

**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.
Land Adjoining Warren House, Bodfari
Planning Conditions
41/2002/808/PC

1. PURPOSE OF REPORT.

- 1.1 The seek the confirmation and approval of planning committee in respect of proposed planning conditions relating to the above application for planning permission following the decision of the Full Council of 18 March 2003 to ratify the Planning Committee's decision to grant planning permission on 29 January 2003.

2. THE PLANNING APPLICATION.

- 2.1 **Attached**, as an appendix for information is the officers report on the application to Planning Committee.

3. RECOMMENDATION.

- 3.1 That the following conditions be attached to the decision notice.

Conditions 1.

Within two months of the date of this permission, a detailed scheme of soft landscaping shall be submitted to the local planning authority for approval; such a scheme shall include details of the following:

- a). proposed strategic tree planting in the areas shown hatched in the plan attached the decision notice,
- b). proposed new tree numbers and species, locations and timing of the planting in those areas;
- c). details of a management plan and maintenance schedule.

Reason: In the interests of visual amenity in the AONB

Condition No. 2

All tree planting comprised in the approved details of landscaping shall be carried out in the first planting season following the issue of this decision notice; any trees which, within five years of commencement of planting, die, are removed or become seriously damaged shall be replaced in the next planting season with others of similar size and species.

Reason: To secure satisfactory implementation and long-term survival of the scheme in the interests of visual amenity.

Condition No. 3

Unless otherwise approved in writing beforehand by the local planning authority, no form of charcoal burning shall be carried out on the application site or on land forming part of any other parcel of land adjoining the application site under the applicants control (i.e., that land edged in

blue in the application submission) other than by means of a retort of the size and design proposed in the application.

Reason: In order to control method of charcoal burning in the interests of amenity.

Condition No. 4

No more than one retort shall be permitted to be stationed on the land at any one time.

Reason: In the interests of visual amenity.

Condition No. 5

The retort shall not be sited in the position proposed in the application and shall, within two months of the date of this permission, (or such longer time as may be agreed with the local planning authority) be re-sited in a position to be agreed beforehand with the local planning authority.

Reason: in the interests of the visual amenity of the local planning authority.

Condition No. 6

Charcoal burning shall only be undertaken for one continuous period of 20 weeks between the dates of **(to be inserted)** and **(to be inserted)** (or such other dates as may be agreed beforehand with the local planning authority) and no more than two charcoal burns in each week shall be undertaken

Reason: in the interests of the amenity of the locality.

Condition No. 7

Mechanised, electrical or other power tools shall only be permitted to operate between 0830 and 1700 hours Mondays to Fridays and not at all on Saturdays and Sundays.

Reason: In the interests of residential amenity and to enable the reasonable enjoyment of the AONB by other parties outside of normal working hours.

Condition No. 8

The level of noise emitted from the site shall not exceed the following criteria when measured at a point on the road adjacent to the gate of the residential premises known as 'Glascoed', as marked on the attached plan entitled "Noise Limits: Location of Measurement".

1) a maximum noise level of 40 dB LAeq (1hr) (freefield) for any period of one hour. This limit shall apply, unless otherwise agreed in writing with the LPA between the hours of 08:30 hrs and 17:00 hrs Monday to Friday.

2) a maximum noise level of 25 dB LAeq (5 min) (freefield) for any period five minutes at any other time unless otherwise agreed in writing with the LPA.

All noise levels shall be determined by measurement over the period stated in accordance with methods approved in British Standard 4142 (1997).

Reason: In the interests of residential amenity and to ensure the reasonable enjoyment of the AONB by other parties.

Condition No. 9

Timber shall only be stored in the locations shown on the plan attached to the decision notice; no timber storage area shall exceed 3 metres in height when measured above natural ground level adjacent to the storage area.

Reason: In the interests of the visual amenity of the AONB.

Condition No. 10

The quantity of timber imported onto the site for use in connection with the all activities hereby permitted shall not exceed 200 tonnes in any calendar year unless otherwise agreed beforehand by the local planning authority; a written record of all deliveries and quantities of timber imported onto the site shall be maintained at all times and shall be made available for inspection by an officer of the local planning authority upon 24 hours advance notice of a request from the local planning authority.

Reason: In order to limit the scale of operations to the level indicated in the application and to enable reasonable monitoring and enforcement of the operation in the interests of amenity.

Condition No. 11

The maximum number of timber delivery by vehicles capable of carrying 25 tonnes or greater shall not exceed 8 in any year unless otherwise agreed beforehand by the local planning authority.

Reason: In the interests of highway safety, amenity and to limit the scale of operations to the level indicated in the application.

Condition No. 12

Within two months of the date of the decision notice a scheme including details of the locations and numbers of car parking for staff and visitors to the site shall be submitted to and approved in writing by the local planning authority; such scheme as may be approved shall thereafter be implemented by no later than two months from the date of such approval and those areas shall thereafter be retained solely for parking of staff and visitor vehicles.

Reason: In order that satisfactory provision is made for cars likely to visit the site.

Condition No. 13

No materials shall be stored outside the buildings in the site other than the timber expressly permitted to be stored by virtue of condition number 9.

Reason: In the interests of the visual amenity of the AONB.

ITEM NO:

WARD NO: Tremeirchion

APPLICATION NO: 41/2002/0808 / PC

PROPOSAL: Retention of hardstanding, and earth bund and continued use of land for mixed forestry-related uses incorporating storage of machinery/materials in connection with Landscape Contractor's business, timber storage, cutting, bagging & storage of fuelwood, charcoal production, tree nursery, coppice crafts, and woodland-based education and training. Erection of polytunnel.
(Retrospective application)

LOCATION: OS Parcels No. 2958 & 3256 Adj Warren House Mold Road
Bodfari Denbigh

APPLICANT: Mr R Waterfield

CONSTRAINTS: Area Outstanding Nat. Beauty

PUBLICITY UNDERTAKEN: Site Notice - Press Notice - Neighbour letters -

CONSULTATION RESPONSES:

1. BODFARI COMMUNITY COUNCIL
" Following discussion, it was resolved that the Council would remain neutral, neither objecting to, nor supporting the application, on the basis of the information provided on the planning application"
2. TRANSCO
A mains crosses the site and may be affected by development on the site.
3. HEAD OF HIGHWAYS AND TRANSPORTATION
Object. The site is approached via an unclassified road which is considered substandard in width and junction layout to serve as a means of access to a development of this size, with consequent risk of additional danger to all users of the road and interference with the free flow of traffic.
4. HEAD OF PUBLIC PROTECTION
No objection – no evidence of statutory nuisance. Unable to assess allegations of medical effects on neighbour.
5. JAC AONB
The JAC is disappointed that this application is partly retrospective. The Committee supports the principle of bringing an existing woodland back into positive management to secure its future. However, the JAC have concerns about the scale of the operations at the application site, which could have a detrimental impact on the character and appearance of the AONB. Particular areas of concern are the proposed polytunnel, extensive wood storage areas, and the encouragement of traffic on the substandard local road network. A smaller scale of operation, with extensive screen landscaping would be preferable if the Planning Authority are minded to grant permission.
6. PRINCIPAL COUNTRYSIDE OFFICER
Emphasises important contribution the applicant is making towards achieving the strategic objectives of Woodlands for Wales and consistency with objections of the Coed Cymru initiatives.

7. FORESTRY COMMISSION

Fully support application given traditional woodland management techniques used by applicant, expansion of native woodland, sustainable processes, and employment and education benefits.

RESPONSE TO PUBLICITY:

Representations received from:-

1. Mr & Mrs Collins, Glascoed, Bodfari (8)
2. Mr Allnutt, Pentre Uchaf, Bodfari
3. Mr & Mrs Williams, Warren House, Bodfari
4. Doctor Romachney, Beech House Surgery, Denbigh on behalf of Mr Collins (2).

Summary of planning based representations:-

- i) Loss of visual amenity in AONB
- ii) Noise and disturbance to nearby properties, which are carried out 24 hours a day (e.g burning)
- iii) Nuisance caused by discharges of smoke and fumes from the charcoal burners and lack of planting around retorts to dissipate fumes
- iv) Static caravan sited inside building, which is occupied
- v) Highway network not adequate to accommodate vehicles
- vi) Activities are causing harm to health
- vii) Lack of drainage for persons engaged in woodland based activities.

Mr and Mrs Collins have provided a series of sheets logging activities at the site

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 27/09/2002

REASONS FOR DELAY IN DECISION:

Additional information required from applicant
Deferral for Site Inspection Panel
Referral from Planning Committee

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Consideration of this application was deferred at the 18th December 2002 meeting of the Planning Committee, when it was resolved to appoint a Site Inspection Panel to visit the site.
2. The Site Inspection Panel met at the site (Bodfari Charcoal) on 6th January 2003.
3. The members present were:-
Councillor F D Jones (chairman) and representing

The Independent Group	Councillors N Hugh-Jones, R.E Jones & R. LI Williams
The Plaid Cymru Group	Councillors N J Hughes & M LI. Davies
As an observer	Councillor Sophia Drew

Apologies were received from Cllr D Holder. The officer present was Peter Lloyd
4. The reasons the Site Inspection Panel was appointed was to assess the impact of development on the Area of Outstanding Natural Beauty and the adequacy of

access.

5. At the Site Inspection Panel, members considered the following matters:
 - i) The position of the charcoal burner on site, machinery, bund and excavation for the polytunnel.
 - ii) The bagging by hand of split logs which was being undertaken during the Inspection.
 - iii) The existence of a static caravan and three touring caravans on various parts of the site and adjoining land.
 - iv) The overall general appearance of the site in the Area of Outstanding Natural Beauty.
 - v) The access road to the site and the junction with the A541.
6. The conclusions of the Site Inspection Panel were in relation to the points identified in paragraph 5.
 - i) The scale of operations and location of site has a visual impact on the Area of Outstanding Natural Beauty.
 - ii) The nature of activities on site could be carried out all year round and would vary depending on the time of year and market demands.
 - iii) The static caravan appeared to be capable of year round occupation.
 - iv) The operations provide employment in the locality
 - v) The access would be suitable for limited vehicular movement given existing uses. The junction with the A541 affords adequate eastward visibility but limited visibility westwards because of the bend.
7. The case officer notes on the proposal follow. These are not the deliberations of the Site Inspection Panel and are not intended as representative of the views expressed at the panel meeting.
8. The site comprises part of sloping former grazing land adjacent to an area of woodland. The site has been partly hard-cored and has an earth bund on the lower northern side. Timber is stored in stacks on part of the site. A twin charcoal retort is sited on the upper (southern) part of the site. There is an existing portal framed building adjacent to the woodland used for storage of goods, machinery and wood for working and a static caravan inside. A lean-to open shelter lies immediately to the south which is used for storage. In the south eastern corner of the site a cutting operation in preparation for the erection of a poly-tunnel to be used as a tree nursery have been carried out. Access is via a Class C County road running parallel to the A541 some 300 metres to the south.
9. The site is located in the open countryside and is within the Area of Outstanding Natural Beauty. It has the benefit of a certificated touring caravan location.
10. Planning permission is sought to continue use of the land for production of charcoal using a twin unit kiln and for associated bagging and storing of charcoal; for the cutting, bagging and storage of fuel wood (e.g. logs, kinder); production of coppice craft goods, retention of the earth bund, erection of a polytunnel (involving engineering operations to level sloping ground); the application also refers to using the land as a tree nursery and providing woodland education services and a landscape contractors business. Since the last Planning Committee the applicant has submitted a statement setting out the benefits in his view of the operation in terms of the Area of Outstanding Natural Beauty and employment. He also raises concerns about the involvement of Council Officers thus far and the contents of the report. It is not considered necessary to respond in detail to the points raised as many relate to subjective judgement of the various impacts. Suffice to say that some of the activities carried out by the applicant are acceptable, whereas others such as the landscape contractors business, timber yard type activities and the charcoal burning are not considered appropriate. Those considered unacceptable have intensified over time and advice and judgements have been made based on the situation at the time. The current proposal is considered on this basis.

RELEVANT PLANNING HISTORY:

11. 41/31/98/PO – Development of 0.2 hectares of land by the erection of a single dwellinghouse and means of access and installation of septic tank (outline application) – REFUSED 12 February 1998.
41/451/98/PO - Development of 0.2 hectares of land by the erection of a single dwellinghouse and means of access and installation of septic tank (outline application) – REFUSED 3 August 1998 - DISMISSED AT APPEAL 2nd July 1999

PLANNING POLICIES AND GUIDANCE:

12. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (ADOPTED 3RD JULY 2002)
Policy GEN 6 – Development Control Requirements
ENV 2 – Development affecting the AONB
EMP5 – Small scale employment development outside development boundary.

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

TAN (W) 6 – Agricultural and Rural Development – June 2000

MAIN PLANNING CONSIDERATIONS:

13.
 - i) Principle of development in this location
 - ii) Impact on visual amenity and character and appearance of AONB
 - iii) Impact on residential amenity
 - iv) Impact on highway safety.
14. Development in the Area of Outstanding Natural Beauty is assessed against the primary objective of conserving and enhancing the natural beauty of the area. Any new development should therefore be of a very high standard in order to conserve the landscape. The Unitary Development Plan allows small-scale employment development outside settlement boundaries where that development is confined to existing buildings and any external operations/storage are not detrimental to the landscape and environment. TAN6 encourages the development of appropriate scale woodland-based enterprise that adds to rural diversification. The acceptability of development is therefore assessed on the other main planning considerations.
15. The site is visible from public highways and footpaths on higher land to the north as well as from the curtilage of the dwelling "Glascoed". The timber stacks, twin kilns with chimney and polytunnel are all external activities that can be readily seen in the landscape. Activities such as timber cutting are frequently carried out outside the agricultural building and records of burning and cutting activities have been forwarded by a neighbour.
16. Historically the applicant has been carrying out the activities on a smaller scale and the view has been expressed that the scale of use previously was such that no development had occurred. Now the scale of the use is such that officers are in no doubt that development has occurred and that a planning permission is required.
17. It is acknowledged that certain elements of the use such a small scale coppice crafts (e.g producing hurdles etc from coppiced timber) and occasional woodland education courses are of a small scale that may not be harmful to the area whilst a tree nursery or horticultural use would not constitute development. The polytunnel would be sited in a prominent location on the hillside and require extensive engineering operations to create a level area to erect it. The existence of a

charcoal production unit and associated timber yard are, in the officer's view, inappropriate in the AONB and are as currently operated causing harm to visual amenity and the character and appearance of the area. The Inspector in the 1999 appeal decision did not consider charcoal burning to be ancillary to the forestry use.

18. The nearest dwelling is sited 50 metres from the site. The proximity of the activities, and in particular the charcoal burning and timber cutting operations are considered harmful to the residential amenity.
19. Access to the site is via single-track width roads. The application suggests some 200 tonnes of timber is imported to the site per annum by 25 tonne forestry lorries. The Head of Highways has objected to the suitability of the access roads themselves and the junctions with the A541.
20. Consideration has been given to whether it would be possible to limit the scale and impact of activity on the site by the use of appropriate planning conditions concerning hours of operation, location and heights of stacked timber type, frequency and size of deliveries, location of and requiring activities to be carried out from within buildings the site etc. It is not considered that the imposition of such condition would meet the tests relating to the imposition of planning conditions.

SUMMARY AND CONCLUSIONS:

21. The site is located in the AONB where strict tests are required to be imposed when assessing development. The application proposals will cause harm to visual and residential amenity and the character and appearance of the AONB. The local highway network is not considered suitable to accommodate the development. There is no overriding planning reason in the national interest why this site should be used as proposed.

RECOMMENDATION: REFUSE - for the following reasons:-

The reason(s) is(are):-

1. The application site lies within the open countryside designated as Area of Outstanding Natural Beauty (AONB). The development proposed will, by virtue of its design, nature of activities, scale and prominent location within the AONB, result in material harm to the character and appearance of the AONB. In the absence of any overriding planning reason for the development to be carried out it is contrary to Policies GEN6, ENV2 and EMP 5 of the Denbighshire Unitary Development Plan and national guidance in Planning Policy Wales.
2. The nature of activities, scale and location of the site relative to nearby residential property at Glascoed will in the opinion of the Local Planning Authority result in unacceptable loss of amenity to the occupiers of that dwelling contrary to Policies GEN6 and EMP 5 of the Denbighshire Unitary Development Plan.
3. The site is located in a rural location accessible by single track highways with sub-standard junctions to the A541. The type and nature of materials to be imported and exported from the site and the size and frequency of vehicles thereby required will in the opinion of the Local Planning Authority result in potential for conflict between vehicles and harm to highway safety in conflict with Policies GEN6 and EMP5 of the Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ENFORCEMENT MATTERS

ENF/2003/0015 Unauthorised Advertisement sign

ENF/2003/0016 Unauthorised Alterations to existing shop front

COPIES OF APPENDIX AVAILABLE FROM HEAD OF PLANNING SERVICES

**REPORT BY THE HEAD OF PLANNING SERVICES
POWYS UNITARY DEVELOPMENT PLAN
CONSULTATION DRAFT, MARCH 2003**

1. PURPOSE OF THE REPORT

- 1.1 This report sets out the Council's response to the Consultation Draft of the Powys Unitary Development Plan (UDP).
- 1.2 As an adjoining local planning authority, Denbighshire County Council has been invited to make representations on the Powys UDP. The County of Powys borders a small section of the southernmost part of Denbighshire. Powys is a predominantly rural county covering a large area.
- 1.3 Responses to the Consultation Draft UDP are required by 2nd May, 2003.

2. ASSESSMENT

- 2.1 Comments on the Powys UDP will focus on the following:
- a brief overview of the main housing and employment proposals for the County;
 - any policies which raise issues of interest or concern to the planning context in Denbighshire.
- 2.2 The Consultation Draft of the Powys UDP sets out the following land for employment and housing for the 15 year period 2001-2016 :
- 50 hectares of employment land comprising both previous and new allocations and existing planning permissions. This compares to a total allocation of 167ha in the adopted Denbighshire UDP;
 - 6,430 dwellings are allocated to meet Powys' housing requirement (this includes small sites of under 5 dwellings) – 3,970 of these dwellings are in Montgomeryshire, the northernmost of the three Powys shires, which borders Denbighshire. This compares to 4,100 dwellings in the Denbighshire UDP.
 - The total number of households in Powys is 55,209, with a total population of 103,987 (compared to Denbighshire's 39,000 households and total population of 93,092)
- 2.3 Following an assessment of the plan's policies and proposals no objections are raised. The approach taken by Powys in the Consultation Draft of the UDP appears to be reasonable and there are no policies which appear to have a potentially adverse impact upon the character and landscape of Denbighshire.
- 2.4 However, in order to inform members of the approach used by a neighbouring local planning authority in the preparation of UDP policies, I have compared some of the more significant policies in terms of policy issues from the Powys UDP with those used by Denbighshire. Please note that this is the consultation draft of the Powys UDP and many of these policies may be subject to change and deletion in response to comments and objections.

- **Housing in the Open Countryside:**

Powys has taken a broadly similar approach to Denbighshire regarding housing in the open countryside with the following main differences :

- (i) Powys will allow essential dwellings for uses in association with a 'suitable rural enterprise', and not just the agricultural and forestry workers dwellings that Denbighshire allow;
- (ii) Powys will only allow single dwellings for affordable housing for local need on the edge of settlement boundaries, under its 'exception policy' – Denbighshire may allow more than one dwelling;
- (iii) Powys also have a policy which, as an exception to normal housing policies, allows the development of single dwellings in 'Rural Settlements' (these have been classified as smaller than 'Small Villages'), which provide affordable housing for local need. This is broadly similar to Denbighshire's HSG5 'Groups of Houses in the Open Countryside' policy where infill development in groups of 6 or more dwellings is permitted – unlike Powys these are not restricted to affordable housing only.

- **Conversion of Rural Buildings to Dwellings**

Powys has taken a similar approach to Denbighshire with regard to conversions in rural areas. However, they have an added criterion that conversions to residential use must only be for local affordable housing.

- **Static Caravan Sites**

Again a similar approach to Denbighshire, with the added criterion that such proposals will only be allowed where they form part of a farm diversification scheme (refer to Policy TR6 of the Powys UDP). As in the Denbighshire UDP, Powys may also allow modest chalet and cabin sites in the countryside, subject to strict criteria.

- **Welsh Language and Culture**

Powys has taken a similar approach to the Denbighshire UDP. The Powys policy also refers to the current Study on Planning and the Welsh Language, which is being managed by Denbighshire's Planning Service.

3. CONCLUSION

- 3.1 Denbighshire raises no objections to the Powys UDP. Denbighshire welcomes the Plan and congratulates Powys on the quality and presentation. The aims, objectives, policies and proposals of the Plan are supported in general. The comments in Section 2 of this report are only raised to assess the similarities and differences in approach taken by Powys. Assessing the approach used by other authorities can be useful in informing any future review.

4. RECOMMENDATION

- 4.1 The recommendation is as follows:

- (i) To accept the above report as Denbighshire County Council's response to the Powys Consultation Draft UDP, raising no objections.

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 **morning of Monday 28th April 2003** 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 28th April 2003**

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 the morning of Monday 28th April 2003.

**Decisions Made by the Head of Planning Services under
Delegated Powers
1st - 31st March 2003**

Item For Information

This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

DECISION TYPES

GRANT	- grant planning permission
REFUSE	- refuse all types of application
APPROVE	- approve reserved matters or condition
CONSENT	- grant listed building, conservation area, or advert consent
DEEMED	- does not require advert consent
NO OBJ	- no objection to works to tree(s) in conservation area
NOT REQ	- proposal does not require permission/consent
DETERMIN	- determine that prior approval is not required or is granted on determination application (certain telecom or agricultural works)
P DEV	- proposal found to be permitted development after receipt
WDN	- application withdrawn by applicant
INVALID	- application found to be invalid
CERTIFY	- Certificate of lawful use issued
RCERTIFY	- refuse to issue certificate of lawful use