

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

A REPORT BY THE HEAD OF PLANNING SERVICES

**WALES SPATIAL PLAN: PATHWAY TO SUSTAINABLE DEVELOPMENT
CONSULTATION BY NATIONAL ASSEMBLY FOR WALES**

1. PURPOSE OF THE REPORT

- 1.1 To consider the recommendations of the Head of Planning Services in preparing the Council's response to a consultation document issued by the National Assembly for Wales on a Spatial Plan for Wales.
- 1.2 The closing date for the submission of comments to the Assembly is 14th December. A copy of this report has therefore been forwarded to the Assembly with the proviso that any additional comments agreed at this meeting be forwarded promptly.

2. BACKGROUND

- 2.1 The National Assembly for Wales is currently preparing the 'Wales Spatial Plan: Pathway to Sustainable Development' to meet the 'Better Wales' commitment to produce a 'national spatial framework for planning' by 2003. The consultation document is seen as an important step towards the Wales Spatial Plan (WSP) by explaining:
- a. the background to the plan,
 - b. its suggested purposes,
 - c. the potential issues
 - d. aspects of its delivery including its form and content,
 - e. arrangements for its appraisal, monitoring and review.
- 2.2 The WSP will cover a period of 20 years although continuous monitoring will result in reviews every 2 - 5 years in order to ensure that it responds to, and influences economic, technological or cultural changes in society. The WSP is proposed to have the status of national planning policy which means that it will have to be taken into account by local planning authorities in preparing development plans and where appropriate be a material planning consideration in the determination of planning applications.
- 2.3 The Plan will provide a means of considering how to plan the future location of human activities and how best to contribute to meeting environmental, social and economic aims. It will reflect the guiding themes of the National Assembly such as sustainable development, tackling social disadvantage and equality of opportunity. The specific purposes of the WSP will be to:
- Support and influence the spatial expression of the policies and programmes of the National Assembly and others
 - Address national issues of development and constraint
 - Provide a spatial context for major decisions and for the allocation of resources
 - Provide a strategic context for local authority plan making and development control decisions

- Reflect a wider perspective on strategic links, regional issues and matters extending beyond the boundaries of a single authority
 - Reflect European spatial planning programmes and initiatives
- 2.4 To co-ordinate the preparation of the WSP a Spatial Planning Unit has been established in the National Assembly's Planning Division. Preparation will be assisted by a Management Board with members from representative bodies in the voluntary, business and local government sectors as well as from the Assembly and its agencies. A larger Spatial Planning Network has also been established to provide a forum for participation and consultation on the scope, form and content of the WSP.
- 2.5 A preliminary list of issues which the WSP could address have been identified by the Assembly and these include:
- identifying distinctive features and characteristics of Wales and the forces of change that may impact on them
 - identifying the spatial effects of relevant land use and non land use issues
 - looking at how to secure sustainable growth while protecting and enhancing the environment
 - promoting spatial balance appropriate to the different regions and areas of Wales
 - addressing the spatial consequences of globalisation
 - identifying broad measures of provision required for economic and housing development to support economic well being and successful communities
 - identifying strategic areas of economic opportunity such as gateway locations, strategic sites, clusters of linked activities and centres of academic and specialist or technical excellence.
 - identifying factors which support balanced development including telecommunications, energy and water supplies and inhibiting factors such as land form, land instability and flood risk
 - addressing both distinct urban and rural issues and their interface including regeneration, making best use of existing settlements to accommodate growth, securing viable and diverse rural economies and market towns
 - providing a framework for the local designation of green belts in pressured areas
 - identifying how to make best use of existing transport systems, identifying necessary and sustainable improvements for long distance links, the removal of bottlenecks, improved gateways and accessibility
 - supporting local distinctiveness and cultural identities in Wales including the well being of the Welsh Language
 - supporting the protection of statutorily designated areas, the countryside, landscapes, the historic environment, natural habitats, the undeveloped coast, and the best and most versatile agricultural land
 - safeguarding non-renewable resources, such as minerals, against alternative and inappropriate forms of development, and ensure their prudent and efficient use
 - considering the implications of climate change
 - taking account of cross border linkages and relationships to adjacent areas of England, to Ireland, and internationally.
- 2.6 It is the National Assembly's intention for the WSP to be published in draft form in Spring 2002 and finalised by December 2002.

3. ASSESSMENT

- 3.1 The preparation of a Strategic Plan for Wales is generally supported as it will provide an opportunity to apply a new way of thinking with regard to existing problems and to address new and emerging issues in Wales. Within the European context there is a long tradition of spatial planning and it is emerging strongly as a basis for determining EU policy and resource allocation.
- 3.2 The list of issues which the document could address is both comprehensive and complex. There is a danger that by taking on too many issues the WSP could either be too long and detailed, thereby losing its 'strategic' overview or important issues could be glossed over. It is respectfully suggested that the scope of the WSP be kept 'manageable' and that further issues and considerations are added over time during subsequent reviews and updates. However, it should be noted that the issue of waste management and facilities has not been referred to. Furthermore, 'renewable energy' should be mentioned specifically, given that it is a key spatial issue in Wales at present in terms of conflict with landscape protection.
- 3.3 Many of the issues identified are planning related but many relate to other disciplines. The WSP must be more explicit in recognising that a multi-disciplinary approach involving all public, private and voluntary sectors and local communities generally will be necessary to deliver any strategy's on the ground. The WSP needs to be clear on the mechanisms to be put in place, and the responsibilities of different organisations, in bringing about its implementation.
- 3.4 The timetable is considered to be ambitious in terms of producing a draft WSP by Spring 2002. This is particularly so as the WSP is a new type of plan requiring new ways of thinking and new methods of preparation, consultation and participation. If the WSP is to be of value it must provide clear guidance on difficult issues which will require fundamental conflicts and differences of opinion to be resolved. It is important that momentum is maintained in preparing the document but it must not be rushed or be a shallow document containing merely statements of intentions or buzzwords.
- 3.5 The intended timescale of 20 years for the WSP is much more useful in terms of formulating and implementing spatial strategies and policies. However, this longer term policy approach needs to be matched with longer term funding. At present funding opportunities such as Objective One tend to be much shorter in timescale which may work against securing longer term more strategic regeneration policies and projects. Whilst the WSP is to be subject to periodic reviews the document must indicate by whom, how and when monitoring is to be undertaken and the factors, whether in terms of timescale, new issues or changing circumstances which would trigger a review.
- 3.6 Despite the intention for the WSP to have the status of national planning policy, its role is unclear in the context of i) existing national planning policy ii) regional planning guidance and iii) strategic part 1's of UDP's. The intention to prepare a WSP may indicate the beginning of a new approach to planning policy in Wales with implications for regional planning guidance and UDP's. The status of each component and the relationship between them needs to be made clear, particularly as the North Wales Planning Authorities have recently published Regional Planning Guidance for North Wales. In the absence of an overhaul the system of planning policy and guidance in Wales could suffer from overlapping guidance, duplication of effort and confusion.

3.7 It is surprising, given the Assembly's promotion of open and transparent government that there appears to be no provision for public scrutiny of the WSP particularly where fundamental conflicts exist. By comparison, Regional Planning Guidance in England must go through 'an examination in public' before it is adopted.

4. Conclusion

4.1 The Assembly should be congratulated on commencing this challenging and forward looking document. By releasing this consultation paper which sets out the background to, scope of, methodology and timescale of the WSP the Assembly has demonstrated its commitment to the preparation of a new strategic plan for Wales. However, it has also set itself demanding targets in terms of the range of issues to be tackled in the limited time available.

4.2 With the exception of the comments set out in this Report, there is little else that can be said in the absence of the draft document itself. The publication of and consultation regarding the draft WSP is therefore keenly awaited.

5. Recommendation

5.1 That this report be agreed as the Council's formal response to the National Assembly's consultation document 'Wales Spatial Plan: Pathway to Sustainable Development'.

A REPORT BY THE HEAD OF PLANNING SERVICES

STATUS OF THE UNITARY DEVELOPMENT PLAN

1. INTRODUCTION

- 1.1 This report sets out information on the status of the emerging Unitary Development Plan, following the receipt of the Inspector's Report, as it progresses towards adoption in terms of its use in development control.

2. BACKGROUND

- 2.1 Section 54A of the Town & Country Planning Act 1990 states that in determining a planning application and where the development plan is relevant, the application should be determined in accordance with the development plan unless material planning considerations indicate otherwise.
- 2.2 The 'development plan' for the County for the purposes of Section 54A includes the Clwyd Structure Plan First Alteration, the Glyndwr District Local Plan and the Rhuddlan Borough Local Plan. These have a plan end date of 1996 and whilst they still apply are becoming increasingly out of date in terms of (i) and (ii) below. The Colwyn Borough Local Plan, which has been adopted by Conwy CBC, is not operative in its adopted form in that part of the Plan area now within Denbighshire. Whilst it remains a material planning consideration little weight can be attached to it as it has overtaken by the continued progress of the UDP.
- 2.3 The UDP is a material planning consideration which carries some weight. Unopposed policies i.e. those which have not received an objection during the deposit stage carry more weight than the opposed policies. In determining planning applications the relative weight attached to Deposit UDP policies also depends on whether the existing policies in the adopted plans are out of date because of (i) changes in national planning policy or (ii) changes in circumstances.
- 2.4 The UDP will only become the 'development plan' for the purposes of S54A (see para 2.1 above) for the County and replace these plans when it is finally adopted.

3. THE PRESENT POSITION

- 3.1 On 22nd March 2000 the Planning Committee resolved to use policies in the UDP where there were no objections (at that time this included some 18 policies). The Committee also resolved to attach added weight to those UDP development boundaries and allocations which had not been the subject of objections.

4. THE WAY FORWARD

- 4.1 The position has now changed in two respects. Firstly, the period leading up to and during the public inquiry resulted in a number of objections being withdrawn (a revised list of those polices not the subject of objections is attached in Appendix 1). Secondly, the Inspector's Report (IR) has now been received by the Council (9th August 2001) and has now been made publicly available.
- 4.2 As set out in preceding reports to the Panel, the IR (and Addendum Report) contains a recommendation on every duly made objection. As it is now publicly available its contents will become a material planning consideration in the determination of planning applications (indeed a number of planning applications have been deferred pending receipt of and publication of the Inspector's Report). However, the consideration of the Council's Statement of Decisions and Reasons on the IR, will take place at the Special Planning Committee immediately following this meeting subject to ratification by Full Council in January 2002.
- 4.3 Now publicly available it will therefore be necessary to consider the sections of the IR relevant to the determination of a planning application carefully in terms of:
- The scale and type of planning application
 - Has the Inspector considered the objection fully and properly
 - Is the Inspector's reasoning and recommendation clearly set out
 - Does the Council accept the Inspector's Recommendation
 - Does the Inspector's recommendation result in a proposed modification to the UDP which has not been the subject of public consultation. This include the Further Proposed Changes which have yet to be formally published by the Council. In the light of the Human Rights Act and fairness, any objections resulting from these changes (when published as Proposed Modifications) should be given due consideration by the Council.

5. CONCLUSIONS

- 5.1 As experienced at previous stages in the preparation of the Plan, this is a difficult and, at times potentially confusing period. It is important that uncertainty is minimised by setting out clear guidance on the status to be given to the UDP and IR and progressing the Plan as quickly as possible to adoption.
- 5.2 The suggested approach is that each application must be determined in accordance with the existing adopted development plan (excluding the Colwyn Borough Local Plan which is not adopted for the Trefnant and Cefn Meiriadog communities) unless material planning considerations indicate otherwise in terms of (i) national planning guidance (ii) objections to the UDP and (iii) the relevant reasoning and recommendation in the IR. Where no objections have been made to a policy / proposal or where the Council has accepted the recommendation and reasoning of the Inspector, and has considered the issues set out in the last bullet point in para 4.4 above, then significant weight should be attached to the UDP.

6. RECOMMENDATION

- 6.1 That the approach set out in this report to the status of the UDP and its use in development control is accepted.

Unopposed UDP policies – April 2001

GEN 15 Public Art

CON 6 Devt within Conservation Areas

CON 8 Demolition in Conservation Areas

CON 9 Advertisements in Conservation Areas

CPZ 2 Design in the Coastal Planning Zone

CPZ 5 Public Waste Water Treatment Works

GPZ 8 Foryd Harbour, Rhyl

HSG 8 Replacement dwellings in the Open Countryside

HSG 12 Extensions to dwellings

HSG 15 Residential Conversions in East and West Rhyl

EMP 11 Expansion/ Intensification of Existing Employment Sites / Premises

RET 5 Principal Shopping Frontages in Town Centres

RET 6 Town and District Centres (non A1 uses)

RET 10 Local and Neighbourhood Shopping Centres

RET 11 Car showrooms and Vehicle Related uses

RET 12 Local Shops and Post Offices

RET 17 Kiosks

TSM 2 Tourism Development Areas

TSM 7 Serviced Holiday Accommodation

TSM 8 Safeguarding of Existing Serviced Accommodation

TSM 11 Redevelopment and change of use of small static caravan sites

TSM 13 Winter Storage of Caravans

TSM 14 Foryd Harbour / Ocean Beach, Rhyl

TSM 16 Promenade, Rhyl

CF5 Residential Institutions

RET 2 Retail Developments – Objections conditionally withdrawn

MEW 6 Protection of Mineral Operations and Reserves - Objs conditionally withdrawn.

MEW 7 Dormant Sites - Objs conditionally withdrawn.

Those in **bold** are in addition to those reported to Committee in March 2000, the ~~strike through~~ has been used where the policy was mistakenly shown as not being objected to.

**REPORT BY THE HEAD OF PLANNING SERVICES
DEPOSIT YNYS MÔN UNITARY DEVELOPMENT PLAN**

1. PURPOSE OF THE REPORT

- 1.1 This report sets out the Council's response to the Deposit Version of the Ynys Môn Unitary Development Plan (UDP).

2. BACKGROUND

- 2.1 Denbighshire County Council have been invited to make representations to the Deposit version of the Ynys Môn UDP (plan period 2001-2016) by 20 December. As Denbighshire is not a neighbouring authority and given the short time available, comments have primarily concentrated upon the Plan's strategic planning issues.

3. ASSESSMENT

- 3.1 The Ynys Môn UDP sets out the following land for employment and housing for the 15 year period 2001-2016 :
- 380 hectares of employment land comprising both previous and new allocations and existing planning permissions;
 - an additional dwelling requirement of 1800 dwellings;
 - 900 dwellings will be allocated within settlements in the UDP, with a further 900 dwellings anticipated through the development of unallocated sites (countryside hamlets and clusters / windfall sites) and conversions.

- 3.2 Following assessment the main points in the plan are as follows:

Key Issues:

The aims and objectives of the Ynys Môn UDP are generally supported, as they attempt to address the key issues set out in Chapter 4 of the Plan. One of these is continued population decline, including out-migration of young people and in-migration of older people. The primary aim of the Ynys Môn UDP is as follows:

"To encourage sustainable communities on Ynys Môn by promoting development which improves the local economy in order to stem the loss of population."

Part One Policy - Reasoned Justification:

The reasoned justification for the Part 1 policies are set out in various sections in Part 2. This can be confusing and does not allow easy cross-reference and interpretation of the justification for the Plan's strategic policies.

Part One Policy 4 - Location of Major Development:

Policy PO4 requires major generators of travel to locate in areas that reduce dependence on the private car. However, it may be more suitable to broaden the policy in order to promote the integration and co-ordination of transport and land use planning with the aim of reducing the need to travel. A broader policy would be particularly relevant given that the profile of Ynys Môn states that there is "a great number of micro and small enterprises." (p.3), which would probably not be regarded as major generators of travel.

Part One Policy 8 - Environment:

The scope of Policy PO8 which deals with strategic environmental issues could perhaps be widened. This might achieve a more sustainable use of land through maximising the re-use of derelict, vacant and under used land and buildings, rather than only providing a presumption against development which causes unacceptable harm to the natural and historic environment.

This is particularly relevant, as a target has been set to maximise the use of available brownfield sites. In addition, providing a prescriptive list of environmental designations may even lead to confusion, particularly where other designations not listed may be present, such as Local Nature Reserves or Regionally Important Geological / Geomorphological Sites.

Part One Policies - General:

Part 1 might include a requirement that all new development should achieve a high standard of design.

Part Two - General Policies GP1 - Development Control Guidance

In order to improve the clarity of the policy and avoid confusion, it is suggested that the first sentence of policy GP1 comprise text similar to the following:

“Development which is in accordance with the plan’s other policies and proposals will be permitted, provided that the development:”, rather than “Development will be permitted where it:”.

This will encourage developers to read the plan as a whole, rather than only referring on the checklist provided in GP1.

Part Two - Transport Policy TR12 - Air Travel

This policy may need to refer to the environmental impacts associated with this type of development as well as mitigation measures.

Part Two - Tourism Policy TO1 - New Attractions and Extensions to Existing Attractions:

Policy TO1 might include a wider set of criteria including residential amenity, traffic and transportation issues as well as impacts upon the natural and built environment.

4. CONCLUSION

- 4.1 The aims, objectives, policies and proposals of the Plan are generally supported. The above comments are only raised to enable the plan to reflect a wider range of material planning issues and to improve the clarity of the policies.
- 4.2 Ynys Môn county Council are supported in publishing its Deposit UDP. It is of a high standard and well presented.

5. RECOMMENDATION

- 5.1 The recommendation is as follows:

“To accept the above report as Denbighshire County Council’s response to the Ynys Môn Deposit UDP, raising no objections.”

A REPORT BY THE HEAD OF PLANNING SERVICES

THE CONSULTATION BY CADW, WELSH HISTORIC MONUMENTS, ON LISTING BUILDING CONSENT DELEGATION AND LOCAL HERITAGE STRATEGIES

1. BACKGROUND:

- 1.1 Listing Building Consent is required for the demolition, alteration or extension of any listed building where such works would affect its character as a building of Special Architectural or Historic Interest.
- 1.2 Applications for consent are made to the Local Planning Authority. Should the Local Planning Authority grant consent the decision and all relevant papers are sent to CADW who have 28 days during which it may direct that the application be referred to it for a decision. This 28 day period may be extended if CADW need further time. Exceptions to this procedure are internal alterations to Grade II listed buildings which do not need to be referred to CADW and applications for consent on listed buildings in the ownership of the Local Authority where CADW alone are responsible for a decision.
- 1.3 CADW have now issued a consultation paper (attached as Appendix A) in which it is proposed that all decisions for listed building consent on Grade II listed buildings are determined solely by the Local Planning Authority except for those buildings that have received grant aid from CADW, where applications are for the substantial demolition of a listed building or where the building is in the ownership of the Local Authority.
- 1.4 To gain delegated powers the Local Planning Authority will need to demonstrate to CADW that they have adequate specialist skills in place, and that they are able to make robust soundly based decisions which protect and preserve the historic environment. The key elements to enable full delegation on Grade II listed buildings is set out in Annex 2 of their Consultation Paper. Should delegation be conferred on a Local Planning Authority it would still be necessary to refer decisions where those decisions contradict the advice of specialist staff.
- 1.5 Where a Local Planning Authority is unable to demonstrate to the satisfaction of CADW that they have the necessary specialist staff or procedures to warrant delegation CADW may confer delegation on certain minor works to Grade II listed buildings such as advertisements, changes to paint colour, extensions to extensions and minor non-structural additions. This type of work is fully outlined in Annex B of their paper.

2. REASON FOR DELEGATION:

- 2.1 The Welsh Affairs Committee in 1993 stated that it was their intention to extend delegation to Local Planning Authorities. A consultation in 1994 had mixed responses with several organisations expressing concern about the level of expertise in local authorities. Following Local Government re-organisation CADW visited all the new local authorities and found general support for delegation but the

level of expertise was variable. CADW are again looking into the issue of delegation as part of the Modernising Government agenda. This time their approach is one of offering delegation where an authority can demonstrate competence and partial delegation in some other circumstances.

3. IMPLICATIONS OF DELEGATION TO DENBIGHSHIRE COUNTY COUNCIL:

- 3.1 Approximately 93% of all listed buildings are Grade II. Consequently the majority of applications for listed building consent relate to Grade II listed buildings. The present system requires Denbighshire Planning Authority to forward most of the decisions on Grade II buildings into CADW for review. Very few are "called in" by CADW. If CADW are unhappy about a particular aspect of an application they occasionally ask for an amendment. The majority of applications are not commented on. The result of this system for the applicant is normally a 4 week delay before a decision can be confirmed, sometimes this is longer.
- 3.2 In some cases CADW say that they may link delegation to the production of local heritage strategies. This would be good practice in any event and could be produced without much difficulty.
- 3.3 CADW may require some minor internal modifications to our system of processing applications but these are not expected to be significant.
- 3.4 There would be no additional resource implications.

4. RECOMMENDATIONS:

- 4.1 Denbighshire County Council welcomes moves towards greater delegation as this will improve the speed of handling listed building applications.
- 4.2 That Officers respond to the consultation document accordingly.

APPENDICES NOT AVAILABLE IN ELECTRONIC FORM

A REPORT BY THE HEAD OF PLANNING SERVICES

DATE OF SITE VISITS

1. PURPOSE OF REPORT

- 1.1 To advise Members of the likely date of any Site Visits requested by the Planning Committee.

2. DATE OF THE SITE VISITS

- 2.1 In consultation with Legal and Administration, it has been decided that the **Monday 7th January 2002** is most suitable. This date has been provisionally booked.
- 2.2 You are advised, therefore that any site visits arranged today will take place **On Monday 7th January 2002 (times to be advised)**.

3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1 This will depend on Political Balance and will include the Chair and Vice Chair of the Committee and the relevant Local Member(s)

4. RECOMMENDATION

- 4.1 That Members agree to the Site Visits being held on **Monday 7th January 2002**

REPORT BY HEAD OF PLANNING SERVICES

STREET NAMING OF NEW DEVELOPMENTS.

1. PURPOSE OF REPORT.

- 1.1 To advise Members of new developments which have been recently named by Planning Services.

2. NEW DEVELOPMENTS.

- 2.1 Listed below are the new developments which have been named in the past year or so in the northern part of the county. I reported on recent street naming on developments in the southern part of the county at the Planning Committee on 25 July 2001.

- (i) Plas Newydd Estate, Prestatyn
Named: Ffordd Hirwaun, Cwrt Berllan, Clos Dol-y-Coed.
- (ii) Maes Gwilym Estate, Rhyl
Named: Llys Gwennol
- (iii) South Meadows, Ffordd Frith, Prestatyn
Named: Clos Gwaun Deau/South Meadow Close
- (iv) Land off Ffordd Tanrallt, Meliden
Named: Craig Melyd
- (v) Land off Bro Havard, St Asaph
Named: Maes Y Fedwen Arian
- (vi) Land adjacent Merllyn, Tremeirchion
Named: Cae Pedr
- (vii) Land at Grove House, Mount Road, St. Asaph
Named: Clos Coed Eiddew/Yew Tree Close
- (viii) Land between 34-44 Talargoch, Meliden
Named: Llwyn Mesen

- 2.2 This item is for **Members information**.