

**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

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
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ENFORCEMENT REPORT

ENF/2009/00039 **Plas Derwen, Abbey Road, Llangollen**
Basement area not constructed in accordance with Reserved Matters approval code no 3/2005/0693/PR

ITEM NO: 1

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2009/1546/ PF

PROPOSAL: Demolition of attached double garage to existing dwelling, erection of a detached four bedroom dwelling with detached garage, erection of a new detached double garage including construction of a new vehicular access to serve the existing dwelling and associated works

LOCATION: Ffordd Fain Lon Y Mynydd Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr Dafydd Evans Urbanbuild Northern Ltd.

CONSTRAINTS: Within 67m Of Trunk Road
AONB

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

CONSULTATION RESPONSES

LLANBEDR D.C. COMMUNITY COUNCIL
No reply received to date.

WELSH ASSEMBLY TRANSPORT & STRATEGIC REGENERATION TRUNK ROADS
Recommend condition to control landscaping in visibility splay.

AONB JAC

"The JAC welcomes the submission of additional information to evaluate the visual impact of the proposed dwelling on views from the A494, and supports the revised garage design and deletion of the link structure which will reduce the overall scale and mass of development on the plot. However, it is disappointing to note that the revised plans introduce the option of roofing the dwelling and garage in reconstituted slate tiles. The JAC consider that natural blue/grey mineral slate should be specified for this development.

WELSH WATER
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

- DCC HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objection

RESPONSE TO PUBLICITY: (*denotes responses received to original consultation)

Representations received from:

Mr and Mrs Riches, Bryn Golygfa, Lon y Mynydd, Llanbedr DC
Mr & Mrs Stapleton, The Quentin, Lon y Mynydd, Llanbedr DC
Sue and Julian Askins, Hillcrest, Llanbedr DC
Mr. & Mrs. Molyneux, 11, Tan y Bryn, Llanbedr D.C. *
G. & S. Roper, 9, Tan y Bryn, Llanbedr D.C (via e-mail) *
H.G. & A de Rooy, The Cedars, Lon y Mynydd, Llanbedr (via e-mail) *
C& G Kenworthy, Rockfield, Lon y Mynydd, Llanbedr (via e-mail) *

Summary of objections: -
Highway safety, access issues
Sustainability, distance from village centre and local facilities
Residential Amenity
Principle

EXPIRY DATE OF APPLICATION: 23/05/2010

PLANNING ASSESSMENT:

THE PROPOSAL:

1.1 Outline of application

- 1.1.1 The application seeks full permission for the erection of a dwelling on land forming part of the garden of Ffordd Fain, Lon Y Mynydd, Llanbedr DC.
- 1.1.2 The application is for full planning permission for the erection of a two storey, four bedroom dwelling, with detached garage and associated works. The proposal is for a relatively modern design, with sections of glazing to the east and south side elevations.
- 1.1.3 To facilitate the development, the application also proposes an alternative access to serve the existing dwelling Ffordd Fain, and the demolition of the existing detached double garage and erection of a detached double garage within the curtilage of Ffordd Fain.
- 1.1.4 The proposed dwelling would be sited to the northern side of the site, and the garage is proposed on the south-eastern corner. Owing to the site levels, the proposed dwelling would be set down below the Lon Y Mynydd road level, on a similar level to Ffordd Fain.
- 1.1.5 Since submission of this application the scheme has been amended to address concerns raised by Officers and the AONB JAC.

1.2 Description of site and surroundings

- 1.2.1 The site is located in the village of Llanbedr DC, on the junction of Lon Y Mynydd and the A494, at the top of the Tan yr Unto bends.
- 1.2.2 The roughly triangular site is bounded to the rear by a 3m conifer hedge to the rear of the dwellings on Tan Y Bryn Estate, and to the north by a fence and dwellings on Lon Y Mynydd. The south of the site is bounded by some landscaping which is planted inside the crash barrier along the A494.
- 1.2.3 There is a mix of dwellings in the locality. Ffordd Fain is a two storey rendered dwelling with dormers, built in the late 1990's, whilst the dwellings on Tan Y Bryn are two storey brick built dating back to the 1980's.
- 1.2.4 The site slopes down to the west. The dwellings on the opposite side of Lon Y Mynydd are sited at a higher level and those at Tan Y Bryn are lower.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Llanbedr DC, and within the designated Clwydian Range AONB.

1.4 Relevant planning history

- 1.4.1 None relating to this particular development, however prior to the erection of the dwelling Ffordd Fain (planning ref. 16/392/98), permission was granted for the erection of 2 no. dwellings on the site under ref. 20/12462 and 20/12463.

2. DETAILS OF PLANNING HISTORY:

- 2.1.1 16/392/98 Original permission for the development of Ffordd Fain (Erection of dwelling construction of new vehicular access [subdivision of 2 dwellings previous .app 26/12462+2/12463]) Granted 25/06/1998

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

- Policy Gen 1 - Development within Development Boundaries
Policy Gen 6 - Development Control Requirements
Policy TRA 6 - Impact of New Development on Traffic Flows
Policy ENV 2 - Development in the AONB

3.2 SUPPLEMENTARY PLANNING GUIDANCE

- SPG 21 - Parking

3.3 NATIONAL GUIDANCE

Planning Policy Wales 2002

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
4.1.2 Visual Appearance/ Impact on AONB
4.1.3 Residential Amenity
4.1.4 Impact on AONB

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of the proposal accords with Policy GEN 1. The site is located within the development boundary and as such the development of the land for residential purposes is considered acceptable subject to compliance with the general development control criteria as set out in Policy GEN 6. Policy GEN 6 must be applied to assess the capability of the plot to accommodate a dwelling and the main issues considered under this policy area set out below. ENV 2 relates to development in the AONB and states development affecting the area of outstanding natural beauty will only be permitted where it would not unacceptably harm the character and appearance of the landscape and area.

4.2.2 Visual impact/ Impact on AONB

Policy GEN 6 contains general considerations to be given to visual impact of new development. Most importantly proposals should appear in keeping with their surroundings and not appear of out character with the area or surrounding development. This is particularly relevant for development proposals in the AONB.

The site lies within the development boundary in an area where there is a mix of dwelling styles and sizes, as such it is considered the relatively modern design approach can be accommodated without detriment to visual amenity or the AONB.

With regard to the AONB JAC's response, conditions can be attached to control use of external materials.

4.2.3 Residential Amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development.

The plans show that the dwelling can be accommodated on the site with adequate amenity space and spacing between adjacent dwellings. The pattern of fenestration on the first floor at the rear of the dwelling has been carefully considered to avoid overlooking the dwellings to the west on Tan Y Bryn.

4.2.4 Highway/access impacts

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network.

The application proposes adequate parking and turning for both the existing dwelling Ffordd Fain and the proposed dwelling. Highways Officers have raised no objection to the additional access being created off Lon Y Mynydd. It is also noted that the Welsh Assembly Trunk Roads Agency raise no objection to the development in terms of the access onto or proximity to the A494.

Whilst the comments of the objectors relating to sustainability and ease of access to the village centre are noted, the site is within the development boundary of the village of Llanbedr DC, where the UDP policies promote new residential development in the interest of sustainability.

5. SUMMARY AND CONCLUSIONS:

Having considered the proposal under the relevant policies, it is considered that the proposal is acceptable, therefore is recommended for grant.

RECOMMENDATION: GRANT- subject to compliance with 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. **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.
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 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.

5. The use hereby permitted shall not be commenced until the means of vehicular access has been constructed in accordance with the plans hereby approved.

6. 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.

7. The surface of the access shall be paved with a concrete or bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Local Planning Authority's approval before it is brought into use.

8. Notwithstanding the approved plans the proposed the supplementary planting proposed on along the southern boundary of the site should not interfere with the existing sight lines to and from the junction of Lon Y Mynydd and the A494.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. In the interests of visual amenity.

3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

4. To ensure a satisfactory standard of development, in the interests of visual amenity.

5. In the interests of highway safety.

6. 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.

7. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.

8. In the interest of highway safety.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).
SEWERAGE Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

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.

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.

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.

ITEM NO: 2

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 21/2010/0251/ PF

PROPOSAL: Relocation of car park access to provide improved visitor parking facilities

LOCATION: Top Car Park, Moel Fammau Country Park Forestry Road Llanferres Mold

APPLICANT: Denbighshire County Council Countryside Services

CONSTRAINTS: Wildlife Site
PROW
AONB

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

CONSULTATION RESPONSES

LLANFERRES COMMUNITY COUNCIL

"The Community Council has discussed the above planning application and offer no comments or objections to the scheme".

LLANBEDR DC COMMUNITY COUNCIL

No reply received to date

AONB JAC

"The JAC welcomes and fully supports this proposal to improve and enhance Bwlch Pen Barras car park".

COUNTRYSIDE COUNCIL FOR WALES

No objection

TREE CONSULTANT FWAG

No comments

OPEN SPACES SOCIETY

No reply received to date

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

- DCC HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to condition. This condition relates to a highways method statement to ensure minimum disruption during the works. Also the Applicant should be made aware that the removal of the cattle grid requires separate consent under the Highways Act.

- DCC COUNTY ECOLOGIST

No ecological issues. Suggest grass turf is reused on Cloddiau, and seed mix based on local grasses is used.

RESPONSE TO PUBLICITY:

Representations received: None

MEMBERS' COMMENTS:

Cllr Pauline Dobb has requested this application be considered by Planning Committee owing to the potential impact on highway safety on Lon Cae Glas.

EXPIRY DATE OF APPLICATION:**REASONS FOR DELAY IN DECISION:**

- Timing receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:****5.1 Outline of application**

5.1.1 The application seeks permission for alterations and improvements at the existing Bwlch Pen Barras car park. The submission refers to the following: relocating the entrance to the northern car park so it is opposite the entrance to the southern car park; removal of the western cattle grid and bypass gate and replacement with a pedestrian crossing; removal of a redundant existing field access point in the southern car park; and general environmental enhancements and landscaping.

5.1.2 The application is supported by a Road Safety Audit Brief, which outlines how the proposal has been developed and the considerations taken into account in designing the proposal.

5.1.3 The proposal has been developed by the Heather and Hillforts Project team in conjunction with DCC's Highways Officers; Countryside Services and other non-DCC stakeholders including the Forestry Commission.

5.2 Description of site and surroundings

5.2.1 The site is located at the highest point of Bwlch Pen barras, known as 'Top Car Park'. The road that passes through the site runs from Llanbedr DC in the west to Tafarn Y Gelyn to the west. Offa's Dyke National Trail crosses the site from north to south, and a number of tracks and footpaths converge at the site.

5.3 Relevant planning constraints/considerations

5.3.1 The site lies outside of any defined development boundary; it is located within the designated AONB, in close proximity to Moel Fammau.

5.4 Relevant planning history

5.4.1 None relating to this type of development.

6. DETAILS OF PLANNING HISTORY:

6.1 None

7. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

7.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 Development Control Requirements
Policy TRA 6 Impact of New Development on Traffic Flows

Policy ENV 2 Development in the AONB

7.2 SUPPLEMENTARY PLANNING GUIDANCE
SPG 21 - Parking

7.3 NATIONAL GUIDANCE
Planning Policy Wales 2002

8. MAIN PLANNING CONSIDERATIONS:

8.1 The main land use planning issues are considered to be:

- 8.1.1 Principle of development
- 8.1.2 Visual Impact / Impact on AONB
- 8.1.3 Highway safety
- 8.1.4 Ecology

8.2 In relation to the main planning considerations:

8.2.1 Principle

Policies GEN6 recognise that development needs to be considered against environmental, highway, parking and drainage impacts, including where the principle is acceptable. ENV 2 relates to development in the AONB and states development affecting the area of outstanding natural beauty will only be permitted where it would not unacceptably harm the character and appearance of the landscape and area. These impacts are considered below.

8.2.2 Visual impact / Impact on AONB

The main policy that refers to scale, landscape and visual impact is GEN 6. The application proposes various small scale alterations and improvements, which aim to visually enhance the site, make it safer and ultimately improve the 'visitor experience'. The application proposes subtle hard and soft landscaping, which it is considered in combination will not appear visually intrusive or out of keeping with the character of the area or surrounding AONB. There are no objections from any of the main consultees in respect of visual impacts.

8.2.3 Highway/access impacts

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within sites for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network.

The application proposes alterations to the existing access, in the interests of highway safety. There will be no reduction in parking capacity as part of the proposal, nor any increase proposed. A road safety audit has been submitted to support the application, which has been carried out in conjunction with Highways Officers and there are no objections from the Head of Transport. Whilst the concerns of the local Member in relation to the removal of a cattle grid are acknowledged, this is not development as such, being works carried out under separate highway powers, outside the scope of planning control. However, the issue of traffic calming measures in conjunction with the works has been taken up with highways officers in liaison with the local member, so concerns over encouraging a 'rat run' and excessive speed of vehicles can be addressed in conjunction with the environmental enhancements.

8.2.4 Ecology

The general requirement to consider the impact of development on ecological interests is set out in the strategic policies of the Unitary Plan, STRAT 1 – General, STRAT 7 – Environment, and in the Part 2 policies ENV 6 and GEN 6. These establish a basic obligation to protect and enhance the biodiversity of the County, and support national policy and guidance in Planning Policy Wales and TAN 5; and SPG 18.

Consultation responses from CCW and the County Ecologist confirm there are no objections to the proposals.

9. SUMMARY AND CONCLUSIONS:

Having considered the proposal against the relevant policies, it is considered that the planning elements of the scheme are acceptable, and therefore the application is recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. A method statement, detailing arrangements for parking and measures to maintain access during construction, for vehicles and pedestrians, shall be submitted to and approved in writing by the Local Planning Authority before any work commences on the site.
3. **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.
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 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.

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 highway safety.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. The County Ecologist has recommended grass turf is re-used on the Cloddiau and a seed mix based on local grasses is used. This should be reflected in the landscaping plan.

ITEM NO: 3

WARD NO: Llangollen

APPLICATION NO: 27/2009/1231/ PF

PROPOSAL: Change of use of land by the siting of 9 no. timber clad holiday caravans and associated works

LOCATION: Penvale Lakes Llantysilio Llangollen

APPLICANT: Penvale Properties Ltd.

CONSTRAINTS: Wildlife Site
World Heritage Site Buffer
Common Land

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

CONSULTATION RESPONSES:

1. LLANTYSILIO COMMUNITY COUNCIL – ‘The Council has no objections to this Application.’
2. CLWYDIAN RANGE AONB JOINT ADVISORY COMMITTEE –
“ The JAC notes that the scale of the individual accommodation units has been reduced from the previous application which was refused in 2008, but the committee still has serious concerns about the detrimental impact of the proposals on the landscape. The development is at a significantly higher elevation on the hillside than the existing site which follows the valley floor, and appears unrelated to the existing chalet development. It would change the rural character of the area, particularly when viewed from the adjoining footpath network and Open Access Land to the west and east, including the popular Velvet Hill National Trust site. The JAC is also concerned about the loss of tree cover on the site if development were to proceed. “
3. COUNTRYSIDE COUNCIL FOR WALES - Notes the location, in the Vale of Llangollen and Eglwyseg Historic Landscape Area, classified in LANDMAP for its outstanding quality of visual and sensory characteristics;. In brief, state in relation to:

Landscape and Visual Impact Assessment Report ,
Whilst noting reference to timber cladding, there is no information regarding chalet design and the materials and roof treatments- no details to confirm if roofs are pitched or flat, or construction materials. Suggests conditions on materials and design methods, together with the adoption of a full landscape planting scheme and conservation management of surrounding hedges and trees. Considers it likely for potential adverse impacts during construction and initial development phases – but existing woodland screening and proposed landscape planting will mitigate over the long term.

Drainage plan details

In responding to further details, subject to all discharges complying with EA policies and any additional discharge consents being first assessed for SAC compliance, does not consider significant effects are likely on the water quality of the SAC area and beyond.

Protected species

Advises in relation to:

Otters – as a feature of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid (Wales) SAC, which will include this water stretch, notes lack of acknowledgment in the reports and suggests that, to ensure ecological functionality of the otter population; (i) Buffer (30m) along water course; (ii) no lighting; and (iii) no loss of trees within 30m of the river bank

Bats – there are a number of points unclear - if trees with a high potential to support roosts are to be felled, what compensatory arrangements are included; external lighting - how this may affect bat dispersal; If no trees with a high bat potential are to be felled, then FCS issues could be addressed with a condition for submission of bat mitigation and compensation scheme. In the event of an approval, suggest that trees with a high bat potential should be surveyed prior to determination and bat conservation measures proposed: e.g. (i) Provision of replacement roosts; (ii) new planting; and/or (iii) safeguard of hedgerows or other features used by bats for foraging or dispersal

Habitats etc. - no satisfactory details are provided in respect of the long term protection and management of features, as in Article 10 (Habitats Directive) or Reg 37 (Habitats Regs).

Conclude that proposals could be submitted and regulated by means of Section 39 and 106 Agreements with the Authority.

ENVIRONMENT AGENCY WALES – Advises:

- surface water run – off from the roofs and parking spaces can be accommodated on the site, without attenuation measures.
- with the potential increase in occupant numbers, the applicant should contact the EA to discuss whether the existing site consent will require amendment.
- water is currently abstracted from a borehole on the site. Applicant states that there would be no more than 20m³ per day abstraction, which is permissible without an abstraction licence.

CADW - Comments on a number of points, including additional information provided, briefly:

- As with the 2007 proposal, repeats previous advice given i.e. . proposal lies in the vicinity of the scheduled ancient monuments of Eliseg's Pillar and Tumulus and Valle Crucis Abbey, both important sites, in WAG's guardianship. Concludes that, given distances involved, visual impact is unlikely on the monuments. Highlights however, that the Local Planning Authority should take the setting of the monument into account, in order to satisfy itself that the impact is not serious. Additionally, highlights that the proposal lies within the historic landscape known as "Vale of Llangollen and Eglwyseg", and in the vicinity of the 'Vale Crucis Abbey' historic park and garden. Again, whilst concluding that there is unlikely to be significant impact, highlights that the authority needs to give detailed consideration to the acceptability of the impact of the proposal on these historic assets and the landscape.
- In terms of the **current application**, repeats previous comments/advice on historic assets. Notes however, since the earlier application, the Pontcysyllte Aqueduct and Canal has been made a World Heritage Site in June 2009, a fact not considered in the Design and Access Statement. The

development now lies within the Buffer Zone of the World Heritage Site, adding a further degree of sensitivity to the application which is now for a greater number of structures than the earlier, refused, application. Highlights that it is important that the local authority satisfies itself that the proposed development would have no adverse impact on the setting of the World Heritage Site or its Buffer Zone,. Considers that the local authority with its more intimate knowledge of the site, the topography, main approach roads and views at different times of the year is positioned best to make a judgement as to the degree of impact and, if necessary, to defend this judgement to the World Heritage Committee.

(Response awaited on additional details)

DCC CONSULTEES

2. COUNTY ARCHAEOLOGIST – Advises that there are no known archaeological sites in the area and has no objections or comments on the application.
3. HEAD OF HIGHWAYS AND TRANSPORTATION/PUBLIC FOOTPATHS OFFICER – Confirms that no public footpaths are directly affected by the proposal. Includes standard advisory notes for Public Footpath responsibilities.
4. HEAD OF HIGHWAYS AND INFRASTRUCTURE – No objection, highlighting proximity of public footpath.
5. COUNTY ECOLOGIST – On receipt of additional details showing measures to avoid potential water contamination impacts on nature conservation, considers there would be no long term effect on the favourable conservation status of protected species, or the SAC area, but comments;
 - Bats - precautionary methods are required with potential presence/ roosts with mature tree felling/ management;
 - Landscape Masterplan Implementation is essential - particularly for the woodland areas i.e. to convert the western hemlock plantation to broadleaved wood, and appropriate management of broadleaved woodland. Additionally, management of grassland and scrub areas is necessary to maximise/enhance wildlife interest and the value of the ponds.
6. PUBLIC PROTECTION MANAGER– On receipt of additional details regarding private borehole water supply and drainage impact:
 - Foul drainage
The existing private sewage treatment capacity must be checked and *if necessary* an extra system provided for the further proposed development, or the existing system should be enlarged or replaced, to cater for the total volume of waste produced by the associated buildings.
From 6 April 2010 new Environmental regulations in England & Wales require registration for all new discharges of sewerage effluent, or an exemption.
 - Water supply - Private Water supply – in noting Environment Agency's requirements (that no part of the foul drainage system or soakaway must be within 50 metres of a potable water supply e.g. a well, spring or borehole), highlights that proposed lodges 7, 8, and 9 are significantly within 50 metres from the borehole; lodge 8 is approx. 5 metres; lodge 9, approx.26 metres and lodge 7 approx.42 metres.

Concludes:

- i. Siting of lodge 8 is of particular concern.
- ii. There is potential pollution impact on the borehole water from; the proposed concrete pad; the construction; surface water impacts of a lodge (i.e. roof water; hardstanding); vehicle parking, heating oil

- tanks; failure of the waterproof membrane in trenches carrying foul drainage pipework.
- iii. Need for measures to mitigate any polluting impact.
 - iv. Suggests including a Construction Method Statement detailing protection of water source, with a list of requirements, including provision of other, temporary supply and compensation for those affected.
 - v. In view of residents' concerns regarding infrastructure, protection needs to be in place to ensure wholesome and sufficient supply at all times.
 - vi. Major revision for regulation of private water supplies came into effect on the 4 February 2010, which includes a number of requirements, including inspection, risk assessment and sampling.

CONSERVATION ARCHITECT - In the absence of an SPG, considers that the proposal would not impact on the setting of the World Heritage Site. In relation to the impact on the setting of adjacent listed buildings and registered park and gardens, repeats comments in relation to previous planning application. Previous comments highlighted :

- Difficult to see either the Pillar or Abbey from the site – but could see the white caravans of the abbey caravan site through the trees.
- Looking from the A542 towards Eliseg's Pillar, Abbey Cottage (used as a reference point) is clearly visible. Considered that at least one of the chalets higher than the cottage will also be visible in part. From the Abbey possible to see Abbey Cottage, recognising the existing Abbey Caravan park in the view, considers that at least one of the chalets will be visible from this point.
- Overall, while it will be possible to view some part of the chalet development from both the Pillar and the Abbey, considers the impact on the setting of both monuments to be minor.
- However – the impact of the development on the landscape may be significant, particularly when viewed from the hills around, - but others will comment on this.

TREE CONSULTANT – Considers that the Forestry report is comprehensive. Comments that unless there are over-riding reasons (e.g. restoration of a key habitat into which secondary woodland has invaded), there is a presumption against the removal of any woodland, highlighting that the woodland along the steep bank at Penvale is mature mixed broadleaved, likely Ancient Semi Natural Woodland (ASNW). States that the 'Woodland for Wales – the Wales Woodland Strategy' emphasises the importance of protecting and expanding woodlands, with a strong presumption against the permanent removal of woodland, noting the importance of ASNW, with usually high levels of protection and support for management. Refers to The Forestry Act, 1967 for controlling the removal of trees and woodland.

RESPONSE TO PUBLICITY:

Letters of representation received from:

- i) Mr. I. Bowater, 7, Penvale Lakes, Llantysilio (via e-mail)
- ii) Mr Penman (owner of Abbey Cottage), Fife, Scotland

Summary of planning based representations:

Parking and Highway safety – site is accessed by a very steep and narrow track, with existing vehicular and pedestrian conflict ; limited visibility for drivers; will cause additional traffic conflict; existing issues over parking needs - insufficient for existing 13 properties; two spaces per property insufficient; unsuitable access, with no passing places.

Infrastructure and facilities – Questionable capacity of existing infrastructure; properties being without fresh water and/or electricity; sewerage facility issues/reliability; broken system; insufficient for additional proposals; likely to cause consequent deterioration in environment.

Visual impact – previous proposal refused on visual grounds; twelve existing cabins are hidden from view, low in valley, unseen from any of the public walks; proposed site would be clearly visible; increased impact from previous proposal.

Impact on local economy – scheme will take away trade from nearby Caravan site (Abbey Farm); Penvale business based overseas – fund therefore not going to locally owned business; concerns put forward as local property owner.

Amenities – in close proximity to Abbey Cottage – adversely effecting levels of existing privacy and amenities currently enjoyed; currently a peaceful location

Other issues raised:

- ongoing dispute concerning the legality of the rights or access and land area involved with the site and Abbey Cottage (separate private ownership)

EXPIRY DATE OF APPLICATION: 27/01/2010

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Outline of application

- 1.1.1 The application is for permission to station 9 timber clad holiday caravans on land to the south east and upper slopes of the existing 'Penvale Lakes' site, on the eastern banks of River Eglwyseg.

The application documentation contains a number of supporting, detailed reports, namely:-

- Planning Design and Access Statement
- Landscape and Listed Impact Assessment (LVIA)
- Tree Impact Assessment
- Ecological Impact Assessment

In brief, the documents set out the case for the development as follows:

The Planning, Design and Access Statement

- This is a high quality, low density development, incorporating landscape planting, with a management plan, linked to existing "12 very high quality (two-storey) holiday lodges for use throughout the year", with existing fishing (year round use); Indoor heated swimming pool; Fully equipped fitness gymnasium; On-site bar and facilities; Nature Trails; Woodland Walks; Abbey Cottage is let for holiday purposes throughout the year. The application site area amounts to 0.56ha.
- Any internal site roads and car parking would be provided through the caravan site Licence requirements. The twin-unit caravans would arrive on site, already assembled, anchored onto a concrete plinth. A

typical trade brochure is included, together with typical cross-section and elevations, indicating a 12.192m x 6.096m x 3 unit, with balcony area and pitched roof.

- Economic benefits are highlighted, including additional job creation and off-site spend into the local economy. Reference is made to Community Safety, noting that all holiday makers would register at reception, as current practice. Given that the units are defined as caravans, disabled access requirements can be accommodated - each featuring access ramps and timber verandas and single level access points.
- With reference to 'Tourism' planning policies, proposals comply with UDP policy TSM 10 criteria, in that the scheme would make a "significant and permanent improvement to the quality and appearance of Penvale Lakes generally".

Ecology Impact report

- Site description highlights two areas – Area 1; development area; Area 2 – adjacent land. Area 1 is described as an elevated position above the river valley floor; clear felled to leave an area of juvenile regeneration, with a detailed site boundary description, with the western boundary formed by the "upper lip of a steep wooded embankment which drops to the river valley", and the southern boundary partly onto the formal gardens to the houses. In terms of flora, this is predominantly grassland, with regenerated scrub, with native species on the eastern boundary including hazel, ash, hawthorn, sycamore with dog rose and Willow; the southern boundary with a juvenile tree stack of predominantly two species.
- Wildlife species present include – bats – Area 1 – existing mature trees, but no potential for use recorded at survey time, in Area 2, abutting woodland has some potential within the mature trees for roosting bats, similar potential in the cladding of the timber chalets. Potential impacts highlight potential for bats roosting in cavities in mature trees – Area 1 is a possibility and that there may be an impact if these trees are removed. Mitigation proposals for Badger, Bats and Nesting Birds, notes that trees showing signs of defects should be felled or managed – with identification etc, and should be surveyed prior to any tree works for potential bats or nesting birds.
- Conclusions highlight the low merit habitat quality of site, with the majority of vegetation growth annular, not yet established by strong scrub growth; adjoining area of varying habitat types, of higher merit, with greatest species diversity; development will have little impact on locally recorded species; site in general would benefit from a less aggressive mowing regime, with water margin bodies allowed to develop; woodland edges should be managed to allow a greater diversity of scrub growth and grassland.

Tree Impact Assessment

- Two areas of significance are identified; late 1970's/early 1980's tree nurseries – forming dense clumps of locally native and ornamental trees, positioned on the lower, southern part of the application site. Importance of off-site trees, (slopes of The Birches Mountain) above the development, also noted, and that adjacent, two no. public footpaths provide good views of the trees; and collectively, all local trees contribute to the Wooded character of the site.
- The northern plantation woodland (approx. 2.5 ha) adjoining the application site, (within Penvale Lakes,) dates from around 1964, following felling of oaks. Some selective felling undertaken in the

central, lower section about 10 years ago. Recent felling behind existing cabins indicates 50% of trees infected with rot. Advises that, due to the plantation having no future, clear felling and re-stocking by natural vegetation.

- With potential development impact on trees, Root Protection Areas (RPA) suggested, specifically close to pitches 6, 8 & 9. Alternatively, lodges should be built on timber piles, with ground floors elevated off the ground. Consideration should be given to; the impact of widening the access track – all trees should be felled within 2.5m edge.; potential above ground impacts, e.g. canopy space; works listed to trees next to pitches, 2, 4, 6 & 9 to give clearance from lodges. Advises moving pitch 6 a metre or two northwards – to reduce root impact, shading and dominance.

The Landscape and Visual Impact Assessment

- Notes that the development would involve minor cut and fill work with existing site levels. Acknowledges boundary hedgerows and adjacent mature, deciduous trees as principle assets, and suggests there would be overall beneficial and moderate impact on these features.
- Identifies two particular landscape character areas affected – ‘a lakeside amenity’ and ‘ sheltered valley’; both categorised as medium value – the former insensitive to change; the latter tolerant to change. An indirect effect is anticipated on the adjacent ‘Steep Hillside’ character area – of high value and sensitive to change, which should also be reviewed.
- The landscape impact assessment is sub-divided into Regional, Historic Amenity and local landscape character. The conclusions suggest that, with advance ‘buffer zone’ planting on the eastern and southern boundaries, for initial integration, overall landscape impact will be negligible involving a small scale development. Additional planting and management for the whole park will bring further benefits to the wider landscape.
- In noting the visual impact of the proposal it suggests very localised impact, predominantly affecting the adjacent footpaths. On balance, the influence of the development is concluded as minor, given that little of the site area is visible from the majority of viewpoints, and 10 year management plan for all existing woodland and proposed planting is suggested for mitigation.

1.2 Description of site and surroundings

Penvale Lakes is an established leisure/fishery/tourist use, covering an area of some 33 acres , including 12 ‘Scandinavian’ type chalets buildings and associated buildings, with a reception and swimming pool building. It is situated on the valley floor of a wooded valley: some 3 km to the north west of Llangollen town centre and is approached via a length of a private track way leading from the main A542 Llangollen to Ruthin Highway.

To the east of the application site, public footpath 55 runs within the adjacent Eglwyseg Mountain Common Land (Known as The Birches), passing through the southern most part of the application site , near two existing dwellinghouses – Penvale House/ Abbey Cottage and Fisheries cottage. Fisheries cottage lies outside the application site ownership.

A River Dee tributary (Eglwyseg) runs along the valley floor, and is in part within a flood zone identified by the Welsh Assembly Government. To the north west of the application site, within the ownership of the applicants, lies

an area of established woodland, predominantly of non native species. The River Dee tributary flows into the River Dee Special Area of Conservation (SAC).

1.3 Relevant planning constraints/considerations

The site lies within the Denbighshire Unitary Development Plan Area of Outstanding Beauty; a historic landscape known as 'Vale of Llangollen and Eglwyseg' and in the vicinity of the historic park and garden known as Valle Crucis Abbey'. Eliseg's Pilar, and Tumulus , some 300 metres to the south east of the proposal area, together with Vale Crucis Abbey (some 600 meters south) are both scheduled monuments and listed buildings.

Part of the site lies within the Birches Wildlife site, known for its Woodland and Scrub and related habitats.

In the summer of 2009 the locality was formally included in the Pontcysyllte World Heritage Buffer Zone.

1.4 Relevant planning history

The planning history at the site includes a number of proposals dating back to the 1980's.

Permissions have been granted for 5 log cabins in 1990 and an additional 7 cabins in 1991. These permissions were not fully implemented and were superseded by a 2004 permission which resulted in part redevelopment, and a total of 12 cabins on the site.

1.5 Of direct relevance to the current proposal is planning application code 38/11/574, for an increase to existing leisure facilities by the erection of 8 no. log cabins, refused in 1990 and a 2007 planning application for 5 chalets, reference 27/2006/1453/PF, refused on the 2 February 2008.

1.6 Members should refer to the plan accompanying this report which outlines the relevant planning permissions for the site since the original permission.

The current proposal attempts to overcome the issues raised in the previous refusals.

1.7 Developments/changes since the original submission

During the course of the application, a number of additional reports, changes and correspondence have been submitted by the agent in response to consultee comments and officer concerns on the proposal, briefly:

Drainage report and plan – details the proposed arrangements;

Foul - advises that 1 (out of the 12) existing lodges, and reception building are connected to a full drainage system, and a Klargestor Biodisc system. A single lodge (south) is drained to a separate septic tank – as are Penvale House and Fisheries Cottage. Treated effluent is discharged into the River Eglwyseg, regulated by consents for the two, separate foul systems. The plant is rated for a population of 70 persons – based on the context of holiday use or nature of occupancy of existing and proposed units. The report concludes that it is unlikely that more than 70 people would be present although consent to Discharge will need to be increased – subject to agreement with the EA.

Surface water quality- there is no surface water drainage system, with surface water going into Afon Eglwyseg, by informal pipe work or overland

flow. Generation of surface water is considered negligible compared with natural run off. The report concludes that given numbers involved, the small additional run-off surface, and natural slope, there is no requirement for a surface water collection system, or connection to the River. It is indicated that the indoor swimming club does not have a foul drainage connection treatment process.

Water quality - the existing water borehole is 50m deep. The existing water supply system is pressurised by 2 pumps, backed up with a 600 gallon storage tank. The report concludes that it is unlikely that the borehole would be adversely affected. However, precautionary measures would be necessary in case of potential foul drainage system pollution from lodges, 7, 8 & 9 – foul trenches lined with waterproof membrane. It is unlikely that water consumption would exceed 10 cubic metres per day – which falls within 20m³ limitation without the need for an extraction permit. Further design considerations would need to be undertaken with the borehole company to ensure existing treatment, pumps and storage tanks are capable of processing additional water quantities. From the aquifer are plentiful and only the storage tank and filtration may need to be increased in size.

In response to DCC Public Protection's response, a water bore hole capacity test pumping report was submitted. The report conclusions suggest that a yield in excess of the requirement for Penvale Lakes could be achieved, without affecting groundwater levels.

Landownership

Officers have sought clarification of landownership. The agent, in response to objections received from the owner of Abbey Cottage has advised that Abbey Cottage has a right of way access. Legal advice is that the correct planning application procedures have been followed. Other landownership and access issues are governed by private legislation, outside the remit of planning law.

Design details

The agent confirms that, in terms of the 9 caravans;
- low pitched roofing is to be provided in dark grey felt effect material
- external timber cladding will be in dark stain finish,
and adds that *'the client wishes to retain sufficient flexibility to choose the final make and model of timber clad holiday caravan at a later date.'*

Supplementary advisory note on the WHS Buffer Zone

In seeking to respond to CADW's comments, the agent included an addendum, which highlights reference in the relevant sections of the Landscape Visual Impact Assessment to the Register of Landscapes of Historic Interest in Wales etc. It mentions the small scale nature of the development and advanced 'buffer zone' planting, suggesting there will be no impact on the historic landscape, with views not significantly changed, stating 'Therefore, on balance, the overall significance of impact on landscape character is negligible'. A list of mitigation considerations are noted.

Additional letter

In April 2010, the agent submitted further comment on specific planning policy issues in support of the arguments that the proposal complies with the key tests of UDP Policy TSM 10 ; briefly;

- The proposal is 'modest' – complying with the policy justification in that it is no greater than + 10% of the existing land area/curtilage of the site.
- The proposal relates to an improvement in the range of facilities – provides a 'different form of high quality holiday accommodation when compared to the purpose built holiday lodges that presently exist. This improves the 'range 'of facilities that are available
- The proposal includes significant landscape and ecological enhancements throughout the site, including the Woodland Management plan.
- The number of caravans provide for a low density development
- The landscape report demonstrates that the development involves no adverse landscape impact.
- Previous planning application refusal refused was the undesirability of 2-3 storey, purpose built holiday lodges and lack of information provided.

1.8 Other relevant background information

- 1.8.1 It is understood that there is an ongoing legal dispute between the owners of Penvale and the adjoining Abbey Cottage.

2. **DETAILS OF PLANNING HISTORY:**

The site has a lengthy planning history, with proposals for the development of chalets in 1987. The most relevant applications in the consideration of this application are:

37/6355

Development of land for use as a Fishery and alteration of existing vehicular and pedestrian access – GRANTED – 21/12/84.

38/9246

Expansion of existing fishery/fish farm by development as a leisure centre/fish farming education centre involving provision of a tourist/student accommodation (log cabin development) and installation of septic tanks (outline application) – GRANTED 24/12/87.

38/10,283

Details of 5 no. cabins and installation of septic tanks for which outline planning permission granted under Code No. 38/9246 (partly in retrospect) – APPROVED 25/5/90)

38/11/574

Proposed increase to existing leisure facilities by the erection of 8 no. log cabins – REFUSED – 3/09/90

The reasons for refusal being:-

1. *The development proposed is contrary to the policies of the Clwyd County Council and the Glyndwr District Council relating to new chalet development and to grant planning permission for such development in this particularly sensitive and attractive part of the Eglwyseg Valley (Outstanding Landscape Area) would create a dangerous precedent, making it difficult to resist similar proposals in the future, throughout the District, to the serious detriment of the visual amenity of that and other high quality landscapes.*
2. *The proposed development fails to satisfy the requirements of both the Clwyd County Councils and Glyndwr District Council's policies in relation to new chalet development. Such proposals needing to form an integral part of a well-established*

overall scheme for tourism or rural recreation before possibly being considered as an exceptional case against the general presumption against new chalet development “.

38/11,990

Proposed erection of 7 no. additional log cabins to be used in conjunction with existing on site-leisure facilities and installation of new septic tank – GRANTED – 13/9/91.

38/12,822

Proposed change of cabin types from type ‘E’ to type ‘NEW’ on plots 1 and 6 – GRANTED 3/7/92.

2003/0042

Variation to original conditions on permissions for log cabin development restricting use (1) As tourist/student accommodation offered by Abbey Fisheries as part of leisure/fish farming education centre and (2) As permanent living accommodation./second homes or long let leasing arrangements to allow for holiday use for up to 11 months a year, with no restriction on letting of sale (Condition 4 on 38/12,822, condition 4 on 38/11,990 and condition 1 on 38/10,283 – GRANTED 23/4/03.

27/2003/0261

Replacement of 2 no. existing chalets – GRANTED 9/5/2003

27/2003/0286

Erection of timber reception building and storage building – GRANTED 21/5/2003

27/2003/0780

Construction of new drainage layout, including private treatment plant – GRANTED – 21/10/2003

27/2004/1040

Demolition of 2 no. lodges and erection of 10 no. lodges – GRANTED 17/11/2004

27/2005/0072

Erection of swimming pool – GRANTED – 10/5/2005

27/2006/1453/PF Erection of 5 no. timber clad holiday homes.
REFUSED 02/02/2008.

The reasons for refusal being :

- “ 1. *The Local Planning Authority considers that the development of 5 permanent holiday log cabins on this particular site would result in significant adverse impact on the visual amenities of the area, which lies within an Area of Outstanding Beauty and in the CADW Register of Landscapes of Historic Interests, known as 'Vale Of Llangollen and Eglwyseg', and would conflict with the adopted Denbighshire Unitary Development Plan (UDP) STRAT 7, GEN 6 (ii) and ENV 1, ENV2 and CON 12, in that the scale, design, layout, siting, together with associated paraphernalia and lighting, would have an unacceptable and adverse effect on the existing character and appearance of the landscape. Furthermore, the proposal is considered to conflict with STRAT9, TSM10 (ii) (iii) (iv) and (v) in that it is not a modest extension to the existing development and does not represent a significant and permanent improvement to the quality, appearance and environment of the existing site and surroundings, setting an unjustified precedent for similar undesirable proposals in the future in the locality.*

2. *The Local Planning Authority considers that in the absence of satisfactory details for site drainage, it is not possible to demonstrate that arrangements can be provided within the application site for effective drainage treatment and disposal, contrary to adopted Denbighshire Unitary Development Plan, Policies ENP 4, GEN 6 (v), (x), advice within circular 03/99 - Non-Mains Sewerage Systems Without the necessary details, the authority is unable to assess the impact on the levels of amenities currently being enjoyed by occupiers of neighbouring residential properties, land and habitats, or the impact on the River Eglwyseg, a tributary of the River Dee Special and Bala Lakes Special Area of Conservation (SAC).*
3. *Based on the submitted details, the Local Planning Authority is unable to determine whether, in line with TAN 5 and PPW guidance, that the proposal will not affect the integrity of the River Dee and Bala Lake Special Area of Conservation (SAC), and as such conflicts with Denbighshire Unitary Development Plan Policy ENV 4. No acceptable alternative solutions or imperative reasons of overriding public interests have been demonstrated; nor any reasons of human health or public safety and/or benefits of primary importance to the environment, as identified in the guidelines, for the purposes of justifying developments with potential effects on SAC's.*
4. *The Local Planning Authority considers that on the basis of the limited information submitted, it is unclear as to the extent of, and proposals for removal of existing trees, and the likely effect on 'The Birches' local wildlife area, and there is no detailed avoidance and mitigation measures specifically for the potential presence of bats, as highlighted in the submitted Ecological Report, thereby contrary to the aims of the adopted Denbighshire Unitary Plan policies ENV 1, ENV 5, ENV6 and ENV7 together with SPG's 6 and 18, to conserve and enhance biodiversity, protected species and landscape features “.*

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

STRATEGIC POLICIES

1 – General; 5 –Design; 6 –Location; 7- Environment; 8- Employment; 9-Tourism; 11-Regeneration;13-New Development; 16- Community Facilities & Benefit

DETAILED POLICIES AND GUIDANCE

Policy GEN 3	-	Development Outside Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 10	-	Supplementary Planning Guidance
Policy ENV 1	-	Protection of the Natural Environment
Policy CON 1	-	The Setting of Listed Buildings
Policy CON 10	-	Scheduled Ancient Monument
Policy CON 12	-	Historic Landscapes, Parks & Gardens.
Policy ENV 2	-	Development Affecting the AONB/AOB
Policy ENV 4	-	International/National Sites of Nature Conservation Value
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 10	-	Common Land
Policy ENP 1	-	Pollution
Policy ENP 4	-	Foul and Surface Water Drainage
Policy ENP 3	-	Water resources

- Policy TSM 5 - Rural Tourism
- Policy TSM 10 - Extensions of/improvements to Existing Static Caravan and Chalet Sites
- Policy TRA 6 - Impact of new Development on Traffic Flows
- Policy TRA 9 - Parking and Servicing Provision
- Policy TRA 10 - Public Rights of Way

Supplementary Planning Guidance

- SPG 2 - Landscaping
- SPG 6 - Trees and Development
- SPG 18- Nature Conservation and Species Protection
- SPG 20- Static caravan and chalet development
- SPG 21- Parking Requirements in New Developments

Other Council Documents

- Denbighshire Landscape Strategy 2003
- Denbighshire Countryside Strategy 1998
- Denbighshire Local Biodiversity Action Plan 2003
- Access for All

Governmental Guidance

- PPW 2002 (as amended) via MIPPS

TAN's -

- 5 - Nature Conservation and Planning
- 6- Agriculture and Rural Development
- 12- Design
- 13 – Tourism – inclusive of the draft version
- 15 - Development and Flood Risk
- 18 - Transport

Circulars

- Circular 61/96 - Planning and the Historic Environment – Historic Buildings and Conservation Areas

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- i) Principle
- ii) Scale of development
- iii) Landscape / Visual Impact
- iv) Nature Conservation
- v) Woodlands and common land
- vi) Drainage and water infrastructure
- vii) Archaeology
- viii) Residential amenities
- ix) Setting of listed buildings and ancient monuments.
- x) Highways and access
- xi) Impact on historic environment – Historic Landscape
- xii) Impact on the World Heritage Buffer Zone
- xiii) Inclusive access
- xiv) Sustainability
- xv) Other material considerations – financial and economic justification

i) Principle

At a national level, the Welsh Assembly Government's objectives encourage sustainable tourism, maximising its economic and employment benefits, promoting tourism in all seasons,

whilst safeguarding the environment and interests of local communities. In rural areas, tourist development is considered to be an essential element in providing for a healthy, diverse local and national economy. TAN 13 (draft 2006) highlights however particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity coastal or historic environment or the interests of local communities.

The Denbighshire Unitary Development Plan policies are in accordance with the thrust of these national objectives. Within the Unitary Development Plan, there are a number of strategic policies seeking to ensure that development should be sustainable, including maximum re-use of buildings and land in preference to the use of green field sites, maintaining and enhancing community benefit; and protecting biodiversity and historic areas. STRAT 9 deals with tourism development. In the countryside and rural settlements, It highlights that development will be permitted in the form of small scale built or natural environment based tourism projects where ‘they provide appropriate infrastructure, accommodation and attractions and which consolidate and diversify the tourism industry without unacceptably affecting social, highway ,amenity, heritage or environmental interests.

Policy GEN 3 controls development in the open countryside, limiting this to ‘exceptional’ cases only. GEN 6 includes various tests, including a requirement that proposals should not affect the form and character of surrounding landscape nor the local natural environment and not unacceptably affect prominent views into and out of or across any area of open countryside; as well as satisfying physical and natural environmental considerations.

Policy TSM 5 is generally favourable to rural tourism in the countryside in the form of conversions of structurally sound buildings. Policy TSM 10 relates to extensions of/improvements to existing static caravan and chalet sites and is the main ‘detailed’ policy relevant to this case. TSM 10 sets detailed criteria for modest extensions of/improvements to existing static caravan and chalet sites; including that the proposals make a significant and permanent improvement to the quality, appearance and environment of the site and its immediate surroundings; result in the reduction in the impact on the surrounding landscape/townscape , particularly in the AONB/AOB; are acceptable in scale in relation to the existing site and locality; do not have an unacceptable impact on residential amenity, landscape , agricultural, nature conservation or traffic considerations. The test to this policy confirms it is aimed at ‘one – off’ extensions and not cumulative extensions which do not bring about an overall improvement to the site and locality. The text to the policy indicates as a rule of thumb ‘modest’ should be no greater than 10% of the existing land area – subject to site specific considerations. SPG 20 supplements the policy in assessing proposals involving chalets and caravan sites.

Overall, the policy framework does allow for extensions to chalet and static caravan sites in open countryside locations but subject to stringent tests, in particular in locations with sensitive environmental designations and specific site/locality issues. These are reviewed in the following sections in the report.

ii) Scale of development

Policy STRAT 9 of the Unitary Plan permits “small scale built or natural environment based tourism projects in the open countryside and rural settlements ” where they provide appropriate infrastructure, accommodation and attractions, and where they consolidate the tourism industry without unacceptably affecting social, highway, amenity, heritage or environmental interests. STRAT 7 sets a specific requirement to safeguard the countryside and environment. TSM 10 (iv) allows ‘modest’ extensions to sites and requires that these are acceptable in scale relative to the existing site and locality. The text to the policy refers to “modest” as no greater than + 10% of the land area/curtilage of the site, although this will depend on a number of other factors including impacts and site characteristics, the extent of landscaping and environmental improvements put forward. The test makes it clear that the

policy is aimed at 'one off' extensions and not cumulative extensions which do not bring about an overall improvement to the site and locality. SPG 20 offers general guidance on considerations to be given to proposals to ensure their impacts are minimal.

The basic proposal is to add a further 9 static caravans to a site which has 12 log cabins, developed through 3 separate permissions granted in 1990, 1991 and 2004. If the original permission is used as the relevant measuring stick here, the site has already 'benefited' from two previous 'extensions', raising the number of units from a modest 5, up to 12, and extending the site area to well over double that of the original site granted in 1990. The current application for another 9 units would therefore represent a 'cumulative' extension to the site adding further to the previous extensions (s) which already go well beyond the 10% guidance referred to in the text to policy TSM10. In officers opinion therefore it is questionable whether the proposal for a further extension to the site is compatible with the 'scale' and cumulative development tests of the policies. Issues of improvements to the site are dealt with in separate sections of the report.

iii) Landscape/visual impact

The proposed caravans would be sited within an Area of Outstanding Beauty, and the Vale of Llangollen and Eglwyseg Historic Landscape. Development in the AOB is subject to Unitary Plan Policy ENV 2, which states proposals will be permitted where they would not unacceptably harm the character and appearance of the landscape and prejudice future designation as an AONB. Policy TSM10 (ii) requires that extensions to sites result in a reduction in the impact on the surrounding landscape, particularly the AONB/AOB. Test (iv) repeats the need to ensure there are no unacceptable landscape impacts. SPG 20 offers guidance on landscape considerations.

The submitted landscape and Visual Impact Assessment concludes that the impact of the development would be limited, given proposals for mitigation planting and woodland management, and the proximity to footpaths. The site is, however, visible from a number of publicly accessible viewpoints including the A542, from the Abbey and Eliseg's Pillar, and from Open Access land on the surrounding hills. There are landscape objections from the AONB Joint Advisory Committee

As the test of TSM 10 (ii) is that proposals for extensions to sites will only be permitted where they result in a 'reduction' in the impact on the landscape, it is difficult for officers to conclude how the application for an additional 9 caravans on an area of land on higher ground divorced from the rest of the Penvale site, and visible from footpaths and publicly accessible land can comply in principle with that premise. With respect to the applicant's proposals for additional planning and woodland management, there will inevitably be additional impact from an 'extended' caravan/chalet site here. This is a conflict with the policy to be weighed against the benefits from the proposals which may arise, including the Woodland Management.

iv) Nature Conservation

Policy ENV4 requires rigorous examination of schemes affecting the integrity of a site of European Conservation Interests and only permits development on the basis of certain safeguards and benefits. ENV 5 and 6 look to protect local habitats, and protected species, and ENV 7 safeguards natural features.

TAN 5 requires Local Planning Authorities to follow certain procedures in respect of development which might affect a Special Area of Conservation (SAC) designation, obliging a formal Record of Appropriate Assessment of the likely significant effects on European Sites (SAC). This procedure has to be carried out to assess the implications of the development for the site's conservation objectives, and must determine, in the light of the conclusions of the assessment, the effect on the SAC's integrity. Based on additional water and drainage details and subject to conditions, officers consider there would be no adverse implications for the adjoining River Dee SAC & SSSI and that the proposal complies with the relevant legislation and policies.

In terms of protected species issues, both the Countryside Council for Wales and the County Ecologist have commented on the potential for bats to be present with potential tree felling in particular, and the proposals remain unclear in this regard. There therefore remains a potential for conflict with ENV 6 and the SPG, which formed the basis of one of the previous reasons for refusal for development at this site.

v) Woodlands and common land

Policies ENV 8 and 10 seek to avoid damage to existing woodlands and the character of common land.

SPG 20 highlights a number of factors against which caravan proposals should normally be assessed. It suggests sites should be set against a backdrop of semi-mature/mature trees or within woodland settings and that sites which require extensive screening through new planting will not be appropriate; proposals should respect site topography with an emphasis on retaining existing site levels; proposals should be accompanied by comprehensive landscaping schemes, with close scrutiny of environmental designations. It highlights specific issues concerning the control and operation over woodland which provides screening – to avoid situations where a site might later be exposed to view due to felling operations. Trees on the lower slopes of Birch Mountain lie outside the control of the applicant.

The proposal include an intention to landscape and screen the site, together with basic proposals to manage the existing woodland plantations at Penvale Lakes. The agent advises that the proposal will not require removal of any significant trees, with any tree loss compensated by native tree planting. The Managed Woodland Plan, involving some 2.5ha on the northerly boundaries, (with currently 50 % rot infestation), with no economic benefits, is shown in plan form only, with no details of overall management and control, including financing. It is understood that the Woodland area is a relatively recent addition to the site landownership, having previously been in separate ownership.

vi) Drainage and water infrastructure

Policies GEN 6, ENP 1,3 & 4 seeks to ensure there is no unacceptable harm to surface water; ground water and pollution e.g. light; and that there are satisfactory water resources, and quality ; and satisfactory drainage arrangements;

The application site lies in a groundwater protection area. ENP3 highlights that development which would increase the requirement for water will only be permitted unless adequate water resources exist, or additional resources can be made available, without causing unacceptable harm to the water quality, ecosystem, fisheries or recreation /amenity interests.

The previous planning application included a reason for refusal based on the lack of information on the disposal of foul and surface water drainage and concerns regarding the effect on an existing water bore hole. No objections are raised on the basis of the existing sewerage capacity.

Comments from the Council's Public Protection Service confirm that there remain issues in terms of the proximity of the caravans to the existing water borehole, hence there is potential for conflicts with the policy.

vii) Archaeology

Policies STRAT 7, CON 11 and GEN 6, supplemented by SPG 15, requires archaeological implications to be assessed. The site lies in Historic Landscape Area and the locality includes archaeological features.

The County Archaeologist, in consultation with CPAT, confirms that there are no known archaeological interests in the area of the site and the proposal does not involve impacts on any features.

viii) Residential amenities

Policies GEN 6 and TSM 10 require considerations of the impact on residential amenity.

The proposal involves a cluster of 9 caravans in close proximity to two existing, permanent residential properties – Penvale House and Abbey Cottage. Given the likely activities associated with a caravan/leisure use, including the use of a shared, vehicular access point and driveway, it is suggested there would be adverse impacts, in particular for Abbey Cottage (separate ownership).

The proposal is therefore considered to pose potential conflict with Policies GEN 6 and TSM 10

ix) Setting of listed buildings, ancient monuments, registered parks and gardens

Policies CON 1, and CON 10 seek to preserve the setting of listed buildings and Scheduled Monuments.

CON 12 seeks to preserve the character of a Historic Landscape, Park or Garden

The Council's Conservation Officer, notes the landscape sensitivity of the site and locality, but raises no objections on the impact of the setting of listed buildings and the registered park and garden in this case.

x) Highways and access

Policies GEN 6, TRA 6, TRA 9 and TRA 10, together with SPG 21, require considerations of impacts on traffic and parking, together with public rights of way, in assessing proposals.

The Head of Highways has assessed the highway and traffic implications, and has no objections, subject to conditions and advice notes to protect the public right of way.

xi) Impact on historic environment – Historic Landscape

Circular 61/96 highlights that in relation to Historic Landscapes, whilst no additional statutory controls are involved, Local Planning Authorities have to take into account whether development is of sufficient scale to have more than local impact on an historic landscape.

The Historic landscape description of this area highlights that the “secluded river valley surrounded by farmland and highlights past development including 19C slate quarries and evidence of transport innovation. The submitted LVI has a number of limitations as it excludes any assessment of the impact on the World Heritage Buffer Zone, and the full extent of Open Access land; existing and proposed site and floor levels are very limited; there are no details or assessments of potential light pollution, or visual implications in winter and with car parking areas.; implications for thinning and removal of the northerly woodland is also limited. Additionally, and significantly, the LVI conclusions are based as an ‘overall conclusion’.

Given this context and the agent's wish to choose the final make and model of holiday caravan, it is difficult to conclude that the proposal would result in a ‘reduction’ in the landscape impact, given the site is within an Area of Outstanding Beauty and World Heritage Landscape Buffer Zone, even with the proposed, landscape mitigation measures.

xii) Impact on the World Heritage Buffer Zone

The designation of the Llangollen canal system as part of the Pontcysyllte World Heritage Site requires consideration of the potential impact of development on the Buffer Zone.

Currently, there is no specific local policy in place to guide such assessment. On a national level, circular advice states that with such sites ‘Local Planning Authorities should place great weight on the need to protect them...’. Development proposals affecting these sites or settings may be compatible with this objective, but should always be carefully scrutinised for their likely effect on the site in the longer term.

The original Landscape and Visual impact assessment report does not include an assessment of the impact on the World Heritage Buffer Zone. Following submission of an 'addendum' document, consultation responses do not indicate that the proposal would cause significant harm to the World Heritage Buffer Zone.

xiii) Inclusive access

Policy GEN 6, as supplemented by WAG legislation, requires consideration of inclusive design for certain types of proposals, which focus on new, publicly accessible buildings.

A short Access Statement identifies a basic attempt to support and maximise opportunities for inclusive access, in accord with the policy requirements. No details are outlined on the submitted plans. Should planning permission be approved, further details could be conditioned.

xiv) Sustainability

National guidance in Planning Policy Wales, TAN 18 Transport and SPG 20 indicate that new development should be accessible by modes of transport other than the motor car, such as walking via footpaths, cycleways, and public transport.

The existing site relies extensively on the motor car for access to any facilities. It connects to the A542, a busy highway, with no pedestrian footways in the vicinity.

The proposal would involve a significant increase in the number of people accessing the site. Its development would be contrary to basic sustainability principles as it would continue to be reliant on the motor car as the main means of obtaining access. This is a negative factor to be weighed in the balance on the application.

xv) Other material considerations – financial and economic justification

The submissions suggest there would be significant economic benefits to the area from the development. However, there is no specific site viability/financial plan included, which could take into account site specific issues, for example the Woodland Management Plan and water bore hole upgrades.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposals involve a further extension of a holiday chalet/caravan site in a sensitive, historic valley location. There are potential economic gains from the development, but these have to be weighed against a number of potential localised impacts. Officers respectfully consider in this case that the conflicts with policy outweigh the benefits, in particular the principle of a further extension of the site, the sustainability credentials, the limited improvements the scheme would offer to the range and quality of accommodation in the area, the limited improvements it would bring about to the quality of the site, questions over the scale of development, its landscape impact, and its effect on wildlife and the amenities of nearby residential property.

RECOMMENDATION: - REFUSE for the following reasons:-

1. The proposals are considered to be in conflict with the basic principles of policies in the Denbighshire Unitary Development Plan which are relevant to extensions to existing caravan / chalet sites, Policies STRAT 9 and TSM 10, in that the siting of 9 additional static caravans would represent an expansion of what was originally a small 5 cabin development, constituting a cumulative extension to the site on an area of land within an Area of Outstanding Beauty, set on a higher level and divorced from the main log cabin site. It is not considered there are any significant proposals for improvements to the quality, appearance and environment of the existing site and surroundings which could override the basic policy conflict.

2. The Local Planning Authority considers that the siting of an additional 9 static caravans on this particular site would have an unacceptable impact on the landscape and visual amenities of the area, which lies within an Area of Outstanding Beauty and is included in the CADW Register of Landscape of Historic Interests as 'Vale of Llangollen and Eglwyseg' character area. The proposals would conflict with the adopted Denbighshire Unitary Development Plan policies STRAT 7, GEN 6 (ii) and ENV 1 and ENV 2 and CON 12, in that the caravans and associated developments would be visible from publically accessible viewpoints and would have an unacceptable effect on the character and appearance of the high quality landscape and environment.

3. The Local Planning Authority considers that on the basis of information submitted it is not possible to determine the acceptability of the proposals in terms of their impact on the Northern Woodland, on the presence of bats and the potential for their disturbance as protected species, or the impact of development on the water supply borehole, contrary to the aims of the adopted Denbighshire Unitary Development Plan policies ENV 1, ENV 5, ENV 6 and ENV 7 together with SPGs 6 and 18, which seek to conserve and enhance biodiversity, protected species and landscape features and ENP 1 and 3 which seek to avoid development which would cause unacceptable harm to water resources.

4. In the opinion of the Local Planning Authority, the development would perpetuate reliance on the motor car as the main mode of transport to and from the site, and the submission does not demonstrate how a choice of modes could be encouraged, suggesting there are sustainability questions over the proposals, contrary to basic principles in Planning Policy Wales 2002, TAN 18 Transport, and Denbighshire Unitary Development Plan Policies GEN 6, STRAT 1, 12 and 13.

5. In the opinion of the Local Planning Authority, the development of a caravan site in close proximity to dwellings at Penvale House and Abbey Cottage would give rise to unacceptable levels of noise and disturbance to occupiers of those dwellings, and would reduce their level of privacy and residential amenity, contrary to the requirements of Denbighshire Unitary Development Plan policy GEN 6 i and v.

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Tremeirchion

APPLICATION NO: 47/2010/0332/ PF

PROPOSAL: Erection of single storey and two storey pitched roof extensions to rear

LOCATION: Bryntirion Farm Rhualt St. Asaph

APPLICANT: Mr M Walsh

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL

"The proposed application constitutes an over-development of the site. The application, by virtue of its size, will impinge on the AONB landscape contrary to Criterion ii) of Policy GEN 6 of the UDP and Policy ENV 2 of the UDP".

AONB JOINT ADVISORY COMMITTEE

"This site is in a prominent hillside location and the substantial existing replacement dwelling and associated outbuildings dominate the skyline from a number of local vantage points. The JAC is concerned that following successive proposals for incremental development of this site, scale of the building complex has reached a point where no additional significant development proposals should be permitted to avoid further harm to the character and appearance of the rural setting".

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 11/05/2010

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks full planning permission for the erection of a single storey and 2 storey extension to the rear of the property.

1.1.2 It is proposed to erect a single storey pitched roof extension to house a boiler room and utility room, to provide a breakfast and sitting area with a patio/balcony area above it, and a 2 storey extension to provide a dining room

with bedroom, dressing room and en-suite at first floor level. The extensions would result in an increase in the floor area of the property by approx. 111 sq. m, 65sq. m at ground floor level and 46 sq m at first floor level including the patio/balcony area. The overall footprint of the existing dwelling is approx. 305sq m.

1.2 Description of site and surroundings

1.2.1 Bryntirion Farm, formerly known as Toledo Farm, comprises a large detached 2 storey dwelling which is located within the open countryside, approx 1.5km east of the village of Rhuallt. The dwelling was built approx 9 years ago as a replacement dwelling. The property has a large curtilage measuring approx. 0.5ha.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the Clwydian Range Area of Outstanding Natural Beauty.

1.4 Relevant planning history

1.4.1 There is a lengthy planning history relating to this site, that which is relevant to this application is listed below.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1.1 47/2001/0877/PF Demolition of dwellings and erection of new dwelling and detached garage GRANTED 8th November, 2001.

47/2004/1013/PC Retention of triple garage, attached kennel block, entrance gates, pillars and CCTV columns. Continuation of use of land as extension to residential curtilage for extended drive and additional vehicular access (Retrospective application) GRANTED 31st August, 2005.

47/2005/0431/PF Demolition of building and erection of swimming pool enclosure GRANTED 3rd March, 2005.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 6 Development Control Requirements

Policy ENV 2 Development affecting the AONB/AOB

Policy HSG 12 Extensions to Dwellings

3.2 Supplementary Planning Guidance 1: Extensions to Dwellings

Supplementary Planning Guidance 24: Householder Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

TAN 12: Design (2009)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Detailed design and impacts

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extending existing dwellings is acceptable in relation to the policies of the Unitary Development Plan and Supplementary Planning Guidance Note No.24- Householder Development Design Guide. The main UDP policies are HSG 12 and GEN 6. HSG 12 permits extensions to dwellings subject to 4 tests- requiring assessment of the acceptability of scale and form; design and materials; the impact on the character, appearance and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. GEN 6 contains a wide range of general development control amenity considerations geared at ensuring a high standard of development with minimal impacts. SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following sections.

4.2.2 Detailed design and impacts

- *Scale and form*

Factually, the proposed extensions would represent an increase of 36% on the floor area of the dwelling built following the 2001 permission. Using the 2001 dwelling as the 'original' for the purposes of applying the policy, the scale and form of the proposed extensions appears subordinate in terms of footprint, volume and mass, therefore meeting the requirements of HSG 12 part i).

- *Design and materials-*

The design of the extensions are in keeping with the appearance of the existing dwelling. Materials proposed include facing brick with sandstone quoins, heads and cills with a natural slate roof, all to match the existing dwelling. The proposal is therefore considered to comply with part ii) of HSG 12.

- *Impact on character, appearance and amenity standards of the existing dwelling-*

Having regard to the design, scale and siting, it is not considered the visual or residential amenity of the existing dwelling would be materially harmed by the proposal. This meets the requirement of Policy HSG 12 part ii).

- *Impact on character, appearance and amenity standards of the locality*

The proposals would not give rise to opportunities for overlooking of any nearby property or any material loss of residential amenity, the closest property at 'Bryn Hilin' being approx 100m from the front elevation of the property. The site is also well screened from the highway, and having regard to the size, scale and design of the existing dwelling it is not considered that the proposed extensions would result in a significant impact on the character and appearance of the locality and AONB.

The comments of Tremeirchion/Cwm/Waen Community Council regarding over development and the size of the extension impinging on the AONB landscape are acknowledged. As noted above, the increased footprint of the dwelling would equate to approximately 111sq m on a dwelling with an existing footprint of 305sqm (36% increase). SPG no.1 elaborates further on the matter of overdevelopment, recommending that no more than 75% of a site should be covered by buildings. With the resulting dwelling, and including

the existing outbuildings, it is estimated that there would be around 690sq m of built development on the site, representing some 13% of the site area. The remaining garden space is considered to be of sufficient size to offer adequate amenity for future occupiers. The proposal is therefore considered to meet test iv) of HSG 12.

The comments of the AONB Joint Advisory Committee regarding incremental development of the site affecting the rural setting of the site are also acknowledged. However, having regard to the specifics of this application, in context of the site and existing buildings, the 'additional' impact of the current proposal is not considered significant enough to warrant recommendation of refusal of planning permission.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with the relevant policy tests and is therefore recommended for approval

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.

NOTES TO APPLICANT:

None

ENFORCEMENT MATTERS

- (i) **ENF/ 2009/00039 :**
Plas Derwen, Abbey Road, Llangollen
Basement Area not constructed in accordance with
Reserved Matters approval (03/2005/693/PR)

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

ENFORCEMENT REPORT

REFERENCE: ENF/2009/00039
LOCATION: Plas Derwen, Abbey Road, Llangollen
INFRINGEMENT: Basement Area not constructed in accordance with Reserved Matters approval code No. 03/2005/0693/PR

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN6 – Development Control Requirements
Policy TRA9 – Parking and Servicing Provision
SPG 21 – Parking Requirements in New Developments

Government Guidance

Planning Policy Wales (March 2002)
TAN12 - Design

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

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 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 who fails to comply with the approved details of a development as contained in a Reserved Matters consent in 2006.

The rights of an owner in this situation do not outweigh the rights of the Local Planning Authority to ensure that breaches of planning control are addressed.

No human rights issues have been raised in this particular case.

1. BACKGROUND INFORMATION

- 1.1 The Plas Derwen development lies to the east of the A542 road (Abbey Road) in Llangollen.
- 1.2 The site is outside the development boundary of Llangollen, within the Area of Outstanding Beauty and the buffer zone of the Pontcysllte Aqueduct and Canal World Heritage site.

- 1.3 In 2005, outline permission was granted for the demolition of the former Bryn Derwen Hotel and the redevelopment of the land by way of 20 apartments with parking for 36 vehicles (03/2004/0720/PO).
- 1.4 Detailed plans of the scheme were approved in 2006 (03/2005/0693/PR) which did not include provision for an additional apartment in the basement, as the space was to be utilised for parking spaces to serve the development. However, whilst under construction and without prior authorisation, the basement space was converted into a one bedroomed en-suite apartment, which was subsequently used by the developer as a 'show unit'.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 An application to retain the additional apartment in the basement has been refused by Planning Committee at the April 2010 meeting (Code no. 03/2010/0046/PF). The unauthorised development is contrary to policies contained within the Denbighshire Unitary Development Plan 1996 and advice contained within Planning Policy Wales (2002) in respect of :-

(i) Principle

Policy GEN6 sets a requirement to ensure that the impact of development is kept to a minimum. The approved scheme for the development permitted 20 units with 36 parking spaces and was considered acceptable in basic principle.

(ii) Parking/access

Policies TRA 9 and GEN 6 require due consideration of the adequacy of parking arrangements in association with new development. In addition, SPG 21 suggests that the availability of car parking is a key element when considering the requirements of new developments.

As noted, the approved plans for the 20 apartment development included a total of 36 parking spaces at basement level. This ratio of parking spaces to the number of apartments was considered adequate by the authority.

The unauthorised additional apartment takes up a section of the basement level, thereby reducing the number of parking spaces to 32. This would consequently have an adverse impact on the development, as it would generate demand for additional parking space not originally envisaged when the original approval was granted for the development.

3. RECOMMENDATION

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice with a 3 month compliance period, requiring the re-instatement of the basement area in accordance with that approved as part of the Reserved Matters approval Code No. 03/2005/0693/PR.
- 3.2 To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

PLANNING APPEAL

**VARIATION OF CONDITION NO.3 OF PLANNING PERMISSION CODE NO.
23/2004/0749/PF TO ALLOW 12 MONTH OCCUPATION OF STATIC CARAVANS
FOR HOLIDAY PURPOSES**

**LLWYN AFON CARAVAN PARK, LLANRHARADR Y.C. DENBIGH
APPLICATION NO. 23/2009/1368/PS**

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 approve an application to vary a condition imposed on a planning permission in 2004 for a static caravan site at Llwyn Afon.
- 2.2 The Council had previously granted planning permission for the static caravan site, subject to compliance with a number of conditions. Condition 3 prohibited the occupation of the caravans between 1st January and 1st March in any year.
- 2.3 An application for permission to vary the wording of Condition 3 was submitted in late 2009, and sought to allow 12 month occupancy of the caravans. The application was finally determined by the Committee in March 2010. The officer recommendation was to GRANT permission. The Committee resolved to REFUSE permission for the following reason:

“In the opinion of the Local Planning Authority, the proposed variation of the condition would effectively permit year round residential use of the caravans in an open countryside location, imposing unacceptable pressures on local services and resources, contrary to basic principles of sustainable development planning, as outlined in Policy STRAT 1 of the Denbighshire Unitary Development Plan and Planning Policy Wales”

- 2.4 The resolution to refuse permission was proposed by Councillor John Bellis and seconded by Councillor Ian Gunning.
- 2.5 The formal Certificate of Decision was dated 17th March 2010.
- 2.6 The Planning Inspectorate notified the Council of the appeal on 31st March 2010. 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 May 2010. The date for the Hearing is the 15th June, 2010.

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**

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEM FOR PLANNING COMMITTEE
PROTOCOL FOR LIAISON WITH TOWN AND COMMUNITY COUNCILS

1. PURPOSE OF REPORT

To inform Members that the Development Control and Compliance team have developed a new protocol in liaison with Town and Community Councils to be implemented with immediate effect.

2. BACKGROUND

Denbighshire County Council aims to be an excellent authority in providing high quality, sustainable and efficient services to all its citizens and communities by 2012. One of the ways in which the Development Control and Compliance Team aims to achieve this is by closer liaison with Town and Community Councils.

This protocol sets out clear guidance for liaison between the Officers within the Development Control and Compliance Team (the Team) and the Town and Community Councils (T&CCs) from the pre-application stage through to post decision matters. By following the steps within this protocol, a closer link will be forged between the Development Control and Compliance Team and the Local Community through improved communication. By improving communication, the Council will gain a better understanding of the needs of the communities involved, and the Town and Community Council's will also benefit from having a better knowledge of the parameters in which Officers work when considering planning applications in their local communities.

At a planning training event for T&CCs in January 2010 the team outlined their intention to develop a more formalised protocol. Suggestions were made by the T&CCs in an open discussion at that event and a draft document was produced.

This draft was then re-presented at a recent training event in St.Asaph on 20th April 2010. It was here that Officers went through the document in detail and agreed its contents with the T&CCs.

The protocol is set out to follow the planning application and appeal process and covers the following areas:-

- **Before an application is submitted**
- **When an application is submitted**

- **After a decision has been made**
- **Training for T&CCs**
- **Monitoring of Development and reporting breaches of planning control**
- **The planning appeal process**

In each section the protocol sets out what the T&CCs can expect of the team and what we, in turn, would expect from the T&CCs.

The final protocol is attached to this report for Members information and has been sent for translation prior to being circulated to the Clerks of the Town and Community Councils. Should any Members wish to discuss the contents of the protocol they should contact either:-

Paul Mead, Development Control and Compliance Manager – 6712
Judith Williams, Customer Service Improvement Manager – 6722.

3. RECOMMENDATION

That Members make note of the contents of this report.

DEVELOPMENT CONTROL AND COMPLIANCE TEAM

PROTOCOL FOR LIAISON WITH TOWN AND COMMUNITY COUNCILS

Denbighshire County Council aims to be an excellent authority in providing high quality, sustainable and efficient services to all its citizens and communities by 2012. One of the ways in which the Development Control and Compliance Team aims to achieve this is by closer liaison with Town and Community Councils.

This protocol sets out clear guidance for liaison between the Officers within the Development Control and Compliance Team (the Team) and the Town and Community Council's (T&CCs) from the pre-application stage through to post decision matters. By following the steps within this protocol, a closer link will be forged between the Development Control and Compliance Team and the Local Community through improved communication. By improving communication, the Council will gain a better understanding of the needs of the communities involved, and the Town and Community Councils will also benefit from having a better knowledge of the parameters in which Officers work when considering planning applications in their local communities.

1. BEFORE AN APPLICATION IS SUBMITTED

- 1.1 There are occasions when a developer/applicant will contact the Team with a view to discussing the merits of a development before submitting an application.

The Council is not always at liberty to discuss this type of enquiry with third parties as they are usually of a confidential nature.

The Council will aim to bring together the developer and the local community whenever possible by improving communication and understanding of the planning process.

Early informal engagement would not prejudice the right of the Town and Community Council to voice an opinion if or when an application is submitted. Nor does it guarantee that all local issues can be resolved before an application is received.

What the Town and Community Council can expect from Denbighshire

- 1.1.1 *The team will seek to gain the consent of the potential developer to informally approach the T or CC to advise them of the details of any significant pre application discussions.*
- 1.1.2 *The team will encourage the potential developer to give presentations to the T or CCs where appropriate.*

What Denbighshire would like from the Town or Community Council

- 1.1.3 *To provide informal feedback on any pre-application consultation making suggestions for scheme improvements and highlighting relevant local considerations.*

2. WHEN AN APPLICATION IS SUBMITTED

- 2.1 T or CCs will be formally consulted by the Team on all relevant planning applications in their area. The responses received will be placed on file, reported in full within any planning report and issues raised will be addressed in formulating a decision.
- 2.2 The relevant maximum statutory period for response by a T or CC on a planning and/or other application will be 21 days from the date of the letter or e-mail sent to the relevant T or CC.
- 2.3 The majority of applications are dealt with by the case officer under our Scheme of Delegation*. When this happens, a report is written by the case officer and this will include the T or CC response. However, when an objection is received from the T or CC and the case officer is minded to approve, then our Scheme of Delegation dictates that the application is heard by the Planning Committee. Again, the response is included in full on the case officer's report to Planning Committee. Please refer to our Scheme of Delegation for full details.
- 2.4 All reasonable steps will be taken to ensure that a decision is not made under delegated powers before a response is received from the T or CC.
- 2.5 The team will keep the T & CC informed of potential Planning Committee items to ensure that the community is kept aware of applications which may be of local interest. We will always seek to ensure total transparency in the planning process and keep the T & CC informed as to whether applications must be determined at Planning Committee.
- 2.6 If there has been a request to speak at Committee, all relevant documents will be provided before the date of the Planning Committee so that the speaker is aware of the procedure.
- 2.7 We will also provide any further documentation produced after the officer's report has been finalised. Such documentation is normally presented to Planning Committee in the form of a late representations (blue) sheet.
- 2.8 Not all applications will have public speakers and we would not normally provide further details unless we had been requested to do so.

However, the team will endeavour to provide more information to T & CCs on applications which have been to Planning Committee as these tend to be the more contentious ones, or have more local issues.

- 2.9 Sometimes, the final Planning Committee decision will follow the recommendation of the T or CC but this is not always the case. In these instances we will provide more information after the relevant Committee, this will enable the T & CC to understand the reasoning behind the decision.
- 2.10 To ensure total transparency, we will provide copies of any legal agreements for those applications where a legal obligation was required before the decision notice could be released.

What the Town and Community Council can expect from Denbighshire

- 2.10.1 *We will send out a letter of consultation, including copies of relevant plans and documents promptly following the submission of a valid application. This can be done either via paper copy or via electronic means.*

- 2.10.2 *We will aim to be sympathetic and accommodating when the T & CC are unable to respond within the relevant timescale. However, please bear in mind that the officers have a limited timescale in which to determine applications so this will place a restriction on how long they can wait.*
- 2.10.3 *If no response has been received at the point where a delegated decision can be made, the case officer will take all reasonable steps to contact the Clerk to find out why a response has not been received. This may be because the timing of the T or CC meetings was not compatible with the timescale of the application. In these cases, we will ensure that we take this into consideration when determining whether or not a decision can be issued.*
- 2.10.4 *We will ensure that the appropriate Clerk of the T & CC receives the list of potential Planning Committee items at the relevant time and that they are informed that they have the opportunity to speak at Committee. This will be done approximately two weeks prior to Planning Committee and will include a brief summary of the relevant planning issues on that application.*
- 2.10.5 *We will endeavour to address the valid material planning issues raised by T & CCs when formulating reports and decisions and, where necessary, will provide further clarification on planning issues.*

What Denbighshire would like from the Town or Community Council

- 2.10.6 *The Case Officer needs to have a written response from the T or CC as soon as possible.*
- 2.10.7 *The response should take into account the relevant policies of the Denbighshire Unitary Development Plan (available in all local libraries and also on the Denbighshire website) and should also highlight any local issues which may not be immediately obvious to the case officer.*
- 2.10.8 *Should the T or CC experience difficulties in responding within the relevant timescale, the Clerk should approach the case officer as soon as possible to explain the delay. (See contact details at the end of this document)*
- 2.10.9 *Failure to request an extension of time could result in a planning application being determined under our Scheme of Delegation without a response being received from the T or CC.*
- 2.10.10 *The more contentious applications can generate substantial officer reports. Therefore we would ask that responses are concise and relevant to the local issues as all policy issues will be thoroughly reported by the case officer. This will ensure that issues are not duplicated and reports are more reader friendly.*
- 2.10.11 *Should the Clerk feel that there are substantial concerns regarding an application, early contact with the case officer should be made by the Clerk in order to discuss the issues. The Clerk could obtain the view of the case officer and whether the case will be dealt with under the Scheme of Delegation or at Planning Committee. If this is the case, the Clerk may feel that a slot should be requested for someone to address the issues at Planning Committee.*

- 2.10.12 *On receipt of the Committee item list, the Clerk should circulate the document to its Members. This will ensure that contact can be made at the earliest opportunity in case any of the Members wish to address the committee in accordance with our Protocol on Public Speaking at Planning Committee.*

3. AFTER A DECISION HAS BEEN MADE

- 3.1 The case officers will ensure that the appropriate T or CCs are consulted on any relevant 'approval of conditions', either on request or due to the significance of the issue.

What the Town and Community Council can expect from Denbighshire

- 3.1.1 *We will send copies of all relevant decision certificates to the T or CC which will list conditions which have been imposed on the planning applications.*

Should the Planning Application case officer receive documentation seeking to discharge a previously imposed condition which is likely to affect the local community, a consultation will be carried out with the T or CC. This will give the T or CC 14 days in which to make comments on these details.

What Denbighshire would like from the Town or Community Council

- 3.1.2 *Although there is no strict time limit on approval of conditions, we aim to approve as soon as possible therefore a prompt response is appreciated.*
- 3.1.3 *We would expect the Clerk to bring all decision notices to the attention of their members to ensure that any conditions which may affect local issues can be highlighted with the relevant case officer. This will ensure that the T or CC can be contacted or consulted when documentation is received to approve the relevant condition.*

4. TOWN AND COMMUNITY COUNCIL TRAINING ON PLANNING MATTERS

- 4.1 We will aim to bring the Council closer to the community by providing regular training/liaison sessions with the T or CC. This will allow two way engagement and provide the T or CCs and the Council with a better understanding of the challenges that each face when considering planning applications.

What the Town and Community Council can expect from Denbighshire

- 4.1.1 *We will provide four training sessions per year. Each of the sessions will be located in different locations throughout the County to allow access for all.*
- 4.1.2 *Should any Town or Community Council feel that they would benefit from training on a particular subject which affects their local area, we will endeavour to provide that training outside the four scheduled sessions.*
- 4.1.3 *Requests for Senior Officers from the Development Control and Compliance Team to attend any Town and Community Council planning meetings will be accommodated where feasible.*

What Denbighshire would like from the Town or Community Council

- 4.1.4 *We usually suggest that the sessions are limited to the Clerk and maybe one other member of the T or CC. However, should the Clerk not be able to attend, we are more than happy for an alternative Member to attend on their behalf. These sessions are for the benefit of the T & CCs. Your attendance and feedback is valuable in helping us to provide a better service.*

5. MONITORING OF DEVELOPMENT AND REPORTING OF BREACHES OF PLANNING CONTROL

- 5.1 Once permission has been given for a type of development there may be certain planning conditions or legal agreements which require monitoring to ensure the development proceeds as approved. We are a small team and whilst we will always endeavour to monitor major schemes it may not always be possible to monitor all development sites. The aim is that better communication between the Council and T & CCs will enable better monitoring of sites. Planning also have a role in the investigation of possible breaches of planning control (i.e. someone doing something without planning permission). Again, better liaison with T & CCs can assist in this process as T & CCs will often be able to flag such breaches up before the Council becomes aware of them.

What the Town and Community Council can expect from Denbighshire

- 5.1.1 *We will provide copy decision notices to all the relevant Town or Community Councils to ensure that the local community is fully aware of the conditions imposed by the Local Authority on certain planning consents.*
- 5.1.2 *The Planning Compliance section will investigate all breaches identified by the T & CCs having regard to resources and priorities at the time of the investigation and will provide feedback on their findings.*

What Denbighshire would like from the Town or Community Council

- 5.1.3 *The T or CC can often be the eyes and ears of the Development Control and Compliance Team. Any potential breaches of planning control or non-compliance with planning permissions should be reported in writing to the team (see contact details).*
- 5.2 Where development does not proceed on site despite having the benefit of planning permission this can often result in a visual blight on the community.
- 5.3 The Council will work with the landowner/developer and the T & CC to ensure the site remains visually acceptable in the short to medium term or until the development can be progressed. Relevant Enforcement action will be progressed where it can be proved that significant harm is being caused by the appearance of the development.

What the Town and Community Council can expect from Denbighshire

- 5.3.1 *We will investigate all options available to the team to try and mitigate the situation. There are limited powers of enforcement in situations where permission has been given but not fully implemented. However, the team will liaise with the developer to try to seek a mutual resolution and keep the local T or CC updated on the necessary course of action.*

What Denbighshire would like from the Town or Community Council

- 5.3.2 *The early reporting of possible negative impacts from a site or building on the community would enable the Development Control and Compliance Team to formulate an action plan to deal with this potential harm. Contact should be made with one of the Planning Compliance Officers. Contact details are listed below.*

6. THE PLANNING APPEAL PROCESS

- 6.1 In most cases* within 6 months of the refusal of planning permission an applicant has the right to appeal the decision. This appeal can be made to the Planning Inspectorate and may take the form of an exchange of written statements, an informal hearing or a public inquiry. The T&CC would have made representations on the original planning application and, dependent on the nature of the proposed development, may wish to take an active role in the planning appeal process. Local issues which may have been crucial in the formulating of the refusal will, no doubt, be relevant in the planning appeal process. Planning Inspectors will often take heed of the comments of the T&CC during a planning appeal and in order to make a comprehensive defence of the Council's decision it is important that the Council and T&CC liaison is managed properly.

What the Town and Community Council can expect from Denbighshire.

- 6.1.1 *We will contact the relevant T&CC to let them know a planning appeal has been received enclosing the relevant decision notice.*
- 6.1.2 *Should the relevant T&CC wish to be involved within the planning appeal process the appeal case officer will involve them in pre-appeal meetings and send them any relevant documents and statements pertaining to the case. A representative of the T&CC may then attend the planning appeal giving appropriate evidence where necessary in the defence of the Council's case.*

What Denbighshire would like from the T&CC

- 6.1.3 *Should the T&CC feel they wish to be heard at a planning appeal they should ensure contact is made with the case officer once they receive notification that an appeal has been lodged. The T&CC should be guided by the case officer as to how best they may support the Council's case highlighting what specific evidence may be required. The T&CC may wish to write to the Planning Inspectorate in order to defend the reason(s) for refusal.*
- 6.2 The involvement of the T&CC in a planning appeal, if managed appropriately, can greatly enhance the Council's case and enable a Planning Inspector to get valid and up to date local information pertaining to the case. The Council would encourage involvement where appropriate and would aim to assist the T&CC in getting involved.

PLANNING AND PUBLIC PROTECTION



PLEASE NOTE:

- a) Statutory time scales: The National target set by the Welsh Assembly Government is for all Councils to determine planning applications within 8 weeks. The consultation period is set at 2 weeks but we in Denbighshire do not consider this timescale to be realistic therefore have extended it to three weeks.

When we consult on planning applications, we contact many organisations/bodies, as well as T & CCs, for example highways department, Environment Agency, neighbours etc and everyone's feedback will be considered before determining an application.

- b) We would fully encourage and support any T or CC in receiving their consultations via electronic means as this can speed up the process and is the most cost effective and efficient way of carrying out the consultation process. Please feel free to contact us should you wish to consider electronic consultations.
- c) The most efficient and cost effective way of sending responses back to the Council would be via e-mail through our general e-mail address planning@denbighshire.gov.uk
- d) Any changes in personnel or addresses should be reported as soon as possible. Having up to date details will ensure accuracy with consultation and communication.
- Scheme of Delegation – Sets out when an officer is able to determine an application and when it has to go to Planning Committee

Contact Details:

Development Control & Compliance, Caledfryn, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ
Tel : 01824 706727 Fax : 01824 706709
E-mail : planning@denbighshire.gov.uk
Website : <http://planning.denbighshire.gov.uk/portal/>

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REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEM FOR PLANNING COMMITTEE
HOUSEHOLDER APPEALS SERVICE (HAS) PILOT

1. PURPOSE OF REPORT

To inform Members that a pilot scheme has been introduced by the Planning Inspectorate in Wales (PINS) relating to householder planning appeals. The report will provide some brief background information for Members on the appeals process and how this new pilot will affect those using it.

2. BACKGROUND

Householder planning applications are those proposals which relate to alterations or extensions to residential dwellings. Should the Council choose to refuse to grant planning permission for such planning applications then the applicant has a right of appeal to PINS within 6 months of the decision.

Prior to this HAS pilot being started such a Householder appeal would have to follow the same procedural route as any other planning appeal. The options for an appellant would be to appeal by means of the written representation, informal hearing or public inquiry procedure.

Based on the Planning White Paper – Planning for a Sustainable Future the Government set out its aims to make the planning system proportionate and customer focussed. Part of this was to develop a more efficient appeals service. In 2007/08 Householder appeals made up 33% of all the appeal decisions in Wales.

Key Features of the Pilot

Based on the drive to increase electronic working the pilot will incorporate the following features.

- **12 week as opposed to 6 months time to lodge a Householder appeal**
- **written procedure will be used in all cases based only on the material submitted with the application and the grounds of appeal**
- **documents submitted electronically**
- **interested parties representations made at application stage will be forwarded by the Local Planning Authority to PINS**
- **no opportunity for further representations**

- **unaccompanied site visit by an Inspector**

It should be noted that during this pilot Householder appeals which are received after the 12 week deadline but before the 6 months deadline will still be accepted. However, it is anticipated that the 12 week period to appeal will be adopted once the pilot has ended.

In essence the pilot is an attempt to speed up the appeals process for householders who may have seen their proposed extension or householder development turned down by the Local Planning Authority (LPA). A decision should be made by an Inspector within 8 weeks of the appeal being made. Effectively, the LPA will only have to send their application assessment report (committee/delegated report) and other documents (submitted plans, policies etc) used during the determination of the application. These can be sent electronically. It will cut out the need to send a further appeal statement, undertake a hearing or attend a site visit with an Inspector.

The process has clear advantages for the applicants/appellants in getting quicker decisions. It will have clear advantages for the LPA in terms of them being able to rely upon their initial assessment, reports and the ability to fully use electronic means to submit documents.

3. RECOMMENDATION

That Members make note of the contents of this report. Further information on the pilot is available should Members require it with new appeal forms, guidance notes and questionnaires available on request. Please contact Paul Mead, Development Control Manager (6712) for further guidance.