

PWYLLGOR CYNLLUNIO
CYFARFOD: 11eg Mehefin 2008
Eitem: 4

PLANNING COMMITTEE
MEETING - 11th June 2008
Agenda Item: 4

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: Denbigh Upper / Henllan

APPLICATION NO: 01/2008/0108/ PF

PROPOSAL: Demolition of existing building and erection of 23 no. apartments, construction of new vehicular/pedestrian access and associated works

LOCATION: Former Autoworld Site Smithfield Road Denbigh

APPLICANT: Gower Homes

CONSTRAINTS: Conservation Area
Article 4 Direction
B Flood Zone

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

CONSULTATION RESPONSES:

1. DENBIGH TOWN COUNCIL
"Whilst not wishing to object to the application, would wish to put forward concerns regarding the movement of vehicles to and from the proposed development, taking into account that access will be close to a busy junction on Smithfield Road".
2. DENBIGH CIVIC SOCIETY
Have no objection. Consider this would be a welcome addition in the local townscape.
3. ENVIRONMENT AGENCY WALES
No comments.
4. WELSH WATER / DWR CYMRU
Request addition of condition to separate foul and surface water systems.
5. DENBIGHSHIRE HEAD OF TRANSPORT & INFRASTRUCTURE
Accepts the level of parking provision given the proximity to the town centre and public transport. Would require revisions to details of various footways, kerbing, visibility, and provisions for access for disabled persons.
6. DENBIGHSHIRE CONSERVATION OFFICER
Comments on matters of detail and the relationship with the adjacent Conservation Area. Suggests careful attention is given to the use of external materials and the handling of specific design features.
7. HOUSING MANAGER
Happy with the proposals. Are aware that Tai Clwyd will be purchasing 6 of the affordable units and the other will be sold at discount for sale.

RESPONSE TO PUBLICITY: None received

EXPIRY DATE OF APPLICATION: 01/04/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- deferral at Planning Committee

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Consideration of this application was deferred at the April 2008 meeting of the Committee to allow opportunity to further investigate the level of on-site parking provision, and arrangements for the storage of bins.
2. The Autoworld premises are located on the north side of Smithfield Road, opposite the petrol filling station attached to Morrisons supermarket.
3. The property has been vacant since 2004, and has been used as a commercial garage and petrol station over a number of years. It lies within the development boundary of the town, but has no specific use allocation in the Unitary Development Plan. The town's Conservation Area runs alongside the north eastern boundary of the site closest to Pwll y Grawys, but none of the site is within the Conservation Area.
4. The area around the site is in a mixture of uses: the town Fire Station to the south west, traditional terraced residential properties at Maes Hyfryd and Lenten Pool to the north, and the Morrisons foodstore to the south. The main vehicle access to the Maes Mathonwy area runs alongside the Southwest boundary of the site, and joins Smithfield Road opposite to the foodstore entrance. Site levels rise up some 2.8 metres from the eastern end of the site towards the west end by the Fire Station.
5. There is a valid outline planning permission on the site for the erection of 19 apartments, granted in September 2005.
6. The current application is for full planning permission for a total of 23 apartments, with associated access and parking arrangements. The basic proposals involve:-
 - (i) the erection of an 'L' shaped apartment building, fronting Smithfield Road and Maes Mathonwy. This would have apartments on 3 floors, with the exception of the units immediately abutting the terraced properties at Bowers Villas, which would be of 2 storey height.
 - (ii) A building of 'modern' design, using distinctive stair 'towers' to split it into blocks and to echo the towers of Denbigh Castle, 'step up' changes in roofline as levels rise up Smithfield Road; the use of render as the main wall material, with vertical natural wood 'durable timber' features on the upper floors and stair towers.
 - (iii) A single new vehicular access point off Maes Mathonwy, leading to a rear parking area, a cycle store and bin/recycling enclosure.
7. Following the deferral at the April Committee, the applicants' agents have revised the layout/parking arrangements. The proposal is now for a total of 23 parking spaces within the site, i.e. 1 space per apartment. They have also reviewed the provision for covered and secure bin recycling stores, and the scheme now shows 23 enclosures measuring 0.6m x 0.6m x 1.2m, giving a minimum storage capacity of 432 litres for each apartment; the design of

each enclosure allowing for the use of separate recycling containers within each. (See plan at front of report).

8. The application is accompanied by a Design and Access Statement, and an affordable housing questionnaire. The Design Statement elaborates on the basic principles adopted for the scheme, which it states follows those in the outline consent, and seek to “develop this derelict brown-field site to create an urban housing scheme that will enhance the townscape, respect the amenity of adjoining properties, and add to the vitality of Denbigh”. The Access Statement outlines detailed proposals to provide, so far as practicable on a sloping site, adequate access routes to units for persons with disability, including appropriate use of lighting and materials to assist. The Affordable Housing Questionnaire confirms the intention to provide 7 affordable units as part of the scheme.
9. The main differences between this proposal and the one illustrated on the 2005 application are that additional land along the Maes Mathonwy road frontage is now included, which allows for the creation of 4 additional units, and the repositioning of the main vehicular access, which was previously off Smithfield Road almost opposite the Morrisons Supermarket entrance.

RELEVANT PLANNING HISTORY:

10. 01/2005/0764/PO
Development of 0.15ha of land by the erection of 19 apartments, construction of new vehicular/pedestrian accesses, and associated works (outline application) - Granted 28th September 2005.

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN 6	Development Control Requirements
Policy HSG 10	Affordable housing within development boundaries
Policy EMP 10	Protection of Employment Land/Buildings
Policy REC 2	Amenity and recreational open space in new developments
Policy TRA 6	Impact of new development on traffic flows
Policy TRA 9	Parking and Servicing Provision
Policy ENP 6	Flooding
SPG 21	Parking

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

TAN 12 Design (2002)

TAN 15 Development and flood risk (July 2004)

TAN 18 Transport (1998)

MAIN PLANNING CONSIDERATIONS:

12.
 - (i) Principle of redevelopment
 - (ii) Design detailing/visual amenity/impact on occupiers of neighbouring properties/bin storage
 - (iii) Highways/parking
 - (iv) Affordable housing
 - (v) Open space

(vi) Flooding

13. In relation to the main considerations:

(i) Principle of redevelopment

The principle of a suitable redevelopment of a site such as this close to the town centre has been established in granting the outline permission in 2005, and is in accord with planning policies. The site is outside the main shopping area and has been in commercial use for some years. There are no objections raised over the removal of the existing building, nor to the principle of providing flats there. The proposals would not be in conflict with the basic tests in Policy EMP 10 of the Unitary Development Plan, as the buildings do not lend themselves to appropriate alternative use by virtue of the size, location and construction. The loss of the building would not prejudice the ability of the area to meet a range of local employment needs.

(ii) Design / visual amenity / impact on occupiers of nearby properties/bin storage

The 'modern' approach to the design has been supported previously in the grant of the outline permission. There is a mix of styles in this area, ranging from the more 'traditional' development within the Conservation Area to the east at Lenten Pool, the recent housing at Maes Mathonwy and along Smithfield Road, and varying design approaches in the adjacent Fire Station, the Morrisons Supermarket, and the Council offices at Caledfryn. The site is not in the Conservation Area, and would be visible mainly in the context of other 'modern' development along Smithfield Road. It is suggested that the approach is worthy of support subject to the imposition of suitable controls over the use of external materials.

The plans have been detailed to take due account of the amenities of occupiers of nearby property, and in particular those adjoining at Bowyers Villas / Pwll y Grawys.

Provision of external storage for bins has been increased. The proposed capacity of 432 litres for each apartment is well in excess of the 250 litres requirements for 2 bedroom apartments in Part H of the Building Regulations.

(iii) Highways / parking

The Highways Officer raises no objections to the application, but would require further attention to details of the proposed access, footways and arrangements for access for the disabled. The proposal to relocate the main access off Maes Mathonwy rather than Smithfield Road is a clear improvement on the previous proposals. Parking provision is now proposed at 1 space for each apartment, which is considered acceptable for an apartment development close to the town centre, and public transport links. A separate cycle store is proposed within the site.

(iv) Affordable housing

In the event of permission being granted it would be necessary to secure the provision of the 7 affordable units through a Section 106 agreement.

The basic details relevant to the application are -

Site area – 0.2ha

No. of affordable units – 7

Provision / Tenure – 6 units for rent, 1 discounted for sale

Type – 6 x 2 bed apartments 1 x 1 bed apartment

Floor area – 2 bed units – 56m²; 1 bed unit 46m²
Timing – units to be available on completion of market units.
RSL involvement – Tai Clwyd

Current waiting list in Denbigh indicates demands for 163 persons on the social housing list.

(v) Open Space

The applicants are aware of the planning policy requirements for provision of open space in new developments of more than 10 units, in Policy REC 2 of the UDP. The size and type of development and the location close to the town centre alongside a busy A road would support the case for payment of a commuted sum to allow provision / enhancement of open space elsewhere in the town, a matter which can also be dealt with by a Section 106 agreement.

(vi) Flooding

The site falls within an area shown as Zone B on the Development Advice Map accompanying TAN 15: Development and Flood Risk. Zone B relates to areas which have been known to flood in the past, and requires an applicant to provide levels information to enable the Environment Agency Wales to assess the need for further flood evaluation assessment. The Environment Agency have assessed the levels information provided with the application and have no objections.

SUMMARY AND CONCLUSIONS:

14. The site is occupied by vacant former commercial premises bordered by residential properties to the north. The principle of a suitable housing development is acceptable in terms of policy, and the details are appropriate to the locality.

The recommendation is subject to:

- (a) the completion of a Section 106 agreement within 12 months of the date of this committee, otherwise the application would be brought back before committee for reconsideration against the relevant policies and guidance applicable at that time. The Section 106 would secure
- i) The provision of 7 affordable units in accordance with the Council's policies and guidance.
 - ii) The payment of a Commuted sum of £48,634.88 in lieu of provision of on site open space (based on average occupation level of 2 persons).
- (b) Compliance with the conditions specified below. The Certificate of Decision would be released only on completion of the Section 106 agreement. On failure to complete the agreement within 12 months of the date of the Committee, the application would be brought back before the Committee for reconsideration against relevant policies and guidance at that time.

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 works on the external faces of the walls or the roofs of any buildings shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to precise details of:
 - (a) The proposed render (colour, type and finish)
 - (b) The type and treatment of vertical boarding
 - (c) The window box features (finish, materials and colours)
 - (d) The rainwater goods
 - (e) The roof materials (type, profile/colour)The development shall be carried out strictly in accordance with the details approved under this condition.
3. None of the apartments shall be occupied until the access and parking area, and associated pathways, ramps and entrances to the units has been completed in accordance with the approved plans, and those details required in connection with condition of this permission.
4. None of the apartments shall be occupied until the written approval of the Local Planning Authority has been obtained to the detailing of the hard and soft landscaping of the site (boundary and screen wall treatment, railings, surfacing, planting, etc), and the approved details have been completed.
5. Notwithstanding the submitted details, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the kerbways / footways around the access point, the treatment of boundary walls relative to the visibility splays, and the access ramps; and the development shall proceed strictly in accordance with the details approved under this condition.
6. No work 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 and whether the development may impact on controlled surface and ground waters, such survey to be in accord with BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of the survey and its conclusions have been submitted to the Local Planning Authority for assessment in liaison with the Environment Agency Wales.
7. In the event that the site survey required by Condition 6 of this permission reveals the presence of hazard from any 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 water resources, surrounding land and property, wildlife, building materials and future users of the site, and any other person; 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 by the Local Planning Authority.
8. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.

9. No demolition shall take place before a contract for carrying out the works of redevelopment on the site has been made and all reserved matters have been approved for the redevelopment for which the contract provides.

10. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless agreed by 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. In the interests of visual amenity.
3. To ensure the development is served by a suitable access and parking area.
4. In the interests of visual amenity.
5. To ensure the access arrangements are satisfactory.
6. To ensure that there is proper evaluation of the potential for contamination on the site, that the extent is established, and that adequate steps are taken to deal with any contamination.
7. To ensure that there is proper evaluation of the potential for contamination on the site, that the extent is established, and that adequate steps are taken to deal with any contamination.
8. To ensure that there is proper evaluation of the potential for contamination on the site, that the extent is established, and that adequate steps are taken to deal with any contamination.
9. In the interests of the character and appearance of the Conservation Area.
10. To ensure the proper drainage of the site and to minimise the risk of pollution.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. With regard to Condition 5 of this permission, you are advised to contact the Highways Officer to clarify the relevant details prior to any formal submission for approval.

Denbighshire County Council Specification for Road Construction.

Highways Act 1980 S. 184 Consent - Notes for Guidance to Applicants.

Prior to the carrying out of any demolition works, you should contact the Council's Public Protection and Building Control sections to ensure proper procedures are followed, in particular in respect of removal of hazardous materials.

ITEM NO: 2

WARD NO: Ruthin

APPLICATION NO: 02/2007/0177/ PF

PROPOSAL: Erection of 15 no. woodland lodges for leisure leasing and or letting and installation of new sewage treatment tanks

LOCATION: Ruthin Castle Stryd Y Castell Ruthin

APPLICANT: Countrypark Hotels Ltd.

CONSTRAINTS: B Flood Zone
Tree Preservation Order
Scheduled Ancient Monument
Historic Parks And Gardens
Historic Contaminative Use
Conservation Area

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

CONSULTATION RESPONSES:

1. RUTHIN TOWN COUNCIL
The Town Council raised no objections to the original proposals submitted in March 2007.

In relation to the amended proposals:

No response received.

2. CADW
CADW originally expressed concerns over the potential impact of the lodge development and associated works on the character of the registered historic park, the significance and value of the site as a whole, and the setting of both medieval and nineteenth century castles.

In relation to the amended proposals (offer of a charitable trust to address the conservation problems of the medieval castle).

In conclusion, Cadw has concerns about the impact of the ledges on the historic garden but consider that these concerns could, potentially, be mitigated by the establishment of a Trust with a full conservation plan, backed by funding, to protect the historic features of the overall site and to promote their public appreciation and enjoyment. Cadw have reservations that the current proposal falls short of this general objective but accepts the authority may wish to pursue details further with the applicant and his advisers.

In relation to specific issues, CADW advise:

- The addition of an 11th lodge to the 'shrubbery' area would not significantly alter the impact of the development in that area.
- One of the 4 lodges in the area to the north, within the area of the former mill pond, is unacceptable as it would harm the historic character of the site.

- The principle of a Trust to safeguard and promote the benefits of the historic site is welcomed, but it would need appropriate resources to be set against the overall conservation costs. In isolation, the offer of £25,000 for 10 years would have limited impact set against the estimated £2 million conservation costs on the medieval walls. It is difficult to comment on the likelihood of the Trust accessing the substantial funding necessary to carry out the works, and given the location of the walls, whether there would be adequate opportunity for the necessary public access and community participation. The proposed terms and basis of the Trust appear to constrain the potential public gain in terms of access to the site.
- They generally adopt the criteria set out in the English Heritage Policy Statement, 'Enabling Development and the Conservation of Heritage Assets' in considering such enabling development proposals. The authority should consider these alongside CADW's informal comments.

3. COUNTY ARCHAEOLOGIST

No objection subject to the inclusion of a condition requiring an Archaeological Watching Brief

4. CLWYD POWYS ARCHAEOLOGICAL TRUST

Object. The proposed development will impact on both the setting of the historic park and garden and the nearby scheduled monument.

5. COUNTY CONSERVATION ARCHITECT

With regard to all the considerations, including CADW's stance, concludes that the question is whether the benefits on offer outweigh the disbenefits.

Notes strenuous efforts by the County Council since 1996 to find a solution to the deterioration of the Medieval Castle, which is the only Edward I castle in North Wales not in public ownership or care.

Accepts the disbenefits are the construction of the lodges in a registered historic garden, but does not consider the lodges would have a detrimental impact on the setting of the listed buildings and the ancient monument. The lodge in the mill pond area is archaeologically unacceptable, but this may be addressed by resiting, and there should be supplemental planting.

Believes the benefits of conveying the medieval walls to a Trust, with some financial support offers the potential of leveraging in other funds and saving an important scheduled monument which will have public access.

Concludes that provided a comprehensive S. 106 agreement is tied to any permission, the benefits outweigh the disbenefits by some margin.

6. LANDSCAPE ARCHITECT

Object, there would be an unacceptable harm on the Ruthin Castle Park and would break up the integrity of the parkland.

7. COUNTY ECOLOGIST

No response received.

8. HEAD OF HIGHWAYS & INFRASTRUCTURE

No objection.

9. PUBLIC PROTECTION MANAGER

No objection.

10. BADGER GROUP
No response received.
11. COUNTRYSIDE COUNCIL FOR WALES
The application site supports a European Protected Species (lesser horseshoe bats) which would oblige appropriate survey work and measures to protect and conserve the species, and therefore the development may only proceed under a licence issued by the Welsh Assembly Government. Protected species surveys will be required including the delivery of protected species compensation and mitigation schemes.
12. WELSH HISTORIC GARDENS TRUST
Advises that careful consideration be given to the case for enabling development in respect of the damage to the historic landscape.
13. CLWYD BAT GROUP
No response received.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr. R. A. Havard, The Shieling, St. Meugans, Ruthin
2. Ms. Glynis Shaw, Castell, Bodfari

Summary of planning based representations:

Objections on the basis of:-

- i) Adverse impact on:-
 - a. Essential setting of Ruthin Castel – Listed Buildings/would make a mockery of listed status/site inappropriate for chalets/no case for compromise.
 - b. Historic Park and Gardens – status and heritage should be protected and enhanced.
 - c. Conservation Area
 - d. Ancient monument.
- ii) Scale of development too large
- iii) Increase traffic flow

General concerns

Inappropriate 'enabling' development and the offer of Charitable Trust should not be countenanced. CADW should grant aid conservation/archaeological works at The Castle. Owner was fully aware of the issues when the property was bought. DCC and CADW should defend heritage assets from commercial/chalet park developments. (A separate request has been made to WAG to call in the application).

EXPIRY DATE OF APPLICATION: 07/05/2007

REASONS FOR DELAY IN DECISION:

- additional information received from applicant requiring further consultations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Consideration of the application was deferred at the February 2008 meeting of the planning committee following a request from the applicant, to allow the opportunity for further dialogue with CADW over the potential options for the lodge development, and to clarify the link with a Charitable Trust to conserve the Castle walls.
2. The proposals form a full planning application for the erection of 15 no. woodland lodges for leisure leasing and/or letting and the installation of a new sewage treatment tank within the grounds of Ruthin Castle. The lodges would be grouped into 2 areas, the southern area containing 11 units and the smaller area of mature woodland to the north containing 4 units. (See plans at front of report).
3. The application site is located within a Grade II Historic Park and Garden, the Ruthin Conservation Area and within the curtilage of the Grade I medieval castle and the Grade II* Ruthin Castle Hotel. The lodge sites are outside but adjoin the Scheduled Ancient Monument boundary. The site is located outside the development boundary of Ruthin, within a Green Barrier (Policy GEN 5) and Local Landscape Area (Policy GEN 3).
4. The original application generated adverse responses based largely on the potential impact of a lodge development on the Castle and its grounds, and concerns over the appropriateness of an offer to set up a Charitable Trust contributing to the maintenance and repair of the 13th Century medieval walls of Ruthin Castle. The applicant has submitted additional details to explain the proposals, which now consist of the following documents:-
 - i) A detailed Design & Access Statement
 - ii) A Conservation Statement
 - iii) A Landscape and Visual Assessment
 - iv) An Ecological Survey and Assessment
 - v) Statement on the Charitable Trust proposal
 - vi) Related plans of the lodge development.
5. The basis of the application is:
 - i) The medieval walls of Ruthin Castle are a Grade I Scheduled Ancient Monument, and the remains have been in a state of virtual neglect over many years.
 - ii) The necessary cost of maintenance and repair of the Castle Walls is estimated to be in excess of £2 million. This cost would be significantly greater than the resulting financial value to the owner, or in the property market.
 - iii) The fact that the walls are within the grounds of a privately owned commercial business limits the scope of grant aid for the conservation of the Scheduled Monument. The owner has considerable financial commitments in maintaining and repairing the Grade II* listed hotel, and has no funds to put to the Monument, so consequently grants are inaccessible in practice.
 - iv) The owner is seeking to develop a funding scheme which offers a means of securing the future of the Scheduled Monument.
 - v) Following detailed background surveys and consultation of options, the idea of securing funding through the development of a number of 'woodland

lodges' in the least sensitive parts of the grounds of the Castle has been put forward.

- vi) The proposal is to set up, through a Section 106 agreement as part of any planning permission, a Charitable Trust (including representatives of the hotel owner, persons with expertise in charitable fundraising, conservation schemes of a similar nature, trust management and financial control/regulation; all to be agreed and approved by CADW and the County Council). The ownership of agreed sections of the Scheduled Monument would be transferred to the Trust by way of a gift in perpetuity. Access would be provided for conservation work and the public. The hotel owners will guarantee funding to the Trust totalling £250,000 over a 10 year period. The funding is intended firstly for use in preparing applications for grant aid, and secondly for conservation work, all subject to direction from the Board of Trustees.

RELEVANT PLANNING HISTORY:

6. None

PLANNING POLICIES AND GUIDANCE:

- 7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 7 - Environment
 - Policy STRAT 9 - Tourism
 - Policy GEN 3 - Development outside development boundaries
 - Policy GEN 5 - Green Barrier
 - Policy ENV 1 - Protection of the natural environment
 - Policy ENV 6 – Species Protection
 - Policy CON 1 - The Setting of Listed Buildings
 - Policy CON 5 - Development within Conservation Areas
 - Policy CON 12 - Historic landscapes, parks and gardens
 - Policy TSM 9 - Static Caravan and Chalet development
 - Policy TRA 9 - Parking & Servicing provision

Supplementary Planning Guidance 20: Static Caravan and Chalet Development

GOVERNMENT GUIDANCE

Planning Policy Wales: March 2002

Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas

Other guidance

'Enabling development and the conservation of heritage assets' English Heritage Publication

MAIN PLANNING CONSIDERATIONS:

- 8.
 - i) Principle of the development
 - ii) Impact on the Historic Park and Garden/landscape
 - iii) Impact on the setting of the Listed Buildings & Scheduled Ancient Monument
 - iv) 'Enabling development' and the offer to set up a Trust to protect the Castle
 - v) Nature Conservation

- 9. In relation to the main planning considerations:

i) Principle of development

The application site is outside the development boundary of Ruthin as identified in the UDP.

In relation to strategic and general policies, Policy STRAT 7 considers the impact of development on the landscape and environmental issues. Policy STRAT 9 forms the basis of the spatial strategy that applies in determining applications for static caravan/chalet development. It permits small scale tourism projects in the countryside and rural settlements provided there is no unacceptable impact on social, highway, amenity, heritage or environmental interests. Policy GEN 3 permits development outside development boundaries in connection with rural tourism provided there is no unacceptable impact on the social, natural and built environment.

In relation to detailed policies, Policy TSM 9 permits the development of new static caravan/chalet sites, where the following tests are met:

- i) THE SITE HAS GOOD ACCESSIBILITY TO AN ADEQUATE LOCAL HIGHWAY NETWORK AND IS ACCESSIBLE BY A CHOICE OF MENAS OF TRANSPORT;
- ii) THE SITE CAN BE UNOBTRUSIVELY SITED AND FULLY ASSIMILATED INTO THE LANDSCAPE;
- iii) THE PROPOSAL DOES NOT UNACCEPTABLY HARM THE AONB, AOB, HISTORIC LANDSCAPES/GARDENS, CONSERVATION AREAS, UNDEVELOPED COAST, GOOD AGRICULTURAL LAND, AREAS OF LOCAL LANDSCAPE VALUE, SSSI'S OR LOCAL WILDLIFE SITES, INCLUDING THOSE IDENTIFIED AND SHOWN ON THE PROPOSALS MAPS

In relation to TSM 9:

- a) Accessibility/highway issues in relation to criterion i) of Policy TSM 9:

Whilst the application site is located outside the development boundary of Ruthin, it is located on the outer edge of Ruthin within close walking distance to the town centre and public transport links. In officers' opinion, the application does not conflict with criterion i) of Policy TSM 9.

- b) Visual Amenity/landscape issues in relation to criteria ii) of Policy TSM 9
- c) Natural environment/historic landscapes/gardens/Conservation Areas/local landscape value criterion iii) of Policy TSM 9:

It is considered that the proposals do pose conflicts with tests ii) and iii) in Policy TSM 9, having regard to the comments of CADW and other consultees. These matters are dealt with in more detail in the following sections.

Whether the conflicts with basic policy tests justify a refusal depends ultimately on the weight which the Authority considers it reasonable to attach to the Unitary plan, and to other material planning considerations which may be relevant to the decision. In this case there are other considerations which have to be assessed in weighing the balance, including the potential benefits from the vesting of the Castle walls in a

Charitable Trust and the financial contribution the development can make towards a fund for repair/restoration works on the walls.

Impact on the Historic Park and Garden/landscape

Both areas where the lodges are proposed were an integral part of the park of the medieval castle. Records indicate in the late 13th century a 'De Grey's Walk' is mentioned, connecting the castle to the forest and deer park to the south and west of the castle. It is not clear how extensively wooded the park was in the immediate vicinity of the castle, but it is likely that the history of the woodland to the north-west of the castle (where 4 lodges are proposed) goes back to the medieval period or beyond. The area to the south west of the castle (where 11 lodges are proposed) appears to have been more open parkland, with only a scattering of trees.

The north west woodland area is densely wooded, mostly with mature and semi-mature deciduous trees. Although it is proposed to introduce the lodges into existing glades and openings in the woodland, they would impact on the character of the woodland, which is at present and has been since the mid 19th century, one of uninterrupted, semi-wild woodland with no built structures. It is therefore considered that the change of character of this area by the introduction of lodges would be potentially damaging to the historic character of the area.

The south west area was planted as a mixed shrubbery in the 20th century. The present planting has little historic value, the area was previously open parkland sloping down to the river. In order to enhance, rather than diminish the historic significance of this area, there is an argument that it would be preferable to return it to open parkland. The introduction of 11 lodges into this area would be unsympathetic to the historic character of this area and would remove the potential for its enhancement or restitution.

There are objections to the proposals on grounds of impact on the Historic Park and Garden. CADW have concerns over the potential harm to its character, and there are clear objections from the Clwyd Powys Archaeological Trust and the County Landscape Architect.

The conclusion is that the proposals for the lodges conflict with test (iii) of Policy TSM 9, and hence the general requirements of related policies CON 12, GEN 6, and STRAT 7.

- ii) Impact on the setting of the Listed Buildings & Scheduled Ancient Monument
The medieval castle is a Scheduled Ancient Monument and Grade I Listed Building. The 19th century mansion now in use as a hotel is a Grade II* Listed Building. Both are buildings of some historic importance deserving appropriate and sensitive settings in order to not diminish their own value. Both areas of development for the lodges lie immediately adjacent to the scheduled area of the castle and mansion, and although as proposed the lodges would not be visible from them, they would nevertheless, by their character and intrusion into historically sensitive areas, have a potential adverse impact on the character of their setting and its would potentially harm its archaeological importance.

Having regard to the consultation responses, it is to be noted that there are no objections from the County Conservation Officer on the basis of impact on

the setting of the listed buildings.

- iii) 'Enabling development' and the offer to set up a Trust to protect the Castle
There are separate considerations in this instance to weigh against the conflicts with planning policy.

'Enabling development' is a term which is applied generally to development which may be contrary to policies but may be acceptable in certain circumstances, where the conflict may be outweighed by benefits occurring by appropriate cross subsidy to land/buildings in the same control. There is limited guidance in Unitary Plan Policies on what weight should be attached to enabling development as a material planning consideration. General conservation policies and Welsh Office Circular 61/96 contain a general presumption in favour of the retention of listed buildings and the need for a flexible approach to proposals which may secure their future. CADW and English Heritage recognise that there should be a general presumption against enabling development, but that there may be circumstances where significant benefit may arise from the survival of a heritage asset through rescue from decay, bringing it into beneficial use, securing its long term future, and making it more accessible to the public. Whilst there is no statutory basis to advice from bodies like English Heritage, basic tests in their policy statement 'Enabling Development and the Conservation of Heritage Assets' set out to establish where enabling development may be acceptable are of relevance to the current proposals and are an approach adopted by CADW. These suggest such development may be acceptable where:

1. Enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the asset, or materially harm its setting;
2. The proposals avoid fragmentation of management of the heritage asset;
3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose
4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or purchase price paid
5. Financial assistance is not available from any other source
6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits: and
7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community of providing the enabling development.

The applicant has provided a detailed supporting statement setting out the case for the lodge development, its links with the establishment of a Charitable Trust, and the offer of payment of funds to the Trust over a 10 year period, from the 'profits' of the lodge development. The statement outlines the extent of works required on the Castle Walls, the problems in securing grant aid for repairs, etc., so long as the property is in private (commercial) ownership, the economic case for the scale of development, and the benefits from establishing the Trust. The funding would be intended for use in preparing applications for grant assistance, and then towards conservation works on the walls.

The projected development costs and returns on the lodges have been reviewed by the Council's Property and Estates Manager and appear to

present a realistic appraisal of the scheme and the extent of the potential financial contribution which is being offered to the Trust. Having regard to the detailed proposal, CADW accept that concerns over impact on the historic park and garden may be mitigated by the establishment of a Trust, with a Conservation Plan, backed by funding, to protect the historic features of the overall site and to promote their overall public appreciation and enjoyment. They have reservation over the details, but accept it is for the County Council to ensure these meet the general objectives.

Taking account of all the matters relevant to the application, the County Conservation Architect is strongly of the opinion that the proposals merit support. He shares reservations over the impact of the lodges, but considers the possibility of establishing a Charitable Trust offers a realistic opportunity to access the necessary funding streams which are required to tackle the size of the project to repair and maintain the Castle Walls. It is considered that the proposals meet the basic tests set out by English Heritage for enabling development and that the County Council can negotiate acceptable terms in a Section 106 legal agreement alongside a planning consent to secure a full conservation plan, adequate opportunity for public access and community participation. It is considered, after many years of effort on the part of the County Council to secure a future for the Castle Walls, that this opportunity has to be taken to progress.

Whilst respecting the fundamental concerns of objectors to the principle of a lodge development in this location, the proposals for a form of 'enabling' development linked to the vesting of the Castle Walls in a Trust are a legitimate material consideration, and need to be taken into account in weighing the merits of the application.

v) Nature Conservation Issues

CCW have confirmed that as there are bat species present within the site, separate licensing would be required from Welsh Assembly Government along with suitable survey and mitigation proposals.

SUMMARY AND CONCLUSIONS

10. Ultimately, there is a very difficult balance to be struck in reaching a decision on this application. The proposals for the lodge development are in conflict with elements of Unitary Plan policy, and are considered likely to have an adverse impact on the Historic Park and Garden. To be set against this is the potential the proposals offer for securing an overall benefit for the historic assets of the site, i.e. the Castle Walls, a Scheduled Ancient Monument and Grade I Listed Structure, from the formation of a Charitable Trust and a funding contribution to the Trust.

The view is taken after careful consideration of the situation that whilst there is a potential that harm would arise to the Historic Park and Garden from the siting of woodland lodges, that impact would be limited to a degree by virtue of the nature of the development, its screening by existing woodland, and there is scope for additional planting to improve the screening. Concerns over the lodge unit in the mill pond area can be addressed through a condition requiring the further approval of the detailed siting of the lodges. It is considered that the offer to set up a Trust, backed up with funding all geared at securing a mechanism to protect the Castle Walls, is a material consideration which can be afforded some weight in the balancing of the merits of the application. With respect to the responses on the proposals, the view is therefore taken that the key tests relating to 'enabling development' are met and that the Council can negotiate terms for the Trust and associated arrangements in a legal agreement, which will satisfy the prime objective to bring sustainable benefits to the site.

The recommendation is therefore for the grant of permission subject to compliance with conditions and to the completion of a Section 106 agreement to establish a Charitable Trust, the gifting of the Castle Walls to the Trust, the funding of the Trust over a 10 year period from the proceeds of the lodge development, the preparation of a full Conservation Plan, and arrangements for public access to the walls.

The planning permission would only be released on completion of the legal agreement, and failure to complete the agreement within 12 months of the date of the resolution to grant by Planning Committee, the application would be brought back before the Committee for reconsideration against policies and guidance relevant at that time.

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

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this consent.
2. The occupancy of the lodges shall be limited to holiday accommodation only, and shall not be used as sole/main units of living accommodation.
3. Notwithstanding the submitted details, the siting of the proposed lodges shall not be as shown on the submitted plans, but shall be as further agreed in writing by the Local Planning Authority prior to the commencement of any development.
4. Notwithstanding the submitted details, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to scheme of hard and soft landscaping for the site, and associated parking areas, to include details of:
 - a) all existing trees, hedgerows and other vegetation on the land, details of those 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 parking area, paths and any other hard surfaced areas;
 - d) any 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) the final floor levels of all the lodges, and the levels of land adjacent to the lodges.
5. Any new planting, seeding, turfing, fencing or other treatment comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season 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.
6. None of the existing trees on the plans to be retained on the site, as approved under Condition 3 of this permission shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. any trees which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees of such size and species to be agreed in writing with the Local Planning Authority.
7. No development shall be permitted to commence on the lodges until the written approval of the Local Planning Authority has been obtained to all of the following:-
 - a) The finish and colour of all external wall and roof materials.
 - b) The finished floor level of the buildings relative to surrounding land.
 - c) The detailing of all pathways to and around the buildings including the levels and surfacing, (to permit use by disabled persons).
 - d) The detailing of all landscaping and planting around the buildings.

- e) The facilities to be provided within and around the buildings for access by disabled persons.
- f) The precise detailing of the means of disposal of foul and surface water, including the location of related pipework and soakaways, and porosity test information. The buildings shall not be brought into use until the development has been completed in accordance with the details approved under a) - f) of this condition, unless otherwise agreed in writing by the Local Planning Authority.
8. There shall be no external lighting on any of the lodges or within the application site other than with the written approval of the Local Planning Authority to the detailing thereof.
9. No development on site clearance works shall be carried out until such time as the site has been surveyed for the presence of protected species. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of protected species shall be submitted to and approved in writing, by the Local Planning Authority prior to the commencement of any development and site clearance works.
10. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
11. No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on site, at the developer's expense, according to the prescriptions set out in a curatorial design brief 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 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. To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. The site is outside the town development boundary in a location where development of dwellings is not considered acceptable.
3. To ensure the development does not give rise to unacceptable harm to the historic and archaeological value of the site.
4. In the interests of visual amenity and to safeguard existing trees and shrubs.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. In the interests of any protected species on the site.
10. To ensure the protection of species listed under the Habitat Regulations 1994.
11. To ensure adequate opportunity to observe and record archaeological findings.

NOTES TO APPLICANT:

You are advised to discuss the detailed siting of the lodges with the Conservation Officer and Development Control case officer prior to submission of any plans in relation to condition 3 of this permission.

You are advised that the permission is the subject of a separate Section 106 agreement. Your attention is drawn to the significance of conditions 9 & 10 of this permission and the potential effect the presence of protected species may have on its implementation.

You are advised to contact the County Ecologist to discuss a suitable approach to the relevant survey work, mitigation measures and the procedures involved with Welsh Assembly Government if licencing to disturb is necessary.

ITEM NO:	3
WARD NO:	Llanfair Dyffryn Clwyd / Gwyddelwern
APPLICATION NO:	06/2008/0150/ PF
PROPOSAL:	Construction of electrical switchroom, access track and field entrance from A494 (relocation of switchroom granted permission under code no. 06/2004/0278/PF - for Wern Ddu windfarm development)
LOCATION:	Land adjoining Bronant Bryn Saith Marchog Corwen
APPLICANT:	Tegni Cymru Cyf.
CONSTRAINTS:	Within 67m Of Trunk Road
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. GWYDDELWERN COMMUNITY COUNCIL
Object -
 - i) Site is too far away from windfarm site.
 - ii) This section of the A494 is dangerous, with traffic travelling at speed at Bryn Saith Marchog.
 - iii) If an application for a house was proposed here, it would be refused.

Following receipt of additional information from the applicants, the Community Council have written to confirm their concerns stand, and that they object to the proposals. They also refer to members of the public expressing objections at an open meeting prior to the Community Council meeting.
2. WELSH ASSEMBLY GOVERNMENT – Transport Wales
Direct that any permission includes conditions requiring the access to be laid out as on the submitted plans, and to be completed before any works on the development.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
Responds directly to WAG Transport Section.

RESPONSE TO PUBLICITY:

Letters received from:-

1. David Wish & Elaine Gilbert, Llywn y Brain, Bryn SM, Corwen LL21 9SB (2 letters)
2. M.E. Wileman-White, Bronant, Bryn S.M.

Summary of planning based representations:-

- i) Amenity impact
Possible loss of mature trees, access close to adjacent property/potential disturbance from traffic and movement, will the hill be excavated/will the building be visible/noise potential/any additional overhead lines.
(second letter advises that Tegni appear to be addressing the original concerns)

- ii) Access issues
Safety of access onto A494.

EXPIRY DATE OF APPLICATION: 10/04/2008

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations on additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application seeks permission to erect a switchroom building required in relation to the grid connection from the proposed Wern Ddu windfarm, which is to be developed on land at Mynydd Rhyd Ddu between Bryn Saith Marchog and Gwyddelwern. The plans at the front of the report illustrate the respective locations of the windfarm site and the application site.
2. The notes on this application should be read in conjunction with those on the following item on the agenda, Code No. 06/2008/0509/PF which deals with the proposed route of the underground cable connection from Wern Ddu windfarm to the switchroom site.
3. Application Code No. 06/2008/0150/PF involves the erection of a 'switchroom' building measuring 14m x 7.5m, with rendered walls and a pitched roof to be clad in reconstituted slates. The building would be accessed via a new track off the A494 to the west of the property Bronant.
4. The actual site for the building is in a natural hollow set back some 70 metres on rising ground to the south of the trunk road. It would be located 45 metres from the existing dwelling at Bronant. There are existing 33kv overhead electricity lines running across the site, to the east and south of Bronant. Bronant is located on a straight section of the A494 between the collection of dwellings at Pandy'r Capel, and the garage at Bryn Saith Marchog.
5. By way of background, the planning consent for a windfarm development at Wern Ddu was eventually granted on appeal, in June 2007. The applicant company, Tegni, have consent to develop either a 4 turbine or 5 turbine scheme at Wern Ddu. The permission included provision of a switchroom facility within part of an excavated quarry above Graig Lelo, close to turbine No.1. There were no details of the likely route of the grid connection from the windfarm site in either of the Wern Ddu applications.
6. Tegni have provided additional information in support of the switchroom application to help clarify issues raised by consultees and neighbours over the choice of site and the impact of the development:-
 - i) The site has been chosen following studies by Scottish Power/Manweb who have determined that the most suitable electricity circuit that has sufficient capacity to accommodate the generation capacity of the Wern Ddu windfarm is the 33kv line which runs between substations at Llanfwrog and Corwen. The location has been chosen due to it being equidistant from each of the substations and its close proximity to an existing isolation pole on the 33kv circuit.

- ii) The purpose of building the switchroom in this location is to minimise the construction of new overhead lines; when an application is made to SP Manweb for an electrical connection then, whilst maintaining the integrity, and security of the existing network, they are obliged (by regulatory requirements) to provide the most cost effective solution to the applicant. In general terms this would be via an overhead line connection to, in this instance, the windfarm switchroom. However, in order to meet their own requirements in respect of security of supply, SP Manweb will only make such connections via a looped arrangement. Such an arrangement would entail the construction of two new overhead lines, totalling an estimated 6500m in length. These would join the existing 33kv line in the same location that is now proposed for the switchroom. In proposing to build the switchroom in close proximity to the existing 33kv line, Tegni advise they are able to reduce the construction of new overhead line by over 90%.
- iii) If this application is approved then this switchroom will, subject to the award of any further planning consents for cabling/overhead lines that may be required, replace that which has already been approved (at Wern Ddu).
- iv) If consented then connection to the existing line will be made via under ground cables from the SP Manweb side of the proposed switchroom to two new termination points (comprising timber poles similar in appearance to those currently present), which will be built on the line of the existing overhead line. Tegni are advised that no additional poles will be required to facilitate the connection.
- v) The foregoing arrangement will facilitate the installation of a “private” connection between the windfarm and the new switchroom location. This will, in the main, involve the installation of an underground cable. The exception to this will be for a length of overhead line of approximately 530m in length (which will be required to traverse the steep slopes of the old quarry workings and spoil heaps etc). (A plan of the proposed cabling/overhead line route between the windfarm and the new switchroom location is attached for information to the front of this report).
- vi) The proposal is for a switchroom and not a sub-station. Consequently, there is no requirement for a grid transformer at this location, thereby eliminating any noise that is sometimes associated with that type of equipment. Insofar as the “technical process” is concerned the switchroom is primarily required to facilitate the isolation of the windfarm from the electricity network thereby enabling the safe maintenance of HV components etc. at the windfarm. Whilst the switchgear is normally controlled automatically, remote opening/closing of the windfarm switches can also be carried out manually via telemetry links. Whilst even inside the building the switchgear will be virtually silent in operation, the heat insulation measures provided by full cavity fill and roof/ceiling blanket insulation contained within the fabric of the building will render the switchgear inaudible from outside.
- vii) The proposed track is so aligned as to minimise land take. If required, the track can be re-aligned so it is further away from the property ‘Bronant’.

In so far as floor levels relative to the existing ground level are concerned, the proposed floor level would be no more than 150mm above the existing ground level at the proposed location.

- viii) Insofar as tree removal is concerned the building can be moved marginally eastwards and avoid the removal of trees. Some trimming/lopping of existing

trees will however still be required.

- ix) Should consent be awarded then it would be acceptable to attach a planning condition requiring the planting of hedges/trees to provide further screening as necessary.
- x) In respect of the location of the switchroom, in choosing this position Tegni have avoided the construction of almost 6000m of overhead line construction, and the inherent visual effects that such a feature would have in the locality.
- xi) In respect of road safety issues, the Assembly's Trunk Road Agency have, subject to the implementation of conditions pertaining to sequencing of construction, raised no objection to the proposal. Notwithstanding this, it is estimated that following commissioning of the windfarm, that visits to the switchroom will be in order of one per month.

RELEVANT PLANNING HISTORY:

- 7. None relevant to the particular site. The development is in association with the windfarm development at Wern Ddu which can be implemented in accordance with permissions granted on appeal in June 2007 under Code Numbers 06/2004/0278/PF and 06/2005/1453/PF.

PLANNING POLICIES AND GUIDANCE:

- 8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 2 - Energy
 - Policy MEW 8 - Renewable Energy
 - Policy MEW 10 - Wind Power
 - Policy GEN 6 - Development Control requirements

DENBIGHSHIRE/CONWY INTERIM PLANNING GUIDANCE

Note No. 1 – On Shore Wind Farms (Joint document) – Approved by Full Council 27 February 2007

WELSH ASSEMBLY GOVERNMENT GUIDANCE/POLICY

Technical Advice Note 8 (TAN 8) – Planning for Renewable Energy (July 2005)
Ministerial Interim Planning Policy Statement (MIPPS)/ 1/2005 – Planning for Renewable Energy (July 2005)

MAIN PLANNING CONSIDERATIONS:

- 9. The main issues are considered to be:-
 - i) Principle of development
 - ii) Landscape/visual impact
 - iii) Amenity impact (Residential amenity)
 - iv) Highways/access

- 10. In relation to the main planning considerations:-

- i) Principle of development
The principle of developing the windfarm at Wern Ddu is now established through the appeal process, and the application is not an opportunity to re-visit the acceptability or otherwise of that development.

The proposal is for ancillary development in relation to the windfarm, in this instance in the form of a switchroom and access from the A494 to the switchroom. The reason for the site selection and the merits/benefits are set out by the applicants in paragraph 6 of the report.

The relevant planning policy and guidance encourage the development of suitable means of generating electricity through renewable sources. Policy MEW 10 is the most relevant in the Unitary Plan and supports ancillary developments subject to due consideration of the impact, for example in terms of landscape and visual impact, the effect on residential amenity, and highway/access impact. WAG policy and guidance in MIPPs 1/2005 (and TAN 8) are significant material considerations, S. 12.8.11 of MIPPS referring specifically to the need to facilitate grid connections to support windfarms in Strategic Search Areas, subject to material planning considerations.

Taking this background into account, and whilst respecting the concerns of the Community Council, there is strong support in policy and guidance for the development of a suitable grid connection to the Wern Ddu windfarm. The key issues are realistically the acceptability of the details of the particular proposals, which are assessed in the following paragraphs.

- ii) Landscape/visual impact
The application involves the erection of a modest switchroom building and an access off the A494. The location of the switchroom building has been carefully selected to minimise its visibility from public views, being on a relatively flat area of land in a natural hollow. The siting has been revised to avoid removal of trees, and it would be practical to secure the planting of additional trees/hedgerows to supplement existing natural screening of the building. The site is not within any designated landscape area (i.e. AONB or AOB), Green Barrier or Local Landscape Area. Careful control would be required over the surfacing and detailed routing of the access to avoid creating an 'unnatural' feature from the building down to the A494. It is not considered there would be any adverse landscape or visual impact from the switchroom building or the access.
- iii) Amenity impact
The site is substantially screened from view from the nearest dwelling at Bronant, by existing tree and hedge cover. The careful use of materials, supplementary screen planting and the re-routing of the access away from the boundary with Bronant would limit the physical impact for occupiers of that dwelling. Tegni have confirmed the proposal does not involve a transformer or substation; hence noise from the building would not be a consideration. The actual frequency of use of the building is estimated at one visit a month, which would not suggest any unreasonable disturbance to occupiers of Bronant.
- iv) Highways/Access
There are no objections to the proposed access off the A494 from the Assembly's Highways section, subject to satisfactory completion of the access before any development takes place on the switchroom. With due respect to the concerns of the Community Council, the use of the access would be extremely occasional, and it would have to be constructed to a suitable safe standard (entrance splays and visibility) to Welsh Assembly Highways requirements.

SUMMARY AND CONCLUSIONS:

11. The application for a switchroom and an access off the A494 are in support of Tegni's proposals to ensure a suitable grid connection to the Wern Ddu windfarm. The provision of such 'ancillary' equipment is acceptable in principle in relation to planning policy and guidance, and the local impact is considered to be limited. The development is recommended for approval subject to 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. The access shall be laid out, constructed and maintained in accordance with the details shown on the submitted plans 101-003 101-004 & 101-005.
3. The access shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
4. Notwithstanding the submitted details, no development shall be permitted to commence on the access or the switchroom building until the written approval of the Local Planning Authority has been obtained to:-
 - a) A detailed scheme of hard and soft landscaping for the site, to include details of:-
 - (i) all existing trees, hedgerows and other vegetation on the land, details of those to be retained, and measures for their protection in the course of development.
 - (ii) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of proposed additional screening, species, numbers and location, and the timing of planting.
 - b) The precise routing of the access track and its surfacing.
 - c) The proposed external wall and roof materials.
 - d) The proposed final floor level of the switchroom and levels around the building.

The development shall proceed strictly in accordance with the details approved under this condition.

5. All planting approved in relation to condition 4 shall be completed no later than the first planting season following completion of the switchroom, 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.
6. The implementation of this permission for the switchroom supersedes the permissions for the switchroom granted under Code Nos. 6/2004/0278/PF and 6/2005/1453/PF for the development of the Wern Ddu windfarm.

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 preserve the safety and free flow of trunk road traffic.
3. To preserve the safety and free flow of trunk road traffic.
4. In the interests of visual amenity and for the avoidance of doubt.
5. In the interests of visual amenity and for the avoidance of doubt.
6. For the avoidance of doubt and to ensure there is only one switchroom development in connection with the Wern Ddu windfarm.

NOTES TO APPLICANT:

You are advised that conditions 2 and 3 of this permission have been imposed on the direction of Welsh Assembly Government Transport Wales.
Any works undertaken within or forming part of the highway shall meet requirements of Section 184 of the Highways Act 1980 and shall only be commenced with the specific agreement of the Local Planning Authority.

ITEM NO: 4

WARD NO: Efenechtyd

APPLICATION NO: 06/2008/0509/ PF

PROPOSAL: Installation of underground cables in association with Wern Ddu windfarm

LOCATION: Land between Graig Lelo Quarry and Land adjoining Bronant Bryn Saith Marchog Corwen

APPLICANT: Tegni Cymru Cyf.

CONSTRAINTS: Within 67m Of Trunk Road

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

CONSULTATION RESPONSES:

4. GWYDDELWERN COMMUNITY COUNCIL
The Council object and ask why the cables have to run so far from the windfarm.
5. WELSH ASSEMBLY GOVERNMENT – Transport Wales
Directs that any permission includes a condition requiring works in the highway, carriageway and verge to be commenced only with the prior approval of the highway authority.
6. HEAD OF TRANSPORT & INFRASTRUCTURE
Response forwarded direct to WAG Transport Section.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 25/06/2008

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application relates to the installation of a length of underground electricity cable in connection with the development of the Wern Ddu windfarm on land at Mynydd Rhyd Ddu, Bryn Saith Marchog and Gwyddelwern.
2. The report should be read in conjunction with the one which immediately precedes this item on the agenda, Code no. 06/2008/0150/PF, dealing with the erection of a switch room building and access rear Bronant, Bryn Saith Marchog.
3. The application for the underground cable is submitted by Tegni, the company behind the Wern Ddu proposal. The plan at the front of the report shows the line of the proposed cable connection, which extends some 2000 metres (2km) from near the entrance to Graig Lelo quarry, along the old Corwen – Ruthin railway line, across and alongside the A494 trunk road, and up to the switch room proposed at

Bronant.

4. Tegni have confirmed that the proposals have been developed following studies by Scottish Power/Manweb on the most suitable circuit to accommodate a connection to the windfarm.

RELEVANT PLANNING HISTORY:

5. None relevant to the particular site. The development is in association with the windfarm development at Wern Ddu which can be implemented in accordance with permissions granted on appeal in June 2007 under Code Number 06/2004/0278/PF and 06/2005/1453/PF.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy STRAT 2 - Energy
Policy MEW 8 - Renewable Energy
Policy MEW 10 - Wind Power
Policy GEN 6 - Development Control requirements.

DENBIGHSHIRE / CONWY INTERIM PLANNING GUIDANCE

Note No. 1 – On Shore Wind Farms (Joint document) – Approved Full Council 27 February 2007.

WELSH ASSEMBLY GOVERNMENT GUIDANCE / POLICY

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

Ministerial Interim Planning Policy Statement (MIPPS) 01/2005 – Planning for Renewable Energy (July 2005)

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:
 - i) Principle of development
 - ii) Landscape / visual impact
 - iii) Amenity impact
 - iv) Highways / access

8. In relation to the main planning considerations:

- i) Principle of development
The application does not offer opportunity to revisit the merits of the Wern Ddu windfarm decision, and it would be wholly inappropriate to refuse consent as a means of blocking the windfarm development.

The proposal has to be considered on its individual merits and in relation to relevant planning policies and guidance. There is clear support for proposals ancillary to windfarm developments, subject to due consideration of the localised impact. With respect to the comments of the Community Council, the point of connection to the grid has been agreed as the most suitable following detailed studies by Scottish Power/Manweb.

- ii) Landscape / visual impact
The proposal is to run a 2km length of underground electricity cable. On completion this would have no landscape or visual impact.
- iii) Amenity impact
The laying of an underground cable would have no adverse impact on occupiers of dwellinghouses in the area.

iv) Highway / access impact

There are very limited highway implications. Part of the cable would be laid across the A494 and in the highway verge. Beyond minor disruption during installation, there would be no adverse impacts.

SUMMARY AND CONCLUSIONS:

9. The installation of an underground line is considered acceptable development, having no localised impact. With respect to the concerns of the Community Council, there are no realistic land use planning objections to this application.

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. Works within the A494 carriageway and verge shall only be commenced with the prior approval of the Highway 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 ensure works are carried out to a proper standard in the interests of safety of users of the trunk road.

NOTES TO APPLICANT:

(i) Any works undertaken within the highway shall meet requirements of the Highway Act 184 and New Roads and Streetworks Act 1991.

(ii) The Applicant shall take care and attention to avoid the deposit of mud on the road from construction vehicles.

(iii) The Applicant shall agree with the Highway Authority a system of temporary road signing in accordance with Chapter 8 of the Traffic Signs manual and the New Roads and Streetworks Act 1991.

(iv) No traffic management is permitted on the A494 during the trunk road embargo periods.

ITEM NO: 5

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2008/0305/ AD

PROPOSAL: Retention of 2 No. non-illuminated advertisement signs

LOCATION: Ponderosa Cafe Horseshoe Pass Llangollen

APPLICANT: Mr Simon Clemence

CONSTRAINTS: Special Area of Conservation
AOB
SSSI
Proposed Special Area Cons
PROW
Common Land

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

CONSULTATION RESPONSES:

7. LLANDEGLA COMMUNITY COUNCIL:
"In an Area of Outstanding Beauty and on the edge of the proposed extension to an AONB, the signs and the current materials used do not respect the site or the layout and do not meet Policy GEN6"
8. HEAD OF TRANSPORT AND INFRASTRUCTURE:
No objection

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 25/05/2008**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Retrospective permission is sought for the retention of two non illuminated adverts which serve as 'welcome' signs to the Ponderosa Café.
2. Ponderosa Cafe is located at the top of the Horseshoe Pass on the A452 which links Ruthin and Llangollen. Sign A is viewed on the approach to Ponderosa Café from Llangollen, whilst sign B is viewed on the approach from Ruthin. Both signs are set back from the main highway.

3. Sign A measures approximately 5.3m wide and is 1.4m in height. Sign B measures 5.7m in width and is 0.6 metres high (being located on an existing boundary wall). The signs both have a white background with black text and are surrounded by engineering blue bricks. Both signs are bi-lingual.
4. The site curtilage is laid out and surfaced with tarmac for car parking associated with the Ponderosa Café. Beyond the site the area is open hill side featuring low ground coverage of grass and heather. The Café itself is of a modern simple design constructed of block and render with tile roof.

RELEVANT PLANNING HISTORY:

5. 27/4298/A – Double sided illuminated free standing advert sign – GRANTED 10/03/80

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy GEN 7 – Welsh Language and Culture
Policy GEN 12 – Advertisements Outside Development Boundaries
Policy ENV 2 – Development Affecting the AOB

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact upon visual amenity/AOB
 - ii) Impact upon highway safety
8. With regard to the considerations in the above paragraph:
 - i) Impact upon visual amenity/AOB:
Within policy GEN 6 there is a general presumption to permit applications which do not harm the visual amenity or character of the surrounding area. Policies GEN 12 and ENV 2 amplifies this approach and relate specifically to advertisements outside development boundaries and development within Areas of Outstanding Beauty. The materials, colour scheme and overall appearance of the signs relate well to the existing development on the site. Within the context of the wider area it is not considered that the sign are harmful to the character of the AOB due to there relationship to the larger development in the area. Therefore it is argued that the signs are acceptable in terms of visual amenity.
 - ii) Impact upon highway safety:
The signs are set well back from the junctions between the car park and the A452 and as such do not interfere with the safety of traffic on the A452, nor that of traffic entering/leaving the Ponderosa Café car park. The Highway Authority have not raised an objection to the signs. It is concluded that the signs are acceptable in terms of highway safety.

SUMMARY AND CONCLUSIONS:

9. The retention of these two non-illuminated signs is considered acceptable and there are no material planning objections.

RECOMMENDATION: GRANT-

No Conditions imposed

NOTES TO APPLICANT: None

ITEM NO: 6

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2008/0373/ PF

PROPOSAL: Erection of extensions to visitor centre to provide classroom and administration offices, cycle workshop, store, dining terrace, food preparation and store; and re-routing of bike trails

LOCATION: Coed Llandegla Visitor Centre Llandegla Wrexham

APPLICANT: Tilhill Forestry

CONSTRAINTS:

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

CONSULTATION RESPONSES:

9. LLANDEGLA COMMUNITY COUNCIL
No response received.
10. MINERA COMMUNITY COUNCIL
No response received.
11. BRYMBO COMMUNITY COUNCIL
No response received.
12. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection. Footpaths officer advises that measures would need to be taken to ensure safe crossing of Public Bridleway 5 which is affected by the re-routed tracks.
13. PUBLIC PROTECTION MANAGER
No response received.
14. ENVIRONMENT AGENCY WALES
No objections. Suggests advisory notes relating to construction works.

RESPONSE TO PUBLICITY:

Letters from:

1. Mrs. P. Thornton, Llety'r Llygoden, Ruthin Road, Llandegla (2 letters)
2. A Cottier, Abergroes, Old Roman Road, Llandegla.

Summary of planning based representations:

- i) Limits on capacity of forest – danger of creating theme park / conflicts with horse riders in woodland / too much activity will disturb the peace of the forest. Limits on capacity of highways / A525 is a busy road.
- ii) Questions need for additional facilities – centre brings limited benefits to the area other than the proprietors / would need less reason for visits to call at

local pubs.

- iii) General points: Consultation a waste of time / plans will go through / not everyone considers the development to be beneficial to the area.
- iv) Seeks assurance that relevant planning conditions relating to the main planning permission will apply to this development. Has concerns over potential for noise, disturbance and light pollution.

EXPIRY DATE OF APPLICATION: 25/06/2008

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application proposes extensions to the existing visitor centre at Coed, Llandegla, including additional space for training and catering for visitors, office, storage and workshops, and the rerouting of cycle trails in the forest area.
2. The Coed Llandegla Centre is located in Llandegla Forest, which is substantial commercial woodland owned by Shotton Paper Company and managed by UPM Tilhill. It lies just within the administrative boundary of Denbighshire, between the villages of Llandegla and Gwynfryn, to the south of the A525 road. The main vehicular access to the visitor centre is from the A525 near Casgan Ditw fish pools.
3. The Visitor Centre was established in 2005 following the grant of planning permission by the County Council in June 2003. It is owned by Tilhill and is operated by One Planet Adventure, who run a successful mountain bike venture from the centre building, with a range of cycle routes throughout the forest. The 'log on log' centre building has a kitchen, 60 seat café, 30 person classroom/store, a bike shop, cycle hire and repair store/workshop, small office and toilet facilities. The centre building is located next to the west of the main car park.
4. The facility at Coed Llandegla has been developed by Tilhill for more general 'community' benefit through involvement with local environmental groups (wildlife projects and enhancement), and allows for use of the forest by walkers, horse riders, carriage drivers and occasional rally stages.
5. The supporting documents indicate that original estimates of visitor numbers were 60,000 a year, but these have already risen to 100,000 in 2007. Staff numbers have also risen from 7 to 9 with an additional 4 part time posts. Visitor numbers are anticipated to rise by 5% a year to 130,000 by 2013. Car parking capacity has been increased to 280 spaces following a planning consent in 2006.
6. The applicants state that the increase in visitor numbers requires a range of issues to be resolved, which includes the limited capacity of the centre café and associated kitchen space, and restricted space for instruction / meeting / classroom uses, office, storage and workshops.
7. The proposal is therefore to extend the existing 462m² Centre 'log on log' building, in similar design style, with a roughly 'L' shaped extension measuring 220m², on the west side of the building. The extension would allow for a reorganisation of the internal space to provide expanded kitchen/café, classroom, an outdoor dining facility, and larger storage, workshop and office space. The basic layout is shown on the plan at the front of the report. The application also proposes the rerouting of a number of mountain bike trails through the forest area.

RELEVANT PLANNING HISTORY:

8. 17/2002/0990/PF
Development of mountain bike centre including construction of visitor centre, parking area, construction of new vehicular access and parking bays. GRANTED – 25/06/2003
- 17/2006/0427/PF
Use of land as overspill car park and access road. GRANTED – 27/06/2006
- 17/2006/1358/PS
Variation to condition relating to hours of opening of Centre building, car parks and bike trails. GRANTED – 24/01/2007

PLANNING POLICIES AND GUIDANCE:

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- | | | |
|----------------|---|--|
| Policy GEN 6 | - | Development Control Requirements |
| Policy STRAT 7 | - | Environment |
| Policy STRAT 9 | - | Tourism |
| Policy ENV 2 | - | Development Affecting the AOB |
| TSM Policies | - | Policies on Tourist developments |
| Policy REC 5 | - | Recreation Facilities Outside Development Boundaries |

GOVERNMENT GUIDANCE

- Planning Policy Wales March 2002
Technical Advice Notes
TAN (Wales) 13 - Tourism (1997)

MAIN PLANNING CONSIDERATIONS:

- 10.
- Principle of development
 - Impact on amenity
 - Impact on local landscape
 - Impact on wildlife
 - Impact on enjoyment of footpaths/bridleways
 - Access/highway implications
11. In relation to the main considerations:
- Principle of development
The principle of developing the Visitor Centre / mountain bike centre has already been established through the grant of planning permission by the County Council in 2003.

The proposal to add a modest extension to the Centre building to expand the facilities, in response to the success of the business, would be consistent with the general principles of the development, and in line with the tourism / recreation policies of the Unitary plan. With respect to the objector's comments, the scale of development proposed here is not significant, and is not likely to result in a change in the character of the use.
 - Impact on amenity
The nearest residential property is some 400m to the east of the centre. The extensions are proposed on the western 'forest' side of the Centre and would not seem likely in themselves to give rise to residential amenity problems. The access and parking arrangements are already in use and no changes are proposed to them which would have an impact on residents. Restrictions on

external lighting and the hours of operation of the Centre, car park, and trails are set by conditions on planning application code no 17/2006/1358/PS, and would need to be repeated if permission were to be granted here.

- iii) Impact on local landscape
The proposed extensions would be well related to the existing centre buildings, which themselves sit comfortably in a clearing on the eastern edge of the Llandegla Forest. As the extensions would be on the western side of the Centre building, these would not be visible from public vantage points outside the site; and would not have any adverse impact on the local landscape.
- iv) Impact on wildlife
There are no anticipated impacts on wildlife from the proposals.
- v) Impact on enjoyment of footpaths / bridleways
The mountain bike use has now been run over a couple of years and it is understood that the operators have worked in close collaboration with Tilhill and local interest groups to avoid potential conflicts between user groups where bike trails cross pathways. Subject to the inclusion of a suitable condition to require the provision of suitable warning signage and protective fencing at crossing points with footpaths, it is considered the proposals are acceptable.
- vi) Access / highway implications
The main highway access arrangements from the A525 to the Visitor Centre were agreed as part of the 2005 permission, and have been implemented in conjunction with the development of the facility. These are considered adequate to accommodate the anticipated increase in visitor numbers. There are regular liaison group meetings with the operators, which provide a useful monitoring mechanism for the County Council and local representatives, on highway and related developments.

SUMMARY AND CONCLUSIONS:

- 12. The proposed extensions are modest in scale and are geared at upgrading / improving a highly successful tourist recreation facility, and merit support.

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. Unless otherwise agreed in writing by the Local Planning Authority, the visitor centre building, car park, and bike trails shall only be open for use by visitors between the following hours:-
 - (i) Standard opening hours:
Visitor centre 0800 - 2000 each day
Car park 0800 - 2030 each day
 - (ii) Variations to the above:
 - a) Visitor Centre and Car Park to remain open until 2100 hours each Wednesday and Saturday, 1st October to 30th April; and to 2200 each Wednesday and Saturday 1st May to 30th September;
 - b) Visitor Centre and Car Park to open at 0500 hours 1st April to 31 May each year. This variation of condition no. 2 is granted up to 31st December 2008, by which date the hours of use shall revert to those set out in the original condition no. 2 of planning permission reference 17/2002/0990/PF dated 25th June 2003, unless a further variation of the hours of

operation has been sought and granted.

3. The use of the Mountain Bike Centre trails shall be restricted to pedal cycles only and no motorised cycles, bikes or other powered vehicles shall be permitted to use the trails at any time.

4. No development shall be permitted to commence on the extensions to the visitor centre until the written approval of the Local Planning Authority has been obtained to all of the following:-

- a) The finish and colour of all external wall and roof materials.
- b) The finished floor level of the buildings relative to surrounding land.
- c) The detailing of all pathways to and around the building including the levels and surfacing, (to permit use by disabled persons).
- d) The detailing of all landscaping and planting around the building, and any fencing or walling.
- e) The facilities to be provided within and around the building for access by disabled persons.
- f) The precise detailing of the means of disposal of foul and surface water, including the location of related pipework and soakaways, and porosity test information. The buildings shall not be brought into use until the development has been completed in accordance with the details approved under a) - f) of this condition, unless otherwise agreed in writing by the Local Planning Authority.

5. There shall be no external lighting on the extended Visitor Centre building, without the prior written approval of the Local Planning Authority.

6. The use of the cafe and facilities in the Visitor Centre building shall be restricted solely to centre staff, participants in mountain biking in the forest and activities authorised by the local planning authority, and groups or individuals involved in instruction at the Centre.

7. No trees shall be removed on land within the control of the applicants or successors in title within a distance of 200 metres of any part of the Visitor Centre building, other than with the prior written approval of the Local Planning Authority.

8. None of the cycle routes which cross public footpaths or bridleways shall be permitted to be used until the written approval of the Local Planning Authority has been obtained to details of suitable fencing / waiting bays for users of the footpaths, and a system of warning signs, and the fencing and warning signs have been erected in accordance with the approved details.

9. All the cycle routes run in conjunction with the Visitor Centre shall be confined to tracks within Llandegla Forest and none shall be permitted to extend beyond land outside that within control of the applicant company shown edged red (legal boundary) on the plan titled "Planning Map - New Trail" accompanying the application, received by the local planning authority on the 8th April 2008,

10. None of the cycle routes which pass close to areas identified by the Countryside Council for Wales as being significant for the breeding of feeding of black grouse shall be permitted to be used without the written approval of the Local Planning Authority, in consultation with the CCW and RSPB to a scheme of fencing or other means of restricting the off track movement of cyclists.

11. None of the cycle routes shown on the application documents, nor any new ones created subsequent to the grant of this permission shall continue to be operated if in the opinion of the Countryside Council for Wales and the RSPB, the use of that route is adversely impacting on the breeding of feeding success of black grouse; and on written notification by the Local Planning Authority the use of identified routes shall cease immediately.

12. There shall be no sound enhancement or loudspeaker equipment permitted within application site at any time, other than with the formal written the approval of 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. In the interests of general amenity and the amenities of occupiers of residential property in the locality.
3. In the interests of amenity.
4. In the interest of visual amenity and to ensure a satisfactory form of drainage.
5. In the interests of visual amenity.
6. To ensure the building is used solely in connection with the Mountain Bike Centre.
7. To ensure adequate tree cover is maintained at all times to screen the development from public view, in the interests of visual amenity.
8. In the interests of the safety of cyclists, pedestrians and users of public footpaths.
9. To ensure the Local Planning Authority retains control over the uses in the interests of amenity and wildlife conservation.
10. In the interests of wildlife conservation.
11. In the interests of wildlife conservation.
12. In the interests of the amenities of occupiers of residential properties in the locality.

NOTES TO APPLICANT:

You are advised to contact the County Council's Public Rights of Way Section on 01824 706923 or 706872 to agree details of the means of crossing Public Bridleway 5 and the need for provision of a bridle gate at GR SJ 322800 351800

Any works (including temporary works) in, under, over or adjacent to any watercourse may require the formal consent of the Environment Agency prior to works commencing. In accordance with the Agency's "no-culverting" policy, consent for culverting will only normally be granted for site access purposes.

Operators should ensure that stream crossings are not constructed in such a way that they form impassable barriers to fish (e.g. through large drops from culvert pipe outlets). Please contact the Agency's Fisheries Team (01248 484060) if you require advice on this aspect of the proposal.

During construction works, steps should be taken to ensure that turbid water from construction activities does not contaminate streams and ditches.

ITEM NO: 7

WARD NO: Llandrynog

APPLICATION NO: 18/2008/0526/ TP

PROPOSAL: 30 per-cent crown reduction, canopy lift, deadwooding and thinning to sycamores and elm in Area G1 and sycamore No. T1 on plan annexed to the Glyndwr District Council Tree Preservation Order 1996

LOCATION: 11 Parc Tyn Llan Llandrynog Denbigh

APPLICANT: Mr Paul Griffin

CONSTRAINTS: Tree Preservation Order

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

CONSULTATION RESPONSES:

1. LLANDYRNOG COMMUNITY COUNCIL
No Response Received
2. TREFOR THOMPSON
No Objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Helga Norbury, 12, Parc Tyn Llan, Llandrynog

Summary of Planning based representation:

- i) Effect on the character of the area.

EXPIRY DATE OF APPLICATION: 03/07/2008

REASONS FOR DELAY IN DECISION:

N/A

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks permission for a 30 percent crown reduction, canopy lift, dead-wooding and thinning to sycamores and elm in Area G1 and sycamore No. T1 on plan annexed to the Glyndwr District Council Tree Preservation Order 1996.
2. Justification put forward for the work relates to proximity to power cables, overshadowing of gardens and windows of no. 11 and No. 10 and good arboricultural practice.
3. Parc Tyn Llan is a new residential development in the centre of Llandrynog. The local area consists of numerous well established trees of various species protected with a Tree Preservation Order.

RELEVANT PLANNING HISTORY:

4. 18/2003/1050/PO – Development of land for residential purposes and construction of new vehicular access (outline application) - Granted 19/10/2004

18/2004/1365/PR - Details of siting, design and external appearance of buildings, the means of access and landscaping for the erection of 11 dwellings (in accordance with Condition 1 of outline planning permission 18/2003/1050/PO) (Plots 5-15 inc.) - Granted 23/02/2005

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development Within Development Boundaries
Policy ENV 7 – Landscape/ Townscape features

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Impact on visual amenity
7. In relation to the main planning consideration as noted above:
 - i) Impact on visual amenity
In accordance with Policy ENV 7 the proposal will have limited impact on the visual amenity of the site as no trees are being removed. The Tree Officer has raised no objection to the proposal. The works will ensure the future viability of the trees. The reduction and canopy lift and removal of lower branches from the Sycamore and Elm will improve light to the dwellings of no. 11 and no. 10 Parc Tyn Llan.

SUMMARY AND CONCLUSIONS:

8. The proposal will not impact on the character of the area. Subject to the Tree Officer's conditions the recommendation is to grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.

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

1. In the interests of good arboricultural practice.

NOTES TO APPLICANT: None

ITEM NO: 8

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2008/0379/ PR

PROPOSAL: Details of siting, design and external appearance of building, means of access thereto and landscaping, submitted in accordance with Condition No. 1 of outline permission Code No. 20/2007/0205/PO (Reserved matters)

LOCATION: Land at (Part garden of) Ty Berllan Graigfechan Ruthin

APPLICANT: N Griffiths Esq

CONSTRAINTS: Groundwater Vulnerability 1
AONB

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

CONSULTATION RESPONSES:

1. LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL
"Object - At their last meeting last night my members re- considered the amended planning application. Having noted your comments on the Certificate of Decision my members compared both sets of plans and felt that the proposed dwelling would still be out of character with the surrounding properties. They therefore could not support the amended application."
2. DWR CYMRU / WELSH WATER
Awaiting Response
3. AONB COMMITTEE
"The JAC has concerns about the scale, height and mass of this proposed development which it considers to be inappropriate for this small elevated site. The JAC also recommends natural slate be used for the roof and all elevations should be render only."
4. HIGHWAYS DEVELOPMENT CONTROL
No Objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. RAJ Holding & Mrs JA Holding, 2 Bryn Glas, Graigfechan Ruthin LL15 2EX
2. D & P Jones, Bryn Ffynnon, 4 Bryn Glas, Graigfechan. Ruthin LL15 2EX.

Summary of planning based representations:

In Objection: (2 letters)

- i) Loss of light to property
- ii) Concerns that the proposed house is considerably bigger than that for which permission was given at outline planning stage.
- iii) Boundary hedges should be retained
- iv) The number of rooms such as number of w/c is questioned
- v) v) Highways safety

EXPIRY DATE OF APPLICATION: 29/05/2008

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application is for the approval of reserved matters of siting, design and external appearance of the dwelling on land at Ty Berllan, Graigfechan which was given outline permission under ref. 20/2007/205/PO in May 2007.
2. The proposed 3 bedroom dwelling is split level incorporating a basement, ground and first floor. The dwelling measures 11.90m in width by 12.30m in length. The maximum height of the ridge is to measure 9.0m. Parking and turning is proposed to the north of the site and a garden area to the south of the dwelling.
3. The application site is in the development boundary of Graigfechan off the B5429 and was formally part garden of Ty Berllan. It is located within the Clwydian Range AONB. The site is bounded by established hedging and shrubs to the north, east and west. There is a mix of dwelling types in the area. To the north east Bryn Glas is an estate of red brick bungalows and to the south Ty Berllan is a two storey white render end terrace dwelling. The land slopes up towards the south east.
4. The proposal is a resubmission of a larger scheme previously refused under reference 20/2008/0048/PR.

RELEVANT PLANNING HISTORY:

5.

20/2008/0048/PR	Details of siting, design and external appearance of building, means of access thereto and landscaping submitted in accordance with condition no. 1 of outline permission code 20/2007/205/PO	Refused 19/03/2008
20/2007/0205/PO	Development of 0.06 ha of land by erection of 1 dwelling and the formation of a new vehicular access (Outline)	Granted 23/05/2007

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development Within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy ENV 2 – Development Affecting the AONB

SUPPLEMENTARY PLANNING GUIDANCE

- SPG 21 – Parking Requirements in New Developments
SPG 25 – Residential Development Design Guide

MAIN PLANNING CONSIDERATIONS:

7.

- i) Principle of development
- ii) Impact on Visual Amenity
- iii) Impact on residential amenity

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

i) Principle of development

The application site is in the development boundary of Graigfechan where the principle of development is acceptable. In this case the principle has been

established in the outline permission.

ii) Impact on Visual Amenity

Whilst the design of the proposal is fairly modern, owing to the mix of dwelling styles in the area this is considered acceptable. The dwelling is to be finished with natural slate and render which is appropriate in the AONB. The materials and certain design features of the dwelling reflect the existing dwelling of Ty Berllan. As such it is not considered that the proposal would be out of keeping with the character of the area.

iii) Impact on Residential Amenity

There will be no adverse impact on the privacy or amenity of neighbouring properties due to the land levels and siting of the dwelling centrally within the plot. The rear garden depth is 6m, although there are 2 first floor windows these serve a bathroom and an en suite and are likely to be obscure glazed. There is 15m from the side of the dwelling to the side of no. 2 Bryn Glas, due to the orientation of no. 2 there will be no overlooking or loss of privacy. Furthermore the hedging is to be retained along the side and rear boundaries which will screen the ground and first floor windows, a condition can be attached to retain this hedge.

SUMMARY AND CONCLUSIONS:

9. The proposal is considered acceptable and 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. 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. The boundary hedge located on the north of east boundaries of the site shall be retained and maintained at all times at a height of no less than 2.0m.
4. 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.
5. Full details of the piped access and ditch crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the access shall be completed in accordance with the approved plans before the development is brought into use.

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 interest of residential amenity.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To ensure the formation of a safe and satisfactory access.

NOTES TO APPLICANT:

None

ITEM NO:	9
WARD NO:	Llanarmon Yn Ial / Llandegla
APPLICATION NO:	21/2007/0344/ PF
PROPOSAL:	Erection of 5 no. dwellings and construction of new vehicular/pedestrian access (site area 0.37ha)
LOCATION:	Glebe Land off Rectory Lane Llanferres Mold
APPLICANT:	Jones Peckover
CONSTRAINTS:	Public Footpath / Bridleway Conservation Area AONB
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:

1. LLANFRRES COMMUNITY COUNCIL - "The Community Council wishes to record its strong opposition to the proposals to develop this site. The local community does not wish to see this developed in any form.

This view of the Community Council reflects the overwhelming view of the local community and in particular residents of Llanferres where the Glebe Field is seen as a much cherished local amenity. The Community Council regards the Glebe Field as an essential green space in the heart of the village, providing a highly valued green backdrop to views looking south from the church and graveyard. Rectory Lane, with its quaint rural character and mature hedgerow bounding the Glebe Field, contributes greatly to the character of this part of the village and to the lives of those residents who walk and drive along the lane on a regular basis.

The Community Council is aware that this site is an allocated housing site in the adopted Denbighshire UDP but it is now unanimous in its strong opposition to the development of this site. Having stated its strongest possible opposition to the proposals, the Community Council wishes to pass the following comments on the revised plans, which it hopes will be taken into account in any decision. The proposals shown on the revised plans are still wholly unacceptable to the Community Council in the following respects:

- i) Do not satisfy UDP Policy CON 5 as they fail to demonstrate how the development proposals preserve or enhance the essential character or appearance of the Conservation Area as set out in the Llanferres Conservation Area Appraisal;
- ii) Do not satisfy UDP Policy CON 1 as they fail to demonstrate how the development proposal preserves *'the setting of a listed building particularly where the setting is an essential part of the character of the building.'* The Llanferres Conservation Area Appraisal states: *'The graveyard is an important open area in the settlement. ... The slightly sloping field at the rear of the Druid Inn is also significant. ... Both of these areas are important as*

they protect the setting of the church and amplify the rural nature of the Conservation Area.'

- iii) Do not satisfy UDP Policy ENV 2 as development would clearly detract from the character and appearance of the AONB and would have a detrimental effect on the distant views from:- Bryn Alyn, the east side of the Alyn Valley, public footpaths, houses in the area and Fron Hên, and would also affect local views. The contemporary design fails to contribute to the conservation and enhancement of the natural beauty of the area. Zinc cladding to the roofs and white rendered finishes will stand out to all viewing points. The Community Council preferred the slate roofs proposed originally. The illustration shown of stone cladding panels may suit a slate area, but does not reflect the random nature of local limestone walls found in this area. The elevational drawing along Rectory Lane does nothing to allay fears regarding the impact on the surrounding Conservation Area and the wider AONB.
- iv) With regard to the affordable housing units, the applicant has still made no effort to contact the Council to discuss our known local needs. The results of the Housing Needs Survey were presented by the Rural Housing Enabler on 27th March 2006.

The design of the 2 units is far too bland for such a sensitive location and takes its lead from the Welsh Assembly Government's standard pattern book rather than using local styles to help preserve and enhance local character. This gives an urban design rather than using local styles to help preserve and enhance local character. Despite the proposed planting of trees along the boundary of these houses with the Druid Inn, there are still concerns about amenity problems given the location so close to outdoor smoking area.

- v) Regarding the proposed vehicular access to the development, there are major concerns about the loss of such a significant section of mature hedgerow, especially given its prominent position on top of a raised bank. The hedge is at least 50 years old and most probably a lot older. It must be retained and thus the applicant should arrange for the existing hedge to be moved back to meet the sight lines. Arrangements to maintain the hedge must be conditioned. It is not sufficient to just indicate a new hedge will be planted along the back of the proposed visibility splay – without any change in level between the visibility splay and the hedge line as is found at present, the new hedge will take many decades to reach anything approaching the stature of the existing hedge, during which time the development will be highly visible to all users of Rectory Lane.

The visibility splay will also significantly widen Rectory Lane whose characteristic feature is a narrow winding lane bounded by hedgerows. No treatment details or long term maintenance proposals are provided for the visibility splays so the Community Council remains very concerned about this aspect of the development. The Council feels the access to the site needs to be treated far more sensitively. The proposed splays fail to meet the minimum requirements of TAN 18; given the speed limit is 40mph. If the applicant wishes to utilise the 20mph splay standard a traffic speed survey should be conducted over a realistic time period.

- vi) While some acknowledgement of previous concerns appears to have been given by indicating a change to porous paving, the Council still believes that the access road within the site needs to be constructed in a material, such as

grasscrete, that minimises its impact, especially in views into the site from Rectory Lane and possibly the graveyard.

- vii) Whilst some details of proposed landscaping are provided, the Council remains concerned about the proposed removal of the fence along the boundary with the village hall, especially given that the ownership of this structure is either in DCC Education Authority or Village Hall Management Committee. No approach has been made to the Village Hall Committee which would be very concerned about the loss of a fence along the boundary. The landscaping and access proposals are still minimal. Arrangements to maintain the hedges and shrubs must be conditioned.
- viii) With regard to the proposals for the retention of the public footpath, the proposals still lack clarity over the maintenance of this path or the portion of land through which it passes.

Through this letter, it is hoped that the County Council will now realise the strength of feeling from the local community who are totally opposed to the development of the Glebe Field. The Glebe should be retained as an undeveloped green space in the heart of the village, possibly providing additional capacity for the graveyard should this reach capacity in future years. It should remain available as a grazing field with the ability to host the annual village bonfire on November 5th. In recent consultation on the forthcoming Local Development Plan the Community Council has actually proposed that the Glebe Field should be removed from the settlement boundary, again reflecting the Council's desire to retain this field as green open space and as a legacy for future generations. Whilst not carrying significant weight at this stage, this does show the strength of feeling of the community that this field should not be developed".

2. LANDSCAPE ARCHITECT:

Building the stone wall by the Druid will inevitably kill the hawthorn trees on the boundary, replacement tree planting here is important. It would be beneficial to plant trees to break up views of the blank elevations of the houses when viewed from the south and east. The plan should show the size of the trees at planting and fencing required to protect the trees from trampling and animals.

3. AONB COMMITTEE:

"The JAC reaffirms its previous comments that the scheme is generally acceptable given it's location within the conservation area and AONB. However, the JAC do not consider cedar boarding to be an appropriate facing material and would prefer the use of more natural local stone and slate roofs. The committee also considers the proposed additional landscaping to be insufficient and would prefer more substantial screen planting".

4. PUBLIC FOOTPATHS OFFICER:

Public footpath no 69 crosses the proposed development area but is not directly affected, standard advice applies.

5. HIGHWAYS:

No objection subject to conditions

6. HOUSING:

Has agreed provision of two, two bedroom houses as affordables. Tai Clwyd are in negotiations with the applicant with regard to low cost home ownership or

shared ownership. The minimum size standards for two bed units have been achieved.

7. COUNTY ARCHEOLOGIST:
Having seen the archaeological report and the proposed site layout it seems clear that the development has avoided an area identified within the geophysical survey as a possible platform. There are other features which have been identified during the survey which include the line of the former road and possible evidence for ridge and furrow. Providing the layout remains the same as is proposed does not have any objection to the application as long as certain conditions are attached. Would wish to see an archaeological watching brief take place at the developer's expense, during the initial ground disturbance. Would also wish to see the area of possible platform fenced out during construction to avoid possible damage.
8. WELSH WATER:
No objection
9. COUNTRYSIDE COUNCIL FOR WALES:
No objection subject to conditions to deal with the timing of the development to avoid any impact on nesting birds. CCW do not consider that the use of cedar boarding or zinc is an appropriate material for the AONB.
10. ENVIRONMENT AGENCY:
No objection
11. CONSERVATION ARCHITECT:
Supports the scheme - The proposals for the Glebe Field are good modern design which, by virtue of their colour, size layout and scale, are appropriate to the site and the locality. New buildings should represent their time, as older buildings have in the past, but in such a way that is relevant to the site and the locality. The easy way to design for sensitive areas is to produce pastiche which invariably dilutes architectural quality and integrity. Comments further about zinc having been mined in the Loggerheads / Cadole, Halkyn Mountain and Meliden but it is not used widely in the building industry. Western red cedar is ideal for cladding due to its durability and stability; it is also from a sustainable source.

RESPONSE TO PUBLICITY:

Letters of objection received from the following:

1. Mr. D. E. Jones, 18, Rectory Lane, Llanferres, Mold, CH7 5SR
2. P.J. Hudson & K.R. Alston, 22, Rectory Lane, Llanferres, Mold, CH7 5SR
3. Mr. & Mrs. M. T. Healy, 20, Rectory Lane, Llanferres, Mold, CH7 5SR
4. Keith Stanley, Glendale, Rectory Lane, Llanferres, Mold, CH7 5SR
5. Mrs A Raba, 16 Rectory Lane, Llanferres, Mold, CH7 5SR
6. Mrs Parry, 21 Tyn Llan, Llanferres, Mold, CH7 5SP

Summary of planing based representations:

- i) Principle
The glebe field should be taken out of the UDP it is used extensively by locals for community events, dog walking, children playing and could be used as an extension to the grave yard associated with St Berres. Consideration should be given to developing the field for pensioners bungalows which could be warden

controlled and would be less intrusive in the village.

- ii) Impact on conservation area, landscape and setting of historical building
Proposal is contrary to policy CON1, CON5 and ENV2 of the Denbighshire UDP, the proposal does not preserve or enhance the area and the materials proposed for the development are in appropriate.
- iii) Highway concerns
Rectory Lane is a single track lane. Concerns over extra traffic and vehicles turning into Rectory Lane (from the Ruthin direction) and the car park of the Druid Inn which would make an already problematic junction more dangerous. The junction onto Rectory Lane is temporarily concealed from view when approaching from Mold. The visibility splay of the proposed access is inadequate and would make the junction of the new access onto rectory lane dangerous. Concerns over the parking of large vehicles for deliveries such as oil to the new development and access for emergency vehicles for residents living further up Rectory Lane.
- iv) Residential amenity
Proximity of plots 4 and 5 to the Druid Inn is a concern
- v) Affordable housing
No reference to the local housing needs survey conducted by Llanferres Community Council
- vi) Public footpath:
There is still little provision to protect this path from construction work, development or subsequent encroachment by residents.
- vii) Drainage:
Concerns that the development will add to problems of capacity in the area. Many of the dwellings on Rectory Lane are connected to septic tanks

EXPIRY DATE OF APPLICATION: 05/03/2008

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations necessary on additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site extends to 0.37ha in area and is located within the development boundary and conservation area of Llanferres. The site also lies within the Clwydian Range Area of Outstanding Natural Beauty (AONB). The site is currently a field bound by Rectory Lane to the South, the graveyard and Church of St Berres (Grade II Listed Building) to the North, the Druid Inn to the East and public footpath no 69 to the East with Ysgol John Davies beyond.
2. The proposal is for the residential development of land by the erection of 5 no dwellings and the formation of a new vehicular access. Access is proposed off Rectory Lane between proposed units 3 and 4. 2 different types of dwellings are proposed, units 1-3 propose two storey dwellings comprising of living accommodation on the ground floor, 4 bedrooms including an en- suite and bathroom on the first floor and an associated double garage giving an overall living

area of 187.41m² (excludes garage). Proposed units 4 and 5 (affordables) also provide two storey accommodation comprising of living accommodation on the ground floor and two bedrooms and a bathroom on the first floor with an overall area of 72.9m². The materials proposed for the dwellings are mix of local limestone, render, cedar boarding, zinc and photovoltaic (pv) cells for the roof.

RELEVANT PLANNING HISTORY:

3. Application ref no: 21/2005/0870/PF – Erection of 4 detached dwellings and construction of new vehicular access. Refused under delegated powers on the 17th October 2005 for the following reasons:
 1. It is the view of the Local Planning Authority that the proposed residential development, by reason of its layout and design, would conflict with Denbighshire Unitary Development Plan Policies ENV 2, CON 1, CON 5, GEN 6 Criteria ii), iii) and vi), Government Guidance Circular 61/96 and Planning Policy Wales and would not conserve or enhance the character and appearance of the AONB landscape, the setting of the listed St Berres's Church and Llanferres Village conservation area.
 2. In accordance with Policy HSG 10 of the adopted Denbighshire Unitary Development Plan and Supplementary Planning Guidance Note 22 the Council will seek to secure 30% of affordable housing on all sites above a minimum threshold. The proposal does not make provision for affordable housing in accordance with this requirement or provide any alternative arrangement or provision.”
4. Application ref no: 31/12242 – Development of 0.9 acres of land for residential purposes and alteration to existing vehicular and pedestrian access (outline application). Refused on 18th October 1991 for the following reason:
 1. It is the opinion of the District Planning Authority that there is already sufficient land with the benefit of planning permission within Llanferres village and that the release of further land is considered premature, being likely to lead to the too rapid expansion of the village, exceeding local need for housing development in conflict with policy H3 of the Glyndwr District Local Plan, such development being considered damaging to the character and structure of the village.”

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 1 – General
 - Policy STRAT2 – Energy
 - Policy STRAT 5 – Design
 - Policy STRAT6 – Location
 - Policy STRAT7 – Environment
 - Policy STRAT 15 – Housing
 - Policy GEN1 – Development within development boundaries
 - Policy GEN6 – Development control requirements
 - Policy ENV2 – Development affecting the AONB
 - Policy ENV7 – Landscape/ Townscape features
 - Policy CON1 – The setting of Listed buildings
 - Policy CON4 – Indigenous Building Materials
 - Policy CON5 – Development within development boundaries
 - Policy CON11 – Areas of archaeological importance
 - Policy ENP4 – Foul and surface water drainage

Policy HSG4 – Housing development in villages
Policy HSG10 – Affordable housing within development boundaries
Policy TRA6 – Impact of new development on traffic flows

Supplementary Planning Guidance

SPG2 – Landscaping
SPG6 – Trees and development
SPG8 – Access for all
SPG13 – Conservation Areas
SPG14 – Listed Buildings
SPG15 – Archaeology
SPG18 – Nature Conservation and species protection
SPG21 – Parking requirements in new developments
SPG22 – Affordable housing
SPG25 – Residential Development Design Guide

Llanferres Conservation Area appraisal (September 1997)

NATIONAL PLANNING POLICY AND GUIDANCE:

Planning Policy Wales (PPW) (March 2002) as amended via MIPPS 1/2006 –
Housing and 01/2008 – Planning for climate change- design

TAN2 – Planning and Affordable housing
TAN5 – Nature conservation and planning
TAN12 – Design
TAN18 – Transport

Circular 60/96 – Planning and the Historic Environment: Archaeology
Circular 61/96 – Planning and the Historic Environment: Historic Buildings and
Conservation Areas

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of development
- ii) Impact on visual amenity, AONB/landscape and design
- iii) Impact on residential amenity
- iv) Highway considerations and public footpath no 69
- v) Affordable housing
- vi) Nature conservation
- vii) Archaeology
- viii) Drainage

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

i) Principle:

The application site is within the development boundary of the village of Llanferres where the principle of development is considered to be acceptable subject to site specific issues and constraints. The site is also an allocated housing commitment in the UDP which is covered by policy HSG4 – housing development in villages. The comments of the Community Council are noted with respect to the site providing ‘an essential green space in the heart of the village’, the fact remains that the site is within the development boundary and has a residential allocation afforded since 1996. The principle of development is considered to be acceptable and is in accordance with policy STRAT6, STRAT15, GEN1 and HSG4 of the Denbighshire UDP. In addition, the proposal meets sustainability objectives in terms of location, materials and

renewable energy provision, which is in line with advice contained in national planning policy guidance MIPPS 01/2006 and 01/2008.

ii) Visual amenity, AONB/ landscape and design:

The application site is located within the Clwydian Range AONB, the Llanferres Conservation Area and forms part of the setting of the grade II listed St Berres Church. There is local opposition to the impact of the development on these historic and landscape designations. The AONB committee state that the scheme is generally acceptable given it's location within the conservation area and AONB, their concern however lies with the use of zinc and cedar boarding being inappropriate materials in the AONB. The Conservation Architect is in support of the scheme and welcomes the modern design approach and use of zinc and cedar boarding materials within the conservation area and the setting of the listed church. The applicants have clarified the colour of the zinc (dark grey) to be used as part of the development. Members may be aware of the use of this material on the Craft Centre development in Ruthin and it has also recently been approved on the old cinema in the Conservation Area of Denbigh. In terms of the impact of this material on the landscape, the colour is very similar to slate and officer's view would be that in terms of landscape impact, the use of this material would not detract from the character and appearance of the conservation area or the wider AONB landscape. Members are also advised that the proposal does take into account the context of the locality in terms of the use of other materials on the units - local limestone and render - which is characteristic of both the conservation area and AONB and is an approach consistent with advice in TAN12 – Design and policy CON4 of the Denbighshire UDP.

Based on the comments of the conservation architect and the AONB committee, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the conservation area and the AONB, in accordance with policy CON1, CON5 and ENV2 of the Denbighshire UDP. Views of the dwellings from public areas and across the landscape have also been taken into consideration through the natural topography of the site (site levels to remain unchanged) natural boundary treatments (mixed hedging and supplementary tree planting) and the retention of part of the hedge separating the site and Rectory Lane to the south of the site in accordance with advice in SPG2 and 6 and policy ENV7 of the Denbighshire UDP.

iii) Residential amenity:

The concern raised by the neighbours and Community Council in relation to the impact of the development on residential amenity is the proximity of units 4 and 5 to the Druid Inn and the impact of the existing pub use on the enjoyment of the dwellings for any future occupants. There is a distance of 9.4m between the rear of the Druid Inn and the side of proposed unit no 5. Both the existing and proposed buildings are set back from the boundary, which is to be replaced with a limestone wall and additional tree planting. The proximity of the proposed unit to the existing pub is not considered likely to adversely affect the residential amenity of any future occupiers, and the amenity space associated with each dwelling is considered to be adequate and in accordance with criterion v) of policy GEN6.

iv) Highways and public footpath:

The site is bound to the south by Rectory Lane, which is a single width vehicular carriageway serving private dwellings opposite the site. The majority of these dwellings have allocated parking spaces associated with them to the front of the properties. Access into the application site is

proposed off Rectory Lane between proposed plots 3 and 4. A section of the hedge will have to be removed to facilitate this access and the required visibility splay. It is proposed to re plant a hedge behind the visibility splay. Much concern has been raised by neighbours and Community Council in relation to the loss of the hedgerow and the proposed access off Rectory Lane. The highways officers have assessed the proposed access and raise no objections to the proposed development. Adequate turning space is provided within the site along with parking facilities for each dwelling which is in accordance with policy TRA6 of the Denbighshire UDP and advice contained in SPG21- Parking requirements in new developments.

- v) Affordable housing: The proposal is for the erection of 5 no dwellings, which, given the topography of the site and the sensitive context (AONB, conservation area and setting of St Berres Grade II Listed Building) and rural character, is considered a suitable density for the site.

The Authority's Affordable Housing Officer has been in negotiations with the developer to provide 2 no affordable dwellings, which would need to be secured through the signing of a section 106. The details with regards affordable housing are as follows:

Site area	0.37ha
Number of affordable units	2
Type	2 bedroom houses
Floor area	72.9m ²
Tenure	Low cost home ownership / shared ownership
Cost	3 x £37,978 (local income) = £113,934.00
Timing	As per market units
RSL involvement	Tai Clwyd

There are 3 people on the LCHO list and 45 on the social housing list. The proposal to provide 2no affordable units based on the above details complies with the current planning policy requirements of HSG10 and SPG22 and the proposed floor areas are above the minimum requirements.

- vi) Nature conservation:
The site has evidence of birds nesting in the hedge bounding the application site and Rectory Lane. CCW advise that is an offence to damage or destroy the nest of any wild bird whilst it is in use or is being built but recommend the use of a planning condition should permission be granted to prevent disturbance or removal of the hedge during the bird breeding season (end of March to the end of August). This is in accordance with advice contained in SPG18 – Nature Conservation and Species Protection.
- vii) Archaeology:
The site is in an area of known archaeological importance. An archaeological report has been submitted as part of the planning application which has been assessed by the County Archaeologist. As long as the layout remains as proposed, the County Archaeologist raises no objections to the development provided certain conditions are attached to any grant of approval, this is in accordance with policy CON11 of the Denbighshire UDP and SPG15 – Archaeology.

viii) Drainage:

The development is proposed to connect to the existing public sewer. Concerns have been raised by neighbours in relation to the adequacy of the existing system to cater for the increase in the number of dwellings proposed. Welsh Water have been consulted as part of the application process and they raise no objections to the proposed development. Policy EMP4 of the Denbighshire UDP refers to foul and surface water drainage and states that development will not be permitted if it would overload and affect existing sewerage facilities. In this instance this is not the case and the proposed development is in accordance with policy ENP4.

SUMMARY AND CONCLUSIONS:

8. The proposal is for the residential development of 0.37ha of the Glebe land, off Rectory Lane in Llanferres. The proposal involves the formation of a new vehicular access off Rectory Lane and the erection of 5 dwellings of a modern design incorporating methods of renewable energy production (pv cells), associated garages and parking spaces for each dwelling. 2 of the dwellings (plots 4 and 5) are proposed for affordable provision as either low cost home ownership or shared ownership tenure. The application has been assessed by the highways officers who raise no objections to the proposed access off Rectory Lane subject to conditions. Issues with regard to nature conservation can also be covered by an appropriately worded planning condition.
9. The recommendation is subject to the completion of a S.106 obligation under the 1990 Planning Act to secure affordable housing provision in accordance with the details outlined in Section 7 v) of the report.

In the event that the obligation is not completed within 12 months of the date of the Committee, the application would be reported back to the committee and determined in relation to policies and guidance applicable at that time.

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. 1. Prior to the erection and application of any stonework, cedar boarding render and zinc a sample panel of the type of stonework, mortar and pointing, cedar boarding, zinc and render it is proposed to use on the external surfaces of the walls and roof of the development hereby approved shall be constructed on site and the development shall only proceed in strict accordance with such samples as may be agreed in writing by the Local Planning Authority.
3. The proposed access road and visibility splay shall be laid out and constructed strictly in accordance with the submitted plan (drawing number - 6976 /L (9)01 REVISION E).
4. The proposed access road shall be completed to the satisfaction of the Local Planning Authority before the last dwelling is occupied.
5. The car parking accommodation for each plot shall be laid out and constructed strictly in accordance with the submitted plan (drawing number - 6976 /L (9)01 REVISION E) and completed to the satisfaction of the Local Planning Authority before the use hereby permitted is brought into use.
6. Positive means to prevent the runoff of surface water from the site to the highway shall be provided to the satisfaction of the Local Planning Authority and retained so long as the development hereby approved shall remain in use.

7. Foul and surface water discharges shall be drained separately from the site.
8. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.
9. Land drainage runoff shall not be permitted to discharge, either directly or indirectly into the public sewerage system.
10. The platform identified in the archaeological report (CPAT report no 850) submitted as part of the planning application shall be fenced off and protected during construction with details of protection to be further agreed in writing by the Local Planning Authority prior to the commencement of development.
11. 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.
12. No works to remove the hedgerow to form the access into the site shall be permitted to commence during the bird nesting season (end of May to the end of August) in any one year. Any works required to be carried out during this time shall be further agreed in writing with the Local Planning Authority and only the details subsequently approved shall be carried out on site.
13. 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.
14. 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.
15. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of 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. In the interests of visual amenity.
3. In the interests of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. 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.
6. In the interests of highway safety and to prevent damage to the highway.
7. To protect the integrity of the public sewer.
8. To prevent the hydraulic overloading of the public sewerage system, to protect the health and safety of the existing residents and to ensure no detriment to the environment.
9. To prevent the hydraulic overload of the public sewerage system and pollution of the

environment.

10. In the interests of protecting archaeological features.
11. In the interests of archaeological investigation and recording.
12. In the interests of biodiversity.
13. To ensure a satisfactory standard of development, in the interests of visual amenity.
14. To ensure a satisfactory standard of development, in the interests of visual amenity.
15. In the interests of residential and/or visual amenity.

NOTES TO APPLICANT:

Any works (including temporary works) in, under, over or adjacent to any watercourse may require the formal consent of the Environment Agency prior to works commencing. In accordance with the Agency's 'no-culverting' policy, consent for culverting will only normally be granted for site access purposes.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

The activity of importing waste into the site for use as, for example hardcore must be registered by the Environment Agency Wales as an exempt activity under the Environmental Permitting Regulations 2007.

The following notes are brought to your attention:

- i. Highway Supplementary Notes No's 1, 2, 3, 4, 5 and 10
- ii. New Roads and Street Works Act 1991- Part N Form

If a connection to the public sewerage system is required the developer is advised to contact Dwr Cymru/ Welsh Water's Network Development Consultants on 01443 331155

A water supply can be made available to serve the proposed development. The developer may be required to contribute (under sections 40 -41 of the Water Industry Act 1991) towards the provision of new off site and/or on site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connections Design department, Players Industrial Estate, Clydach, Swansea, SA6 5BQ and Tel: 01792 841000 for further information.

Your attention is drawn to the following advisory notes with regards to the public footpath within the site:

- i. There is no diminution in the width of the right of way
- ii. No building materials are stored on the right of way
- iii. No damage to the surface, temporary or permanent; if the surface is to be altered, a licence will be required. This can be obtained by contacting the Public Rights of Way Section on 01824 706872
- iv. Vehicle movements should not interfere with the public's use of the way
- v. No additional barriers are placed across the right of way of either temporary or permanent nature
- vi. The safety of members of the public using the right of way is ensured at all times

ITEM NO: 10

WARD NO: Prestatyn East

APPLICATION NO: 43/2008/0375/ PS

PROPOSAL: Variation of condition no. 11 of outline planning permission code no. 43/1997/0910/PO for Tesco store to allow commencement of on site works prior to required highway alterations

LOCATION: Land At High Street Prestatyn

APPLICANT: Tesco Stores Limited

CONSTRAINTS: C1 Flood Zone
Listed Building
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

15. PRESTATYN TOWN COMMUNITY COUNCIL
"Objection – Current planning conditions are considered satisfactory and there should be no change."
16. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 02/06/2008**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application relates to the Tesco store development at the bottom (north) end of Prestatyn High Street. Permission was granted in November 2000 for the following development:

"Development of 2 hectares of land by the erection of a foodstore with cafeteria, petrol filling station, taxi kiosk, small retail unit, tourist information centre and canopy, associated parking and service areas. Formation of 3 roundabouts and alterations to town centre access arrangements."
2. The above outline planning consent included a planning condition (No. 11) which required the developer to submit details of the highway alterations prior to the commencement of the development. A subsequent reserved matters approval

was granted on 26th July 2006 (Ref: 43/2003/1060/PR). The planning permission pertaining to this development is due to expire on 26th July 2008.

3. The current proposal seeks to vary the original planning condition No. 11 which required the details of the highway alterations prior to commencement of development. The reasons behind seeking this variation are twofold. Firstly, there has been a lengthy legal process involving a challenge to the use of Compulsory Purchase Powers in relation to the Tesco development. This process was only resolved in December 2007. Secondly, given the delay just outlined Denbighshire County Council's own intended highway alterations for the area of Prestatyn around the bus station will now clash with works originally shown by Tesco. As such, the applicant does not wish to further delay the start of their development, given the impending expiry of the planning permission, and must revise their highway alterations having regard to other highway works proposed by Denbighshire County Council.

RELEVANT PLANNING HISTORY:

4. 43/1997/0910/PO – Development of 2 hectares of land by the erection of a foodstore with cafeteria, petrol filling station, taxi kiosk, small retail unit, tourist information centre and canopy, associated parking and service areas. Formation of 3 roundabouts and alterations to town centre access arrangements. – GRANTED 30/11/2000

43/2003/1300/PR – Detailed planning consent of above outline – GRANTED 26/7/06

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy TRA 6 – Impact of Development Traffic Flows

GOVERNMENT GUIDANCE
TAN 18 – Transport

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of variation of condition.
7. In relation to the main planning considerations identified in paragraph 6 above:
 - i) The original condition sought to ensure that the necessary details of the intended highway alterations in and around the Tesco site were submitted and agreed prior to the commencement of development. This condition was imposed some 8 years ago. Whilst the developer is fully aware of the need to comply with this condition and make the necessary highway alterations around the High Street / Bridge Road area, Denbighshire County Council have a scheme of highway works which impinge on areas of the same highway. The developer will remain obliged to carry out their works due to the original legal agreements, however, the timing issue is of fundamental importance now.

Tesco and Denbighshire County Council highway engineers have been working closely to ensure that an overall, workable scheme for the High Street and nearby roads is produced. The Denbighshire County Council

highway engineers welcome this current proposal to vary the condition as this will allow for their own works to be undertaken in tandem with those of the developer.

Varying the condition will allow a much delayed food retailing scheme to progress within the legal commencement period and enable highway alterations to be co-ordinated for the benefit of the town as a whole.

SUMMARY AND CONCLUSIONS:

8. There are valid and practical reasons to vary the original condition which are supported by Denbighshire County Council highway engineers.

RECOMMENDATION: GRANT- subject to the following varied condition:-

1. The highway alterations, details of which shall be submitted to and approved in writing by the Local Planning Authority, shall be carried out, substantially completed and be available for use in accordance with the approved plans prior to the commencement of the use of the foodstore and petrol filling station. Such details shall include the layout, design, surfacing, means of construction, drainage, lighting, signage, road markings and traffic calming for the carriageways, roundabouts, footways, cycleways and crossings.

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

1. In the interests of highway safety.

NOTES TO APPLICANT: None

ITEM NO: 11

WARD NO: Rhyl West

APPLICATION NO: 45/2007/0243/ PO

PROPOSAL: Development of 0.09 hectares of land for residential purposes and construction of new vehicular/pedestrian access (outline application seeking approval of means of access)

LOCATION: Land at 52 Crescent Road off Gordon Avenue Rhyl

APPLICANT: Mr J Roberts

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

17. RHYL TOWN COUNCIL

Awaiting response on amended description. In relation to the original proposal: "OBJECTION - the development if approved will result in further development in an area already suffering from over intensification of housing development. If possible land should be acquired and retained as public open space."

18. HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to conditions

19. WELSH WATER

No objection

20. ENVIRONMENT AGENCY

The site lies entirely within a C1 flood zone. An FCA has been submitted to support the application. Raise no objections subject to the inclusion of conditions to deal with floor levels.

RESPONSE TO PUBLICITY:

Letters of objection received from the following:

1. Mr. & Mrs. D. Griffiths, West Dale Guest House, 43, John Street, Rhyl
2. Mrs. B. Pryce, 47, Pendyffryn Road, Rhyl
3. Lynn Roberts, Or Diwedd, 7, Gordon Avenue, Rhyl
4. Mr. & Mrs. Ambrose, Erryl, 3, Gordon Avenue, Rhyl
5. The Owner/Occupier, Dudley House, 2, Gordon Avenue, Rhyl
6. P. Cullibrand, Dudley House, 2, Gordon Avenue, Rhyl
7. The Owner/Occupier, Willow Ban, 5, Gordon Avenue, Rhyl
8. Mr A. S. Williams, 29 Gronant Street, Rhyl
9. Mohan Namasivayam & Ambilimol Shanmukan, 1 Gordon Avenue, Rhyl

Summary of planning based representations:

- i) Concerns in relation to the impact on visual amenity, loss of light and overshadowing
- ii) Highway safety, additional traffic generation and adequacy of parking, loading and turning facilities
- iii) Concerns about heavy machinery and the possibility of this causing damage to adjoining properties foundations (especially no 7 and the garage adjoining the site) and a risk of flooding.
- iv) Noise and disturbance resulting from use and smells
- v) Contrary to west Rhyl regeneration strategy (March 2006) – this proposal will negatively affect this regeneration programme. Overcrowding a small plot of land.
- vi) Contravention of PPS 3 – Housing
- vii) Contravention of Rhyl Going Forward Strategy and Key Investment Programme (April 2004)

(PPS3 – Housing is an English national planning policy statement and is not applicable in Wales.)

EXPIRY DATE OF APPLICATION: 06/05/2007

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is the development boundary of Rhyl and extends to approximately 0.09ha. The site is bound on Gordon Avenue (to the south west) by a wall of approximately 1.8m in height which extends along the rear of 34 – 21 John Street (to the south east) and round to the rear of 31 – 15 Gronant Street (to the north west). A depot building (now in use as a gym) bounds the site on the north east side. The site was formerly used as a boat yard but this use ceased some time ago and it is now vacant.
2. The proposal is in outline form for a residential development, with means of access only to be agreed at this stage. The access is proposed off Gordon Avenue.
3. The original submission included the siting of a building for the development of 4 flats but negotiations with officers have resulted in this element of the scheme being removed, with access only to be agreed at this stage.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT1 – General
 - Policy STRAT6 – Location
 - Policy STRAT11 – Regeneration
 - Policy GEN1- Development within development boundaries
 - Policy GEN6 – Development control requirements
 - Policy ENP4 – Foul and surface water drainage
 - Policy ENP6 – Flooding

Policy TRA6 – Impact of new development on traffic flows

GOVERNMENT GUIDANCE

Planning Policy Wales – (PPW) - (March 2002)

TAN15 – Development and Flood Risk (July 2004)

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
- i) Principle of development
 - ii) Highways
 - iii) Flooding / drainage
 - iv) Amenity issues
7. In relation to the main planning considerations noted above:
- i) Principle:
The application site is in the development boundary of Rhyl and is surrounded by predominantly residential properties. The land meets the definition of previously developed land or Brownfield land in section 2.7 of PPW. STRAT 1, 6, and 11 relates to the re- use of derelict, vacant and under used land within defined settlement boundaries and the principle of development is therefore acceptable.
 - ii) Highways:
Concerns have been raised by adjoining occupiers in relation to highway safety, additional traffic generation and the adequacy of parking, loading and turning facilities proposed for the site. The application seeks approval for means of access only at this stage, which is proposed off Gordon Avenue. The highways officer has assessed the site and raises no objections to the proposed development subject to the submission of the full construction details at a later stage. The proposal therefore is considered to be in accordance with policy TRA6 of the Denbighshire Unitary Development Plan.
 - iii) Flooding / drainage:
The site is located within the C1 flood zone as identified in TAN15. The site is brownfield land within the development boundary. A Flood Consequence Assessment has been submitted as part of the planning application and has been assessed by the Environment Agency. No objections have been raised from the Environment Agency in relation to the impact of the development on flooding, the proposal is therefore considered to be in accordance with policy ENP6 and advice in TAN15 – Development and Flood Risk.
 - iv) Amenity issues:
Concerns are expressed over: impact on visual amenity, loss of light and overshadowing, heavy machinery and the possibility of this causing damage to adjoining property foundations, noise and disturbance resulting from use and smells, contrary to west Rhyl regeneration strategy and the Rhyl Going Forward Strategy and Key Investment Programme.

The concerns with regards to visual amenity, loss of light and overshadowing are not an issue at outline stage as no details of any building on site are to be agreed at this stage. Careful siting of a building / buildings on this site can address concerns in relation to overshadowing and loss of light. With regards to the impact of the development on the foundations of other properties, the onus is on the developer to make sure that the land is suitable for the development proposed and any impact on neighbouring properties is the

responsibility of the land owner, not the Local Planning Authority.

The strategic aims of the west Rhyl regeneration strategy and the Rhyl Going Forward Strategy should be familiar to members, and the overall objective of these strategies is to redevelop vacant and underused land for regeneration purposes. The development is consistent with these strategic documents.

SUMMARY AND CONCLUSIONS:

8. The proposal is for the residential development of 0.09ha of land within the development boundary of Rhyl. The application is for outline permission with means of access only to be agreed at this stage. The principle of development is acceptable and the highways department have raised no objections to the proposed development. The Flood Consequence Assessment has been assessed by the Environment Agency and there are no objections raised on the grounds of flooding.

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. If at the reserved matters stage the number of residential units proposed on the site is equal to or exceeds three (3), no development shall commence until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision of affordable housing as part of the development. Such details shall include:
 - (i) 30% affordable housing units and the type and location to be determined;
 - (ii) timing of the construction of the affordable housing;
 - (ii) the arrangement to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.
5. Floor levels should be set no lower than 6.28 metres above Ordnance Datum.
6. Mitigation measures outlined in the FCA Ref 3361 (October 2007) must be incorporated into the design and construction of the dwellings.
7. Full details of the design and construction of the access and parking shall be submitted to and approved in writing by the Local Planning Authority before any works start on site.
8. Foul and surface water discharges shall be drained separately from the site.

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 order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Unitary Development Plan.
5. To protect the development from flooding.
6. To protect the development from flood damage.
7. To ensure the formation of a safe and satisfactory access and to provide for the parking of vehicles clear of the highway.
8. To protect the integrity of the public sewerage system.

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). Tidal flood warnings are available for properties in Rhyl. Future occupants should be advised to register for this service, please contact the Environment Agency's Flood Warning Department on 0845 988 1188 for further information. Your attention is drawn to paragraph 13.9.2 of Planning Policy Wales (March 2002) which informs that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or land owners.

ITEM NO: 12

WARD NO: Rhyl East

APPLICATION NO: 45/2007/0635/ PO

PROPOSAL: Development of 1.24ha of land by the demolition of existing clubhouse and erection of 15 no. apartments and 5 no. detached houses; erection of new clubhouse and construction of new vehicular access and provision of flood defence wall (outline application)

LOCATION: Rhyl Golf Club Rhyl Coast Road Rhyl

APPLICANT: J & T Gizzi (Builders) Ltd.

CONSTRAINTS: Article 4 Direction
C1 Flood Zone

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

CONSULTATION RESPONSES:

21. RHYL TOWN COUNCIL

'No objection subject to consultation with properties in adjoining roads.'

22. ENVIRONMENT AGENCY WALES -

Initial response

Original concern to develop this site remain; issue of access/egress needs resolving ; the acceptability of residents being isolated within their dwellings; the issue of installing demountable defences on the concrete sea wall is unresolved. Advise that the installation of these defences should be confirmed in writing prior to any permission being granted.

Second response -on receipt of updated Flood Consequences Assessment

Recommend that development is not permitted in this location;

- i. The consequences of flooding cannot be adequately managed, in accordance with TAN 15 guidelines. Additionally, DCC's own Strategic Flood Consequences Assessment has, through breach modelling, highlighted the tidal source flood risk posed to the site.
- ii. In working with the developer to maximise the development's safety, initial response remains valid, but confirms that all reasonable steps undertaken by the developer to safeguard flooding risks with the development::
 - The installation of a secondary defence;
 - The development of two storey (as opposed to single storey) dwellings;
 - Incorporation of flood proofing into building design, will aid residents in staying safe in an extreme flood event. However, notes that, whilst floor levels could be high enough to minimise flood risk (remaining dry in a flood event), isolating residents within their properties, potentially surrounded by deep flood water, is not a sensible approach, nor is it acceptable to increase the burden placed on emergency services (PPW 13.4.4). Additionally, are concerned at the apparent increase in

proposed dwelling numbers since developer commenced discussions.

23. DCC CIVIL CONTINGENCIES MANAGER – Advises that;

- Whilst the proposed site benefits from existing coastal flood defence It is within an area identified by the Environment Agency as Zone 3 Flooding.
- The area is known to have flooded during the 1990 North Wales Coastal Floods, and is historically subject to regular overtopping of the sea defences during severe weather.
- In the event of a coastal flood incident the residential development would add additional burdens to the emergency services and the local authority in relation to evacuation, emergency welfare provisions and emergency accommodation.
- Whilst flood resilience measures can be incorporated into residential design, there remains the potential for persons to become isolated in their properties in the event of flooding.

24. WELSH WATER

No objections, subject to conditions for separate foul and surface water drainage.

25. DENBIGHSHIRE HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection, subject to standard conditions on matters of detail. The developer will need to relocate a bus stop as part of a legal agreement.

26. COUNTRYSIDE COUNCIL FOR WALES

Initial response

Advises with regard to:

- i. Protected Species – with site potential to support protected species, recommends conditioning an ecological survey (in accordance with relevant standards and details), including adjoining land, to include relevant avoidance measures and conservation schemes, including creation of new water features.
- ii. 'Supplementary flood defence measures.' – expresses concerns regarding those measures impinging on the beach, and suggests that the Local Authority is consulted for a strategic approach to flood defences in the area.

CCW are unclear whether the additional flood defence measures will entail work along the foreshore. If so, have concerns on impact upon important marine habitats (Hydroid Rockpools and Piddocks in peat and clay deposits).Advise that detailed maps are available and recommend that an up to date ecological survey is undertaken to establish present distribution of intertidal habitats and mitigation or avoidance measures should be identified.

Second response – (on receipt of updated Flood Consequences Assessment)

Advises that whilst the document relates to the flooding of the area, it does not address the points previously raised (as above response), and presumes that these will be addressed at a later stage.

27. DCC COASTAL DEFENCE OFFICER

Advises that a report which has been commissioned to consider a strategy for bringing all Denbighshire's coastal defences up to a uniform standard is expected to be completed by late July 2008. A draft version of this report indicates that the

defence in the vicinity of the proposed development is below the standard of the majority of Denbighshire's coastline. Remedial works to the existing defences would ensure a uniform standard of defence. It would be intended to upgrade the defences when funds permit. Suggests that a financial contribution from the developer could permit an earlier start on the remedial defence works in the vicinity of the proposed development.

28. DCC COUNTY ECOLOGIST

Advises that :

- The proposed clubhouse is located within a reedbed. Although not forming part of the Ffrith Wildlife Site. There is a preference for the buildings to be located within a less sensitive area, e.g. further west towards Rhyl, or to the north nearer the pumphouse, to avoid impact on biodiversity.
- The reedbed is valued as a nesting habitat for e.g. reed bunting and sedge warbler. Reedbeds are scarce in the county, including on the coast.
- A semi-natural features ('roughs') plan showing proposals for the retention and management of biodiversity within the course should be produced

29. VALE AND DISTRICT BADGER GROUP

Advise that they object to potential impact on protected species, and state that an environmental survey should be undertaken, including possible mitigation measures.

30. DCC PARKS AND GARDENS OFFICER

Unable to support the proposal on the following basis;

The proposal does not provide any on site or off site commuted sums for open space provision. Additionally, without any commuted sums towards open space provision (either on or off site) there are fundamental objections to the lack of open space either formal or informal on the development

With 20 properties proposed, DCC Open Space Policy requires 1440sq m of CROS and 480 sq m of children's play space. Additionally, there should be £38,381 Capital investment in open space provision and £25,056 for maintenance. Failure to comply with these requirements is contrary to policy. Advises that Rhyl suffers considerably from the lack of such provision.

This area of Rhyl has no informal or formal, fully accessible open space. Advises that the golf course cannot be included in this definition as it is a private facility. The nearest formal children's play area to this site is a very small play area on a corner between 2 houses in Sholing Drive 420 m away and across the Coast Road, with nothing else in this area and the nearest informal recreational area is on East Parade.

Concludes that the development fails to comply with, in particular REC 1 criteria for the above reasons, given that it fails in so many areas to comply with current demands and requirements for open space and play area development.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Ms Carol Hough, 186 Coast Road, Rhyl
2. Mrs L Pearson, Mrs J Rollinson, Peter Sorrill, Fladbury, 40 Innage Rd, Northfield, Birmingham B31 2DYMr.
3. M. Hughes, 16, Hammond Court, Rhyl

4. Peter Sorrill, 1 Brynhedydd Bay, Rhyl
5. Mr R J Beckinsale, 1 Llys Eirlys, Park View, Rhyl
6. Chris Ruane M.P.A./S.

Objections (letters 1 – 5)

Basis of objections:

- i) Drainage - drain and sewerage system already overloaded; storm water currently not running off site into the golf course – where will the proposed situation involve?
- ii) Flood - golf course on part of the Flood Plain; extra consideration to ways of preventing flooding in Bryn Hedydd Bay; land is liable to flooding – goes against UDP CP Z4 and increased flood risk; REC 7 iii - causing increase danger to public by flooding.
- iii) Highways – Coast Road includes a cycle path; drivers misjudge road width
- iv) Design - inappropriate with two storey; four bedroomed units out of keeping with current locality with bungalows; with increased height (floor levels 1500mm) above ground level; fifteen apartments out of character; proposed ground level 1.67 higher than existing levels; roofline should be reduced to remain in character with other properties.
- v) Viability – proposed development will not necessarily guarantee a lifeline for the club.
- vi) Protected Recreational Area – Rhyl Town Council promised that the golf course would never be built on – the land is protected open space GEN 5 and REC1.
- vii) Amenity – overlooking into adjacent properties and affecting current privacy levels; not the Council's duty to save private companies.
- viii) Others – relationship of a 9 hole golf club to size of double storey club house; existing rights of way from properties to the Golf Club car park.; existence of covenants prohibiting building developments between existing residential properties and the sea.;

Support (letter 6)

Basis of support;

- i) Historical - Rhyl Golf Club has long tradition in the town
- ii) Tourism & leisure – enhanced facilities, located in one of Rhyl's key tourist area, for both tourists and locals; with future Ryder cup coming to Wales heightened a renewed interest in golf; particularly for young people of Rhyl
- iii) Others - on the basis that the application is supported by local people, would like to add to the support.

EXPIRY DATE OF APPLICATION: 11/09/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations/consultations
- additional information required from applicant
- amended plan with re-consultations necessary

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This is an outline planning application which includes consideration of the means of access and siting of buildings. All other remaining matters of detail (in this case, design of buildings; external appearance and landscaping) would be dealt with at a later stage. The proposal involves the demolition of the existing golf club house building, together with other buildings and structures, the erection of 15 flats and five detached houses, and the erection of a new club house in a new location, as shown on the plan accompanying this report.
2. The agent advises that the proposal is submitted as an 'enabling development', in respect of safeguarding the existing Rhyl Golf Club building, which is described as outdated and the use unviable.
3. The application represents a 'departure' proposal from the current Unitary Development Plan as it is a housing scheme proposed outside the development boundary for Rhyl and on a protected open space (protected by Policy REC 1). The application has been advertised in the local press accordingly.
4. The Rhyl Golf Course includes land situated between the development boundaries of the towns of Rhyl and Prestatyn. Vehicular access is off the Rhyl Coast Road. A public footpath exists along part of the north westerly boundary, with a Bus Stop at the vehicular access junction with the Coast Road.
5. The existing Club House is a 'T' shaped, single storey, pitched roof construction. Other existing buildings and structures situated within the vicinity include a detached pro golf shop; two no. telecommunications pole facilities; a detached tractor storage building and a water storage container; and portacabin.
6. Parts of the existing golf course include wildlife habitats, with reedbeds located on the site for the new club house area.
7. To the north of the existing club house and part of the golf course lies a coastal cycle route, running parallel with the coastline and along the north west boundary is a former Council car park. The majority of the westerly and southerly boundary is bounded by, predominantly, single storey, detached bungalows/dwellings, with the existing, '9 Hole' golf course to the east. Further east lies the Ffrith Wildlife site. Further south, across the Coast Road, lies a large caravan park.
8. Whilst the exiting club house, associated buildings, together with the vehicular access point and driveway lie within the ownership of the Rhyl Golf Club, the golf course itself lies within the ownership of Denbighshire County Council. The relevant planning procedures involving serving of appropriate notices on the Council have been completed.

A number of plans are submitted as part of the proposal, including the following;

'illustrative purposes only' plans for the following;

- New clubhouse – ground; first floor; elevations
- Residential apartments – ground; first floor; elevations,

Plans for formal consideration:

- Site layout plan for the new club house – which includes 86 car parking spaces; 8 no spaces buggy park; 'Green Keepers Shed and store for buggies', new vehicular access point; a 416 sqm club house; putting green. The overall site area amounts to approximately 5,500 sqm

- Site layout plan for the proposed residential development; extent of secondary sea defence wall/works; embankment ; works in connection with surface water dispersal from adjacent DCC hard standing area ; ground floor and road levels; 'visitor car parking' (along northern edge) for 12 car spaces; 20 car spaces centrally positioned within the site in connection with the proposed flats; Longitudinal cross section of part of the site; Description of residential units to include; 7 no.3 bedroom; 8 no. 2 bedroomed;4 no 3 bedroomed detached houses; 1 no. 4 bedroomed detached house.

The proposed new, secondary sea defence wall, includes a new channel to allow dispersal of surface water from the adjacent Council hard standing/former parking area.

The proposal also involves improvements and widening of the existing vehicular access point, in respect of the proposed residential area. Foul water disposal is intended via the public sewer, with surface water via surface water drain. However, no detailed drainage plans are included.

In terms of employment, the forms indicate three full time and three part time jobs; the proposal would result in 7 full time and four part time jobs.

The following reports accompany the submission;

- Proposed Business Plan (dated January 2007 received May 2007)
- Flood Consequences Assessment (received August 2007)
- Design and Access Statement (received January 2008)
- Revised Development Appraisal (received January 2008)

The Business Plan identifies the current business context, including current staff of "four direct staff, one steward, one secretary, two green keepers and two part time staff", and that the Golf Club is owned by the members, but with a change planned for 2007 into a " Community Armature Sports Club ". It highlights that the Golf Club is in debt; refers to detailed financial information, including a loan from the applicant, and a summary model for the following 3 years. It also includes reference to rental income via telecommunication masts.

The Flood Consequences Assessment provides details regarding existing and future flooding issues. It includes reference to two existing openings in the section of sea wall adjacent to the proposed residential site, outside the control of the applicant. It also suggests further considerations required for surface water systems and suggested mitigation measures.

The Design and Access Statement makes reference to a number of buildings within the existing club house site; residential area to the west; and highlights attention to needs of people with disabilities, including road levels and access ramps.

The Development Appraisal details are referred to later in the report.

RELEVANT PLANNING HISTORY:

9. The following is a list of applications dealt with during the last 20 years;

Code	Proposal	Decision	Date
RYL/316/86	Single storey golf stores building	GRANT	14/10/86
RYL/245/90	Partial demolition of existing fire damaged clubhouse and erection of new club house facilities	GRANT	17/07/90
RYL/462/90	Partial demolition of existing clubhouse and erection of new extension to premises	GRANT	19/12/90
45/467/98/PF	Erection of detached garage(for steward)	GRANT	20/07/98
45/2000/1022/AD	Retention of display signs(partly in retrospect0	REFUSE	01/02/01
45/2001/256/PF	Erection of replacement professional shop	GRANT	10/04/01
45/2001/0757/TB	Erection of 12.5 m high telecommunicationsmast7 associated equipment cabinet	APPROVE	10/09/01
45/2002/170/PF	Installation of water tank and pumphouse for course automated watering system.	GRANT	07/08/02
45/2003/1332/TA	Installation of 12 m high monopole mast, etc ad 1.3 m high fencing to compound.	GRANT	24/12/03
45/2004/120/TA	12 high monopole mast, etc with 1.8 m high fencing to compound	APPROVE	30/03/04
45/2005/1250/TA	Upgrading of existing mast to 15 m high flag pole style column and resiting of existing equipment	Prior approval not required	06/12/05

PLANNING POLICIES AND GUIDANCE:

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

- Strategic Policies 1, 5, 6,,7 , 9,13,15,16
- Policy GEN 1 – Development Within Development Boundaries
- Policy GEN 3- Development outside development boundaries
- Policy GEN 5- Green barriers
- Policy GEN 6 – Development Control Requirements
- Policy GEN 8 – Planning Obligations
- Policy GEN 10 – Supplementary Planning Guidance
- Policy ENV 1 – Protection of the Natural Environment
- Policy ENV 5 – Sites of local Conservation importance
- Policy ENV 6 – Species Protection
- Policy ENV 7 – Landscape /Townscape
- Policy ENP 1 – Pollution
- Policy ENP 4 – Foul and Surface Water Drainage
- Policy ENP 6 – Flooding
- Policy CPZ 1 – Development Within the Coastal Planning Zone
- Policy CPZ 2 – Design in Coastal Planning Zone Development
- Policy CPZ 4 – Coastal Defence and Flooding
- Policy CPZ 6 – Public Access
- Policy HSG 2 – Housing Development in Main Centres
- Policy HSG 5 – Groups of Houses in the Open Countryside
- Policy HSG 6 – New Dwellings in the Open Countryside
- Policy HSG 10 – Affordable Housing Within Development Boundaries
- Policy EMP 4 – Employment Development Within Development Boundaries
- Policy TSM 1 – Tourism Development

Policy REC 1- Protection of existing open space
Policy RET 2 – Amenity and Recreational Open Space Requirements in New Developments
Policy REC 7 – Golf Developments
Policy TRA 1- Public Transport
Policy TRA 6 – Impact of New Development on Traffic Flows
Policy TRA 9 – Parking and Servicing provision
Policy TRA 10 – Public Rights of Way
Policy TRA 11 – Walking and Cycling Routes
Policy TRA 14 –Telecommunications

The local connections policy for affordable housing (adopted June/July 2007)

Supplementary Planning Guidance

SPG 2 – Landscaping in New Developments
SPG 4 – Open Space Requirements
SPG 7 – Self Contained Flats and Houses in Multiple Occupation
SPG 8 – Access for All
SPG 18 – Nature Conservation and Species Protection
SPG 21 – Parking
SPG 22 – Affordable Housing
SPG 25 – Residential Development Design Guide

Other Council Documents

Rhyl Going Forward April 2004

GOVERNMENT GUIDANCE

Wales Spatial Plan November 2002
Planning Policy Wales March 2002
TAN 2 – Planning and Affordable Housing 2006
TAN 5 – Nature Conservation and Planning 1996
TAN 11 – Noise 1997
TAN 12 – Design 2002
TAN 13 – Tourist 1997
TAN 14 – Coastal Planning 1998
TAN 15 – Development and Flood Risk 2004
TAN 16 – Sport and Recreation 1998
TAN 18 – Transport March 2007
TAN 19 – Telecommunications

DRAFT TANS

5 – Nature Conservation and Planning

MINISTERIAL INTERIM PLANNING GUIDANCE

01/2006 -Housing
01/2008 - Planning for good design

MAIN PLANNING CONSIDERATIONS:

11. The main considerations are:
 - i) The principle of the development taking into account national and local planning policies, site specific designations, the residential and leisure element, flood risk, development within the coastal zone; development appraisal conclusions.
 - ii) Impact on highway safety.
 - iii) Protected species and nature conservation.
 - iv) Landscape and visual impact

- v) Impact on residential amenity.
- vi) Affordable housing provision.
- vii) Open space provision.
- viii) Flood risk and drainage issues.
- ix) Planning obligations.

12. In relation to the main considerations in paragraph 11

i) Principle

The site lies outside the development boundary of the town. There are restrictive policies on new development outside town boundaries in policies GEN 3, REC 1, GEN 5 and CPZ 1, which set strict tests for such proposals.

With specific reference to the above policies it is difficult to conclude that the proposal can be considered as a small development; that it will provide an overall community gain; that it retains the existing character and appearance of the designated Green Barrier and, that for the housing element in particular, an essential coastal location is necessary. There are basic 'in principle' conflicts with the main policies.

The particular impacts of the development are assessed further in the report.

Principle of residential development

Rhyl is a main centre as defined by policy HSG 2 of the UDP. In planning policy terms, the housing development would lie outside the defined development boundary for Rhyl. In this situation, the proposal represents a 'departure' in that it is contrary to the policies of the Unitary Development Plan. Other than proposals involving individual, essential agricultural and/or forestry workers dwellings, the UDP contains no policies providing scope for new schemes outside the boundaries for main centres. Neither does the housing scheme comply with the 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)

As the application represents a departure from current policies, to justify the grant of planning permission it would be necessary to demonstrate overriding circumstances apply 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.

MIPPS 1/06 advises that in developing sustainable, new houses outside existing settlements have to be strictly controlled. It mentions the character of the surroundings amongst the issues to consider, and highlights that significant incremental expansion of housing should be avoided, if this results in unacceptable and unsustainable expansion of travel demand.

Principle of leisure development

Policy REC 7 requires any new buildings /structures to be sited close to existing buildings and to blend into the landscape in terms of siting, (amongst other criteria).

The plans submitted include a 2 storey, modest sized clubhouse building, centrally positioned along the Coast Road, in isolation from any other buildings/structure. The siting of buildings requires full consideration as part of this outline application. Additionally, criteria i) and ii) of Policy REC 7 requires

careful attention to landscape and conservation considerations, with the policy explanation encouraging developers to draw up management plans for ecological interests. Both the Countryside Council for Wales and the County Ecologist have highlighted ecological concerns with the application.

Principle taking into account flood risk issue.

The proposed housing site location is within the Flood Risk C Zone area. All residential premises are classified as 'highly vulnerable development', and not permitted. In this case in a C1 flood zone para 6, TAN 15 requires that a proposal is 'justified' in this location and that there is a full consideration of the acceptability of consequences. The proposal can only be justified if it can be adjudged to satisfy all the requirements of paragraph 6, in that;

- a) *It assists/forms part of a Local Authority regeneration initiative or a local authority strategy required to sustain an existing settlement.*
- b) *It contributes to key employment objectives*
- c) *It concurs with the definition of previously developed land, and*
- d) *The potential consequences of flooding have been considered in line with required criteria.*

With reference to the justification tests, and on the basis of the information/details submitted:

- a) It is difficult to conclude that the proposal assists with the key strategy and initiatives for the area, namely the Rhyl Going Forward Regeneration Plan and the Unitary Development Plan. Their emphasis lies on a coherent and sustainable approach to develop key sites and to achieve identified social and community objectives and initiatives;
- b) There are very limited leisure related employment objectives involved.
- c) The area of previously developed land is restricted to only that area involving the existing club house. Overall, in relation to flooding consequences, it is not accepted that the development would meet the relevant tests.

Development within the coastal zone

CPZ 1 applies strict controls for development within the Coastal Planning Zone, with the aim of preservation and enhancement of coastal character and features, and landscape. Effect on nature conservation has to be considered. Policies CPZ 2, CPZ 4, CPZ 6 relate to the need for high design standards, and proper provision for surface water disposal, amongst a list of criteria.

With the limited details and information in the current submission, it is difficult to conclude that the proposal complies with these policy aims/tests.

Development appraisal conclusions.

The proposal is submitted on the basis of 'enabling development', namely a proposal where there is a policy objection (as listed previously in the report) but there is a 'gain' being argued which should be set against the conflict. In this case, the proposal is based on retaining the viability and function of Rhyl Golf Club.

The Development Appraisal sets out the financial reasons for having to develop the proposed housing scheme to facilitate a new club house. The development appraisal has been scrutinised in detail by colleagues in Development Services. The conclusion reached is that, with due regard to the

Club's financial situation, there are a number of issues to note with the Appraisal;

- There is no allowance for land costs; finance or other matters, such as demolition, contingencies or other unknowns such as abnormalities, affordable housing, public open space, habitat restoration, mitigation or flood alleviation costs.
- A developer profit of 15% of the gross development value is the norm, as opposed to the Appraisal's 20%
- The valuation by DCC confirms a negative value, and includes no abnormal costs.

The conclusion is that the enabling development would not generate sufficient capital to cover the construction costs for the new club house and the housing development.

ii) Impact on highway safety.

The County Highways Officer has taken on board issues of the scale and impact of the proposal, and subject to the inclusion of conditions, considers the scheme acceptable, including the repositioning of the existing bus stop, to be set back from the junction/visibility lines. These works would have to be at the expense of the developer.

The proposal is therefore not considered in conflict with GEN 6 criteria vi) and vii) , TRA 1, TRA 6, TRA 9, TRA 10, TRA 11 and SPG 21 or TAN 18.

iii) Protected species and nature conservation

In respect of policies GEN 6, criteria ii) ENV1,5,6,7, REC 7,criteria ii), CPZ1 criteria ii) - b) c) together with SPG 18 and TAN 5 (including the Draft TAN), in the absence of the necessary wildlife surveys and details identified earlier in the report, it is difficult to conclude that the development is acceptable. Effects on nature conservation, particularly protected species and habitats are significant material planning considerations.

iv) Landscape and visual impact

The site lies in a sensitive location, and the proposed club house would appear as a new building in an otherwise open and undeveloped part of the Green Barrier. Additionally, given the scale of redevelopment involved, including ground level/heights (as a flood mitigation measure), and the predominant character of surrounding residential properties, the proposal raises a number of in relation to GEN 6, criteria i) ii), GEN 5 and ENV1

v) Impact on residential amenity.

In looking at the distances between the proposed and existing, residential properties, the relationship with 186 Brynhedydd Bay, and to a lesser extent, the new dwelling under construction at 3 Brynhedydd Bay, suggests the potential for direct overlooking into the property and garden area, and an overbearing impact. The proposal would not achieve an acceptable level of privacy and amenity standards in accord with GEN 6 criteria i) and v) in respect of this relationship.

vi) Affordable housing provision.

The Council has an affordable housing policy and related SPG. The agent states that the " provision of affordable housing would seriously prejudice viability of the scheme, and therefore, the future of Rhyl Golf Club. Accordingly, the requirement for affordable housing provision should be clearly waived in this case in order to secure other community benefit in the form of retention of the Golf Club as a valued and improved community

facility”.

Rhyl town has an identified need for Affordable Housing. The current policy refers to a minimum threshold of 30% provision and that negotiations could include a higher threshold. The current affordable housing waiting list for Rhyl, as well as other Main Centres, is significant, and there are few schemes in progress currently. In this context it is suggested the case to waive affordable provision based on the arguments given, cannot be justified.

vii) Open space provision.

The Council has an adopted policy, with an accompanying SPG, relating to open space requirements, which currently applies to developments of 10 or more units. The proposal includes no off site; on site or financial contribution in lieu. There exists a significant need in the locality for open space provision.

On this basis, the proposal is considered in conflict with policy REC 2

viii) Flood risk and drainage issues.

In line with TAN 15 advice, the proposal is considered, as outlined earlier in the report (i) Principle) to fail the justification tests. It follows that the proposal would not comply with policies GEN 6, criteria (x) and ENP 6.

ix) Planning obligations.

In line with the approach included in policy GEN 8, obligations can be considered to cover various issues. However, GEN 8 highlights that they should not be used to support or approve unacceptable proposals on the basis that some other ‘gain’ is offered to the community. Planning Obligations are accepted as representing a standard requirement for most applications involving, for example, affordable housing and open space requirements. No financial contributions have been suggested in lieu of these provisions, nor for any flood defence work measures.

SUMMARY AND CONCLUSIONS:

13. The proposal is a departure application, and in officers opinion conflicts with key policies and guidance identified in paragraph 9 (i) of this report. On the basis of the information submitted, and site specific considerations, the proposal is considered unacceptable on the specific issues of nature conservation and siting. It is not considered that the ‘community gain’ argument should be afforded weight in this case as, with due respect to the current financial issues facing the Club, there are significant and overriding conflicts with well established planning policies and guidelines, particularly relating to developments outside development boundaries and within sensitively designated Green Barriers. The grant of permission in the circumstances would set a significant precedent as it is understood that other golf clubs in the County, and possibly on a Regional level, may be experiencing similar viability problems.
14. The conclusion is that there are no overriding, material considerations which outweigh the planning policy conflicts identified with this proposal.
15. Should members resolve to grant permission, as the development represents a significant departure from the policies of the Development Plan, the application would have to be referred for determination to Full Council.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The site lies outside the defined settlement limits of Rhyl, as set out in the adopted Denbighshire Unitary Development Plan, where restrictive policies apply to new residential development. The proposal would lead to an unacceptable outward expansion of the settlement of Rhyl and would set an unwanted precedent for further such residential development and is contrary to Unitary Plan policies STRAT 6, GEN 3, GEN 4, GEN 6, HSG 2, HSG 2, HSG 5, and HSG 6.
2. The proposed development would be located within Zone C1 as defined on the Development Advice Maps accompanying WAG Technical Advice Note 15 : "Development and Flood Risk". The local planning authority does not consider the development meets the justification tests in TAN 15 and the consequences of flooding cannot be managed to an acceptable degree for this type of highly vulnerable development. It is considered the development is likely to be at an unacceptable risk from flooding, contrary to Policy ENP6, criteria x) of Policy GEN 6, CPZ 4 of the Denbighshire Unitary Development Plan and advice contained within Planning Policy Wales and TAN 15 "Development and Flood Risk".
3. In the opinion of the Local Planning Authority the scheme does not make satisfactory provision for affordable housing or open space, contrary to policies HSG 10 and REC 2 of the Denbighshire Unitary Development Plan, related Supplementary Planning Guidance Note No. 22 - Affordable Housing in New Developments, and Note No. 4 - Recreational Public Open Space, and advice in Welsh Assembly Government Technical Advice Note 2 - Planning and Affordable Housing and TAN 16 - Sport and Recreation 1998
4. It is the opinion of the Local Planning Authority that the siting of the proposed buildings would be unacceptable and out of keeping with existing development in the locality, and would have a detrimental impact on the character of the surrounding locality and Green Barrier, which separates the towns of Rhyl and Prestatyn. The proposals are considered contrary to policies and GEN 6 (i) and (ii), CPZ 2 criteria (i) and policy GEN 5 and REC 7 of the Denbighshire Unitary Development Plan.
5. The proximity and juxtaposition of the proposed two storey buildings, in particular proposed building plot numbers 1, 2, 3 and 4 would lead to an overbearing effect and unacceptable overlooking and loss of privacy for the occupiers of No. 3 and 186 Brynheddydd Bay, contrary to policy GEN 6, criterion (v).
6. The Local Planning Authority considers that, in the absence of detailed ecological surveys and any relevant mitigation measures, it is not possible to adequately assess the potential impact on wildlife, and hence it is not possible to determine whether the scheme is in compliance with policies ENV 1, 6, 7 and GEN 6, criteria ii), REC 7, criteria ii), CPZ1 criteria ii) - b) c) and SPG 18 of the Denbighshire Unitary Development Plan along with TAN 5 - Nature Conservation and Planning.

NOTES TO APPLICANT:

None

ITEM NO: 13

WARD NO: Rhyl South East

APPLICATION NO: 45/2008/0252/ PF

PROPOSAL: Erection of first floor pitched-roof extension at side of dwelling

LOCATION: 6 Llys Taf Rhyl

APPLICANT: Mr M Gilmour

CONSTRAINTS: Permitted Development Rights Removed

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL –
 “Object – The development has only recently been completed. Concern that a similar situation will occur to that on the adjacent housing estate in that the originally approved layout, appearance and density of the estate will be changed by a series of applications for alterations and extension to the new properties. In objecting the Town Council recognise that this application relates only to one property on the new development but are concerned that if approved will set a precedent and lead to further applications from neighbouring properties which will undermine the street scene and general design of current development”

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 28/04/2008

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Permission is sought for the erection of a first floor pitched roof extension at side of dwelling over the existing garage at 6 Llys Taf, Rhyl. The extension measures 2.6m in width, 7.1m in length and 4.5m in height to eaves. Window are proposed to the north, east and west elevations of the extension. Materials are proposed to match the existing dwelling.
2. The application site consists of a modern two storey detached dwelling situated on the eastern side of Llys Taf. The area is characterised with modern detached houses with front and rear gardens and side driveways.

RELEVANT PLANNING HISTORY:

3. 45/2001/422/PF – Erection of 86 dwellings and access (amended scheme) – GRANTED 02/07/01

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
GEN 6 – Development control requirements
HSG 12 – Extensions to dwellings

Supplementary Planning Guidance
SPG 1 – Extensions to dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle
 - ii) Visual
 - iii) residential amenity
6. In relation to the main
 - i) Principle

Policy HSG 12 permits extensions to dwellings providing they comply with specified criteria. The principle of the proposal is acceptable and in line with Policy HSG 12 and guidance contained within SPG 1. The scale and form are subordinate to the existing dwelling, the design and materials are appropriate and in keeping with the existing dwelling and surrounding area and the proposal does not represent an overdevelopment of the site.
 - ii) Visual amenity

The visual appearance of the extension is acceptable. The extension is clearly expressed in keeping with Paragraph 9, fig 3 of the SPG. The original features of the dwelling are preserved, the ridge line is set down from the existing and the extension is set back from the frontage.

Whilst the objection of the Town Council in terms of departing from the original design of the estate is noted, it is considered that the proposal will not impact on the street scene or prejudice the original intentions of the design of the estate. Planning policy permits appropriate extensions to dwellings as such it would be difficult to resist any alterations to dwellings on that basis.

- iii) Residential amenity

Owing to the small scale nature of the development and its relationship to the adjacent properties, it is not considered that the proposal would impact on the privacy and amenity of adjacent occupiers.

SUMMARY AND CONCLUSIONS:

7. The proposal complies with policy and 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: 14

WARD NO: Prestatyn North

APPLICATION NO: 43/2007/1527/ PF

PROPOSAL: Erection of Zyklon ride

LOCATION: Festival Gardens Ffrith Beach Victoria Road West Prestatyn

APPLICANT: Ffrith Leisure Limited

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection"
2. PUBLIC PROTECTION
No objection subject to conditions
3. COUNTY ECOLOGIST
Awaiting response

RESPONSE TO PUBLICITY:

Representations received:

1. F.G. Arnold, 6 Methven Drive, Prestatyn
2. M. Rouse, 18 Earlswood Avenue, Prestatyn
3. M Watson, 63 Marion Road, Prestatyn
4. P Montgomery, Frith Beach Post Office, Prestatyn
5. Petition put forward by the Frith Beach Residents Association (155 Signatures)

Summary of planning based representations:

- i) Inappropriate form of 'fairground' development in this location
- ii) Noise impact
- iii) Visual impact, lighting impact

EXPIRY DATE OF APPLICATION: 21/02/2008**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- additional information required from applicant

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Permission is sought for the erection of a 'Zyklon' ride at Ffrith Beach Festival Gardens. The ride will be positioned on approx 0.071 ha of land adjacent to the car park at the north boundary of the site. The footprint of the ride measures 42.6m in width, 18.6 in depth, once erected it will have a total height of approximately 11m. The ride is constructed of red and white steel with timber clad detailing. The 'Zyklon' ride was formally sited at Marine Lake in Rhyl.
2. Ffrith Beach Festival Gardens are located off West Victoria Road within the defined settlement boundary of Prestatyn. The application site consists of the main amusement premises, boating lake to the east and a number of footpaths to the north leading to the beach and Gronant Local Nature Reserve.

3. The application was deferred from the previous Committee to enable Officers to clarify issues with regard to the noise and wildlife impact.

RELEVANT PLANNING HISTORY:

4. 43/2007/0036/PF – Development of part of go-kart track as adventure mini-golf and associated works. Granted 21st March 2007.

PLANNING POLICIES AND GUIDANCE:

5. Denbighshire Unitary Development Plan
Policy GEN 6 – Development control requirements
Policy ENV 5 – Sites of Local Conservation Importance
Policy CPZ 1 – Development within the coastal planning zone
Policy CPZ 9 – Sand dunes
Policy TSM 2 – Tourism development areas

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of the proposal
 - ii) Impact upon visual/ residential amenity
7. In relation to the main planning considerations above:
 - i) Principle of the proposal
The application site lies within both the development boundary and the tourism development area, as such policies GEN 6, CPZ 1 and TSM 2 apply. Policy CPZ 1 allows for development provided it does not unacceptably harm the landscape, character and appearance of the coast. TSM 2 seeks to improve the quality of tourism facilities by permitting development proposals for the regeneration and improvement of the coastal resorts. The proposal will provide additional tourism facilities at a designated tourism development area in keeping with policy.
 - ii) Impact upon visual/ residential amenity
Owing to the location of the proposal 140m to the north of the road frontage and the mixed nature of activities currently on the site, it is considered that the proposal will have little effect on the visual amenity of the site or surrounding area. The nearest dwellings are no. 40 Victoria Road which is approximately 155m and the White House which is 160m from the ride, as such it is considered that the proposal will not impact significantly on residential amenity of surrounding occupiers. Furthermore it is noted that there are Licensing conditions in place to limit the particular noise levels, with the maximum level permitted being 50LAeq (dB) within a 16 hr period (0700 - 2300hrs). It is considered that the imposition of planning conditions relating to hours of operation combined with the licensing control relating to operating noise will acceptably safeguard the residential amenity of neighbouring residential properties.

SUMMARY AND CONCLUSIONS:

8. The proposal complies with policy and 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 ride shall only operate between 10.00hrs and 21.00hrs for a season running from Easter weekend until 5th November, and on school and public holidays. Records shall be kept and retained for each consecutive two year period, of the hours of operation and shall be made available for inspection on request by the Local Planning Authority.
3. No amplified music or public address system shall be used in connection with or on the ride.
4. Noise levels when measured at the site boundary with neighbouring properties shall not exceed 50 LAeq(dB) 16hr (0700-2300hrs) or a peak level of 60 LAm_{max,fast} (dB) when the ride is being used. Records shall be kept and retained for each consecutive two year period, of the noise levels and shall be made available for inspection on request by the Local Planning Authority.

5. 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.

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.

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 amenity of occupiers of neighbouring properties.
3. In the interests of amenity of occupiers of neighbouring properties.
4. In the interests of amenity of occupiers of neighbouring properties.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
APPEAL ON 51 BRIGHTON ROAD, RHYL

1. PURPOSE OF REPORT

This report relates to a recent decision of the Planning Committee, which has subsequently been appealed.

The report will provide Members with the relevant background information and requests that members appoint two representatives to give evidence at the hearing in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol.

2. BACKGROUND

The planning appeal has arisen from the decision of the Planning Authority to refuse to grant outline planning permission for the development of 0.07ha of land by the erection of single dwelling and detached garage (Outline application including siting, design, external appearance and access) at land at 51 Brighton Road, Rhyl. The application was received on 4th December 2007 and was refused on 20th February 2008.

Members will recall the above planning application was presented to them at Planning Committee on 20th February 2008. The Officer recommendation was to grant planning permission for the development.

Members resolved to refuse planning permission. Based upon the debate at Committee Officers formulated a reason for refusal as follows:

"In the opinion of the Local Planning Authority, the erection of the proposed dwelling would result in an over intensification of development, and an unacceptable form of backland development at the rear of an existing property, being likely to have an adverse impact on the character of development in the locality, unacceptably reducing the amenity space and parking provision for No. 51 Brighton Road, and creating the potential for additional activity and disturbance to the occupiers of No. 51 and adjacent property, contrary to Policy GEN 6 (i), (v), (vi) of the Denbighshire Unitary Development Plan".

The decision was issued on 20th February 2008 and a planning appeal was lodged in April 2008. The applicants have requested that the appeal is heard by way of an informal hearing that will take place on 22nd July 2008.

The Planning Authority's Statement of Case has been submitted to the Planning Inspectorate on the 22nd May 2008. In accordance with the Protocol the Officer's Statement was sent to the elected Member who seconded the motion to refuse (Councillor D. Hannam); the Proposer (Sue Roberts) is no longer in office.

3. DECISION SOUGHT:

As the Officer recommendation was reversed in this case, the adopted Protocol for dealing with Planning Appeals and member Involvement must be followed. Section 9 of the Protocol refers to Member involvement in hearings and states that where Officers recommendation has been reversed two Members are required to give evidence in the informal hearing.

4. RECOMMENDATION

That the Planning Committee appoint two representatives to give evidence at the hearing.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**INFORMATION ITEM FOR PLANNING COMMITTEE
UPDATE ON NEW NATIONAL PLANNING APPLICATION FORM (1APP)**

1. PURPOSE OF REPORT

To update Members on the implementation of 1APP, and any issues which arise from that implementation.

2. BACKGROUND

The National Planning Portal

The National Planning Portal is a web site offering a 'one stop shop' for all stakeholders involved in the planning process. It is part of the Government's push towards reaching its e-government targets. Part of the site is dedicated to allowing the electronic submission of planning applications to the relevant authorities.

Denbighshire has been accepting electronic submissions via the National Planning Portal since August 2005 using the Portal Legacy system. Denbighshire was among the first Welsh authorities to accept these submissions and reach 'integrated' level. To date, we receive approximately 10% of planning submissions electronically. This is by no means a large volume of submissions, but it is expected that this will increase considerably with the introduction of 1APP because of the nature of the form.

1APP

In July 2006, the Welsh Assembly Government issued a consultation paper entitled "Changes to Development Control in Wales" which included proposals to streamline and simplify the arrangements for handling "on-line" applications for planning permission and associated consents.

The consultation proposed the introduction of a standard application form covering planning permission and other associated consent regimes to be used by all local planning authorities (LPAs) in Wales. The proposals covered an interactive electronic application form, as well as a paper-based version.

The introduction of the Standard National Application Form, 1APP, is expected to lead to a significant increase in the number of online applications submitted through the Planning Portal.

There are currently 47 different authorities who print their own forms and to some

degree, use their own discretion as to what they require on the forms. The 1APP form was designed to be used by every authority in the country therefore standardising the application forms. This means that wherever an applicant/agent was submitting the form, they would know what to expect in every authority. The form was designed primarily to be used electronically. It is made up of hundreds of datasets which come together depending on the answers that the user gives. This means that, for example, if someone was to put in an application for a householder extension on a listed building, the two applications would come together on one form rather than having to submit one Householder Form and one Listed Building Consent form.

As this is a central government project, users are not given the choice of English or Welsh submissions. Therefore, although forms which are submitted through the Portal for Denbighshire have Denbighshire's logo on them, they are in English only. To date, we have not received any complaints from the public.

3. ISSUES TO CONSIDER

Resources

The new forms will have an impact on the way that planning staff send out forms for the public to use. It is intended that staff should direct as many applicants as possible to use the Portal so that they can build the relevant forms depending on what the submission is for. However, there will always be those who want to use paper forms. As the 1APP form becomes mandatory in October of this year, there would be little point in replenishing current stocks of Denbighshire forms. Therefore, as soon as our IT providers switch us to the 1APP site for electronic submissions, it would make sense to switch to using the Portal forms for our paper submissions also. To ensure that the most recent version of the form is always available, it is intended that there will be a link to the 'forms cabinet' on the Denbighshire Planning Public Access Portal. Planning support staff will print forms from this site for the public on request and will also direct people to the site to download them for themselves.

Each time an application is completed on the National Planning Portal, the user will be made aware of National Requirements for the type of application that they are completing. Each authority also has the ability to post their own Local Requirements which ensures that applications are more complete and there is less chance of an invalid application being received. The aim is for a better quality submission which can be dealt with in a more efficient manner.

Welsh Language Act / Welsh Language Scheme

As stated previously, this is a Central Government project lead by The Department of Communities and Local Government. Planning staff have liaised closely with David Payne, the Wales Regional Account Manager, WAG/CLG Planning Portal.

David Payne attended the Planning Officers Society for Wales meeting in January this year. He explained that the Welsh Assembly Government considered the implementation of a bilingual form. However, as 1APP and the Planning Portal had been developed as a 'national' form (already introduced in England), a Welsh

version had not been developed from the start. This being the case, the Welsh Assembly Government has advised that to develop a bilingual form would have:

1. Changed the Schema.
2. Delayed the introduction of 1APP-Wales.
3. Cost more than twice the planned route of a Welsh or English form.
4. Meant that "back office" system development costs would have been passed on by ICT suppliers (due to the schema change).
5. Would only be needed by 5 of the 25 Welsh LPAs.

However, there will be a choice for users to either use Welsh **or** English forms. David Payne, the Wales Regional Account Manager, considers that 1APP meets the requirements of the Welsh Language Act by providing either an English or Welsh Form.

Taking into consideration the Denbighshire Welsh Language Scheme, it is felt that there are exceptional circumstances in that there are technical issues which mean that bilingual forms cannot be produced. Also, to ensure consistency of question sets, we will also need to use the paper versions for "non-electronic" submission.

4. CONCLUSION

That Members make note of the implementation date of 1st July 2008 and are made aware that all issues regarding the Welsh Language Act and the Denbighshire Welsh Language Scheme have been considered.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEM FOR PLANNING COMMITTEE
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 of the site.

2. PROGRESS SINCE LAST REPORT

- 2.1 The last information report was presented to the Planning Committee on 20th February 2008.
- 2.2 Development Team meetings have taken place with the owner on 25th February, 3rd April, 12th May and 2nd June 2008. Member Working group meetings have been held on the same days to update on developments.

In relation to the listed buildings

The owner's planning consultants have submitted a timescale for carrying out urgent works on buildings proposed for retention.

Listed Building consent had been granted for demolition of a number of buildings and work was in progress by the consultants to submit details requiring the approval of the County Council prior to commencement of demolition works. The listed building consent required commencement of demolition by the end of October 2008.

There are still isolated problems of theft/vandalism at the site despite an ongoing security presence.

In relation to the new build development

Officers are considering the preparation of a basic 'master plan' for the new development to help guide potential developers and speed up the process.

The owner has engaged a separate Planning Consultant to help coordinate the site planning process.

In relation to the planning permission, listed building consent, and Section 106 agreement

The owner had confirmed his original Planning Consultants were preparing submissions to the County Council for approval in relation to conditions on the planning permission, listed building consent and Section 106 agreement.

The first claims were being made on the Restoration Fund in connection with survey work on the buildings.

In relation to the future strategy for the site

The owner had commissioned a Financial Viability appraisal which concluded the housing market situation had deteriorated to a point where the scheme was no longer viable in its current form. Officers had sought a review of this appraisal to progress matters. Future meetings would need to address the strategy for the site and potential options.

Officers continue to update the Princes Regeneration Trust on the situation.

The next Development Team meeting will be in July 2008.

3. RECOMMENDATION

3.1 That the Committee accepts this information report.