

**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: Trefnant

APPLICATION NO: 31/2008/1123/ PF

PROPOSAL: Installation of 132/400 kv electrical substation and associated underground 132 kv cables between St. Asaph and Pensarn in connection with proposed Gwynt Y Mor offshore windfarm

LOCATION: Land south of St. Asaph Business Park (south) Glascoed Road St. Asaph

APPLICANT: Mr Mark Thomas Gwynt Y Mor Offshore Wind Farm Ltd.

CONSTRAINTS: Wildlife Site
Within 67m Of Trunk Road
HSE Consultation zone
Ancient, Semi Natural Woodland
PROW

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

CONSULTATION RESPONSES:

ST ASAPH TOWN COUNCIL
No response received.

CEFN MEIRIADOG COMMUNITY COUNCIL:
"The Community Council has no observations"

BODELWYDDAN COMMUNITY COUNCIL:
"Bodelwyddan Town Council has no objections to the planning application but do not want to see Nant y Faenol lane used as an access route for works being constructed as part of the development".

COUNTY ARCHAEOLOGIST:
Agrees that the mitigation measures proposed will enable the archaeological heritage to be preserved and would wish to see a condition attached to any grant of planning permission regarding an archaeological watching brief.

CLWYD-POWYS ARCHAEOLOGICAL TRUST:
Agree to the proposed mitigation and would like to see a condition that a 'watching brief' is undertaken during excavations of construction ground works along the whole of the cable construction route as there is high potential for previously unrecorded sub-surface archaeology.

CONSERVATION ARCHITECT:
Considers the substation to be sufficient distance away from the Listed Building (Pentre Meredydd) and recessive so as not to impact on the setting. Agrees that mitigation planting is required to the south west corner of the sealing end compound and would like to see that strengthened.

ENVRIONMENT AGENCY WALES:
No objections. In relation to surface water drainage, recommend conditions be attached to prevent increased risk of flooding on and off site.

COUNTRYSIDE COUNCIL FOR WALES:

No objections but in relation to protected species, advise that the applicant should submit appropriate compensation schemes and mitigation proposals and that this should be the subject of a condition.

WELSH ASSEMBLY GOVERNMENT (Department of Transport and Strategic Regeneration):

No objections subject to conditions relating to open excavation on the trunk road boundary and submission of a method statement for site investigation and works. Notes to be attached to applicant regarding notification of works and restrictions on access to A55 from haul road and access pits.

HEAD OF TRANSPORT & INFRASTRUCTURE:

No objection subject to conditions relating to:

Substation: site access details, wheel cleaning facility and construction management plan.

Cable Route: methodology details for road crossings and horizontal directional drilling; design and construction details for the temporary haul roads and temporary works construction areas, and the reinstatement works following installation of cables.

FOOTPATHS OFFICER:

No objection. Notes should be included drawing attention to need for footpath(s).

DWR CYMRU/WELSH WATER:

The proposed site is crossed by public sewer and water mains.

RESPONSE TO PUBLICITY:

Letters of representations received from:-

1. Mr. A. Williams, Tyddyn Meredydd, Cefn, St. Asaph
2. Mr. R. H. Barlow, Carreg Dafydd, Marli, Abergele
3. Mr. M. Barlow, 5 Maes Robert, Cefn, St Asaph
4. Mr. R. Milnes, Heli, Aberdaron, Pwllheli
5. Mr. O. Jones, on behalf of Barwood Land & Estates Ltd and landowners
6. Mr J. Harrison, on behalf of Mrs C. Thomas
7. Mr J. Harrison, on behalf of Mr & Mrs Grindal
8. Mr B. Owen, Owen Davenport Ltd, on behalf of Qioptiq Ltd, St Asaph
9. Mr R. Davies, Trevone Hotel, Llandudno
10. Mr M. Prichard, Save our Scenery Campaign Group, Llandudno
11. Mr C. Thompson, 32 St David Road, Llandudno
12. Mrs D. Thompson, 32 St David Road, Llandudno
13. Mr R. Sheaf, 19 Bryn Gannock, Deganwy
14. Ms. L. Williams, Groesffordd Farm, Groesffordd Marli
15. Ms C. Priestner, FGP on behalf of Mr Davies, Pentre Mawr, Groesffordd Marli
16. Mr G. Jones, Cryd y Coed, Bodelwyddan Road, Rhuddlan
17. Mr J. Owen, email, no address
18. Ms. J Grindal, Ty Mawr Farm, St Asaph Road, Bodelwyddan

All 18 letters express concerns over aspects of the proposals:

The main points of OBJECTION to the application are:-

Principle of development:

The use of 132kV AC power transmission is acknowledged by experts to be inefficient.

Premature application:

Object because the application for the off-shore turbines has not been determined therefore no need for the work.

Prejudice future strategic development:

The alignment of underground cables and easements sterilises potential development land and prejudices the option of fully achieving the key growth requirements as set out in the Pre-Deposit Local Development Plan.

Landscape and visual impact:

Development will be visible, especially from the upland areas of the farming community.

Question why the 500m overhead cable from the proposed substation to the sealing end compound and pylon tower cannot be placed underground to minimise the visual intrusion.

Rural character of the area becoming increasingly urbanised. Classic example of rural landscape of the Vale of Clwyd.

Concerned that the development, in particular the substation, will result in major environmental degradation.

Future additional wind generation may lead to demands for extensions to the substation. Substation site already taking up 7 acres of land.

Alternative options:

Question why the developers have not considered rerouting the 400kV line to provide flexibility in the choice of substation location.

Question why the use of the UDP allocated employment land at St Asaph Business Park, adjoining the existing sub station is not being considered.

Question why Wylfa, Anglesey is not considered as the best connection point.

Inconvenience to residents:

The site work will cause inconvenience to residents and people using the Hospital.

Residents and businesses will be disrupted by HGV traffic undertaking deliveries of stone/ hardcore to and from the 13 mile site area.

Loss of agricultural land:

The substation will be sited on good agricultural land.

Health risks:

Concerns regarding the health risks associated with the power frequency/electromagnetic fields and the high voltage power lines.

Proximity of dwelling, Tyddyn Meredydd to the sealing end compound and pylon.

Noise:

Aware that the UK weather creates significant pylon noise pollution. Concerns that the substation and sealing end compound will create more noise pollution and disturbance.

Construction traffic will cause noise and nuisance.

Employment:

Concerns that the onshore development will not lead to any economic benefits to the area.

Tourism:

Impact on tourism in the area by onshore infrastructure.

Details of the planning application:

Proposed woodland mitigation planting detailed in error.

Incomplete tables regarding LANDMAP.

Impact on Listed Building:

Proposed development will have negative impact on the 16th Century Grade 2 Listed Building, Pentre Meredydd.

Impact on existing economic activity on the St Asaph Business Park:

Objection to the siting of the substation to the rear of a unit that employs 450 people locally in the manufacture of sensitive specialist products. The operation within the unit does not allow for any interference by ground motion or vibration. In addition, there is concern over potential for electromagnetic interference to affect the company's ability to underwrite and guarantee product performance.

Other:

Impact on property value.

Quality of the photomontages.

Contradictions in the report.

The application erroneously states that Pentre Meredydd is a 19th century construction.

Object to the turbines out to sea.

Outlining the advantages of taking the cables to Anglesey.

EXPIRY DATE OF APPLICATION: 20/11/2008

REASONS FOR DELAY IN DECISION:

- Timing of Committee
- Receipt of representations requiring further investigation

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Gwynt y Môr Offshore Wind Farm Limited (GYMOWFL), is a subsidiary of npower renewables, and is proposing to construct, operate (and ultimately decommission) an onshore electrical sub-station and associated ancillary works and underground electrical cabling between Belgrano and St Asaph in the administrative boundary of Conwy and Denbighshire County Councils.
2. GYMOWFL has made a successful application to the Department for Business Enterprise and Regulatory Reform (BERR) to build an offshore wind farm with a generating capacity of 750megawatts (MW). The onshore component of this application is necessary to connect the electricity generated by up to 208 turbines situated out to sea off the coast of north Wales. As members will be aware, the announcement by the Secretary of State for Energy and Climate Change to approve the Gwynt y Môr windfarm was made in early December 2008.
3. A generating system of this size requires a direct connection into a 400 kV (high voltage) national grid electricity transmission system. The main high voltage supply route into and out of north Wales is the 400kV Deeside to Pentir overhead circuit.

The off shore cable will need to connect to this overhead line allowing electrical power to be transmitted through the grid network. At substations, transmitted electricity is transformed and connected to the system.

4. In brief, total scheme comprises of:
 - i) offshore cables from the turbines, which would run to land on Pensarn beach;
 - ii) 11km of underground cables from the sea shore to a new substation to the south of St Asaph Business Park (6km of cabling proposed in DCC);
 - iii) approximately 500 metres of overhead lines and underground cables that connect the new substation to the existing national grid electricity transmission system via the existing 400kV Deeside to Pentir overhead line (pylons running through Denbighshire County Council to the south of St Asaph Business Park);
 - iv) a new substation 345m x 80m (27,700m² or 2.8 ha) where the 132kV will be transformed to 400kV. The substation will have emergency work floodlighting equipment; and
 - v) a sealing end compound and replacement overhead line tower (pylon) on the existing 400kV to allow new connection to be made (this part is subject to a separate planning application code: 31/2008/1173/PF).
5. The maps at the front of the report attempt to illustrate the key elements of the proposals. In essence, there are 2 separate applications to be dealt with by Denbighshire (this one relating to the cable works, and substation and the one following on the agenda relating to the cable sealing end compound; Code No. 31/2008/1173). The applicant company follow a different procedure through the Electricity Acts in relation to the overhead line element of the scheme. A separate application relating to the cable works within Conwy's administrative boundary is being dealt with by that Council under Code No. 0/35417 and officers understand this is to be referred to Planning Committee on the 11th February 2009.
6. In relation to the specific elements of the scheme:

Underground cabling:

The single core cables will be grouped in three and installed in a single trench. Six open cut trenches approximately 4 metres apart will run the length of the cable route. The typical depth of cover on top of the cables will be 1.2 metres. An illustration is provided at the start of this report. The topography of the route is generally flat, low-lying hinterland and used mainly for grazing of animals. The cables have an estimated life time of 50 years.

Where the cable route runs across fields, hedges will need to be removed. The cable route seeks to avoid trees and hedgerows where possible. Planting above cables can intervene with heat dissipation and the action of plants' roots can cause soil disturbance and drying around the cables (hotspots). A programme to replant hedges is proposed and hotspots monitored.

Where the cable route comes to a physical barrier, such as a river or a road then either directional drilling or open cut methods will be used. Detailed installation methods will be supplied to the relevant highway or environment authority for each case.

Substation:

The footprint and layout of the substation is largely determined in part by the equipment, connections, safety clearances and access required to components. Two buildings are required within the substation sites, each with its own function.

The heights of these proposed buildings are:

- i) "GIS building" to the west edge of the substation = 13m high by 35m length and 16m wide, and
- ii) "132kV components building" on the eastern edge = 11.5m high by 39m length and 20 metre wide.

Both above buildings are proposed to be clad in recessive grey sheets. In addition, other specialist technical equipment will be sited within the substation site. The SVC (Static Var Compensation – equipment to control voltage swings) includes capacitors and reactors together with switching and controls housed in a brick building.

Some site levelling is required but insufficient as to warrant import or export of material to site.

All outdoor areas within the substation site will be surfaced in stone chippings to reduce vegetation growth.

A number of fences, some electrified are proposed within the substation site and on its perimeter for Health and Safety reasons. The heights of these fences vary from 2.4 metres at the perimeter fence to 3.4 metre electrified pulse fence and a 6 metre high chain-link fence around the SVC equipment.

Sealing End Compound:

As noted previously, a separate application has been made by National Grid for this element of the works. However, to complete the picture for members on the overall scheme, a brief description of the works follows:

- The sealing end compound is located approximately 500 metres to the south west of the substation site.
- The proposed works consist of the development of a compound, known as a Sealing End Compound (SEC) (25m x 31m) which will be surfaced with stone chippings and enclosed by a 2.4m high metal security palisade fence with an additional 3.4m high electrified pulse fence fitted to its inside face. The compound will be constructed to the south of a replacement tower which will stand 58m tall. The existing tower, located in the field to the west of the site stands at 53m tall, will be removed as part of the proposal. A 420m overhead line is proposed to connect the proposed substation to the replacement tower, via the sealing end compound. Further detail is provided in the report on this application (31/2008/1173/PF) which follows on the agenda.

A temporary diversion of the 400kV overhead line will be required to allow the construction of the replacement tower and the safe dismantling of the existing tower without causing disruption to the supply. Again this element of the work does not require planning consent.

7. Phasing and timetable for development:

The main construction phase is anticipated to take around 24 months in total. The indicative programme suggests that the substation works would be timetabled for construction first, then the overhead line connection to the sealing end compound, then the grounding and connection of the cables.

8. Accompanying documents:

In brief, the relevant contents of the key documents are:

An Access and Inclusive Design Statement:

- i) Advises that a new access and road to the substation, from Glascoed Road (B5381), is required to bring large transformers to the site during construction phase and the exceptional maintenance work in operation phase.
- ii) A stone haul road will be constructed along the cable route and used to access the works. The depth of stone will be approximately 0.5m and the width 5m. This proposed haul road will be removed at the end of installation.
- iii) The uses within the substation site are entirely dictated by the functional requirement of the operations being undertaken.
- iv) The layout and design of the scheme has been constructed to minimise, as far as reasonable, adverse effects on the environment and amenity.
- v) The scheme proposes that the built elements of the substation are to be clad in recessive finishes and the woodland area to the south and east would assist in the screening of the site.

A Planning Statement:

General description of site and location and character;

Refers to National, Regional and UDP policies;

Refers to the selection process made by the then Department of Trade and Industry (DTI) and The Crown Estate for three schemes in the 'Liverpool Bay' Strategic Area;

Proposes that GYMOWFL makes a significant contribution to meet the UK targets for renewable energy generation;

Concludes that the proposal has no significant impact on ecology, highways, archaeology, hydrology, noise, health, views and landscape.

Replacement planting will be at a higher ratio to that lost.

Environmental Statement:

An Environmental Statement (ES), detailing the results of the Environmental Impact Assessment (EIA) is submitted for consideration with the planning application. Numerous consultations were undertaken by the applicant at the scoping stage. The ES is in three volumes including the non-technical summary. Summary findings include:

Soils & Contaminated Land – A number of mitigation measures have been proposed which includes avoidance of potentially contaminated areas and implementation of an Environmental Management Plan (EMP);

Hydrology – There are approximately 35 watercourses crossed or affected by the proposed works with 3 small watercourses that will need to be diverted to accommodate the substation. In addition to the implementation of the EMP other mitigation includes the construction of an attenuation pond south of the proposed substation site to hold any surface water run-off.

Ecology – The ES concludes that the construction and operation of the substation, cable route, overhead line and realignment of the gas pipeline, along with all associated construction activities will not result in any significant residual ecological impacts.

Landscape & Views – Potential sources of impacts on landscape and views arise from the permanent above ground installations and the loss of trees and hedges that are unable to be replaced. The ES concludes that the location of the substation is considered to be the best position to minimise visual and ecological impact through a combination of minimal tree loss and available screening from mature woodland.

The overall visual and landscape character effect of the proposal (substation, SEC, tower and line modification) during construction would be Minor adverse and when operational would be Moderate adverse, reducing to Minor adverse as mitigation planting matures. The under grounding of cables is considered to have a Minor to Moderate adverse effect on visual receptors during construction phase. However, this reduces to Neutral as the planting matures.

Archaeology & Cultural Heritage – A total of 18 of the 91 receptors would be subjected to negative effects of Low Significance. The ES concludes that the majority of these receptors are of minor or local significance and mitigation measures have been recommended. The mitigation is in the form of Watching Briefs and a Written Scheme of Investigations (WSI).

Land use – Consideration had been given to the temporary disruption to established residential, commercial, industrial or communal facilities during construction phases and to agricultural land practices (arable or grazing). The ES summarises the overall impact will not be significant and is of a temporary nature. The ES also acknowledges the LDP Key Strategic Site (KSS) in St Asaph and recommends that future development briefs should take account of the 40 metre cable easement. There is no mention of the Bodelwyddan KSS.

Noise – The proposed substation will generate noise emissions and an assessment was undertaken to measure a reasonable worst case scenario. The ES concludes that the noise generated is not likely to create any adverse impacts on the nearest residential receptors. Encompassing the noise generating components will ensure the nearest commercial premises on the St Asaph Business Park would expect to hear 35dB(A) with partially opened windows – this is recognised as ‘good conditions’.

Transport – Vehicle movements during the construction phase will be directed to the temporary works area located off the A548, the A547 and the B5381. Mitigation measures are proposed to be clarified in the Construction Management Plan, subject to consent which will include details for the proposed 3 abnormal loads to the substation site.

Tourism – The ES identifies the main tourist facilities and accommodation to be affected by the connection works is located in the coastal area (Conwy County Borough Council).

Electric & Magnetic Fields – The potential of the electromagnetic fields produced and the likely impact of electro-magnetic compatibility was assessed by National Grid in relation to national exposure guidelines. The ES concludes no significant cumulative effect from electric and magnetic fields.

Non-technical Summary – Concludes that the potential physical, biological and human impact of the proposed development is not significant and that the overall benefit in terms of green renewable energy outweighs the disturbance from the construction phase.

9. Consultation carried out by applicant:

Denbighshire’s Elected Members and guests were invited to attend a public exhibition event on the 15th July 2008 regarding the onshore connection works. Over 200 letters were distributed to stakeholders and businesses locally inviting them to attend further exhibitions on the 15th and 16th of July 2008. Over 67 people attended and registered.

10. Other related works:

There are two other related works required in connection to this proposal. One is

the diversion of an existing high pressure gas mains pipeline to enable the substation to be located at the proposed site; the second is the temporary diversion of the 440kV Deeside to Pentir overhead line to allow the construction of the new sealing end compound and replacement tower. Only the second project requires formal consent through the planning system.

11. Unrelated works:

Dwr Cymru Welsh Water has recently been replacing its assets along the southern most boundary of the St Asaph Business Park, near the proposed location of the substation.

Due to the size of the wind farm it cannot connect to the lower voltage system such as those operated by SP Manweb or other distribution operators. This is why it cannot connect to the existing substation on the St Asaph Business Park nor the substation for Rhyl Flats offshore wind turbine development.

12. Members will appreciate that a report of this nature can only provide a broad outline of the contents of what is a highly detailed application containing considerable technical content. All the background documents have been, and remain available for inspection prior to the consideration of the application.

RELEVANT PLANNING HISTORY:

13. None at this location.

Rhyl Flats is npower renewables' second offshore windfarm and is currently under construction. The foundations for the 25 turbines as in place with installation of the actual turbines anticipated to take place in spring 2009. The 90MW of renewable energy generated will come to shore off the coast of Belgrano to a substation (approximately 20 x 30 metres) near the River Gele before being cabled overland on poles to the Scottish Power line which runs parallel but just north of the 400kV Deeside to Pentir overhead line.

PLANNING POLICIES AND GUIDANCE:

14. Denbighshire Unitary Development Plan (adopted 3rd July 2002)

Strategic Policies

STRAT 1 – General
STRAT 2 – Energy
STRAT 5 – Design
STRAT 6 – Location
STRAT 7 – Environment
STRAT 8 – Employment
STRAT 13 – Transport, new development
STRAT 14 – Highways

General Policies

Policy GEN 3 - Development outside development boundaries
Policy GEN 6 – Development control requirements
Policy GEN 9 – Environmental Assessment / Statement
Policy ENV 1 – Protection of the natural environment
Policy ENV 3 – Local Landscape Area
Policy ENV 5 – Sites of Local Conservation Importance
Policy ENV 6 – Species protection
Policy ENV 7 – Landscape / townscape features
Policy ENV 8 – Woodlands
Policy ENV 11 – Safeguarding of high quality agricultural land

Policy CON 1 – The setting of listed buildings
Policy CON 11 – Areas of archaeological importance
Policy EMP 1 – Amount & distribution of employment land
Policy EMP 2 – Main employment areas
Policy EMP 3 – St Asaph Business Park
Policy ENP 1 – Pollution
Policy ENP 4 – Foul & surface water drainage
Policy TRA 6 – Impact of new development on traffic flows
Policy TRA 10 – Public Rights of Way
Policy MEW 8 – Renewable energy
Policy MEW 10 – Wind power

Other relevant Council publications/documents

Local Biodiversity Action Plan
Denbighshire Landscape Strategy/LANDMAP

Government Guidance:

Planning Policy Wales (March 2002) as amended via MIPPS
TAN 5 – Nature Conservation and Planning
TAN 8 – Renewable Energy
TAN 11 – Noise

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

Draft documents:

TAN 5 – Nature Conservation
Renewable Energy Route Map for Wales (consultation document February 2008)

MAIN PLANNING CONSIDERATIONS:

15. The main considerations in this case are:

- i) Principle of development
- ii) Layout – landscape and design
- iii) Nature conservation, protected species and trees and woodlands
- iv) Land use impacts
- v) Impact on neighbouring uses (residential and employment)
- vi) Highway and traffic
- vii) Health risks & noise
- viii) Setting of listed building
- ix) Archaeology
- x) Drainage

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

i) **Principle of Development:**

Location and description of the application area:

The proposed cables will come ashore on Pensarn beach in Conwy County Borough Council's administrative area. They will take a route to the south of Kinmel Bay through a mix of agricultural grazing or arable fields. The cable would cross the county boundary into Denbighshire approximately a third of a mile to the west of Borth Crossroad. The route then goes north around Ysbyty Glan Clwyd and crosses under the A55 (T) between Junction 26 and Junction 27. After crossing under the A55 (T) the cable route follows the east edge of the St Asaph Business Park across Glascoed Road and to the proposed substation to the south of the business park. There is a basic location plan at

the front of this report showing the route.

Renewable energy technology:

The merits of National Government policy and Welsh Assembly Government Policy in relation to renewable energy production, including the case for alternative forms of generating electricity and the concentration of wind turbine sites off shore of the Welsh coast are not matters for challenge in the determination of an individual planning application for on shore installations.

The proposed GYM offshore wind farm will make a significant contribution to meet UK targets for renewable energy generation. PPW (2002) and TAN 8 suggest that Local Authorities should plan positively for off shore and on shore wind farms and ancillary installation.

As important background here: Members may recall considering a report concerning consultation by Conwy on the Gwynt y Môr offshore proposals at Planning Committee in January 2006 (a revision to the scheme discussed at the meeting of the 10th October 2007). The Committee **RESOLVED** that the Council, as neighbouring planning authority raise concerns about the visual impact of the windfarm but consider that these could be mitigated to an extent by:-

- a) Reducing the number of turbines to the bottom of the range (150);
- b) Colour of the masts grey, and
- c) Further clarification of the turbine layout

Onshore infrastructure is necessary to accompany the offshore development in order to connect with the high voltage grid electricity transmission system.

The Secretary of State for the Department of Energy and Climate Change, Ed Milliband announced on the 3rd of December 2008 that the Gwynt y Môr application to build and operate a 750MW wind farm had been successful.

Alternative sites:

A number of potential substation locations and subsequent overhead line and underground cable routes were considered in respect of planning, ecological and engineering constraints. The alternatives are mapped and discussed in the ES. Due to the size, the location of the substation needed careful consideration to minimise its visual and ecological impact. The applicants argue that the proposed substation location would form a natural extension to the south of the business park at a similar scale. They do not quantify what they mean by scale.

By locating the substation in this location, the length of overhead line required to connect into the existing 400kV overhead line would be kept to a minimum (approximately 500m) thus reducing the visual impact in the surrounding area.

Tree and hedgerow losses were also a key consideration by the applicants to keep to a minimum the impact on protect biodiversity and reinforce screening where possible.

The predominant habitat type within the underground cable route is low-lying, species poor improved and semi-improved grassland much grazed by sheep and cattle. Some of the land around Bodelwyddan is used for arable. The highest agricultural land grade is 2.

Summary:

National and local policies set a framework offering clear support for the development of renewable energy. The onshore installations have to connect to the existing 400kV powerline and the substation scale and size cannot be altered due to the health and safety aspect of its operation.

The location of the substation in or around the St Asaph Business Park is considered logical and acceptable, and there is similarity in the form of the buildings within the substation site with existing buildings on the business park.

With respect to the suggestion that the substation should be located elsewhere in the St. Asaph Business Park, Policy EMP 3 of the UDP outlined the vision for creating a high quality, low density appearance to the business park, which new investors and visitors have applauded. The existing SP Manweb substation on the business park (approximately 1.5ha in area and built presumably at the same time at the Pilkington's factory) is unobtrusive from the main frontages (Glascoed Road, Ffordd William Morgan, Cwttir Lane and the A55) of the business park. Locating a new substation, almost twice the size, on the remaining fields (to the west of Greengates Farm) would reduce and limit the area allocated in the UDP for future employment development, and is not considered a reasonable option. The application has to be determined on the basis of the submitted details.

Future extensions to the business park, suggested in the Pre Deposit LDP, are towards the town of St Asaph rather than south of Glascoed Road.

ii) **Layout - Landscape and Design:**

A number of objectors relate to the visual impact of the substation buildings, transformers, pylons etc., in this rural setting.

The substation would lie within the Cefn Estate, which is characterised by wooded blocks and well defined field patterns with scattered farmsteads. The key landscape management objectives for the substation site area, as set by the Authority in LANDMAP, include maintaining and enhancing tree and woodland cover, encouraging new planting of oak and black poplar and promoting conservation and establishing ponds.

The applicants have considered the principle of Policy ENV 7 and LANDMAP and made attempts to retain landscape features (trees, hedges and ponds) along the cable route. The loss of features by the siting of the substation is considered to be appropriately mitigated by the creation of new ponds and new planting.

The proposed substation buildings (one to a height of 13 metres high and the other 11.5 metres high) are not considered likely to be highly visible from the St Asaph Business Park due to the height of the existing buildings on the Business Park exceeding 15 metres, the orientation of the office buildings and dense mature vegetation (average height of a mature oak tree is 30 metres). However, the tops of the new pylon/tower and glimpses of the substation buildings through the trees will be visible, more so in winter.

Additional planting of native trees in the Coed Cord woodland will soften the appearance of the steel palisade fence, apparatus and buildings within the agricultural landscape. The choice of recessive clad material for the buildings would also help with screening. A dark grey colour would sit better against the backdrop of trees than modern brick or light clad buildings on the business park.

It is not possible to mitigate the overhead lines between the substation and the SEC but these are already present in this area and the new section relatively short in length.

Summary:

It is considered that the development could be integrated into the landscape without causing unacceptable harm to the landscape character. The substation and sealing end compound will be partially screened by existing vegetation. The additional planting proposed in the landscape mitigation scheme will contribute to the screening of the substation from the agricultural landscape and this should be scheduled near the start of the 24 month construction timetable. It is not considered that potential landscape impact would be significant, or that any harm arising would outweigh the case in support of infrastructure to accommodate renewable energy development.

iii) **Nature conservation, protected species and trees and woodland:**

An assessment of potential ecological impact was undertaken with a range of ecological surveys contributing to the baseline information for assessing the potential impacts.

The installation of the underground cables and the proposed substation has potential to create a number of adverse ecological impacts such as the permanent loss, disturbance or fragmentation of habitat due to construction.

Impacts include the loss of land at the substation site and the removal of hedgerow and trees along the cable route. A number of mitigation measures have been listed in the ES such as the timing of works to avoid bird nesting and awareness training for construction workers.

Newt compensation ponds will be provided, and secure newt fencing will be used during the construction phase to ensure that newts are not able to enter the construction area.

All hedgerow lost to the cable route will be fully reinstated upon completion of the works. Tree losses will be compensated for through replanting (ratio of 3:1) at Coed y Cord, south of the substation site. Coed y Cord, Hendy Gorse and Coed y Saeson are sites of local conservation importance (ENV 5) clustered to the south of the proposed substation site. The area of new planting will be 2.8 hectares and will link between two of the woodland areas.

The County Ecologist and Countryside Council for Wales have no objections subject to further information being submitted detailing the proposed mitigation. Conditions can be included to this effect.

Summary:

The proposal is not considered likely to have a significant adverse effect on ecology and offers sufficient mitigation to compensate for the disruption during construction phase.

iv) **Land use impacts:**

The proposed development has the potential to impact upon existing and future land uses. There will be no permanent effects or loss of agricultural land or public rights of way from the underground cable route once reinstatement has taken place.

Construction and operation of the substation will result in the permanent loss (for the period of the land lease) of 2.8ha of arable and pasture farmland. In addition a smaller area of land will change from agriculture to woodland and

other planting works (hedgerows and ponds) as mitigation for ecological and landscape effects.

Part of the cable route goes through the EMP 1 & EMP 2 allocation at St Asaph Business Park. Installation of the cables will constrain the type and layout of any future employment development on the site. However, provided no buildings are erected directly above the cables the proposal does not prejudice the use of the site for employment purposes. The development is not considered to prejudice the case made by the Council or any other party for a prison on the site.

The County's Pre-Deposit Local Development Plan (LDP) identifies three Key Strategic Sites (KSS) for major mixed development over the 15 year plan period. Members will be aware that officers have been working with consultants to establish the financial viability of delivering the LDP Strategy on the choice of one or two of the three sites. Members are expected to make a recommendation as to which site(s) is/are included in the LDP Deposit consultation document in the January Working Group and April Full Council, 2009.

The proposed underground cable route extends into the area being considered for the Bodelwyddan KSS. On the basis of the current alignment an area capable of accommodating some 400 homes could be affected because of the cable easement requirements, which has a bearing on the extent of development at the KSS and the optimum aim of the LDP Strategy. In order to address concerns, officers have been in discussion with the applicants with a view to securing an alternative route in this location, and have been advised that this can be accommodated. In the event that permission is granted, a condition can be imposed to secure a realignment to avoid sterilising the key strategic site.

Summary:

It is the view of officers that the cable route in connection with the off shore wind farm should have no significant adverse effect on the use of the land. The issue of sterilising a section of the LDP Key Strategic Site at Bodelwyddan can be addressed by way of planning condition. Whilst the substation site will involve the permanent loss of 2.8ha of farmland, another 2.8ha of land is secured for biodiversity.

v) **Impact on neighbouring uses (residential and employment):**

Five letters from residents raise an objection to potential nuisance from construction and operation of elements of the proposed development.

The applicant acknowledges that there will be temporary disturbance during installation of the ducts and cables and where directional drilling will occur. Some activities require 24 hours working for a short period. The applicant proposes to minimise the duration of these activities to the shortest time possible and will use the least disturbing methods of working available (such as 'super-silenced generators'). The Environmental Management Plan for the works, to be submitted as part of any consent, would require these measures to be taken and demonstration of their compliance with appropriate standards.

The visual receptors which would experience the most significant change in view would be the residential properties of Tyn-y-Caeau and Waen Meredydd. They lie some 235m and 340m respectively from the closest building in the substation site. It is acknowledged that both properties would have views of the proposed buildings and infrastructure that could not be fully

mitigated.

Qioptiq objection:

A letter of objection has been submitted by an agent on behalf of Qioptiq, expressing specific concern from that business over potential vibration and ground motion likely to occur from construction of the substation site and cable route and the effect it could have on the sensitive specialist product manufactured at the site.

The objection also identifies the separate impact that electric and magnetic fields from the substation and cable route could have on the company's ability to guarantee the quality that is required of the finished product, bearing in mind the highly sensitive nature of the product and the need to be able to provide such guarantees to customers.

Officers have sought further detail on the particular matters from the objectors, and it is understood they are to meet with the applicants to explore the issues, and if appropriate, mitigation measures. Officers do not feel it would be reasonable to delay reporting the application to Committee at this point, but will provide additional information for members on the matter before consideration of the item.

Summary:

Officers will report further on the specific outcome of dialogue on the issue of vibration and electro magnetic fields, and whether reasonably worded conditions could be used to overcome the concerns raised by the objectors including control over working methods during the construction phase and other mitigation measures. With respect, visual impact concerns are not considered to be significant given the nature of development in the locality.

vi) **Highway & Traffic:**

There are no specific representations expressing concern over the highway or traffic implications.

A full Transport Assessment has been produced detailing the construction traffic implications for the highway network. The results of the assessment are detailed in the ES (Chapter 16).

There will be extra traffic generation and a degree of disruption to the local highway at construction phase. The local road network was an important consideration for the siting of the substation. Three abnormal load movements will involve the delivery of large substation transformers from the A55(T) onto the B5381 Glascoed Road and into the site.

The applicants have designed the works so that the majority can be serviced from the haul road which is separate from the highway network. The haul route will be primarily accessed from the A547 Pen y Bont compound (just west of Borth Crossroad). A condition could be attached to limit the use the A55/A547 route for lorries involved in stone delivery and removal, ensuring that these do not use the smaller roads, such as the concern expressed by Bodelwyddan Town Council over Nant y Faenol Road. It is the intention that all heavy vehicle deliveries to the cable installations will be via the haul route, minimising the numbers of journeys through settlements.

Summary:

The proposal is not considered likely to have an unacceptable impact on the safe and free flow of traffic on the roads. The Highway Officer and National Assembly Highway Officers raise no objections subject to standard

conditions.

vii) **Health Risks & Noise:**

A number of letters raise concern on the potential impact of the development at construction and operational phase.

Test iii) of Policy ENP 1 requires that the proposal does not lead to unacceptable pollution levels to adjoining properties.

WAG's TAN 11 (Noise) suggests that Local Authorities should consider the noise characteristics of development and to consider appropriate mitigation, such as insulating the noise or quiet methods of working.

The ES accepts that the operation of the substation will create an element of noise that will be audible at certain locations in the vicinity of the substation. However, the noisiest plant elements of the substation will be fully enclosed to ensure that the noise impact at the nearest residential locations will not be significant. Such enclosures are standard in these types of development and are proven to be effective.

The closest residential property to the substation sites is Tyn y Caeau situated 340 metres to the east of the substation site. The closest business park employees are approximately 200 metres from the noisiest plant elements of the substation.

It is feasible to include enforceable condition(s) on any planning permission to ensure noise levels are controlled to acceptable limits.

PPW (2002) states that health implications of proposed development should meet the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

It is understood the overhead line does produce an electric field, but the underground cable does not. Magnetic fields are not significantly shielded by most common building materials or trees (unlike electric fields) but they do diminish rapidly with distance from the source.

An assessment of Electric and Magnetic Fields (EMF) and impact on Electro-Magnetic Compatibility has been undertaken and detailed in the ES, chapter 18. This information was undertaken by EMF experts from National Grid's unit specialising in this subject. The conclusion of the assessment is that the electric and magnetic fields from the proposals (substation and/or over/under ground cables) will not exceed the ICNIRP guideline levels.

Summary:

It is the view of the officers that the proposal will not have a significant effect on neighbouring properties in terms of operational noise or electric and magnetic fields.

viii) **Setting of Listed Building:**

Due account has to be taken of the potential impact of the above ground elements of the application (substation, sealing end compound, two new overhead towers and replacement tower 10% bigger than the existing) on Pentre Meredydd, a Grade II property some 300 metres from the sealing end compound, and 600 metres from the substation site.

The owner of the listed building and local residents have raised objections to the proposals. Pentre Meredydd is a sub medieval hall house dating from the

16th Century. The applicants have recognised and apologised for their error in the ES description (described as 19th Century). Pentre Meredydd is unoccupied but reported to be in use intermittently as an artist's studio.

Summary:

The County Conservation Architect has advised on the interpretation of policy CON 1 in the context of this application. The setting of a listed building is considered on the basis of the prominence of the building in the local landscape when viewed from a public place, and whether the proposed development impacts on those views; and in considering the views from the building, its historic character (whether it was built with a reasonable expectation of, or need for, a view), the layout and arrangements of windows. It is the view of the Conservation Officer that the proposals will not be detrimental to the setting of the listed building subject to the strengthening of planting to the south west corner of the sealing end compound. A separate consent is sought for the SEC (31/2008/1173/PF) and an appropriate condition could be attached should consent be given.

ix) **Archaeology:**

There are no representations expressing concern over the potential for damage to archaeological interests.

UDP policy MEW 10 (ii) seeks to ensure there is no unacceptable harm to areas or features of archaeological importance. TAN 8 Annex C refers to advice in Welsh Office Circular 60/96 Archaeology and Planning, and requires that care is taken to ensure relevant procedural steps are followed in the preparation, consideration of applications and during/after construction.

The Environmental Statement outlines the contents and conclusions of an archaeological impact assessment of the site. This identified 20 features and sites of cultural heritage interest, of regional, local, and minor scales of importance, but no scheduled ancient monuments within the site boundary.

It is not considered likely there will be any direct impacts on archaeological assets during the operational or decommissioning phases of the development.

There are no objections to the proposals from the two key consultees, the County Archaeologist, and the Clwyd Powys Archaeological Trust. Both require any consent to include an Archaeological Watching Brief, and a requirement to implement proposed mitigation works.

Summary:

Subject to appropriate condition(s) there are no archaeological concerns over the development.

x) **Drainage:**

Development of a greenfield site may result in disruption to natural drainage or an increase of impermeable land which can alter the natural water cycle.

In their response the Environment Agency confirm that no flood consequence assessment was required for the Denbighshire proposals as the majority of the application site is outside the floodplain. In addition they confirm that the proposed attenuation level and use of balancing ponds to deal with surface water at the substation are acceptable, subject to conditions relating to the construction methodology.

Summary:

It is the view of the officers that the drainage implications are not significant and can be controlled through conditions on any consent.

xi) **Other considerations:**

Some objectors question the quality of the photomontages. Officers consider that these provide a reasonable representation of the proposals, sufficient to make a judgement on the potential impacts of the development.

Other concerns are expressed regarding future expansion of the substation site, as the substation design allows for potential addition of 2 additional Super Grid Transformers. However future proposals have to be determined on their merits when or if a planning application is made in the future.

SUMMARY AND CONCLUSIONS:

17. This is a detailed report dealing with the key elements and issues relating to the cable installation works, which would form part of the infrastructure securing a connection from the consented Gwynt y Môr offshore windfarm to the National Grid. The works are essential to assist the completion of a scheme which would generate electricity from a renewable energy source, in support of Welsh Assembly Government strategy in TAN 8 and Ministerial Policy Statements.

The report recognises that there will be local impacts from the cable route proposals, but in officers' opinion, having regard to the response of consultees, there are suitable controls and mitigation measures which can be taken to address concerns arising on particular issues.

The contents of the Environmental Statement have been taken into account in the consideration of the 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. Notwithstanding the submitted detail, the line of the cable route which crosses between point A and B on the attached plan shall not be as shown but shall be in accordance with such alternative details as is submitted to and approved in writing by the Local Planning Authority.
3. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system for the substation site has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.
4. In accordance with TAN 15, the suitability of Sustainable Urban Drainage System (SuDS) for the disposal and attenuation of surface waters must be considered for the substation sites. If SuDS are shown to work for the substation sites and subject to the appropriate agreements being in place with regard to adoption, this system should be implemented for the site.
5. There must be no permanent raising of ground levels within floodplain areas.
6. No open excavation shall be permitted within the trunk road boundary. The cables shall be installed by directional drilling or equivalent. The access pits shall be constructed outside the trunk road boundary.
7. No work shall commence on site until a Construction Method Statement has been submitted in writing to and is approved by the Local Planning Authority. The scheme shall include a full investigation and drainage survey and provisions relating to:
 - Hours of construction works;
 - Construction and reinstatement of the temporary site compound;

Construction and reinstatement of all internal tracks including;
Soil stripping management;
Surface and foul water drainage;
Pollution Prevention and Control plan;
Traffic Management including HGV routes;
Traffic signing along public roads;
Recording the existing state of the site;

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority, in consultation with the relevant Highway Authority.

No works shall be permitted to commence until prior notification has been given to the Streetworks Manager, Denbighshire County Council.

8. There shall be no direct access from the A55 trunk road for vehicles associated with the haul route or access pits.

9. Full details of the siting, design, construction, signing, lighting and drainage of the access and internal road serving the site shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on site.

10. The access and internal road serving the site shall be completed to the satisfaction of the Local Planning Authority before works on the substation is commenced.

11. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.

12. Facilities for the cleaning of wheels of vehicles prior to their entering the public highway shall be provided and used and retained during the construction of the works.

13. A Construction Management Plan detailing routing of construction traffic, abnormal loads and traffic management measures shall be submitted to and approved in writing before the commencement of any works on site.

14. Full details of the design, construction and signing of the temporary haul road associated with the cabling operation shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on site. The details shall also include for the removal of the road and reinstatement of the field following installation of the cabling.

15. Full details of all road crossings including proposals for horizontal directional drilling shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on site.

16. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological Trust within two months of the fieldwork being completed.

17. No development shall be permitted to commence until the approval of the Local Planning Authority has been obtained to specific proposals for protected species mitigation, including the great crested newt. There shall be specific compensation schemes in relation to the Substation development, and the mitigation scheme shall include Reasonable Avoidance Measures (RAMS), the timing of operations, and audit schemes to demonstrate compliance. The Compensation schemes shall include the provision and nature conservation enhancement of wildlife habitats, long term site security, population monitoring and long term site management.

18. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to full details of the proposals for the management and enhancement of the site with specific regard to landscaping, including the management and retention of trees and hedgerows, additional and replacement planting and

maintenance, and the timing of works. The scheme shall be implemented in accordance with the approved timing schedule.

19. Any new planting, which within a period of five years of implementation, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

20. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to an Environmental Management Plan incorporating specific details relating to:

Contemporary surveys;

Methods statement and construction practices;

Approach to restoration, reinstatement and replanting;

Means of addressing/attenuating surface water run off from construction works; Associated mitigation and monitoring arrangements.

In the event of impacts on any cultural heritage receptor, a Written Scheme of Investigation (WSI) including mitigation works shall be prepared as part of this condition, and shall be implemented in conjunction with the Environmental Management Plan in accordance with such timetable as is approved by the Local Planning Authority.

21. The development shall be carried out in accordance with the recommendations of the Environmental Statement Volume 2 and 3, dated 2008 with management and enhancement measures implemented in full.

22. The substation shall not be brought into operation until the written approval of the Local Planning Authority has been taken to the maximum permissible noise levels arising therefrom, as measured from the façade any noise sensitive receptor. The agreed level shall not be exceeded at any 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 1990.

2. To ensure the proposed development does not sterilize land identified in the Denbighshire Pre-Deposit Local Development Plan as a Key Strategic Site.

3. To prevent the increased risk of flooding on and off-site.

4. To minimise floodrisk.

5. To ensure that there is no loss of floodplain storage or obstruction to flood flows following construction of the scheme.

6. In order to project the integrity of the structure of the A55 (T).

7. To ensure proper controls over the matters referred to minimise the impact of the construction development.

8. For the avoidance of doubt and in the interest of highway safety.

9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

10. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

11. To provide for the loading, unloading and parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

12. To ensure that no deleterious material is carried onto the highway.

13. In the interest of traffic safety.

14. In the interest of traffic safety.

15. In the interest of traffic safety.
16. To ensure proper opportunity for archaeological investigation in connection with the developments.
17. To ensure adequate measures for the protection and enhancement of protected species.
18. In the interests of visual amenity and wildlife enhancement.
19. In the interests of visual amenity.
20. To ensure proper arrangements are considered for nature conservation and protected species.
21. For the avoidance of doubt and in the interest of nature conservation.
22. In the interest of the amenities of users/occupiers of property in the locality.

NOTES TO APPLICANT:

i) The applicant should contact the County Council's Public Rights of Way Section on 01824 706923 or 01824 706872 to discuss the prospect of temporary closures on the Public Rights of Way; Footpath No's 7 and 16 and Bridleway No's 18 & 32. A minimum of 6 weeks notice is usually required for temporary closure orders.

ii) Welsh Water wish to inform you that a public sewer and water main cross the application site with their approximate positions being marked on the attached record plans.

iii) In relation to condition No. 4 further information can be found in CIRIA publications C522 SuDS - Design manual England and Wales & C523 SuDS - Best Practice.

iv) Highway Authority Consent will be required under Section 184 of the Highways Act 1980 to construct the permanent access and the applicant should contact the County Council's Highway Development Control Team (01824 706889) to discuss requirements.

v) In accordance with the New Roads and Street Works Act 1991 the developer will be required to notify the Street Works Authority before carrying out any highway works associated with the cabling operations. The applicant should contact the County Council's Street Works Unit on 01824 706958 to discuss requirements.

vi) You are advised that conditions Nos. 6, 7 and 8 of this permission have been included on the Direction of the Welsh Assembly Government's Transport and Strategic Regeneration Section.

(vii)As the application site is likely to support a European Protected Species, one or more species of bat and the great crested newt, development may only proceed, under a licence issued by the Welsh Assembly Government (WAG), who are the appropriate authority responsible for issuing licences under Section 44 (2) (e) of the above Regulations. This licence can only be issued for the purposes of:

"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment".

Furthermore, the licence can only be issued by the Welsh Assembly Government on condition that there is:

"no satisfactory alternative", and that

"the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

ITEM NO: 2

WARD NO: Trefnant

APPLICATION NO: 31/2008/1173/ PF

PROPOSAL: Installation of a cable sealing end compound (in connection with proposed Gwynt Y Mor offshore windfarm)

LOCATION: Land south of St. Asaph Business Park (south) Glascoed Road St. Asaph

APPLICANT: Jacqui Fenn National Grid

CONSTRAINTS:

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

CONSULTATION RESPONSES:

CEFN MEIRIADOG COMMUNITY COUNCIL:

"The above council were concerned about the cables being overhead and not underground between the substation and the cable sealing end of the compound".

COUNTY ARCHAEOLOGIST

In agreement that the mitigation measures proposed will enable the archaeological heritage to be preserved and would wish to see a condition attached to any grant of planning permission regarding an archaeological watching brief.

CLWYD-POWYS ARCHAEOLOGICAL TRUST:

Agree to the proposed mitigation and would like to see a condition that a 'watching brief' is undertaken during excavations of construction ground works.

CONSERVATION ARCHITECT

Considers the substation to be sufficient distance away from the Listed Building (Pentre Meredydd), and recessive so as not impact on the setting of the Listed Building. Considers that additional mitigation planting is required to the south west corner of the sealing end compound.

ENVRIONMENT AGENCY WALES

No flood consequence assessment is required. Raise no objections to the proposal subject to details regarding emergency and contingency plans for flood incidents being included in the hydrology section of the Environmental Management Plan. Suggest that a condition is attached to any consent to safeguard access to watercourse for maintenance.

COUNTRYSIDE COUNCIL FOR WALES

The proposal will not directly affect the integrity of any statutory designated sites of ecological, geological and/or geomorphic interest. In addition they do not consider the proposal would affect any statutory protected landscape areas. However, St Asaph Business Park does support a nationally important population of great crested newts and any consent should be subject to a condition.

HEAD OF TRANSPORT & INFRASTRUCTURE

No objections subject to conditions relating to highway safety issues.

RESPONSE TO PUBLICITY:

- i) Mr A. Williams, Tyddyn Meredydd, Cefn, St. Asaph
- ii) Ms. L. Williams, Groesffordd Farm, Groesffordd Marli
- iii) Mr R. H. Barlow, Carreg Dafydd, Marli
- iv) Mr M. Barlow, 4, Maes Robert, Cefn, St. Asaph

The main points in the letters. All 4 letters express objection to the application

Landscape and visual impact:

Development will be visible, especially from the upland areas of the farming community.

Question why the 500m overhead cable from the proposed substation to the sealing end compound and pylon tower cannot be placed underground to minimise visual intrusion.

Rural character of the area becoming increasingly urbanised. Classic example of rural landscape of the Vale of Clwyd.

Concern that the development, in particular the substation, will result in major environmental degradation.

Alternative options:

Question why the developers have not considered rerouting the 400kV line to provide flexibility in the choice of substation location.

Health risks:

Concerns regarding the health risks associated with the power frequency/electromagnetic fields and the high voltage power lines.

Proximity of residential dwelling, Tyddyn Meredydd to the sealing end compound and pylon.

Noise:

Aware that the UK weather creates significant pylon noise pollution. Concerns that the substation and sealing end compound will create more noise pollution and disturbance.

Impact on Listed Building:

Proposed development will have negative impact on the 16th Century Grade 2 Listed Building, Pentre Meredydd.

Other:

Impact on property value.

Quality of the photomontages.

Contradictions in the report.

The application erroneously states that Pentre Meredydd is a 19th century construction.

EXPIRY DATE OF APPLICATION: 14/12/2008

REASONS FOR DELAY IN DECISION:

- Timing of Committee
- Receipt of representations requiring further investigation

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application relates to development associated with the Gwynt y Mor offshore windfarm, approved in December 2008. It concerns the erection of buildings and associated equipment which link the underground cable from the windfarm, to the national grid. The application relating to that section of the cable route in Denbighshire is the subject of the previous application on the agenda, Code No. 31/2008/1123/PF.
2. Gwynt y Mor Offshore Wind Farm Limited (GYMOWFL), a subsidiary of npower renewables, is proposing to construct, operate (and ultimately decommission) an onshore electrical sub-station and associated ancillary works and underground electrical cabling between Belgrano and St Asaph, which are in the administrative boundaries of Conwy and Denbighshire County Councils.
3. In brief the total scheme comprises:
 - i) offshore cables from the turbines, which would run to land on Pensarn beach;
 - ii) 11km of underground cables from the sea shore to a new substation to the south of St Asaph Business Park (6km of cabling proposed in DCC);
 - iii) approximately 500 meters of overhead lines and underground cables that connect the new substation to the existing national grid electricity transmission system via the existing 400kV Deeside to Pentir overhead line (pylons running through Denbighshire County Council to the south of St Asaph Business Park);
 - iv) a new substation 345m x 80m (27,700m² or 2.8 ha) where the 132kV will be transformed to 400kV. The substation will have emergency work floodlighting equipment; and
 - v) a sealing end compound and replacement overhead line tower (pylon) on the existing 400kV to allow new connection to be made.
4. As noted above, this particular application by the National Grid relates to the sealing end compound proposal. The cable route works are the subject of application Code No. 31/2008/1123/PF which immediately precedes this item on the agenda.
5. The Gwynt y Mor substation has to connect to the 400kV Deeside to Pentir overhead line. This overhead line has a northern and southern circuit. The connection between the northern circuit and the substation will be made by a new single circuit overhead line from a replacement tower. The connection between the southern circuit and the substation will be via a single circuit using three underground cables.
6. The cable sealing end compound (SEC) is proposed to facilitate the transition of the underground cables to connect to the southern circuit of the existing 400kV Deeside to Pentir line. The SEC will occupy approximately 25 metres x 31 metres of an agricultural field to the south of the 400kV overhead line, adjacent to the proposed replacement tower. A temporary diversion of the overhead line will be necessary to allow the construction of the replacement tower and for the safe dismantling of the existing tower. The existing tower is located some 40 metres away from the application site in the adjoining field. The existing tower stands at 53m tall and the replacement tower will be 58m tall.
7. A permanent access into the SEC is proposed from the unnamed unclassified road to the west. However, during construction, access will be from a temporary stone haul road from the substation. The compound will need to be surfaced with stone

chippings and enclosed by a 2.4 metre high metal security palisade fence with an additional 3.4m high electrified pulse fence fitted to its inside face. Within the compound will be sealing end structures and surge arrestors. The replacement tower will be constructed adjacent to the SEC and downleads from the tower will be connected to the sealing end structures and to anchor blocks. The plan attached to the front of this report illustrates the structures involved.

8. The new overhead line will be supported by two overhead towers at heights of 28 metres each, and of a lattice construction. Approximately 420m overhead line is proposed which is approximately the distance from the substation to the proposed tower.

Temporary construction office, stores, delivery and off-loading areas for the new substation will be used.

9. Two relatively short Public Rights of Way run approximately 680 metres (Footpath No. 7) and 515 metres (Footpath No. 6) at its closest point to the substation site. Another footpath comes within 210 metres (Footpath No. 16) and two bridleways (No. 10 and No. 32) are within 340 m and 140 m.
10. Planning consent under the Town and Country Planning Act 1990 is only required for the proposed Sealing End Compound, (SEC). All other works require either consent under Section 37 of the Electricity Act 1989 or are classed as 'permitted development' under Schedule 2, Part 17, Class G (a) of the General Permitted Development Order (1995).
11. The letter submitted with the planning application explains that the work in total would not take longer than 6 months.
12. Accompanying documents:
In brief, the relevant contents of the key documents are:

An Access and Inclusive Design Statement:

- The compound is functional and primary design is to ensure no unauthorised access can be gained to components that operate at 400kV.
- Access into the SEC will be via a new surfaced access road which is proposed to be constructed from the unnamed road running from Glascoed to Cefn Meiriadog.
- Two floodlights are proposed but only required for safe maintenance work if required after the hours of dark.
- The layout and design of the scheme has been constructed to minimise, as far as reasonable adverse effects on the environment and amenity.

A Planning Statement:

- General description of site and location and character;
- Reference to National, Regional and UDP policies;
- Refers to the selection process made by the then Department of Trade and Industry (DTI) and The Crown Estate for three schemes in the 'Liverpool Bay' Strategic Area;
- Proposes that GYMOWFL makes a significant contribution to meet the UK targets for renewable energy generation;
- They conclude that the proposal has no significant impact on ecology, highways, archaeology, hydrology, noise, health, views and landscape.
- Replacement planting will be at a higher ratio to that lost.

Environmental Report:

An Environmental Report (ES), is a document detailing the results of local environmental assessment in relation to the planning application. Numerous consultations were undertaken by the applicant at the scoping stage. Summary findings include:

Soils & Contaminated Land – No significant impacts were identified for any receptors however the company implement a Construction Environmental Management Plan (CEMP) to ensure that there will be no residual risk.

Hydrology – Two small field drains have the potential of being directly affected and a further 8 watercourses and 9 ponds are located within 500m of the development area. An Environmental Impact Plan is proposed to incorporate environmental sound practices as mitigation against pollution and adverse impact. No significant effects on hydrology are anticipated.

Ecology – the construction phase could lead to potential ecological impact by fragmentation, disturbance and/or permanent loss of habitats by the felling of trees to locate the temporary tower/pylon. Compensation planting for the loss of any mature tree will be at the ratio of 3:1 and the felled trees will be used in habitat piles for invertebrates. It concluded that the operation of the proposed development will not result in significant ecological impact.

Landscape and Views – the report concludes that the overall effect on visual receptors and landscape character during construction and operation is considered to be Minor adverse.

Cultural Heritage – a total of 20 features and sites were identified within the study area. The report considered the temporary indirect impact during construction and at operation. An archaeological watching brief is proposed for the construction phase. The report concludes that there are no direct or indirect impacts on any potential receptors other than Bodelwyddan Park (low significant during construction phase).

Land use – potential loss of agricultural land and temporary disruption of access to established residential, commercial or industrial properties and communal facilities are considered. Conclude that there would not be significant adverse impact.

Noise – the noise assessment was undertaken by National Grid. They conclude that the proposed overhead cable section would be practically quiet in all conditions and do not anticipate any noise nuisance to the nearest noise sensitive receptors.

Transport – operation impacts of the development were disregarded as no personnel would be required other than infrequent maintenance and repair. A Construction Management Plan is proposed to clarify routes for construction vehicles. The overall impact is expected to be 'negligible' for the majority of the construction period.

Electric and Magnetic Fields – the National Grid assessments conclude that the 400kV overhead line, underground cables and sealing end compound will not exceed UK Government guideline levels.

RELEVANT PLANNING HISTORY:

13. None.

PLANNING POLICIES AND GUIDANCE:

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

Strategic Policies

STRAT 1 – General
STRAT 2 – Energy
STRAT 5 – Design
STRAT 6 – Location
STRAT 7 – Environment
STRAT 8 – Employment
STRAT 13 – Transport, new development
STRAT 14 – Highways

General Policies

Policy GEN 3 - Development outside development boundaries
Policy GEN 6 – Development control requirements
Policy GEN 9 – Environmental Assessment / Statement
Policy ENV 1 – Protection of the natural environment
Policy ENV 3 – Local Landscape Area
Policy ENV 5 – Sites of Local Conservation Importance
Policy ENV 6 – Species protection
Policy ENV 7 – Landscape / townscape features
Policy ENV 8 – Woodlands
Policy ENV 11 – Safeguard of high quality agricultural land
Policy CON 1 – The setting of listed buildings
Policy CON 11 – Areas of archaeological importance
Policy ENP 1 – Pollution
Policy ENP 4 – Foul & surface water drainage
Policy TRA 6 – Impact of new development on traffic flows
Policy TRA 10 – Public Rights of Way
Policy MEW 8 – Renewable energy
Policy MEW 10 – Wind power

Other relevant Council publications/documents

Local Biodiversity Action Plan
Denbighshire Landscape Strategy/LANDMAP

Government Guidance:

Planning Policy Wales (March 2002) as amended via MIPPS
TAN 5 – Nature Conservation and Planning
TAN 8 – Renewable Energy
TAN 11 – Noise

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

Draft documents:

TAN 5 – Nature Conservation
Renewable Energy Route Map for Wales (consultation document February 2008)

MAIN PLANNING CONSIDERATIONS:

15. The main considerations are:
- i) Principle of development
 - ii) Layout – landscape and design
 - iii) Nature conservation, protected species and trees and woodlands
 - iv) Highway and traffic
 - v) Health risks & noise

- vi) Setting of listed building
- vii) Archaeology
- viii) Other material considerations

16. In relation to the main planning considerations noted in paragraph 15 above:

i) Principle of development:

The area is generally known as Groesffordd Marli. The development site is in 3 agricultural fields (Grade 2 and 3 Quality), approximately 500m south of the southern most boundary of the St Asaph Business Park. Enclosed farmland surrounds the application site with low managed hedgerows containing mature trees to the south west and south east. To the north west and north east the boundary is formed by the unnamed access road and an existing track. An existing 400kV overhead power line (Deeside to Pentir) passes in an east – west direction through the site.

The proposed GYMOWF will make a significant contribution to meet UK targets for renewable energy generation. Onshore infrastructures are necessary to accompany the offshore development in order to connect the power generated by the wind farm to the electricity transmission system.

Summary:

It is unavoidable that this type of development is located adjoining existing national infrastructure. Such development is in accord with TAN 8 and test vii) of Policy GEN 3. The development is also necessary to assist a key scheme contributing to the national targets set for producing renewable energy from wind.

ii) Layout - Landscape & Design:

All objectors' letters comment on the harm this proposal will have on their enjoyment of the area and the character of the local landscape.

The relevant policy test of GEN 6 seeks to protect the character of surrounding landscape and prominent views into and out of the landscape. Development proposals should incorporate existing landscape features and avoid prominent skylines and site contours. ENV 7 allows for development only where appropriate mitigation measures are taken.

The SEC would be visible in the landscape from the south and west of the application site, although these views are likely to be over the hedgerows and filtered through trees. The most significant change in landscape appearance would be to the users of the lane adjacent to the site.

The compound element of application site would not be visible from the St Asaph Business Park due to the orientation of the buildings and dense vegetation. Woodland, high hedgerow and individual trees in the landscape and surrounding the proposed development site would reduce the extent of visual impact on the landscape.

The replacement tower is considered to be the most prominent visible permanent structure, but it would not be an alien feature in the landscape. A 10% increase in the height of the tower is not considered to be significant. Two additional towers and the overhead line are necessary and tree planting is not possible within the easement area of the line.

Mitigation planting of native plants along the south west corner and new east boundary of the field is proposed by the applicant in recognition of the need to soften the appearance of the steel palisade fence and apparatus within the

agricultural landscape. It is not possible to mitigate the overhead lines between the substation and the SEC, but again they are not alien to this area.

The orientation and layout of the compound has been chosen to mitigate the visual impact on the landscape. The design and construction is not negotiable for health and safety and technical reasons.

Summary:

The proposed development is not considered contrary to the policies of the development plan, STRAT 7, ENV 1 & 7 and MEW 10. There would be local impact during construction phase and immediately on operation, reducing with the establishment of plants. Subject to control over the type and density of planting the landscape impacts are not considered so adverse as to merit refusal.

iii) Nature conservation, protected species and trees and woodlands:

A number of representations are made over major environmental degradation from the proposed development.

Npower renewables have consulted with a number of relevant organisations and undertaken numerous surveys, some updated in the years 2005, 2007 and 2008. The County Ecologist and CCW have responded to consultation and raise no objections, subject to conditions regarding further submission of detail for the mitigation.

The main environmental policies contained in the UDP are ENV 1, 4, 5, 6 & 8.

The application acknowledges that two trees will be permanently lost due to the construction of overhead line towers. A short length of important hedgerow will be lost, but replanting and reinstatement is proposed and detailed further in an Environmental Management Plan, subject to consent being granted. New planting is proposed in the south west corner of the application site for screening purposes rather than as an ecology mitigation requirement.

The Environment Agency Wales suggest that a condition is attached to any consent to ensure that future watercourse maintenance works are not compromised by insufficient vertical clearance for the overhead line. Two small field drains are sited close to the overhead / underground cable works.

Summary:

The proposal is unlikely to have a significant adverse effect on ecology and offers adequate mitigation to compensate for the disruption.

iv) Highway and traffic:

There are no representations expressing concern over the highway or traffic implications.

The applicants propose to produce and implement a Construction Travel Plan to reduce the volume of traffic associated with commuting to and from the work site. A copy of the said plan would need to be assessed by the County Highways Officer subject to any consent being given.

Summary:

The proposal is not considered likely to affect the safe and free flow of traffic (Policy TRA 6 of the UDP) on the roads, and the County Highway Officer raises no objections subject to standard conditions relating to the use of lights during construction or maintenance and further access road construction and

finish details.

v) Health risks & noise:

Two letters raise noise as an existing issue from the 400kV overhead line and express concern that the SEC will lead to additional noise. The same letters raise concerns over health impacts.

Test iii) of Policy ENP 1 requires that the proposal does not lead to unacceptable pollution levels to adjoining properties.

WAG's TAN 11 (Noise) suggests that Local Authorities should consider the noise characteristics of development and to consider appropriate mitigation, such as insulating the noise or quiet methods of working.

Chapter 12 of the ER considers the noise element of the proposal and states that the single circuit overhead line and the SEC is not anticipated to cause a noise nuisance to the nearest noise sensitive receptors.

The direction of travel of the proposed new overhead line is away from the residential dwellings towards the substation and is therefore not considered likely to cause any additional noise.

PPW (2002) states that health implications of proposed development should meet the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

An assessment of Electric and Magnetic Fields (EMF) and impact on Electro-Magnetic Compatibility has been undertaken and detailed in the ER, chapter 14. This information was undertaken by EMF experts from National Grid's unit specialising in this subject. The conclusion of the assessment is that the electric and magnetic fields from the proposals (sealing end compound and/or over/under ground cables) will not exceed the ICNIRP guideline levels at the perimeter fence.

The overhead line does produce an electric field, but the underground cable does not. Magnetic fields are not significantly shielded by most common building materials or trees (unlike electric fields) but they do diminish rapidly with distance from the source.

Tyddyn Meredydd is the nearest house to the existing 400kV overhead line situated some 225 metres to the south.

The ER concludes that the calculated electric and magnetic fields do not exceed UK Government public exposure guideline levels.

Summary:

It is the view of officers that the proposal will not have a significant effect on neighbouring properties in terms of operational noise or electric and magnetic fields.

vi) Setting of listed building:

A number of representations refer to impact of the proposed development on a listed building.

The owner of the listed building and local residents have raised objections to the proposals. Pentre Meredydd is a sub medieval hall house dating from the 16th Century. The applicants have recognised and apologised for their error in the ES description (described as 19th Century). Pentre Meredydd is

unoccupied but reported to be in use intermittently as an artist's studio.

The County Conservation Architect has advised on the interpretation of policy CON 1 in the context of this application. The setting of a listed building is considered on the basis of the prominence of the building in the local landscape when viewed from a public place, and whether the proposed development impacts on those views; and in considering the views from the building, its historic character (whether it was built with a reasonable expectation of, or need for, a view), the layout and arrangements of windows.

Due account needs to be taken of the above ground elements of the application relating to the sealing end compound development.

Summary:

It is the view of the Conservation Officer that the proposals will not be detrimental to the setting of the listed building subject to the strengthening of planting to the south west corner of the sealing end compound.

vii) Archaeology:

There are no representations expressing concern over the potential for damage to archaeological interests.

UDP policy MEW 10 (ii) seeks to ensure there is no unacceptable harm to areas or features of archaeological importance. TAN 8 Annex C refers to advice in Welsh Office Circular 60/96 Archaeology and Planning, and requires that care is taken to ensure relevant procedural steps are followed in the preparation, consideration of applications and during/after construction.

The Environmental Report outlines the contents and conclusions of an archaeological impact assessment of the site. This identified 20 features and sites of cultural heritage interest, of regional, local, and minor scales of importance, but no scheduled ancient monuments within the site boundary.

It is not considered likely there will be any direct impacts on archaeological assets during the operational or decommissioning phases of the development.

Summary:

There are no objections to the proposals from the two key consultees, the County Archaeologist, and the Clwyd Powys Archaeological Trust. Both require any consent to include an Archaeological Watching Brief, and a requirement to implement proposed mitigation works.

viii) Other considerations:

Some objectors queried the quality of the photomontages. Officers consider that these provide a reasonable representation of the proposals, sufficient to make a judgement on the potential impact of the development.

Other concerns are expressed regarding future expansion of the substation site as the substation design allows for potential addition of 2 additional Super Grid Transformers. However future proposals have to be determined on their merits, when or if a planning application is made in the future.

SUMMARY AND CONCLUSIONS:

17. The application relates to developments south of the St. Asaph Business Park, which would form an essential part of the scheme connecting the consented Gwynt y Mor offshore windfarm to the National Grid. The report recognises that Sealing End Compound development would have a localised impact, but in officers'

opinion, having regard to the response of consultees, there are adequate controls and mitigation measures which can be taken to address concerns arising over particular issues.

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 part of the development shall display any name, logo, sign, advertisement or means of illumination without the prior written approval of the Local Planning Authority.
3. There must be no permanent structures or raising of ground levels within 4 metres of the top of the bank of any watercourse.
4. No work shall commence on site until a Construction Method Statement has been submitted in writing to and approved by the Local Planning Authority. The scheme shall include provisions relating to:
 - Hours of construction works;
 - Construction and reinstatement of the temporary site compound;
 - Construction and reinstatement of all internal tracks including;
 - Soil stripping management;
 - Surface and foul water drainage;
 - Pollution Prevention and Control plan;
 - Traffic Management including HGV routes;
 - Traffic signing along public roads;
 - Recording the existing state of the site;Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.
5. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to an Environmental Management Plan incorporating specific details relating to:
 - Contemporary surveys;
 - Methods statement and construction practices;
 - Approach to restoration, reinstatement and replanting;
 - Means of addressing/attenuating surface water run off from construction works;
 - Associated mitigation and monitoring arrangements.
6. Pre-Commencement Condition
 - Full details of the following shall be submitted to and approved in writing by the Local Planning Authority before any work commences on site. The details should include:
 - i) the design and construction of the temporary access road (including measures to reinstate the field following completion of the works);
 - ii) the siting, design, construction, signing, lighting and drainage of the access and internal road serving the site);
 - iii) the area retained within the site for the loading, unloading parking and turning of vehicles;
 - iv) the Construction Travel Plan (including details of the routing of all construction vehicles, traffic management, delivery times, sweeping of roads at the interface between field and the public highway).
7. The temporary access to the site shall be completed in accordance with the approved scheme and to the satisfaction of the Local Planning Authority prior to the commencement of development on the sealing end compound.
8. The operational access and internal road serving the site shall be completed in accordance with the approved scheme and to the satisfaction of the Local Planning Authority prior to the sealing end compound being brought into use.
9. Facilities for the cleaning of wheels of vehicles prior to their entering the public highway shall be provided and used and retained for the duration of the construction period.

10. No light source shall be directly visible to drivers of vehicles using the adjoining highway.
11. **Pre-Commencement Condition**
The Developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological Trust within two months of the fieldwork being completed.
12. **Pre-Commencement Condition**
No development shall be permitted to commence until the approval of the Local Planning Authority has been obtained to specific proposals for the protected species mitigation, including the great crested newt. There shall be specific compensation schemes in relation to the sealing end compound development. The mitigation scheme shall include Reasonable Avoidance Measures (RAMS), the timing of operations, and audit schemes to demonstrate compliance. The compensation scheme shall include the provision and nature conservation enhancement of wildlife habitats, long term site security, population monitoring and long-term site management.
13. The development shall be carried out in accordance with the recommendations of the Environmental Report dated October 2008 with management and enhancement measures implemented in full.
14. **Pre-Commencement Condition**
Notwithstanding the submitted detail (Drwg No. 17000110/1002 Rev B), the planting scheme for the south and south west corner of the application site shall be increased in accordance with details submitted in writing to and approved by the Local Planning Authority. The details shall include a planting schedule and location.
15. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained regarding the full details of the proposals for management and enhancement of the site with specific regard to landscaping, including the management and retention of trees and hedges, replacement planting and maintenance and the timing of such works. The scheme shall be implemented in accordance with the approved timing schedule.
16. Any new planting, which within a period of five years of implementation dies, is removed or becomes seriously damaged or diseased shall be replanted 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. For the avoidance of doubt and in the interest of visual amenity.
3. In order to allow access to the watercourse for maintenance, maintain a flood flow route and retain a habitat corridor.
4. To ensure proper controls over the matters referred to minimise the impact of the development.
5. To ensure proper arrangements are considered for nature conservation and protected species.
6. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access. To provide for loading, unloading and parking of service vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest

- of traffic safety. To ensure that the temporary access road is constructed to a standard capable of catering for the amount of construction traffic that is likely to be generated by the proposal.
7. To ensure that no deleterious material is carried onto the highway and in the interest of safety.
 8. In the interest of free and safe movement of traffic on the adjacent highway.
 9. To ensure that no deleterious material is carried onto the highway.
 10. To prevent glare or dazzle in the interest of traffic safety.
 11. In the interests of archaeological investigation and recording.
 12. To ensure adequate measures for the protection and enhancement of protected species.
 13. In the interest of nature conservation.
 14. In the interest of mitigating visual impact.
 15. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
 16. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

Highway Authority Consent will be required under Section 184 of the Highways Act 1980 to construct the permanent access and the applicant should contact the Highway Development Control Team (01824 706889) to discuss requirements.

In respect of compensation schemes you are advised that the locations of compensation sites be sent in electronic GIS format to the Local Planning Authority for ease of distribution to all relevant parties.

As the application site is likely to support a European Protected Species, one or more species of bat and the great crested new, development may only proceed, under a licence issued by the Welsh Assembly Government (WAG), who are the appropriate authority responsible for issuing licences under Section 44 (2) (e) of the above Regulations. The licence can only be issued for the purposes of:

"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment."

Furthermore, the licence can only be issued by the WAG on condition that there is:

"no satisfactory alternative", and that

"the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

ITEM NO: 3

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2007/0662/ PF

PROPOSAL: Demolition of existing clubhouse, erection of replacement clubhouse and, erection of 4 no. detached dwellings and alterations to existing vehicular access

LOCATION: St. Melyd Golf Club The Paddock Prestatyn

APPLICANT: St. Melyd Golf Club

CONSTRAINTS: Footpath
Article 4 Direction

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Observation – The affordable housing requirement of this development should be provided on site."

TREE CONSULTANT

No objection.

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to condition to secure on-site parking facilities as shown on plan.

HEAD OF HOUSING SERVICES

Would wish to see on site affordable housing.

FOOTAPTHS OFFICER

Public Footpath No. 11 will need to be formally diverted prior to development.

DWR CYMRU/WELSH WATER

No objection subject to standard conditions relating to separate foul and surface water systems.

VALUATION AND PROPERTY MANAGER

The money required to develop the new clubhouse, having regard to financial statements submitted, would not enable an affordable unit to be provided. However, this appears in conflict with policy based on price paid for land.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

On original submission

1. Mr & Mrs D Rickards, 3 The Paddock, Prestatyn. LL19 8NB. (x2)
2. Mr J Williams, 1A The Paddock, Prestatyn. LL19 8NB. (x2)
3. Mr & Mrs P Edwards, 7 The Paddock, Prestatyn. LL19 8NB. (x2)
4. Mr & Mrs M C Lee, 1 The Paddock, Prestatyn. LL19 8NB. (x2)
5. Mr & Mrs A Rogers, 8 The Paddock, Prestatyn. LL19 8NB. (x2)
6. Mrs M Millward, 10 The Paddock, Prestatyn. LL19 8NB.

7. Mr. & Mrs. L. Mulhearn, 6 The Paddock, Prestatyn

On revised submission

1. Mr A Hogg, 26 Calthorpe Drive, Prestatyn
2. Paul Roberts, 96 Fforddisa, Prestatyn
3. Mr & Mrs D Richards, 3 The Paddock, Prestatyn
4. Mr & Mrs Rogers, 8 The Paddock, Prestatyn
5. Mr & Mrs Mulhearn, 6 The Paddock, Prestatyn
6. Mr & Mrs Lee, 1 The Paddock, Prestatyn

Summary of planning based representations:

- i) Concerns over sufficiency of parking
- ii) Concerns over size and scale of proposed dwellings (original and revised scheme)
- iii) Concerns over impact on footpath
- iv) Concerns over encroachment of development into Green Barrier
- v) Concerns over deliverability of affordable housing option

EXPIRY DATE OF APPLICATION: 17/12/2008

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located to the north of the village of Meliden and consists of the clubhouse and parking area associated with St Melyd Golf Club. The site lies to the east end of a residential cul de sac known as The Paddock containing mainly single storey detached bungalow properties.
2. To the north of The Paddock are further large, detached dwellings which front onto Meliden Road. To the south and east of the site is the golf course area which forms a Green Barrier between the small development boundary of The Paddock and the main Meliden village boundary. The Prestatyn/Dyserth walkway skirts the site to the east and is formally designated as a Recreational Route. Public Footpath No. 11 runs across the car park area of the golf club. St Melyd is a private golf club which is open to the public.
3. Full planning permission is sought to demolish the buildings on the existing car park area which include the existing single storey clubhouse building and small detached warden's accommodation unit. It is proposed to erect a new two storey clubhouse building to be sited further south than the existing encroaching into the main golf course site and within the green barrier. The new clubhouse will be constructed in brick and render under a slate grey tiled roof. The height of the clubhouse would be some 9m at its highest point. The clubhouse would contain locker rooms, bar and offices on the ground floor with a further bar, dining area and snooker room on the first floor.
4. To the north of the new clubhouse it is proposed to develop 4 no. detached dwellings. These dwellings would be sited to front / face towards The Paddock with rear gardens backing onto the Prestatyn / Dyserth walkway to the east. The dwellings are indicated on the submitted plans as follows:-

Plot 1 – sited to the north of the site

- Detached 2 storey dormer style dwelling (3 bed)

Plot 2 and 3 – sited to the south of Plot 1

- Detached full 2 storey dwelling (5 bed)

Plot 4 – sited to the south of Plot 3

- Detached full 2 storey dwelling (4 bed)

5. Between the proposed dwellings and the new clubhouse it is proposed to develop a 64 space car parking area for the golf club. Vehicular access to the dwellings and the car park will be via The Paddock with each dwelling enjoying its own front driveway off a small private drive.
6. The applicants have submitted a variety of supporting information with the application at various stages of the assessment. Initially the applicants had explained that the erection of the 4 no. dwellings was to enable the erection of the new clubhouse. They had not offered the required affordable housing unit with this scheme as they had agreed the financial gains from the residential element were being used to subsidise the new clubhouse. Following further negotiations with the applicant they have now offered an off-site affordable housing unit. This affordable unit is proposed to be provided at the Tip Lane residential development site, a scheme with a resolution to grant planning permission subject to a Section 106 legal agreement. No planning permission currently exists at Tip Lane.

RELEVANT PLANNING HISTORY:

7. None relevant to this proposal.

PLANNING POLICIES AND GUIDANCE:

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

Policy STRAT 1 – General

Policy STRAT 6 – Location

Policy STRAT 7 – Environment

Policy STRAT 15 – Housing

Policy STRAT 16 – Community Facilities and Benefits

Policy GEN 1 – Development within Development Boundaries

Policy GEN 5 – Green Barriers

Policy GEN 6 – Development Control Requirements

Policy GEN 8 – Planning Obligations

Policy ENP 4 – Foul and Surface Water Drainage

Policy HSG 3 – Housing Development in Main Villages

Policy HSG 10 – Affordable Housing within Development Boundaries

Policy REC 1 – Protection of Existing Open Space

Policy REC 7 – Golf Developments

Policy REC 8 – Recreational Routes

Policy TRA 9 – Parking and Servicing Provision

Policy TRA 10 – Public Rights of Way

Supplementary Planning Guidance

SPG 22 – Affordable Housing

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

9.

- i) Principle of development in this location
- ii) Impact on visual amenity / Green Barrier
- iii) Impact on residential amenity.
- iv) Impact on highway safety / footpath
- v) Affordable Housing issue

10. In relation to the points identified in paragraph 9 above:

- i) Principle of development
 - a) Housing – The site is located predominantly within the settlement boundary of the village of Meliden. The proposed 4 no. dwellings are shown to be sited within the development boundary. As such, the principle of housing development in this location is acceptable subject to the compliance of the scheme with other considerations.
 - b) Clubhouse – The proposed new clubhouse would be sited some 9 – 10 m further south than the existing. As the existing clubhouse's back wall sits right on the boundary with the development boundary and Green Barrier this would mean the new two storey structure would be outside of the development boundary and fully within the designated Green Barrier. Policy GEN 5 outlines the purpose of Green Barrier designations and states that development within them will only be permitted provided that the open character and appearance of the land is not prejudiced. Whilst it is acknowledged that the new clubhouse does not encroach significantly into the Green Barrier the new two storey structure is considered to impact upon the open character and appearance of the area. It is considered that by reason of its siting and size the clubhouse would not comply with the intention of Policy GEN 5. In this location, therefore, the clubhouse is not considered acceptable due to its prominence.
- ii) Impact on visual amenity / Green Barrier
 - a) Housing – The siting, size, scale and design of the housing has been discussed at length with Officers. Amendments have been made to Plot 1 closest to No. 7 The Paddock in order to minimise any impact on that dwelling. From a visual perspective the site sits at the head of a cul de sac of mixed dwelling styles. Whilst bungalows are the predominant type there are some two storey, dormer style dwellings on The Paddock. As the proposed dwellings are orientated differently to those on The Paddock it can be argued that the 2 storey and dormer designs are not too incongruous in this location. It is not considered that the dwellings proposed would cause any significantly detrimental impact to the visual amenities of the site or surroundings. This would be in compliance with adopted policies relating to new dwellings within development boundaries.
 - b) Clubhouse – The new clubhouse would be some 141 sq.m larger than the existing. It would be now designed on two floors with an overall height of some 9m. The existing clubhouse is fairly modest in comparison and is sited closer to the development on The Paddock. Within the Green Barrier and Recreational area it is considered that a building of such a size and scale will have a detrimental impact on the visual amenities of the site and surroundings. This would be in conflict with adopted policies which seek to protect the open character of this area and respect the site and surroundings.

- iii) Impact on residential amenity
It is not considered that the proposed housing or the clubhouse would have any significant impact upon nearby residential amenity. The location of the 4 no. plots are such that sufficient space would remain between dwellings and their size and scale should not have any direct impact upon nearby habitable room windows. The new clubhouse is sited further away from dwellings on The Paddock as the existing. It is not considered that this building itself would have any detrimental impact upon nearby residential amenity. The potential increased use of the site with the new clubhouse would also have limited impact upon nearby residential amenity. Sufficient parking areas are shown on site to avoid any on street parking on The Paddock.
- iv) Impact on highway safety / footpath
The proposal provides sufficient on site parking provision and highway engineers have raised no objection to the proposal from a highway safety point of view.
- v) Affordable Housing Issue
The proposal involves the erection of 4 no. dwellings within the development boundary. Under the provisions of adopted policy and guidance relating to affordable housing there would be a requirement to provide a minimum of 1 no. affordable unit with this scheme. The applicant proposes to provide this unit off-site. SPG 22 encourages affordable housing to be integrated into development on site in the first instance. If justification can be provided the Council can consider a suitable off-site provision. In this instance the applicant wishes to transfer the affordable housing provision onto a site where, at present, there is no valid planning permission. It is acknowledged that there is a resolution to grant permission for dwellings on Tip Lane but until such time as the Section 106 agreement is signed it would not be feasible or legal to transfer affordable housing provision from this site onto that one. As such, it is not considered that the proposal complies with our adopted policies and guidance as the scheme does not make provision for affordable housing.

SUMMARY AND CONCLUSIONS:

11. The scheme fails to make adequate provision for affordable housing which is contrary to adopted policies and guidance of the Council. The proposed new clubhouse encroaches outside the development boundary of Meliden and into the designated Green Barrier. Insufficient justification has been provided for the clubhouse outside the Green Barrier and Recreational area and by reason of its size, scale and location it would have a detrimental impact upon the open character and visual amenities of the area.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The proposal fails to make adequate provision for affordable housing as the off-site offer relates to a site which has not received full planning permission for housing. The off-site unit could not, therefore, be adequately secured which is in direct conflict with Policy HSG 10 and SPG 22 of the Denbighshire Unitary Development Plan which seek to ensure a minimum of 30% affordable housing is provided in housing schemes within development boundaries.
2. The proposed new clubhouse, by reason of its siting, size and scale within a designated Green Barrier would have an unacceptable impact on the open character and appearance of this designated area. The building would create a prominent and over-dominant feature outside the development boundary and within a Green Barrier contrary to Policy GEN 5 and criteria i, ii and iii of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan.

NOTES TO APPLICANT: None

ITEM NO: 4

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2007/0675/ PC

PROPOSAL: Retention of 1no retractable awning

LOCATION: Miners Arms 23 Ffordd Talargoch Prestatyn

APPLICANT: Mr P Lester

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

CONSULTATION RESPONSES:**PRESTATYN TOWN COUNCIL:**

"Location is visually intrusive to street scene and unacceptable in present location. Concerns about retrospective planning application. Development does not meet requirements for smoking shelter.

CONSERVATION OFFICER:

"The awning does not harm the character or appearance of the conservation area and I have no objection"

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 07/08/2007

- Protracted negotiations with agent

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is a retrospective full planning application for the retention of a retractable awning.
2. The property is a detached public house that is located on the main Meliden to Prestatyn road. The awning has been erected on the front elevation of the property on the Southern side of the protruding front entrance hall. The awning is positioned 2.2m above ground level. The awning measures 3.3m wide with a projection of 2.5m. The awning is made of black fabric which when retracted is concealed within a timber box.
3. The area which the awning covers is currently occupied by table and chairs and is used as an outside sitting area for patrons of the Public House.
4. To the south of the site lies the car park which serves the public house whilst to the west lies the Meliden road and to the east lies Ffordd Talargoch. Opposite the site, across Ffordd Talargoch is a community centre and across Meliden Road are residential properties. North of the site is a Post Office, and more residential dwellings.

RELEVANT PLANNING HISTORY:

5. None.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (Adopted 3rd July 2002)
Policy CON 5 Development in Conservation Areas
Policy GEN 6 Development Control Requirements

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

7.

- i) Impact on the Conservation Area/visual amenity
- ii) Impact upon residential amenity

8. With regards to the considerations in paragraph 5 above:

- i) Impact on the Conservation Area/visual amenity:
Sited within the Meliden conservation area, the appearance of the awning is a key consideration. The colour of the awning (black) is acceptable on this building which features black detailing on its fenestration and timber. The mechanism is concealed within a black painted timber box which is attached below the eave of the roof. When extended, the awning continues the line of the mono-pitch porch and slate roof mono pitch canopy on the western side. It is therefore argued that the awning does not harm the character of the area, and does not erode the appearance of the conservation area in this location.
- ii) Impact upon residential amenity:
The area covered by the awning is already in use as an outside seating area for patrons of the pub. It is also noted that the nearest residential dwellings are some 20 metres away and separated from the seating area by the public house itself. It is therefore considered that, given the existing use of the outside area as a customer seating area, and the location of the residential dwellings, that the awning will not encourage an unacceptable use of the outside area of the pub. The residential amenity of dwellings in the area are not considered to be affected.

SUMMARY AND CONCLUSIONS:

9. The retention of the retractable awning is acceptable and does not harm the appearance of the conservation area. There is minimal impact upon the residential amenity of the area. The awning therefore complies with planning policies.

RECOMMENDATION: GRANT-

No conditions imposed.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2007/1089/ PR

PROPOSAL: Details of siting, design, external appearance of dwelling, means of access and landscaping of site submitted in accordance with Condition No. 1 of outline planning permission Ref. No. 43/2006/0243/PO

LOCATION: (Land adjoining 30) 28 Calthorpe Drive Prestatyn

APPLICANT: Mr and Mr M Murphy

CONSTRAINTS: Planning Applications (old)
Previous Mining Area
Groundwater Vulnerability 1
Enforcement
Article 4 Direction

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Observation. Concerns about possible future development."

HIGHWAY AUTHORITY

No objection subject to conditions.

RESPONSE TO PUBLICITY:

Consultations were issued on 25 November 2008 following the receipt of amended plans.

Representations were received from:

1. Mr R Morris-Evans, 11 Calthorpe Drive, Prestatyn;
2. M A Clark, 11a Calthorpe Drive, Prestatyn;
3. M E Hedley, 17 Calthorpe Drive, Prestatyn;
4. A Lodwick, 19 Calthorpe Drive, Prestatyn;
5. Ash, 20 Calthorpe Drive, Prestatyn;
6. B James, 21 Calthorpe Drive, Prestatyn;
7. Mr Andrew Knapp, 22 Calthorpe Drive, Prestatyn;
8. Susan W M Ewen, 24 Calthorpe Drive, Prestatyn;
9. Mrs Julia Hogg, 26 Calthorpe Drive, Prestatyn;
10. Mr Alex Hogg, 26 Calthorpe Drive, Prestatyn;
11. Mr & Mrs Drinkwater, 30 Calthorpe Drive, Prestatyn;
12. Mr David Pearse, 32 Calthorpe Drive, Prestatyn;
13. F Linley, 34 Calthorpe Drive, Prestatyn;
14. C E Butler, 8 Cambrian Drive, Prestatyn;

Summary of planning based representations:

- i) The depth of the proposed dwelling is too large for the plot;
- ii) Loss of privacy and amenity to the adjacent properties;
- iii) The double-fronted design of the front elevation is out of keeping;
- iv) The flat-roofed rear extension is out of line with the SPG of the Council which requires such projections to have a pitched roof;
- v) Insufficient parking and turning facilities;
- vi) Scaffolding will need to be erected in adjacent gardens;

- vii) Existing drainage problems will be compounded;
- viii) The proposal conflicts with criteria i), ii), iii), v), ix) and x) of Policy GEN 6;
- ix) A bungalow would be better suited to the site;
- x) Detrimental impact on the character of the area;
- xi) Lack of separation to the side boundaries;
- xii) Loss of privacy due to the proposed Juliet style first floor rear doors;
- xiii) Projection of the dwelling onto the rear of the adjacent properties;
- xiv) The proposed flat roof at the rear could be used as a balcony;
- xv) The house proposed is too large for the plot size.

EXPIRY DATE OF APPLICATION: 07/01/2009

REASON FOR DELAY IN DECISION:

- Revised plans

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was deferred at the Planning Committee on 21st January 2009 for a site visit.
2. The site is a broadly rectangular piece of land with a depth of 53.0 metres and a width of 9.7 metres. The site stands within a residential estate with two-storey houses to each side and backs onto open land used by the St Melyd Golf Course. The land slopes downwards from east to west, with the property to the east (no. 30) set at a higher level with habitable room windows facing the site and the property to the west (no. 26) set at a lower level and at an angle to the site. The site has a long range of visibility due to its position on the outside of a ninety degree bend in the road.
3. The application follows the previous granting of a purely outline consent (see below) reference 43/2006/0243/PO and provides details of all five of the reserved matters.
4. The submission has been the subject of extensive negotiations with the agent and the applicants since its original submission in October 2007, with the plans having now been amended to reduce the depth, width and height of the proposed dwelling (which initially included a lower ground floor) and to make changes to the fenestration and parking/access arrangements. Amended plans were formally submitted with neighbours and consultees notified in November 2008.
5. The current plans show the development of a three bedroom two-storey house at the site with two bathrooms on the first floor, with the ground floor containing a sitting room, utility and an open-plan dining/kitchen/living area. The main two-storey element of the house has a width of 7.7 metres and a depth of 10.9 metres, with a flat-roofed single-storey element then projecting to the rear by a further 4.5 metres. The rear projection has been proposed as a flat-roof to keep its height down to 2.8 metres therefore seeking to limit any visual impact to the adjacent properties. The house has its main habitable room windows to the front and rear elevations only (including a set of French doors at the first floor to the rear) with only windows to the bathrooms or secondary windows to the living room and main bedroom to the side elevations. The design of the house to the front includes two main hipped roofs over two full height bay windows, with the main house then having a gable-ended pitched roof over. The house has a distance of 1 metre to each of the side boundaries.

6. Parking and access to the site takes the form of two sets of gate posts in local stone to match the existing to enable an 'in and out' access to be created with parking and turning facilities within the front curtilage which measures 9.7 metres in width by around 8 metres in depth.
7. The details provided for the landscaping of the site are minimal, with a small area of planting shown to the front and with the rear garden annotated as retaining the existing features. Boundary treatment for the site is shown as retaining the existing fencing and hedges along the side boundaries.

RELEVANT PLANNING HISTORY:

8. 43/2006/0243/PO – Outline application with all matters reserved for the erection of one detached dwelling: Approved 24 May 2006 subject to conditions relating to the submission of reserved matters, landscaping and parking.

PLANNING POLICIES AND GUIDANCE:

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

SUPPLEMENTARY PLANNING GUIDANCE
SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002
Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

10.
 - i) Visual appearance and scale
 - ii) Impact on the privacy and amenity of nearby occupiers
 - iii) Highways
 - iv) Landscaping
 - v) The comments of the objectors
11. In relation to the considerations as noted in paragraph 8:
 - i) Visual appearance
The area is comprised of dwellings of a variety of forms and scale including gable-ended roofs, hipped-roofs and dormer windows with a combination of brick and rendered appearance with tiled and slate roofs. Accordingly, the proposed appearance of the house with rendered walls and a tiled roof is not out of keeping with the area. The scale of the proposed property has been reduced significantly from its original submission to allow for more space around the development and for a two-storey appearance only with the height of the dwelling in line with those adjacent to it. The flat-roofed rear extension has been the subject of much debate with the agent for the scheme, but as it is to the rear and of a limited height its general appearance to the street scene will be very limited and its nature will serve to mitigate the visual impact to the adjacent occupiers. As outline consent has been given at this site the principle of a dwelling is established. It is considered, having regard to the mix of dwelling styles in the area, that the proposed dwelling meets the general criteria of adopted UDP policies and guidance with no material visual harm created.
 - ii) Impact on the privacy and amenity of nearby occupiers
The dwelling is set off the side boundaries by a limited amount (1 metre to

each side) but this is more a reflection of the tight nature of the plot rather than any suggestion of over-development or impact on the adjacent occupiers. The fenestration to the side elevations is limited to only secondary windows or non-habitable room windows and all of these can be obscure glazed by condition. It is recognised that the adjacent property at no. 30 has windows which will directly face the new dwelling, but the extant outline consent has already established the principle of a dwelling at the site and it is difficult to envisage how any other form of development could mitigate any impact more than the house currently proposed. A bungalow at the site would be wholly out of character with the area and would look completely out of place. As such, it is not considered that the house will cause sufficient harm to justify a refusal of consent on the grounds of impact on the adjacent occupiers.

iii) Highways

The lack of objection raised by the Highway Authority is noted and the parking and access arrangements shown are considered to be satisfactory.

iv) Landscaping

The details of landscaping provided with the application are in no real depth, but are adjudged to be satisfactory for a single residential plot in an already developed area.

v) The comments of the objectors

The level of objection raised by local residents is duly noted, in particular those from the occupiers of the adjacent houses at nos. 26 and 30 Calthorpe Drive who will clearly suffer a degree of impact from the erection of a new dwelling at this currently open site. However, as stated above there is an extant outline consent for the erection of a dwelling at the site and it is therefore only a matter of detailing to be considered by this current application. The current dwelling proposed is one which is considered to satisfy the relevant criteria of Policy GEN 6 and the guidance of SPG 25 and will not result in a level of harm to the area in general or to the adjacent occupiers which would justify a refusal of consent. The comments made relating to the potential future use of the rear flat roof as a balcony are noted and a condition can be attached to preclude any such future use.

SUMMARY AND CONCLUSIONS:

12. On balance, given the extant consent for a dwelling at the site it is not adjudged that the proposed house represents sufficient harm on which a refusal of permission could be substantiated. As such, the application is recommended to be granted subject to appropriate conditions.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. **PRE-COMMENCEMENT**

No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.

2. The flat-roofed rear projection of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

3. Notwithstanding the provisions of all Classes 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.

4. Notwithstanding the provisions 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 windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

5. **PRE-COMMENCEMENT CONDITION**

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

6. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

8. 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.

9. The dwelling shall not be occupied until its parking space and the access thereto have been laid out in accordance with the approved plans.

10. The windows fitted in the side elevations of the dwelling shall be fitted and subsequently retained at all times with obscure glazing.

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

1. In the interests of visual amenity.
2. In the interests of the privacy/amenity of the occupiers of nearby properties.
3. In the interests of residential and/or visual amenity.
4. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
5. To ensure satisfactory drainage of the site and to avoid flooding.
6. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. In order that adequate parking facilities are available within the curtilage of the site.
10. In order to prevent overlooking in the interests of the privacy and amenity of the adjacent occupiers.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Rhuddlan

APPLICATION NO: 44/2008/1226/ PC

PROPOSAL: Continuation of use of storage container as dog grooming parlour
(Retrospective application)

LOCATION: Storage Unit 1 on land at Former Riverside Camp Marsh Road Rhuddlan
Rhyl

APPLICANT: Mrs Tanya Colley Premier Dog Grooming

CONSTRAINTS: C2 Flood Zone
C1 Flood Zone
Groundwater Vulnerability 2
EA Floodmap Zone 2
Areas Benefiting From Defences

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

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
No objection

HEAD OF TRANSPORT & INFRASTRUCTURE
No objection

DWR CYMRU WELSH WATER
No objection subject to conditions

ENVIRONMENT AGENCY
No objection

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 21/01/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. This application relates to the retention of the use of a Class B8 storage container as a sui generis dog grooming business, on land at the former Riverside Camp on Marsh Road in Rhuddlan. The site as a whole obtained planning permission in 2002 to be used as Class B8 storage. For information a sui generis use is a use which does not fall into a designated category such as A1 – retail or B1 – business. In order to facilitate the use, within the container, a window and door

has been inserted at the front, along with electrical and water connections.

2. This application has been generated from a Planning Compliance Investigation.

RELEVANT PLANNING HISTORY:

3. 44/2002/0068/PF Change of use of land to storage (Class B8) and formation of hard-surfaced area GRANTED 8th May, 2002

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 Development within development boundaries
Policy GEN 6 Development Control Requirements
Policy ENP 6 – Flooding
Policy RET 7 – Fringe Areas adjacent to Town and District Centres

TAN 15: Development & Flood Risk

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
6. In relation to the main planning consideration:
 - i) The application premise is a storage container located on a storage site. The metal units are designed to store goods/items and have not been designed for occupation in the manner seen. Whilst the general level of activity associated with the use may be low, the use is considered unacceptable in terms of its location within a Class B8 storage yard. The use would involve visiting members of the public. Whilst not a retail use it is considered that such a use could be located within a nearby centre or on a designated, purpose built industrial unit.

SUMMARY AND CONCLUSIONS:

7. The principle of the development is unacceptable. As a retrospective use a corresponding enforcement report follows this report seeking authorisation to cease the use.

RECOMMENDATION: - REFUSE for the following reason:

1. It is the view of the Local Planning Authority that the use of a Class B8 storage container as a dog grooming parlour is an inappropriate form of development in this location contrary to criteria ii) and iii) of Policy RET 7 in the adopted Denbighshire Unitary Development Plan in that the use could reasonably be located within a town or district centre boundary and if allowed would set an unwanted precedent for such uses outside of such centres harming the vitality and viability of the nearby centre.

NOTES TO APPLICANT:

None

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00014

LOCATION: Storage Unit 1, Former Riverside Camp, Marsh Road, Rhuddlan

INFRINGEMENT: Change of Use - Business Operating Within Storage Unit

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 1 - Development within development boundaries
Policy GEN 6 - Development Control Requirements
Policy ENP 6 - Flooding
Policy RET 7 - Fringe Areas adjacent to Town Council District Council

CENTRAL GOVERNMENT GUIDANCE

Planning Policy Wales 2002

Technical Advice Note (Wales) 9: Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against planning control breaches. In this instance, the matter under consideration is whether the occupier of the property has the right to operate an unauthorised dog grooming business on land authorised solely for container storage use. The general public interest outweighs that of the occupier in this case. No specific human rights issues have been raised by the owner of the property or any other interested party.

1. BACKGROUND INFORMATION

- 1.1 The land in question is located on land at the former Riverside Camp on Marsh Road in Rhuddlan. The owner of the site obtained planning permission in 2002 to authorise use of the site for Class B8 storage utilising a series of large metal storage containers.
- 1.2 On the 21 October 2008, it was noted that one of the storage containers was being used to operate a business known as Premier Dog Grooming. In order to facilitate this use, within the storage container a window and door have been inserted at the front, together with electrical and water connections. An advertisement has also been attached to the fencing at the entrance of the site.
- 1.3 The dog grooming business is classed as 'sui generis' in planning use terms. As such a 'sui generis' use does not fall into a designated class use such as A1 – retail, or B1 – business and accordingly planning permission specific to this use is required.

- 1.4 The occupier was advised by a planning compliance officer that planning permission would be required should she wish to continue to operate the dog grooming business. As a consequence of this intervention the occupier submitted an application for the 'continuation of the use of the storage container as a dog grooming parlour', (code 44/2008/1226/PC). The application is presented to Committee with an officer recommendation for refusal of permission.
- 1.5 If the Committee accepts the officer recommendation on the application, officers request that enforcement action be authorised to stop the unauthorised business use of the storage container.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised use has commenced on the site within the last ten years and the occupier seeks to continue the dog grooming business.
- 2.2 The application premise is a metal storage container located on a site authorised solely for storage use. The series of storage units are designed to store goods/items and have not been designed for occupation and as in this case, the operation of a dog grooming business. Whilst the general level of activity associated with the use may be low, the use is considered unacceptable in terms of its location within a Class B8 storage yard.
- 2.3 The dog grooming use would attract visiting members of the public and although this is not a retail use, it is considered that such a use should be located within a nearby centre or on a designated, purpose built industrial unit.
- 2.4 It is the view of the Local Planning Authority that the use of a Class B8 storage container as a dog grooming parlour is an inappropriate form of development in this location contrary to criteria ii) and iii) of Policy RET 7 in the adopted Denbighshire Unitary Development Plan in that the use could reasonably be located within a town or district centre boundary and if allowed would set an unwanted precedent for such uses outside of such centres harming the vitality and viability of the nearby centre.
- 2.5 The use of conditions as part of any grant of planning permission for the continuation of the dog grooming business could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:-
- i) Serve an enforcement notice to stop the unauthorised business use of the storage container. (Compliance 6 months)
 - ii) Instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any enforcement notice or other such notice is served should they fail to comply with the requirements thereof.

ITEM NO: 7

WARD NO: Rhuddlan

APPLICATION NO: 44/2008/1240/ PC

PROPOSAL: Continuation of use of storage container as ironing shop (Retrospective application)

LOCATION: Storage Unit 5 on land at Former Riverside Camp Marsh Road Rhuddlan Rhyl

APPLICANT: Mrs Catherine Hughes

CONSTRAINTS: C2 Flood Zone
C1 Flood Zone
Groundwater Vulnerability 2
EA Floodmap Zone 2

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

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
No objection

HEAD OF TRANSPORT & INFRASTRUCTURE
No objection

ENVIRONMENT AGENCY
No objection

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 3/2/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

8. This application relates to the retention of the use of a Class B8 storage container as a Class A1 ironing shop, on land at the former Riverside Camp on Marsh Road in Rhuddlan. The site as a whole obtained planning permission in 2002 to be used as Class B8 storage. The site is located within the development boundary of Rhuddlan but outside the nearby Major Development Area (MDA 6) Rhuddlan Triangle site as well as the caravan parks (TSM 10) on Marsh Road. In order to facilitate the use, within the container, double doors have been inserted at the front, along with electrical and water connections.
9. This application has been generated from a Planning Compliance Investigation.

RELEVANT PLANNING HISTORY:

10. 44/2002/0068/PF Change of use of land to storage (Class B8) and formation of hard-surfaced area GRANTED 8th May, 2002

PLANNING POLICIES AND GUIDANCE:

11. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 Development within development boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy ENP 6 – Flooding
 - Policy RET 7 – Fringe Areas adjacent to Town and District Centres

TAN 15: Development & Flood Risk

MAIN PLANNING CONSIDERATIONS:

12.
 - i) Principle of development
13. In relation to the main planning consideration:
 - i) The application premise is a storage container located on a storage site. The metal units are designed to store goods/items and have not been designed for retail occupation in the manner seen. Whilst the general level of activity associated with the use may be low, the use is considered unacceptable in terms of its location within a Class B8 storage yard. The use is retail and would involve visiting members of the public. Such uses outside of designated town and district centres are not acceptable and lead to detrimental impacts upon the vitality and viability of such centres. The use could reasonably be located within the nearby shopping area of Rhuddlan and as such the proposal is contrary to Policy RET 7.

SUMMARY AND CONCLUSIONS:

14. The principle of the development is unacceptable. As a retrospective use, a corresponding enforcement report follows this report seeking authorisation to cease the use.

RECOMMENDATION: - REFUSE for the following reason:

1. It is the view of the Local Planning Authority that the use of a Class B8 storage container outside a town or district centre as an ironing shop is an inappropriate form of development in this location, contrary to criteria ii) and iii) of Policy RET 7 in the adopted Denbighshire Unitary Development Plan in that the use could reasonably be located within a town or district centre boundary and if allowed would harm the vitality and viability of the nearby centre by setting an unwanted precedent.

NOTES TO APPLICANT:

None

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00015

LOCATION: Storage Unit 5, Former Riverside Camp, Marsh Road, Rhuddlan

INFRINGEMENT: Change of Use - Business Operating Within Storage Unit

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 1 - Development within development boundaries
Policy GEN 6 - Development Control Requirements
Policy ENP 6 - Flooding
Policy RET 7 - Fringe Areas adjacent to Town Council District Council

CENTRAL GOVERNMENT GUIDANCE

Planning Policy Wales 2002

Technical Advice Note (Wales) 9: Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against planning control breaches. In this instance, the matter under consideration is whether the occupier of the property has the right to operate an unauthorised laundry ironing business on land authorised solely for container storage use. The general public interest outweighs that of the occupier in this case. No specific human rights issues have been raised by the owner of the property or any other interested party.

1. BACKGROUND INFORMATION

- 1.1 The land in question is located on land at the former Riverside Camp on Marsh Road in Rhuddlan. The owner of the site obtained planning permission in 2002 to authorise use of the site for Class B8 storage utilising a series of large metal storage containers.
- 1.2 On the 21 October 2008, it was noted that one of the storage containers was being used to operate a business known as 'Iron and Shine Household Cleaning and Ironing'. In order to facilitate this use, within the storage container double doors have been inserted at the front, together with electrical and water connections. An advertisement has also been attached to the fencing at the entrance of the site.
- 1.3 The laundry ironing business is classed as Class A1 in planning use terms. The site is located within the development boundary of Rhuddlan, but outside the nearby Major Development Area (MDA 6) Rhuddlan Triangle site, as well as the caravan parks (TSM 10) on Marsh Road.
- 1.4 The occupier was advised by a planning compliance officer that planning permission would be required should she wish to continue to operate the laundry ironing business. As a consequence of this intervention the occupier submitted an application for the 'continuation of the use of the storage container as ironing shop', (code 44/2008/1240/PC). The application is presented to Committee with an officer recommendation for refusal of permission.

- 1.5 If the Committee accepts the officer recommendation on the application, officers request enforcement action be authorised to stop the unauthorised business use of the storage container.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised use has commenced on the site within the last ten years and the occupier seeks to continue the laundry ironing business.
- 2.2 The application premise is a metal storage container located on a site authorised solely for storage use. The series of storage units are designed to store goods/items and have not been designed for occupation and as in this case, the operation of a laundry ironing business. Whilst the general level of activity associated with the use may be low, the use is considered unacceptable in terms of its location within a Class B8 storage yard.
- 2.3 The laundry ironing use is retail and would attract visiting members of the public. Such uses outside of designated town and district centres are not acceptable and lead to detrimental impacts upon the vitality and viability of such centres. The use could reasonably be located within the nearby shopping area of Rhuddlan.
- 2.4 It is the view of the Local Planning Authority that the use of a Class B8 storage container for the operation of a laundry ironing business is an inappropriate form of development in this location contrary to criteria ii) and iii) of Policy RET 7 in the adopted Denbighshire Unitary Development Plan in that the use could reasonably be located within a town or district centre boundary and if allowed would set an unwanted precedent for such uses outside of such centres.
- 2.5 The use of conditions as part of any grant of planning permission for the continuation of the unauthorised business could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:-
- iii) Serve an enforcement notice to stop the unauthorised business use of the storage container. (Compliance 6 months)
 - iv) Instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any enforcement notice or other such notice is served should they fail to comply with the requirements thereof.

ITEM NO: 8

WARD NO: Rhyl West

APPLICATION NO: 45/2008/0164/ PF

PROPOSAL: Change of use of part ground floor (rear) and first and second floors to 1no. self-contained flat

LOCATION: 34 Kinmel Street Rhyl

APPLICANT: Mr F Aslam

CONSTRAINTS: Town Heritage Area
Conservation Area
Article 4 Direction
C1 Flood Zone

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

'Object on the grounds that the development will result in over intensification of the property and lack of car-parking facilities'.

PROJECT MANAGER, RHYL THI

No objection.

ENEIVRONMENT AGENCY WALES

Site lies within C1 flood zone; access to the flat may be subject to flooding.

DWR CYMRU

No objection.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 10/12/2008**REASONS FOR DELAY IN DECISION:**

- Re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application proposes the change of use of part ground floor and first and second floors to 1 no. self-contained flat. No external alterations are proposed to facilitate the conversion. As proposed, the unit 34 Kinmel Street would comprise of; an A2 office on ground floor with entrance from Kinmel Street leading to a lobby area, off this lobby area is a study and bathroom, on the first floor a living room and kitchen with three further bedrooms at second floor level. There is a rear yard accessed off south Kinmel Street which is proposed to be used for a bin store and

clothes drying area.

2. Located on the southern side of Kinmel Street in Rhyl town centre, the existing use of no. 34 is an A2 office, vacant at present but formally used as an Estate Agents. The first and second floors were also used for office accommodation. There is a mix of uses in the surrounding area, on the eastern side of this block the ground floor uses are primarily A1 and A2 uses with living accommodation above.

RELEVANT PLANNING HISTORY:

3. No relevant planning history

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
GEN 6 Development Control Requirements
HSG 13 Sub-division of Existing Premises to Self-Contained Flats
RET 1 Town and District Centres

MAIN PLANNING CONSIDERATIONS:

5. The main issues are considered to be:
 - i) Principle
 - ii) Residential Amenity
 - iii) Highways Safety / Parking
 - iv) Floodrisk
6. In relation to the planning considerations listed above:
 - i) Principle
The application site is located in the designated town centre, at present all of 34 Kinmel Street is vacant, if permitted the mixed use of the planning unit may encourage the reuse of the ground floor office accommodation. Planning policy generally supports the re-use of upper floors of commercial premises in town centres in the interest of sustainable development and subject to the criteria of policy HSG 13 being met. Policy HSG 13 specifies that subdivision of existing premises into self contained flats will only be permitted provided that; the original property is suitable for conversion, without unacceptably affecting the character, appearance, and amenity standards of its immediate locality, the proposal meets the floorspace and parking requirements, the proposal retains the character of the existing building, the proposal makes provision for refuse disposal, storage and drying areas and finally in the case of conversion of upper floors satisfactory pedestrian access to the living accommodation is provided. It is considered that the proposal meets the requirements of this policy for reasons outlined below. Members may recall an application for a self-contained flat at 44, Abbey Street, Rhyl which was presented to the January 2009 Committee and refused. That proposal involved the extension of the roofspace of a building already containing 3 no. flats in order to create an additional flat. This was considered unacceptable as it was creating a further flat in an area containing a high concentration of such flats involving the extension of the premises to facilitate it. The current proposal would create 1 no. flat over three floors whilst retaining a ground floor commercial use in a commercial area. The beneficial use of the upper floor area here, creating a large, 3 bed. flat is something which can be supported as it would not perpetuate the residential problems which can be associated with an over concentration of such uses.

- ii) Residential Amenity
In terms of residential amenity the application proposes the conversion of the upper floors into a three bed self-contained flat, with separate access, drying area and bin store to the rear. In terms of the floorspace requirements no guideline is given for a three bedroom flat, however the proposal meets the requirements for a three person flat through its provision of an approximately 23.2 m sq living area, 11.9m sq kitchen and study space. Each room in the flat will have natural light from windows and will overlook a car park to the rear of the site and Kinmel Street to the front.
- iii) Highway Safety / Parking
There is no parking proposed on site, however it is noted that historically no parking was available for the previous commercial use. No. 34 is located within the town centre close to bus and rail links. Furthermore whilst there are daytime parking restrictions on Kinmel Street there is a car- park to the south of the site.
- iv) Floodrisk
The site lies within zone C1 as defined by the development advice maps of TAN 15 Development and Flood Risk. The Environment Agency Wales have been consulted and are satisfied that the development is acceptable subject to the applicant being made aware that the access to the flat may be subject to flooding, this will be addressed in a note to applicant.

SUMMARY AND CONCLUSIONS:

7. It is considered that the application is acceptable and recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The bin stores and drying areas shown on the approved plans shall be kept available for this purpose at all times.

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 the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.

NOTES TO APPLICANT:

Please note the Environment Agency Wales have advised that the access to the self contained flat may be subject to flooding. You may wish to seek the advice of the Agency to assist in drawing up an emergency plan for the proposed occupiers of the flat in the event of flooding.

ITEM NO: 9

WARD NO: Rhyl South West

APPLICATION NO: 45/2008/0280/ PF

PROPOSAL: Demolition of existing buildings and erection of 5 no. terraced dwellings (site area 0.05ha)

LOCATION: Unit 2 Vale Business Park Rear Of 49-51 Vale Road Rhyl

APPLICANT: Mr Leon Twist

CONSTRAINTS: C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL-

'Object on the grounds that the proposed vehicle access to Vale Road would pose a hazard due to a high wall causing a significant sight obstruction'.

HEAD OF TRANSPORT & INFRASTRUCTURE-

No objection, subject to condition.

ENVIRONMENT AGENCY WALES-

No objection to the proposal. Are satisfied that the risks and consequences of flooding could be acceptably managed in accordance with the criteria set out in TAN 15.

DWR CYMRU/ WELSH WATER-

No objection subject to conditions.

AFFORDABLE HOUSING OFFICER-

The development of 5 units would provide 2 affordable units. The demand/need in Rhyl would be for 2 bed properties and there are 20 people currently on the affordable housing register and 731 for 2 bed units on the social housing waiting list.

Minimum floorspace requirement for these properties is:

2 bed house = 70 m²

3 bed house = 80 m².

The affordable price for these properties would be £72,534, which may change dependant on new data emerging before the development goes ahead. Happy with the layout of the terrace. The affordable units should be of the same standard and design as the open market units'

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Mrs Deborah Garratt, 42 Russell Road, Rhyl
2. Mr P & Mrs S Bennett, 33 Gors Road, Towyn
3. Ms Y Clowes, 53 Vale Road, Rhyl

Summary of representations:

- i) Highway safety at junction to Vale Road.

- ii) Impact on right of way at rear of warehouse.
- iii) Impact of additional traffic on boundary at 53 Vale Road.
- iv) Accuracy of plans.

EXPIRY DATE OF APPLICATION: 4/07/2008

REASON FOR DELAY:

- timing of receipt of representations
- negotiations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal seeks full permission for residential development on the site of Unit 2, Vale Road Business Park, to rear of 49-51 Vale Road Rhyl. It is proposed that the existing buildings on site will be demolished. Plans submitted show a 28m long, 10m wide block comprising of 3 no. 3 bedroom dwellings and 2 no. 2 bed dwellings. Amenity space is proposed to the north west of the site bounded by 1.8m timber panel fences. Car-parking and turning for 6 no. vehicles is proposed along the western side of the site. Access to the highway, Vale Road, is as existing.
2. The site is within the development boundary of Rhyl and comprises of a former gymnasium and workshop unit with ancillary land. Located to the eastern side of Vale Road, to the rear of no's 49-51, the site is accessed via an existing road of around 3 metres in width. The road runs down the side of no. 51a Vale Road, a property which is set very close to Vale Road, which has a narrow frontage adjacent to the Vale Road junction. To the south of the site is a warehouse/commercial unit, to the north is a residential unit, (Greenfield Cottage), to the west dwellings on Brynhyfyrd Avenue, and to the east dwellings off the Crescent.
3. The application includes the following information:
 - i) Design and Access Statement
 - ii) Highways Information Statement

RELEVANT PLANNING HISTORY:

4. There have been a number of applications relating to the site and use of the property but none of direct relevance to the current application.

PLANNING POLICIES AND GUIDANCE:

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

Policy STRAT1	–	General
Policy STRAT6	–	Location
Policy GEN1	–	Development within development boundaries
Policy GEN6	–	Development control requirements
Policy ENV7	–	Landscape / townscape features
Policy HSG2	–	Housing development in main centres
Policy HSG10	–	Affordable housing within development boundaries
Policy TRA6	–	Impact of new development on traffic flows
Policy TRA9	–	Parking and servicing provision

Supplementary Planning Guidance
 SPG21- Parking requirements in new developments
 SPG22 – Affordable housing

NATIONAL PLANNING POLICY AND GUIDANCE
 Planning Policy Wales (PPW) March 2002

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Highways
 - v) Affordable Housing

7. In relation to the main planning considerations above:
 - i) Principle

The application site is within the development boundary of Rhyl. According to PPW the site is classed as 'previously developed land'. National and local planning policy objectives encourage the reuse of vacant and underused land within development boundaries subject to the consideration of site specific issues as identified and discussed below. In principle, the redevelopment of land for residential purposes is acceptable and is in accordance with policy STRAT1, STRAT6 and GEN1 of the Denbighshire Unitary Development Plan.

 - ii) Impact on visual amenity

There is a mix of development in the area including the industrial/ commercial buildings on the access road, a bungalow and former council housing. The redevelopment of the site is unlikely to appear out of keeping with the mixed character of the area.

 - iii) Impact on residential amenity

The application proposes 5 no. dwellings with amenity space to the rear (west) side. There would be a distance of 19.2m from the rear of the proposed dwellings to the rear of the properties on Brynhyfryd Avenue, a level of separation which is considered acceptable and in keeping with the pattern of development in the area.

 - iv) Highway Safety

The highways section has been consulted as part of the application. Whilst accepting the junction to Vale Road is not ideal, Highway Officers have considered the traffic generated by the existing and potential uses of the gymnasium and the workshop and have advised that based on the existing uses there are no grounds for objection to the potentially less intensive residential development now proposed. The proposal is considered to be in accordance with policy TRA6 of the Denbighshire Unitary Development Plan.

 - v) Affordable Housing

Policy HSG10 of the Denbighshire Unitary Development Plan and SPG22 are applicable to this development in relation to the need to provide affordable housing.

The applicant has confirmed the intention to make 2 units available for affordable purposes. This would be consistent with the SPG on affordable housing, and can be secured through a planning condition.

vi)

The submitted information confirms the following:

Number of units proposed	5 (0.05ha site)
No. of affordable houses	2 units, provided on site
Plot No's	No. 1, 5
Tenure	Low Cost Homeownership
House type	2 no. dwellings, 2 bed
Floor area	68 sq m
Timing of AH availability in relation to market value units	To be agreed.

SUMMARY AND CONCLUSIONS:

8. The proposal is to develop 0.11ha of land for residential purposes on land within the development boundary of Rhyl. The application is acceptable in terms of the General Development Control Criteria of GEN 6. Highways raise no objections to the proposed development. No objections are raised on drainage grounds and issues in relation to affordable housing can be dealt with via suitably worded planning 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. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
3. **PRE-COMMENCEMENT CONDITION**
The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
4. The development shall be carried out in accordance with recommendations contained in the conclusions of the Flood Consequences Assessment report dated January 2008; Ref: 3442 carried out by Richard Broun Associates.
5. **PRE-COMMENCEMENT CONDITION**
No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
6. **PRE-COMMENCEMENT CONDITION**
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.

7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the final dwelling of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8. PRE-COMMENCEMENT

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

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 provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
3. In order to ensure an adequate supply of affordable housing in accordance with planning policies HSG 10 of the Denbighshire Unitary Development Plan.
4. To mitigate against the consequences of flooding in the area.
5. To ensure satisfactory drainage of the site and to avoid flooding.
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. In the interests of visual amenity.

NOTES TO APPLICANT:

Your attention is drawn to the following:

SEWERAGE

1. Foul water and surface water discharges shall be drained separately from the site.
Reason: To protect the integrity of the public sewerage system.
2. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
3. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
4. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

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).

ITEM NO: 10

WARD NO: St Asaph East

APPLICATION NO: 46/2008/1327/ PF

PROPOSAL: Erection of 1 detached dwelling

LOCATION: Land rear of Central Buildings High Street St. Asaph

APPLICANT: Mr Stewart Coxon

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

CITY OF ST ASAPH TOWN COUNCIL
 "No objection".

HEAD OF HIGHWAYS & TRANSPORTATION

No objection, subject to a condition requiring parking and turning facilities.

CONSERVATION OFFICER

"In order to be able to fully assess the impact of this proposal on the Conservation Area it will be necessary to have contextual drawings showing how the building will impact upon the view of the rear of the Bank building as viewed approaching from the north along Gemig Street.

In my opinion gauging from the drawings provided, the proposed building will appear dominant in the street scene prominently and precariously situated at the top of this steeply sloping site with its private rear elevation facing the public Gemig Street.

It will not preserve the character of the building pattern along Gemig Street which is intimate and enclosed with buildings and cottages either tight up to the road side or with small walls and railings forming narrow frontages. If the proposal passes all of the planning tests then from a design point of view in order to fit in with the CA this development could be improved if the front of the house was closer to street level facing onto Gemig Street similar to the other properties. The property would be split level with the rear at first floor level giving access to the private amenity area.

The proposed boundary treatment of concrete post and timber fencing is out of character and will neither preserve nor enhance the CA.

Recommendation:

Refuse or explore potential for alternative designs if all other normal planning requirements can be met."

RESPONSE TO PUBLICITY:

Representation received from:

1. Rev Adrian Dann, Pastor of Llanelwy Christian Fellowship, High St, St Asaph

Summary of planning based representations:

- i) Loss of a means of fire escape across the site to the access driveway adjacent to the bank.

EXPIRY DATE OF APPLICATION: 10/02/2009

REASON FOR DELAY:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is a parcel of currently vacant land which stands to the rear of properties which front the High Street to the south. The site is also abutted by Gemig Street to the west, but with this road set at a far lower level than the site with a steep slope down which is covered with scrub, grass and some trees. To the north of the site lies residential property, again down a slope, with the car park for the bank to the east. The site is accessed by a narrow alleyway adjacent to the bank, and is adjacent to a vacant outbuilding to the south which is the subject of a separate concurrent application for its conversion to a dwelling (46/2008/1328/PF). The site lies within the Conservation Area and has a long range of visibility when approaching along Gemig Street due to its elevated position.
2. The scheme seeks to erect a detached dwelling which will accommodate two bedrooms, two en-suite bathrooms, dining room, lounge, kitchen, study/3rd bedroom, garage, utility and hall. The house has a footprint of 12.5 metres by 8.0 metres at its widest points and is shown as being single-storey to its front (east) elevation and two-storey to the rear (west, facing Gemig Street) due to the sloping nature of the site. The dwelling is formed from a slate roof with a combination of brickwork and render for the walls.
3. The submitted layout plan shows the house sited within the western area of the site and set back from Gemig Street by around 6 metres. The house has a large parking/turning area for the majority of its frontage, with a very small lawn area of 3 metres by 4 metres to the front and a shallow (1.5 metres) wide paved area to the rear across the width of the dwelling. A narrow strip of landscaping along the Gemig Street frontage is shown as being retained.
4. The application is accompanied by a Design and Access Statement which suggests that the proposal will create a development close to the centre of St Asaph which will be fully compliant with disabled access criteria and will add to the visual aspect of the street scene and enhance the Conservation Area.
5. Councillor D. Owens has requested this application be brought to Planning Committee in order to assess the site layout implications of this and another application in this location – 46/2008/1328/PF.

RELEVANT PLANNING HISTORY:

6. The site itself has no planning history, although the adjacent outbuilding which is the subject of the concurrent application has been subject to two previous refusals for its conversion (46/2004/0460/PF and 46/2004/0916/PF), on the grounds that the works proposed all included unsympathetic alterations.

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements

Policy HSG 2 – Housing Development in Main Villages
Policy CON 5 – Development within Conservation Areas
Policy TRA 6 – Impact of New Development on Traffic Flows

SUPPLEMENTARY PLANNING GUIDANCE

SPG 13 – Conservation Areas

SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Principle
 - ii) Highways
 - iii) Visual appearance and impact on the Conservation Area
 - iv) Layout
 - v) Comments made by Rev Adrian Dann
 - vi) Impact on nearby residential occupiers

9. In relation to the considerations as noted in paragraph 9:
 - i) Principle
In respect of principle, the site lies within the main centre of St Asaph which, as a main centre, is a location where most housing developments will be expected to be located. The proposal is therefore acceptable in principle, but further scrutiny is required in respect of the details.

 - ii) Highways
The Highway Authority has raised no objection to the proposal subject to a condition relating to parking and turning which is already laid out on the submitted plan. As such, the application is acceptable in respect of highways.

 - iii) Visual appearance and impact on the Conservation Area
As stated, the building has a traditional blue slate roof with a combination of brickwork and rendered walls and these materials are prevalent in the area and are on adjacent buildings. However, the Conservation Officer has raised concerns in respect to the dominant appearance of the property and these were forwarded to the agent for his comments. In response, the agent suggested that the height of the property could be amended by changing the roof pitch but that this would then require a tiled roof rather than a slate roof. No other substantive comments were submitted. Policy CON 5 requires new development to demonstrate that it would preserve or enhance the appearance of the Conservation Area. The submitted proposal is adjudged to be harmful to the character of the Conservation Area by proposing an unduly dominant form of new residential dwelling in an elevated position which will have its rear elevation facing Gemig Street and will not therefore be in-keeping with the close-knit pattern of development along the road.

 - iv) Layout
Along with the issue of visual appearance, concerns have been raised with the agent regarding the very low levels of amenity space shown for the dwelling i.e. the 12 sqm lawn and the small narrow rear paved area. In response, the agent has stated that it should be noted that the new house has extensive areas for parking and turning and that these areas could also be utilised for amenity space. It is noted that the site lies within a main centre where levels of amenity space can sometimes be lowered to take account of

the context of the area and the cramped nature of a potential development site. However, in this instance the subject site is of a reasonable size and it is considered that it is the scale of the proposed dwelling with its associated parking and turning areas that has reduced the level of amenity space down to a level which is unsatisfactory and will fail to provide satisfactory amenity standards for future occupiers. As such, the proposal is adjudged to be contrary to criterion v) of Policy GEN 6.

v) Comments made by Rev Adrian Dann

The issue relating to the means of escape from the rear of the abutting place of worship is noted and has been discussed with Rev Dann, the agent and local Councillors. The comments made by Rev Dann were forwarded to the agent who has responded that the applicant is certain that there is no such right of way in existence. Whilst this issue is clearly of vital importance to the Church, it is not a matter over which the Council can exercise any control and is not an issue which would influence the outcome of this planning application.

vi) Impact on nearby residential occupiers

The siting of the proposed dwelling is opposite commercial buildings on Gemig Street and is separated from dwellings to the north by a slope and a distance of around 15 metres. As such, there is not considered to be any undue impact on nearby residential occupiers as a result of the proposal.

SUMMARY AND CONCLUSIONS:

10. The application is unacceptable due to its detrimental impact on the Conservation Area and its failure to provide adequate levels of amenity space for future occupiers.

RECOMMENDATION: REFUSE - for the following reasons:-

1. The proposed dwelling will appear dominant in the street scene as it is sited prominently at the top of a steeply sloping site with its private rear elevation facing Gemig Street. As such, the proposed development will not preserve the character of the building pattern along Gemig Street which is intimate and enclosed with buildings and cottages either tight up to the road side or with small walls and railings forming narrow frontages. The application therefore fails to preserve or enhance the Conservation Area and is contrary to Policy CON 5 of the Denbighshire Unitary Development Plan and Supplementary Planning Guidance 13 'Conservation Areas'.
2. The proposed development fails to provide adequate amenity space for future occupiers and is therefore contrary to criterion v) of Policy GEN 6 of the Denbighshire Unitary Development Plan and advice as contained in Supplementary Planning Guidance 25 'Residential Development Design Guide'.

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: St Asaph East

APPLICATION NO: 46/2008/1328/ PF

PROPOSAL: Conversion of redundant storage building to 1no. dwelling

LOCATION: Outbuilding rear of Central Buildings High Street St. Asaph

APPLICANT: Mr Stewart Coxon

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

CITY OF ST ASAPH TOWN COUNCIL
 "No objection".

HEAD OF HIGHWAYS & TRANSPORTATION
 No objection, subject to a condition requiring parking and turning facilities.

CONSERVATION OFFICER
 "No adverse comments to the proposal subject to conditions relating to joinery details, re-use of existing roofing slates, samples of any proposed roofing slates, sample of re-pointing, details of rooflights, metal rainwater goods."

RESPONSE TO PUBLICITY:

Representation received from:
 Rev Adrian Dann, Pastor of Llanelwy Christian Fellowship, High St, St Asaph

Summary of planning based representations:
 Loss of a means of fire escape across the site to the access driveway adjacent to the bank.

EXPIRY DATE OF APPLICATION: 10/02/2009

REASON FOR THE DELAY:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The subject building stands to the rear of commercial properties on the High Street and is reached by an alleyway to the side. The building is formed from brick with a slate roof and is part single-storey and part two-storey with an interesting off-centre pitched-roof. The site is abutted by vacant land to the north which is the subject of a concurrent application for the erection of one dwelling (46/2008/1327/PF), by the alleyway to the side (east) and by other buildings to the south and west including

the church.

2. The scheme seeks to convert the building into a one-bedroom unit with a shower room, kitchen, study and hall on the ground floor and with the upper floor used as a lounge. The submitted layout plan shows the provision of a circular grassed area to the side as amenity space of 53 sqm in area, along with one parking space and one parking/turning space.
3. In order to achieve the conversion, the following external alterations are proposed:
East (front) elevation – Replacement of existing garage door with two windows and panelling;
West (rear) elevation – Insertion of one ground floor window and one first floor window, both obscure glazed;
North (End) elevation – Change of one window into a set of French doors and insertion of two roof lights;
South (End) elevation – No change.
4. The application is accompanied by a Design and Access Statement which suggests that the proposal will create a small residential unit in the heart of St Asaph. The submission also includes a structural survey which concludes that the building is in good overall structural condition.
5. Councillor D. Owens has requested this application be brought to the Planning Committee in order to assess site layout issues involving this proposal and that of the application preceding this on the agenda – 46/2008/1327/PF.

RELEVANT PLANNING HISTORY:

6. The outbuilding has been subject to two previous refusals for its conversion (46/2004/0460/PF and 46/2004/0916/PF), on the grounds that the works proposed all included unsympathetic alterations.

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG 2 – Housing Development in Main Villages
Policy CON 5 – Development within Conservation Areas
Policy TRA 6 – Impact of New Development on Traffic Flows

SUPPLEMENTARY PLANNING GUIDANCE

SPG 13 – Conservation Areas

SPG 25 – Residential Development Design Guide

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Ministerial Interim Planning Policy Statement 01/2006

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Principle
 - ii) Highways
 - iii) Visual appearance and impact on the Conservation Area
 - iv) Layout
 - v) Comments made by Rev Adrian Dann
 - vi) Impact on nearby residential occupiers
9. In relation to the considerations as noted in paragraph 9:

- i) Principle
In respect of principle, the site lies within the main centre of St Asaph which, as a main centre, is a location where most housing developments will be expected to be located. The proposal is therefore acceptable in principle, but further scrutiny is required in respect of the details.
- ii) Highways
The Highway Authority has raised no objection to the proposal subject to a condition relating to parking and turning which is already laid out on the submitted plan. As such, the application is acceptable in respect of highways.
- iii) Visual appearance and impact on the Conservation Area
As confirmed by the comments of the Conservation Officer, the scheme retains the essential character of the building and is acceptable in visual terms.
- iv) Layout
The submitted scheme provides adequate amenity space (53 sqm) along with parking and turning areas and as such is acceptable.
- v) Comments made by Rev Adrian Dann
The issue relating to the means of escape from the rear of the abutting place of worship is noted and has been discussed with Rev Dann, the agent and local Councillors. The comments made by Rev Dann were forwarded to the agent who has responded that the applicant is certain that there is no such right of way in existence. Whilst this issue is clearly of vital importance to the Church, it is not a matter over which the Council can exercise any control and is not an issue which would influence the outcome of this planning application.
- vi) Impact on nearby residential occupiers
The conversion is not adjudged to result in any harm to adjacent occupiers.

SUMMARY AND CONCLUSIONS:

- 10. The application is acceptable as it represents a sympathetic conversion of the building and will provide a valuable additional dwelling in the centre of the town.

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. **PRE-COMMENCEMENT**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
4. The proposed roof lights shown on the approved drawings shall not project above the plane of the existing roof.
5. Notwithstanding the provisions 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 windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
6. The windows fitted in the west elevation shall be fitted and subsequently retained at all times with obscure glazing.
7. The dwelling shall not be occupied until its parking space and the access thereto

have been laid out in accordance with the approved plans.

8. The car parking area shown on the approved plan shall be kept available for that purpose at all times.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. To ensure that the development presents a satisfactory appearance
5. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
6. In order to prevent overlooking in the interests of the privacy and amenity of the adjacent occupiers.
7. In order that adequate parking facilities are available within the curtilage of the site.
8. In order that adequate parking facilities are available within the curtilage of the site.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Ruthin

APPLICATION NO: 02/2008/1269/ PF

PROPOSAL: Conversion of dwelling into 2 No. dwellings

LOCATION: 26 Llanrhydd Street Ruthin

APPLICANT: Mr Tim Henderson

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

'Object, over development and lack of parking facilities compounding existing on street parking problems'.

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection subject to the availability of space for the parking of bicycles.

WELSH WATER/ DWR CYMRU

No objection

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 18/01/2009**REASONS FOR DELAY IN DECISION:**

- **timing of receipt of representations**

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application proposes the conversion of 24 and 26 Llanrhydd Street into 2 no. dwellings, i.e. to revert the property back to its original form, from a single dwelling, with no. 24 on the northern end and no. 26 on the southern end.
2. No. 24 is proposed to comprise of a lounge and kitchen and porch (to rear) at ground floor level with a bedroom and bathroom on the first floor. No. 26 is proposed to comprise of kitchen and lounge on the ground floor with 2 bedrooms and shower room on the first floor. To facilitate the conversion, a front entrance is required for no. 26. This is proposed to match that at no. 24 and is proposed to be inserted adjacent to the existing window.
3. Amenity space is proposed to the rear with approximately 25 sq metres for no. 24 and 21 sq metres for no. 26. There are small outbuildings to the west of the garden, which will be retained.
4. Llanrhydd St is located to the south east of Ruthin town centre. It is a relatively narrow street, which meets the A525 at its northern end. The area is characterised

mainly by dwellings fronting the street. No. 24/25 is an end terrace dwelling comprising 3 no. bedrooms. According to the applicant the dwelling was previously 2 separate units however in the 1950's they were merged to create one unit.

RELEVANT PLANNING HISTORY:

5. No planning history.

PLANNING POLICIES AND GUIDANCE:

6. **DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)**
GEN 6 Development Control Requirements
HSG 13 Sub-division of Existing Premises to Self-Contained Flats

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:

- i) Principle
- ii) Residential Amenity
- iii) Highways Safety / Parking

8. In relation to the planning considerations listed above:

- i) Principle
Policy HSG 13 specifies that subdivision of existing premises into self contained units of accommodation will only be permitted provided that; the original property is suitable for conversion, without unacceptably affecting the character, appearance, and amenity standards of its immediate locality, the proposal meets the floorspace and parking requirements, it retains the character of the existing building, makes provision for refuse disposal, storage and drying areas and finally in the case of conversion of upper floors, satisfactory pedestrian access to the living accommodation is provided.

The character of this area is mainly residential. Adjacent to the application site are similar size cottages. Some consideration must also be given to the planning history. The applicants have advised that the site was used as two separate units of accommodation and whilst there is no planning history as permission would not have been required to convert two dwellings into one, the street numbering suggests this was the case. It is considered that the proposal meets the remainder of the requirements of this policy for reasons outlined below.

- ii) Residential Amenity
In terms of residential amenity it is considered that there will be no greater impact on adjacent or proposed occupiers. There is adequate amenity space provided for both dwellings, comparable with that for surrounding dwellings.
- iii) Highway Safety / Parking
There is no parking proposed on site. With respect to the comments of the Town Council, Highways Officers have been consulted on the application and have raised no objection owing to the proximity to the town centre and public transport links. The application proposes a 2 and 1 bed dwelling which is not considered likely to have any greater impact than the existing 3 bed dwelling.

SUMMARY AND CONCLUSIONS:

9. It is considered that the application is acceptable and recommended for grant.

RECOMMENDATION: - GRANT - subject to the following conditions-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the occupation of the dwellings hereby approved, space for the parking of bicycles shall be made available in the rear curtilage of the dwellings, and shall be retained at all times thereafter.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of sustainable development.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Llangollen

APPLICATION NO: 03/2008/1350/ PF

PROPOSAL: Installation of foul and surface water drainage plant (resubmission of application previously refused permission under code no. 3/2008/0918/PF)

LOCATION: Bryn Derwen Abbey Road Llangollen

APPLICANT: Belgrave Homes Limited Belgrave Homes Ltd

CONSTRAINTS: Canal Consultation Zone

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

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL

"Members raised objections to this application due to the fact that the Town Council's decision to offer no objections to the original application was based on the planning gain which would be accrued by connecting the site to main drainage. Members felt that the County Council should uphold the original condition of connection being made to main drainage. It is feasible and therefore cost implications should be ignored".

LLANGOLLEN CIVIC SOCIETY

Continue to register opposition to proposals. Developer was aware of the issues when the original application was made. Comparison with arrangements at other properties are irrelevant as current regulations would not have applied. Risk of failure of system is too high. Plant would be close to the highway. Reuse of old pipe under the highway is unsatisfactory. Refusal on policy grounds is justified.

ENVIRONMENT AGENCY

The response confirms that a discharge consent application was submitted in 2008, which is still being considered, but the Agency are minded to grant consent and therefore have no reason to object to the planning application. The applicants would still need to be reminded that the Agency may still withhold discharge consent.

BRITISH WATERWAYS

Repeat previous advice that there are no objections, and that a licence agreement has been signed to accept discharge to the canal. Requests any permission includes an advisory note drawing attention to the need to contact British Waterways engineers to ensure compliance with the Code of Practice for Works affecting British Waterways.

WELSH WATER

Repeat previous advice that there are no objections, and that a licence agreement has been signed to accept discharge to the canal. Requests any permission includes an advisory note drawing attention to the need to contact BW engineers to ensure compliance with the Code of Practice for Works affecting British Waterways.

RESPONSE TO PUBLICITY:

Letters of objection received from:

1. R.M. Lawrence, Can-y-Gwynt, Tower Road, Llangollen

2. A. Roberts and M. Molloy, Fron Deg, Abbey Road, Llangollen
3. Mr. D. Davies, 5, Gerddi y Bache, Llangollen
4. Mr. A.M. & W. Davis, Hazeldene Villa, Abbey Road, Llangollen
5. T.W. and A. P. Hammond, Maes yr Ychain Farm, Llantysilio
6. Mr. J. Calven, 27, Maes Collen, Llangollen
7. Mr. P. Carol, Proadventure Ltd.
8. Mr. A. Found, Gardd Gerrig, Abbey Road, Llangollen

Summary of planning based representations

Original plans for main sewer connection should be honoured

Applicants were fully aware of distances to main sewer and costs of connection when submitting original proposals. Council should not have allowed development to start before connection was made.

No difference to previous application, which was refused permission.

Financial arguments for alternative means of drainage should not carry weight.

Option of running drain along canal towpath should be investigated.

Amenity impact

Treatment plants can overflow/fail/give off odour.

Technical concerns over quality of discharge/inappropriate form of drainage in urban area in 2009/impact on SSSI/impact on users of canal and nearby dwellings.

Threat to recognition of canal as World Heritage Site by UNESCO

Unclear as to future maintenance of system/emergency procedures in event of power failure, etc.

Potential impact on water quality, wildlife, and habitat (fish stock, animals on the canal and river)/what checks would be in place to monitor quality of discharge?

Other issues

Access to site not completed. Drainage should have been completed before buildings were erected.

Other dwellings along Abbey Road should be connected to main sewer.

EXPIRY DATE OF APPLICATION: 17/02/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application is a resubmission of a proposal refused permission at planning committee in October 2008.
2. It relates to the installation of a treatment tank system to serve a development of 20 flats, which is nearing completion on Abbey Road, Llangollen. The flats replace the buildings which formed the old Bryn Derwen Hotel. It is understood that the complex is to be named Plas Derwen.
3. The flats have been built following the grant of outline permission in August 2005, and the approval of reserved matters details in September 2006. They are located on the east side of Abbey Road (the A542). The Llangollen Canal and the

Llangollen Railway run immediately to the west of Abbey Road at this point.

4. The proposed means of drainage for the flats development was indicated on the outline application and reserved matters forms as "public sewer".
5. The nearest point of connection to the public foul sewer is some 600 metres to the east, close to the entrance to the Eisteddfod site.
6. The Bryn Derwen Hotel which occupied the site until its demolition in 2007 was served by a septic tank and a surface water drainage system which discharged directly into the Llangollen Canal via a drain running under Abbey Road.
7. The proposal is to introduce an 'on site' package treatment plant to take all foul water from the apartments to hold the treated liquor in a storage tank which also accepts rainwater from the site, and to discharge the water at a controlled rate through an existing 150mm outfall pipe running from the site under Abbey Road, into the Llangollen Canal.
8. The application reported to the October 2008 meeting of the Planning Committee was refused for the following reason:
 - "1. The proposal to install a private treatment plant to serve the development is considered contrary to Policy ENP 4 (ii) of the Denbighshire Unitary Development Plan as it has not been established that connection to the foul sewer is not feasible of that there would be no potential for pollution of the Llangollen Canal."
9. The applicants' planning agent has included a 13 page Supporting Statement with the resubmission, outlining the reasons and justification for the revised proposals. This is summarised in officers' words as follows:
 - The previous applications anticipated constructing separate foul and surface water drains through excavation along the A542. The works would involve laying drains along the road including over the canal bridge. The levels would mean installation of pump stations on the site.
 - The construction of the drainage links along the road would result in prolonged disruption to traffic (12 weeks with traffic control on Abbey Road), and considerable expense to the developer and future residents through the costs of maintaining two lengthy pumped sewers.
 - The proposed variation provides an acceptable technical alternative, which can offer assurance to the Council and members of the public that there would be no harm to the environment through pollution or odours.

In relation to the details of the proposed drainage system:

- This would be an 'on site' package treatment plant, in the form of Klargestor BJ Biodisc system. This involves a Glass Reinforced Plastic tank and a separate holding tank, to be located between Unit C and the road boundary.
- All foul water from the flats would be routed to the Biodisc unit at the front of the site. It would be broken down by a combination of biological and mechanical means to produce a liquor which is of a standard that can be discharged into the Llangollen Canal. Prior to discharge, the liquor would be held within a 12,000 litre storage tank which would contain the rainwater drainage from the site, and would serve to further dilute the material discharged through an existing pipe running from the site to an outfall to the canal. The rate of discharge would be controlled (a maximum of 4.4 litres a second).
- The plant would be 7 metres away from any dwelling.
- There are no problems from odours or flies.
- The Klargestor treatment plant is an industry standard which has been designed to reliably treat sewage from developments such as Hotels, housing estates, offices, and schools and is in accordance with the relevant Code of Practice (BS 6297). The treated effluent is of a quality that can be discharged direct to a watercourse, and would normally be diluted with rainwater in the holding tank to achieve an even higher standard of quality.

- The system is specified to meet the treatment needs of a development of 21 apartments.
 - There are separate controls exercised by the Environment Agency (who have to issue a Discharge Consent specifying the quality and volume of effluent), and by British Waterways (who have to issue a Licence Agreement to discharge to the canal, and the rate of discharge). The EA and British Waterways have confirmed agreement to the proposals.
 - The new system would not be offered for adoption to the Council, and would be subject to a maintenance contract ensuring it continues to operate at the specified standard. If the plant fails to operate, there is an inbuilt alarm system alerting the maintenance operator to effect repair. In the event of failure of the plant, there would be no discharge to the canal as it would operate as a normal septic tank, which can be emptied by tanker if necessary and taken off site for disposal.
10. The planning statement also includes details of the Licence Agreement from British Waterways to construct drainage works and to discharge water to the canal, and confirmation from the Environment Agency that they are satisfied at the proposed use of a package treatment plant and discharge into the canal, subject to permission from British Waterways. The statement refers to the reason for refusal of permission at the October 2008 committee, and seeks to argue the proposals do not conflict with planning policy. It makes specific reference to the presence of septic tanks in the locality of the property, acceptance by the Council of septic tank drainage on applications in the area, the implications of laying sewers over the deck of the canal bridge, potentially long delays from roadworks during construction, and the fact that as the sewers would need to be served by pumps, they would have to be private drains which could never be used to serve other frontage development, all adding to the high initial costs and the conclusion that this is not reasonable when a technically acceptable and much less onerous option is practically available.
11. For members information, the applicants agent has also lodged a formal appeal to the Planning Inspectorate against the October 2008 refusal. It is likely that the appeal would be withdrawn if the Committee granted permission to the current application. There is a separate report at the end of the agenda relating to the appeal application and member representation at the Hearing. There is a separate report at the end of the agenda relating to the appeal application and member representation at the Hearing.

RELEVANT PLANNING HISTORY:

12. 03/2004/0720/PO

Demolition of existing hotel and dwelling and redevelopment of land by the erection of 20 residential apartments and alterations to existing vehicular access (outline application) GRANTED – 25/08/2005

03/2005/0693/PR

Details of siting, design, external appearance, means of access and landscaping for development of 20 apartments granted outline planning permission under Code No. 03/2004/0720/PO
APPROVED – 06/09/2006

03/2008/0918/PF

Installation of foul and surface water drainage plant.
REFUSED – 01/10/2008
(see paragraph 8 for reason)

PLANNING POLICIES AND GUIDANCE:

13. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- | | | |
|----------------|---|--|
| Policy STRAT 7 | - | Environmental |
| Policy ENV 1 | - | Protection of the natural environment |
| Policy ENV 5 | - | Sites of local conservation importance |
| Policy ENP 1 | - | Pollution |
| Policy ENP 4 | - | Foul and Surface Water Drainage |
| Policy GEN 6 | - | Development Control Requirements |

MAIN PLANNING CONSIDERATIONS:

14. The main considerations are:
- i) The principle
 - ii) Amenity impact (pollution, noise, smell)
15. In relation to the main considerations:
- i) The principle
 General guidance in Planning Policy Wales, and the strategic policies of the Unitary Development Plan seek to safeguard the environment by preventing development which would lead to unacceptable environmental impacts, including pollution (STRAT 7). The detailed policies in the Unitary Plan elaborate on this approach. In relation to the Natural Environment, ENV 1 seeks to protect the biodiversity of the natural environment, and ENV 5 seeks to ensure the nature conservation value of designated wildlife sites are protected from harm. In relation to Environmental Protection, ENP 1 contains a presumption against development which would harm the environment and the amenity of nearby properties, including in terms of pollution of groundwater, vibration, odour, noise, or other pollution, and ENP 4 states that development will not be permitted unless satisfactory arrangements can be made for foul and surface water disposal. Test (ii) of ENP 4 refers to proposals for private water treatment / disposal facilities and indicates these will not be acceptable where connection to a public sewer is feasible (test ii), where they would lead to pollution or unacceptably harm controlled waters. GEN 6 permits development in accordance with the other policies of the Unitary Plan subject to compliance with a range of tests, including assessment of impact on the amenity of local residents, other land and property users, through increased noise and fumes (test v), natural environmental considerations relating to drainage (test x), and regard to the treatment and disposal of water (test xiii).

Taken together, the policies and guidance set a clear obligation to ensure the impacts of the type of development proposed are acceptable. In officers opinion, the main issues are therefore whether the detailed impacts of the particular proposals are likely to give rise to specific harm, in conflict with planning policies, having due regard to the objections and 'technical' responses of consultees.

In terms of general principles, the applicant's position is that insistence on a piped connection to the public sewer would be unreasonable since this would involve laying drains for over 600 metres along an A road, over a bridge where the depth of the pipes would be shallow, and this would result in extensive disruption to users of the highway over a 12 week period. Their stance is that the option of a treatment plant is acceptable on technical grounds, meets the requirement of the Environment Agency and British Waterways and would not lead to problems of pollution or impact on the amenities of nearby residential property: all in compliance with the principles and detailed requirements of planning policies.

In acknowledging the concerns of objectors over the applicants' stated intention at outline and reserved matters stage to connect to the piped foul

sewer system, and the submission of these proposals to change the means drainage at a late stage in the development, members will be aware of the right of any applicants to submit alternative/revised plans if they so choose. The authority is obliged to deal with any such proposal on its merits, having due regard to the relevant policies, guidance and material considerations.

ii) Amenity impacts

The contents of the submission and the responses received suggest the main amenity considerations to address are the potential for pollution of the canal (and consequent effects on wildlife, users of the canal, and water quality), and the incidence of smell and noise.

- Pollution from discharge to Llangollen Canal.

Whilst acknowledging the previous decision of the Committee, and the basis of objections here, it is significant that there are no objections from the Environment Agency or British Waterways to the proposals to treat waste on site by way of the proposed Klargester plant, to store it in a second tank and to add surface water from the site before discharge at an agreed rate into the canal. The Agency and British Waterways have separate legal controls over this process in any event. Neither would consent to discharge unless the final quality of treated waste which would enter into the canal did not meet their standards.

All modern treatment tanks are required to meet stringent BS Codes of Practice, and the Building Regulations, and there is now a requirement under Part H2 of the Building Regulations that such plant retains a 6 hour flow in the event of a power failure. Arrangements for servicing and repair of the system would rest with a maintenance operator, and in the event of a prolonged power failure or problem, the respective tank(s) can be emptied as necessary by tanker, and the waste taken for disposal elsewhere. On the basis of the information in front of the authority, and in the absence of any 'technical' objection from the Environment Agency and British Waterways, it is not considered there are grounds to suspect the drainage system proposed would give rise to pollution in the canal, affecting the wildlife or plant interest in and around it, or interfering with its recreational use. With respect to concerns of objectors, it is not considered the proposal would have any effect on the prospect of designation of the Llangollen Canal as a World Heritage Site.

- Smells and noise

Modern treatment tanks are sealed units which require emptying periodically. The potential release of odour would only occur during the emptying process, and if undertaken properly, would not give rise to problems for neighbours. There is no on site soakaway from the proposed treatment tanks, so there is no prospect of smells or pollutants arising from overflow or waterlogged ground. Whilst there are electrically driven motors / rotors within the treatment unit to assist the processing of waste, the technical information indicates these are silent in operation, and there should be no discernible noise from the operation of the system.

Again, on the basis of the technical information and consultee responses, there are no reasons to suspect smells or noise would arise as a consequence of installing the proposal system.

- Other matters

In weighing the issues in relation to this application, members are respectfully asked to take account of the following:

The Bryn Derwen Hotel, which occupied the site until its recent demolition

was served by an old septic tank, with its overflow and storm water run off discharged into the canal. In officers view, the proposal for a modern treatment plant offers a clear improvement on this arrangement, assuring high quality of discharge to the canal. As far as is understood, all other properties along this section of Abbey Road are served by septic tanks, cesspools, or other non mains drainage systems, some of which may empty directly into the canal. Septic tanks and cesspools require periodic emptying in the same manner as the proposed treatment plant would. The authority has accepted septic tank drainage for other schemes along Abbey Road, closer to the main sewer in recent years (e.g. residential unit at Lyndonhurst).

SUMMARY AND CONCLUSIONS:

16. The authority is obliged to consider the application on its planning merits. Whilst recognising members' concerns and the previous decision of the Committee to refuse permission, in officers' opinion, there are no sustainable technical planning or policy grounds on which to oppose the proposals for a modern treatment plant as detailed. The scheme is acceptable to the Environment Agency and British Waterways, who have their own stringent controls over discharge to the Llangollen Canal. On the basis of the information it is not considered the treatment plant would give rise to pollution, noise or smells, and it would be a satisfactory means of treating foul and surface water from the development.

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. None of the apartments shall be occupied until the treatment plant and outfall have been completed in accordance with the approved plans.
3. The proposed treatment plant shall not be brought into operation until the written approval of the Local Planning Authority has been obtained to the precise detailing of the final land levels, surface treatment and the landscaping and planting of the area around the plant. The approved details shall be implemented no later than 3 months following the installation of the plant.

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 the development is served by a satisfactory means of drainage.
3. In the interests of visual amenity.

NOTES TO APPLICANT:

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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 satisfactory 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 Permitted Regs 2007.

The applicant is advised to contact Mark T Gorman (Third Party Works Engineer) at British Waterways Wales and Border Counties to ensure that the works comply with the 'Code of Practice for Works affecting British Waterways'.

ITEM NO: 13

WARD NO: Corwen

APPLICATION NO: 05/2008/1050/ PF

PROPOSAL: Widening of existing vehicular access, construction of new concrete ramp, slate retaining wall and new parking area.

LOCATION: 1, The Terrace Bridge Street Corwen

APPLICANT: Mr & Mrs D K Bailey

CONSTRAINTS: B Flood Zone
C2 Flood Zone
Within 67m Of Trunk Road
Listed Building
Groundwater Vulnerability 1
EA Floodmap Zone 3
Conservation Area

PUBLICITY UNDERTAKEN: Site Notice - No (on LB) Press Notice - No (on LB) Neighbour letters - Yes

CONSULTATION RESPONSES:

CORWEN TOWN COUNCIL
'No objection'.

PRINCIPAL CONSERVATION OFFICER
No objection, subject to condition

WELSH ASEMBLY GOVERNMENT TRANSPORT SECTION
No objection

RESPONSE TO PUBLICITY:

Representations received (to most recent and previous consultation)

1. Linda Jones, Garth, 2 The Terrace, Corwen
2. J & H.E. Owen, Minffordd House, Bridge Street, Corwen
3. Alan Roberts, Maenllwyd, 5 The Terrace, Corwen (1 letter 2 additional signatories 2 & 7 The Terrace)

Summary of representations:

- i) Impact of removal of boundary treatment on the listed building
- ii) Impact of proposal on character of the area, particularly the setting of adjacent listed buildings
- iii) Loss of view from Minffordd House

EXPIRY DATE OF APPLICATION: 18/01/2009

REASONS FOR DELAY IN DECISION:

- Re-consultations / further publicity necessary on amended plans and / or additional information

**PLANNING ASSESSMENT:
THE PROPOSAL:**

1. The application proposes the widening of an existing vehicular access, construction of a new ramp, a slate retaining wall and a new parking area. The access is proposed to be widened from 3m as existing to 5.74m. A ramp is proposed to run from the hardstanding in front of the dwelling along the eastern site boundary, across the front of the dwelling to the entrance on the western side. The retaining wall proposed to facilitate the ramp is a slate construction with coping stones to match the existing wall, and railings over. The hardstanding proposed will be laid with stone flags with a small area of lawn retained on the south east of the site. Internally some alterations are proposed to the dwelling; however the external appearance of the building will remain as existing.
2. Located on the southern side of Bridge Street in the Corwen Conservation Area, 1 The Terrace is the first dwelling on the western end of a group of similar properties all of which are listed buildings. The Terrace is described in the listing as 'an exceptionally well-preserved example of middle class housing of circa 1870. The design is of particular note because of its strong overall architectural composition, and for the quality of detailing'. To the front of each dwelling is a small garden area enclosed behind railings; however as the end property no. 1 benefits from a wider access as existing to enable the parking of 1 no. car on a driveway.
3. Justification for the scheme has been put forward by the agent, who states that the ramp is proposed to enable access to the dwelling by a member of the household who is disabled and requires specialised means of transport and access.

RELEVANT PLANNING HISTORY:

4. 05/2008/811/LB
Corresponding Listed Building application – Awaiting CADW response.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy HSG 12 Extensions to Dwellings
Policy CON 2 Extensions or Alteration to Listed Buildings
Policy CON 5 Development Within Conservation Areas

Supplementary Planning Guidance Note No. 14 Listed Buildings

National Guidance
Circular 61/96 Listed Buildings and Conservation Area
Planning Policy Wales

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Visual Amenity/ Impact on Listed Building / Conservation Area
 - iii) Highway Safety
7. In relation to the planning considerations listed above:
 - i) Principle
Planning Policy GEN 6 sets out general development control criteria, relevant to all applications. In this instance the principle of the work is acceptable subject to consideration of the visual amenity issues. Policy CON 2 allows for sensitive alterations to listed buildings in order to accommodate continuing

uses. Policy HSG 12 allows householders some freedom to make alterations to dwellings, providing they comply with a number of criteria, most relevant to this case would be that the proposal does not impact on the character and appearance of the existing dwelling and surrounding area.

ii) Visual Amenity

Although No. 1 The Terrace is a listed building within a conservation area, this does not preclude any alterations to the dwelling. The primary aim of policy is to ensure development does not detract from the listed building and generally development preserves and enhances the character of the conservation area. This application is for external works to facilitate disabled access, and the existing vehicular access point is to be widened by 2.74m, and the ramp constructed in the front garden area. Whilst the widening of the access will necessitate the removal of a section of railings in front of the dwelling, as there is an existing vehicular access, this is considered acceptable. The ramp has been designed to minimise the impact on the dwelling, the materials reflect that of the existing boundary treatments and there is a break in the railing to allow the front door to remain a focal point of the elevation when viewed from the road. The scheme has been designed and amended in consultation with the Conservation Officer who has raised no objection to the scheme subject to inclusion of a planning condition to cover the detail of materials. In keeping with advice of CADW the application facilitates disabled access at the same access point as other users rather than using rear doors or secondary access points ('Overcoming the Barriers, Providing Physical Access to Historic Buildings, CADW, 2002').

iii) Highway Safety / Parking

The access is off the A5 in Corwen. The Welsh Assembly Trunk Roads Section have been consulted, and have raised no objection subject to the inclusion of a planning condition requiring detail of the access improvements to be approved prior to the commencement of any site works.

SUMMARY AND CONCLUSIONS:

8. Having regard to relevant policies of the unitary development plan, supplementary planning guidance, the consultation responses and planning considerations, it is considered that the application is acceptable and recommended for grant.

RECOMMENDATION: - GRANT - subject to the following conditions-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the approved plans the retaining walls to the ramp shall be constructed to match the stonework and the coping of the front boundary wall/plinth. The pointing shall be slightly recessed and neutral in colour. The railings to the ramp shall be as drawing jig/0636/08-A04. The railings are to be painted black. If the railings are to be galvanised a suitable etching primer is to be applied. A sample of the wall, railings shall be submitted and approved by the Local Planning Authority prior to the commencement of development and thereafter the scheme shall be implemented in accordance with the approved details.
3. Full details of the alteration to the access shall be submitted to and approved by the Local Planning Authority prior the commencement of any site works, the access shall be completed in accordance with the approved plans prior to the access being 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. To respect the character and appearance of the building.
3. In order to preserve the safety and free flow of traffic on the trunk road.

NOTES TO APPLICANT:

Your attention is drawn to the following:

1. The ramp, parking area and access shall be constructed such that they do not drain onto the trunk road.
2. The works undertaken within the highway shall meet the requirements of Section 184 of the Highways Act 1980 and shall only be commenced with specific agreement of the Highway Authority.
3. 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 New Roads and Streetworks Act 1991.
4. Denbighshire County Council Highways Advisory Notes:
 - Highways Supplementary Notes No. 1,3,4,5 & 10
 - New Roads and Streetworks Act 1991 - Part N Form
 - Highways Act 1990 Section 184 Consent to Alter a Vehicular Crossing Over a footway.

ITEM NO: 14

WARD NO: Efenechtyd

APPLICATION NO: 13/2008/1271/ PC

PROPOSAL: Retention of log effect unit for use as ancillary to main dwelling

LOCATION: Bryn Hyfryd Pwllglas Ruthin

APPLICANT: Mrs A Windebank

CONSTRAINTS: Public Right Of Way

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

CONSULTATION RESPONSES:

EFENECHTYD COMMUNITY COUNCIL

"Efenechtyd Council wish to object to this proposal. Having been refused planning approval previously for retention as a separate dwelling this application would seem to be an attempt to circumvent planning policy. If granted what safeguards will be in place to prevent this unit being considered a separate dwelling at some time in the future."

DENBIGHSHIRE COUNTY COUNCIL'S RIGHTS OF WAY OFFICER

Notes that Public Footpath 13 abuts the development site, and hence no diminution in width or obstruction to this should be caused.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 18/01/2009

REASON FOR DELAY:

- timing of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site on which the building stands lies to the north of the main residence of Bryn Hyfryd, with a steep embankment to the rear (west) and a wooded area to the north. The land to the east slopes steeply downwards away from the site and places the building in an elevated position. The site lies outside the Development Boundary of Pwllglas village.
2. The application seeks retrospective consent for the retention of a freestanding pre-fabricated log-effect unit which has already been erected. The building contains a lounge, dining area, kitchen, bathroom, second toilet and two bedrooms along with a large external decking area. It has external dimensions of 8.7 metres by 6.2 metres, providing a gross floor area of 54 sqm. The unit has a pitched roof up to a height of 3.3 metres.

3. The application is accompanied by a short supporting letter from the applicant that states that there are two reasons why the applicant needs to keep the unit as ancillary accommodation to the main house which is occupied by her daughter, son-in-law and grandchildren.
Firstly: the unit allows the applicant to live close enough to her 89 year old mother (who lives in Colwyn Bay) who is unable to go out of her home without help; Secondly, it allows the applicant to be near her family but enjoy her own living accommodation at the same time.
4. The application follows a previous refusal in May 2008 for the retention of the unit as a separate dwelling. The reason for the refusal follows in the planning history section below.

RELEVANT PLANNING HISTORY:

5. 13/2008/0136/PC
Retention of log effect unit for use as dwelling: Refused 23 May 2008 for the following reason:

“The site lies within the open countryside outside of the development boundary and does not lie within a group of dwellings. As such, the site therefore cannot be assessed as being within a group of houses and the proposal is contrary to Policies GEN 3, GEN 6 and HSG 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within Planning Policy Wales 2002.”

32/3898

Alterations and extensions to main dwelling: Granted October 1979.

13/2005/1470/PC

Retention of stable block: Granted February 1996.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 3 – Development outside Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG 6 – New Dwellings in the Open Countryside
GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Relevance of special circumstances
8. In relation to the considerations as noted in paragraph 6:
 - i) Principle
The proposal is considered on the basis of an independent dwelling unit with no degree of reliance on the dwelling ‘Bryn Hyfryd’. Policy GEN 3 only allows for certain categories of development in open countryside, including infill development of one or two housing units within a clearly identifiable group of dwellings in accordance with Policy HSG 5. A ‘group of dwellings’ is clarified by Policy HSG 5 as being a continuous line of dwellings or a group of houses not totalling less than 6 units with no dividing gaps. The subject site therefore cannot be assessed as being within a group of houses. Policy HSG 6 allows for the creation of new dwellings in the open countryside only in exceptional circumstances and subject to six criteria. The proposal is considered wholly

at odds with this policy, and as there is no essential need for a dwelling here, the application would be contrary to Policies GEN 3, GEN 6 and HSG 6 of the adopted Unitary Development Plan.

ii) Relevance of personal circumstances

The letter from the applicant seeks to justify the retention of the unit on the grounds that it is ancillary to the main dwelling, rather than being a wholly independent unit as previously refused. The building is, however, an entirely separate two-bedroom dwelling with its own curtilage and utilities, and does not rely upon the main dwelling for anything. Consequently, the 'special' circumstances put forward by the applicant need to be further scrutinised to establish whether they represent a justification for the unit to remain. In this context, the applicant states that the location of the unit adjacent to her daughter allows her to see her family including her grandchildren. Whilst this desire is duly noted, respectfully it does not counter the strong policy presumption against the creation of new dwellings in the countryside, clearly the applicant does not need to reside at the site to be able to see her grandchildren, as she is mobile and there is no essential need to reside at the site. The other main justification for the retention of the dwelling is to allow the applicant to care for her elderly mother who resides in Colwyn Bay. However, given that there is a 28 mile distance between the unit and Colwyn Bay this again does not demonstrate a case for the applicant to reside at this particular site in the dwelling that has been erected. Overall, therefore, whilst acknowledging the desires of the applicant, it is not considered that they establish compelling circumstances which would outweigh the strong policy presumption against the erection of a new dwelling in the open countryside.

SUMMARY AND CONCLUSIONS:

9. The application is considered unacceptable on basic planning policy grounds and is recommended to be refused. As a retrospective use, a corresponding enforcement report follows this report seeking authorisation to remove the unit from the land.

RECOMMENDATION: REFUSE – for the following reason:-

1. The proposal involves the retention of a building for use as an independent living unit in an open countryside location, and in the absence of any essential need for a dwelling, is considered contrary to Policies GEN 3, GEN 6 and HSG 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within Planning Policy Wales 2002.

NOTES TO APPLICANT:

None

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00013

LOCATION: Bryn Hyfryd, Pwllglas, Ruthin

INFRINGEMENT: Unauthorised development - Residential use of log effect unit

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 3 – Development Outside Development Boundaries
Policy GEN 6 - Development Control Requirements
Policy HSG 6 – New Dwellings in the Open Countryside

CENTRAL GOVERNMENT GUIDANCE

Planning Policy Wales 2002
Technical Advice Note (Wales) 9: Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against unauthorised development and other related matters. In this instance, the matter under consideration is whether the owner of the property has the right to retain a log effect unit for residential use on the land for the benefit of an elderly parent to live close to her family, and the impact of that additional unit on the general amenity of the area in the public interest.

No specific human rights issues have been raised by the owner of the property or any other interested party.

1. BACKGROUND INFORMATION

- 1.1 The site on which the log effect dwelling stands lies to the north of the main residence of Bryn Hyfryd, with a steep embankment to the rear (west) and a wooded area to the north. The land to the east slopes steeply down away from the site and places the dwelling in an elevated position. The site lies outside of the village Development Boundary.
- 1.2 The structure in question is a freestanding pre-fabricated log effect dwelling which has been erected within the land attached to Bryn Hyfryd. The unit contains a lounge, dining area, kitchen, bathroom, second toilet and two bedrooms along with a large external decking area. The unit has dimensions of 8.7 metres by 6.2 metres, providing a gross floor area of 54 square metres. The unit has a pitched roof up to a height of 3.3 metres.
- 1.3 The log cabin was evidenced on site on the 6 November 2007 and the owner advised by a planning compliance officer that planning permission would be required should he wish to retain the structure. As a consequence of this intervention the owner submitted an application to retain the structure for use as a dwelling (code 13/2008/0136/PC). The application was refused on the 23 May 2008, for the following reason:

“The site lies within the open countryside outside of the development boundary and does not lie within a group of dwellings. As such, the site

therefore cannot be assessed as being within a group of houses and the proposal is contrary to Policies GEN 3, GEN 6 and HSG 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within Planning Policy Wales 2002.”

- 1.4 A further application has now been submitted for the ‘*retention of log effect unit for use as ancillary to main dwelling*’. The officer recommendation is for refusal. The proposal involves the retention of a building for use as an independent living unit in an open countryside location and in the absence of any essential need for a dwelling, is considered contrary to Policies GEN 3, GEN6 and HSG 6 of the adopted Denbighshire Unitary Development Plan.

Officers consider that it is now necessary to take enforcement action to secure the removal of the unauthorised log effect unit.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The log effect dwelling unit has been brought onto the site within the last ten years and the owner refuses to remove the structure.
- 2.2 The site is situated within attractive open countryside as defined by the Adopted Unitary Development Plan beyond the confines of the nearest settlement limits. The log cabin represents an intrusive feature within the landscape and its residential use is unauthorised.
- 2.3 The establishment of a residential unit at this site, without any essential need would result in a sporadic form of residential development, unrelated to any established settlements and would set an undesirable precedent for similar proposals in the future.
- 2.4 Policy GEN 3 only allows for certain categories of development including the infill development of one or two housing units within a clearly identifiable group of dwellings in accordance with Policy HSG 5. A ‘group of dwellings’ is clarified by Policy HSG 5 as being a continuous line of dwellings or a group of houses not totalling less than 6 units with no dividing gaps. The subject site therefore cannot be assessed as being within a group of houses. Policy HSG 6 allows for the creation of new dwellings in the open countryside only in exceptional circumstances and subject to six criteria. The proposal is wholly at odds with this policy and as such the proposal is contrary to Policies GEN 3, GEN 6 and HSG 6 of the adopted UDP.
- 2.5 The use of conditions as part of any grant of planning permission for retention of the unauthorised log cabin could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:-
- v) To serve an enforcement notice to secure the removal of the log effect unit from the land. (Compliance 12 months)
 - vi) To instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any enforcement notice or other such notice is served should they fail to comply with the requirements thereof.

ITEM NO: 15

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 23/2008/1242/ PF

PROPOSAL: Alterations and extension to existing dwelling, conversion of barn to create additional living accommodation, construction of detached garage with bat loft space, extension to existing curtilage and installation of new septic tank

LOCATION: Ty'n Y Ddol Llanrhaeadr Denbigh

APPLICANT: Mr D Kerrigan

CONSTRAINTS:

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

CONSULTATION RESPONSES:

LLANRHAEADR Y.C COMMUNITY COUNCIL

" Members feel that the size of the development is too big and would be out of character in relation to other properties, not only compared with properties in the local area but compared with other properties in the Vale of Clwyd".

ENVIRONMENT AGENCY

No objection

COUNTRYSIDE COUNCIL FOR WALES

No objection subject to the inclusion of a condition relating to bat mitigation

COUNTY ECOLOGIST

No objection subject to the inclusion of a condition relating to bat mitigation

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 13/01/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Ty'n Ddol is located in open countryside to the west of Pentre Llanrhaeadr. The site comprises a 2 storey dwelling with a detached outbuilding located to the north west of the dwelling. The house and barn are of stone construction with ridged asbestos sheeting roof cover. The dwelling and outbuilding are located at a significantly lower ground level than the adjacent highway.
2. The proposal seeks to extend the existing dwelling into the adjoining redundant agricultural barn and to construct a single storey link extension between the two buildings. The proposal is to convert the outbuilding into additional living accommodation which will comprise a 5 bedroom dwelling. It is also proposed to construct a detached garage and store, which will provide space for 2 vehicles with

a bat roost within the roof space. This application also seeks permission to extend the curtilage and to install a new septic tank.

RELEVANT PLANNING HISTORY:

3. 23/2003/1092/PF – Erection of extension and alteration to existing dwelling, conversion of barn to create additional living accommodation and installation of new septic tank and vehicular access. Granted, 19th November 2003

23/2004/0191/PF - Erection of extension and alteration to existing dwelling, conversion of barn to create additional living accommodation and installation of new septic tank and vehicular access (amended details to those previously approved under planning permission code no. 23/2003/1092/PF) Granted 19th May, 2004

23/2006/0918/PF - Refurbishment of farmhouse, provision of link extension, first-floor pitched-roof extension, conversion of barn to living accommodation, provision of garage/utility block and new driveway Refused 6th October, 2006. Refused for the following reason:

It is the opinion of the Local Planning Authority that the proposed link extension by reason of its scale and mass is out of character with the traditional, understated appearance of the dwelling and the associated outbuilding and is thus in conflict with criterion i) and ii) of Policy GEN6, criterion i) and iii) of policy HSG12, criterion ii) of policy HSG9 of the Denbighshire Unitary development Plan and advice contained in Policy SPG1 and SPG16.

DISMISSED on Appeal 16th April, 2007

23/2006/1341/PF Construction of new driveway, entrance and parking areas Granted 5th September, 2007.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 Development Outside Development Boundaries
Policy GEN 6 Development Control Requirements
Policy HSG 9 Conversion of Rural Buildings to Dwellings
Policy HSG 12 Extensions to Dwellings
Policy HSG 16 Extensions to domestic gardens

SPG 1 – Extensions to Dwellings

SPG 16 – Conversion of Rural Buildings

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

- 5.
- i) Principle of the development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Nature Conservation
6. In relation to the main planning considerations noted above:
- i) Principle of the development
The application site is located in the open countryside where policy GEN 3 is applicable. Criterion iii) refers to the conversion, adaptation, re use and extension of existing rural buildings and is considered in further in policy HSG9 and SPG16.

A structural report has been submitted for the outbuilding as part of the application, and in liaison with Building Control, it is considered that the outbuilding is capable of conversion without major or substantial reconstruction. The planning history of the building also presumes for development both in terms of the principle of converting the building and the erection of an extension in order to link the existing dwelling and the outbuilding. The erection of a detached garage in this location, of the scale proposed is considered acceptable, as are the bat mitigation proposals within it. The extension to the curtilage area is minimal and is considered acceptable in principle.

ii) Impact on visual amenity

The proposal involves the erection of an extension to link the existing dwelling to the outbuilding, and also involves small extensions to the outbuilding. The alterations and extensions to the outbuilding are considered acceptable, having particular regard to the previous refusal and appeal, which related to the scale and mass of this link extension. The link has now been designed taking the form of a wall with openings and a green roof planted with mixed grasses and sedum. This approach has been adopted to reduce the impact of the infill/link having regard to the previous concerns raised in relation to the scale and mass, and it appears subordinate to the original buildings. The link extension is understated in terms of its height and mass, and whilst a green roof may not be a conventional approach, the link itself is low key and does not detract from the overall character and appearance of the farmhouse and outbuilding. Therefore the design approach adopted is considered acceptable and there would be no adverse impact on the visual amenities of the area.

iii) Impact on residential amenity

The closest neighbours to the site are located at Bryn Clwyd which is located approx. 45m from the rear elevation of the outbuilding and the proposal would not result in any adverse impact on the amenities of this dwelling being some distance away from the application site. The development itself would provide an acceptable level of residential accommodation, with sufficient amenity space and car parking space within the site.

iv) Nature Conservation

Lesser Horseshoe bats are presently located within the farmhouse. A detailed survey has been submitted with the application and contains recommendations in respect of mitigation. A separate licence is also required from the Welsh Assembly Government. It is proposed to provide a bat roost within the loft space of the proposed garage. Consultations have been carried out with the Countryside Council for Wales and the County Ecologist, and no objections are raised, subject to conditions and that the implementation of the recommendations in the survey report are implemented in full.

SUMMARY AND CONCLUSIONS:

7. The development is considered acceptable with no adverse impact on visual or residential amenity. Subject to the imposition of conditions and the implementation of the recommendations contained within the ecological report it is not considered there would be any adverse impact on nature conservation.

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. PRE-COMMENCEMENT CONDITION

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.

3. PRE-COMMENCEMENT CONDITION

The development shall proceed strictly in accordance with the recommendations contained within the Bat & Bird Survey Report carried out by North Wales Bat Service dated 20th October, 2008. In addition, prior to the commencement of any works on site further details shall be submitted in relation to the following:

- i) Precise locations and design of the bat compensation roost;
- ii) Submission of details such as bat Reasonable Avoidance Measures (RAM's) such as timing of operations;
- iii) Submissions of details to ensure the long term (perpetuity) protection of the bat roosts;
- iv) Satisfactory information in respect of proposed bat access points, and external lighting;
- v) Submission of (external) bat audit including performance indicators;
- vi) Submission of features required for the purposes of dispersal; and
- vii) Submission of details in respect of monitoring.

4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5. PRE-COMMENCEMENT CONDITION

No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of the fenestration for the development.

6. Any existing wall opening(s) to be blocked up and/or existing walls/stonework to be restored in accordance with the approved plans shall be carried out with materials which match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing.

7. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

8. 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. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. In the interests of nature conservation.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To ensure the details are satisfactory in relation to the character and appearance of the building

6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. In the interests of residential and/or visual amenity.

NOTES TO APPLICANT:

Prior to the commencement of any works on site, you are reminded that a licence is required by the Welsh Assembly Government who are the appropriate Authority responsible for issuing licences under regulation 44 (2) (e) of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994 (as amended).

A separate consent is required from the Agency under the terms of the Water Resources Act 1991/Groundwater Regulations 1998 for any proposed sewage or trade effluent discharge to a watercourse or other controlled waters, and will be required for discharge to a soakaway if the number of persons served by the system is ten or more. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

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.

ENFORCEMENT MATTERS

- (i) **ENF/ 2008/00127 :**
Part field no 4177, rear of St Saeran's Church, Llanynys
- Unauthorised change of use of agricultural field to mixed use of non agricultural storage of building materials and equipment, cut wood, storage containers and residential curtilage with ancillary hardstanding
- (ii) **ENF/2009/00012 :**
Land at Ffordd Elan and Llys Brenig, Rhyl
- Erection of Unauthorised fencing



Heading:

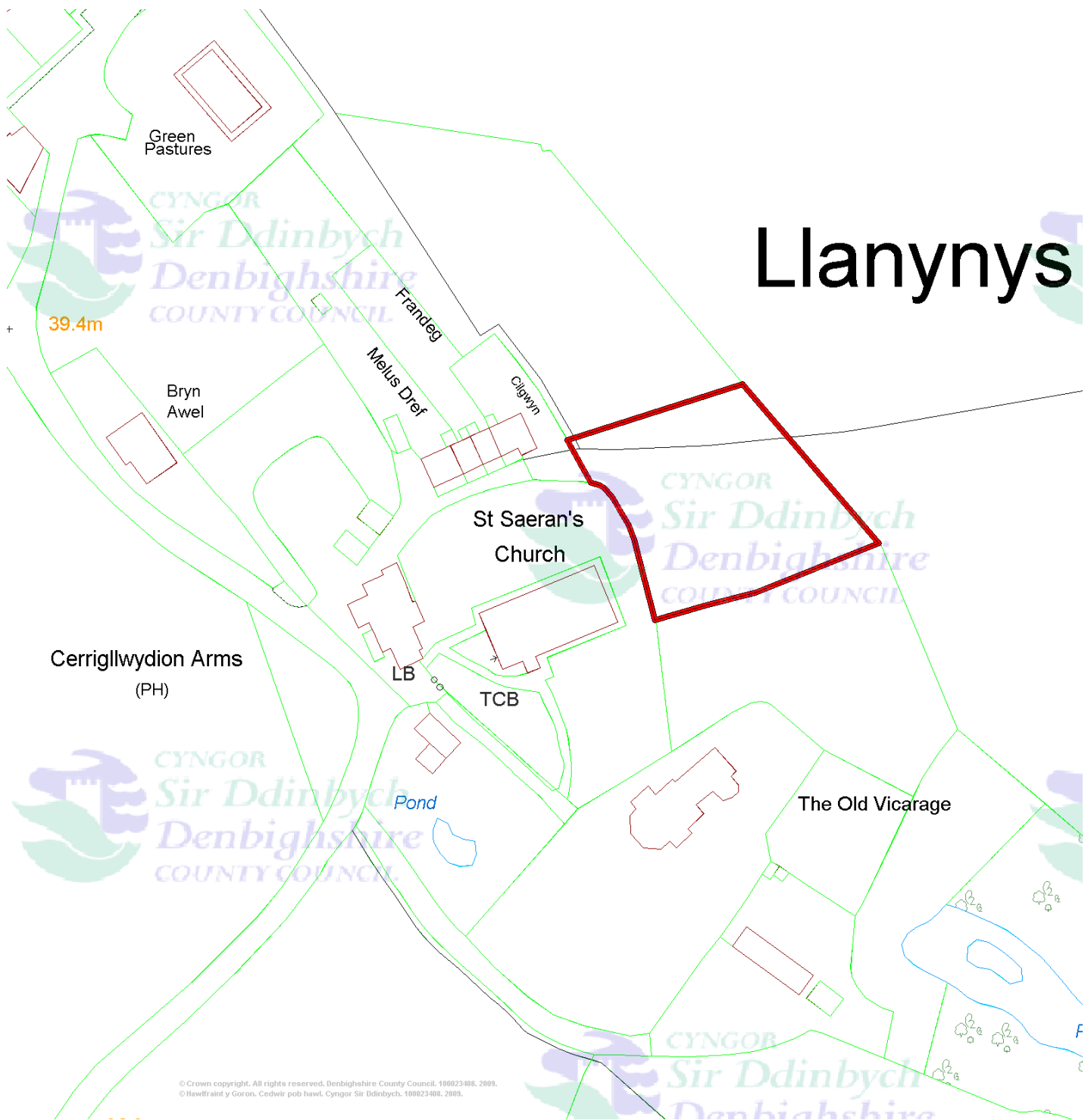
ENF/2008/00127
PART FIELD NO. 4177, REAR OF
ST. SAERAN'S CHURCH, LLANYNYS

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Date 5/2/2009
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PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2008/00127

LOCATION: Part Field No. 4177 to Rear of St. Saeran's Church Llanynys
Denbigh

INFRINGEMENT: Without planning permission the unauthorised change of use of an agricultural field to a mixed use of non-agricultural storage of building materials and equipment, cut wood, storage containers and residential curtilage with ancillary hardstanding.

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 3 - Development Outside Development Boundaries

Policy GEN 6 - Development Control requirements

Policy CON 1 - The Setting of Listed Buildings

Policy HSG 16 - Extensions to Domestic Gardens

Government Guidance – Planning Policy Wales March 2002

Technical Advice Note (Wales) 9 – Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1988 are taken into account when considering taking enforcement action against unauthorised development, unauthorised use and other related matters.

In this particular instance, matters relate to the rights of an owner of agricultural land, without authorisation from the local planning authority, to use said agricultural land for the non-agricultural uses described above.

The rights of an owner in this situation do not outweigh the rights of the local planning authority to protect the amenity of an area, particularly when the agricultural field in question is directly behind a Grade 1 Listed Church. No human rights issues have been raised in this case.

1. BACKGROUND INFORMATION

- 1.1 The site is an agricultural field which stands directly behind the Grade 1 Listed Church of St Saeran's in the rural village of Llanynys. The field lies outside any Development Boundary, as defined within the adopted Unitary Development Policy.
- 1.2 The owner of the field lives in the middle terraced cottage in a small row of terraced cottages, which are accessed down an unadopted lane. The field is accessed at the end of the lane and is therefore separate from the owner's property.

- 1.3 Alleged breaches of planning control were investigated by a Planning Compliance Officer on 29 July 2008 and an initial assessment was made that unacceptable changes of use of the land had taken place. It was decided that the field would be monitored with regard to all unauthorised uses being made of it.
- 1.4 A search of HM Land Registry identified the owner, who was contacted and arrangements were made for a site meeting, which unfortunately had to be cancelled due to the owner injuring her foot.
- 1.5 A visit to the site on 6 November 2008 caused greater concern, as structures had been erected to store a large amount of cut wood and a separate planning unit had been created by new fencing and gates. A Planning Contravention Notice was served on the owner on 18 December 2008, which was returned completed on 7 January 2009.
- 1.6 In the meantime reports were received of wood cutting activities in the containers for long periods each weekend.
- 1.7 On 14 January 2009 the owner was advised that the unauthorised uses of the field must cease and that the land must be cleared of unauthorised items and returned to its former condition and use as an agricultural field.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised uses of the land have occurred within the last 10 years.
- 2.2 The owner has stated her intention to submit a retrospective application to change the use of the land to residential use. An Enforcement Officer and a Planning Officer, with the support of the Development Control Manager, have made it clear that such an application would be **refused**, as such a change of use would be contrary to policies contained within the adopted Denbighshire Unitary Development Plan 1996 and advice as contained within Planning Policy Wales 2002 :-
 - (i) **Policy GEN 3** :- only allows development and use of land outside Development Boundaries in exceptional circumstances. The field is located outside any defined development boundary and the unauthorised uses do not satisfy the criteria of any of the exceptions contained within this Policy. The current uses of this agricultural field have a significantly detrimental impact on the amenity of this countryside locality and are considered neither essential nor necessary. It represents totally unacceptable use of agricultural land.
 - (ii) **Policy GEN 6** :- aims to ensure that development and use of land has minimum impact on the location. Any retrospective application for change of use of this agricultural field to a mixed use would be refused as :
 - (a) The current non-agricultural use of this field is considered to have an unacceptable impact on this rural location.
 - (b) In particular, the current unauthorised uses of the field severely impact on the amenity and views from the Grade 1 historic Listed Church of St Saeran's.
 - (c) The non-agricultural items stored on the field do not blend into the landscape and therefore have an adverse visual impact on the rural character of this open countryside location.
 - (iii) **Policy CON 1** :- The role of planning in relation to the Conservation of the Built Environment is to presume against any development or use which would harm the historic environment. This applies not only to sites or buildings themselves, but also to their settings. The field in question is located directly behind the historic Grade 1 Listed Church of St Saerans Church and the

current unauthorised uses have a detrimental effect on the visual setting of this historic building.

- (iv) **Policy HSG 16** :- Only permits 'limited' extensions to residential curtilages in certain circumstances. 'Limited' for the purposes of this policy is not greater than the size of the existing garden. In this particular case, the field is not adjoining the owner's mid-terraced property and is obviously considerably larger than the garden to that mid-terrace. Consequently, an application to change the use of the field for the purposes of residential uses would not comply with Policy HSG 16 and would be refused.

- 2.3 The use of conditions as part of any grant of planning permission for retention of the unauthorised uses could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 2 month compliance period, ordering the removal from the land of all waste and topsoil, building materials and equipment, wood storage enclosures and cut wood, new fence and gates and shipping containers storing household effects and tools.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served fails or refuses to comply with the provisions of the Notice.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00012

LOCATION: Land at Ffordd Elan, and Llys Brenig, Rhyl

INFRINGEMENT: Erection of Unauthorised Fencing

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy CF 4 – Community Facilities

TAN 9 – Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action in relation to unauthorised development. In this case the matter under consideration relates to the rights of the land owner to fence off the land which he owns without the requisite authority to do so. These rights are outweighed by the general public interest and the need to exercise development control. No claim has been made in respect of Human Rights.

1. BACKGROUND INFORMATION

- 1.1 The site is located within the development boundary of Rhyl and consists of some 1.4ha of open land within the Park View Residential Estate. The site has remained open whilst various phases of housing development have occurred around it. The area of land is designated within the adopted Unitary Development Plan (UDP) for Community Facilities (Policy CF4). Prior to the Denbighshire UDP the site was safeguarded for the provision of some form of community facility in previous plans reflective of the residential development around it.
- 1.2 In 2006 a planning application was submitted by Anwyl Construction Limited for the development of this site by the erection of 32 dwellings, 1 no. block containing 6 independent living accommodation units and relocation and enhancement of existing equipped play area, open space area and public footpath and formation of a mini pitch. This application was subsequently withdrawn in November 2007. During the assessment of this application, around October 2007, the site was fenced off by the applicants using, what appeared to be, temporary Heras type site fencing. The fencing was not fixed to the ground but was placed in moveable concrete bases. It measured around 2m in height but contained sporadic 3m high poles which offered further support (see Photo 1 at the rear of this report). At this time the Local Planning Authority visited the site, took photographs and sought legal opinion as to whether the fencing constituted development which we had control over.
- 1.3 The conclusion of this initial assessment was that the fencing, due to its move-ability and design did **not** constitute development. As such, no formal application for planning permission was required or sought.

- 1.4 As the aforementioned planning application had been withdrawn Officers considered that a further planning application may have been made for the development of the site. As such, it was reasonable to assume that the fencing would be of a temporary nature pending a further planning application being submitted.
- 1.5 The applicants were contacted at this time in order to establish the need for the fencing. The applicants stated that their insurers had required the fencing to be erected to prevent trespass onto their land.
- 1.6 Meetings took place between officers and the site owners at which they were told of our concerns over the continued sitting of this fencing. Alternative types of fencing were discussed and Officers attempted to encourage the owners to remove the fencing. This was not done with any legal authority at this point as the Council still believed the fencing to be temporary and outside the definitions of development.
- 1.7 At some point in time it became apparent that the fencing around the site had become more permanently fixed to the ground. Officers then decided to seek a further legal opinion on the fencing having visited the site and taken photographs. It was apparent that certain poles holding the fencing up had been hammered into the ground.
- 1.8 Legal opinion came back in early 2009 and confirmed that the fencing now constituted development in the control of the Local Planning Authority. The site owners were written to on 27th January 2009 and asked to remove the fencing within 7 days.
- 1.9 The fencing, having now been confirmed as development and having been in situ for 15 months, is considered to be harmful to the visual amenities of the site and surroundings. It cannot be considered temporary and would require planning permission for its retention.
- 1.10 It is considered that the only course of action that can be taken to remedy this situation is to serve an Enforcement Notice to secure the removal of this fencing in its entirety.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised fencing was erected within the last 4 years.
- 2.2 The site is located within a predominantly residential area. The land which the fencing surrounds has historically been open land used by the residents of the estate. The site is designated for Community use in the adopted Unitary Development Plan.
- 2.3 The size, amount and design of the fencing forms an unduly prominent feature within the street scene and surrounding area. It creates an alien feature within this housing estate causing significant harm to the visual amenities of the site and surroundings and having a detrimental impact on the amenity of nearby residents. The unauthorised fencing is in direct conflict with criteria i of Policy GEN 6 of the UDP as it fails to respect the site and surroundings by reason of its siting, scale, design and materials.
- 2.4 The use of conditions as part of any grant of planning permission for the retention of the unauthorised fencing could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:

- (i) Serve an enforcement notice to secure the removal of the fencing erected on the site in its entirety and restore that land to its former state.

- (ii) Instigate prosecution proceedings, or any other appropriate action under the Planning Acts against the person or persons, upon whom any enforcement notice, or other such notice, is served, should they fail to comply with the requirements thereof.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**PLANNING APPEAL
INSTALLATION OF FOUL AND SURFACE WATER DRAINAGE PLANT
BRYN DERWEN, LLANGOLLEN**

1. PURPOSE OF REPORT

- 1.1 This report relates to a refusal decision of the Planning Committee against which a formal appeal has subsequently been lodged. The appeal will be dealt with by way of a Hearing.
- 1.2 The report will provide Members with the relevant background information and request 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

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to grant full planning permission for the installation of a foul and surface water drainage system in connection with a redevelopment at the former Bryn Derwen Hotel on Abbey Road, Llangollen.
- 2.2 The Committee has previously granted planning permission for the demolition of the old hotel and for a scheme involving the erection of 20 flats. The outline and reserved matters applications indicated foul and surface water disposal via connection to mains drains.
- 2.3 An application for permission to install a treatment plant on the site, in preference to the mains connection, was submitted in August 2008. This was dealt with under Code No. 03/2008/0918/PF. The application was reported to the Committee on 1 October 2008. The officer recommendation was to GRANT permission. The Committee resolved to REFUSE permission for the following reason:

“The proposal to install a private treatment plant to serve the development is considered contrary to Policy ENP 4(ii) of the Denbighshire Unitary Development Plan as it has not been established that connection to the foul sewer is not feasible or that there would be no potential for pollution of the Llangollen Canal.”
- 2.4 The resolution to refuse permission was proposed by Councillor Lucy Morris and seconded by Councillor Bobby Feeley.
- 2.5 The formal Certificate of Decision was dated 1 October 2008.

- 2.6 The Planning Inspectorate notified the Council of the appeal in mid-January 2009. They have advised that the appeal will be dealt with at a Hearing.
- 2.7 The Council's Statement on the appeal, and any further comments by third parties, have to be sent to the Planning Inspectorate by 12 March 2009. The date for the Hearing has not been confirmed at the time of preparing this report.
- 2.8 Members will be aware that the applicants have exercised their right to resubmit the application for the treatment plant, and that the new application, Code No. 03/2008/1350/PF is included as a separate item on the agenda for the February Committee. The outcome of the Committee's deliberations on that item does not affect the need to conclude arrangements for defending this appeal on the previous refusal decision.

3. DECISION SOUGHT

- 3.1 As the refusal decision was contrary to officer recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement.

Paragraph 9.3 states:

"Members of the Planning Committee will be required to give evidence at inquiry or informal hearing in appeals where an officer recommendation has been reversed. The Planning Committee shall appoint representatives to give evidence at the hearing/inquiry (normally the proposer and the seconder of the proposal)"

4. RECOMMENDATION

- 4.1 That the Planning Committee appoints two representatives to give evidence at the Hearing.

**GRAHAM H. BOASE
HEAD OF PLANNING & PUBLIC PROTECTION**