



CYNGOR
Sir Ddinbych
Denbighshire
 COUNTY COUNCIL

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 Denbighshire County Council
 Caledfryn
 Smithfield Road
 Denbigh
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 45/2006/0816/PF
 Land at Brookdale Road,
 Rhyl

21



Application Site

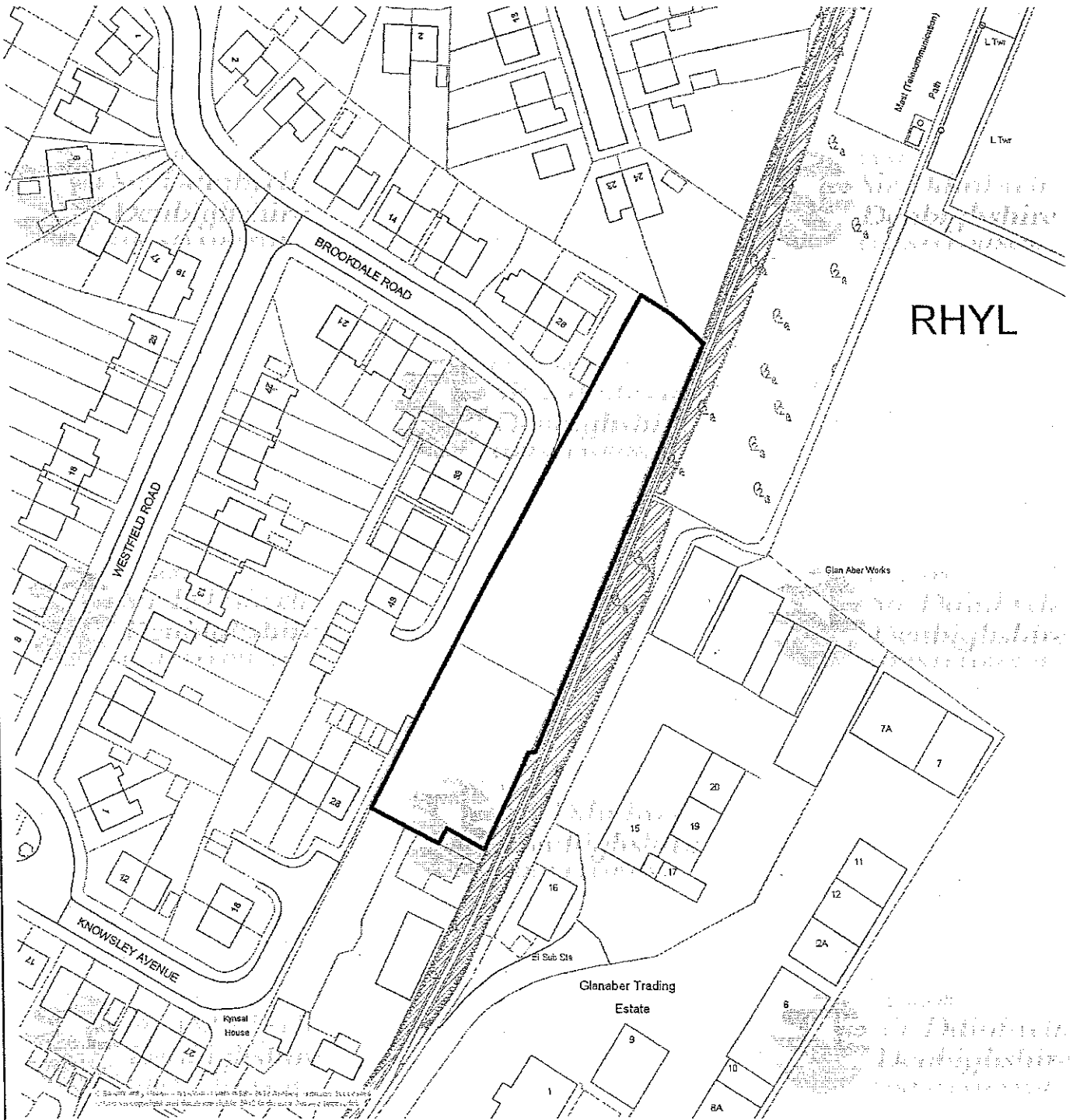


Date 22/8/2012

Scale 1/1250

Centre = 301624 E 381124 N

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

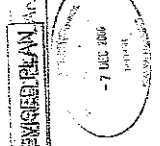


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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chariatad yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawlfraint y Goron. Mae atgynhychu heb ganiatad yn torri hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

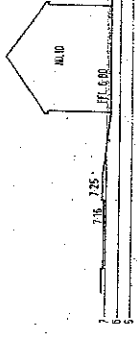
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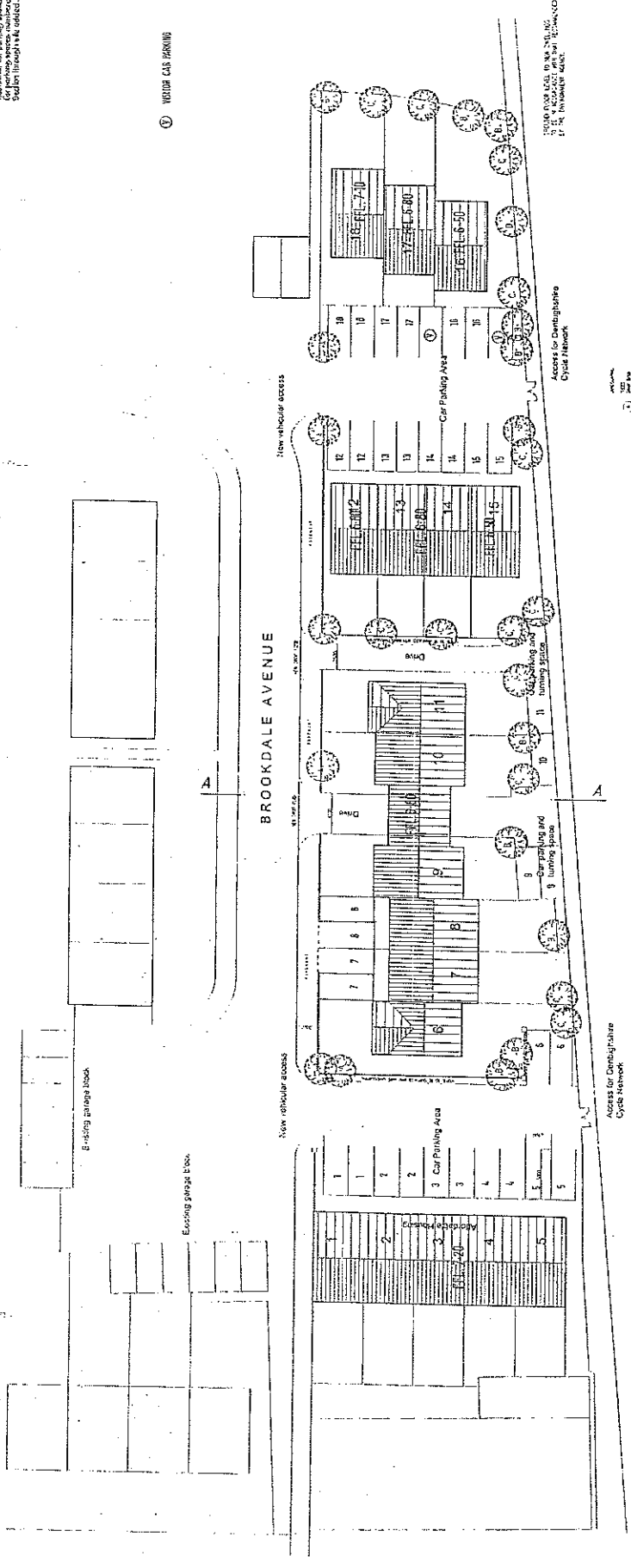


REVISIONS
A 04/12/08
Additional car parking spaces added to Phase 1 & 2.
Section through site added.

VEHICLE CAR PARKING



SECTION A A



FIELD NO. 101 101 101 101
17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Access for Disability Cycle Network

Access for Disability Cycle Network

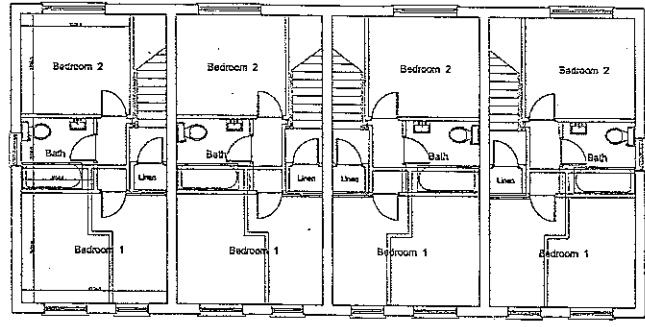
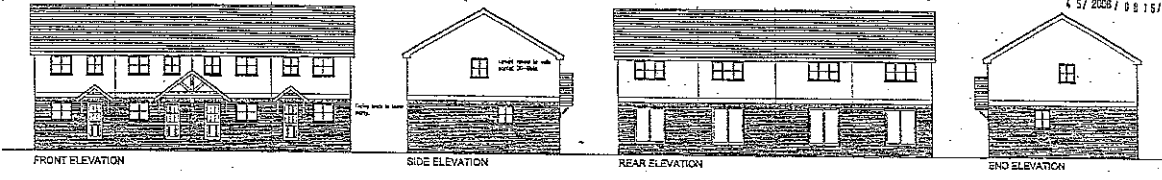
SITE LAYOUT PLAN

LAYOUT

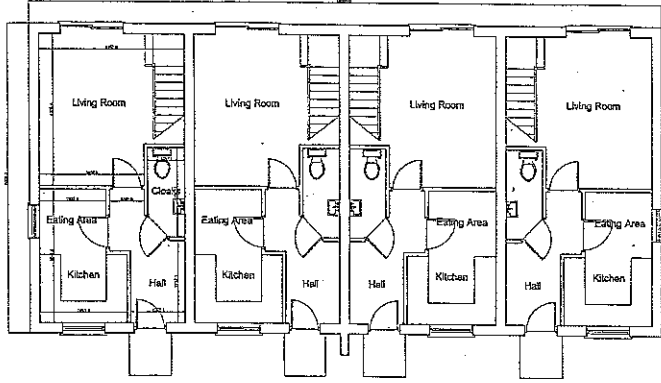
J.A.T. GIZZI BUILDERS
RESIDENTIAL DEVELOPMENT
ON LAND AT BROOKDALE
AVENUE, RHYL,
12000 5 MAY 08
0341/1 4



NOTES:
1. THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE SITE SPECIFICATION AND THE DEVELOPER'S SPECIFICATIONS.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.



FIRST FLOOR PLAN



GROUND FLOOR PLAN

DETAILS OF DWELLINGS

GENERAL NOTES

1. All work to be done in accordance with the Building Regulations and the Building Act 2000.

2. All work to be done in accordance with the Building Regulations and the Building Act 2000.

3. All work to be done in accordance with the Building Regulations and the Building Act 2000.

4. All work to be done in accordance with the Building Regulations and the Building Act 2000.

Plots 12 - 15

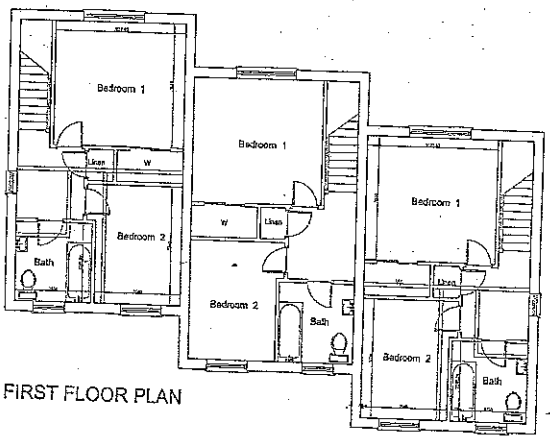
J & T OZZI BUILDERS

PROPOSED RESIDENTIAL DEVELOPMENT AT BROOKDALE AVENUE, RYDE.

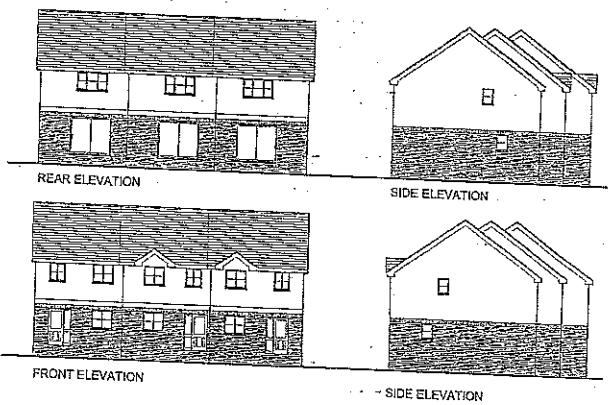
Scale: 1:50

Date: 9 JUNE 06

Drawing No: 0.944/16



FIRST FLOOR PLAN



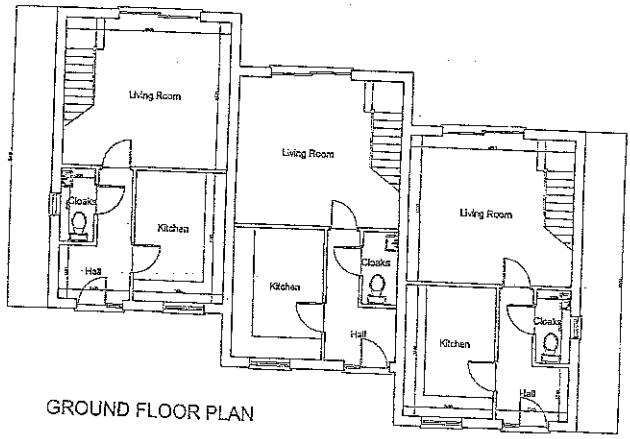
GENERAL NOTES

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4. All work to be done in accordance with the Building Regulations and the Building Act 2000.



GROUND FLOOR PLAN

Plots 16 - 18

J & T OZZI BUILDERS

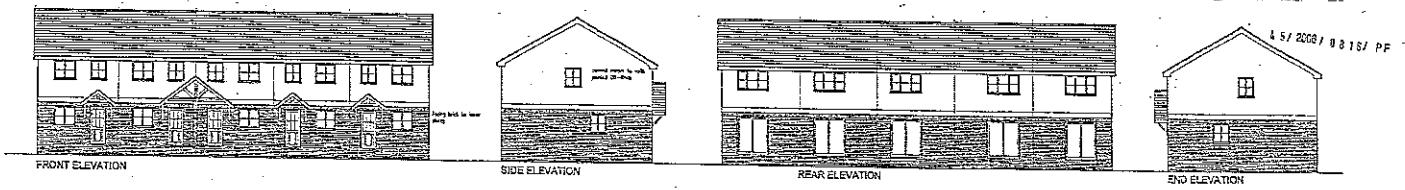
PROPOSED RESIDENTIAL DEVELOPMENT AT BROOKDALE AVENUE, RYDE.

Scale: 1:50

Date: 6 JUL 06

Drawing No: 0.944/16



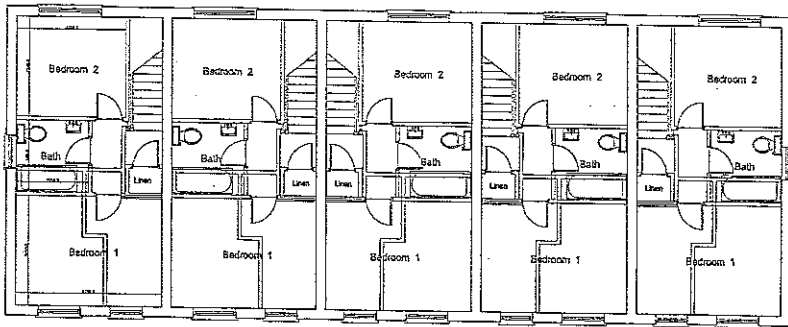


FRONT ELEVATION

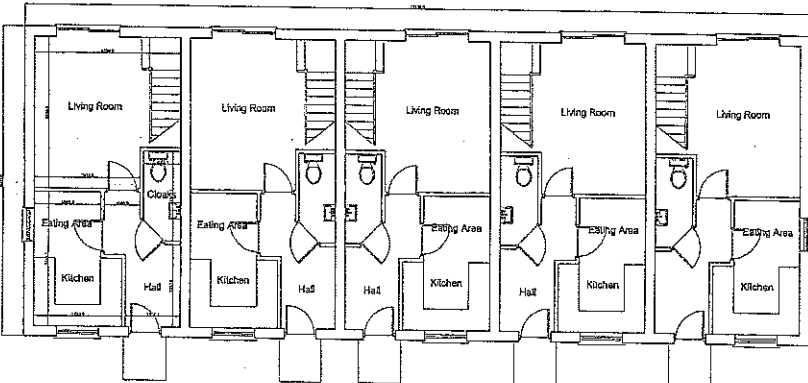
SIDE ELEVATION

REAR ELEVATION

END ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN

DETAILS OF DWELLINGS

FORM NOTES
 1. All work to be done in accordance with the contract documents.
 2. All work to be done in accordance with the contract documents.
 3. All work to be done in accordance with the contract documents.
 4. All work to be done in accordance with the contract documents.

Plots 1 - 5

J & T GUZZI BUILDERS
 PREPARED RESIDENTIAL DEVELOPMENT AT BRIDGEVALE AVENUE, RHYE



A0

4 5 / 2008 / 0 0 1 8 / P F

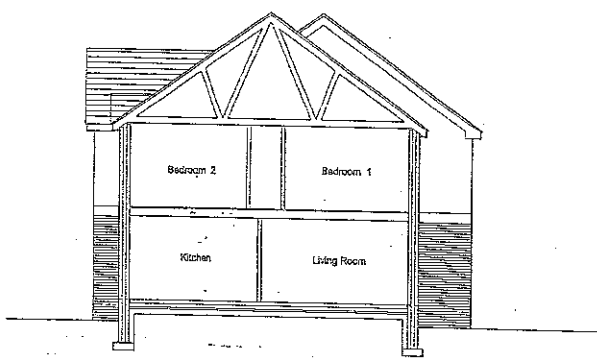


REAR ELEVATION

END ELEVATION

FRONT ELEVATION

SIDE ELEVATION

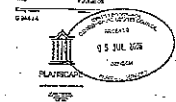


SECTION

FORM NOTES
 1. All work to be done in accordance with the contract documents.
 2. All work to be done in accordance with the contract documents.
 3. All work to be done in accordance with the contract documents.
 4. All work to be done in accordance with the contract documents.

Plots 6 - 11

J & T GUZZI BUILDERS
 PREPARED RESIDENTIAL DEVELOPMENT AT BRIDGEVALE AVENUE, RHYE



A0

ITEM NO:

WARD NO: Rhyl South West

APPLICATION NO: 45/2006/0816/ PF

PROPOSAL: Erection of 18 No. dwellings and construction of new vehicular access

LOCATION: Land at Brookdale Road Rhyl

APPLICANT: J & T Gizzi Builders

CONSTRAINTS: C1 Flood Zone
Public Footpath / Bridleway
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 – Town / Community Council objection
- Previous referral to Planning Committee

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"No objection, subject to the Developer being required (1) To provide the standard percentage of affordable housing within the development and (2) To provide access through and from the development to the King George V Playing fields and to the Vale Road to Grange Road Cycle Track by way of provision of suitable crossing of "The Cut" including any suitable bridging structure. The Council note that no amenity space is provided within the application and as such considers access to the adjacent playing fields is delivered as part of the consent".

ENVIRONMENT AGENCY

No objection subject to conditions

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection subject to the inclusion of conditions

HEAD OF HOUSING SERVICES

No objection to the provision of 1 no. affordable housing unit

VALUATIONS AND ESTATES MANAGER

Concurs with conclusions of Financial Appraisal

RESPONSE TO PUBLICITY:

In objection

Mr & Mrs Cooledge, 24 Clifton Grove, Rhyl LL18 4AF

Summary of planning based representations:

Residential Amenity

New dwellings will overlook the rear of nearby property on Clifton Grove

Flooding

Gardens in the area become very waterlogged and further development will increase the problem

Impact on trees

Concerns relating to stability of trees within the garden of a neighbouring property

EXPIRY DATE OF APPLICATION: 12/12/2006

REASONS FOR DELAY IN DECISION:

- Ongoing discussions in relating to Section 106
- Ongoing discussions in relation to the viability of the proposal
- Re-consultations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 This application seeks full planning permission for the erection of 18 dwellings and construction of a new vehicular access on land off Brookdale Road in Rhyl.
- 1.1.2 The proposed dwellings would be arranged in a terrace of 5 units at the south end of the site, a terrace of 4 units and a terrace of 3 units at the north end of the site, and a terrace of 6 units in the centre of the site. Each of the 4 linked series of units would be of a differing design, all would have 2 bedrooms other than plots 9 and 10 which would have 3 bedrooms.
- 1.1.3 It is proposed to provide car parking for a total of 34 vehicles, located between the blocks of dwellings with some located to the rear of plots 9, 10 and 11.
- 1.1.4 It is proposed to provide 1 affordable housing unit, and to pay a commuted sum for the provision and maintenance of open space. The application is accompanied by a Financial Appraisal.

1.2 Description of site and surroundings

- 1.2.1 The application site comprises an area of open land within the development boundary of Rhyl, measuring some 25m x 125m, alongside Brookdale Road and the Rhyl Cut Watercourse.
- 1.2.2 The site is located directly opposite existing 2 storey dwellings on Brookdale Road. To the west of the Cut is Glanaber Trading Estate and Coronation Gardens playing fields, with a public footpath running alongside the Cut. Along the western boundary are several mature trees. The ground level slopes downwards slightly into the site from Brookdale Road and slightly from south to north.
- 1.2.3 The site would be accessed off Brookdale Road with the properties fronting the road.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 This application was originally submitted in 2006 and was presented to the December 2006 Planning Committee. It was resolved to Grant planning permission subject to the signing of a Section 106 Legal Agreement to secure 5 no. affordable housing units and a commuted sum for open space. The Agreement was never signed but the application was not withdrawn. The applicants are requesting re-consideration of the proposals and are now offering 1 affordable housing unit, as opposed to 5 units as originally proposed. This provision has been supported by the submission of a Financial Appraisal argues that the scheme would be unviable if 5 affordable units are provided.

A full reconsultation has been carried out on the application.

2. DETAILS OF PLANNING HISTORY:

2.1 45/2004/1160/PF Erection of 18 no. dwellings and construction of new vehicular access. REFUSED 25th May 2005 on grounds of overdevelopment, poor layout and design.

45/2005/0763/PF Erection of 18 no. dwellings and construction of new vehicular access. Resolved to grant at the August 2005 planning committee subject to the applicant first entering into a Section 106 agreement to provide affordable housing and the payment of a commuted sum for open space. Section 106 not completed, application WITHDRAWN November 2006.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1 - General

Policy STRAT 6 - Location

Policy STRAT 15 - Housing

Policy GEN 1 - Development within development boundaries

Policy GEN 6 – Development Control requirements

Policy GEN 2 – Development of non-annotated land

Policy ENP 4 – Foul and Surface Water Drainage

Policy ENP 6 – Flooding

Policy HSG 2 – Housing development in main centres

Policy HSG 10 – Affordable housing within development boundaries

Policy REC 2 – Amenity and recreational open space requirements in new developments

Policy TRA 9 – Parking and servicing provision

3.2 Supplementary Planning Guidance

SPG 21 – Parking requirements in new developments

SPG 22 – Affordable Housing

SPG 24 – Householder development design guide

SPG 25 - Residential Development design guide

3.3 GOVERNMENT POLICY GUIDANCE

Planning Policy Wales 2011

TAN 15 – Development and Flood Risk (2004)

TAN 12 – Design (2009)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Impact on visual amenity

4.1.3 Impact on residential amenity

4.1.4 Highway issues

4.1.5 Affordable Housing – Economic Viability

4.1.6 Open space

4.1.7 Drainage and Flooding

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 15 and GEN 1. These policies seek to make provision for new housing in a range of locations, concentrating development within the boundaries of defined settlements. HSG 2 seeks to direct most housing developments to main centres, Rhyl being a main centre. The site is within the development boundary of Rhyl, where the principle of new housing development would be acceptable subject to consideration against other policies and a detailed assessment of the potential impacts.

4.2.2 Impact on visual amenity

Consideration relating to the visual amenity impacts of development are contained within Policy GEN 6 of the Unitary Development Plan, and requires due regard to issues of scale, design, form, siting, density and intensity of use, impact on a locality, public views into, out of or across a settlement and whether development take account of site contours/levels and avoids prominent skylines.

The scale, design, form, siting and density of the proposed housing scheme is considered to be acceptable, and has previously been considered as being acceptable by Planning Committee in resolving to grant permission in 2006.

The layout of the site has been designed to discourage cars parking on Brookdale Road and to reduce the dominance of car parking along the frontage of the site. The main terrace of properties fronting Brookdale Road has been designed to provide a focal point in the form of an archway entrance, which comprises first floor living accommodation for plots 9 and 10 with a vehicular access under, leading to car parking spaces at the rear. The front elevation of this terrace has also been staggered as has the terrace of 3 dwellings at the northern most end of the site.

With sensitive hard and soft landscaping, and the use of appropriate brick, render and roof materials to match those on existing development within the area, it is not considered that there would be any adverse impact on the visual amenities of the area.

4.2.3 Impact on residential amenity

There is a general requirement to ensure that new development does not detrimentally affect the amenity of neighbouring properties by way of, amongst other things, over dominance and loss of privacy. This requirement is embodied within Policy GEN 6. Additional guidance on how this can be achieved is contained in Supplementary Planning Guidance Notes 24 and 25. Policy GEN 6 also requires new residential development to provide a reasonable amount of amenity space for future occupants.

The layout of the site has been designed having regard to the siting of existing development which surrounds the site. This demonstrates that adequate separation distances between existing and proposed properties, would be achieved. The house types proposed have also been designed to minimise the impact on neighbouring properties, with main windows located on principal elevations to avoid overlooking. The properties have been orientated to provide greater levels of security and amenity to enable benefits to both current and proposed inhabitants.

Concerns raised by a local resident on Clifton Grove are noted, however due to the siting and orientation of the proposed terrace adjoining Clifton Grove and the siting and orientation of the properties in this corner of Clifton Grove, there would be no direct overlooking of these properties or the rear amenity spaces to a significant degree.

The development provides properties with acceptable amenity levels including front and rear amenity areas, and off street parking, and it considered that an acceptable level of amenity would be afforded to future occupiers of the dwellings. In this respect, the development is considered to be acceptable in terms of Supplementary Planning Guidance and the general amenity considerations in Policy GEN 6 of the Unitary Development Plan.

4.2.4 Highway issues

Policies TRA 6 Impact of New Development on Traffic Flows, TRA 9 Parking & Servicing Provision and GEN 6 Development Control requirements, only permit proposals for development where there is adequate parking and servicing provision and there would not be a detrimental impact upon the safe and free flow of traffic on the highway.

The development would have vehicular access points of Brookdale Road and would provide 34 car parking spaces arranged predominantly in 2 main areas adjacent to the south terrace and in between the two terraces to the north of the site.

The scheme indicates the provision of a footway/cycle crossing over The Cut to link in with the existing public footpath. As there is no open space being provided within the development, it is considered reasonable to request the developer provides a link over The Cut in order to access the public footpath links and provide access to the nearby playing fields at Coronation Gardens. A condition should be imposed requiring further details.

The Head of Highways has raised no objection to the proposal subject to the inclusion of conditions requiring further details of the highways works proposed and in to secure the retention of the parking area within the site. It is not considered that there would be any adverse impact on highway safety.

4.2.5 Affordable Housing – Economic Viability

The requirement for provision of affordable housing in connection with housing development within development boundaries is set out in Policy HSG 10 of the Unitary Development Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1ha or more and/or where more than 3 units are proposed.

The applicant was willing to sign a Section 106 agreement required in 2006, providing 5 affordable housing units as required by the Council's policy. However there were delays in signing the agreement and the planning permission was never issued.

The delays were mainly caused by further negotiations on the viability of the development and the exploration of other off site provisions of affordable housing or commuted sums.

SPG 22 states that *"Unless there is evidence to demonstrate otherwise, 30% on-site provision will normally be sought and the Council will seek to meet the most acute need identified wherever feasible and suitable. Proposals submitted that do not meet the key policy thrusts of this SPG will not normally be supported – unless evidence is submitted which demonstrates otherwise"*.

The applicant has provided a detailed Financial Appraisal and on the basis of this, the applicant is offering to provide 1 affordable housing unit.

The Financial Appraisal has been assessed by the Valuation and Estates Manager and the conclusions are that, even with the provision of affordable housing units excluded from the development, the scheme is commercially unviable, and the developer would not make any profit. The developer is however willing to still offer 1 affordable housing unit and wishes to proceed with the development in order to provide work for his business.

The issue to be addressed in respect of affordable housing is, therefore, whether it is reasonable to waive the loss of 4 affordable units on the basis of the particular circumstances at the time of considering the application. In this scenario, it would be Officers' opinion that this is a case where the detailed financial appraisals of the scheme demonstrate the reduced provision of affordable housing is acceptable, based on the viability of the scheme. The Affordable Housing Officer has raised no objection, taking in to account the Financial Appraisal and opinion of the Valuation and Estates Manager and is willing to accept 1 no. 2 bed affordable housing unit as the provision.

A Section 106 Legal Agreement would be required to secure the affordable unit and it is suggested that an 'overage' agreement should be considered within the Legal Agreement that would enable the delivery of a commuted sum payment should the housing market improve in the future.

4.2.6 Open space

Policy REC 2 and SPG 4 set out the requirement for provision of amenity and recreational space in new residential development. The trigger point for the requirement to provide public open space is 10 dwellings.

The applicants have confirmed willingness to adopt the same approach as previously accepted here, by payment of a commuted sum in lieu of provision of open space on the site. The sum can be used to develop / enhance existing recreation facilities and open areas in the locality where it would be of more obvious community value than what would at best be a small patch of undeveloped ground in the middle of a number of dwellings on this site. This may be a more beneficial approach in this instance, given the requirement to create a link to the Coronation Gardens. The commuted sum could be secured through a Section 106 Legal Agreement.

4.2.7 Drainage and Flooding

Policy ENP 4 seeks to ensure satisfactory foul and surface water drainage arrangements in new developments. Policy ENP 6 requires that development does not result in an unacceptable risk from flooding. TAN 15 Development and Flood Risk also provides guidance to the Local Planning Authority when dealing with development in flood risk areas.

The site is located within a zone C1 as defined by the development advice maps of TAN15 Development and Flood Risk. Residential development is a highly vulnerable development, and the applicant has submitted an up to date Flood Consequences Assessment (FCA) which has been assessed by the Environment Agency.

The Environment Agency are satisfied that all flooding issues have been addressed and have raised no objection to the proposal subject to the inclusion of a condition requiring minimum floor levels to be set to 6.88m Above Ordnance Datum. The Environment Agency have also requested a condition requesting details of the provision and implementation of a surface water regulation system.

5. SUMMARY AND CONCLUSIONS:

5.1 The site is within the development boundary and has no specific policy designation. The proposals are considered to show a suitably designed development. The density of development would not lead to unacceptable relationships with existing properties and the spaces between existing and proposed dwellings, garden areas proposed and the general layout meet policy criteria and supplementary guidance/standards for residential development. The alterations proposed to the access are considered acceptable with sufficient off street parking to be provided within the site.

5.2 It should be noted that in the current economic climate the viability of any housing development is under scrutiny. The provision of affordable housing and any other policy requirement has to be assessed against financial realities and the potential economic benefits of construction projects taking place on derelict sites. In this instance Officers feel that the 1 no. affordable housing unit and open space commuted sums are better than could be expected given the viability of such a site in this part of Rhyl.

5.3 The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure:

(a) The provision of 1 no affordable housing unit and the retention of this unit for affordable purposes.

(b) The payment of a commuted sum for provision and maintenance of open space of £60,168.96 apportioned as follows:

CROS Provision Costs	£17,988.48
CROS Maintenance Costs	£18,843.84
Childs Provision Costs	£117,055.36
Childs Maintenance Costs	£6,281.28

The Certificate of Decision would only be released on completion of the legal obligation, and on failure to complete within the time period. The application would be represented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this Committee.

RECOMMENDATION: GRANT- subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roof(s) of the development hereby permitted and no materials other than those approved shall be used.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The finished floor levels of the dwellings shall be set at a minimum of 6.88AO.
6. PRE-COMMENCEMENT CONDITION

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

7. Prior to the commencement of the development, details of 2 gated accesses to The Cut (main river) in order for the Environment Agency to access and maintain the main river shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.

8. Prior to the commencement of the development, details of the link over the Rhyl Cut in order to link the development to the existing public footpath network shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.

9. Facilities shall be provided and retained within the site for the parking of vehicles in accordance with the approved plan and shall be completed prior to any dwelling being occupied.

10. The surface of the parking and turning areas shall be paved with a bituminous material or as otherwise agreed in writing by the Local Planning Authority before any dwelling is occupied.

11. Prior to the commencement of the development full details of the footway and associated highway works adjacent to the site as indicated on the approved plan including the detailed design, construction, drainage, street lighting, and any planting or fencing adjacent to the footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details and completed before any dwelling is occupied.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To safeguard the development from flooding.
6. To ensure satisfactory drainage of the site and to avoid flooding.
7. To ensure the Environment Agency has access to the main river for maintenance works to manage flood risk in the area from the watercourse.
8. In the interest of highway safety and to link the development with the existing public footpath network.
9. To provide for the parking of vehicles clear of the highway and to ensure that reversing into or from the highway is rendered unnecessary in the interests of traffic safety.
10. To ensure that no deleterious material is carried onto the highway.
11. In the interest of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.

NOTES TO APPLICANT:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures (including any outfalls) in, under, over or within 7 m of the top of the bank of the main river (Rhyl Cut).

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).