

PWYLLGOR CYNLLUNIO
CYFARFOD: 27ain Gorffennaf 2011
Eitem: 4

PLANNING COMMITTEE
MEETING – 27th July 2011
Agenda Item: 4

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

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

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

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

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

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

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

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

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

**DENBIGHSHIRE COUNTY COUNCIL
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Planning applications**

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ITEM NO: 1

WARD NO: Llangollen

APPLICATION NO: 27/2011/0489/ PF

PROPOSAL: Conversion of existing barn into single dwelling with associated external works, formation of vehicular access and installation of new septic tank

LOCATION: Tan y Fron Barn Tan y Fron Farm Tan Y Fron Lane Eglwyseg Llangollen

APPLICANT: Mr T Rhys Hughes

CONSTRAINTS: PROW

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

CONSULTATION RESPONSES:

LLANTYSILIO COMMUNITY COUNCIL-
"No objection".

COUNTRYSIDE COUNCIL FOR WALES (CCW)-
No objection, subject to condition to ensure development is carried out in accordance with recommendations of Protected Species Survey.

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

ENVIRONMENT AGENCY WALES-
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:

Representation received from:

Ruth and Christine Moore Williams, Birch Cottage, Tan y Fron Lane, Eglwyseg (by email)

Summary of representation:

Impact on water supply
Wildlife impact as a result of the development
Highways impact, increased traffic on roads

EXPIRY DATE OF APPLICATION: 29/06/2011

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 proposal is for the conversion of a stone outbuilding at Tan Y Fron Farm. The application proposes the conversion to a four bedroom dwelling. Alterations proposed to facilitate the conversion would be the re-roofing of part of the building, creation of five new openings, addition of an open porch feature and internal remodelling.
- 1.1.2 It is proposed that the former farm-yard would provide amenity space and parking and turning for the unit. Vehicular access is as existing.
- 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. An ecological survey has also been submitted in support of the application.

1.2 Description of site and surroundings

- 1.2.1 Sited on a small former agricultural complex located to the west of Pentredwr, the former outbuilding is located to the west side of Tan Y Fron farmhouse.
- 1.2.2 Access to the site is off a minor road which runs off the A542 at the Horseshoe Pass. The site is approximately 700m from the A road. The site is bounded to the south by a public footpath.
- 1.2.3 It is an elevated site with views over the Eglwyseg Valley. The land slopes higher to the west of the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, outside of any defined development boundary. The area is designated as an area of outstanding beauty (AOB) in the Unitary Development Plan.

1.4 Relevant planning history

- 1.4.1 There is no planning history on this site.

1.5 Developments/changes since the original submission

- 1.5.1 Additional ecological information was sought on the request of CCW following the initial submission.

1.6 Other relevant background information

- 1.6.1 The application is being considered by Planning Committee as the applicant is a County Councillor.

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 3rd 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 Edition 4

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 submitted with the application refers to the business use test, (which the Council has resolved not to apply) but it is suggested in any event that the building is unsuitable 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. As the site is located in the AOB policy ENV 2 is also relevant, this policy seeks to ensure development does not have an unacceptable impact on the character of the area which would prejudice its future designation as AONB.

The most notable alteration is the creation of some additional openings and removal of the roof on the single storey section of the building on the west and its replacement with slate. Although the site layout plan also shows removal of a Dutch barn, this has already been demolished.

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 cumulative impacts of the alterations are not considered excessive; the resulting dwelling would be in keeping with surrounding buildings and not

appear out of character in the AOB. It is considered that the sympathetic conversion would preserve the building from further degradation and 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 building is located west of the existing farmhouse, with the minor road separating the two units. Amenity space would remain unchanged for the farmhouse and a substantial amenity area is proposed for the conversion.

It is considered the proposal would not raise any conflicts with policy in terms of the amenity of existing or proposed occupiers.

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 can be attached to ensure it is not obstructed when works commence.

Considering the scale of the existing movements connected with the agricultural use, and potential as a result of the conversion to one dwelling, it is considered the proposal would not raise any conflicts with highway policy.

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 or barn owls in the outbuilding although swallows were found to nest in the building.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable. It is considered prudent however to attach a condition to ensure works are carried out in accordance with the recommendations of the Bat and Bird Survey and a note to applicant to advise that all contractors follow a code of best practice.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the terms of the relevant policies and is 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. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
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. **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 forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.

6. 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.

7. The development shall be carried out in accordance with Section 12 of the Bat and Bird Survey Report submitted the Local Planning Authority on the 13th July 2011.

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 investigation and recording of historic/listed buildings.
- 6. In the interests of residential and/or visual amenity.
- 7. In the interest of the protection of protected species.

NOTES TO APPLICANT:

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. Condition No. 5 of this permission requires the carrying out of a photographic survey. The applicant is expected to pay for and complete the photographic survey. Professional photographers may be used where access to a camera or technical difficulties are encountered but the applicant should be aware that this will significantly increase the cost of the survey.

Photographs should be taken using a digital camera with a minimum resolution of 4 megapixels and preferably 8 megapixels or more.

Photographs should be taken at the highest jpeg resolution setting available on the camera (usually Fine or Super Fine). The saved photographs must be copied onto a good quality branded CD or DVD disk in the jpeg/jpg file format.

Note: Digital photographs presented on normal paper or photographic paper will not be accepted as they are not archivally stable in the long term.

The use of a standard flashgun is recommended indoors to light the interior views.

If available a measured scale should be placed within each but this is not essential.

Photographs should be taken of all exterior and interior wall elevations which are affected by the development together with photographs of interior roof detail where this is altered. Features of particular interest (e.g. obvious differences in wall makeup, windows and doors whether blocked up or not, fireplaces, timber framing, stairwells, cellars) should also be fully photographed.

The applicant should indicate where the views taken are positioned on an architect's floor plan of the building. Location reference numbers on the plan/s should utilise the digital photo numbers from the camera for cross reference purposes.

The applicant must check the photos at the application site to ensure there are no blurred or poorly lit images. If some images are blurred, please increase the speed at which the exposures are taken (1/125 is a good minimum) and re-take the images. If images are poorly lit please check your flash is working and./or increase the aperture. Setting the camera ISO at 200 or 400 will also allow higher shutter speeds to be used in dimly lit locations.

The photographs should then be sent to: Mark Walters, Development Control Section, Clwyd-Powys Archaeological Trust, 7A Church Street, Welshpool, Powys, SY21 7DL (Tel: 01938 553670). CPAT will confirm receipt of your photographs and inform the planning authority that the condition has been satisfied.

The Council's Public Rights of Way Officer has made the following comments:-

" With regard to the above planning application, having examined the Definitive Map of Public Rights of Way, part of Public Footpath 55 (Llangollen Rural Community) crosses the proposed development area.

The applicant should be made aware of his/her obligations not to interfere with the Public Right of Way, either whilst development is in progress or once it has been completed. No change to the surface of the Right of Way should be approved without consultation with the County Council. A licence will be required if the applicant wishes to change the surface of the Path. In addition:

There is to be no diminution in the width of the right of way available for use by members of the public.

No building materials to be stored on the right of way.

No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.

Vehicle movements are arranged so as not to interfere with the public's use of the way.

No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.

The safety of members of the public using the right of way is ensured at all times.

If the Path needs a temporary closure to ensure public safety during commencement of

construction works, the applicant is required to apply for a closure order 6 weeks prior to any works commencing".

Ecology Note:

General precautionary measures should be following in the implementation of the conversion:

1. Works should be carried out between November and end of March to avoid potential disturbance to breeding bats and/or birds.
2. Slates, ridge tiles/finishers, abutment flashings, door frames and window frames, structural members, lintel bearings, purlins or wall plates where these are involved, are all removed by hand where possible and with care to ensure that no torpid or hibernating bats are injured during the works. Similarly, defects to structural masonry should be lowered to prevent torpid / hibernating bats being injured.
3. If torpid or hibernating bats are uncovered at any time during the works, works must stop immediately and further advice sought from a licensed bat worker.
4. If any active birds nests, or nests in the middle of construction are found work must not take place until all young have fledged. In the case of swallows and house martins, the most likely to be found, this could be as late as September as these species tend to have multiple broods. If birds are using the building for nesting and nests cannot be retained when the conversion is undertaken, compensation should be provided by installing suitable artificial nests / nesting platforms.

ITEM NO: 2

WARD NO: Denbigh Upper / Henllan

APPLICATION NO: 28/2011/0631/ PF

PROPOSAL: Erection of stable block to include 2 stables, tack room and open store and alterations to existing vehicular access

LOCATION: Land adjoining Lon Wilkin Henllan Denbigh

APPLICANT: Ms Sara Jones

CONSTRAINTS: 250m Of Landfill Site

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

CONSULTATION RESPONSES:

HENLLAN TOWN COUNCIL

"The approach road and entrance to the site is considered too dangerous. The building is too large in proportion to the land. There is not enough land to justify the building".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection, subject to conditions relating to retention of turning and parking area and surfacing.

CONSERVATION OFFICER

No objection, subject to conditions relating to colour and finish of stables and landscaping.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr. & Mrs. I. Miller, 20 Cutty Sark Drive, Stourport-on-Severn

Mr. & Mrs. I. Miller, Lon Wilkin, Henllan

Mr. T. Roberts, Lon Wilkin, Henllan (e-mail)

A. C. & G. Jones, Bryn y Ffynnon, Henllan (e-mail)

Summary of planning based representations:

Concern over accuracy of plans

Visual impact – visible from village conservation area/impact on landscape/contrary to policies/planting would not be adequate and is a device to overcome previous objections.

Highway Safety – access inadequate for use proposed

Disposal of waste – no indication of how this is to be achieved

Other matters – disputes over position of boundary/building over private water main

EXPIRY DATE OF APPLICATION: 19/07/2011**REASONS FOR DELAY IN DECISION (not applicable):****PLANNING ASSESSMENT:**

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the development of a stable block on land adjacent to Lon Wilkin on the outskirts of Henllan. The stable block would be 'L' Shaped and measure 9 metres by 6.5 metres on its longest side with an overall height of 4.2 metres. Materials proposed are shiplap timber and slate coloured roof cladding. It would comprise of 2 stables, a tack room and open store.
- 1.1.2 A gravel hardstanding is proposed around the stable block, which would measure 15 metres by 30 metres. The stable and parking area is proposed to be bounded by timber post and panel fence and landscaping.
- 1.1.3 The access would be altered slightly by splaying the entrance and setting the gate back from the road.
- 1.1.4 The application is accompanied by a Design and Access Statement which refers to the planning history, and how this proposal overcomes the previous refusals, the need for the stabling, and the relevant planning policies.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the west of the village of Henllan, bounded to the west by the B5428 and the north by the B5382.
- 1.2.2 The application site abuts the boundary of the dwelling Lon Wilkin to the south; however the applicant is not related to the owners of the dwelling. The applicant controls 0.5ha of land around the application site.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 Applications have been made on the site for a stable building, and were refused in 2009 and 2010. These applications were for slightly different proposals and different siting. The 2009 application included a larger hard standing, larger stable block and no landscaping. The 2010 application resited the stable to the south western end of the field necessitating a gravel track along the length of the hedge. The stable block was also in a more prominent position when viewed from the Conservation Area.

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 Planning Ref 28/2009/957 Erection of stable block. Refused under delegated powers 03/06/2009 for the following reason:

- 1. The site lies outside of the defined Development Boundary of Henllan village in a prominent position visible from the village Conservation Area. The building and hardstanding are proposed in close proximity to the road and would result in a harmful visual impact on the landscape, contrary to Policies REC 5, GEN 3 and GEN 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within Planning Policy Wales 2002.

2.2 Planning Ref 28/2010/0834 Erection of stable block and gravel drive. Refused under delegated powers 17/08/2007 for the following reasons:

1. The site lies outside of the defined Development Boundary in a prominent position visible from the Conservation Area. The track is proposed in close proximity to the road and the stable block would be visible from the north and resulting in a harmful visual impact on the landscape. Accordingly, the sporadic nature of the development, and the siting and appearance is contrary to Policies REC 5, GEN 3 and GEN 6 of the adopted Denbighshire Unitary Development Plan and advice as contained within Planning Policy Wales.
2. It is considered that the development of the site in the manner proposed would result in an intensification of the access point. Insufficient information has been provided to demonstrate that there would be no adverse impact on highways safety from the intensification of this use. As such the proposal is contrary to policy GEN 6 and TRA 6 of the Unitary Development Plan.

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 3 Development outside the Development Boundary
- Policy GEN 6 Development Control Requirements
- Policy REC 5 Recreational facilities outside Development Boundaries
- Policy TRA 6 Impact of new development of traffic flows.

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4 2011.

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 Access/ Highways impact
- 4.1.4 Comments of the Community Council and Objectors

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of principle, Policy GEN 3 sets out the exceptions to rural restraints policies. Development in connection with rural leisure and recreation is permitted where there is no unacceptable impact on the social, natural and built environment. Policy REC 5 is the detailed policy relating to recreational facilities outside development boundaries. This policy permits development subject to detailed impacts including landscape impact. A development of this scale for personal use of the applicants only would not generally be encompassed by this policy; however the tests are quite similar to those set out in GEN 6. Policy GEN 6 recognises that development needs to be considered against a number of considerations including amenity, environmental and highways impacts.

Whilst the applicant's previous applications on the site have been resisted, the decision on this application must be based on an assessment of the information submitted, against the relevant policies. It is noted that this type of proposal has become more common in recent years with farmers selling off small pockets of land to horse owners and invariably applications follow for small scale stable blocks and horse shelters for personal use.

Considering the above policies and recent decisions, it is considered that the principle of the erection of a stable block could not be resisted. The specific

visual, amenity and highways impacts of the development and GEN 6 are explored further below.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is policy GEN 6. Criterion i) of policy GEN 6 supports development that respects its surroundings.

The stable building would be located to the southern side of the site adjacent to the access. The eastern side of the site to the B5428 is bounded by hedgerows which would offer some screening to the stable block. A condition can be attached to ensure more appropriate planting is undertaken around the access and the stable block, the suggested native hedgerows which would lessen the visual impact.

The Conservation Officer has been invited to comment on the amended scheme to consider whether it would impact on the conservation area immediate north of the application site. The Conservation Officer has raised no objection to the proposal from the point of view of the Conservation area subject to control over landscaping and finish.

Having regard to the concerns of the Community Council and objectors, whilst there would be some visual impact as a result of the development, is not considered this would be so great as to warrant refusal of the proposal. In policy terms the visual impact is considered acceptable.

4.2.3 Highway Safety

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9. Policy 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. Policy 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.

Highways Officers are satisfied that the proposed access can accommodate the proposed use without detriment to highway safety. It is suggested with respect to comments of the Community Council and objectors that the previous refusal reason has been addressed with the alteration of the access arrangements. Furthermore, planning conditions are suggested to control the detail of the access to ensure it is implemented safely.

It is considered that the development would not conflict with policy TRA 6 and TRA 9.

4.2.4 Other matters

With respect to the comments of the Community Council and the objectors, the Agent has advised in the DAS why the application is proposed. The Applicant owns the 0.5 hectare field and wants to keep her two horses on the land.

The issue of land ownership has been queried and the Agent has advised that the Applicant has control over the land and is not aware of any restrictions relating to drains or other matters.

The other issues raised by the objectors have been addressed in the paragraphs above.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the relevant policies and is recommended for grant.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the approved plans, full details of the landscaping and access arrangements from the hard standing yard area to the field, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of boundary treatments, new trees, hedgerows or vegetation including confirmation of species, numbers, and location and the proposed timing of planting.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the grant of planning permission and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. The site shall not be used for any livery, commercial/business activity or for the holding of any equestrian events unless otherwise agreed in writing with the Local Planning Authority.
5. The access shall be laid out in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before the development is brought into use.
6. 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 completed to the satisfaction of the Local Planning Authority before the development is brought into use.
7. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.
8. Notwithstanding the approved plans, full details of the materials, finish and colour of the walls and roof of the stable block shall be submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of visual amenity.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interest of visual amenity to protect the character and appearance of the open countryside.
5. In the interests of safety and the free flow of traffic on the adjoining highway.
6. To ensure that no deleterious material is carried onto the highway in the interest of traffic safety.
7. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
8. In the interest of visual amenity.

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).

ITEM NO: 3

WARD NO: Trefnant

APPLICATION NO: 30/2010/0584/ PF

PROPOSAL: Erection of 11 no. dwellings and associated works

LOCATION: Land adjacent to The Trefnant Inn Trefnant Denbigh

APPLICANT: Mr R Thomas

CONSTRAINTS: Listed Building
250m Of Landfill Site
Conservation Area

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

CONSULTATION RESPONSES:

TREFNANT COMMUNITY COUNCIL:

"The Members object to the plans as they stand and reiterate the observations they made previously as well as making some new ones:-

1. The density on the site is out of character with the rural location. It removed an important green space within the village which will change significantly and adversely the character of the village. Members are concerned about the number of cars coming in and out of the entrance onto the road. Vision is restricted and it is very close to the school.
2. The development is very close to the Trefnant Inn. The scheme is out of scale and does not respect the curtilage of the listed building. Perhaps there should be a proper plan to repair this important landmark in the village.
3. The reduction in parking at the Inn will affect the viability of the business and could cause parking problems elsewhere in the village, which already has a parking issue. Coaches will no longer be able to part to give access to the pub.
4. The development encroaches on the pub land and will mean that the pub will become economically unviable and there will be pressure for its closure. This is the only community amenity and since the closure of the Bryn Glas Hotel the only eatery.
5. The density of the site is such that the houses are to be built too close to the mature trees on the site. These trees are significant landmarks in the village and form a critical part of the village landscape. We would like to see a proper tree root protection plan with a proper tree root protection zone in accordance with Building Standards in which no excavations can take place. The plans should be scrutinised to ensure that they show the trees in the correct location.
6. When a previous application was put forward for the site Crested newts were found but none has been mentioned in this application.
7. Members are concerned about whether the sewer and surface water drainage system can deal with extra capacity."

DWR CYMRU:

No objections subject to conditions to deal with foul and surface water.

ENVIRONMENT AGENCY:
No objections

COUNTRYSIDE COUNCIL FOR WALES:
Following the submission of additional protected species information and agreeable commuted sum terms to improve habitat for Great Crested Newts in the area, CCW raise no objections to the proposal.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

DEVELOPMENT PLAN & POLICY SECTION:

Officers have advised that Trefnant already benefits from a good supply of public open space, and as such there is not a great demand for additional open space within the village. The proposal to pay a commuted sum for the improvement of existing facilities would be acceptable, especially given the close proximity of the site to the existing facility on Post Office Terrace.

CONSERVATION ARCHITECT:

No objections subject to conditions regarding finishing details. The Conservation Officer has verbally commented that he does not consider the proposal would have a significant impact upon the character of the adjacent listed building through the subdivision of the land.

BIODIVERSITY OFFICER:

No objections; the applicant should be made aware of the need to follow best practice guidance in relation to protected species. The provision of a commuted sum to improve habitat within the vicinity of Trefnant is acceptable in this instance.

AFFORDABLE HOUSING OFFICER:

Confirms that there is a need within Trefnant for affordable 2 bed houses, and agrees with the provision of 3x2 bed houses in this scheme.

LAND DRAINAGE UNIT:

No objection.

HEAD OF TRANSPORT AND INFRASTRUCTURE:

No objections subject to conditions and advisory notes. Some concern expressed regarding the feasibility of the proposed method of surface water drainage.

PUBLIC PROTECTION:

Response to be reported.

STRATEGIC REGENERATION MANAGER:

The proposed development would reduce the range of customer facilities the public house can offer.

VALUATION AND PROPERTY MANAGER:

It is not considered that the development of this apparently under used piece of land will affect the viability of the public house.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr. & Mrs. J. Collins, Glascoed, Mold Road, Bodfari

T. & M. Serge, Rhiwlas, Henllan Road, Trefnant

G. Jones & A. Collins, Y Berllan Bach, Henllan Road, Trefnant

Voilet, Elfed & Mark Hughes, Arfryn, Trefnant LL16 5UF

E M Davies, Bryntirion, Henllan Road, Trefnant

EP & MA Carey, The Chase, 2 Bryn Dyffryn, Trefnant

Ms. A. J. Roberts, The Old Post Office House, Bodfari Road, Trefnant

C. Spencer, Staghouse, Trefnant
Mr. N. Williams, Gwilfa, Trefnant
Mr. & Mrs. Ashton, Cartref Coch, Trefnant
Mrs. N. Jones, Tan Llan, Henllan Road, Trefnant
John Marc Hughes, Arfryn, Trefnant
C Griffith, Plas Newydd, Trefnant
R Lewis, Arosfa, St Asaph Road, Trefnant
A Jones, 5 Chapel Street, Trefnant
D Smith, 5 Chapel Street, Trefnant
A Malcolm, Foelas, St Asaph Road, Trefnant
J Griffith, Greenfield, Trefnant
R Jones, 22 Ffordd Caledfryn, Denbigh
E Jones, Prysel, St Asaph Road, Trefnant
A Lovegrove-Jones, 15 Cae Glas, Trefnant
L Wisby, Arosfa, St Asaph Road, Trefnant
N Jones, Tan Lan, Henllan Road, Trefnant
G Roberts, 6 Cae Shon, Trefnant
A Roberts, Gilwen, Henllan Road, Trefnant
S Jones, Prysel, Trefnant

A separate petition has been received titled "Please restrict the pub development", which lists 10 grounds of concern (robs the village of vital amenity, excessively dense, the curtilage of a listed building, road junction, parking, protected species, sewerage, trees, design, and conservation area). The petition is signed by approximately 113 persons with addresses mainly in Trefnant village.

Summary of planning based representations:

Residential Amenity:

Impact upon residential amenity by loss of privacy, light, and additional noise.

Density:

There are too many dwellings proposed for a site of this size

Highway Impact:

The highway infrastructure could not cope with the additional vehicles, the access is not suitable for the proposed level of use. The access is too close to the traffic lights, and does not have sufficient visibility in a westward direction. The loss of car parking spaces for the public house would result in parking problems elsewhere in the village.

Ecological Impact:

The development could have a negative impact upon protected species, and may have a detrimental impact upon mature trees within the site.

Drainage:

The drainage systems in the area could not cope with the additional load.

Visual Amenity:

The proposal would appear visually intrusive adjacent to a listed building (The Trefnant Inn) and nearby conservation area.

EXPIRY DATE OF APPLICATION: 12/05/2011

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application was deferred at the May 2011 meeting to allow opportunity for investigation of a holding objection received from the Countryside Council for Wales.
- 1.1.2 Permission is sought for the erection of 11 dwellings and associated works on 0.49ha of land adjacent to the Trefnant Inn, Trefnant. Three, two bed dwellings are proposed to be affordable, and would be sold as Low Cost Home Ownership.
- 1.1.3 The associated works include alterations to the existing access onto the B5428 and the creation of a pedestrian link to the village centre, which can be seen on the site plan at the front of the report.
- 1.1.4 The proposed dwellings would be a mixture of two storey semi detached, detached and terrace houses, offering a mix of bedroom numbers.
- 1.1.5 The application is accompanied by a Design and Access Statement, a Code for Sustainable Homes pre-assessment report, and an Ecological Assessment.

1.2 Description of site and surroundings

- 1.2.2 The site is located to the southern edge of the village of Trefnant, adjacent to the Trefnant Inn, which is a grade II listed building. Along the eastern boundary of the site is the A525. Access to the site is from the northern side, off the B5428. The access point to the site is approximately 40 metres west of the traffic lights in the centre of Trefnant.
- 1.2.3 Development in the surrounding area is generally residential, with a mix of designs and materials. There are also commercial and community uses within the vicinity; a public house, newsagents, fish and chip shop, village hall and primary school.
- 1.2.4 The site is currently used, in part, as informal parking for the Trefnant Inn. The remainder of the site is scrub/grassland which appears to have no formal use allocated to it.
- 1.2.5 The site boundaries are generally defined by existing planting – some mature native species such as ash and oak trees and hedgerows. The boundary to the north-west is a 3 metre high leylandii hedge. The boundary along the A525 is a combination of low stone wall and hedgerow.
- 1.2.6 To the south of the site is the dwelling The Chase (approximately 10 metres from the south western tip of the site boundary) whilst to the north is the dwelling Hafan Wen (approximately 7 metres from the northern boundary of the site).

1.3 Relevant planning constraints/considerations

- 1.3.2 The site is located within the development boundary of Trefnant, and abuts the southern edge of the village's conservation area. There is no specific use allocation on the site.

1.3.3 Immediately to the north of the site is the Trefnant Inn, a grade II listed building.

1.4 Relevant planning history

1.4.2 The site has been subject to two previous planning applications for residential development; one in 2003 and another in 2004. On both occasions these applications were withdrawn owing to insufficient information being available as to the likely impacts upon protected species.

1.5 Developments/changes since the original submission

1.5.2 Since the original submission was made in May 2010, additional information/amendments regarding the relationship between the proposed development and the listed building, the proposed alterations to the access and the proposed method of dealing with surface water and foul drainage has been submitted.

1.6 Other relevant background information

1.6.1 The application was subject to a Site inspection panel meeting at 3.30 p.m. on Monday 9th May 2011.

1.6.2 In attendance were:

CHAIR - Councillor Selwyn Thomas
VICE CHAIR - Councillor Ray Bartley
LOCAL MEMBER - Councillor Meirick Lloyd Davies

COMMUNITY COUNCIL – Mr Anthony Griffith

The Officers present were Mr Paul Griffin, Mr Ian Weaver and Mr Mike Parker (Highways)

1.6.3 The reason for calling the site panel was to allow full assessment of issues raised by Trefnant Community Council.

1.6.4 At the Site Inspection panel meeting, members considered the following matters:

- The detailing of the proposed development, including the number of units and layout, proposed access arrangements, the type and design of dwellings, and the parking provision to be retained for the Trefnant Inn.
- The relationship with adjacent development, including the Trefnant Inn, existing dwellings and trees, and the A525 road.
- Related issues including ecological impacts.

In relation to the matters outlined :

- Members noted the proposals were for a total of 11 dwellings in the form of 4 detached houses, 2 pairs of semi detached houses, and the terrace of 3 units. The sole vehicular access point was proposed off the B road (B5428), to serve all the dwellings and a car park area for the Trefnant Inn with 11 spaces. A secondary pedestrian access was proposed between the Trefnant Inn and the plot 1 unit. Questions were raised with the Highways Officer over the adequacy of the access, impacts on the highway network, and the parking for the public house; and there was discussion over the potential impacts on the viability of the public house from loss of the garden area, and the drainage situation.

- Members observed the proposals involved the terrace of 3 units being sited alongside the A525, close to the Trefnant Inn. It was proposed that these units use a mix of stone and render on the walls fronting the A525. The distance between the proposed dwellings and the Trefnant Inn, other dwellings close the site entrance, and existing trees were noted. Questions were raised over the acceptability of impact on the listed building.

1.6.5 At the site panel meeting, the Community Council representative advised that there remained concerns over the presence of great crested newts, and it was requested that the CCW's conclusion on the proposals should be verified as it was understood they may now have a different stance.

1.6.6 Following the comments of the Community Council representative at the Site Panel on the 9th May, officers were contacted by the Countryside Council for Wales, who confirmed they considered the submitted ecological survey and assessment failed to effectively consider the nature conservation interest of the environs of the application site, and there was not sufficient information to demonstrate no detrimental impact on the maintenance of a protected species (in this case the Great Crested Newt). CCW therefore amended its position in respect of the suitability of the scheme to that of a 'holding objection' to allow negotiations to take place with the applicant.

1.6.7 Officers are aware that these negotiations have now taken place and an addendum to the ecology report has been submitted confirming an agreement has been reached with CCW that suitable newt mitigation can be achieved through the payment of a commuted sum of £2500 per dwelling. These monies would be deposited with the Building Wildlife Trust and ring fenced for the sole purpose of improve existing great crested newt habitat within a 1km radius of Trefnant.

2 DETAILS OF PLANNING HISTORY:

2.6 30/2004/0704/PO - Development of 0.26 ha of land by erection of 6 dwellings and formation of new vehicular access through public house car park (outline application). WITHDRAWN 29th July 2005.

30/2003/0645/PO - Development of 0.24 ha of land by erection of 5 No. dwellings and construction of new vehicular access (Outline application). WITHDRAWN 16th October 2003.

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 STRAT 15 - Housing

Policy HSG 3 - Housing Development in Main Villages

Policy GEN 1 - Development within Development Boundaries

Policy GEN 6 - Development Control Requirements

Policy CON 1 - The Setting of Listed Buildings

Policy CON 6 - Development Adjacent to Conservation Areas

Policy HSG 10 - Affordable Housing within Development Boundaries

Policy TRA 6 - Impact of New Development on Traffic Flows

Policy TRA 9 - Parking & Servicing Provision

Policy REC 2 - Amenity & Recreational Open Space Requirements in New Developments

Policy ENP 4 - Foul and Surface Water Drainage

Policy ENV 6 - Species Protection

Policy CF 1 – Community Facilities

3.2 SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance 4: Recreational Public Open Space
Supplementary Planning Guidance 21: Parking Requirements in New Developments
Supplementary Planning Guidance 22: Affordable Housing in New Developments
Supplementary Planning Guidance 24: Design Guide For Householder Development
Supplementary Planning Guidance 25: Residential Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales (Edition 4 February 2011)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
Technical Advice Note 12 – Design (2009)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 22 – Sustainable Buildings (2010)
W/O Circular 61/96 – Planning and the Historic Environment

4 MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity - conservation area and setting of listed building
- 4.1.3 Impact on residential amenity
- 4.1.4 Highways, Access and Parking
- 4.1.5 Ecology
- 4.1.6 Drainage
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Design and Access/Sustainability Code/Access for All
- 4.1.10 Viability of Public House

4.2 In relation to the main planning considerations:

4.2.1 Principle.

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 15 and GEN 1. These policies seek to make provision for new housing in a range of locations, concentrating development within the boundaries of defined settlements. HSG 3 seeks to direct most housing developments outside main centres, to main villages, including Trefnant. The site is within the development boundary of Trefnant, where the principle of new housing development would be acceptable subject to consideration against other policies and a detailed assessment of the potential impacts.

With regard to the density of the proposed development, it is considered that although the site should provide 15 dwellings (based on the density recommendation in SPG 22 of 30 dwellings per hectare), the provision of 11 dwellings is acceptable given the site constraints relating to the access, listed public house and conservation area.

4.2.2 Impact on visual amenity – Conservation Area and setting of listed building.

Policy GEN 6 includes criteria which aim to safeguard the visual amenity of areas. In this location, adjacent to a conservation area and listed building, the requirements of Policies CON 6 and CON 1 are also relevant. These policies add additional emphasis to the need to safeguard the visual appearance and character of the area.

Detailed street scene elevations and cross sections have been submitted to demonstrate the relationship between the development and the surrounding

area. Although the ridge height of the proposed terraced dwellings is higher than that of Trefnant Inn, it is considered that the distance between the two buildings is sufficient to avoid the terrace being over dominant. It is considered that the building types would sit appropriately within the village fabric and wider conservation area. The proposed materials are considered complimentary to the character of area. Additional details would be required regarding boundary treatments and final fenestration details. It is considered that these details can be adequately dealt with through the imposition of conditions.

Concern has been raised that the proposal would detrimentally impact upon the setting of the listed building through the subdivision of its curtilage. This matter has been discussed with the County Council's Senior Conservation Architect. From examining the physical condition and the planning history of the site, it is concluded it would be hard to construct an argument to suggest that the development of this land would be detrimental to the curtilage of the listed building.

However, in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given that the development would take up much of the curtilage of the listed building, and that the building is beginning to fall into a state of disrepair, it is reasonable to condition the submission and implementation of a schedule of repair and maintenance works to the listed building to ensure that the loss of curtilage results in some gain for the listed building.

With regard to the submitted details, and the requirements of Policies GEN 6, CON 1 and CON 6, it is considered that the proposals would be acceptable in terms of impact upon the visual amenity of the area and the adjacent conservation area. It is not considered that proposal would have a negative impact upon the setting of the Trefnant Inn, a grade II listed building.

4.2.3 Impact on residential amenity

There is a general requirement to ensure that new development does not detrimentally affect the amenity of neighbouring properties by way of, amongst other things, over dominance and loss of privacy. This requirement is embodied within Policy GEN 6. Additional guidance on how this can be achieved is contained in Supplementary Planning Guidance Notes 24 and 25. Policy GEN 6 also requires new residential development to provide a reasonable amount of amenity space for future occupants.

The layout of the site has been designed having regard to the siting of existing development which surrounds the site. This demonstrates that adequate separation distances between existing and proposed properties, would be achieved. The house types proposed have also been designed to minimise the impact on neighbouring properties, with main windows located on principal elevations to avoid overlooking. The properties have been orientated to provide greater levels of security and amenity to enable benefits to both current and proposed inhabitants. The development provides properties with acceptable amenity levels including front and rear amenity areas, and off street parking, and it is considered that an acceptable level of amenity would be afforded to future occupiers of the dwellings. In this respect, the development is considered to be acceptable in terms of Supplementary Planning Guidance and the general amenity considerations in Policy GEN 6 of the Unitary Development Plan.

Any scheme of this size will clearly have some degree of impact upon the levels of amenity currently experienced by existing residents, who have been used to a vacant area of land for some years. However, having regard to the above points and the compliance with SPG and the criteria of Policy GEN 6, the amenity impact would not be such as to warrant refusal of the application.

4.2.4 Highways, Access and Parking

Policies TRA 6 Impact of New Development on Traffic Flows, TRA 9 Parking & Servicing Provision and GEN 6 Development Control requirements, only permit proposals for development where there is adequate parking and servicing provision and there would not be a detrimental impact upon the safe and free flow of traffic on the highway.

The proposal would utilise an existing access onto the B5428, which currently serves the public house car park. The B5428 is subject to a 30mph speed limit in this location. The proposed layout of the access would achieve visibility splays of 35m to the north east towards the traffic lights, and 32m southwest offset 2.4 metres into the site. These details have been agreed in principle by the Highway Officers based on guidance contained in TAN 18 and Manual for Streets 2.

Concern has been raised by local residents and the Community Council that the access is not adequate for the proposed level of development. However, in the absence of an objection from the Head of Transport and Infrastructure, the existing use of the access, and the nature of the highway in this location, it is considered that a refusal on highway grounds alone would be difficult to sustain.

Concern has also been raised by the Community Council that the loss of parking for the public house would result in parking problems elsewhere within the village. In respect of this concern reference is made to the adopted parking standards which require 1 parking space per 4m² floor space, which equates to 16 spaces being required. However, this figure is a guide maximum, and not prescriptive. Taking into account the location within the village centre, close to good public transport routes, and a large supply of housing within walking distance, it is not considered that this maximum figure should be applied, and the provision of 11 spaces for the public house is considered sufficient. With regard to concerns that the development may impact upon the viability of the public house, it is considered that the additional housing may improve the viability of the public house by way of providing additional trade.

Additional alterations to the existing access would include the improvement of the pedestrian links between the site entrance and the village centre by way of re-grading and resurfacing the existing public footpath. This is considered likely to bring about benefits for the community.

It is considered that the proposal is broadly acceptable in terms of its impact upon highway safety, and meets policy requirements for the provision of parking. It is however considered necessary to impose a planning condition requiring the submission of full detailed plans for the proposed access and footpath works in the interest of securing a high quality and safe from of development.

4.2.5 Ecology

Policy ENV 6, Species Protection, aims to ensure that proposals for new development do not detrimentally harm any protected species, or their habitat.

The site in question is within an area which is known to potentially support great crested newts. Indeed, previous applications for the development of this site have been withdrawn owing to insufficient information to determine impacts. The agents for the current application have investigated this matter and state in the submitted Design and Access Statement that whilst there is a population of great crested newts within the wider area, none have ever been found on this site. This statement is supported by the submitted ecological report which concludes there were no protected species within the site. However, the site is within a high pond density landscape, known to support great crested newts. Following negotiations with CCW the applicant has agreed to pay a commuted sum of £2500 per dwelling to improve existing great crested newt habitat within a 1km radius of Trefnant.

In considering the grant of planning permission the Council must consider whether the disturbance of the protected species 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/commuted sums have been proposed and agreed with CCW and the County Council's 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 Regulations tests.

With regard to the comments of the Community Council and the potential presence of transitory great crested newts in the locality, it is also considered prudent to advise the developers of the need to follow best practice procedures in case newts are found on the site during construction. This would require the cessation of works and CCW to be contacted immediately.

On the basis of the information submitted, it is considered that the development of this site is unlikely to result in a detrimental impact upon protected species and is therefore compliant with policy ENV 6 Species Protection.

4.2.6 Drainage

Policy ENP 4, Foul and Surface Water Drainage, only permits development where it is demonstrated that satisfactory arrangements can be made for the disposal of foul sewage and surface water.

As part of the application, details of the proposed method of disposal of foul and surface water have been submitted. The functionality of these details has been queried by the Highway Officer, and some local residents. The concerns relate primarily to the adequacy of the private gully system to which surface water is proposed to be channelled, and the capacity of the highway surface water system to cope with the potential additional surface water. These concerns have been relayed to the agent, who has responded that there are a number of alternative options available. One such option would be to take the surface water between plots 3 and 4 and connect to the highway surface water system which runs south of Cartref Coch, through County Council land.

With regard to the disposal of foul sewage, it is noted that Welsh Water have not raised an objection to the proposal and that the scheme as submitted is acceptable subject to no surface water being drained into the foul water system.

It is considered, that given the small size of the site, and the various potential routes for disposing of surface water run off, that the scheme is acceptable.

However, final details of the proposed method of disposing of surface water will be required. It is noted that the Environment Agency, Welsh Water and Land Drainage Unit have not raised an objection to the scheme. The proposal is therefore considered compliant with Policy ENP 4 and acceptable in terms of drainage.

4.2.7 Affordable Housing

The requirement for provision of affordable housing in connection with housing developments within development boundaries is set out in Policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1 hectare or more and/or where more than 3 units are proposed. In this instance 11 dwellings are proposed in total, 30% of which are required to be affordable.

The applicants have confirmed the intention to make 3 of the units available for affordable purposes. These would be 2 bed dwellings on plots 1 – 3 inclusive on the proposed site layout. The proposal has been examined by the Affordable Housing Officer who has confirmed that the waiting list need for affordable houses in Trefnant is for 2/3bed houses.

The provision and amount of proposed affordable housing is therefore considered acceptable and can be secured through a Section 106 obligation. The proposal complies with the requirements of HSG 10 and SPG 22.

4.2.8 Open Space

Policy REC 2 and SPG 4 set out the requirement for provision of amenity and recreational space in new residential development. The trigger point for the requirement to provide public open space is 10 dwellings. In this instance, the proposed number of dwellings is 11.

With regard to the current scheme consideration should be given to the proximity of existing recreational space within Trefnant, the number of dwellings proposed and the trigger point for open space being required. On the opposite side of the A525 to the site is a large playing field and play area. There are good links between this and the proposed development as a safe pedestrian crossing to the play area is already in situ. Given the amount of recreational space already available within Trefnant, the location of the nearest play area to the site, and the size of the proposed development, it is not considered necessary to include an on site provision of open space. The developer has agreed to pay a commuted sum towards the improvement/enhancement of the nearby recreational facilities. These funds would be secured through a section 106 agreement.

It is considered that existing recreational space within the area can meet the needs of the proposed development. The comments of the Development Plan and Policy Section support this view. It is considered that the proposal complies with the requirement of Policy REC 2 and is acceptable in terms of its contribution to Public Open Space.

4.2.9 Design and Access/Sustainability Code/Access for All

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions are proposed to ensure the development is carried out in accordance with the requirements of Sustainability Code.

4.2.10 Viability of the Public House

Concern has been raised that the proposed development would have a detrimental impact upon the viability of the public house by removing the majority of its outdoor amenity space.

Whilst the basis of this argument is understood, refusal of permission can only be considered where there is clear evidence that viability would be compromised by the development proposed. In order to address this concern, the County Council's Valuation and Property Manager and Regeneration Officer have been consulted. They have responded that whilst the loss of a beer garden may have an impact upon the public house trade, it is highly unlikely that in this instance, it would have such an impact as to warrant refusing the application, given the lack of clear evidence that the existing garden is well used and central to the attractiveness of the pub as a destination. Given that the garden is adjacent to a main road in a busy village centre, officers respectfully suggest the gardens presence is not a key factor in the running of the business.

5 **SUMMARY AND CONCLUSIONS:**

5.1 The site is within the development boundary and has no specific policy designation. The proposals are considered to show a suitably designed development, and subject to control over detailing, it would be acceptable adjacent to a listed building and conservation area. The density of development would not lead to unacceptable relationships with existing properties and the spaces between existing and proposed dwellings, garden areas proposed and the general layout meet policy criteria and supplementary guidance/standards for residential development. The alterations proposed to the access are considered acceptable with sufficient off street parking to be provided within the site. Drainage arrangements are considered acceptable subject to the agreement of final details. The proposed dwellings meet the requirements of the Code for Sustainable Homes.

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure

- (a) The provision of 3 affordable housing units and the retention of these units for affordable purposes
- (a) The payment of a commuted sum for improvement/maintenance of existing open space within the community of £36,769.92 apportioned as follows:

CROS Off Site Provision Costs	£10,992.96
CROS Off Site Maintenance Costs	£11,515.68
Childs Play Area Off Site Maintenance Costs	£3,838.56
Childs Play Area Off Site Provision	£10,422.72

- (b) The payment of a commuted sum for improvement/maintenance of great crested newt habitat within 1km radius of Trefnant village.

The Certificate of Decision would only be released on completion of the legal obligation, and on failure to complete within the time period. The application would be represented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this Committee.

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. Facilities shall be provided and retained within the site and the Trefnant Inn Public House 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.
4. Full details of the internal estate road, the new footway adjacent to the Trefnant Inn and associated highway works as indicated on the approved plan shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details to be approved shall include the detailed design, construction, street lighting, and drainage. The approved highway improvement works shall be fully constructed in accordance with the approved details before any dwelling is occupied.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in any dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
6. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.
8. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
9. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1

metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

10. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

11. The fenestration detailing shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted and approved in writing by the Local Planning Authority.

12. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes [Level 3] and achieve a minimum of [6 credits] under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009]. The development shall be carried out entirely in accordance with the approved assessment and certification.

13. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

14. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

15. **PRE-COMMENCEMENT CONDITION**

No development shall take place until a detailed schedule of repair and maintenance for the Trefnant Inn (and associated stable range), including detailed section drawings of joinery has been submitted to and approved in writing by the Local Planning Authority and those details as approved shall be implemented prior to the occupation of the first dwelling hereby approved.

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 provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
5. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
9. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
10. To ensure the proper drainage of the site and to minimise the risk of pollution.
11. To ensure the details are satisfactory in relation to the character and appearance of the building
12. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
13. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.

14. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
15. In the interest of preserving the character of the Listed Building.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Documents:-

- i) Highways notes 1,2,3,4,5 and 10
- ii) New roads and street works act 1991 Part N form
- iii) DCC Specification for road construction
- iv) DCC general notes for highway lighting installations
- v) DCC General requirements for Traffic signs and road markings

You are advised that there is the potential for a number of protected species to become present on the site during the course of clearance and construction. You are requested to follow best practice guidance in respect of this, and should any protected species be discovered during work, then all work must cease and the Countryside Council for Wales be contacted immediately.

In relation to Condition 15 of this decision, you are advised to contact the Case Officer at your earliest convenience.

ITEM NO: 4

WARD NO: Prestatyn Central

APPLICATION NO: 43/2011/0617/ PF

PROPOSAL: Erection of a single storey pitched roof extension to rear and a conservatory style extension to front

LOCATION: Unit 11/12 Parc Dyffryn Industrial Estate Ffordd Pendyffryn Prestatyn

APPLICANT: Mr Peter Duffy

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:
PRESTATYN TOWN COUNCIL- No objection

RESPONSE TO PUBLICITY:
None

EXPIRY DATE OF APPLICATION: 01/08/2011

REASONS FOR DELAY IN DECISION (not applicable):

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes extensions to Unit 11/12 Parc Dyffryn Industrial Estate, Prestatyn. The proposal comprises two elements; a rear extension on the southern side, which would measure 8.75 metres in width by 2.78 metres in length, with materials to match the existing unit, and a front extension on the northern side, which would be a upvc conservatory extension, measuring 2 metres in width by 3.6 metres in length.

1.1.2 The rear extension would accommodate office space for the business, while the front conservatory extension would serve as a showroom.

1.2 Description of site and surroundings

1.2.1 The commercial unit is a single storey brick building with tiled roof, located on the southern end of Parc Dyffryn Industrial Estate. The adjoining units to the north are larger, modern profile sheeting buildings, to the southeast is the redbrick BT telephone exchange.

1.2.2 Parc Dyffryn is located on the east of Prestatyn Town Centre, accessed off Ffordd Pendyffryn.

1.2.3 Bounding the south of the site is the Prestatyn to Dyserth walkway, a way marked recreational route for walkers and cyclists. The area west of the walkway is primarily residential.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Prestatyn, in an area designated as EMP 2, which is a main employment area.

1.4 Relevant planning history

1.4.1 Originally built in the early 1980's as a mess room for the Municipal Depot, the building has been used as a separate industrial unit since the mid 1990's.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 The application is being considered by Planning Committee as the applicant is a County Councillor.

2. DETAILS OF PLANNING HISTORY:

2.1 2/PRE/246/81 Erection of Mess Room. Municipal Depot, Ffordd Pendyffryn, Prestatyn. Granted 10/06/1981

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 EMP 2 - Main Employment Areas

Policy EMP 11 - Extensions to Employment Units

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4

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 Highway Impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Prestatyn, in an area allocated EMP 2, a main employment area. Within the EMP 2 areas, development of business, general industrial and storage uses are encouraged subject to localised impacts. These impacts are similar to those set out in policy GEN 6 relating to siting, scale, vehicle movements and amenity considerations.

Policy EMP11 allows for the extension to employment units provided there is no harm is caused to the amenity of the area and the proposal does not represent over development of the site.

In policy terms the proposal is considered acceptable. The detailed impacts are considered below.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is GEN 6, policy EMP 11 also refers to the character of the buildings and area.

The rear extension is clearly subordinate to the building in terms of overall scale and form, with materials and features to match the existing building. It is not visible from the front on the site and well screened to the rear by established landscaping along the recreational route. The front extension

would also be subordinate in scale and form, although it does involve new materials and features, i.e. a upvc conservatory.

The rear extension is considered to comply with the relevant polices, whilst the detailing of the front extension differs from that of the existing building, it does serve a purpose to assist with the business use on site. The access arrangements and the temporary nature of the construction are also noted. In terms of the overall character of the area the units surrounding Unit 11/12 are not uniform, which allows for a more individual design approach to be considered.

4.2.3 Impact on Highways/Parking

Policy 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 development will result in the loss of a small area to the front of the building in use for parking, but there would remain a large car park to serve the unit.

Considering the nature of the use, the scale of the extensions and the fact the development will not intensify the use, it is not considered there would be any conflict with policy as a result of the proposal.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the relevant polices and is recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Should the use of the site by the applicant cease, the conservatory extension shall be removed from the site and land restored to its former condition within 6 months of the cessation of the use.

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

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

NOTES TO APPLICANT: None

ITEM NO: 5

WARD NO: Rhuddlan

APPLICATION NO: 44/2011/0414/ PF

PROPOSAL: Replacement of existing static caravan with a log cabin style unit for warden's accommodation and erection of a steel pitched roof canopy over existing toilet/shower block

LOCATION: Clwyd View Touring Caravan Park Marsh Road Rhuddlan Rhyl

APPLICANT: Mr Selwyn Thomas

CONSTRAINTS: C1 Flood Zone

PUBLICITY Site Notice - No

UNDERTAKEN: Press Notice - No
Neighbour letters - Yes

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL

"It was agreed that the application be recommended for permission".

ENVIRONMENT AGENCY WALES

No objection, subject to condition and note to Applicant.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection.

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 08/06/2011**REASONS FOR DELAY IN DECISION (where applicable):**

- re-consultations necessary on additional information

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

- 1.1.1 Permission is sought for the replacement of an existing static caravan with a log cabin for use as warden's accommodation, and the erection of a pitched roof canopy over an existing shower block, at Clwyd View Touring Caravan Park, Rhuddlan.
- 1.1.2 The log cabin is proposed to be sited in the south western corner of the site on an existing hard standing. Measuring 8.5 metres in length by 7.2 metres in width, with an overall height of 6.5 metres, the log cabin would contain two bedrooms at first floor level, with a kitchen, living area and office on the ground floor. Ramped access is proposed to a veranda area on the front (northern site). The cabin would have a timber finish with slate grey roof tiles.
- 1.1.3 A canopy is proposed over the existing shower block which is located to the south west of the site. Measuring 6.7 metres in width by 13.7 metres in depth, the canopy would have an overall height of 4.7 metres. The canopy would be

open on all sides, with a 15 degree pitched roof. Materials proposed for the canopy are green powder coated profile sheets.

- 1.1.4 The application is accompanied by a Design and Access Statement and a Flood Consequences Assessment.

1.2 Description of site and surroundings

- 1.2.1 Clwyd View Touring Caravan Park is located to the west of Rhuddlan, off Marsh Road, some 60 metres off the Rhuddlan by-pass.
- 1.2.2 To the north of the site is open agricultural land and the River Clwyd. To the east of the site is a static caravan park known as Riverside Camp. There is a group of dwellings to the south whose rear boundaries border the site. South west of the site is a former Welsh Water Depot.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Rhuddlan as defined in the Unitary Development Plan. The area is also designated as TSM 12, a proposed touring caravan site.
- 1.3.2 Under the development advice maps of TAN 15 Development and Flood Risk the site is within zone C1 (areas of floodplain with significant infrastructure, including flood defences).

1.4 Relevant planning history

- 1.4.1 Planning permission was granted for the touring caravan site in 1985. Subsequent applications were made for a storage barn and play area in 1996, and an extension to the touring park in 2001.

1.5 Developments/changes since the original submission

- 1.5.1 Additional information has been sought from the Applicant to address concerns raised by the Environment Agency in relation to flood risk.

1.6 Other relevant background information

- 1.6.1 The application is being considered by Planning Committee as the applicant is a County Councillor.

2. DETAILS OF PLANNING HISTORY:

- 2.1 2/RHU/88/85 Change of use from agricultural to touring caravan site. Granted 13/06/1985.
2/RHU/57/96 Proposed pitched roof storage barn for storage of touring caravans and area for children's outdoor play area. Granted 19/03/1996
44/2001/255 Change of use of land to form existing touring park and siting of 6 no. caravans. Granted at Planning Committee 16/05/2001

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 1 Development within Development Boundaries
Policy GEN 6 Development Control Requirements
Policy TSM 1 Tourism Development
Policy TSM 12 Touring Caravan Sites

3.2 GOVERNMENT GUIDANCE

TAN 15: Development & Flood Risk

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 Floodrisk

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the development plan, the application site lies within the development boundary of Rhuddlan, on a site designated for touring caravan use. Policies GEN 1 and TSM 1 support the principle of development including tourism development within development boundaries. It is to be noted that the principle of a touring caravan site is well established as it was granted planning permission in 1986.

Considering the application is for warden's accommodation, and would not conform to the definition of a caravan, Officers consider the application is in effect for a permanent living unit. However, as the site is located within the development boundary, 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 the warden's accommodation, and alterations to the shower block. The main issues are set out below.

4.2.2 Visual and Landscape impact

Policy GEN 6 part i) seeks to ensure that development respects the site and surroundings in terms of siting, layout and design.

The proposed cabin and shower block are located to the west of the site, which is well contained and away from any public vantage points. The cabin is a standard unit for holiday parks and would not appear out of keeping on this site or in relation to the character of the area. The shower block canopy would improve the overall appearance of the block and would appear in keeping with the existing more utilitarian buildings to the west of the site.

It is considered the visual appearance of both elements of the development are acceptable under the relevant policies.

4.2.3 Residential Amenity

Policy GEN 6 part v) seeks to ensure that development does not unacceptably harm the amenity of surrounding occupiers by way of increased activity or disturbances.

Considering the nature of the development, as warden's accommodation to replace an existing static caravan, there would be no intensification of the use of the site, and the proposal would not result in any significant amenity impacts contrary to policy.

4.2.4 Floodrisk

Policy ENP 6 Flooding states that development which would result in an unacceptable risk from flooding will not be permitted. TAN 15 is the Welsh Assembly's planning guidance note relating to flood risk. The aim of TAN 15 is to direct new development away from those areas which are at high risk of flooding, and to only permit development in high risk areas which can be justified on the basis of the tests outlined in the TAN.

The site is located within a C1 flood zone, which is an area of the floodplain which is developed and served by significant infrastructure, including flood defences. The TAN advises that the C1 classification should be used to indicate that development should be considered subject to application of justification tests, including acceptability of the consequences.

The basis of guidance is that development may be acceptable if it can be demonstrated that the location is necessary to assist, or be part of, a local authority regeneration initiative or strategy to sustain an existing settlement; or the location is necessary to contribute to key employment objectives supported by the Local Planning Authority to sustain an existing settlement. In order for a development to be considered as an exception, the site must also meet the definition of previously developed land, as per the Planning Policy Wales definition. The most relevant elements of this definition are that previously developed land includes land which is or was occupied by a permanent structure and associated fixed surface infrastructure (excluding agricultural or forestry buildings) and land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings. Finally a Flood Consequence Assessment (FCA) is required to be submitted to support an application, to explore the potential consequences of a flooding event for the particular type of development proposed.

It is Officers opinion in relation to the exception tests that the development is 'justified'; the site is located within a defined development boundary on a site allocated for tourism development. Furthermore the warden's accommodation would be sited in lieu of a static caravan (historically used for similar purposes) and would offer first floor 'refuge' accommodation in the event of a flood event. Officers of the Environment Agency have stated that the submitted FCA demonstrates there is no change in vulnerability of the site and the proposal would result in reduced consequences of flooding. In officers' view this demonstrates that the proposal complies with policies ENP 6 and TAN 15 in terms of flood risk.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable within the terms of the relevant policy and is recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 1. The finished ground floor level of the warden's accommodation unit shall be set at a minimum of 4.63 metres AOD and the first floor accommodation shall be at a minimum level of 6.41 metres.
3. The warden's accommodation unit shall be used in connection with Clwyd View Touring Park only and not as a separate unit of independent living accommodation.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To reduce the risk of flooding.
3. The permission is granted on the basis that the accommodation is required for use by persons involved in the management of the Caravan Park.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Rhyl South West

APPLICATION NO: 45/2010/1470/ PF

PROPOSAL: Alterations, extension and partial demolition of Plas Penydddeuglawdd with conversion to 3 residential units and erection of terrace of 3 single-storey dwellings within garden and alterations to existing vehicular/pedestrian access (total site area 0.165 ha)

LOCATION: 37/39 Pendyffryn Road Rhyl

APPLICANT: Mr D Wilkinson K & C Developments Ltd

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"No objection, subject to a suitable condition applied protecting the trees on site during and following construction".

COUNTRYSIDE COUNCIL FOR WALES

No objection

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection, recommend that a scheme of archaeological building record is completed as a condition of consent to secure a record of the building in its present architectural state.

DWR CYMRU WELSH WATER

No objection subject to the inclusion of conditions

CLWYD BADGER GROUP

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS & INFRASTRUCTURE

No objection subject to the inclusion of conditions to ensure the access, parking and turning details are constructed in accordance with the submitted plans.

BUILDING CONTROL MANAGER

No comments

TREE CONSULTANT

No objection

HEAD OF HOUSING SERVICES

No objection

BIODIVERSITY OFFICER

No objection. Concur with the conclusions in the reports, there would be no impact on the favourable conservation status of any species provided the recommendations on the ecological reports are followed.

COUNTY ARCHAEOLOGIST

No objection. The building is of some historic value and an early building for Rhyl, would request that a condition be attached which ensures that detailed recording of the building takes place.

WASTE MANAGEMENT (ENVIRONMENTAL SERVICES)

No objection

CONSERVATION ARCHITECT

No objection in principle, subject to LBC control

VALUATION AND PROPERTY MANAGER

The costs for both the renovation and new build are considered high, but on balance do indicate that the renovation project is not financially viable on its own.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr. N. Johnson, 66, Grosvenor Avenue, Rhyl (e-mail)
Mr. E. C. Black MBE (e-mail)
J.W. & D. Williams, Dilwyn, 60, Pendyffryn Road, Rhyl
Mr. P. Morris, 52, Pendyffryn Road, Rhyl
Mr. & Mrs. R. W. Tanser, 29, Pendyffryn Road, Rhyl
Mr. & Mrs. P. McGuire, 48, Pendyffryn Road, Rhyl
T. D. Gallagher, 54, Pendyffryn Road, Rhyl
Mrs. S. Hawkins, 62, Grosvenor Avenue, Rhyl
Mr. E. & Mrs. M. Hobbs, 33, Pendyffryn Road, Rhyl
Mr. S. McLean, 58, Pendyffryn Road, Rhyl
Ms. J. Church & Mr. S. Farrell, 41, Pendyffryn Road, Rhyl
Mr. & Mrs. P. Lloyd, 35, Pendyffryn Road, Rhyl
Mr. M. Pearson, 56, Pendyffryn Road, Rhyl (e-mail)
N.C. Stevenson (Chairperson), Rhyl South West Central Resident' Assoc.
N. Stevenson, 21, Pendyffryn Road, Rhyl (e-mail)
Mr. & Mrs. D. Robinson, 44, Pendyffryn Road, Rhyl (e-mail)
Mrs. M. Eccleston, 40, Pendyffryn Road, Rhyl (e-mail)
Ms. Newing, 62, Pendyffryn Road, Rhyl
Mr. P. Lloyd, MK Electric, Glascoed Road, St. Asaph (e-mail)

Summary of planning based representations:

Principle of development

Development should not be allowed to the rear of the site as the land was used for gardens for the 2 dwellings when first built; to allow development to the rear would set a precedent for development elsewhere and this type of development has already been refused planning permission and dismissed on appeal at 19 Pendyffryn Road; the area is unsuited to tandem development; new dwellings to the rear would be completely out of character with the existing development pattern within the vicinity;

Density

The Listed Building should be re-instated to its original 2 dwellings; to allow conversion of the listed building in to 3 units detracts from the heritage of the property; removal of stone wall at the front to provide the access would be detrimental to the character of the listed building;

Affordable Housing

Object to the provision of affordable housing in one of Rhyl's prime residential sites; track record of housing associations in not offering affordable houses to local people but to people from away; area not suitable for social housing;

Highways

Object to the formation of a car park for 12 cars to the rear; Pendyffryn Road is a very busy road and to add more traffic could lead to a very nasty accident which would be dangerous for pedestrians and young children; the access to the site is on the crest of an incline and also the narrowest point of the whole road; would result in more cars parking on the side of the roadway; poor visibility.

Amenity Issues

Concerns relating to the waste and recycling arrangements for 6 units; additional noise, disturbance, danger and nuisance caused by the additional traffic; loss of privacy resulting from dwellings to the rear on neighbouring property;

Nature Conservation

Bats are seen in the summer evenings and the old house is a possible nesting site, this should be investigated.

Other

A considerable amount of standing water accumulates in the southern gardens during the winter, there are natural ponds higher up and is the probable cause of settlement which is evidence in some houses on Grosvenor Avenue, any further building may well aggravate the problem.

EXPIRY DATE OF APPLICATION: 03/05/2011

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the alterations, extension and partial demolition of 37/39 Pendyffryn Road and its conversion into 3 no. residential units and also for the erection of a terrace of 3 no. single-storey dwellings within the rear garden. The site comprises a Grade II Listed property consisting of 2 no. vacant dwellings set in a large garden.
- 1.1.2 The application can be split into 2 main parts, the proposals relating to the existing listed building, and the new development proposed to the rear of the existing building. The application also proposes alterations to existing vehicular/pedestrian access to the site in order to serve the whole site. The layout is shown on the plan at the front of the report.
- 1.1.3 In relation to the proposals relating to the existing listed building, the proposals relate to alterations, extension and partial demolition of the building. There are currently 2 no. vacant dwellings within the building and the alterations proposed, including the demolition of an existing derelict outbuilding to the rear would result in the formation of 3 no. 2 bed dwellings with associated yard spaces, cycle stores, bin stores and car parking area.

- 1.1.4 In relation to the new development proposed to the rear, the proposal is to erect a single storey terrace of properties measuring 6.4m by 33m, with a ridge height of 4.8m. The new dwellings would provide 2 bed accommodation, with all accommodation being provided at ground floor level and wheelchair friendly.
- 1.1.5 The application is accompanied by a Design and Access Statement (DAS), a Code for Sustainable Homes Pre-Assessment, an Arboriculture Report, and protected species reports. The applicant has also submitted a Development Appraisal to support the case for the new development, in order to enable the renovation and re-instatement of the listed building.

1.2 Description of site and surroundings

- 1.2.1 The site comprises a 2 storey detached stone building, which is a Grade II listed building. The property is currently vacant; its previous use was as 2 no. dwellings. The building is in a very poor state of repair and in recent years some urgent works have been necessary to secure the building. There is an existing vehicular access to the front side of the property, and to the rear is a large amenity area.
- 1.2.2 The property is located within a residential area of Rhyl off Pendyffryn Road, which is a busy road and links Vale Road/Rhuddlan Road with Grange Road. The site is located approximately 130m away from the junction of Pendyffryn Road with Grange Road; known locally as 'Parry's Corner'.
- 1.2.3 The site is bounded to the front by a stone wall, by a stone wall and block wall along the boundary with no 41, a timber fence to the rear which bounds properties on Grosvenor Avenue, and along the boundary with no 35 there is the remains of a brick wall, a hedge and some trees.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Rhyl. The property is a Grade II Listed building.

1.4 Relevant planning history

- 1.4.1 In 2007, planning permission for alterations and reinstatement of the existing 2 dwellings and erection of 2 no. detached dwellings to the rear with means of access thereto was refused under delegated powers on 3 grounds. These related to the principle of allowing new development to the rear, the impact of the proposal on the special character, appearance and setting of the listed building and the application did not provide satisfactory measures to safeguard badgers which were known to be present within 30m of the site at the time of the application.
- 1.4.2 A Listed Building application was submitted at the same time as the planning application, and was refused on the basis that the application contained insufficient detail and failed to demonstrate that there would be no unacceptable impact on the special character and appearance of the Grade II Listed Building.

1.5 Developments/changes since the original submission

- 1.5.1 A development appraisal has been submitted by the applicant to support the case for the new development to the rear of the site, which it is considered is required to 'enable' the renovation and re-instatement of the listed building.

An amended plan has been submitted in order provide satisfactory waste/recycling facilities within the site, and the trees along the boundary with No. 35 are now shown to be retained.

1.6 Other relevant background information

CADW's listing of the property states that the property was probably built as a farm house in the early 18th century. However, recent visits to the property by Conservation Specialists has revealed that the original property (the part of the building set back from the road) is likely to pre-date the listing, and the Royal Commission on the Ancient and Historical Monuments in Wales have now dated this part of the building as being between 1600 and 1650, and is said to be the oldest building in Rhyl.

2. **DETAILS OF PLANNING HISTORY:**

2.1 45/2006/1384/PF Alterations and reinstatement of existing 2 dwellings and erection of 2 no. detached dwellings to the rear with means of access thereto REFUSED under delegated powers 19th December, 2007 for the following reasons:

" The introduction of detached dwellings in the rear garden of existing development in an area characterised by substantial dwellings in large plots facing the road, would, in the opinion of the Local Planning Authority, lead to an inappropriate form of development, out of keeping with the existing pattern of development and give rise to harm to the character, appearance and amenity of the locality, contrary to criteria i) and ii) of Policy GEN6 of the adopted Denbighshire Unitary Development Plan and the planning policy of the Welsh Assembly Government contained in Planning Policy Wales (March 2002).

The application fails to demonstrate that there would be no unacceptable impact on the special character, appearance and setting of the Grade II Listed Building, contrary to Policy CON 2 of the adopted Denbighshire Unitary Development Plan and guidance contained within Welsh Office Circular 61/96: Planning & the Historic Environment: Historic Buildings and Conservation Areas.

The application site is located within 30m of a badger sett and the application does not include satisfactory measures to safeguard and protect the species contrary to Policy ENV 6 of the adopted Denbighshire Unitary Development Plan and Technical Advice Note 5: Nature Conservation & Planning (1996), Draft Revised TAN5: Nature Conservation and Planning (2006) and the provisions of the Badger Act 1992."

45/2006/1385/LB Alterations and reinstatement of existing 2 dwellings (Listed Building application) REFUSED under delegated powers 19th December, 2007 for the following reason:

"The application contains insufficient detail and fails to demonstrate that there would be no unacceptable impact on the special character and appearance of the Grade II Listed Building, contrary to Policy CON 2 of the adopted Denbighshire Unitary Development Plan and guidance contained within Welsh Office Circular 61/96: Planning & the Historic Environment: Historic Buildings and Conservation Areas."

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 STRAT 5 Design

Policy STRAT 6 Location

Policy STRAT 11 Regeneration

Policy STRA 15 Housing

Policy GEN 1 Development within Development Boundaries

Policy GEN 6 Development Control Requirements

Policy ENV 6 Species Protection
Policy ENV 7 Landscape/Townscape features
Policy CON 1 The setting of listed buildings
Policy CON 2 Extension or alteration of Listed Buildings
Policy HSG 10 Affordable Housing within Development Boundaries
Policy TRA 6 Impact of new development on traffic flows
Policy TRA 9 Parking & Servicing Provision

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 21 - Parking

3.3 GOVERNMENT GUIDANCE

Planning policy Wales Edition 4 (February 2011)
W/O Circular 61/96 – Historic Buildings and Conservation Areas

3.4 OTHER GUIDANCE

English Heritage – Enabling Development and the Conservation of Significant Places
CADW - Conservation Principles, Policies and Guidance (Consultation Draft July 2009)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity and listed building
- 4.1.3 Impact upon residential amenity
- 4.1.4 Highway and parking issues
- 4.1.5 Impact upon protected species/ecology
- 4.1.6 Affordable Housing
- 4.1.7 Design and Access/Sustainability Code/Access for All

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl, where the general principle of development is considered acceptable as outlined in Policy GEN 1.

The proposal includes the refurbishment of a key listed building in Rhyl which has been in need of regeneration for some years. The site features on the Council's list of vacant problem sites for enforcement purposes. Policy CON 2 allows for the extension or alteration to listed buildings where the historic or architectural character of the building is not detrimentally affected. The application has been accompanied by a Development Appraisal that suggests the refurbishment of the Listed Building would not be financially viable on its own. For this reason a terrace of 3 single storey dwellings to the rear of the site has also been proposed to make the scheme financially viable. These figures have been examined by the County Councils Valuation and Property Services Manager, who has concluded that, although the figures for both the refurbishment element and the new build element are high, it seems reasonable to argue the refurbishment of the listed building is not financially viable without some element of enabling development.

Policy STRAT 11 supports proposals which regenerate run down urban areas through the improvement, renovation and redevelopment of buildings. It is considered that the proposal would have a significant impact upon several Council priorities linked to regeneration, including the empty homes initiative and buildings at risk projects.

It is considered that the new build element of the proposal is justified in principle, in that it would help secure the long term future of an important listed building. Therefore the proposal is considered acceptable in principle subject to a detailed impact assessment, as set out below.

4.2.2 Impact on visual amenity and listed building

Policy GEN 6 contains criteria which seek to ensure that new development does not harm the visual amenity of an area. Policy CON 2 serves to protect the architectural and historic character of listed buildings, whilst Policy CON 1 seeks to protect the setting of listed buildings.

The listed building is currently in a poor state of disrepair, and features high in the buildings at risk register. Its current state is considered to have a detrimental impact upon the appearance of the area. Its renovation is therefore considered to improve the visual amenity of the locality. With regard to the specific work to the listed building it is considered that the scheme is unlikely to have a detrimental impact upon the historic character of the building and is sufficiently controlled through the Listed Building Consent application.

With regard to the new build element of the proposal, it is considered that the scale and form of the development would be sufficiently subordinate to the listed building so as not to harm the setting or overall appearance of the listed building. The three new dwellings would be located discreetly to the rear of the listed building, and would not feature prominently within the street scene. They would be constructed of materials sympathetic to the character of the area (render, slate and stone). The Conservation Officer raises no objections to the scheme.

In consideration of the requirements of Policies GEN 6, CON 1 and CON 2, it is concluded that the proposal would not detrimentally harm the historic or architectural merit of the listed building, nor have a significant impact upon the visual amenity of the wider area, other than to improve the appearance of a key building in a current state of disrepair. In terms of visual amenity and impact upon the listed building, the proposal is considered acceptable.

4.2.3 Impact upon residential amenity

Policy GEN 6, criteria v, seeks to ensure that new development does not harm the amenity of neighbouring properties, and provides sufficient amenity space itself.

The proposal would introduce a total of 6 units of accommodation into the site. This is a net gain of 4 units, three of which would be the new build element to the rear. Vehicular access to the site would be through an improved entrance to the site, with the driveway running along the southern boundary of the site adjacent to the driveway and garage of number 35 Pendyffryn Road. Parking for 11 cars would be provided, and each unit of accommodation would benefit from its own outside amenity space, including bin stores and drying areas. The boundaries to the site are well defined, and combined with the orientation of the new build and location of windows it unlikely that there would be any significant loss of privacy to the dwelling.

With regard to the requirements of policy GEN 6 in terms of residential amenity, it is considered that sufficient privacy and amenity space would be provided for the future occupants of the proposed dwellings. Assessment of the proposal's impact upon the neighbouring dwellings suggests that there would be limited impact upon the privacy of the neighbouring occupants,

whilst the use of the driveway adjacent to 35 Pendyffryn Road is unlikely to result in a level of disturbance which would impact upon the amenity of the occupants to a degree which would sustain a refusal when the positive gains of the proposal are taken into account. The proposal is considered acceptable in terms of impact upon residential amenity.

4.2.4 Highway and parking issues

Policy TRA 6 seeks to ensure that proposals for new development do not have an unacceptable impact upon the safe and free flow of traffic on the adjacent highway. Policy TRA 9 requires that new development provides adequate parking and manoeuvring space.

The proposed development would provide six, two bed units. These would be served by 11 parking spaces, and associated manoeuvring space.

Supplementary Planning Guidance Note 21 suggests that a development of this size would require a maximum of 12 spaces. It is considered that in this location, on a bus route, the provision of 11 spaces is adequate for the needs to the development.

With regard to the impact upon highway safety, the proposal has been assessed by a County Council Highway Engineer and who has not raised an objection to the proposal.

It is considered that the proposal complies with Policies TRA 6 and TRA 9 and would not result in a detrimental impact upon the safe and free flow of traffic on the adjacent highway, and provides sufficient parking for the number of units proposed.

4.2.5 Impact upon protected species/ecology

Protected species and ecological issues are covered by planning policies ENV 6 and ENV 7, and national legislation. The policies aim to ensure that proposals for new development do not have a negative impact upon the favourable conservation status of any protected species and that townscape features such as trees are retained where possible.

The planning application is accompanied by a protected species survey and tree survey. As part of negotiations with the applicants it has been agreed that all trees can be retained. The protected species survey demonstrates that the proposal would not have an adverse impact upon any protected species. The County Council Ecologist has not raised any objections to the proposal provided that the comments of CCW are taken into account regarding the potential for badgers within the site.

It is considered that, subject to badger mitigation measures being conditioned, the proposal complies with the requirements of policies ENV 6 and ENV 7 and is acceptable in terms of its impact upon protected species and site ecology.

4.2.6 Affordable Housing

The requirement for provision of affordable housing in connection with housing developments within development boundaries is set out in Policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1 hectare or more and/or where more than 3 units are proposed. In this instance 6 units of accommodation are proposed in total, 30% of which

are required to be affordable.

The applicants have confirmed the intention to make the three new build units available for affordable purposes. The proposal has been examined by the Affordable Housing Officer who has confirmed that the waiting list need for affordable houses in Rhyl is for 2/3bed houses.

The provision and amount of proposed affordable housing is therefore considered acceptable and can be secured through a Section 106 obligation. The proposal complies with the requirements of HSG 10 and SPG 22.

4.2.7 Design and Access/Sustainability Code/Access for All

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions are proposed to ensure the development is carried out in accordance with the requirements of Sustainability Code.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The site is within the development boundary and has no specific policy designation. The proposals are considered to show a suitably designed development, and subject to control over detailing, it would lead to a positive gain through the renovation of a key listed building. The density of development would not lead to unacceptable relationship with existing properties and the spaces between existing and proposed dwellings, garden areas proposed and the general layout meet policy criteria and supplementary guidance/standards for residential development. The alterations proposed to the access are considered acceptable with sufficient off street parking to be provided within the site. The proposed dwellings meet the requirements of the Code for Sustainable Homes.

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure

- (c) The provision of 3 affordable housing units and the retention of these units for affordable purposes

The Certificate of Decision would only be released on completion of the legal obligation, and on failure to complete within the time period. The application would be represented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this Committee.

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. 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.
4. The access to the site shall be laid out and constructed in accordance with the approved plan to the written approval of the Local Planning Authority before any dwelling is occupied.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
6. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.
8. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
9. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
10. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised

or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

11. The fenestration detailing shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted and approved in writing by the Local Planning Authority.

12. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes [Level 3] and achieve a minimum of [6 credits] under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009]. The development shall be carried out entirely in accordance with the approved assessment and certification.

13. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

14. Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

15. No development of any kind shall commence until the applicant has secured the implementation of an archaeological study of all the building in accordance with an approved design brief. A copy of the report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL

16. The works comprised in the erection of the 3 new build dwellings to the rear of the site shall not commence until the works comprised in the renovation of the listed building Plas Penydeuglawdd are complete.

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 provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
5. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity.
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
9. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
10. To ensure the proper drainage of the site and to minimise the risk of pollution.
11. To ensure the details are satisfactory in relation to the character and appearance of the building.
12. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
13. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
14. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
15. In the interest of recording any features of archaeological/historical interest.
16. To ensure the benefits of the enabling development are achieved.

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).
Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.
You are advised that there is the potential for a number of protected species to become present on the site during the course of clearance and construction. You are requested to follow best practice guidance in respect of this, and should any protected species be discovered during work, then all work must cease and the Countryside Council for Wales be contacted immediately

ITEM NO: 7

WARD NO: Rhyl South West

APPLICATION NO: 45/2011/0443/ PF

PROPOSAL: Change of use of land to form extension to existing Caravan Park, including the erection of a 5m high boundary fence

LOCATION: Land at Rhyl Adventure Playground Rhydwen Close Rhyl

APPLICANT: Mr Wyn Williams Marine Holiday Park

CONSTRAINTS: 250m Of Landfill Site C1 Flood Zone Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:

“Object on the basis that the application if approved would result in a loss of part of public open space contrary to Policy REC 1 of the Unitary Development Plan”.

ENVIRONMENT AGENCY:

No objection subject to the developer being made aware of the potential flood risk

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

DEVELOPMENT PLAN AND POLICY SECTION

The Marine Holiday Park is one of Rhyl's better caravan parks, having a 4 star rating and looking to invest in developing its facilities and improving the environment within the park in line with Policy TSM 10. Policy REC 1 relates to protection of open space and sets out the criteria under which loss of open space may be permitted. It is understood that the area of land in question has little value as open space due to being steeply sloping and overgrown. It is also understood that the maintenance of the boundary in this area is problematic for the Council due to the slope. It could be argued that the remaining open space will benefit from improved maintenance of the boundary. The area of open space to be lost is minimal and of limited recreational value currently, it has potential future value and it may be appropriate to seek an equivalent area of land or commuted sum to cover its loss in line with criteria ii and iii of Policy REC1.

FARMING AND WILDLIFE ADVISORY GROUP (FWAG)

The tree to be removed is small and relatively insignificant in the local landscape. Provided that the overall integrity of the boundary hedge and trees remain unaffected by this proposal has no objection to this application.

PUBLIC PROTECTION

Note the current arrangement of caravans at Marine Caravan Park present a fire risk as the caravans are within 3 metres of the boundary fence. The applicant has ensured Public Protection that this application would overcome this concern. Public Protection also note that Marine Caravan Park has more caravans than they are licensed for and will look to address this in a new site license.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 05/06/2011

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the change in use of a strip of land measuring some 10 metres wide by 140 metres long on the western edge of the large open area south of Rhydwen Drive, for use by the adjacent Marine Holiday Park.
- 1.1.2 The Design and Access Statement (DAS) notes that the existing layout of the caravan park means that a number of existing caravans are within 3 metres of the boundary. This has been the case for some years and prior to site licensing requirements, which require caravans to have a minimum of 3 metres distance from a site boundary.
- 1.1.3 The Statement also notes that the applicant intends to re-arrange the layout of the caravan park which would lead to a reduction of caravan numbers, as the applicant looks to increase the quality of the tourist facility.
- 1.1.4 The new boundary would be demarked by a 5m high plastic coated mesh sports fence finished in black. This fence would be backed by a 1.8m high close board timber fence on the caravan park side of the boundary.
- 1.1.5 The application is submitted on behalf of the owner of the Marine Holiday Park. The land is owned by Denbighshire County Council.

1.2 Description of site and surroundings

- 1.2.1 The site is on the east side of the Marine Holiday Park, with a residential estate to the north, and the remainder of the playing fields to the east (see plan at front of report).

1.3 Relevant planning constraints/considerations

- 1.3.1 The playing fields fall under the protection of Unitary Development Plan policy REC 1, with the total area of the fields equating to approximately 4.85 hectares (12 acres). The site also falls within zone C1 as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004).

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 Various minor applications relating to minor development in connection with playing fields and recreational use. Most recent:
45/2002/0045/PF, Installation of all-weather surface skateboard/roller blading ramps, installation of 8 No. 12m high floodlights and new 2.4m high boundary means of enclosure, granted 04/07/2002

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1- Development within development boundaries
Policy GEN 6- Development control requirements
Policy REC 1- Protection of existing open space
Policy TSM 10- Extensions/ improvements to existing static caravan & chalet sites
Policy EMP 6- Flooding
Policy ENV 6- Landscape townscape features

GOVERNMENT GUIDANCE

Planning Policy Wales, (Edition 4, February 2011)
Technical Advice Note 15, Development and flood risk (July 2004)

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 Flooding

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl, where the principle of appropriate development is considered acceptable, subject to compliance with policies of the Unitary Plan.

Of particular relevance to this type of proposal is policy TSM 10. This policy permits extensions and improvements to existing static caravan sites provided that the proposal:

- improves the range, facilities and quality of tourist accommodation in the area,
- makes a significant and permanent improvement to the quality, appearance and environment of the sites, and its immediate surroundings,
- results in a reduction in impact on the surrounding landscape,
- is acceptable in scale relating to the existing site and locality, and does not take up land for other essential purposes in other policies of the plan, and;
- does not have any unacceptable impact on residential amenity, nature conservation, or traffic considerations.

The section of land intended to be used as a minor extension to the caravan park is historically part of an open space area protected in the Unitary Plan by policy REC 1. Policy REC 1 seeks to resist development which would result in the loss of existing open space that has recreational value. It states that such proposals will only be permitted where:

- the open space can best be retained and enhanced through the redevelopment of a small part of the site,
- alternative provision of equivalent community recreational benefit is made available, and;

- there would be an overall community gain from the development and the particular loss of open space will have no significant unacceptable effect on local open space provision or the amenity and character of the area.

The comments from Rhyl Town Council are acknowledged. In the Design and Access Statement, the applicant argues that the protection afforded by policy REC 1 depends on the value of the land in question. In this case, the applicant considers the section of land is of little recreational value, owing to its topography, and overgrown condition. The Development Plan and Policy Section consider the land proposed to be incorporated into the Marine Caravan Park is of little recreation value, and that the proposal would result in an improvement to a highly rated tourist use in Rhyl. It is suggested that the proposed development could arguably improve the existing playingfield boundary. Pollution Control Officers consider that the proposal would reduce the possibility of fire risk at the Caravan Park by increasing the gap between the boundary fence and the caravans to 3m.

Officers consider that policy REC 1 places emphasis on resisting any loss of land that has recreation and/or amenity value. In this case officers consider the recreation and amenity value of the land proposed to be incorporated into the caravan park is minimal, and the additional land would serve to improve the quality of an existing well established caravan park.

4.2.2 Visual and landscape impact

Policy GEN 6 includes criteria which aim to safeguard the visual amenity of the area. Policy TSM 10 part ii) and v), also contains criteria which seeks to ensure that such proposals increase the quality and appearance of the site, and do not have any unacceptable impact on the surrounding landscape.

At present the existing boundary consists of overgrown grass, hedgerow, and a few trees. The boundary re-alignment would result in the existing boundary being put forward a distance that ranges from 3m to 10m from its current position. One sycamore tree would be removed as a result of the proposal, with remaining trees to be retained. The boundary treatment would consist of a 5m high plastic coated mesh sports fence finished in black, backed by a 1.8m high close board timber fence.

Officers consider that the proposal would not visually harm the surrounding area or landscape. The proposal is therefore considered to comply with policy GEN 6 part i), and policy TSM 10 part ii) and v).

4.2.3 Residential Amenity

Policy GEN 6 part v) seeks to ensure that development does not unacceptably harm the amenity of local residents/surrounding users.

The proposal seeks a marginal increase in the size of Marine Caravan Park, but would not result in an increase in numbers of caravans at the site. It is also considered the addition of the 5m high fence and associated 1.8m high timber fencing behind would not materially harm the amenity of local residents and surrounding users.

Officers therefore consider that the proposal would not result in a material harm to the amenity of surrounding users and local residents. The proposal therefore accords with policy GEN 6 part v).

4.2.4 Flooding

Policy ENP 6 seeks to ensure that development that would result in an unacceptable risk from flooding either on or off site, or which would adversely affect flood management or maintenance schemes will not be permitted. The

site lies entirely within zone C1 as defined by the development advice map referred to under TAN 15 Development and Flood Risk.

Owing to the scale of the proposed development, the Environment Agency are satisfied that the flooding risk of the proposal is acceptable subject to the developer being made aware of the potential flood risks. The site owner is advised to install flood-proofing measures as part of the development, such as raising the bases for the caravans and service entry points. A note to applicant could be included in any permission to draw attention to flood proofing measures the developer could undertake.

Considering the relatively minor scale of the development, officers consider that the proposal would not result in an unacceptable flood risk occurring either on or off site. The proposal therefore meets the requirements of policy ENP 6.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application seeks approval for using a narrow strip of currently under used scrub land forming part of a playing field. Policy REC 1 looks to resist development that would result in the unacceptable loss of existing open space that has recreational and/or amenity value. Policy TSM 10 permits extensions/improvements to caravan parks providing that the proposal improves the quality of tourist accommodation in the area. Officers consider that the land in question has little recreational value, and that the proposal would result in the improvement of tourist accommodation in the area.

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 use hereby permitted shall not be permitted to commence until the written approval of the local planning authority has been obtained in the detailing of the boundary and screen fencing, and approved fences have been erected.

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:

You are advised to contact the Environment Agency Wales to discuss a suitable approach to flood proofing measures which could be incorporated as part of the development.

ITEM NO: 8

WARD NO: Rhyl West

APPLICATION NO: 45/2011/0530/ PF

PROPOSAL: Change of use from Class A1 (Retail) to Class A2 (Financial & Professional Services)

LOCATION: 83 High Street Rhyl

APPLICANT: Instant Cash Loans Ltd. t/a The Money Shop

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

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

'Object at the loss of a prominently located retail unit from High Street'

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

CONSERVATION ARCHITECT

Suggest a condition to ensure no blank window harmfully impacts the street frontage, and stresses that any signage required in the future would require consent.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 22/06/2011

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the change of use from a retail shop (use class A1) to financial/professional services use (class A2), at 83 High Street, Rhyl. The unit would be operated by The Money Shop, which offers cheque cashing services, foreign currency exchange and 'cash till payday' services.

1.2 Description of site and surroundings

- 1.2.1 Number 83 is currently vacant and was previously operated by Oxfam as a charity shop. The internal floorspace equates to 53m² and opening hours are proposed to be 09:00-18:00. The site is surrounded by a mixture of mainly retail uses typical of a High Street location.

Relevant planning constraints/considerations

1.2.2 The site lies within the development boundary of Rhyl and is within a Designated Town and District Centre in the Unitary Development Plan, where policy RET 1 applies. RET 1 identifies such centres as the main location for retail and commercial development appropriate to the centre, which maintains its vitality and viability. The text to the policy refers to a range of acceptable uses including those in Use Classes A1, A2 and A3.

1.3 Developments/changes since the original submission

1.3.1 None

1.4 Other relevant background information

1.4.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 45/20081128/PF, Conversion of upper floors of existing building to provide 2 bedroom flat (first floor) and 3 bedroom maisonette (second and third floors), GRANTED under delegated powers 15.04.2009

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1- Development within development boundaries
Policy GEN 6- Development control requirements
Policy RET 1- Town & District Centres
Policy RET 6- Town & District Centres: Non A1 Uses
Policy CON 5- Development within conservation areas

3.1 Supplementary Planning Guidance

SPG 13- Conservation Areas

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales, Edition 4, (February 2011)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on the vitality and viability of the Town Centre
- 4.1.3 Impact on visual amenity/conservation area
- 4.1.4 Impact on surrounding amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RET 1 states that Town Centres should be the main location for retail and commercial development providing a proposal is of an appropriate scale and type and that it serves to maintain or enhance the vitality of the Town Centre itself. Policy RET 6 allows for the change of use to Non A1 uses within town centres provided that it maintains, enhances and improves the viability and vitality of a centre and that it is of a scale and type which is in keeping and does not have an unacceptable impact upon the surrounding area. The principle of a change of use from an A1 retail to an A2 financial services use would be acceptable in principle in relation to these policies, subject to due consideration of impact.

4.2.2 Impact on the vitality and viability of the Town Centre`

As stated, Policies RET 1 and RET 6 require due consideration of the impact of proposals on a town centre, and oblige assessment of impact on viability and vitality. The policies do not however preclude change of use to A2 uses, and refer to circumstances where a flexible approach may be necessary, for

example, where there are vacant premises unlikely to function again as shops.

The comments from Rhyl Town Council are noted. A basic survey of uses in the locality points to a preponderance of A1 shops, but there are non A1 uses in the immediate vicinity including Snax, The National Milk bar, The New Inn, and Tiffany's Café. Nearest A2 uses include Barclays Bank at 68 High Street, and Jones and Redfearn estate agent at 3 Russell Road.

In this case, officers consider the introduction of an A2 use in this location would be unlikely to adversely affect the balance of A1 and non A1 uses, either in the vicinity or in the town itself.

4.2.3 Impact on visual amenity/conservation area

Policy CON 5 seeks to ensure that development does not harm the appearance or character of the conservation area.

No physical external alterations are proposed. With respect to the comments of the Rhyl Townscape Heritage Initiative Manager, the issue of signage at the property will be dealt with separately. An application for Advertisement Consent is being assessed by officers. Officers consider that the proposal accords with policy CON 5.

4.2.4 Impact on surrounding amenity

Policy GEN part v) seeks to ensure that development does not harm the amenity of surrounding users.

The opening hours proposed are typical for such a town centre location, and it is not considered the nature of the use proposed would give rise to material harm to surrounding amenity. The proposal therefore accords with policy GEN 6 part v)

5. SUMMARY AND CONCLUSIONS:

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:

You are advised that separate consent is required for signage for the property.

ITEM NO: 9

WARD NO: Rhyl South East

APPLICATION NO: 45/2011/0570/ LP

PROPOSAL: Application to establish the lawfulness of the use of a vehicular access point off Rhodfa Maen Gwyn to serve the major mixed use development site at Rhyl South East (Aberkinsey Park) as originally shown in outline planning permission 45/2004/1376/PO

LOCATION: Land at Rhyl South East between Bro Deg and Dyserth Road Rhyl

APPLICANT: Anwyl Construction Co. Ltd.

CONSTRAINTS: PROW

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL – “Due to the technical nature of the application the Town Council did not consider itself able to respond to the application

RESPONSE TO PUBLICITY:

Letters of representation received from:
Mr. I. Bayliss, 8, Erw Las (e-mail)
Mrs. P. Parsons, 37, Rhodfa Maen Gwyn, Rhyl
Mr F Farley, 39 Rhodfa Maen Gwyn, Rhyl

Summary of planning based representations:
No representations made in relation to issues of lawfulness. Strong concerns raised as to the highway impacts of opening up Rhodfa Maen Gwyn to vehicular traffic.

EXPIRY DATE OF APPLICATION: 30/06/2011

REASONS FOR DELAY IN DECISION (where applicable):

- Seeking legal opinion

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

1.1.1 **This is not a planning application.** The application seeks to establish the lawfulness of the use of a vehicular access to serve the residential development at Rhyl South East (Parc Aberkinsey). To this end the Local Planning Authority **are not** assessing the acceptability or otherwise, in planning terms, of the use of such an access to serve the residential development. The Local Planning Authority must, on the balance of probability, choose to certify, or not, the lawfulness of providing a vehicular access through the existing Rhodfa Maen Gwyn road into the Parc Aberkinsey development.

1.1.2 The applicant has submitted a supporting statement and a variety of documents which attempt to prove that the original outline consent for the

major mixed use development scheme at Parc Aberkinsey (45/2004/1376/PO) approved vehicular access to the development area from Rhodfa Maen Gwyn. These documents include the relevant application forms from the original outline application, the submitted masterplan and the certificate of decision.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the eastern edge of Rhyl about 2.5 miles south east of the town centre. The development site as a whole stretches from Dyserth Road to the north and Bro Deg to the south. Phase 1 of the major mixed use scheme to the north is under construction. Rhodfa Maen Gwyn is a residential road which links back to Pen Y Maes Avenue to the west of the main site. To the east end of Rhodfa Maen Gwyn is a small strip of land with a wall which currently serves as a cul-de-sac preventing access into the currently open fields forming part of the main development site.

1.3 Relevant planning constraints/considerations

- 1.3.1 Not applicable to this lawfulness application.

1.4 Relevant planning history

- 1.4.1 Outline planning permission was given for the development of 17.68ha of land for residential purposes with associated open space, school, community centre and **means of access**, on land between Bro Deg and Dyserth Road in 2006. The phase 1 details of the development were approved in April 2008 with amendments agreed in September 2009. Planning permission was refused in February of this year for phase 2 and 3 details of the development. This proposal showed the developer's intention to access some 34no. , of the 217 dwellings forming those phases, off Rhodfa Maen Gwyn.
- 1.4.2 Members refused the details of phases 2 and 3 contrary to Officer recommendation for the following reason:-
"It is the opinion of the LPA, the proposed use of Rhodfa Maen Gwyn, as an access to serve part of the site is not acceptable on highway safety grounds, being likely to result in congestion and impacting upon the free flow of traffic on that highway and Pen Y Maes Avenue, contrary to policies TRA 6 and GEN 6 of the Denbighshire UDP."
- 1.4.3 An appeal has been lodged against this refusal and a 3 day Public Inquiry had been scheduled for September of this year. The appeal has been held in abeyance pending the determination of this lawfulness application.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 All the relevant background information is contained within the main planning considerations section below.

2. DETAILS OF PLANNING HISTORY:

- 2.1 2/RYL/373/91 – Residential development (outline) GRANTED on appeal 5th April 1993 with costs awarded against the Council.

45/2000/0498/PF – Erection of 90 two storey dwellings and construction of associated estate roads GRANTED 26th April 2001 – **With vehicular access off Rhodfa Maen Gwyn**

45/2004/1376/PO – Development of 17.68ha of land for residential development with associated open space, school, community centre and **means of access** (Outline application) RESOLVED TO GRANT at Planning Committee on 23rd March 2005. Section 106 completed and planning permission issued 22nd November 2006

45/2007/1233/PR – Details of Phase 1 development including siting, design and external appearance of 149 dwellings, landscaping, access roads and associated works submitted in accordance with condition nos. 1 and 7 of outline planning permission code no. 45/2004/1376/PO – APPROVED 29th April 2008

45/2009/0750/PF – Substitution of house type on plots 1-8, 12-40, 57-61, 103-111 and 144 for phase 1 consented scheme – GRANTED 30th September 2009

45/2009/0999/PR – Details of phases 2 and 3 development including siting, design and external appearance of 217 dwellings, landscaping, access roads and associated works submitted in accordance with conditions 1 and 7 of outline planning permission code no. 45/2004/1376/PO – REFUSED ON 1st February 2011. (**See section 4 of this report**)

3. RELEVANT POLICIES AND GUIDANCE:

3.1 There are no planning policies or guidance relevant to the determination of a Certificate of Lawfulness application.

4. BACKGROUND AND EVIDENCE OF LAWFULNESS

4.1 Members will be aware that details of the proposed Phase 2 and 3 development were refused at both Planning Committee and Full Council earlier this year. The application proposed to create a small estate of some 34 dwellings accessed via the existing Rhodfa Maen Gwyn estate road. Within the scheme bollards were proposed to be located to self-contain the 34 dwellings and prevent vehicular access from the main Parc Aberkinsey development.

4.2 The application was made by the developer for the phase 2 and 3 details and was assessed in good faith by Officers having regard to the information submitted. This information clearly showed the proposed vehicular access off Rhodfa Maen Gwyn. Officers raised no objection to the proposed vehicular access to serve the 34 dwellings based on advice from highway engineers and having regard to the planning history of the site. Members, however, felt that the use of Rhodfa Maen Gwyn to serve the 34 dwellings would create highways safety concerns on that road and on nearby link roads due to congestion. The application was duly refused on that basis.

4.3 Meetings were subsequently held between Officers, the developer and Local members to discuss this refusal. These meetings were also to discuss the arrangements for the planning appeal which was lodged against the refusal having regard to the protocol for Member involvement in planning appeals.

4.4 In May of this year an application was submitted by the developer to establish the lawfulness of the use of the vehicular access point of Rhodfa Maen Gwyn to serve the residential development site at Parc Aberkinsey. In effect this application was submitted in order to identify an error on the part of the developer in applying for the Council's approval to use the vehicular access point off Rhodfa Maen Gwyn as part of

the phase 2 and 3 details and, on the part of Officers for accepting such an application and assessing it.

4.5 The developer was effectively saying that the use of the Rhodfa Maen Gwyn access to serve the 34 dwellings as shown in phase 2 and 3 (45/2009/0999/PR) had already been allowed by way of the original outline planning permission (45/2004/1376/PO) and that as such this access was lawful.

4.6 With any such application to establish lawfulness it is incumbent on the Council to seek legal guidance on the information submitted. In this instance the developer had highlighted elements of the documentation submitted with the original outline planning application. This included:-

- The outline planning application forms which show the “Means of Access” box ticked as forming part of the application.
- The description of the outline proposal which includes Means of Access.
- The illustrative masterplan drawing with the original outline submission which indicated Rhodfa Maen Gwyn as some sort of access point.
- The approved Transport Statement for the outline scheme made mention of vehicular access from Rhodfa Maen Gwyn into the site.

4.7 The Local Planning Authority sought a legal opinion on the lawfulness application and indeed met with the barrister and the local Members to go through the application.

4.8 The barrister concluded that the Rhodfa Maen Gwyn access was indeed covered in the outline planning permission and as such, the Council was not entitled to refuse permission for it under the phase 2 and 3 reserved matters application. The barrister acknowledged that there was a lack of clarity in the original outline permission in terms of reference to the use of Rhodfa Maen Gwyn as a vehicular access. However, the submitted documentation did prove that the outline consent did allow such access.

4.9 The Council were duty bound to have dealt with the phase 2 and 3 reserved matters submission in good faith but were wrong in assessing what was an already agreed access from Rhodfa Maen Gwyn. In conclusion it was the documentation submitted within the detailed Transport Impact Assessment at the time of the outline application which specified the use of Rhodfa Maen Gwyn as “an additional local highways connection”. This had not been adequately picked up at the time of the outline application and subsequently was not referred to in the phase 2 and 3 reserved matters submission.

4.10 The Local Members have been made aware of these conclusions and further discussions are on-going between Officers, Members and the developers in order to try to find a longer term solution to the opening up of Rhodfa Maen Gwyn to vehicular traffic.

5. SUMMARY AND CONCLUSIONS:

5.1 The vehicular access from Rhodfa Maen Gwyn into the residential development site at Parc Aberkinsey is lawful having regard to the original outline consent. The Council has been advised by an appointed barrister that it should certify this application.

RECOMMENDATION: CERTIFY

1. That on the basis of the information contained in the application received by the Local Planning Authority on the 6th May 2011, the proposed development described in the First Schedule hereto in respect of land and buildings specified in the Second Schedule hereto and edged red on the plan attached to this Certificate are considered Lawful within the meaning of the Acts.

FIRST SCHEDULE

The creation of a vehicular access point from Rhodfa Maen Gwyn to serve the residential development pursuant to outline planning permission 45/2004/1376/PO.

SECOND SCHEDULE

Land at Rhyl South East (Parc Aberkinsey) adjoining Rhodfa Maen Gwyn

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

NOTES TO APPLICANT:

None

ITEM NO: 10
WARD NO: Rhyl South
APPLICATION NO: 45/2011/0657/ PF
PROPOSAL: Erection of a detached garage to rear
LOCATION: 36 Bryn Cwnin Road Rhyl
APPLICANT: Mrs Margaret Bickerstaff
CONSTRAINTS:
PUBLICITY Site Notice - No
UNDERTAKEN: Press Notice - No
 Neighbour letters - Yes

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
 No objections.

RESPONSE TO PUBLICITY:

Letters of representation received from:
 Mrs. P. Rowlands, 38, Bryn Cwnin Road, Rhyl

Summary of planning based representations:

- Concerned that the garage could be possibly used as a work shop in the future
- Size of garage- garage too high
- Impact on residential amenity (block light to window)

EXPIRY DATE OF APPLICATION: 10/08/2011

REASONS FOR DELAY IN DECISION (where applicable):

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of a detached garage to the rear of 36 Bryn Cwnin Road, Rhyl.
- 1.1.2 The garage would measure 5.5m by 3.9m with a height of approximately 3m to the ridgeline. External construction materials proposed include rendered walls, a tiled roof, and UPVC windows. It would be in the position of a former garage.

1.2 Description of site and surroundings

- 1.2.1 The site is surrounded by detached bungalows to the rear and either side.
- 1.2.2 There is a side elevation window on the bungalow at No. 100 Rosehill Road which faces out onto the boundary with the application site, at a distance of approximately one metre.

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 The application has been referred to Committee as the applicant is the daughter of Councillor Peter Owen.

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 3rd July 2002)

Policy HSG 12- Extensions to dwellings

Policy GEN 6 Development Control Requirements

3.2 Supplementary Planning Guidance

SPG No.24- Household Development Design Guide

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle of development

4.1.2 Detailed design and impacts

4.2 In relation to the main planning considerations:

4.2.1 Principle of development

The main UDP policies are HSG 12 and GEN 6. HSG 12 permits extensions to dwellings subject to 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 which seek to ensure 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

Policy HSG 12 part i) seeks to ensure extensions and alterations are subordinate to the original dwelling.

The garage would have an approximate footprint of 21m², would be single storey, and would be located behind the existing dwelling.

Officers consider that the scale of the garage is minor and subordinate to the existing dwelling.

Design and materials

Policy HSG 12 part ii) seeks to ensure that extensions and alterations are of a sympathetic design and complement the site in terms of use of materials.

The external construction materials proposed for the garage (facing brick and tiles) are considered in keeping with the existing dwelling. The design of the garage is typical for a domestic building of this nature.

Impact on character, appearance and amenity standards of existing dwelling
Policy HSG 12 part iii) seeks to ensure that householder development does not harm the residential or visual amenity of the existing dwelling.

The scale of the garage is considered acceptable in context of the existing house with suitable use of external construction materials and design.

Having regard to the above, it is not considered the proposal would materially harm the visual or residential amenity of the existing dwelling

Impact on character, appearance and amenity standards of the locality
Policy HSG 12 part iii) seeks to ensure that alterations and extensions to dwellings do not harm the residential or visual amenity of the surrounding area.

The comments from the neighbour are acknowledged. A side elevation window on the dwelling at 100 Rosehill Road, in part faces towards the proposed garage. The height of the garage to the eaves would be 2.1m. The existing block wall between the properties is approximately 1.5metres high. The proposal is to replace a garage which has been demolished. The applicant has confirmed that the garage would be used for domestic purposes only.

Given the particular circumstances, whilst the existence of the side elevation window is a consideration, it is not considered the impact of the garage would be significantly worse than the one which it is to replace, and consequently it is not suggested there are strong grounds to merit refusal.

Overdevelopment of the site
Policy HSG 12 part iv) seeks to ensure that householder development does not represent an overdevelopment of the site.

A considerable amount of amenity space would still be available to the front and rear of the property should the proposal be approved.

Owing to the above, officers consider that the proposal does not constitute overdevelopment.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to meet 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.
2. The render finish and roofing tiles to be used on the garage shall match those on the existing dwelling.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: St Asaph West

APPLICATION NO: 46/2011/0563/ PC

PROPOSAL: Change of use of part of car park to a caravan storage area for a temporary period of 24 months (retrospective application)

LOCATION: Bod Erw Hotel The Roe St. Asaph

APPLICANT: Mr & Mrs A & S Davies

CONSTRAINTS: Within 67m Of Trunk Road

PUBLICITY UNDERTAKEN: C2 Flood Zone
Site Notice - No
Press Notice - No
Neighbour letters - Yes

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

"Object on the grounds that such development is not in keeping with the area and would intrude into the residential nature of the adjoining area (Erw Lan)"

ENVIRONMENT AGENCY WALES

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mr. & Mrs. J. Glaister, 2, Erw Lan, St. Asaph (e-mail)

Summary of planning based representations:

Visual amenity- site resembles a trailer park when viewed from Erw Lan.

Residential Amenity- noise and disturbance from delivery vehicles.

Highway Safety- vehicle movements associated with use could cause highways hazards.

EXPIRY DATE OF APPLICATION: 29/06/2011**REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations

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

- 1.1.1 Retrospective planning permission is sought for the continuation of use of an area of land for the storage of caravans for a temporary period, at the Bod Erw Hotel, St Asaph.
- 1.1.2 The caravan storage area is located to the south of the hotel, and measures approximately 45 metres by 44 metres. It is enclosed by 1.8 metre high timber panel fencing which although shown on plan as 'proposed' has already been erected.
- 1.1.3 The permission is sought for a period of 24 months.
- 1.2 Description of site and surroundings
 - 1.2.1 The Bod Erw is located on the north-western side of St Asaph, immediately south of the westerly A55 slip road and roundabout off the A525.
 - 1.2.2 The caravan storage area is south of the hotel building, which has its main road frontage to the east. The storage area has no road frontage as there is a garage/ petrol filling station bounding its eastern side. To the west of the caravan storage area is Erw Lan, a cul de sac of 5 detached dwellings.
 - 1.2.3 The site comprises of open flat land, bounded by fencing. There are substantial trees on the northern side of the caravan storage area.
 - 1.2.4 The character of the surrounding area is a mix of residential and commercial.
- 1.3 Relevant planning constraints/considerations
 - 1.3.1 The site is within the development boundary of St Asaph.
- 1.4 Relevant planning history
 - 1.4.1 Permission was granted in 2000 for the demolition of the hotel and redevelopment of the site for residential purposes. This permission was renewed in 2003 and 2007, but has now expired.
- 1.5 Developments/changes since the original submission
 - 1.5.1 None.
- 1.6 Other relevant background information
 - 1.6.1 The Agent has advised that the owners have proposed the use as a short term activity while they evaluate their options for the future development of the site. Although permission was granted for residential development in the past, efforts made to sell the site have not been successful. It is understood consideration is being given to a reduced density residential development, however whilst this application is being worked up, the agent considers the proposal to be a good alternative use. It is also noted the land was used on a temporary basis as a compound for offices and accommodation for workers on the A55 bridge improvement scheme, and this use is not considered to differ from that.

2. DETAILS OF PLANNING HISTORY:

- 2.1.1 46/2000/0582/PO - Development of land by erection of 2 storey detached 30 bedroom motel unit to be used in connection with Bod Erw Hotel, alterations to existing vehicular access and provision of additional parking area. Outline planning permission GRANTED 17th August 2000
- 2.1.2 46/2003/0962/PO – Renewal of application ref 46/2000/0582/PO comprising development of 0.5ha of land by erection of 2 storey detached 30 bedroom motel unit in conjunction with Bod Erw Hotel, alterations to existing vehicular

access and provision of additional parking area. Outline planning permission GRANTED 2nd October, 2003

- 2.1.3 46/2006/1168/ PO - Renewal of application Ref. No. 46/2003/0962/PO comprising development of 0.5 ha of land by erection of two-storey detached 30-bedroom motel unit in conjunction with Bod Erw Hotel, alterations to existing vehicular access and provision of additional parking area (outline application). Granted 15th August 2007

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 1 Development Within Development Boundaries

Policy GEN 6 Development Control Requirements

Policy TSM 13 Winter Storage of Caravans

Policy EMP 4 Employment Development within Development Boundaries

Policy TRA 6 Impact of New Development on Traffic Flows

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4

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

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 1 states that development will mainly be located within development boundaries. Development is permitted subject to compliance with the general development control criteria as set out in Policy GEN 6. Policy GEN 6 contains a range of development control criteria to enable assessment of the various aspects of a proposal, including visual impact, amenity impacts, and highways impacts as set out in the following sections of the report.

Policy TSM 13 is the policy most relevant to storage of caravans, although this policy relates primarily to winter storage. The policy permits storage provided that; the site is small scale and inconspicuous, the caravans are vacant and not in use, and there is no impact on the surrounding landscape.

It is considered that the use of land for the storage of caravans is not acceptable in principle in relation to policy. The detailed considerations are outlined below.

4.2.2 Impact on visual amenity

Policy GEN 6 part i) seeks to ensure that development respects the site and surroundings in terms of siting, layout and design, whilst TSM 13 seeks to ensure a site for storing caravans is small scale and inconspicuous.

The site is visible from the northern approach along A525, and from the A55 slip road. Panel fencing on the boundary, partially screens the static caravans, however the roof area of the vans are visible.

Officers consider the site is located in a conspicuous location, being visible from public vantage points from the northern section of the A525 and A55 Slip

Road, and the rear of the dwellings on the residential estate to the west Erw Lan. It is considered the introduction of static caravans albeit for a temporary period of 2 years, would be conspicuous, out of character and visually harmful to the character of the surrounding area. It is also considered that this harmful visual impact could not be reduced to an acceptable level by screening or landscape conditions. The proposal is therefore considered contrary to policy TSM 13 criteria i), iii) and GEN 6 criterion i).

4.2.3 Impact on residential amenity

Policy GEN 6 part v) seeks to ensure that development does not unacceptably harm the amenity of surrounding occupiers by way of increased activity or disturbances.

Using the site for caravan storage may lead to increased activity compared to the existing use, particularly as this area of the site was originally the grassed garden area of the Bod Erw Hotel. However the potential use of the overall site in connection with the Bod Erw Hotel must also be considered. As the site is a hotel and this area facilitates parking, it has the potential to be used more intensively than existing, which could have a significantly greater impact on the adjacent occupiers than caravan storage.

Officers are of the opinion that the proposal does not raise significant policy issues relating to amenity, however there may be some increase in activity on the basis of the proposed use.

4.2.4 Impact on highway safety

Policy TRA 6 seeks to ensure that development does not unacceptably affect the safe and free flow of traffic and that the capacity and traffic conditions on the surrounding road network are satisfactory.

Highways Officers have considered the scale of the use and the access arrangements. They consider it acceptable in terms of highway safety.

Having regard to the Highways' response, it is not considered the proposal would be contrary to policy.

5. SUMMARY AND CONCLUSIONS:

5.1 The application is considered unacceptable under the relevant policies and recommended for refusal.

RECOMMENDATION: - REFUSE for the following reason:-

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

1. It is the opinion of the Local Planning Authority that the proposed storage of caravans, in a visible location in close proximity to residential properties would have an adverse impact upon the visual amenities and character of the area. The proposal is therefore contrary to Unitary Development Plan policies TSM 13 criteria i), iii) and GEN 6 criterion i).

NOTES TO APPLICANT:

None

ENFORCEMENT REPORT FOLLOWS

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2011/00015

LOCATION: Bod Erw Hotel, The Roe, St. Asaph

INFRINGEMENT: Unauthorised change of use – from hotel car park to storage area for static caravans

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy TSM 13 – Winter Storage of Caravans

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 store static caravans on this land, which would require planning permission, without the required approval of the Local Planning Authority. The general public interest outweighs any rights which may be 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 On the 2 March 2011, Planning Services received a complaint that three static caravans had been moved onto land attached to the Bod Erw Hotel, The Roe, St Asaph. The caravans were unoccupied and appeared to be stored. The land in question was formerly part of the extended car park to the Hotel. It is bounded on one side by residential properties in Erw Lan, The Roe.
- 1.2 On the 14 March 2011, a complaint was received that further caravans had been moved onto the site.
- 1.3 On the 15 March 2011, a further complaint was received due to additional caravans having been located on the site. The same day a letter was forwarded to the owner of the Hotel to query the intention of the owner in relation to the use of the land in question.
- 1.4 On the 30 March 2011, the owner of the land contacted a planning compliance officer. He was provided with appropriate guidance including the options open to him and he elected to submit an application for planning permission in an attempt to regularise the change of use.
- 1.5 The same day the planning compliance officer visited the Bod Erw Hotel to photograph the site.
- 1.6 An application for planning permission to use part of the Hotel car park for caravan storage for a temporary period of 24 months was eventually received and validated on the 5 May 2011, code 46/2011/0563/PC refers.

- 1.7 Further complaints have been received regarding the activity on the site and the noise caused to neighbouring residents by the movement of caravans both on and off the site.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised use of the land for the storage of static caravans has commenced within the last 10 years.
- 2.2 The unauthorised storage use is considered to be obtrusive and unacceptably affects the form and character of the surrounding townscape and is therefore contrary to Policies GEN 6 (i) and TSM 13 (iii). The site is not inconspicuous in that complaints have been received regarding increased activity and disturbance due to the movement of caravans both on and off the site, contrary to Policy TSM 13 (i).
- 2.3 The imposition of planning conditions as part of any grant of planning permission would not satisfactorily overcome all of the highlighted concerns.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
- (i) Serve an Enforcement Notice to secure the cessation of the unauthorised storage of static caravans. (Compliance period – 2 months).
 - (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.

REPORT BY THE HEAD OF PLANNING, REGENERATION AND REGULATORY
SERVICE

ITEM FOR PLANNING COMMITTEE

PONTCYSYLLTE AQUEDUCT AND CANAL WORLD HERITAGE SITE:

- a) Joint Supplementary Planning Guidance Note; and
b) Protocol for joint consideration of planning applications in the
World Heritage Site and Buffer Zone.**
-

1. What is the report about?

- 1.1 The report presents the draft Joint Supplementary Planning Guidance Note for the Pontcysyllte Aqueduct and Canal World Heritage Site. The report also includes a suggested protocol for considering planning applications in the World Heritage Site and Buffer Zone.

2. What is the reason for making this report?

- 2.1 To seek authorisation to consult upon the draft Pontcysyllte Aqueduct and Canal World Heritage Site Joint Supplementary Planning Guidance Note.
- 2.2 To seek endorsement of the protocol for considering planning applications in the World Heritage Site and Buffer Zone.

3. What are the Recommendations?

- 3.1 To approve the attached draft Joint Supplementary Planning Guidance Note for consultation for a 12 week period commencing in September 2011.
- 3.2 To allow delegate authority for the Lead Member for Sustainable Development & Environment in consultation with the Head of Planning, Regeneration, and Regulatory Services to agree any non-material changes to the draft Supplementary Planning Guidance Note which may be necessary prior to consultation following the WHS Steering Group comments.
- 3.3 To approve the protocol for joint consideration of planning applications in the World Heritage Site and Buffer Zone with immediate effect.

4. Background

Draft Joint Supplementary Planning Guidance Note.

- 4.1 The World Heritage Site Steering Group and 5 Sub-Groups were set up to progress the nomination of the Pontcysyllte Aqueduct and Canal as World Heritage Site. Pontcysyllte Aqueduct and Canal World Heritage Site was designated by UNESCO in June 2009. The Planning, Landscape and Conservation Sub-Group is made up of officers from the three respective Local Authorities (Denbighshire, Wrexham and Shropshire), Cadw, English Heritage, Countryside Council for Wales and British Waterways and meet quarterly to progress joint working on issues relating to the World Heritage Site Management Plan. A number of actions within the Management Plan directly relate to landscape change and the need for protection. Actions set out for the Sub-Group include the preparation of new Local Development Plan policies to support the principles of appropriate development consistent across the three respective Local Authorities; to adopt a Joint Supplementary Planning Guidance Note in the interim, and to consider the implications of new development on the World Heritage Site designation.
- 4.2 The Joint SPG has been informed by the various inscription nomination documents, an ICAMOS¹ training session and comments from the Sub-Group members. Although there is no formal current development plan policy relating to the World Heritage Site and Buffer Zone, the broad thrust of the Joint SPG is to allow well designed development appropriate and in context with the World Heritage Site's immediate and wider environment; including the Buffer Zone. Current relevant Denbighshire Unitary Development Plan policies are CON 5 – Development within Conservation Areas and CON 10 – Schedule Ancient Monuments.
- 4.3 The Joint SPG outlines guidance for preparing planning applications. The main considerations are how the proposed development will affect the Outstanding Universal Value of the World Heritage Site or the Buffer Zone. Consideration should be given to siting, design and detailing of the proposal.
- 4.4 The World Heritage Site is protected for its Outstanding Universal Value. 'Outstanding universal value' means cultural and/or natural significance which is so exceptional as to transcend national barriers. The World Heritage Site is further protected by a buffer zone (The Pontcysyllte Aqueduct and Canal World Heritage Site Buffer Zone).
- 4.5 The purpose of the buffer zone is to identify the landscape setting and features with historic association relevant to the World Heritage Site. The boundary defines an area within which it is desirable to protect and manage change which could adversely affect the landscape setting and views to and from the World Heritage Site. The Buffer Zone has been drawn largely to follow the principal ridgelines of the Dee and Ceiriog valleys and includes a number of settlements including Llangollen, Cefn Mawr and Chirk. See map at the back of the draft Joint SPG in Appendix 1.
- 4.6 Once agreed by Planning Committee for consultation, the stages which will be followed in approving this guidance are as follows:
- Delegated Decision approval sought by Lead Member for Environment & Sustainable Development;

¹ ICAMOS – International Council on Monuments and Sites

- 6 week joint public consultation to commence September 2011 (press notice, press release, letter to Llangollen Town Council & Llantysilio Community Council and some other targeted stakeholders (Civic Society), documents and poster in local library);
- Joint consideration of consultation comments and formulation of responses (Denbighshire, Wrexham and Shropshire)
- Comments and suggest changes to the Joint SPG to be reported to the next available World Heritage Site Steering Group;
- Seek approval by County Council for adoption and use of Joint SPG in the determination of planning applications;

4.7 Once this guidance has been approved by the Council it will carry significant weight when the Local Planning Authority, Planning Inspectors, and Assembly determine planning applications and appeals.

Protocol for joint consideration of planning applications.

4.8 One of the responsibilities of the World Heritage Site Planning, Landscape and Conservation Sub-Group is to consider planning applications referred by each local planning authority which may have a significant impact upon the setting or Outstanding Universal Value of the World Heritage Site and report these to the World Heritage Site Steering Group.

4.9 As the Sub-Group meets on a quarterly basis, there is a need to provide a mechanism to ensure that planning applications within the World Heritage Site and Buffer Zone can be considered and responded to at short notice. In this regard it is proposed that a small group of officer representatives (1-2 from each local authority) convene each month to consider applications which have been referred by Denbighshire County Council, Shropshire Council and Wrexham County Borough Council. The group would act informally as a filter to ensure consistency in decision making and in the application of guidance.

4.10 To ensure a consistent approach to consultation across all three local authorities, guidelines contained in the protocol identify those types of development which may have a significant impact upon the setting and Outstanding Universal Value of the World Heritage Site. It is only anticipated that a hand full of major applications will warrant detailed scrutiny by the Sub-Group. Comments will be recorded as 'consultee response' within the final officers' report.

4.11 The protocol will enable the proper understanding and consideration of the variety of proposals by ensuring their impact upon the setting and Outstanding Universal Value of the World Heritage Site can be consistently assessed in accordance with the requirements of the World Heritage Site Supplementary Planning Guidance.

5. How does the decision contribute to the Corporate Priorities?

5.1 This Supplementary Planning Guide nor the protocol have no direct links to Corporate Priorities. However, protecting the status of the World Heritage Sites is important to ensure the tourism and cultural benefits to Llangollen are realised. Denbighshire are also working collaborative with other neighbouring Local Authorities.

6. What will it cost and how will it affect other services?

- 6.1 Limited cost involved in publicising the consultation which can be met through existing internal budget. Estimated costs to be no more than £1,000 for formal press notices. Costs involving officer time (spent on drafting, consultation drop-in sessions, reporting back) have / will be shared between the other two local authorities.

7. What consultations have been carried out?

- 7.1 The Joint Supplementary Planning Guide has been consulted on with officers in the three local planning authorities (Denbighshire, Wrexham and Shropshire) in addition Cadw, Countryside Council for Wales, English Heritage and British Waterways have been involved in drafting.

8. Chief Finance Officer Statement

All costs will be contained within existing revenue budgets.

9. What risks are there and is there anything we can do to reduce them?

- 9.1 Not agreeing the draft Joint Supplementary Planning Guide for consultation would be to the detriment of the Local Authority's commitment to protect the Pontcysyllte World Heritage Site. Producing a collaborative planning guidance note is an identified action in the Pontcysyllte World Heritage Site Management Plan.

10. Power to make a decision

- 10.1 Planning & Compulsory Purchase Act 2004.

Appendix 1: Draft Joint Supplementary Planning Guide – Pontcysyllte Aqueduct and Canal World Heritage Site.

Appendix 2: Protocol for dealing with Planning Applications

Planning Committee 27th July 2011.

PONTCYSYLLTE AQUEDUCT AND CANAL WORLD HERITAGE SITE.

Appendix 1: Draft Joint WHS SPG

Local Planning Guidance Note (draft for consultation) Pontcysyllte Aqueduct and Canal World Heritage Site

1. Introduction

- 1.1 This guidance note has been jointly produced by the three Local Authorities of Wrexham County Borough Council, Denbighshire County Council and Shropshire Council in relation to the Pontcysyllte Aqueduct and Canal World Heritage Site. This guidance note amplifies development plan policies of the three respective Councils and is a material consideration in the determination of planning applications that affect the World Heritage Site and its setting. It is intended to provide guidance to developers, members of the public, Officers and Members of the Council.
- 1.2 The aim is to ensure the integrity of the Pontcysyllte Aqueduct and Canal World Heritage Site, its buildings, structures and landscape are maintained. New development should ensure no adverse impact. It is recommended that dependant on the type and complexity of development that applicants discuss their proposals with the relevant Council prior to submitting any application to ensure there are no specific requirements arising from the World Heritage Site Inscription.

2. Planning Policy Context

- 2.1 National Planning Policy guidance for the site comes from Chapter 6 Planning Policy Wales (2011); Welsh Office Circulars 60/96 (Planning and the Historic Environment: Archaeology) and 61/96 (Planning and the Historic Environment: Historic Buildings and Conservation Areas); English Planning Guidance - Circular 07/09 Protection of World Heritage Sites (2009), Planning Policy Statement 1: General Policy and Principles (2001), Planning Policy Statement 5: Planning for the Historic Environment (2010).
- 2.2 Local Planning Policy context is contained in the following adopted development plans for each council area: - Wrexham Unitary Development Plan 1996-2011 (Policies EC7 Conservation Areas and EC11 Archaeology); Denbighshire Unitary Development Plan 1996-2011 (Policy CON 5 Development Within Conservation Areas and CON10 Scheduled Ancient Monuments) and Shropshire Council Core Strategy (CS6 Sustainable Design and Development Principles).
- 2.3 This guidance note will be reviewed when the respective Local Planning Authorities adopt their respective Local Development Plans/Frameworks. Please seek advice of the relevant Local Planning Authority regarding the most recently adopted plan.

3. World Heritage Site – the inscribed site.

- 3.1 World Heritage Sites are places of Outstanding Universal Value to the whole of humanity. The Pontcysyllte Aqueduct and Canal achieved World Heritage Site

status in June 2009 because its value and significance is clearly expressed within the integrity and authenticity of its features and its landscape and cultural setting.

- 3.2 The World Heritage Site inscription site forms a linear corridor which extends from the Horseshoe Falls west of Llangollen (Denbighshire) to Gledrid Bridge to the east of Chirk Bank (Shropshire) (see Map 1 in Appendix 1). The area inscribed within the World Heritage Site incorporates the Pontcysyllte Aqueduct and associated engineering features Horseshoe Falls, Chirk aqueduct, the Llangollen feeder canal, cuttings, embankments and tunnels. The immediate visual setting of the Horseshoe Falls, Pontcysyllte Aqueduct and Chirk Aqueduct are also included.

4. Buffer Zone and its purpose.

- 4.1 The Outstanding Universal Value of the World Heritage Site is not contained purely within the inscribed area. The cultural, settled and aesthetic landscape which contribute to the presentation, setting, sense of arrival and history of the World Heritage Site are all important to the integrity of the designation. Buildings, archaeology, views and landscape features combine in places to form distinctive character and sense of place which compliment the experience and understanding of the World Heritage Site. A Buffer Zone has therefore been drawn around the World Heritage Site to allow historic, cultural and landscape elements which contribute to the authenticity and integrity of the site and therefore to its Outstanding Universal Value to be conserved. The boundary follows the principal ridgelines of the Dee, Chirk and Ceiriog valleys to include the site's broad landscape and visual context (see Map 1 in Appendix 1).
- 4.2 The Buffer Zone itself is not of Outstanding Universal Value, it simply defines the outer limits of a zone containing areas which by association with the World Heritage Site are important to the Site's Outstanding Universal Value. It is not the purpose of the Buffer Zone to impose a blanket conservation approach to the entire area, but to encourage sustainable development which through contextual awareness conserves and enhances the World Heritage Site.
- 4.3 The ICOMOS Xian Declaration of 2005 is the reference point for understanding setting in the context of a World Heritage Site
<http://www.international.icomos.org/xian2005/xian-declaration.htm>
- 4.4 The full statement of Outstanding Universal Value for the Pontcysyllte Aqueduct and Canal and the criteria the site meets can be found at
<http://whc.unesco.org/en/list/1303> . Further explanation can be seen in Appendix 2.

5. Vision for Managing Development.

- 5.1 The objective of the Local Planning Authorities responsible for protecting the World Heritage Site is to manage development in a positive way that supports the vision for the Management of the World Heritage Site.
- 5.2 The following objectives are taken from page 79 of the Pontcysyllte World Heritage Site Management Plan (2007 – 2012):

- To manage the World Heritage site and Buffer Zone in a sustainable manner to conserve, enhance and present the Outstanding Universal Value of the site locally and internationally.
- To balance the needs of protection, conservation and access, the interests of the local community and the achievement of sustainable growth.
- To engage with and deliver benefits to the local communities around the site.
- To attract visitors to the area; and
- To generate income that adds value to the local economy or is reinvested in the running of the site.

6. General Guidance – Planning Applications

6.1 All development proposals must demonstrate how they have considered the impact on the World Heritage Site, of particular importance will be;

- An understanding of the character of the area in which the development is located and how development effects the setting of the World Heritage Site and Buffer Zone;
- How the development impacts on views in and out of the World Heritage Site;
- How the development contributes or minimises the impacts on the integrity and authenticity of the World Heritage Site;
- How the development contributes to the visitors 'sense of arrival' to the World Heritage Site.

6.2 The contents of Appendix 2 will help address some of these issues.

6.3 The nature, scale and location of development will be important in determining the range and depth of information that will be required with a planning application. For the majority of applications the issues raised above can be addressed in the Design and Access Statement (DAS). A typical Design and Access Statement (DAS) needs to provide the following information;

- **a character appraisal of the site** within its context of the World Heritage Site and Buffer Zone and how the proposal impacts on the World Heritage Site's Outstanding Universal Value both aesthetically and culturally;
- **the design of the development** and how it fits into the immediate area and wider landscape setting;
- **setting and views** of key buildings, features, landscape, archaeology and key views within, to and from the development site;
- **where appropriate, the use of locally distinctive building elements, built form** and construction techniques, such as scale, siting, massing, roof shape, roof pitches, frontage, window proportions, parapets and landscaping, shop front design and advertisement signs;
- **where appropriate, the use of locally distinctive facing materials** such as natural slate, building materials, brick quoins or natural stone, rainwater goods, windows, doors, porches, shop front design and in both buildings and the public realm;
- **justifying high quality modern design** that respects its location and setting;
- **a description of boundary details** including means of enclosure of landscape features, open spaces and gardens; and

- **public realm** and how pavements, parking areas, lighting, waste bins etc relate to the design principles of the proposal.
- 6.4 Each Council welcomes appropriate modern design that contributes positively to the character of the World Heritage Site and its Buffer Zone.
 - 6.5 Certain types of development do not require the submission of a Design and Access Statement (DAS) (refer to Table 1 for more information) but the considerations discussed above will still be material to planning decisions. It would be beneficial to your application to produce a short statement stating how your design proposals relate to these issues.
 - 6.6 Some development will not require a planning application, such as work carried out by statutory undertakers and development subject to agricultural and forestry notifications. In all cases it may be required to seek approval for the siting, design and external appearance of the proposal where it is considered that the proposal may be harmful to the setting or Outstanding Universal Value of the World Heritage Site.
 - 6.7 The type of development, its scale, location, siting and design can lead to dramatically different impacts on the World Heritage Site. Small development such as an extension to a residential property can have a significant impact if it is directly next to the World Heritage Site, while large developments such as a housing estate may have a very limited impact when far removed from the World Heritage Site. It is likely that the majority of planning applications within the Buffer Zone will not impact on the World Heritage Site but developers will need to demonstrate why there is no impact in the supporting documentation accompanying the planning application.
 - 6.8 Plan 1 and Table 1 (below) sets out more detailed guidance on the different types of development and the approach required. These scenarios do not intend to cover all possibilities, but do include the main circumstances where development could threaten the World Heritage Site and Buffer Zone.

Plan 1 Typical Development Scenarios (Illustrative guide to typical development scenarios).

- 1 Any development within the World Heritage Site or immediately adjacent
- 2 Small scale development within the Buffer Zone in settlements
- 3 Small scale development within the Buffer Zone in rural areas
- 4 Major development within the Buffer Zone in settlements or rural areas
- 5 Major development outside the Buffer Zone which impacts on the World Heritage Site setting

-  World Heritage Site
-  WHS Buffer Zone
-  Settlement Limit
-  Potential Development

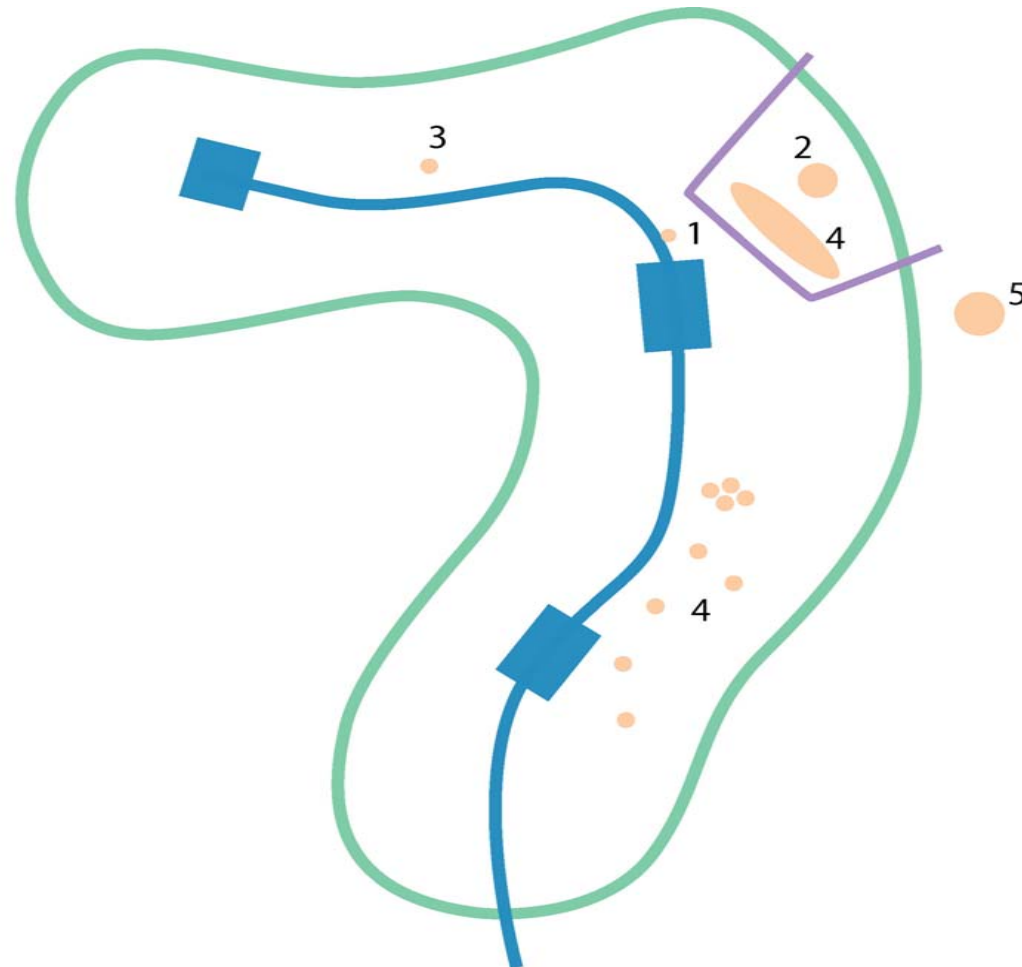


Table 1 – Typical Development Scenarios

Development Scenario	Development Type	Detailed Guidance
<p>1. Any development within the WHS, or immediately adjacent to it.</p>	<ul style="list-style-type: none"> • Typically small scale • Householder (residential extensions and conservatories) • Changes of use • Minor tourist development (toilets, small parking areas, picnic areas). 	<ul style="list-style-type: none"> • Minor tourist development for essential small scale facilities could be appropriate in the open countryside where the openness of the countryside is maintained. • Design and materials important. • Statement required to state how the development contributes to the WHS's character.
<p>2. Small scale development within the Buffer Zone in settlement limits.</p>	<ul style="list-style-type: none"> • Householder developments • Shop front or small scale retail development in urban areas • Minor development (less than 10 dwellings). 	<ul style="list-style-type: none"> • Use the guidance within Section 6 and Appendix 2 to assess whether the proposal is of local impact or of wider impact on the WHS. • Detail this analysis within a Design and Access Statement (DAS). If it can be demonstrated that the proposal is of local impact the DAS should look towards local character for design guidance. • Any development that impacts on the WHS's 'sense of arrival'- or on buildings or landscape features e.g. archaeological features or buildings of historical or cultural association with the WHS that contribute to its Outstanding Universal Value should stipulate how the effects of development will be mitigated.
<p>3. Small scale development within the Buffer Zone in rural areas.</p>	<ul style="list-style-type: none"> • Rural conversions • Small scale agricultural development. 	<ul style="list-style-type: none"> • Use the guidance within Section 6 and Appendix 2 to assess whether the proposal is of local impact or of wider impact on the WHS. • Detail this analysis within a Design and Access Statement (DAS). • If it can be demonstrated that the proposal is of local impact the DAS should look towards local character for design guidance. • Any development that impacts on the WHS's 'sense of arrival' or on buildings or landscape features e.g. archaeological features or buildings of historical or cultural association with the WHS that contribute to its Outstanding Universal Value should identify how the effects of development will be mitigated. • Development subject to agricultural notifications may be required to seek approval for the siting, design and external appearance of the proposal where it is considered that the proposal may be harmful to the setting or Outstanding Universal Value of the WHS. • Development by Statutory Undertakers (Gas and Electricity) may require approval for the design and external appearance of works as detailed in the General Permitted

		Development Order.
<p>4. Major development within settlement limits or rural areas of the Buffer Zone.</p>	<ul style="list-style-type: none"> • Housing (10 or more) • Major agricultural development • Major retailing development • Industrial or commercial development • Freestanding wind turbines • Major tourism development such as Visitor Centre. 	<ul style="list-style-type: none"> • The impact of major development can be much wider than just on its local setting. It can have a significant impact on the Outstanding Universal Value, setting and visitor experience of the WHS as well as on the character of the Buffer Zone. • An application for a major development needs to consider the issues raised in Section 6 and Appendix 2. • A Design and Access Statement (DAS) is required. • The DAS should clearly define and understand the character of the development site and its relationship in the wider context. The DAS needs to identify the design principles used in developing the site Masterplan and how the design of the site would make a positive contribution to the WHS. • Detailed landscape assessments and mitigation plans may be necessary. • Tourism Development significant visitor attraction facilities should be within settlement limits; only in exceptional circumstances would such facilities be allowed in the open countryside or on the edge of existing settlements. Proposals for development outside the settlement limits would need to justify why a location within or on the edge of the settlement would not be appropriate for the facility and demonstrate that the rural character and landscape qualities would not be compromised by development. • Visitor accommodation will only be acceptable within settlement limits or through the conversion of existing rural buildings. • Industrial, retail and commercial development should be located within settlement limits. • Development that is major or significant in scale may require an Environmental Impact Assessment (see Page 9).
<p>5. Major development outside of the Buffer Zone with impacts on the WHS setting.</p>	<ul style="list-style-type: none"> • Wind turbines • High rise development • Infrastructure projects (electricity pylons) visible above the Buffer Zone ridgeline. 	<ul style="list-style-type: none"> • The Buffer Zone has been drawn to follow the ridgeline of the Dee and Ceiriog Valleys to define the broad landscape and visual context to the WHS. • Developments outside of the Buffer Zone may be visible from the WHS and impact upon its setting (e.g. wind turbines may be visible above the Buffer Zone ridgeline). • Developers should contact the relevant Council prior to submitting an application to ensure there are no specific requirements arising from the WHS designation. • Development that is major or significant in scale may require an Environmental Impact Assessment (see Page 9).

7. Development affecting undesignated features associated with the site within the Buffer Zone.

- 7.1 Several undesignated archaeological features within the Buffer Zone are closely associated with the World Heritage Site and are important for its interpretation (e.g. the industries that provided economic justification for building the site, features associated with the construction of the site e.g. iron works, tramways, settlements and quarry workings).
- 7.2 An Archaeological Audit is available which considers the purpose and function of these features; their relevance to the World Heritage Site; their significance (whether local, regional, national or international) It may be necessary for archaeological surveys to be undertaken and appropriate mitigation may be required to make a development acceptable. Advice can be given at pre-application stage.

8. Other Considerations

- 8.1 The rich cultural and valued landscape setting of the World Heritage Site and the Buffer Zone is apparent within the high number of statutory and non-statutory designations within the area. World Heritage Site designation does not remove these obligations or diminish their significance within planning decisions. Below is a list of a relevant few.

Scheduled Ancient Monument & Listed Buildings Consent

- 8.2 The Pontcysyllte Aqueduct and Canal is a Scheduled Ancient Monument (SAM). Works to a Schedule Ancient Monument or on land adjoining a Schedule Ancient Monument require separate consent from Cadw in Wales or English Heritage in England. Listed Building Consent is also a separate consent from the relevant Council that is required for works to a listed building.

Conservation Areas

- 8.3 There are to date 6 conservation areas within the World Heritage Site Buffer Zone. These are areas of special architectural or historic interest, the character or appearance of which should be preserved and/or enhanced. To assist development each has their own character appraisal detailing the main features of the area and local guidance to preserve or enhance that character.

Article 4(2) Directions

- 8.4 Article 4(2) directions remove the permitted development rights to houses within a designated area, where character of such features are felt to be important, for example changes in materials of external walls, windows and boundary walls. These are in place in Cefn Mawr, Chirk and Pontcysyllte Aqueduct Conservation Areas. It may be appropriate to add more directions in the future. This will be undertaken in full consultation with the local community. To confirm whether your property has had an Article 4 direction imposed and the content of the direction please contact the relevant local authority.

Clwydian Range and Dee Valley Area of Outstanding Natural Beauty – proposed designation 2011

- 8.5 Much of the World Heritage Site lies within landscape which has been assessed as having natural beauty of national significance. The assessment of pressures which affect the natural beauty of the area and the consideration of mechanisms which enable landscape protection and enhancement, concluded that statutory designation as an Area of Outstanding Natural Beauty was the most appropriate mechanism. Designation brings with it statutory planning controls, a statutory management plan and community engagement within the landscape management and enhancement of the area. The Countryside Council for Wales approved a Draft Order in February 2011 and the making of the designation is currently under review by the Welsh Assembly Government, with a decision likely towards the end of 2011.
- 8.6 The World Heritage Site and Area of Outstanding Natural Beauty share a common interest in the conservation and enhancement of built and natural features of national and international significance. The cultural, historic, landscape character and quality features of the area are as important to the setting and integrity of the World Heritage Site and they are to the natural beauty of the Area of Outstanding Natural Beauty.
- 8.7 It is important to ensure that planning and management decisions conserve and enhance the features important to both designations. To aid planning decisions a supplementary planning guidance note will be prepared for the Area of Outstanding Natural Beauty once designated.

Environmental Impact Assessment

- 8.8 Development that is major or significant in scale may require an **Environmental Impact Assessment (EIA)**. An EIA is required for certain specified types of development likely to have a significant affect on the environment by virtue of their nature, size or location. World Heritage Sites are “sensitive areas” for the purposes of the EIA Regulations. This means that the Council will require an Environmental Impact Assessment to be carried out for any development proposal in, or partly in, a World Heritage Site if they consider it is likely to have a significant effect on the environment.
- 8.9 When an Environmental Impact Assessment is required, the developer must prepare and submit an Environmental Impact Assessment to accompany the planning application. An Environmental Impact Assessment in the World Heritage Site should:
- Take account of ICOMOS guidance on Heritage Impact Assessments (HIA). A Heritage Impact Assessment undertaken in these circumstances is not additional to a standard Environmental Impact Assessment but integral to it using methodology to focus on Outstanding Universal Value and attributes that contribute to Outstanding Universal Value.
 - Examine alternatives;
 - Highlight the environmental effects of proposed developments; and
 - Propose appropriate mitigation and monitoring measures.

8.10 Applicants are encouraged to contact the relevant Council to confirm if it is likely the proposal will require an Environmental Impact Assessment.

9. Key background documents.

Planning Policy Wales (2011) and associated Technical Advice Notes.

Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas (2006)

Communities and Local Government Circular 07/2009: Protection of World Heritage Sites (July 2009)

Wrexham Unitary Development Plan (adopted February 2005)

Denbighshire Unitary Development Plan (adopted July 2002)

Oswestry Local Plan 'Saved Policies' (Saved 2007)

X'ian Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas, ICOMOS (2005)

Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, ICOMOS (Draft 2010)

The Protection & Management of World Heritage Sites in England, English Heritage (2009)

Seeing the History in the View: A Method for Assessing Heritage Significance Within Views, English Heritage (Draft 2008)

The Setting of Heritage Assets: English Heritage Guidance, English Heritage (Draft 2010)

10. World Heritage Site nomination, management, characterisation and features.

Pontcysyllte Aqueduct and Canal Nomination as a World Heritage Site - Nomination Document (2009)

Pontcysyllte and its canal: World Heritage Management Plan (2007)

Pontcysyllte Landscape and Visual Assessment (2007)

Pontcysyllte Archaeological Audit (2007)

Pontcysyllte Aqueduct Conservation Area Assessment and Management Plan (2009)

Tree and Ecology Management Plan (2010)

Llangollen Conservation Area Appraisal (1997-1998)

Llantysilio Conservation Area Appraisal (1997)

Trevor Mill / Plas yn Pentre (1997-1998)

Cefn Mawr Conservation Area Character Assessment (2005)

Chirk Conservation Area Character Assessment (2001)

Clwyd Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales Part 1: Parks and Gardens (CADW/ ICOMOS UK)

Register of landscapes of Special Historic Interest in Wales (CADW/ ICOMOS UK)

Vale of Llangollen and Eglwyseg Historic Landscape Characterisation (Clwyd-Powys Archaeological Trust)

LANDMAP – Provides an assessment of 5 aspects which together contribute to the Welsh landscape: geological landscapes; visual and sensory landscapes; landscape habitats; cultural landscapes and historic landscapes <http://test.landmap.ccw.gov.uk/>

County landscape assessments:

Denbighshire Landscape Strategy

Wrexham LANDMAP Supplementary Planning Guidance

http://www.wrexham.gov.uk/english/planning_portal/landmap/spg.htm

Shropshire Landscape Character Assessment

11. Key Contacts

Wrexham County Borough Council, Planning Department, Lambpit Street, Wrexham, L11 1AR.

Tel. 01978 292485 General Enquiries.

Tel. 01978 292019 Conservation Enquiries.

Denbighshire County Council, Development Control, Caledfryn, Smithfield Road, Denbigh. LL16 3RJ.

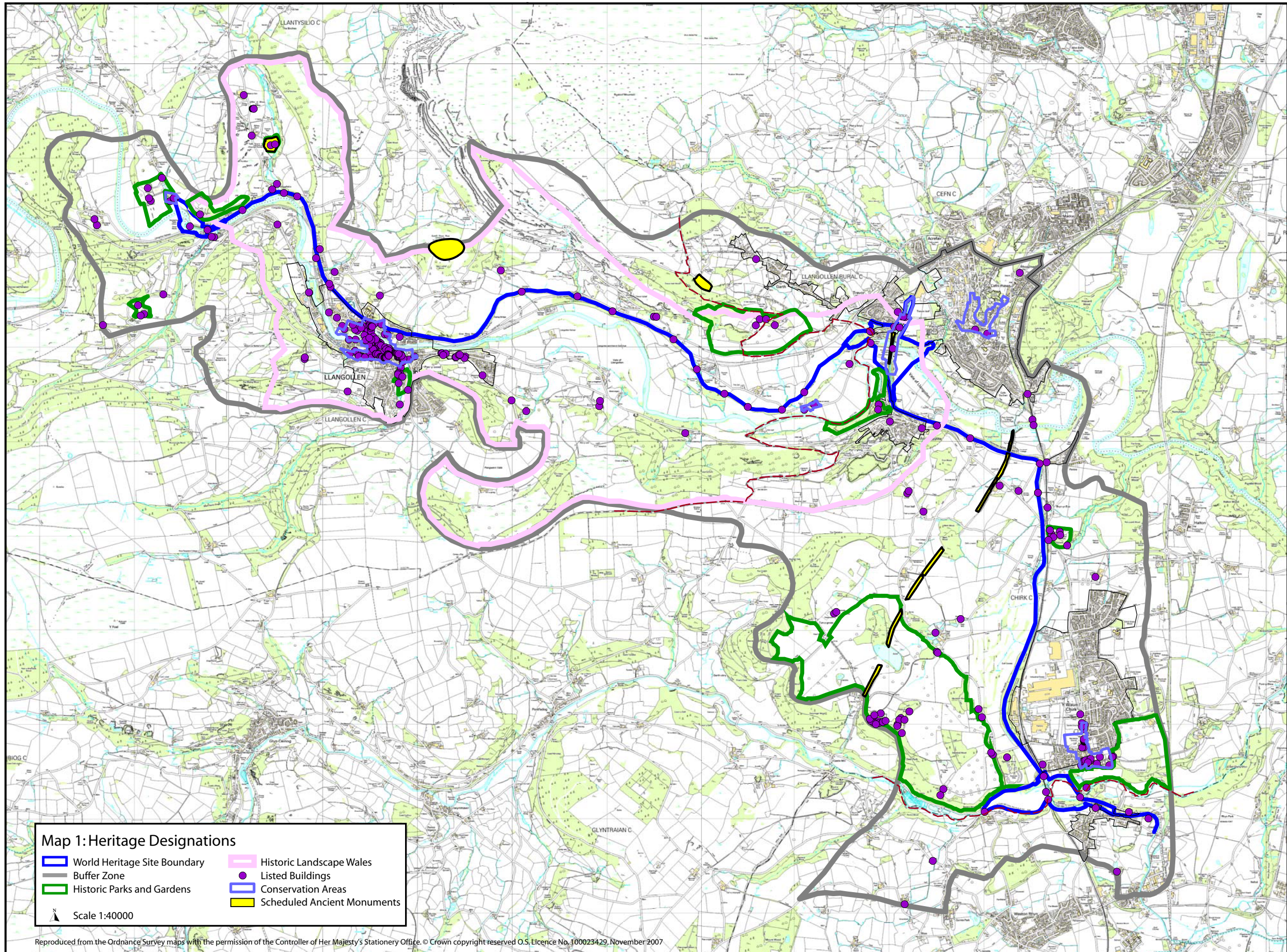
Tel. 01824 706727 General contact line.

Shropshire Council, Development Services, Shirehall, Abbey Foregate, Shrewsbury, Shropshire. SY2 6ND.

Tel. 0345 678 9004

Appendix 1: draft Joint Supplementary Planning Guidance Note.

Map of the Pontcysyllte World Heritage Site.



Appendix 2: draft Joint Supplementary Planning Guidance Note.

Additional clarification – Outstanding Universal Value.

What are we protecting? Outstanding Universal Value.

“World Heritage Sites are places of outstanding universal value to the whole of humanity”. Communities and Local Government Circular 07/2009: Protection of World Heritage Sites (July 2009).

‘Outstanding universal value’ means cultural and/or natural significance which is so exceptional as to transcend national barriers. In June 2009 UNESCO inscribed Pontcysyllte Aqueduct and Canal on the World Heritage List because it bears witness to very substantial international interchanges and influences in the fields of inland waterways, civil engineering, land-use planning, and the application of iron in structural design. The full statement of Outstanding Universal Value for the Pontcysyllte Aqueduct and Canal and the criteria the site meets can be found at <http://whc.unesco.org/en/list/1303>

In order to be inscribed on the UNESCO World Heritage Site list a site has to demonstrate and meet one or more of ten criteria to assess Outstanding Universal Value, satisfy requirements of authenticity and/or integrity and demonstrate the site’s importance. UNESCO considers Pontcysyllte Aqueduct and Canal satisfies three Outstanding Universal Value criteria. These are:

- It is a masterpiece of two of the exceptional figures in the heroic phase of civil engineering in the late eighteenth and early nineteenth centuries;
- It exhibits important international interchanges of values in inland navigation, civil engineering and the application of iron to structural design; and
- It is an outstanding example of transport improvements in the Industrial Revolution, which initiated the process of industrialisation that spread to Europe, North America and the entire globe.

Some of the key features from the adopted statement of Outstanding Universal Value are:

- recognition of the difficult geographical environment and the use of extensive and boldly conceived civil engineering works that resulted in monumental architecture;
- acknowledgement that the integrity of the landscapes and the Buffer Zone of the property (World Heritage Site) contribute to the expression of the value of the property (World Heritage Site);
- noting the property (World Heritage Site) has all the values of integrity as a major historic canal of the Industrial Revolution; and
- noting the good degree of authenticity between the buildings associated with the canal and its immediate environment.

The content of the following boxes explains the terms referred to in paragraph 6.1 of the Local Guidance Note.



Outstanding Universal Value, Character.

Character appraisals should identify the local distinctiveness and special interest of the visual and cultural environment.

The principal aims of character appraisals are to:-

- identify the factors that create the 'quality of place'
- define what built and natural features chiefly reflect this character and what is most worth conserving;
- identify what has suffered damage or loss and may need reinstating;
- establish how the development proposals sit within the character of the WHS and buffer zone in which it is located.

A character appraisal should ensure that the quality of townscape / rural scape in its broadest sense is understood as well as protected to ensure that new development is sympathetic to the areas special interest.

It is the character of the World Heritage Site of Pontcysyllte Aqueduct and Canal and the parts of the buffer zone affected by development proposals that should be the prime consideration in a character appraisal. Appraisals of development sites should consider: -

- architectural character;
- the layout and grouping (perhaps historic) of property boundaries and street patterns, lanes or tracks;
- the scale of buildings, building block patterns, frontage sizes (vertical, horizontal); fenestration patterns; a building's relationship to outdoor spaces
- any architectural detailing or rhythm to building frontages
- any particular mix of building or land uses;
- characteristic local materials to buildings and other surfaces, such as walls, gates, railings etc;
- the mix and importance of focus and background buildings;
- the mix and importance of open spaces and hard and soft landscaping;
- important views and visual compositions to and from the development site in relation to the WHS (including vistas along streets and between buildings where relevant);
- important topographical features
- quality of advertisements.

The appraisal should form the basis of the design and quality of new development taking all the above factors into consideration. Maps and photographs should also assist in this process.

Further work is been undertaken by Cadw to assist with identification of characterisation.

Outstanding Universal Value, Views Relating to the World Heritage Site.

All developments need to consider whether they fall within views of the World Heritage Site and/or are viewed from the World Heritage Site. If a proposal falls within such views then the developer needs to consider the impact of development on the setting of the World Heritage Site and the character of the Buffer Zone.

Views of the World Heritage Site are important for appreciating the site and its integrity and authenticity. In some cases it may be required to preserve an existing view, in other cases it may be desirable to leave a view obscured for example where opening up a view would reveal previously hidden insensitive development. Development proposals will be considered for opportunities to enhance views of the site in the design, siting and landscaping of the proposal.

Within the Buffer Zone are significant views which have historic or cultural value. These views may be from historic sites like Castell Dinas Bran, A5 or from tourist attractions and national trails such as Offa's Dyke, Clwydian Way, Maelor Way, or may provide attractive views of the principal features of the World Heritage Site.

The significant views have been identified in the World Heritage Site nomination document: Pontcysyllte Landscape and Visual Assessment (2007).

Outstanding Universal Value, Authenticity and Integrity.

Integrity means completeness/intactness of the attributes needed to convey Outstanding Universal Value;

The adopted statement of Outstanding Universal Value for Pontcysyllte World Heritage Site notes the high integrity of the site as a major historic canal of the Industrial Revolution. It also notes the integrity of the landscape contributes to the expression of the value of the Pontcysyllte Aqueduct and Canal.

Authenticity means the link between attributes (attributes could take a variety of forms e.g. materials and substance, use and function, form and design or other forms of intangible heritage) and Outstanding Universal Value. How well those links convey Outstanding Universal Value;

The adopted statement of Outstanding Universal Value for Pontcysyllte World Heritage Site notes the good degree of authenticity between buildings associated with the canal and its immediate environment.

Outstanding Universal Value, Sense of Arrival.

A journey along major road and rail access routes to the World Heritage Site creates a 'sense of arrival' for visitors and can help interpret the value of the World Heritage Site and its Outstanding Universal Value. Development proposals along the major tourist access routes will need to consider how the proposal relates to this 'sense of arrival' and how it can positively contribute to it.

The Buffer Zone has a value in its own right where it creates a 'sense of arrival' to the World Heritage Site. This includes buildings, sites or landscape features that contribute to the Outstanding Universal Value of the World Heritage Site. These features may not be visible to or from the World Heritage Site but may be important to the character of that particular part of the Buffer Zone.

For development with a significant influence on the 'sense of arrival' by virtue of its scale, size, location or nature a context appraisal will need to be undertaken as part of the Design and Access Statement. The Design and Access Statement will need to consider the various landscape and urban characters along the route including the character of the World Heritage Site and the Outstanding Universal Value of the site. The development design will need to react positively to this context.

For example with the Outstanding Universal Value in mind, a drive to the World Heritage Site through the rural valley gives views of the difficult geographical environment in which the World Heritage Site was engineered, reveals views of the monumental architecture, passes settlements with historic association to the World Heritage Site and finally a visit to the World Heritage Site reveals the engineering solutions to the difficult terrain. Context appraisal may reveal an opportunity to open up views of the World Heritage Site and the valley, it may provide historic industrial links, buildings or features that could be reflected in the design or it could provide inspiration for materials.

Minor development (householder, change of use) along the main access routes will have more limited impact, in these circumstances a high quality of design and landscaping in keeping with the locality will be required.

Planning Committee 27th July 2011.

PONTCYSYLLTE AQUEDUCT AND CANAL WORLD HERITAGE SITE.

Appendix 2: Protocol for consideration of planning applications in the
World Heritage Site and Buffer Zone.

Appendix 2 – Planning Committee Report July 2011.

PONTCYSYLTE AQUEDUCT AND CANAL WORLD HERITAGE SITE.

CONSULTATION PROTOCOL ON PLANNING APPLICATIONS.

One of the responsibilities of the World Heritage Site Planning, Landscape and Conservation Sub-Group is to consider planning applications referred by each local planning authority which may have a significant impact upon the setting or Outstanding Universal Value of the World Heritage Site (WHS) and report these to the World Heritage Site Steering Group.

As the Sub Group meets on a quarterly basis, there is a need to provide a mechanism to ensure that planning applications within the WHS and Buffer Zone (BZ) can be considered and responded to at short notice. In this regard it is proposed that a small group of officer representatives (1-2 from each local authority) convene each month to consider applications which have been referred by Denbighshire County Council, Shropshire Council and Wrexham County Borough Council.

Consultation will be at the discretion of these authorities and there is no automatic right for consultation on any particular application. A single officer point of contact will be required to co-ordinate the meetings and responses. In the event that there are no or very few minor applications requiring consideration, then the main contact will discuss or email other representatives to establish whether a meeting is required.

To ensure a consistent approach to consultation across all three local authorities, the following guidelines identify those types of development which may have a significant impact upon the setting and Outstanding Universal Value of the World Heritage Site. There may be applications which fall outside these guidelines and in such cases it will be at the discretion of the individual case officers to determine whether the proposals warrant consultation.

Development Category	Examples
All Planning applications within the World Heritage Site	Householder, commercial, tourism etc. Any infrastructure works to the Canal and engineering operations.
New buildings outside settlement limits, within the Buffer Zone	Housing, commercial, industrial proposals. However, agricultural buildings will predominate, given the rural context. Barn conversions or domestic extensions should not normally involve consultation unless as a result of its sensitivity, scale and location it may be harmful to the setting or Outstanding Universal Value of the World Heritage Site. Much will depend upon scale and proximity to the World Heritage Site. Also large scale applications near principal transport routes leading to the World Heritage Site.

Development within Settlement limits within the Buffer Zone	Primarily major development that will have an impact upon views into and out of the World Heritage Site. Minor housing development (of less than 4 dwellings) and house extensions will not normally be included.
Telecommunication Developments	Masts and other telecommunication developments that may harm the setting of the World Heritage Site and Buffer Zone scale, height, siting and aspect should be considered.
Highway or Utility Works	This will include works/development requiring planning permission in the first instance but also those works undertaken which may benefit from Permitted Development Rights within the WHS and sensitive areas within the Buffer Zone, particularly key highway approaches (e.g. access improvements or boundary walls).
Tourism and Leisure Developments	All development within the World Heritage Site and Buffer Zone.
Renewable Energy Development	All development within the World Heritage Site and Buffer Zone.
Minerals	All proposals within the World Heritage Site and Buffer Zone.
Waste Management Development	All proposals within the World Heritage Site and Buffer Zone.
Large scale development outside the Buffer Zone which would affect the approach to the WHS from key routes into the area	Normally large scale development which may affect the setting of the World Heritage Site and the visitors experience of the World Heritage Site

All other consultations in respect of Development Plans, Supplementary Planning Guidance, Local Transport Plans and other local authority initiatives or strategies etc. should be referred to the group where proposals would have an impact upon the setting or Outstanding Universal Value of the World Heritage Site.

Consultations should be accompanied by all supporting information including the Design and Access Statement. This will enable the proper understanding and consideration of the proposals in ensuring their impact upon the setting and Outstanding Universal Value of the World Heritage Site can be properly assessed in accordance with the requirements of the World Heritage Site Local Planning Guidance.

**PLANNING COMMITTEE
27TH JULY 2011
ITEM NO 6**

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEM

**THE APPLICATION PROCESS INVOLVING THE
INFRASTRUCTURE PLANNING COMMISSION**

1. PURPOSE OF REPORT

1.1 The report seeks to provide members with a factual outline of the process involved in the handling of major planning applications by the Infrastructure Planning Commission (IPC), and the role of Denbighshire County Council in that process. It also includes a summary of schemes on which the County Council have been listed as a statutory consultee by the IPC, so Members are aware of the number of proposals where the Council are involved.

2. BACKGROUND

2.1 Members may recall previous reports to committee relating to the Infrastructure Planning Commission and applications to be determined by that body where the County Council is a consultee.

2.2 A basic information report was presented to the November 2009 Committee on the purpose of the IPC, and there have been separate reports to the Committee in the last year which have outlined detailed proposals in the County by applicant companies for publicising large scale wind turbine applications at Clocaenog Forest and at Mynydd Mynyllod, which are proposed for submission in early 2012 for determination by the IPC. These have involved Statements of Community Consultation prepared by developers, which is one of the early stages where applicants are obliged to seek engagement with the County Council, Community Councils, local groups, and the general public.

2.2 A report was presented to the June 2011 Committee on further developments relating to Scottish Power's proposals for a windfarm at Mynydd Mynyllod, west of Llandrillo. This scheme has reached the stage where the applicants are about to issue their 'draft' Environmental Statement for 'technical' appraisal by consultees, prior to the compilation of the final application and its submission to the IPC. The Committee authorised Officers to negotiate with officials in Gwynedd and the National Park over suitable Joint Working Arrangements to handle the various stages of the application process, and to secure a Planning Agreement with Scottish Power to cover the costs of engaging consultants to scrutinise their draft Environmental Statement.

2.3 It was suggested at the June Committee that officers present an information report to the July meeting to explain the basic stages of the IPC application process, and where the County Council are expected to have an input.

3. THE PLANNING ACT 2008 AND THE INFRASTRUCTURE PLANNING COMMISSION

3.1 The Infrastructure Planning Commission was established as part of the implementation of the Planning Act 2008. The main objective of the then government was to tackle concerns over what it perceived to be unacceptable delays in the planning system in handling of major schemes involving infrastructure development. The Act set out a regime which was geared at 'enabling decisions about major infrastructure to be taken in a way that is faster, fairer, and more transparent'.

3.2 Specifically, The Planning Act 2008 provided in Wales for:

- a single integrated consents regime for nationally significant infrastructure projects for large scale electricity generating stations, electricity lines, harbour facilities, etc., replacing separate and often overlapping systems for determining such schemes
- the introduction of National Policy Statements (NPSs), intended to integrate environmental, social and economic objectives, and provide strategic level guidance on the need for infrastructure development, including the desirability of mitigating and adapting to climate change
- a new duty on promoters of schemes to ensure their proposals are properly prepared and consulted on before they are submitted as applications for development consent
- a new independent body , the Infrastructure Planning Commission, which assumes responsibility for considering and deciding on major infrastructure projects, taking account of National Policy Statements. Where no NPSs are in place the IPC acts as a recommending body with the Secretary of State or equivalent taking the decision.

3.3 The reforms were geared at establishing a clear separation between policy making and decision making on individual applications. They were intended to give scheme promoters a clearer framework in which to operate, 'with a higher degree of predictability, in which they can make investment decisions with confidence'. At the same time, it was considered that there would be better opportunities for the public and local communities to get involved in decisions that affect them.

3.4 The expectation on the IPC was that it would reduce the time taken to decide on typical major infrastructure applications from 100 to 35 weeks, and to cut the cost of delivering national infrastructure by £300 million annually.

3.5 The IPC was set up following the 2008 Act and was in a position to receive applications in the Spring of 2010.

3.6 The thresholds for Nationally Significant Infrastructure Projects in respect of windfarm schemes are those onshore schemes with an installed capacity exceeding 50 MW. In Denbighshire, this involves schemes in preparation for windfarms at Clocaenog Forest and at Mynydd Mynyllod, Llandrillo. There are also separate proposals being prepared by Scottish Power for a grid connection to the Clocaenog Forest area, which will be submitted to the IPC.

3.7 The flow chart on the following page sets out the basic stages involved in the application process where the IPC are the determining body.

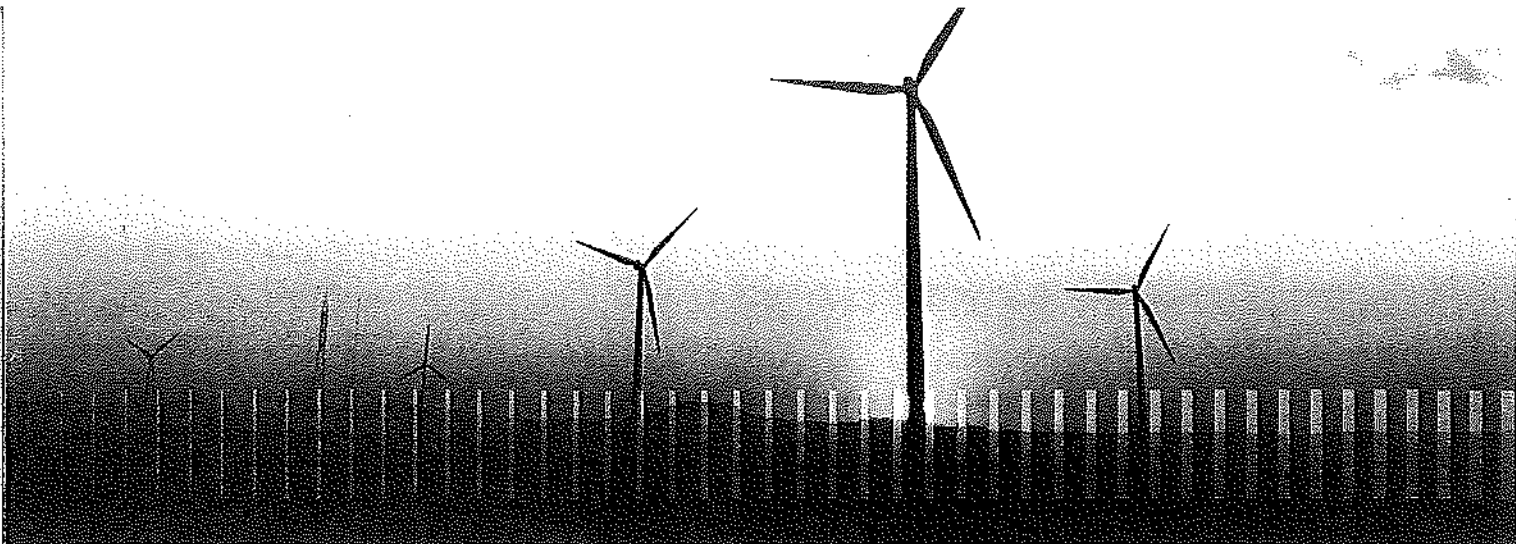


Figure 1 The IPC Process

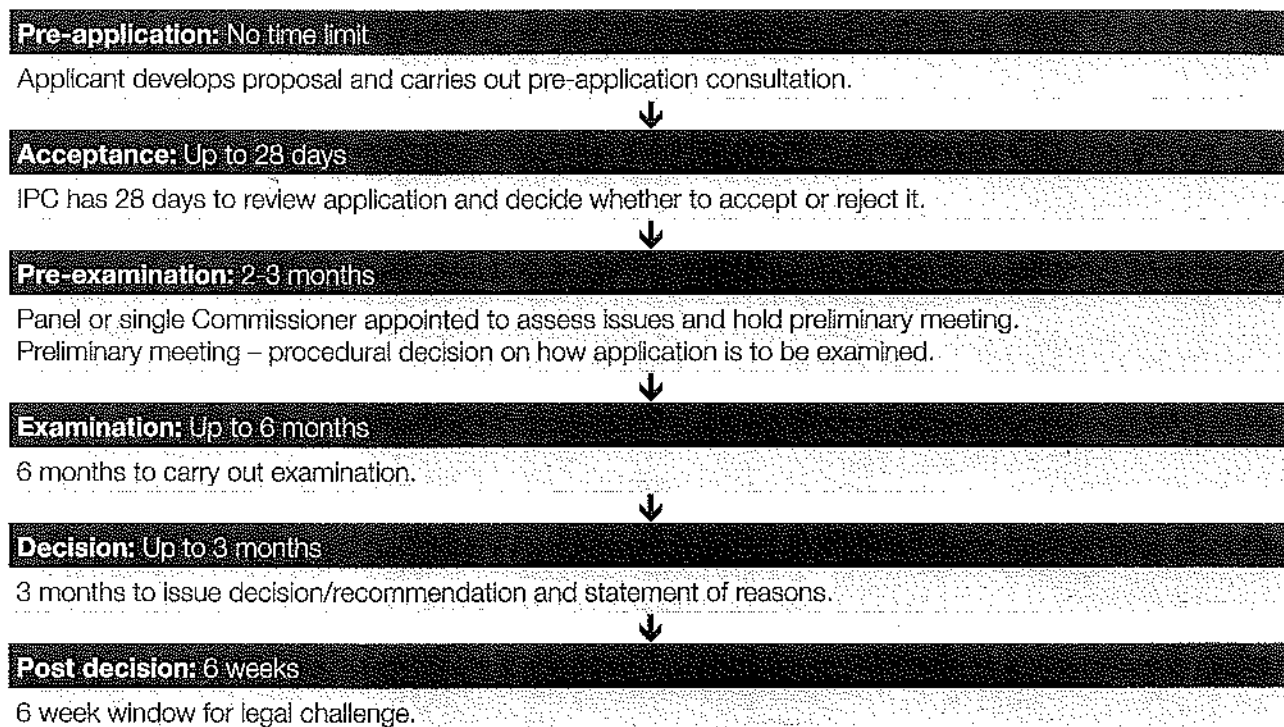
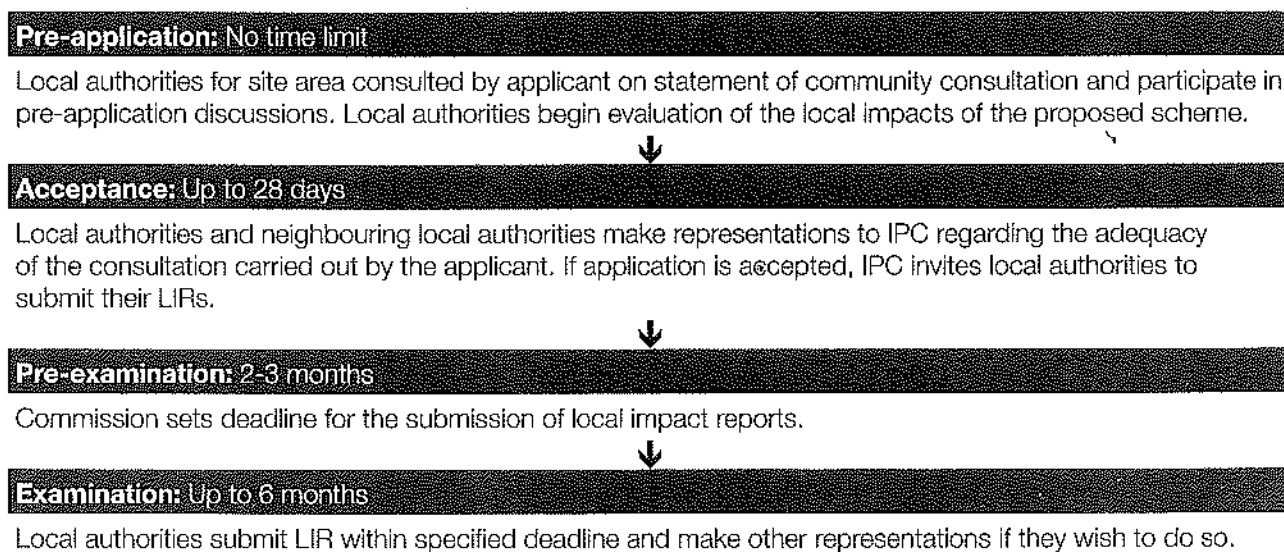


Figure 2 How the local authority fits in



4. THE ROLE OF THE COUNTY COUNCIL IN RELATION TO IPC APPLICATIONS

4.1 The Planning Act 2008 and guidance from the IPC sets out the respective roles the IPC and Local Planning Authorities are expected to play in handling major infrastructure applications. In relation to the County Council, there are a number of points at which engagement is expected, including:

- working with developers before any application is made, whether or not the Council supports a particular proposal
- developing Joint Working Agreements with adjoining Local Planning Authorities, where sites straddle or are close to administrative boundaries, to pool expertise and save officer time
- securing Planning Performance Agreements with developers to cover the costs of obtaining specialist advice on 'technical' aspects of applications, where the Council has no in house expertise
- scrutinizing, reporting to the IPC and signing off a developer's Statement of Community Consultation
- working with the IPC to ensure the effectiveness of the outreach programme so local communities are well informed about the process
- collaborating with developers in the refinement of their environmental information so the formal submission to the IPC is of a suitable standard for scrutiny
- negotiating and agreeing a Statement of Common Ground with the developers
- evaluating the proposals and preparing a Local Impact Report on the application, (defined in the 2008 Act as 'a report in writing giving details of the likely impact of the proposed development on the authority's area')
- making further representations to the IPC Commissioner, if a particular view is to be expressed on the proposal
- attending as necessary, hearings to be chaired by the Commissioner
- liaising with the IPC in the organization of timetables
- enforcing any conditions imposed by the IPC as part of a Development Order

5. IPC SCHEMES INVOLVING DENBIGHSHIRE AS A STATUTORY CONSULTEE

5.1 At the time of drafting this report, officers are aware of the following schemes which are to be submitted to the IPC for determination, where Denbighshire have been identified as a statutory consultee:

- where Denbighshire are likely to be the lead authority as the sites are primarily in the County :

- * Clocaenog Forest windfarm (part within Conwy)
- * Mynydd Mynyllod windfarm (part within Gwynedd)
- * Clocaenog grid connection

- where Denbighshire are a consultee, and other local planning authorities are likely to take the lead role :

- * Burbo Bank offshore windfarm (Flintshire, but onshore works will involve a separate application to Denbighshire)
- * Dyfnant Forest windfarm (Powys)
- * Nant y moch windfarm (Powys)
- * Mid Wales grid connection (Powys)

6. RECOMMENDATION

6.1 The report is for information purposes.

GRAHAM H. BOASE
HEAD OF PLANNING AND PUBLIC PROTECTION