

PWYLLGOR CYNLLUNIO
CYFARFOD: 18fed Mawrth 2009
Eitem: 2

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

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

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

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

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

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
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ITEM NO: 1

WARD NO: Ruthin

APPLICATION NO: 02/2008/0882/ PF

PROPOSAL: Development of golf driving range including 9 bay building, floodlighting and boundary fencing

LOCATION: Llanfwrog Community Centre Mwrog Street Ruthin

APPLICANT: Llanfwrog Community Association

CONSTRAINTS:

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

'The revised application for a Golf Driving Range at Llanfwrog Community Centre has significantly addressed one of the primary concerns of the Town Council's Planning and Development Committee – namely the visual and physical intrusion of the 6m high fence along the length of the driving area; which resulted in our decision to object to the original application.

Mindful of the substantial public support and the benefits a facility of this kind will have on both the residents and visitors of Ruthin, we have responded with No Objection.

However, we remain concerned that the facility, specifically the greater proportion of the range that extends up the inclined gradient of the fields, has the potential to negatively affect the historical parkland landscape of Ruthin Castle and surroundings. Firstly, that the visual character of the grassland will change and be out of character with the grazing pasture landscape and secondly that the floodlighting of the range may over-illuminate the landscape and be detrimental to both wildlife and the amenity of the area.

We presume that comments on these aspects will be sought from bodies with specific remit and knowledge on these matters and that their advice may lead to design revisions or operational conditions that will suitably appease any concerns that may remain'.

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection

PUBLIC PROTECTION

No objection subject to condition requiring the lighting being checked prior to commencement of operation.

COUNTY ARCHEOLOGIST

No objection subject to conditions

COUNTY ECOLOGIST

No objection subject to condition requiring a detailed landscaping scheme.

ENVIRONMENT AGENCY WALES

No objection

CADW

Notes location within Essential Setting of the Park of Ruthin Castle, included as Grade II on the CADW/ICOMOS Register of Parks and Gardens of Special Historic Interest in Wales. Concerns raised initially with the proposal however these have been partly addressed. Awaiting consultation response to amended scheme which shows alteration to siting of the building.

RUTHIN AND DISTRICT CIVIC ASSOCIATION

Not entirely happy with the build up of development on this approach to Ruthin but do not make a formal objection to this proposal. Hope that all the sports grounds will be effectively screened from Lon Fawr by trees and shrubs, which will also reduce their visual impact when seen from the castle

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 11/02/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application proposes the development of a golf driving range to the south west of the Tennis Centre off Lon Fawr in Ruthin.
2. The range would measure 60m in width on the northern end, opening out to a width of 170m at the southern side, and 250m in length. Proposed on the northern end of the site is a 9 bay driving range building, with attached timber clad ball booth, 25m in length by 3m in width, with a maximum height of 4m. A sloping green/sedum roof construction is proposed with an open elevation to the southern side. Spot flood-lighting will be attached to the eaves of the southern elevation which will light the driving range. A 1.2 post and rail fence with some landscaping is proposed on the eastern boundary of the site. The plans also indicate that some additional landscaping is proposed on the north east and west boundaries of the site.
3. Llanfwrog Community Association rent the application site from Denbighshire County Council. The Community Association are responsible for the Tennis Centre and sports pitches which have been developed since the original grant of permission in 2006.
4. The application site currently comprises of a football field and open agricultural land. The site is flat at the northern end and slopes gently to the south west. The site lies outside the Development Boundary of Ruthin, within a Green Barrier and a Local Landscape Area, and is within an area shown as the 'essential setting' to the historic parkland and gardens of Ruthin Castle in the CADW/ICOMOS Register of Historic Parks and Gardens for Wales. The parkland and gardens have a Grade 2 designation in this Register. (ICOMOS is the International Council on Monuments and Sites, which collaborated with the CCW and CADW to produce the Register in 1995, which identifies parts of the historic environment of the Country which should be protected).
5. A supporting statement has been submitted with the application which refers to the following:
 - i) The application is being made on behalf of the Llanfwrog Community Association, a registered charity committed to developing leisure and recreation facilities in Ruthin.

- ii) If permitted the application will be funded by the Ryder Cup 2010 Legacy Fund.
- iii) The site has been chosen as there is a lack of golf driving facilities in Ruthin and Denbigh, and both areas have local golf clubs. One of the key aims of Golf Development Wales national strategy is to increase the number of women and juniors, it is considered that this development will aid in the delivery of this strategy.
- iv) The reason for selecting this site is its accessible nature, its proximity to existing recreational uses and the nature of the site.
- v) If permitted the proposal would enhance the range of leisure facilities available to local residents which the applicants feel is limited.
- vi) The development is considered acceptable in the Green Barrier owing to the nature of the use and limited development associated with the use. No changes to the ground levels are proposed therefore the proposal respects the character and openness of the green barrier.
- vii) When viewed in the context of its surroundings particularly the rugby club and tennis courts the applicants consider that there will be no impact on the setting of Ruthin Castle or the historic park.
- viii) The agent has also provided an outline of why the particular design approach has been taken, citing the amenity of adjacent occupiers and character of the area as key considerations.
- ix) A copy of two petitions sent to Ruthin Town Council in support of the application from Denbigh and Ruthin Golf Clubs.

RELEVANT PLANNING HISTORY:

- 6. 02/2003/0813/PF
Development of land by the construction of a new tennis centre, incorporating 6 tennis courts with associated floodlights and fencing, erection of clubhouse/community building, new parking areas and two new pedestrian/vehicular accesses and associated highway works. Granted 30 January 2006.

- 02/2006/0796 Change of use of agricultural land to playing fields, construction of new parking area and access, and extension to existing parking area. Granted 23/05/2007

PLANNING POLICIES AND GUIDANCE:

- 7. **Denbighshire Unitary Development Plan**
 - Policy GEN 5 Green Barriers
 - Policy GEN 6 Development Control Requirements
 - Policy ENV 3 Local Landscape Areas
 - Policy ENV 7 Landscape and Townscape Features
 - Policy CON 12 Historic Landscapes, Parks and Gardens
 - Policy CF1 Community Facilities – general
 - Policy CF 4 Community Facilities
 - Policy REC 5 Recreation Facilities outside development boundaries
 - Policy REC 7 Golf Developments

8. ASSEMBLY GUIDANCE
Planning Policy Wales March 2002
TAN 16 Sport and Recreation

MAIN PLANNING CONSIDERATIONS:

9. The main issues are considered to be:
- i) Principle
 - ii) Provision of community facilities
 - iii) Impact on the character of the area
 - iv) Highway and parking issues
 - v) Layout and design issues
 - vi) Amenity issues
 - vii) Accessibility issues
10. In relation to the main considerations:
- i) Principle
The relevant planning policies relating to the development are; GEN 5 Green Barriers, GEN 6 Development Control Requirements, ENV 3 Local Landscape Areas, CON 12 Historic Landscapes, Parks and Gardens, CF1 Community Facilities- General, CF 4 Community Facilities, REC 5 Recreation Facilities and REC 7 Golf Developments. These policies allow for suitable recreational development and indeed golf related developments, subject to tests. The following sections of the report outline the main planning considerations which appear to be relevant to the application, including detailing the policies of the Unitary Development Plan and other 'material' considerations. The justification for detailing these considerations to the extent evidenced in the report is that the proposals do pose potential conflict in part with the policies of the Unitary Development Plan. Also as the land is owned by Denbighshire County Council, the process through which any decision is made needs to be particularly thorough and transparent. The fundamental obligation for the Local Planning Authority in making a decision is the requirement in Section 38(6) of the Planning and Compulsory Purchase Act 2004 to have regard to the development plan. Determination is to be made in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in Planning Policy Wales. Where there is conflict with the Development Plan, there is an onus on an applicant to show why the plan should not prevail and why harm to interests of acknowledged importance would not occur in the light of all other material considerations.
 - ii) Provision of community facilities
Policy CF1 in the Unitary Development Plan relates to the provision of new and improved community facilities and states these will be permitted provided they are located so as to serve the local population, are accessible to non car users, and wherever possible should be within development boundaries and reuse existing vacant or underused buildings. REC 5 relates to the provision of recreation facilities outside development boundaries and states such development will only be permitted where there are no alternative suitable sites available within development boundaries and there would be no unacceptable harm to the landscape (including historically important landscapes), the highway network; and new buildings/structures should be sited close to existing buildings and blend into the landscape in terms of design, materials and landscaping. REC 7 relates specifically to golf developments and states that development will only be permitted where the development does not harm; the character and appearance of the landscape

especially historic landscapes, areas of nature conservation, the safety of the public, residential amenity especially through the use of floodlighting, the best and most versatile agricultural land, and areas of historic, architectural or archaeological importance. Furthermore any new buildings should be sited close to existing buildings and blend into the landscape in terms of design, siting, materials and landscaping and access shall be provided and not impact on the local highway network.

Parts of the proposal do not fit comfortably with elements of the policies referred to with regard to; the location outside the development boundary on the western edge of Ruthin, where is only a limited public transport service. The submission provides only brief commentary on the feasibility of developing alternative sites, and there are concerns from consultees over potential landscape impact. It would not be reasonable to contest the agent's assertion that there is a need for a golf facility in the town, owing to the existence of two popular golf clubs in Ruthin and Denbigh and the distance to similar developments at Trefnant and Bodelwyddan. This conclusion is a factor to be balanced against the potential harm to the landscape from the driving range and any associated development.

iii) Impact on the character of the area

The proposed development would be located on land designated as part of the 'essential setting' of the Grade 2 historic parkland and gardens of Ruthin Castle in the CADW/ICOMOS Register of Historic Parks and Gardens for Wales. Policy CON 12 of the Unitary Development Plan relates to proposals affecting historic landscapes, parks and gardens, and states that development will not be permitted which would unacceptably harm the character of such features or their essential setting. Planning Policy Wales March 2002 states local planning authorities should protect parks and gardens and their settings on the first part of the Register. Advice in para. 6.5 23 of Planning Policy Wales is that the effect of a proposed development on a park or garden contained in the Register, or on the setting of such a park or garden may be a material consideration in the determination of a planning application.

CADW acknowledge that the Essential Setting to the west of Lon Fawr has been subject of development for sporting facilities in recent years, and previously concluded that sports pitches would not in themselves harm the setting, although ancillary structures such as buildings, car parking, floodlighting and artificial pitches would be less sympathetic. CADW raised concerns initially with the golf driving range proposal and its impact on the Essential Setting of Ruthin Castle. However the scheme has since been amended to address these concerns, most notably by the removal of the original 6m chain link fencing and the floodlighting proposed along the eastern boundary. CADW have suggested that to reduce the visual impact of the driving range building it should be moved closer to the northern boundary of the site, where it would relate more closely, in visual terms, to the built envelope to the north. However it is noted that resiting the driving range building is constrained by its proximity to Llys Marchan Nursing Home to the north, but the agent has made an effort to address the concern by moving the driving range building 5m north and retaining a 30m buffer zone to the development.

In assessing the impact on the historic park and garden it is the Officers view that the development will have an impact on the Essential Setting of Ruthin Castle. However considering CADW's consultation response, the existing development on the adjacent site, and potential for control afforded by the

use of planning conditions, on balance, it is considered that a recommendation to refuse planning permission based on Policy CON 12 would be difficult to justify.

The proposed development would be located within the Green Barrier and a Local Landscape Area. Policy GEN 5 of the Unitary Development Plan relates to Green Barriers and states these are designated for four reasons, including the safeguarding of surrounding countryside and to preserve the special character of historic towns; and within Green Barriers development will only be permitted provided the open character and appearance of the land is not prejudiced. ENV 3 relates to Local landscape Areas and permits development where it is capable of integration into the landscape without causing unacceptable harm to the features which lead to designation, or the need for a development outweighs the importance of the designation (where appropriate steps must be taken to minimise any adverse impact on the Local Landscape Areas).

Generally in terms of the impact on the character of the area, the key consideration is the impact of the development on the Green Barrier and Local Landscape Area. The application proposes minimal alterations to the southern side of the site, although a building is proposed to the north, no alterations to the levels and no artificial markers are proposed on the driving range.

iv) Highway and parking issues

The Head of Transport has raised no objection to the application, owing to the scale of the development and likely intensity of the proposed use. Officers raised similar concerns to Public Protection Officers relating to the impact of the floodlighting on motorists on Lon Fawr, however subsequent detail submitted demonstrates that the lighting would be angled away from the eastern side of the site, and hooding will be attached to reduce light spillage.

v) Layout and design issues

The main planning policy relevant to matters of layout is Policy GEN 6 which requires developments to respect their site and surroundings in terms of; siting, layout, scale, form and design. These issues are considered in conjunction with the landscape impact mentioned above. The proposed building is considered acceptable in design terms and will not appear out of keeping with surrounding development.

vi) Amenity issues

Policy GEN 6 relates to the effect of development on the amenity of local residents by way of increased activity, disturbance and noise. Taking into account the existing adjacent use at the Tennis Centre and sports pitches, it is considered that the proposal will not result in a significantly greater impact on adjacent properties in terms of comings and goings. However the impact of the floodlighting on residential amenity must also be considered. The floodlighting is attached to the southern elevation of the driving range building; and will illuminate the driving range. It has designed in such a manner to avoid light spillage. Immediately north of the site is Llys Marchan, and a buffer zone is proposed between the care home and the driving range building to reduce the impact on occupiers of the home.

A key consideration here is that planning controls can be used to limit the opening hours and lighting times at the application site. Details submitted with the application indicate that the intention is to close the driving range and shut

off the lighting by 22.00hrs each day.

vii) Accessibility issues

The agents have confirmed their intention to ensure the facility would be accessible for use by persons with disability. If permission were to be granted it would be possible to include a condition obliging further details of how accessibility can be enhanced.

SUMMARY AND CONCLUSIONS:

11. The report attempts to evaluate key planning considerations of relevance to this case.
12. There are elements of the proposals which pose potential conflict with policies seeking to protect the character of the high quality landscape in this location, which is a Green Barrier and Local Landscape Area, and forms part of the 'essential setting' of the Ruthin Castle historic park. The intensification of the leisure use on the eastern side of Lon Fawr, encroaching into an open pastoral landscape, suggests there will be a degree of dilution of the existing character.
13. As mentioned above where there is conflict with policies of the Development Plan, the grant of permission should only be considered where other material planning considerations show why the plan should not prevail. In this case the other material considerations which can be weighed in favour of the grant of permission include the existing leisure developments on the site, the presence of a Community Centre, the existence of a need for this type of facility in the town, the funding available from the Ryder Cup Legacy Fund to develop the facility, and the availability of planning controls over future ancillary developments such as fencing, lighting and landscaping.
14. It is the opinion of Officers that this a balanced case where the planning policy and landscape considerations can be outweighed by a clear community benefit from a recreational use. The principle of such leisure development has already been established and accepted in this area in previous approvals for the Tennis Centre and sports pitches, and it is not considered on this basis that the current proposals represent a significant departure from the Unitary Plan's policies. Therefore it is recommended that permission be granted subject to conditions.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. None of the development or uses hereby approved shall be permitted to commence until the written approved of the local planning authority has been obtained to details of the hard and soft landscaping of the site, including the proposed boundary fencing, any safety fencing, the final levels, surfacing pedestrian footway, direction signage for users of the facility, and the timing of the completion of these works.
The development shall be completed strictly in accordance with the details approved prior to the bringing into use of the golf driving range.
3. Any trees or shrubs planted in accordance with Condition 2, which within a period of 5 years from planting die, become diseased or are removed, shall be replaced with specimens of similar species and size in the next planting season.
4. Notwithstanding the submitted details, no floodlighting or any external lighting shall be permitted in connection with the development other than with the prior written approval of the Local Planning Authority to the precise detailing, including location and types of lighting, levels of luminance, hooding, and the proposed hours of use. The scheme shall be

implemented strictly in accordance with the approved details.

5. The permitted hours of use of the golf driving range shall be limited to between 0830 and 2200 on any day.

6. There shall be no fencing, protective netting, advertisement boards, spectator terracing, ancillary shelters or buildings erected on any part of the application site, other than with the prior written approval of the local planning authority.

7. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed access statement and associated plans demonstrating the provision to be made for suitable means of access to and from the parking areas, centre building, and pitches for persons with disability.

8. Notwithstanding the submitted details, no levelling or recontouring of the land shall be permitted to take place other than with the written approval of the local planning authority to the precise details, and such works shall only be carried out in strict accordance with the plans approved in relation to this condition.

9. **PRE-COMMENCEMENT CONDITION**

No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interests of the amenities of occupiers of nearby property and general visual amenity.
6. In the interests of visual amenity and to protect the character of the essential setting of the Ruthin Castle Park and Garden.
7. To ensure suitable arrangements for access for disabled persons.
8. In the interests of visual amenity and to ensure the development does not have any adverse impact on the character of the essential setting of the Ruthin Castle Park and Garden.
9. In the interests of archaeological investigation and recording.

NOTES TO APPLICANT:

None

SES

ITEM NO: 2

WARD NO: Llangollen

APPLICATION NO: 03/2008/0756/ PF

PROPOSAL: Erection of 2m high rendered concrete block boundary/screen wall and gates, construction of new vehicular and pedestrian accesses, formation of new car parking area and lighting and erection of new canopy to front entrance

LOCATION: River Lodge Mill Street Llangollen

APPLICANT: Mr Roland George Powys Fadog Community Development Centre

CONSTRAINTS: C2 Flood Zone
SSSI
Special Area of Conservation
Proposed Special Area Cons
250m Of Landfill Site
EA Floodmap Zone 2
Historic Contaminative Use E
Canal Consultation Zone

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

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL
"No objection"

HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to the inclusion of conditions

PUBLIC PROTECTION
No response to original plan

ENVIRONMENT AGENCY
No objection

BRITISH WATERWAY BOARD
No objection

LLANGOLLEN CIVIC SOCIETY
A wall is not in keeping with the area.

COUNTY ECOLOGIST
No objection however suggests conditions

RESPONSE TO PUBLICITY:

Letters of representation received from:
Mrs. J. E. Henshaw, 36, Bishops Walk, Mill Street, Llangollen
David B Davies, 5 Gerddi y Bache, Llangollen
E. A. Slawson, 2, Bishops Walk, Llangollen

R.D. Bell, Warmways, 5, Maesmawr Road, Llangollen
Ceinwen Ellis, Brow Farm, Llangollen

Summary of planning based representations:
Impact on visual amenity/character of the area/street scene
Impact on highway safety
Noise & Disturbance

EXPIRY DATE OF APPLICATION: 30/3/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application relates to development at 'Riverlodge' which is a large 2 storey hotel located on the A539 (Mill Street) in Llangollen. The property is currently vacant, and it is intended to re-open as a hotel, providing 20 en-suite bedrooms, along with facilities for running courses and classes.
2. Access to the property can normally be achieved off Mill Street and Bishops Walk, however at present large concrete boulders have been placed there to restrict access to the site. To the side elevation of the property on Mill Street is a long narrow car park, and a small car park off Bishops Walk. The boundaries of the site are currently formed by some planting, some open areas and fencing in part on Bishops Walk.
3. This proposal is for the erection of a rendered wall with an overall height of 2m high along the frontage of the site fronting the A539 for approx 80m, with the formation of a new vehicular entrance and the planting of low shrubbery in front of the proposed wall. The wall would be constructed with pillars located every 6 metres. The proposed wall would be erected from the edge of the building along the whole frontage on Mill Street, with a visibility splay of 92m at the point of access in both directions. On both eastern and western sides of the building, it is proposed to create new parking spaces and lighting. Along the northern and western boundaries it is proposed to grade the bank from the frontage/verge and plant with various trees/shrubs.
4. It is also proposed to demolish the existing roof over the main front entrance of the north western elevation and to replace this with a new entrance canopy.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy ENV 2 Development affecting AOB/AONB
Policy TSM 4 Tourist related development in Llangollen
Policy TRA 9 Parking & Servicing provisions

GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)
TAN 18: Transport (2007)

MAIN PLANNING CONSIDERATIONS:

6. The main considerations are:

- i) Impact on visual amenity/character of the area
- ii) Impact on highway safety

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

i) Impact on visual amenity/character of the area

The site is currently relatively open on all boundaries, with the exception of some trees and shrubs. Concerns have been raised in relation to the 2m high wall along the Mill Street frontage on grounds that it would result in the loss of this 'open' character. It is to be noted however that the proposed wall would be set back from the edge of the highway by 5m adjacent to the building, and 6m near the access point, with low shrubs planted between the wall and the verge. It is proposed to render the wall in the same manner as the walls of the main building, which is a smooth white render, and to insert a 2.1m high timber gate at the entrance. The wall 'broken up' would be by pillars erected in between each panel with the use of alternative materials in construction of the pillars. Decorative panels have also been included on the wall. Whilst the concerns relating to the open character are acknowledged, it is not considered that the proposal would result in a significant impact on the visual amenities of the area, particularly when the planting is established. In this context, and in order to reduce the potential impact, it is suggested that the proposal to colour the wall white needs to be reconsidered, and that if a permission is granted, that the further approval of the Authority be obtained to both the colour and texture of the render.

Along the boundary to the western elevation and fronting Bishops Walk it is proposed to plant a low level hedge which is considered acceptable. The proposal to upgrade the access, boundaries and car parking layout is considered to be an improvement to the overall appearance of the hotel. The proposal to demolish the existing roof over the existing front entrance to provide a canopy over the entrance is considered acceptable.

ii) Impact on highway safety

The wall is set back from the highway and would provide adequate visibility. The proposal provides a formal car parking layout, lighting and signage is also considered acceptable and has raised no objections from the Head of Highways. In relation to the concerns of residents on Bishops Walk in relation to the use of the access onto Bishops Walk and its impact on the safety of children living there, the access itself is actually existing and is only out of use at present due to the closure of the hotel and temporary obstructions to the access. The works proposed on this elevation relate predominantly to the car parking layout, boundary treatment and landscaping which are considered acceptable.

SUMMARY AND CONCLUSIONS:

8. There would be no adverse impact on visual amenity or on the character of the area. There would be no adverse impact on highway safety.

RECOMMENDATION: -GRANT subject to the following conditions:-

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

2. **PRE-COMMENCEMENT CONDITION**

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site,

and such scheme shall include details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment.

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

4. Notwithstanding the submitted details, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained in respect of the colour and texture of the wall materials to be used for the development hereby permitted, and no materials other those approved shall be used.

5. The parking spaces shall be marked out as shown on the approved plans and shall be kept available for that purpose at all times.

6. There shall be no obstruction within the visibility splays for a distance of 2.4m from the back edge of the adjoining carriageway by the maximum that can be achieved in both directions within the control of the applicant and/or the Local Highway Authority in excess of 1.05m in height.

7. No light source shall be directly visible to drivers of vehicles using the adjoining highway from the free standing sign hereby permitted adjacent to the A 539.

8. Prior to the commencement of the development, details of how water pollution/contaminants finding their way into the river will be avoided; mitigation details of how the development site will avoid effects on other during the construction and operation period and details of a nature woodland buffer zone to be provided between the car park and River Dee including a scheme to protect and manage riverside woodland and trees within the applicant's ownership should be submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with such approved details.

9. Any cutting back of hedges should avoid nesting season from early March to end of August.

10. **PRE-COMMENCEMENT CONDITION**

Prior to the commencement of any on-site works, details of the surfacing of the parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter and these should incorporate Sustainable Urban Drainage methods where possible.

11. **PRE-COMMENCEMENT CONDITION**

Prior to their installation, details of the type and luminance levels of the lighting proposed shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter.

12. **PRE-COMMENCEMENT CONDITION**

The static caravan currently located at the site shall be removed prior to the commencement of the development hereby permitted.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interest of visual amenity.
5. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.
7. To prevent glare and dazzle in the interest of traffic safety.
8. In the interests of nature conservation.
9. In the interests of nature conservation.
10. In the interests of highway safety and the capacity of surface water drainage systems.
11. In the interests of visual amenity and highway safety.
12. In the interests of visual amenity and to address a breach of planning control.

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: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 14/2009/0053/ PF

PROPOSAL: Erection of two-storey pitched roof extension at side/front of dwelling

LOCATION: Merllyn Cyffylliog Ruthin

APPLICANT: Mr Ian Henshaw

CONSTRAINTS:

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

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL:
Awaiting response

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 23/03/2009

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The dwelling Merllyn is located in open countryside with no immediate neighbours. The dwelling is adjacent and parallel to the narrow access lane and is set below the level of the public highway. Merllyn's principle frontage is away from the highway onto the garden area of the dwelling.
2. Merllyn is a rectangular, simple two storey stone building with brick detailing and slate roof. There is a small single storey section to the rear of the dwelling (adjacent to the road). The footprint of the dwelling is approximately 13 metres by 6 metres
3. It is proposed to extend the dwelling by way of a two storey side extension measuring approximately 10.2metres by 5.8 metres providing a new lounge area and three bedrooms. The extension would be situated on the south western end elevation of the dwelling and would feature a forward projecting gable and a reduced ridgeline. Proposed materials are to match the existing; stone and brick walls and slate roof.
4. This application is a revised submission of a previously refused application. The key differences between the two applications are a reduced footprint and a reduced ridgeline. Councillor Marfleet has requested this application be brought to Committee in order to debate the visual impact of the proposal.

RELEVANT PLANNING HISTORY:

5. 14/399/99
Two storey extension, garage and alterations to barn. GRANTED 10/9/99

14/2008/0575/PF

Erection of a two storey pitched roof extension at side front of dwelling.

REFUSED 5/8/08 for the following reason:

“The proposed extension in conjunction with the previous extension is by virtue of its scale and mass is not considered to be subordinate to the original dwelling and is detrimental to the character and appearance of the dwelling. As such it does not comply with policy HSG 12, Policy GEN 6 criteria i) of the adopted Denbighshire Unitary Development Plan and guidance as contained in SPG 1 Extensions to Dwellings.”

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 6 – Development Control Requirements
Policy HSG 12 – Extensions to Dwellings

Supplementary Planning Guidance Note 1 – Extensions to Dwellings

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

7. i) Impact upon visual amenity – scale, form and design
ii) Impact upon residential amenity
8. In relation to the considerations in paragraph 7:
- i) Impact upon visual amenity – scale, form and design:
Policy HSG 12 requires extensions to dwellings to be subordinate to the original dwelling and respect the character and appearance of the dwelling. The proposal being considered is the second extension to this dwelling since 1999. It is therefore appropriate to consider the cumulative impact of the existing extension with the proposed. The two extensions would, together, more than double the size of the original dwelling, which was a traditional double fronted cottage with approximately two/three reception rooms and two to three bedrooms. The previous extension, plus the proposed extension would increase the number of rooms in total to 8 ground floor rooms and 10 first floor rooms. The result of this is a form of development which is not subordinate to the size of the original dwelling.
- It is further considered that the design of the extension does not respect the character and appearance of the dwelling by projecting forward approximately 3.6 metres of the front elevation. The existing dwelling is a flat fronted dwelling with a clear pattern and rhythm to the fenestration. The proposed two storey would conflict with this and dominate the existing dwelling.
- ii) Impact upon residential amenity:
The size of the site is suitable for this proposal and it is not considered to represent overdevelopment of the site. There are no neighbours within the immediate locality and therefore there are no concerns relating to the proposals impact upon residential amenity.

SUMMARY AND CONCLUSIONS:

9. For the reasons discussed above it is argued that the proposal is in conflict with planning policy HSG 12 and SPG 1, Extensions to Dwellings in terms of its appearance and size in conjunction with the previous extension. It therefore follows that the proposal is in conflict with policy GEN 6 criterion i) which stipulates proposals must respect the site in terms of design and form.

RECOMMENDATION: REFUSE - for the following reasons:-

1. The proposed extension in conjunction with the previous extension, by virtue of its scale and mass is not considered to be subordinate to the original dwelling and is detrimental to the character and appearance of the dwelling. As such it does not comply with policy HSG 12, Policy GEN 6 criterion i) of the adopted Denbighshire Unitary Development Plan and guidance as contained in SPG 1 Extensions to Dwellings.

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2008/0989/ PF

PROPOSAL: Erection of 27 no. dwellings and construction of new vehicular/pedestrian access (site area 0.99 ha)

LOCATION: Land Adjacent To Pen Y Stryt Farm Llandegla Wrexham

APPLICANT: Bloor Homes

CONSTRAINTS: Nitrate Vulnerable Zone
Groundwater Vulnerability 1
Groundwater Vulnerability 2

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

CONSULTATION RESPONSES:

LLANDEGLA COMMUNITY COUNCIL

"Further to the Amended Application in respect of the above mentioned, the Community Council would again include the comments made in previous correspondence and acknowledge that this site is within the Llandegla Village Development Boundary, as set out in UDP Policy HSG 4, and accepts the principle of development.

The Community Council does not support this application, as the Council feels that this application fails to meet the following UDP Policies:

- | | | |
|-----------|-----------------------------|---|
| GEN
6 | Criterion
i) | The proposed 'density' is far too intensive for this location. It fails to respect the density found immediately opposite the site. There are circa 120 properties within the Village Development Boundary plus a few extant planning permissions. This development would add almost 25% more houses; |
| | Criterion
ii) | It unacceptably affects the form and character of the surrounding landscape and townscape as it fails to respect the density found immediately opposite the site; |
| | Criterion
iv) | It fails to preserve existing landscape features. The hedge adjacent to the road should be retained, even if it has to be moved physically. Does the applicant have the authority to provide a new access into the adjacent field? |
| | Criterion
vi) | It fails to provide safe and convenient access for vehicles. TAN 18 Annex B requires a 'Stopping Sight Distance' of 90 metres where the road traffic speed is not known. It is understood that the brow of the adjacent hill is within 90 metres of the proposed access; |
| | Criterion
viii) | There is a need to improve the local infrastructure such as a footpath down to the village shop/Post Office. The developer should be made to make a significant contribution to enhance the local infrastructure such as the school and playground; |
| | Criteria
viii) and
x) | There are concerns that the drainage proposals utilises a link on a privately owned road and may overload a facility which many feel is already overstretched; |
| SPG
22 | Para 8.1 | The site layout fails to facilitate a greater social mix. A single type of affordable house is provided. They are not dispersed about this site and are effectively 'ghettoised'. |

The Community Council does not support this application in its current form as the number of houses is considered too high for current services to provide for, none or few of the above comments seemed to have been addressed. The planting scheme alongside the roadway appears now to be complimentary to the site.”

DWR CYMRU WELSH WATER

Object, Dwr Cymru Welsh Water consider that the proposed development would overload the Water Treatment Works.

ENVIRONMENT AGENCY

No objection subject to the inclusion of a condition relating to surface water drainage

FARMING & WILDLIFE ADVISORY GROUP

No objection to the loss of the ash tree

COUNTY ECOLOGIST

No objection, however applicant should be aware of the Habitat Regulations 2007

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection subject to the inclusion of conditions

HEAD OF HOUSING SERVICES

No objection

SENIOR GROUNDS MAINTENANCE OFFICER

On site LAP meeting standards, Commuted sum required for CROS.

RESPONSE TO PUBLICITY:

Letters of representation received from: -

1. G. Wonderley, Pen y Stryt Farm, Llandegla
2. Mrs. A. Lockyer, 3, Plas Teg, Llandegla
3. J. Rose, Isis, Allt yr Efail, Llandegla
4. D. Rose, Isis, Allt yr Efail, Llandegla
5. Mrs. L. Hiles, 2, Pen Llan, Llandegla
6. David O'Callaghan, 4, Bryn Tegla, Llandegla
7. Sally O'Callaghan, 4, Bryn Tegla, Llandegla
8. Ms. N. J. Hughes, Llys Eithin, Village Hill (via e-mail)
9. Mr. S. Hughes, Llys Eithin, Village Hill (via e-mail)
10. Mrs. J. Connor, 2, Plas Teg, Llandegla
11. Ian Robinson, Ty'n y Llidiart, Llandegla
12. Mr. J. F. Connor, 2, Plas Teg, Llandegla
13. K. Bellis, Ty Hir Farm, Llandegla
14. P. Thornton, Llety'r Llygoden, Llandegla
15. Val Roberts, 14 Maes Teg, Llandegla.. valroberts@mypostoffice.co.uk
16. Mr. C.E. Lockyer, 3, Plas Teg, Llandegla
17. Mr. W. Standling, 5, Village Cottages, Llandegla

Summary of planning based representations:

- i) Scale/density of the proposal
- ii) Impact on the rural character of the area
- iii) Impact on local wildlife
- iv) Impact on highway safety
- v) Impact on local services & sewerage system

EXPIRY DATE OF APPLICATION: 12/01/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- protracted negotiations resulting in amended plans
- re-consultations on amended plans and / or additional information

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises a total of 0.99 ha of land, 0.83 ha of which is agricultural land with the rest comprising the highway and verge located immediately along the frontage of the site. The site is within the development boundary of the village of Llandegla. The site is bounded on its north eastern, south east and western boundaries by mature hedgerows and is open to its north western boundary to the remaining part of the field. The site slopes down to the east, but at the road frontage, is located at a higher level than the adjoining highway.
2. There is an existing access to the site adjoining a playing field, which is located adjacent to the north western boundary of the site. There is also a bus stop located along the frontage opposite the entrance road to the Pen Llan development. There are currently no footways along the frontage of the site. Dwellings in the vicinity comprise a mix of single and 2 storey units, some front on to the main highway with others forming part of small cul de sac. To the south eastern boundary is a small field which is part of Pen y Stryt farm.
3. This application seeks full planning permission for the erection of 27 dwellings and construction of a new vehicular/pedestrian access. Outline planning permission including means of access was approved in April 2007; however the position of the access within this full application is different to those previously approved. The 27 no dwellings comprise a mixture of 2, 3 and 4 bed detached and semi detached properties, which includes 8 no. affordable housing units. It is also proposed to provide a Local Area of Play to the western part of the site which would have a pedestrian link to the existing playing field. The proposal also includes the widening of the highway along the frontage of the site, the provision of a 2m wide footpath and the existing bus stop is to be repositioned to the back edge of the proposed footpath.

RELEVANT PLANNING HISTORY:

4. 17/2006/0800/PO Development of 0.83ha of land for residential purposes and construction of new vehicular/pedestrian access GRANTED 18th April, 2007.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 Development within development boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy HSG 4 Housing Development in Villages
 - Policy HSG 10 Affordable Housing within development boundaries
 - Policy REC 2 Amenity & Recreational open space requirements in new developments
 - Policy ENP 4 Foul & Surface Water Drainage
 - Policy TRA 6 Impact of new development on traffic flows

SPG 2 Landscaping

SPG 4: Open Space Requirements in New Developments
SPG 21: Parking Standards in New Developments
SPG 22: Affordable Housing in New Developments
SPG 25 Residential Development Design Guide

GOVERNMENT GUIDANCE
Planning Policy Wales – March 2002

TAN 2: Planning & Affordable Housing (2006)
TAN 12: Design (2002)
TAN 16: Sport, Recreation & Open Space (2009)
TAN 18: Transport (2007)

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of development
- ii) Impact on residential amenity
- iii) Impact on visual amenity/character of the area
- iv) Highway issues
- v) Affordable Housing
- vi) Open Space
- vii) Nature Conservation
- viii) Drainage

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

i) Principle of development

The application site is located within the development boundary of Llandegla. The principle of residential development has been previously accepted by the granting of outline planning permission in April 2007, subject to the compliance with all other relevant planning policies residential development is considered acceptable.

ii) Impact on residential amenity

The layout of the site has been designed having regard to the guidance outlined in SPG 25 – Residential Development Design Guide. The site is located opposite an established residential area which comprises a mix of single storey and 2 storey dwellings. The proposed dwellings are sited a considerable distance away from existing development, on the opposite side of the highway which will be widened and a footpath provided. The siting and design of the proposed dwellings would not result in the loss of privacy for any existing dwellings in the locality. The development provides properties with acceptable amenity levels including front and rear amenity areas, and off street parking. 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.

iii) Impact on visual amenity/character of the area

The surrounding properties are a mix of single storey and 2 storey dwellings and therefore a new development of 2 storey dwellings on the site is considered acceptable. Due to the rural nature of the site, a high standard of landscaping is required and with the use of appropriate external materials it is considered that the development would not result in an adverse impact on the visual amenities or character of the area, complying with Policy GEN 6.

It is acknowledged that the density of the development is higher than the density of nearby development. However, having regard to Welsh Assembly Guidance, which has a policy of an assumed density figure of 30 dwellings per hectare, the site which has a developable area of 0.83ha is capable of accommodating at least 25 dwellings. The proposal is for 27 dwellings. Whilst this is slightly higher, having regard to general development control considerations and design guidance, the site is not cramped and meets layout standards. It is considered that the density of the proposal is not over-intensive. Whilst it is unfortunate that the proposal required the removal of the mature hedgerow along the frontage of the site, this was agreed at outline stage, and the removal secures significant highway improvements which will benefit the wider community. The applicant is proposing to plant a hedge and trees along the frontage and careful consideration should be given to a suitable landscaping scheme for the whole site.

iv) Highway Issues.

The proposed access would be located opposite the dwelling of Llys Eithin, with a visibility splay of 2.4m x 70m achieved in both directions. The application also proposes to widen Village Road to 5.5m and provide a 2m wide footway along the frontage of the site, with the existing bus stop repositioned behind the proposed footway. Whilst the visibility splay will be within 90m of the brow of the nearby hill it is not considered that this would compromise the guidance given in TAN 18 Annex B. This is only guidance and our own highway engineers have taken into account the speed of this road and the proposed improvements. The Head of Highways has raised no objection to the scheme and in the event of planning permission being granted recommends the inclusion of conditions to ensure satisfactory details are submitted for approval in relation to the access and improvements proposed. No objections are raised to the proposal on highway safety grounds and it is considered that the proposal complies with adopted Policy TRA 6 and TRA 9 subject to compliance with suggested conditions.

v) Affordable Housing

The applicants have confirmed the intention to make 30% of the units available for affordable purposes. This would be consistent with the principles of the SPG on affordable housing and can be secured through a Section 106 obligation.

The submitted information confirms the following :

Number of units proposed	27 units
No. of affordable houses	8 no - On Site
Plot No's	7 – 10 inc and 20 – 23 inc
Tenure	Units 7 – 10 inc – Low Cost Homeownership Units 20 – 23inc -Social Rented
House type	Semi detached
No. of bedrooms	4 no. 2 bed & 4 no. 3 beds
Floor area	Ranges from 72 sqm to 83 sq m
Timing of AH availability in relation to market value units	To be agreed in the S106, possible 50% trigger
Housing Association Involvement	Tai Clwyd to purchase plots 20-23inc for rent.

Floorspace area of units complies with the Design Quality Requirements set by WAG with this floorspace being spread throughout the site in agreement with the Affordable Housing Officer and Tai Clwyd.

vi) Open Space

The scheme indicates a local area of play (LAP) on the site, with an area of 650 sqm. Having regard to the provisions of Policy REC 2 and guidance within SPG 4 this provision would slightly exceed the requirements (648sq m). LAP's are small areas of open space designed more for younger children and tend to be grassed areas for low-key play. There would be a need for guard rail/fence or shrubbery. The LAP has been positioned to the western end of the site to have regard to the adjacent playing field, with a pedestrian link proposed.

In relation to the community recreational open space (CROS), the applicant is proposing a payment of a commuted sum in lieu of provision of open space on the site. The sum can be used to develop / enhance existing recreation facilities and open areas in the locality. Where it would be of more obvious community value. This would be a beneficial approach in this instance. This arrangement could be secured through the completion of a Section 106 agreement with this approach complying with policy and guidance.

The adjacent playing field is allocated within the UDP as a Policy CF 3 School Site. The existing primary school in Llandegla has been identified as not meeting current educational standards. No decision has yet been made on the timing for provision of this new school. Discussions have taken place relating to the issues of providing improved open space facilities on the existing playing field, which is in poor condition, but also, should the need be required, to provide a new school and play facilities. The field would therefore have dual use, serving the school and the community. For a village the size of Llandegla this is considered acceptable.

vii) Nature Conservation

Along with the removal of some hedgerow there is also the need to remove an ash tree which is in poor condition. No objections have been received from the County Ecologist or Tree Specialist/Advisor in relation to this, however the applicant needs to ensure that any trees to be removed are first assessed for their potential for bats. This can be secured by a condition.

viii) Drainage

The applicant is intending to connect to the public sewerage system, however Dwr Cymru Welsh Water (DCWW) has objected to this as they believe it would overload the Waste Water Treatment Works. At the time of writing this report, the developer had not come to an agreement with DCWW. In seeking to address the issue with DCWW, the applicant has investigated the history of the site and to how it became included within the development boundary within the UDP. This concluded that DCWW did not object to the land being included within the development boundary. DCWW have also written to the applicant stating that they do not know whether there is a capacity problem at present in terms of the sewage treatment works at Llandegla. Whilst DCWW concerns are noted, no evidence has been submitted which warrants the refusal of planning permission on capacity grounds. Given the existence of the outline permission on this site and the previous condition imposed to deal with sewerage it is considered reasonable to impose a further condition to clarify how drainage will be dealt with.

SUMMARY AND CONCLUSIONS:

8. The site is within the development boundary and has no specific policy designation. This application provides an acceptably designed development, and subject to control over detailing there would be no adverse impact on the character

of the area. The density of development would not lead to an unacceptable relationship with existing properties and the spaces between existing and proposed dwellings. Garden areas proposed and the general layout meets policy criteria and supplementary guidance/standards for residential development. There are significant highway improvements proposed. Affordable Housing & Open Space arrangements are considered acceptable. There would be no adverse impact on nature conservation. Drainage arrangements should be agreed by a planning condition..

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act to secure:

- (a) The provision of 8no. affordable housing units and the retention of these units for affordable purposes
- (b) The payment of a commuted sum for provision and maintenance of open space of £57, 970.08 apportioned as follows:

CROS Provision Costs	£24,144.48
CROS Maintenance Costs	£25,369.20
Childs/LAP Maintenance Costs	£8,456.40

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. **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. 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.

6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

7. No development shall take place until the scheme for the laying out, landscaping and equipping of the Local Area of Play combined with a programme for their provision within the development has been submitted to, and agreed in writing by the Local Planning Authority. Only those details subsequently agreed shall be implemented thereafter.

8. Where any species listed under Schedules 2 and 4 of The Conservation (Natural Habitats & C) (Amended) Regulations 2007 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority."

9. The detailed layout, design, means of traffic calming, signing, drainage and construction of the internal estate road shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site and shall be completed in accordance as the approved details before any dwelling is occupied.

10. 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.

11. Full details of the widening of Allt Yr Efail, new footway, access and associated highway works as indicated on the approved plan dated 20th June 2008, 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, drainage and the highway improvement work shall be fully constructed in accordance as the approved details before development commences on any dwelling.

12. The access shall have a visibility splay of 2.4m x 70m in both directions measured along the nearside edge of the adjoining carriageway overland within the control of the applicant and or the highway authority and within which there shall be no obstruction in excess of 1.05m in height.

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 order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. To prevent the increased risk of flooding, to improved and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

7. In the interests of the amenities of residents of the development.
8. To ensure the protection of species listed under the Habitat Regulations 1994
9. To ensure the estate road is constructed to a standard suitable for adoption and in the interest of traffic safety, is capable of catering for the amount of traffic that is likely to be generated by the proposal.
10. To provide for the loading/unloading, 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 highway safety.

11. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access, highway safety and to prevent damage to the highway.
12. To ensure that adequate visibility is provided at the point of access to the highway, in the interest of traffic safety.

NOTES TO APPLICANT:

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

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

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

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 document 'Denbighshire County Council Specification for Road Construction'.

Your attention is drawn to the attached Denbighshire County Council Notes for Highway Lighting Installation.

Your attention is drawn to the attached Denbighshire County Council General Requirement for Traffic Signs and Road Markings.

You should be made aware that a suitable legal agreement will be required in relation to the highway works and you should contact the Highway Authority to discuss the requirements of the highway improvements at an early stage.

ITEM NO: 5

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 22/2008/1320/ PF

PROPOSAL: Erection of two-storey pitched-roof extension and alterations to dwelling

LOCATION: Garth Villa Gellifor Ruthin

APPLICANT: Mr Gary Evans

CONSTRAINTS: Groundwater Vulnerability 1
PROW adjacent

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

CONSULTATION RESPONSES:
LLANGYNHAFAL COMMUNITY COUNCIL
Awaiting response

RESPONSE TO PUBLICITY:
No response

EXPIRY DATE OF APPLICATION: 04/02/2009

PLANNING ASSESSMENT:
THE PROPOSAL:

1. A two storey pitched-roof extension is proposed on the rear elevation of Garth Villa, Gellifor. The extension will measure 4.9m in length, 9.4m in width and 7.4m in height and comprises ground floor kitchen and pantry, and 2 no. bedrooms and bathroom on the first floor. Materials proposed are to match the existing; pebble dashed, tiled roof, and upvc windows and doors. French doors windows and a Juliet balcony are also included on the east side elevation.
2. Garth Villa, a substantial, early 20th Century style, two storey dwelling is located at Commins, Gellifor, on the eastern side of the road from Hendrerwydd. The dwelling is sited at a slight angle on the large plot and its front elevation faces south. The site is bounded on all sides by hedgerow. Surrounding dwellings are a mix of styles, sited in large plots. Previous extensions on the dwelling include upvc conservatories to the front and east side, and single storey add on's to the rear and east elevation.
3. The applicant has been in discussions with Officers and although submitted a slightly reduced scheme, in consultation with the Local Member the original proposal is being presented to Planning Committee. The Local Member has requested the Planning Committee is given the opportunity to consider the application as she does not consider the extension to be 'excessive' and previous extensions are 20 yrs old. For clarity it is considered prudent to mention that the Applicant is also the nephew of an elected member of the County Council.

RELEVANT PLANNING HISTORY:

4. Code No. 33/3325
Extension of dwelling and porch, granted 12/01/79

Code No. 33/3335
Erection of double garage for private cars, granted 29/03/79

PLANNING POLICIES AND GUIDANCE:

5. **Denbighshire Unitary Development Plan**
Policy GEN 6 Development control requirements
Policy HSG 12 Extensions to dwellings

Supplementary Planning Guidance
SPG Note No.1 Extension to dwellings
SPG Note No.24 Householder Development design guide

MAIN PLANNING CONSIDERATIONS:

6.
 - i) The principle
 - ii) Visual appearance
 - iii) Residential amenity
7. In relation to the main considerations in paragraph 6 above:-
 - i) Principle
Providing the proposal complies with the policies identified above, the principle of an extension is generally acceptable. HSG 12 relates specifically to extensions to dwelling and recognises householders have the right to alter and extend their dwellings providing they meet the criteria relating to; size/scale, character, amenity consideration and do not result in over development of the site.
 - ii) Visual appearance
Whilst the materials proposed and general approach to the extension are considered to be in keeping with the original dwelling, the size and scale of the extension is considered excessive.

Policy HSG 12 requires extensions to be subordinate to the original dwelling. The cumulative impact of previous extensions to Garth Villa and the proposed extension will exceed the original size of the dwelling. In terms of floor area, the original dwelling had a floor area of approx 75m sq; previous extensions (both permitted development and previously permitted extensions) amounted to approx 40m sq. The proposed extension will add a further 43m sq to the dwelling, this will clearly result in the doubling of the floor area of the original dwelling. Furthermore owing to its height and bulk, will result in a significant increase in scale to the dwelling when viewed from the north and west. As such the proposal is not subordinate to the original dwelling and therefore is contrary to policy HSG 12 part i).
 - iii) Residential amenity
Due to plot size, relationship with the surrounding dwellings, and boundary treatment, the proposal would not have any detrimental impact on the residential amenity of adjacent occupiers.

SUMMARY AND CONCLUSIONS:

8. It is considered the cumulative impact of the extensions is not subordinate to the original dwelling and therefore contrary to policy HSG 12 part i).

RECOMMENDATION: REFUSE - for the following reason:-

1. The cumulative size and scale of the proposed extensions and existing extensions are not subordinate to the original dwelling. Accordingly, the application is unacceptable as it is contrary to Policy HSG 12 part i) of the Denbighshire Unitary Development Plan and the Council's adopted Supplementary Planning Guidance No.1 - Extensions to dwellings, para 8.2-8.3.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 25/2008/1317/ PF

PROPOSAL: Erection of 12 no. log cabins for holiday accommodation, associated shop and site office/reception and installation of new septic tank/reed beds

LOCATION: Coed Lewis Nr. Llyn Brenig Nantglyn

APPLICANT: Mr Peter Caldwell

CONSTRAINTS: Historic Contaminative Use L
Historic Contaminative Use E

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

CONSULTATION RESPONSES:**NANTGLYN COMMUNITY COUNCIL**

The Community Council is objecting to the proposed development due to concerns over the following points.

“Concerns about Water Contamination by Reed Bed System and,

Concerns about traffic, it's a single file traffic road. The roads leading to this development are not big or wide enough”.

PRINCIPAL COUNTRYSIDE OFFICER

No response received

HEAD OF TRANSPORT & INFRASTRUCTURE

Awaiting response

DWR CYMRU WELSH WATER

No comments as it is not intended to utilise the public sewerage system

ENVIRONMENT AGENCY

No objection

COUNTRYSIDE COUNCIL FOR WALES

No objections subject to modifications and conditions. In respect of protected species, request ecological surveys, suggest the use of green roofs for the development, and that a habitat management plan is created. In respect of landscape issues, the site is on the boundary of two landmap character areas that are classed as high in terms of their visual impact, and the development will have adverse visual effect when viewed from the higher ground of Denbigh Hills.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Tegni Cymru Cyf. Bron Graig, Llangwm. Corwen. LL21 0RL.

Summary of planning based representations:

- i) Compromises TAN 8 designation area for wind turbines development/prejudices development of adjacent Gorsedd Bran site.

EXPIRY DATE OF APPLICATION: 11/2/2009

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)
- timing in receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This is a full application for the erection of 12 no. log cabins for holiday accommodation, an associated shop and site office/reception, and the installation of a new septic tank/reed bed drainage system.
2. The log cabins would measure 5.3m by 5.3m with a ridge height of 3.1m, and would be spread out over an area of 5.9ha, accessed off internal tracks constructed of quarry waste. The site shop and office/reception building would be located near the entrance to the site and comprise a log cabin of similar size and dimensions as the holiday cabins. The applicant indicates this would be a development using environmentally friendly technologies such as wind turbine for power, wood burning stoves using on site timber, and solar panels for water and space heating, reed bed and soak away for waste water treatment and rainwater collection system. The application contains detailed documents including a supporting planning statement which includes an access statement and letters from the Forestry Commission Wales and Alwen Outdoor Education offering support for the scheme.
3. The application site is former forestry land near Gorsedd Bran, 3km south west of Nantglyn, 10km south west of Denbigh. The site has been cleared of trees and some works in the laying out of the tracks within the site have already taken place. The site can be accessed off the A543 Bylchau Road and the B4501 Nantglyn Road, by way of narrow minor roads.
4. The site is in open countryside well away from any development boundaries. It is within a Strategic Search Area designated in TAN 8 for wind farm development, and is also within the refined wind farm zone in the Denbighshire/Conwy Interim Planning Guidance.
5. The application is a resubmission of an application previously refused permission by Planning Committee in December 2007 (see planning history below).

RELEVANT PLANNING HISTORY:

6. 25/2007/0535/PF
Erection of 12 no. log cabins for holiday accommodation, "an associated shop and site office/reception, and the installation of a new septic tank/reed bed drainage system. REFUSED 12th December, 2007 for the following reasons:

" 1. The site would not be accessible by a choice of means of transport or minimise the need for travel by private car, in conflict with criterion i) of Policy STRAT 1, criterion i) of Policy TSM 9 and criterion vi) of Policy GEN 6 of the Denbighshire Unitary Development Plan. The proposal would also conflict with the guidance within SPG20, Static Caravan and Chalet Development, in relation to accessibility by different modes of transport, and would be contrary to the accessibility and sustainability objectives of Planning Policy Wales.

2. The site is located within Strategic Search Area 'A' for wind turbine development in TAN 8, and within the refined SSA, the Clocaenog Wind Farm Zone, in the Denbighshire/Conwy Interim Planning Guidance, and its development would be unacceptable as it could sterilise land for wind turbine development, and prejudice the ability of the area to meet Assembly targets for renewable energy generation, contrary to advice contained in TAN 8 Section 2.10 and Unitary Development Plan Policy GEN 6 (ix).”

Also, on land immediately adjoining to the north, west and south, application ref: 25/2007/0642/PF at Gorsedd Bran, Nantglyn for - Construction of 13 wind turbine generators (up to 125m in overall height) c/w electrical control room & compound area, new and improved access tracks, underground cabling, 80m anemometry mast, ancillary works and equipment; temporary construction works; new vehicular access from the minor country road; removal of conifer forest was REFUSED 2nd April, 2008 for the following reasons:

” 1. The erection of 13 turbines of 125 metres height in a prominent ridge top location would have an unacceptable impact on the character and appearance of the landscape, including views into and out of the Clwydian Range Area of Outstanding Natural Beauty and the Snowdonia National Park, and would contribute to an unacceptable cumulative visual impact adversely affecting views across the Denbigh Moors towards Snowdonia from the Clwydian Hills and Offa's Dyke National Trail, and adversely affecting the community of Nantglyn by creating an arc of turbines around the village, also giving rise to harm to the enjoyment of the local landscape for recreational and tourist uses, in conflict with Policies MEW 10 iii, vii and viii, MEW 8, GEN 6 ii, iii, and iv, ENV 2, and STRAT 7 iii of the Denbighshire Unitary Development Plan, and guidance on siting of turbines in the Council's Interim Planning Guidance Note No 1 - On Shore Wind Farms.

2. The operation of the turbines at Gorsedd Bran is considered likely to lead to noise levels which in itself, and cumulatively with the noise from turbines on nearby windfarms, would have an unacceptable impact on the local community, including the amenities of occupiers of residential properties in the locality, in conflict with Policies MEW 10 iv, MEW 8, GEN 6 v, ENP 1 iii, and STRAT 7 v of the Denbighshire Unitary Development Plan.

3. The proposed clear felling of trees is considered likely to lead to a significant increase in the run off of surface water from the site, and to increased potential for flooding in susceptible locations downstream in the Clwyd catchment area, and to an adverse impact on the quality of private water supplies in the locality, and in the absence of information demonstrating the extent of run off and whether specific mitigation measures could address the impacts, the development is considered to be in conflict with Policies MEW 10 ix, MEW 8, GEN 6 x, ENP 6, and STRAT 7 iii of the Denbighshire Unitary Development Plan.

4. The application does not demonstrate that adequate pre -determination surveys have been undertaken to identify and assess whether there would be significant effects from the development on protected species, or adequate measures to avoid, reduce, or remedy such effects, in conflict with Policies MEW 10 x, MEW 8, ENV 6, and STRAT 7iii of the Denbighshire Unitary Development Plan, and the requirements of the Environmental Impact Assessment Regulations.

”An Appeal has been lodged in relation to this refusal. The Planning Inspectorate has currently indicated that the appeal (Public Inquiry) will begin at the end of September or early October 2009.

PLANNING POLICIES AND GUIDANCE:

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

- Policy STRAT 1 General
- Policy STRAT 6 Location
- Policy STRAT 7 Environment
- Policy STRAT 9 Tourism
- Policy GEN 3 Development outside development boundaries
- Policy GEN 6 Development Control Requirements
- Policy TSM 9 Static Caravan & Chalet Development
- Policy ENV 1 Protection of the Natural Environment
- Policy TRA 6 Impact on new development on traffic flows

SPG 20: Static Caravan & Chalet Development

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

TAN 8: Renewable Energy

TAN 13: Tourism

MAIN PLANNING CONSIDERATIONS:

8. The main issues are considered to be:

- i) Principle of log cabin development in this location
- ii) Accessibility
- iii) Landscape/Visual amenity
- iv) Natural environment/wildlife
- v) Impact on Strategic Search Area (Onshore Windfarms)
- vi) Drainage/Water supply
- vii) Noise

9. In relation to the main planning considerations noted in paragraph 8 above:

i) Principle of the development

The application site lies outside any development boundaries identified in the UDP. *In relation to strategic policies*, Policy STRAT 1 states that 'development should seek to be sustainable, making the best use of resources by being located so as to minimise the need for travel by private car and utilise existing infrastructure, facilities and services'. Policy STRAT 6 states that new development outside defined settlement boundaries will only be permitted in exceptional circumstances; Policy STRAT 7 considers the impact of the development on the landscape and environmental issues and Policy STRAT 9 forms the basis of the spatial strategy that applies in determining application for static caravans/chalets development and permits small scale tourism projects in the countryside and rural settlements.

In relation to detailed policies, Policy GEN 3 permits development outside development boundaries in connection with rural tourism provided there is no unacceptable impact on the social, natural and built environment. Policy TSM 9 permits the development of new static caravan/chalet sites, where the following tests are met:

i) THE SITE HAS GOOD ACCESSIBILITY TO AN ADEQUATE LOCAL HIGHWAY NETWORK AND IS ACCESSIBLE BY A CHOICE OF MENAS OF TRANSPORT;

ii) THE SITE CAN BE UNOBTRUSIVELY SITED AND FULLY ASSIMILATED

INTO THE LANDSCAPE;

iii) THE PROPOSAL DOES NOT UNACCEPTABLY HARM THE AONB, AOB, HISTORIC LANDSCAPES/GARDENS, CONSERVATION AREAS, UNDEVELOPED COAST, GOOD AGRICULTURAL LAND, AREAS OF LOCAL LANDSCAPE VALUE, SSSI'S OR LOCAL WILDLIFE SITES, INCLUDING THOSE IDENTIFIED AND SHOWN ON THE PROPOSALS MAPS

Supplementary Planning Guidance Note 20 provides guidance on new static caravan and chalet development, and is relevant to the proposal as it states that new caravan/chalet sites must have good transportation infrastructure; ideally have direct access to an A or B classified road; and be served by footpath and cycleways, and must be within reasonable walking distance to a public transport service which serves local centres.

It is suggested the main planning policy issues in relation to a proposal for log cabin/tourist development are the acceptability of the scheme having regard to Policy TSM 9 of the adopted Unitary Development Plan, and guidance and advice on new static caravan/chalet sites contained in SPG 20.

- ii) Accessibility/highway issues in relation to criteria i) of Policy TSM 9
The Head of Highways advises the A543 Bylchau Road and B4501 Nantglyn Road have the capacity to cater for the traffic generated by the development, but considers the unclassified road leading to the site is very narrow, with few passing places, and is in relatively poor condition.

Factually, the site is located in a remote rural location 1km from the B4501 and 2 km from the A543, and development would put additional pressure on the narrow unclassified highways leading to the site. Accessibility to the local highway network is poor. The site is not connected to any footpaths or cycleways, although there is a footpath within approx 350m of the site. A limited bus service serves Nantglyn and Bylchau, but does not run within 3km of the application site.

In this re-submission the applicant has commented on the issue of accessibility. He has also indicated willingness to provide additional passing bays along the approach highway.

With respect to the applicant's suggestions, it is considered that due to the location of the site it is inevitable that visitors would have to travel by private car, and there is not a realistic choice of means of transport, therefore conflicting with criteria i) of Policy TSM 9. The proposal is also considered to fail to meet the accessibility and sustainability objectives of Planning Policy Wales that are expressly identified in paragraphs 8.1.3 and 8.7.3 which states that land use planning should help to achieve the Assembly's objectives to reduce the need to travel, especially by private car by locating development where there is good access by public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips; improving accessibility by walking, cycling and public transport; supporting sustainable travel options in rural area and promoting walking and cycling. Development should reflect the likely travel patterns involved and should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car.

- iii) Visual Amenity/landscape issues in relation to criteria ii) of Policy TSM 9
The site has been cleared of trees and a comprehensive re-planting scheme

is proposed as part of the application, and is also part of the felling agreement with the Forestry Commission. It is proposed that a ring of Sitka spruce will be left encircling the site whilst broadleaf trees establish themselves. The log cabins would be well spaced from one another, with low ridge heights and minimal low level solar lighting proposed within the site, which is not considered likely to be obtrusive within the wider landscape. Subject to the carrying out of the re-planting scheme, it is not considered that the development in itself would have significant landscape impact, particularly in the context of the existing and potential wind turbine development in the area.

- iv) Natural environment/wildlife in relation to criteria iii) of Policy TSM 9. The proposal is to create an 'eco-tourism' venue, and the proposal incorporates a number environmentally friendly technologies, making the site off grid and self supporting. There would also be a significant re-planting scheme of mixed native broadleaves. There are no objections from consultees with an interest in wildlife, although the Countryside Council for Wales suggests an ecological survey of the site be carried out, however in light that the site has been cleared it is considered that any wildlife interest would be limited. It is not considered that there would be any specific adverse impact on the natural environment.

- v) Impact on Strategic Search Area (Onshore Windfarms)
The application site is within Strategic Search Area A (SSA) for wind turbine development in Welsh Assembly Government TAN 8: Renewable Energy, 2005. Although in February, 2007 the Council adopted Interim Planning Guidance (IPG), this IPG has since been dropped for the purpose of considering planning applications, following resolution by Full Council in June 2008. Members will be aware of the significance of TAN 8 and the emerging document issued by WAG 'Renewable Energy Route Map for Wales', which emphasises that the Planning system has an important role to play in achieving the Assembly's commitment to the development of renewable energy technologies in Wales. Section 2.10 within TAN 8 states that Local Planning Authorities should take an active approach to developing local policy for SSA's in order to secure the best outcomes, which includes safeguarding wind farm sites, and an awareness that other developments could sterilise land for wind power proposals, and should bear this in mind when forming policies and in decision making. This is particularly relevant advice to the current application.

Members are referred to the map at the front of this report, which shows the relationship of the site to Gorsedd Bran, where an appeal has been submitted following refusal of permission for the construction of 13 wind turbines (application ref 25/2007/0642/PF).

Ultimately, it is considered that the fact the application site is within a SSA for wind turbine development, designated by the Welsh Assembly is a significant material consideration. Guidance contained within TAN 8 clearly states that in decision making, that local authorities should be aware that other development could sterilise land for wind power proposals. It is therefore considered inappropriate to allow this development within a SSA, and it could impact upon the ability of the area to meet the targets set out in TAN 8/Renewable Energy route Map.

- vi) Drainage/water supply
With respect to concerns over the use of the reed bed system for dealing with foul drainage, there are no in principle objections from Environment Agency Wales. The use of the reed beds as a sewage treatment method is now well

established and is an acceptable means of upgrading the effluent from a septic tank so it meets the same discharge standard as a package treatment plant. The developer would have to satisfy the County Council and Environment Agency that the soakaway system could function properly, before it could be approved for use in connection with the development. A properly constructed system should not interfere with groundwater leading to any private water supply.

vii) Noise

The issue here is whether it is material to the log cabin application to consider the potential impact of wind turbines operating in the vicinity of Coed Lewis, within the TAN 8 Strategic Search Area/Clocaenog Wind Farm Zone, in creating noise levels unacceptable to occupiers of the log cabins. Whilst the nearest turbines are presently some 2km to the east at Tir Mostyn, the proposed Gorsedd Bran windfarm would surround the application site on the south, west and north, and three of the proposed turbines would be within 500metres of the site (see plan at front of report). Information of the Gorsedd Bran wind farm application suggests turbine noise levels perceptible within the Coed Lewis site would inevitably exceed the levels deemed acceptable in national guidance (ETSU-R-97).

Ultimately, the view is taken that it would be unreasonable at the time of dealing with this application to recommend refusal based on the potential noise impact from turbines in a windfarm which does not have a valid planning consent, also considering the fact that if a windfarm does exist in close proximity in the future, visitors to the Coed Lewis site would so do in the knowledge that there may be noise from turbines.

SUMMARY AND CONCLUSIONS:

10. The principle of the development is considered unacceptable in relation to planning policy for log cabin development, and would be contrary guidance contained in TAN 8 as it would prejudice the development of land for turbines and the ability of the Strategic Search Area to meet renewable energy generation targets set by the Assembly.

RECOMMENDATION: - REFUSE for the following reasons:-

1. The site would not be accessible by a choice of means of transport or minimise the need for travel by private car, in conflict with criterion i) of Policy STRAT 1, criterion i) of Policy TSM 9 and criterion vi) of Policy GEN 6 of the Denbighshire Unitary Development Plan. The proposal would also conflict with the guidance within SPG20. Static Caravan and Chalet Development, in relation to accessibility by different modes of transport, and would be contrary to the accessibility and sustainability objectives of Planning Policy Wales.
2. The site is located within Strategic Search Area 'A' for wind turbine development in TAN 8, and within the refined SSA, the Clocaenog Wind Farm Zone, in the Denbighshire/Conwy Interim Planning Guidance, and its development would be unacceptable as it could sterilise land for wind turbine development, and prejudice the ability of the area to meet Assembly targets for renewable energy generation, contrary to advice contained in TAN 8 Section 2.10 and Unitary Development Plan Policy GEN 6 (ix).

NOTES TO APPLICANT:

None

SES

ITEM NO: 7

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2008/1190/ PF

PROPOSAL: Erection of 4 no. detached dwellings and construction of new vehicular access (site area 0.43 ha)

LOCATION: Land between Prestatyn Car Sales and Plas Deva Caravan Park off Ffordd Talargoch Prestatyn

APPLICANT: Mr Ron Harrison-Jones

CONSTRAINTS: Wildlife Site
Telecommunication Mast Sites
Section 106
PROW
Nitrate Vulnerable Zone
Previous Mining Area
Historic Contaminative Use L
Historic Contaminative Use A
Article 4 Direction

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Object, development is too close to existing mineshafts and on contaminated land. Outside of existing settlement boundary. Form of backland development. Visually detrimental to adjoining Area of Outstanding Natural Beauty and Conservation Area."

HEAD OF HOUSING SERVICES

No objection

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection subject to inclusion of conditions

DWR CYMRU WELSH WATER

FOOTPATH OFFICER - No objection

No objection subject to the inclusion of conditions

COUNTY ECOLOGIST

No objection subject to the inclusion of conditions/S106 agreement relating to the mitigation and long term management and monitoring of the site

COUNTRYSIDE COUNCIL FOR WALES

No objection

NORTH WALES WILDLIFE TRUST (NWWT)

Awaiting response to amended plan

ENVIRONMENT AGENCY
No objection

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. C. Evans, 139 Ffordd Talargoch, Meliden

Summary of planning based representations:

- i) The area is being over developed
- ii) Impact on local wildlife

EXPIRY DATE OF APPLICATION: 05/04/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises of 0.43ha of land which is located within the development boundary of Prestatyn. The site forms part of the allocated Dyserth Grasslands and Prestatyn – Dyserth Walkway County Wildlife Site. Access is off Ffordd Talargoch to the north west of the application site with Prestatyn Car Sales between the application site and the road, and the Prestatyn – Dyserth walkway to the rear with the Clwydian Range AONB and Graig Fawr SSSI beyond.
2. The proposal is a full application to erect 4 no detached dwellings and the construction of a new vehicular and pedestrian access off Ffordd Talargoch, Prestatyn. The dwellings proposed consist of a mix of 3 different types, plot 1 being the affordable housing unit. The dwellings are of a traditional design, with the front elevations of all properties fronting Ffordd Talargoch. The external materials would be a mix of stone, render and slate.
3. This application has been submitted following a refusal in 2008 for the erection of 7no. dwellings. The application has been submitted with a detailed ecological report, a contamination report, mining report and a supporting planning, design and access statement. The design statement prepared by the architect explains and justifies the design approach proposed as part of this development, having regard to the local landscape which is dominated by Graig Fawr (AONB & SSSI). The location of known mine shafts and presence of the protected Spring Sandwort has significantly informed the layout of the site.

RELEVANT PLANNING HISTORY:

4. 43/2007/0972/PF
Erection of 7 no. detached dwellings and construction of new vehicular access (site area 0.43 ha) REFUSED 30th July 2008 for the following reasons:

“1.The site forms part of the Prestatyn - Dyserth Walkway County Wildlife Site as allocated in the Denbighshire Unitary Development Plan where the proposal to erect 7 no dwellings is considered to unacceptably harm the conservation value of the site as it has not been adequately demonstrated that appropriate mitigation measures can be taken to safeguard the long term sustainability of the Spring Sandwort community and other species of plant and animals present on the county wildlife site contrary to policy ENV5 of the Denbighshire Unitary Development Plan, advice contained in draft TAN5 - Nature Conservation and Planning (2006) and Chapters 5 - Conserving and Improving Natural Heritage and the Coast of Planning Policy Wales (2002).

2. It is the view of the Local Planning Authority that the proposal to erect 7 no detached dwellings on land to the rear of Prestatyn Car Sales off Ffordd Talargoch, Meliden would have an unacceptable impact on the character and appearance of the locality due to the size, scale and design of the dwellings along with their general layout contrary to criterion i), ii), iii) and iv) of policy GEN6, policy ENV1 and ENV2 of the Denbighshire UDP and advice contained in TAN12 - Design (2002).

3. The detailing of the affordable housing units is considered inappropriate being of a different design to the other dwellings and cramped into a corner of the site, contrary to Denbighshire Unitary Development Plan Policy GEN6 (i) and guidance in Supplementary Planning Guidance Note No. 22 - Affordable Housing in New Developments."

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN1 – Development within development boundaries

Policy GEN6 – Development control requirements

Policy ENV1 – Protection of the natural environment

Policy ENV2 – Development affecting the AONB

Policy ENV5 – Sites of local conservation importance

Policy ENV6 – Species protection

Policy ENP4 – Foul and surface water drainage

Policy ENP8 – Contaminated land

Policy HSG10 – Affordable housing within development boundaries

Policy REC8 – Recreational routes

Policy TRA6 – Impact of new development on traffic flows

Policy TRA9 – Parking and servicing provision

SPG 2 – Landscaping

SPG 18 – Nature Conservation and species protection

SPG21 – Parking requirements in new developments

SPG22 – Affordable housing

Planning Policy Wales (March 2002)

TAN 2 – Planning and Affordable Housing (2006)

Draft TAN 5 – Nature Conservation and Planning (2006)

TAN 8 – Transport (2007)

TAN 12 – Design (2002)

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of development
- ii) Impact on residential amenity
- iii) Impact on visual amenity/character of the area
- iv) Highway considerations
- v) Nature Conservation Issues
- vi) Affordable Housing
- vii) Contaminated Land

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

- i) Principle of development:
The application site is within the development boundary of Meliden where the principle of residential development is considered acceptable subject to the compliance all other relevant planning policies.
- ii) Impact on residential amenity:
The layout of the proposed dwellings and the location of window details have been carefully considered as part of the proposal given the land levels of the site and the high potential for overlooking. No objections are raised to the development on the grounds of overlooking and therefore it is not considered that the proposal would adversely impact upon the amenities of nearby residents. In relation to the amenity standards of the site, the dwellings proposed are all set in spacious plots with sufficient amenity space and off street parking. It is not considered that there would be any adverse impact on residential amenity.
- iii) Impact on visual amenity / design: The site is located in an elevated position above Ffordd Talargoch to the rear of Prestatyn Car Sales with Graig Fawr SSSI and the Clwydian Range AONB to the rear of the site, separated by the Prestatyn Dyserth Walkway. The site is predominantly flat with a mix of dwelling types and land uses adjoining the site to the east (vacant site formerly used as a caravan site), south west (residential) and north west (Prestatyn Car Sales).

The character of this area is defined by mainly detached and semi detached 2 storey dwellings with pitched or hipped roofs with slate, concrete or clay roof tiles and predominantly render elevations. The elevations facing the road are the principal front elevations. Therefore , in terms of the design and the mix of materials proposed for the development, the proposal would retain the character and appearance of the area. In relation to the previous application, it is therefore considered that this application overcomes the second reason for refusal, on design grounds as the relationship between buildings, orientation and the size and scale of the proposed dwellings has been amended to a degree which is considered acceptable and more in keeping with the character of the area. It is therefore not considered that the proposal would result in an adverse impact on the visual amenities or character and appearance of the area.

- iv) Highways:
The access off Ffordd Talargoch is an existing access serving the former Plas Deva Caravan Park on the adjoining site. It is proposed to improve this access by surfacing it to allow access to the application site with passing places along the access road leading up to the site. The Head of Highways has been consulted as part of the consultation process and raises no objections to the proposed access subject to the inclusion of conditions to deal with the parking and turning of vehicles. Sufficient car parking spaces are proposed for each dwelling.
- v) Nature Conservation:
The site forms part of the Dyserth Grassland and Prestatyn – Dyserth Walkway County Wildlife Site as allocated in the Denbighshire UDP. The site is designated for it's interest as a Calaminarian Grassland known to support species including the Spring Sandwort (grows on sites with elevated levels of contamination present in the soil) and the Nottingham Catchfly (2 nationally scarce species) amongst others.

The applicant has provided an ecological report as part of the submission

which has been assessed by the County Ecologist, CCW and the NWWT. CCW raise no objections to the proposed development, but members are reminded that in terms of their statutory duty, CCW are responsible for the protection of both the national and international sites of nature conservation importance and have been consulted on the basis of the impact of the proposed development on the Graig Fawr SSSI to the rear of the application site. It is therefore the County Ecologist and the NWWT who are concerned with the protection of local nature conservation sites.

The proposal has taken on board the concerns raised by the County Ecologist and NWWT, outlined in the first reason for refusal, in terms of the adequacy of mitigation measures to safeguard the long term sustainability of the Spring Sandwort and other species of plants and animals that are present on the site. The County Ecologist is now happy with the proposal, however this is only on the basis that the applicants enter into a Section 106 agreement relating to the long term management and monitoring of the site. The applicant has suggested that a Management Trust would be set up which would be responsible for the management of the site in perpetuity, however details of funding and implementation mechanisms have not been provided. The applicant has indicated willingness to enter into a S106 agreement. There are other details relating to vegetation re-creation works, habitat and species mitigation and landscaping details that require further information, however this element can be covered by a planning condition.

The County Ecologist and NWWT should be involved in the discussions and negotiations with the Section 106.

vi) Affordable housing:

The applicants have confirmed the intention to make 1 unit (30%) available for affordable purposes. This would be consistent with the principles of the SPG on affordable housing and can be secured through a Section 106 obligation.

The submitted information confirms the following:

Number of units proposed	4 units
No. of affordable houses	1 no - On Site
Plot No	Plot 1
Tenure	Low Cost Homeownership
House type	Detached
No. of bedrooms	2 bed
Floor area	75 sqm
Timing of AH availability in relation to market value units	To be agreed in the S106
Housing Association Involvement	None

The floorspace area of unit complies with the Design Quality Requirements set by WAG. The siting and design of the unit is considered acceptable, the Affordable Housing Officer has raised no objection to the proposal and it is considered that the reason for refusal has been overcome.

vii) Contaminated land:

The application site is in an area of known contaminated land and mine shafts

are present as a result of the historical land use of the area. The applicant has provided a mining and contaminated land report which was assessed in the previous application by the Contaminated Land Officer and the Environment Agency. No objections have been raised to the initial investigations but the consultee responses have indicated that if the LPA are mindful to approve that conditions should be used to carry out further investigations. The proposal is considered to be in accordance with UDP policy ENP8 – Contaminated Land.

SUMMARY AND CONCLUSIONS:

8. The site is within the development boundary and has no specific policy designation. This application provides an acceptably designed development, and subject to control over detailing would not have an adverse impact on the visual appearance of the area. Affordable Housing arrangements are considered acceptable. There would be no adverse impact on nature conservation subject to mitigation, management and monitoring. In relation to contamination, conditions are suggested requiring further investigations.

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act to secure:

- i) A Management Trust, responsible for the management of the site in perpetuity.
- ii) The provision of 1 no. affordable housing unit and the retention of this unit 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 CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
- 3. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
- 4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the commencement 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

Prior to the commencement of the development, further details relating to the vegetation re-creation works and measures to protect habitat and reptile mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details.

6. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the proposed development being brought into use.

7. PRE-COMMENCEMENT CONDITION

No development shall take place until the means of disposal of surface water drainage of the site has been submitted to the Local planning Authority.

8. The access to the site shall be laid out and constructed in accordance with the approved before the development is brought into use.

9. No work shall be permitted to commence until there has been a phased investigation carried out over the entire site to ascertain whether the development is contaminated land, and whether the development may impact on controlled surface waters or groundwater, such investigation should consist of a desk study and if deemed necessary within said study a comprehensive site investigation should be carried out in accordance with LCR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of each survey and its conclusions have been submitted to the Local Planning Authority for assessment.

10. In the event that the site survey required by condition 9 of this permission reveals the presence of hazard from any contamination, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials, future users of the site, and any other person; and written approval of the Local Planning Authority has been obtained to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. The development should not be occupied/used until a Validation report prepared by an independent and suitably experienced third party to show that the works have been satisfactorily carried out and has been submitted to and approved in writing by the Local Planning Authority.

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

12. No surface water of land drainage run off shall be allowed to connect/discharge either directly or indirectly into the public sewerage system.

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 interest of nature conservation.
6. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. In the interests of highway safety.
8. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
9. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.

10. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
11. To protect the integrity of the public sewerage system.
12. To prevent hydraulic overloading of the public sewerage system.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

ITEM NO: 8

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2009/0086/ PF

PROPOSAL: Erection of shelter at front of building

LOCATION: Star Inn 75 Ffordd Talargoch Prestatyn

APPLICANT: Marston's Pub Company

CONSTRAINTS:

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL:

"Object. Detrimental to visual amenity"

HEAD OF TRANSPORT AND INFRASTRUCTURE:

"No objection"

RESPONSE TO PUBLICITY:

Letter of representations received from Mr. N. Parry, 1, The Grove, Meliden

Summary of representations made:-

- (i) Encourages anti-social behaviour
- (ii) Impact on residential amenity
- (iii) Impact on visual amenity

EXPIRY DATE OF APPLICATION: 24/03/09**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal seeks permission to erect a shelter attached to the front of the building. The shelter would project 2.3 metres from the front elevation, be 5 metres wide and have a mono-pitched roof. It would be constructed of a wooden framework with a slate roof. Two roof lights are proposed to allow light into the covered seating area and to help lighten the inside rooms.
2. The public house stands on the southern side of Ffordd Talargoch and has a takeaway premises to the west side and a row of terraced residential properties to the east. The shelter would provide cover to an existing seating area.

RELEVANT PLANNING HISTORY:

3. 43/2007/0504/PC
Retention of UPVC/glass canopy at front of building. WITHDRAWN. This application was enforcement generated, but the structure to which it relates has since been removed by the applicants and therefore permission for its retention is no longer required. Committee had previously authorised enforcement action to remove this glazed structure.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

- 5.
- i) Visual appearance
 - ii) Impact on the privacy and amenity of nearby occupiers.
6. In relation to the considerations as noted in paragraph 6:
- i) Visual appearance
The siting of the shelter is to the front of the building and is not considered to be detrimental to the appearance of the building. The mono-pitch roof reflects the existing line of the roof to the left hand side of the shelter and the scale of the proposal is not considered to be intrusive into the street scene. The materials are acceptable in that they match existing materials on the building. Further details of the roof lights are considered necessary as ideally these should not project above the plane of the roof. This can be dealt with through a suitable condition. The proposed shelter is a vast improvement on the previous upvc/glazed structure blending in well now to the roof pitch and materials on the main pub building.
 - ii) Impact on the privacy and amenity of nearby occupiers
The shelter lies within the existing curtilage of the public house and the area is already established as an outside seating area. It is not therefore no considered that the shelter will introduce any degree of noise or disturbance over and above that which can readily be generated by patrons of the public house. The Local Planning Authority does not have any records of complaints associated with this front seating area.

SUMMARY AND CONCLUSIONS:

7. The application is acceptable and is recommended to be granted subject to appropriate conditions.

RECOMMENDATION : GRANT - subject to the following conditions:-

1. The development hereby permitted shall be completed to the written satisfaction of the Local Planning Authority within 6 months of 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. The proposed roof lights shown on the approved drawings shall not project above the plane of the existing roof.

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

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. To ensure that the development presents a satisfactory appearance

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

ITEM NO: 9

WARD NO: Rhyl South West

APPLICATION NO: 45/2008/0820/ PF

PROPOSAL: Continuation of use of premises and land for car sale

LOCATION: Unit B Vale Business Park rear of 49/51 Vale Road Rhyl

APPLICANT: Mr D.A Markland

CONSTRAINTS: C2 Flood Zone C1 Flood Zone Groundwater Vulnerability 1 EA Floodmap Zone 3 EA Floodmap Zone 2 Enforcement Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Objection. The entrance on to Vale Road makes egress from the site dangerous to visitors, pedestrians and other traffic."

HEAD OF HIGHWAYS & TRANSPORTATION

"No objection"

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 17/11/2008**REASON FOR DELAY:**

- Assessment of impact being undertaken

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site is a commercial unit with accompanying land located to the eastern side of Vale Road and reached via an existing access of around 3 metres in width which leads down the side of no. 51a Vale Road, a property which is set very close to Vale Road with a narrow pavement of only around 1 metre to the frontage. The site is abutted by another commercial unit to the north and by residential properties to the south and east. The site has no specific allocation on the UDP proposals map.
2. The application seeks consent to continue to utilise the building and land for car sales. Its previous use is understood to have been for commercial purposes including storage and general light industry. The application states that the total floor area is approximately 400 sqm and that the site employs up to four staff with space for around 14 vehicles to be displayed.

RELEVANT PLANNING HISTORY:

3. The site has an extensive planning history including permissions for changes of use to retail, warehousing, storage of builders' materials and a workshop. None are considered to be of direct relevance to the current scheme, other than demonstrating the existing commercial use of the property.

A permission was granted at the February 2009 Committee for a development of 5 terraced dwellings on land to the south of this site (referred to as Unit 2, Vale Business Park).

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy RET 11 – Car Showrooms and Vehicle Related Uses
GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle
 - ii) Impact on the privacy and amenity of nearby occupiers
 - iii) Highways issues
6. In relation to the considerations as noted in paragraph 8:
 - i) Principle
Policy RET 11 refers to car showrooms and other vehicle related retail uses which require 'extensive open areas of land'. Given the small-scale nature of the subject site and its capacity to accommodate only a total of 14 cars for sale, it is not considered that Policy RET 11 is of direct relevance. Given the location of the site within the urban area and the previous commercial uses of the site, the principle of its use for car sales is considered to be acceptable.
 - ii) Impact on privacy and amenity
No objections have been received from any nearby occupiers and the small-scale nature of the use is considered to generate less noise and activity than a more active commercial operation would do.
 - iii) Highways issues
There are no objections from the Highway Authority. Whilst the comments of the Town Council regarding the poor access to the site are noted, it is not considered that there is any scope for improvements via conditions on the subject proposal given that it is an existing building adjacent to the Vale Road access point which causes the problem. It is not considered that a refusal for the change of use from one commercial use to another could be substantiated in respect of the access. Highway Engineers would also have assessed this use and its relationship with the recently permitted 5 no. dwelling scheme.

SUMMARY AND CONCLUSIONS:

7. The application is considered acceptable and is recommended to be granted subject to appropriate conditions.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The hours of business shall be restricted to between the hours of 0800 - 1800 in any day.

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 the amenity of occupiers of nearby residential property.

NOTES TO APPLICANT:

None

MES

ITEM NO: 10

WARD NO: Rhyl South West

APPLICATION NO: 45/2008/1323/ PF

PROPOSAL: Construction of waste recycling centre, BMX track and cycle track, car parking area, new vehicular/pedestrian access; erection of single-storey changing room building and associated works

LOCATION: Land at (South side of) Glan Morfa Industrial Estate Marsh Road Rhyl

APPLICANT: Denbighshire County Council

CONSTRAINTS: C1 Flood Zone
B Flood Zone
Wildlife Site
PROW
250m Of Landfill Site
Groundwater Vulnerability 1
Groundwater Vulnerability 2
EA Floodmap Zone 3
EA Floodmap Zone 2
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
No objection

COUNTY ARCHAEOLOGIST
No objection

ACCESS OFFICER
No objection subject to the inclusion of a condition to ensure appropriate measures to ensure access is adequately addressed.

COUNTY ECOLOGIST
No objection subject to the inclusion of conditions to ensure the mitigation and recommendations proposed within the Protected Species and Habitats Survey report are carried out.

COUNTRYSIDE OFFICER
No objection subject to the provision of funding for a warden and maintenance of the site.

LAND DRAINAGE SECTION
No comment received

HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to detailed conditions to ensure traffic safety, free movement and safe access.

FOOTPATH OFFICER

No objection subject to the inclusion of advisory notes

PUBLIC PROTECTION

Ensure previous protection measures are fully considered with this application in liaison with Environment Agency

GROUNDS MAINTENANCE

No comment received

WELSH WATER

No objection subject to conditions to ensure the integrity of the public sewerage system and the integrity of the water mains.

ENVIRONMENT AGENCY WALES

No objection subject to a number of detailed conditions to ensure the protection of groundwater and controlled water quality.

RHYL ENVIRONMENTAL ASSOCIATION

Support recycling and the provision of cycling facilities, however, concerned about the increase in traffic to the site and the impact of the development on wildlife.

Make the following recommendations:

The application area should be reduced in size to prevent splitting Glan Morfa into two halves;

A physical boundary should be constructed on the southern edge of the cycle track to avoid disturbance to areas adjacent to the application area;

A hard surface may be needed where the cycle races start and finish preventing damage to vegetation.

The reed bed will need maintenance.

Trees planted by local residents as part of the community woodland should as far as possible be saved.

The soil needs to be of a type and suitable quality

The duties of the warden should include supervision of the entire site with particular reference to wildlife. Finance needs to be made available for the continued maintenance of all aspects of the project.

A project manager with an ecological background should supervise the works on site to ensure the mitigation measures and recommendations included within the Protected Species and Habitats Survey are complied with.

COUNTRYSIDE COUNCIL FOR WALES

No objection subject to the inclusion of conditions to ensure the implementation of the recommendations contained within the protected species habitats survey.

NORTH WALES WILDLIFE TRUST

No comment

SPORTS COUNCIL FOR WALES

No comment

RESPONSE TO PUBLICITY:

Written representation from:

- (i) Mr Jon Harland, 2 Bastion Close, Prestatyn, LL19 7LT directing the Council towards an online petition in support of the proposal.

Summary of representations from the on-line petition:

1. Need for the proposed cycle track facility
- (ii) Mr Smith, 30 Netley Road, Rhyl, LL18 2AN
Letter of representation received raising the following concerns:
- Consultation undertaken by the applicant prior to submission of the planning application have not been taken into account
 - Noise and visual impact of the recycling facility created by the number and weight of vehicles.
 - Antisocial behaviour
 - Disruption to the natural habitats of wildlife
 - Increased traffic
 - Increasing industrialisation of the area

EXPIRY DATE OF APPLICATION: 24/03/2009

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located on the edge of the Rhyl development boundary within the coastal planning zone. The site is designated as a site of local conservation importance and community woodland within the Denbighshire Unitary Development Plan. The site has an irregular shape and is approximately 8.8ha; comprising the existing Rhyl civic amenity site, open space and Nature Park.
2. The application site is bound by housing to the north east, industrial units to the north west, the Rhyl Cut to the south east, and the River Clwyd to the south west. The majority of the site lies within flood zone B, though the northern part of the site lies within flood zone C1.
3. The proposal is for the relocation and improvement of the existing civic amenity site within the application area and the creation of a cycle track, BMX track and associated landscaping works, including the creation of a pond and reed bed.
4. The development will involve earthworks to increase the capping on the landfill and provide an even cycle track. A pond will be created in the centre of the application site to collect the surface water run-off. The pond will lead to reed beds before being discharged into the Cut.
5. The proposal includes moving the existing recycling centre approximately 80meters to the north east onto the oldest part of the landfill, to be replaced by a car park for the recycling track. A BMX track is proposed to the west of the relocated recycling facility and the main cycle track to the south, including landscaping, a pond and reed beds. A viewing mound will be created to the south of the site which will be accessed by a footpath which is linked to the existing footpaths on the site.
6. Native tree species will be used to screen the recycling facility and the cycle track. In addition, native wetland species will be planted around the pond and reed bed. Access to the public will not be restricted within the site.
7. Access to the site will be via Marsh Road, part of which will be upgraded to current highway standards. The access to the recycling centre will be via an existing road which will be reinstated. It is proposed that the existing recycling centre is converted into a car park for users of the cycle track. This will provide 50 car parking spaces, 5 disabled spaces and 10 cycle spaces. In addition there will be 5 staff parking spaces at the recycling facility.

8. A building will be constructed to the east which will provide changing room and toilet facilities, including a disabled toilet, a meeting room and two stores. The building will be 8.99m x 18.89m and a maximum height of 3.8m high. External walls will be finished with an off-white smooth through colour render and solid timber doors with facing steel sheet fixed with clutch screws. The roof will be planted, with pressed aluminium internal gutter, aluminium fascias and soffits.
9. An office will be provided within the recycling park, of steel, raised up on legs, with steel shutters on the window. Approximate dimensions will be 7.32m x 2.7m and 2.4m in height. The colour will match the fence.
10. The applicants have submitted the following information:
 - a. Geo-Environmental Report
A technical report, which investigates the suitability of the site for the development of a recycling facility. The assessment was undertaken before the proposal was finalised and does not consider the development of the cycle track or BMX track. The assessment makes a number of recommendations including, the use of Vibrated Concrete Columns, an alternative location for the recycling centre which has been incorporated into the final proposal, the design of offices above ground, discharge site drainage into Frederick Street, reinforced concrete cast in situ ground slab, all joints and penetrations sealed. Under floor venting was not considered to be necessary due to the nature of the development, which is exposed to the atmosphere.
 - b. Transport Assessment
The assessment notes that the proposed development will increase traffic flows in the area, but concludes that the development proposals adequately meet the accessibility and mitigation requirements of current transport policy.
 - c. Protected Species and Habitat Survey
The protected species and habitat survey assessed the ecological value of any habitats and flora and fauna within the application site, making recommendations and suggesting mitigation measures.
 - d. Design statement
States that the design of the building and recycling centre general follow the guidelines contained within Part M of the Building Regulations. The building will incorporate a green roof.
 - e. Design philosophy
 - f. Design and Accessibility statement
11. In addition to the information identified above the applicants submitted the following supporting information:
 - a. Letter of support from the Town Council dated the 19th of June 2008
 - b. A petition containing 85 signatures in support of the proposal.
 - c. An on-line petition, which at the time of writing this report had 214 signatures

(It should be noted that all other comments which were submitted to the applicants as part of the pre-application process were taken into account in the final submission)

RELEVANT PLANNING HISTORY:

12. There are a number of planning permissions relating to the site and surrounding area. The most relevant are:

10764 - Use of land for controlled tipping of waste.
GRANTED – 1st July 1965

45/608/98/PF – Change of use from landfill to Nature Park with landscaping activity.
GRANTED – 17th September 1999

In 1999 planning permission was granted for change of use from landfill to Nature Park with landscaping activity. As part of the planning application the northern part of the site was identified as an informal games area, and to the north east a cycle activity area. The application area is identified as seeded wildflower meadow, and an area including trees and shrubs to form community woodland.

PLANNING POLICIES AND GUIDANCE:

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

Policy STRAT 3 – Waste Disposal /Reuse
Policy GEN 3 – Development outside development boundaries
Policy CPZ – Development within the Coastal Planning Zone
Policy ENP8 – Contaminated Land
Policy ENV 5 – Sites of local conservation importance
Policy ENV 9 – Community Woodland
Policy REC 3 – Open Space/Recreation allocations
Policy REC 5 – Recreation facilities outside development boundaries
Policy MEW 11 – Waste Management Facilities

Planning Policy Wales (adopted 2002)
Technical Advice Note 15: Development and Flood Risk
Technical Advice Note 16: Sport, Recreation and Open Space
Technical Advice Note 21: Waste

MAIN PLANNING CONSIDERATIONS:

14. The main planning considerations are considered to be:

- i Principle
- ii Contaminated land
- iii Nature Conservation
- iv Waste
- v Amenity Impact
- vi Public Rights of Way
- vii Visual Impact
- viii Highways Impact
- ix Flood Risk

- 15.

i Principle

The broad principle of the development is acceptable. Whilst the site lies outside of the development boundary due to the large area of land required (approx. 8.8ha) for the development it is not possible to locate it within the development boundary. The recycling centre will relocate, with the existing recycling centre being converted to a car park for the cycle track facilities. The application site in question is considered to be Previously Developed land, as defined within Planning Policy Wales. The planning permission for the tipping of waste did not include a

restoration condition. Whilst an application was granted for the change of use from landfill to a nature park there was no clear plan for restoration of the landfill and the works to date are not considered to constitute restoration. The view is therefore taken that the application site is previously developed. This view is supported by the Environment Agency Wales in a letter dated the 20th of June 2008. The proposal for the cycle track and recycling centre therefore makes the best use of previously developed land and is in line with Planning Policy Wales.

The proposal site lies within the Coastal Planning Zone, identified within the UDP. The purpose of the zone is to restrict development that would have a negative impact on the coastal zone. Policy CPZ1 states 'Development will be permitted provided that it is essential for the development to have a coastal location'. Whilst this development does not need to have a coastal location, there are good reasons for the selection of this location. Rhyl has the largest centre of population within the County, a train station, good bus connections and is close to a national cycle route. The site is currently popular with dog walkers, however, as there will be no access restrictions within the site, this use can continue. The land use requirements of the cycle track are such that it is not possible to locate such a proposal within development boundaries. Therefore the principle of the development is considered to be acceptable.

ii Contaminated land

The application site is located on former landfill which is recorded as having its first input in 1950 with its last input in 1985. The area to the north east of the site, which is the proposed location for the recycling centre and BMX track, forms the oldest, and therefore most stable, part of the landfill. The Environment Agency have requested that further investigative work is undertaken prior to work being carried out, however, they have not objected to the application. It is possible to ensure the necessary investigative work is carried out prior to development through the imposition of planning conditions.

iii Nature Conservation

The site is designated within the UDP as a site of local conservation importance Policy EMP 5 and community woodland Policy ENV 9. The area has been designated as it forms part of the estuary, including mud flats where a number of birds feed, including breeding red data birds (birds threatened with, or vulnerable to extinction). The protected species and habitat survey report, submitted as supporting information included a number of recommendations and mitigation measures to address any potential impacts on wildlife, concluding that adherence to the proposed measures would have a beneficial long-term impact. The Countryside Officer has confirmed that every effort will be made to save the existing trees on site. Any that fail will be replaced. The existing trees will be replanted and higher quality soil imported (for the trees only). The County Ecologist has highlighted that the rest of the application area will require the substrate to be low in nutrients to ensure the success of the newly created habitat features.

CCW, the County Ecologist and Rhyl Environmental Association have highlighted the need for the applicants to adhere to the recommendations contained within the protected species and habitat survey report and requested conditions to ensure adherence. In addition, the County Ecologist requested further detail regarding the specification of habitat features and landscaping works, suggesting that an Environmental Management System be prepared and that an ecologist be present at least at the early stages of the works to ensure implementation of the environmental conditions. These measures can be addressed with conditions.

iv Waste

The proposed recycling park will replace the existing recycling parks in Rhyl and Prestatyn. The site will be split level in design which will be easier for members of the public to use compared to the existing sites. The proposed throughput of the facility will be 10,000 tonnes per annum, the majority of which will be recycled. Over the next year the Council is continuing to roll out its kerbside scheme which will ultimately provide 100% coverage across the County. This will remove the need for residents to travel elsewhere to recycle their household waste. Therefore it is anticipated that the majority of waste to be dealt with at the recycling park will be bulky household waste. The importance of the recovery of waste material and its diversion from landfill is highlighted in the National Waste Strategy, TAN 21 and the North Wales Regional Waste Plan 1st Review.

v Amenity Impact

The application site is currently identified as a recreation/open space allocation in the UDP. In particular, the site is identified as open space/nature reserve/community woodland with low key recreational resources. The site also has planning permission, granted in 1999, as a nature park with landscaping activity. The proposal includes the relocation of the existing civic amenity site. However, the majority of the site will be developed to form a cycle track which will be open to members of the public. Public access will not be restricted within the area; therefore there will be no loss to local amenity. In addition, the quality of the area will be improved through the reprofiling of the landfill and the introduction of landscaping. A footpath will be created which will go around the periphery of the site, linking the existing footpaths. In addition a viewing mound will be created from which members of the public will be afforded a view across the cycle track. Concern was expressed by a member of the public and the Rhyl Environmental Association regarding the impact of the proposal on the incidence of mechanised bikes using the site. The site is currently used by unauthorised mechanised bikes and there are fears that this proposal will increase the incidence of such use. The Countryside Officer confirms that there is currently an issue with disturbance by motorbikes and air rifles on this section of land, however, feels that the increase in positive usage of the site will deter such disturbance. It is therefore considered that amenity will be improved as a result of this proposal.

vi Public Rights of Way

The public right of way lies outside of the application site; however, there is the potential for it to be impacted during the construction phase of the proposal. Care needs to be taken to ensure that the public right of way remains clear, and therefore safe, at all times. This can be dealt with via conditions.

vii Visual Impact

Concern regarding the visual impact of the proposal was expressed by a member of the public. The concern relates primarily to the vehicles visiting the recycling site. The recycling site is located within the application area and will be relocated closer to the north eastern boundary of the site which is closer to housing. The proposals include a landscaping bund around the recycling site and the planting of native tree and shrub species to provide both a visual and noise buffer between the application site and the surrounding areas. It is therefore considered that any visual impact will be temporary.

viii Highways Impact

Concern was raised by a member of the public and the Rhyl Environmental Association regarding the increase of traffic in the area as a result of the proposal. The Transport Statement submitted as part of the planning application concluded that there will be an increase of traffic flows in the area, however, concluded that the development proposals adequately meet the accessibility and mitigation requirements of current transport policy. Furthermore, the Highways Officer has no

objection to the proposal subject to the inclusion of conditions to ensure the safe movement of all users of the highway and safe and satisfactory access.

The main planning policies and guidance relevant to the highways impact of proposals are TRA 6, 7, 8 and 9, GEN 6, and TAN 18. These policies seek to ensure new developments are served by adequate access arrangements without causing detriment to existing and future road users.

Whilst acknowledging that there will be an increase in traffic to the area, it is considered that concerns regarding increased traffic generated from the proposal can be addressed through conditions.

ix Flood Risk

The majority of the site lies within flood zone B, however, a small area to the north of the site lies within flood zone C1. TAN 15 states that 'where a site falls partially within zone C it will be a matter for the planning authority to judge whether to apply section 6¹'. The Environment Agency has confirmed that although a small amount of the site is within the C1 zone, it is not within either of their flood zones 2 (0.1%) or 3 (1%), except for a very small part in the most western section which is amenity space and does not incorporate any built development. As such there is no requirement for the developer to provide a Flood Consequences Assessment (FCA). The planning authority has therefore taken the view that a FCA is not required.

SUMMARY AND CONCLUSIONS:

16. This is a major planning proposal involving the relocation of the existing waste recycling centre and the creation of a BMX track and cycle track, car parking area, and erection of a single storey changing room building. The report outlines the main responses to the proposal and, highlighting the main planning issues and dealing with them in detail.

The application has been advertised as a departure from the Unitary Development Plan as the application site lies outside the development boundary.

Further information has been requested by consultees on the following issues:

- Contaminated land
- Nature Conservation
- Access
- Highways

In Officers' opinion, the issues raised above can be dealt with via conditions. It is considered that the proposal will bring about an overall benefit to the wider community through the creation of high quality amenity space.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:
 - a. A preliminary risk assessment which has identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses

- iii. A conceptual model of the site indicating sources, pathways and receptors
- iv. Potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based upon (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for the longer term monitoring of pollution linkages., maintenance and arrangements for contingency action.

Any changes to these components require express consent of the Local Planning Authority. The scheme shall be implemented as approved.

3. Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

4. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

5. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved

8. Prior to the commencement of the works a further detailed access statement demonstrating how the overall project will be fully inclusive should be submitted to the Local Planning Authority and approved in writing. Those details subsequently approved shall be implemented thereafter.

9. Prior to the commencement of the works details of an environmental management scheme for the habitat features to be created at the site should be submitted to the Local Planning Authority and approved in writing. This should include the specification for the presence of an ecologist to oversee the works, creation of habitat, landscaping works. Only those details subsequently approved shall be implemented thereafter.

10. The works will be carried out in adherence with the mitigation and recommendations contained within the report on Protected Species and Habitats Survey submitted as part of the application.

11. Fencing should be provided on the outside boundary of the entire cycle track. Where there is planting, double green rylock fencing should be erected, where there is no planting, single fencing should be provided. Prior to its installation details of any boundary fencing shall be submitted to and approved in writing by the Local Planning Authority. Only that fencing type, finish and colour subsequently agreed shall be used thereafter.

12. Foul water and surface water discharges shall be drained separately from the site.
13. No surface water shall be allowed to connect , either directly or indirectly, to the public sewer system unless otherwise approved in writing by the Local Planning Authority.
14. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
15. Facilities shall be provided and retained within each site for the parking, turning, loading and unloading of vehicles in accordance with the approved plan and which shall be completed prior to the proposed developments being brought into use.
16. Full details of the accesses to the car park, BMX track and new recycling park 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 including the detailed design, construction, street lighting, drainage and works shall be fully constructed in accordance as the approved details before each development is brought into use.
17. Full details of the upgrading of Marsh Road and associated highway works as indicated on the approved drawings, 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 including the detailed design, fencing, construction, street lighting, drainage and the highway improvement works shall be fully constructed in accordance as the approved details before the cycle track is brought into use.
18. In relation to the carrying out of the works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, vehicle wheel washing facilities, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes, the works shall be carried out strictly in accordance with the approved details.
- 19 The purpose built track hereby permitted shall not be used by any motorised cycles at any time.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of pollution control and the health of site users.
3. In the interests of pollution control and the health of site users.
4. In the interests of pollution control and the health of site users.
5. In the interests of pollution control and the health of site users.
6. In the interest of pollution control and the health of site users.
7. In the interest of pollution control and the health of site users.
8. To accord with the provisions of the Disability Discrimination Act.
9. In the interests of biodiversity and the protection of the natural environment.
10. In the interests of the protection of species and the natural environment.
11. In the interest of visual amenity.
12. To protect the integrity of the public sewerage system.
13. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
14. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
15. 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.
16. In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.
17. In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.
18. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.

19 In the interest of nearby residential amenity and the safety of cyclists.

NOTES TO APPLICANT:

Environmental Pollution

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

Specific comments relating to future information requirements:

- " The site setting and sensitivity need to be fully characterised, including assessment of the hydraulic relationship between different water bearing units beneath the site.
- " Leachate samples should be collected, along with appropriate soil and groundwater samples during future sampling events. Samples should be analysed in accordance with MCERTs accredited methods and leachate analysed by BS12457 method.
- " Screening criteria should be appropriate to the identified receptor, and should be site specific. Use of ICRCL criteria is not acceptable.
- " the landfill leachate drain, and the discharge to the river should be investigated further, and appropriate remedial action taken to ensure that deterioration in controlled water quality does not occur arising from site derived contamination.

Public Right of Way

No change to the surface of the Right of Way should be approved without consultation with the County Council. The developer 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.

In particular, the developer must ensure the following:

- " There is no diminution in the width of the right of way available for use by members of the public
- " No building materials are 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 (eg gates) are placed across the right of way, of either a temporary or permanent nature
- " No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right or allowed to interfere with the right of way
- " 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. For further information the developer should contact the Public Rights of Way Section on 01824 706872.

Accessibility

The accessibility statement should contain the following information:

- " Identification of design guidance that is to be adopted, i.e. BSI 8300 and Department of Transport, Inclusive Mobility guidance.
- " Whether the material used will have either a positive or negative impact on the

accessibility of the facilities.

" Applicants are encouraged to consult with local disability organisation (Denbighshire Disability Forum), or specialist advice from an access consultant.

" Evidence showing how the project will be fully inclusive

Ecology

The substrate used on the site should be low in nutrients to ensure the success of the newly created habitat features

Sewerage

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

Highways

The developer is advised to contact the Highway Authority to discuss the requirements of the highway improvements at an early stage.

The following matters are drawn to the applicant's attention:

- (i) Highway Supplementary Notes Nos. 1,2,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991-Part N Form.

ITEM NO: 11

WARD NO: Tremeirchion

APPLICATION NO: 47/2009/0102/ PF

PROPOSAL: Change of use of land from agricultural to form extension to residential curtilage and construction of new vehicular/pedestrian access

LOCATION: Land adjacent to (Part Field No. 8986) Pant Ifan Newydd Holywell Road Rhuallt St. Asaph

APPLICANT: Denbighshire County Council

CONSTRAINTS: CLB-Class B Road

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

CONSULTATION RESPONSES:

TREMIERCHION COMMUNITY COUNCIL:
Awaiting response

THE HEAD OF TRANSPORT AND INFRASTRUCTURE:
No objections subject to conditions.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 01/04/2009

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site is located outside of any defined settlement boundary to the west of Rhuallt on the Holywell Road (old A55). At present the land is designated agricultural land, and is immediately adjacent to a detached red brick dwelling. To the north and western boundaries the site is marked by established native hedgerows. To the east and south, the site is open to fields. West of the site lies the collection of buildings known as Pant Ifan Goch, and the dwelling 'The Old Barn' whilst opposite is a barn conversion 'Llwyn Derw' and an industrial use, 'The Fifth Wheel Company'.
2. This application seeks change of use of land from agricultural use to residential use. The applicants have stated that the dwelling was once part of an agricultural enterprise but is now surplus to requirements and is to be sold off. However, as an old farm house it has no identifiable residential curtilage. This application therefore seeks to create additional garden area and off road parking and turning area and a new vehicular access to enable the dwelling to be separated from the farm unit

3. The plot of land in question is approximately 8.7 metres wide and 25 metres deep.
4. The application is made by Denbighshire County Council and submitted to the Planning Committee for consideration as required by the adopted scheme of delegation

RELEVANT PLANNING HISTORY:

5. None

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
GEN 6 – Development Control Requirements
HSG 16 – Extensions to Domestic Gardens

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Impact upon visual amenity
 - iii) Highway safety
 - iv) Impact upon residential amenity
8. In relation to the considerations as noted in paragraph 7:
 - i) Principle

Policy HSG 16 allows for the modest extension to residential gardens outside of development boundaries. However, it is noted that in this instance there is no significant existing residential garden owing to its previous use as a functioning farm house. This application has been submitted because the dwelling is to be separated from the agricultural unit and would therefore no longer benefit from the farm yard which served as parking/amenity area. Accordingly an area of amenity space and parking/turning area is required. Policy HSG 16 aims to prevent unacceptable encroachment of residential gardens into the open countryside. To further ensure this is it is considered appropriate to remove permitted development rights, class E. Therefore it is considered that subject to a full assessment of the proposals impact upon the character of the area, the proposal is acceptable in principle.
 - ii) Impact upon visual amenity

The proposal involves an 8.7 metre wide strip of land to the side of the dwelling. This would approximately double the frontage of the property. To the rear, the land extends approximately 25 metres in line with an existing rear boundary. It is considered that with appropriate boundary treatments (native species hedgerows) and a suitable landscaping scheme, the proposal would not impact greatly upon the character of the area.
 - iii) Highway Safety

The proposal provides off road parking. Without this provision, occupants would have to park on the public highway. It is considered that the extension of curtilage is preferable to creating a situation where vehicles are forced to park on the road. In terms of access arrangements, no objection has been raised by the highway authority.
 - iv) Impact upon residential amenity

The proposal would provide adequate amenity space for the future occupants of the dwelling. Owing to the location of the neighbouring dwellings and the

location of the site in question, the proposal is not considered to be harmful to the amenity or privacy of neighbouring occupants.

SUMMARY AND CONCLUSIONS:

9. The proposal is acceptable and 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. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
3. 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 commencement 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.
4. Notwithstanding the provisions of Class 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.
5. Full details of the vehicular footway crossing shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall be completed before the development is brought into use.
6. 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 development being brought into use.
7. The surface of the parking area shall be paved with a concrete or bituminous material or as otherwise agreed in writing by the Local Planning Authority before it is brought into use.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of residential and/or visual amenity.
5. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

6. 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 highway safety.

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

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 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.

ADRODDIAD GAN BENNAETH CYNLLUNIO A DIOGELWCH Y CYHOEDD

APELIADAU CYNLLUNIO

**A) TIR CYFAGOS Â BRYN DERW LLANBEDR DYFFRYN CLWYD
B) 5 Ffordd Manod, Prestatyn**

1. PWRPAS YR ADRODDIAD

- 1.1 Mae'r adroddiad hwn yn gysylltiedig â phenderfyniadau I wrthod gan y Pwyllgor Cynllunio ar ddau gais sydd ag apeliadau ffurfiol wedi eu gwneud yn eu herbyn wedi hynny. Fe ddelir â'r apeliadau drwy Wrandawiadau.
- 1.2 Bydd yr adroddiad yn rhoi gwybodaeth gefndir i'r Aelodau a gofynnir bod aelodau'n penodi dau gynrychiolydd i roi tystiolaeth yn y gwrandawiadau'n unol â Phara. 9.3 Apeliadau Cynllunio a Phrotocol Ymglymiad Aelodau.

2. CEFNDIR

- 2.1 Mae'r apeliadau cynllunio wedi codi o benderfyniad yr Awdurdod Cynllunio i wrthod caniatâd cynllunio i ddau ddatblygiad ar wahân, yn groes i argymhelliad Swyddogion:
- 2.1.1 Codi 8 o aneddiadau ac adeiladu mynediad newydd i gerbydau a cherddwyr (arwynebedd safle 0.66 he) ym Mryn Derw, Llanbedr DC. Rhif cod y cais 16/2007/1232/PF. Fe wrthodwyd y cais ym Mhwyllgor mis Rhagfyr 2008. Fe wnaethpwyd y cynnig i wrthod gan y Cynghorydd Pauline Dobb a'i eilio gan y Cynghorydd Peter Owen.

Y rhesymau dros wrthod oedd:

1. "Ym marn yr Awdurdod Cynllunio Lleol, byddai'r datblygiad arfaethedig yn arwain at gynnydd na ellid ei osgoi mewn trafndiaeth cerddwyr ar yr A494 mewn lleoliad lle nad oes troedffordd ar hyd y briffordd sy'n arwain i mewn neu allan o'r pentref, a byddai'n debygol o achosi peryglon annerbyniol i holl ddefnyddwyr y briffordd, yn groes i Bolisi GEN 6(vi) Cynllun Datblygu Unedol Sir Ddinbych
2. Ystyrir y byddai arafiad a throi cerbydau i mewn ac allan o'r fynedfa i'r safle arfaethedig yn effeithio'n andwyol ar lif a diogelwch traffig ar yr A494, gan arwain at beryglon i ddefnyddwyr ffordd ar ran brysur o'r briffordd, yn groes i Bolisiâu GEN 6 (vii) a TRA 6 Cynllun Datblygu Unedol Sir Ddinbych.

Y terfyn amser ar gyfer cyflwyno Datganiad o Achos ar yr apêl hon yw Ebrill 3 2009. Nid oes dyddiad wedi ei bennu eto ar gyfer y gwrandawriad ei hun.

- 2.1.2 Dymchwel adeilad croes presennol a chodi estyniad llawr sengl yn y cefn (yn rhannol adolygol) yn 5 Ffordd Manod, Prestatyn. Rhif Cod y cais 43/2008/841/PF. Fe wrthodwyd y cais ym Mhwyllgor Rhagfyr 2008. Fe wnaethpwyd y cynnig i wrthod gan y Cynghorydd Selwyn Thomas a'i eilio gan y Cynghorydd Peter Owen.

Y rheswm dros wrthod oedd:

“Ym marn yr Awdurdod Cynllunio Lleol nad yw'r estyniad i'r cefn oherwydd ei raddfa, ei ddyluniad a'i ddefnyddiau yn gydymdeimladol â chymeriad neu ymddangosiad yr annedd ac mae'n cael effaith niweidiol ar amwynderau gweledol y safle a'r ardal sy'n union gyfagos. Mae hyn yn gwrthdaro â meini prawf i), Polisi GEN6 a meini prawf i), ii) a iii) Polisi HSG12 y Cynllun Datblygu Unedol”.

Y terfyn amser ar gyfer cyflwyno'r Datganiad Achos ar yr apêl hon yw Mawrth 19 2009. Fe gynhelir y gwrandawriad ar Fai 6 2009 yn Nhŷ Nant ym Mhrestatyn.

3. PENDERFYNIAD A GEISIR:

- 3.1 Gan fod y penderfyniadau i wrthod yn groes i argymhelliad swyddogion, mae'n ofynnol dilyn y Protocol mabwysiedig ar gyfer delio ag Apeliadau Cynllunio ac Ymglymiad Aelodau.

Mae Paragraff 9.3 yn datgan:

“Bydd yn ofynnol i Aelodau'r Pwyllgor Cynllunio roi tystiolaeth mewn ymholiad neu wrandawriad ffurfiol mewn apeliadau lle mae argymhelliad swyddogion wedi eu gwrth-droi. Bydd y Pwyllgor Cynllunio i benodi cynrychiolwyr i roi tystiolaeth yn y gwrandawriad/ymholiad (cynigydd ac eiliwr y cynnig fel rheol).

4. ARGYMHELLIAD

- 4.1 Bod y Pwyllgor Cynllunio'n penodi dau gynrychiolydd i roi tystiolaeth yn y gwrandawriadau ar:
Apêl Bryn Derw.
Apêl 5 Ffordd Manod.