

PWYLLGOR CYNLLUNIO
CYFARFOD: 10fed Hydref 2007
Eitem: 2

PLANNING COMMITTEE
MEETING - 10th October 2007
Agenda Item: 2

DEDDF CYNLLUNIO TREF A GWLAD 1990
CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)
GORCHYMYN 1995 - HYD HEDDIW
DEDDF CYNLLUNIO A IAWNDAL 1991
RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994
DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)
1990
CEISIADAU AM GANIATAD DATBLYGU

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â
Chynllun
Iaith Gymraeg y Cyngor

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

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ITEM NO: 1

WARD NO: Prestatyn East

APPLICATION NO: 43/2006/1412/ PF

PROPOSAL: Erection of 62 dwellings, construction of new vehicular/pedestrian access and associated works (site area 1.85 ha)

LOCATION: Land off Warren Drive Prestatyn

APPLICANT: Barratt Homes Ltd.

CONSTRAINTS: Public Footpaths / Bridleway
Article 4 Direction
C1 Flood Zone

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"Object, loss of employment land, over intensification of site, surface water drainage issues and building on property on recognised flood plain".
2. LANDSCAPE ARCHITECT
No objection, but a revised landscaping scheme is required to soften the views of the development from the surrounding area.
3. COUNTY ECOLOGIST
No response received
4. HEAD OF DEVELOPMENT SERVICES (Economic Regeneration)
Object. The application fails to comply with Policy EMP 10.
5. HEAD OF HOUSING SERVICES
No objection
6. LAND DRAINAGE UNIT
No objection
7. HEAD OF TRANSPORT & INFRASTRUCTURE
Confirms that visibility splays would be in accordance with TAN 18. Revisions to layout would be necessary, to ensure adequate turning areas and pedestrian/cycle links.
8. FOOTPATH OFFICER
Recommends diversion and upgrade of the existing footpath
9. CONTAMINATED LAND OFFICER
Further information/investigations are required.
10. PRINCIPAL GROUNDS MAINTENANCE
Object. The proposal does not provide sufficient amenity space on the site.
11. ENVIRONMENT AGENCY
In relation to flooding, the submitted Flood Consequences Assessment has failed

to demonstrate that the risks or consequences of flooding can be acceptably managed in accordance with criteria set out in TAN 15. There are also historic contamination issues associated with the site and further investigations are required.

12. NETWORK RAIL
No objection
13. DWR CYMRU WELSH WATER
No objection
14. COUNTRYSIDE COUNCIL FOR WALES
No objection subject to condition requiring ecological surveys

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. C.M. & L. Gibson, 36, Marine Road East, Prestatyn
2. Mr. & Mrs. Shaw, 11, Warren Drive, Prestatyn
3. C. & B. Franklin, 27, Warren Drive, Prestatyn
4. Owner/Occupier, 52 Marine Rd East, Prestatyn
5. Mr & Mrs C. Kennerley, 44 Marine Road East, Prestatyn
6. J.Logan & J.G Nixon, 29, Warren Drive, Prestatyn
7. J. Hibbert, 40 Marine Road East, Prestatyn
8. The Owner/Occupier, 56 Marine Rd East, Prestatyn
9. Michael Hart, 16 Warren Drive, Prestatyn
10. Miss C. E Roberts, 16 Marine Road East, Prestatyn
11. B.H Ryan, 32, Warren Drive, Prestatyn
12. Mrs G Whitehouse, 26, Warren Drive, Prestatyn
13. Mrs E.J Bolton, 9, Warren Drive, Prestatyn
14. Ms. E. Butler, 60, Marine Road East, Prestatyn
15. Mr. & Mrs. D. Ashton, 48, Marine Road East, Prestatyn
16. Mrs. J. & Mr. W. Clarke, 21, Warren Drive, Prestatyn
17. Mr. J.W. & Mrs. H. Fallowfield, 19, Warren Drive, Prestatyn
18. A.J. Sansom & Mrs. B.M. Sansom, 28, Warren Drive, Prestatyn
19. Mrs. G. Ashworth, 17, Warren Drive, Prestatyn
20. Mrs. S. Williams, 30, Warren Drive, Prestatyn
21. J. Povah, 1, Warren Drive, Prestatyn
22. The Owner/Occupier, 25, Warren Drive, Prestatyn
23. Ann Jones AM, Constituency Office, Rhyl
24. Chris Ruane MP, House of Commons, London
25. Petition with 34 signatures

Summary of planning based representations:

- i) Access and highway safety issues
- ii) Impact on traffic flows
- iii) Drainage concerns
- iv) Residential Amenity issues
- v) The site is designated for employment
- vi) The site is in a flood zone
- vii) Over intensive development
- viii) Noise pollution
- ix) Impact on local wildlife

EXPIRY DATE OF APPLICATION: 13/02/2007

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- ongoing discussions with the applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises vacant warehouses formerly used in connection with Kwik Save. The application site area is approx 1.8 hectares and is located within the development boundary of Prestatyn, within a Policy EMP 2 Main Employment Area. To the rear of the site is the main North Wales coast railway line, to the east and immediately adjoining part of the site to the north fronting Warren Drive are Class B1 offices. Opposite the site to the north and to the west are residential properties, comprising in the main of single storey dwellings. There is an existing access to the site from Warren Drive.
2. This application is for the erection of 62 dwellings and construction of new vehicular and pedestrian access with associated works. The proposal comprises a development of 2 storey dwellings and it is proposed to provide an area of approx 640sq m of open space in the corner of the site.

RELEVANT PLANNING HISTORY:

None

PLANNING POLICIES AND GUIDANCE:

3. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 8 Employment
 - Policy GEN 1 Development within development boundaries
 - Policy EMP 1 Amount & Distribution of employment land
 - Policy EMP 2 Main employment areas
 - Policy EMP 10 Protection of employment land/buildings
 - Policy ENP 6 Flooding
 - Policy ENP 8 Contaminated Land
 - Policy HSG 2 Housing Development in Main Centres
 - Policy HSG 10 Affordable Housing in Development Boundaries
 - Policy REC 2 Amenity & Recreational open space requirements in new developments
 - Policy TRA 6 Impact of new development on traffic flows

Supplementary Planning Guidance 4: Recreational Public Open Space
 Supplementary Planning Guidance 21: Parking Standards in new developments
 Supplementary Planning Guidance 22: Affordable Housing in new developments
 Supplementary Planning Guidance 25: Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)
 TAN 2 Planning & Affordable Housing
 TAN 12 Design
 TAN 15 Development & Flood Risk
 TAN 18 Transport

MAIN PLANNING CONSIDERATIONS:

4.
 - i) Principle of development
 - ii) Residential and visual amenity issues
 - iii) Design/layout considerations

- iv) Flooding Issues
- v) Contamination Issues
- vi) Highway Issues
- vii) Wildlife Issues
- viii) Affordable housing
- ix) Open Space

5. In relation to the main planning considerations noted above:

- i) Principle of development
The site is existing employment land contributing to the stock of employment land within the County (Policy EMP 1), and is allocated as a main employment area in Policy EMP 2 in the adopted Unitary Development Plan. Policy EMP 10 seeks to protect employment land/buildings. The applicant has submitted an Employment Land & Viability Report which has been scrutinised by colleagues in Development Services. On assessment of the information, it is not considered that a case has been made which satisfies criteria iii) of Policy EMP 10, in that *the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs*. The report relies upon land becoming available through the Local Development Plan, and it is the view of Development Services that the assertion that there is a choice of employment space available in Prestatyn is not borne out. There is a demand in Prestatyn for small local companies which is currently unmet, and it is considered appropriate redevelopment of this site has the potential to accommodate such units. The loss of employment land is therefore considered unacceptable in principle.
- ii) Residential and visual amenity issues
In general terms, spacing between existing and proposed dwellings is acceptable and there are no issues of concern relating to the impact on the privacy of existing residents in the area. The proposed dwellings have been provided with sufficient amenity standards and overall would not result in an adverse impact on the visual amenities of the area or street scene.
- iii) Design/layout considerations
The proposed layout comprises a single road running through the site with 2 storey properties located on both sides, and turning heads at both ends of the site. Open space should be designed so it is integral to a development and a useable space for all, with natural surveillance. The open space proposed is a small, un-useable area in the corner of the site, which is considered an unacceptable design solution. The house types proposed are all 2 storey units in facing brickwork with limited variety in terms of design and use of materials. Other than trees along the frontage with Warren Drive, the proposed layout shows no other landscaping. Whilst it is acknowledged that the railway line limits the options, it is considered that a more varied design approach could be adopted.
- iv) Flooding
The site is located within a Zone C1 flood zone as defined by the development advice maps contained within TAN 15: Development and Flood Risk. A Flood Consequences Assessment (FCA) has been submitted with the application and consultations undertaken with the Environment Agency. The TAN advises that development proposals in a Zone C1 should first be assessed against a series of 'justification' tests set out in Section 6 of the TAN. In terms of these tests, whilst the application site does meet the definition of previously developed land, the proposal is to develop an allocated employment site for residential purposes and therefore the proposal

does not contribute to key employment objectives to sustain the settlement of Prestatyn. The Environment Agency have assessed the FCA submitted with the application and conclude from the information submitted, that the flood risk cannot be managed to an acceptable level for this type of highly vulnerable development.

- v) Contamination Issues
The application has been accompanied by a ground investigation report which has been assessed by the Council's Contaminated Land Officer and the Environment Agency. No objections have been raised, however with regard to both ground and water contamination it is suggested that further detailed surveys should be carried out.
- vi) Highway Issues
The proposal involves the formation of an access off Warren Drive. Many local residents have concerns relating to highway issues, particularly with regard to the amount of traffic the proposal is likely to create. The Head of Highways has not raised any objections relating to traffic flows, and consideration has to be given to the existing use of the site. Whilst the warehouses themselves have been vacant for some time, the site is an allocated employment site for Class B1, B2 and B8 uses and the site has the potential to generate traffic from these uses, including larger vehicles. In overall terms, residential use is considered acceptable having regard to the existing highway network. The application however does not provide acceptable visibility splays along Warren Drive and does not make provision for links to existing cycle and pedestrian links that exist in the area.
- vii) Wildlife Issues
The old warehouses have the potential to contain protected bat and bird species. The Countryside Council for Wales has no objection to the proposal, but recommends that any permission should have a condition requiring detailed surveys prior to the commencement of any development. These ecological surveys should also contain details of mitigation measures.
- viii) Affordable Housing
The applicant has agreed to provide 30% affordable housing units on site in line with the Council's policy, the preference would be for rented family accommodation which is in high demand in Prestatyn.
- ix) Open Space
The proposal makes provision for a small area of public open space to the north eastern corner of the site and the applicant is proposing a commuted sum payment for the remainder. For a development of this size, and in an out of town location, the arrangements for the provision of open space are considered unacceptable. The area shown on site is insufficient in terms of size and its location within the site and does not meet the Council's standards and guidance contained within SPG 4.

SUMMARY AND CONCLUSIONS:

6. The principle of residential development on an allocated employment site is considered contrary to policy. The design and layout of the site is considered to be unacceptable with inadequate arrangements for public open space. It is not considered that the proposal satisfies the 'justification' tests set out in TAN 15, or that flood risk can be managed to an acceptable degree.

RECOMMENDATION: REFUSE- for the following reasons:-

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

1. The proposal would result in the loss of employment land and buildings preventing the site from contributing towards a range of local employment needs in the area, in conflict with Policies GEN 6 (criterion ix) , EMP 1, EMP 2 and EMP 10 (criterion iii) of the adopted Denbighshire Unitary Development Plan and Planning Policy Wales (March 2002).
2. The application site is located in a Zone C1 flood plain, identified on the Development Advice Maps accompanying TAN 15 : Development and Flood Risk. The Local Planning Authority does not consider that the proposal satisfies the justification tests set out in Paragraph 6 of TAN 15, or that the consequences of flooding can be managed to an acceptable degree for this type of highly vulnerable development. The application is therefore considered to conflict with the advice in TAN 15, and with Unitary Development Plan Policy ENP 6, and likely to lead to an unacceptable risk from flooding.
3. The design approach adopted for the site is considered unacceptable in that the provision and location of open space is unacceptable; the development provides very little variety in the built form and appearance of proposed dwellings, and the proposal does not provide adequate landscaping contrary to Unitary Development Plan Policies REC 2 and GEN 6, Supplementary Planning Guidance Notes 4 and 25 and guidance contained within Technical Advice Note 12 : Design.

NOTES TO APPLICANT:

None

ITEM NO: 2
WARD NO: Prestatyn Central
APPLICATION NO: 43/2007/0996/ PC
PROPOSAL: Retention of conservatory at front of dwelling (retrospective application)
LOCATION: 57 The Avenue Prestatyn
APPLICANT: Mr D Smart
CONSTRAINTS: Article 4 Direction
PUBLICITY UNDERTAKEN: Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
Awaiting response.

RESPONSE TO PUBLICITY:

Letter of representations received from:

1. Mr. P.H. R. Williams, 18, The Avenue, Woodland Park, Prestatyn also signed by Mr. P. Bassett, 20, The Avenue, Woodland Park, Prestatyn, Mr. D. Charnock, 50, Calthorpe Drive, Prestatyn and Mr. G. Lewis, 8, Clayton Drive, Prestatyn

Summary of planning based representations

- (i) Impact on visual amenity
- (ii) Out of keeping with the area

EXPIRY DATE OF APPLICATION: 03/10/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located on the corner of The Avenue and Clayton Drive and consists of a detached bungalow property amongst similar. The Avenue is a steeply rising road with dwellings beyond to the south at a higher level.
2. The application site enjoys a road frontage to The Avenue and Clayton Drive and is bounded by 2m high wall/hedging around its road perimeter.
3. Permission is sought for the retention of a part built conservatory structure which has been constructed on the south-west elevation of the dwelling fronting onto The Avenue. The UPVC structure projects 3.8m from the existing front wall, is 3.9 wide and will, if completed, have a glazed PVC roof.

RELEVANT PLANNING HISTORY:

4. None.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- Policy HSG 12 - Extensions
 - Policy GEN 6 - Development Control Requirements
 - SPG 1 - Extensions
 - SPG 24 - Household Design Guide

GOVERNMENT GUIDANCE
Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

6.

- i) Impact on neighbour amenity.
- ii) Impact on visual amenity.

7. In relation to the points identified in paragraph 6 above:-

- i) The neighbouring property most directly affected by the conservatory structure is that sited to the south at No. 59, The Avenue. This dwelling is, however, situated at a higher level than the application premise with hedging to its affected side boundary effectively screening the development from view. In reality the 2m high hedging surrounding the application site limits any impact the conservatory has on any nearby dwelling.
- ii) Whilst adopted policy and guidance does not encourage the erection of conservatory structures on the front of dwellings, one would have to have regard to the level of harm caused by this structure. The orientation of No. 57 is such that the conservatory would not be angled to directly face the road. Whilst partially visible from the road and dwellings opposite, it is considered that by retaining the surrounding hedge at the 2m height this would serve to minimise any visual impact and warrant deviation from policy guidance in this instance.

SUMMARY AND CONCLUSIONS:

8. Whilst front conservatories in UPVC are not encouraged, the good level of screening to the dwelling and the topography of the land around would serve to minimise any detrimental impact.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The existing hedge boundary around the frontage of the site and to the south boundary abutting No. 59 The Avenue shall be retained and maintained at a height of not less than 2m.

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

1. In the interests of neighbour amenity.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Rhyl South West

APPLICATION NO: 45/2007/0773/ PR

PROPOSAL: Details of design, external appearance and landscaping of 13 no. apartments including affordable housing, open space arrangements, access and turning details submitted in accordance with condition no's 1,4,5,10 and 11 of outline planning permission code no. 45/2005/0984/PO

LOCATION: Victoria Business Park Victoria Road Rhyl

APPLICANT: Mr T Hill

CONSTRAINTS: Article 4 Direction
C1 Flood Zone

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"Object on the following grounds:

The proposed three storey development will lead to the loss of privacy for adjacent and overlooked properties in Vale Park and Victoria Road. The proposal does not provide for open space within the development site but is relying upon a commuted sum payment being made. The Council believes that in this case open space should be provided on site as it is unlikely that suitable alternative open space will be available within the local vicinity".

2. HEAD OF HOUSING SERVICES
No objection, 4 units are required as affordable units.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection
4. DWR CYMRU WELSH WATER
No objection
5. ENVIRONMENT AGENCY
No response received

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 09/09/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site contains a vacant 8 unit business centre located on the corner of Victoria Road with Vale Park. The Business Centre is a 2 storey building which has been extended considerably with off street parking areas located to the front and side of the property. On the north east corner of Vale Park is the Rugby Social Club, and to the south west is Ysgol Emmanuel (Primary school). All other properties locally on Victoria Road and Vale Park are in residential use, comprising 3 storey blocks of flats and 2 storey semi detached properties. Parking is available on street along Victoria Road and Vale Park with restrictions imposed outside the rugby club, application site and school.
2. This application is a reserved matters submission dealing with the design, external appearance and landscaping of a development of 13 no. apartments, including affordable housing, open space arrangements, access and turning details, in accordance with Conditions 1, 4, 5, 10 and 11 of outline planning permission Code No. 45/2005/0984/PO, granted in December 2005.
3. It is proposed to erect a roughly 'L' shaped block, 3 storey to the front of the site adjoining Victoria Road with a 2 storey element proposed to the other frontage, along Vale Park. Access to the site would be off Vale Park with car parking areas proposed to the front and rear. It is proposed to provide 4 no. affordable housing units, which would be 1 bed apartments for low cost homeownership.

RELEVANT PLANNING HISTORY:

4. 45/2005/0984/PO Demolition of existing buildings, development of 0.11ha of land by the erection of 13 no. apartments and construction of new vehicular and pedestrian access (outline application)
GRANTED 14th December, 2005

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 Development within development boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy ENP 6 Flooding
 - Policy HSG 2 Housing Development in Main Centres
 - Policy HSG 10 Affordable Housing within development boundaries
 - Policy EMP 10 Protection of employment land/buildings
 - Policy REC 2 Amenity and recreational open space requirements in new developments
 - Policy TRA 6 Impact of new development on traffic flows

SPG 4: Recreational Public Open Space
SPG 21: Parking Requirements in New Developments
SPG 22: Affordable Housing in New Developments

GOVERNMENT GUIDANCE

- Planning Policy Wales (March 2002)
- TAN 15: Development and Flood Risk
- TAN 18: Transport

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on residential amenity

- iii) Impact on visual amenity/street scene
- iv) Highway considerations
- v) Affordable Housing
- vi) Open Space

7. In relation to the main planning consideration noted above:

i) Principle of development

The principle of the development has been established by the grant of outline planning permission in December 2005.

ii) Impact on residential amenity

The site directly abuts residential properties on Vale Park with other residential properties located immediately opposite on Victoria Road. The apartment block would be set back from the frontage of Victoria Road and Vale Park and therefore a distance of approx 25m would be achieved between the proposed building and existing residential properties on Victoria Road. The property adjoining the site at 1, Vale Park, which is a 2 storey property, is orientated away from the site, and the side elevation of this property would be located approx. 9m away from the side elevation of the proposed 2 storey element of the development, and the boundary of the property is located approx 20m away from the 3 storey element. The apartment block has been designed to minimise overlooking of the neighbouring property at 1, Vale Park, (there are no windows located in the gable end), and the 3 storey element containing habitable room windows is located so there would be no overlooking of the rear garden. There would be no unacceptable impact on the amenities of existing residents in the area. The apartments would be provided with off street car parking facilities and external bin storage area, and it is considered that an acceptable level of amenity would be afforded to future occupiers.

iii) Impact on visual amenity/street scene

Within the locality there is a mix of house types, and a 3 storey development fronting Victoria Road and 2 storey fronting Vale Park would not have a detrimental impact on the character of the area. There would be no adverse impact on the visual amenities of the street scene.

iv) Highway considerations

The Head of Transport and Infrastructure is satisfied with the access arrangements and car parking provision. The off street parking facilities within the site would provide sufficient space to meet the parking requirements of the proposed development in this location.

v) Affordable Housing

The applicants have confirmed the intention to make 4 units available for affordable purposes. This would be consistent with the SPG on affordable housing, and can be secured through a Section 106 obligation.

The submitted information confirms the following:

Number of units proposed	13
No. of affordable houses	4 no - On Site
Plot No's	10 13 inc
Tenure	Low Cost Homeownership
House type	4 no. apartments, all 1 bed
Floor area	48 sq m

Timing of AH availability in relation to market value units	To be agreed in the S106, possible 50% trigger
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Floorspace area of units complies with the Design Quality Requirements.

Current available waiting list (Aug 2007) indicates the following details for the Community of Rhyl:

Type	General	Sheltered
1 bed flat	892	293
1 bed house	13	0
1 bed bungalow	76	248
2 bed bungalow	557	213
2 bed flat	731	0
2 bed house	100	209
3 bed house	659	0
3 bed bungalow	18	5
4 bed or above	223	0
Total	3269	968

vi) Open Space

The applicants are proposing the payment of a commuted sum in lieu of provision of open space on the site. With regard to the comments from Rhyl Town Council, in accordance with the SPG and county standards, there would be a need to provide 936 sq m for Community Recreational Open Space (CROS) and 312 sq m for a children's play area, a total of 1248 sq m. The size of the site is 1045 sq m, and therefore to provide the full open space requirement is impossible. The application site is a small scale development and it would be unreasonable to insist on the applicant to provide open space, even an element of it, on site. Within walking distance to the site, there are open playing fields. The payment of a commuted sum can be used to develop/enhance existing recreation facilities and open areas in the locality and this is considered an acceptable approach.

SUMMARY AND CONCLUSIONS:

8. The application provides an acceptable development in terms of design, external appearance and landscaping, without causing any detriment to residential or visual amenity. The access and parking arrangements are acceptable and would not cause any adverse impact on highway safety. The affordable housing and open space arrangements are considered acceptable.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. In relation to Condition 1:

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.

2. In relation to Condition 4:

The arrangements relating to the affordable housing shall be secured through a Section 106 agreement, to provide 4 units and the retention of the units for affordable purposes in accordance with the Council's policies.

3. In relation to Condition 5:

The arrangements relating to the open space shall be secured through a Section 106 agreement, to provide for commuted sum payment of £38,500.80 for the provision and maintenance of open space, apportioned as follows:

CROS Provision Costs

£11,353.68

CROS Maintenance

£11,924.64

Children's Provision Costs

£11,247.60

Children's Maintenance

£3,974.88

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

1. In the interests of visual amenity.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

NOTES TO APPLICANT:

You are reminded of the requirement to comply with conditions 6 and 9, and prior to the commencement of the development, the need for additional written approval relating to condition 12 on outline permission 45/2005/0984/PO.

You should contact the Case Officer and legal officer to resolve issues over the Section 106 agreement, including the payment of the Council's expenses.

ITEM NO: 4

WARD NO: Rhyl West

APPLICATION NO: 45/2007/1050/ PF

PROPOSAL: Erection of single-storey extension to rear to form target shooting gallery (for amusement purposes). (Re-submission)

LOCATION: 30 Wellington Road Rhyl

APPLICANT: Mr D Jones

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
'Strongly object that the application will encourage gun culture which the Town Council does not support and which will be detrimental to the town and local community'.
2. COMMUNITY SAFETY
'I have reconsidered the application in light of the resubmission. My view remains unchanged, in that this is a lawful activity in a controlled environment. Appropriate control measures are in place for anticipated problems. I do not think that it would contribute to crime and disorder in any way significant way, and indeed the extra facility is something else to keep people off the streets, and the benefits from that probably outweigh any negative aspects'.
3. PUBLIC PROTECTION
Awaiting response.
4. PROJECT MANAGER, RHYL TOWNSCAPE HERITAGE INITIAVE
No objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr P Sumner, 6 St Marys Court, Russell Road, Rhyl
2. Bedford Street Community Company Ltd, 38 Bedford Street, Rhyl
3. Maria Sidoli via email

Summary of planning representations:

- i) Objections, Safety issues associated with proposed use.
- ii) Crime and disorder implications of proposed use.
- iii) Highways implications.
- iv) Noise implications associated with the use.

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 22/10/2007

REASON FOR DELAY IN DECISION:

- Awaiting key consultees

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is for alterations and extensions at rear to form a target shooting gallery. The change of use of the café to A1 shop has been implemented as permitted development. To the rear the proposal seeks to alter the existing outbuilding and extend it to a length of 13.4m and width of 2.45m with monopitch roof over to a max height of 5m, to comprise of a target shooting and laser gun gallery.
2. The unit is located on the northern side of Wellington Road in Rhyl. It formally operated as a chinese restaurant although currently as a shop selling novelty goods. The narrow rear yard contains a pitched roof brick outbuilding and render link. Members may recall a similar proposal in June 2007 which was refused as set out in paragraph 4 of this report.
3. The agent has submitted a statement in support which refers to the following:
 - i) the policy referred to in the previous refusal TSM 17.
 - ii) the intended guns for use on the main target shooting gallery are normal air powered pellet guns that do not produce a lot of noise.
 - iii) the openings in the building are minimal for security reasons and there is little opportunity for noise to escape the building.
 - iv) the current Building Regulations will require a high degree of insulation which will further serve to deaden any noise produced within the premises.
 - v) all guns will be secured to the firing range counter with locked chains.
 - vi) If necessary the use will be registered with the relevant authorities.

RELEVANT PLANNING HISTORY:

4. 45/2007/0042/PF Refused 20th June 2007 for the following reason:

The proposal would result in an amusement centre type use outside the entertainment zone in Rhyl as defined by Policy TSM 17 of the Denbighshire Unitary Development Plan. The dissipation of amusement type uses beyond the designated zone would be to the detriment of the tourism function of the resort of Rhyl and impact adversely on the amenities of residential and other uses in close proximity to the application site. In particular, the activities associated with the use, including persons congregating in the rear yard, would impact adversely on the residential amenities of nearby properties in conflict with criteria v) of Policy GEN 6 of the Denbighshire Unitary Development Plan.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2003)
 - Policy GEN 6 - Development Control Criteria
 - Policy RET 1 – Town and District Centres
 - Policy TSM 17 – Entertainment Zone Rhyl

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Visual Appearance

iii) Impact on amenity

7. In relation to the main issues in paragraph 6:

i) Principle

This application is a resubmission of an application previously refused by Planning Committee. The refusal reason referred to the TSM 17 Entertainment zone policy and amenity issues associated with the use. However in the resubmission the agents have submitted a detailed justification which addresses the previous refusal reason and on the basis of this additional information it is considered that the principle of the proposal is acceptable.

Information submitted by the agent refers to controlling entry to the target shooting gallery through membership and the link with the sale of air guns from the shop. This implies that the target shooting gallery would operate in a club type manner as opposed to a tourism or 'walk in' type use. The amenity issues have also been addressed by the agent, there will be no congregating in the rear yard as this will not be used to access the target shooting gallery and the noise from the gallery will be minimal owing to the air guns used.

The physical extension and alteration element meets the criteria of Policy GEN 6. The public safety issues raised are not considered to be overriding given that the use will be for amusement purposes only and will not involve live ammunition.

In conclusion whilst it is acknowledged that this in an entertainment type use, the location of the proposal outside of the TSM 17 Entertainment Zone alone could not warrant refusal of the planning permission. Policy TSM 17 does not preclude such uses outside the designated entertainment zone. Given the intended controls over the use of the gallery element this further detaches the proposal from the intention of Policy TSM 17.

ii) Visual Appearance

The visual appearance of the rear alterations is acceptable. The extension represents a small increase on the overall footprint of the outbuildings. There is a mix of building types to the rear of adjacent properties. However, the outbuildings are to the rear of the property and away from any public vantage points.

iii) Impact on the Amenity

The proposal will not impact on amenity of nearby occupiers. Although issues have been raised with regard to the noise associated with the use, the agent has confirmed that the gallery is for air guns and laser guns which do not create loud noises. A condition can be attached to ensure that the building is adequately sound proofed prior to the commencement of the use. Furthermore hours of operation can be controlled to limit the use in the evenings and the use restricted to the gallery area indicated on the submitted plans.

SUMMARY AND CONCLUSIONS:

8. The proposal is acceptable and is recommended for grant.

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. The target shooting gallery use hereby permitted shall not commence until the written approval has been obtained from the Local Planning Authority to a scheme of insulation against noise emission, and such scheme has been implemented strictly in accordance with the approved details.
3. No sound amplification equipment or loudspeakers shall be operated in or outside of the shooting gallery other than in accordance with details to be agreed in writing with the Local Planning Authority.
4. The premises shall not be open to customers outside the following hours and days: 0900 - 1800 Monday - Friday.
5. The change of use relates only to the areas indicated as the target shooting gallery and laser gun gallery on the approved plan date stamped 28th August 2007. The yard area shall not be used by visiting members of the public or in connection with the shooting or laser gun gallery activity.
6. The target shooting gallery shall be used for amusement purposes only and not for firearms training or utilising live ammunition and prior to its use details of any membership scheme shall be submitted to and approved in writing to the Local Planning Authority.

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. To protect the amenities of occupiers of nearby properties.
3. To protect the amenities of occupiers of nearby properties.
4. In the interests of the amenity of occupiers of nearby residential property.
5. In order to retain control over the use of the site and facilities in the interests of amenity.
6. In order to retain control over the use of the site and facilities in the interests of amenity.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Tremeirchion

APPLICATION NO: 47/2007/0834/ PF

PROPOSAL: Erection of detached equipment store

LOCATION: Bryntirion Farm (Formerly Toledo) Rhualt St. Asaph

APPLICANT: Mr M Walsh

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

1. TREMEIRCHION/ CWM AND WAEN COMMUNITY COUNCIL
 "Objection
 a. Councillors still consider the building rather large for the proposed usage.
 b. Councillors are concerned that the proposed building by virtue of its size and siting would result in intrusive features in the open countryside and the AONB contrary to Criterion ii) of Policy Gen 6 of the UDP and Policy ENV 2 of the UDP. Councillors feel strongly that the protection of the AONB should prevail. In addition they note that the ridge height has not been reduced."
2. AONB JAC-
 "Whilst the JAC welcomes the revised proposals to use natural slate and stone for the building, in the absence of proven agricultural need for this new building the JAC maintain their objection to the principle of a new building in this location. If the planning authority are minded to approve the current application the JAC would recommend that all elevations be faced in natural local stone".

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 28/08/2007

REASON FOR DELAY IN DECISION :

- Awaiting consultation responses

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for the erection of an agricultural equipment shed, 12.65m by 12.45m, 3.65m to eaves, 6.3m to ridge at Bryntirion Farm (formally Toledo Farm). The proposed materials are facing brick and local stone with a slate roof on a concrete hardstanding. The proposal is sited on land south west of the main dwelling, set back 42m from the road frontage and bounded on the south by a track serving 2 properties Panorama and Pen Y Mynydd. The proposal is set on a

lower level than the track and includes tree screening on the south and west sides.

2. The agent has submitted a statement to support the application which refers to the following:
 - The proposal is an amended scheme discussed with officers following a previous refusal.
 - The trees proposed for the screening will be semi- standard trees which will provide instant screening.
 - The proposed use of the building is for storage of equipment, namely a tractor and trailer, sit on mower and equipment used in connection with maintaining the extensive grounds of the dwelling.
3. Bryntirion farm is located on the east of the settlement of Rhuallt, south of the A55 in the AONB. The site has a long planning history and is currently in use as a single dwelling.

RELEVANT PLANNING HISTORY:

4. 47/2006/1278 larger scale proposal, industrial type materials and no justification or landscaping. Refused as proposal was unjustified and would have an unacceptable impact on the AONB. 21 December 2006

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy EMP 13 - Agricultural Development
 - Policy GEN 6 - Development Control Requirements
 - Policy ENV 2 - AONB

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle
 - ii) Visual appearance / Impact on the AONB
7. In relation to the main planning considerations in paragraph 6:
 - i) Principle

The application will be assessed under Policy EMP 13 Agricultural Development and Gen 6 Development Control Criteria of the Unitary Development Plan, as the building is located outside of the residential curtilage. Policy EMP 13 states that agricultural development will be permitted provided that the development is required to meet the need of the farm enterprise, there are no existing redundant buildings on the farm holding which are suitable for the proposed purpose, there are no unacceptable impact upon the character and appearance of the countryside and local environment and the siting should avoid prominent and conspicuous location and be well related to the existing complex.

In this case the principle of the proposal for the equipment shed is acceptable. Whilst it is acknowledged that there is no large scale farm enterprise, the applicant owns over 4 acres of land and the shed is required to house equipment necessary for maintenance. Although there is a garage on site, the possibility of using this for equipment has been explored and would not be feasible. Justification for the shed has been submitted which is considered to be acceptable.

- ii) Visual appearance/ Impact on the AONB

Policy ENV 2 and GEN 6 relate to the visual appearance and the impact of the proposal on the surrounding landscape. Although Bryntirion Farm is located in an elevated position in the AONB, the ground levels on the south

west side of the site are lower and as such the shed will not be a prominent feature in the landscape. The natural stone, brick and slate roof proposed will match the dwelling and are acceptable materials to use in the AONB. There is a boundary hedge existing on the southern side of the site and the proposal includes additional landscaping in the form of semi-standard size native species of field maple, birch and rowan. The applicant has previously undertaken comprehensive landscaping in liaison with the countryside section around the grounds of the dwelling. As such the proposal would not unacceptably affect the form and character of the surrounding landscape and the AONB.

SUMMARY AND CONCLUSIONS:

8. The proposal is acceptable and is recommended for grant.

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. Notwithstanding the approved plans a detailed landscaping scheme to include species, size and maintenance of planting shall be submitted to and approved in writing prior to the commencement of development.
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 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.
4. The use of the equipment store hereby permitted shall be in connection with Bryntirion Farm only and shall at no time be used for the commercial storage of vehicles or building materials.

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 the visual amenities of the AONB.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In order that the Local Planning Authority may retain a degree of control over the future use of the building in the interests of the amenity of the area.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Denbigh Central

APPLICATION NO: 01/2007/0094/ PF

PROPOSAL: Erection of 4 no. dwellings and alterations to existing vehicular access (site area 0.1ha)

LOCATION: Land Adjacent To Waterworks House Love Lane Denbigh

APPLICANT: GAM Construction Ltd.

CONSTRAINTS: Town Heritage Area
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. DENBIGH TOWN/ COUNCIL

".... The Council whilst not wishing to object to the application would refer you to my letters of the 12 June 2007 (copies attached) regarding the original application submitted .I am instructed to inform you that the concerns expressed in those letters are also applicable to the present application.

I trust that the above together with the comments made in my previous letters will be brought to the attention of the planning committee'

Previous letters state:

26 March 2007

'.....members expressed concerns regarding the following;

1. The proposed development would overlook existing properties on Love Lane.
2. The possibility of the proposed development, being on higher ground would shed and possibly deprive existing neighbouring properties of natural light.
3. Access to the proposed site is off a narrow roadway and close to a corner and junction that at the best of times is difficult to negotiate."

12 June 2007

".... The council whilst not wishing to object to the application would refer you to my letter of the 26th March 2007 regarding the original application submitted. I am instructed to inform you that the concerns expressed in that letter area also applicable to the present application. The Council has also noted the comments made by Mr Phil Ebbrell, the County Conservation Architect and fully support those comments...."

2. WELSH WATER

Suggests the inclusion of standard conditions; separation of foul and surface water discharges.

3. DENBIGH CIVIC SOCIETY

Refers to previous comments on initial plans. Comments highlight:

- Important site within the Conservation area and prominently viewed from Castle above.
- No objection in principle – but issues with design – banal and no architectural merit.
- Suggests architectural quality similar to ‘Lodge’ – modern idiom than pastiche half timbering.
- Support the Conservation Officer’s opinion.

4. COUNTY ARCHAEOLOGIST

Confirms that in view of CADW consultation regarding design of houses – no further comments to add.

5. CONSERVATION OFFICER

A detailed report has been prepared which confirms:

The application and site context

- Site is extremely important in terms of the character of the town’s conservation area designation and its role in viewpoints towards and out of the Grade 1 and SAM Denbigh Castle and in general landscape terms. The castle and town walls are mentioned in the Register of Landscapes of Outstanding Historic Interest in Wales.

Conservation assessment

Focuses on two issues:

- Likely effect of the development on the character and appearance of Denbigh Conservation Area.
- Effect on the setting of the grade 1 scheduled ancient monument of Denbigh Castle and its contribution to the historic landscape of the Vale of Clwyd.

First issue:

- The revised proposal retains the semi – detached house type with amendments to roof shape; overall height; facing materials and window design.
- The predominant and relevant building form within this part of the Denbigh Conservation Area is the terrace fronting the street edge with examples of isolated houses set within their own grounds. The applicants Design Statement and the Council’s Area Appraisal recognises the historic relevance of the high density and ‘huddled intimacy’ provided by this building form in the area.
- Choice of semi-detached house type is contrary to the generally preferred historic building type for the area. Modelling on the basis of the inter- war development on the opposite side of Love Lane does not preserve or enhance the character of the conservation area.
- Building on present ground levels will add greatly to the visual prominence of the development.
- The undeveloped nature of the application makes an important contribution to the character of this immediate area and the approach via Love Lane and Castle Lane.
- Proposal design does not preserve or enhance the character of the designated Conservation Area. The design siting and scale is unacceptable for a key site within the conservation area.

Second issue:

- In view of the importance of the site and its development to the integrity/setting of the scheduled ancient monument, the Castle and the Historic Landscape, a precautionary principle should be applied, with further information submitted (list provided)
- Housing form with height; siting and scale will have a significant adverse effects on views of the town and castle from identified viewpoints; with a direct negative impact on the setting of the listed building and scheduled ancient monument., recognised as outstanding national importance.
- The elevated position and alignment on the site will create a prominent development, out of place in this historic location.
- View of the application site from the Castle itself will be similarly damaging.
- Introducing the housing type involved would exacerbate the negative impact currently involved with the adjacent inter-war housing on Love Lane.

Based on the above information, suggests two reasons for refusal:

1. The proposal by virtue of its scale, massing and form, siting and height relative to existing ground levels within and adjacent to the site is likely to adversely affect the special character and appearance of this part of the designated Denbigh Conservation Area and would thereby be contrary to Policy CONS5 of the adopted Denbighshire Unitary Development Plan.
2. The information submitted in support of the proposal is insufficient to properly assess its potential impact on near and distant viewpoints and on its affect on the setting of designated historic sites in the area, notwithstanding this the proposal is likely to prove significantly detrimental to important viewpoints and the essential setting of Denbigh Castle (a grade I listed building and Scheduled Ancient Monument) and of Denbigh Castle and town and thereby the Vale of Clwyd Landscape of Outstanding Historic Interest due to its scale, siting and massing and its height in relation to existing ground levels within and adjacent to the site and as such the proposal is contrary to Policies CONS1, CONS10 and CONS12 of the adopted Denbighshire Unitary Development Plan.

Objections relate to the fundamental aspects of layout; siting; scale; and height etc and revising the proposal is unlikely to achieve an acceptable solution – revisions would involve a fresh application.

The report includes a set of design principles for an alternative scheme, involving the possibility of two dwellings.

6. HEAD OF TRANSPORT AND INFRASTRUCTURE
- No objections subject to the inclusion of conditions and Notes to applicant , relating to adoption requirements for new footway.
7. HEAD OF HOUSING
– Confirms the following:
 - 1 affordable unit required on this scheme
 - amount of units conform to the density requirement
 - CACI data confirms that the cost for this unit will be £24,800 x 3 = £74,400
 - The LCHO has 12 households on the list wanting a 2 bed property,
 - Developer already spoken with CTC for occupancy.
8. CADW
Confirms that;

- the plans have been examined by Cadw's Inspector of Ancient Monuments and by the Senior Conservation Architect.
- Consensus seems - no strong adverse comments to make in view of the setting on the castle and historic landscape.
- given the location of the development site, adjacent to the castle and within the sight line of the castle from below, more could have been made of the potential offered in terms of enhancement of the environs of this historically important area. However, the scale of the housing is such that it does not significantly detract from the setting of the castle and, hence, Cadw has no objections.

Highlights that the advice relates only to those aspects of the proposal which fall within Cadw's remit as a Consultee on planning applications – the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens. Comments do not address any potential impact on the setting of any listed building, which is properly a matter for the County Council.

9. CLWYD POWYS ARCHAEOLOGICAL TRUST

Advises that;

- Land lies within the medieval historic core of Denbigh
- The proximity to the Castle and early town defences as well as the street frontage location suggest a high potential for archaeology of medieval and later date.
- The site has however been previously developed for underground tanks and there is therefore no requirement for pre-determination evaluation on this occasion.
- However, potential remains for intact ground where archaeology could be present.
- Recommends that an archaeologist is contracted to be present throughout duration of topsoiling, foundation trench cutting and service trench excavation works. The archaeologist should be a recognised professional. A suggested condition included.

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr. J.S. & Mrs. M. Jones, Y Garreg Llwyd, 88, Love Lane, Denbigh
2. Mr. & Mrs. C. J. Evans, Maes Onne, Love Lane, Denbigh
3. Mr. & Mrs. B. Pearce, Ashbourne, 80, Love Lane, Denbigh
4. Mr. J. Jones, 82, Love Lane, Denbigh
5. Mr & Mrs Devany, 84 Love Lane, Denbigh
6. Stephanie Baker, 16 Belmont Villas, Bull Lane, Denbigh
7. Mrs P Roberts, Erw Las, 90 Love Lane, Denbigh LL16 3LU.
8. Mrs G MacCormack, Groesion, 86 Love Lane, Denbigh. LL16 3LU.

Summary of representations:

(i) Highways & parking

Additional vehicular/traffic problems

Existing and well known car parking problems at/with Love Lane – DCC Highways consulting residents on the issue.

In sufficient car parking spaces proposed.

Site access dangerous and on a blind bend.

Narrow highway to/from site.

Extra cars will park on Castle Lane, with its steep hill.

Provides difficulties for visitors to the Castle.

Existing access inadequate to cope with increase in volume.
In evitable that garages should/will be planned for the site.
DCC parking strategy has worsened the problem.

- (ii) Conservation
Denbigh Castle setting should be preserved.
Site better suited to one unit.
Plans conflict/not in keeping with the Conservation Area character.
Views of Castle will be affected.
Proposal conflicts with policy CON5 – it does not preserve or enhance the Conservation Area.
- (iii) Amenities
Given site levels – proposal overlooks/overbearing and reduces privacy levels.
- (iv) Overdevelopment
Too many for the site, with minimum standards – insufficient amenity area.
Cramped layout.
- (v) Design
Houses too big; out of scale and incompatible with others.
Visually prominent.
- (vi) Correct extent of land
Site plan boundaries incorrect
Other land involved.
- (vii) Landscaping
Responsibility unclear. With no control/maintenance – involves problems.
- (viii) Land/wall stability
Existing site retaining wall along Love Lane is old; in poor condition and structurally unstable.
Love Lane wall links to other properties – potential for structural damage.
Adjacent house – Maes Onnen – together with water tanks, built directly on same limestone seam. Any disturbance to the site likely to affect structural stability.
Houses in locality have experienced subsidence.
- (ix) Affordable Housing
Understand the need – but area already overcrowded.
The North Wales Hospital site will provide plenty of opportunities for these needs.
- (x) Others
Existing telegraph post; BT box salt bin and highway signs would need to be re-sited – but where?
Substantial amount of water remains in the rear tank..

EXPIRY DATE OF APPLICATION: 17/09/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- additional information required from applicant
- amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application is presented to Planning Committee at the request of the Local Councillor, Gwyneth Kensler. The application relates to 0.1 ha of land, at the junction of Love Lane and Castle Lane, some 0.3 km to the south west of the town centre. The proposal is for the erection of four dwellings, to include two pairs of semi-detached, two storey units.
2. The site lies with the Denbigh Town Conservation Area and THI. To the east, and elevated above Castle Lane is Denbigh Castle and the Denbigh Town Walls; designated as Scheduled Ancient Monuments . At the Castle and Love Lane junction is a detached two storey property, the Lodge. Adjoining the site to the north, lies the detached property 'Maes Onnen', with the detached and semi-detached properties 78-88 Love Lane to the west. The site levels are higher than Maes Onnen and Love Lane. Love Lane is a one way highway from the town centre up to the junction with Castle Lane.
3. The planning application submission includes the following documentation:-
 - i) Design Access & Planning Submission
 - ii) Affordable Housing Questionnaire
 - iii) Engineer's letter regarding underground tanks

RELEVANT PLANNING HISTORY:

4. 1/15297
Outline for dwelling and stabilisation of water tanks - GRANTED February 1996

01/378/99/PO
As above – GRANTED 30th July 1999

01/2002/0910/PO
As above - GRANTED 6th November 2002

01/2005/0874/PO
Renewal of application ref no. 01/2002/0910/PO comprising redevelopment of land by the erection of a dwelling, alteration of vehicular and pedestrian access, and stabilisation of two underground water storage tanks (outline application) - GRANTED 12/09/2005

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 Development within Development Boundaries
Policy GEN2 – Development of un-annotated land
Policy GEN6 – Development control requirements
Policy Gen 10 Supplementary Planning Guidance
Policy ENV 7 - Landscape/Townscape features
Policy CON5 – Development in conservation areas
Policy CON11 – Development at scheduled ancient monuments
Policy ENP7 – Unstable land
Policy HSG 10 Affordable housing within development boundaries
Policy ENP 4 Foul and Surface Water drainage
Policy TRA 9 – Parking and Servicing Provision
Policy HSG 2 - Housing Development in Main Centres

Supplementary Planning Guidance

2	Landscaping
6	Trees and development
13	Conservation Areas
14	Listed Buildings

15	Archaeology
21	Parking requirements in new developments
22	Affordable Housing in new developments
25	Residential Development Design Guide

GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)

Draft Planning Policy Climate Change, December 2006
Ministerial Planning Policy Statement 01/2006 Housing

TAN 2 Affordable Housing
TAN 12 Design
TAN 18 Transport

Circular 60/96 Planning and the Historic Environment ;Archaeology.
Circular 61/96 Planning and the Historic Environment: Historic Buildings and
Conservation Areas
PPG 14 – Development on Unstable Land 1990 (Extracts only)

MAIN PLANNING CONSIDERATIONS:

- 6.
- i) Principle of development
 - ii) Impact on character and appearance of conservation area, scheduled ancient monument and listed building
 - iii) Impact on residential amenity
 - iv) Highway
 - v) Archaeology
 - vi) Affordable Housing
 - vii) Land/wall Stability
 - viii) Trees and Landscape
- 7.
- i) Principle of development
The site is currently not in use, lies within the development boundary; with the benefit of an extant outline planning permission for one dwelling. The principle of residential development is acceptable, subject to site specific considerations, such as design and amenity.
 - ii) Impact on character and appearance of conservation area, scheduled ancient monument and listed building
The site location is highly sensitive and any development needs to:-
 - a) Ensure that special attention is given to the desirability of preserving or enhancing the character or appearance of a conservation area.
 - b) The desirability of preserving a listed building or its setting when assessing development proposals.

Implications regarding the effects and setting on ancient monuments are also material considerations. Within the Conservation Area Appraisal for Denbigh this area is identified as 'The Castle and Walled Area'. In relation to 'Building Styles' the Appraisal highlights the lack of design quality particularly in that the buildings of the 20th Century and modern alterations significantly detracting from the appearance of the Conservation Area. New proposals should not repeat past mistakes.

PPW (PARA. 6.5.15) highlights in cases where development conflicts with

conservation area objectives, “there is a strong presumption against the grant of planning permission”.

Effects on the adjacent listed Grade I Denbigh Castle’s setting (additionally designated an Ancient Scheduled Monument) together with the separately designated (2004) Town Walls are significant conservation issues.

The Conservation Officer’s detailed report highlights a range of conflicts concerning scale, massing and form, siting and height relating to existing ground levels with and adjacent to the site, together with the effect on the views/setting of the listed Castle.

There are clear concerns over the impacts of the proposal, which is considered to conflict with basic conservation principles and policy.

iii) Impact on residential amenity

Proposed site sections (to include existing two number disused water tanks) for plot 3, 1 and the car parking) turning area indicate there would be limited changes in overall site levels. All four plots include front and rear gardens. The finished floor levels would be approximately 4.5 metres above the Love Lane highway. Plot 3 ridge level would be 12 metres above the Love Lane highway.

The majority of the front elevation, upper floor windows (second floor on Love Lane approach) of properties 80-84 align with the top level of the existing application site boundary wall along Love Lane.

Given the proposal’s juxtaposition, siting and height, all first floor level windows lie opposite and above properties 84, 82 and 80, with the car parking area opposite 86, and 88 Love Lane and this is considered likely to have an adverse impact on the amenities of occupiers, through being overbearing and overlooking, in conflict with Policy GEN 6 criteria (v) and criteria (V) siting and amenity.

iv) Highway and parking

The site is within easy walking distances of services and public transport. No highway objections were made in relation to the previous planning application for one dwelling.

Love Lane has parking restrictions along much of its length. Six car parking spaces are contained within the application site, with vehicular access from Castle Lane; with an improved visibility splay and a new footway wrapping around the south east corner with Love Lane. The existing boundary stone wall along Castle Lane to be lowered to help visibility, etc.

The Head of Transport and Infrastructure is aware of the ongoing parking situation along Love Lane and the locality, including objections raised with this current proposal, and having considered all the issues, no objections are raised.

v) Archaeology

The comments from Clwyd Powys Archaeological Trust highlight the “potential sensitivity of the site’. It is understood that the water tanks are included on early O.S. maps. The site appears to have remained intact. SPG 15 highlights that at times, archaeological remains are only discovered once development has started, and that developers may wish to consider insuring themselves against the risk of loss.

The proposal includes an engineer's summary letter of underground tank issues. It confirms:-

- a) Assessment based on probable construction of tanks.
- b) The excavation of a trial hole, with one of the tanks built off bedrock
- c) If both tanks built off bedrock, there are foundation design factors to consider.
- d) If base slab of tank is concrete, dependant on condition, could be used as foundation of the substructure. Alternatively, it should be excavated and the bedrock used.
- e) A methodology would need to be included to build off filled in tanks, to near ground level.

In line with the planning history, a watching brief condition is a precautionary approach in this case.

vi) Affordable Housing

The submitted questionnaire and other information confirms the following :

POLICY GUIDANCE	Application site area Site density requirements@ 30 per ha. No of AH units requirements	0.1ha 3 units 1 unit
SUBMITTED SCHEME	No. of units in submitted scheme No. of AH units proposed as part of scheme AH plot no. Type of AH unit involved Floor area	4 units 1 unit Not identified 2 bedroomed house Same for the 4 houses 70.16m ²
SUBMITTED SCHEME DETAIL	Tenure Phasing Timing of AH availability in relation to market value units Details of Housing Association contacts/discussions.	To be agreed with Cymdeithas Tai Clwyd (dependent on grant aid) as possible shared ownership - otherwise Low Cost Discount for Sale AI 4 houses together AI 4 houses together Contact with Cymdeithas Tai Clwyd

The number of units for the site (4 no.) exceeds the current density requirements.

With no RSL involvement, floor measurement area meets the minimum standard. In the event of an RSL involvement, an increased floor area of 7.7m² is required.

The combined waiting list for the Denbigh area is currently:-

	1 bed flat	1 bed. House.	2 bed. Bung.	2 bed. flat	2bed. house	2 bed. bung	3.bed. house.	3 bed. bung.	4 or more bed. house	TOTAL
G	303	8	57	163	201	39	159	2	51	983
S	39	0	46	33	0	50	0	1	0	169
										1152

Key G= General Housing; S- Sheltered Housing

The Low Cost Homeownership identifies a total of 12 householders for a 2 bed. property.

The CACI income data for the Community of Denbigh 2006 indicates an average household income of £24,800.

vii) Land/wall stability

The Principal Building Control Officer has investigated potential stability issues, specifically the old boundary wall along Love Lane. Whilst the wall is old with some distress evident, the Principal Building Control Officer confirms that there are no dangerous structure issues.

PPW highlights that the responsibility for the extent and effects of instability or other risks remains with the developer by ensuring that the land is suitable for the proposal, in accordance with a standard code of practice. UDP Policy ENP 7 highlights this approach.

viii) Trees & Landscape

There is limited planting within the site. Plans indicate retention of existing features with further tree planting on front gardens and south of the car parking area.

Issues have also been raised on the accuracy of the site boundary. Following objections to the initial plans there have been revisions to the proposal, including clarification of site boundaries along Maes Onnen. Any private dispute over boundaries has to be dealt with through independent legal procedures which lie outside the planning process.

SUMMARY AND CONCLUSIONS:

8. This proposal conflicts with relevant policy and guidance on development in conservation areas. The overall building height and proximity to neighbouring properties would not safeguard amenity. Whilst the proposal exceeds the affordable housing density requirements there is no justification to allow development which would not enhance or preserve the character and appearance of the conservation area.

RECOMMENDATION: - REFUSE for the following reasons:-

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

1. The Local Planning Authority considers that the detailing of the proposed development in terms of the scale, massing and form, siting and height relative to existing ground levels within and adjacent to the site would adversely affect the special character and appearance of this part of the designated Denbigh Conservation Area and would thereby be contrary to Policy GEN 6 criterion (ii) and Policy CON 5 of the adopted Denbighshire Unitary Development Plan, and the accompanying SPG 13 'Conservation Areas', the aims of which require new development to preserve or enhance the character or appearance of conservation areas.

2. In the absence of sufficient information to properly assess the potential impact on near and distant viewpoints and on its effect on the setting of the designated historic sites in the area, the development is likely to prove significantly detrimental to important viewpoints and the essential setting of Denbigh Castle (a grade I listed building and Scheduled Ancient Monument), and associated walls, and of Denbigh Castle and town and thereby the Vale of Clwyd Landscape of Outstanding Historic Interests. The proposal would be contrary to the aims of Policies GEN 6 (iii), CON 1, CON 10 and CON 12 of the adopted Denbighshire

Unitary Development Plan and accompanying SPG's 13, 15 and 25, the aims of which require proposals to preserve the setting of listed buildings and Scheduled Ancient Monuments and avoid unacceptable harm on the character, setting and views into and out of a Historic Landscape.

3. The Local Planning Authority considers that the development would be overbearing in terms of scale, massing, height and form, siting and height (including the car parking area relative to the existing ground levels within and adjacent to the site) in relation to Nos. 80, 82, 84, 86 and 88 Love Lane, leading to potential overlooking into main habitable rooms, detrimentally affecting the current levels of residential amenities and privacy. The proposal would be contrary to the aims of policies GEN 6, criteria (i) and (v) which aims to respect and safeguard existing levels of amenity of local residents.

NOTES TO APPLICANT:

You are advised to contact the Case Officer to discuss alternative ideas for the development which address the reasons for refusal.

ITEM NO: 7

WARD NO: Llangollen

APPLICATION NO: 03/2007/0918/ PF

PROPOSAL: Erection of 4no. yurts and associated works

LOCATION: Youth Hostel Association, Study & Activity Centre, Tyn Dwr Hall
Llangollen

APPLICANT: University Of Central Lancashire

CONSTRAINTS: Tree Preservation Order

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

CONSULTATION RESPONSES:

1. LLANGOLLEN TOWN COUNCIL
"No objections".
2. PRINCIPAL COUNTRYSIDE OFFICER
"No objections".

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. A. Bellis, Tyn Dwr Farm, Llangollen

Summary of planning based representations:

- i) The potential noise and disturbance after 5:00pm from the Yurts if they are used for extra accommodation

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 16/09/2007

REASON FOR DELAY IN DECISION:

- Receipt of consultation responses.

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site is part of the wider complex of Tyn Dwr Hall which is located outside of the development boundary and within the AOB. The area in which the Yurts are proposed is set between the existing accommodation block and the periphery of the site which abuts Tyn Dwr Farm. The site is subject to a Tree Preservation Order.
2. The application proposes to erect 4 Yurts, which are round structures similar to a tent construction with a canvas roof over. The diameter of the Yurts is 5.8 metres and they will have a maximum height of 2.7 metres. Each Yurt contains a small

boiler with a flue leading out from the side of the fabric. The siting of the 4 Yurts will require the removal of five trees along with crown reduction and dead wooding of several other protected trees. An existing redundant septic tank currently in the area will be removed.

3. Information submitted with the application states that the University are currently in the process of acquiring the site and the erection of the Yurts is required to provide outdoor development work for experimental learning for the Frontier Education programme. Each Yurt accommodates 8 students and will be used throughout the week. The Yurts will be used strictly as sleeping accommodation with all ancillary activities carried out in the hostel.

RELEVANT PLANNING HISTORY:

4. 03/2007/0414/PF Change of use from Youth Hostel (sui generis) to residential institution/outdoor education (study & activity) centre (Class C2) with ancillary non-education hostel accommodation. Granted 22/05/2007
5. 03/2007/0973/TP Tree works to facilitate Yurts. Approved 07/09/2007

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 3 - Development outside Development Boundaries
Policy GEN 6 - Development Control Requirements
Policy ENV 2 - Development affecting the AOB
Policy ENV 8 - Woodlands

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Visual appearance and impact on the AOB
 - ii) Impact on the privacy and amenity of nearby occupiers
 - iii) Impact on Trees
8. In relation to the considerations as noted in paragraph 7:
 - i) Visual Appearance
The siting of the Yurts is considered to be discrete in terms of impact on the wider visual amenities of the area as they are adjacent to the existing buildings and screened from the road to the south west. As such, their siting is acceptable in terms of visual appearance and impact on the AOB. However, given their canvas construction it is considered prudent to include a condition limiting the Yurts to a temporary period only.
 - ii) Privacy and amenity
The overall use of the site as a youth hostel has been established in the 2007 permission for change of use. As the only nearby occupier, the letter from Tyn Dwr Farm is noted but it is not considered that any substantive noise or disturbance will be caused to a degree which would result in a loss of amenity. The Yurts are located approximately 40m from the rear entrance to the established hostel with a further 40m to the range of buildings at Tyn Dwr Farm.

As the intended use of the Yurts is for sleeping accommodation only with all ancillary uses in the hostel building it is unlikely that the proposal will result in any greater noise and disturbance than the existing overall use. A condition will be attached prohibit the use of sound amplification equipment or

loudspeakers in the yurts or on the application site. Furthermore if permitted the temporary nature of the use will enable the use to be monitored and reassessed following expiry of the two year permission.

iii) Trees

The impact on trees has been considered during an on-site meeting with the Principal Countryside Officer who has confirmed that he is happy with the proposals.

SUMMARY AND CONCLUSIONS:

9. The application is acceptable and is recommended to be granted subject to appropriate conditions.

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. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.
4. The yurts hereby permitted shall be removed and the land restored to its former condition on or before 10th October 2009.
5. No sound amplification equipment or loudspeakers shall be operated in the Yurts or on the application site.

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 safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
4. To enable the Local Planning Authority to monitor the impact of the use.
5. To protect the amenities of occupiers of nearby properties.

NOTES TO APPLICANT:

None

ITEM NO: 8

WARD NO: Corwen

APPLICATION NO: 05/2007/0965/ PO

PROPOSAL: Development of approx. 0.09ha of land by the erection of 1no. dwelling (outline application)

LOCATION: Land Off Hill Street Corwen

APPLICANT: Mrs A Allsop

CONSTRAINTS: Within 67m Of Trunk Road

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

CONSULTATION RESPONSES:

1. CORWEN COMMUNITY COUNCIL:
"I can confirm that Corwen Community Council has no objection to this application. However, could you clarify the issue regarding access to the property and also what effect this development will have on the dwellings below the site."
2. HEAD OF TRANSPORT & INFRASTRUCTURE:
Awaiting response.
3. ENVIRONMENT AGENCY:
The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Standard advice applies

RESPONSE TO PUBLICITY:

Letters of representation received from:-

1. Mr & Mrs GD Jones, Brynawelon, Penbryn, Corwen. LL21 0BD.
2. I & C Evans, Bryn Awen, Pen y Bryn, Corwen. LL21 0BD.
3. T & J Edwards, Tirionfa, Pen y Bryn, Corwen. LL21 0BD.
4. Nick Faire, St Johns Church, Bridge Street, Corwen. LL21 0AG.

Summary of representations received:-

- i) Impact upon highway safety of Hill Street as a result of increased use
- ii) Impact on properties below the site – risk of work destabilising the steep slope

EXPIRY DATE OF APPLICATION: 26/09/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Outline permission is sought for the development of 0.09 ha of land within the Corwen development boundary. All matters are reserved.

2. The application site lies between two properties. To the west of the site is the dwelling, The Farm. To the east of the site is located a newly built dwelling, Gorwelion. The Farm is a large two storey dwelling with large associated outbuildings. Gorwelion is a single storey dwelling within a plot approximately the same size as the application site. The surrounding area is characterised by a mix of dwelling types and plot sizes.
3. The site in question is accessed via Hill Street and an un-adopted lane which serves the dwellings Bryn Awelon and Minawel. At present it is an overgrown vacant plot. The main part of the site is lower than Hill Street and relatively level.

RELEVANT PLANNING HISTORY:

4. None.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE:

Planning Policy Wales – March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle
 - ii) Access and Highways
7. In relation to the main planning considerations as noted above:
 - i) Principle
The application site is within the development boundary of Corwen where the principle of development is acceptable based on Policy GEN 1. It is considered a suitably designed single dwelling could be developed here without detriment to any neighbouring dwellings.
 - ii) Access and Highways
No details have been submitted as to the nature and location of the site access. However, with regard to the nature of the site boundary with Hill Street and the un-adopted lane it is considered to be possible to construct a site entrance and parking and turning area which complies with the Highway Authority requirements.

Regarding the proposals potential impact upon traffic flow on Hill Street it is considered that an additional single dwelling would not exacerbate the problems to a sufficient enough level to justify a refusal on highway grounds.

SUMMARY AND CONCLUSIONS:

8. Essentially the application is seeking clarification of the principle of developing the site for residential use. Being located within the development boundary the principle is established. The plot size is commensurate with surrounding plot sizes, and is large enough to accommodate a dwelling and its associated amenity space. Subject to an appropriately designed dwelling being submitted for reserved matters approval along with the necessary access, parking and turning area, the proposal

is acceptable. Any concerns in respect to ground stability can be dealt with through a relevant planning condition.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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.
5. The dwelling shall not be occupied until space, in accordance with details to be submitted to, and approved in writing by the Local Planning Authority, has been laid out within the site for cars to be parked and for cars to turn so that they may enter and leave the site in a forward direction.
6. Details submitted to the Local Planning Authority in respect to the matters reserved for subsequent approval shall include details of site investigation and an assessment of signs of weakness for the stability of the ground, and any mitigation required in the construction of the dwelling to ensure the stability and safety of the proposed dwelling and adjacent dwellings.

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. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure satisfactory drainage of the site and to avoid flooding.
5. In the interests of amenity and highway safety by ensuring that adequate on-site parking and turning space is available.
6. In order to ensure the land can be developed in a safe and secure manner in the interests of amenity.

NOTES TO APPLICANT:

None

ITEM NO: 9

WARD NO: Efenechtyd

APPLICATION NO: 06/2007/0934/ PF

PROPOSAL: Erection of temporary 50m high anemometry mast

LOCATION: Wern Ddu Gwyddelwern Corwen

APPLICANT: Tegni Cymru Cyf.

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. BETWS GWERFIL GOCH COMMUNITY COUNCIL
No response received.
2. GWYDDELWERN COMMUNITY COUNCIL
"I have been asked to write on behalf of the Community Council in connection with application No. 06/2007/0934/PF. Having discussed the application we wish to object.

The council feel that the proposed mast is an experiment to get more wind turbines.

The council's feelings were there are more than enough wind turbines earmarked in the area already as there are 4 in the pipeline".

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 19/09/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Planning permission was granted on appeal in June 2007 for a windfarm development at Wern Ddu.
2. The two schemes which were the subject of the appeal decisions (one for 5 turbines, one for 4 turbines), both included for the erection of a 50 metre high lattice tower meteorological mast in a location 600 metres south east of the property Hafotty Fawr. Subject to compliance with conditions, either of the two schemes could be commenced, and the lattice type mast could be constructed.

3. The applicants are here proposing the erection of an alternative type of anemometry mast for a temporary period, prior to the development of the wind farm, in exactly the same position as the one approved as part of the two appeal applications. The application is for a 50 metre high galvanised steel mast of 200mm diameter, supported by 8mm stainless steel wire rope, in place of the 50 metre high lattice type mast.
4. The reason for the application to erect a temporary mast is to allow basic wind data to be obtained prior to the erection of any turbines. The temporary mast would then be removed and replaced by the permanent mast.

RELEVANT PLANNING HISTORY:

5. 6/2004/278/PF
5 turbine scheme, Wern Ddu – GRANTED – 15/6/07

- 6/2004/1453/PF
4 turbine scheme, Wern Ddu – GRANTED – 15/6/07

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy MEW 8 - Renewable Energy
Policy MEW 10 - Wind Power

Interim Planning Guidance -
Denbighshire – Conwy Joint Interim Planning Guidance -
Onshore wind farms
Formally approved by Full Council, 27 February 2007

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

Technical Advice Note 8 – Planning and Renewable Energy (July 2005)

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Impact on visual amenity/landscape

8. In relation to the main considerations:-
 - i) Principle of development
There are no planning policies which make specific reference to the erection of anemometer masts in conjunction with possible wind turbine developments. There is brief reference in TAN 8 to ‘other infrastructure’ relating to wind turbine developments, confirming that anemometer masts are needed as part of the project planning and design process.

The principle of erecting a monitoring mast in this location has already been established as part of the permissions granted for the Wern Ddu windfarm. The application proposes only a different type of mast from the one approved, and for a temporary period only.

With due respect to the comments of the Gwyddelwern Community Council, refusal of permission could not be merited on the basis that a mast providing

basic wind data/information is a potential precursor to additional turbines, which would have to form the subject of new application(s) and would have to be considered on their particular merits if they were proposed.

ii) Visual/landscape impact

Given the permission in place for a 50 metre monitoring mast and the development of a 4 or 5 turbine windfarm on this site, there would be no significant difference in the visual or landscape impact of a monopole, guyed mast.

SUMMARY AND CONCLUSIONS:

9. The proposal is considered acceptable subject to the inclusion of conditions requiring the erection of the mast within 12 months of the grant of permission, its removal within 2 years, and reinstatement of the land.

RECOMMENDATION: - GRANT - subject to the following conditions:-

1. The development hereby permitted shall be commenced no later than 1 year from the date of grant of this permission.
2. The mast shall be removed from the site no later than 2 years from its installation, and the land around the anchors and any access tracks shall be reinstated within a 3 month period of its removal in accordance with such detailed proposals to be submitted to and approved in writing by the Local Planning Authority.
3. In the event that the mast approved under application 6/2004/278/PF or 6/2004/1453/PF is erected during the time the mast hereby approved is in place, the guyed mast shall be removed no later than one month from the erection of the monopole mast.

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

1. In order that the Local Planning Authority retain control over the implementation of the development and any others for monitoring masts in the location.
2. In the interests of visual amenity.
3. In the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 10

WARD NO: Llandrillo

APPLICATION NO: 08/2007/0173/ PR

PROPOSAL: Details of layout, scale and external appearance for 23 dwellings, submitted in accordance with part of Condition No. 1 of Outline Planning Permission Ref. No. 08/2002/1097/PO

LOCATION: Land Adjacent To Godrer Coed Cynwyd Corwen

APPLICANT: Mr Selwyn Lloyd Jones Lloyd Homes Ltd

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. CYNWYD COMMUNITY COUNCIL -

Original Plans

"Cynwyd Community Council has given detailed consideration to this application. Here are some representations we wish to submit to the County Council

- Very strong feeling that the maximum number of houses should be 18.
- The affordable homes should be dispersed throughout the site.
- Issue of sewage/sewerage.
- A major housing development will change the nature of the village, it's culture and will impact on the Welsh language.
- What impact would this development have on the village's primary school?
- Is there a possibility that the development could be undertaken in small phases over a number of years if necessary?
- There has been no indication of a need for more housing on the open market in Cynwyd.
- Denbighshire County Council's housing waiting list suggests that there is a need for rented housing in the area, but at present there are no names on the Denbighshire low cost home ownership register relating to people who wish to buy property in Cynwyd.
- Cynwyd Community Council is keen to ensure that the needs of local people are given priority (if the housing development goes ahead), and to promote a housing needs survey in the Cynwyd area. The aim of the survey would be to present independent, impartial and comprehensive evidence that would prove the total number of homes needed, and the tenure required by local people. This evidence would be submitted to DCC officers, in order to attempt to ensure that the needs of local people are addressed."

Revised Plans

The case officer has been advised by the Community Council clerk that due to the dates of meetings, comments from the Community Council will be submitted around the week prior to Planning Committee.

2. DCC SENIOR DRAINAGE ENGINEER –Advises;

- If surface water disposal is intended via mains, requires pumping station installation. The nearest sewer is by the entrance to Godre'r Coed Estate.

- A ditch exists on the northern boundary. Potentially, could drain into this ditch, on the basis of undertaking downstream improvements. This ditch already floods into footpath down/past Isawel.
 - Surface water discharge should be designed to a Greenfield site run off ate.
3. WELSH WATER
No objection, subject to conditions, to include separate foul and surface water systems and further details.
 4. PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
No comments.
 5. ASSET MANAGER – DIRECTOR OF LIFELONG LEARNING
Advises that comments relate to potential development effect on school buildings:
 - Based on the latest published figures – Ysgol Maes Hyfyd had accommodation for 59 full time pupils and had 48 full time pupils on roll.
 - On this evidence, 23 additional houses is not considered to present a long term problem in terms of education provision with the village.
 6. DCC LANDSCAPE ARCHITECT -
Original plans
 - Prominent front stone wall location - important to construct in local style, materials, and character. Suggests an opportunity for memorial drinking fountain to work again
 - Suggests Hawthorn and hazel hedge surrounding properties 16 and 23, adjacent to the play area be more in keeping than board fencing. For plots 20 – 23 fronting onto B4401, consider trees or shrubs to soften impact.
 - Overgrown hedge along lane boundary should be retained/protected.
 - Large number of traditional stone and slate houses in Cynwyd.

Revised Plans: Awaiting response.
 7. DCC HOUSING SERVICES
Initial plans raised issues over location, tenure and floor measurement. Revised plans show acceptable layout. 2 units will be included in the bid for SHG for 09/10; remaining 6 will be sold as low cost housing. If unsuccessful grant bid for the 2 rented units, these two units will be sold as low cost.
 8. DCC PRINCIPAL PARKS & GARDENS OFFICER
Highlights innovative approach with initial plans submitted – however, open space and play area would not conform to relevant BS guidelines and therefore DCC would be unable to adopt (high maintenance costs; safety risk for children; inclusive design requirements; features should be more appropriate to a managed/supervised play area)
 9. ENVIRONMENT AGENCY (late consultee)
At the time of writing report, response awaited
 10. COUNTY ECOLOGIST
At the time of writing report, response awaited
 11. COUNTRYSIDE COUNCIL FOR WALES
Discussions with the case officer highlights no objection in principle, subject to a condition for survey work.

12. PRINCIPAL COUNTRYSIDE OFFICER
At the time of writing report, response awaited

RESPONSE TO PUBLICITY:

Letters of representation received from:

Original Plans

1. M. & M. Winn, Tyn y Gotel, Cynwyd
2. N. & F. Garratt, Ivy Cottage (Bwthyn yr Eiddew), Cynwyd
3. P R Jones, Isawel, Cynwyd, Corwen LL21 0HR
4. Mr & Mrs Styles, Bwthyn Bryn Derwen, Cynwyd, Corwen. LL21 0HP.
5. B. A. Tomkins, Hafod Bleddyn, Cynwyd
6. The Owner/Occupier, Pen-y-Dalar, Cynwyd, Corwen. LL21 0NX.
7. Debra Gregory, 10 Maes Hyfryd, Cynwyd
8. Mr. A.T. & Mrs. P. Jones, Ty'r Ysgol Isaf, Cynwyd

Revised Plans

At the time of writing the report;

1. M. & M. Winn, Tyn y Gotel, Cynwyd
2. N. & F. Garratt, Ivy Cottage (Bwthyn yr Eiddew), Cynwyd
3. P R Jones, Isawel, Cynwyd, Corwen LL21 0HR

Objections based on the following grounds:-

Design

- Inappropriate scale and materials for character of the area.
- Density inappropriate.
- Unsympathetic to village context.
- Six foot high wall inappropriate.

Drainage

- What is the purpose of the pumping station – mains sewerage?
- Current mains sewerage already at capacity.
- Who is responsible for pumping station maintenance.
- Station positioned on line of existing services.

Ground Instability

- Field unsuitable for cemetery on the basis of ground instability.
- Underground spring creates a 'bog' in winter months.

Highway

- The existing adjacent highway already busy and dangerous.

Noise and Disturbance

- Pumping station will cause excess noise and smell.

Affordable Housing

- Local need for housing not covered by the majority of dwellings proposed.
- Does a Housing Survey demonstrate the need for this type of development.
- Similar houses in village remain unsold as local people unable to afford them.
- At least 15 of the dwellings will cost around £200,000 – unlikely to be purchased by local inhabitants.

Monument

- Re positioning of the monument – in same place since 1880 – is unacceptable.

Overdevelopment

- Outline related to 18 – why increase to 23.

Amenities

- Affects current privacy levels of existing gardens and properties.

Children's Play Area

- Why not in middle of the development.
- Too close to neighbouring properties with inherent noise and disturbance.
- Already 3 play areas at Cynwyd.

- The village requires a youth club or a playing field for village youth.

Infrastructure & Services

- Water, gas and electric main services run through field – with rights of way for maintenance.
- Existing septic tank in use on the site.

Hedgerows and trees

- Responsibility for retention and maintenance?
- Some already removed on boundaries.

Flooding

- Would in part be constructed on a continuous flooded area. Emerges from a natural mountain spring.

Nature Conservation & Protected Species

- Newts observed in garden area in the flooded area of the field.

Support based on the following grounds:-

- The village is in need of more property.

EXPIRY DATE OF APPLICATION: 28/05/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is a reserved matters application, following the grant of outline permission in 2006 for a residential use (involving 0.75 ha of land), and construction of new vehicular and pedestrian access. The site lies within the defined development boundary for Cynwyd.

The site, currently grassed, with a wooded area in the east, is rectangular in shape with a gradual increase in levels from the adjacent B4401 highway to the easterly site boundary. To the south lies Godre'r Coed Estate, with Capel Bethel: a terrace of three houses and 1 pair of semi detached houses, to the west. Further residential properties lie to the north east corner. Along the northern boundary runs a private lane, with a cemetery area, further to the north. A memorial water stone is sited on the westerly boundary.

This reserved matters application relates to the site layout; scale; external appearance and landscaping. Additional drainage information confirms mains drains for foul sewage, with soakaways for surface water. The access point would remain as shown on the outline approval, opposite the Chapel car park.

The application includes 23 dwellings, consisting of: 4 bungalows (2 different types); 2 pairs of linked detached houses; 3 pairs of semi detached houses; a terrace of 4 units; and 5 detached houses. The open space and children's play area are indicated in the north and north east parts of the site, adjacent to a proposed pumping station on the North West corner. A footpath links the open space area with a new footpath along the B4401 highway.

Included with the application is a design statement note (page and a half) which identifies surrounding properties; a description of houses and the basis for the layout.

RELEVANT PLANNING HISTORY:

2. Code 17/9671 Development of 1.90 acres of land for residential purposes and construction of new vehicular and pedestrian access (outline application) – land adjoining Hafod Bleddyn, Cynwyd, granted on 26/9/1989.
3. Code 08/2002/0790/PO Development of 0.75 hectares of land for residential purposes (outline) at land adjacent to Cemetery, Cynwyd. withdrawn on 4/10/2002.
4. Development of 0.75ha of land for residential purposes and construction of new vehicular and pedestrian access (outline application). Granted 02/03/2006 Decision subject to a S106 Agreement. Briefly, main 106 heads of terms relate to affordable housing:
 - i. No dwelling shall be occupied on any particular phase until the number and location of Affordable Housing Units within that phase have been identified. The Affordable Housing units to be evenly distributed throughout the phase.
 - ii. To construct the Affordable Housing unit on any particular phase and not occupy more than 80% of the market units on any phase, prior to 80% of the Affordable Housing units being completed and available for occupation.
 - iii. Tenure Neutral Shared Housing Units – Within 18 months of the commencement of development on site to negotiate with a Registered Social landlord for the construction of the Affordable Housing of all type to comply with the WAG Design Quality Requirements and the transfer thereafter at a 80% threshold.
 - iv. Low Cost Housing Units – To provide low cost units on the site for sale at the initial price provisions; 80% threshold.; Low cost Housing Units to be occupied by local residents in proven local housing need.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 – Development Within Development Boundaries
 - Policy GEN 6 – Development Control Requirements
 - Policy GEN 7 – Welsh Language and Culture
 - Policy GEN 8 – Planning Obligations
 - Policy GEN 10 – Supplementary Planning Guidance
 - Policy ENV 6 – Species protection
 - Policy ENV 7 – Landscape/townscape features
 - Policy CON 6 – Development adjacent to Conservation Areas
 - Policy ENP 4 – Foul and surface water drainage
 - Policy ENP 6 – Flooding
 - Policy ENP 7 – Unstable land
 - Policy HSG 4 – Housing Development in Villages
 - Policy HSG 10 – Affordable Housing Within Development Boundaries
 - Policy REC 2 – Amenity and recreational open space requirements in new developments
 - Policy TRA 6 – Impact of new development on traffic flows
 - Policy TRA 9 – Parking and Serving Provision

Supplementary Planning Guides
SPG 2 – Landscaping

SPG 4 – Recreational public open space
SPG 6 – Trees and Development
SPG 18 – Nature Conservation and species protection
SPG 21 – Parking Requirements in new developments
SPG 22 – Affordable Housing in new developments
SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)
Draft Planning Policy Climate change, December 2006
Ministerial Planning Policy Statement January 2006
TAN 2 – Affordable Housing
TAN 5 – Nature Conservation and Planning
TAN 11 – Noise
TAN 12 – Design
TAN 15 – Development and Flood risk
TAN 20 – The welsh language
PPG 14 – Development on unstable land (extracts applicable to Wales)

MAIN PLANNING CONSIDERATIONS:

6.

- i) Effect on residential amenity
- ii) Design and appearance
- iii) Highways
- iv) Open space
- v) Affordable Housing
- vi) Drainage
- vii) Protected species
- viii) Landscape
- ix) Impact on the welsh language and education services
- x) Flooding

7. In relation to the main planning considerations in paragraph 6:

i) Effect on residential amenity

Neighbouring properties at/near the north east corner are at a higher level than the application site. A strip of domestic land in private ownership exists between the Bryn Derwen site and the application boundary, with ground and first floor windows on the main elevations of this unit with direct views into the application site.

On the south boundary, distances between existing 2 storey Godre'r Coed properties and the proposed 2 storey dwellings (plot nos. 1, 6-7 Godre'r Coed) achieve an acceptable back to back dimension of 20 metres. Adequate garden areas are shown for proposed dwellings.

Given the single storey bungalow units positioned on the westerly boundary; controls over site levels; the juxtaposition and distances with the 2 storey cottages along the main highway it is considered that adequate amenity standards can be achieved in this case, ensuring policy Gen 6 criteria are safeguarded.

ii) Design and appearance

TAN 12 includes guidelines for Design Statements, requiring attention to the character and design in the local context.

The provision of a range of house types provides for variety and interest

within the scheme. The use of materials – namely facing bricks and Marley monarch tiles for roof covering however is not considered appropriate in this locality. The Landscape Officer notes this matter in her response to the scheme, in reference to the use of stone and slate. Some properties are rendered in the locality.

Whilst accepting there are no adjacent listed buildings, the site lies on the main approach to the village and some 100 metres from the Cynwyd Conservation Area. It is considered reasonable to impose conditions seeking use of alternative external materials which could help assimilate development with the site context, namely natural slate and a combination of stone and render.

It is not considered the proposal would represent an overdevelopment of the site. Whilst the plans with the outline submission referred to a total of 18 dwellings these were treated for illustrative purposes only and the permission was not granted for a specific number of units.

iii) Highways

The access point remains in line with that previously agreed as part of the outline planning permission. Outline planning conditions required the submission of further detailed information and plans relating to highways, including traffic calming prior to the commencement of development and these will need to be still submitted for further approval.

The Head of Highways and Infrastructure has not objected to the number of units and layout submitted with the current plan for 23 units. The proposal therefore accords in principle, with SPG 21 and policy TRA 9.

iv) Open space

Currently, REC 2 and SPG 4 open space requirements for 23 units total 2208 square metres; a Community Recreational Open Space (CROS) of 1656 m² and Children's Open Space (COS) of 552 m², whether in public or private ownership.

3900 m² CROS and 450 m² CO are indicated along the northern boundary of the site. The agent has confirmed this will be private open space provision and maintenance (similar to applicant's approach elsewhere within Denbighshire), with the overall management and responsibility ultimately to be controlled via a private contract and arrangement with the estate residents.

The submitted layout plan illustrates the COS positioned at the north eastern site corner. In terms of surveillance and linkages, layout revisions include deletion of garages; repositioning of dwellings and additional footpath links with a view to overcoming concerns initially expressed by the Council's Parks and Gardens Officer.

A submitted sketch scheme illustrates Children's play facilities to include informal features, for example; climbing frame; sand pit, earth mound; boulder. The COS sketch scheme includes part of the area included part of the CROS open space area.

The case officer has requested clarification regarding detailed COS positioning and further landscaping details, to include additional landscaping buffering along the east boundary with the neighbouring residential properties at Bryn Derwen.

- v) Affordable Housing
Discussions with the applicant have resulted in the clarification of details;

POLICY GUIDANCE	Application site area Site density requirements@ 30 per ha. No of AH units requirements	0.88 26 units 8 units
SUBMITTED SCHEME PROVISION	No. of units in submitted scheme No.of AH units proposed as part of overall scheme AH plot no. Type of AH unit involved Floor area	23 units 8 units Plots 1,2,3,4;14, 5;22, 23. 2 bedroomed house 84 sqm
SCHEME DETAILS	Tenure Phasing Timing of AH availability in relation to market value units Details of Housing Association contacts/discussions.	2 to RSL 6 discounted open market for sale Phase one plots 1-8, phase two plots 9-16, phase 3 plots 19-24 Initial four dwellings (plots 1-4) will be developed as work begins on the site. The remaining AH units will be developed as the market demands. Lengthy discussions with Tai Clwyd Housing Association.(R. Bryn Davies) Agreed that their requirement is for 2 properties to be let out to tenants. The remaining properties will be subject to Tai Clwyd HA conducting the vetting process for the suitability for prospective purchasers in accordance with the section 106 agreement.

The number of affordable units for the site (8 no.) complies with the current policy/density requirements.

Floor measurement area meets the minimum standard, together with the current WAG Design Quality Standards, in respect of RSL involvement.

The combined waiting list for the Community of Cynwyd area currently:-

	1 bed flat	1 bed. House	2 bed. Bung	2 bed . flat	2bed. house	2 bed. bung	3.bed. house	3 bed. bung	4 or more bed. house	TOTAL
G	8	2	0	11	10	1	10	1	3	46
S	5	0	8	3	0	11	0	0	0	27
										73

Key G= General Housing; S- Sheltered Housing

Currently, no household/person from Cynwyd are registered on the Denbighshire's Low Cost Homeownership List.

The CACI income data for the Community of Cynwyd 2006 indicates an average household income of £27,100.

vi) Drainage

Condition 4 attached to the outline planning application requires a detailed foul drainage and surface water drainage scheme for the site. An application for these details is awaited, and will require consultation with the Head of Transport and Infrastructure, Senior Drainage Engineer, Environment Agency and Babbie.

The agent for the application is aware of Welsh Water's responses, together with these of the Council's Senior Drainage Engineer, which will need to be addressed as part of condition 4 details of the outline consent.

vii) Protected species

No protected species issues were raised during the progression of the outline planning application. Concerns submitted in relation to the presence of newts, obliges consultation with the Countryside Council for Wales and the County Ecologist. A suitable mitigation approach, in line with SPG 18 and Policy ENV 6 may be necessary dependent on the CCW response.

The agent is aware of possible protected species issues.

viii) Landscape

The revised plans have taken on board the majority of the Landscape Officer's initial concerns. However, the details of the type, style etc of highway boundary wall, together with species detailing for the indicative planting areas, can be covered by. A suitable condition can be imposed to secure submission and approval of these details.

A condition on the outline consent controls works involving existing boundary trees.

ix) Impact on the welsh language and education services

Details requiring approval of a phasing of development with the outline consent is currently being assessed as a separate submission. .

The Council's Asset Manager has confirmed it is not anticipated that there will be any impact on school capacity in this case.

x) Flooding

No flooding issues were raised during the progression of the outline planning application. Concerns submitted in relation to flooding on the current application, has resulted in consultation with the Environment Agency. Current available mapping information indicates no flooding issues. The Environment Agency's response will verify the information and possible mitigation approach, in line with TAN 15 and ENP 6.

In relation to land stability, PPW highlights that the responsibility for the extent and effects of instability or other risks) remains with the developer by ensuring that the land is suitable for the proposal, in accordance with a standard code of practice.

SUMMARY AND CONCLUSIONS:

8. Overall, the siting and layout are considered acceptable, subject to conditions specifically covering the use of alternative external materials ; natural slate and

render and/or stone work. Issues relating to the COS area and landscaping details can be reserved for further consideration.

RECOMMENDATION: - Approve subject to the following conditions:-

1. Notwithstanding the submitted plans, no development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
2. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned, domestic gardens, shall be submitted for the consideration of the Local Planning Authority prior to the occupation of any dwellings and the landscape management plan shall be carried out as approved in accordance with such time scale to be agreed in writing by the Local Planning Authority.
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 final dwelling 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.
4. The highway site boundary wall shall be constructed in natural stone.
5. Prior to the commencement of development details, including methodology and dates, for the repositioning of the stone memorial shall be further agreed in writing by the Local Planning and implemented in accordance with the agreed time period.
6. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
7. No development shall commence until the written approval of the Local Planning Authority has been obtained for the use of external surfaces of the walls of the development hereby permitted and no materials other than those approved shall be used.
8. All stonework proposed for use in the construction of the building(s)/walls shall be local natural stone of uniform colour to match the existing building(s)/walls in texture, type, colour, mortar and pointing.
9. No works on the site, including demolition or turf stripping, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats/birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of bats/birds shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.
10. No development shall take place until the scheme for the laying out, landscaping and equipping of play areas combined, with a programme for their provision within the development has been submitted to, and agreed in writing by the Local Planning Authority.
11. The final dwelling in this phase of the development shall not be occupied until the area of public open space, in accordance with detailed plans to be submitted to and approved

in writing by the Local Planning Authority has been laid out, and that area shall not thereafter be used for any purpose other than as public open space.

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

1. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
2. To ensure a satisfactory standard of development, in the interests of visual amenity.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of safeguarding the visual amenities of the locality.
5. In the interests of the amenities of the locality.
6. In the interests of visual amenity.
7. In the interests of safeguarding the visual amenities of the locality.
8. In the interests of visual amenity.
9. In the interests of any protected species on the site.
10. In the interests of the amenities of residents of the development.
11. In the interests of visual amenity, and to ensure a satisfactory provision of open space to serve the development.

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2007/0111/ PC

PROPOSAL: Continuation of use of existing caravan as living accommodation for agricultural worker (retrospective application)

LOCATION: Mountain Hall Farm School Lane Llanarmon-Yn-Ial Mold

APPLICANT: Mr A Williams

CONSTRAINTS: Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

1. LLANARMON YN IAL COMMUNITY COUNCIL
 'Permission was granted for a 3 year temporary permission for a caravan whilst applying for permission to build agricultural workers dwelling, which was unsuccessful. No additional supporting information has been submitted therefore the community council objects to this application'.

RESPONSE TO PUBLICITY:

Letter of representation received from the following:

1. Hacking Ashton Solicitors on behalf of Ms A.C. Harper (sister of applicant)

Summary of planning based representations:

- i) The land forms part of the estate of the late Frederick Williams.
- ii) No agreement has been reached with Mr Alex Williams for him to occupy the land.
- iii) The land is shortly to be sold to enable the estate of the late Frederick Williams to be administered.

EXPIRY DATE OF APPLICATION: 04/06/2007

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application seeks permission to retain a caravan on the site as accommodation for an agricultural worker. A temporary permission was granted for the caravan in 2003, but this expired in June 2006.
2. Mountain Hall Farm is located approximately 0.5km to the north-east of the village of Llanarmon yn Ial and 1 km from Eryrys, which is to the north-east. The farm buildings are located adjacent to School Road which runs from Llanarmon yn Ial to

Eryrys. This area is outside the development boundaries of the adjoining villages and within the Area of Outstanding Beauty (AOB) landscape designation. The application site is set in landscape which is gently undulating and benefits from an existing hedge/tree screening on its southern boundary. Public footpath no. 37 runs to the west of where the caravan is located.

3. The buildings at Mountain Hall Farm comprise 2 no. stock sheds, a calf rearing shed, a farm workshop and a concreted yard.
4. The history of applications outlined in the following section, demonstrate a complex background to the current application. There have been previous refusals of permission for a workers dwelling (1991 and 2002). Since the 2002 refusal:
 - Permission for the caravan was granted on a temporary basis under code no 15/2003/196/PF to allow opportunity to establish a case for viability and an essential need for a permanent dwelling. It was understood the grant of a temporary permission was on the basis of the following land farmed:
 - i) 10.92ha (27 acres) of land associated with Mountain Hall Farm (stated to own)
 - ii) 14.16ha (35 acres) of land at Betws yn Rhos (stated to own)
 - iii) 10.11 ha (25 acres) approximately 3.5 miles from Mountain Hall Farm (stated to own)
 - iv) 9.71ha (24 acres) approximately 1 mile from Mountain Hall Farm (stated to rent)
 - v) further block of land taken on winter keep near Chester

The land at Mountain Hall Farm used to belong to a larger farm enterprise at Bryn yr Ogof. It was understood the applicant's father sold off the land in 1986 and gifted the land to him.

- An application for a permanent agricultural dwelling was submitted in late 2004. This was the subject of lengthy scrutiny, technical appraisals by ADAS of the essential need for a dwelling (April 2005, February 2006), and a further detailed critique of the case by an independent Agricultural Financial Consultant. The situation became complicated by issues relating to landownership, which required reappraisal of basic considerations. Ultimately, the application for the dwelling was withdrawn in October 2006.
5. In relation to the current application, there is no supporting appraisal from the applicant or any financial information, to assist consideration of the essential need / viability issue. Information relating to the landownership situation suggests the applicant is not the owner of the land, but is the administrator of his father's estate, ownership resting with Mr Williams's; sister, Ms A C Harper. To comply with the procedural requirements on the application, the applicant has served the relevant notice on Ms Harper.

RELEVANT PLANNING HISTORY:

6. 25/12048 – refusal for the development of land by the erection of an agricultural worker's bungalow and installation of new septic tank (outline application) at The Mobile Home, Bryn yr Ogof Farm, School Lane, Llanarmon yn Ial. - 13th September 1991.

15/2000/125/LE – Refusal for a Certificate of Lawfulness for an existing use, namely the siting of one static caravan for residential purposes. This refusal was appealed to the National Assembly. The appeal was subsequently withdrawn.

ENF/432/98/S – An appeal against an Enforcement Notice for the unauthorised residential use of a caravan. This appeal was subsequently withdrawn.

15/909/99/AG – Erection of a 400 sq. metres agricultural storage building
APPROVED – 20/1/2000

15/2001/0673/PO – Erection of a farmhouse at Mountain Hall Farm, School Lane, Llanarmon yn Ial, as the essential need for a worker to live on the unit was not proven – REFUSED 24 July 2002.

15/2003/196/PF – Use of existing caravan as living accommodation for agricultural worker. – GRANT – 25/06/2003 (committee decision). Temporary permission for 3 years.

15/2004/1535/PF – Erection of agricultural workers dwelling. Withdrawn on the advice of officers on the 10/10/2006

15/2007/0313/PF – Change of use of agricultural building and land to haulage contractors vehicle depot, PENDING

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 6 – Location
 - Policy STRAT 7 – Environment
 - Policy GEN 3 – Development outside development boundaries
 - Policy GEN 6 – Development control requirements
 - Policy HSG 6 – New Dwellings in the open countryside
 - Policy ENV 1 – Protection of the Natural Environment
 - Policy ENV 2 – Development affecting the AOB

Planning Policy Wales (March, 2002)

TAN 6 – Agricultural and rural development (June, 2000).

MAIN PLANNING CONSIDERATIONS:

8. The main issue is considered to be:
 - i) Principle
9. In relation to the main planning considerations as noted above:
 - i) Principle:

Temporary planning permission was granted for the use of a caravan to house an agricultural worker on the 25th June 2003. This permission was granted on the basis of land ownership details as identified above and accounts for the years 1998, 1999 and 2000. The permission for the use of the caravan expired on the 25th June 2006. Further applications have been made to erect a permanent agricultural workers dwelling on the site, but issues have arisen in relation to the ambiguity over land ownership which officers do not feel have been fully addressed as part of this application. The last set of accounts seen by officers relates to the year 2004.

In order to determine if the retention of the temporary accommodation for an agricultural worker is justified, it is suggested the 5 tests in TAN6, paragraph 50 are applicable. These tests are as follows:

- a) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a

good indication of intentions);

- b) functional need (whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times)
- c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- e) other normal planning requirements, for example on siting and access, are satisfied.

It is the view of officers that no further information has been submitted which demonstrates how the tests are satisfied.

In light of the advice in section 51 of the TAN6 that it is unsatisfactory to grant successive extensions to a temporary permission over a period of more than three years, it is officers view that it is not acceptable in principle to consent to the retention of the caravan for use as a living unit.

SUMMARY AND CONCLUSIONS:

10. The application is for the retention of a static caravan for use by an agricultural worker. Temporary permission was granted for three years in 2003 to allow opportunity to develop the potential for a permanent agricultural workers dwelling. The temporary permission expired on the 25th June 2006 and an application was made in 2004 for the erection of a permanent agricultural workers dwelling, which has been subsequently withdrawn. No further financial information or clarification of land ownership issues have been submitted as part of this application, and the agricultural need for a full time worker to be resident on site is questionable. The advice in TAN6, paragraph 51 is explicit in that it will be unsatisfactory to grant excessive extensions to a temporary permission over a period of more than three years.

RECOMMENDATION: - REFUSE for the following reasons:-

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

1. It is the opinion of the Local Planning Authority that the proposal to retain the caravan for use by an agricultural worker is not justified by supporting information with the application, as there is no case to establish the financial or functional need for the presence of an agricultural worker, such development being contrary to Unitary Development Plan policy GEN 3, HSG 6 and ENV 2, and advice in Paragraphs 50 and 51 of TAN 6 - Agricultural and Rural Development.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2006/1418/ PR

PROPOSAL: Details of design and external appearance of building and landscaping submitted in accordance with Condition no.1 of Outline Planning Permission code no. 16/2006/0535/PO

LOCATION: Land at (Part garden of) Robin Hill Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr & Mrs D Jones

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

1. LLANBEDR D.C COMMUNITY COUNCIL
"Object proposed dwelling is much larger than Woodlands Cottage and it would stand on higher ground. The three storey dwelling would stand out in the immediate surroundings, it would be out of character in the AONB and prominent. Dense mass of building located very close together – 2 dwellings already in the Robin Hill plot. Concerns that a full and proper ground survey has not been carried out in accordance with conditions on the outline approval."
2. WAG HIGHWAYS
No objections subject to conditions
3. ENVIRONMENT AGENCY
No objection - standard advice applies
4. AONB COMMITTEE
The JAC notes the modest reduction in the height of the proposed dwelling. A more significant reduction in the height and mass of the building, especially when viewed from the A494 would have been preferred but if the planning authority is satisfied with the revised design, the JAC will accept their decision.

RESPONSE TO PUBLICITY:

Representations received from the following on the most recent plans:

1. Mr V. Cooper, Rhyd y Foel,
2. Mr W. Chandler, Dyffryn Aur,
3. Erinaceous Planning on behalf of Ms Davies and Ms Carragher, Woodlands Cottage, Llanbedr D.C

Summary of planning based representations:

- i) The building will dwarf the four bungalows around it and will spoil the privacy for these dwellings
- ii) The proposal will not accord with UDP policies GEN6, ENV2 and HSG4
- iii) The development is out of character with the AONB, by reason of size, scale and mass of the proposed dwelling

- iv) Impact on residential amenity of the woodlands and land stability in close proximity to the dwelling.

EXPIRY DATE OF APPLICATION: 01/08/2007

REASONS FOR DELAY IN DECISION:

- protracted negotiations resulting in amended plans
- re-consultations necessary on amended plans

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in the development boundary of Llanbedr DC and comprises of land forming part garden of the dwelling known as Robin Hill. The current application is for reserved matters to deal with condition no 1 and 10 of outline planning application ref no 16/2006/0535/PO for the erection of one dwelling. These are details of design, external appearance, landscaping and ground stability.
2. The details include the design, external appearance and landscaping for one dwelling and propose a three storey dwelling with garage on the lower ground floor and living accommodation on the ground floor and second floor.
3. Negotiations have taken place with the applicant to reduce the height and mass of the building. The recent revisions include a reduction of 0.3m in the height of the proposed dwelling and setting the proposed building down lower into the landscape. Amendments to the roof design (dormer in place of high level window on upper floor) have also been made. The materials proposed are slate for the roof and painted render.
4. Details in relation to ground stability have been provided to comply with condition no 10 of the outline application. These details make reference to a visual inspection of the site and the applicant states that further investigation will be carried out at the building regulations stage.

RELEVANT PLANNING HISTORY:

5. Application ref no: 16/2006/0535/PO – development of 0.11 ha of land by the erection of a detached dwelling and construction of new shared vehicular access (outline application). Approved with conditions on the 4th October 2006

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN1 – Development within development boundaries
 - Policy GEN6- Development control requirements
 - Policy ENV2- Development affecting the AONB

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

PPG14 – Development on unstable land

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact on visual amenity / AONB
 - ii) Impact on residential amenity

- iii) Highways
- iv) Ground stability

8. In relation to the main planning considerations as noted above:

i) Visual amenity / AONB:

The size and scale of the proposed dwelling is large, however it is comparable to those in the area and is set in a large garden area well back from the road. This respects the character and pattern of development in the locality. The roof height of the building has been reduced and it is proposed to set the dwelling lower in the landscape to give more of a definition between the ridgelines of Robin Hill, the proposed dwelling and the Woodlands. The materials proposed for the development are slate and render which ties in with the materials in the surrounding area. Comments from the AONB state that they note the reduction in the roof height and whilst they would have preferred a further reduction in the size and scale of the dwelling will accept the decision of the LPA. The proposal is considered to be in accordance with policy ENV2 and criterion i), ii), iii) and iv) of policy GEN6.

ii) Residential amenity:

The dwelling is proposed to be located 22m from the side of the elevation of the Woodlands, 13m from the side of Robin Hill and set back 20m from the road. There is a 10m rear garden area which will provide adequate amenity space to the proposed dwelling. The side elevation facing the Woodlands contains two windows at first floor level which will serve the bathroom and en suite. These windows are to serve non habitable rooms and will be obscurely glazed. This along with the distance from woodlands cottage ensures no detrimental impact to residential amenity in accordance with criterion v) of policy GEN6.

iii) Highways:

No objections have been raised in relation to the formation of an access onto the A494. WAG highways suggest conditions on approval, and as such the proposal is in accordance with criterion vii) of policy GEN6.

iv) Ground stability:

Details have been supplied to cover condition no 10 of the outline approval in relation to a ground stability survey. An initial visual inspection of the site has been carried out and it has been concluded that there will be no impact on the neighbouring property. Further details have been requested from the applicant by the LPA in relation to the above, however these have not been forthcoming. Detailed site investigations will be carried out during the building regulations stage, and it is considered given the already developed sites adjacent, the report already submitted and the conclusions made thereon the issue of ground stability has been adequately covered.

SUMMARY AND CONCLUSIONS:

9. The proposal is for the reserved matters for the erection of a dwelling on land forming part garden of Robin Hill. The proposal is considered to be acceptable based on visual amenity and landscape terms as is the impact of the proposed development on residential amenity. No concerns have been raised by the highways department in relation to the formation of the new access on to the A494 and the issue of ground stability is adequately covered at this stage.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. Further details in relation to land stability shall be submitted to and approved in writing by the Local Planning Authority before any works on the erection of the dwelling. Details shall include an assessment of any signs of weakness of the stability of the ground and any mitigation required in the construction of the dwelling to ensure the stability and safety of the proposed dwelling and adjacent dwellings.

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

1. In the interests of identifying any hazards which may have resulted from such activity.

NOTES TO APPLICANT:

None

ITEM NO: 13

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2007/0948/ PF

PROPOSAL: Erection of free range poultry building, 2 no feed silos and the formation of associated access track

LOCATION: Clyttir Farm Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Clyttir Farm Co. Ltd.

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANGYNHAFAL COMMUNITY COUNCIL
No response received.
2. HIGHWAYS
No objection
3. PUBLIC PROTECTION
No response received.
4. ENVIRONMENT AGENCY
No objection
5. COUNTRYSIDE COUNCIL FOR WALES
No objection but would like conditions to be applied to any approval with regards to the removal of waste off site through the farm manure management plan. No waste should be spread within 300m of the Llwyn SAC/ SSSI and additional screen planting should be carried out along the public footpath running alongside the site.
6. FOOTPATHS OFFICER
No response received.
7. COUNTY ECOLOGIST
Awaiting response

RESPONSE TO PUBLICITY:

Letter of representation received from the following:

1. Mrs. Sue Rathbone, Bryn Celyn, Llanbedr D.C., Ruthin

Summary of planning based representations:

- i) Concerns about the intensification of the use of the existing chicken farm which will lead to an increase in noise, smell and flies to the detriment of residential amenity.

EXPIRY DATE OF APPLICATION: 02/09/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)
- additional information required from applicant
- re-consultations necessary on additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in the open countryside off the B5429 Gellifor to Llanbedr DC road, outside the Clwydian Range AONB. The site forms part of an existing agricultural unit comprised of 19,000 egg laying birds. The extent of the existing operations is contained in two agricultural sheds with the produce sold on site through the farm shop. Bridleway no 1 abuts the application site which runs through the yard of Clyttir Farm to the North of the application site.
2. The proposal is to erect a free range agricultural building of 1100 m² with a height to the ridge of 5.7m, 2 no 5.8m high feed silos and a 139m long access track to the building, with a 5m access strip surrounding the building. The proposed building will house an additional 8,000 egg laying birds with the surrounding land providing a ranging distance of 350m for the free range element of the proposal. The external area will be divided into paddocks which will be rotated for use to regenerate the land around the building. The internal arrangement of the building will be subdivided into nesting boxes, feeding and drinking area and a slatted floor which allows waste to drop through into a holding pit until it is removed. 'Pop holes' will be provided to the side of the building to allow the birds access in and out of the building.
3. The application details arrangements for waste holding and disposal. Waste from the birds drops through the slatted floor and is removed at the end of each flock cycle (normally 58 – 60 weeks). The waste is stored in the holding pit below the building. During the clearing out process the internal components of the building will be dismantled and removed from the building. The cleaning out process involves an initial clean down with water and a sterilising agent which is absorbed by the muck. The muck is removed via the end doors of the building with the waste transferred directly into trailers to be removed off site for spreading in accordance with the farm manure management agreement. The unit will then be swept, sealed and decontaminated. Any water used in the cleaning process will be gravity fed to a sealed holding tank adjacent to the building and removed from site.
4. Anticipated vehicle movements at the site as a result of the proposal will include one articulated lorry at the beginning and the end of the each flock cycle, egg collecting (which is two days per week as per the existing arrangement), an additional HGV delivery of feed once every 2 weeks, and one additional vehicle for the single additional employee.
5. The application has been assessed by officers and it has been determined that an Environmental Impact Assessment (EIA) is not required as part of the proposal. The site is located within 5.3 km of the Llwyn Site of Special Scientific Interest (SSSI, national nature conservation site) and Special Area of Conservation (SAC – International Nature Conservation Site) and 6.3 km from the Alyn Valley woods SAC.

RELEVANT PLANNING HISTORY:

6. None

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- Policy GEN3- Development outside development boundaries
 - Policy GEN6 – Development control requirements
 - Policy EMP13 – Agricultural development
 - Policy ENV1 – Protection of the natural environment
 - Policy ENP1 – Pollution
 - Policy ENV4 – International/ National sites of nature conservation importance.

MAIN PLANNING CONSIDERATIONS:

8.

- i) Principle of development
- ii) Impact on visual amenity / landscape
- iii) Impact on residential amenity
- iv) Highways
- v) Waste disposal

9. In relation to the main planning considerations as noted above:

i) Principle:

The application site is in the open countryside where policy GEN3 is applicable. GEN3 details development exceptions in open countryside. Agricultural development is considered under criterion vi). Policy EMP13 relates to agricultural development, and states that agricultural development requiring planning permission will be permitted provided that the development is required to meet the needs of the farm enterprise and that there are no redundant farm buildings on the complex that are suitable for the proposed purpose. In this instance, the proposal is in accordance with these tests and as such the proposal is acceptable in principle.

ii) Visual amenity / landscape:

The size and scale of the proposed building is large, with a floor area of 1100 m² and a height to the ridge of 5.7m. Notwithstanding this, the proposed building will be located to the east of the existing farm complex, in close proximity to the existing buildings on the farm, and as such is sited to avoid prominent and conspicuous locations, in accordance with criterion iv) of policy EMP13. The materials for the proposed building are box profile steel sheets and whilst the colour has not been specified, it has been suggested that a dark green colour would be suitable given the countryside location and views across the landscape. This can be controlled via a planning condition should members decide to approve. The site is well screened to the south west and to the north from the bridleway by means of existing mature trees and hedgerows respectively. In addition to the existing landscape features, it is also proposed to plant a hedgerow of hawthorn and blackthorn mix to either side of the proposed new access and the parking and turning area to the north east. Further tree planting of oak, maple and ash are also proposed to break up the views across the landscape, the locations of which can be conditioned for approval. The proposal is in accordance with criterion iii) of policy EMP13, policy ENV1 and criterion i), ii), iii) and iv) of policy GEN6.

iii) Residential amenity:

Concerns have been raised by the owner of Bryn Celyn in relation to the impact of the development on residential amenity, with specific concerns

about noise, smell and flies. Noise can arise from two sources - the chickens (although no cockrels will be on the site), and the mechanical ventilator extractor fans in the building. The fans are controlled by heat and therefore would be operated more in hot weather. The nearest property to application site is Bryn Celyn which is some 280 metres to the south east. Given the distance and the fact that the existing poultry sheds are closer than the one proposed, impact on the occupants with regards noise from the extractor fans is not expected to be significant. Smells from the proposed building would arise during the cleaning out process, which would last 1-2 days, and occur less than once a year, given the timing of the flock cycles. In relation to planning policy, it is considered that the proposal complies with policy EMP1 and criterion v) of policy GEN6 of the Denbighshire UDP.

iv) Highways:

No objections have been raised by the highways section. There is an existing parking, turning, loading and unloading areas within the farm yard area which is adequate for the additional vehicle movements proposed. (one articulated lorry at the beginning and the end of the each flock cycle, egg collecting which is two days per week as per the existing arrangement, an additional HGV delivery of feed once every 2 weeks and one additional vehicle for the single additional employee.) This would be in accordance with criterion vii) of policy GEN6.

v) Waste disposal:

The application documents detail the method of how waste is to be stored in the building during the flock cycle and how it will be removed during the cleaning out process. The manure from the building will be removed and carried off site to be spread in accordance with a farm manure management plan. CCW request a condition that the waste is not spread within 300m of the Llwyn SSSI and SAC (5.3km away) to avoid pollution of the water system and air quality from ammonia deposition, which could damage the integrity of the internationally designated nature conservation site. Alyn Valley woods SAC also lies within 6.3km of the application site, and whilst CCW are happy that there will be no significant effect on both sites as a result of ammonia deposition from this proposal alone, they have requested in accordance with current regulations that the LPA carry out a test of 'likely significant effect' in combination with other plans and projects. This has been done by the county ecologist who concludes that there will be no likely significant effect, which means that the proposal is in accordance with policy ENV4 of the Denbighshire UDP. The details of the manure management plan can be conditioned for further approval.

SUMMARY AND CONCLUSIONS:

10. The application site forms part of the farm complex of Clyttir farm and is located to the northeast of the existing complex. The proposal is for the erection of a large agricultural building for the keeping of 8000 free range chickens, the erection of 2 feed silos and the formation of an access track. The principle of the development is considered acceptable, as is the specific impact on visual and residential amenity. Highways have raised no objections to the proposed development, and it has been concluded that there will be no likely significant effect in combination with other plans and projects on the integrity of the SAC's in the vicinity of the application site.

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. Prior to the commencement of development, the precise colour of the box profile sheets to be used for the roof and walls of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and only the colour subsequently approved shall be used on site.
3. Prior to the commencement of development, the precise colour of the 2no silos hereby approved shall be submitted to and approved in writing by the Local Planning Authority and only those colours subsequently approved shall be used on site.
4. Prior to the commencement of development, the farm manure management plan shall be submitted to and approved in writing by the Local Planning Authority and the manure shall be spread in accordance with those details subsequently approved.
5. No manure shall be spread within 300m of the Llwyn SSSI and SAC
6. Prior to the commencement of development, further details of the location of the proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority and shall include details of species, numbers, methods of protection from livestock and any areas of hedging between the application site and the adjoining bridleway.
7. 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/completion of the development/commencement of the development/next planting and seeding season] 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.

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. In the interests of visual amenity.
4. In the interests of protecting the natural environment and sites of national and international nature conservation importance.
5. To protect the integrity of the nature conservation sites.
6. In the interests of visual amenity.-
7. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 14

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2007/0599/ PO

PROPOSAL: Development of 0.05 hectares of land by the erection of a dwelling, alterations to existing vehicular access and installation of a new septic tank (outline application)

LOCATION: Land at (Part garden of) Bryn Anos Pentre Celyn Ruthin

APPLICANT: Mr Oswyn Griffiths

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

1. LLANFAIR D.C COMMUNITY COUNCIL
"Can not support this application until the problem of sewerage disposal is resolved, no further development should be allowed. Due to a serious problem of sewerage disposal, there should be a biodigester not just a pump system. The question to be asked, where does it pump to?"
2. PUBLIC PROTECTION
Discharge from the proposed soakaway should not contaminate any water supplies, sub surface drainage should comply with BS6297:1983
3. ENVIRONMENT AGENCY
No objection
4. AONB JOINT ADVISORY COMMITTEE
'The JAC has concerns about the possible overdevelopment of this rural hamlet, but if the planning authority are minded to approve the application it is recommended that the roof should be natural slate, local stone and or appropriate render should be used on the walls, and the new boundary with Bryn Anos should be constructed of natural local stone'.
5. HIGHWAYS
The plans are identical to those previously submitted and the highway authority request that the access be amended to form a paired access and controlled through a suggested condition.

RESPONSE TO PUBLICITY:

Letters of representation received from the following:

1. Mr. & Mrs. Irwin, Cilgwyn, Pentrecelyn
2. Mr. M. Jones, Wern, Pentrecelyn
3. Mr. & Mrs. M. J. Mills, The Post Office, Pentrecelyn
4. Mr. M.E. & Mrs. M.M. Jones, Wern, Pentrecelyn

Summary of planning based representations:

Drainage:

- No mains drainage in Pentrecelyn – no more houses should be built unless they are connected to mains drains
- Porosity problems due to high levels of clay in the soil
- The application site contains soakaways from Cilgwyn's septic tank and the dwelling appears to be proposed to be built on top of the location of the soakaways from Cilgwyn with no consideration of how this will be achieved on site.
- Number of septic tanks located in close proximity to the application site
- Recent flooding incident resulting from development on land adjacent to Cilgwyn flooded Cilgwyn and The Post Office – another dwelling increases the risk of flooding and raises health and safety concerns
- Proposal does not comply with UDP policy ENP1 and ENP4.

Visual amenity / landscape:

- Small rural community in AONB inappropriate for the development of modern housing
- Overdevelopment of a small rural hamlet – in conflict with Denbighshire's UDP policies
- Concerns about the size and scale of the dwelling being out of keeping with the surrounding properties and the use of inappropriate materials in the AONB

Residential amenity:

- Concerns about the close proximity of the proposed dwelling to the rear boundary of Cilgwyn – implications for overlooking private garden space and the rear of the property.
- Cilgwyn is located on a lower level than the application site and therefore there will be an increased overlooking with a two storey property.

EXPIRY DATE OF APPLICATION: 02/10/2007

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations / further publicity necessary on additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site extends to 0.05ha in area and forms part of the garden area of the property known as Bryn Anos in Pentrecelyn. Pentrecelyn is not defined in the Denbighshire UDP as a village, and it has no defined development boundary. The application site is also located in the Clwydian Range Area of Outstanding Natural Beauty.
2. The proposal is for outline permission for a single dwelling, with means of access only to be approved as part of the submission. The plans forming part of the submission do demonstrate the location of a dwelling but this, along with the details of the materials and design of the dwelling, would be confirmed as part of any reserved matters submission. Members should be aware that this application is similar to that previously granted outline planning permission in 2003, under code no 20/2003/0971/PO, which has expired.

RELEVANT PLANNING HISTORY:

3. In relation to the application site:

Application ref no: 20/2003/0971/PO – development of land by the erection of a dwelling, alterations to the existing vehicular access and installation of a new septic tank. Granted with conditions on the 29th October 2003.

4. In relation to other recent approvals in close proximity to the site (land adjacent to Cilgwyn):

Application ref no: 20/2003/1434/PF - Erection of residential dwelling, installation of private treatment plant and construction of new vehicular access . Granted with conditions on 25/02/2004

Application ref no:20/2006/1488/PF - Erection of detached dwelling (amendment to previously approved scheme under Ref. No. 20/2003/1434/PF). Granted with conditions on the 21/02/2007

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN3- Development outside development boundaries

Policy GEN6 – Development control requirements

Policy ENV2 – Development affecting the AONB

Policy EMP4 – Foul and surface water drainage

Policy HSG5 – Groups of houses in the open countryside

Policy SPG10 – Infill housing in the open countryside

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of development
- ii) Impact on visual amenity and AONB
- iii) Impact on residential amenity
- iv) Drainage
- v) Highways

7. In relation to the main planning considerations as noted above:

i) Principle:

Pentrecelyn has no defined development boundary, therefore for development control purposes, the application site is in open countryside. Criterion ii) of policy GEN3 is applicable in relation to groups of dwellings in the open countryside, and is further clarified in policy HSG5. HSG5 states that the development of one or two houses may be permitted provided that the proposal comprises the infilling of a small gap between buildings within a continuously developed frontage, does not result in ribbon development or the perpetuation of ribbon development and is of a comparable size and scale and is located as to respect adjacent properties and the locality. The principle of development has been accepted previously in relation to policy HSG5, and there have been no policy changes since the grant of the outline consent in 2003.

ii) Visual amenity and AONB:

Concerns have been raised in relation to the impact of an additional dwelling in this location on the visual amenity of the area and the wider AONB. This

application is made in outline form and no details of design or external appearance are to be considered at this stage. Given the site levels in relation to the adjoining properties it seems likely that a full two storey dwelling would not be appropriate, and the height should be restricted to reduce the potential impact on visual amenity. This can be addressed at reserved matters stage, but is worth noting here. Policy ENV2 relates to development affecting the character and appearance of the AONB. The outline application at this stage makes no reference to the details of the dwelling on site but subject to controls on the design and appearance of the dwelling, it is considered that development will have minimal impact on the AONB. This is in accordance with policy ENV2.

- iii) Residential amenity:
This application has been submitted in outline form with no details of the siting of the dwelling to be considered at this stage. An indicative siting is however demonstrated on the block plan and shows a dwelling located 1m from the boundary between the application site and Cilgwyn. Cilgwyn and the Old Post Office are located some 12m from the boundary of the application site. Full details of siting would be further addressed at reserved matters stage, and as such the proposal is considered to be acceptable based on the impact on residential amenity.

- iv) Drainage:
Numerous concerns have been raised in relation to the issue of drainage. In relation to the proposed development, it is intended to install a new septic tank with a pumpset system to deal with foul water, and soakaways to deal with rainwater, which were the basis systems proposed and approved in 2003. Neighbours advise that there are many other septic tanks and soakaways in close proximity to the application site, and that the soakaway from the septic tank of Cilgwyn is located on the application site. Whilst appreciating the complexity of these existing arrangements, the Authority can not become embroiled in any civil disputes over rights to drain existing systems onto or across private land. The specific drainage arrangements proposed to serve the site involved pumping discharges from a septic tank to a new soakaway in a field away from Bryn Anos, which would seem likely to alleviate issues over the existing soakaways and reduce the concentration of soakaway systems in the area. In any event it is suggested the applicant should carry out a survey to investigate the ground conditions for the presence of existing soakaways and that the proposed system of drainage should comply with British Standards in relation to septic tanks. This can be covered by a condition, similar to the one attached to the previous planning permission.

- v) Highways:
No objections have been received from the highways department but they do request that a condition is attached to any permission to form a paired access rather than have a separate access serve the proposed dwelling. This can be covered through a planning condition.

SUMMARY AND CONCLUSIONS:

8. The proposal is for outline permission for the erection of a single dwelling on 0.05ha of land forming part of the existing garden area of Bryn Anos. The proposal details means of access to be approved as part of the proposal, which is acceptable subject to a planning condition to form a paired access. The principle of development is acceptable given the planning history of the site, and is in accord with development plan policies in relation to infill development. The issues

of drainage can be controlled via a condition to provide further information prior to any works commencing on site.

RECOMMENDATION: - GRANT: subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The siting, design and construction of the means of access to the site shall be as may be further approved in writing by the Local Planning Authority.
5. Facilities shall be provided and retained in the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be approved in writing by the Local Planning Authority and which shall be completed prior to the proposed development being brought in to use.
6. 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/completion of the development/commencement of the development/next planting and seeding season] 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.
7. No development shall be permitted to commence until the written approval of the Local Planning Authority has been approved in relation to the details of all the foul drainage arrangements on the site, including the existing foul drainage arrangements on the site, means of dealing with existing drains crossing the site, the proposed new collection chamber and pump and associated soakaways.
8. No development shall be permitted to commence until there has been carried out a comprehensive soil survey over the entire site, to determine whether any of the land is contaminated, such survey to be in accord with BS 10175:2001 ("The Investigation of Potentially Contaminated Sites"); and the contents of the survey and its conclusions have been submitted to the Local Planning Authority for assessment.
9. In the event that the site survey reveals the presence of hazards from any form of contamination, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify risks to land and property, and the written approval of the Local Planning Authority has been obtained to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. The development shall be carried out strictly in compliance with the detailed measures approved.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. To provide for the loading, unloading and 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.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. In the interests of residential amenity and to prevent pollution of the aquatic environment.
8. To ensure due account is taken of the potential presence and impact of contaminants in the interests of public amenity.
9. To ensure due account is taken of the potential presence and impact of contaminants in the interests of public amenity.

NOTES TO APPLICANT:

The block plan received in the department on the 17th May 2007 demonstrating the siting of a dwelling is for indicative purposes only and does not form part of this permission. Please see attached guidance notes from the Environment Agency.

The discharge from the proposed septic tank and soakaway drainage should not contaminate any water supplies. Sub surface drainage should comply with BS 6297:1983.

ITEM NO: 15

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 21/2007/1100/ PF

PROPOSAL: Construction of play area

LOCATION: Ysgol Bro Famau Uned Llanferres Tyn Llan Llanferres Mold

APPLICANT: Corporate Director Of Life Long Learning

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

1. LLANFERRES COMMUNITY COUNCIL
Awaiting response.
2. JAC AONB COMMITTEE
Awaiting response.

RESPONSE TO PUBLICITY:

None at time of writing report.

EXPIRY DATE OF APPLICATION: 01/11/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site consists of an area of sloping field just to the west of Ysgol Bro Famau in Llanferres. The Council owned land is sited just outside the village boundary of Llanferres to the immediate south of an existing recreational play area and residential dwellings on Ty'n Llan.
2. The land slopes from west to east within the designated AONB and is bounded predominantly by established hedging. To the school side and road frontage the site is bounded by post and wire fencing.
3. Permission is sought to construct a hard surfaced play area which will involve a levelling of part of the site in order to provide a flat 34m x 18.5m playing surface. Fencing will bound the play area (2m height) with a 2m wide footpath around the perimeter. No existing trees or hedges will be affected by the proposal with a further scheme of landscape planting around the pitch as suggested by the Council's Landscape Architect.
4. The area will be used by Ysgol Bro Famau. It will be used during school hours for breaks and games lessons but will also be used for after school activities. The scheme is the result of extensive consultation between the School and Community Council and this site has been chosen due to there being no alternative sites available within the development boundary. The original location of the playground

needed to be adjusted to prevent it being built underneath the canopy of the nearby memorial tree.

RELEVANT PLANNING HISTORY:

5. None.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy REC 5 - Recreational Facilities Outside Development Boundaries
Policy ENV 2 - Development Affecting the AONB

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002
TAN 16 Sport and Recreation

MAIN PLANNING CONSIDERATIONS:

7.

- i) Principle of development having regard to relevant policy.
- ii) Impact on AONB.
- iii) Highway implications.
- iv) Neighbour amenity.

8. In relation to the points identified in paragraph 7 above:-

- i) The school currently has limited facilities for outdoor play and a justifiable need has been identified for such a proposed facility. Given the area of land around the school which is in the control of the school, this site was the only feasible option for the requirements and size of the proposed play area. Policy REC 5 allows for recreational facilities outside development boundaries where there are no alternative sites within. Attempts have been made to site this facility so as not to form a significant encroachment outside the defined settlement boundary. The application site and play area are positioned so as to follow the curve of the adjacent road, effectively siting between the school building and the established public play area to the north. By siting it in this location a significant proportion of the existing open field will remain as such. The proposed positioning will also seek to minimise the amount of excavation and re-levelling of this sloping site. It is considered that the principle of siting this needed facility abutting the development boundary is acceptable.
- ii) A further criteria of Policy REC 5 and the established principle of any development within the designated AONB in that any development should not unacceptably harm the character of the area. Clearly by encroaching into this currently open field to provide this play area there will be some impact on the visual character of the area. The scheme has been designed in consultation with the Council's Landscape Architect who has had due regard to the unique character of the AONB. The banks created by the excavation work will be seeded with grass and a wildflower mix. Further hard and soft landscaping around the play area will provide the necessary accessibility whilst helping to blend the development harmoniously into the backdrop of the open fields beyond. It is considered, therefore, that the impact upon the character of the AONB location has been kept to a minimum.

- iii) The facility will remain within the school grounds and will only be used for school related activities. The school will manage the facility and clearly access to it will need to be limited. It is not considered, therefore, that, based on the information given, there would be any likely highway implications from this development. Whilst most schools have parking issues at peak times the provision of this facility should not exacerbate the problems.
- iv) It is acknowledged that certain properties opposite and facing the site will be able to see the proposed facility. However, given the school related nature of its use, the lack of external lighting proposed and the comprehensive landscaping scheme it is not considered any nearby residents should experience any significant loss of amenity.

SUMMARY AND CONCLUSIONS:

- 9. The facility has been designed and located having regard to the needs of the local community and school. Whilst it encroaches outside the village boundary, it complies with the relevant adopted policy for such types of development (Policy REC 5). Subject to controls over its use and good, secure management, the development is acceptable.

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 lighting, sound or amplification equipment shall be permitted to operate from the facility hereby permitted.
- 3. The use of the facility hereby permitted shall be for activities as authorised by Ysgol Bro Famau.
- 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 occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] 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. Prior to its installation, full details of the proposed perimeter fencing shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter.
- 6. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
- 7. Notwithstanding the submitted details the dimensions of the play area hereby permitted shall be 34m x 18.5m and shall remain as such thereafter.

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 the amenity of the locality.
3. In order that the Local Planning Authority can retain a degree of control over the use of the facility in the interests of the amenity of the locality.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. For the avoidance of doubt.

NOTES TO APPLICANT:

None

ITEM NO: 16

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 23/2007/1011/ PF

PROPOSAL: Erection of steel-portal extension to existing implement & fodder store

LOCATION: Pen y Mynydd Near Capel y Wern Llanrhaeadr Denbigh

APPLICANT: Mr Arwel Jones

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANRHAEADR COMMUNITY COUNCIL
Awaiting response

RESPONSE TO PUBLICITY:

Letter of representation received from:-

1. Mr. I. Williams & Mrs. N. Williams, Talyrnau Cottage, Llanrhaeadr Y.C.

Summary of planning based representations:-

- i) Object on grounds of overdevelopment in rural area

EXPIRY DATE OF APPLICATION: 08/10/2007

REASON FOR DELAY IN DECISION

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is located in the open countryside, outside the development boundary for Llanrhaeadr. There is an existing agricultural building on site, measuring approximately 384 sq. metres, constructed from a steel portal frame and green profile sheeting. The existing building is well screened by the mature hedgerow which fronts the road.
2. The application seeks permission to erect an extension to the existing agricultural building, measuring approximately 86.1 sq. metres, at the side. It is to be used for the storage of implements and fodder.

RELEVANT PLANNING HISTORY:

3. 23/2005/969/PF – Erection of steel-portal framed implement and fodder store – GRANT- 05/10/05

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development outside Development Boundaries
Policy GEN 6 – Development Control Requirements

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Visual/residential amenity impact
6. In relation to paragraph 5 above:-
 - i) GEN 3 stipulates that development in connection with agriculture, outside of the development boundary will be permitted provided there is no unacceptable impact on the social, natural and built environment. The extension of the existing building for the use proposed within an established agricultural site of adequate proportions is acceptable in principle.
 - ii) It is considered that the proposed extension respects the site and surroundings in terms of siting, scale and materials and would not cause unacceptable harm to the character of the surrounding landscape, nor would it significantly interrupt the views across the open countryside. The site is very well screened on all sides by an established hedgerow, and as such, the proposal would not result in a considerable loss of visual or residential amenity. The proposal complies with criteria contained in Policy GEN 6 of the Unitary Development Plan and as an existing building would not need to be assessed against the criteria of Policy EMP 13 (Agricultural Development).

SUMMARY AND CONCLUSIONS:

7. The proposal complies with Planning Policy and the application is recommended for approval.

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. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.

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.

NOTES TO APPLICANT:

None

ITEM NO: 17

WARD NO: Llangollen

APPLICATION NO: 27/2007/0395/ PO

PROPOSAL: Development of 0.1 hectares of land by the erection of 3 no. local affordable dwellings and installation of private treatment plant (outline application)

LOCATION: Land South of Bethesda Chapel Pentredwr Llangollen

APPLICANT: Cymdeithas Tai Clwyd

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANTYSILIO COMMUNITY COUNCIL
"The Council has no objections to this application".
2. ENVIRONMENT AGENCY
At the time of writing the report, response awaited on additional drainage plan.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to inclusion of standard conditions.
4. HEAD OF HOUSING SERVICES
Highlights:
 - i) Application submitted as a result of the Rural Housing Enabler (RHE) working with the local community and a local landowner providing the land.
 - ii) Intension to pursue a Social Housing Grant for rented houses.
 - iii) RHE survey identifies 13 households in need of affordable housing.
 - iv) Supports the proposal.
5. PRINCIPAL COUNTRYSIDE OFFICER
No objections, in principle. Notes that hedges and trees are a feature of the area. Suggests retaining and protecting as much as possible of the site/ roadside hedge and a young ash tree.
6. CLWYD POWYS ARCHAEOLOGY TRUST
Advises:-
 - i) A single metal Bronze Age socketed axe was found about 35 metres south of the Chapel in 1950. Single finds are difficult to interpret i.e. this may be a casual loss miles from contemporary settlement; or indicates nearby hoard of metalwork or even settlements of Bronze Age date on/or adjacent to the site.
 - ii) Suggests a standard watching brief as a condition, on earliest development phase i.e. topsoil stripping and foundation trench excavation.

7. COUNTY ECOLOGIST

No response.

8. COUNTY ARCHAEOLOGIST

The Historic Environment Records notes a Bronze Age socketed axe found near the site in the 1950's. States that such finds may reflect stray losses but may be occasionally associated with occupation sites. Recommends an archaeological watching brief condition is attached. The brief for this work (to be undertaken by an archaeological contracting company at developer's expense) could be written by the Archaeologist.

9. COUNTRYSIDE COUNCIL FOR WALES

No formal objection, subject to conditions attached to any permission, in order to safeguard the quality and character of the surrounding countryside. Includes comments in support of this recommendation :

- Refers to Policy HSG 11; concerns that the site is detached from the 'main' settlement area. The Local Planning Authority therefore need to satisfy themselves that there are no suitable alternative sites available closer to existing development.
- A condition of need for affordable housing in this rural location.
- Site is within an area recognised for its high landscape quality - Area of Outstanding Beauty (AOB). Development would not form an intrusive feature in the landscape provided the detailed design and construction is of an appropriately high standard, and materials used conserve rural character. Highlights policy ENV 2 ; need to protect landscape; development should be designed to a high standard and materials should be appropriate to the area. Conditions should be included to ensure natural slate roofing, elements of local stone and rendered facades appropriate for this landscape character. Additionally, landscape planting and retention of existing natural hedge boundaries should be adopted, enhancing natural beauty.

RESPONSE TO PUBLICITY:

Letter of representation received from:-

1. Mrs. M. Hughes, Pentredwr Farm, Eglwyseg, Llangollen

Summary of planning based representations:-

Principle & Policy

(i) Agree with building properties for local people, providing foothold on property ladder.

(ii) What is the difference between the Council/Tai Clwyd building properties in a green belt area and ourselves building on our land in the same locality (letter also refers to husband proposing to retire from farming; currently living in rented accommodation).

EXPIRY DATE OF APPLICATION: 16/08/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application is in outline form and involves 0.1 ha of land situated between the Bethesda Chapel and Siloh Chapel buildings, and adjacent to the highway. The application site lies in a valley location, with relatively level land and mature hedgerows along the highway boundary.
2. Drainage details include a new/separate septic tank and soakaway system, in a separate field area, to the east of the application site and highway. A new vehicular access point is indicated onto the adjoining highway.
3. The proposal is submitted on the basis of providing new dwellings to meet local affordable needs. An indicative site plan includes a terrace of 3 units, with car parking areas at the rear/side.
4. The application includes the following documentation:-
 - i) Affordable Housing Questionnaire.
 - ii) Letter from Rural Housing Enabler, Denbighshire and Conwy.
 - iii) Draft Section 106 obligation
 - iv) Soil porosity tests
5. The proposal represents a 'departure' application in that it is contrary to the policies of the Unitary Development Plan. There is no case that there is an 'essential' need for agricultural and /or forestry workers (policy HSG 6); 'infilling' (Policy HSQ 5) ; neither is it positioned on the edge of a settlement (Policy HSG 11) or complies with WAG definition for a 'Rural exception site' i.e. "*small scale housing site, within or adjoining existing rural settlements for the provision of , within or adjoining existing rural settlements for the provision of **affordable housing** to meet local needs, which would not otherwise be allocated in the development plan*". (TAN 2: Planning and Affordable Housing, June 2006). There is no defined settlement in Pentredwr of Llantysilio in the current Unitary Development Plan.
6. The accompanying documentation highlights the Rural Housing Enabler's(RHE) work with the local community, Llantysilio Community Council, together with the site context. It is understood that this is the only site offered for consideration, for local housing development within the community council area.

RELEVANT PLANNING HISTORY:

7. No recent planning history recorded.

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 3	-	Development Outside Development Boundaries
Policy GEN 4	-	Scattered Development Outside Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 8	-	Planning Obligations
Policy GEN 10	-	Supplementary Planning Guidance
Policy EMP 4	-	Foul and Surface Water Drainage
Policy HSG 5	-	Groups of Houses in the Open Countryside
Policy HSG 6	-	New Dwellings in the open countryside
Policy HSG 11	-	Affordable Housing for Local Needs in Rural Areas
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 2	-	Development affecting the AONB/AOB
Policy ENV 4	-	International/National Sites of Nature Conservation

Value		
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape/Townscape Features
Policy TRA 6	-	Impact of new development on traffic flows
Policy TRA 9	-	Parking and servicing provision

Supplementary Planning Policy – Local Needs - Adopted July 2007

SPG 6	-	Trees and Development
SPG 15	-	Archaeology
SPG 18	-	Nature Conservation and Species Protection
SPG 21	-	Parking Requirements in New Developments
SPG 22	-	Affordable Housing in New Developments
SPG 25	-	Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

Ministerial Interim Planning Policy Statement 01/2006 – Housing

TAN 2 - Planning and Affordable Housing June 2006

TAN 5 - Nature Conservation

TAN 15 - Development and Flood Risk

TAN 18 - Transport

MAIN PLANNING CONSIDERATIONS:

9.

- i) Principle – policy and justification
- ii) Archaeology
- iii) Drainage
- iv) Nature Conservation

10.

- i) Principle – Planning policy and justification for development contrary to the development plan

Policy

With the proposal representing a clear departure from current policies, significant justification, demonstrating overriding circumstances is essential i.e. up to date and rigorous local housing needs assessment; site selection process; assessment of site specific issues; relevance of local needs policy criteria. The site is located within an Area of Outstanding Beauty.

There are no Unitary Development Plan policies which provide for local needs housing in open countryside locations.

TAN 2 highlights “It is important that there is adequate housing provision in rural areas to meet the needs of local people and to contribute to the delivery of sustainable communities” (par 10-12) MIPPS also advises that in order to safeguard the countryside’s character, and in developing sustainably, new houses have to be strictly controlled. Rural exception sites “is an exception to the policies for general housing provision and must be fully justified, setting out the type of need and the kind of development falling within the terms of the policy. The affordable housing provided on such sites should meet the needs of local people in perpetuity”.

TAN 2 advises that Local Planning Authorities should define their 'local needs' in rural areas (para 10.16) This can include:

- *existing households needing separate accommodation in the area;*
- *people whose work provides essential services and who need to live closer to the local community;*
- *people with a family connection or long standing links with the local community; and*
- *people with a job offer in the locality who require affordable housing.'*

The TAN also highlights that 'local' must be defined in the development plan. This includes

- the village or group of villages;
- the community council area;
- an electoral ward or group of wards;
- the local authority area.

The Council's adopted local connections policy for affordable housing (adopted June/July 2007) states:

'Where the provision of Affordable Housing is to be provided through granting planning permission and a Section 106 agreement (or similar) is required to ensure that the household meets all 3 of the following criteria : -

- *is an eligible affordable household*
 - *comprises a household in unsatisfactory accommodation*
 - *comprises a household with a genuine or strong local connection*
- the definition and criteria to qualify under the local connections test is set out below-*

Local connection

At least one of the following tests or criteria must be met to establish a strong or genuine local connection above: -

- (i) A household must have lived/resided as its PRINCIPAL RESIDENCE continuously in the locality for 5 years
- (ii) A household must have previously lived/resided as its PRINCIPAL RESIDENCE continuously in the locality for 5 years and wishes to move back
- (iii) the household has worked continuously in the locality for at least 5 years – or retired from work in the locality within the last 2 years following continuous work in the locality for at least 5 years
- (iv) a household which has vacated tied accommodation as its principal residence and which has lived or worked in the locality for minimum of 5 years
- (v) a household containing a key worker who works in the locality and wishes to live in the locality – no qualifying period is necessary
- (vi) where the household/person is moving into the area to look after a close relative/friend who (i) qualifies as above and (ii) is in need of substantial care and attention.

The current policy excludes adopting a different approach between rural and urban areas.

Justification for departure

- Census

Llantysilio is a rural community; the census profile (available on the DCC Web site) indicates a total population of 404 in 1991; and 472 in 2001, representing a population density 0.2 persons per ha.

Nearly 70% of all housing is owner occupied; with nearly 30% other rented. The main 2001 census changes include increase in overall population and increase in age profile 15-64.

The Council's Land Availability Housing Completions 1997 - 2007 indicate a total of 7 dwelling units. Current information indicates a total of 397 houses in the community area.

- Rural Housing Enabler (RHE) Survey

The RHE Survey (completed October 2005) concluded:

- Of the 13 identified as being in need, 1 unlikely to afford to purchase and 1 may be able to purchase on open market.
- If half of the need is taken as a guideline of actual need – 6 households, maybe 1 or 2 bedroomed properties.
- If HA involved – recommend a tenure neutral basis.
- Whilst a snap– short survey – gives a good indication in next 5 years.
- Community Council eager to ensure housing provided for local people only.

- Council waiting list

The Council's July 2006 waiting list information indicated a total of 66 applicants for Llantysilio Community Council. In August 2007 the renting waiting list information for Denbighshire Council (and Housing Associations combined - Clwyd Alyn, & Tai Clwyd) indicated 80 applicants (significant increase for sheltered housing), apportioned as follows:

	1bed flat	1 Bed. House	1 bed. bung.	2 bed flat	2 bed. house	2 bed. Bung.	3 bed house	3 bed. Bung.	4 plus bed. house	Total
G	9	3	0	16	18	2	17	1	4	70
S	2	0	3	2	0	3	0	0	0	10

Key ;

G= General Housing needs

S = Sheltered Housing Needs

Applicants may have registered an interest in one or more areas and/or waiting list. Additionally, the current list represents a joint approach list.

- Low cost homeownership register (as defined in the local connections policy) Tai Clwyd disaggregated information confirms first choice for 2 applicants to the Llantysilio Community area.

- Income

The CAC1 income data for 2006 indicates £38,800 average household income.

- Existing/current affordable Housing 106 obligations/schemes (cascade effect/ neighbouring communities)

Neighbouring Community Council areas include the Llangollen; Corwen; Bryneglwys; Llandegla; with Wrexham County Borough Community (WCBC) Council Communities on east boundary. With the exception of WCBC communities, the 2007 rented waiting list for neighbouring community towns and villages indicates a total of 770 general ; 233 sheltered needs, totalling 1003 units.

Current available affordable housing schemes : St.Tysilio Church, Bryneglwys (2 semi-detached units) and Fron Bache, Llangollen (2 units). The St.Tysilio development is essentially completed.

Other schemes exist at outline or part reserved details stage (e.g. Cwm Arddau, Glyndyfrdwy) or awaiting the completion of a 106 obligation (e.g. Berwyn Works, Llangollen)

- **Site density and location.**

With a total of three (3 no.) units, the proposal complies with SPG 22 density requirements. Positioned between two existing modest sized (former chapel use) buildings; the site historically adjoins a row of terraced cottages (demolished).It is considered difficult to define the proposal as overall sporadic, isolated development.

Overall, it is considered the foregoing information and supporting detail establishes there are significant local housing need issues in this area, and that there may be some justification for the adoption of an 'alternative' approach to provision outside current policy.

ii) Archaeology

Consultation responses from CPAT and the County Archaeologist highlight potentially sensitive archaeological issues. A watching brief condition is consistent with SPG 15.

iii) Drainage

Current available information indicates that the drainage system would be on land which falls within Zone B flood zone as defined in TAN 15. The proposed residential site itself lies outside the Flood zone area.

TAN 15 includes guidance on safeguarding water from contamination and increase in surface water flows into areas of flood. Additionally, the field area borders a tributary to the main River Dee; designated a Special Area of Conservation (SAC), A European designation, and is also designated a Site of Special Scientific Interest (S.S.S.I).

The agent is aware of the flood zone constraint and, at the time of writing the report, is liaising with the Environment Agency.

iv) Nature Conservation

Given the proximity to the River Dee and potential SAC issues, the Countryside Council for Wales require consultation.

The site includes a hedgerow, with an adjacent tree, representing positive local landscape and biodiversity features. With the aims of policies ENV 6 (Species Protection) and ENV 7 (Landscape/Townscape Features) , the hedgerow (minus the vehicular access point) should be retained and enhanced.

SUMMARY AND CONCLUSIONS:

11. The application is submitted on the basis of a recognisable community need, identified through the Rural Housing Enabler, for Llantysilio Community and neighbouring communities. Additionally, there are clearly significant housing needs for all neighbouring communities in the area.

Dealing with new rural housing developments involves a range of difficult issues, especially in those communities (such as Llantysilio) without any defined

settlements and a history of increasing house prices and high landscape character.

Taking into consideration the 'local need' evidence and information, planning policies and TAN guidance; the site location, the proposal is considered worthy of support in principle. Detailed design issues will, however, have to support and reflect the design and character of the locality at reserved matters stage.

The recommendation is to grant planning permission but subject to the applicants first entering into a **Section 106 obligation** to cover specific local affordable housing needs, as defined in the Council's local connection policy. The local needs area is defined as the Llantysilio Community Council area.

The recommendation is also subject to referral to **Full Council** as the application represents a significant departure from the development plan.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
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 commencement 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. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.
6. The siting, design and construction of the means of access to the site shall be as may be approved by the Local Planning Authority.
7. With the exception of the vehicular access point, no other part of the highway boundary hedgerow or trees identified in the plan accompanying this permission shall be removed without first obtaining the formal written consent of the Local Planning Authority.
8. No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. 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.
6. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. In the interest of the nature conservation and amenities of the locality.
8. In the interests of archaeological investigation and recording.

NOTES TO APPLICANT:

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

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

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

OFFSHORE WINDFARM
GWYNT Y MOR

1. PURPOSE OF REPORT

1.1 To seek the views of the Planning Committee on a revised proposal for an off shore windfarm in Liverpool Bay, known as the Gwynt y Mor Offshore Windfarm.

2. BACKGROUND

2.1 The background to the Gwynt Y Mor is set out in the report to Planning Committee on 25 January 2006 **attached** as **Appendix A**.

3. THE PROPOSAL

3.1 The revised proposal involves a reduction to the size of the turbine area from around 98 sq km to 79 sq km. The proposal has also been supported by additional environmental information. A copy of the letter in support of the changes from nPower is **attached** as **Appendix B**. Members need to consider the attached report and letter. Further information is available on the npower website - <http://www.npower-renewables.com/gwyntymor/index.asp>

4. RECOMMENDATION

4.1 The Council as neighbouring Local Planning Authority raise no objections to the scheme as amended.

APPENDIX A

PLANNING COMMITTEE
25 JANUARY 2006
ITEM NO.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

OFFSHORE WINDFARM GWYNT Y MOR

1. PURPOSE OF REPORT

1.1 To seek the views of the Planning Committee on a consultation from the Department of Trade and Industry (DTI) on a proposal for an off shore windfarm in Liverpool Bay, known as the Gwynt y Mor Offshore Windfarm.

2. BACKGROUND

2.1 The offshore windfarm, as it lies beyond the low watermark, does not require planning permission but requires consent under the Electricity Act, Food and Environment Protection Act, and Coast Protection Act.

2.2 The DTI are responsible for considering the application under the above consent procedure. The County Council are a statutory consultee on the proposal.

3. THE PROPOSAL

3.1 The proposal involves the installation of between 150 and 250 turbines offshore. The turbines would have a generating capacity of between 3 and 5 Mw. This would lead to an overall maximum output of 750 Mw which would allow up to 500,000 homes to be served.

3.2 Each turbine would be up to 98 m high to the hub with a maximum blade tip height of 165 metres. This compares to an 80 m hub height and maximum blade tip height of 130 metres at North Hoyle.

3.3 The windfarm would be between 13 to 15 kilometres offshore between Prestatyn and Penrhyn Bay (see map **attached** to report).

3.4 Subject to obtaining the necessary consents, the intention is to construct the windfarm between 2008 and 2010. NPower, the applicants,

have obtained a 50 year lease from the Crowns Estate.

3.5 The proposals also indicate intentions in relation to on shore works, although this would be the subject of applications for planning permission to Conwy County Borough Council and Denbighshire County Council.

3.6 The intention is for the sub sea cables to reach land between Kimmel Bay and Abergele and for buried cables then to be laid up to a substation to be sited to the south of St Asaph Business Park. There would then be a connection to the 400 kv line to the south of the business park via overhead lines.

4. POLICY BACKGROUND

4.1 In 2002, the DTI identified 3 strategic areas on the UK coastline within which the 2nd round of off shore windfarms could be developed. Gwynt y Mor lies within the north west strategic area and is the only round 2 project in Welsh waters.

4.2 Planning Policy Wales and the Interim Planning Policy Statement 01/2005 – Planning for Renewable Energy support the principle of renewable energy projects and states that wind power offers the greatest potential for an increase in the generation of electricity from renewable energy. TAN 8 – Planning for Renewable Energy states that “wherever practicable, proposals for offshore development should be supported”.

4.3 Denbighshire UDP Policies MEW8 and 10 support the principle of renewable energy projects including windpower, subject to certain criteria. However, these policies are relevant only to the onshore elements that require planning permission.

5. ENVIRONMENTAL IMPACTS

5.1 An Environmental Statement has been produced for both offshore and onshore elements. The Environmental Statement seeks to deal with “the worst case scenario” in terms of the number of turbines. The statement deals with the following issues :

- i) Physical impacts – sediment, scour, waves/tides, water quality
- ii) Biological impacts – birds, seabed, fish, mammals, nature conservation.

- iii) Human Environment – seascape, shipping, pipelines, tourism, archaeology, fishing, economic issues.

5.2 A non technical summary of the Environmental Statements is available on the NPower web site – www.npower-renewables.com

5.3 In terms of the impacts on Denbighshire, it is considered that these would be primarily as follows:

- i) Impact on the seascape including views from within Denbighshire and particularly the Clwydian Range AONB.
- ii) Impact on tourism – perception of visitors
- iii) Economic benefits – jobs during construction and management of the facility.
- iv) On shore elements – archaeology, landscape, traffic, ecology, and noise.

6. CONSULTATION PROCESS

6.1 The proposals were publicised by NPower in early December in the local press. Copies of the proposals and the Environmental Assessment have been available at various locations within Denbighshire since December (Rhyl, Prestatyn, Ruthin and Denbigh).

6.2 Internal consultation has taken place within the Council on the proposals including officers responsible for regeneration, noise, tourism, archeology, the AONB, coastal defences, ecology and renewable energy policy. The DTI carry out consultation with a number of statutory consultees including the Countryside Council for Wales, Environment Agency, the National Assembly for Wales and CADW. Comments on the offshore windfarm are required by the DTI by no later than 22nd February 2005.

6.3 All County Councillors were invited to an informal briefing on the project on 6th January 2006. Seven County Councillors attended.

7. ASSESSMENT

7.1 It is considered that the main impact and area of concern for Denbighshire will be the visual impact of the offshore windfarm on the seascape when viewed from within Denbighshire. This was also the main concern expressed by Members at the briefing. This impact depends on a number of factors notably:

- i) Sensitivity of seascape
- ii) Visibility from various locations, including sensitive areas

- iii) Affect on visibility of weather conditions (it is estimated that for around 30% of the time Gwynt Y Mor would not be visible from the shore)
- iv) Perception of windfarms by the public.
- v) Number of turbines, layout and colour. In relation to these issues a number of potential turbines layouts have been proposed depending on eventual number of turbines. Turbine colour is likely to be grey to the upper sections with a yellow base to aid visibility for shipping.
- vi) Cumulative impact take into account existing offshore windfarm (North Hoyle) and other consented windfarms (Rhyl Flats and Burbo).

7.3 The Environmental Assessment indicates, in terms of Denbighshire, a moderate visual affect when viewed from Graig Fawr near Meliden. Otherwise the most significant visual affect is from outside the County (Llandudno Promenade). However, the Environmental Assessment indicates that the impact would be lessened when considered in combination with other offshore windfarms, both built and consented, particularly Rhyl Flats.

7.4 At the time of writing this report internal consultation responses had not been received and these may have an impact on comments of the Council.

8. RECOMMENDATION

8.1 The Council as neighbouring Local Planning Authority raise concerns about the visual impact of the windfarm but consider that these could be mitigated to an extent by:

- i) Reducing the number of turbines to the bottom of the range (150).
- ii) Colour to be grey.
- iii) Further clarification on turbine layout.

Mr Mark Dakeyne
Development Control Manager
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Denbighshire County Council
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6 August 2007

Proposed Gwynt y Môr Offshore Wind Farm – Off the North Wales Coast
Electricity Act 1989, Section 36
Food and Environment Protection Act 1985
Coast Protection Act 1949

Dear Mr Dakeyne

I write further to your letter of February 17th 2006 addressed to Mr Robert Lilly at DTI, regarding the proposed Gwynt y Môr Offshore Wind Farm. Since the submission of the Environmental Statement (ES) and associated offshore consents in December 2005, npower renewables has been working on both addressing the concerns raised during the consultation and the design of the wind farm.

Please find enclosed some further information regarding the proposed Gwynt y Môr Offshore Wind Farm. Since submission, some new work has been undertaken to explain in more detail the potential environmental effects of the project, and the measures which can be taken to minimise these effects. We are pleased to announce that this new information has now been submitted to the Government and other relevant organisations for consideration.

The Supplementary Environmental Information (SEI) also includes details of revisions which have been made to the project itself. The area within which structures would be built as been further reduced since the submission of the consent applications.

The Turbine Area has been reduced from 98.4 km² to 79km², which represents a 19.7% decrease in that considered for the ES. Significantly, the western boundary of the array would be moved eastward at the NW corner by 3,678m and at the SW corner by 1,581m. There would be a smaller, southward adjustment to the northern boundary of 371m and a minor adjustment northwards of the southern tip of the array by 825m.

In addition to providing the SEI for your comment similarly to the original ES it is also a requirement of the SEI submission that it is made available for inspection by members of the public. As discussed with my colleague Robert Thornhill as was the

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case with the ES we would therefore be grateful if you can make the SEI available for that purpose. The SEI document must be displayed with the ES and I have enclosed an additional copy of the SEI (and ES where appropriate) for that purpose. I have also enclosed for your information a copy of the public notice that is to be published advertising the SEI submission and the lodging locations.

Since submitting our applications for offshore consents, npower renewables has been working with our regulators and their scientific advisors to address any outstanding concerns raised through the consultation process. As you know, we have been progressing the design and assessment work for the onshore components of the wind farm and intend to make an application under the Town and Country Planning Act and Section 37 of the Electricity Act in early 2007.

Targets:

The Gwynt y Môr Offshore Wind Farm project could contribute towards the UK Government's targets of renewable energy generation of 15% by 2015 and the aspiration target of 20% by 2020. Indeed the project could contribute towards the National Assembly's targets of 7TWh by 2020 (around 2600MW).

Maximum electrical output from the whole wind farm could be 750 megawatts. This would produce enough power every year for around 500,000 homesⁱ (equivalent to 40% of the homes in Walesⁱⁱ). In terms of carbon dioxide emissions, the project would prevent the release of approximately 2 million tonnes of polluting carbon dioxide gasⁱⁱⁱ (a carbon dioxide saving similar to taking 590,000 family cars off the road)^{iv}.

Visual concerns:

I note with interest your point regarding the council's concerns over visual impact in relation to North Hoyle. npower renewables is well aware of the concern raised locally regarding the advertised and the built location of North Hoyle Offshore Wind Farm. We have provided as built co-ordinates to our regulators and can confirm that all turbines are located well within the allowed micro-siting tolerance of 50m.

It was felt that the wind farm looked very different from the shore from day to day depending on the visibility and weather conditions. A review of the visibility of North Hoyle was undertaken as part of the Environmental Impact Assessment for Gwynt y Môr and this assisted in the visual assessment process (page 323 - 326 of the Gwynt y Môr Environmental Statement). Indeed the assessment for Gwynt y Môr felt that the magnitude of the potential visual impact of Gwynt y Môr would vary with visual acuity, weather conditions, time of day, elevation of viewpoint, aesthetic perception and the context within which the wind farm would be visible.

I would also like to draw your attention to another section of the ES for Gwynt y Môr which discussed the visibility of the proposed wind farm (see ES page 386). A review of weather data at Rhyl weather station was undertaken to provide an understanding of the likely visibility of the wind farm with respect to distance offshore (based on the 10-year average meteorological visibility). The results of the analysis showed:

- For about 30% of the time visibility will be less than 15 km and the Gwynt y Môr turbines would be invisible or hard to see even from the closest land-based viewpoints.
- For about 40% of the time the visibility will be 25 km or more; turbines could be visible from all viewpoints in the study area, although exceptional conditions would be required for them to be seen from the more distant viewpoints.

- For about 30% of the time the visibility will be between 15 km and 25 km, when one would usually expect to see the turbines from the closest viewpoints, and from more distant ones in particularly 'strong' lighting conditions.

With regard to public perception, the conclusions of the visual assessment for Gwynt y Môr were as follows:

- As far as public attitudes are concerned, there is no universally consistent response to wind farms;
- Visual perception is an intrinsically subjective issue and there is a wide range of public reaction. Some may instinctively regard wind turbines as intrusive whilst others will regard them as aesthetically pleasing features or value them as 'clean' energy sources

Wind farm design:

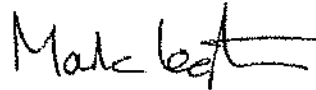
Gwynt y Môr will generate up to 750 MWe of electricity, and the precise number of turbines needed to achieve this will depend on the rated capacity of the turbines selected. Currently, it is not therefore possible to fix the precise number or final locations of turbines, since there is a wide range of turbine capacities on the market. Final turbine selection can only take place after completion of the Environmental Impact Assessment and consenting process, and following the full procurement procedure required by EU legislation. Because the precise layout of the turbines depends on the size of the turbine blades, with larger turbines requiring larger distances between each turbine, the final turbine co-ordinates will reflect the turbine selected.

Therefore, for the EIA and consenting process to proceed, npower renewables proposed three layout scenarios showing the likely minimum and maximum numbers and spacing of turbines. The three scenarios presented form the basis for the description of the main offshore components and were considered to provide a realistic range within which the final project design will fall. This provided for a realistic 'worst case' EIA to be undertaken in line with the precautionary principle. A range of scenarios were considered necessary since the assessment of some key issues (notably visual impacts, effects on navigation and effects on birds) were influenced by the size, number and spacing of the turbines that are ultimately taken forward for Gwynt y Môr. The final design will reflect turbine selection and contract award, and will be within the envelope of the realistic "worst case" scenarios assessed through the EIA process.

I understand from the Planning Committee report of 25 January 2006 that there was a recommendation to propose that the wind farm be designed with 150 turbines. It is not possible for npower renewables to choose a Wind Turbine Generator at this stage of the development process. Should the project gain consents, it is anticipated that construction would commence around 2009/2010. The availability of turbines, as well as the vessels that will be needed to install the various machines will indeed be necessary to consider when the project is put out to tender.

I hope that this letter provides you with some clarification on the points you raised in response of last year. We would be happy to meet with you to further discuss the Gwynt y Môr proposal or any specific queries or concerns you may have. If you would like to comment on any of the information provided in the Supplementary Environmental Information, please respond to Robert Lilly at BERR's ORCU unit.

Yours sincerely



Dr Mark Legerton
Offshore Development Manager
power renewables

cc: Mr Robert Lilly, BERR

ⁱ Predicted annual generation from the wind farm of 2,350,000,000 kWh per year divided by the average annual electricity consumption of a UK household of 4,700 kWh per year = 500,000 homes.

ⁱⁱ 500,000 homes divided by National Statistics estimate for number of households in Wales in mid 2003 of 1,213,400 = 41%.

ⁱⁱⁱ 3 860g carbon dioxide per kWh x 2,350,000,000 kWh per year, divided by 1,000,000 g per tonne = 2,021,000 tonnes of carbon dioxide.

^{iv} Based on Vauxhall Vectra 1.8LS. 'What Car' magazine, March 2002, 178 grammes of carbon dioxide per kilometre, travelling 12,000 miles per year = 3.4 tonnes of carbon dioxide per car per year. 2,021,000 tonnes of carbon

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEMS FOR PLANNING COMMITTEE
DRAFT TECHNICAL ADVICE NOTE 17 “PLANNING AND MANAGING
DEVELOPMENT”

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to offer members an opportunity to comment on the Draft Technical Advice Note 17 “Planning and Managing Development”.

2. BACKGROUND

- 2.1 The Assembly Government made a commitment, as part of the programme for change initiated by the *Planning: delivering for Wales* programme, to prepare a Technical Advice Note setting out advice on the procedure for submitting, handling and determining planning applications.
- 2.2 TAN 17, *Planning and Managing Development* provides advice on topics encountered by planning authorities and other stakeholders relating to development control issues in the planning system. The TAN provides updated guidance which we hope will be useful in planning decision making. The Assembly Government will expect the draft and final TAN to guide planning authorities, consultees and applicants in submitting quality planning applications, making clear and planning based comments about them, and determining applications in a clear policy context.
- 2.3 The Draft TAN sets out advice on:
- Procedures for handling applications by local authorities for their own developments,
 - The roles of the organisations and individuals in delivering the planning service;
 - The use of health impact assessments in the planning decision-making process,
 - The use of access statements in the planning process.
- 2.4 The draft TAN and this letter are also being made available on the Assembly Government’s website (www.wales.gov.uk). In accordance with Assembly Government’s Welsh Language Scheme the consultation draft TAN is being issued in English and Welsh.

2.5 Denbighshire County Council is invited to send comments and views on the Draft TAN by 30th November 2007.

3. RECOMMENDATION

3.1 That members note this report and feed any comments to the Acting Development Control Manager by 9th November 2007 or alternatively send comments to the Welsh Assembly Government at planningdeliveryforwales@wales.gsi.gov.uk.

**INFORMATION REPORT BY THE HEAD OF
PLANNING AND PUBLIC PROTECTION**

THE FORMER NORTH WALES HOSPITAL, DENBIGH

1. PURPOSE OF REPORT

- 1.1 The report is a bi-monthly update for the Committee on progress relating to the implementation of the Section 106 Agreement and development generally at the site.

2. PROGRESS SINCE LAST REPORT

- 2.1 The last information report was presented to the Planning Committee on 1st August 2007.
- 2.2 A Development Team meeting took place with the owner on the 6th September 2007, and this was followed by a Members Working Group meeting on the 11th September.

Health and Safety/Site Security

The owner has confirmed that there is now a regular security presence on the site for a number of days a week. North Wales Police are aware of these arrangements.

Progress on applications

The application for Listed Building Consent to demolish a number of buildings, in accordance with the site master plan, has now been registered valid and is out for public consultation. Other detailed reports relating to issues of ecology, archaeology, drainage, trees, and contamination have been prepared, to comply with conditions on the main planning permission and the terms of the Section 106 agreement.

Section 106 Agreement

The terms of the Section 106 Agreement oblige payment of the remainder of the restoration deposit at the end of September 2007.

Future Meetings

The next Development Team meeting is to take place on 16th October and the next Member Working Group is to take place on 4th December.

3. RECOMMENDATION

- 3.1 That the Committee accepts this information report.