

To: Members of the Planning Committee Date: 6 December 2018

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 12 DECEMBER 2018** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 7 - 8)

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 9 - 16)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 14 November 2018 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 8) –

5 APPLICATION NO. 02/2018/0952/PF - 48 BRYN RHYDD, RUTHIN (Pages 17 - 44)

To consider an application for erection of extension and alterations to dwelling at 48 Bryn Rhydd, Ruthin (copy attached).

6 APPLICATION NO. 43/2018/0900/PF - 1 THE DELL AND LAND TO REAR OF THE DELL (Pages 45 - 78)

To consider an application for demolition of existing dwelling and erection of 15 no. unit residential apartment block; construction of a new vehicular access and associated works at 1 The Dell and land to the rear of The Dell, Prestatyn (copy attached).

7 APPLICATION NO. 45/2018/0999/PF - 50 CLIFTON PARK ROAD, RHYL (Pages 79 - 106)

To consider an application for erection of extension to dwelling at 50 Clifton Park Road, Rhyl (copy attached).

8 APPLICATION NO. 47/2018/0962/PC - BRYN AWEL, CWM (Pages 107 - 120)

To consider an application for erection of stables for private use (retrospective application) at Bryn Awel, Cwm (copy attached).

MEMBERSHIP

Councillors

Councillor Joe Welch (Chair)

Councillor Alan James (Vice-Chair)

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

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

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

General introduction

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

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

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

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

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

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

The Planning Committee consists of 21 elected Members. In accordance with protocol, 11 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

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

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The voting procedure

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

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

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

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

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

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

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

PLANNING COMMITTEE

VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

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

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of

*(*please delete as appropriate)*

Denbighshire County Council

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

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

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

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Public Document Pack Agenda Item 4

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 14 November 2018 at 9.30 am.

PRESENT

Councillors Ellie Chard, 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, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Local Member - Councillor Richard Mainon

ALSO PRESENT

Team Leader – Places Team (SC): Development Control Manager (PM); Principal Planning Officer (IW); Senior Engineer – Highways (MP); Public Protection Business Manager (AL); and Committee Administrator (SJ)

1 APOLOGIES

Apologies for absence were received from Councillors Ann Davies and Merfyn Parry

2 DECLARATIONS OF INTEREST

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

4 MINUTES

The minutes of the Planning Committee held on the 17th October 2018 were submitted.

It was noted that Councillor Alan James was in attendance at the 17th October 2018 Planning Committee meeting, his name should be deleted from the list of members submitting apologies.

RESOLVED that the minutes of the meeting held on 17 October 2018 be approved as a correct record, subject to the above.

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

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary

information (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. 16/2018/0659/ PR - LON CAE GLAS, LLANBEDR DYFFRYN CLWYD, RUTHIN

An application was submitted for details of appearance, landscaping, layout and scale of 1 dwelling submitted in accordance with condition number 1 of outline permission code 16/2017/1074 (reserved matters application); parking and turning scheme and details of foul and surface water drainage submitted in accordance with condition 7 and 11 of outline permission code 16/2017/1074 at Land at (Part garden of) Cae Glas, Lon Cae Glas, Llanbedr Dyffryn Clwyd, Ruthin (copy attached).

Public Speakers –

Dr David Edwards (**For**) – stated the two objections to the planning application had both been raised previously and an answer had been provided by Mr M. Roberts of Sustain Architecture (agent) to the objectors.

It was stated that it had never been the intention to use a septic tank for the foul drainage, and the proposal had always been a disc-system sewage plant. The discharge from such a plant would meet the UK and European requirements and was accepted by Welsh Water.

The speaker stated in his opinion it had not been a requirement to have turning space for delivery vehicles on a single-dwelling site during construction.

General Debate –

Councillor Huw Jones asked if the opinion of the AONB had been taken into consideration when Officers had assessed the application. It was questioned whether there was a case to oblige use of stone on the walls and slates on the roof. Councillor Jones sought clarification of the AONB's opinion and the reasons for the conditions imposed.

The Principal Planning Officer confirmed the comments of the AONB had been considered and that the use of materials had been assessed in the context of those used on properties in the locality.

Proposal – Councillor Gwyneth Kensler proposed the officer recommendation to grant the application, seconded by Councillor Julian Thompson- Hill.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

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

6 APPLICATION NO. 40/2018/0151/ PF - THE REAL PETFOOD COMPANY, UNIT 2, ROYAL WELCH AVENUE, BODELWYDDAN, RHYL

An application was submitted for the erection of 1 No. freestanding 35 metre high and 2m diameter free standing chimney stack sited to the North of the factory at The Real Petfood Company, Unit 2 Royal Welch Avenue, Bodelwyddan.

Public Speaker –

Sioned Edwards (Cadnant Planning) (**For**) – stated the business employs over seventy people and was committed to addressing the concerns of local residents, by providing the best long term solution. The speaker stated The Real Petfood Company wanted to be a good neighbour in the community and had listened to concerns of local residents and companies. Amendments to the original application to address the odour concern had been submitted.

It was stated the main considerations for the proposal were heritage, landscape and visual effects and residential amenity and odour. Additional information had been sought from consultees during the application process and had been included in the application. It was highlighted that the landscape and visual impact would not be significant. No objections had been received from the statutory consultees which had included CADW, Clwyd-Powys Archaeological Trust or the Council's Landscape Consultant in relation to effects on heritage, landscape and visual impact. In noting that that an existing odour issue arising from the pet food production process was impacting on residential amenity, that the proposal sought to manage this. The applicant considered the conditions suggested by officers to be acceptable.

The Chair confirmed a site visit had taken place on the 9th November 2018.

General Debate – Local Member, Councillor Richard Mainon gave members a brief background to the application. He stated he was present to represent the residents of Bodelwyddan, who had been very dignified and patient throughout the process. Councillor Mainon stated he was pleased to see the addition of the scrubbers and filters to the application. The Town Council had acknowledged and appreciated the application had been amended to address concerns, but had requested assurance on actions if the company was found in breach of conditions if the proposals were approved.

The Development Manager guided members to the information on the late information sheet in relation to the application. It was highlighted that there were two consenting regimes that apply to the premises - the first being the planning application for the chimney and second the environmental permitting process. The industrial use at the site was long established. In his opinion, the stronger control over activity on the site was the environmental permitting legislation.

The Public Protection Business Manager explained the issues at the site had been the subject of detailed scrutiny, and in relation to the environmental permit situation, it had been recommended that the erection of a chimney be considered to disperse

the emissions. If the chimney was erected with an abatement plant in place, suitable enforcement and controls could be imposed at the site.

Councillor Mark Young asked for clarity on the time frame for undertaking the proposed works, and sought assurance over pursuance of enforcement action if necessary.

The Public Protection Business Manager confirmed that period for undertaking the project would be included in the permit, and within a workable timescale. The system had the capacity to accommodate increased production.

Councillor Andrew Thomas sought assurance on how realistic the requirement was to remove the chimney if the factory was to cease operation. The Development Manager suggested the planning condition would add weight to the environmental permitting process and that considered it would be reasonable to enforce removal.

Councillor Gwyneth Kensler raised concerns that elements such as wind can affect the direction of odour and distance it travels. Clarification of the planning use was sought from the Development Manager, who advised that the consultants had specified a chimney height of two and a half times the size of the nearest building would be required to disperse the emissions created. The abatement plant would be in place to treat any high odour- low volume emissions to reduce the concentration of the odour.

Councillor Brian Jones highlighted the importance of engaging with company at the outset if any concerns are raised.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Brian Jones.

VOTE:

GRANT – 16

REFUSE – 0

ABSTAIN – 1

RESOLVED that permission be **GRANTED** in accordance with officer recommendations, together with the additional conditions, as detailed within the report.

7 APPLICATION NO. 40/2017/1133/ PF - THE REAL PETFOOD COMPANY, UNIT 2, ROYAL WELSH AVENUE, BODELWYDDAN, RHYL

An application was submitted for the erection of an extension to the existing factory to provide additional office accommodation at The Real Petfood Company, Unit 2, Royal Welsh Avenue, Bodelwyddan.

Councillor Brian Jones proposed the item be deferred pending the erection of the chimney.

A brief discussion on the reason for deferral took place. The Development Manager explained to members the potential risks and consequences of deferring the application.

Proposal – Councillor Brian Jones proposed deferral of the application, seconded by Councillor Julian Thompson- Hill.

VOTE:

DEFER – 7

NOT TO DEFER – 9

ABSTAIN - 1

Following the vote it was confirmed not to defer the item and proceed with the consideration of the application.

General Debate - Local Member Richard Mainon expressed his disappointment over the vote not to defer.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Alan James.

VOTE:

GRANT – 13

REFUSE – 1

ABSTAIN – 3

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

At this junction (10:45 a.m.) there was a comfort break.

The meeting reconvened at 11:10 a.m.

8 APPLICATION NO. 45/2018/0341/ PF - DERWEN HOUSE, FFORDD DERWEN, RHYL

An application was submitted for the siting of storage containers at Derwen House, Ffordd Derwen, Rhyl.

General Debate – Councillor Ellie Chard (Local Member) spoke in objection to the application due to over intensification of use of the car park. She considered the proposal would change the character of the area, and there were residents concerns regarding the loss of local trees, and over risk of flooding. Councillor Chard proposed refusal of the application on the basis of over intensification.

The Chair confirmed a site visit had taken place on the 9th November 2018. Councillor Bob Murray requested that a condition be imposed that the containers be

coloured green. The Chair clarified that suggested conditions included the colour of the containers be green and the applicant would be asked to submit proposals for the colour for discussion with planning officers and the Local Members. Clarification was given that the trees at the site were protected under a tree preservation order.

Councillor Mark Young enquired if a restriction on hours of operation for Sunday and Bank Holidays could be imposed. The Development Officer stated this could be included as an additional condition if members agreed.

Councillor Gwyneth Kensler sought assurance that the storage containers would be used to compliment the business. Officers clarified that Condition 5 stated that the containers were for business use only. Councillor Meirick Lloyd Davies requested the wording on the restrictions on use of the containers be made clear and robust.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Christine Marston.

VOTE:

GRANT – 15

REFUSE – 1

ABSTAIN – 0

RESOLVED that permission be **GRANTED** together with the additional conditions, in accordance with officer recommendations as detailed within the report.

9 APPLICATION NO. 45/2018/0822/ PF - 41-42 EAST PARADE, RHYL

An application was submitted for the construction of 41 housing association apartments for local residents over the age of 55 years of age together with new and altered vehicular and pedestrian accesses, associated parking provision and related works at 41-42 East Parade, Rhyl.

General Debate – Local Member, Councillor Tony Thomas expressed his support for the application. He highlighted the need for housing in the Rhyl area. In his opinion parking in the area was limited, but if approved the development would not have a negative impact on the situation.

Councillor Brian Jones sought assurance that the concerns of individuals who had raised concerns / objections had been addressed. Councillor Tony Thomas confirmed he had been in contact with the Veterinary practice and two local residents who had raised the objections. It was appreciated the need for housing in the area was significant and that parking had been an ongoing issue.

The Senior Engineer – Highways, confirmed that the application met relevant highways/ parking standards.

Councillor Mark Young sought clarity over how the age of residents would be managed, and how education contributions had been assessed. Councillor Meirick Lloyd Davies inquired if the boundary wall could be preserved. The Chair asked for clarification on open space contributions.

Officers responded to the issues raised from members as follows –

- the apartments would be managed by a Housing Association, who would screen residents
- the supplementary planning guidance note outlined the calculation of financial contributions in relation to schemes, and where concessions may be justified. It was for Members to determine whether to review the guidance in association with the new Local Development Plan.
- confirmation was provided that the majority of the existing boundary wall would be retained as part of the development, and this could be dealt with by way of an additional condition.
- the proposal had been for 34 one bed units so would be unlikely to house families with children.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Alan James.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** together with the additional preservation of existing wall condition in accordance with officer recommendations as detailed within the report.

The meeting concluded at 11:50 a.m.

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Agenda Item 5

WARD : Ruthin

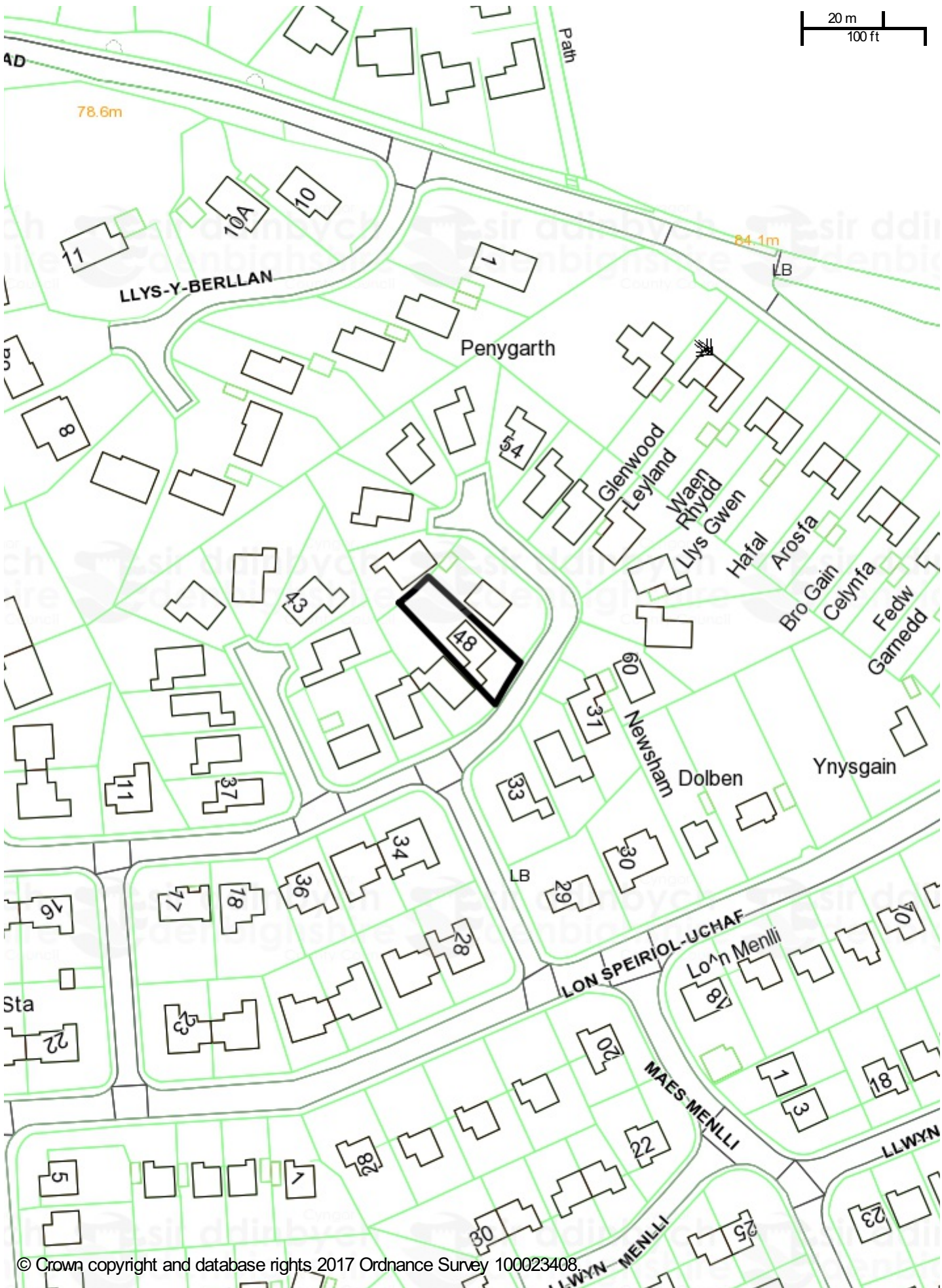
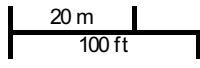
WARD MEMBERS: Councillors Bobby Feeley, Huw Hilditch Roberts and Emrys Wynne (c)

APPLICATION NO: 02/2018/0952/PF

PROPOSAL: Erection of extension and alterations to dwelling

LOCATION: 48 Bryn Rhydd Ruthin

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02/2018/0952

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Printed on: 27/11/2018 at 8:26 AM



BLOCK PLAN



WYNN ROGERS
Architectural Services Ltd

N. BRYN COLBORNE M.C.I.A.T.
Chartered Architectural Technologist

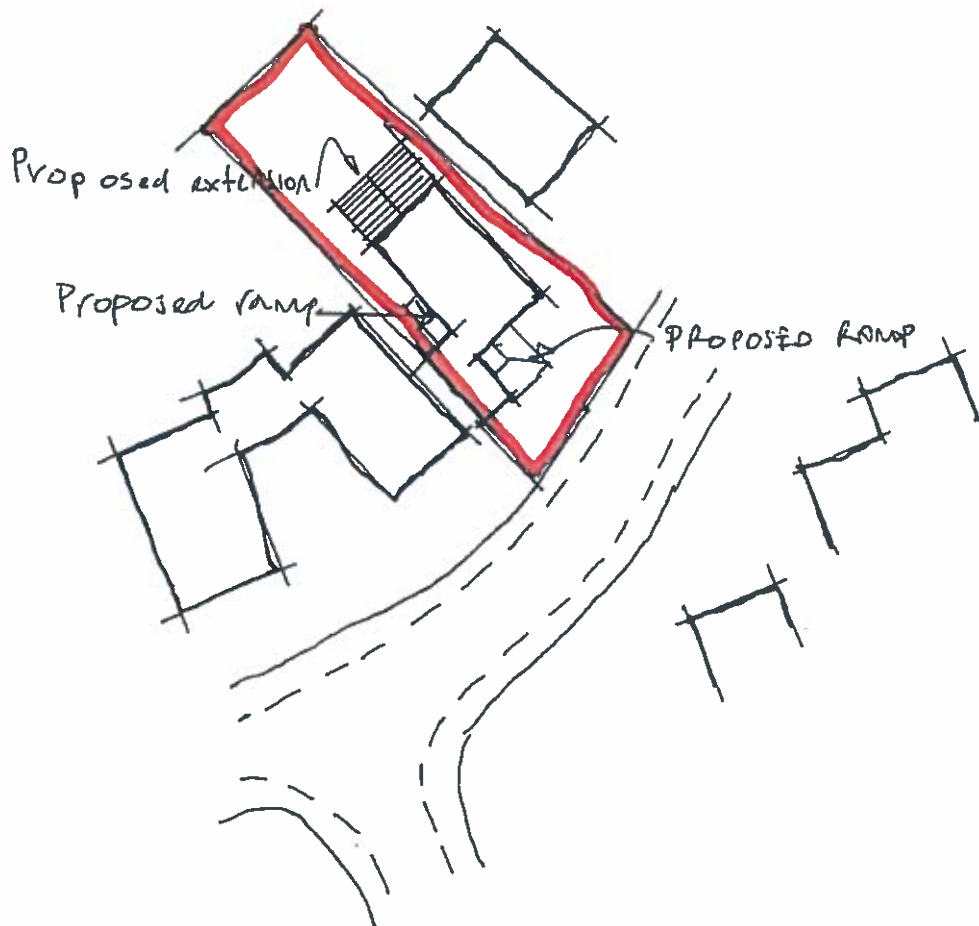
G. LLOYD EVANS
Architectural Technologist

Studio 3, Rosemary Lane, Denbigh, LL16 3TT

01745 812100

Your selfish out:

48 BRYN RHYDD RUTHIN

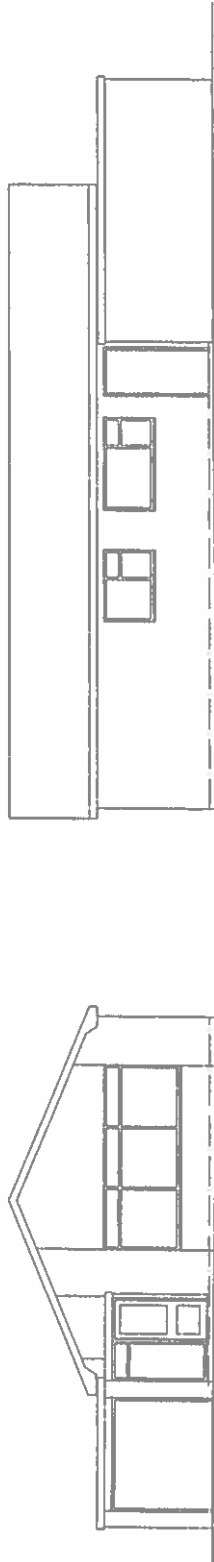


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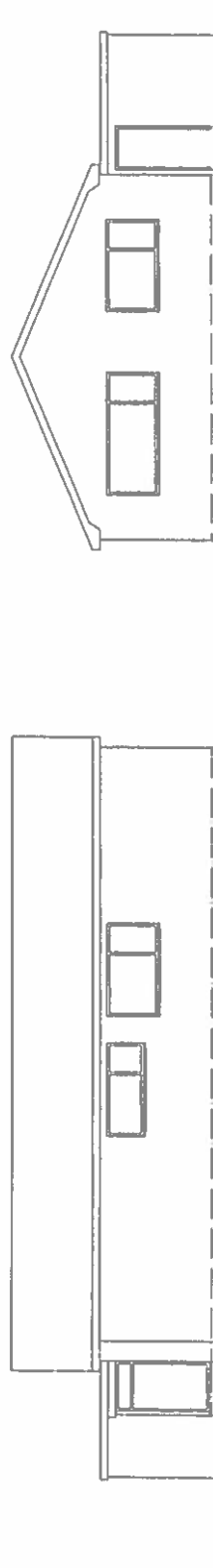
EXISTING ELEVATION PLANS

NOTES:

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR THE FURNISHMENT OF MANUFACTURING ORDERS. DO NOT SCALE FROM DRAWING. ANY DIMENSIONS TO BE REPORTED IMMEDIATELY TO WYNN ROGERS ARCHITECTURAL SERVICES CONSULTANT



front



side

rear

WYNN ROGERS
 Architectural Services
 The Hub, Vole Street, Derby, LE1 6 3TT
 01753 612100 E-mail: consult@wynn-rogers.co.uk
www.wynn-rogers.co.uk

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PROJECT
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EXISTING FLOOR PLAN

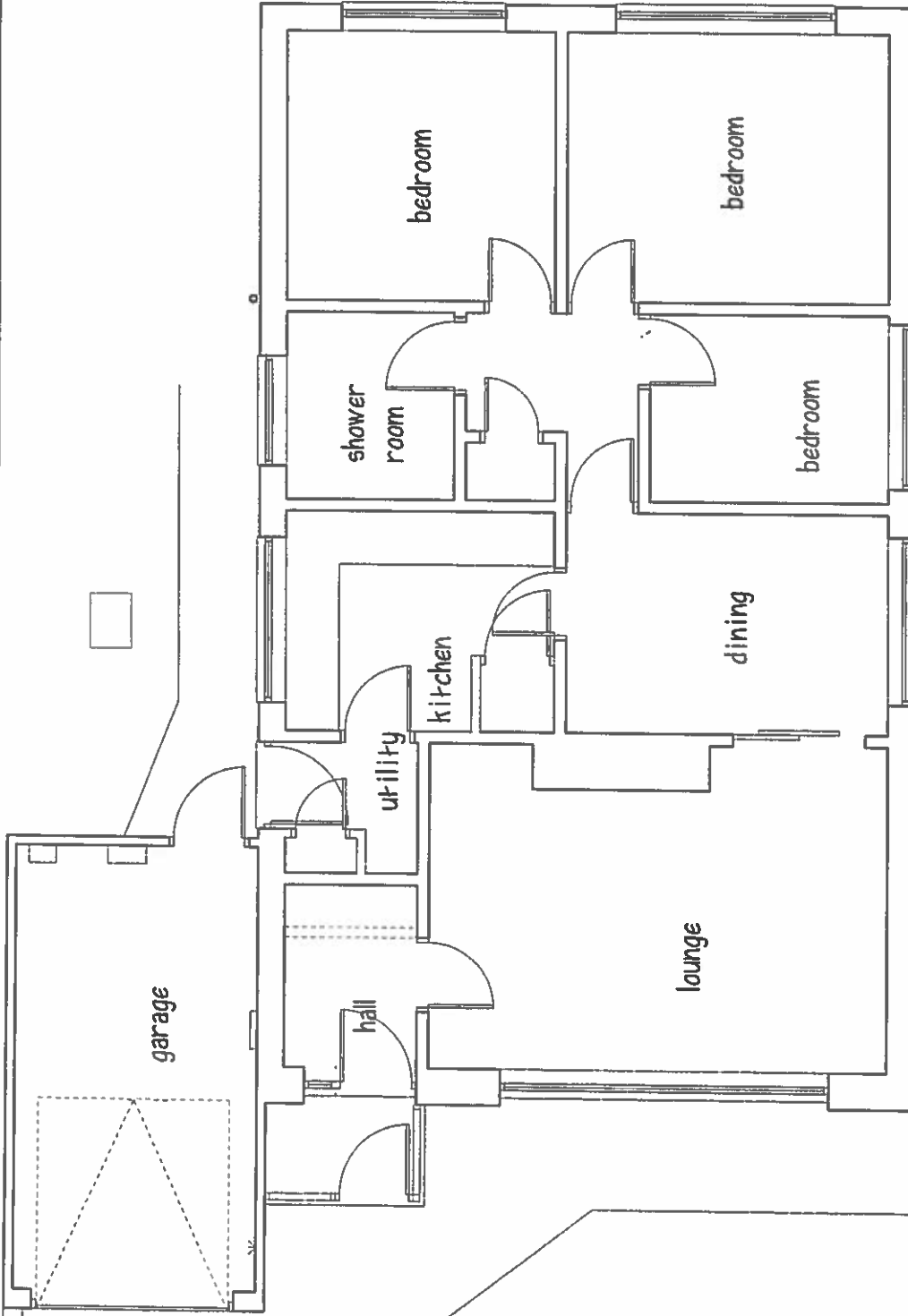
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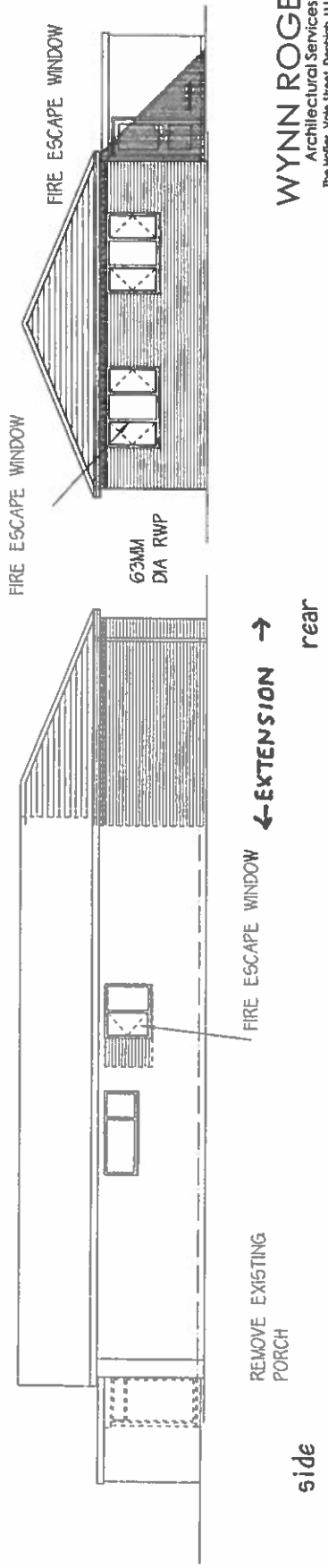
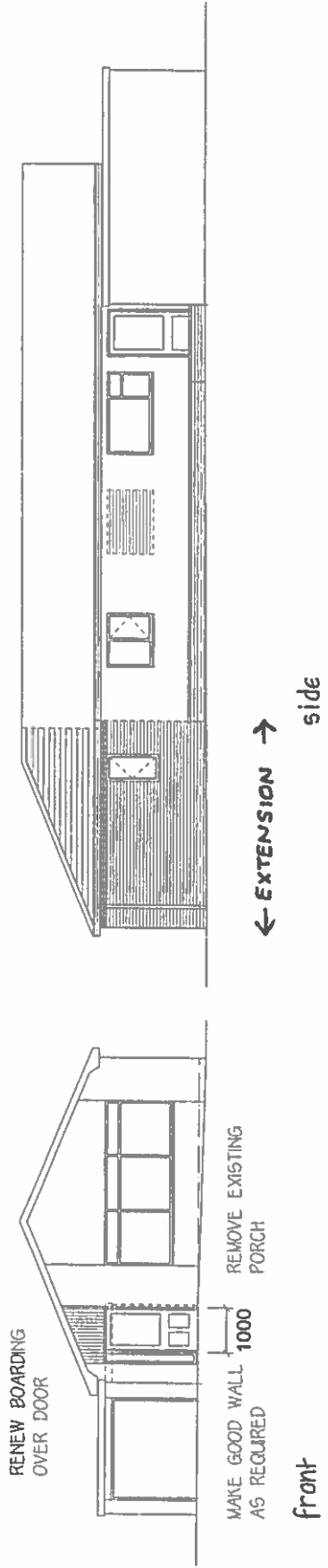


PLAN as existing 1 : 50

PROPOSED ELEVATION PLANS

NOTES:

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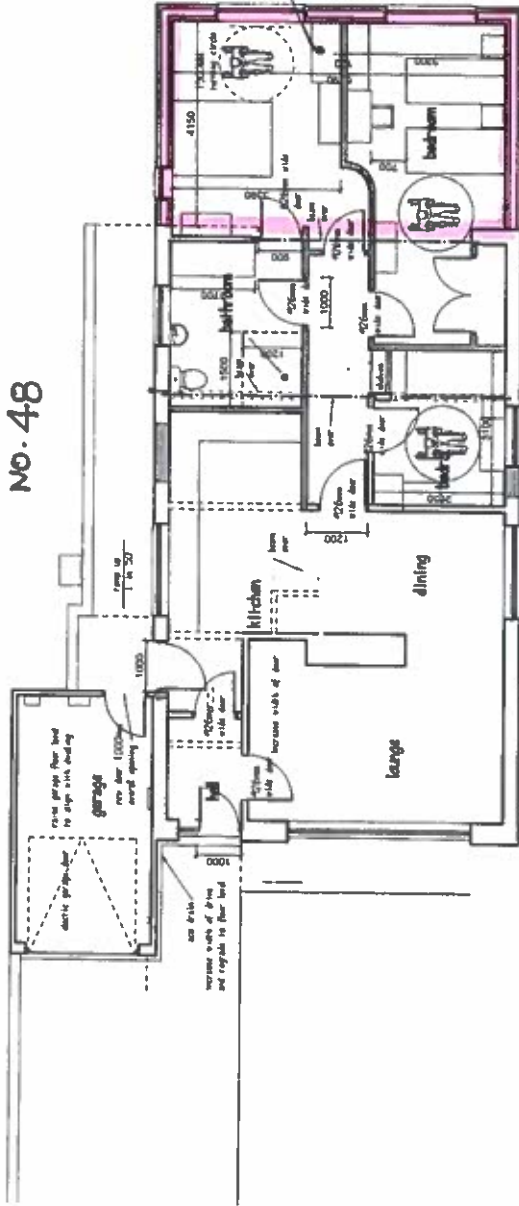
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48 BRYN RHYDD RUTHIN		GRWP CYNEFIN	

ELEVATIONS as proposed 1 : 100 - option b with hipped roof to extension

PROPOSED FLOOR PLAN

WYNN ROGERS & PARTNERS
 CHARTERED BUILDING SURVEYORS
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

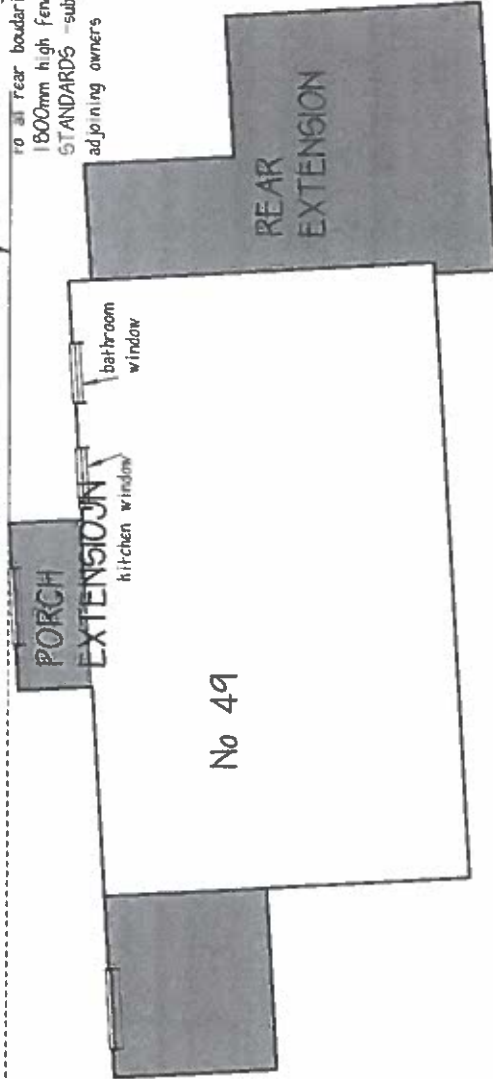
No. 48



take down existing screen fence to all rear boundaries and renew in 1800mm high fence to SECURE BY DESIGN STANDARDS -subject to agreement with adjoining owners

LINE OF BOUNDARY

No 49



amended 25 oct 18 reduced size to rear extension

WARD : Ruthin

WARD MEMBERS: Councillors Bobby Feeley, Huw Hilditch Roberts and Emrys Wynne (c)

APPLICATION NO: 02/2018/0952/PF

PROPOSAL: Erection of extension and alterations to dwelling

LOCATION: 48 Bryn Rhydd Ruthin

APPLICANT: Mr Osian Dymment, Grwp Cynefin

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

“No objections”.

RESPONSE TO PUBLICITY:

Representations in objection

Representations received from:

Mr & Mrs D & P Nicholas, 49 Bryn Rhydd, Ruthin
Kerry James Planning on behalf of Mr & Mrs Nicholas, 49 Bryn Rhydd, Ruthin
J S Pilkington, Pen Y Llan Road, Panymwyn
Sarah Hancox, 12 Gardd Eithin, Northop Hall
Edith Ede, 52 Bryn Rhydd, Ruthin
Zoe Rogers, 50 Bryn Rhydd, Ruthin
David Booth, Pant Mawr, Bontuchel, Ruthin (trustee of 47 Bryn Rhydd)
Esmor Williams, 55, Bryn Rhydd, Ruthin

Summary of planning based representations in objection to original submission:

Residential amenity:

- Unacceptable adverse impact on No. 49 Bryn Rhydd due to loss of right to light to bathroom and kitchen windows in side elevation of neighbouring property which are in constant use for everyday living, overshadowing garden, visual amenity / sense of enclosure, loss of privacy / overlooking neighbours garden. In particular concerns on outlook from kitchen and bathroom windows in side elevation of neighbouring property and proximity of the extension to the shared side boundary. Will have a detrimental effect on neighbour's wellbeing and health.
- Unacceptable adverse impact on No 47 Bryn Rhydd due to size, depth, width, height and massing of extension (overshadowing, loss of light, overlooking, overbearing impact)
- Unacceptable adverse impact on No. 50 Bryn Rhydd – bungalow to rear is lower, and windows in rear elevation of extension will face directly towards main living area windows at No. 50. Would have an overbearing impact, overshadow and overlook No. 50.

- Overbearing impact on other neighbouring properties.
- Noise and disturbance during construction.

Visual amenity / design:

- Extension is out of scale and character in terms of appearance and locality.
- Loss of green space and open aspect would have negative impact on surrounding neighbourhood
- High density / overdevelopment of plot

Highways / traffic:

- Estate road not adequate for parking / loading / turning of heavy construction vehicles
- Construction traffic would compromise pedestrian safety
- Redevelopment of front would result in insufficient onsite parking / increase on-road parking close to sharp bend causing highway safety issue.
- Extending the property will mean there is likely to be more vehicles at the property.

Other comments:

- Previous consent should be implemented instead.

Summary of planning based representations in objection to revised scheme:

- revised plans do not address previous concerns raised, and therefore reiterate original objections.

In relation to the revised plans, following detailed comments have been made in respect to the impact of the amended scheme on No. 49 Bryn Rhydd:

Residential amenity:

- The amended proposals include the reduction in depth of the extension by 0.15 metres, the provision of a hipped roof and the erection of a 1.8 metre high fence - these amendments do not overcome impact on No. 49.
- The amended scheme would still appear very overbearing and over dominant when viewed from windows in side elevation of No. 49. The extension would still block out the light to the habitable room and the bathroom.
- The amended scheme would still fail to comply with the guidance expressed in the SPG.
- Extension would still project more than four metres from the existing rear elevation.
- The separation distance between side elevations of numbers 48 and 49 would still remain at less than 2 metres, significantly below the requirement of 15 metres where a wall contains habitable windows in an adjacent property.
- The separation distance between habitable windows of numbers 48 and 50 Bryn Rhydd would still be less than the required 21 metres as a result of the amended scheme.
- Amended scheme would cause significant harm to the residential amenity which the occupiers of number 49 could reasonably expect to enjoy.

Visual amenity:

- The small reduction in the depth of the proposed extension and the hipped roof would not alleviate the concerns over the harm to the visual amenity of neighbouring property, the site and wider locality.

The development therefore would fail to comply with Policy RD 1 and RD 3 and SPG.

Summary of re-consultation representations:

Representations in support

Representations received from:

Gareth Purvis, 4 Stryd Y Eos, Ruthin, LL15 1QG

Paul Adams, 81 Haulfryn, Ruthin, LL15 1HA

Claire Williams, 7 Lon Glyn

Juan Carlos Prieto Ortega, 4 Stryd Yr Eos, Ruthin, LL15 1QG
Rachael Corry-Danieluk, 51 Denbigh Circle, Kinmel Bay
Lonny Danieluk, 51 Denbigh circle
Glenn Johnson, 14 Royal Way, Baddeley Green, ST2 7QB
Clare Dallolio, Rhoswern, Wernfechan, Ruthin, LL15 1EU
Jane Adams, 5 Birches Way, Kidsgrove
Esther Allnutt, 3 Park Drive, Holywell

Summary of planning based representations in support:

- General support for the proposal
- Lack of wheelchair accessible properties in Ruthin area.
- Would make the house suitable / accessible for future disabled occupants
- Other properties in the area have been extended.
- Similar size to extensions at neighbouring property.
- Building works wouldn't last too long

EXPIRY DATE OF APPLICATION: 22/11/2018

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The main elements of the application are the erection of a single storey extension to the rear of the dwelling at 48 Bryn Rhydd, along with the removal of an existing porch and provision of accessibility ramps.
- 1.1.2 The extension would span the width of the existing dwelling, and scaled off the plans would measure 7 metres wide and would project 4.2 metres out from the existing rear elevation of the dwelling. It would have an eaves height of 2.3 metres and a ridge height of 4 metres. It would have a hipped, pitched roof, as shown on the plans at the front of this report.
- 1.1.3 The extension would provide space for an additional two bedrooms, and associated internal and external works are geared at making the property accessible for persons with mobility problems. The applicant is a social housing provider, and additional information has been submitted to confirm the proposals are to make the property accessible for wheelchair users and future disabled occupants, and that the extension has been designed to meet space standards set out by Welsh Government.
- 1.1.4 The main windows in the extension face out to the rear garden, with a small window in the south west facing elevation facing towards the side boundary with No 47.
- 1.1.5 There are associated alterations to the existing dwelling including the blocking off of what is currently a shower room window on the side facing No.47, and the insertion of a new bathroom window on the side elevation facing No. 47; and the reduction in size of an existing bedroom window facing towards the side boundary with No.49.
- 1.1.6 As noted, the proposed extension would be the same width as the existing dwelling, and would maintain the same distance to the respective boundaries with the neighbours – scaled from the plans, the side walls being approximately 0.9 metre from the boundary fence with No 49 and 2 metres from the side wall of that dwelling; and 2 metres from the boundary fence with No.47 and 3 metres from the side wall of that dwelling.

- 1.1.7 The additional information provided has also confirmed that in order to meet Secure By Design requirements, 1.8 metre high timber fencing would be erected to all rear boundaries and side boundaries. Fences of this height are 'permitted development' and can be erected without the need for planning permission.

1.2 Description of site and surroundings

- 1.2.1 The site is located within a residential housing estate in Ruthin.
- 1.2.2 The property is a detached bungalow, with a linked garage which runs along the boundary with No.47.
- 1.2.3 There are detached bungalows sited to the side and rear. No 47. Bryn Rhydd is the neighbour to the south-west; No. 49 Bryn Rhydd is the neighbour to the north-east and No. 50 Bryn Rhydd is the neighbour to the rear.
- 1.2.4 The main side walls of the bungalow to the north-east, No 49 Bryn Rhydd are some 2 metres from the main side walls of No. 48. No. 49 has a kitchen / dining room and bathroom window on the side of the original dwelling facing towards No.48. No. 49 has been extended since it was originally built, in the form of:
- a side porch extension between the dwelling and the boundary with No.48. This has a window immediately on the boundary with No.48
 - a rear extension which projects out by some 5 metres.
 - A sun room extension which projects some 3.5 metres in front of the original dwelling, towards the road. This extension runs parallel to, and some 2 metres of the side boundary of No 48, and is located in front of the side dining room window of No 48.

There is a 1.5m high screen fence running along the boundary between Nos 48 and 49, leaving approximately 1m circulation space around the side of the respective dwellings.

The relationships between the dwellings are best appreciated from the plans at the front of the report.

- 1.2.5 The main side walls of the bungalow to the south west, No. 47 Bryn Rhydd, are some 3.5 metres from the main side walls of No 48 at the rear of the property. No. 47 has a door and two side windows on its side elevation facing towards No. 48. There is a 1 metre high screen fence running along the boundary between Nos. 47 and 48, leaving approximately 2 metre circulation space around the side of No, 48 and 1 metre around the side of No.47.
- 1.2.6 The bungalow to the north west, No. 50 Bryn Rhydd, also has a door and two side windows on its side elevation facing towards the rear garden of No.48. This side elevation is some 1 metre from an existing 1.5 metre high screen fence which runs between the properties. The rear wall of the extension would be some 10 metres from the boundary with No. 50 and 11 metres from the side wall of that dwelling.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 Planning permission was granted in September 2018 for the conversion of the garage at No. 48 to a bathroom and store. This permission has not been implemented.
- 1.4.2 The dwelling immediately to the east, No.49 has a single storey pitched roof sun room extension at the front of the dwelling, granted in 2008, and a two bedroom extension at the rear, granted in 1980.

1.5 Developments/changes since the original submission

1.5.1 The current proposal has been amended during the course of the application in response to public representations. The main amendment involves the introduction of a hipped roof design in place of the originally proposed gable roof on the extension.

1.5.2 The amended plans have been subject to a full re-consultation.

1.6 Other relevant background information

1.6.1 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.

1.6.2 In respect of the proposed extension, the relevance of the above is that if the projection of the extension was reduced by 0.2m / 20cm (approximately 8 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.

1.6.3 The 1.8 metre high fencing proposed along the rear and side boundaries can be erected under permitted development rights, and therefore this is not included as part of the current planning application.

2. **DETAILS OF PLANNING HISTORY:**

2.1 In relation to No. 48:

02/2018/0676. Conversion of garage to bathroom and store and associated works including access ramp. Granted 14/09/2018.

2.2 In relation to No.49:

02/2007/1465

Erection of pitched roof sun room extension at front of dwelling
Granted 25/01/2008

02/4527

Extension to existing dwelling
Granted 27/06/1980

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy RD1 – Sustainable development and good standard design

Policy RD3 – Extensions and alterations to existing dwellings

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access for All

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

3.3 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Development Control Manual

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.3). It advises that material

considerations ‘... must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability’ (Section 3.1.4).

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

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met.

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

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

4.2.2 Visual Amenity

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

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

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

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

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

The Residential Development SPG supplements the LDP policies by detailing guidance on the principles to be applied to the scale and form of extensions to dwellings. It sets out considerations to be addressed to ensure that extensions should not result in overdevelopment of a plot. These are outlined below.

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

Representations have been made in relation to visual amenity impacts on the basis that the proposal is overdevelopment of the plot and the extension is out of scale and character in terms of the appearance of the existing dwelling and the locality.

With regards to the scale and form of the extension, in respecting concerns raised by private individuals, Officers consider it would clearly be subordinate in scale to the original dwelling, and its design would be in keeping with that of the original dwelling and the character of development in the area, as may be appreciated from viewing the elevation plans at the front of the report.

In relation to the concerns of overdevelopment of the plot, the guidance in the Residential Development SPG states:

- no more than 75% of a site should be covered. In this case, with the extension, it is estimated that approximately 30% of the plot would be covered if the extension were built.
- a minimum of 40 square metres of amenity space should be retained for a smaller dwelling, and 70 square metres for a larger dwelling. In this case a main garden area of 100 square metres would remain.
- a 1 metre circulation strip around the building should be retained. The proposals maintain approximately a 0.9 metre circulation strip.
- sufficient on site parking should be retained. The proposals do not affect the existing parking provision.

On the basis of the above, it is not considered that the proposal would represent overdevelopment of the plot.

Consequently, in noting the concerns raised, 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, and the locality, the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies and guidance referred to.

4.2.3 Residential Amenity

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 supplements the LDP policies by detailing guidance on the principles to be applied to impact of extensions on the residential amenities of occupiers of neighbouring properties. It advises that one of the main issues involved with rear extensions 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 SPG outlines principles to be applied to assessment of :

- The depth and height of extensions
- The potential for overshadowing
- Impact on privacy and overlooking

These are reviewed in the following paragraphs.

There are a number of representations in objection to the application based on the residential amenity impacts. The concerns raised focus on the impact of the proposed extension on neighbouring properties, and in particular No. 47, No. 49 and No. 50 Bryn Rhydd, in terms of overshadowing properties and gardens, loss of light and outlook, loss of privacy / overlooking and overbearing impact.

In relation to the depth and height of an extension

Section 6.2 of the Residential Development SPG sets out principles for assessing the acceptability of the projection of an extension beyond the rear wall of a dwelling which is on or close to a party /boundary wall. It suggests extensions should not be more than 3 metres for a terrace house, and 4 metres for a semi-detached / detached dwelling; and that proposals which exceed the criteria will generally be considered unacceptable unless it can be demonstrated that adequate amenity standards can be preserved through design detailing.

In this case, the proposed rear extension would project 4.2 metres out from the existing rear wall of No.48, i.e. some 0.2 metres (8 inches) over the figure referred to in the SPG as a guide to what may be acceptable. Whilst acknowledging the minor extent to which the extension would exceed the 4 metre figure in the guidance, Officers would strongly urge Members to assess the actual harm which the particular proposal may give rise to in terms of impacts on neighbouring property rather than base a determination on application of a nominal figure for the depth of an extension. The main impacts are reviewed in the following section of the report.

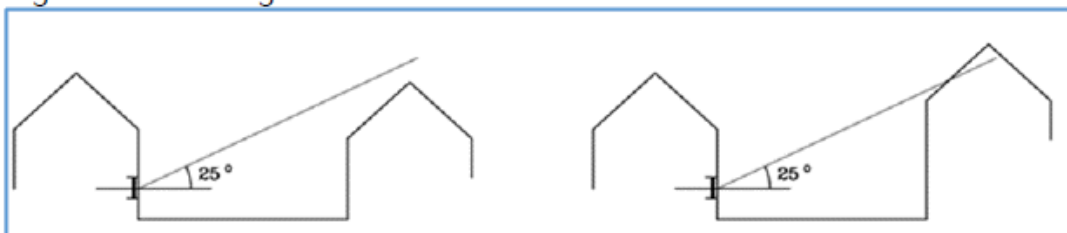
In relation to the potential for overshadowing

The Supplementary Guidance outlines matters for consideration in relation to front, side and rear extensions to dwellings. In relation to rear extensions, it provides a tool to help assess whether a proposed extension would have adverse impact on adjoining property in terms of overshadowing habitable room windows. The SPG illustrates how what are termed the 25 degree guide and 45 degree guide may be applied to assist assessment of applications.

The 25 degree guide would only be of relevance to the relationship with No.50. As the respective properties are single storey, and the extension would be located some 11 metres from the side wall of No. 50, even if the screen fence immediately in front of the windows facing towards the extension were to be removed, the 25 degree line would not be broken by the extension and it is not considered there would be any unacceptable loss of sunlight / daylight in relation to this property. Here is the extract from the SPG explaining the 25 degree rule:

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

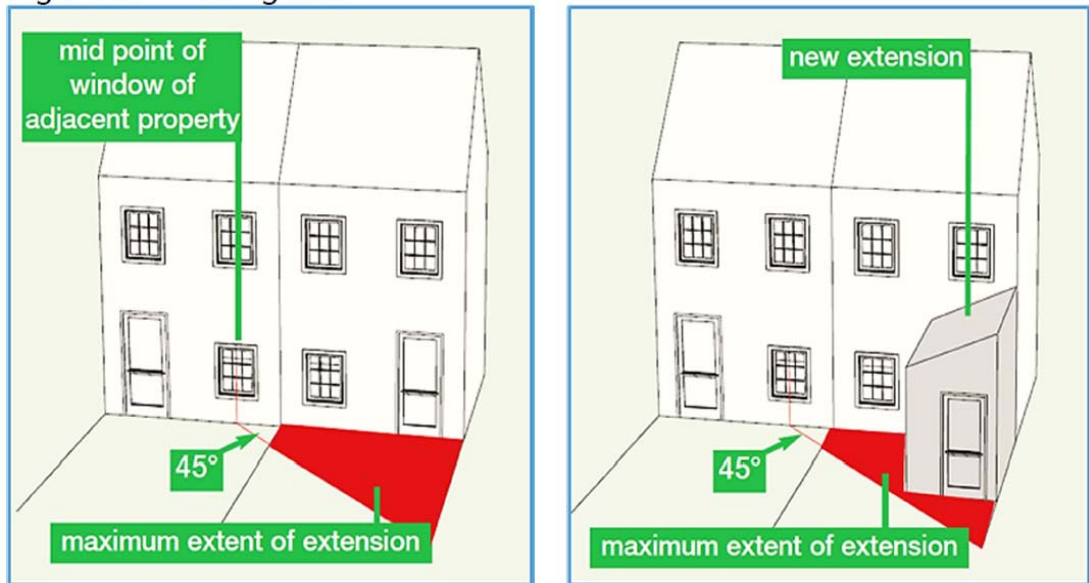
Figure 6 25° guide



The 45 degree guide applies to situations where a rear extension projects beyond a rear wall where there is an immediately adjoining property, the example cited being a semi detached dwelling, as illustrated below. 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



In applying the guide, due account has also to be taken of the detailing of the proposed extension and of other site features which may have a bearing on and mitigate impacts. This includes existing and proposed boundary treatments, and in this case the actual design of the proposed extension.

With respect to the rear of No. 49, the proposed extension would not break the 45 degree line projected from the rear bedroom window.

With respect to the rear of no. 47, the proposed extension would slightly encroach beyond the 45 degree line, but it is not concluded that this would be so significant as to justify opposing the application as:

- the proposal is for a single storey extension and the amended roof detail is such that it now has a hipped roof rather than a gable, which has resulted in the extension having a lower profile
- the intention is to replace the existing low level fence along the shared boundary with a 1.8m high fence.
- an extension which could be built under permitted development rights would also slightly encroach the 45 degree line.

Taking the above into account, the level of overshadowing of the rear of neighbouring property which may occur as a result of the proposal is not considered likely to give rise to a level of harm to the amenity of the occupiers which would warrant a refusal of permission.

Privacy and overlooking:

The Residential Development SPG provides guidance on considerations to be given to the impacts of extensions on the privacy of occupiers of neighbouring houses and gardens. Its examples outline matters to consider to ensure there is no unacceptable overlooking from windows and balconies at first floor level in relation to neighbouring dwellings and gardens.

The SPG guidance is of limited assistance in this instance as the proposal is for a single storey extension. Nonetheless, due consideration has to be given to the potential for overlooking from any new windows proposed as part of the scheme.

In this case, one additional window additional is proposed in the side elevation of the extension facing towards the boundary of No.47 (a secondary window to serve the proposed new main bedroom) and there would be two new bedroom windows on the rear elevation facing down the garden towards No. 50. There are no additional windows facing towards No. 49.

Officers would note there are existing windows in both side elevations of No.48, with existing windows facing towards habitable windows in No. 47.

The new small window proposed in the side elevation of No.48 would face towards the garden area of No. 47. Given the extension is single storey, and there is an intention to erect a 1.8m fence around the perimeter of the site, this would provide sufficient protection to prevent any unacceptable overlooking of the neighbouring property from this window. This window is a secondary window serving a bedroom, and therefore should Members feel this window is of particular concern, a condition could be applied requiring the window to be fitted with obscure glazing, which would not be of any detriment to the occupiers given there is another window serving this bedroom.

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

Impact on outlook from existing windows in side elevation of neighbouring properties:

The concern of the neighbours to the north-east, No. 49, is the impact of the proposal on the existing kitchen / dining room and bathroom windows in the side elevation of that property which face towards the site, in terms of loss of light, loss of outlook and overbearing impact.

The aforementioned 45 degree guide applies to situations where extensions may impact on the rear of adjoining properties, and does not apply to windows in a side elevation.

In Officers' assessment the issue to address is whether the proposed extension would have an unacceptable impact on the amenities of the occupiers of No. 49 when using the kitchen / dining room. In assessing this matter, it is relevant to consider that:

- The kitchen / dining room in the side elevation of the objector's property already faces in part towards the side elevation of No. 48, so there is no unbroken open view out of this window
- What outlook exists from the kitchen / dining room window is limited by the existing 1.5 metre high screen fence within 1 metre of the property boundary. The applicants intend to erect a 1.8 metre high fence along the boundary under permitted development rights.
- The view beyond the boundary fence is across the neighbour's garden, over which unbroken views and natural light cannot be assumed.
- The proposed extension would be 2.2m from the habitable window in the neighbour's side elevation at its closest point.
- The roof design of the extension has been revised to a hipped form to help limit its impact on the aspect from the kitchen / dining room
- The situation applying here is a common one in housing estate situations where secondary side windows of one dwelling face towards the side elevation of a neighbouring dwelling, where the outlook is at best limited.

- The situation which would be brought about by the extension in relation to the side kitchen / dining room window of No.49 parallels the one which would have arisen when the sun room extension at No.49 was built following the grant of planning permission in 2008, as this extension would have had a similar impact on the outlook from the side dining room window of No.48.

Whilst it is acknowledged the extension would have some impact on the outlook from the side kitchen / dining room window in the neighbouring property, having regard to the scale and form of the extension and the actual distance between the properties, Officers would not consider the proposal would have an unacceptably overbearing impact on the neighbouring property or result in an unacceptable loss of light. Accordingly, Officers do not consider the level of harm from loss of outlook would justify a refusal of permission on this basis alone, especially when the fallback position is taken into consideration, as discussed below.

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 0.9 metres from the side boundary with No. 49 and 2 metres from the side boundary with No.47. The proposal is for a single storey extension and the roof design has been altered to a hipped roof in an effort to lessen the impact on neighbours. Officers do not consider the proposal would give rise to an overbearing or cramping impact on neighbouring properties such that would warrant a refusal of planning permission on these grounds.

Impact on No. 50 Bryn Rhydd

The property to the rear, No. 50 has two windows in the side elevation facing towards No 48, located within 1 metre of the existing 1.5m high boundary fence.

The Residential Development SPG provides guidance in relation to separation distances in back to back situations, which are referred to in public representations on this application. However, the 21m separation distance in the SPG applies in a 'back to back' situation where a two storey extension is proposed, and is intended to avoid overlooking issues from first floor windows, which is not applicable to this case involving a single storey extension.

In this instance, Officers would note the rear elevation of the extension would be some 10m from the rear garden boundary with No.50, and there is an intention to erect a new 1.8m fence along this boundary. Taking into account the setback distance and the proposed boundary treatments, Officers take the view that the proposal would not have an unacceptable impact on the amenity of No. 50 in terms of overlooking, overshadowing or overbearing impact.

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 0.2m/20cm (approximately 8 inches) the proposal would fall within permitted development limits 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 0.2m larger than this size limitation would need to be significantly adverse to justify a refusal of permission.

With respect to the impact of the proposal from on the kitchen /dining window in the side elevation of No. 49, the extension which could be built under permitted development would have essentially the same level of impact on the outlook of this window as the extension proposed, which Officers consider to be a material consideration.

Ultimately, in respecting the concerns of neighbours, having regard to the scale, location and design of the proposed extension, it is considered that the proposals would not have an unacceptable impact on the residential amenities of occupiers of neighbouring properties, and would therefore be in general compliance with the tests of the policies and guidance referred to.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 Officers recognise the basis of the objections raised to the proposals, but respectfully conclude with regard to the detailing of the extension and alterations, that the potential impacts on neighbouring properties would not be unacceptable having regard to the policy and guidance, and that there are no strong grounds to justify refusal of permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th December 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) Elevations as existing (Drawing No. 2) received 28 September 2018
 - (ii) Floor plan as existing (Drawing No. 1) received 28 September 2018
 - (iii) Elevations as proposed (Drawing No. 4 option b) received 25 October 2018
 - (iv) Floor plan as proposed (Drawing No. 1) received 25 October 2018
 - (v) Block plan received 28 September 2018
 - (vi) Location plan received 28 September 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:

None

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Agenda Item 6

WARD : Prestatyn Central

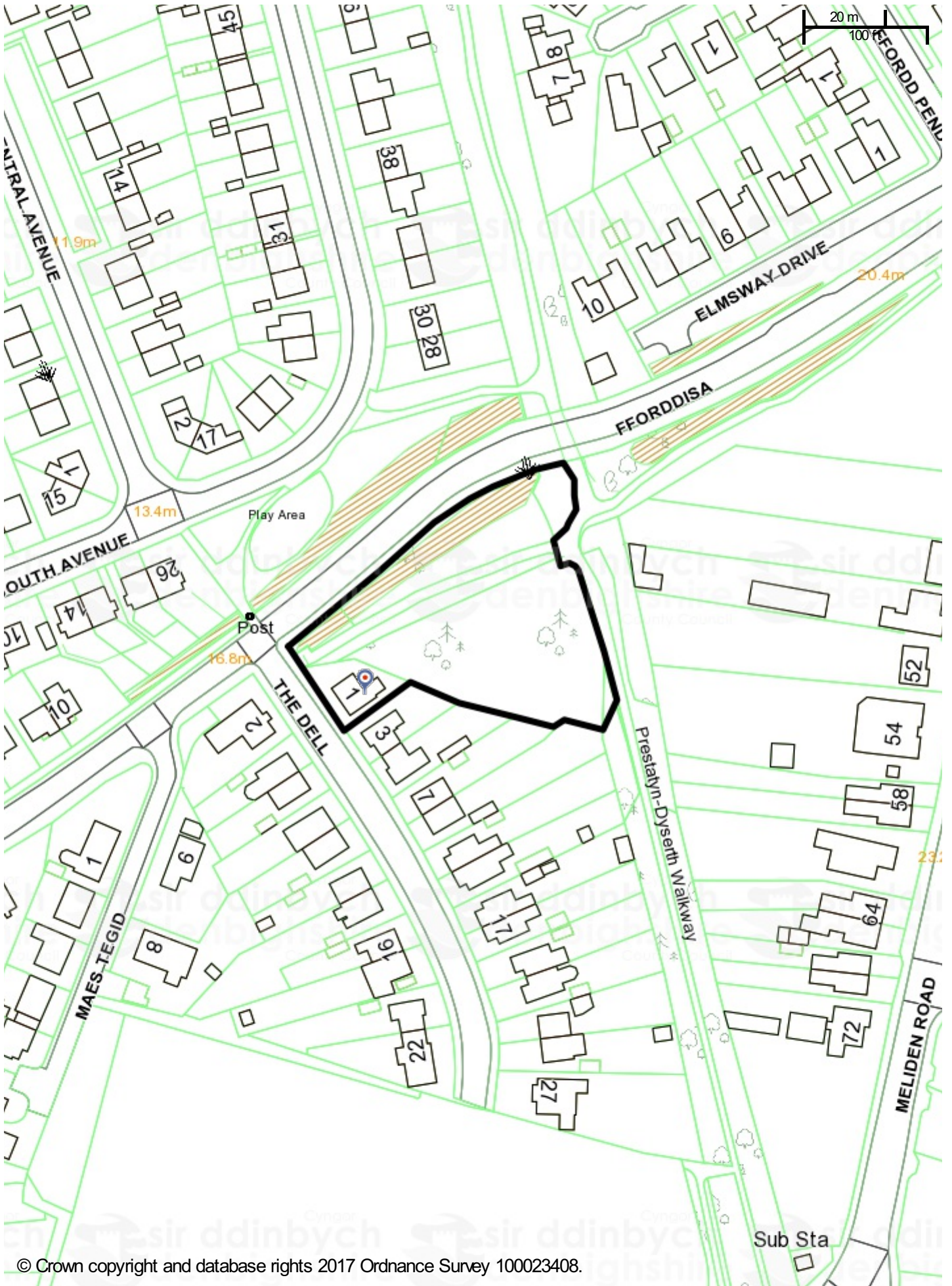
WARD MEMBERS: Cllr Tina Jones (c)
Cllr Hugh Irving

APPLICATION NO: 43/2018/0900/ PF

PROPOSAL: Demolition of existing dwelling and erection of 15 no. unit residential apartment block; construction of a new vehicular access and associated works

LOCATION: 1 The Dell and Land to rear of The Dell Prestatyn LL19 8SS

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43/2018/0900

Scale: 1:1250

Printed on: 28/11/2018 at 11:14 AM

SITE LAYOUT PLAN

+ LANDSCAPING DETAILS

KEY

- General
- Planning Application Boundary
- Proposed Development Footprint
- Principal Entrances to New Building
- Other Entrances to New Building
- Hard Surfacing
- Gravel
- Grass
- Access Road and Footpath
- Paving Court
- Trees and Vegetation
- Shrub Ornamental Planting (M.A. 8 and C)
- Semi Natural Vegetation (See Schedule)
- Hedging
- Trees (Existing)
- Trees (Proposed)
- Amenity Grass
- Bulbs within Grass Areas
- Fencing
- 1.5m High Timber Close Board Fencing and Posts
- 1.5m High Steel, Bonnet Style Fencing - PCC Colour, Dark Green
- Levels
- Slopes (indicative)
- For Detailed Levels- Refer to Architects and Engineering drawings
- Ecology
- 1b Schwegler type bird boxes to be installed in the site with recommendations. Each box to be positioned at least 3 metres from the ground away from disturbance and facing north or east

Rev/A	Client amendment
Project	The Dell, Prestatyn
Drawing Title	Soft Landscape Layout (Proposed)
Scale	A3: 1/500 A1: 1/250
Date	24/05/2017
Drawn	ES
Checked	TS
Planning	ES
Revision	A
Drawing Number	AZ027 06

above zero
 Landscape Design
 Landscape Planning
 Landscape Management
 Public Realm & Green Space
 Tel: 01507 755 989 www.abovezero.co.uk web: www.abovezero.co.uk

The Dell, Prestatyn. Soft Landscape Layout (Proposed)



Design Rationale/ Design Statement

Introduction.
 The soft landscape proposal has been prepared for the Facilities, Assets and Housing Department within Denbighshire County Council, in association with a Planning Application for a new development of 15 No. one / two bedroom accessible apartments on a presently under-managed area of land (the site) to the rear of No. 1 'The Dell', Prestatyn.

A number of existing landscape features on the site have been retained for amenity value, ecological diversity and to retain a mature setting for the new development. The retained existing landscape features and soft landscape proposals will complement the new accessible apartment development.

Soft Landscape Proposal.
 Consideration has been given to the overall soft landscape proposals and to create an attractive development that makes the most of the existing landscape features, with a strong sense of place and local distinctiveness.

The site has benefited from tree (Energy Surveys Ltd. Sept 2017) & ecological surveys (Eryls Ecology Oct 2017). The reports include an existing survey of the sites natural features and make recommendations on the landscape features worthy of retention as part of future development proposals. The surveys also offered enhancement recommendations which have been taken forward into the proposals for the site.

The landscape proposals are centred on retaining the higher quality mature trees and incorporating these within the development proposals, whilst enhancing the retained setting with the use of many native species across the site and providing ecological connectivity to the existing woodland and scrub areas.

New boundary hedges/over containing native species (measuring approximately 180 linear metres) are proposed to enclose the development. The new hedges will provide an attractive green edge to the development and provide a degree of privacy to the residents on the lower apartment floors. The new hedges will also strengthen the linear wildlife corridors along the former railway line.

The new soft landscape seeks to build on the character of the Alder trees in the area and create distinctiveness through the continuation of an Alder Avenue alongside the footpath. It is proposed the new Alder trees will be planted in small grassed areas by removing pockets of the existing vegetation and where feasible reducing the slope. Three existing Alder (Carpinus Betulaceae) trees are situated in the north west corner of the site (ref T1, T2 & T5 hedge line survey). It is intended to retain T1 and T5 as they are of moderate quality with a long-life expectancy. T2 will be removed due to its poor condition and close proximity to T1, which is suppressing its growth.

The northern part of the site (approximately 0.1 hectares) comprises the existing and realigned footpath adjoining the vegetated embankment to 'Floods'. It is proposed to set new hedging at least 0.5m from the southern edge of the footpath to create a grass verge with native bulb planting. To the north of the footpath a wider (1.5m) grass verge is proposed to help maintain an open character to the route, with clear sightlines.

A new small triangular grass verge is proposed at the junction of the two footpaths adjoining the north eastern boundary of the site, which also includes the retention of an existing Lonicera tree. The inclusion of a new grass verge will create an open, more welcoming feel to the area with clear sightlines. Four new donkey birch trees are also proposed just inside the site's northern boundary & together the new hedgerow and trees will provide visual continuity, whilst also providing a green buffer between the public space and the new residential accommodation.

Shrubs and ornamental planting are proposed on the inside of the perimeter hedge areas, providing an attractive outlook for the residents, whilst also providing further screening and privacy to the boundaries.

Within the central and southern parts of the site, the main landscape features are the retained trees set within the grassed areas. The mature trees to be

retained are T7 (Oak), T9 (Oak), T9 (Oak), together with the two oak trees, (T11 & T12) sited outside of the site, adjoining the southern boundary. The large retained trees provide an established mature setting for the new landscape & communal areas, creating a visual enclosure to the new building and filtering views to it from the south and west.

1b Schwegler type bird boxes are proposed for the existing trees and will be installed in accordance with the manufacturers recommendations. Each box will be positioned at least 3 metres above the ground to avoid disturbance and located on a north or east face.

Swaths of native bulbs are proposed across the site, randomly planted to provide a returned appearance in the grassed areas and provide seasonal colour and interest.



PROPOSED ELEVATION PLANS

DO NOT SCALE DRAWING

- GENERAL NOTES:**
- EXTERNAL FINISHES**
 - ROOF SYSTEM**
BALDWIN roof and system (Baldwin 2 layer membranes) or similar approved
 - WALL CONSTRUCTION**
Fibrecrete Block - 1500 Concrete/Block - Block or similar approved
 - WALL CLADDING**
High quality 'Citra' coloured cladding system
 - DOOR/ CURTAIN WALL SYSTEM**
Aluminium window/ doors and curtain wall performance glazing system (Colour TBA)
 - WINDSCREENS**
Aluminium window and doors high performance glazing system (Colour TBA)
 - BALUSTRADE SYSTEM**
Structural Glass System to external 'private' covered area
 - PV SYSTEM**
Photovoltaic Panels to meet exact details TBA. Subject to Electrical Engineers recommendations/ client requirements
 - FENCING**
1800mm High Steel Backstop Fencing
1800mm High Timber Chain Link Fencing



Footpath to the rear of the proposed development. Retained

PROPOSED NORTH EAST ELEVATION IN CONTEXT 1:100



Footpath Retained

Existing Trees Retained

PROPOSED NORTH WEST ELEVATION IN CONTEXT 1:100

No	Description	Date
1	ELEVATIONS AND EXTERIOR ACCORDANCE WITH PLANS	09/19



Colchester, Axminster & Taunton, Axminster & Taunton

PROJECT: PT-17-706-The Dell, Prestatyn

THIS PROPOSED NORTH EAST ELEVATION / NORTH WEST ELEVATION - CONTEXT

DESIGNED BY: SIR DDINBYCH DENBIGSHIRE

SCALE: AS SHOWN

DRAWING NUMBER: RBA STAGE 3

AL (0) 121

PROPOSED ELEVATION PLANS

DO NOT SCALE DRAWING

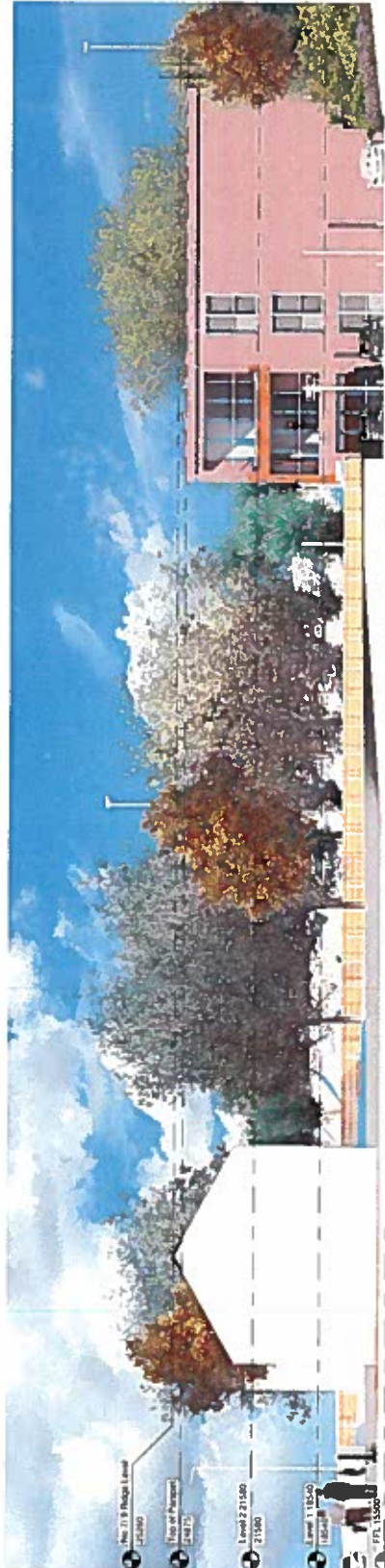
GENERAL NOTES:

- EXTERNAL FINISHES**
- ROOF SYSTEM**
BALDUR roof and system (Baldur 2 byse membrane) or similar approved
- WALL CONSTRUCTION**
FiberReck Brck - 1500mm Slabs - Backfill or similar approved
- WALL CLADDING**
High quality 'Dixie' coloured cladding system
- DOOR/ CURTAIN WALL SYSTEM**
Aluminium windows, doors and curtain wall system with performance glazing system (Colour TBA)
- WINDOWS**
Aluminium windows and doors - High performance glazing system (Colour TBA)
- BALUSTRADE SYSTEM**
Structural Glass System in external 'private' covered area
- PLY SYSTEM**
Preventative Panels to roof - exact details TBA Subject to Electrical Engineers recommendations/ cost requirements
- FENCING**
1800mm High Timber Clade Board Fencing



Footpath Retained

PROPOSED SOUTH WEST ELEVATION IN CONTEXT 1:100



No. 21 9 The Dell

PROPOSED SOUTH EAST ELEVATION IN CONTEXT 1:100

Rev	Description	Date
1	ELEVATIONS APPROVED IN ACCORDANCE WITH PLAN	09/19



Cyfeirnod, Aeddfau a Ffôn
Ffôn: 01772 891111

PT-17-1706-The Dell, Prestatyn

TITLE
Proposed South West Elevation/
South East Elevation - Context

DESIGNED BY DDCS
DATE 08/19
SCALE AS SHOWN
CONTRACT STAGE RIBA STAGE 3
DRAWING NUMBER
REV AL (0) 120
A

PROPOSED GROUND FLOOR PLAN



Office: Aberystwyth, G.C. Penrhos
 Design: Construction and Planning

Scale: 1:500

The Dell, Prestatyn

Plan No: P7_17_706

RIBA Stage 3 MDC

13.06.2018 1:50 @A1

Proposed Ground Floor
 General Arrangement Plan

AL(0)111 E

Schedule of Accommodation

Category	Apartment	Area (sqm)	Count
2 No. 2 Bed CAT 3 Wheelchair User Apartments	Appt 01	83m ²	2
	Appt 02	83m ²	2
3 No. 1 Bed CAT 3 Wheelchair User Apartments	Appt 03	58m ²	3
	Appt 04	41m ²	3
* 11 Balceny areas not included			



1 BED CAT 3 WHEELCHAIR USERS APARTMENTS

2 BED CAT 3 WHEELCHAIR USERS APARTMENTS

WARD :	Prestatyn Central
WARD MEMBERS:	Cllr Tina Jones (c) Cllr Hugh Irving
APPLICATION NO:	43/2018/0900/ PF
PROPOSAL:	Demolition of existing dwelling and erection of 15 no. unit residential apartment block; construction of a new vehicular access and associated works
LOCATION:	1 The Dell and Land to rear of The Dell Prestatyn LL19 8SS
APPLICANT:	Denbighshire County Council
CONSTRAINTS:	Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

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

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“Objection. Over intensification of site and overbearing impact upon neighbouring properties. Concerns about capacity of existing drainage system and access points. Development out of character, increased flood risk, number of apartments has increased since original consultation. Loss of wildlife habitat and trees. Bat habitat requires protection; Insufficient parking, concerns about security and lack of fire safety information, insufficient parking. Destruction of ancient woodland”

NATURAL RESOURCES WALES

No objection to the proposal subject to conditions requiring the submission of a bat survey of a mature ash tree on site and also compliance with the Reasonable Avoidance Measures set out within the ecological report.

DWR CYMRU / WELSH WATER

No objection subject to the inclusion of standard conditions and advisory notes.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objections, there are no archaeological implications for the development proposal.

CLWYD BADGER GROUP

There are concerns relating to the development. No records of setts on the development site itself but aware of badger activity on the site and surrounding area.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection subject to standard conditions including a Construction Method Statement and

submission of further design details.

Pollution Control Officer
No objections

Ecologist
No objection subject to the inclusion of conditions requiring compliance with mitigation measures within the ecological report; timing of works outside the bird breeding season; requirement to submit a light spillage scheme and details of provision for roosting bats and nesting birds within the proposed new building.

Flood Risk Manager
No objection

Tree Specialist
No objection subject to the inclusion of a condition requiring a detailed landscaping scheme and a revised Arboricultural Method Statement (AMS).

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mrs C L Hodson, 4 The Dell, Prestatyn
Glenn Nield-Siddal, 3 The Dell, Prestatyn
Tracy Pierce, 7 Ffordd Penrhwyllfa, Prestatyn
Andrew Scott, 11 The Dell, Prestatyn
Christopher Hodson, 4 The Dell, Prestatyn
Darren Hughes & Laura Howard, 7 The Dell, Prestatyn
David Cooper, 8 Maes Tegid, Prestatyn
Andrea & Stephen Duffy, 8 The Dell, Prestatyn
Claire & Steven Jones, 12 The Dell, Prestatyn
Gareth and Lesley Lloyd-Williams, 5 The Dell, Prestatyn
D Terry, 1 Maes Tegid, Prestatyn
Paul Penlington, 9 The Dell, Prestatyn
Tharanga Ekanayake, 2, The Dell, Prestatyn
Elaine Raven, 54/56 Meliden Road, Prestatyn
Linda Muraca, Old Fallings, 9 Mostyn Avenue, Prestatyn
Karen Beattie, 61 Victoria Road West, Prestatyn
Ian Scott on behalf of Prestatyn and Environment District Association

Summary of planning based representations in objection:

Visual Impact

The appearance of the apartments is incongruous in style, imposing in size and will dominate the area; the proposed design of the proposal makes no attempt to tie in with the character of development in the area; the proposed building, by virtue of its height, bulk and design will totally dominate the skyline and will be visually intrusive; out of keeping with woodland area;

Residential Amenity Impacts

It will be overbearing and visually intrusive when viewed from the rear windows and rear gardens; The first and second floor windows and balconies on the proposed south-west elevation would directly overlook the rear amenity areas and the detailing would allow people to stand and look directly at rear windows of bedrooms in the back of the properties on The Dell; uncertainty over detailing of boundary treatments with conflicts between plans/ Design and Access Statement; Light pollution concerns from new development

Highways and Parking

The Dell is a very quiet cul-de-sac but the junction onto Fforddisa is already very dangerous, The additional traffic onto Fforddisa and The Dell will make this worse and visibility standards will not cope with additional traffic on the same junction, the incline and curve on the old railway bridge impacts on the junction safety; The Dell is already congested with difficulties experienced in existing the junction due to the incline of the old railway bridge; delivery and other vehicles park on The Dell to use the convenience store so the new access will lose parking for them; access arrangements on to

a busy road with poor visibility is not suitable for elderly people; there is insufficient parking as the nature of the use may require health professionals to visit regularly; it will be difficult for wheelchair users to use public transport without having to go to the main bus station;

Impact on local wildlife and trees

The site support foxes, badgers and a number of other species, the development would have an adverse impact on them; loss of trees will impact on the character of the area; local residents have observed and can evidence that badgers use the site; questions the adequacy of surveys; the ecological assessment relies heavily on data obtained from Cofnod which is a cause for concern; lighting could impact on local wildlife.

Drainage and flooding

Concerns relating to the connection to existing drainage system which can hardly cope now; the current site has a stream running underneath the development will remove a natural soak away and will increase the risk of flooding; the current drainage system is inadequate and the top of Ffordd Isa floods whenever there is heavy rain; Supports the principle of the development but has concerns relating to rainwater and drainage issues.

A detailed representation has been received raising concerns in relation to the drainage details including uncertainties and recommendations relating to potential flooding and drainage systems.

Contamination

The proposal has identified several hazardous materials in the soil of the site and it's containment has not been dealt with adequately.

Inclusive Design

Inclusive design should be at the heart of the scheme and it is not considered this is the case; questions the adequacy of the Design and Access Statement and detailing of the proposal

General Comments

The Prestayn/Dyserth walkway is very well used and links to other footpath networks, the building proposed is not in keeping with the surrounding area and it would damage the tourism in Prestatyn as a result as the development will encroach on the walkway, disrupting the peacefulness that the walkway represents.

Safety of locals and children using the walkway through the site will be impacted during building works.

Led to believe that due to ground conditions that piling will be needed.

Accommodating people in such an isolated environment would contravene the Well Being and Future Generations Act/Disability Act and segregating rather than including them.

EXPIRY DATE OF APPLICATION: 12/12/2018

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 This is a full planning application proposing the construction of a 15 unit residential apartment block together with the construction of a new vehicular access and associated works.

1.1.2 The site measures 0.33 hectares in area. It is occupied by a vacant bungalow No. 1 The Dell , which fronts on to a residential cul de sac.

The main elements of the proposal are:

- The demolition of the bungalow at no 1, The Dell in order to form a vehicular access off The Dell
- The erection of a 3 storey block containing 15 apartments, with 5 units on each floor.
- The footprint of the proposed apartment block would be rectangular in shape with a footprint measuring approximately 27.5m by 18m.
- The roof of the apartment block would be flat with a height of approximately 8.5m.
- The building would be constructed using a reddish brick and cladding, with aluminium windows.
- The 15 apartments would comprise a mix of 8no. 2 bed apartments and 7no. 1 bed apartments.
- On the ground floor, 5 no. 'Category 3' units are proposed, these being designed for wheelchair users.
- On the first and second floor, 10 no. 'Category 2' units are proposed, these being designed as 'accessible and adaptable' apartments.
- Each floor would be accessed by stairs or lift with a lobby and storage areas provided for each unit
- A vehicular access is proposed off The Dell and some realignment is proposed of the existing foot/cycle path linking to the Prestatyn / Dyserth Walkway.
- Provision of parking facilities for 16 car parking spaces, including 5 for disabled persons.
- Provision of a bicycle storage area
- New boundary fencing with additional hard and soft landscaping.

1.1.3 Along with the plans, a number of documents have been submitted in support of the application:-

- * Planning, Design & Access Statement
- * Pre Application Consultation Report
- * Ecological Appraisal
- * Tree Survey Assessment
- * Arboricultural Method Statement
- * Flood Consequences Assessment and Drainage Strategy
- * Ground Investigation Reports and Remediation Strategy

The main plans and illustrations are attached at the front of the report and included below is an illustration of the elevation when viewed on approach from The Dell, taken from the Design and Access Statement:-



1.2 Description of site and surroundings

1.2.1 The application site comprises a predominantly vacant piece of land located to the rear of residential properties fronting The Dell. A detached bungalow property currently occupies the front portion of the overall site. The site is covered in grass, vegetation and trees.

1.2.2 The Dell is a residential cul de sac of 2 storey properties, with the exception of 1, The Dell which is a bungalow. The Dell is accessed off Fforddisa.

1.2.3 Running along the northern boundary of the site inbetween the application site and Fforddisa is a band of vegetation and trees running parallel with the road and there is a bitmac footpath route which links to the main Prestatyn to Dyserth Walk Way which runs along the rear (eastern) boundary of the site.

1.2.4 Ground levels on the site itself are relatively level with a slight fall in an easterly direction from The Dell, which then rises slightly near the walk way. The application site is at a lower level than the adjacent road, Fforddisa.

1.2.5 The predominant land use in the locality is residential with a 'Londis' convenience store located at 2, The Dell which fronts on to Fforddisa. The plan attached at the front of the report indicates the site and surroundings.

1.1 Relevant planning constraints/considerations

1.1.1 The site is within the development boundary of Prestatyn on the proposals map of the Local Development Plan (LDP).

1.1.2 The site has no specific use designation in the LDP.

1.2 Relevant planning history

1.2.1 None

1.3 Developments/changes since the original submission

1.3.1 An Arboricultural Method Statement has been submitted.

1.4 Other relevant background information

1.4.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Access For All](#)

Supplementary Planning Guidance Note: [Affordable Housing](#)

Supplementary Planning Guidance Note: [Conservation and Enhancement of Biodiversity](#)

Supplementary Planning Guidance Note: [Parking Requirements In New Developments](#)

Supplementary Planning Guidance Note: [Recreational Public Open Space](#)

Supplementary Planning Guidance Note: [Residential Development](#)

Supplementary Planning Guidance Note: [Residential Space Standards](#)

Supplementary Planning Guidance Note: [Trees & Landscaping](#)

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

TAN 2: Planning and Affordable Housing (2006)

TAN 12: Design (2009)

TAN 18: Transport (2007)

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 Density of development

- 4.1.3 Visual amenity/character of area
- 4.1.4 Residential amenity
- 4.1.5 Ecology and Trees
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Affordable Housing
- 4.1.9 Open Space
- 4.1.10 Education
- 4.1.11 Inclusive Design
- 4.1.12 Contamination

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

The site is located within the development boundary of Prestatyn, which is designated as a Lower Growth Town in the adopted Local Development Plan.

Although the site is not allocated for a specific use in the LDP, the principle of developing land within a development boundary as a 'windfall' site involving provision of 15no. affordable 1 and 2 bed units specifically designed for people with limited mobility is consistent with the intentions of the Local Development Plan and the Council's Corporate Plan in helping to achieve housing need targets, and to meet demands for specialist housing designed for people with limited mobility.

Officers would suggest the acceptability of the particular proposals therefore has to rest on the local impacts, which are reviewed within the following sections of the report.

4.2.2 Density of development

Policy RD1 test ii) states that a minimum density of 35 dwellings per hectare (d/ha) should be achieved in order to ensure the most efficient use of land, and that these minimum standards should be achieved unless there are local circumstances that dictate a lower density.

The site area in this instance is indicated as 0.33 hectares. The proposal is for the erection of 15 apartments within a three storey block. This represents a density of around 78d/ha. With regard to the minimum density requirement in Policy RD1, Officers would comment as follows. This minimum requirement has been established to enable the most efficient use of land for housing development. It should be noted that this would traditionally apply to the density of housing schemes which would contain predominantly individual dwelling houses and not apartment blocks. In this case as the scheme involves a single block of 15no.apartments Officers feel that a 78d/ha density is acceptable. This is having regard to the fact the recent Grange Hotel apartment scheme granted by this Planning Committee had a density of some 186d/ha.

Officers are of the opinion that the density of development proposed, having regard to the overall size of the site and the type of residential accommodation, is acceptable in principle.

4.2.3 Visual amenity/Character of Area

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.

Representations have been received which raise concerns about the type of accommodation proposed having regard to its, scale, design, appearance and whether it is appropriate for the character of the area.

The proposed apartment block would be set back behind existing properties on The Dell with the vehicular access proposed in the location of the current bungalow at 1, The Dell, which would be demolished as part of this proposal. The apartment building would be sited approximately 47m back from the edge of the highway at The Dell.

In relation to the siting of the building in relation to its boundaries and with adjacent dwellings (see the plans at the front of the report), it is not considered that it would appear out of keeping or cramped up against existing development. There is reasonable space proposed within the site for access and parking, servicing, and landscaped areas around the building.

The building proposed is 3 storey in height, with a flat roof and a height of 8.5m. It is proposed to face the external walls with bricks and cladding. Details of the brick and cladding have been suggested within the application. The illustrations submitted with the application show 'orange' coloured cladding, which Officers consider would be inappropriate in this location. If planning permission were to be granted, it is suggested that a condition is attached requiring the submission and approval of the details of the materials along with samples to ensure they are appropriate for the area.

Looking at the wider context, whilst the design approach adopted for the site is modern and differs from the style of the residential properties on The Dell (which were built in the earlier part of the 20th century), the apartment block proposed would be a stand alone development set back from the road frontage and the design approach adopted is not considered inappropriate in this context.

The development of a site of this nature in close proximity to very well used walk ways, would inevitably impact on the visual appearance and character of the area. However, taking all the factors into account, the scale, design and appearance of the proposed apartment block is considered acceptable and it is considered an appropriate standard of development can be achieved. Site section plans have been submitted with the application showing the finished floor levels which suggest the height of the building would not be dissimilar to the 2 storey semi detached properties on The Dell. The use of appropriate materials, boundary treatments and hard and soft landscaping will be important and these matters can be controlled through suitably worded planning conditions.

Overall, and subject to appropriate detailing the proposed apartment block would not be considered out of character within the area and would not result in any significant adverse impacts on visual amenity.

4.2.4 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of

development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

Representations have been received raising residential amenity concerns, with particular concerns relating to privacy, outlook and overbearing impact raised. Comments have also been raised in relation to lighting impacting on nearby properties.

In respecting the concerns of local residents, having regard to the relationship and distance of the apartments block in relation to the properties on The Dell that back on to the site, Officers' opinion is that the impact on these properties would not be unacceptable.

In relation to 3, The Dell; this property is a 2 storey semi detached house fronting The Dell. The rear garden of this property shares a boundary with the application site and the distance from the rear of no 3 to the front elevation of the apartment block is 31m. At the closest point, there is a distance of 15m from the front elevation of the apartment block to the rear garden boundary of no 3. There a mature tree within the rear garden of this property.

In relation to 5, The Dell; this property is a 2 storey semi detached house fronting The Dell. The rear garden of this property shares a boundary with the application site and the distance from the rear of no 5 to the front elevation of the apartment block is also 31m. At the closest point, there is a distance of 12m from the front elevation of the apartment block to the rear garden boundary of no 5. There is also a mature tree within the rear garden of this property.

In relation to 7 and 9 The Dell; these properties are a pair of 2 storey semi detached houses fronting The Dell. The rear gardens of these properties share a boundary with the application site and abut a proposed parking area for the apartments.

With regard to the concerns of local residents, the adopted Residential Development SPG suggests the minimum distance which should be sought between the backs of residential properties to limit overlooking etc. should be 21m. This distance is clearly achieved in this case as there is a distance of 31m between the new development and the rear elevations of no's 3 and 5 The Dell, which are the only 2 properties that directly face the front elevation of the proposed apartment block. Distances of between 12m and 15m are achieved to the rear garden boundaries with these properties and therefore it is considered the windows and enclosed balconies located on the proposed apartment block would not result in any direct overlooking of existing properties or rear gardens.

In relation to No 7 The Dell, which has a long rear garden in excess of 30m, the garden boundary would abut a proposed car parking area and the corner of the proposed apartment block is located approximately 9m away from the rear garden boundary of no. 7. Given the distance and relationship of the development in relation to the property at no. 7 and its rear garden, it is not considered that the proposal would result in any significant adverse impact on the level of amenity currently enjoyed by this property.

The property at No 9 The Dell also has a long rear garden which is in excess of 35m. The garden boundary would also abut a proposed car parking area and the closest part of the proposed apartment block is 14m away from the rear garden boundary of no. 9. Again, given the distance and relationship of the development in relation to the property at no. 9 and its rear garden, it is not considered that the proposal would result in any significant adverse impact on the level of amenity currently enjoyed by this property.

Whilst it is accepted that the outlook of these properties will be affected by developing the site, it is not considered that the degree of harm would be sufficient to justify a refusal of permission, given the relationship with existing dwellings and the detailing of the proposed development.

In relation to the standard of amenity afforded to future occupants of the proposed apartments, the floorspace of the 1 and 2 bed apartments exceeds the minimum floorspace standards in the Residential Space Standards SPG. Each unit is proposed with storage facilities and the majority of the units are provided with an enclosed balcony space along with use of a communal external amenity area. Car parking spaces for 16 cars is provided within the site. In terms of the amenity standards of potential occupiers, the level of amenity afforded both internally and externally to the potential occupiers is considered acceptable.

In relation to external lighting, no details have been submitted with the application for consideration. Given the nature of the site and proximity of the development to existing residential properties it is considered appropriate to request the submission of lighting details as a planning condition.

4.2.5 Ecology and Trees

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

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

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

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

Representations have been made raising concerns over the impact on local wildlife and habitat, along with the destruction of ancient woodland, including from Clwyd Badger Group and Prestatyn and District Environment Association.

An Ecological Report, Tree Survey and Arboricultural Method Statement have been submitted with the application, and the Council's Ecologist and Tree Specialist have been consulted.

In relation to ecological matters, the Council's Ecologist has raised no objection to the proposal subject to a number of conditions including the need to follow the Reasonable Avoidance Measures set out within the Ecological Appraisal, the need to submit lighting details to avoid any adverse impact on bats, the need to incorporate provision for bats and birds within the development such as bat and bird boxes and also that the timing of any development involving clearance or tree removal takes place outside the bird breeding season.

In relation to the concerns raised by the Clwyd Badger Group and Prestatyn and District Environment Association, the views of the County Ecologist have advised that : "The ecological report for this application has been thorough, and while badgers may be using the site to forage, there are no setts present which would need to be

mitigated as part of the development. There is an agreement that the proposed development site may be used by foraging badgers, however, the footprint of land being lost to development is very small. When considered in the context of the wider area, it is not considered that this development poses a threat to local badger populations, or individual badgers or setts”.

Prestatyn & District Environment Association comment on the ecological assessment of the site. Having reviewed the Ecological Report, the County Ecologist has no concerns with the level of ecological survey carried out, or the findings of the report, which are in line with good practice guidance and common industry standards. It is not considered that the assessment places too much weight on the data provided by Cofnod, and whilst it is agreed that environmental records are not conclusive and may not reflect the situation on site accurately, in this instance they were backed up with a full ecological walkover of the site by suitably qualified ecologists to record potential and evidence of protected species present.

While the site may support numerous common species, it is only those which are offered legal protection or included on the Environment Act Section 7 list which are given weight in the planning process.

In consideration of all relevant matters in respect of ecology, the County Ecologist considers that the recommendations in the ecological report and if the planning conditions which have been suggested are imposed would ensure that the proposed development will not have a negative impact on protected species or species of conservation concern.

In relation to the trees, for clarity, the site is not designated Ancient Woodland and there are no Tree Preservation Orders on the trees. The proposal does propose the removal of some trees within the site to facilitate the development, however these are a small number of poor quality (Category U) trees. The Council's Tree Specialist has been consulted and considers the removal of trees highlighted are acceptable. The Tree Specialist does however have some reservations relating to the retention of trees T6, T7 and T9 whilst incorporating the car parking, access drive, underground services and drainage system - however none of the trees are considered to be Category A trees which are considered to be trees which must usually be retained as part of development.

The site's development will impact on the area's character and the direct and potential indirect loss of trees, however these losses can be mitigated, in part, by carefully considered hard and soft landscaping. This could include hedge planting along the boundary to the footpath, replacement tree planting using small to medium species, shrub planting to the front of the building and wooden fencing.

In the event that planning permission is given, the Tree Specialist has suggested a planning condition is included requiring a revised Arboricultural Method Statement which takes into account the above concerns along with a landscaping scheme.

4.2.6 Drainage (including flooding)

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

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

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

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

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

Representations have been made raising concerns that the development would give rise to flooding and drainage problems in the area.

Factually, the site is not located within an area shown at risk of flooding in the Development Advice Maps accompanying TAN 15 – Development and Flood Risk.

Dwr Cymru Welsh Water (DCWW) have raised no objection to the drainage proposals. DCWW have reviewed the Drainage Strategy and proposed drainage layout, which proposes for foul flows to be disposed of via the public sewerage system and surface water is to be discharged into the public surface water sewer at a rate not exceeding 5 litres per second. 2 attenuation tanks are indicated on the drainage layout plan.

The Council's Flood Risk Manager has raised no objection to the proposed drainage Scheme. The surface water from the site will be attenuated at an agreed rate into the public surface water system as accepted by DCWW, and the agreed rate is easily achievable within the site. Whilst reference has been made within some of the consultation response to incidents of surface water flooding, neither the Council or DCWW have any records of these.

On the basis that the site is not within a Flood Zone, and with regard to the responses of the drainage consultees, it is not considered there are any flooding or drainage concerns here. A Drainage Strategy and layout have been submitted with the application and no objections have been raised to these by DCWW or the Council's Flood Risk Manager.

4.2.7 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.

Representations have been submitted relating to the impact of the proposal on highway safety within the area.

The Highway Officer has assessed the application and the information submitted and not raised any concerns in relation to the proposal in respect of impact on the local highway network, access and egress arrangements, pedestrian/cycle links and parking provision.

The plans show the proposal to form a new vehicular access off The Dell to the north of no. 3 The Dell and south of the existing bitmac foot/cycle path. The proposal is to form a single access point leading to the apartment block with a turning area and 16 car parking spaces. The proposal also includes the realignment of the foot/cycle path on the eastern section within the site and it will continue to meet the Prestatyn to Dyserth Walk Way.

In noting the various concerns, it is significant that the Highway Officer has no objections to the proposal subject to the agreement to final details and there are no concerns in respect of the adequacy of the local highway network. In relation to the parking provision for 16 cars, the number of spaces is considered acceptable having regard to the nature of the development which consists of smaller units, and also to the proximity of the site to a good foot/cycle network, the town centre, local services and public transport links.

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

4.2.8 Affordable Housing

The Local Development Plan includes a number of policies which may be relevant to the provision of affordable housing within and outside identified settlement boundaries, in support of its strategies for meeting the needs of a growing population. The policies have been developed with regard to the objectives in Chapter 9 of Planning Policy Wales, and Technical Advice Note 2: Planning and Affordable Housing in relation to new housing provision.

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units. The policy refers to the detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision.

Policy BSC 1 sets an expectation that developers should provide a range of house sizes, types and tenures to reflect local need and demand.

The application has been submitted by the Council's Facilities, Assets and Housing Service. The proposal is to provide 15 affordable 1 and 2 bed apartments consisting of 5 'Category 3' wheelchair users apartments on the ground floor with 10. 'Category 2' accessible and adaptable apartments on the first and second floors. The units will be provided for social rent managed by the Council.

Single Access Route to Housing (SARTH) waiting list indicates that Prestatyn has the highest social need and demand for housing in the County as of May 2018. The housing need in the area is predominantly more for smaller 1, 2 & 3 bedroom accommodation.

The Prestatyn housing market area contains 2,904 residents who are limited 'a lot' and a further 2,643 who are limited 'a little'. This accounts for 13.75% and 12.52% of the overall population. These figures are above that of Denbighshire's levels, such a skew is highly likely to be caused, to some degree, by the age profile.

In conclusion, the proposed development is for 15. accessible and adaptable

dwellings in a central location in Prestatyn. Due to the demographic of the area and the lack of this kind of accommodation in general both in private and public housing stock, from a strategic housing perspective the proposals are supported. The proposal will also contribute to the Council's Corporate Plan priority of delivering additional affordable and suitable housing mix in the County.

4.2.9 Open Space

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

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

The submission refers to the accessible location of the site and its proximity to the public open space and park on Fforddisa. However, it has been agreed that a financial contribution towards the provision of off- site open space will be made in accordance with the SPG, totalling £18,558.24.

The applicant has agreed to this contribution, and the arrangements would be secured by a planning condition (a legal agreement is not suitable in this instance as the Council is the applicant).

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

4.2.10 Education

Objective 12 of Chapter 4 of the Local Development Plan identifies that the Plan will ensure that an adequate level of community infrastructure (including schools) will be provided alongside new developments. Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development.

The Planning Obligations SPG states that Education contributions will be sought from proposed developments which comprise of 5 or more dwellings, or a site area of 0.2 hectares or more, that have the potential to increase demand on local schools. Within paragraph 13.6 of the SPG, there are exceptions set out in relation to the provision of school places based on the type of residential development proposed and the SPG states that contributions will not be sought in the following circumstances:-

- 1) Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more) and also
- 2) 1 bed dwellings or 1 bed apartments or flats.

The proposed development is for 15 affordable housing apartments and of the 15 units, 7 of the units are 1 bed units. The Council's Education Section have been consulted and have based on the SPG have made calculations on the basis of the 8no. 2 bed units within the development only. On the basis of the current school roll information available, there is capacity at both primary and secondary school level therefore no contribution towards education is required.

4.2.11 Inclusive Design

Local Development Plan Policy RD1 test (vii) sets out the need to provide safe and convenient access for disabled persons. The requirement to embody the principles of inclusive design in development proposals is set out in Planning Policy Wales (Section 3.4) which outlines accessibility considerations to be given to all development proposals, reflected in TAN 12 Design, TAN 18 Transport, and through the obligation to submit Access Statements as part of most planning applications.

A detailed representation has been submitted with concerns relating to the detailed design and accessibility of the apartments.

The proposal has been submitted with a Planning, Design and Access Statement which explains the apartments are designed for persons with differing levels of mobility. The actual categories are described below:

Category 3: Wheelchair user dwellings

This requirement is achieved when a new dwelling provides reasonable provisions for a wheelchair user to live in the dwelling and have the ability to use any outdoor space, parking and communal facilities.

Category 2 – Accessible and adaptable dwellings

This requirement is met when a new dwelling provides reasonable provision for most people to access the dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.

The Accessibility proposals have been designed in accordance with TAN 12: Design (2016), Denbighshire County Council SPG: Access for All, BS8300: 2018, Equality Act 2010, 'Lifetime Homes' and consideration of Part M of the Building Regulations: England 2015.

For clarity, the approach adopted for the consideration of Part M of the Building Regulations of England (2015) was due to the fact that the current English standards exceed the Welsh approved document and are therefore deemed Best Practice.

Concerns have been raised with regards to the sustainability of the building taken into consideration of the changing need and capabilities of residents. The apartments have been designed specifically as Category 3 and Category 2, with lift access (EN81- 70:2003 Lift Standards Compliant) and an ambulant disabled stair providing access to all apartments on all floors for residents, users and visitors. The main entrance and individual apartments have level access thresholds throughout, increased door widths, wheelchair transfer areas and level access bathrooms within the apartments. Hoists and adjustable height kitchen units will be provided to the ground floor apartments (Category 3) and apartments will have access to a covered balcony area.

All ground floor apartments have been designed in accordance with Category 3. With regards to 'assisting with independent living by enabling convenient movement between bedroom and bathroom' all Category 3 apartments will be fitted with a ceiling track hoist 'H' track system. Access provided directly from bathroom to bedroom. With the exception of the ground floor apartments (Category 3) all other apartments have been designed in accordance with Category 2. Allowance has been made for potential future works in the form of the general arrangement between the bedroom and bathroom and the building structure. If required, direct access could be added between the rooms to accommodate a ceiling track hoist as Category 3 assisting with independent living.

All bathrooms within the development are fully accessible consisting of an

installed level access shower and is constructed as a wet room in accordance with approved documents. Kitchen layouts within Category 3 apartments are fully accessible and partially accessible in Category 2 apartments.

In relation to the concerns raised regarding balcony area access, level thresholds will be provided to all covered balconies in Category 2 and 3 apartments.

In relation to the type of lift, the proposed lift is detailed as an 'evacuation lift' in that it draws its power from an 'essential services board' which is the first connection on the mains entering the building, and that it is separated and protected from the remainder of the plant room by fire resisting construction of not less than 60min.

Access to the apartment building for residents would be via a fob / card entry system, controlled via a reader at the main door entrance and each landing entrance door (residents can only access their own landing). Visitors to the apartments would need to access the building via the video entry system located at the main door entrance & each landing entrance door and controlled by the residents in each apartment. The approach to the power operated door system will be well defined, level and safeguarded in relation to pedestrian flow. Activation controls will be located at a height between 750 mm and 1000 mm from finished floor level, contrasting visually with the surrounding background.

Pedestrian routes within the development and surrounding area are illuminated as areas outside of the development are public footpaths. Although the existing footpaths running along the boundaries of the site are well used by local residents, it is intended that the new development would have an outlook over the open areas and footpaths which would also assist with the self-policing of these areas and provide a safer off road route for pedestrians, cyclists and existing local residents.

Externally, grassed areas to the north-east and west of the site. Additional landscaping is proposed. Consideration to parking facilities and access from the accessible bays to the building entrance has been designed in accordance with approved guidance. Accessible bays have been provided in accordance with BS8300 and are situated as close as feasible to the accessible entrance to the building. Level access is provided from the accessible bays to the adjacent path avoiding travel behind parked cars. Overhead cover has been provided along the perimeter of the building, a projection of approximately 1200mm from the building with the main entrance set back approximately 6500mm providing sufficient weather protection/ covered area for residents/ visitors. Transfer space and wheelchair/ scooter store is provided within all apartments in accordance with Cat 3 approved document M with power socket.

Access routes to and around the proposed development, including gradients, widths, surfaces etc have been designed in accordance with TAN 12 : 'Design' 2016, Denbighshire County Council SPG: Access for All', BS8300 : 2018, Equality Act 2010, 'Lifetime Homes' and consideration of Part M of the Building Regulations : England 2015.

In conclusion, it is considered that the proposal demonstrates that the development would achieve an accessible and inclusive environment meeting the needs of potential residents of all needs.

4.2.12 Contamination

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Planning Policy Wales. This requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council should require details prior to determination of an application to enable the beneficial use of land.

Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. PPW states that if contamination cannot be overcome satisfactorily, the authority may refuse planning permission.

Representations have been submitted questioning whether contamination is being dealt with adequately.

The application has been submitted with a Stage 1 and 2 Contaminated Land and Geotechnical Assessment along with a separate Remediation Strategy.

Historical records indicate that the site existed as parcels of open land slightly encroaching onto an adjacent railway line to the northeast with an embankment shown to be present along the northwest boundary. Between 1915 and 1938 the west of the site was partially developed for housing.

In relation to soil contamination, elevated concentrations of lead, cadmium and zinc were detected within the shallow soils across the site with the highest concentrations detected in the northeast corner. These concentrations are likely to be attributable to either made ground associated with the historic railway line directly to the east of the site that connected to the former Talargoch Lead Line in Meliden, and/or the presence of natural mineral deposits (vein erosion materials within the glacial till). As a result of soil contamination, groundwater collected on the site also exceeded standards.

In relation to remediation, the strategy submitted addresses the contamination identified and the objectives are to:

- Break potentially significant future pollutant linkages resulting from the change in land use;
- Remove/remediate significant pollution sources that a risk to man and/or environment if identified during works;
- Respond appropriately to contingencies in particular the discovery of currently uncharacterised contamination;
- Manage all emissions to air and water to protect local residents, surface waters and groundwater, and the atmosphere during remediation works;
- Allow appropriate additional protection measures to be implemented during construction, specifically the provision of landscaping soils of suitable quality/thickness and the installation of ground gas/radon protection measures.

In conclusion, Officers are satisfied that contamination has been satisfactorily and thoroughly assessed with remediation of the appropriate level proposed.

Other matters

Change in proposal: Some comments have been received suggesting the number of apartments has increased since original consultation, however the Pre Application Consultation Report submitted with the planning application refers to 15 units.

Fire Safety: Some comments have been submitted relating to lack of information in relation to fire safety. Fire Safety issues are dealt with through the Building Regulations process.

Well – being of Future Generations (Wales) Act 2015

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 The principle of residential development is considered acceptable in this location within the development boundary of Prestatyn. The proposed development would provide 15 affordable, specialist housing units designed for use by persons with mobility limitations which would meet an identified need in the area.

5.2 It is not considered that there would be any adverse localised impacts in relation to visual or residential amenity and in highway and drainage terms the proposal is considered acceptable.

It is therefore recommended that permission be granted subject to the imposition of conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th December 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Proposed elevations (Drawing No. AL(0)124) received 21 September 2018
 - (ii) Proposed south west and south east elevations - context (Drawing No. AL(0)120 Rev. A) received 14 September 2018
 - (iii) Proposed north east and north west elevations - context (Drawing No. AL(0)121 Rev. A) received 14 September 2018
 - (iv) Proposed ground floor plan (Drawing No. AL(0)111 Rev. E) received 14 September 2018
 - (v) Proposed first floor plan (Drawing No. AL(0)112 Rev. E) received 14 September 2018
 - (vi) Proposed second floor plan (Drawing No. AL(0)113 Rev. E) received 14 September 2018
 - (vii) Perspectives 1,2,3 received 14 September 2018
 - (viii) Highways General Arrangement (Drawing No. V-R6516.00/000 01 A1) received 14 September 2018
 - (ix) Access Road and Car Park General Arrangement (Drawing No. V-R6516.00/000 02 A1) received 14 September 2018
 - (x) Proposed foul and surface water drainage layout (Drawing No. V-R6516.00/100 01 A1) received 14 September 2018
 - (xi) Existing site sections (Drawing No. AL(0)15 Rev. B) received 14 September 2018
 - (xii) Existing site plan (Drawing No. AL(0)10 Rev. B) received 14 September 2018
 - (xiii) Existing landscape layout (Drawing No. AZ027.05 Rev. A) received 14 September 2018
 - (xiv) Proposed soft landscape layout (Drawing No. AZ027.06 Rev. A) received 14 September 2018
 - (xv) Existing site sections (Drawing No. AL(0)16) received 14 September 2018
 - (xvi) Proposed site sections (Drawing No. AL(0)115 Rev. A) received 14 September 2018
 - (xvii) Proposed site sections (Drawing No. AL(0)110 Rev. I) received 14 September 2018
 - (xviii) Location Plan (Drawing No. AL(0)01 Rev. A) received 14 September 2018

Biodiversity

- 3 The development shall be carried out in strict accordance with the reasonable avoidance measures set out in Section 9.1.2 of the Ecological Report (Document Reference: 2320826 received on 14/09/2018).

PRE COMMENCEMENT

4. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained in relation to the provision for roosting bats and nesting birds within the development and shall include the number, location, and specification of these features. The approved measures shall be implemented in full.
5. In the event that the mature ash tree to the south of the application site (T12) is removed as part of the development proposal, a bat survey should be undertaken prior to the felling of the tree. The survey should be submitted to the Local Planning Authority prior to the removal of the tree with mitigation details provided and the development shall proceed in accordance with such approved details.
6. Prior to the installation of any lighting, an external lighting/internal light spillage scheme, designed to avoid negative impacts on Bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the approved details.
7. Works which could result in the damage or destruction of active bird nests must take place outside of the bird breeding season which runs March - August (inclusive), or immediately following a nesting bird check conducted by a suitably qualified ecologist.
8. No species listed on schedule 9 of the Wildlife and Countryside Act (1981), as amended, or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) shall be included in the planting scheme.

Materials, Landscaping and Trees

PRE COMMENCEMENT

9. Prior to the application of any external materials, full details and samples of the all external wall materials to be used in the construction of the apartments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
10. Prior to the development hereby permitted being brought into use a full hard and soft landscaping scheme including final details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with such approved details and completed prior to the occupation of any of the units hereby approved.
11. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the completion of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing

PRE COMMENCEMENT

12. No development shall be permitted to commence until revised Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The revised AMS should fully consider the car parking, access drive, underground services and drainage system. The development shall proceed in strict accordance with such approved details.

Drainage

13. Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or beyond manhole reference SJ06824.

14. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5 litres per second.

Highways

PRE COMMENCEMENT

15. Prior to the commencement of the development, the detailed layout, design, street lighting, signing, drainage and construction of the internal estate road, access to the site, realignment of existing foot/cycle route within the site and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.

PRE COMMENCEMENT

16. No works in connection with the development hereby approved shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
- a) the arrangements for the parking of vehicles of site operatives and visitors;
 - b) the location of any construction compound and measures to reinstate the land following completion of the works
 - c) the hours of site works and deliveries
 - d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary
 - e) the location of areas designated for the loading, unloading, and storage of plant and materials;
 - f) the proposals for security fencing or hoardings around the site
 - g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses
 - h) wheel washing facilities;
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - j) any proposed external lighting
 - k) the piling methods, in the event that this form of foundation construction is proposed

The construction phase works shall be carried out strictly in accordance with the approved elements of the Statement.

17. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 0.6 metres above the level of the adjoining carriageway.
18. Prior to the development being brought in to use, full details of the facilities for the parking and turning of vehicles within the site shall be submitted to and approved in writing by the Local Planning Authority. The car parking and turning areas shall be laid out and completed in accordance with the approved plan prior to the occupation of any of the apartments and shall therefore be retained for parking and turning purposes at all times.

Open Space

PRE COMMENCEMENT

19. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Open Space. The development shall proceed strictly in accordance with the approved arrangements.

Contamination

20. The development shall be carried out in strict accordance with the remediation measures set out in the Remediation Strategy Report (Document Reference: R2485-R02-V1) received 14/09/2018).

Reasons

Reason 1: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Reason 2: For the avoidance of doubt and to ensure a satisfactory standard of development.

Reason 3: In the interests of nature conservation

Reason 4: In the interests of nature conservation

Reason 5: In the interests of nature conservation

Reason 6: In the interests of nature conservation

Reason 7: In the interests of nature conservation

Reason 8: In the interests of nature conservation

Reason 9: In the interests of visual amenity and character of the area

Reason 10: In the interests of landscape, visual and residential amenity

Reason 11: In the interest of landscape and visual amenity

Reason 12: In the interest of landscape and visual amenity

Reason 13: To prevent the hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment

Reason 14: To prevent the hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment

Reason 15: In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

Reason 16: To ensure suitable arrangements are in place to control construction stage works, in the interests of residential amenity and highway safety, and to minimise the impact of this phase of the development

Reason 17: To ensure that adequate visibility is provided at the proposed point of access to the highway

Reason 18: 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.

Reason 19: To ensure compliance with the Councils open space policy

Reason 20: To prevent pollution of the environment

NOTES TO APPLICANT:

Notification of Commencement of Development and Display of Site Notice

The Development Management Procedure (Wales) (Amendment) Order 2016 places a duty on you to notify the Local Planning Authority of the commencement of development and to display a notice on site. You must complete and return a 'Notification of initiation of development' form and display a site notice (please find blank forms/notice attached). Further information relating to the requirements is available on the Planning pages at www.denbighshire.gov.uk or www.gov.wales/topics/planning.

In relation to Condition 4

It is preferable to incorporate these features within the structure of the proposed new building as these are discrete, maintenance free, and ensure the building remains suitable for protected species in perpetuity. Boxes such as the 1FR Schwegler Bat Tube, Ecosurve Bird Boxes, and Bird Brick Houses are all designed to be integrated into new builds. You are advised to discuss this with a suitable qualified Ecologist at an early stage in the development.

In relation to Condition 6

The light spillage scheme should follow the guidance set out in ""Guidance Note 08/18 Bats and artificial lighting in the UK, 2018"" (Bat Conservation Trust and the Institute of Lighting Professionals).

DCWW Advisory Notes

ADVISORY NOTE

The applicant may need to apply to DCWW for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (ie a drain which extends beyond the connecting property boundary) or via a new sewer (ie serves more than one property), it is not a mandatory requirement to first enter into a Section 104 Adoption

Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption"" (7th Edition). Further information can be obtained via the Developer Services pages at www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the application may contact DCWW. Under the Water Industry Act 1991 DCWW has rights to access to its apparatus at all times.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Highway Advisory Notes

Please be advised of the following Advisory Notes;-

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10
- (ii) New Roads and Street Works Act 1991-Part N Form
- (iii) Denbighshire County Council Specification for Road Construction.
- (iv) Denbighshire County Council General Notes for Highway Lighting Installations.
- (v) Denbighshire County Councils General Requirement for Traffic Signs and Road Markings.

Please be advised that a suitable highway legal agreement will be required for the adoption of the estate road and to contact Gail McEvoy on 01824 706882 before any work commences on site.

Natural Resources Wales - Advice for the Developer Waste

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:
<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:
<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Agenda Item 7

WARD : Rhyl South East

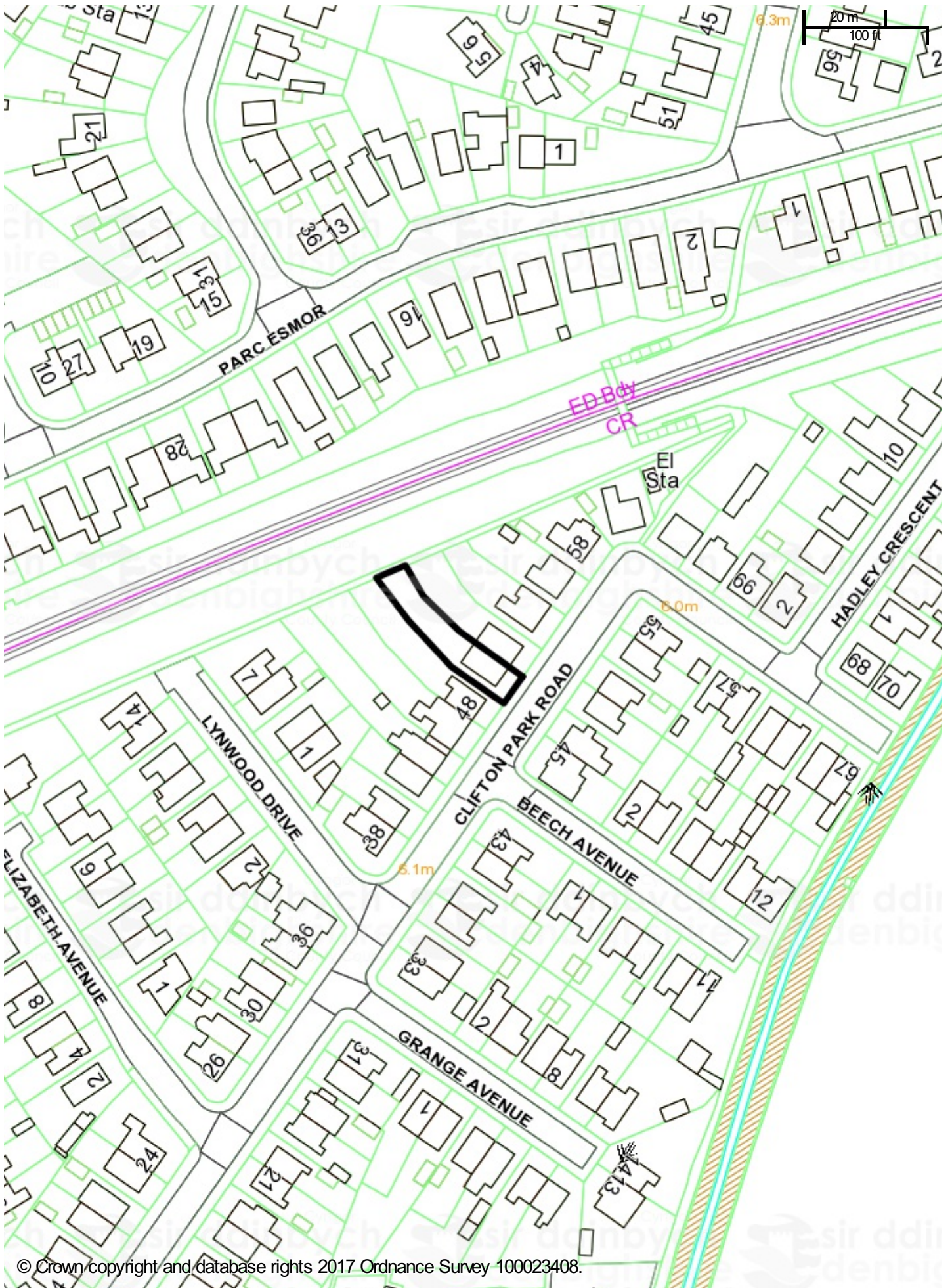
WARD MEMBERS: Cllr Brian Jones (c)
Cllr Brian Blakeley
Cllr Cheryl Williams

APPLICATION NO: 45/2018/0999/ PF

PROPOSAL: Erection of extension to dwelling

LOCATION: 50 Clifton Park Road Rhyl LL18 4AW

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45/2018/0999

Scale: 1:1250

Printed on: 27/11/2018 at 11:09 AM

BLOCK PLAN



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Parry Davies Architects.

Chartered Architects.

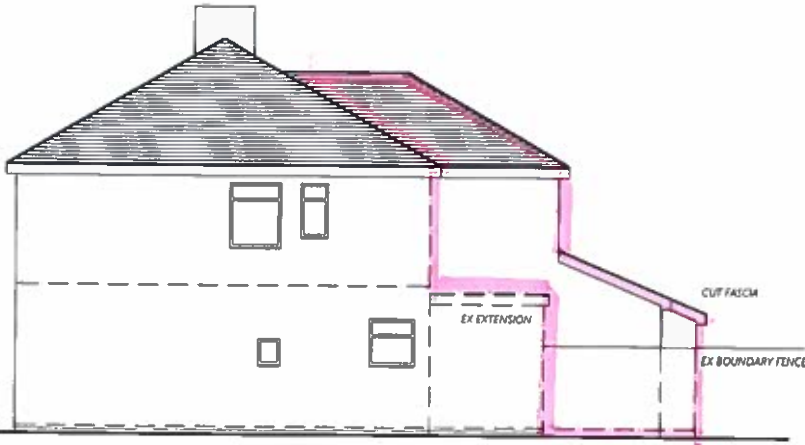
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Studio 55:20 North Wales Business Park Abergele LL18 7LJ

Tel:01745 585517 E-mail: PDPArchitects@pdp.com

PROPOSED ELEVATION PLANS

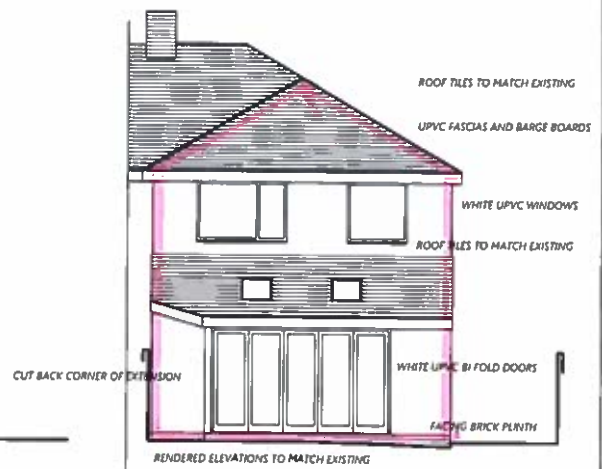
EXTENSION EDGED IN PINK



GABLE ELEVATION - looking from adj property



GABLE ELEVATION



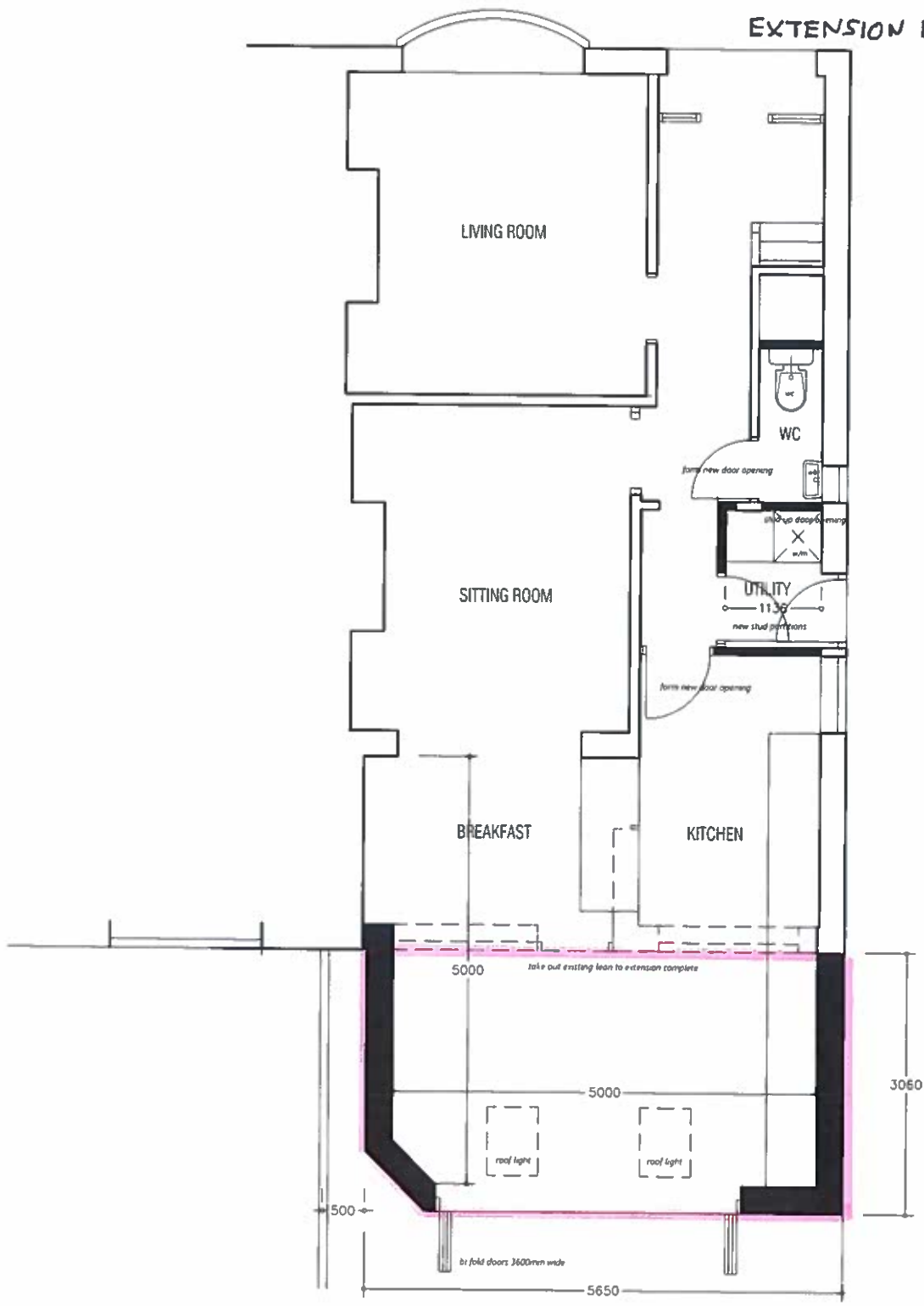
REAR ELEVATION

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PROJECT TITLE	50 CLIFTON PARK ROAD RHYL	DATE	SCALE	DRWN	CHK
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DRWG TITLE	PROPOSED ELEVATIONS	DRWG NOS	REV		
		17.5835/6	B		
Studio 55/20 North Wales Business Park Abergele LL18 7LJ		Tel 01745 585517 E mail PDPArchitects@aol.com			

PROPOSED GROUND FLOOR PLAN

EXTENSION EDGED IN PINK



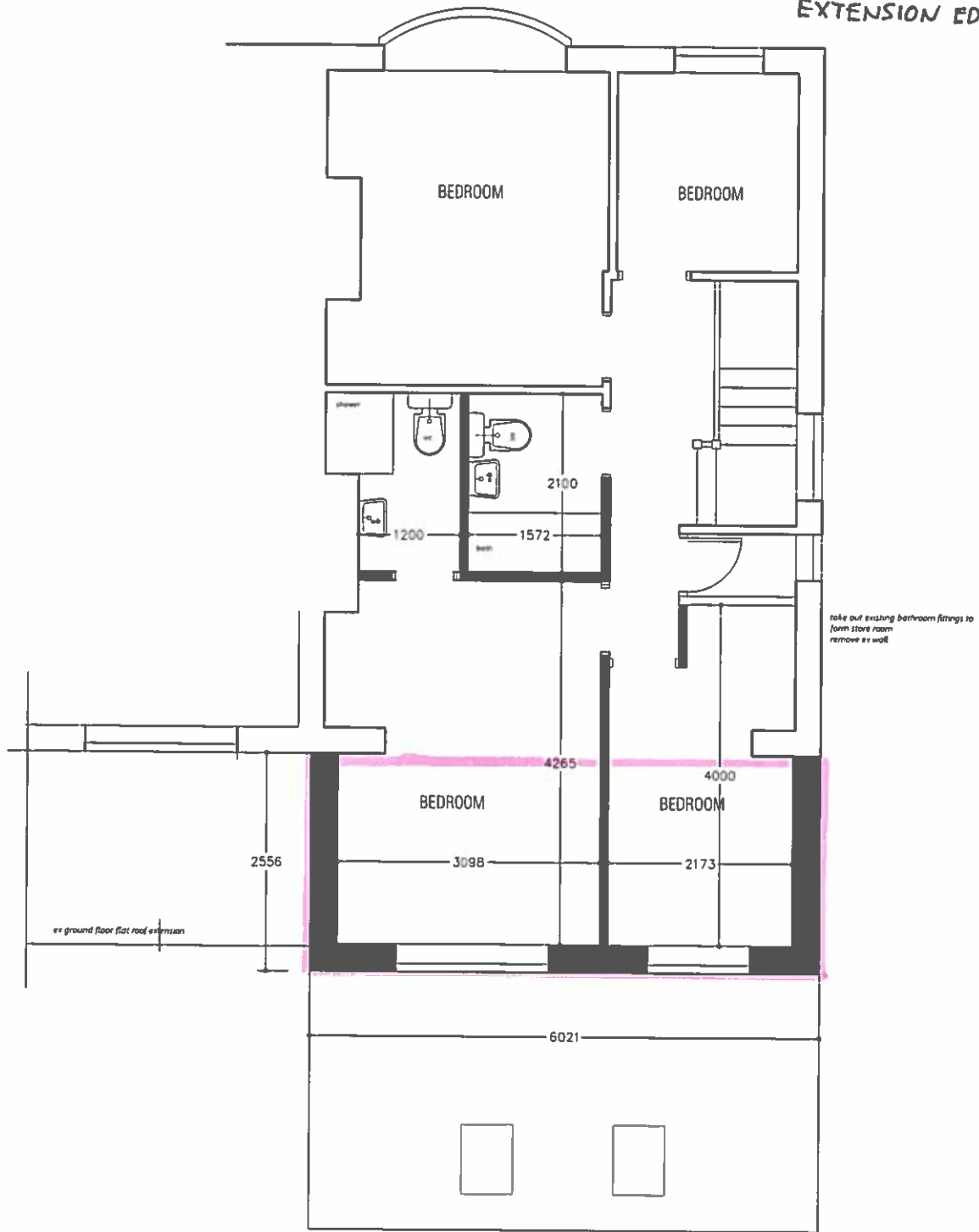
GROUND FLOOR PLAN

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DRWG TITLE	PROPOSED GROUND FLOOR PLAN	DRWG NOS	REV		
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Studio 55:20 North Wales Business Park Abergele LL18 7LJ		Tel 01745 585517 E mail PDPArchitects@aol.com			

PROPOSED FIRST FLOOR PLAN

EXTENSION EDGED IN PINK

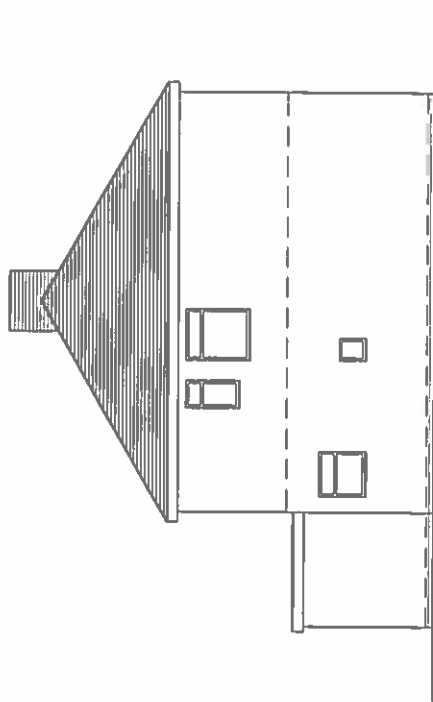


FIRST FLOOR PLAN

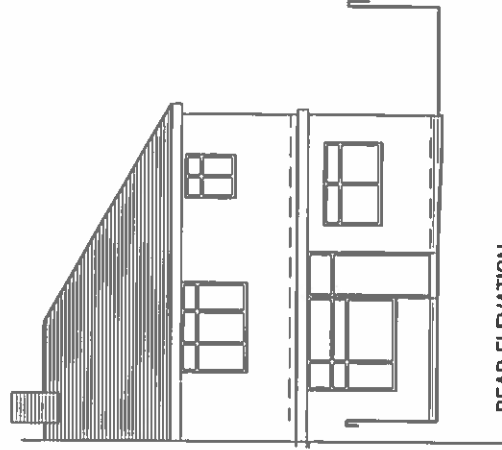
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Studio 55:20 North Wales Business Park Abergele LL18 7LJ		Tel 01745 585517 E-mail PDPArchitects@aol.com			

EXISTING ELEVATIONS



GABLE ELEVATION



REAR ELEVATION

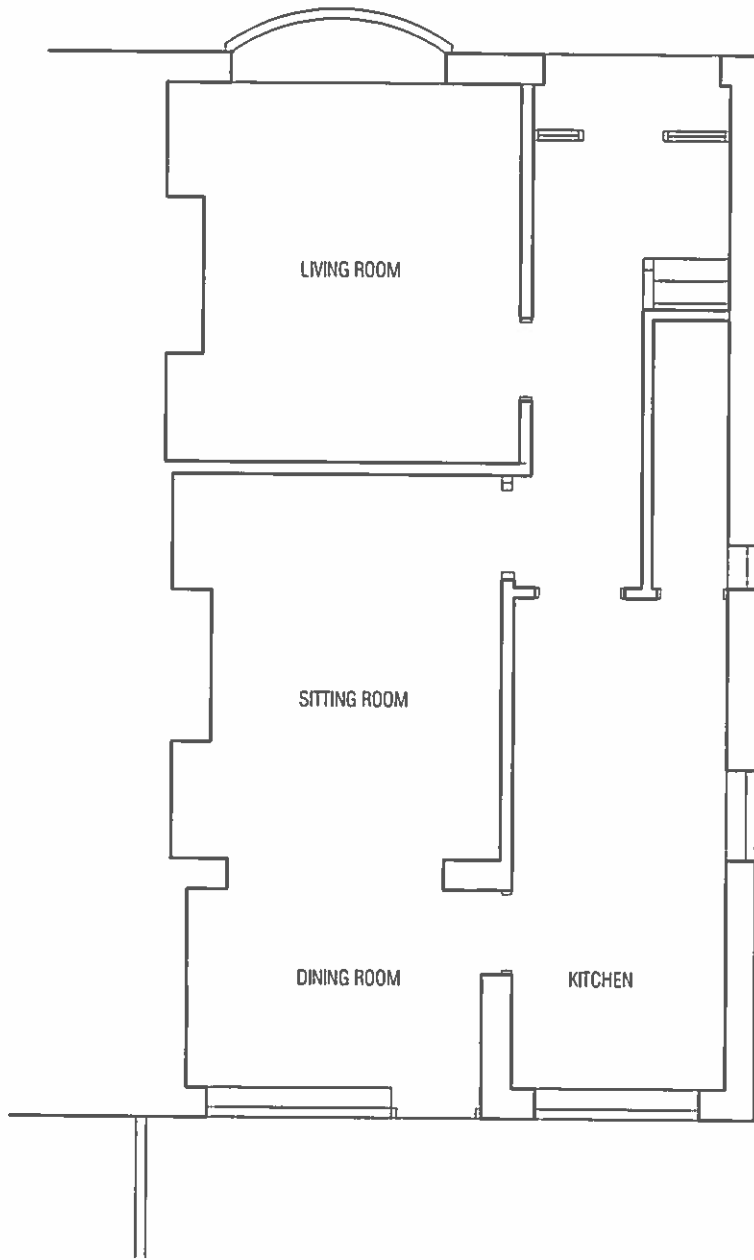
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PROJECT TITLE	DATE	SCALE	DRAWN	CHECK
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	17.5834/3			

Studio 55:20 North Wales Business Park Abergele LL18 7LJ
Tel: 01745 565117 E-mail: PDA@parrydavis.com

EXISTING GROUND FLOOR PLAN



GROUND FLOOR PLAN

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Studio 55:20 North Wales Business Park Abercle LL18 7LJ		Tel 01745 585517 E-mail: POPArchitects@aol.com		

EXISTING FIRST FLOOR PLAN



FIRST FLOOR PLAN

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Parry Davies Architects.		Chartered Architects.			
<small>PROJECT TITLE</small>	50 CLIFTON PARK ROAD RHYL	<small>DATE</small>	<small>SCALE</small>	<small>DRWN</small>	<small>CHK</small>
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		17.5834/2			
Studio 55:20 North Wales Business Park Abergele LL18 7LJ		Tel 01745 585517 E-mail: PDPArchitects@aol.com			

WARD : Rhyl South East

WARD MEMBERS: Cllr Brian Jones (c)
Cllr Brian Blakeley
Cllr Cheryl Williams

APPLICATION NO: 45/2018/0999/ PF

PROPOSAL: Erection of extension to dwelling

LOCATION: 50 Clifton Park Road Rhyl LL18 4AW

APPLICANT: Mr James Heath

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Town Council Objection

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Objection. The Town Council considers that the application would result in an unacceptable overbearing impact on the amenities of the occupiers of the adjacent property.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Miss S Wooton, 52 Clifton Park Road, Rhyl.

Summary of planning based representations in objection

Impact on residential amenity of neighbours:

Due to proximity to neighbouring property and projection of extension it would have detrimental impact on neighbour in terms of outlook and would have an overbearing impact.

EXPIRY DATE OF APPLICATION: 06/12/18

EXTENSION OF TIME: 14/12/18

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposal

1.1.1 The proposal is for an extension to the rear of No. 50 Clifton Park Road in Rhyl.

- 1.1.2 No 50 is one of a pair of semi detached dwellings and is attached to No 52.
- 1.1.3 The extension would be located on the rear of the dwelling. Its detailing can be best appreciated from the plans at the front of the report. It would be 5.5 metres wide and run across back of No. 50 and would project out 5 metres in total from the rear of the dwelling (2.5 metres of which would be two storey over an existing single storey rear lean-to). The single storey element of the extension would project out some 3.2 metres from the existing 'common' rear wall of the linked flat roof extensions at the rear of Nos 50 and 52 .The remainder of the new ground floor extension would be in the form of a single storey lean to, with a 'clipped' corner section on the side nearest No.52.
- 1.1.4 The two storey section of the extension would have an overall height of 7 metres, and the lean to roof of the single storey section would drop from 3.5m to 2.4m height.
- 1.1.5 The extension would enlarge the living accommodation on the ground floor with two bedrooms above.
- 1.1.6 It would be finished in materials to match the existing dwelling with windows facing to the rear only.
- 1.1.7 The proposed extension would be pulled in some 0.5 metres from the boundary with No. 52, the neighbouring property to the east. The boundary between the two properties is defined by a wooden fence, approximately 1.8m in height.
- 1.1.8 The depth of the rear garden would be some 24 metres on construction of the extension.

1.2 Description of site and surroundings

- 1.2.1 The two storey semi-detached dwelling is located in a residential area on the approach to Rhyl town centre.
- 1.2.2 The road is characterised by detached and semi-detached 1930's style housing.
- 1.2.3 The dwelling occupies a long narrow plot, with the garden extending northwards to a boundary with the Holyhead to Chester railway line at the rear.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 Permission for a similar rear extension was refused on the site earlier this year. The application aims to address the previous refusal reason through modifications to the design, including the 'clipped' corner o the side nearest No.52.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

2 DETAILS OF PLANNING HISTORY:

2.2 45/2018/0056/ PF Erection of extension to rear of dwelling. REFUSED Under Delegated Powers 19/09/2018 for the following reason:

“It is the opinion of the Local Planning Authority that due to the projection, height and scale of the extension would result in an unacceptable overbearing impact on the amenities of the adjoining property at 52 Clifton Park Road, having regard to the proximity and orientation of habitable room windows within this properties. The proposal is therefore considered contrary to criteria vi) of Policy RD 1 in the Local Development Plan and guidance within Supplementary Planning Guidance Note 'Residential Development.’”

3 RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy RD1 – Sustainable development and good standard design
Policy RD3 - Extensions and alterations to existing dwellings
Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Residential Space Standards
Supplementary Planning Guidance Note: [Residential Development](#)

3.3 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Development Control Manual

4 MAIN PLANNING CONSIDERATIONS:

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

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

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

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

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extensions and alterations to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts.

Policy RD 3 permits extensions and alterations subject to the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site.

Policy RD1 contains tests requiring development not to have an unacceptable impact on the amenity and appearance of the locality.

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 Residential Development SPG supplements the LDP policies by detailing guidance on the principles to be applied to the scale and form of extensions to dwellings. It sets out considerations to be addressed to ensure that extensions should not result in overdevelopment of a plot. These are outlined below.

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

There are no representations on the application raising specific issues over the visual impact of the proposed extensions.

The existing dwelling is a two-storey semi-detached house with a lean-to extension at the rear. The proposal is for a two storey extension to the rear which would project a total of 5 metres from the rear elevation of the existing dwelling (2.5 metres of which would be over the lean-to). The application documents indicate the roof would be tiled and walls would have a rendered finish. The existing dwelling is a 1930's 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.

In relation to the issue of overdevelopment of the plot, the guidance in the Residential Development SPG states:

- no more than 75% of a site should be covered. In this case, with the extension, it is estimated that barely 25% of the plot would be covered if the extension were built.
- a minimum of 40 square metres of amenity space should be retained for a smaller dwelling, and 70 square metres for a larger dwelling. In this case a main garden area well in excess of 100 square metres would remain.
- a 1 metre circulation strip around the building should be retained. The main 2 metre wide circulation space is retained between the extension and the boundary with No.48.
- sufficient on site parking should be retained. The proposals do not affect the existing parking provision.

On the basis of the above, it is not considered that the proposal would represent overdevelopment of the plot.

With regards to the scale of the development, Officers consider the extension would be subordinate in scale and form to the original dwelling.

Officers 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 neighbouring properties and the locality, 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.

4.2.3 Residential Amenity

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 supplements the LDP policies by detailing guidance on the principles to be applied to impact of extensions on the residential amenities of occupiers of neighbouring properties. It advises that one of the main issues involved with rear extensions 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 SPG outlines principles to be applied to assessment of :

- The depth and height of extensions
- The potential for overshadowing

- Impact on privacy and overlooking

These are reviewed in the following paragraphs.

The Town Council and a private individual have objected to the proposal on residential amenity grounds. 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. In response to the detailed matters arising:-

In relation to the depth and height of an extension

Section 6.2 of the Residential Development SPG sets out principles for assessing the acceptability of the projection of an extension beyond the rear wall of a dwelling which is on or close to a party /boundary wall. It suggests extensions should not be more than 3 metres for a terrace house, and 4 metres for a semi-detached / detached dwelling; and that proposals which exceed the criteria will generally be considered unacceptable unless it can be demonstrated that adequate amenity standards can be preserved through design detailing.

In this case, the proposed single storey rear extension would project 3.2 metres out beyond the existing rear wall of the existing rear extensions on Nos 50 and 52. The first floor element would extend out by some 2.5 metres from the original rear wall of Nos. 50 and 52.

In relation to the potential for overshadowing

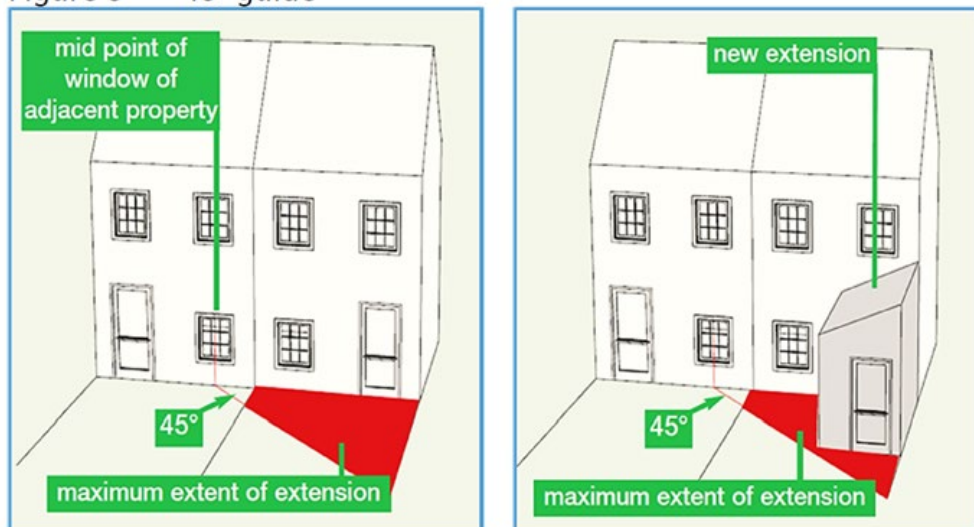
The Supplementary Guidance outlines matters for consideration in relation to front, side and rear extensions to dwellings. In relation to rear extensions, it provides a tool to help assess whether a proposed extension would have adverse impact on adjoining property in terms of overshadowing habitable room windows. The SPG illustrates how what are termed the 25 degree guide and 45 degree guide may be applied to assist assessment of applications.

The 25 degree guide is not of relevance to this proposal as there are no potentially affected property to the north west of No.50.

The 45 degree guide applies to situations where a rear extension projects beyond a rear wall where there is an immediately adjoining property, the example cited being a semi detached dwelling, as illustrated below.

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



In applying the guide, due account has also to be taken of the detailing of the proposed extension and of other site features which may have a bearing on and mitigate impacts. This includes existing and proposed boundary treatments, and in this case the actual design of the proposed extension.

In this case, the proposal is for a part two storey and part single storey lean to extension. The two storey section would project no further than the existing ground floor lean-to, therefore the test has to be applied to the single storey lean to element of the extension. As mentioned previously, the rear corner of the extension nearest No.52 has been clipped and angled away from the boundary, to take account of the 45 degree guide. 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.

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 noted that there is a 1.8 metre high screen fence along the boundary between Nos 50 and 52. The effect of this feature would be to partially obscure views of the proposed extension from the nearest rear windows of No.50, hence mitigating the impact of the extension.

In respect of No.48, the proposed extension at No.50 would not project beyond the 45 degree line.

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

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 150 square metres of rear garden space would be retained and therefore Officers consider sufficient garden area would be retained within in the site.

Privacy and overlooking

The Residential Development SPG provides guidance on considerations to be given to the impacts of extensions on the privacy of occupiers of neighbouring houses and

gardens. Its examples outline matters to consider to ensure there is no unacceptable overlooking from windows and balconies at first floor level in relation to neighbouring dwellings and gardens.

In this instance, the only additional windows in the extension are the ground floor patio windows and the 2 bedroom windows at first floor level. These all look down the existing garden of No.50 and it is not considered that they would give rise to any unacceptable additional overlooking or loss of privacy.

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 0.5 metres from the side boundary with No. 52 and 2m from the side boundary with No.48. The projecting element of the proposal is also a single storey lean-to extension which has a relatively low profile, therefore Officers do not consider the proposal would give rise to an overbearing or cramping impact on neighbouring properties.

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th December 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. 3) received 12 October 2018
 - (ii) Existing ground floor plan (Drawing No. 1) received 12 October 2018
 - (iii) Existing first floor plan (Drawing No. 2) received 12 October 2018
 - (iv) Proposed elevations (Drawing No. 6B) received 12 October 2018
 - (v) Proposed ground floor plan (Drawing No. 4A) received 12 October 2018
 - (vi) Proposed first floor plan (Drawing No. 1A) received 12 October 2018
 - (vii) Block plan (Drawing No. B1A) received 12 October 2018
 - (viii) Location plan (Drawing No. L1A) received 12 October 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.

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Agenda Item 8

WARD : Tremeirchion

WARD MEMBER: Cllr Christine Marston (c)

APPLICATION NO: 47/2018/0962/PC

PROPOSAL: Erection of stables for private use (retrospective application)

LOCATION: Bryn Awel Cwm Rhyl LL18 6HU

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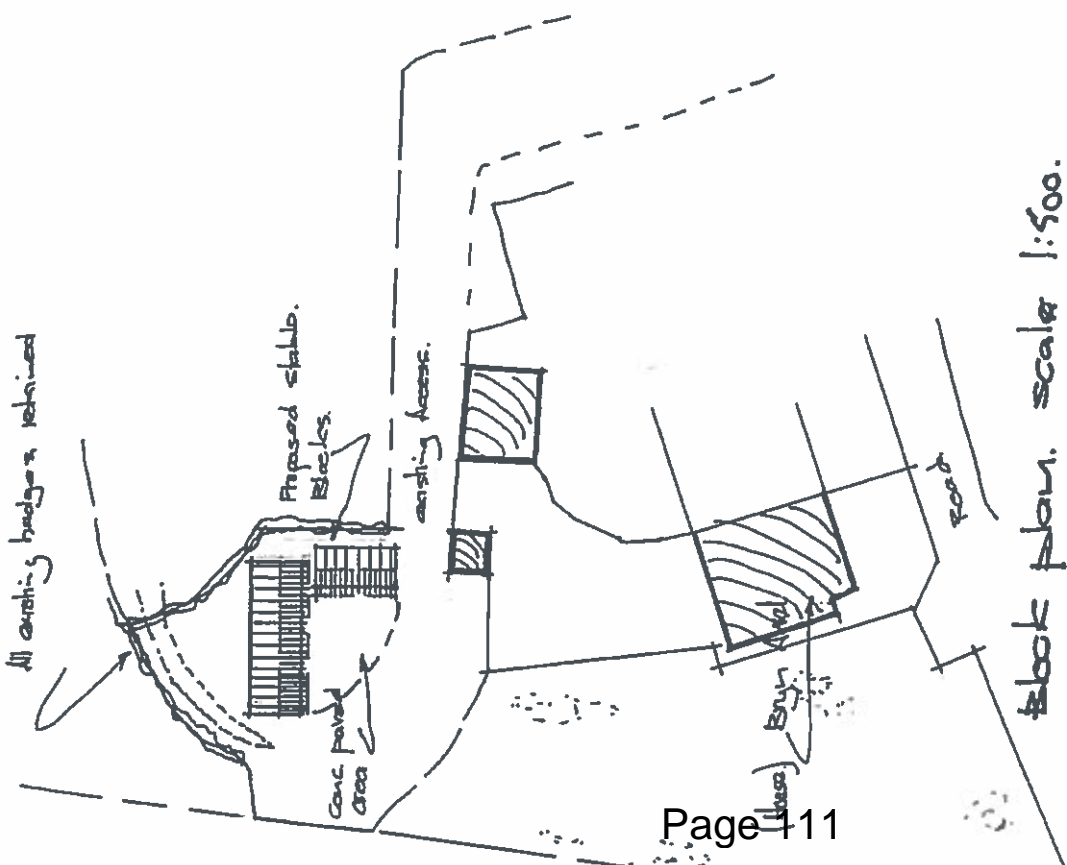


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47/2018/0962

Scale: 1:2500

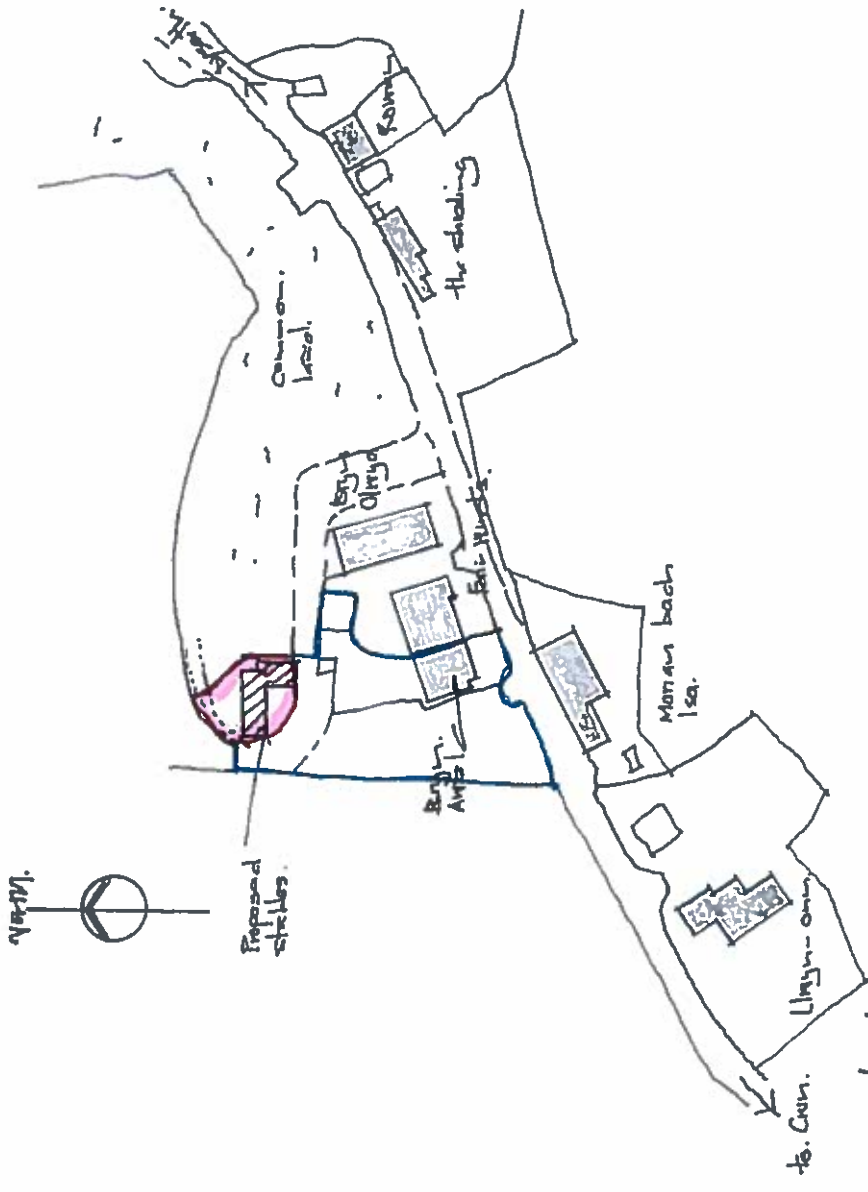
Printed on: 27/11/2018 at 10:02 AM



block plan. scale 1:500.

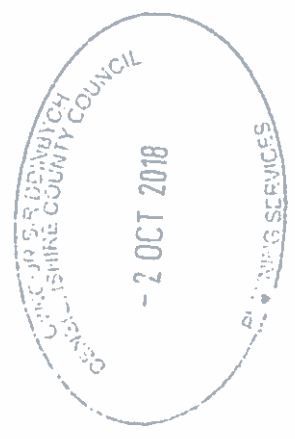
Mrs K. English
 Bryn. Anel.
 Morran Cwm.
 Dysserth.

Block plan and
 location plan for
 Proposed stables @
 Bryn Anel

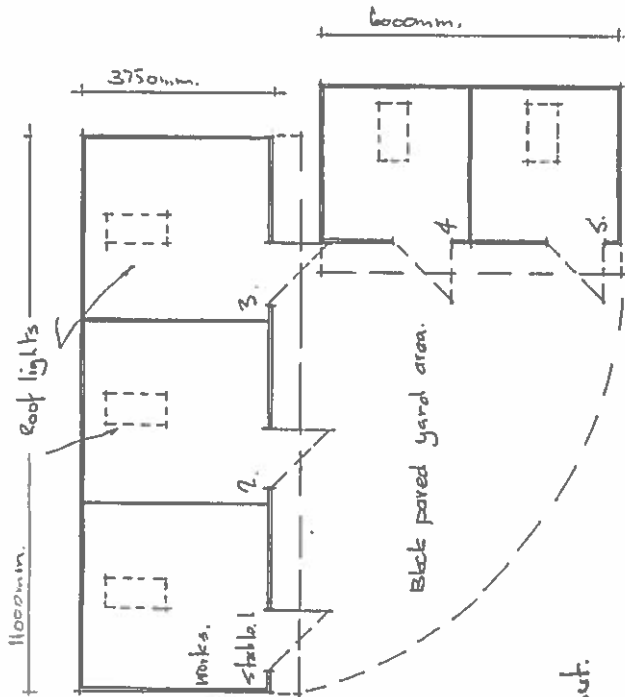


location plan. scale 1:1250.

Scale 1:500 + 1:1250.
 BWS N° 1845. 02.
 Brian. MML.



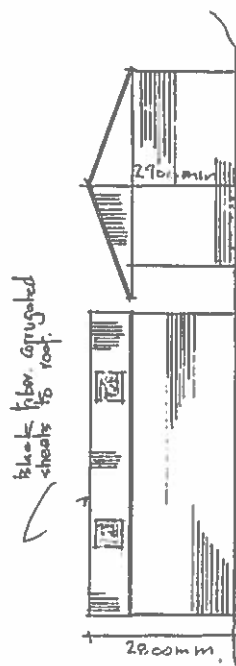
PLANS OF STABLES



Pre formed timber stable bars, fixed to concrete slab. (100mm min) ground remains all sub soil to solid base lay. Hardcore 150mm min and concrete.

Stable layout.

All rain water will be intercepted from roofs into p.v.c. 750 lit. bunds.



East elevation.

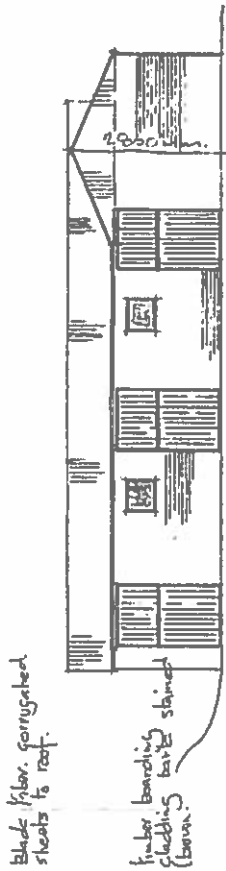
Mr. K. English
Bryn Avel.
Manai Cwm.
Llysoth.

Proposed stable blocks.
at Bryn Avel.
Manai Cwm.

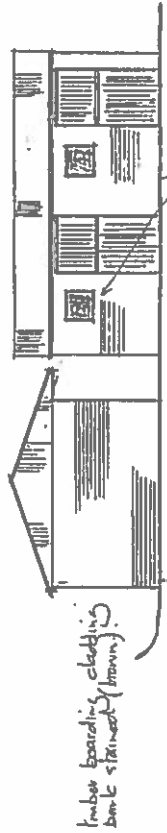
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Surf N° 1845.01.

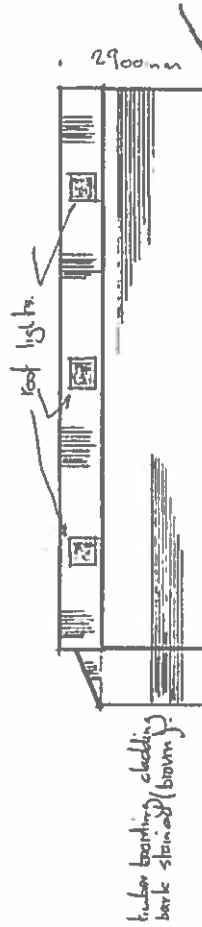
Draw. N/A.



South elevation



West elevation



North elevation



WARD : Tremeirchion

WARD MEMBER: Cllr Christine Marston (c)

APPLICATION NO: 47/2018/0962/PC

PROPOSAL: Erection of stables for private use (retrospective application)

LOCATION: Bryn Awel Cwm Rhyl LL18 6HU

APPLICANT: Mrs Karen English

CONSTRAINTS: 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:

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL

“Objection as this is considered to be an over-development of the site within a residential area. There is also concern that this is within the Common Land boundary.”

CLWYDIAN RANGE AONB Joint Committee

“No objection”

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 26/11/2018

EXTENSION OF TIME AGREED? N/A

REASONS FOR DELAY IN DECISION (where applicable): N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Retrospective planning permission is sought for the erection of a stable block at land to the north of Bryn Awel, Cwm.
- 1.1.2 The stable buildings are in an L-shape with the north block measuring 11m x 3.7m and the east block measuring 6m x 3.1m. Collectively they have a floor area of approximately 60 square metres. Both blocks have a ridge height of 2.9m with eaves of 2.1m.
- 1.1.3 The north block has 3 stables and the east block has two stables. The stables open out onto a block-paved yard area in a semi-circle. A roof light and inspection window to the front elevation serves each stable. No external lighting is proposed. The stables are made from timber boarding / cladding which is stained dark brown.

1.1.4 The stables are for personal recreation use only.

1.2 Description of site and surroundings

1.2.1 The site is located in the open countryside in the area of Marian Cwm, to the north of buildings which form a small ribbon of development along the road. The dwelling Bryn Awel is a semi-detached property with residential neighbours opposite and adjoining.

1.2.2 The stable block is located to the north of Bryn Awel on a piece of land which it is understood to be within the ownership of the applicant, purchased off a private individual in the summer of 2018. The stables are set into the hillside and are bounded to the north and east sides by mature trees and hedging.

1.2.3 Access to the stables is to the rear of the row of dwellings with the access to the fields available from within the stable yard area. The applicant also has access via a rear garden gate from their property Bryn Awel.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside any development boundary, within the AONB and within an Area of Search (Hamlets) in the Local Development Plan.

1.4 Relevant planning history

1.4.1 There is no relevant planning history at the site relating to equestrian use.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 Additional information was requested to confirm arrangements for the storage / removal of waste and it has been advised that this would not be stored on site but removed to a shared storage location on the adjacent farm via personal quadbike.

2. DETAILS OF PLANNING HISTORY:

2.1 47/2018/0340/ PF Erection of first floor extension, creation of juliette balcony and alterations to dwelling GRANTED on 13/06/2018.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
None of direct relevance.

Supplementary Planning Guidance

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

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes: TAN 6 Planning for Sustainable Rural Communities

Circulars

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 including impact on AONB
- 4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

In Officers' opinion, the principle of erecting small buildings ancillary to agricultural or equine uses in open countryside is acceptable and raises no significant land use planning issues.

Planning Policy Wales (Section 4.10.1) obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification system of the Department for Environment, Food and Rural Affairs. PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

In noting the contents of PPW, the buildings are small and used in connection with a common countryside use of land which does not threaten the long term loss of high grade agricultural land .

There is broadly relevant advice in Paragraph A14 TAN 6 for local planning authorities when dealing with Prior Approval submissions for agricultural buildings. In relation to siting and design, Paragraph 14 states that "The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost."

The following section of the report reviews the visual / landscape impact of the building in relation to the contents of the TAN 6 guidance.

4.2.2 Visual amenity including impact on AONB

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual

amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

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

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

The AONB Committee have also commented that the development is well related to the existing building complex and is screened from nearby public vantage points. No individual representations have been received raising visual amenity concerns.

The stable block would be opposite 3 properties and visible from the rear of the properties at Fairwinds and Brynclwyd to the south. The Offa's Dyke Path also runs to the north of the site. The visual impact when viewed from the PROW and the neighbouring properties is not considered to be significant as the stables are screened to the north and east by scrub and trees. The structure is situated in a position which limits its impact on visual amenity. The materials allow the structure to blend into the landscape and it would not give rise to any negative impact to the setting and its location within the landscape.

Having regard to the design, siting, scale, massing and materials of the proposed development, in relation to the character and appearance of the locality, landscape and AONB, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

Representations have been received raising residential amenity concerns from the Tremeirchion, Cwm and Waen Community Council, who consider the stable block being over-development of a residential area.

Factually, the 2 stable blocks occupy approximately 60 square metres of land which previously had sheds on it to the rear of the properties Bryn Awel, Fairwinds and Bryn Clwyd. The development is within the ownership of the applicants of Bryn Awel and it is Officers' opinion, with respect to the Community Council's comments, that this scale of building does not represent an overdevelopment of a residential area. The stable building is integrated well into the hillside and there is open grazing land to the north and west which does not give rise to a cramped appearance.

No objections have been raised by the occupiers of the other properties in the vicinity of the stable block and it has been confirmed by the applicant that no manure is to be stored on the site which could give rise to unacceptable residential amenity impacts. No external lighting is proposed to the stable block.

The stable block is in connection with private recreational use which would mean that it would not involve a commercial use which may have the potential for noise disturbance to neighbours.

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.

Other matters

Common Land

With regard to the comments made by the Community Council, the applicant has confirmed that the piece of land was purchased on 14th August 2018 from Mr Cunnah of Marian Bach Farm.

The Denbighshire County Council Register of Common Land shows that the section of land in question is not Registered as Common Land. A Solicitors letter confirming the purchase has been submitted and confirms the property was previously registered at Marian Bach Farm and not previously Common Land.

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th December 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) Supporting Information & Design & Access Statement received 2 October 2018
 - (ii) Photographs received 2 October 2018
 - (iii) Elevations & Floor Plan (Drawing No. 1845.01) received 2 October 2018
 - (iv) Block & Location Plan (Drawing No. 1845.02) received 2 October 2018
 - (v) Location Plan (Scale 1:500) received 2 October 2018
3. No external lighting shall be installed other than with the prior written approval of the Local Planning Authority.

4. No sound amplification systems including the playing of music shall be permitted outside the stable block buildings at any time, other than with the prior written approval of the Local Planning Authority.
5. The stable block hereby approved shall be solely used for purposes incidental to the enjoyment of the dwellinghouse known as Bryn Awel, Marian Cwm and shall at no time be used for any commercial or business use.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of the amenities of occupiers / users of nearby properties and to protect the character and appearance of the AONB.
4. In the interests of the amenities of occupiers / users of nearby properties.
5. To prevent any commercial use of the facility and in the interests of visual and residential amenity.