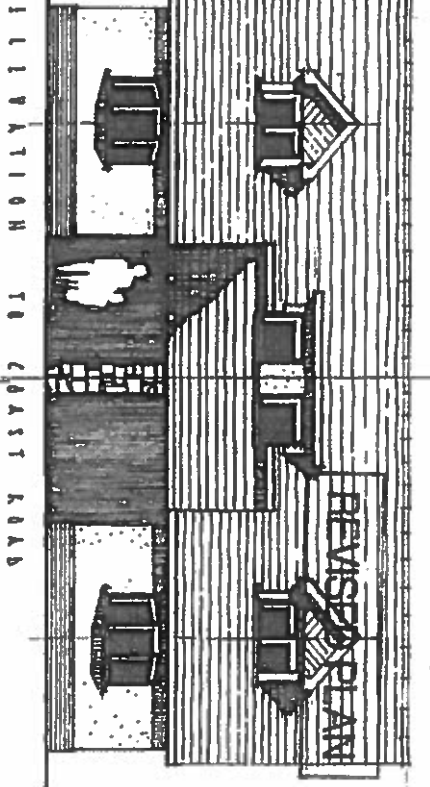
451 217/99/PF



# APPROVED DETAILS - PLOT 4 + 5



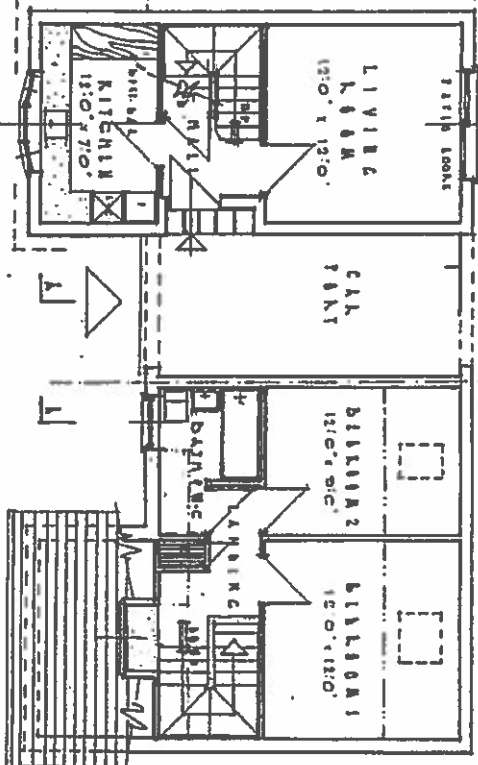
NOTE: ALL ROOFING/US  
 INTERLOCKING TILES.  
 RAFTS ARE SPACED TO  
 SUPPORT 300mm x 300mm  
 RIGID/JELICUT  
 INSULATION STUDS  
 AT 1200mm  
 1.8 DOORS BROWN GRP  
 WALLS WHITE GRP  
 FLOOR WITH GRP  
 FINISH  
 2/300mm x 2/300mm  
 JAMB FINISH



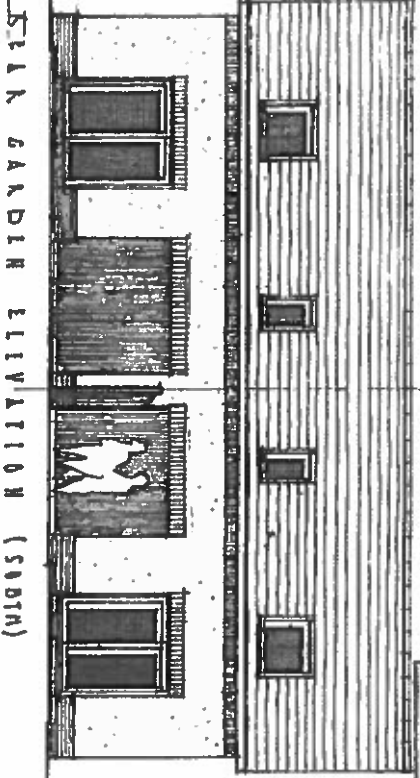
GABLE ELEVATION (SIDE HANDLED)

24 MAY 1999  
 PREPARED BY  
 PLANNING SERVICES

1st DRAFTS OF  
 3 UNIT BLOCK, PLOT  
 10 DANC. C/2025/K.M.S



10 JUN 1999



REVISED  
 TYPE 'A' 2 BEDROOM HOUSES WITH CARPORT PLATS 415.  
 RESIDENTIAL DEVELOPMENT  
 BROOKLANDS SITE  
 J.C. CRIFFITHS ESO.  
 KILLEVIND MATTERS  
 CONSULT 2/KHL/0475/80/7/  
 DATE 25-JAN-91

JOHN R. PARKER  
 ARCHITECTS  
 69 PER-Y-MANS AVE NWE 332200

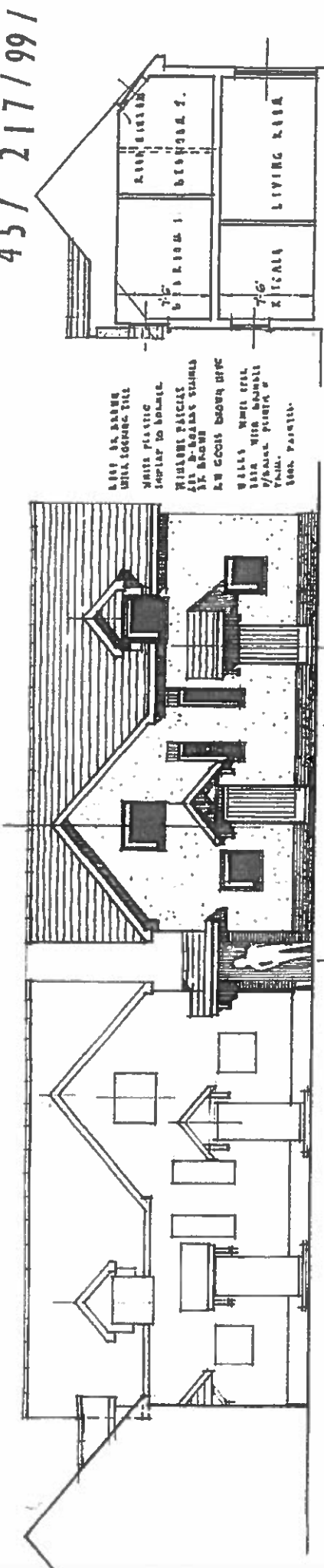
SCAFFOLD NO. 1010  
 G.C./2025/K.M.S

45/ 217/99/1PF



45/ 217/99/PF

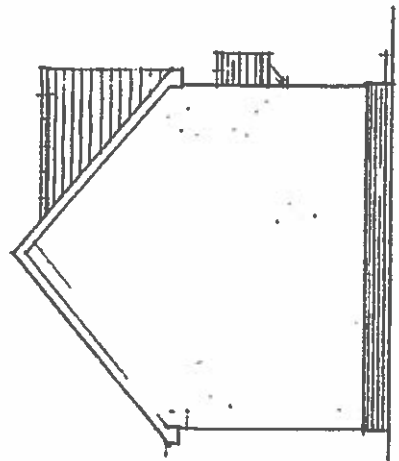
# APPROVED DETAILS - PLOTS 6 - 25



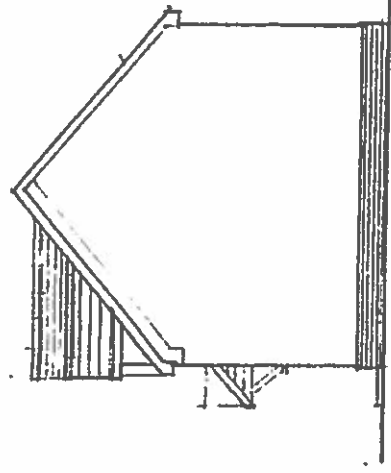
ROOF AS SHOWN WITH LOGGERS. USE WHITE PLASTIC SHEET TO BOLSTER. FUTURE PATIOES ALL 2-BEDROOM STAGES AS SHOWN. AS COST ALLOW UPVC WALLS W/NET CELL. USE WITH BRICKS 1/2" BRICK PIPES & 100mm. PARALLEL.

TYPICAL SECTION

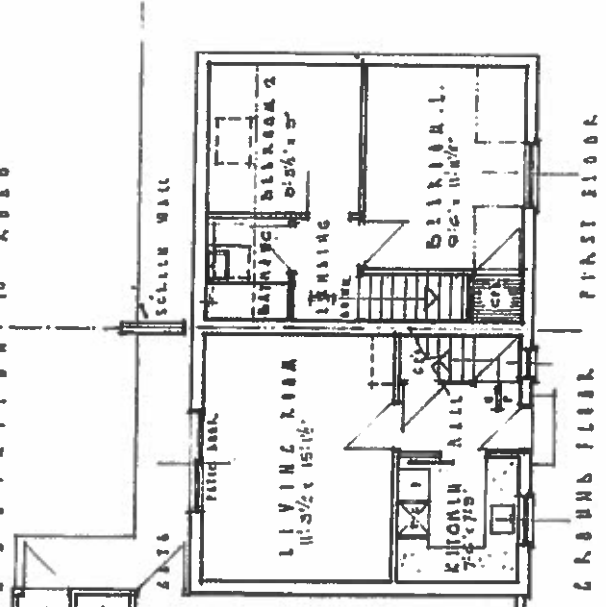
ELEVATION TO ROAD



GABLE ELEVATION



GABLE ELEVATION



GROUND FLOOR FIRST FLOOR

CYNOR SIR DDREBYCH  
DENBIGHSHIRE COUNTY COUNCIL  
RECEIVED  
31 MAR 1999  
PRESTATYN  
PLANNING SERVICES

APPROVED FOR PLOTS 6-25, INCL.

TYPE 'B' 2 BEDROOM HOUSES TO PLOTS 6-25, INCL.  
RESIDENTIAL DEVELOPMENT  
DROOK LANDS SITE

J. C. GRIFFITHS ESQ.  
J. H. R. PARKER ARCHITECTS  
69 PEN-Y-MALS AVE. RAYL33220

REILLY MATTIERS  
CONSULT 2/KML/0475/90/P  
DATED 29-JAN-91

SCALE: 1/8" TO 1'-0"  
NO G.C./2015/LA/2

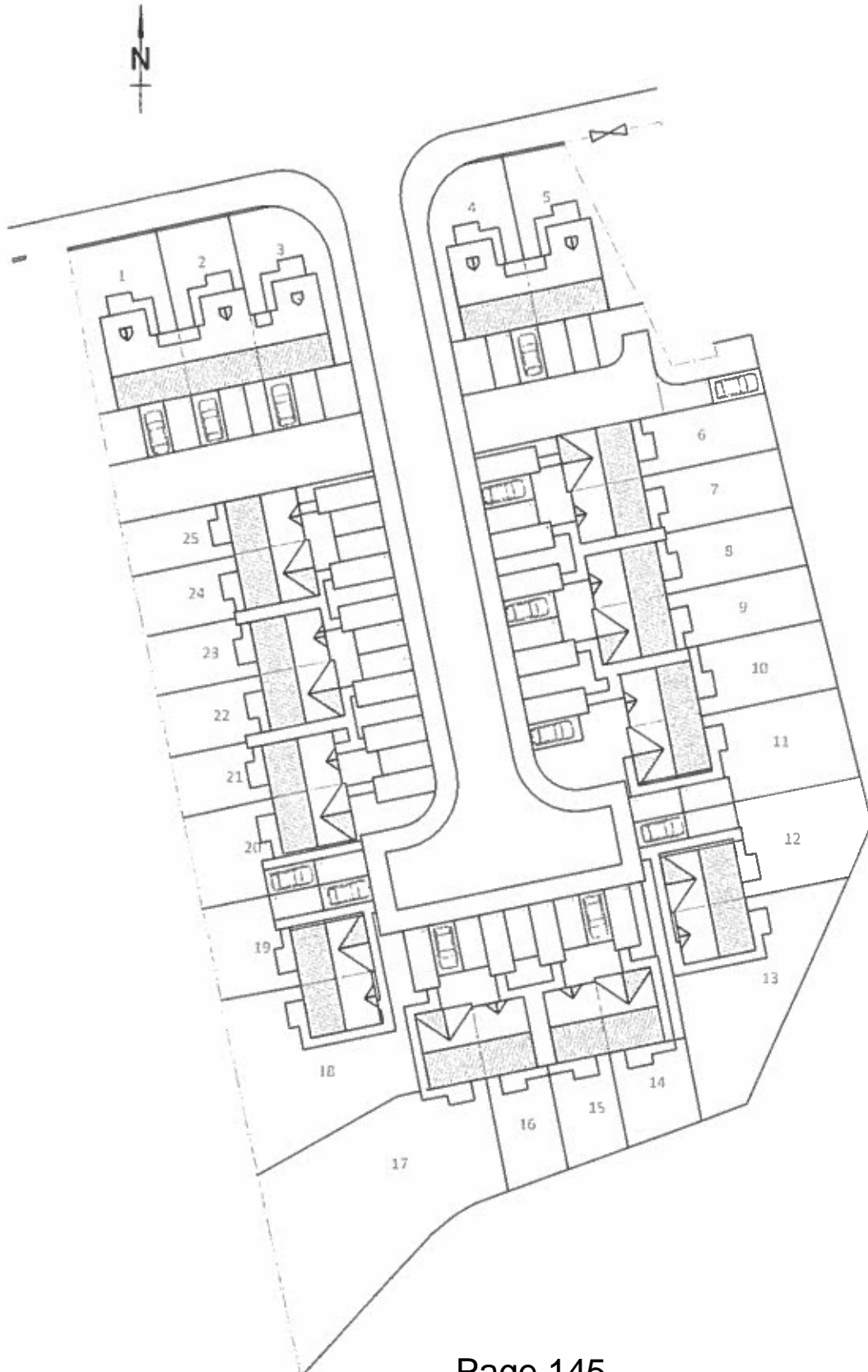




# PROPOSED SITE LAYOUT

Project:  
Location:  
Scale:

Client:  
Date:  
Drawing No.:  
Drawing Title:  
Drawing Scale:  
Drawing Status:  
Drawing Author:  
Drawing Checker:  
Drawing Approver:  
Drawing Date:  
Drawing Location:  
Drawing Project:  
Drawing Sheet:  
Drawing Total:





# ACCESS ROAD + PLOT LEVELS

**NOTES**

1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER RELATED DRAWINGS AND BEING ISSUED UNDER THE SAME PROJECT TO THE ATTENTION OF THE CLIENT.
2. ALL DIMENSIONS TO BE CHECKED BEFORE COMMENCEMENT OF WORK ON SITE.
3. ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.

DATE: 15/05/2024

PROJECT: S4 - ISSUED FOR APPROVAL

DESCRIPTION: COMMERCIAL IN CONFIDENCE



PROJECT: HOUSING DEVELOPMENT  
BROOKLANDS  
RHYL COAST ROAD

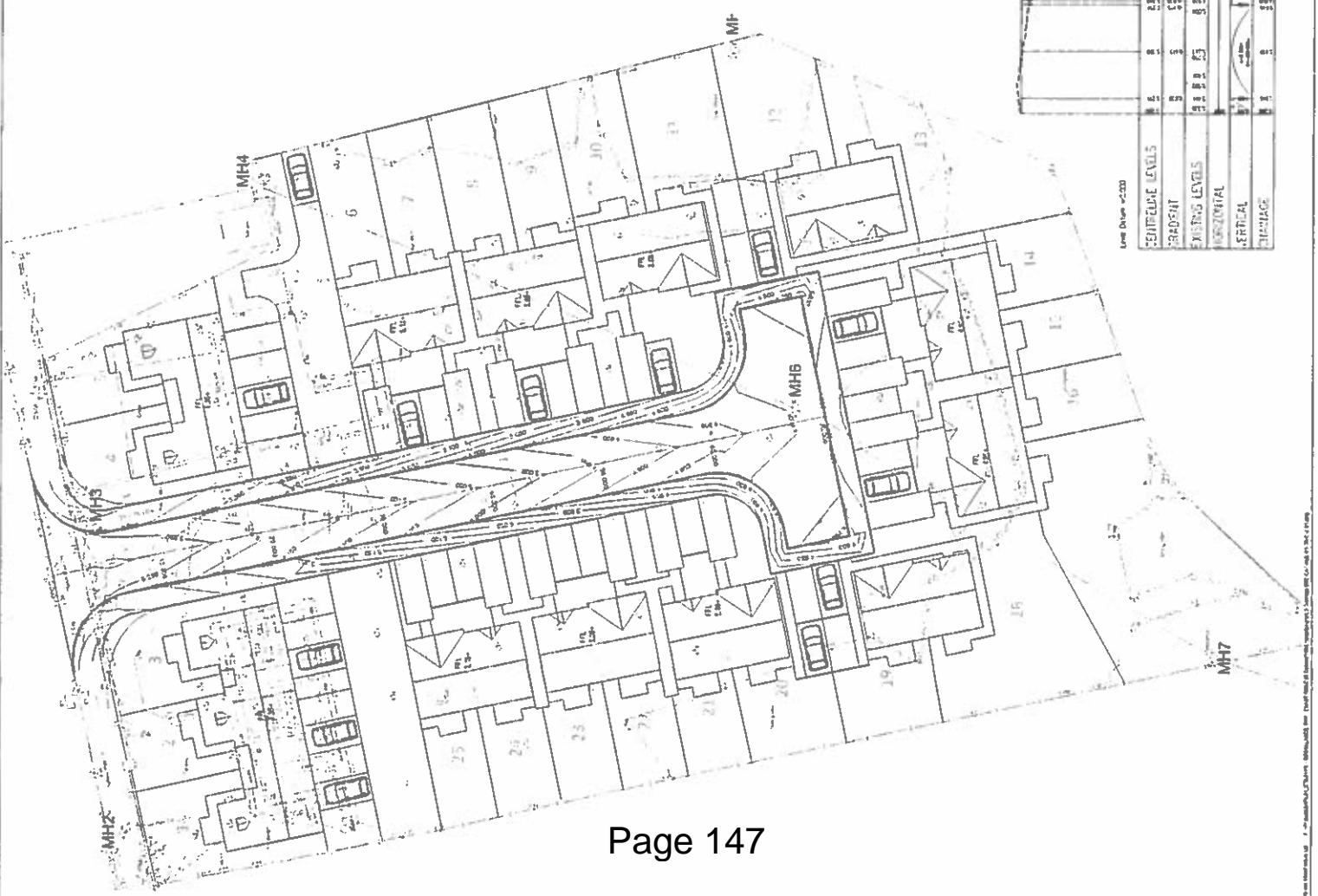
SERIES: 100  
ACCESS ROAD AND  
PLOT FINISHED FLOOR LEVELS

Scale	Drawn	Checked	Approved
1:250	GS	MWD	SLV

Project No: CS504470  
Date: 15/05/2024

**CAPITA**  
INFRASTRUCTURE

Capita Infrastructure Ltd  
100, The Quadrant, London, EC4A 3DF  
Tel: +44 (0)20 7842 4000  
www.capita-infrastructure.com



Level Datum: ACD

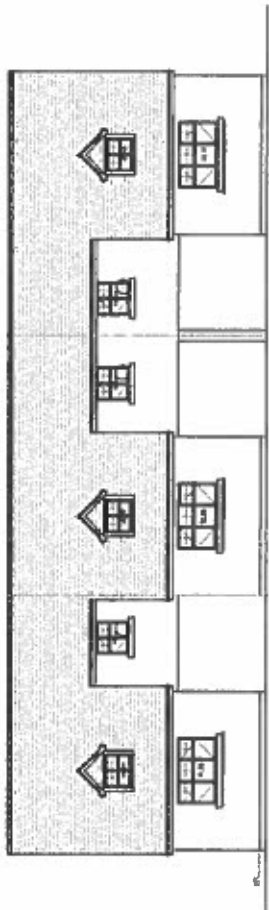
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3	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0
13	0.0	0.0	0.0	0.0	0.0	0.0
14	0.0	0.0	0.0	0.0	0.0	0.0
15	0.0	0.0	0.0	0.0	0.0	0.0
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20	0.0	0.0	0.0	0.0	0.0	0.0
21	0.0	0.0	0.0	0.0	0.0	0.0
22	0.0	0.0	0.0	0.0	0.0	0.0
23	0.0	0.0	0.0	0.0	0.0	0.0
24	0.0	0.0	0.0	0.0	0.0	0.0
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ACCESS ROAD CENTRELINE LONGSECTION  
(1:400 - CHAIN 1.170 (M))

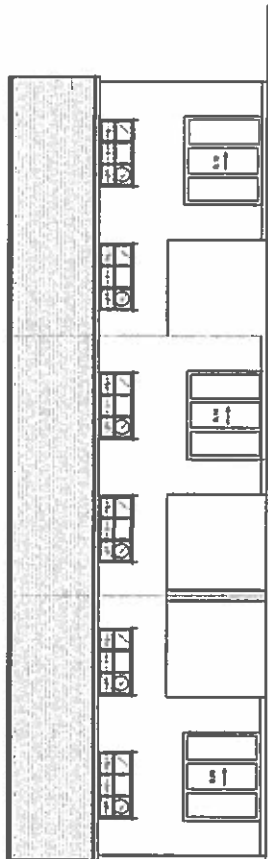


# PROPOSED DETAILS - PLOTS 1-3

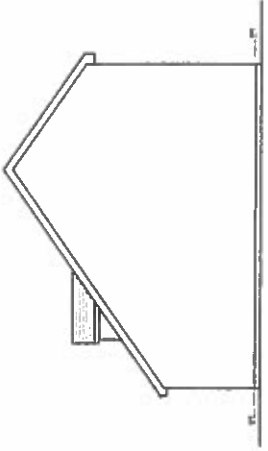
**Pennlyn**  
 1000 North 10th Street  
 North, PA 18041



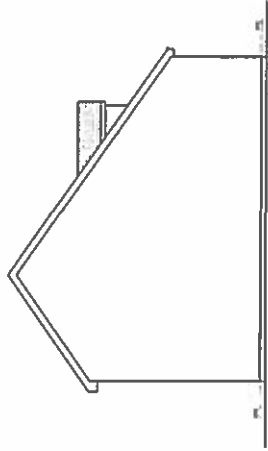
1 House Type A (Plots 4, 5, 6) - Front Elevation B  
 1/8" = 1'-0"



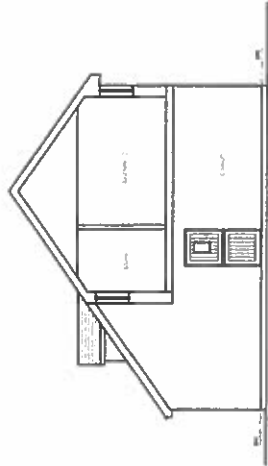
3 House Type A (Plots 4, 5, 6) - Front Elevation C  
 1/8" = 1'-0"



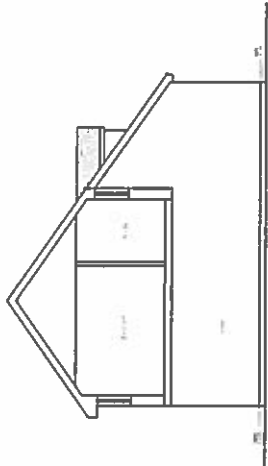
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 1/8" = 1'-0"



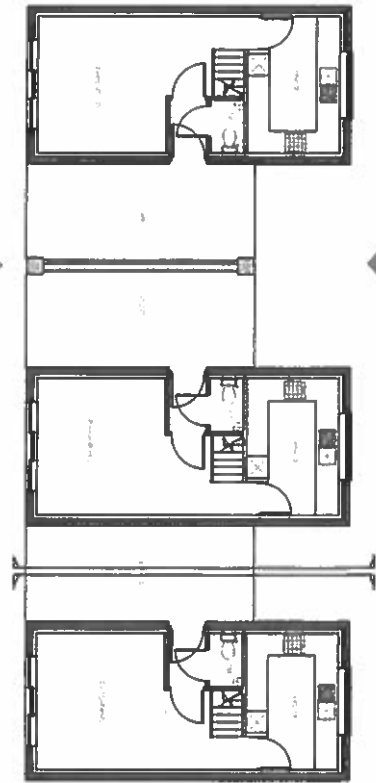
4 House Type A (Plots 4, 5, 6) - Side Elevation B  
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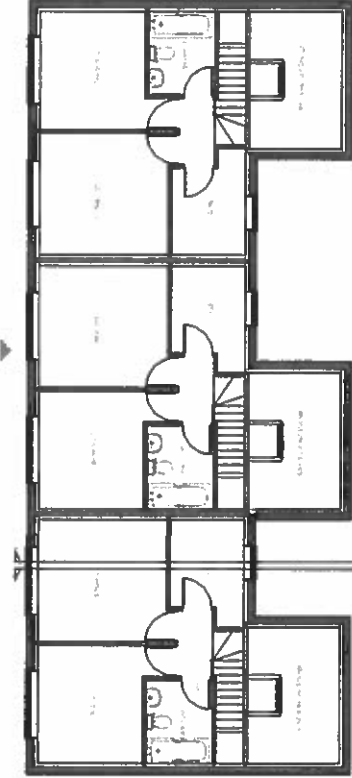
2 House Type A (Plots 4, 5, 6) - Rear Elevation B  
 1/8" = 1'-0"



4 House Type A (Plots 4, 5, 6) - Side Elevation B  
 1/8" = 1'-0"



5 House Type A (Plots 4, 5, 6) - Ground Floor Plan  
 1/8" = 1'-0"



6 House Type A (Plots 4, 5, 6) - First Floor Plan  
 1/8" = 1'-0"

**MATERIALS**

- Exterior Walls: CMU Block
- Interior Walls: Drywall
- Floors: Concrete Slab
- Roofing: Asphalt/Flt Shingles
- Windows: Double-Paneled
- Doors: Solid Core
- Stairs: Carpet
- Handrails: Wood
- Lighting: Recessed
- Paint: White
- Trim: White
- Countertops: Granite
- Sinks: Stainless Steel
- Stoves: Electric
- Dishwashers: Electric
- Refrigerators: Electric
- Water Heaters: Electric
- HVAC: Split System
- Electrical: Standard
- Plumbing: Standard

**PROPOSED**

**A SECTION A-D** AT STREET

**Pennlyn**  
 1000 North 10th Street  
 North, PA 18041

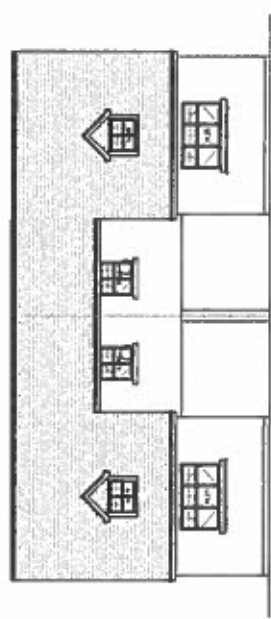
City: PENNSYLVANIA  
 Project: RWL COAST ROAD

Plot: 1186.1 1101.004

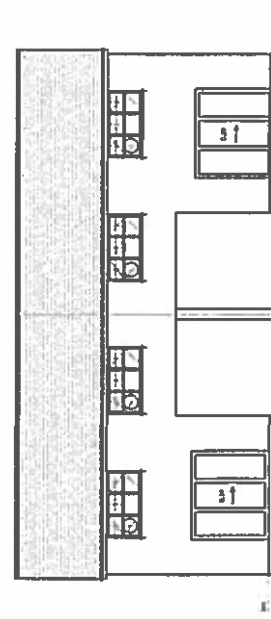


# PROPOSED DETAILS - PLOTS 4+5

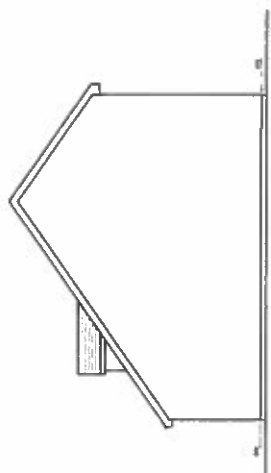
**Penthyrn**  
Architectural Practice  
100, High Street  
Cardiff, CF10 1AA  
Tel: 01495 222222  
www.penthyrn.co.uk



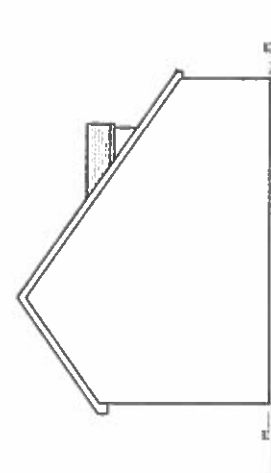
1 House Type A (Plot 4 & 5) Front Elevation A1  
1:75



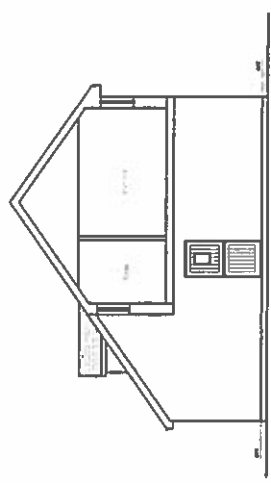
3 House Type A (Plot 4 & 5) Rear Elevation D1  
1:75



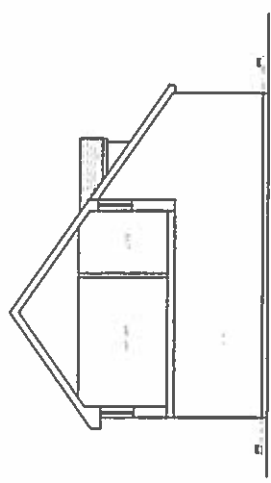
2 House Type A (Plot 4 & 5) Side Elevation B1  
1:75



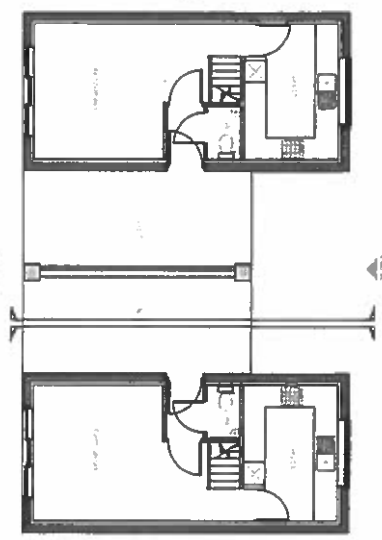
4 House Type A (Plot 4 & 5) Side Elevation B2  
1:75



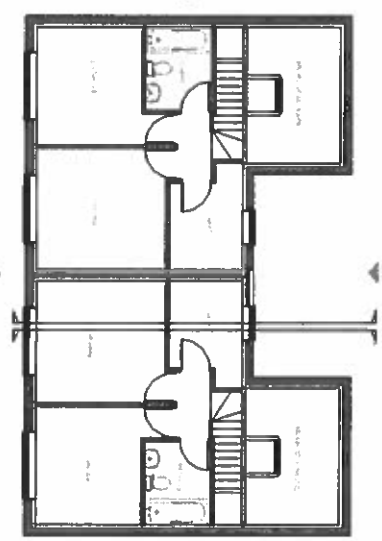
2.1 Section A  
1:25



4.1 Section B  
1:25



5 House Type A (Plot 4 & 5) Ground Floor Plan  
1:75



6 House Type A (Plot 4 & 5) First Floor Plan  
1:75

**MATERIALS**

- External walls: Brickwork
- Internal walls: Plasterboard
- Floors: Concrete
- Roof: Tiles
- Windows: UPVC
- Doors: Solid wood
- Staircase: Solid wood
- Skirting: Solid wood
- Architraves: Solid wood
- Lighting: LED
- Sanitaryware: Ceramic
- Paint: Emulsion
- Glazing: Double glazing
- Roofing: Asphalt
- Drainage: PVC
- Plumbing: Copper
- Electrical: PVC
- Handrails: Solid wood
- Stair nosing: Solid wood
- Stair treads: Solid wood
- Stair risers: Solid wood
- Stair balustrade: Solid wood
- Stair spindles: Solid wood
- Stair stringers: Solid wood
- Stair nosing: Solid wood
- Stair treads: Solid wood
- Stair risers: Solid wood
- Stair balustrade: Solid wood
- Stair spindles: Solid wood
- Stair stringers: Solid wood

7 Details of 1:25

Scale 1:25

**SECTION CLASSIFICATION**  
A PLANNING  
B ELECTRICALS  
C MECHANICAL  
D STRUCTURAL  
E SERVICES  
F OTHER

**PLANNING**  
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**DATE**  
10/01/2020

**SCALE**  
1:25

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**WARD :** Prestatyn North

**WARD MEMBER(S):** Cllr Rachel Flynn  
Cllr Tony Flynn  
Cllr Paul Penlington

**APPLICATION NO:** 45/2018/0244/ PS

**PROPOSAL:** Variation of Condition No. 2 of planning permission Code No. 45/217/99/PF to allow amendments to layout and design of approved plans

**LOCATION:** 433 441 Rhyl Coast Road Rhyl LL18 3YE

**APPLICANT:** MrR A RobertsPenrhyn Limited

**CONSTRAINTS:** C1 Flood Zone  
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
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

The application site is located in the Rhyl Town Council administrative area, but on the administrative boundary between Rhyl and Prestatyn. As most properties surrounding the site are located in Prestatyn, both Town Councils have been consulted.

RHYL TOWN COUNCIL  
"No Objection".

PRESTATYN TOWN COUNCIL  
"Strong Objection:

Size of properties has increased and neighbouring residents have raised many concerns about drainage, overshadowing of existing property, proposed shared parking facilities, potential noise disturbance, boundary wall issues including access for maintenance, privacy of neighbours, flood risk and proposed properties style and scale out of character with existing residential property.

Mr T Evans was invited to address Committee on behalf of many local residents and he spoke about history, dummy footings installed in 2004 and lack of development until 2018. He reported that several alleged breaches of planning conditions and building regulations had been reported to Denbighshire County Council. Mr Evans also referred to historical flooding, raised height of buildings and failure to install drainage pump system as recommended by original planning approval.

Reference was made to failure to comply with Technical Advice Note (TAN) 15 planning

guidance as development was in flood risk zone and potentially damaging to environment. Committee felt there had been a serious breach of previously approved plans and conditions. The current variation of conditions was a significant departure from original plans.”

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

Mr Graham Evans, 10 Cherry Close, Prestatyn  
Mr M.R. Wilkinson, 14 Cherry Close, Prestatyn  
Mr & Mrs R W Holmes, 97 Garnett Drive, Prestatyn  
C. Goodwin, 450 Rhyl Coast Road, Rhyl  
Richard Bowman, 95, Garnett Drive, Prestatyn  
Christine Finney, 99 Garnett Drive, Prestatyn  
Mr & Mrs Roy Finney, 99 Garnett Drive, Prestatyn  
Mr A Roberts, 52 Garentt Drive, Prestatyn  
Mrs Anne Shawcross, 12 Cherry Close, Prestatyn  
Mrs M Thorne, 93 Garnett Dirve, Prestatyn  
Mr David Pennington, 9 Cherry Close, Prestatyn  
Mr Allan Pennington (95 Hlgh Street, Dyserth) on behalf of Ffrith Residents Association

Summary of planning based representations in objection:

### Visual Impact in relation to the scale/design of new properties:

The new plans/houses built are raised out of the ground so are full 2 storey properties; the properties are significantly higher than approved so the new properties appear out of character within the area which is surrounded by bungalows; the footprint of the houses is bigger, some with smaller gardens meaning they will be closer to existing properties;

### Residential Amenity Impacts:

The houses are going to be very close together; raised height and extra windows will cause massive over-looking and shadowing out the light to existing residents; the houses are closer to the surrounding bungalows than approved and therefore potential invasion of privacy of adjoining properties

### Other Matters raised

Concerns over increase in site levels and the resulting impact on neighbouring properties.  
Concerns relating to flood risk;  
Concerns relating to surface water drainage.  
Questions relating to the boundary walls  
Increase in traffic in the area

### Comments (neither in objection or support)

Mr Edward R Thomas 101 Garnett Drive, Prestatyn  
Stewart Signol, Terfyn Pella Caravans, 421, Coast Road, Rhyl  
Diane Inglis, Terfyn Pella Caravan Park, 421 Coast Road, Rhyl  
Anne Signol, Terfyn Pella Caravan Park, 421 Coast Road, Rhyl

### Comments:

No objection in principle, although the site levels have been raised. No problem with the height provided it does not represent an increase in flood risk and difficulties in the area managing surface water;

Want assurances there will be no adverse flooding effects locally;

Concerns relating to boundary walls inbetween the existing and proposed dwellings.

**EXPIRY DATE OF APPLICATION:** 23/05/2018

**REASONS FOR DELAY IN DECISION:** N/A

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks consent to vary a condition specifying a list of approved plans which formed part of a 25 dwelling development granted permission under code no 45/217/99/PF in 1999. This development was commenced in 2004.
- 1.1.2 The application relates specifically to revisions to plans concerning the layout and design of the dwellings and indicates finished floor levels for each dwelling.
- 1.1.3 The original permission for the 25 dwellings, with associated vehicular access, parking areas, garages and stores was granted at Planning Committee on 2<sup>nd</sup> June, 1999.
- 1.1.4 In 2004 details relating to all relevant planning conditions were approved and development commenced on the construction of a terrace of dwellings fronting Rhyl Coast Road. Construction works then ceased and the site remained vacant with no further building activity until 2018, when the site was purchased by the applicants, Penrhyn Homes.
- 1.1.5 In support of the application the following documents have been submitted:
  - Approved Housetype details ( 3 housetypes)
  - Approved Site Layout plan
  - Topographical Survey
  - Proposed Housetype details (3 housetypes)
  - Proposed Site Layout plan
  - Access road plan with section and dwelling finished floor levels
- 1.1.6. Plans are included at the front of the report showing the originally approved layout and dwelling types in addition to the proposed revised details. The changes are summarised as follows:
  - The rear amenity spaces of plots 18 to 25 (backing on to Terfyn Pella Caravan Park) are smaller than approved in 1999.
  - Gable windows are to be included within the side elevation of the approved housetype on plots 6 to 25. This window will not be inserted on dwellings on plots 13,14 and 18 and have not been inserted on dwellings within plots 24 and 25.
  - The ridge height of the housetype on plots 6 to 25 would increase from 7.1m to 7.6m with an amendment to the pitch of the roof (rear eaves height and first floor window/rooflight arrangement to the rear remaining as per approved plans)
  - The dwellings on plots 1-3 and plots 4 and 5 have been re-sited approximately 3m further forward and the spacing reduced inbetween the dwellings, which results in plots 6 to 11 and 20 to 25 also being sited approximately 3m closer to Rhyl Coast Road than approved in 1999.
  - Amendments to the approved window size/details on all plots.
  - Amendments to position of front doors and canopies on plots 6 to 25 with internal layouts amended to suit

- There are changes to the external arrangements at plots 1-3, and 4 and 5 including the removal of a 'court' area to the rear of the properties.
- Detached garages and stores have been removed.

1.1.7. It is relevant to stress that the current application is only seeking approval of design and layout changes relating to the 25 dwellings, and it is the impact of these changes which falls to be considered by the Authority. The application does not offer opportunity to re-visit the principle of the development or other unrelated details previously approved from 1999.

#### 1.2. Description of site and surroundings

1.2.1. The application site extends to approximately 0.55ha of land which slopes gradually down from north to south.

1.2.2. The site was formerly in use as a static caravan site, however the site has been vacant and overgrown since the early 1990's. There is a derelict bungalow occupying the part of the site frontage onto the Rhyl Coast Road.

1.2.3. The site is roughly rectangular in shape and has an existing vehicular access off Rhyl Coast Road. To the east and south, the site bounds the residential curtilages of single storey properties which front Garnett Drive and Cherry Close. To the west is Terfyn Pella Caravan Park.

1.2.4. Construction works resumed earlier in 2018 and at the time of the site visit, these were advanced on plots 22,23,24 and 25, with works also underway on plots 1 – 3.

#### 1.3. Relevant planning constraints/considerations

1.3.1. The site is located within the settlement boundary of Prestatyn as defined within the Local Development Plan.

1.3.2. The site is located within a C1 flood zone as defined within the development advice maps contained within TAN 15: Development and Flood Risk.

#### 1.4. Relevant planning history

1.4.1. The site has an extant planning permission for the erection of 25 dwellings granted in 1999. This is a significant material consideration.

1.4.2. A separate discharge of condition application is currently under consideration in relation to the *Details of highway works including layout, design, means of traffic calming, signage, drainage and construction of internal estate road (amendment to details previously approved by 45/2004/0507/AC) submitted in accordance with Condition No. 10 of reference 45/99/217*. The application is being scrutinised by Highways Officers.

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

1.5.1. None

#### 1.6. Other relevant background information

1.6.1. None

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

2.2. 45/217/99/PF Erection of 25 no. dwellings with associated vehicular access, parking areas, garages and stores GRANTED at Planning Committee 2<sup>nd</sup> June, 1999

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

The main planning policies and guidance are considered to be:

3.2. Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy BSC1** – Growth Strategy for Denbighshire

## **Policy ASA3 – Parking standards**

### 3.3. Supplementary Planning Guidance

Supplementary Planning Guidance: Residential Development

Supplementary Planning Guidance: Parking Requirements in New Developments

### 3.4. Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

TAN 12: Design

TAN 15: Flood Risk and Planning

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.

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

#### 4.2.1. Principle

#### 4.2.2. Visual amenity

#### 4.2.3. Residential amenity

#### 4.2.4. Highways (including access and parking)

### 4.3. In relation to the main planning considerations:

#### 4.3.1. Principle

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

The site is within the development boundary of Prestatyn as defined in the Local Development Plan. The principle of the development has already been established by the granting of full planning permission for 25 dwellings in 1999. The 1999 permission has been taken up and can continue to be built out as consented, regardless of the decision on the current application.

#### 4.3.2. Visual amenity

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

takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

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 visual amenity impacts of a development proposal are a material consideration.

Landscaping is a vital component in new developments. Landscape proposals are required to address a number of planning requirements, not only to provide a visually attractive and safe environment for residents and adjacent communities, but to integrate the development in its wider visual context.

There are representations specifically raising visual amenity issues in relation to the increased height of the dwellings and the adverse impact this would have on the character of the area which is predominantly single storey development. The majority of comments made are in relation to plots 6 to 25 which are in closest proximity to the surrounding bungalows on Garnett Drive and Cherry Close.

In relation to the visual amenity aspects of the amendments proposed to the dwellings: -

Plots 1-3 fronting Rhyl Coast Road.

There is no increase in the footprint of the dwellings, or to the overall ridge height of these dwellings from the original approval in 1999.

There are changes to the external arrangements including the removal of a 'court' area to the rear of the properties.

It is also proposed to amend the roof shape, with alterations proposed to the roof pitch with an increased eaves height to the rear elevation, increasing from 3.5m to 4.5m.

The other amendments proposed relate to the size and detailing the windows and the height of the dormers on the roof slope on the front elevation.

Taking the above into account in association the proposed finished floor levels of the dwellings, it is not considered that the proposed changes would result in any unacceptable visual impacts.

Plots 4 to 5 fronting Rhyl Coast Road.

The detailing of these properties is the same as on plots 1 - 3 but comprises a semi-detached property as opposed to a terrace of 3 properties.

There is no increase in the footprint of the dwellings, or to the overall ridge height of these dwellings from the original approval in 1999.

There are changes to the external arrangements including the removal of a 'court' area to the rear of the properties.

It is also proposed to amend the roof shape, with alterations proposed to the roof pitch with an increased eaves height to the rear elevation, increasing from 3.5m to 4.5m.

The other amendments proposed relate to the size and detailing the windows and the height of the dormers on the roof slope on the front elevation.

Taking the above into account in association with the proposed finished floor levels of the dwellings, it is not considered that the proposed changes would result in any unacceptable visual impacts.



Plots 6 to 25 located within the site off the internal estate road:

There is no increase in the footprint of the dwellings from the original approval in 1999, however there are some minor changes to the siting of the properties, a reduction in the space inbetween properties and the rear amenity space for plots 18 o 25 is smaller than originally approved. The reason given for this change relates to the accuracy of the original 1999 land survey.

The approved roof shape is a traditional pitched roof, with an eaves height of 4m and ridge height of 7.1m. As proposed, the roof shape would be amended with a higher eaves height at the front at 4.5m, sloping down to an eaves height of 4m to the rear. The overall ridge height would increase by 0.5m to 7.6m.

Gable windows are to be included within the side elevation of the approved housetype on plots 6 to 25 to serve a landing. The gable window is shown to be obscure glazed. This window will not be inserted in plots 13, 14 and 18 and has not been inserted within the properties constructed on plots 24 and 25.

As plots 1-3 and plots 4 and 5 fronting Rhyl Coast Road have been re-sited approximately 3m further forward towards the road, and the spacing reduced inbetween the dwellings, plots 6 to 11 and 20 to 25 are also shown to be re- sited approximately 3m closer to Rhyl Coast Road than approved in 1999. The spacing in between the properties has been reduced and detached garages and stores also omitted from the current proposal with external car parking spaces proposed for each property.

Amendments are proposed to the approved window size/details with changes also proposed to the position of the front doors and pitched roof canopies with the internal floor layout amended accordingly.

In relation to the amendments, it is acknowledged that there would be a change to the overall height of the dwellings of 0.5m, increasing from 7.1m to 7.6m however this level of increase is considered acceptable in relation to the visual impact of the proposal. Whilst the ridge height of the properties would be higher, it is not considered to be significantly different to the approved scheme.

The amendments to the gable windows along with window, door and canopy detailing are considered acceptable and overall an improvement to the visual appearance of the properties.

In relation to the landscaping of the site, details were approved in 2004. However given the proposed changes to the detailing of the development it is considered appropriate to request the submission of an up to date landscaping scheme for the whole site as a planning condition to include the details of the levels of the garden areas for each property, should the application be approved.

Taking the above into account in association with the proposed finished floor levels of the dwellings, it is not considered that the proposed changes would result in any unacceptable visual impacts.

4.3.3. Residential amenity

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

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.

There are representations specifically raising residential amenity issues in relation to the increased height of the dwellings and the adverse impact this would have on the amenities of existing local residents who live in close proximity to the site. Specific reference has been made to loss of privacy, overshadowing and loss of light. The majority of comments made are again in relation to plots 6 to 25 which are in closest proximity to the surrounding bungalows on Garnett Drive and Cherry Close.

In relation to the residential amenity aspects of the amendments proposed to the dwellings: -

Plots 1-3 fronting Rhyl Coast Road.

There is no increase in the footprint of the dwellings, or to the overall ridge height of these dwellings from the original approval in 1999.

There are changes to the external arrangements including the removal of a 'court' area to the rear of the properties.

It is also proposed to amend the roof shape, with alterations proposed to the roof pitch with an increased eaves height to the rear elevation, increasing from 3.5m to 4.5m.

The other amendments proposed relate to the size and detailing the windows and the height of the dormers on the roof slope on the front elevation

Taking the above into account in association with the proposed finished floor levels of the dwellings, it is not considered that the proposed changes would result in any unacceptable residential amenity impacts.

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The detailing of these properties is the same as plots 1 - 3 but comprises a semi-detached property as opposed to a terrace of 3 properties.

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There are changes to the external arrangements including the removal of a 'court' area to the rear of the properties.

It is also proposed to amend the roof shape, with alterations proposed to the roof pitch with an increased eaves height to the rear elevation, increasing from 3.5m to 4.5m.

The other amendments proposed relate to the size and detailing the windows and the height of the dormers on the roof slope on the front elevation.

Taking the above into account in association with the proposed finished floor levels of the dwellings, it is not considered that the proposed changes would result in any unacceptable residential amenity impacts.

Plots 6 to 25 located within the site off the internal estate road:

There is no increase in the footprint of the dwellings from the original approval in 1999, however there are some minor changes to the siting of the properties, a reduction in the space inbetween properties, and the rear amenity space for plots 18 to 25 is smaller than originally approved. The reason given for this change relates to the accuracy of the original 1999 land survey.

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ridge height of 7.1m. As proposed, the roof shape would be amended with a higher eaves height at the front at 4.5m, sloping down to an eaves height of 4m to the rear. The overall ridge height would increase by 0.5m to 7.6m.

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As plots 1-3 and plots 4 and 5 fronting Rhyl Coast Road have been re-sited approximately 3m further forward towards the road, and the spacing reduced in between the dwellings, plots 6 to 11 and 20 to 25 are also shown to be re-sited approximately 3m closer to Rhyl Coast Road than approved in 1999. The spacing inbetween the properties has been reduced and detached garages and stores also omitted from this proposal with external car parking spaces proposed for each property.

Amendments are proposed to the approved window size/details with changes also proposed to the position of the front doors and pitched roof canopies with the internal floor layout amended to suit.

In relation to the amendments, it is acknowledged that there would be a change to the overall height of the dwellings of 0.5m, increasing from 7.1m to 7.6m however this level of increase is considered acceptable in relation to the overall impact of the dwellings. Whilst the ridge height of the properties would be higher, it is not considered to be significantly different to the approved scheme and would not lead to any unacceptable impact on the properties surrounding the development.

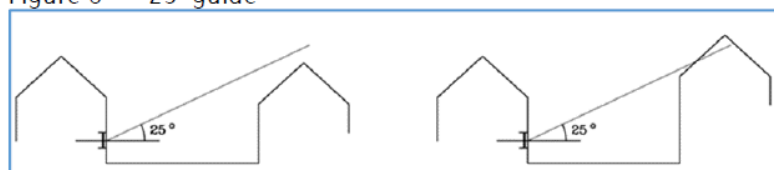
With the exception of the re-siting referred to above, the distance inbetween the new properties and the existing properties on Garnett Drive and Cherry Close have not changed from the approved plans. The detailing of the rear elevation has not changed, with exception of the ground floor patio door being 3 panes, not 2 as per the 1999 approval. Within the roof slope, it is still the intention to insert 2 rooflights to provide light within the upper floor bedroom and bathroom and the rooflights are high level which would mean the cill heights are 1.8m from the internal floor level, reducing the potential for overlooking of properties.

In the Council's Supplementary Guidance 'Residential Development', adopted in 2016, Section 6 provides guidance on specific forms of residential development, and considerations to be given to protection of the amenities of occupiers of adjoining properties from new development (from overlooking, loss of privacy, overbearing impact, etc.). This can reasonably be applied to situations where new dwellings are proposed at the rear of existing dwellings, such as at Garnett Drive and Cherry Close.

Paragraph 6.38 of the SPG sets out an explanation of the '25 degree guide' and states as follows:

- 6.38 25° guide: An imaginary line is vertically drawn at 25° from the centre of the nearest ground floor window of any habitable room in an opposite property. Suitable sunlight is achieved when no part of the proposed development crosses this line. If the proposed building opposite would have a high ridge, the loss of daylight will be more notable than if it were to have a lower ridge height. However, the minimum separation distances between buildings precedes this approach.

Figure 6 25° guide



Officers have assessed the relationship between the proposed dwelling and existing properties on Garnett Drive and Cherry Close using the '25 degree guide'. The assessment has been made having regard to existing levels and the finished floor levels provided in the submission.

The property located closest to the new development is 11, Cherry Close, which backs on to plot 16. From rear elevation to rear elevation, the approved distance is 16m. No 11 Cherry Close has been extended, with a conservatory located on the rear elevation projecting approximately 3m. The 25 degree guide has been assessed based on the distance of 16m (from rear elevation to rear elevation) and also 13m (from rear elevation to conservatory). In all assessments, given the distances and detailing of the proposed dwelling, it is Officers' opinion that the dwelling would not pose any conflicts with the guide, and that the development would not give rise to unacceptable relationships with existing properties.

The property located closest to the new development on Garnett Drive is no 97 which backs on to plot 13. From rear elevation to rear elevation, the approved distance is 20m. The 25 degree guide has been assessed based on the distance of 20m from rear elevation to rear elevation. In both assessments, given the distances and detailing of the proposed dwelling, it is Officers' opinion that the dwelling would not pose any conflicts with the guide, and that the development would not give rise to unacceptable relationships with existing properties.

With respect to the concerns raised in relation to loss of privacy and overlooking, it is considered the proposed changes would not result in any adverse impacts in this regard.

In relation to the comments relating to overshadowing and loss of light, there are no changes to the siting of the properties in proximity to the existing dwellings on Garnett Drive and Cherry Close. The only change proposed is an increase of 0.5m to the height of the ridge, which given the distances (ranging from 13m to 22m) inbetween the properties is not considered likely to result in an overbearing impact, overshadowing or loss of light on the neighbouring properties.

The amendments to the gable windows along with window, door and canopy detailing are considered acceptable and are an overall improvement to the visual appearance of the properties.

In relation to the amenity afforded to the occupiers of dwellings on the application site, the amendments to the layout would result in some properties having smaller garden areas, but these gardens meet the 40sqm guidance specified within the Residential Development SPG. It is considered the changes to windows and elevational detailing would not result in any adverse impact on the amenity of future residents of the properties.

Taking the above into account in association with the proposed finished floor levels of the dwellings, it is not considered that the proposed changes would result in any unacceptable residential amenity impacts.

#### 4.3.4. Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards.

These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

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 highway impacts of a development proposal are a material consideration.

Comments have been made in relation to the increase in traffic within the area.

With respect to this concern, planning permission has already been given for the development of 25 dwellings on this site and therefore the highway impacts of the development have already been considered, and assessed as acceptable. However, following the approval of detailed highway matters in 2004, amendments to these details have been submitted as part of a separate application for the approval of a planning condition, which Highways Officers are assessing separately from this application.

The proposal does however indicate revised car parking arrangements with the omission of detached garages. Each property, all of which are 2 bed properties, are shown to be provided with 2 car parking spaces which meets SPG guidance.

Officers are of the view that the amendments to the car parking arrangements are acceptable.

#### Other matters

##### Flood Risk

With respect to the comments raised in relation to flood risk and site levels, flood risk was not considered to be a matter of significance at the time of determination of the 1999 application.

Significantly, the plans approved in 1999 did not contain any site level information and the permission did not require approval of finished floor levels of the dwellings or site levels. The current Developers can therefore build the dwellings to whatever floor level they choose.

In Officers' opinion, flood risk considerations can now not be introduced in the assessment of this application.

It is understood however that the Developers have undertaken a Flood Risk Assessment to inform the finished floor levels of the dwellings and these are shown on the submitted plans.

##### Surface Water Drainage

Surface Water drainage details do not form part of this application. Within the original application in 1999 it was stated that foul water would be directed to the mains/public sewer and surface water to a surface water drain.

The developer's Drainage Consultant has consulted with the Council's Flood Risk Manager, who is satisfied that the developer and his consultant have carried out due diligence in designing an attenuated surface water drainage system that follows sustainable drainage principles and minimises the likelihood of increased flood risk to existing properties. The condition of the existing watercourse that receives flows from the site is being investigated and the developer will provide additional information to the Council's Flood Risk Manager for agreement.

##### Boundary wall

A number of local residents have queried the situation with an existing boundary wall which runs around the boundary with properties on Garnett Drive and Cherry Close.

New fencing will be provided for the new properties and local residents have therefore queried how the wall will be dealt with/maintained. The developer has advised that this is a matter for solicitors who will deal with it in due course and it is understood the developer has written to a number of residents to state contact will be made with all those involved to discuss how this will be legally done.

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:**

5.2. Having regard to all of the issues raised, the amendments proposed to the approved list of plans in relation to the layout and design of 25 dwellings originally approved in 1999 are considered acceptable and the Officer recommendation is for approval.

**RECOMMENDATION: APPROVE VARIATION OF CONDITION 2** - subject to the following conditions:-

Condition 2 now reads as follows:

The development hereby permitted shall be carried out strictly in accordance with the following plans unless otherwise specified by subsequent condition attached to this permission, or as subsequently approved in writing by the Local Planning Authority:

- (i) Previously Approved House Type A Plots 1-3 (Drawing No. GC/2025/RM/4A) - Received 23 March 2018
- (ii) Previously Approved House Type A Plots 4 & 5 (Drawing No. GC/2025/RM/3) - Received 23 March 2018
- (iii) Previously Approved House Type B Plots 6-25 (Drawing No. GC/2025/RM/2) - Received 23 March 2018
- (iv) Previously Approved Site Plan B(Drawing No. GC/2025/RM/1) - Received 23 March 2018
- (v) Previously Approved Site Plan (Drawing No. GC/2025/RS7) - Received 23 March 2018
- (vi) Topographic Survey (Drawing No. 9857/1) - Received 23 March 2018
- (vii) Access Road and Plot Finished Floor Levels (Drawing No. BRC-CAP-HML-01-DR-C-0101-P01) - Received 23 March 2018
- (viii) Proposed Site Plan (Drawing No. PL01.001.1) - Received 23 March 2018
- (ix) House Type B&C (Plots 6-25) (Drawing No. PL01.002) - Received 23 March 2018
- (x) House Type A1 (Plots 4-5) (Drawing No. PL01.003) - Received 23 March 2018
- (xi) House Type A (Plots 1-3) (Drawing No. ) - Received 23 March 2018
- (xii) Location Plan (Drawing No. PL01.001) - Received 23 March 2018

Additional Conditions

1. Prior to the occupation of the first dwelling a full updated hard and soft landscaping / screening scheme including details of the levels of the garden areas for each property shall be submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

2. Notwithstanding the submitted plans, the external arrangements to the rear of plots 1 to 5 shall not be as shown but shall be further agreed in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details and dully implemented prior to the occupation of the dwellings.
3. Notwithstanding condition 9 of planning permission ref 45/217/99/PF, no enlargements or alterations shall be made to the rear elevations including roof slopes of the dwellings at plots 6 to 17 without the further grant of planning permission.

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

1. In the interest of visual and residential amenity.
2. In the interest of residential amenity.
3. In the interest of residential amenity.

**NOTES TO APPLICANT:**

In relation to the landscaping and external arrangements to plots 1 to 5 please contact the Case Officer to discuss the requirements.

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