

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 1af Medi 2010**  
**Eitem: 2**

**PLANNING COMMITTEE**  
**MEETING – 1<sup>st</sup> September 2010**  
**Agenda Item: 2**

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

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

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

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

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

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED**  
**DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE**  
**PLANNING AND COMPENSATION ACT 1991**  
**TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994**  
**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)**  
**ACT 1990**  
**APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE  
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**ITEM NO:** 1

**WARD NO:** Rhyl South East

**APPLICATION NO:** 45/2010/0522/ PF

**PROPOSAL:** Erection of extension to and conversion of garage to living accommodation and erection of first-floor pitched-roof extension above, at side of dwelling

**LOCATION:** 73 Maes Y Gog Rhyl

**APPLICANT:** Mr S C Evans

**CONSTRAINTS:** Section 106

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

**CONSULTATION RESPONSES:**  
RHYL TOWN COUNCIL  
"Object due to the impact on the neighbouring property"

**RESPONSE TO PUBLICITY:**  
None

**EXPIRY DATE OF APPLICATION: 20/06/2010**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of a first floor pitched roof side extension on top of an existing garage at 73 Maes y Gog, Rhyl. As part of the scheme, the garage would be converted into a living room with a utility room to the rear.
- 1.1.2 The extension would raise the ridge height to 7 metres, with a footprint of 7.3m by 2.6m. No windows are proposed on the side elevation, with windows to the front and rear elevation only. External materials proposed include facing brick, roof tiles and windows to match the style on the existing dwelling.

1.2 Description of site and surroundings

- 1.2.1 The site is surrounded by residential units of similar composition to the north and south. No.71, the house which the side extension would face, has one small frosted window facing the site. The rear garden is bounded by wooden panel fencing on all sides which measure to an approximate height of 1.8m.
- 1.2.2 Similar extensions have been added to dwellings in close proximity.

1.3 Relevant planning constraints/considerations

- 1.3.1 None

1.4 Relevant planning history

- 1.4.1 Applications for two storey extensions at adjacent properties, no.75 and 77 Maes y Gog, have been granted planning permission in the past. Details of these applications are contained below.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 The application was deferred from the August Planning Committee due to a dispute over whether the eaves of the extension would overhang no.71's curtilage. Following a letter from the agent, and a site visit, it has been established that the existing side wall of the existing garage is 15cm from the boundary wall, with the eaves protruding 15cm. The agent has confirmed that the extension is within the curtilage of no.73 and that the roof overhang will be reduced to 12.5cm to overcome any dispute.

**2. DETAILS OF PLANNING HISTORY:**

2.1.1 45/2009/0526, Erection of two storey pitched roof extension to side and single storey extension to rear of dwelling, 75 Maes y Gog, granted under delegated powers, 18.06.09

2.1.2 45/2005/0897, Erection of two storey extension at side and single-storey extension for garage & construction of additional vehicular access, 77 Maes y Gog, granted under delegated powers, 15.09.05

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 6 Development control requirements

Policy HSG 12- Extensions to dwellings

3.2 Supplementary Planning Guidance

SPG No.1 Extensions to dwellings

SPG No.24 Householder development design guide

**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 dwelling 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 section.

4.2.2 Detailed design and impacts

- *Scale and form*

The scale and form of the extension is subordinate to the existing dwelling. The ridge height of the extension would be below that of the existing main ridge and therefore follows best practice outlined in SPG no.1.

- *Design and materials*

The design of the extension is in keeping with the existing house, and materials proposed are to match the existing dwelling.

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

The extension is considered to be of an acceptable scale, and appropriate design, with matching materials and hence is not considered likely to materially harm the visual appearance of the existing house.

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

The comments from Rhyl Town Council are acknowledged. However, it is not considered the extension would materially harm the residential amenity of adjacent occupiers to the extent which would warrant a refusal. Visually, it is not considered the proposal would materially harm the visual appearance of the surrounding area. A 0.86m gap between the walls of no's 71 and 73 would still remain. Identical first floor extensions at no's 75 and 77 have been approved and built, with no visual harm to the surrounding area occurring as a result.

*- Overdevelopment of the site*

The extension is at first floor level and the proposal is not considered to constitute overdevelopment.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 It is considered the proposal meets the relevant policy requirements, and is therefore recommended for approval.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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.

## **NOTES TO APPLICANT:**

None

**ITEM NO:** 2

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 01/2010/0138/ PF

**PROPOSAL:** Conversion of existing outbuildings to form 2 no. dwellings, installation of 2 package treatment plants and construction of new vehicular access

**LOCATION:** Outbuildings at Glanmeirchion Denbigh

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:** PROW

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

**CONSULTATION RESPONSES:**

DENBIGH TOWN COUNCIL  
No objection.

COUNTRYSIDE COUNCIL FOR WALES (CCW)  
No objection.

CLWYD POWYS ARCHAEOLOGICAL TRUST  
No objection, subject to the submission of a photo survey for archaeological records.

WELSH WATER, DWR CYMRU  
No objection.

DCC CONSULTEE RESPONSES  
BIODIVERSITY OFFICER  
No objection, subject to notes to Applicant.

BUILDING CONTROL OFFICER  
Building is capable of conversion.

HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 13/09/2010**

**REASONS FOR DELAY IN DECISION (where applicable):**

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

**PLANNING ASSESSMENT:**

## **1. THE PROPOSAL:**

### 1.1 Summary of proposals

- 1.1.1 The proposal is for the conversion of an outbuilding at Glanmeirchion Farm. The conversion proposes two no. 3 bedroom dwellings with integral garages. Alterations proposed to facilitate the conversion would be the re-roofing of the building and internal remodelling.
- 1.1.2 The former farm-yard is proposed to be divided to provide separate amenity space and parking and turning for both units. Vehicular access is as existing, as there are two access points, each dwelling would benefit from its own access.
- 1.1.3 The application is accompanied by a detailed structural report and design and access statement (DAS), which comments on the adequacy and suitability of the outbuilding for the scheme of conversion. The DAS also refers to the unsuitability of the buildings for employment use.

### 1.2 Description of site and surroundings

- 1.2.1 Sited on a former agricultural complex located to the west of Denbigh, the former outbuildings are located to the west side of Glanmeirchion farmhouse, which is currently unoccupied. Opposite the application site is a dwelling and farm, known as Crebana Farm.
- 1.2.2 Access to the site is off the northern side of the A543 Denbigh to Groes Road. The site is approximately 400m off the A543, served by an un-adopted road, which is also a public footpath.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, outside of any defined development boundary.

### 1.4 Relevant planning history

- 1.4.1 None.

### 1.5 Developments/changes since the original submission

- 1.5.1 The application has been amended on the advice of Officers since its original submission, the amendment consisted of the addition of protected species mitigation measures, as Bats were found in the proximity of the building.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 None

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- Policy GEN 3 – Development outside development boundaries
- Policy GEN 6 – Development Control Requirements
- Policy HSG 9 – Residential conversion of rural buildings to dwellings
- Policy ENV 6 – Species Protection

### **3.2 Supplementary Planning Guidance**

- Supplementary Planning Guidance Note No. 16 – Conversion of Rural Buildings

### **3.3 GOVERNMENT GUIDANCE**

- Planning Policy Wales March 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 and landscape impact
- 4.1.3 Residential Amenity
- 4.1.4 Highways Safety
- 4.1.5 Ecological Impact

4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

Policy GEN 3 relates to development outside development boundaries and states that residential development will not be permitted apart from some exceptions, the most relevant being the conversion and reuse of vacant rural buildings. Policy HSG 9 of the adopted Unitary Development Plan, relates specifically to the residential conversion of rural buildings to dwellings. This policy allows for the conversion of rural buildings where the building is structurally sound and capable of conversion without major or complete reconstruction. SPG 16 provides further advice on these requirements and states that buildings should not be so derelict that they could only be brought into use by substantial rebuilding.

In terms of Policy HSG 9 the DAS refers to the business use, although policy no longer requires a marketing test to be carried out, reference is made to the unsuitability of the buildings for employment uses. The building is considered to be structurally sound and capable of conversion. The conversion will not have an unacceptable impact on the character of the building and the character and appearance of the countryside; it is located in close proximity to the existing farmhouse and has an adequate curtilage with suitable boundary treatments.

##### 4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is GEN 6, policy HSG 9 also refers to the character of the buildings and area. In terms of visual appearance, the proposal will retain the scale and form of the building with minimal alterations to facilitate the conversion, which is in line with the general thrust of policy HSG 9.

The most notable alteration is the removal of the asbestos roof and its replacement with slate. This would be keeping with surrounding buildings and is not uncommon in conversion schemes. It is considered that the sympathetic conversion would preserve the building from further degradation that complies with Policy HSG 9.

##### 4.2.3 Residential Amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development; policy HSG 9 also refers to amenity impacts. The proposal will not impact on the privacy and amenity of the occupiers of the farmhouse or adjacent occupiers owing to siting and spacing. Although windows are proposed to the rear of the outbuilding face the existing dwelling, these are ground floor windows, which could be screened with appropriate planting or a fence. There is a substantial amount of amenity space proposed for both dwellings.

##### 4.2.4 Highways

Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable effect on the local highway network. No alterations are proposed to the existing access points and parking will be provided on site. The public right of way on the adjacent footpath will not be affected and a note will be attached to ensure it is not obstructed when works commence.



#### 4.2.5 Ecological impact

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development. A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats in the outbuilding although bats were present in the surrounding area. Birds were found to nest in the building.

In considering the grant of planning permission the LPA must consider whether the disturbance of the protected specie is required for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment." It is noted that adequate mitigation methods for bats and birds have been proposed and agreed with CCW and the county councils bio-diversity officer, so that if development were permitted, it would not be detrimental to the maintenance of the population species concerned. The proposal is considered to meet the Habitat Regs 3 tests. It is considered that these issues would be suitably controlled through the licensing process if considered necessary.

### 5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered acceptable under the terms of the relevant policies therefore recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. The proposed roof lights shown on the approved drawings shall not project above the plane of the existing roof.
4. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
5. **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.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.
7. All screen walls shown in the landscaping plans for the dwellings shall be erected

before the dwellings are occupied or completed whichever is the sooner.

**8. PRE-COMMENCEMENT CONDITION**

Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).

9. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure that the development presents a satisfactory appearance
4. In the interests of visual amenity.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. In the interests of residential and visual amenity.
8. In the interests of investigation and recording of historic/listed buildings.
9. In the interests of residential and/or visual amenity.

**NOTES TO APPLICANT:**

You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of building works.

You are advised that the Local Planning Authority has granted this permission solely on the basis that the proposal involves the conversion of the building to a dwelling, to be carried out strictly in accordance with the approved plans. Any alteration or demolition work deviating from that shown on the approved plans, unless agreed by the Local Planning Authority, involving the rebuilding of part or all of the outbuilding will invalidate the planning permission.

The Biodiversity Officer had advised your attention should be drawn to the following:

Please ensure the recommendations in addendum species surveys are incorporated, these relate to the installation of bat and bird friendly features into the conversion as a positive conservation measure.

As birds nests were recorded, all work should be scheduled to avoid the bird nesting season (March to September) and compensation for lost nests will need to be provided within the conversion.

**ITEM NO:** 3

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2010/0577/ PF

**PROPOSAL:** Erection of a 10kw turbine on a 15m tower

**LOCATION:** Rhiwlas Isa Prion Denbigh

**APPLICANT:** Mr Gwyndaf Evans

**CONSTRAINTS:** None

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

**CONSULTATION RESPONSES:**

LLANRHAEADR COMMUNITY COUNCIL:

“The Members of Llanrhaeadr Community Council are opposed to the development as they feel that the proposed wind turbine will be placed within the community (Properties) and there are properties too near to the wind turbine and the turbine is too big for the local area which would cause noise and visual pollution”

MINISTRY OF DEFENCE:

No objection.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 06/07/2010**

**REASONS FOR DELAY IN DECISION (where applicable):**

- additional information required from applicant

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of a 15KW wind turbine on a 15m high tower, at Rhiwlas Isa, Prion.
- 1.1.2 The length from the hub to the blade tip would be 4.8m, giving a total height of 19.75m finished in a dull grey, with the blades being finished in white.
- 1.1.3 The turbine would be connected to the national grid via the applicant's consumer unit located at Rhiwlas Isa. A cable would connect the turbine to the consumer unit, and it would be trenched at a depth of 0.6m and will follow a direct and least disruptive route across the fields in the applicant's ownership.

1.1.4 The turbine would be located 240 metres west of Rhiwlas Isa and 100 metres north of Accar Las.

1.2 Description of site and surroundings

1.2.1 The site is located in open countryside, with the turbine being some 40 metres into the field. To the south of the site, the field is bounded by mature hedgerows, trees and road. The plans/photos to the front of the report show the proposed turbine in the context of its surroundings.

1.3 Relevant planning constraints/considerations

1.3.1 None.

1.4 Relevant planning history

1.4.1 None

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 None

**3. RELEVANT POLICIES AND GUIDANCE:**

3.1 The main planning policies and guidance are considered to be:  
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy STRAT 2 Energy  
Policy GEN 6 Development Control Requirements  
Policy ENV 6 Species protection  
Policy MEW 8 Renewable Energy  
Policy MEW 10 Wind Power

3.2 GOVERNMENT GUIDANCE

TAN 8: Renewable Energy  
Planning Policy Wales (July 2010)

**4 MAIN PLANNING CONSIDERATIONS:**

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

- 4.2.1 Principle
- 4.2.2 Impact upon visual amenity
- 4.2.3 Impact on residential amenity
- 4.2.4 Ecology

4.3 In relation to the main planning considerations:

4.3.1 Principle

The relevant policies for this type of development are considered to be, STRAT 2, GEN 6, ENV 2, MEW 8 and MEW 10. These policies are discussed below.

STRAT 2 states that development of clean and renewable energy sources will be permitted so far as they are compatible with the Plan's policies. GEN 6 refers to the general development control requirements and applies to most developments. The criteria of most relevance are the following; ii) relating to the effect of development on the form and character of

surrounding landscape, iii) the effect on prominent views into, out of, or across any area of open countryside, v) the impact on residential amenity and iv) incorporating existing landscape features and taking account of site contours and changes in levels and avoids prominent skylines.. MEW 8 states that development that captures energy from natural or sustainable sources will be supported in principle as far as is compatible with other plan policies. MEW 10 relates specifically to wind turbine developments and includes a raft of criteria to safeguard the amenity of the area. Provision is also made in this policy for removal of plant, equipment and ancillary structures and the restoration of land following a cessation of use.

#### 4.3.2 Impact on visual amenity

Policy MEW 10 and GEN 6 seek to ensure that proposals for wind turbines do not unacceptably harm the visual amenity of the locality. The turbine would be sited in a relatively open location, approx 250m from Rhiwlas Isa. It would be located at the top of a sloped field 40 metres from the highway. The land where the turbine is to be located is at a lower level than the road as the land slopes steeply downwards from the road in a northerly direction. Whilst the turbine would be visible from various vantage points, the majority would only offer a long distance view of the turbine. The nearest vantage point would be the highway 40 metres to the south of the site. The boundary of the field in this location is of mature hedgerows and mature trees, which would to an extent, screen the turbine. The turbine would be a dull grey in colour and its impact will be diminished by the distances involved. It is therefore considered, that the proposal would not result in a substantive harm to the character or appearance of the area.

#### 4.3.3 Impact on residential amenity

Policy MEW 10 and GEN 6 seek to ensure that proposals for wind turbines do not harm the residential amenity of the locality. Particular consideration should be given to noise levels and shadow flicker. Information submitted as part of the application indicates that the noise level generated by the proposed turbine would not exceed 45db at 50m from its base. The wind turbine is located 100m away from the nearest dwelling. Given the distance involved it is considered that the noise generated by the wind turbine would be below the general back ground noise level of the area and so would be unlikely to have a significant impact upon the amenity of the neighbouring dwelling. The siting of the turbine in relation to the neighbouring dwelling is such that it is unlikely to result in shadow flicker. It is considered that the proposal accords with policy GEN 6 part v) and MEW 10 as it is unlikely to result in harm to the residential amenity of the area.

#### 4.3.4 Ecology

Policy ENV 6 seeks to ensure that development which would unacceptable harm species given special protection by law are not permitted. The turbine would be located some 40 metres from the site boundary and is a small scale proposal. The application highlights the views of the RSPB, research by Natural England, English Nature, WWF-UK and the British Wind Energy Association that suggest bats and birds are unlikely to be affected by proposals of this scale. It is not considered therefore, that the proposal would unacceptably harm any protected species or surrounding wildlife. It is therefore considered the proposal meets the requirements of policy ENV 6.

## 5 **SUMMARY AND CONCLUSIONS:**

- 5.1 The proposal complies with planning policy and it is therefore recommended that permission be granted

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The structures hereby permitted shall be removed from the site and the land restored to its former condition in the event that the development ceases use or is non-operational for a continuous period of 6 months.
3. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development the precise details of the finish and colour of the turbine, including the blades, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 28/2009/1286/ PC

**PROPOSAL:** Retention of timber fence to front and side boundaries of dwelling at height varying from 0.8m to 1.75m

**LOCATION:** 46 Bryntirion Henllan Denbigh

**APPLICANT:** Mr Colin Pritchard

**CONSTRAINTS:** Conservation Area

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

**CONSULTATION RESPONSES:**

HENLLAN COMMUNITY COUNCIL  
No objections

DCC CONSULTEE RESPONSES  
HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objections

CONSERVATION ARCHITECT  
Object to the application. *"The style and appearance of the fence is more appropriate to less obtrusive locations in an urban setting, where the impact is less visible. The regimented appearance, colour, style and extent of fencing is unacceptable in this location. It detrimentally affects the view into Henllan Conservation Area. It does not respect the locale in terms of design, materials and aspect."*

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 27/12/2009**

**REASONS FOR DELAY IN DECISION (where applicable):**

- previous deferral by officers for further assessment
- additional information required from applicant
- protracted negotiations

**PLANNING ASSESSMENT:****1. THE PROPOSAL:**1.1 Summary of proposals

- 1.1.1 Retrospective planning permission is sought for the retention of a timber fence adjacent to a highway (Denbigh Street), Henllan. The wooden panel fence bounds 46 Bryn Tirion at a height of 1.75m adjacent Denbigh Street, before tapering off to a height of 0.8m opposite Bryn Tirion.

1.2 Description of site and surroundings

- 1.2.1 The dwelling is on a prominent corner plot as you enter the Bryn Tirion estate. Properties at Bryn Tirion are characteristically open plan to the front, with the

estate being generally open in nature. Fences above 1m in height are also evident further up the road, namely at 1 Maes-y- Efail and 20 Maes-y-Efail.

1.3 Relevant planning constraints/considerations

1.3.1 The site is adjacent to the Henllan Conservation Area.

1.4 Developments/changes since the original submission

1.4.1 None

1.5 Other relevant background information

1.5.1 It has been suggested to the applicant that should the fencing be sculpted and stained, or set back further from the adjoining highway with vegetation to the front, then the proposal would overcome officer concerns. The applicant has not agreed to such amendments.

1.5.2 The applicant has sent a detailed letter in support of the fence explaining that the height is needed to ensure privacy and to stop litter being dropped into his garden. The applicant also points to nearby fences which adjoin a highway and do not benefit from planning permission and states that he is willing to stain the fence but not reduce its height or change its design.

**2. DETAILS OF PLANNING HISTORY:**

2.1 39/9946

Proposed erection of a boundary fence (in retrospect), 46 Bryntirion approved 3<sup>rd</sup> February 1989. This application was for a 5 foot high fence (1.52m) reducing in height to 3 foot (0.91m) towards Bryn Tirion Junction. This fence was a 13m section adjacent to Denbigh Street. The existing fence exceeds the 1989 application both in length and height.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 6- Development control requirements

Policy CON 6- Development adjacent to Conservation Areas

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales edition 3, (July 2010).

Manual for Streets (2007)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Impact on highway safety

4.1.2 Visual impact/impact on adjacent conservation area

4.2 In relation to the main planning considerations:

4.2.1 Impact on highway safety

Policy GEN 6 part vii) ensures that development does not unacceptably harm the local highway network. The Highway Authority are satisfied that the proposal would not harm surrounding road users by way of impairing visibility. The proposal therefore accords with policy GEN 6 part vii).

4.2.2 Visual impact/impact on adjacent conservation area

Policy CON 6 seeks to ensure that development does not detrimentally affect important views into and out of the conservation area. Policy GEN 6 parts i), and part ii) and iii) seek to ensure that development respects the site, surrounding area, and prominent views into or out of village areas. It is considered the fence is an obtrusive form of development which serves to



harm the surrounding street scene. The conservation architect also shares similar concerns and considers that the fence would visually harm the adjacent conservation area. The fact that two nearby dwellings have fences above 1m next to the highway has been brought to the attention of the Planning Enforcement section who will investigate these matters further. It should be noted that these fences sit in a less prominent position, are sculpted/stained, and are not adjacent to a conservation area. The proposal therefore conflicts with policy CON 6, and GEN 6 parts i), and ii) and iii).

4.2.3 Notwithstanding the permission granted in 1989, the current fence is both longer and higher, and is assessed against more up to date policy.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal fails to meet the requirements of policy GEN 6 parts i), ii) and iii) and policy CON 6 of the adopted Unitary Development Plan. The proposal is therefore recommended to be refused planning permission.

**RECOMMENDATION: REFUSE** - for the following reason:-

The reason is :-

1. The fence by virtue of its height, design, construction material/finish and siting adjacent to the public highway in a prominent corner plot adjacent the Henllan Conservation area, is considered to be an obtrusive form of development which is harmful to the appearance of the locality and adjoining conservation area and contrary to planning policy CON 6, and GEN 6 'Development Control Requirements' criteria i) and ii) of the adopted Denbighshire Unitary Development Plan and guidance as contained in Planning Policy Wales Edition 3(July 2010), Manual for Streets (2007) and TAN 12 'Design'.

**NOTES TO APPLICANT:**

None

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2010/00042

**LOCATION:** 46 Bryntirion, Henllan, Denbigh

**INFRINGEMENT:** Unauthorised Development - erection of fencing in excess of one metre in height adjacent to highway

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

#### DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6	-	Development Control Requirements
Supplementary Planning Guidance Note 2	-	Landscaping

#### GOVERNMENT GUIDANCE

Planning Policy (Wales) – 2002

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

#### HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against breaches of planning control. In this instance the matter under consideration is whether the owner of land has a right to erect a boundary fence in excess of one metre in height adjacent to a highway, which would require planning permission, without the required Local Planning Authority approval. The general public interest outweighs any rights claimed by the land owner in this case. No specific human rights issues have been raised by the land owner or any other interested party.

## **1. BACKGROUND INFORMATION**

- 1.1 The property known as 46 Bryntirion, Henllan, Denbigh, is a substantial two storey dwelling house situated on a corner plot at the junction of Bryntirion with Denbigh Street in Henllan. The property lies adjacent to the Henllan Conservation Area; the property boundary meeting the Conservation Area boundary at one point.
- 1.2 On the 6 August 2009, a Planning Compliance Officer undertook a site visit to 46 Bryntirion, Henllan, when it was revealed that boundary fencing in excess of one metre in height had been erected adjacent to the highways of Bryntirion and Denbigh Street. At its maximum height facing Denbigh Street the fencing attains a height of 1.75 metres, before reducing to a height of 0.8 metres adjacent to the vehicle access to the property in Bryntirion.
- 1.3 Research into the planning history to this site reveals that no planning permission exists in respect of the existing fence. However, planning permission was granted in 1989 for the erection of a boundary fence situated on the Denbigh Street boundary and extending to a length of 13 metres, (code 39/9946 refers). The approved fence

had a maximum height of 1.52 metres (5 feet) reducing to a height of 0.91 metres (3 feet). The existing fence exceeds that approved both in length and height.

- 1.4 On the 11 September 2009, a letter was forwarded to the property owner outlining the breach of planning control. The letter advised that should the owner wish to retain the fence at its current height, then planning permission would be required.
- 1.5 On the 6 October 2009, the owner submitted an application for planning permission to retain the fence in its existing dimensions and design. The application was validated on 2 November 2009, (code 28/2009/1286/PC refers).
- 1.6 Subsequent negotiation between the Planning Officer and applicant failed to result in an acceptable proposal in relation to the fencing height or design; therefore the recommendation is for refusal.

## **2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

- 2.1 The development has been undertaken within the last 4 years.
- 2.2 In this particular case the fencing in question is governed by Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995. This states that any boundary treatment, such as a wall or fence, adjacent to a highway, must not exceed one metre in height. Any wall or fence exceeding this height limit requires planning permission.
- 2.3 The scale and design of the existing fence does not conform to the character of the area and does not respect the site and surroundings and is therefore contrary to Policy GEN 6 (i) and SPG Note 2.
- 2.4 The property owner refuses to voluntarily amend the scale and design of the fence.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
  - (i) Serve an Enforcement Notice to secure the removal of the unauthorised fence.
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
  - (iii) Period for compliance 3 months.

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**Eitem: 3**

**PLANNING COMMITTEE**  
**MEETING: 1st September 2010**  
**Agenda Item: 3**

### **ENFORCEMENT MATTERS**

**REFERENCE:** ENF/2010/00059

**LOCATION:** Land Adjoining Nant yr Hafod Llandegla

**INFRINGEMENT:** Unauthorised use of land for storage of Static caravan  
and derelict Land Rover

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2010/00059  
C17/2010/00191

**LOCATION:** Land Adjoining Nant Yr Hafod, Llandegla.

**INFRINGEMENT:** Unauthorised Use of Land for Storage of Static Caravan and derelict Land rover.

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

#### **DENBIGHSHIRE UNITARY DEVELOPMENT PLAN**

Policy GEN 3 – Development Outside Development Boundaries  
Policy GEN 6 – Development Control Requirements  
Policy ENV 2 – Area of Outstanding Beauty (AOB)

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)  
Technical Advice Note 9 (Wales) : 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, without authorisation from the Local Planning Authority, to change the use of land for the unauthorised storage of a caravan and derelict land rover.

The rights of an owner in this situation do not outweigh the rights of the Local Planning Authority to protect the amenity of the area.

### **1. BACKGROUND INFORMATION**

- 1.1 The land is located to the south-east of a loose scattering of properties, outside the development boundary, some 1km from the village of Llandegla. It lies within an Area of Outstanding Beauty (AOB) as defined within the Denbighshire Unitary Development Plan.
- 1.2 The southern boundary of the site is defined by a small stream and the northern boundary by a public footpath, which forms part of the Offa's Dyke trail. The public highway leading to the A525 runs alongside the western boundary and a public bridleway crosses the land.

- 1.3 The land was originally an informal garden, which was part of the property known as Nant yr Hafod. Application had been sought to erect a detached dwelling on this part of the property, but it was refused on 15 June 2004 and a subsequent appeal was dismissed on 01 April 2005. Following the sale of Nant yr Hafod in 2007, the land which is the subject of this report, was retained.
- 1.4 On 16 April 2010, a complaint was made to an Enforcement Officer that a static caravan had been sited on the land around July 2008. The caravan contained a sign in the window with 'Llety heno' written on it. A derelict land rover was also stored on the land and neighbours were concerned that there was no sign of such use ceasing.
- 1.5 The fact that the unauthorised storage constituted a breach of planning control was brought to the attention of the landowner by letter on 5 May 2010. He was requested to make arrangements to address the breach. He responded that he was referring the matter to Walker Smith Way solicitors.
- 1.6 A letter was written to his solicitors explaining that their client's retained land did not benefit from permitted development rights and therefore using the land for the unauthorised purpose of storage, constituted a breach of planning control. Removal was requested by the end of May 2010. No response was received from the solicitors.
- 1.7 Despite further correspondence with the owner and an offer for the deadline for removal of items stored there to be extended to 5 July 2010, the storage use continued. The owner was therefore informed in a letter dated 20 July 2010, that the breach of planning control would be reported to the Planning Committee scheduled to meet on 1 September 2010, with a view to obtaining authorisation to serve an Enforcement Notice, requiring cessation of use of the land for unauthorised storage purposes and for the removal of the caravan and land rover.

## 2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The land which is the subject of this report does not benefit from permitted development rights under The Town and Country Planning (General Permitted Development) Order 1995, as it does not form part of the residential property known as Nant yr Hafod, which has been in separate ownership since 2007. The aforementioned legislation would only allow the incidental siting of such structures where it was clearly connected to and incidental to the enjoyment of the dwelling. As the dwelling is no longer associated with this land the use thereof cannot be considered incidental to it.
- 2.2 The use cannot be regularised by submission of a retrospective planning application, as such use of land is contrary to policies contained within the adopted Denbighshire Unitary Development Plan 1996 and advice contained within Planning Policy Wales (2002). In this particular case, the main planning policy considerations relate to the principles of development, visual and landscape impact and residential amenity :-
- (i) **Principle – Policy GEN3** only permits development outside development boundaries in exceptional situations. The storage of a static caravan and derelict land rover on this piece of land would not fit within any exception contained within this policy. **Policy GEN6** requires that the site and surroundings must be respected and that the use of the land and the impact on visual amenity in the setting should be considered.
  - (ii) **Impact on Visual Amenity – Policy GEN6 criterion (i), (ii) and (iii)** are most relevant in this case. It is a pre-requisite for development not to be detrimental to visual amenity and any development must be in sympathy with the natural environment, in terms of the impact on visual amenity. In this particular case, the storage of a static caravan in this location results in an alien feature detrimental to the visual amenities of the land and surroundings. **Policy ENV2** aims to prevent unacceptable harm to the character and appearance of the landscape, in areas of outstanding beauty (AOB), such as in this location. Overall, it is considered that

the change of use of the land for the storage of a static caravan and derelict land rover represents a significant adverse effect on the AOB landscape in terms of visual amenity. The aim is to minimise impact but the storage of such items represents intrusive features, which have an undesirable impact in this rural setting, close to the Offa's Dyke trail.

- (iii) **Impact on Residential Amenity – Policy GEN6 criterion (v)** specifically refers to impact on residential amenity. In this case, the unauthorised change of use represents a significant adverse impact upon the character of what is essentially a very small hamlet of residents in an area of outstanding beauty (AOB). The unauthorised items being stored are visually prominent when viewed from the road and represent inappropriate and visually intrusive features, which adversely impact on the residential amenity for the residents of the dwellings in this location.

### **3. RECOMMENDATION**

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice under Section 172 of The Town and Country Planning Act 1990, with a 3 month compliance period, requiring the removal of the stored static caravan and derelict land rover from the land.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served, fails or refuses to comply with the requirements of the Notice.

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

**INFORMATION ITEM FOR PLANNING COMMITTEE**  
**UPDATED SCHEME OF DELEGATION**

**1. PURPOSE OF REPORT**

To inform Members of a minor amendment to the Scheme of Delegation. The amendment is to take effect immediately.

**2. BACKGROUND**

The Scheme of Delegation is the document that sets out which decisions that can be made at officer level, the decisions which have to go to Planning Committee and those that have to go to Full Council.

The Scheme of Delegation is reviewed twice a year.

The amendment made at this review is the addition of the following points under the heading 'Compliance Issues' in paragraph 2.1.7.:

- Breach of Condition Notice
- Urgent Works Notice
- Repairs Notice

The document has also been amended to incorporate the new template for Protocols within the Development Control & Compliance Section.

The revised scheme is attached to this report for Members. 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.



## **PLANNING AND PUBLIC PROTECTION**

### **DEVELOPMENT CONTROL AND COMPLIANCE SECTION AND BUILDING CONTROL SECTION**

#### **SCHEME OF DELEGATION**

The delegation scheme enables officers within the Building Control Section and Development Control & Planning Compliance Section of the Service to deal with certain defined determinations without authorisation from Members.

The purpose of having such a Scheme of Delegation is to ensure an efficient, customer focussed approach whilst maintaining the necessary democratic checks and balances which Planning Committee and Full Council provide.

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#### **1. BUILDING CONTROL SECTION SCHEME OF DELEGATION**

Building Regulations are made under Part 1 of the Building Act 1984 and are exercisable by statutory instrument through empowerment of Local Authorities to ensure their requirements are met.

Provisions for dealing with defective premises, dangerous buildings and demolitions are set out in Part 3 of the Building Act in Sections 76 - 83 inclusive empowering Local Authorities to serve notices, execute works in default and recover expenses.

**The scheme will authorise the Head of Planning and Public Protection, Building Control Manager and any Officer within the Building Control Section so authorised by them to deal with ALL Building Regulations work as set out in the provisions of the Building Act 1984.**

#### **2. DEVELOPMENT CONTROL & PLANNING COMPLIANCE SECTION SCHEME OF DELEGATION**

**Part 1 – Officer Level Decisions**

**Part 2 – Committee Level Decisions**

**Part 3 – Full Council Level Decisions**

## 2.1. PART 1 – OFFICER LEVEL DECISIONS

**The scheme will allow the Head of Planning and Public Protection, Development Control & Planning Compliance Manager and any Officer within the Development Control & Planning Compliance Section so authorised by them to determine the following types of applications, prior determinations, notifications, approval of conditions, ancillary decisions, amendments and compliance case under the relevant Planning Acts:-**

### **Planning or other Applications**

- 2.1.1. All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.1.2. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal relates to a specific function exercised by the Council.
- 2.1.3. All types of planning or other application on which Officers are recommending refusal, except for those referred to in Part 2 (f) below (i.e. retrospective applications which are recommended for refusal should be reported to Planning Committee).
- 2.1.4. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments and other notifications.

### **Compliance Issues**

- 2.1.5. Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 2.1.6. Compliance cases where "urgent action" is needed including the serving of Stop Notices, Temporary Stop Notices and Injunctions (Emergency Powers) subject to consultation with the Local Ward Member(s). Once "urgent action" is considered necessary the signatures of the following Council representatives will be required:

Corporate Director of Environment **OR** Head of Planning and Public Protection.

County Clerk **OR** Legal Services Manager.

Chair **OR** Vice Chair of Planning Committee.

- 2.1.7. Compliance cases which require the serving of:  
Section 215 Untidy Land Notice

Listed Building Enforcement Notices

Discontinuance Notices (Advertisement Regs)

Tree Preservation Order Notices & Notices in relation to Trees in Conservation Areas

High Hedges Notices

Enforcement Notices relating to unauthorised Houses in Multiple Occupation (HMOs)

Breach of Condition Notice

Urgent Works Notice

Repairs Notice

- 2.1.8. Legal action in association with breaches of Notices served under the provisions contained in Part 1 (g) above.

- 2.1.9. Minor amendments to Committee authorised Enforcement Notices where the substance of the breach or remedy has not significantly altered, subject to informal consultation with the Local Ward Member(s).

### **Miscellaneous**

- 2.1.10. Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.

- 2.1.11. To submit observations on behalf of the Council on external consultations or draft documents.

## 2.2. PART 2 – COMMITTEE LEVEL DECISIONS

**The following sets out the types of applications which will need to be reported to Planning Committee for formal determination and as such do not fall within Part 1 of this scheme:-**

- 2.2.1. All types of planning or other applications on which Officers are recommending approval where 4 or more individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.2.2. All types of planning or other applications on which Officers are recommending approval where a **relevant** material planning objection has been received from a Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.2.3. All applications on which Officers are recommending approval which represent a **significant departure** from the adopted policies and guidance of the Development Plan.
- 2.2.4. Any application not already determined under Part 1 above which the Ward Member, for the Ward in which the application is located, has submitted a written request based on valid planning grounds that application be heard at Planning Committee. The request should be made as soon as possible after notification of receipt of the application by the Ward Member to the Head of Planning and Public Protection and/or the Development Control & Planning Compliance Manager.
- 2.2.5. Any application submitted by, on behalf of, or on land in the ownership of:
  - A County Councillor,
  - The Chief Executive
  - Corporate Director
  - Head of Service
  - Member of staff of Planning & Public Protection Service
  - A close relative of any of the above
- 2.2.6. Any retrospective planning or other application which is recommended for refusal where enforcement action is also recommended, unless the enforcement/compliance action falls within Part 1(g) above.

- 2.2.7. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal **does not** relate to a specific function exercised by the Council.
- 2.2.8. Any application to remove or vary a condition which has been specifically **imposed by Members** at Planning Committee or Full Council.
- 2.2.9. Any other application, compliance case or determination which the Head of Service or Development Control & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.

2.3. **PART 3 – FULL COUNCIL LEVEL DECISIONS**

**The following sets out the applications which will need to be referred to Full Council for determination:-**

- 2.3.1. Any application determined at Planning Committee which would represent a **significant departure** from the adopted Development Plan.
- 2.3.2. Any application or compliance case determined or deferred by Planning Committee where, based upon the advice of Officers, it is felt there would be a strong likelihood of an award of costs against the Council at any subsequent planning appeal, legal challenge or Ombudsman investigation.

## **FOR CLARITY REGARDING THE DEVELOPMENT CONTROL & PLANNING COMPLIANCE SCHEME OF DELEGATION:**

Letters of representation will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they are signed and addressed.

Anonymous letters of representation will not be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing names/signatures only will be counted as one single representation for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing clearly written names along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as if each name was a separate representation.

All electronic submissions will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individuals name and associated address.

**“Close relative”** is defined as spouses/partners, parents, children, brothers and sisters.

**“Significant Departure”** is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the Development Plan.

**“Bodies required to be consulted under Procedure Order” include** – Highways, Environment Agency, Health and Safety Executive, Secretary of State for Wales, CADW and Amenity Bodies (on Scheduled Ancient Monuments, Listed Building or Conservation Area applications only), Coal Authority and Theatres Trust.

Author : Paul Mead	Date : 01/09/10
Contact : Judith Williams	Version : 2
	Date to be reviewed : 01/03/11

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

**INFORMATION ITEM FOR PLANNING COMMITTEE**  
**PLANNING FOR SUSTAINABLE BUILDINGS – ALL NEW HOMES**

**1. PURPOSE OF REPORT**

To inform Members of a letter received from the Welsh Assembly Government outlining the commencement date for the second stage of the Planning for Sustainable Buildings policy contained within Section 4.11 of Planning Policy Wales (2010).

**2. BACKGROUND**

The first stage of the Planning for Sustainable Buildings policy was aimed at applications for 5 or more dwellings received on or after 1<sup>st</sup> September 2009.

The second part of the move towards more sustainable and zero carbon buildings in Wales will be introduced on 1<sup>st</sup> September 2010. This second date will mean that all applications for 1 or more dwellings will need to meet the Code for Sustainable Homes Level 3.

The letter from the Welsh Assembly is attached to this report for Members information.

For further information, please contact:

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.





Letter to all :

Local Planning Authorities in Wales:  
- Chief Planning Officers

Copied to targeted recipients :

BRE, CBI, CLA, DCfW, EA, EST, FMB, FSB, FUW, HBF,  
IoD, NFU, NHBC, PAW, PINS Wales, POSW, RICS  
Wales, RSAW, RTPi Cymru, SDC, Stroma , WLGA,  
WZCH, YFC.

Our ref : A-PAA-52-01-003/7

Date : 13 August 2010

Dear Colleague,

### **Planning for Sustainable Buildings – all new homes**

In May 2009 the Welsh Assembly Government published an innovative national planning policy expecting most new developments seeking planning permission to meet a minimum sustainable buildings standard. This is contained in Section 4.11 of Planning Policy Wales (2010) and is supplemented by Technical Advice Note 22 *Planning for Sustainable Buildings* (2010) which provides guidance for local planning authorities and developers in implementing the planning for sustainable buildings policy. These can be found on our website at [www.wales.gov.uk/planning](http://www.wales.gov.uk/planning).

The policy contained two specific commencement dates for the policy reflecting different size thresholds for residential applications. The second of these dates states that :


Applications for 1 or more dwellings received on or after 1<sup>st</sup> September 2010 to meet Code for Sustainable Homes Level 3 and Obtain 6 credits under issue Ene1 – Dwelling Emission Rate.

Local planning authorities and relevant organisations are encouraged to ensure that all those involved in the planning application process are informed of the upcoming threshold change to planning for sustainable buildings policy and to refer to Technical Advice Note 22 *Planning for Sustainable Buildings*.

An updated leaflet on the planning for sustainable buildings policy will be published in due course and will be available on the guidance section of our website [www.wales.gov.uk/planning](http://www.wales.gov.uk/planning).

A copy of this letter can be found on [www.wales.gov.uk/planning](http://www.wales.gov.uk/planning)

Yours faithfully



**Rosemary Thomas**

Chief Planner/Deputy Director  
Department for Environment and Sustainability

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**List of targeted recipients**

BRE	Building Research Establishment Global Limited
CBI	Confederation of British Industry
CLA	Country Land and Business Association
DCfW	Design Commission for Wales
EA	Environment Agency (Wales)
EST	Energy Saving Trust (Wales)
FMB	Federation of Master Builders (Wales)
FSB	Federation of Small Businesses
FUW	Farmers Union of Wales
HBF	Home Builders Federation
IoD	Institute of Directors (Wales division)
NFU	National Farmers Union (Wales)
NHBC	National House Building Council
PAW	Planning Aid Wales
PINS Wales	Planning Inspectorate Wales
POSW	Planning Officers Society Wales
RICS Wales	Royal Institute of Chartered Surveyors Wales
RSAW	Royal Society of Architects in Wales
RTPI Cymru	Royal Town Planning Institute Cymru
SDC Wales	Sustainable Development Commission Wales
Stroma	Stroma Accreditation Ltd
WLGA	Welsh Local Government Association
WZCH	Wales Zero Carbon Hub
YFC	Young Farmers Clubs (Wales)