

To: Chair and Members of the Planning Committee

Date: 5 September 2018

Direct Dial: 01824 712589

e-mail: [democratic@denbighshire.gov.uk](mailto: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, 12 SEPTEMBER 2018** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

**1 APOLOGIES** (Pages 5 - 8)

To receive apologies for absence.

**2 DECLARATIONS OF INTEREST** (Pages 9 - 10)

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

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

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

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

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

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 10) -**

**5 APPLICATION NO. 01/2018/0607 - LAND AT CAE TOPYN OFF OLD RUTHIN ROAD, FFORDD EGLWYSWEN, DENBIGH (Pages 17 - 30)**

To consider an application for details of the scheme for the disposal of foul and surface water, sustainable drainage principles and provision of subsequent management and maintenance arrangements submitted in accordance with condition 8 of planning permission code 01/2016/0374/PF (copy attached).

**6 APPLICATION NO. 21/2018/0166 - 12 BRYN ARTRO AVENUE, LLANFERRES, MOLD (Pages 31 - 50)**

To consider an application for the erection of a single storey rear extension (copy attached).

**7 APPLICATION NO 21/2018/0293 - 16 RECTORY LANE, LLANFERRES, MOLD (Pages 51 - 68)**

To consider an application for the demolition of a porch and the erection of an attached garage (amended scheme) (copy attached).

**8 APPLICATION NO. 43/2018/0328 - 1-5 PARC DYFFRYN INDUSTRIAL ESTATE, PRESTATYN (Pages 69 - 78)**

To consider an application for the construction of a new surface level car park and associated works (copy attached).

**9 APPLICATION NO. 43/2018/0439 - 45 BEACH ROAD WEST, PRESTATYN (Pages 79 - 92)**

To consider an application for the demolition of an existing garage and a change of use of the domestic curtilage to accommodate a static caravan for use as a holiday let (copy attached).

**10 APPLICATION NO. 43/2018/0522 - FOUR WINDS FARM CARAVAN SITE, FFORDD FFYNNON, PRESTATYN (Pages 93 - 102)**

To consider an application for the removal of condition no. 3 of planning permission code no. 43/2018/0030 ('The site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days')(copy attached).

**11 INFORMATION REPORT - PLANNING APPEALS UPDATE (Pages 103 - 110)**

To receive an information report on recent planning appeal decisions received from March 2018 to date (copy attached).

## **MEMBERSHIP**

### **Councillors**

Councillor Joe Welch (Chair)

Ellie Chard  
Ann Davies  
Meirick Davies  
Peter Evans  
Brian Jones  
Huw Jones  
Tina Jones  
Gwyneth Kensler  
Christine Marston

Councillor Alan James (Vice-Chair)

Bob Murray  
Merfyn Parry  
Pete Prendergast  
Andrew Thomas  
Tony Thomas  
Julian Thompson-Hill  
Emrys Wynne  
Mark Young

### **COPIES TO:**

All Councillors for information  
Press and Libraries  
Town and Community Councils

This page is intentionally left blank

## **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.

This page is intentionally left blank



## LOCAL GOVERNMENT ACT 2000

---

### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, ( <i>name</i> )	<input type="text"/>
a *member/co-opted member of <i>(*please delete as appropriate)</i>	<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'.

This page is intentionally left blank

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 18 July 2018 at 9.30 am.

### PRESENT

Councillors Ellie Chard, Ann Davies, Meirick Davies, Peter Evans, Alan James (Vice-Chair), Brian Jones, Huw Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Bob Murray, Pete Prendergast, Andrew Thomas, Tony Thomas, Joe Welch (Chair), Emrys Wynne and Mark Young

**Observer** - Councillor Melvyn Mile

### ALSO PRESENT

Team Leader – Places Team (SC), Principal Planning Officer (IW), Planning and Public Protection Manager (AL), Principal Planning Officer (SS), Planning Officer (CMF), Principal Planning and Public Protection Officer (CE), Solicitor (CT), Senior Planning officer – Conwy Council (MS) and Committee Administrator (SJ)

#### 1 APOLOGIES

Apologies for absence were received from Councillors Merfyn Parry and Julian Thompson-Hill

#### 2 DECLARATIONS OF INTEREST

Councillor Emrys Wynne declared a personal interest in item 9 on the Agenda.

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

No urgent matters.

#### 4 MINUTES

The minutes of the Planning Committee meeting held on 20 June 2018 were submitted.

Councillor Meirick Lloyd Davies asked if the decision against officer recommendation for the planning permission at Ysrad Isa would be presented back to the Planning Committee.

The Principal Planning Officer explained to members that the Development Manager and Head of service felt there was no need to bring the report back to the Planning Committee.

**RESOLVED** that the minutes of the meeting held on 20 June 2018 be approved as a correct record.

## **APPLICATIONS FOR PERMISSIONS FOR DEVELOPMENT (ITEMS 5-7) -**

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. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

### **5 APPLICATION NO. 14/2018/0360/ - CLOCAENOG FOREST WIND FARM**

An application was submitted for a borrow pit for the extraction of aggregate, solely for use in the construction of the approved Clocaenog Forest Wind Farm.

At the juncture, Councillor Alan James requested the application be deferred pending the results of the hydrogeological impact assessment (HIA).

Officers informed members of some background information and confirmed that, in their view, the application could proceed on the current information.

**Proposal** – Councillor Alan James proposed, seconded by Councillor Mark Young that the application be deferred.

#### **VOTE:**

IN FAVOUR OF DEFERRAL – 14

ABSTAIN – 0

AGAINST DEFERRAL – 2

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

### **6 APPLICATION NO. 41/2018/0009/ - CHAPEL COTTAGE, MOLD ROAD, BODFARI, DENBIGH**

An application was submitted for the erection of extensions to dwellings at Chapel Cottage, Mold Road, Bodfari, Denbigh.

#### **Public Speaker –**

Martin Shutt (**For**) – stated the applicant had made decisions in line with the AONB guidelines for design of the property. The proposal was for a modern extension to the existing property with recommendations in place to allow the extension to compliment the surrounding area. Changes had already taken place to the original proposal in line with the AONB guidelines. Discussions were welcomed with the planning officer to alleviate any other concerns. The site of the application is enclosed and the proposed extension to the rear of the property concealed from view.

**General Debate** – a Site Inspection Panel meeting had taken place on 12 July 2018.

Councillor Christine Marston (Local Member) gave a brief background to the proposal site. Councillor Marston stated that support had been given from Bodfari Community Council with no concerns or objections from neighbouring properties received. The AONB supplementary planning guidance stated that for extensions to free standing properties there was more freedom on the design of extension. Confirmation was provided to the committee that the property was obscured from view from neighbouring properties.

Councillor Meirick Lloyd Davies stated he had visited the site. The scale of the extension to the rear of the property was more elevated to the current property and was not sympathetic in design.

Councillor Alan James informed members that he had been in attendance at the site visit. The proposal is very contemporary and felt there was scope to have a contemporary building in the area. Councillor Gwyneth Kensler hoped that the extension would be an energy saving property with high green standards.

It was confirmed by the Principal Planning Officer the height of the extension to the property is lower than the existing dwelling. Green standards would be adopted with the extension if granted. Officers had reservations on design and if the proposal was in keeping with the existing dwelling and area. It was confirmed that if the application was granted conditions would be applied to the application following discussions with the lead member.

**Proposal** – Councillor Christine Marston proposed to grant the application, against officer recommendation as the design is original and within the scope of the guidelines laid down within the elements of the plan, seconded by Councillor Mark Young.

**VOTE:**

GRANT against officer recommendation - 14

ABSTAIN – 0

REFUSE in accordance with officer recommendation - 3

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

**7 APPLICATION NO. 20/2018/0484/ - BRANAS, LLANFAIR DYFFRYN CLWYD, RUTHIN**

An application was submitted for erection of ground floor extension to dwelling at Branäs, Llanfair Dyffryn Clwyd, Ruthin.

**Proposal** – Councillor Gwyneth Kensler proposed the officer recommendations to grant the application, seconded by Councillor Huw Jones.

**VOTE:**

GRANT – 17

REFUSE – 0

ABSTAIN – 0

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

## **8 CONSULTATION RESPONSE - ISSUES, OPTIONS AND PREFERRED OPTION FOR THE EMERGING NATIONAL DEVELOPMENT FRAMEWORK**

The Strategic Planning and Housing Manager, introduced the report presenting the consultation response – Issues, Options and Preferred Option for the emerging National Development Framework.

Background information was provided to members on the update of the production of the Welsh Government's National Development Framework. It was stated that it will provide a framework for investment, identify key areas of growth and type and location of infrastructure. The framework will sit alongside the Planning Policy Wales. The National Development framework (NDF) will provide a framework for Regional Strategic Development Plan and Local Development Plan to conform to.

The NDF currently was at a very early stage of development. Members heard the timescale for the NDF was twenty years with a review completed every five years. Welsh Government looked at a number of different options. The preferred option named Sustainable Places. Further consultation was due to take place and a draft NDF to be produced. A report will be brought to the Planning committee following consultation.

A concern that officers had noted on the draft consultation report (Appendix 2) was housing numbers. The suggestion was Welsh Government would set the number of houses at a regional level. No further explanation had been given regarding allocation of housing numbers between authorities. Timing had been a concern. There had been a risk that the timing of the NDF and work completed on the Local Development Plan would be out of sync.

Members echoed the concerns raised from officers regarding the timing of work completed, especially in line with the Local Development Plan.

Following a unanimous show of hands, it was

**RESOLVED** that the Planning Committee note the report and agree the draft National Development Framework consultation response.

## **9 SUPPLEMENTARY PLANNING GUIDANCE: 'CARAVANS, CHALETS & CAMPING' - ADOPTION OF FINAL DOCUMENT**

Councillor Emrys Wynne declared a Personal Interest in this agenda item as the report author was his daughter in law.

The Planning Officer introduced the report presenting the draft Supplementary Planning guidance (SPG): Caravans, Chalets and Camping – adoption of final document. It was highlighted to the committee that the SPG was only applicable to new sites or extension to existing sites for holiday use.

Councillor Mark Young asked if the report had been adopted at an earlier stage would previous planning applications have been granted. He raised the concern that previously permission for 'pod' had been granted with the assurance it could not become a static caravan and wanted confirmation this was still applicable.

In reply to the concerns raised by Councillor Young, the Planning Officers stated the policy remains the same. The recommendations on previous planning applications would therefore be the same. The policy direction is set in PSE12 refers to caravans, any changes would have to be made through the Local Development Plan. Confirmation was given on the definition of a caravan.

Following a unanimous show of hands it was

**RESOLVED** that members adopt the proposed SPG for use in determination of planning applications and appeals.

## **10 RHYL CONSERVATION AREA APPRAISAL**

The Strategic Planning and Housing Manager introduced a report to seek members' approval to undertake consultation on the draft Rhyl Conservation Area Appraisal, with statutory bodies and members of the public.

A brief background and definition of a conservation area was provided to members. Originally there had been two conservation areas in Rhyl which were combined into one in 2007. Some concerns had been raised following the merge at certain areas losing character. A number of key changes had been proposed with certain areas to be included in the conservation area and others being removed.

The public consultation was proposed to last eight weeks and would engage with Rhyl Town Council, local residents providing information at the library, the website and the pop up shop in the White Rose Centre. Any responses to the consultation would be brought back to the Planning committee in due course.

During discussion members asked how we buildings will be managed in the conservation areas if they do not meet standards.

The Principal Planning and Public Protection Officer confirmed that no enforcement actions are taken on the property, work would be done to preserve the property. Maintaining standards is essential and taking enforcement action on works that occur that we were not aware of remains vital.

Discussions and working with the Rhyl Master Plan had continued.

Following a unanimous show of hands it was

**RESOLVED** that, Members approve the draft Rhyl Conservation Area Appeal, Appendix 1 to be subject to public consultation over a period of eight weeks.

**The meeting concluded at 10:35 a.m.**

This page is intentionally left blank



# Agenda Item 5

**WARD :** Denbigh Lower

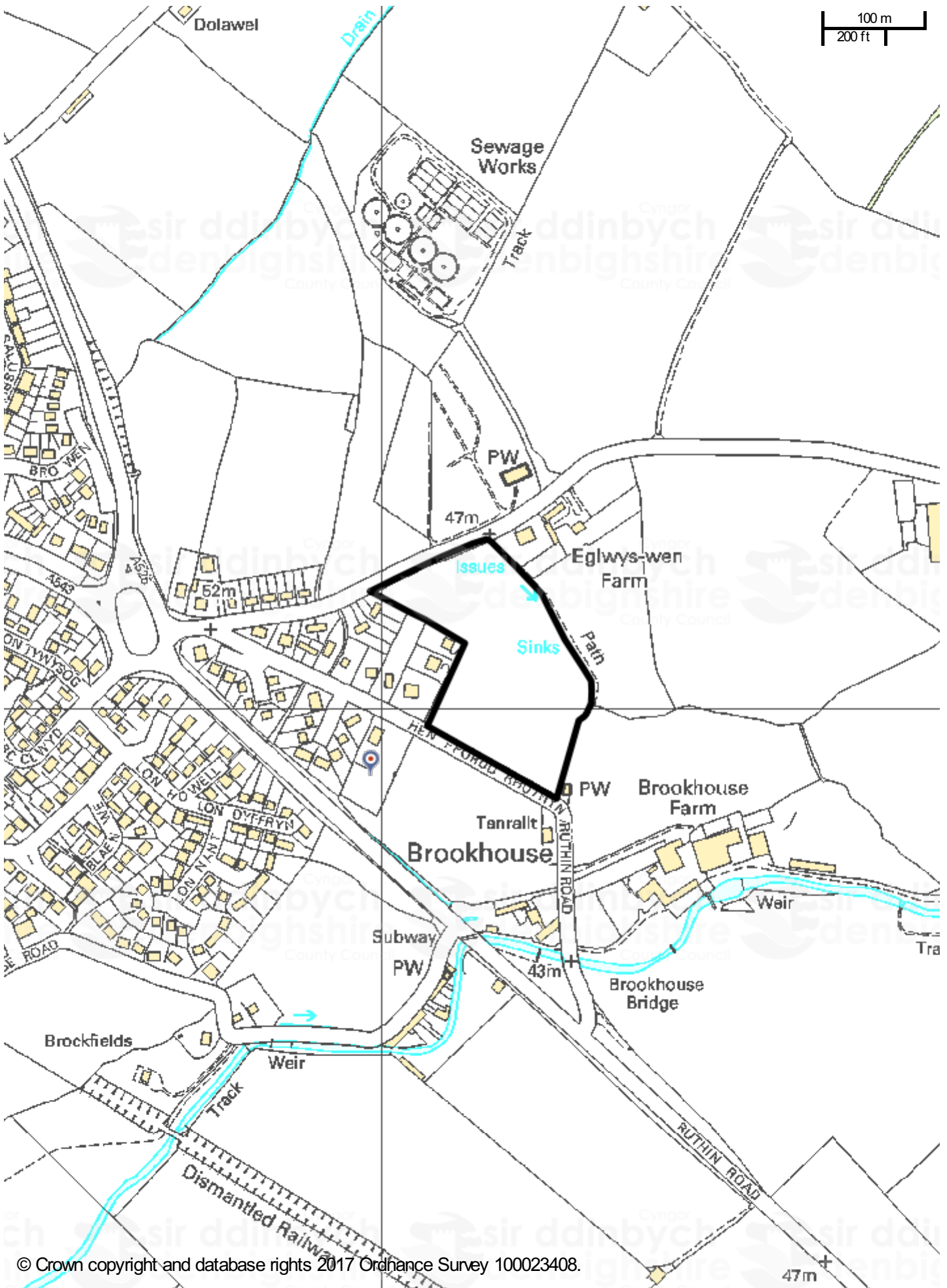
**WARD MEMBERS:** Councillors Mark Young (c ) and Rhys Thomas

**APPLICATION NO:** 01/2018/0607/ AC

**PROPOSAL:** Details of the scheme for the disposal of foul and surface water, sustainable drainage principles and provision of subsequent management and maintenance arrangements submitted in accordance with condition 8 of planning permission code 01/2016/0374/PF

**LOCATION:** Land at Cae Topyn off Old Ruthin Road Ffordd Eglwyswen Denbigh LL16 4RA

This page is intentionally left blank



© Crown copyright and database rights 2017 Ordnance Survey 100023408.

01/2018/0607

Scale: 1:5000

Printed on: 22/8/2018 at 14:53 PM

The content of this drawing is related to the purposes of the Copyright Act 1976. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the copyright owner. All rights reserved.

SCHEDULE	
TYPE A - 4 BED DET HOUSE 6 No @ 164.62 sqM	987.72sqM
TYPE B - 3 BED DORMER BUNGALOW 6 No @ 170sqM	1.020sqM
TYPE C - 4 BED DET HOUSE 5 No @ 155.4sqM	777.5sqM with integral garage
TYPE Cg - 4 BED DET HOUSE 3 No @ 155.4sqM	466.2sqM plus double garage
TYPE D - 3 BED SEMI HOUSE 8 No @ 94.3sqM	754.4sqM
TYPE E - 3 BED SEMI HOUSE 8 No @ 95sqM	760sqM
TYPE F - 3 BED TOWN HOUSE 16 No @ 94.8sqM	1.516.8sqM
TYPE O - 2 BED TOWN HOUSE 11 No @ 67.4sqM	741.4sqM
TYPE J - 2 BED BUNGALOW 12 No @ 65.0sqM	780sqM
<b>TOTAL</b>	<b>7.803.52sqM @ 83.97sqM</b>
<b>29.300sqM OVERALL SITE AREA</b>	
<b>1.650sqM P.O.S.</b>	



REV. 14. 21. JAN 2017 14.00.00 UPDATED

PLANNING DRAWING



willacy horwood  
PURE RESIDENTIAL & COMMERCIAL LTD  
C&E TOWN PLANNING, ARCHITECTURE, INTERIOR  
PROPOSED SITE LAYOUT  
1.500 @ A1 JAN 18 14.11.18 11.14.18  
willacyhorwood.com  
willacyhorwood.co.uk





**Engineering Consultancy**

**ma**

**RESIDENTIAL & COMMERCIAL**

**RESIDENTIAL DEVELOPMENT AT CAKE TOWN**

**103 W. 5576**

**SECTION DRAWING (PLAN)**

**1:500**

**DATE: 15/08/2018**

**PROJECT NO: 103.1**

17. See separate calculations for site parking. Capacity of the site parking area is based on a maximum of 110 cars and 110 motorcycles. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

18. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

19. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

20. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

21. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

22. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

23. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

24. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

25. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

26. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

27. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

28. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

29. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

30. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

31. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

32. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

33. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

34. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

35. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan. The site parking area is shown as a hatched area on the plan.

Continued Below

Continued Above









**WARD :** Denbigh Lower

**WARD MEMBERS:** Councillors Mark Young (c ) and Rhys Thomas

**APPLICATION NO:** 01/2018/0607/ AC

**PROPOSAL:** Details of the scheme for the disposal of foul and surface water, sustainable drainage principles and provision of subsequent management and maintenance arrangements submitted in accordance with condition 8 of planning permission code 01/2016/0374/PF

**LOCATION:** Land at Cae Topyn off Old Ruthin Road Ffordd Eglwyswen Denbigh LL16 4RA

**APPLICANT:** Mr G Jones, Pure Residential And Commercial Ltd.

**CONSTRAINTS:** PROW

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

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

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

**CONSULTATION RESPONSES:**

**DENBIGH TOWN COUNCIL**

“The town councillors wished to object to the below application - not appropriate and the town councillors wish to support the County Council and local residents with the objection.”

**DWR CYMRU / WELSH WATER**

No objections raised in relation to the foul sewer arrangements. Consider the arrangements to be acceptable in principle, and confirm the details are subject to technical review under Section 104 of the Water Industry Act (1991).

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

**Highways Officer**

Following detailed discussions and meetings between Highway Engineers, independent consultants employed to assess the applicant’s scheme and the applicant, Officers are satisfied that the drainage proposals are acceptable, will work and that the Highway Authority will be able to adopt the relevant elements under the appropriate legislation.

**Lead Local Flood Engineer**

I have discussed the surface water drainage proposals with the developer and his consultants in detail. I’m satisfied that the developer has exercised due diligence in employing a suitably qualified and experienced engineering consultancy to design the surface water drainage system. The proposed system manages the risk of flooding of the development site and adjacent land and property in an appropriate fashion, in accordance with current national guidelines.

**RESPONSE TO PUBLICITY:**

None at time of writing report

**EXPIRY DATE OF APPLICATION: 19/08/2018**

## EXTENSION OF TIME AGREED Yes

### REASONS FOR DELAY IN DECISION (where applicable)

- additional information required from applicant

### PLANNING ASSESSMENT:

#### 1. THE PROPOSAL:

##### 1.1 Summary of proposals

1.1.1 The application relates to details required under one of the conditions of the planning permission for the 75 dwelling development at Cae Topyn, Denbigh, granted on appeal in September 2017.

1.1.2 Condition 8 of planning permission 01/2016/0374 relates to drainage detailing, and is worded as follows:

*“No development shall commence until details of a scheme for the disposal of foul and surface water from the development, incorporating sustainable drainage principles and including phasing/timing of provision and subsequent management and maintenance arrangements, has been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed in accordance with the approved details.”*

1.1.3 The plans submitted indicate the location of surface water and foul water pipes, connection points, manhole locations, inspection chamber locations, rodding eye locations, highway gullies, shared geo-cellular soakaway location and domestic geo-cellular locations.

1.1.4 Technical drawings submitted show the construction detail of the proposals, including the design of manholes, inspection chambers, bedding and concrete surround details, catch-pit design and geo-cellular design details.

1.1.5 Technical calculations for the capacity of the drainage system have been provided which include porosity test results, summary of methodology and legislative requirements, methodology of assessment, rainfall data, design data for the water storage cull soakaway, filter drain design for a range of storm severities (1 in 10 year return period storm through to 1 in 100 year return period storm).

1.1.6 Details of the phasing/timing of provision and management and maintenance arrangements have been provided. It is intended to commence the installation of the main drainage on 24/9/18 for a 22 week period, and works on individual plots will continue on a rolling programme for 2 years.

1.1.7 The long term management and maintenance of the foul drainage system will be transferred to Dwr Cymru by agreement under Section 104 of the Water Industry Act 1991. Similarly management and maintenance of the surface water in the highway (including the geocellular soakaway under the public open space) and surface water drainage outside of the plot boundaries will be adopted by Denbighshire County Council by agreement under Section 38 of the Highway Act 1980.

##### 1.2 Description of site and surroundings

1.2.1 The site is located on the south eastern fringe of Denbigh. It is bound to the north west by Whitchurch Road and to the south west by Old Ruthin Road. To the east of the site are open fields, and immediately south of the site is Brookhouse Chapel. To the west is residential development at Karen Court, Llys and other dwellings along Old Ruthin Road and Whitchurch Road.

1.2.2 The site slopes upwards from south to north, and at present is pasture land. The site boundaries are currently defined by hedgerows.

1.2.4 A public footpath runs along the eastern boundary of the site from opposite Brookhouse Chapel up to the Eglwys Wen Farm complex.

1.3 Relevant planning constraints/considerations

1.3.1 The site is allocated for housing in the adopted Denbighshire Local Development Plan.

1.3.2 A Site Development Brief was adopted in March 2016 by the Council for the two allocated sites in this location, i.e. Cae Topyn and the site immediately east of Brookhouse Chapel.

1.4 Relevant planning history

1.4.4 Planning permission for the development of the site was refused at planning committee in April 2017. The decision was subsequently appealed and allowed by the Planning Inspectorate following a Public Inquiry. The decision permitting the development was issued in September 2017.

1.5 Developments/changes since the original submission

1.5.4 Following advice from Highway Engineers, and external consultants, the dimensions of a number of pipes in the surface water drainage system have been increased to prevent surcharging in a 1 in 100 storm event. In addition design changes have been discussed and agreed relating to the landscape bund to the road side of the surface water storage area.

1.6 Other relevant background information

1.6.4 None.

**2 DETAILS OF PLANNING HISTORY:**

2.2 01/2016/0374 - Erection of 75 no. dwellings, together with associated roads, open space and related works. REFUSED by COMMITTEE 21/4/2017 on the basis of unacceptable impact upon highway safety and an unacceptable impact upon the character and appearance of the area. ALLOWED on appeal.

**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 VOE6** – Water management

**Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Residential Development

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note 15 – Development and Flood Risk (2004)

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 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.

4.2 The main land use planning issue in relation to the application is considered to be:

4.2.1 The acceptability of the drainage proposals

4.2.2 In relation to the main planning consideration:

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.'

TAN 15 recognises that all types of land use change will impact on the natural hydrological cycle in one way or another and flooding is not confined to flood plains, as heavy rain falling on waterlogged ground can cause localised flooding almost anywhere. For this reason, TAN 15 states that development should not increase the risk of flooding elsewhere. Runoff from developments in these areas can, if not properly controlled, result in flooding at other locations and significantly alter the frequency and extent of floods further down the catchment.

TAN15 also advises that consideration must also be given to maintaining the effectiveness of any drainage system, including pipes. Systems must be able to cope with severe rainfall/snowmelt events and provision must be made for long term maintenance and renewal.

The detailed proposals for the drainage (foul and surface) at Cae Topyn seek to demonstrate that the mechanism for disposing of foul sewage is acceptable and that surface water can be dealt with adequately in a range of storm events without resulting in run-off.

The technical details have been examined by Welsh Water, Denbighshire County Council Highway Engineers, Flood Engineers and independent engineers (employed by DCC Local Highway Authority). Following the requested submission of amendments to the design and dimension of surface water drainage pipes, it has been agreed by the relevant bodies that the proposed drainage details are acceptable.

With regard to the future management of the drainage systems, Dwr Cymru Welsh Water and the Highway Officers are satisfied with the adequacy of the design. On that basis they are prepared to adopt the relevant elements of the drainage system. As is usual on

residential plots, the surface water drainage/soakaway for individual plots will remain the responsibility of the house owner.

Based on the technical responses of Welsh Water, the Highway Officer and the Lead Local Flood Engineer, it is considered that the proposals for dealing with foul and surface water, and the long term maintenance arrangements put forward are acceptable. It is therefore the opinion of officers that condition 8 of permission 01/2016/0374 should be discharged.

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 recognising local concerns over the implications of the development, the responses from the 'technical' consultees involved with the assessment of the proposed drainage systems raise no objections. On this basis it is not considered there are any grounds to resist the approval of the details.

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

1. 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 site layout plan (drawing number 1218-P01 Rev K) received 22 June 2018
  - (ii) Proposed site layout plan (drawing number 1218-P02) received 22 June 2018
  - (iii) Drainage General arrangement 1 of 2 (drawing number 101 Rev A) received 22 June 2018
  - (iv) Drainage General arrangement 2 of 2 (drawing number 102 Rev A ) received 22 June 2018
  - (v) Drainage General arrangement 1 of 2 (drawing number 103) received 22 June 2018
  - (vi) Drainage General arrangement 2 of 2 (drawing number 104) received 22 June 2018
  - (vii) Drainage construction details (drawing number D05) received 22 June 2018
  - (viii) Construction details manhhole type 1B (drawing number D06) received 22 June 2018
  - (ix) Construction details manhhole type E (drawing number D07) received 22 June 2018
  - (x) Construction details Catchpit (drawing number D08) received 22 June 2018
  - (xi) Construction details Geocellular soakaway (drawing number D09) received 22 June 2018
  - (xii) Foul drainage windes long sections received 22 June 2018
  - (xiii) SW Windes long sections received 22 June 2018
  - (xiv) Location plan received 22 June 2018

The reason for the condition is:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.

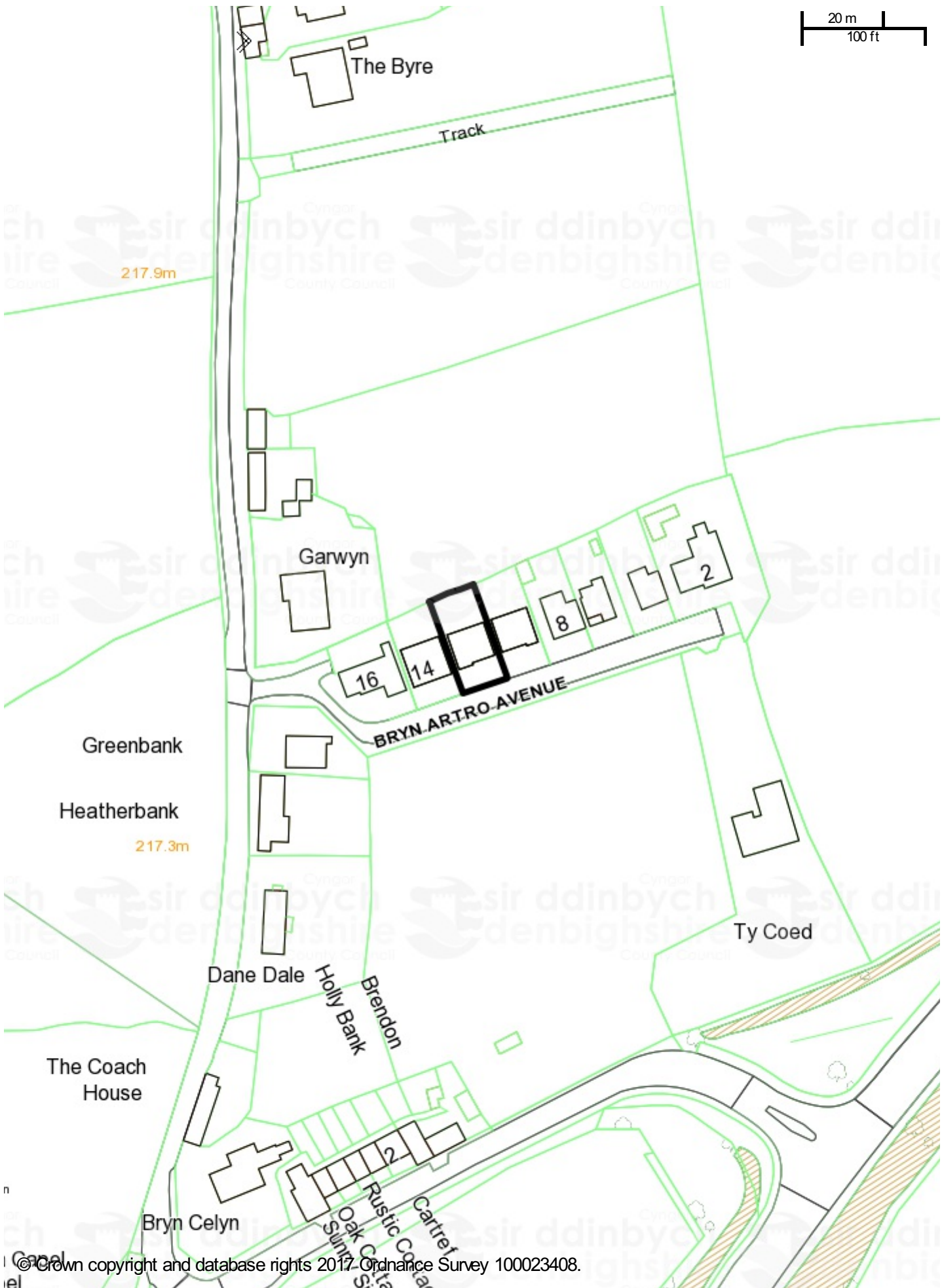
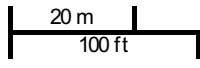
This page is intentionally left blank

# Agenda Item 6

**WARD :** Llanarmon Yn Ial / Llandegla  
**WARD MEMBER:** Councillor Martyn Holland  
**APPLICATION NO:** 21/2018/0166/ PF  
**PROPOSAL:** Erection of single storey rear extension  
**LOCATION:** 12 Bryn Artro Avenue Llanferres Mold

This page is intentionally left blank





© Crown copyright and database rights 2017 Ordnance Survey 100023408.

21/2018/0166

Scale: 1:1250

Printed on: 22/8/2018 at 14:59 PM

# EXISTING FLOOR PLAN

REVISED PLAN

**GENERAL NOTES**

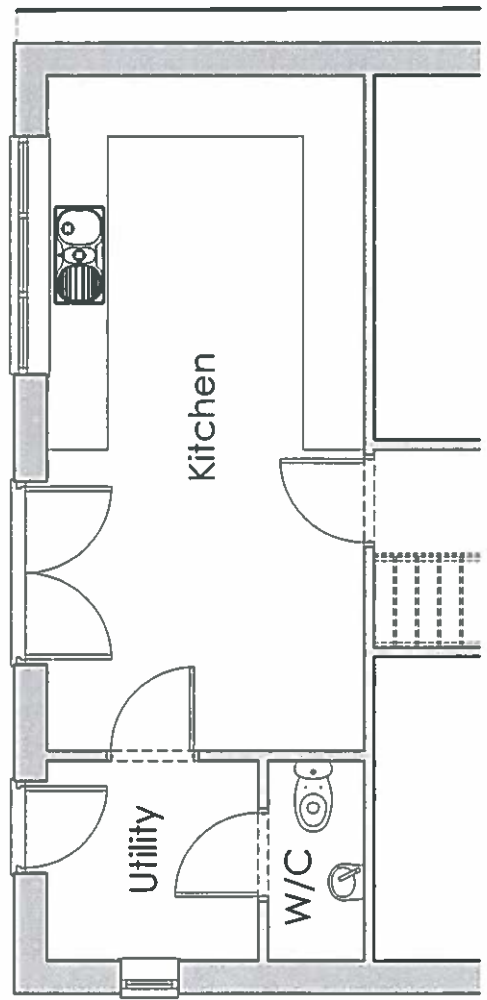
1. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011.
2. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL REGULATIONS 2017.
3. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL PLUMBING REGULATIONS 2017.
4. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL GAS REGULATIONS 2017.
5. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL MECHANICAL REGULATIONS 2017.
6. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL TILING REGULATIONS 2017.
7. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL PAINTING REGULATIONS 2017.
8. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL CARPETING REGULATIONS 2017.
9. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL FLOORING REGULATIONS 2017.
10. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL JOINERY REGULATIONS 2017.
11. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL GLAZING REGULATIONS 2017.
12. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL ROOFING REGULATIONS 2017.
13. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL CONCRETE REGULATIONS 2017.
14. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL MASONRY REGULATIONS 2017.
15. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL METALWORK REGULATIONS 2017.
16. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL WOODWORK REGULATIONS 2017.
17. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL GARDENING REGULATIONS 2017.
18. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL LANDSCAPING REGULATIONS 2017.
19. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL FENCING REGULATIONS 2017.
20. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL SECURITY REGULATIONS 2017.

**Rev: Description**      **Date:**  
 1. First Issue      26/10/17  
 2. Revising Sub      14/02/18

**Scheme Title**  
 12 Bryn Arfo Avenue,  
 Llanferres  
**Drawing Reference**  
 Existing Plans  
**Scale** 1:50  
**Entity** LOJ  
**Classification** RAL

**Project Number** 5538  
**Drawing Number** EX01  
**Revision** A

**d2 architects**  
 Soughton House  
 210, Malpas Street, Malpas  
 Chester  
 Cheshire  
 CH6 2PS  
**Head Office**  
 210, Malpas Street, Malpas  
 Chester  
 Cheshire  
 CH6 2PS  
 Tel: 01244 355341  
 Fax: 01244 355342  
 Email: admin@d2architects.co.uk  
 Web: www.d2architects.co.uk



**Existing - Ground Floor Plan**  
 Scale: 1:50

# EXISTING ELEVATIONS

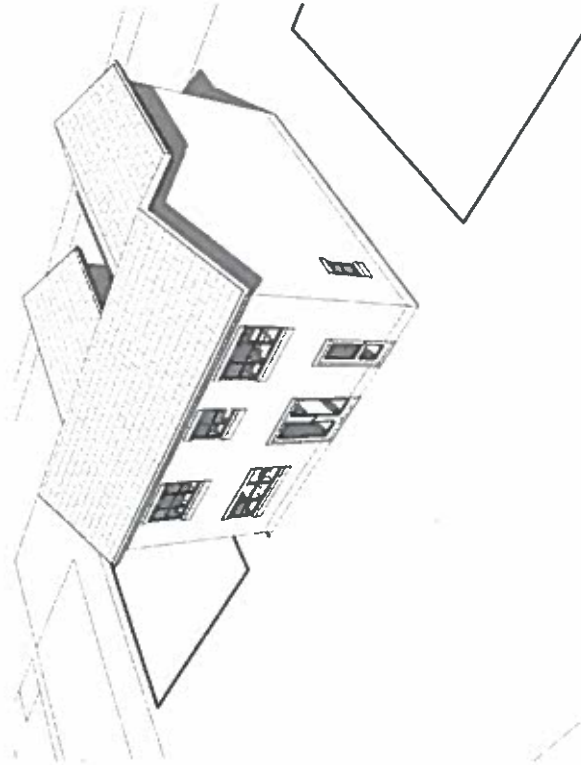
**GENERAL NOTE**  
 1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.  
 4. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.  
 5. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.

**Rev Description:**  
 A. Planning Sub  
**Date:**  
 08/10/17  
 15/02/18

Scheme Title  
**12 Bryn Arfo Avenue,  
 Llanerres**  
 Drawing Reference  
**Existing Elevations**  
 Scale: 1:100  
 Drawing No. LOJ  
 Checked By RAL

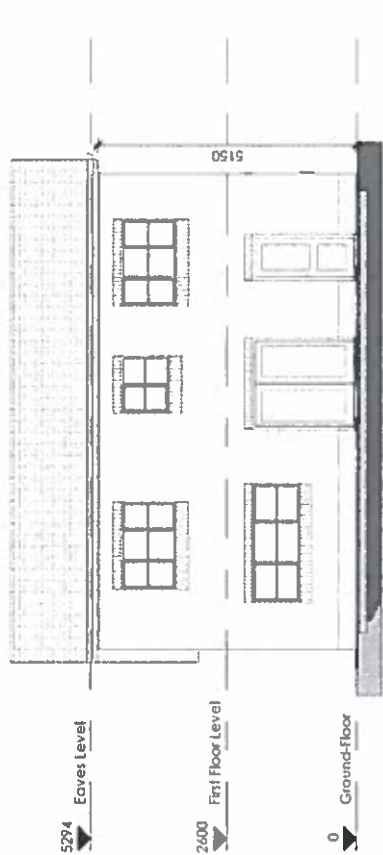
Project Number Drawing Number Revision  
**5538 EX02 A**

**d2 architects**  
 Soughton House  
 21, Church Street, Newark  
 Chester  
 Cheshire  
 CH1 3JG  
 01244 205 247  
 01244 205 248  
 www.d2architects.co.uk

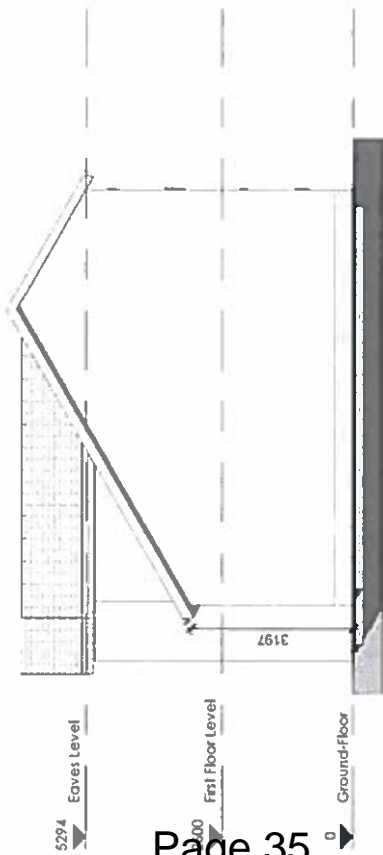


**Existing - External Visual**  
 Scale:

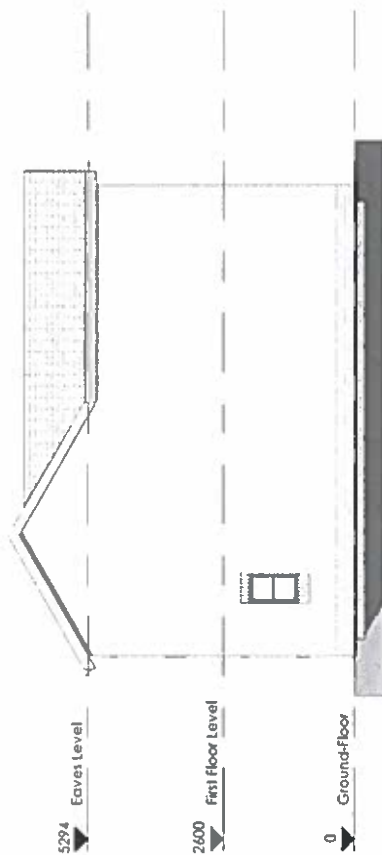
**REVISED PLAN**



**Existing - Rear Elevation**  
 Scale: 1 : 100



**Existing - Side Elevation 01**  
 Scale: 1 : 100



**Existing - Side Elevation 02**  
 Scale: 1 : 100

# PROPOSED FLOOR PLAN

**GENERAL NOTES**

1. All work to be in accordance with the latest editions of the relevant codes of practice.
2. All work to be in accordance with the latest editions of the relevant codes of practice.
3. All work to be in accordance with the latest editions of the relevant codes of practice.
4. All work to be in accordance with the latest editions of the relevant codes of practice.
5. All work to be in accordance with the latest editions of the relevant codes of practice.

Rev.	Description	Date
A	Initial	30/01/17
B	Client Amend	27/01/17
C	Finaling	19/02/16
D	Revised Final	24/02/16

5538  
 12 Bryn Arfo Avenue,  
 Llanterres

Proposed Plans &  
 Visuals

Scale: 1:50  
 Drawn by: RAL  
 Checked by: MOH

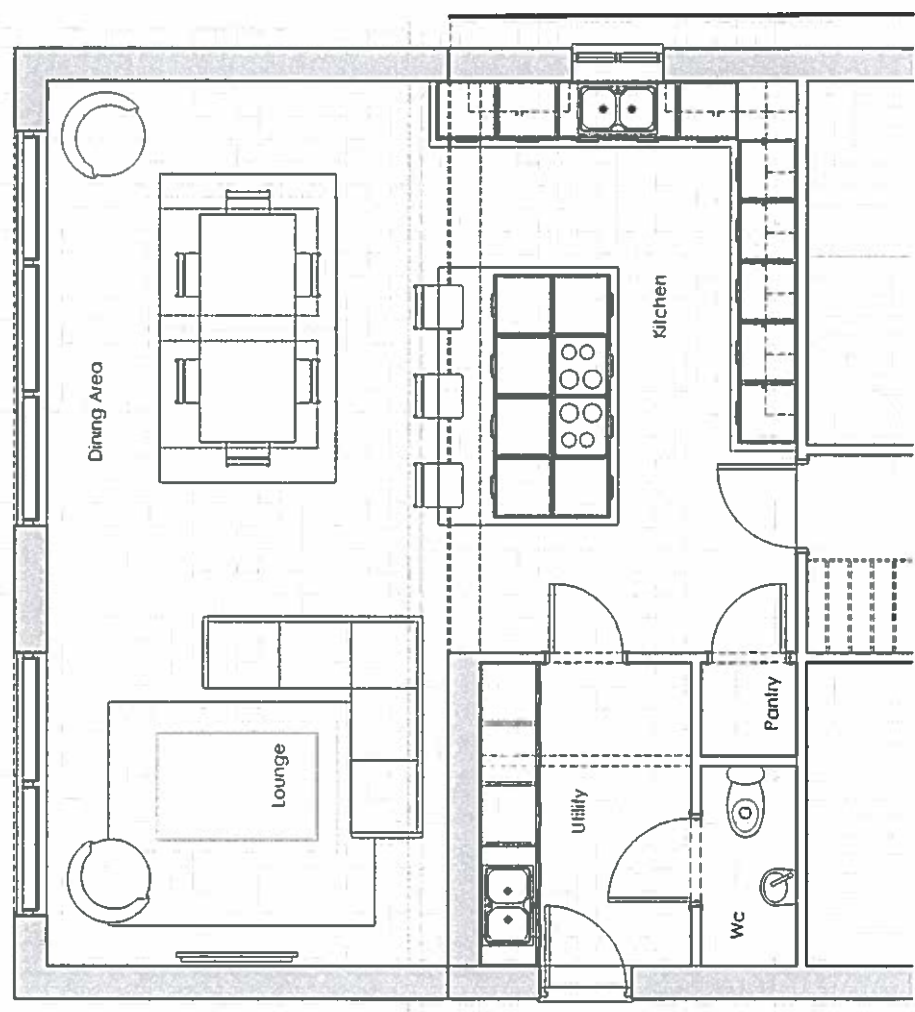
Project: 5538  
 Drawing: PL01  
 Revision: C

d2 architects

Seaghan Heave  
 2nd Floor, North Tower  
 Fingert  
 City Centre  
 Dublin 1

Heidi Studio  
 100, 101, 102  
 Dublin 1

Project: 5538  
 Drawing: PL01  
 Revision: C



Proposed - Ground Floor Plan  
 Scale: 1:50

REVISED PLAN

# PROPOSED ELEVATIONS

**GENERAL NOTES**

1. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
2. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
3. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
4. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
5. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
6. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
7. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
8. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
9. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.
10. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE S.A.B.S. CODE OF PRACTICE FOR BUILDING.

**Rev: Description: Date:**

A	Final Issue	30/10/17
B	Client Approval	21/07/18
C	Planning Sub	14/07/18
D	Planning Approval	21/05/18

**Scheme Info**  
 12 Bryn Afno Avenue,  
 Llanterres  
 Proposed Elevations

**Scale:** 1 : 100  
**Drawn by:** RAL  
**Checked by:** MOH

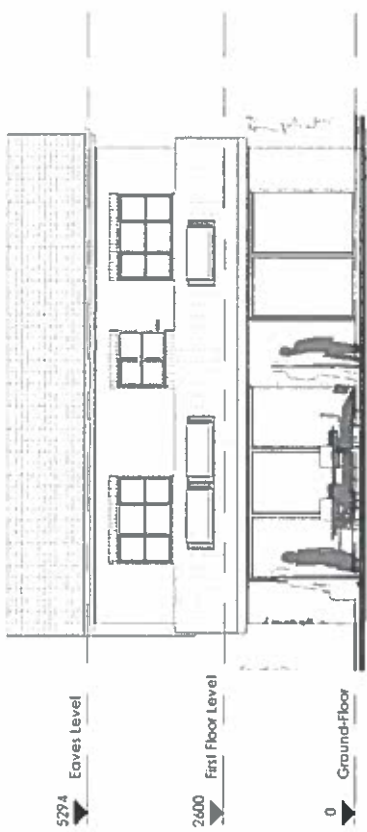
**Project Number:** 5538  
**Revision:** PL02 C

**d2 architects**

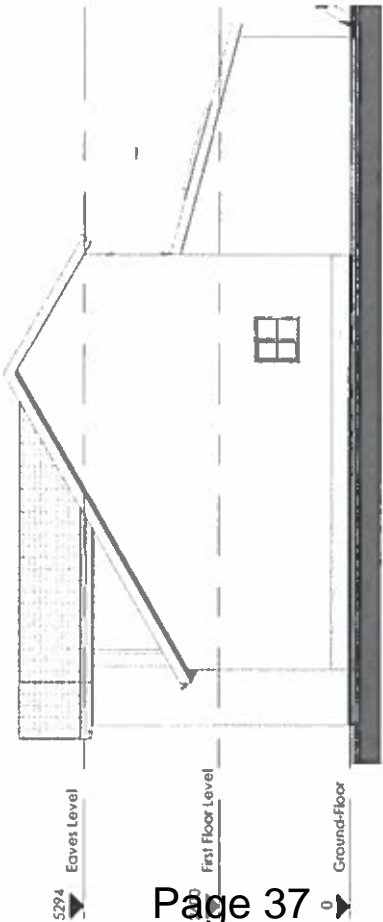
**Saughlin House**  
 212-213 High Street (2/F)  
 Chester  
 CH1 3JG

**Hidir Studio**  
 Penryn College  
 Penryn  
 Cornwall  
 TR10 9JH

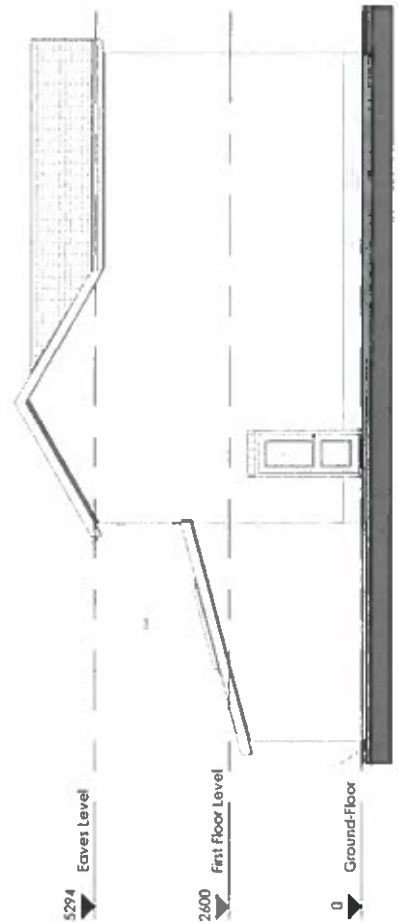
T: 01244 225 24 / 01628 552092  
 E: admin@d2architects.co.uk  
 W: www.d2architects.co.uk



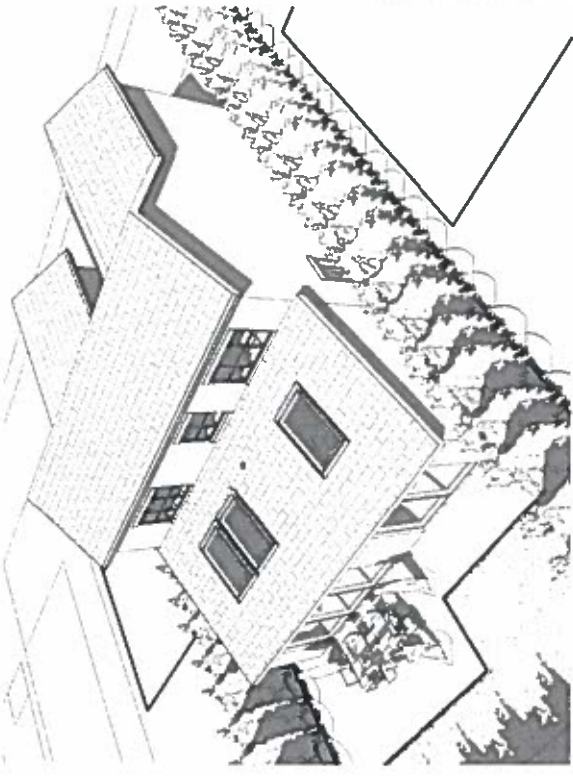
**Proposed - Rear Elevation**  
 Scale: 1 : 100



**Proposed - Side Elevation 01**  
 Scale: 1 : 100



**Proposed - Side Elevation 02**  
 Scale: 1 : 100



**Proposed - External Visual**  
 Scale:

**REVISED PLAN**

# PROPOSED SITE PLAN

**REVISED PLAN**

12. 2024.01.14

12 Bryn Arfo Avenue  
Hanferres

Proposed Site Plan

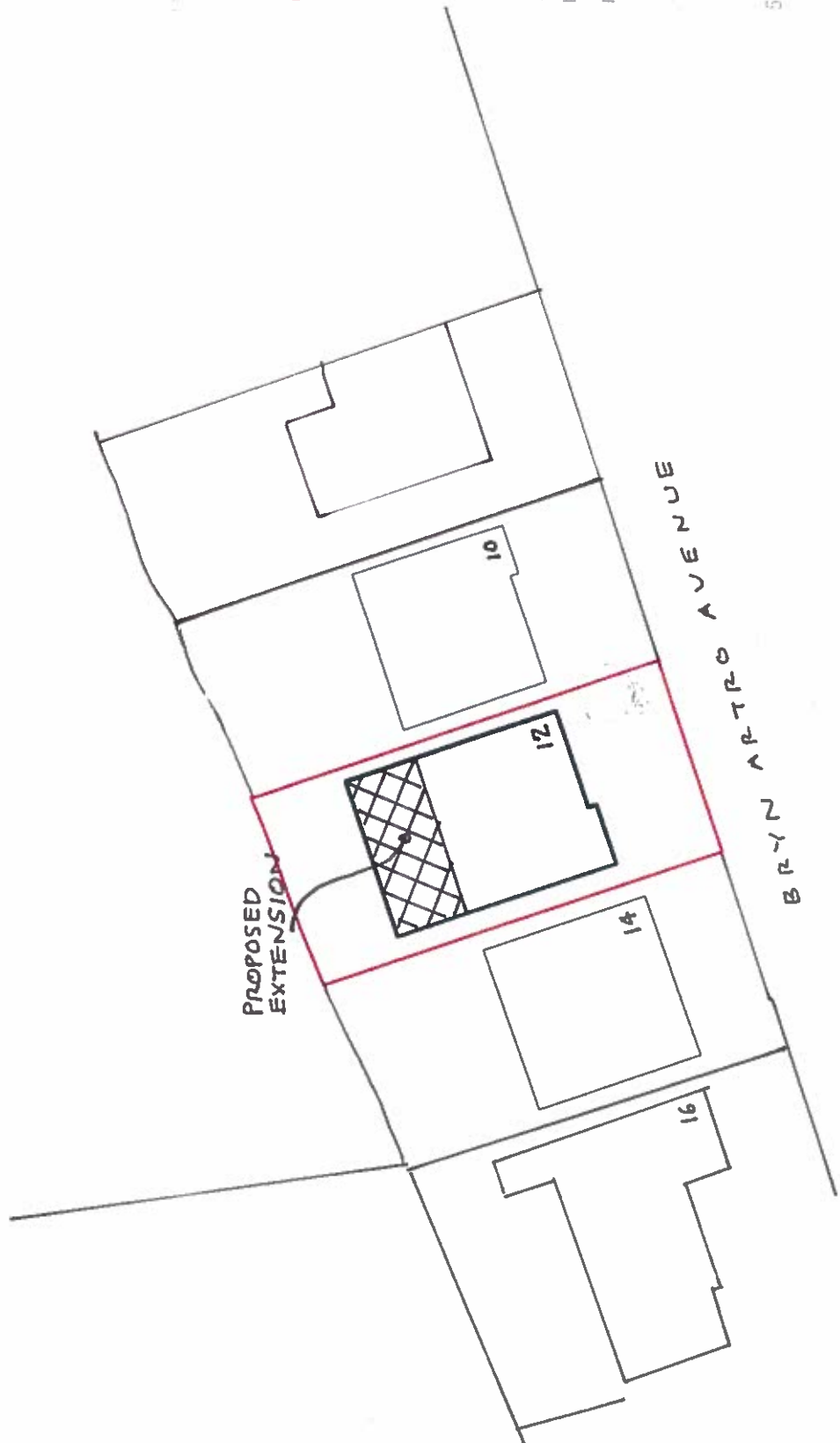
1:250  
PLAN  
SCALE

5538 PL03 A

d2

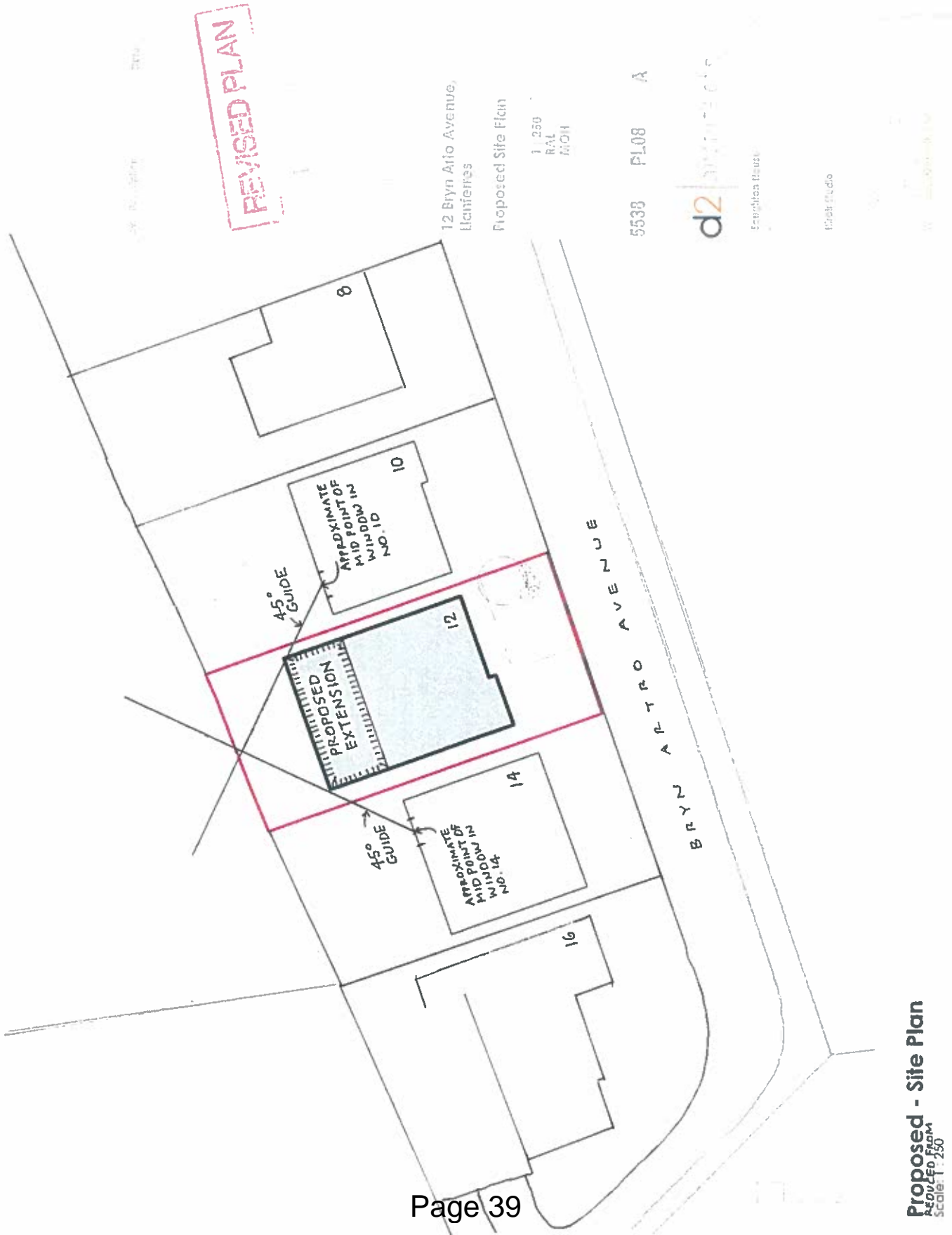
www.d2.com

12. 2024.01.14



# SITE PLAN OF PROPOSED EXTENSION AND ADJACENT PROPERTIES ANNOTATED TO ILLUSTRATE THE 45 DEGREE GUIDE, AS APPLIED TO THE CASE

The annotated details have been drawn onto the submitted 1:250 scale site plan, which has been photoreduced to A4 size to fit the report. The interpretation of the location of windows of adjoining dwellings is that of Officers from observation on site.



**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER:** Councillor Martyn Holland

**APPLICATION NO:** 21/2018/0166/ PF

**PROPOSAL:** Erection of single storey rear extension

**LOCATION:** 12 Bryn Artro Avenue Llanferres Mold

**APPLICANT:** Mrs S Harris

**CONSTRAINTS:** AONB

**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:**

**LLANFERRES COMMUNITY COUNCIL**

Original consultation response:

"The Community Council has discussed the above-mentioned application and would make the following comment to the proposals:

Llanferres Community Council have concerns regarding the BRE daylight 45&25 degree test regarding this extension and request that accurate measurements be taken to establish whether they apply. If the extension does comply with the requirements of the test then the council has no objection to the application. We would, however, bring to the planning officers attention, the chimney from the solid fuel burner which seems to contravene building regulations.

We would like to complain about the quality of the planning documents, especially as seen on the website. We consider them totally inadequate with no meaningful measurements and difficult to understand."

Re-consultation response:

With reference to the above mentioned Planning Application, the Community Council have received correspondence from neighbours situated on either side of this property.

Following discussions. The Community Council do not object to the proposal in principle providing that the Planning Officer is satisfied that the plan meets the 45 degree rule."

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

"The Joint Committee has no objection to the proposed extension subject to the roof and wall facing materials matching the existing."

(Same response to original application and reconsultation)

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mrs E Cook, 10 Bryn Atro, Tafarn y Gelyn  
Cllr B Barton, Glan Alyn, Llanferres Road



Mrs R Johnson, 14 Bryn Artro, Tafarn Y Gelyn

Summary of planning based representations in objection  
Comments on original submission

*Accuracy of plans:*

Concern that plans do not accurately plot positioning of neighbouring properties - No's 10 and 12 are in line with each other. Nos 14 and 16 are also in line with each other lying almost one metre back from the rear from no 12. This has a major implication when utilising the 45 degree guide. The distance between 10 and 12 is 1.8 metres, not the 2 metres shown on these plans.

*Impact on residential amenity of neighbours:*

Due to proximity to neighbouring properties and projection of extension, it would fail 45 degree guide and therefore would have detrimental impact on neighbours in terms of loss of light / maintaining sunlight and daylight (Proposed extension will be 0.9 metres from 10 Bryn Artro Avenue and 1.0 metre from 14 Bryn Artro Avenue, this will effectively block the sunlight and daylight to 40-50% of each rear garden); affect outlook and would have an overbearing impact on neighbouring properties.

*Loss of Garden Space / proximity to garden boundary:*

Back gardens are shallow - SPG advises sufficient private garden space should be retained to provide amenity for dwelling and to ensure enough space is kept between neighbouring properties to avoid cramped form of development. SPG recommends a minimum garden depth of 6m is retained – this would not be achieved.

*Design:*

Not subordinate in scale; out of keeping with neighbouring properties.

Summary of resubmission:

*Accuracy of plans:*

Note plans are more accurate than original drawings, but consider rear of neighbouring properties are not accurately plotted.

*Impact on residential amenity of neighbours:*

Due to proximity to neighbouring properties and projection of extension, it would fail 45 degree guide and therefore would have detrimental impact on neighbours in terms of loss of light / maintaining sunlight and daylight.

At least 26% of the side of the proposed extension would be visible from centre point of neighbouring properties

Would have a detrimental impact on early morning sun from west on No. 14 and mid-afternoon and early evening sun from the east on No 10.

Windows / doors are proposed in side elevation which would face towards and overlook neighbouring garden

*Loss of Garden Space / proximity to garden boundary:*

Back gardens are shallow, would leave rear garden cramped and over-crowded. Insufficient garden depth retained.

*Design:*

Not subordinate in scale; out of keeping with neighbouring properties.

Overdevelopment of site- would result in a cramped, overcrowded feel to the area

*Flue:*

Concerned that smoke from flue would enter rear bedrooms of neighbouring properties.

**EXPIRY DATE OF APPLICATION: 16/04/2018**

**EXTENSION OF TIME: 18/07/2018**

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

- previous deferral by Committee for further information
- additional information required from applicant
- 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 Consideration of the application was deferred at the April Planning Committee to allow opportunity to seek clarification of points of detail arising from consultation and neighbour responses. Revised plans have been submitted in June 2018 and a re-consultation exercise has been carried out. Further revised plans have been submitted on 21 August 2018 which sought to remove a previously proposed flue.
- 1.1.2 The proposal is for a single storey lean to extension to the rear of an existing two storey detached dwelling, to provide additional living accommodation.
- 1.1.3 The extension would run the width of the dwelling (8.3 metres) and project 4.1 metres out from the rear elevation. It would have a lean-to roof with an eaves height of 2.1 metres, rising to 3.5 metres where it meets the main rear wall of the dwelling.
- 1.1.4 The application form states the roof would be tiled and walls would have a rendered finish.
- 1.1.5 Roof lights are proposed in the roof and full height windows / doors would be installed in the rear elevation, looking out into the rear garden. No windows or doors are proposed in the side elevations of the extension, but an additional window is proposed at ground floor level on the existing gable wall facing No.10, to serve the kitchen, and a new external door is proposed to serve the utility room, in the position of an existing window in the gable facing the side of No.14.
- 1.1.6 The rear elevation would be some 5.5m from the rear garden boundary.
- 1.1.7 The proposal originally included the installation of a flue in connection with a wood-burning stove. Following concerns by consultees, the flue has now been omitted from the scheme as illustrated on the further revised plans received on 21 August 2018.
- 1.1.8 The proposed extension would be 0.9m from the side boundary with No.10, the neighbouring property to the east. The boundary between the two properties is a 1.2m high wooden fence with a curved trellis above, which rises to approximately 1.6m at its highest point.
- 1.1.9 The proposed extension would be 1.2m from the shared boundary with No. 14, the neighbouring property to the west. The boundary between the two properties is a wooden fence, approximately 2.1m in height, and there are a number of shrubs / trees alongside the fence within the garden of No.14 which are well in excess of the height of the fence.
- 1.1.10 Plans of the proposed extension and the relationship between the properties are provided at the front of the report.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is occupied by an existing modern detached two-storey dwelling, which is one of eight detached dwellings fronting the northern side of Bryn Artro Avenue, which is within the hamlet of Tafarn y Gelyn. The dwellings have been erected over time as replacements for older timber built chalets.

1.2.2 There are dwellings on either side of the application site, with No. 10 to the east and No. 12 to the west. Wooden fences demark the side boundaries with each property, and to the rear of the site are open fields.

1.2.3 The rear gardens of all the Bryn Artro dwellings are relatively shallow, as can be noted from the location plans at the front of the report. The existing rear elevation of the dwelling is approximately 9 metres from the rear garden boundary.

#### 1.3 Relevant planning constraints/considerations

1.3.1 The site is outside of any development boundary as defined in the Local Development Plan.

1.3.2 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

#### 1.4 Relevant planning history

1.4.1 Permission for a replacement dwelling on the plot was granted in 2005.

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

1.5.1 Revised plans have been submitted following concerns raised by the Community Council and individuals regarding the accuracy of the plans.

1.5.2 Following re-consultation responses, further revised plans were received which removed the flue.

#### 1.6 Other relevant background information

1.6.1 Following Community Council and private individual concerns regarding the accuracy of the submitted plans, revised plans have been submitted which the agent has confirmed are based on site measurements rather than Ordnance Survey Maps. Officers have also visited the site and consider the revised plans accurately reflect the position of the dwelling in relation to the site and to the neighbouring properties.

1.6.2 It is to be noted that permitted development rights have not been removed or restricted at the application site, and therefore standard rights to extend in accordance with national legislation apply.

1.6.3 In respect of the proposed extension, the relevance of the above is that if the projection of the extension was reduced by 0.1m / 10cm (approximately 4 inches) so that it would project no more than 4m from the rear elevation, it would fall within householder permitted development rights, and no planning permission would be required. This is a relevant 'fallback' position which is referred to later in the report.

1.6.4 The original scheme included a domestic flue which projected 1.2m above the lean to roof. As the site is within the AONB, permitted development rights do not extend to the flue, and accordingly planning permission would be required for this element of the proposal.

1.6.5 However, due to concerns raised relating to the flue and its impact on residential neighbours, the agent has confirmed the applicant was happy to remove the flue from the scheme and revised plans were subsequently submitted. The Community Council and objectors have been sent a re-consultation letter to inform them of the further revised plans. The re-consultation period was still outstanding at the time of writing this report, and therefore any further responses received in relation to this application will be reported on the 'Late Sheets' at the Planning Committee meeting.

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

2.2 21/2004/1247. Demolition of existing 2-bed bungalow and erection of replacement two-storey dwelling. Granted 04/03/2005

## **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 RD3** – Extensions and alterations to existing dwellings

**Policy VOE 2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Residential Development

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.

**4.2** 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

Other matters

**4.3** In relation to the main planning considerations:

4.3.1 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.

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.

4.3.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made.

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

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

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause

unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The site is located within the AONB and therefore the impact of the proposals on visual amenity and on the character and appearance of the AONB are therefore key considerations.

The AONB Joint Committee has raised no objection to the proposal subject to wall and roof materials matching the existing dwelling.

Following the submission of revised plans, the Community Council have withdrawn their previous objection on visual amenity grounds.

Private individuals have responded to the original consultation and the re-consultation on the revised plans and have raised concerns regarding the scale, design and appearance of the extension - specifically that due to the relatively small size of the back garden, the proposal would result in a cramped form of development.

The existing dwelling is a modern two-storey detached dwelling and the proposal is for a single storey lean to extension to the rear which would project some 4.1m from the rear elevation of the existing dwelling. The application documents indicate the roof would be tiled and walls would have a rendered finish. The existing dwelling is a modern house with rendered walls and a tiled pitched roof and Officers are of the opinion that the extension proposed would be in keeping with the existing dwelling and conditions could be applied to control the external finishes to be applied to the extension in the interests of visual amenity.

It is also of relevance that there are already extensions to the rear of other Bryn Arthro Avenue properties. No.14, for example has a substantial conservatory at the rear.

The proposal originally included a chimney flue for a wood burning stove to be installed, however following the submission of further revised plans, the flue has now been omitted from the scheme.

With regards to the scale of the development, notwithstanding concerns raised by private individuals, Officers consider the extension would be subordinate in scale and form to the original dwelling. Whilst the rear garden area is relatively shallow, the rear elevation of the proposed extension would be some 5.5m from the rear boundary and therefore garden space would be retained to the rear, and there is also a parking / garden area to the front of the dwelling. Accordingly, due to the scale of the extension, it is not considered that the proposal would represent overdevelopment of the plot.

In respecting the concerns raised by the Community Council and private individuals, Officers would conclude that 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 would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

#### 4.3.3 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.

The Community Council had originally objected to the proposal on residential amenity grounds, however following re-consultation on revised plans, the Community Council have now withdrawn their previous objection, providing that 'the Planning Officer is satisfied that the plan meets the 45 degree rule'

Representations raising concerns on residential amenity impacts have been made by neighbours and a private individual. The concerns focus on the impact of the proposal in terms of overshadowing of neighbouring properties and gardens, effect on outlook from neighbouring properties and overbearing impact. Issues have also been raised regarding the reduction in the garden area of No.12 and failure to maintain a setback distance of 6m from the extension to the rear garden boundary. Reference is made to the application of the 45 / 25 degree guides in the Council's Supplementary Planning Guidance; and it is contended that the proposal conflicts with the 45 degree guide as 'up to 26% of the side of the proposed extension will be visible from the centre of the centre point of the window of No.14', and it will also fail the test in relation to the rear French window of No.10.

In response to the detailed matters arising:-

#### 25 degree guide

In noting reference to the '25 degree guide' in the Residential Development Supplementary Guidance, this is guidance applicable to situations where the rear of properties face one another. This is not applicable in this instance as there are no properties backing on to the proposed extension.

#### Accuracy of plans:

As noted earlier in the report, revised plans have been submitted which the agent has confirmed are based on site measurements rather than Ordnance Survey maps. Objectors commenting on the revised application still contest the plans do not accurately show the positioning of neighbouring properties in relation to the proposed extension, but based on Officer observations on a site visit, it is considered the plans show the relationships between the application site and adjacent properties with sufficient accuracy to allow a fair assessment to be made of the likely impacts of the extension on them. Officers have also independently measured out the footprint of the extension and the proximity to neighbouring boundaries, and consider the revised plans represent these fairly.

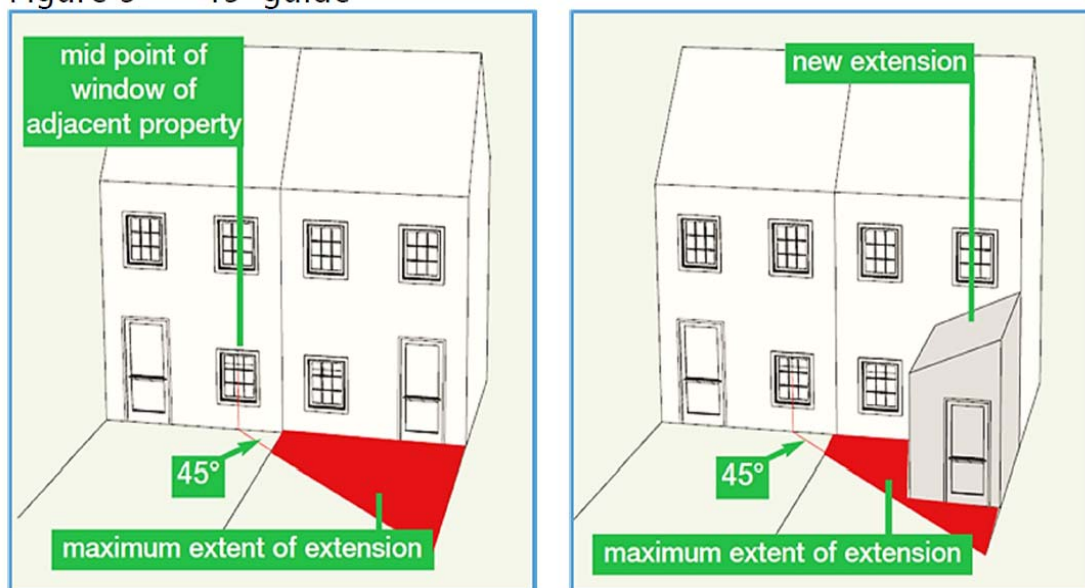
#### Overshadowing and the 45 degree guide

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 a proposed extension, in terms of protecting privacy, maintaining sunlight and daylight and maintaining a reasonable outlook.

The Supplementary Guidance provides a tool to help assess whether a proposal would have 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. The illustration below helps to explain the principles of applying the 45 degree guide.

Figure 5 45° guide



Objectors to the application consider the proposal would fail the 45 degree guide.

In this case, in respecting the concerns expressed, the proposal is for a lean to single storey extension, and based on Officers assessment of the location of windows in the rear elevations of adjacent property and the position of the proposed extension, there would appear to be no obvious conflict with the 45 degree guide. Officers have provided an annotated plan at the front of the report which gives an impression of how the guide would translate into the context of the application site.

In applying the guide, due account has also to be taken of other site features which may have a bearing on and mitigate impacts. In this instance it is notable that there is a 2 metre high screen fence along the boundary between Nos 12 and 14, with a number of trees / shrubs within the garden of No.14 extending above the top of the fence. The effect of these features would be to largely obscure views of the proposed extension from the nearest rear windows of No.14, significantly mitigating the impact of the extension.

In respect of No.10, the boundary fence with No.12 is at a lower height (1.6m), but the proposed extension at No.12 would not project significantly beyond the 45 degree line.

Having regard to the above considerations and the fact the proposed extension would be on the northern side of the property, it is not considered it would give rise to unreasonable loss of sunlight / overshadowing in respect of the neighbouring occupiers.

Loss of garden space:

Objectors have also raised concerns that the rear gardens at Bryn Artro are already shallow, and as a result of the development it would leave a cramped and over crowded rear garden at No.12 with insufficient garden depth being retained.

Officers would acknowledge that the rear wall of the extension would be approximately 5.5m from the rear garden boundary. However, the Residential Space Standards SPG states that a minimum of 40 square metres of garden area / outdoor amenity space should be provided to serve an individual dwelling, and does not set minimum garden depths, etc. . In this case, in excess of 60 square metres of rear

garden space would be retained and therefore Officers consider sufficient garden area would be retained within in the site.

#### Overbearing impact

Guidance indicates overbearing impact on a neighbouring property should be prevented, particularly if there are windows in the side elevation of an adjacent house that the extension projects towards. Whilst it is not always possible to achieve in all instances, a 1 metre gap should be retained wherever practical between an extension and the site boundary.

In this case, the proposed extension would be set back 0.9m from the side boundary with No. 10 and 1.2m from the side boundary with No.14. The proposal is also a single storey lean-to extension which has a relatively low profile, and Officers do not consider the proposal would give rise to an overbearing or cramping impact on neighbouring properties.

#### Privacy / overlooking

The proposal is for a single storey extension and no windows or doors are proposed in either side elevation of the extension.

Whilst a new doorway is proposed in the side elevation of the existing dwelling facing the gable end of No.14, this is to replace an existing window opening, and would not result in the potential for additional overlooking.

A new kitchen window is proposed in the side elevation of the existing dwelling, facing the gable end of No.10. Given the position of the window, it is not considered this would result in the potential for additional overlooking.

Officers are therefore satisfied the proposal would not result in any unacceptable overlooking of neighbours or impinge on their privacy.

#### Flue

Concerns were raised regarding emissions from the proposed flue entering into bedroom windows of neighbouring properties.

Following the submission of revised plans, the flue has now been removed.

The site is within the AONB, and therefore the flue does not benefit from permitted development rights, and therefore should the flue be progressed in the future, the Council would retain control over the siting of such a flue through the need for planning permission.

#### Other matters

##### Fallback position

Officers consider the fall-back position is of some relevance in this instance. As noted in paragraph 1.6.3 of the report, if the projection of the extension was reduced by 0.1m/10cm (approximately 4 inches) the proposal would fall within permitted development rights and could therefore be built without the need for planning permission. As 'permitted development' tolerances effectively reflect a scale of development considered reasonable by Government on dwellinghouses without the need for formal permission, it suggests the impacts of an extension in the order of 0.1m larger than this size limitation would need to be significantly adverse to justify a refusal of permission.

##### 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 In respecting the concerns raised by the Community Council and private individuals, for the reasons highlighted in the report, having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the proposal is considered to be acceptable and is recommended for grant.

**RECOMMENDATION: GRANT** subject to the following condition(s) :-

1. The development to which this permission relates shall be begun no later than 12<sup>th</sup> September, 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 (Drawing No. EX02 Revision A) received 21 August 2018
  - (ii) Proposed Elevations (Drawing No. PL02 Revision C) received 21 August 2018
  - (iii) Existing Ground Floor Plan (Drawing No. EX01 Revision A) received 21 August 2018
  - (iv) Proposed Ground Floor Plan (Drawing No. PL01 Revision C) received 21 August 2018
  - (v) Existing Site & Location Plan (Drawing No. EX03 Revision A) received 12 June 2018
  - (vi) Proposed Site Plan (Drawing No. PL08 Revision A) received 21 August 2018
3. The materials and finishes of the external surfaces of the walls and roofs of the extension hereby permitted shall be of the same texture, type and colour as those on external walls and roofs of the existing building.

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 visual amenity and to conserve the character and appearance of the AONB.

This page is intentionally left blank

# Agenda Item 7

**WARD :** Llanarmon Yn Ial / Llandegla

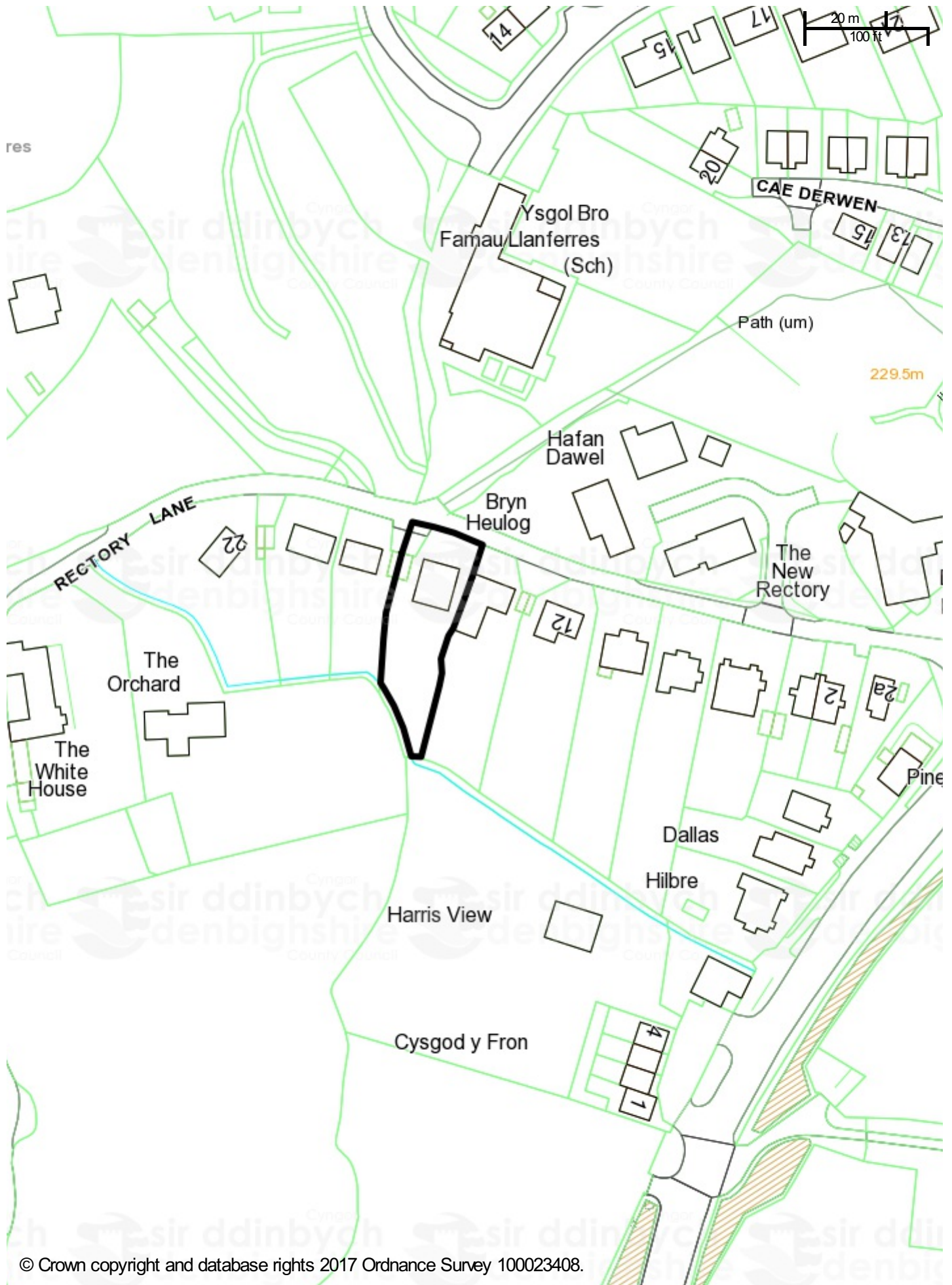
**WARD MEMBER(S):** Cllr Martyn Holland

**APPLICATION NO:** 21/2018/0293/ PF

**PROPOSAL:** Demolition of porch and erection of an attached garage  
(amedned scheme)

**LOCATION:** 16 Rectory Lane Llanferres Mold

This page is intentionally left blank



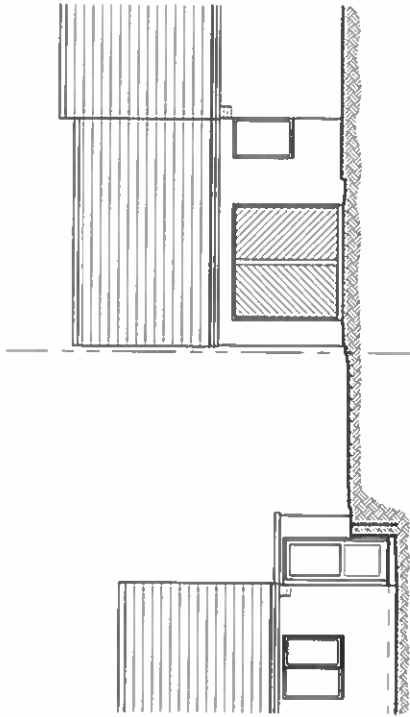
© Crown copyright and database rights 2017 Ordnance Survey 100023408.

21/2018/0293

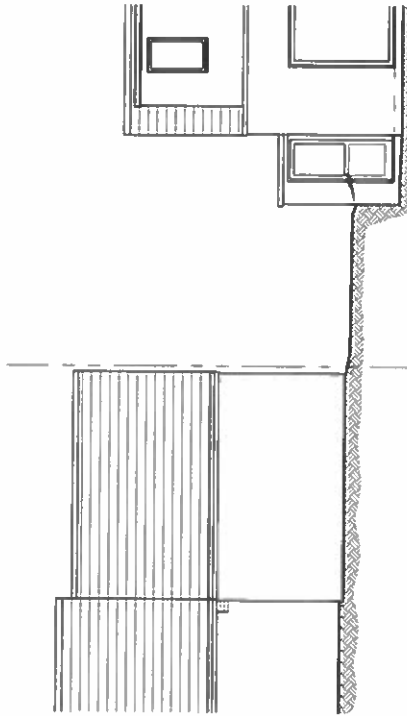
Scale: 1:1250

Printed on: 21/8/2018 at 16:40 PM

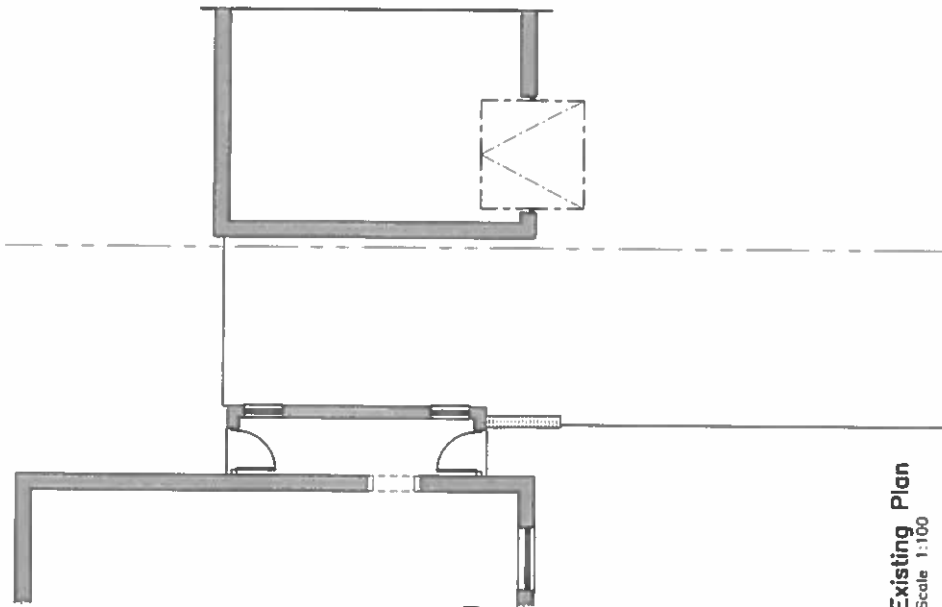
# EXISTING SITE + ELEVATIONS



**Existing Front Elevation**  
Scale 1:100



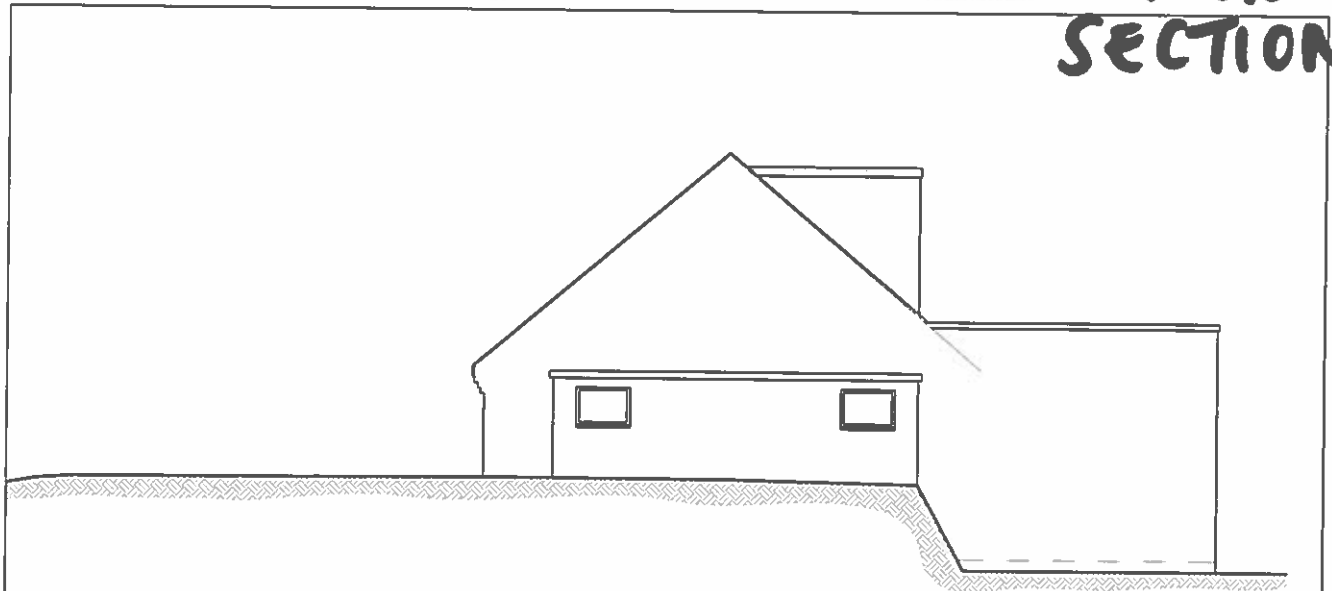
**Existing Rear Elevation**  
Scale 1:100



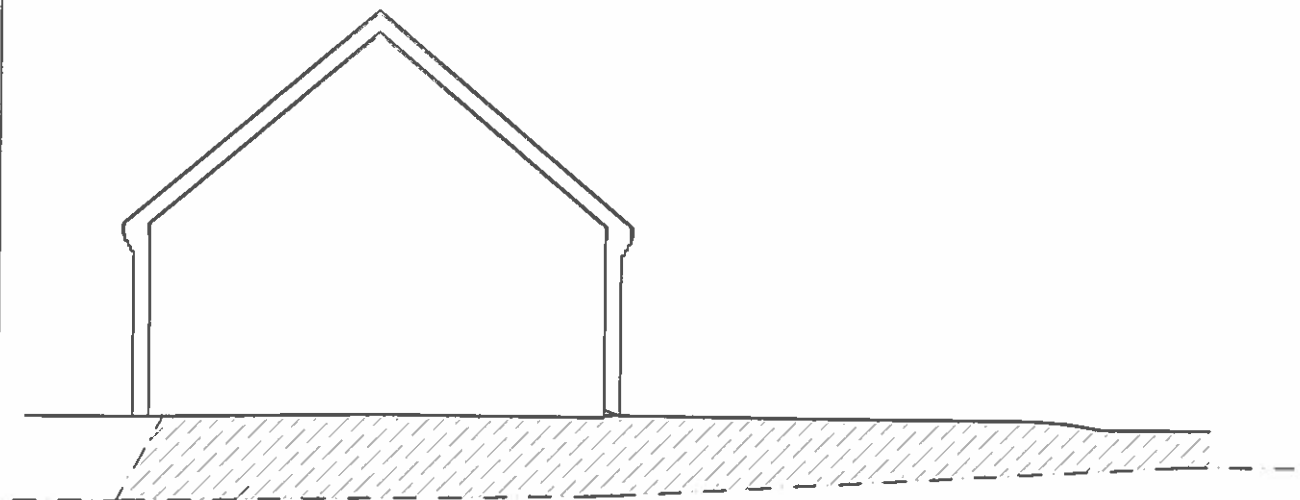
**Existing Plan**  
Scale 1:100

<b>Project</b> Proposed Retaining Wall 16 Rectory Lane, Llanferres		<b>ADAMS</b> CONSU L T I N G E N G I N E E R S L T D	
<b>Title</b> Survey Plan Existing Front & Rear Elevations		Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201	
<b>Cod Rev</b> -	<b>Scale</b> 1:100	<b>Drawn</b> SGL	<b>Checked</b> IP
<b>Date</b> 18/01/2018	<b>Approved</b> 	<b>Project Ref.</b> 15065	<b>Rev.</b> S01



# EXISTING SIDE ELEVATION + SECTION



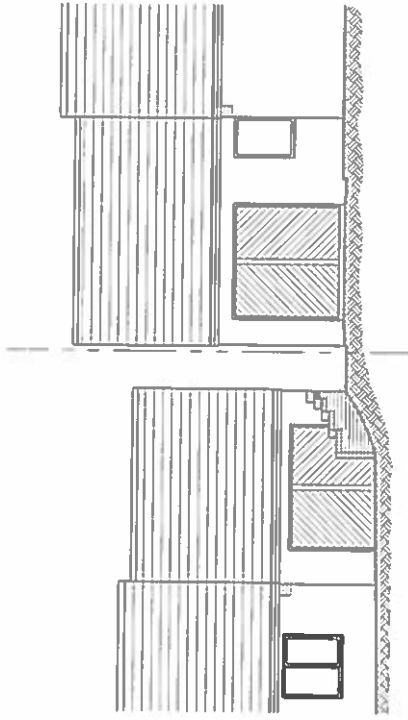
**Existing Side Elevation**  
Scale 1:100



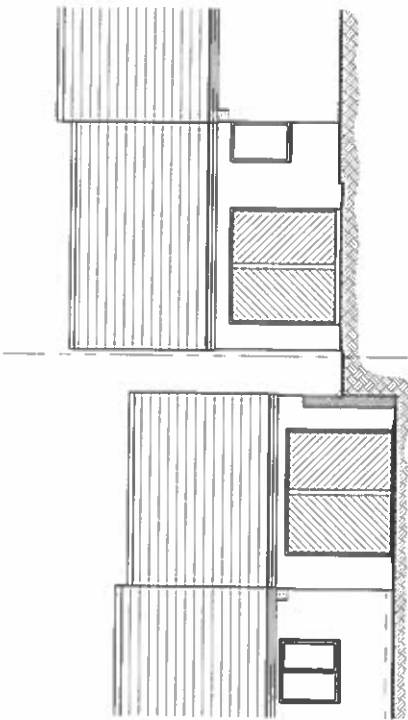
**Section Through Site**  
Scale 1:100

Status									
Project		Proposed Retaining Wall 16 Rectory Lane Llanferres		Rev		Details		Date	
Title		Existing Side Elevation & Section Through Site		 <b>A D A M S</b> 		C O N S U L T I N G E N G I N E E R S L T D		Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201	
Cod Rev		Scale		1:100		©A4			
Date		Drawn		Checked		Approved		Project Ref.	
Jan 2018		SGL		TP				15065	
								Drg. No.	
								S02	
								Rev.	
								A	

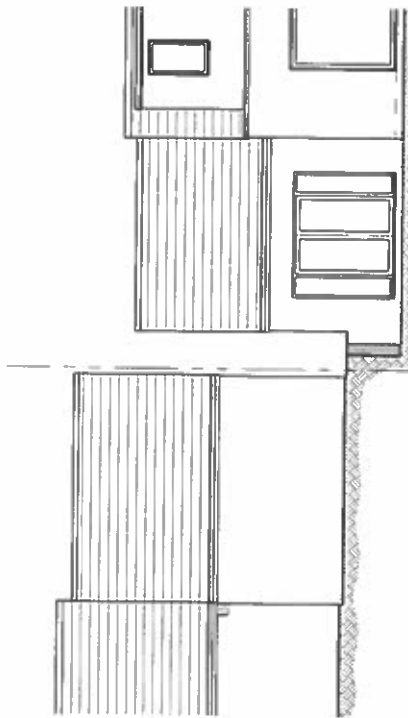
# PROPOSED ELEVATIONS



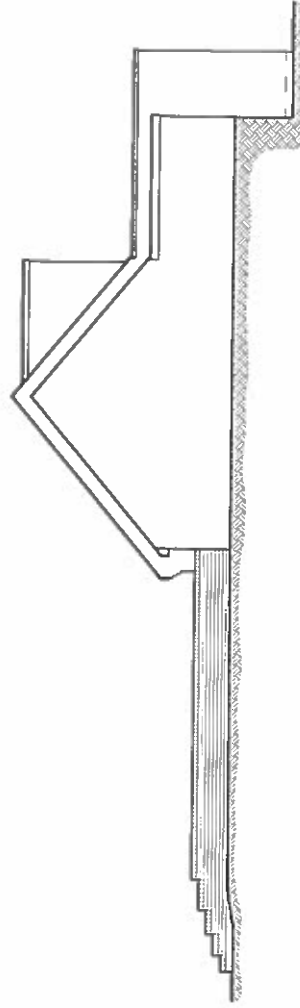
**Proposed Front Elevation**  
Scale 1:100



**Section Through Driveway**  
Scale 1:100



**Proposed Rear Elevation**  
Scale 1:100

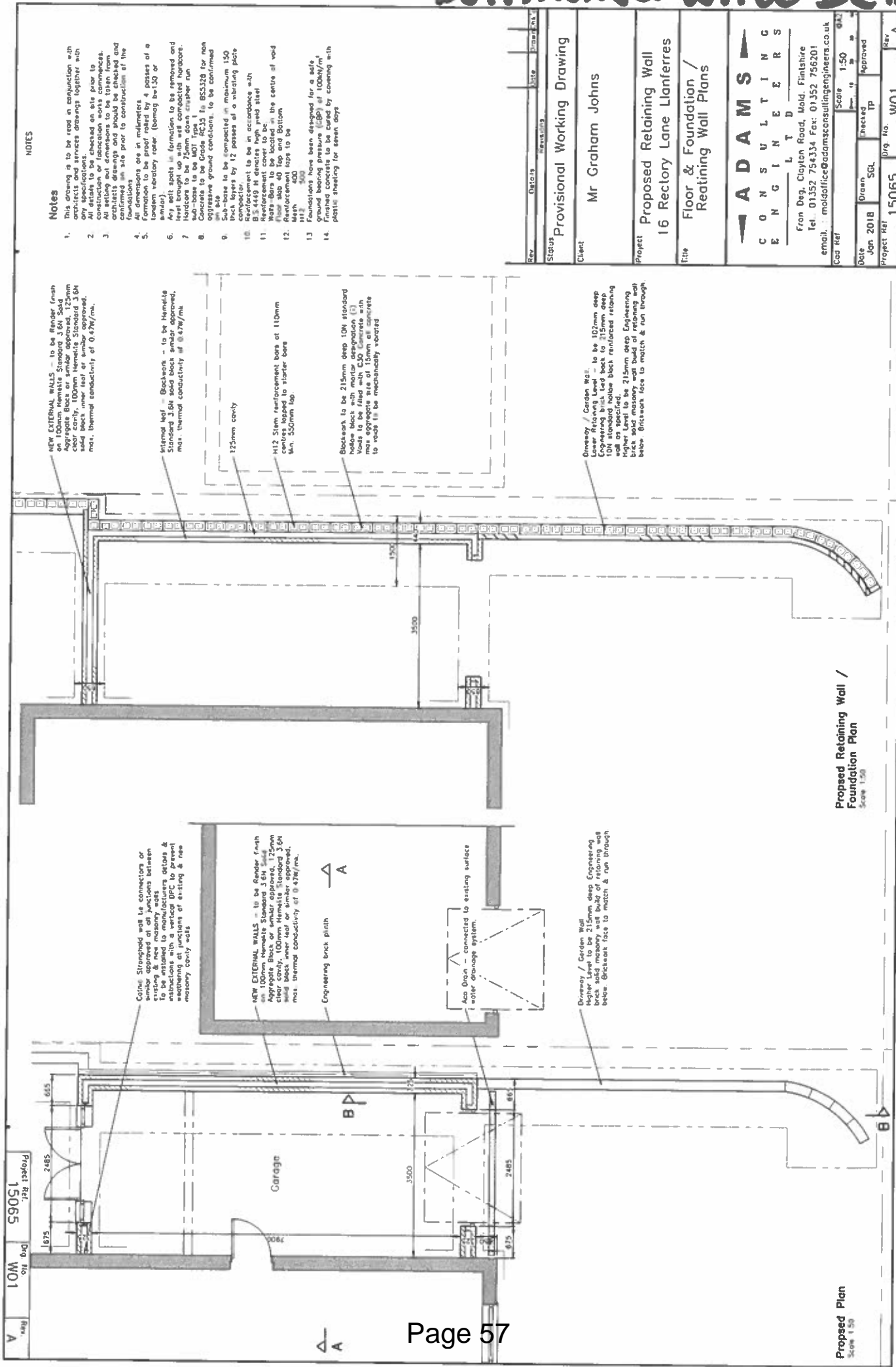


**Proposed Side Elevation**  
Scale 1:100

<b>Project</b> Proposed Retaining Wall 16 Rectory Lane, Llanferres		<b>ADAMS</b> CONSU LT I N G E N G I N E E R S L T D Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201 Project Ref: 15065	
<b>Title</b> Proposed Front, Rear, Side Elevations & Section Through Driveway		Scale 1:100 Checked TP Approved	
<b>Code Rev</b> -	Date 18/01/2018	Drawn SGL	Project Ref. 15065
		Drawn SGL	Rev. A



# RETAINING WALL DETAIL



### NOTES

1. This drawing is to be read in conjunction with architect and services drawings together with any relevant drawings.
2. All details to be checked on site prior to construction or fabrication works commences.
3. Setting out dimensions to be taken from architect drawings and confirmed on site prior to construction of the foundations.
4. Dimensions are in millimetres.
5. Foundations to be constructed in accordance with a random variety roller (bomog be 150 or similar).
6. Any soft spots in formation to be removed and replaced with compacted hardcore.
7. Hardcore to be 75mm thick 10N paper run.
8. Sub-base to be MOT Type 1.
9. Concrete to be Grade RC35 to BS5320 for non load bearing ground conditions. To be confirmed on site.
10. Sub-base to be compacted in maximum 150mm layers by 12 passes of a vibrating plate.
11. Reinforcement to be in accordance with BS 4449 H strands high yield steel.
12. Reinforcement cover to be 40mm to the centre of void floor slab 40 top and bottom.
13. Reinforcement laps to be 400mm.
14. Foundations have been designed for a safe ground bearing pressure (GBP) of 100kN/m<sup>2</sup>.
15. Finished concrete to be cured by covering with plastic sheeting for seven days.

Rev	Details	Date	Drawn	Checked	Approved
Status: Provisional Working Drawing					
Client: Mr Graham Johns					
Project: Proposed Retaining Wall 16 Rectory Lane Llanferres					
Title: Floor & Foundation / Retaining Wall Plans					
<b>A D A M S</b>					
C O N S U L T I N G E N G I N E E R S L T D					
Fron Deg, Clayton Road, Mold, Flintshire Tel: 01352 754334 Fax: 01352 756201 email: moldoffice@adamscsconsultingengineers.co.uk					
Scale	1:50				
Date	Jan 2018	Drawn	SGL	Checked	TP
Project Ref	15065	Drawn No.	WO1	Rev	A

Project Ref: 15065  
Drawn No: WO1  
Rev: A

Proposed Retaining Wall / Foundation Plan  
Scale 1:50

Proposed Plan  
Scale 1:50

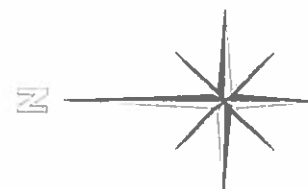
# EXISTING + PROPOSED SITE PLAN



Site Location Plan  
Scale 1:500



Block Plan  
Scale 1:500



<b>Project</b> Proposed Retaining Wall 16 Rectory Lane, Llanferres		<b>Scale</b> 1:500		Date 18/01/2018		Drawn SGL		Checked JP		Approved [Signature]		Date 18/01/2018		Scale 1:500		Date 18/01/2018			
<b>Title</b> Site Location & Block Plans		Checked IP		Approved [Signature]		Date 18/01/2018		Scale 1:500		Date 18/01/2018		Scale 1:500		Date 18/01/2018		Scale 1:500			
<b>Project</b> Proposed Retaining Wall 16 Rectory Lane, Llanferres												Project Ref. 15065		Org. No. L01		Rev. -			
<b>ADAMS</b> CONSULTING ENGINEERS LTD												From Deg, Clayton Road, Mold, Flintshire Tel: 01352 754334 Fax: 01352 756201		Project Ref. 15065		Org. No. L01		Rev. -	

**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER(S):** Cllr Martyn Holland

**APPLICATION NO:** 21/2018/0293/ PF

**PROPOSAL:** Demolition of porch and erection of an attached garage (amedned scheme)

**LOCATION:** 16 Rectory Lane Llanferres Mold

**APPLICANT:** Mr Graham John

**CONSTRAINTS:** PROW  
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:**

**LLANFERRES COMMUNITY COUNCIL**

"With reference to the above-mentioned Planning Application, the Community Council objects to this revised proposal. Its views are basically the same given when objecting to the original application 21/2017/0928.

There is a shared drive with No. 18, which has been in existence for over fifty years. Rights of way, with unhindered access, have therefore been established with mutual benefits to both parties. This revised proposal would result in this shared drive being divided into two separate drives with a height difference of over a metre and the access width halved.

The shared drive is by a pinch point in Rectory Lane, where the road not only narrows to 2.5 metres but is also at its steepest incline

Currently vehicles visiting either 16/18 Rectory Lane must enter across the neighbouring part of the shared drive. Manoeuvring requires crossing the centre line of the shared drive. The opening onto the shared drive also allows vehicles to pass each other in the lane, as the one going uphill can usually pull onto it.

This proposal would result in manoeuvring within No. 18 extremely difficult if not impossible, as would access by emergency and service vehicles.

The Amended Scheme therefore clearly fails criteria vii) of LDP Policy RD 1.

The excavation to build the attached garage would compromise the foundations of No. 18.

As the Amended Scheme has failed to meet any of our initial objections, the Community Council strongly opposes the application in its current form."

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

"The Joint Committee has no objection to this application but would recommend that the front retaining wall should be faced in natural local stone to reflect the traditional character of boundary treatments in this locality."

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**  
Highways Officer  
No objection.

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

D Jones, 18 Rectory Lane, Llanferres

Summary of planning based representations in objection:

Does not consider the amended application overcomes the previous reason for refusal.

The shared driveway is a feature common to all other properties situated on this part of Rectory Lane which is the steepest and narrowest section. The amendments suggested would not guarantee safe and convenient access and egress for No18, particularly for larger vehicles e.g. service or emergency vehicles. The shared driveways have been a necessary feature of these properties since 1964.

Also concerned that the quantity of material to be excavated may lead to the instability of the property and drive.

Visual impact of the proposed wall would also be detrimental to the existing open aspect of the property.

**EXPIRY DATE OF APPLICATION: 29/08/2018**

## REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the demolition of an existing porch and the erection of an attached garage to the side of 16, Rectory Lane in Llanferres.
- 1.1.2 The existing driveway is at a higher ground level to the main dwelling and the proposal requires excavation works to lower the ground level of the existing drive and a new brick retaining wall is also proposed, which would be set 0.6m off the shared boundary with the neighbouring property to the west (no 18).
- 1.1.3 Section plans have been provided which show the proposed changes in ground levels. The section plans show the proposed driveway would be some 1m lower than existing ground levels (see details of the proposal at the front of this report).

#### 1.2 Description of site and surroundings:

- 1.2.1 The site is a detached dwelling within a ribbon of residential development along the southern side of Rectory Lane, Llanferres, with properties along the lane all being detached but of a variety of forms and appearances.
- 1.2.2 Rectory Lane is a sloping road and therefore the dwellings along the lane are set at different levels as the road ascends from A494 to the east.
- 1.2.3 The dwelling at no 16 is set at a lower ground level to the neighbour to the west (no 18), however there is a shared driveway which serves both the properties which is set at the same ground level as No 18. As such, the existing driveway adjacent to the dwelling where the proposed attached garage extension is proposed to be built is approx. 1m higher level than compared to the ground levels immediately adjacent to the dwelling.

- 1.2.4 The retaining wall would be 1.6m above proposed ground levels on the applicant's side of the boundary, and 0.6m above the ground level of the neighbour's driveway.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Llanferres as shown on the Local Development Plan proposals map and is located within the AONB.

1.4 Relevant planning history

- 1.4.1 Planning permission for a garden store building in the rear garden granted in 2014.
- 1.4.2 The proposal is an amended scheme following a refusal to grant planning permission in November 2017. Section plans had not been provided with this application and the submission had failed to acknowledge there was any difference in ground levels with no details provided in relation to the excavation works or retaining walls. Due to the lack of information, the application was refused.

1.5 Developments/changes since the original submission

- 1.5.1 The Community Council and the neighbour have both referred to the driveway as being 'a shared drive' in their consultation responses, with both parties having a right of way over the respective neighbour's driveway. Whilst the existing driveways at no 16 and 18 have the same ground level and currently have a shared surface with no wall or fence in situ to delineate the boundary, this does not infer the driveways are in shared ownership.
- 1.5.2 The applicant's agent has checked the deeds to the property and has confirmed the driveways are not in shared ownership, and there is not covenant on the land which conveys any third party a legal right over the land. Therefore whilst the current situation is that each householder can drive over a section of their neighbour's drive when accessing and egressing their own driveways, this is an informal arrangement and neither neighbour has any legal right over the land outside their ownership.

1.6 Other relevant background information

- 1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 21/2014/0033/PF Erection of a block building to the rear of the dwelling for storage of garden equipment. Granted under delegated powers on 6<sup>th</sup> March, 2014.
- 2.2 21/2017/0928?PF Demolition of porch and erection of an attached garage. Refused under delegated powers on 17<sup>th</sup> November, 2017. The reason for refusal was as follows:

1. *It is the opinion of the Local Planning Authority that the proposed garage extension could not be facilitated without excavating and re-profiling the existing driveway which would result in the existing shared drive being subdivided to form two separate drives with differing ground levels. Without detailed information of the engineering operations required to excavate and re-profile the driveway, it is considered that insufficient information has been provided to demonstrate that, as a result of the development adequate manoeuvring space would be retained to allow vehicles to safely access and egress the shared driveway serving the application site and the driveway serving the neighbouring property, No 18 Rectory Lane, and therefore the proposal has the potential to adversely impact on highway safety contrary to Denbighshire Local Development Plan Policy RD1 vii) and the advice and guidance contained in Section 8 of Planning Policy Wales (Edition 9, November 2016) Technical Advice Note 18: Transport.*

**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 VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty  
**Policy ASA3** – Parking standards

Supplementary Planning Guidance  
Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty  
Supplementary Planning Guidance Note: Parking Requirements In New Developments  
Supplementary Planning Guidance Note: Residential Development  
Supplementary Planning Guidance Note: Residential Space Standards

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 (including AONB)
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

Other matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met. The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.
- 4.2.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

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

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

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

The site is within the AONB. Policy VOE2 seeks to restrict development proposals which would have an adverse impact on the character and setting of the AONB. The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

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

Representations on the visual amenity impacts have been made by Community Council, the AONB Joint Advisory Committee and the neighbour. The representations focus on the changes to the ground levels and proposed retaining wall rather than the proposed garage extension.

Officers would consider the proposed attached garage is subordinate in scale and form and is sympathetically designed so that it is in keeping with the character of the existing house and locality.

The AONB have no objection to the proposal, but consider due to the setting within the AONB, the front retaining wall should be faced in natural local stone to reflect the traditional character of boundary treatments in this locality. Other representations consider the proposed wall would also be detrimental to the existing open aspect of the neighbouring property.

Whilst the driveway's serving a number of properties along Rectory Lane have a similar arrangement to the site, i.e. adjoining driveways with a shared surface and no boundary treatments, Officers would note that properties along the lane consist of a variety of forms and appearances and a number of the properties towards the end of the lane have driveways which are at different ground levels to the neighbouring property with a variety of boundary treatments. The current driveway arrangement is therefore not considered to be a unique characteristic of the area.

The AONB have requested the retaining wall is finished with local stone. Whilst the site is within the AONB, it is nevertheless a modern house within a built up residential area and Officers would note the boundary treatments along Rectory Lane are not uniform and consist of a mix of stone walls, fences, hedgerows and brick walls, and therefore Officers do not consider there is sufficient justification in this instance to require the wall to be stone facing.

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 be in general compliance with the tests in the policies referred to above.

#### 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.

Representations on the residential amenity impacts have been made by the Community Council and the neighbour regarding the impact of the excavation works on the foundations and stability of the neighbouring property.

However, development close to a party wall including issues relating to structural stability are covered by the Party Wall Act and Officers would therefore consider the issues raised regarding structural stability to be a civil matter rather than a planning issue.

The proposed single storey pitched roof attached garage extension is subordinate in scale and form and is sympathetically designed. The garage would have double doors within the front elevation to access the garage and double door to the rear to access the garage from the rear of the property. There are no windows proposed within the side elevation.

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 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

The existing driveway is currently set at a higher level to the main dwelling and is at the same ground level as the drive serving the neighbouring property. The two driveways have a shared surface and the boundary between the two properties is not delineated by any boundary treatments.

The proposal also includes works to reduce the ground level of the existing driveway by some 1m so that it is set at the same ground level as the dwelling, and a retaining wall is proposed to be built along the length of the drive.

Highways Officers have been consulted on the application and have raised no objection to the proposal.

The Community Council and the neighbour have raised concerns on highways grounds.

Consultees have noted the driveways have a shared surface with no division and currently vehicles visiting either 16 or 18 Rectory Lane must manoeuvre across the



neighbouring part of the shared drive and the opening onto the shared drive also allows vehicles to pass each other in the lane, as the one going uphill can usually pull onto it.

As the proposal would result in this shared drive being divided into two separate drives with a height difference of over a metre and the access width halved, consultees consider the proposal would make manoeuvring within No. 18 extremely difficult and adversely impact highway safety as they would not guarantee safe and convenient access and egress.

As stated in paragraph 1.5 above, whilst the driveway has a shared surface it is not in shared ownership, and the current arrangement whereby the respective neighbours can drive over the neighbouring driveway is an informal arrangement and is not due to any legal covenant or highway requirement.

Whilst Officers understand the concerns raised by the neighbour, it is noted that the retaining wall would not be up to the boundary, but rather is proposed to be set 0.5m in from the boundary leaving a strip of the applicant's driveway at the existing ground level, and the neighbour has further garden area to the front of their dwelling which they could utilise to help them manoeuvre onto their drive should they require it.

The adjoining driveways of other properties along Rectory Lane are already divided by boundary treatments and Officers would also note that, subject to height limits, the applicant is also free to enclose their land with fences, walls and gates under permitted development rights, so whilst the current arrangement whereby both neighbours can drive freely across both driveways is mutually convenient, there is no planning reason to require the existing arrangement to be retained in perpetuity.

The Community Council also notes the driveway is by a pinch point in Rectory Lane, and the drive at no 16 serves as a passing place for vehicles travelling up the hill. Officers would respectfully point out that the driveways are within private ownership and therefore should not be used as passing places by vehicles using the road. As noted above, the applicant (and any other properties within Rectory Lane) could erect a fence/wall along the front boundary under permitted development rights should they wish to which would prevent the drive being used as a passing place.

Highways Officers have raised no objection to the proposal on highway safety grounds.

Whilst the previous application was refused, the reason for refusal centred on the lack of information and accordingly Officers could not conclude the proposal would not adversely impact on highway safety. However, the current application is supported by section plans and details of the positioning and height of the retaining wall and therefore Officers consider the current scheme has provided sufficient information to address the previous reason for refusal.

Therefore, whilst concerns raised by the Community Council and the neighbour are acknowledged, Officers do not consider there is sufficient grounds to refuse planning permission on highway safety grounds and the proposal is considered to be in general compliance with the policies listed above.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

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

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

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

## **5. SUMMARY AND CONCLUSIONS:**

5.1 The application is an amended scheme following a previous refusal.

5.2 Notwithstanding the concerns raised by the Community Council and the neighbour and having regard to the response of the Highway Officer, Officers would conclude the proposal would not have an unacceptable impact on highway safety.

5.3 Concerns relating to the excavation works on the structural stability of the neighbouring property would be a civil rather than a planning matter.

5.4 With regards to the visual appearance of the proposal, Officers consider the proposal would not give rise to unacceptable impacts on visual amenity of the locality or on the character and setting of the AONB.

5.5 Accordingly, having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, it is considered the information submitted with the current application is sufficient to overcome the previous reason for refusal and Officers therefore consider the proposal to be acceptable and the application 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 12th September 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) Site Location and Block Plans (Drawing No. L01) - Received 27 March 2018
  - (ii) Survey Plan, Existing Front and Rear Elevation (Drawing No. S01) - Received 27 March 2018
  - (iii) Existing Side Elevation and Section Through Site (Drawing No. S02) - Received 27 March 2018
  - (iv) Proposed Front, Rear, Side Elevations & Section Through Driveway (Drawing No. P01) - Received 27 March 2018
  - (v) Section A-A, B-B, Retaining Wall Detail (Drawing No. W01) - Received 27 March 2018
  - (vi) Existing Site Plan - Received 5 July 2018
  - (vii) Location Plan - Received 4 April 2018

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.

### **NOTES TO APPLICANT:**

DWR CYMRU WELSH WATER Note to Applicant:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were

transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

This page is intentionally left blank

# Agenda Item 8

**WARD :** Prestatyn Central

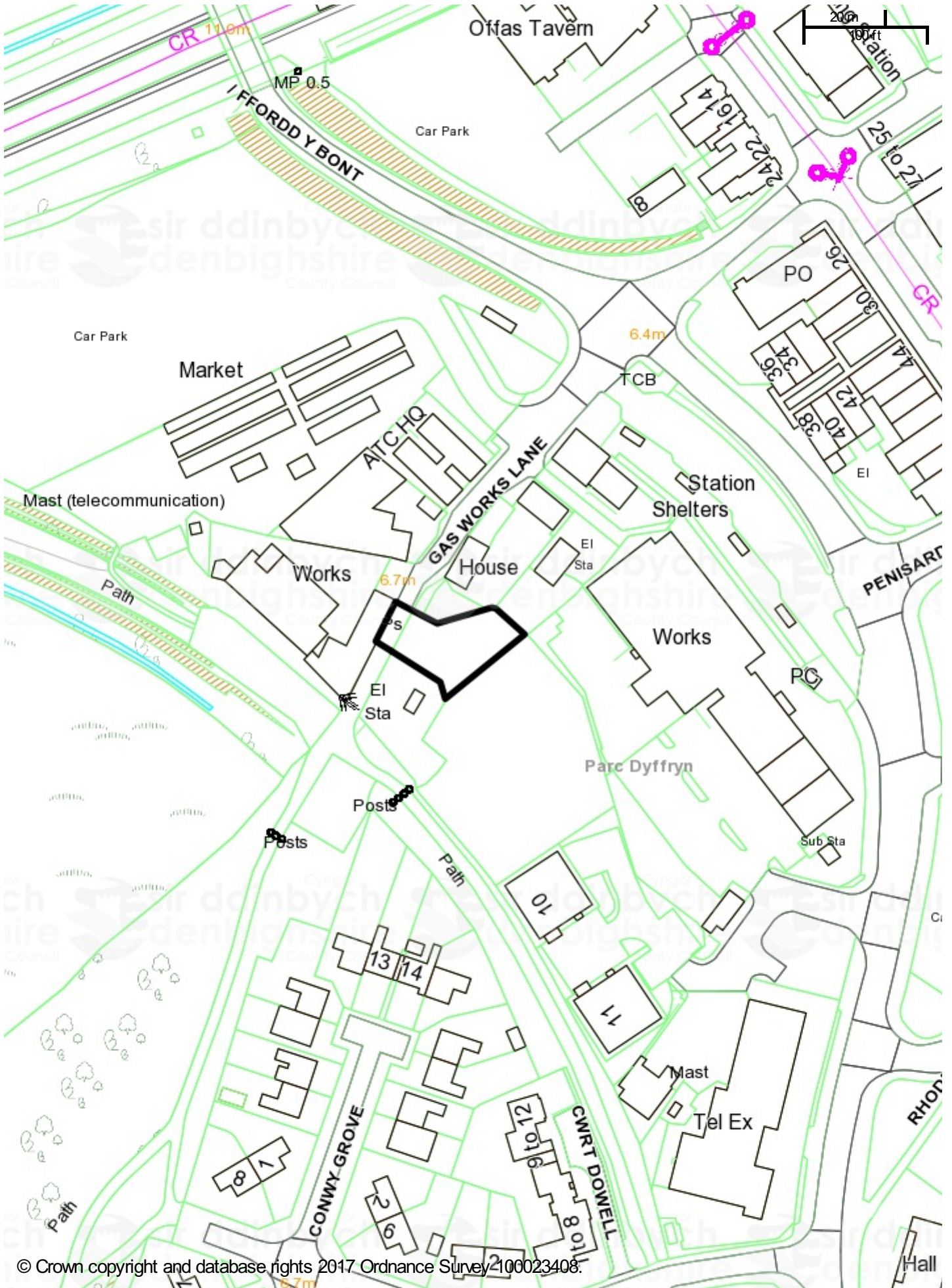
**WARD MEMBER(S):** Cllr Hugh Irving  
Cllr Tina Jones (c)

**APPLICATION NO:** 43/2018/0328/ PF

**PROPOSAL:** Construction of new surface level car park and associated works

**LOCATION:** 1-5 Parc Dyffryn Industrial Estate Prestatyn LL19 9DG

This page is intentionally left blank



© Crown copyright and database rights 2017 Ordnance Survey 100023408.

43/2018/0328

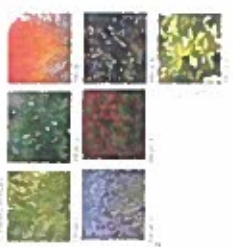
Scale: 1:1250

Printed on: 23/8/2018 at 14:47 PM



1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE

1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE



1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE

1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE

1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE

1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE

1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE

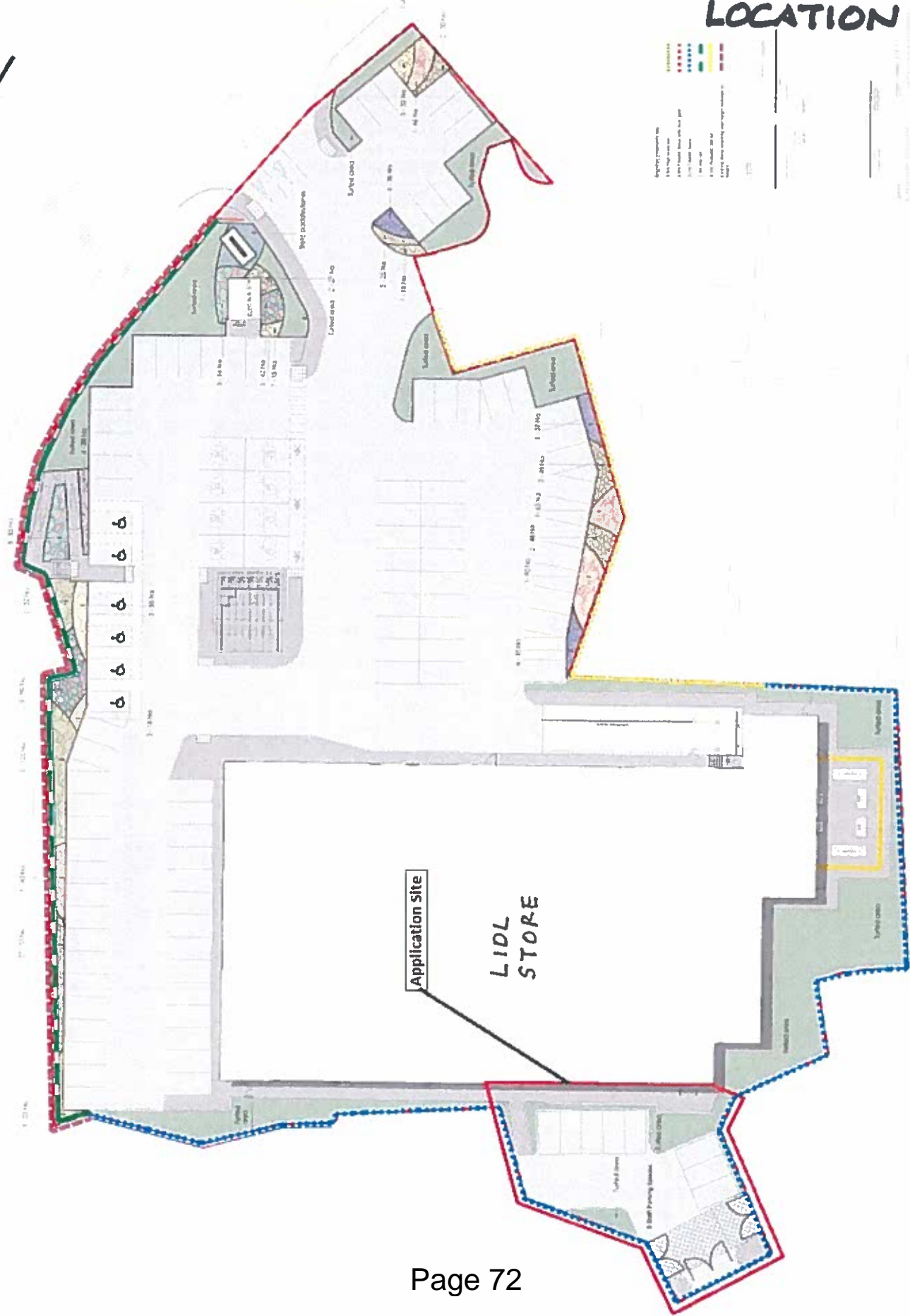
**ONE DESIGN**  
 ARCHITECTURAL SERVICES

Job No: 1522  
 Drawing No: AD-116-R1-C  
 Drawn by: ALI  
 Checked by: WJH  
 Date: 10/2/20  
 Scale: 1/2" = 1'-0"  
 Sheet: 41

Client: LIDL (LIDL STORES INC.)  
 Project: 1522 - LIDL STORES INC. (LIDL STORES INC.)  
 Title: LIDL STORES INC. (LIDL STORES INC.)  
 SPECIFICATION:

Checked by: [Signature]  
 Registered Professional Engineer

N




LOCATION

1. 100% COMPLETE  
 2. 90% COMPLETE  
 3. 75% COMPLETE  
 4. 50% COMPLETE  
 5. 25% COMPLETE  
 6. 10% COMPLETE  
 7. 5% COMPLETE  
 8. 0% COMPLETE





NOTES		REVISIONS		 <b>SCP</b> Transportation Planning : Infrastructure Design	Client Name:  LIDL	Project Title: STAFF CARPARK LIDL PRESTATYN	Drawing Title: PROPOSED CAR PARK LAYOUT	Date: 28.02.2019	Scale: 1:200 @ A3	Status: PLANNING	Drawing No. SCP/18077/SK001
REV	DESCRIPTION	DATE	BY								



**WARD :** Prestatyn Central

**WARD MEMBER(S):** Cllr Hugh Irving  
Cllr Tina Jones (c)

**APPLICATION NO:** 43/2018/0328/ PF

**PROPOSAL:** Construction of new surface level car park and associated works

**LOCATION:** 1-5 Parc Dyffryn Industrial Estate Prestatyn LL19 9DG

**APPLICANT:** Mr Dominic Bryan LIDL UK GMBH

**CONSTRAINTS:** Article 4 Direction

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

“Objection

Number of objections had been received regarding traffic congestion which is compounded further on market days.

Inadequate turning circle

Lack of pavement space which creates hazardous conditions for pedestrians”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Cristian Darlington, Morfa Unit B, Gasworks Lane, Prestatyn (O) Yvette Green, 4 The Boulevard, Rhyl (O) M. Powell, Unit A Morfa Units, Gasworks Lane, Prestatyn (O) Lucinda Wilson, Unit A, Morfa Units, Gasworks Lane, Prestatyn (O) Ian Hapgood, 20 Bryntirion Drive Prestatyn (O) Margaret Williams, 14 Moelwyn Avenue North, Kinmel Bay (C)

Summary of planning based representations in objection:

Highway safety concerns owing to more intensive use of an already congested access resulting in danger to pedestrians and car users.

Existing parking problems exacerbated by proposal.

**EXPIRY DATE OF APPLICATION: 02/07/2018**

**EXTENSION OF TIME AGREED: 14/09/2018**

## 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 proposes the construction of a staff car park to the rear of the new Lidl store in Prestatyn.
- 1.1.2 Parking for 8 vehicles is proposed. The car park would be accessed off Gas Works Lane.
- 1.1.3 The site is a level area bounded by fencing. Access is required to be maintained across the front of the site for the adjacent utility works, hence the need for three gateways in the vicinity of the access onto the road (see the plans at the front of the report).
- 1.1.4 To facilitate the proposal, an existing bollard on the adjacent right of way is proposed to be re-sited.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located on the northern side of the Lidl store, which is currently under construction.
- 1.2.2 Access to the store is from the south, off Penisa'r dre Road. Access to the proposed parking area is off Gas Works Lane.
- 1.2.3 To the west of the site is the dwelling Gas Works House and opposite the site there are some business units. The business units are bounded to the rear by the Prestatyn Market site.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Prestatyn as shown on the Local Development Plan proposals map.

#### 1.4 Relevant planning history

- 1.4.1 The Lidl foodstore was granted permission in December 2016 and is currently under construction.

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

- 1.5.1 Highways Officers requested clarification of details of the proposals, which resulted in the submission of an additional plan to demonstrate access and parking arrangements are workable.

#### 1.6 Other relevant background information

- 1.6.1 The original planning application for the main store suggested that the majority of staff would be able to park in the main 100 space car park. However, it was also suggested that, given the proximity to the bus/railway station and town centre many staff would walk or cycle to work.

### 2. DETAILS OF PLANNING HISTORY:

- 2.1 43/2016/0432 Demolition of existing buildings and erection of foodstore (Class A1), car parking and service areas, vehicular and pedestrian accesses and associated works.  
GRANTED under delegated powers/at Planning Committee 14/12/2016

### 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 ASA1** – New transport infrastructure  
**Policy ASA3** – Parking standards

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Parking Requirements In New Developments

#### 3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016  
Development Control Manual November 2016

#### 3.3 Other material considerations

### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

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

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

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

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

The site is located within the Prestatyn development boundary, on a brownfield development priority site.

The principle of the development of the wider site was established in the original planning permission for the Lidl Store. The use of a small additional area of land for ancillary parking to the store would not conflict with planning policy.

Officers consider the proposal is acceptable in principle. The detailed impacts are considered below.

##### 4.2.2 Residential amenity

Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest, and as the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

There are no representations raising concerns over the residential amenity impacts of the proposals.

The nearest dwelling to the site is Gas House, which is located to the east of the car parking area.

Whilst accepting that the development of the 8 space car parking area would have some impact on the outlook from Gas House in particular, in the context of existing development on the site, the adjacent land uses and the town centre location, it is not considered this would be so overbearing to justify refusal of the application. The proposal is therefore considered to comply with the policies and guidance listed above.

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

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

There are representations raising highway concerns, in terms of the acceptability of the access, the adjacent road network, and the safety of neighbouring businesses and pedestrians.

Highways Officers have considered the application and following a request for further information, the developer has provided a plan detailing the vehicle movements into and within the site. The car parking spaces have been reviewed to determine whether they would interfere with the manoeuvring of vehicles. Highway Engineers have concluded they won't. The available area within the car park is also of sufficient size to allow the vehicles to drive in forwards, reverse and leave the site in forward gear. The plan also details improved visibility splays at the proposed site access. It is also Officers' understanding that Lidl are currently in the process of acquiring a formal grant of easement as to a right of way from a third party to access from Gas Works Lane. It is therefore considered the splayed access, low level usage of the site/carrage way and parking of vehicles within the site would be acceptable to serve the development subject to the imposition of planning conditions.

Whilst it is accepted that there may be issues with parking in the area at present, Officers do not consider this is a reasonable ground to warrant refusal of this proposal, as it seeks to provide an off road parking area for staff away from the main store. The scale of the development seems unlikely to encourage significantly more traffic within the area as it will only serve 8 cars. Having regard to the Highway Officer's stance on the safety of the access and the existing position it is not considered that there are reasonable grounds to refuse the application on the basis of highway safety. It is considered to comply with the relevant highways policies.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

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

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

## **5. SUMMARY AND CONCLUSIONS:**

5.1 It is the opinion of Officers that the proposal is acceptable and the application 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 12th September 2023
2. The development hereby permitted shall be carried out in accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Site Boundary (Drawing No. SCP/18077/D01) - Received 8 May 2018
  - (ii) Proposed Car Park Layout (Drawing No. SCP/18077/SK001) - Received 4 April 2018
  - (iii) Photograph - Received 8 May 2018
  - (iv) Existing Site Plan (Drawing No. AD101) - Received 4 April 2018
  - (v) Proposed Landscape Design and Specification (Drawing No. AD 116 REV C) - Received 8 May 2018
3. 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 prior to the proposed development being brought into use.
4. Prior to the commencement of the use hereby permitted further details of the proposed vehicular access/egress to the site along with confirmation of any easements shall be submitted to and agreed by the Local Planning Authority. Only those details subsequently approved shall be implemented thereafter.
5. The use of the car parking area hereby permitted shall be for staff of the adjacent food retail store only 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. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
3. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. To ensure a safe access and egress is created to the site.
5. To ensure adequate parking clear of the highway in the interests of the free flow of traffic.

## **NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.  
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

# Agenda Item 9

**WARD :** Prestatyn North

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

**APPLICATION NO:** 43/2018/0439/PF

**PROPOSAL:** Demolition of existing garage and change of use of domestic curtilage to accommodate a static caravan for use as a holiday let

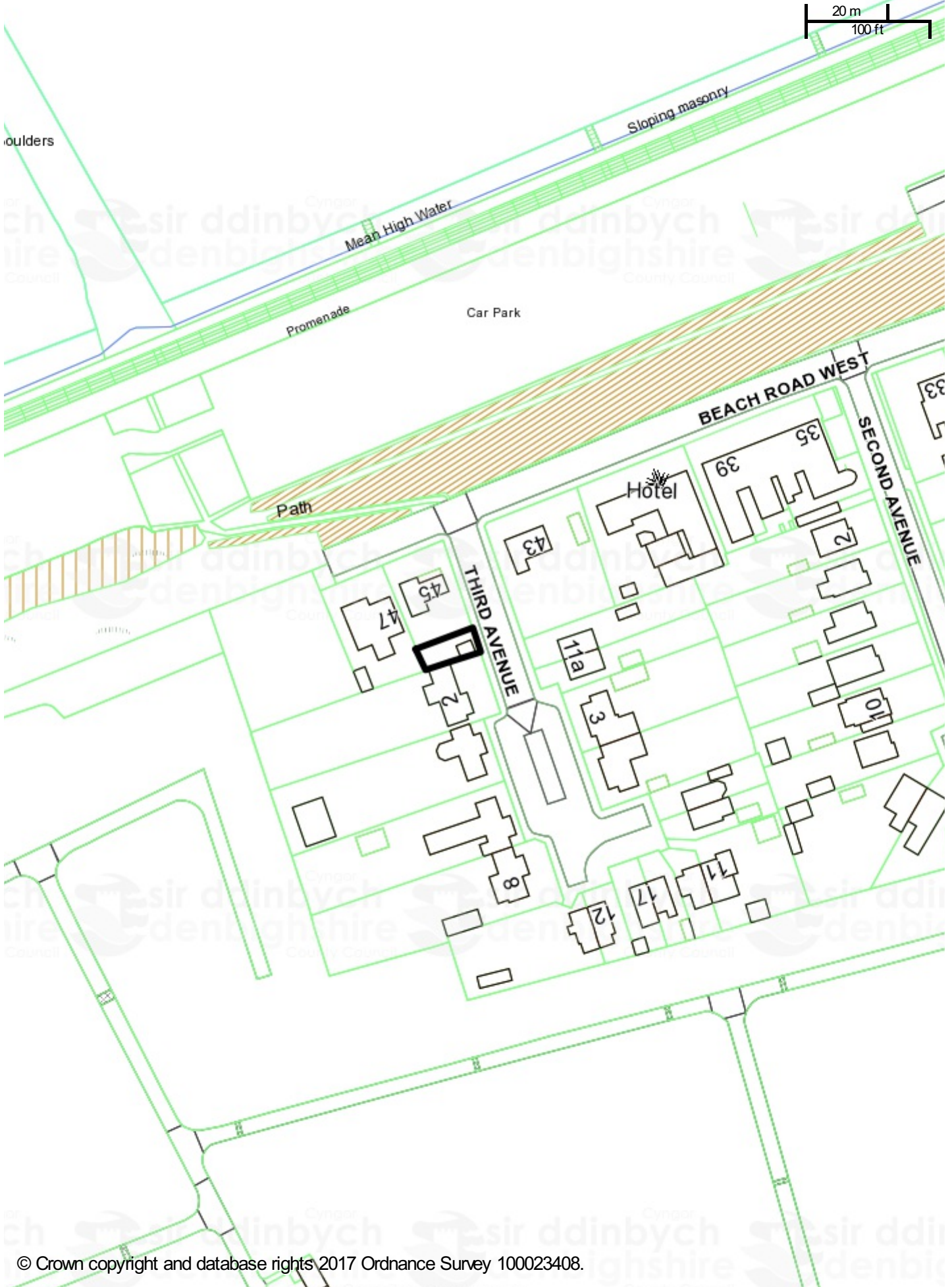
**LOCATION:** 45 Beach Road West Prestatyn LL19 7LL

**APPLICANT:** Mr & Mrs Bradbury

This page is intentionally left blank



20 m  
100 ft



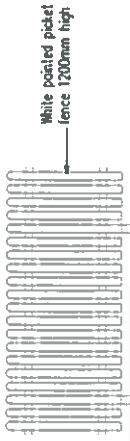
© Crown copyright and database rights 2017 Ordnance Survey 100023408.

43/2018/0439

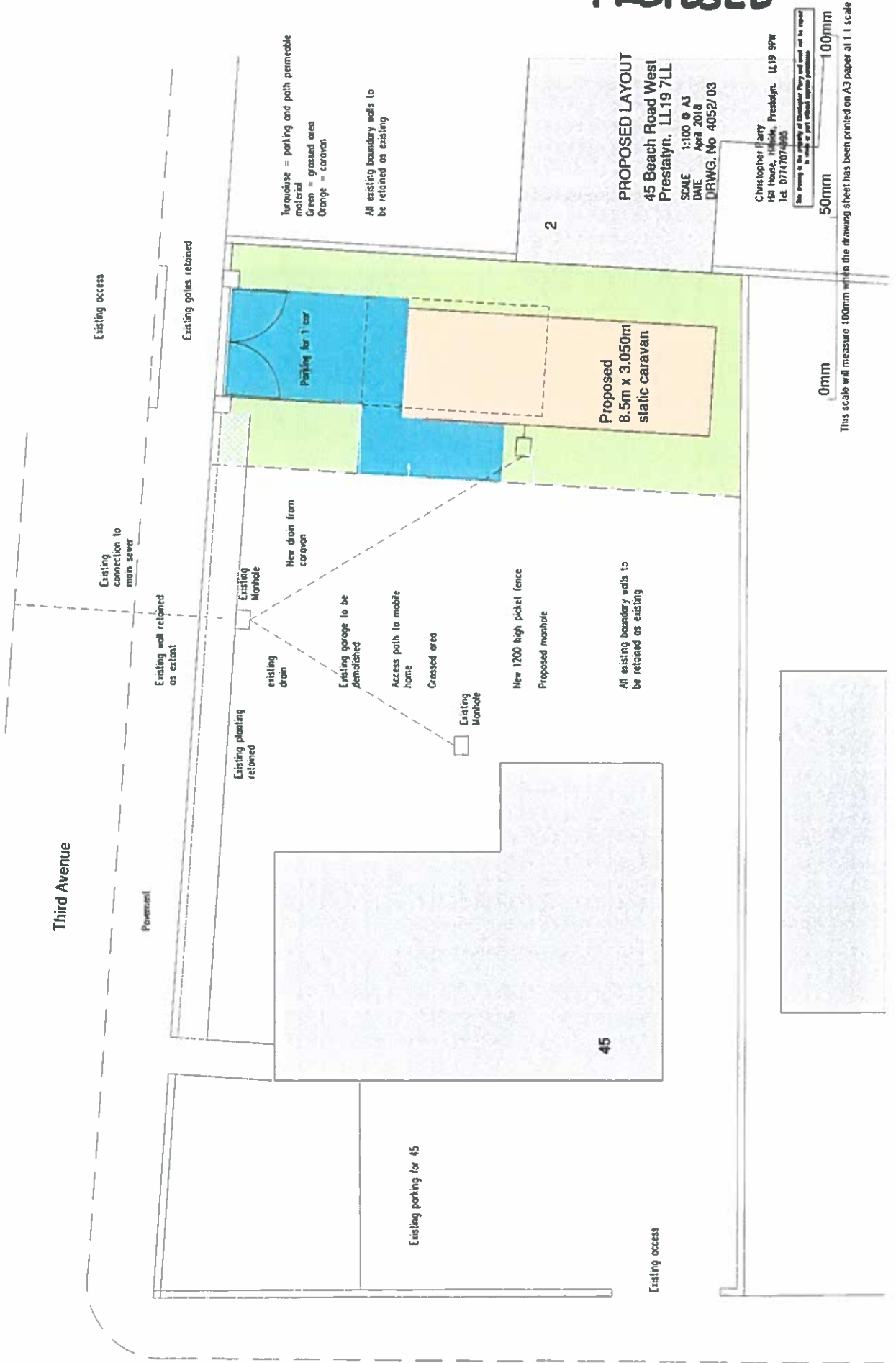
Scale: 1:1250

Printed on: 21/8/2018 at 15:34 PM

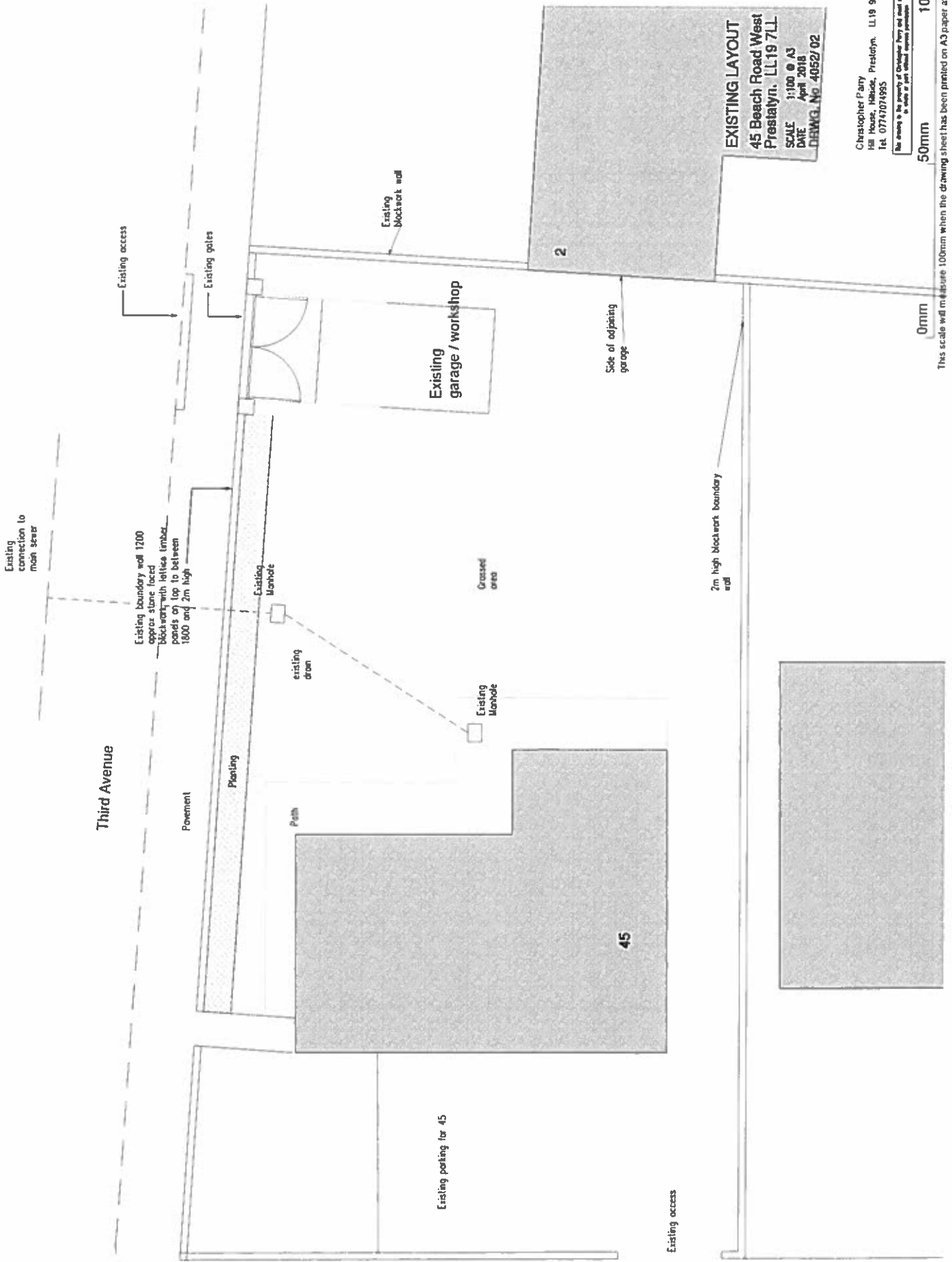
# LAYOUT AS PROPOSED



Elevation to fencing



# EXISTING LAYOUT



EXISTING LAYOUT  
 45 Beach Road West  
 Prestatyn, LL19 7LL  
 SCALE 1:100 @ A3  
 DATE April 2018  
 DRAWING NO. 4052/02

Christopher PARRY  
 Hill House, Mabeau, Prestatyn, LL19 9PW  
 Tel. 07747074955  
 This drawing is the property of Christopher PARRY and shall not be copied  
 in whole or part without express permission.  
 50mm  
 100mm  
 This scale will measure 100mm when the drawing sheet has been printed on A3 paper at 1:1 scale

# CARAVAN DETAIL

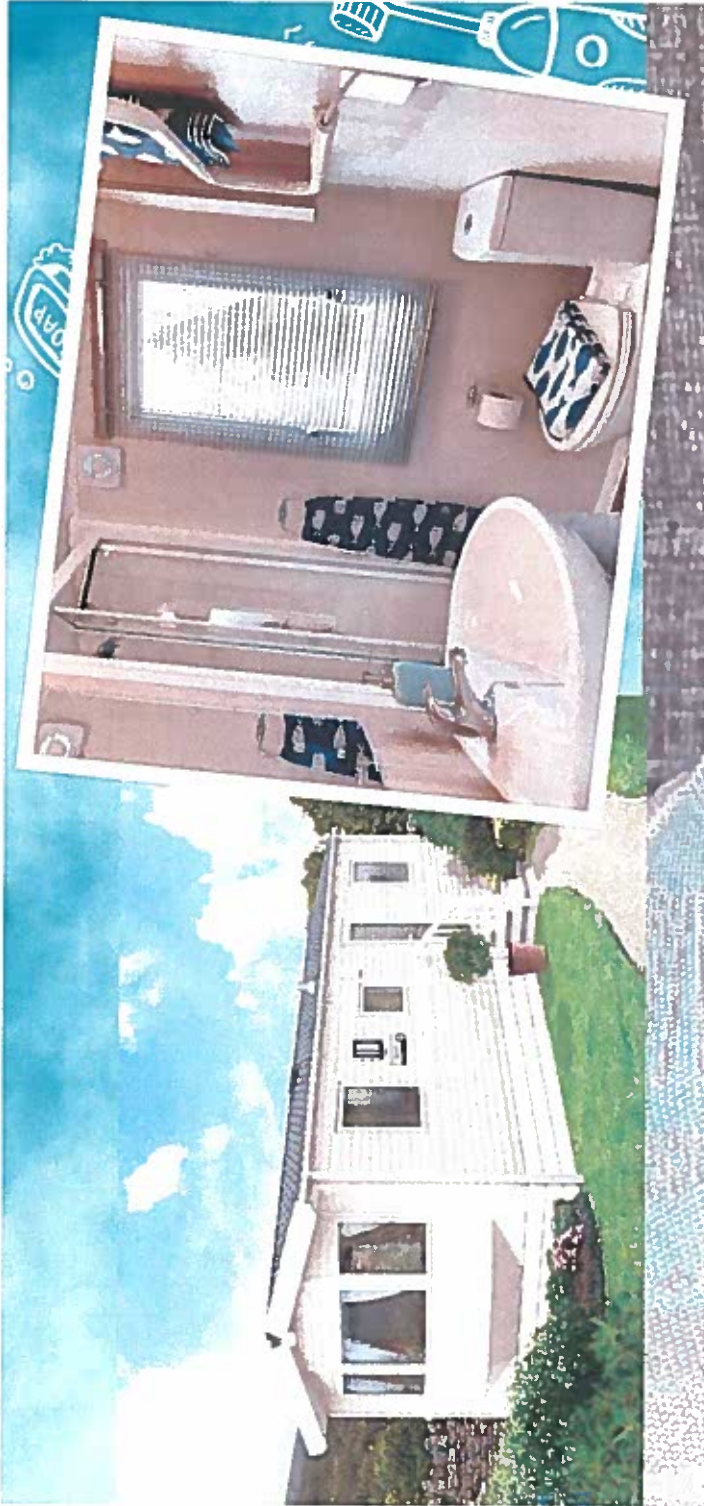
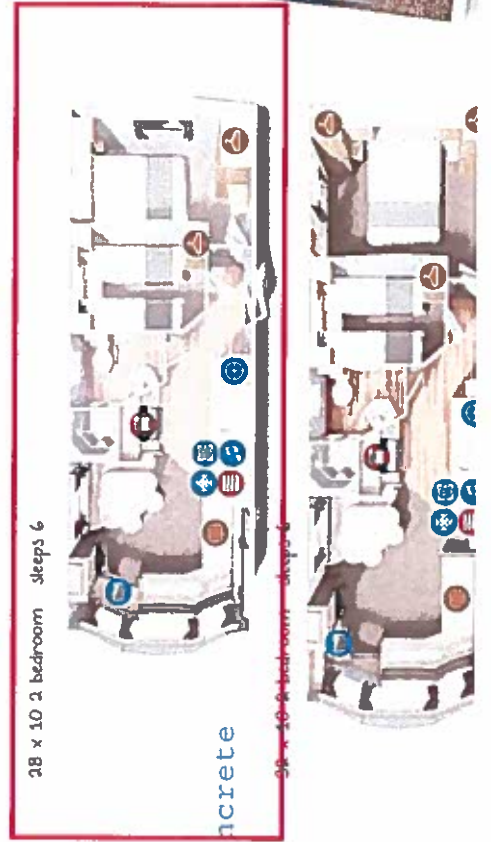


Illustration of typical carava sitting

- Icon Key
- TV Space
  - Fold-out Bed
  - Optional AP3 Plurion
  - Fridge and Freezer
  - Electric Fire
  - Washer/dryer Space
  - Dishwasher Space
  - Cooker
  - Hob
  - Maroonave
  - Eater
  - Storage Cupboard
  - Wardrobe

28' x 10' static van as proposed

Overall height of van will be 3m and it will be sited on a concrete base which will be the same size as the van.



**WARD :** Prestatyn North

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

**APPLICATION NO:** 43/2018/0439/ PF

**PROPOSAL:** Demolition of existing garage and change of use of domestic curtilage to accommodate a static caravan for use as a holiday let

**LOCATION:** 45 Beach Road West Prestatyn LL19 7LL

**APPLICANT:** Mr & Mrs Bradbury

**CONSTRAINTS:** C1 Flood Zone

**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:**

PRESTATYN TOWN COUNCIL  
"No objection"

**NATURAL RESOURCES WALES**

Objects to the proposed development as submitted and consider that the Flood Consequence Assessment (FCA) submitted is insufficient as it has failed to demonstrate that the consequences of flooding can be acceptably managed over the development lifetime.

**DWR CYMRU / WELSH WATER**  
No objection.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**  
Highways Officer  
No objection

**RESPONSE TO PUBLICITY:** None

**EXPIRY DATE OF APPLICATION:** 14/9/2018

**REASONS FOR DELAY IN DECISION:**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes the demolition of an existing garage and change of use of part of the domestic curtilage to accommodate a static caravan for use as a holiday let at 45 Beach Road West in Prestatyn.
- 1.1.2 The caravan is proposed to be sited to the rear (south) of the existing dwelling. The newly created plot on which the caravan is shown to be sited is rectangular in shape and measures some 87sq.m in total. The caravan would be sited centrally on this plot, with a small parking area for 1 car indicated to the front of the caravan. Access to the site is off Third Avenue which abuts the east of the site.
- 1.1.3 Illustrative plans have been provided of a two bed static caravan. It would be sited on a concrete base measuring 8.5 metres by 3.050 metres. The caravan would be connected to the existing mains drainage and services serving the main dwelling.

#### 1.2 Description of site and surroundings

- 1.2.1 The existing dwelling is located on Beach Road West on the northern periphery of Prestatyn. To the side of the site is Third Avenue. The newly created plot shown to house the caravan would be accessed from Third Avenue via an existing gated access.
- 1.2.2 The land on which the caravan is proposed to be sited currently forms part of the rear curtilage of 45 Beach Road West. There is currently a shallow pitched roof garage on the application site. The site is bounded by a pre-cast stone effect concrete wall topped with timber panels.
- 1.2.3 Beach Road West comprises of a mix of dwellings which face northwards to the sea. No 45 and the neighbouring dwelling to the east are similar style dwellings with some historic interest although both have been subject to alteration. There is also a mix of dwelling styles on Third Avenue.
- 1.2.4 To the west of the site and further south of Beach Road West is Lido Beach Caravan Site, a long-established static site.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Prestatyn as defined within the Local Development Plan.
- 1.3.2 The site is located within a Zone C1 flood risk area as defined by the Development Advice Maps of TAN 15: Development and Flood Risk.

#### 1.4 Relevant planning history

- 1.4.1 None.

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

- 1.5.1 None.

#### 1.6 Other relevant background information

- 1.6.1 None.

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

- 2.1 None

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

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design

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

**Policy VOE5** – Conservation of natural resources

**Policy ASA2** – Provision of sustainable transport facilities

**Policy ASA3** – Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Caravans, Chalets & Camping

#### 3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note No. 15 Development and Flood Risk

#### 3.3 Other material considerations

## **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

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

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

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Drainage (including flooding)

4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria and other relevant policies.

Local Development Plan Policy PSE12 states that proposals for new static caravan sites will not be permitted. The policy justification states that whilst static sites are an important source of holiday accommodation, such sites are often seen as being visually intrusive, and there is specific reference to this being the case in the main resort areas such as Prestatyn. It goes on to note that there is already an over provision of caravan type development particularly in the North of the County, much of which is of low quality and there is reference to much of the coastal area being exposed with little tree cover which makes the assimilation of caravan sites into the landscape difficult.

The proposal is, in effect, to create a static holiday site, albeit for 1 caravan. In this case, the proposed involves hiving off part of the private garden area of an existing residential dwelling.

The site is located within the development boundary of Prestatyn. Whilst there is a presumption in favour of development within the development boundary, there is specific policy within the adopted LDP for Static Caravan Sites which has to be applied to this proposal, albeit that it is only for one caravan. This policy states that new static caravan sites should not be permitted.

Taking the relevant planning policies into consideration, it is the opinion of Officers that the principle of the proposal is not acceptable. Officers are of the view that should this application be granted this could set an unwanted precedent for use of other garden areas of residential dwellings being sub-divided to allow for the siting of static caravans. Static caravan provision, as set out in the policy, is already well catered for elsewhere. The detailed impacts of the proposal are considered further below.

#### 4.2.2 Visual amenity

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

There are no representations raising visual amenity concerns.

The application proposes the change of use of part of the rear curtilage of a dwelling and the siting of a static caravan. This is a mainly residential area between the sea and Lido Beach Caravan Site. On Beach Road West there is a mix of dwelling types and sizes. The static caravan would front Third Avenue, a cul de sac of 2 storey dwellings and would be viewed between the host dwelling no. 45 Beach Road West and no. 2 Third Avenue.

Whilst there are static caravans in the vicinity of the site (located at Lido Beach Caravan Park), it is the opinion of Officers that the subdivision of the curtilage of no. 45 and the use of land for the siting of an independent static caravan would appear at odds with the residential character of the immediate area. The caravan would not be viewed ancillary to the dwelling owing to the separate access, subdivision of the curtilage and proposed nature of the use. The caravan would appear a prominent and cramped visual feature within the cul de sac of Third Avenue and in Officers' opinion would have a negative impact on the character of the area, contrary to Policy RD 1.

#### 4.2.3 Residential amenity

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

There are no representations raising visual amenity concerns.

To facilitate the development, the garden area of no. 45 Beach Road West would be reduced to 7.5 metres in depth at the closest point to the newly created boundary. There would be over 100sq metres of amenity space remaining for the dwelling should the subdivision of the garden be permitted. The caravan would be within 1.5 metres of the boundary with the adjacent dwelling to the south, although this part of the boundary is abutted by a garage wall at No.2 Third Avenue.



Considering the siting, spacing and window arrangements it is considered that the proposal would not harm the residential amenity of the adjacent occupiers and there would be no conflict with Policy RD 1.

#### 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 13.2 and 13.4 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, providing a detailed framework within which risks arising from different sources of flooding should be assessed.

The site lies entirely within Zone C1 as defined by Welsh Government's Development Advice Map (DAM) as referred to under TAN15: Development & Flood Risk. C1 zones are areas of the floodplain which are developed and served by significant infrastructure, including flood defences. In C1 zones development can take place subject to application of the justification tests, including acceptability of consequences.

Section 6 of TAN 15 sets out specific planning considerations to be given to new development in C1 flood zones and states that this should only be permitted if it is determined by the Local Planning Authority to be justified in that location. The relevant section (6.2) states that development can only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
  - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
  - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In relation to the justification tests, the site is located within the development boundary of Prestatyn. However, as mentioned above there is a policy conflict with the principle of the development as the LDP seeks to resist new static caravan development. Hence it is considered that the proposed development would not be justified in relation to the tests of section 6.2 of TAN 15.

In relation to potential consequences of a flooding, a limited Flood Consequences Assessment (FCA) has been submitted with the application. The FCA acknowledges that the site is at flood risk and has presented a number of measures that would be implemented in the development to reduce risks. This includes anchoring the caravan to a concrete base, and ensuring that residents sign up to Natural Resources Wales' (NRW) free Flood Warning service available for this community.

NRW has been consulted on the application as the statutory consultee on flood risk matters. They have significant concerns that the development and its users will introduce new highly vulnerable development to an area of flood risk. They have advised that the site is located close to the Coastal Frontage of Prestatyn, and

although the area benefits from flood defence infrastructure, the flood risks to this community are likely to increase considerably over the next 100 years with the continuation of sea level rise and climate change. Outputs from Denbighshire's updated Strategic Flood Consequences Assessment shows that when the effects of climate change and failure of flood risk assets are considered over the next 100 years, the site could be affected by very significant flooding depths which would pose a significant flood hazard to the development and users of it.

Considering the severity of the flood risks in this location over the development lifetime, NRW do not consider that mitigation measures could be realistically included in this development to manage the flood risks to an acceptable level. NRW have objected to the application and consider it unlikely that any FCA would be able to demonstrate that new highly vulnerable development on this site can satisfy the requirements of TAN15.

Therefore it is considered that the application fails to comply with the relevant tests of TAN 15 and planning policy tests in relation to flood risk.

#### 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).

There are no representations raising highway related concerns.

The proposed plans show an access off Third Avenue for the static caravan. An area is shown in front of the caravan which could be utilised for parking.

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

#### 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.

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

The reasons for the conditions are:-

1. It is the opinion of the Local Planning Authority that the proposal to change the use of part of the residential curtilage of 45 Beach Road West to accommodate a static caravan for holiday purposes is unacceptable in principle as it would be contrary to the provisions of Policy PSE 12 of the Local Development Plan.
2. It is the opinion of the Local Planning Authority that the proposal to change the use of part of the residential curtilage of 45 Beach Road West to accommodate a static caravan for holiday purposes would be out of keeping with and have a detrimental impact on the visual amenity of the residential area immediately surrounding the site, also setting an unwelcome precedent for similar developments which the Council would find difficult to resist. The proposal fails to comply with criteria i) of Policy RD1 in the Local Development Plan.
3. It is the opinion of the Local Planning Authority that a proposal for a static caravan for holiday purposes is not justified development in relation to the requirements of paragraph 6.2 of TAN 15, and the consequences of flooding are not acceptable when assessed against the guidance contained within TAN 15, Development and Flood Risk. Therefore the proposal fails to comply with the tests and acceptability criteria of TAN 15, and is contrary to criteria xi) of Policy RD 1 in the Local Development Plan, and to principles and advice contained within Planning Policy Wales (Edition 9, 2016).

This page is intentionally left blank

# Agenda Item 10

**WARD :** Prestatyn South West

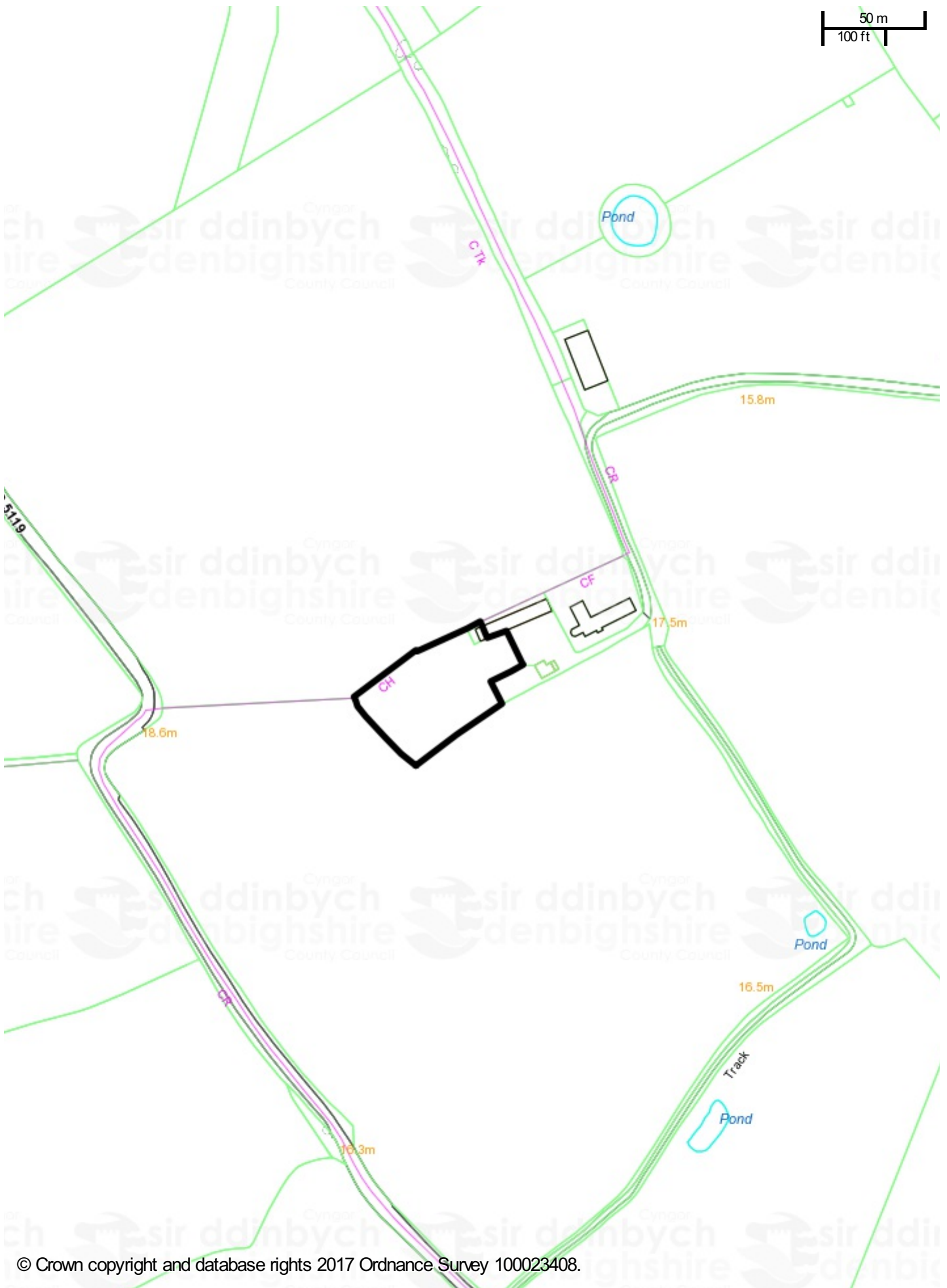
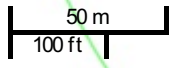
**WARD MEMBER(S):** Cllr Gareth Davies  
Cllr Bob Murray (c)

**APPLICATION NO:** 43/2018/0522/ PS

**PROPOSAL:** Tynnu amod rhif 3 o rif cod caniatâd cynllunio 43/2018/0030 /  
Removal of condition no. 3 of planning permission code no.  
43/2018/0030 ('The site shall only be used for caravans on tour  
and no caravan shall stay on the site for any period longer than  
21 days')

**LOCATION:** Four Winds Farm Caravan Site Ffordd Ffynnon Prestatyn LL19  
8BE

This page is intentionally left blank



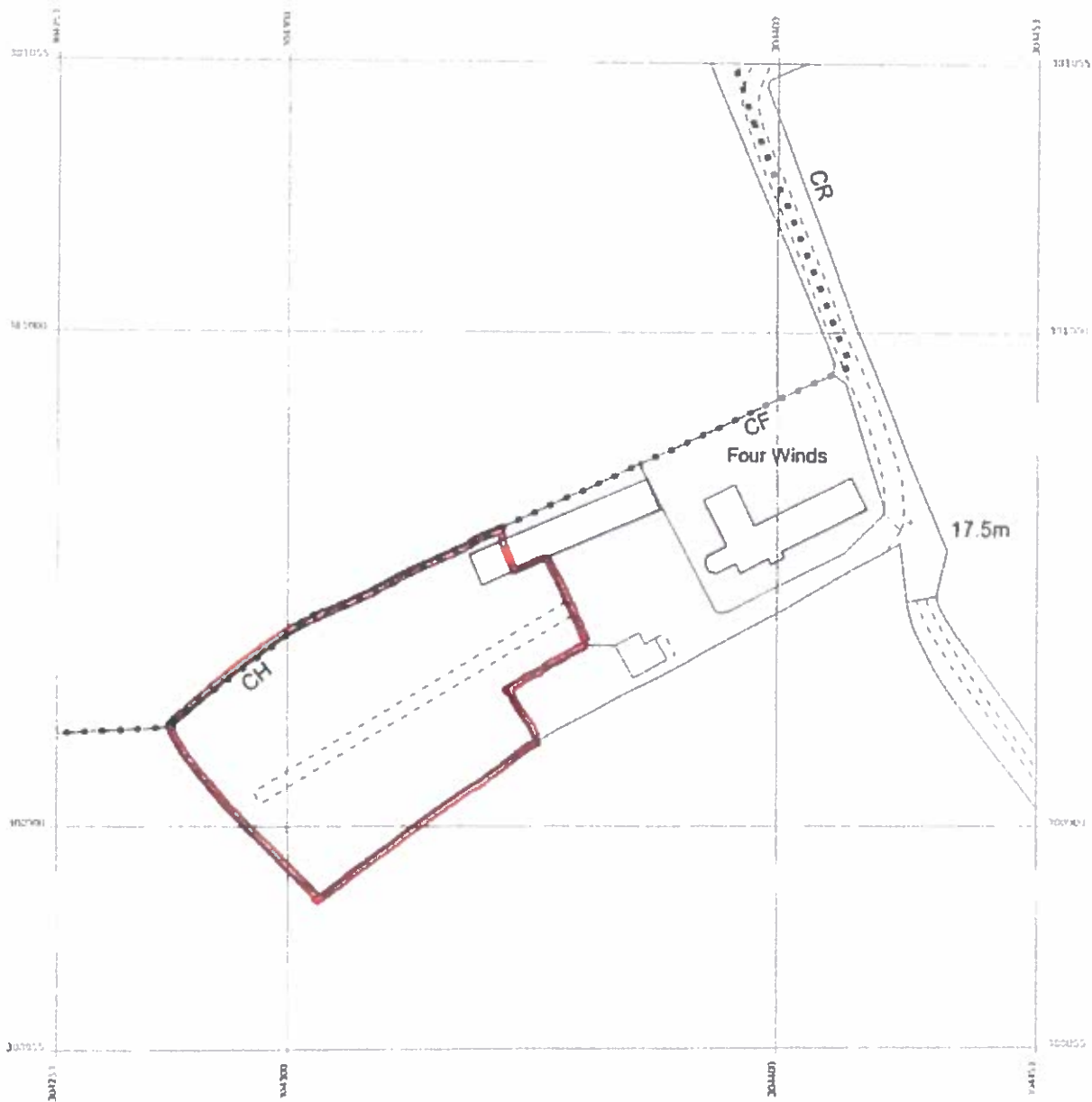
© Crown copyright and database rights 2017 Ordnance Survey 100023408.

43/2018/0522

Scale: 1:2500

Printed on: 21/8/2018 at 10:11 AM

# EXTENT OF SITE



Produced 15 Dec 2017 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



Four Winds Farm, Ffordj Ffynnon,  
Prestatyn  
LL19 8BE

Supplied by Blue Fox  
License: Crown Copyright and  
database rights 2017 OS 100038864  
Reference: Q1187869  
Centre coordinates: 304353 380955





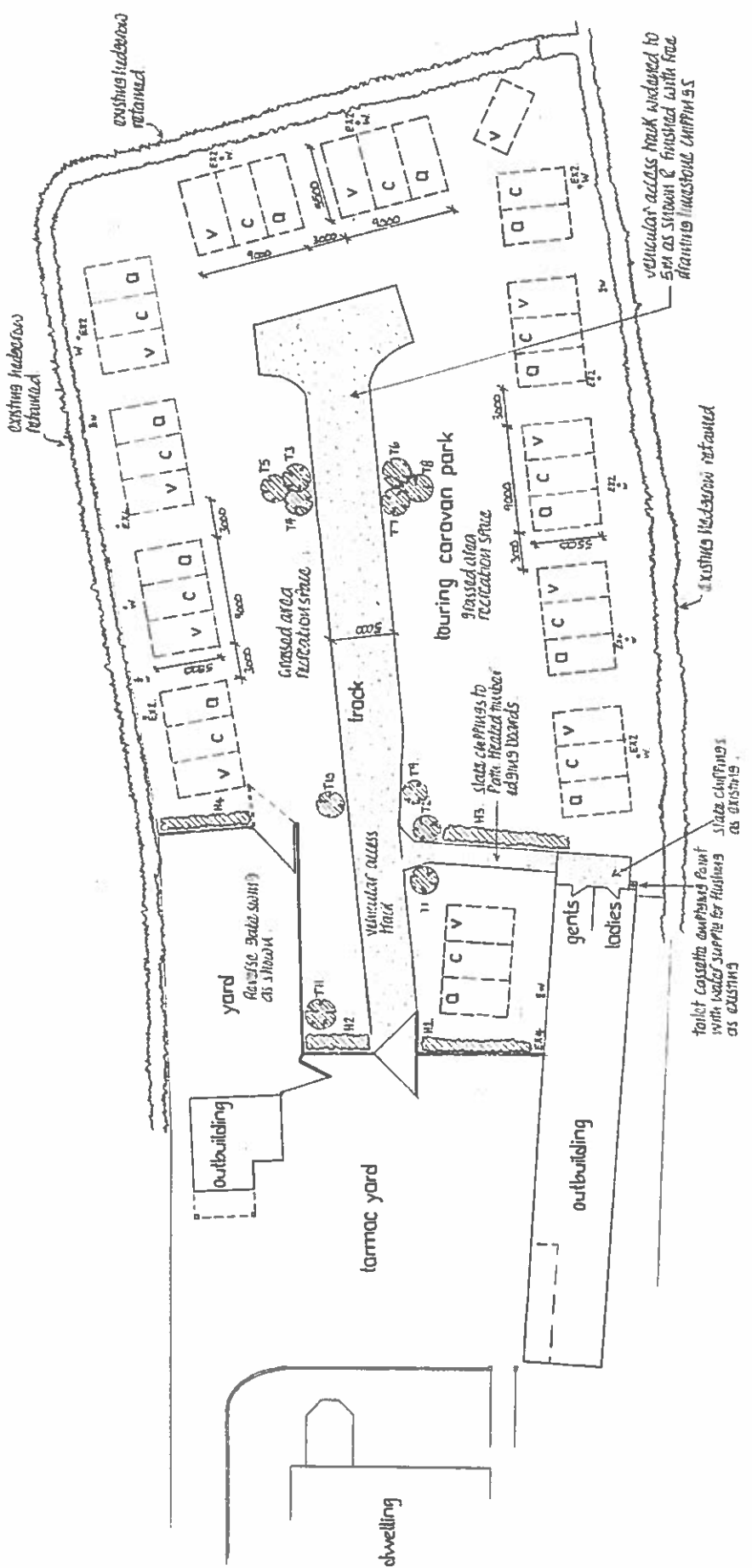
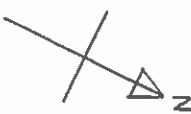
Proposed landscaping

- H1, H2, H3 & H4 - New hedgerow planting of 600mm tall saplings planted at 600mm centres in 2 staggered rows 300mm apart - Plant in mixed holly / laurel / hawthorn / dog rose / privet / holly / laurel / hawthorn / dog rose / privet / holly.
- T1, T2, T3 & T4 - Silver birch min 1500mm high planted height plant in mixed holly / laurel / hawthorn / dog rose / privet / holly / laurel / hawthorn / dog rose / privet / holly.
- T5, T6, T7 & T8 - as above but species to be holly.
- T9 & T10 - as above but species to be ash.
- All plants to be supported with stakes and filled with rabbit guards.
- All plants to be watered in daily to promote healthy growth.
- All planting to be undertaken in the first planting season following completion of use for additional pitches.
- All planting to be subject of a 5yr maintenance programme with any sick or dying plants discarded in that period to be replaced on a like for like basis of species and size in the first planting season following discovery.

Legend

- w Drinking water supply stand pipe - 1m high
- EX1 Electrical meter points - 4N - 1.5m high
- EX2 Electrical meter points - 2N - 1.5m high
- V vehicle parking bay adjacent to caravan pitch - 3m x 5.5m
- C touring caravan pitch - 3m x 5.5m
- Q annex pitch - 3m x 5.5m

Total allocated pitches 9m x 5.5m with min 3m separation distances as shown.



**WARD :** Prestatyn South West

**WARD MEMBER(S):** Cllr Gareth Davies  
Cllr Bob Murray (c)

**APPLICATION NO:** 43/2018/0522/ PS

**PROPOSAL:** Removal of condition no. 3 of planning permission code no. 43/2018/0030 ('The site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days')

**LOCATION:** Four Winds Farm Caravan Site Ffordd Ffynnon Prestatyn LL19 8BE

**APPLICANT:** Mr Alan Clews

**CONSTRAINTS:** None

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant – Community Council objection.

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL–

“Objection. Removal of this condition will set a precedent resulting in other caravan parks with this condition imposed to apply for removal”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Public Protection Environmental Health Officer –  
Awaiting response.

**RESPONSE TO PUBLICITY:** None received.

**EXPIRY DATE OF APPLICATION: 25/07/2018**

**EXTENSION OF TIME AGREED? 14/09/2018**

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

- Delayed owing to consideration at Committee.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The application seeks to remove a condition which was attached to planning consent reference 43/2018/0030, granted on 18th April 2018 for “Alterations to existing touring caravan park area for the siting of 12 touring caravan pitches in lieu of existing provision for 5 pitches”. The site is at Four Winds Farm in Prestatyn.

1.1.2 Condition 3 of the permission relates to the touring caravan element of the development and reads as follows:

*“The site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days.*

The reason for the Condition was –

*“To ensure that no unauthorised permanent residential occupation of holiday units takes place on site.”*

- 1.1.3 The application is accompanied by a Statement which puts forward the case for the removal of the condition. It is contended that as the site is a seasonal caravan site with a condition restricting use during the winter period, 31<sup>st</sup> March until 1<sup>st</sup> April, that the holiday units could not become permanent residential units. It is argued that the removal of the condition would result in less traffic on the adjacent road, as caravans would be towed onto the site and left for longer periods than the specified 21 days.

#### 1.2 Description of site and surroundings

- 1.2.1 Four Winds Farm is located off Ffordd Ffynnon to the west of Prestatyn. The site is accessed off a lane which also serves Pydew Farm and the Abandoned Animals Association Rescue Centre.
- 1.2.2 The building complex at Four Winds comprises of a bungalow which has recently been granted permission to be extended, and a small range of single storey outbuildings.
- 1.2.3 The character of the area is open flat agricultural land along the coastal plain between Prestatyn and Rhyl to the west.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of any development boundary in an area without any specific designation in the Local Development Plan.

#### 1.4 Relevant planning history

- 1.4.1 The site has been in use in the past for the stationing of caravans under Caravan Club exemptions.
- 1.4.2 The permission of relevance to the application was granted at Committee in April 2018, for a touring caravan site as detailed in section 2 of the report. A total of twelve pitches were proposed in the application utilising the existing sanitary facilities and access. The permission contained a number of other conditions including ones requiring the keeping of a register of caravans visiting the site with names and addresses of occupiers, the dates of arrival and departure; and a requirement that no caravans shall remain on the site between 31<sup>st</sup> October in any one year and 1<sup>st</sup> April in the following year.

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

- 1.5.1 None.

#### 1.6 Other relevant background information

- 1.6.1 None.

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

2.1 43/2018/0030/ PF Alterations to existing touring caravan park area for the siting of 12 touring caravan pitches in lieu of existing provision for 5 pitches. Granted by Planning Committee 18/04/2018.

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design  
**Policy PSE5** – Rural economy  
**Policy PSE12** – Chalet, static and touring caravan and camping sites

#### 3.1 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016  
Development Control Manual November 2016  
Technical Advice Notes

#### **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.

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

- 3.2.1 Principle
- 3.2.2 Visual amenity
- 3.2.3 Highways (including access and parking)
- 3.2.4 Controls over year round caravan use
- 3.2.5 Other matters

3.3 In relation to the main planning considerations:

#### 3.3.1 Principle

There are no Local Development Plan Policies of specific relevance to applications which seek to alter the extent of occupation of existing touring caravans. There is general reference in policy PSE 12 which covers Chalet, Static and touring caravan and camping sites to occupancy restrictions and ensuring holiday uses on new or improved sites.

Policy PSE 5 Rural Economy recognises the importance of the tourist industry to the local economy subject to tests of detailed impacts. Planning Policy Wales offers similar 'in principle' encouragement for suitable tourist developments, subject to appropriate environmental safeguards.

This site was formerly a small scale caravan club site. The planning permission granted in April 2018 recognised the Council's acceptance that the site was suitable for the touring caravan use having regard to planning policy, following assessment of detailed impacts such as landscape, amenity, highway, ecology and drainage.

Officers consider therefore that the key issues to address here are whether there would be any 'additional' localised impacts from the potential use of the site by touring caravans for periods longer than 21 days, and whether there are adequate controls to ensure the use is for holiday purposes and would not in effect allow potential to create a residential site. The latter is an issue Members have recognised as significant when considering similar applications in the County, and is referred to in the following sections of the report.

### 3.3.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of development, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

The April 2018 permission permits the siting of caravans on Four Winds from April to the end of October each year. The application seeks to remove the condition restricting individual caravans staying more than 21 days at a time within this season.

The effect of the removal of this condition is unlikely to impact on visual amenity, as there is permission to site 12 touring caravans on the site for the whole season (April to October). Whether caravans move on or off the site is immaterial, as long as the total number is not exceeded and the caravans are moved off out of the permitted season. It is considered that the proposal meets the visual impact tests of PSE 12.

### 3.3.3 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the highway implications of a proposal.

The access arrangements to the site are to remain as existing. The Agent contends the application may result in less vehicle movement which would address concerns of Members raised at Planning Committee when the decision was made in April. Highways Officers have raised no objection to the removal of the condition.

Given the access arrangements and the scale of the proposal it is considered that the removal of condition 3 would not give rise to any significant issues in respect of access to the highway or on-site parking, having regard to the previous approval for these arrangements.

### 3.3.4 Controls over holiday use

The application does not propose any variation to Condition 4 and 5 of the 2018 permission which governs the occupation and seasonal use of the touring caravans on the site irrespective of the determination on the application to allow unrestricted period of sitting of the touring caravans. These conditions are worded as follows:

*4. An up to date register shall be kept of all caravans visiting the site, containing the registration number of each caravan, the names of all the occupiers, their main home addresses, and the date of their arrival and departure from the site . The register shall be made available for inspection on request by the Local Planning Authority.*

*5. No caravans shall remain on site between the 31st October in any one year and the 1<sup>st</sup> April in the following year.*

Officers suggest the comfort offered by Condition 4 and 5 are adequate to address the concerns of the Town Council over the use of caravans, including a mechanism for investigating any suspected breaches, where complaints may be made or there may be concerns over uses. In reality the 21 day restriction would be more difficult to enforce from an officer perspective than the other conditions imposed which seek to prevent permanent residential use. Challenging condition no. 4, which requires the site operator to keep records, will, in officer's view, offer a more practical means to control the use of the site. Such investigations of the remaining conditions would be undertaken by the Development Management and / or Public Protection Sections as 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.

#### **4. SUMMARY AND CONCLUSION:**

- 4.1 In respecting the comments of the Town Council, Officers consider it would be reasonable to consent to the removal of the 21 day restriction condition.
- 4.2 The main planning permission is for a touring caravan site and has a condition restricting use to a 6 month occupancy season. The proposal to allow touring caravans to use the site for periods longer than 21 days is unlikely to have additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts.
- 4.3 There is general policy encouragement for tourism use in appropriate locations, and the existence of condition no. 4 and 5 of the 2018 April permission provides the Council with relevant control to ensure there are no conflicts with rural restraints policies.

**RECOMMENDATION: GRANT-** deletion of Condition 3 of planning permission 43/2018/0330

PLANNING COMMITTEE

12<sup>th</sup> SEPTEMBER 2018

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

## PLANNING APPEALS UPDATE

### 1. PURPOSE OF REPORT

1.1 This item provides members with information on recent planning appeal decisions received from the Planning Inspectorate on cases within the County. It covers the 6 month period from March 2018 to date.

### 2. CONTENTS

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

2.2 **Appendix B** provides a summary of key points relevant to each case.

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

### 3. RECOMMENDATION

3.1 That the report be received for information.

EMLYN GWYNEDD JONES

HEAD OF PLANNING AND PUBLIC PROTECTION

This page is intentionally left blank



## APPENDIX A

# APPEAL SUMMARY

<u>Appeal Case</u>	<u>Decision Date</u>	<u>Decision</u>	<u>Appeal Type</u>	<u>Officer Recommendation</u>	<u>Committee Decision</u>	<u>Town Council Response</u>
63 Trewen Denbigh	20/03/2018	<b>Allow</b>	Written	Delegated - Refuse	N/a	No objection
50 Bath Street, Rhyl	19/07/2018	<b>Allow</b>	Written	Refuse	Refuse	No objection
The Chalet, Pwllglas	25/04/2018	<b>Dismiss</b>	Written	Delegated - Refuse	N/A	No objection
Coed yr Hengoed, Bontuchel	08/06/2018	<b>Part dis</b>	Written	Delegated - Refuse	N/A	No objection
8 Birch Grove, Prestatyn	07/08/2018	<b>Dismiss</b>	Householder	Grant	Refuse	Objection

- A total of 5 appeal decisions received from 1/3/2018 – 1/9/2018
- All were planning appeals
- 2 were allowed, 3 were dismissed (60% success)
- all the appeals were dealt with through the written process
- 2 of the 5 decisions were in relation to applications refused at Planning Committee. Both decisions of the Committee were upheld by the Planning Inspectorate.
- 3 of the 5 planning appeals arose from delegated Officer decisions. 2 of the 3 were dismissed
- All 2 allowed appeals were in relation to applications on which the respective Community Councils had raised no objections
- Of the 3 dismissed appeals, the respective Community Councils had raised objections to 2 of the applications.
- No costs were awarded against the Council in any of the cases.



## APPENDIX B

### APPEALS SUMMARY 1<sup>st</sup> March – 1<sup>st</sup> September 2018

---

#### APPEALS ALLOWED

---

**1. APPLICATION NO. 01/2017/0999**

SITE ADDRESS: 63 Trewen, Denbigh

PROPOSAL: First floor extension

BASIS OF REFUSAL: Unacceptable degree of overshadowing of windows and overbearing impact on rear elevation of adjoining property (64 Trewen).

TYPE OF APPEAL: Written representations

COSTS AWARDED AGAINST COUNCIL: N/a

**ISSUES OF NOTE**

The Inspector considered the main issue was the effect of the proposal on the living conditions of the occupants of the neighbouring property, 64 Trewen, by virtue of overshadowing and outlook.

**Inspector's conclusions:**

On balance concluded that the proposed development would not harm the living conditions of the occupants of 64 Trewen. Assessed the 45 degree guide and accepted the Council's assessment that this would be infringed, but having regard to the extent of infringement and the fact that the extension would not interrupt sunlight or cast shadow over the property for much of the day, did not conclude the extension would cause significant issues with No. 64. Agreed with the Council that the future insertion of any additional windows in the extension should be controlled

-----

**2. APPLICATION NO. 45/2017/0677**

SITE ADDRESS: 50 Bath Street, Rhyl

PROPOSAL: Change of use from dwelling to family assessment centre.

BASIS OF REFUSAL: Loss of single occupancy dwelling and impact on housing mix in the area; adverse cumulative impact of an additional support service use in the area along with potential negative impacts on the vulnerable users of the property.

TYPE OF APPEAL: Written representations

**ISSUES OF NOTE**

The Inspector considered the main issues to be:-

Whether the proposal would cause the unacceptable loss of a unit of residential accommodation; and, The effect of the proposal on the character of the surrounding area, on the future residents living conditions, and on the provision of local services.

Inspector's conclusions:

The loss of a single family dwelling within the locality would not materially alter the housing mix within the area, nor undermine the aims of policy BSC1, policy RD1 or national planning policy. As it was the loss of just one unit this would not have a major impact.

The proposed development would not materially alter the character of the area; there is no substantive evidence that the proposal would perpetuate a negative perception of the area, be detrimental to the area's character, or undermine planning policies.

---

## APPEALS DISMISSED

---

### 3. APPLICATION NO. 20/2017/0148

SITE ADDRESS: The Chalet, The Watermill, Pwllglas

PROPOSAL: Replacement of a residential caravan with a single replacement dwelling and garage

BASIS OF REFUSAL: Unacceptable in principle, undermining planning policies relating to new development outside established settlements (planning policies BSC8, BSC9 and RD 4), conflicting with principles of settlement planning and sustainable development,

TYPE OF APPEAL: Written representations

COSTS AWARDED AGAINST COUNCIL: N/a

#### ISSUES OF NOTE

The Inspector considered the main issue was whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies.

#### Inspector's conclusions:

The development conflicts with local and national planning policies. The Certificate of Lawful Development establish the use of land as a caravan site for the stationing of one static caravan for all year round residential occupation. A caravan is not regarded as a building for the purposes of applying LDP Policy RD 4. National policy and the development plan seek to control residential development outside settlement boundaries. Other material considerations are insufficient to outweigh the conflict with important local and national planning policies.

#### Postscript / practice points

The Inspector's decision reaffirms the important distinction to be made that a caravan cannot be considered a dwelling for purposes of the replacement dwellings policy.

---

### 4. APPLICATION NO. 14/2017/0487

SITE ADDRESS: Coed yr Hengoed, Bontuchel, Ruthin

PROPOSAL: Deletion of conditions 3, 4, 5 and 6 of planning permission 14/2017/0487, requiring approval of lighting, restricting external storage, provision of planting, and restricting sound amplification systems and playing of music.

TYPE OF APPEAL: Written representations

## ISSUES OF NOTE

The Inspector considered the main issue was whether the disputed conditions are reasonable and necessary.

Inspector's conclusions:

Condition 3 (external lighting) - the imposition of the condition is reasonable and necessary. Condition retained.

Condition 4 (Restrictions on external storage) – the condition is varied to delete reference to storage of external storage.

Condition 5 (Requirement for submission of planting scheme) - the imposition of the condition is reasonable and necessary. Condition retained.

Condition 6 (Restriction on sound amplification systems and playing of music) – imposition of the condition is unreasonable. Condition deleted.

---

## 5. APPLICATION NO. 43/2017/1212

SITE ADDRESS: 8 Birch Grove, Preststyn

PROPOSAL: First floor extension above a single storey ground floor extension previously approved by way of a Proposed Lawful Development Certificate.

BASIS OF REFUSAL: Unacceptably overbearing impact on adjoining properties

TYPE OF APPEAL: Householder

COSTS AWARDED AGAINST COUNCIL: N/A

## ISSUES OF NOTE

The Inspector considered the main issues to be:

- The effect of the proposed development on the living conditions of the occupiers of Nos 8 and 10 Birch Grove in relation to visual impact resulting from the poor design of the new window serving bedroom 3 causing overlooking between windows.
- The use of a planning condition to modify the proposed development was contrary to paragraph 4.13 of the Welsh Government Circular- *The Use of Planning Conditions for Development Management* (WGC 016/2014) which states “a condition modifying the development cannot be imposed if it would make the development permitted substantially different from that comprised in the application... “. The Inspector considered the modification sought by the condition would be a substantial modification and could not be imposed.

Inspector's conclusions:

The Inspector did not consider there would be unacceptable impact on drainage, the living conditions of the occupiers of Nos 6 and 10 in relation to visual impact, nor would it lead to an unacceptable loss of direct sunlight to these properties. There would be overlooking potential from the proposed side bedroom window (bedroom 3), leading to unacceptable loss of privacy in relation to No.10 - a matter it was not considered could be addressed through imposition of a condition.

The Inspector considered the proposal conflicts with policy as it is of poor design that would fail to provide satisfactory living conditions for the occupiers of No.8 due to visual impact, and for the occupiers of Nos. 8 and 10 due to overlooking between windows.

This page is intentionally left blank