

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 16 eg Chwefror 2011**  
**Eitem: 4**

**PLANNING COMMITTEE**  
**MEETING – 16<sup>th</sup> February 2011**  
**Agenda Item: 4**

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

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

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

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

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

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**ITEM NO:** 1

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 01/2005/0045/ PO

**PROPOSAL:** Development of 0.094ha of land by the erection of 12 no. apartments and alterations to existing vehicular access (outline application)

**LOCATION:** Smithfield Service Station Smithfield Road Denbigh

**APPLICANT:** Mr Terry Williams

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:****DENBIGH TOWN COUNCIL**

"The Council does not wish to object in principle to the outline planning application but it does have concerns with regard to the density of the proposed development. In order to meet those concerns the town council would suggest that consideration be given to the proposed development being kept to two storeys throughout".

**DWR CYMRU/WELSH WATER**

Request standard conditions and advisory notes be attached to ensure a comprehensive foul and surface water system is achieved.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

Head of Transport and Infrastructure

Would require conditions to control the detailed layout, access, and parking arrangements

Affordable Housing Officer

Confirms need for affordable units in Denbigh, with preference for social rented properties.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 17/04/2005**

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

- Failure of applicant to complete Section 106 Agreement

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

- 1.1.1 The application seeks outline planning permission with access and siting, to demolish the existing petrol garage and shop, and the development of just

under 0.1 hectare of land by way of apartments.

- 1.1.2 The application is accompanied by a layout plan showing ideas for 12 apartments in the form of a 2 storey 'L' shaped block, with 16 parking spaces, and a single point of access onto Smithfield Road. The plan is included at the front of the report.
- 1.1.3 The application was originally submitted in January 2005. As it involved the development of a site within the town boundary and generated no objections, the scheme of delegation permitted officers to determine the application under delegated powers. Although the proposal was in outline form, as 12 units were proposed, consideration had to be given to the provision of affordable housing and open space provision, which at that time were matters dealt with at outline stage by way of a Section 106 legal agreement. The legal section were subsequently instructed to proceed with arrangements to complete a legal agreement to cover these matters, and the applicant and agent were advised to communicate through the legal officer to conclude matters.
- 1.1.4 Unfortunately, there have been considerable delays in progressing matters, and despite reminders to the applicant and agent to move to a conclusion, the Section 106 has not been completed to allow the release of the outline planning permission.
- 1.1.5 As there has been a material change in the manner in which the Planning Inspectorate and Planning Committee now deals with affordable housing and open space provision/contributions in relation to outline applications (through the mechanism of planning conditions in preference to legal agreements), officers are looking to clear out long running applications such as this through re-presentation to Committee and with recommendations to impose conditions.

## 1.2 Description of site and surroundings

- 1.2.1 The site is located on the south eastern side of Smithfield Road, between the Council offices at Caledfryn and the Morrison's store, opposite the large housing development at Middleton Avenue.
- 1.2.2 It is occupied by a petrol filling station and associated shop, which accesses onto Smithfield Road between Middleton Avenue and Maesglas Avenue opposite.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Denbigh in the Unitary Plan, but has no specific use designation.

## 1.4 Relevant planning history

- 1.4.1 The main consent relating to the site was in 1994, which permitted the development of the filling station and associated petrol tanks.

## 1.5 Developments/changes since the original submission

- 1.5.1 None.

## 1.6 Other relevant background information

1.6.1 None.

#### **DETAILS OF PLANNING HISTORY:**

1.7 1/14,033

Petrol filling station with 2 pumps under canopy, underground fuel tank, shop, and wash facility – GRANTED 30/03/1994

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

The main planning policies and guidance are considered to be:

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

Policy STRAT 15 - Housing

General settlement and development considerations

Policy GEN 1 - Development within development boundaries

Policy GEN 6 - Development control requirements

Policy GEN 8 - Planning obligations

Policy HSG 2 - Housing development in main centres

Policy HSG 10 - Affordable housing within development boundaries

Policy REC 2 - Amenity and recreational open space requirements in new development

Policy TRA 6 - Impact of new development on traffic flows

Policy TRA 9 - Parking and servicing provision

Policy ENV 1 - Protection of the natural environment

Policy ENV 6 - Species protection

2.2 Supplementary Planning Guidance

SPG 4 - Recreational open space

SPG 22 - Affordable housing in new developments

2.3 GOVERNMENT GUIDANCE

Planning Policy Wales 2010

Technical Advice Notes

TAN 2 - Planning and Affordable Housing

TAN 12 - Design

TAN 18 - Transport

Ministerial Planning Policy Statements

Circular 35/05 – The use of conditions in planning permissions

## **3. MAIN PLANNING CONSIDERATIONS:**

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

3.1.1 Principle of development

3.1.2 Amenity impact

3.1.3 Highways

3.1.4 Affordable housing

3.1.5 Open space

3.1.6 Ecological impact

3.1.7 Design and Access/Sustainability Codes/Access for All

3.2 In relation to the main planning considerations:

3.2.1 Principle of development

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 15 and GEN 1. These policies seek to make provision for new housing in a range of locations, concentrating development within the boundaries of defined settlements. HSG 2 seeks to direct most housing development to main centres, including Denbigh. The site is within

the development boundary of Denbigh, where the principle of new housing development would be acceptable subject to consideration against other policies.

The application has been considered previously in 2005 when the principle of a residential development was accepted. As there have been no material changes in policy since this time, the principle of the development would still be in accordance with the provisions of the Unitary Plan. The only new matter to address is the mechanisms for ensuring provision of affordable housing and open space.

### 3.2.2 Amenity impact

The general requirements to assess the acceptability of amenity implications in a new housing development are set out in GEN 6.

The application contains a layout indicating a possible format for a development, but there are no elevational or floor plans to allow assessment of the impact on adjacent property. With regard to the Town Council's comments on density and detailing, officers' view would be that in the absence of the relevant detailed plans it is not appropriate to approve a layout or dwelling type at this point, but is considered that these matters can be dealt with satisfactorily at reserved matters stage.

### 3.2.3 Highways

The main Unitary Plan policies relating to the highway impact of new developments are TRA 6, TRA 9, and GEN 6. These require due consideration of impacts on the safe and free flow of traffic, the capacity and condition of the highway network, and the adequacy of parking and servicing provision.

The Council's Highway Officers raise no objections to the application, subject to conditions.

Given the existing use of the site as a petrol station and convenience store, it is not considered the scale of development would lead to unacceptable problems on the highway network. Conditions can be attached to ensure controls over the detailing of the access and parking arrangements.

### 3.2.4 Affordable housing

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

There is no argument here from the applicant's agent over the principle of providing affordable housing. The issue to resolve is whether the Council is happy to impose its controls through the use of a suitably worded condition on an outline permission, rather than through a Section 106 legal agreement. Officers take the view that the use of a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions over the last year so, would be acceptable as a means of establishing the requirement for an agreed level of affordable housing or payment of a commuted sum prior to the commencement of development, or within the submission of a reserved matters application. The benefit of taking this route is that there is substantially less delay in the release of permissions, less need for formal legal procedure, and it allows the Council to deal directly with future

developers of a site over the detailed arrangements for provision.

3.2.5 Open space provision

Policy REC 2 and SPG 4 set out the requirement for provision of amenity and recreational space in new residential development.

Officers suggest it is acceptable to adopt the same approach to securing provision of open space as for affordable housing on an outline application, i.e. by way of a similar type of planning condition rather than a legal agreement.

Again, it would be officers' opinion that an enforceable condition relating to the provision of open space can be attached to any permission, to secure the requirements of policy and guidance.

3.2.6 Ecological impact

Policies ENV 1 and ENV 6 require due consideration and protection of the natural environment, including landscape character and the biodiversity of an area, including ensuring there is no harm to protected species.

In this instance there are not considered to be any protected species/ecological issues to address given the location of the property and the nature of the existing business. A new development gives an opportunity to introduce soft landscaping which could encourage limited species onto the site.

3.2.7 Design and Access/Sustainability Code/Access for All

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

In the case of the current submission, the Sustainability Code requirements of TAN 12 and 22 do not apply, since the application was submitted in 2005, before the respective provisions were formally introduced to residential developments. It would, however, be necessary for any dwellings to meet modern Building Regulation standards which incorporate Sustainability code principles, and basic inclusive design and access for persons with disability would have to be incorporated into the detailed plans.

**4. SUMMARY AND CONCLUSIONS:**

4.1 The site lies within the town boundary bordered by existing offices and a foodstore, opposite existing houses off Middleton Avenue. The principle of a small apartment development would be consistent with Unitary Plan policies. The affordable housing and open space requirements can be covered by suitable conditions.

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

1. Approval of the details of the siting, design and external appearance of the building(s), the layout, scale and the landscaping, and means of access (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning



Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The plans submitted showing proposals for 12 apartments as part of the application have been treated for illustrative purposes only and do not form part of this permission.

5. 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; including screen walls and fences.

6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following completion of the development and any trees or plants which, within a period of five years of the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the details of the access, parking and turning arrangements, and the frontage footway(s); the access and footway shall be completed before any work on the erection of the apartments and none of the apartments shall be occupied until the whole scheme has been completed in accordance with the approved plans.

8. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the foul and surface water drainage arrangements and none of the apartments shall be occupied until the drainage scheme has been completed in accordance with the approved plans.

9. No development shall be permitted to commence until there has been carried out a comprehensive soil survey over the entire site, to determine whether any of the land is contaminated, such survey to be in accord with BS : 10175:2001 ("The Investigation of Potentially Contaminated Sites"); and the contents of the 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 hazards 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 and future users of the site, and any other person; and the written approval of the Local Planning Authority has been obtained to detail 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 shall be carried out strictly in compliance with the detailed measures approved by the Local Planning Authority.

11. The height of the proposed buildings shall be restricted to a maximum of two storeys (i.e. accommodation at ground and first floor level only).

## 12. PRE-COMMENCEMENT CONDITION

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN : Planning & Affordable

Housing (2006) or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

### 13. PRE-COMMENCEMENT

No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to the detailed arrangements for the provision for amenity and open space within the site in accordance with the Council's policies and guidance.

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 comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. In the interests of highway safety.
8. To ensure a satisfactory arrangement for the drainage of the site.
9. To ensure there is proper investigation of the potential for contamination of the ground from the garage use and adequate measures to address any hazards, in the interests of public amenity and safety.
10. To ensure there is proper investigation of the potential for contamination of the ground from the garage use and adequate measures to address any hazards, in the interests of public amenity and safety.
11. In the interests of visual amenity and the interests of users of adjacent property.
12. To ensure the development makes provision for affordable housing in accordance with County Council policy and guidance.
13. To ensure the provision of open space in accordance with County Council policy.

### NOTES TO APPLICANT:

You are advised to contact the Development Control case officer prior to the preparation of detailed plans to discuss ideas for the form of the development, and the requirements of the conditions on open space and affordable housing provision, as the Authority consider the location demands a high quality development.

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

**ITEM NO:** 2

**WARD NO:** Denbigh Lower

**APPLICATION NO:** 01/2010/1022/ PF

**PROPOSAL:** Demolition of existing dwelling and remodelling and redevelopment of dilapidated/vacant site by erection of 2 No. new-build semi-detached houses with provision of associated site works & parking and connection to replacement septic tank

**LOCATION:** Bryn Dedwydd The Green Denbigh

**APPLICANT:** Mr J Weston

**CONSTRAINTS:**  
Groundwater Vulnerability 2  
CLA-Class A Road

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

**CONSULTATION RESPONSES:**

DENBIGH TOWN COUNCIL  
"No objection"

ENVIRONMENT AGENCY WALES  
No reply received at time of writing report

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEE RESPONSES**

HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection, subject to conditions relating to parking and turning.

PUBLIC PROTECTION (POLLUTION CONTROL OFFICER)  
Response to be reported

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
Clare Griffith, Plas Newydd, Trefnant  
Mr. J Berwyn Evans, Coed Estyn, The Green, Denbigh

Summary of planning based representations:  
Accuracy of plans – Original drawings showed over generous plot size.  
Visual Amenity- Impact on streetscene/ out of scale with existing dwellings/ higher than existing dwellings  
Drainage Implications- existing septic tank is shared.

**EXPIRY DATE OF APPLICATION: 09/03/2011**

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

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

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of a pair of semi-detached dwellings, construction of vehicular access and installation of a septic tank on the site of Bryn Dedwydd, The Green, Denbigh. The proposal involves the demolition of the existing dwelling.
- 1.1.2 The pair of dwellings would be sited centrally on the plot, with communal parking and turning proposed to the front in a forecourt area and private rear gardens to the east.
- 1.1.3 Both dwellings would comprise two bedrooms, living/dining room, kitchen and two bathrooms. The dwelling on the north would be accessed via a door on the western side, the dwelling to the south has the entrance on the south.
- 1.1.4 The dwellings would be finished in redbrick and render with a slate roof, and they have been designed to mirror the appearance of the railway cottages to the north.

#### 1.2 Description of site and surroundings

- 1.2.1 Located on the eastern side of the A525 in The Green, the existing dwelling Bryn Dedwydd is a two storey rendered dwelling of no particular merit or distinctive character.
- 1.2.2 Bryn Dedwydd is one of a group of dwellings, the adjacent dwellings to the north are red brick former railway cottages, to the south is a 1970s style dwelling.
- 1.2.3 The east of the site is bounded by the road to Tremeirchion which rises over a disused railway bridge.

#### 1.3 Relevant planning constraints/considerations

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

#### 1.4 Relevant planning history

- 1.4.1 Planning permission was granted originally in 2007 for the erection of a replacement dwelling to replace Bryn Dedwydd. A subsequent application was granted in 2007 to amend the design of the replacement dwelling.

#### 1.5 Developments/changes since the original submission

- 1.5.1 Since the original application was submitted, amendments were sought to address concerns raised in the representations relating to the accuracy of plans and drainage details. Officers have also sought revisions to address highways and design issues.

#### 1.6 Other relevant background information

- 1.6.1 The application is being put forward to Planning Committee for determination as it raises issues of principle in relation to interpretation of polict.

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

- 2.1 01/2006/1155/PF Erection of replacement dwelling and detached double garage  
Granted under delegated powers 04/06/2007
- 2.2 01/2008/0297 Amendment to dwelling approved under 01/2006/1155. Granted under delegated powers 16/06/2008

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

The main planning policies and guidance are considered to be:

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

Policy GEN 3 – Development outside development boundaries  
Policy GEN 6 – Development control requirements  
Policy HSG 5 - Groups of houses in the open countryside  
Policy HSG 8 – Replacement dwellings in the open countryside  
Policy TRA 6 – Impact of new development on traffic flows  
Policy TRA 9 – Parking and servicing provision

### 3.2 Supplementary Planning Guidance

SPG No. 10 Infill Housing in the Open Countryside  
SPG 24 – Householder Development Design Guide

### 3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Third Edition August 2010

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Residential amenity
- 4.1.4 Highways safety
- 4.1.5 Drainage

### 4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy GEN 3 relates to development outside development boundaries and states that development will not be permitted apart from some exceptions, namely agricultural or forestry workers dwellings, infill development and replacement dwellings.

Policy HSG 8 relates to replacement dwellings, replacement dwellings are only permitted where the following criteria can be met; it has been established that the property has lawful use rights as a dwelling; the dwelling is of no particular architectural or historic merit, the dwelling is not capable of being converted or reasonably renovated with major or complete reconstruction, the dwelling is of no particular architectural merit and of a low standard in modern terms, the replacement reflects the character, appearance and traditional building styles of the locality, the replacement dwelling should not have an unacceptable impact on the surrounding landscape and should be located on the site of the existing dwelling.

Policy HSG 5 allows for infill development in the open countryside and specifies that this infilling must occur within a continuously developed frontage and does not result in ribbon development. SPG No. 10 expands on this policy and gives examples of cases of infill development.

In relation of HSG 8 and HSG 5, Officers opinion is that:

The replacement dwelling policy HSG 8 would not allow for the substitution of two dwellings in place of an existing single dwelling.

The plot is considered to constitute a gap within a 'group of dwellings' and within the scope of the infill policy HSG 5 and Supplementary Planning Guidance Notes No. 10. This policy allows for infill development of one or two dwellings subject to being the infilling of a small gap between buildings with a continuous developed frontage, not perpetuating ribbon development, and being of a similar scale and size to adjacent property and the location.

4.2.2 Impact on visual amenity

Policy GEN 6 and HSG 5 contain general considerations to be given to visual impact of new development including scale and size. Most importantly proposals should appear in keeping with their surroundings and not appear of out character with the area or surrounding development.

The site lies within an area where there is a mix of dwelling styles and sizes, and such it is considered the design approach, which takes some references from the surrounding dwellings, can be accommodated without detriment to the visual amenity of the area.

The design of the proposal has been amended to reduce the overall height of the dwellings. This amendment has addressed the concerns raised in representations relating to size and scale and impact on the character of the area.

4.2.3 Residential Amenity

Policy GEN 6 and HSG 5 sets specific tests to be applied to amenity of impacts of development.

The plans show that the dwellings can be accommodated on the site with adequate amenity space and spacing between adjacent dwellings.

4.2.4 Highway/access impacts

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

The application proposes adequate parking and turning for both dwellings. It is noted that the Highways Officers raise no objection to the development in terms of the access onto or proximity to the A road.

4.2.5 Drainage impact

Policy GEN 6 refers to the need to take into account generation, treatment and disposal of waste.

The application has been amended to include a new septic tank with capacity to serve the proposed dwellings as opposed to the original plans which showed connection to an existing shared septic tank.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The application proposes development of a plot which is considered to fall within the infill policy HSG 5 and can be accommodated without detriment to the policies of the Unitary Development Plan. The application is recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the

development hereby permitted and no materials other than those approved shall be used.

**3. PRE-COMMENCEMENT CONDITION**

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

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

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

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

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

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

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of highway safety.
6. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. To ensure that no deleterious material is carried on to the highway in the interest of highway safety.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 3

**WARD NO:** Efenechtyd

**APPLICATION NO:** 12/2010/1513/ PF

**PROPOSAL:** Erection of a stable and store and change of use of agricultural land to mixed agriculture and equestrian use

**LOCATION:** Land east of Llidiardau Clawddnewydd Ruthin

**APPLICANT:** Mr John Evans

**CONSTRAINTS:**

**PUBLICITY** Site Notice - No

**UNDERTAKEN:** Press Notice - No

Neighbour letters - Yes

**CONSULTATION RESPONSES:**

DERWEN COMMUNITY COUNCIL:

“The only observation that the above Council has to the above planning application and plans is, is the new entrance to the busy highway safe for the additional traffic that will use the site?”

**RESPONSE TO PUBLICITY:**

No letters of representation received.

**EXPIRY DATE OF APPLICATION: 07/03/2011**

**REASONS FOR DELAY IN DECISION (where applicable): N/a**

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

- 1.1.1 Permission is sought for the erection of a stable block and the change of use of land from agriculture to equestrian use and agriculture.
- 1.1.2 The stable block would measure 9 metres wide and 3.6 metres deep. It would feature a pitched roof of ‘onduline’ (black rubberised corrugated style), and horizontal timber boarding walls.
- 1.1.3 Internally, the stables would provide three rooms – 2 stables, and a central tack and store room.
- 1.1.4 The application also proposes to change the use of the land from agriculture to a mixed use of agriculture and equestrian. It is suggested that the land would be used for the grazing of sheep and one horse, with the site being visited on a daily basis for the welfare of the horse. The stable would also store equipment for the maintenance of the land, and food for the horse and sheep.
- 1.1.5 Access to the site is via an existing vehicular field access, located in the south-west corner of the field.

1.2 Description of site and surroundings



- 1.2.1 The site is located in open countryside and is surrounded by open fields. Development in the area is characterised by scattered isolated dwellings and farm holdings.
- 1.2.2 The stables would be located adjacent to the B5105, Ruthin to Cerrigydrudion road, 1km west of Clawddnewydd. There is a dwelling (Foel Gilcen) approximately 30 metres to the east of the site, on the other side of the B5105.
- 1.2.3 North of the proposed stable location, the ground rises slightly before gently sloping downwards towards a stream which runs along the northern boundary of the field. To the south of the proposed stables is a mature hedgerow, approximately 2 metres in height when viewed from the road. All of the sites boundaries are well defined with mature hedgerows, and in the case of the eastern boundary, the hedgerow is punctuated with mature trees.

1.3 Relevant planning constraints/considerations

- 1.3.1 None

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 The location of the stables has been moved eastwards along the boundary with the B5105 since the original submission.

1.6 Other relevant background information

- 1.6.1 The application is reported for determination by Committee as it is submitted by a relative of a member of staff in the Planning Services section of the County Council.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 None

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy GEN 3 – Development Outside Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy TRA 6 – Impact of New Development on Traffic Flows

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales 3 July 2010

Technical Advice Note 6 – Planning for Sustainable Rural Communities

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Impact on visual amenity and character of the area

4.1.3 Impact upon residential amenity

4.1.4 Impact upon highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle:

Policy GEN 3 controls development outside of development boundaries, and generally presumes against development in such locations. However, there are seven exception criteria. One such exception allows for development outside of development boundaries which is in conjunction with agriculture, leisure and recreation uses.

It is considered that the proposed mixed use of the site for agriculture (sheep grazing) and a low key private equestrian leisure/recreation use, falls within the scope of exceptions in Policy GEN 3. The proposal is therefore considered acceptable in principle, subject to the detailed impact assessment set out below.

4.2.2 Impact on visual amenity and character of the area:

Policy GEN 3 requires development in conjunction with agriculture, recreation and leisure uses to not unacceptably impact upon the natural or built environment. Policy GEN 6 contains a raft of criteria which aim to protect the character and appearance of the area from inappropriate development.

The proposed stables would be located behind a well established hedge. Public views of the site are limited with the exception of from the B5105. It is noted that the proposed materials would help to soften the appearance of the building and the design is considered appropriate in this location. The stables would be 35 metres from the existing dwelling, Foel Gilcen. With Foel Gilcen as a 'backdrop', the proposed development is unlikely to appear as a sporadic or isolated feature within the open countryside. Whilst the submitted plans do not show any additional landscaping or hard-standing for the stables, it is considered that such information would further ensure the development does not harm the visual amenity or character of the area.

Therefore, subject to a suitably worded condition requesting additional landscaping details, the proposal is considered acceptable in terms of impact upon visual amenity, and is not in conflict with the aims of Policies GEN 3 and GEN 6.

4.2.3 Impact on residential amenity:

Policy GEN 3 requires development in conjunction with agriculture, recreation and leisure uses to not impact unacceptably upon the residential environment. Policy GEN 6 contains a raft of criteria which aim to protect the amenity of local residents from inappropriate development.

The proposed use is not considered likely to be substantially different to the existing agricultural use in terms of potential levels of activity. The proposed stables are some 35 metres from the nearest dwelling, and separated from this by a main road, and mature hedgerow. The elevation of the dwelling facing towards the site does not have any principal living room windows in it. No floodlights or sound amplification equipment is proposed as part of the application and this could be further controlled via a condition should members be mindful to approve the proposal.

With regard to the preceding paragraph, it is considered the proposed development would not have an adverse impact upon the residential amenity of nearby dwellings, and is therefore in accordance with the aims of Policies GEN 3 and GEN 6.

4.2.4 Impact upon highway safety:

Policy TRA 6 permits development which does not unacceptably affect the safe and free flow of traffic in locations where the capacity of and traffic conditions on the surrounding road network are satisfactory.

The proposed use and stables would utilise an existing vehicular access into the site. It is not considered that the proposal would generate a significantly greater number of vehicular movements than the existing use. The existing access has reasonable visibility. Therefore it is not considered that the proposal would have an unacceptable impact upon the safe and free flow of traffic on the highway. The proposal complies with policy TRA 6.

**5. SUMMARY AND CONCLUSIONS:**

- 5.1 The proposal would not result in an unacceptable impact upon the visual or residential amenity of the area, and would not be detrimental to highway safety. Accordingly, the proposal is considered to comply with adopted planning policies.

**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 development, the wood stain finish to be used on the stables hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The wood stain as approved shall be applied within one month of the erection of the stables, and shall be maintained as such at all times, unless otherwise agreed in writing with the Local Planning Authority.
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. No floodlights, sound amplification equipment or speakers shall be erected or used on the site unless otherwise agreed in writing by the Local Planning Authority.
6. The use of the site and manege shall be for personal use only and not for the keeping, grazing or exercising of horses for any commercial or business use.
7. No more than 3 horses shall be stabled at the site at any one 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 interest 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 visual and residential amenity.
6. To enable the Local Planning Authority to monitor the impact of the use.
7. In the interest of residential amenity and in order that the Local Planning Authority can retain a degree of control over the use of the land.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4

**WARD NO:** Llanbedr Dyffryn Clwyd / Llangynhafal

**APPLICATION NO:** 16/2009/1155/ PF

**PROPOSAL:** Conversion of boiler rooms to create 1 no. dwelling

**LOCATION:** Former glasshouse Boiler rooms Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

**APPLICANT:** Mr Rod Cox

**CONSTRAINTS:** Tree Preservation Order  
PROW  
Groundwater Vulnerability 1  
AONB

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

### **CONSULTATION RESPONSES**

#### **LLANBEDR DC COMMUNITY COUNCIL –**

“Our main observations are as in previous applications, in that the proposed development is also well outside the present settlement boundary of Llanbedr DC and will most likely remain outside the boundaries for the next UDP for the village. It is wholly contrary to the policies of the UDP, a plan adopted after public consultation and which forms the basis of planning control by Denbighshire CC, there are no exceptional circumstances which might allow the UDP to be ignored.

The applicant refers to a new route alongside Footpath 37 to gain access to his planned development. He does not make it clear that no such route exists at the moment and if it were to be constructed the route would need separate planning permission in our view. Construction of a new route alongside Footpath 37 would need to be carefully agreed and Rights of Way, Planning and AONB Authorities should meet on site before any thought can be given to agreeing this new route.

This does not comply with building in open space and conversion policies. It has never been used as a dwelling but only by Llanbedr Hall as hot houses and glasshouses and latterly by local residents as allotments.

In the light of these observations, we cannot agree to support this application.”

Further response received on revised garden area plan:

“Our submission dated 10<sup>th</sup> February (above) still stands – “there are cars indicated on the revised plans, therefore we would like to be informed how these will be obtained to the plot”.

## COUNTRYSIDE COUNCIL FOR WALES

In principle they have no objection but further information is sought on how bats will be dealt with.

## WELSH WATER

No objection

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

### THE JOINT ADVISORY COMMITTEE – CLWYDIAN RANGE AONB

“This overgrown and semi-derelict structure is of very limited architectural or historic merit and the JAC does not consider that it lends itself to conversion for residential use. The JAC is also concerned about the potential impact upon a number of existing mature trees to facilitate this development and the excessive size of the proposed residential curtilage. In addition, details of the proposed access and associated boundary treatments is lacking, particularly in relation to the setting of the adjoining Listed Church building.”

### HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection

### TREE CONSULTANT

The proposal here involves the removal of four mature yews, two of which are included within the Llanbedr Hall TPO and two, i.e. those growing out of the rear wall of the building, which were deliberately excluded from the TPO. Whilst the two TPO yews are good specimens I can fully appreciate that if this development is to proceed this would not be compatible with the retention of the trees. It is a simple fact that individually they do not make any significant contribution to the overall landscape; rather they are a small part of a much larger whole in that they are a minor element in the larger wooded strip that runs along the bank. In that context I would have no objection to their removal provided that this is compensated for by the planting of similar suitable trees, preferably using advanced nursery stock.

### BUILDING CONTROL SECTION

The building is capable of conversion and the findings of the structural report are accurate.

### BIODIVERSITY OFFICER

The findings and recommendations of the submitted bat survey are acceptable. Suitable conditions should be imposed to deal with this mitigation.

## RESPONSE TO PUBLICITY

Letters of representation received from:-

Theresa Burling, 4 Bryn Coed, Llanbedr Hall, Llanbedr DC  
David Hughes, Carneddi, Llanbedr DC

The main points raised are:-

- Concerns over the impact on trees and wildlife
- Concern that the proposal does not meet adopted policies in the UDP
- Impact upon footpath 37.

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

- Protracted negotiations

- Amended site plan and re-consultations

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL**

#### 1.1 Summary of proposal

- 1.1.1 The application seeks full planning permission for the conversion of the former boiler rooms behind a part demolished glasshouse into a single, two bedroomed dwelling. The site forms part of the Llanbedr Hall grounds and is located to the south-west of the main hall.
- 1.1.2 The submitted plans show the intention to renovate the portico entrance to the rear of the former glasshouse and create a two bedroom unit within the long, narrow boiler room section to the rear of the site. The foreground area where the glasshouse once stood is shown as a patio/garden area
- 1.1.3 The application has been submitted with the following supporting documents:-
- Structural Engineers Report
  - Design and Access Statement
  - Historical report
  - Commercial Marketing Report
  - Bat Survey
  - Ecological Survey
- 1.1.4 There is an intention to create a new vehicular access alongside footpath 37 to the west of the site as well as providing an alternative vehicular access through from the main hall driveway. The submitted information highlights that the scheme of conversion will be utilising a variety of green methods such as ground source heat pumps, rainwater harvesting and the use of pv cells. All materials at the existing site will be re-used in the conversion.
- 1.1.5 Plans show the intention to fell some 5 trees, mainly yew to the rear of the boiler rooms. None of the trees to be felled are individually protected and will be re-used as timber for the development. The Council's tree consultant has been involved and inspected the trees on site.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located outside the development boundary of Llanbedr DC within an open countryside location as defined in the adopted Unitary Development Plan. The application site has historically formed part of the Llanbedr Hall estate with the glass house itself dating back to around 1829. The boiler rooms and former glass house sit at a lower level than the site of the main hall and to the south-west. The site is overgrown with dense planting and banking to the north of the boiler rooms where steps lead up to the higher ground. The boiler rooms are of brick construction with a corrugated roof covering.
- 1.2.2 The main estate is heavily treed with a Preservation Order on many of the mature specimens.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside any defined settlement boundary within the Area of Outstanding Natural Beauty (AONB). There is a Tree Preservation Order on the site and public footpath 37 runs to the west and north of the site.

1.4 Relevant Planning History

- 1.4.1 There is no planning history directly relevant to the boiler rooms and glass house. There are a number of planning permissions relevant to the main Llanbedr Hall site, however. Most notably are the current planning applications which remain undetermined for the demolition of the hall and the replacement thereof with alternative residential development. It is not considered, however, that the on-going discussions on those schemes will have a bearing on the assessment of this stand alone proposal to convert this building.

1.5 Developments/changes since the original submission

- 1.5.1 The application was submitted as valid in January 2010. There have been protracted negotiations on the main hall schemes which have resulted in this application being held in abeyance. The reason for this was that officers needed to be clear on any potential wider implications on the site of the glass house in terms of ecological impacts.
- 1.5.2 It is considered that this application can be determined on its merits. The red line application site has been amended on the advice of Officers to create a much smaller residential curtilage area. A re-consultation exercise was undertaken once this change had been agreed with the applicant, and officers do not consider any potential larger scheme of housing for the main hall site should delay the making of a decision on this conversion scheme.

1.6 Other relevant background information

- 1.6.1 None

**2. DETAILS OF PLANNING HISTORY**

- 2.1 None relevant to this site.

**3. RELEVANT PLANNING POLICIES AND GUIDANCE**

The main planning policies and guidance are considered to be:

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

- Policy STRAT 1 – General
- Policy STRAT 7 – Environment
- Policy STRAT 6 – Location
- Policy STRAT 13 – New Development
- Policy GEN 3 – Development Outside Development Boundaries
- Policy GEN 6 – Development Control Requirements
- Policy ENV 1 – Protection of the natural environment
- Policy ENV 2 – Development affecting the AONB
- Policy ENV 6 – Species Protection
- Policy ENV 7 – Landscape/townscape features
- Policy ENV 8 – Woodlands
- Policy HSG 9 – Residential conversion of rural buildings to dwellings
- Policy TRA 6 – Impact of new development on traffic flows
- Policy TRA 10 – Public Rights of Way

3.2 Supplementary Planning Guidance

- SPG 6 – Trees and Development
- SPG 16 – Conversion of rural buildings
- SPG 18 – Nature Conservation and Species Protection



### 3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 2010, Edition 3  
TAN 6 – Agricultural and rural development  
TAN 12 – Design  
TAN 22 – Sustainable Buildings

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Highway/access
- 4.1.3 Design/Landscape/Visual Impact
- 4.1.4 Ecology

### 4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The site is located outside any defined settlement boundary. The relevant policy within the UDP does not permit development in such locations unless in exceptional circumstances. One such circumstance (criteria iii of Policy GEN 3) is in the proposed conversion or re-use of a redundant rural building. The Policy links to a further detailed Policy (HSG 9) which sets out the criteria against which such conversion proposals must be assessed.

Firstly, the scheme of conversion must be accompanied by a structural report to show the building is capable of conversion. In this case a report was submitted which has been verified by the Council's Building Control team. The conclusions show that the building can be converted without the need to reconstruct major elements of it. The main brick built boiler room is sound structurally and the scheme of conversion meets the first policy test.

Secondly, the scheme of conversion needs to ensure that any features of note in the existing building are retained. The proposal shows the intention to use traditional styles in the scheme of conversion re-using materials where possible and recreating original features such as the main portico entrance. This is considered in compliance with the second criteria of the policy.

The scheme has been amended from the original submission to show a much smaller and better proportioned curtilage area for the new residential unit. The large garden area which would have been associated with the original glasshouse is proposed to be landscaped and looked after as it was originally, however, the actual residential curtilage proposed will respect the character of the site and the size of the residential unit the subject of the conversion. There would be no unacceptable impact on the character of the area by reason of the proposed vehicular access, conversion and re-use of the building or the intended garden area for the unit. This is in compliance with the third and fourth criteria of the Policy.

Having regard the strict criteria set out in Policy HSG 9 and the submitted information, it is clear that the scheme of conversion is acceptable in principle.

#### 4.2.2 Highways/access

There are two alternative access points into the glasshouse site. These can be seen on the attached location plan at the front of the report. The scheme proposes to create a new driveway to the west of the site running parallel with the public footpath. This links to an existing driveway which gives access to the main hall site from the west. This proposed new driveway will be screened with a natural hedge adjacent to the footpath and the nearby church building. The main entrance to the site for vehicles is proposed through the main hall site to the north and east of the boiler rooms. This driveway links to the main hall driveway and has been partly created within the curtilage of the hall previously under permitted development rights.

Both access drives have been assessed as acceptable by the Council Highway Engineers to serve the single residential unit proposed. There would be no disruption to the public footpath and this will be included as a note to the applicant with any permission given. Any other longer standing issues with rights of access or the footpath cannot be considered as part of this conversion proposal.

#### 4.2.3 Design/Landscape/Visual Impact

As described above the scheme of conversion creates a modest residential unit re-using the fabric of the main boiler rooms structure. There would not be any embellishments to the design or scale of this unit with some original features and materials re-introduced. It is considered that this would result in an enhancement to the visual appearance of this redundant building improving its setting within the landscape. Subject to a detailed scheme of landscaping for the new driveway access and protection of some of the nearby trees it is considered that the re-use of this site and building would serve to preserve both a historic building and enhance the environment in which it sits. This is in compliance with the relevant planning policies which seek to enhance the Area of Outstanding Natural Beauty (ENV 2) and to protect the natural environment.

#### 4.2.4 Ecology

The application has been submitted with a detailed ecological report which has been assessed by both the Countryside Council for Wales and the Council's Biodiversity Officer. The main area of concern surrounds the required protection of bats. The findings of the submitted report by Dr Hugh Knott recommend that a suitable roost for the lesser horseshoe and pipistrelle bats can be provided in the roof of the converted boiler room or within the cellar of the main hall. Within the required license application under the appropriate Habitat Regulations both of these options can be considered. The specialists in this field are content that a condition can be imposed to ensure that the alternative roost is confirmed prior to the work on the conversion commencing.

## **5. SUMMARY AND CONCLUSIONS**

5.1 The scheme of conversion meets the relevant criteria of the UDP Policy and guidance. The structure of the building is sound and the design and scale of conversion respects the traditional style of the former boiler rooms. The access, garden area and impact on the landscape has been deemed acceptable and will be further enhanced by a detailed hedge planting scheme. The protection of bats is built into the scheme and has been assessed as acceptable by the Biodiversity Officer of the Council.

**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 any works associated with the conversion hereby permitted further details of the proposed bat mitigation measures, to include precise alternative roost locations, shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be implemented thereafter.
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 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.
5. 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.
6. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

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 protected species.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interests of residential and/or visual amenity.

**NOTES TO APPLICANT:**

You are reminded of the requirements under the Habitats Regulations not to wilfully disturb any protected species during the permitted works. Please also ensure all trees to be retained on site are protected during construction works. There should be no disruption to the Public Footpath No. 37 when the proposed vehicular driveway is created.

**ITEM NO:** 5

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2011/0015/ PS

**PROPOSAL:** Variation of Condition No. 4 of planning permission Code No. 23/2009/1219/PF to allow for an extended operating season from 1st March to 14 January in the following year - Condition to read: "No caravan shall remain on the site between 15 January and the last day in February in any one year"

**LOCATION:** Caer Mynydd Caravan Park (South) Saron Denbigh

**APPLICANT:** Mr R Barton C/O Charles F Jones & Son Llp

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

LLANRHAEADR YC COMMUNITY COUNCIL  
Response to be reported

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

HEAD OF DEVELOPMENT SERVICES  
Response to be reported

HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection

PUBLIC PROTECTION  
No objections, the Caravan Site Licence will need amending.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 06/03/2011**

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

- 1.1.1 The application seeks to vary one of the conditions imposed on a 2010 permission for an 11 pitch touring caravan site on land at Cae'r Mynydd Farm in Saron.
- 1.1.2 The condition in question is no. 4, which states as follows:  
*"No caravans shall remain on site between 31 October in any one year and the 1<sup>st</sup> March in the succeeding year".*
- 1.1.3 The variation is sought to allow the site to operate for 10½ months, from 1<sup>st</sup> March to 14<sup>th</sup> January in the following year.

- 1.1.4 The condition as drafted above was included to be consistent with the existing seasonal restrictions on the Cae'r Mynydd site.

1.2 Description of site and surroundings

- 1.2.1 The site known as Cae'r Mynydd Caravan Park is located opposite Capel Saron and is bounded on 2 sides by the Saron to Denbigh Road and Saron to Nantglyn Road. The caravan park is an established static and touring caravan site, and comprises an existing touring caravan site on the opposite side of the road for 30 mixed touring units (caravans and tents), and 7 static caravans on land to the south west of the application site. In addition, there is the owner's dwelling with ancillary reception area, a small shop and former farm outbuildings, which have consent to be converted into 5 no. self catering holiday units.
- 1.2.2 Planning permission was granted in July 2010 for an additional 11 pitch touring caravan site on the southern part of the site, the site comprising a slightly sloping grassed area of vacant land to the north east of the existing static caravan site. Along the northern eastern boundary is a boundary fence in part; however the boundary hedge has been severely pruned and in places removed. Within the 2010 permission, landscaping details were approved to enhance this boundary.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the open countryside. Saron itself is not recognised as a settlement and has no development boundary in the Unitary Development Plan.

1.4 Relevant planning history

- 1.4.1 The site has planning permission for an 11 pitch touring caravan site, granted at Committee in July 2010. Condition 2 of the 2010 permission requires that the occupancy of the caravans should be limited to holiday accommodation only, shall not be used as a sole or main unit of living accommodation, no caravans shall be permitted to stay on site for more than 21 days or return to the site within a period of 21 days and the site licence holder is required to maintain an up to date register of the names and addresses of the occupiers of the touring caravans.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 A separate application seeking the same variation to allow a 10½ month season has also been submitted for the touring site on the north part of land at Cae'r Mynydd (on the other side of the road). This application is reported separately under planning reference 23/2011/0016/PS.

**2. DETAILS OF PLANNING HISTORY**

- 2.1 23/2009/1219/PF Change of use of land to touring caravan site with 11 pitches and conversion of part of existing outbuilding to form amenity block. GRANTED at Planning Committee, July 2010.

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

- Policy STRAT 7 - Environment
- Policy STRAT 9 - Tourism
- Policy GEN 6 - Development Control Requirements
- Policy ENV 1 - Protection of the Natural Environment
- Policy ENV 7 - Landscape/Townscape Features
- Policy TSM 5 - Rural Tourism
- Policy TSM 12 - Touring Caravan Sites
- Policy TRA 6 - Impact of New Development on Traffic Flows

#### 3.2 GOVERNMENT GUIDANCE

Planning Policy Wales Revised Edition (2010)

TAN 13: Tourism (1997)

### 4 MAIN PLANNING CONSIDERATIONS:

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

- 4.2.1 Principle
- 4.2.2 Landscape Impact
- 4.2.3 Residential Amenity Impact
- 4.2.4 Highway Impact
- 4.2.5 Controls over Holiday Use

4.3 In relation to the main planning considerations:

#### 4.3.1 Principle

There are no Unitary Development Plan Policies of specific relevance to applications which seek to extend the season of occupation of an existing caravan site. There is general reference in the Strategic and Tourism policies of the plan to the importance of the tourist industry to the local economy, and while there remains a general restraint on new development in open countryside, there is encouragement for suitable 'small scale' projects subject to compliance with basic environmental impact tests.

At a national level, the Welsh Assembly Government's objectives for tourism are to encourage sustainable tourism, promoting local prosperity and supporting community well-being and involvement, while protecting and giving value to natural heritage and culture; and to manage the tourism sector in ways which minimise environmental impact. Planning Policy Wales (3<sup>rd</sup> edition 2010) states that the planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities.

TAN 13 Tourism (1997) highlights particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity, coastal or historic environment or the interests of local communities. TAN 13 predates Planning Policy Wales but suggests as broad principles that the planning system can respond to changes in tourism without compromising policies to safeguard the countryside, through the use

of holiday occupancy conditions to reconcile these two objectives.

The grant of permission for the touring caravan site in 2010 recognised the Council's acceptance that the site was suitable for an 11 pitch touring caravan site, having regard to the principle, and following assessment of the visual/landscape, highway, agricultural land quality, and residential amenity and flooding impacts. Officers consider therefore that the key issue to address here is whether there would be any 'additional' localised impacts from potential occupation of the 11 touring caravans between 1<sup>st</sup> March to 14<sup>th</sup> January the following year, and whether there are adequate controls to ensure the 10½ month use is for holiday purposes and would not in effect allow potential to create a residential site during this time.

#### 4.3.2 Landscape Impact

The Unitary Development Plan's main policies requiring assessment of landscape impact are STRAT 7, GEN 6, ENV 1, ENV 7 and TSM 12.

The Council has accepted in 2010 that the siting of 11 touring caravans on the site was not in conflict with the main policies, and that given the location, existing holiday use and additional planting proposed on the site, it is not considered there would be any harm to the rural character of the site and surrounding area.

The reason for imposing an 8 month season, from 1<sup>st</sup> March to 31<sup>st</sup> October on the 2010 permission was in the interests of the character and appearance of the area, which is located within open countryside and was included to be consistent with the season already granted on the other touring site, located on the opposite side of the road. The applicant has stated that there is demand for the park to remain open longer and that this application follows the trends of holidaying in the UK for far more frequent holidaying but for shorter periods.

The static caravan element of the site ( 7 units) has already been given permission for a 10½ month season, consistent with what is currently being sought for the touring use.

Having regard to the above, to the sites location, screening, existing tourism uses on the site and controls it is considered that there would be limited additional landscape impacts arising from the extension to the period of occupation of the units between 1<sup>st</sup> March and 14<sup>th</sup> January (10½ months).

#### 4.3.3 Residential Amenity Impact

GEN 6 requires due consideration of the impact of development on residential amenity.

In this case, there are no residential properties within close proximity to the application site, other than the owner's accommodation.

#### 4.3.4 Highway Impact

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



network.

Access to the site is derived from an existing access off the main Saron to Denbigh Road. It is not considered that the additional 2½ month use of the site would be so significant to either result in highway safety problems or raise new questions over the principle of the development from reliance on the motor car.

4.3.5 Controls over Holiday Use

This application is for the variation of Condition 4 relating to the length of season. The other conditions on the main planning permission would remain. These control the use of the touring units for holiday purposes only, require that none of the tourers shall be occupied at any time as a person's sole or main place of residence, that no caravans shall be permitted to stay on site for more than 21 days or return to the site within a period of 21 days and that the site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and the dates each caravan arrives on the site and leaves the site.

This ensures the site can not be used for 1½ months in a 12 month period for touring caravan purposes.

There are also separate Site Licensing controls administered by the Public Protection section which include conditions relating to the nature of occupation and length of the holiday season.

Officers consider the above condition provides clear control over the occupation of the units as holiday caravans only.

**5 SUMMARY AND CONCLUSIONS:**

5.1 The touring caravan site is established by virtue of a 2010 permission which conditioned an 8 month occupancy season. The proposal to allow use for holiday purposes for 10½ months is not considered likely to have additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts.

**RECOMMENDATION: GRANT**

No conditions imposed

**NOTES TO APPLICANT:**

Your attention is drawn to the separate requirement to vary your Caravan Site Licence.

**ITEM NO:** 6

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2011/0016/ PS

**PROPOSAL:** Variation of Condition No. 3 of planning permission Code No. 23/2007/1327/PF to allow for an extended operating season on the touring units from 1st March to 14 January in the following year. Condition to read: No caravan shall remain on the site between 15 January and the last day in February in any one year

**LOCATION:** Caer Mynydd Caravan Park (north) Saron Denbigh

**APPLICANT:** Mr R Barton c/o Charles F Jones & Son Llp

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

LLANRHAEADR COMMUNITY COUNCIL  
Response to be reported

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**  
HEAD OF DEVELOPMENT SERVICES  
Response to be reported

HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection

PUBLIC PROTECTION  
No objection, the Caravan Site Licence will need amending.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 06/03/2011**

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

- 1.1.1 The application seeks to vary one of the conditions imposed on a 2007 permission for the siting of 30 mixed touring units (caravans and tents) on land at Cae'r Mynydd Farm in Saron.
- 1.1.2 The condition in question is no. 3, which states as follows:  
*"No caravans shall remain on site between 31 October in any one year and the 1<sup>st</sup> March in the succeeding year".*
- 1.1.3 The variation is sought to allow the site to operate for 10½ months, from 1<sup>st</sup> March to 14<sup>th</sup> January in the following year.

## 1.2 Description of site and surroundings

- 1.2.1 The site known as Cae'r Mynydd Caravan Park is located opposite Capel Saron and is bounded on 2 sides by the Saron to Denbigh Road and Saron to Nantglyn Road. The caravan park is an established static and touring caravan site, and comprises an existing touring caravan site on the site for 30 mixed touring units (caravans and tents), 7 static caravans. Planning permission was granted in July 2010 for an additional 11 pitch touring caravan site. In addition, there is the owner's dwelling with ancillary reception area, a small shop and former farm outbuildings, which have consent to be converted into 5 no. self catering holiday units.
- 1.2.2 Planning permission was granted in 2007 for the rationalisation of the existing touring caravan park to allow for the siting of 30 mixed touring units (caravans and tents) in lieu of 18 touring caravans and 12 tents. The site was already an established touring caravan site at that time.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the open countryside. Saron itself is not recognised as a settlement and has no development boundary in the Unitary Development Plan.

## 1.4 Relevant planning history

- 1.4.1 The site has planning permission for a mix of 30 touring caravans and tents, granted in December 2007. Condition 2 of the 2007 permission required that the site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days. This condition was subsequently varied in October 2008 with a further condition imposed stating:

"The site shall only be used for caravans on tour, and none of the caravans shall be occupied as a sole or main residence at any time. A record shall be kept of all caravans visiting the site and shall be made available for inspection at the reasonable request of the Local Planning Authority".

## 1.5 Developments/changes since the original submission

- 1.5.1 None

## 1.6 Other relevant background information

- 1.6.1 A separate application seeking the same variation to allow a 10½ month season has also been submitted for the touring site on the south part of the land at Caer Mynydd granted in 2010 (on the other side of the road). This application is reported separately under planning reference 23/2011/0015/PS.

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

- 2.1 23/2007/1327/PF Rationalisation of existing touring caravan park to allow for siting of 30 mixed touring units (caravans and tents) in lieu of 18 touring caravans and 12 tents GRANTED 27<sup>th</sup> December, 2007.

23/2008/0603/PS Variation of condition 2 on planning permission ref no. 23/2007/1327/PF to allow removal of the 21 days stay limitation. GRANTED 29<sup>th</sup> October, 2008.

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

- Policy STRAT 7 - Environment
- Policy STRAT 9 - Tourism
- Policy GEN 6 - Development Control Requirements
- Policy ENV 1 - Protection of the Natural Environment
- Policy ENV 7 - Landscape/Townscape Features
- Policy TSM 5 - Rural Tourism
- Policy TSM 12 - Touring Caravan Sites
- Policy TRA 6 - Impact of New Development on Traffic Flows

#### 5.2 GOVERNMENT GUIDANCE

Planning Policy Wales Revised Edition (2010)

TAN 13: Tourism (1997)

### 6 MAIN PLANNING CONSIDERATIONS:

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

- 6.2.1 Principle
- 6.2.2 Landscape Impact
- 6.2.3 Residential Amenity Impact
- 6.2.4 Highway Impact
- 6.2.5 Controls over Holiday Use

6.3 In relation to the main planning considerations:

#### 6.3.1 Principle

There are no Unitary Development Plan Policies of specific relevance to applications which seek to extend the season of occupation of an existing caravan site. There is general reference in the Strategic and Tourism policies of the plan to the importance of the tourist industry to the local economy, and while there remains a general restraint on new development in open countryside, there is encouragement for suitable 'small scale' projects subject to compliance with basic environmental impact tests.

At a national level, the Welsh Assembly Government's objectives for tourism are to encourage sustainable tourism, promoting local prosperity and supporting community well-being and involvement, while protecting and giving value to natural heritage and culture; and to manage the tourism sector in ways which minimise environmental impact. Planning Policy Wales (3<sup>rd</sup> edition 2010) states that the planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities.

TAN 13 Tourism (1997) highlights particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity, coastal or historic environment or the interests of local communities. TAN 13 predates Planning Policy Wales but suggests as broad principles that the planning system can respond to changes in tourism

without compromising policies to safeguard the countryside, through the use of holiday occupancy conditions to reconcile these two objectives.

The grant of permission for the touring caravan and tent site in 2007 recognised the Council's acceptance that the site was suitable for a 30 pitch touring caravan and tent site, having regard to the principle, and following assessment of the visual/landscape, highway, agricultural land quality, residential amenity and flooding impacts. Officers consider therefore that the key issue to address here is whether there would be any 'additional' localised impacts from potential occupation of the site between 1<sup>st</sup> March to 14<sup>th</sup> January the following year, and whether there are adequate controls to ensure the 10½ month use is for holiday purposes and would not in effect allow potential to create a residential site during this time.

#### 6.3.2 Landscape Impact

The Unitary Development Plan's main policies requiring assessment of landscape impact are STRAT 7, GEN 6, ENV 1, ENV 7 and TSM 12.

The Council has accepted previously that the siting of a mix of 30 touring caravans or tents on the site was not in conflict with the main policies, and that given the location, existing holiday use and additional planting proposed on the site, it is not considered there would be any harm to the rural character of the site and surrounding area.

The 8 month season, from 1<sup>st</sup> March to 31<sup>st</sup> October on the 2010 was imposed on the 2007 permission in the interests of the character and appearance of the area, which is located within open countryside and was the typical seasonal condition imposed at that time. The applicant has stated that there is demand for the park to remain open longer and that this application follows the trends of holidaying in the UK for far more frequent holidaying but for shorter periods. The static caravan element of the site ( 7 units) has already been given permission for a 10½ month season, consistent with what is currently being sought for the touring use.

Having regard to the above, to the site's location, screening, existing tourism uses on the site and controls it is considered that there would be limited additional landscape impacts arising from the extension to the period of occupation of the units between 1<sup>st</sup> March and 14<sup>th</sup> January (10½ months).

#### 6.3.3 Residential Amenity Impact

GEN 6 requires due consideration of the impact of development on residential amenity.

In this case, there are no residential properties in close proximity to the application site, other than the owner's accommodation.

#### 6.3.4 Highway Impact

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

Access to the site is derived from an existing access off the main Saron to Denbigh Road. It is not considered that the additional 2½ month use of the

site would be so significant to either result in highway safety problems or raise new questions over the principle of the development from reliance on the motor car.

6.3.5 Controls over Holiday Use

This application is for the variation of Condition 3 relating to the length of season. The other conditions on the main planning permission and subsequent variation discussed above would remain. These control the use of the touring units for holiday purposes only, require that none of the tourers shall be occupied as a sole or main residence and that the site licence holder shall maintain a record of all caravans visiting the site which shall be made available for inspection at the reasonable request of the Local Planning Authority.

This ensures the site can not be used for 1½ months in a 12 month period for touring caravan purposes only.

There are also separate Site Licensing controls administered by the Public Protection section which include conditions relating to the nature of occupation and length of the holiday season.

Officers consider the above condition provides clear control over the occupation of the units as holiday caravans only.

**7 SUMMARY AND CONCLUSIONS:**

5.1 The touring caravan site is established by virtue of a 2007 permission which conditioned an 8 month occupancy season. The proposal to allow use for holiday purposes for 10½ months is not considered likely to have additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts.

**RECOMMENDATION: GRANT**

No conditions imposed

**NOTES TO APPLICANT:**

Your attention is drawn to the separate requirement to vary your Caravan Site Licence.

**ITEM NO:**

**WARD NO:** Prestatyn Meliden

**APPLICATION NO:** 43/2010/0255/ PC

**PROPOSAL:** Works to existing retaining walls together with erection of new walls and associated landscaping (partly retrospective)

**LOCATION:** Ashmount Ffordd Bryniau Prestatyn

**APPLICANT:** Mr Richard Kim Fai Cham

**CONSTRAINTS:** PROW  
AONB

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

**CONSULTATION RESPONSES:**

## PRESTATYN TOWN COUNCIL

"Local concerns about visual impact arising from the number and volume of walls and brickwork at this property".

## AREA OF OUTSTANDING BEAUTY JOINT ADVISORY COMMITTEE (AONB JAC)

"The JAC notes that the revised scheme indicates that part of the retaining walls will be faced with green painted timber boarding in an attempt to reduce the visually intrusive nature of these substantial engineering works. However, the JAC still considers that the most prominent walls should be faced with traditionally finished natural local stone."

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEE RESPONSES**

## HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Paul Owen & Amanda Jones, Tanygraig, Ffordd Bryniau, Meliden, LL19 8R (by email)

Summary of planning based representations:

Residential amenity- overlooking rear garden owing to site levels, overbearing impact of retaining walls.

Visual amenity- driveway and walls considered unsightly.

Highway safety- concern over cars passing on driveway to rear.

**EXPIRY DATE OF APPLICATION: 29/04/2010**

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

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

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The application proposes works to existing retaining walls, erection of new walls and landscaping within the curtilage of the dwelling Ashmount, Ffordd Bryniau, Dyserth. The application is partly retrospective. The application has been submitted to address issues raised in an Enforcement Notice served in 2008.
- 1.1.2 There are five walls on the site which form part of the application. These are shown on the plan at the front of the report. Wall 1 on the western boundary (front of the site) is proposed to be reduced in height by 0.7m; the section of this wall adjoining the public footpath would be reduced by up to 0.5m. Wall 1A will be removed to ground level to form edge to driveway boundary. Wall 2 will be removed and set back further into the site, attached to wall 3, which would be reduced in height from 0.2m to 0.4m. Wall 4 along the rear boundary of the site will be reduced in height to 1.2m and wall 5 immediately to the in front of the dwelling will be retaining unaltered.
- 1.1.3 There would be 7 areas of new landscaping on the site; the planting proposed on these areas is a mix of shrubs, both evergreen and deciduous. The landscaping is proposed between and in front of each of the walls.

#### 1.2 Description of site and surroundings

- 1.2.1 Ashmount is located on the eastern side of Ffordd Bryniau in Meliden. It is an elevated site, which forms part of Prestatyn Hillside. The land slopes down from east to west.
- 1.2.2 A public footpath bounds the north of the site which runs to Offa's Dyke National Trail to the east. To the south, the boundary with the adjacent dwelling is well screened. The western boundary of the site is bounded by the rear gardens of a terrace of cottages which abut the road, and the eastern boundary is screened by landscaping in the gardens of two dwellings at a higher level accessed further on Ffordd Bryniau.
- 1.2.3 Various works have been undertaken on the site in the past four years, including the stripping of vegetation and erection of walls, and this has resulted in a poor overall appearance of the site.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Meliden, on its eastern side. It is within the AONB and a designated wildlife site.

#### 1.4 Relevant planning history

- 1.4.1 Following an enforcement complaint in 2007 an application was submitted to retain the retaining walls, access and land levels. This application was refused in 2008 for reasons relating to the visual and residential amenity impacts of the development. Following this refusal, enforcement proceedings began and a notice was issued. This notice was appealed and the appeal was dismissed in March 2009. The current application was submitted in March 2010 in a bid to address the refusal reasons and comments made by the Inspector in the appeal decision.

#### 1.5 Developments/changes since the original submission

- 1.5.1 The application was originally submitted in March 2010. Having made an initial assessment of the proposal, it was considered that the plans were not a correct representation of the proposal and additional information was sought to clarify details. The additional information which included an elevation drawing of the site was submitted in November 2010.



1.5.2 The Agents have instructed Structural Engineers to assess the proposed development to ensure it is sound. The plans indicate what structural adjustments need to be made.

1.6 Other relevant background information

1.6.1 The application is referred to committee at the request of Councillor Rhiannon Hughes in light the planning history and time scale of events.

**2. DETAILS OF PLANNING HISTORY:**

2.1 43/2007/1024/PC Retention of new retaining wall, new vehicular access and works incorporating changes in land levels. REFUSED under delegated powers 15/07/2008 for the following reasons:

“It is the opinion of the Local Planning Authority that the scale of operations, the design and materials, including the retaining wall and significant land level changes represent a visually obtrusive form of development, harmful to the character and appearance of the surrounding area and the AONB. As such the proposal is contrary to Policy ENV 2, criteria i), ii) and iv) of Policy GEN 6 and Supplementary Planning Guidance Note 2 of the Denbighshire Unitary Development Plan”.

“The retaining wall and raised ground level enables occupiers of Ashmount to overlook the private amenity space to the rear of the adjacent dwellings, primarily Tan Y Graig and Sunset. Furthermore the retaining wall on the western side of the site results in an overbearing impact on adjacent occupiers. As such the proposal is contrary to criterion v) of Policy Gen 6 of the Denbighshire Unitary Development Plan”.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy GEN 6 Development Control Requirements

Policy ENV 2 Development in the AONB

Policy ENV 5 Sites of Local Conservation Importance

Policy ENV 6 Species Protection

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 21 - Parking

3.3 NATIONAL GUIDANCE

Planning Policy Wales 2002

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Residential amenity impact

4.1.4 Ecology

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN6 requires that development proposals have to be considered against amenity, environmental, highways, parking and drainage impacts, including where the principle is acceptable. ENV 2 relates to development in the AONB and states development affecting the area of outstanding natural

beauty will only be permitted where it would not unacceptably harm the character and appearance of the landscape and area. These impacts are considered below.

#### 4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is GEN 6. Similar criteria are set out in policy ENV 2.

The application proposes various elements with the overall aim to improve the visual amenity of the site. These elements include reducing the overall height of walls, removing walls and introducing a comprehensive scheme of landscaping.

It is acknowledged that the proposal does not seek to return the land to its original condition or previous levels; however this was never the intention of the Applicant. The Inspectors decision acknowledges that improvements to the site in the form of hard and soft landscaping could overcome the issues raised in the enforcement appeal; hence the application has aimed to deliver these improvements.

The AONB Committee have raised no objection to the principle of the proposal but have commented that the most prominent walls should be faced in traditional stone as opposed to the green painted timber boarding proposed. A condition can be attached to address this concern.

It is considered that this combination of hard and soft landscaping, would be an improvement on the existing situation, in combination the works and planting will not appear visually intrusive or out of keeping with the character of the area or surrounding AONB.

#### 4.2.3 Residential Amenity

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

Although wall 1 is proposed to be reduced in height to reduce the overbearing impact, the proposal seeks retention of the raised site levels on the western side of the site. The levels are higher than the original ground levels (pre 2007), however owing to the site gradients there would have always been some level of overlooking from the front garden of Ashmount to rear gardens of the Terrace below, also there has also been some form of boundary treatment along this boundary.

The proposal includes substantial landscaping along the north western boundary. This planting would be a mix of species and would represent an improvement on the existing situation. The area to the north west of the site is unlikely to be used as intensively as the area immediately in front of the dwelling. Furthermore it is not considered that the vehicle movements associated with the introduction of a driveway for the private dwelling would have a significantly greater impact on the amenity of the adjacent occupiers.

Having considered the above it is the opinion of Officers that the development would not have such an unacceptable impact on the amenity of the adjacent occupiers to warrant refusal of the application.

#### 4.2.4 Ecology

The general requirement to consider the impact of development on ecological interests is set out in the strategic policies of the Unitary Plan, ENV 5, ENV 6 and GEN 6. These establish a basic obligation to protect and enhance the

biodiversity of the County, and support national policy and guidance in Planning Policy Wales and TAN 5; and SPG 18.  
Considering the nature of the development and the existing situation on site it is not considered the proposal would impact negatively on ecological interests.

**5. SUMMARY AND CONCLUSIONS:**

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

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

1. The development hereby permitted shall be begun before the expiration of 1 year from the date of this permission.
2. Notwithstanding the submitted plans, the detailing of Wall 3 and Wall 5 shall not be as shown but shall be faced in traditional stone in accordance with a sample to be submitted to and approved by the Local Planning Authority.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the next planting and seeding season following the occupation of the final dwelling of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of visual amenity of the area which is a designated AONB.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

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

**ITEM NO:** 8

**WARD NO:** Prestatyn Central

**APPLICATION NO:** 43/2010/1537/ PR

**PROPOSAL:** Details of layout, scale, appearance and landscaping for 1 no. dwelling submitted in accordance with condition no. 1 of outline planning permission code no. 43/2010/0451/PO

**LOCATION:** Land on south side of Highfield Bishopswood Road Prestatyn

**APPLICANT:** Mr & Mrs Bryce

**CONSTRAINTS:**

**PUBLICITY** Site Notice - No

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL:

"No objection"

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr &amp; Mrs J Morris, 39 Orme View Drive, Prestatyn

Mr &amp; Mrs G Evans, 43, Orme View Drive, Prestatyn

RT &amp; GS Hartley-Williams, Ridgeway, 37, Orme View Drive, Prestatyn

Mr T &amp; Mrs A Hughes, 35 Orme View Drive, Prestatyn

Mrs P J Milner, 41 Orme View Drive, Prestatyn

Mr &amp; Mrs C Taft, 45 Orme View Drive, Prestatyn

Mr C Taft, 49 Orme View Drive, Prestatyn

Summary of planning based representations:

- Impact upon residential amenity - Overlooking of private amenity space and increased levels of noise
- Impact on AONB - Due to scale of development
- Impact on ecology - Concern about loss of habitat

**EXPIRY DATE OF APPLICATION: 23/02/2011****PLANNING ASSESSMENT:****1. THE PROPOSAL:****1.1 Summary of proposals**

1.1.1 The application contains the 'reserved matters' details relating to planning permission 43/2010/0451/PO, for the erection of a dwelling on 0.097ha of land to the south side of Highfield, Bishopswood Road, Prestatyn. The outline permission was granted in July 2010.

1.1.2 The application includes details of layout, scale, appearance and landscaping in accordance with condition no.1 of the above permission. The outline application included details of access and this application therefore does not

require consideration of issues relating to this element.

### 1.2 Description of site and surroundings

- 1.2.1 The site is currently used as garden and amenity space for the dwelling Highfield to the north, and is accessed off Bishopswood Road. The eastern boundary is defined by a hedgerow which runs along Bishopswood Road, and there are trees on the western and southern boundaries. Site levels rise up from west to east. This slope continues up across Bishopswood Road. The site is consequently elevated above the dwellings on Orme View Drive to the west.
- 1.2.2 Beyond the site and to the west of the site are the dwellings on Orme View Drive, to the north is the dwelling Highfield and to the east of the site is woodland.
- 1.2.3 The area is characterised by detached two storey dwellings in spacious plots with views across Prestatyn to the Irish Sea.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located with the Prestatyn development boundary as defined in the adopted Denbighshire Unitary Development Plan. It also adjacent to, but not within, the Area of Outstanding Natural Beauty, and an SSSI.

### 1.4 Relevant planning history

- 1.4.1 Outline planning permission was granted at Planning Committee in July 2010 for the erection of a dwelling.
- 1.4.2 There is also a relevant planning history on a neighbouring plot further north between the dwellings Highfield and Greycote, which has similar physical characteristics to the one currently being considered. In 2007, planning permission was sought and refused for the development of the plot by way of one dwelling (43/2007/1134/PO). The location of this site is shown on the plan at the front of the report.
- 1.4.3 The Local Planning Authority refused the 2007 application on the grounds of inadequate access along Bishopswood Road, and impact upon the amenity of dwellings on Orme View Drive. A subsequent appeal to the planning inspectorate was allowed, and it is considered that conclusions in the Inspector's decision letter are material to issues arising on the current application.
- 1.4.4 The Appeal Inspector reasoned that the increase in traffic on Bishopswood Road caused by an additional dwelling would be limited to a degree that it would not result in a material harm to highway safety. With regard to the proposal impacting upon the living conditions of dwellings on Orme View Drive, the Inspector noted that there was already a potential for some overlooking, and that with careful screening and design, a dwelling in this location would not harm the amenity of dwellings on Orme View Drive. He further commented that a dwelling on this site was likely to have long ranging views above Orme View Drive and would not materially overlook their rear gardens.
- 1.4.5 A full application (43/2009/0052/PF) followed the allowed appeal and full planning permission was granted at planning committee in 2009.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

2.1 Outline application for the development of 0.097 ha of land by the erection of a dwelling and formation of a new vehicular access (including details of access) granted permission 28/07/2010.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy GEN 1 – Development within development boundaries

Policy GEN6 – Development control requirements

Policy ENV 1 – Protection of the Natural Environment

Policy ENV 2 – Development affecting the AONB

Policy ENV 6 – Species Protection

SUPPLEMENTARY PLANNING GUIDANCE

SPG Note 18 – Nature Conservation and Species Protection

SPG Note 24 – Householder Development Design Guide

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (July 2010)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Residential amenity impact

4.1.3 Visual and landscape impact

4.1.4 Ecological impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the town development boundary where the principle of residential development has been considered acceptable in respect of Policy GEN 1, Development Within Development Boundaries. All proposals are subject to detailed tests in other Unitary Plan policies relevant to this type of development.

4.2.2 Residential amenity impact

Considerations of detailed issues of design and detailed impact are outlined in policy GEN 6 of the Unitary Plan. The policy permits development in accordance with the plan's other policies subject to due assessment of impact on the surroundings, including the acceptability of matters such as the scale of the development, layout, density/intensity of use and spaces between buildings and effect on the amenity of residents.

Concerns have been raised by residents of Orme View Drive that the proposal will result in an unacceptable loss of privacy by way of overlooking, with particular reference being made to views from the balcony area to the rear of the proposed dwelling. In respect of this the separation distance to the properties on Orme View Drive would be some 23 metres which exceeds the

suggested separation distance of 21 metres as set out in SPG 24. There would be no direct window to window overlooking, as the finished floor level of the lower ground floor of the proposed dwelling would be approximately the same as the roof ridge height of the properties on Orme View Drive, and the finished floor level of the proposed balcony would be a further 2.8m above that level. In this context, it is relevant that there is a significant boundary hedge along the western boundary which affords a level of natural screening between the site and properties on Orme View Drive. The retention of this screen would ensure overlooking potential is limited. Also of note are the comments of the appeal Inspector on the plot nearby in observing “the relationship between the proposed dwelling and those on Orme View Drive would be broadly comparable to that between both Greycote and Highfield and other dwellings on Orme View Drive, and there is no evidence that this has resulted in harm to residential living conditions”.

Residents have also raised concerns that the design of the proposed dwelling will lead to excessive noise. With respect, this is an application for reserved matters approval on a site with permission for a dwelling, and there is no evidence to suggest that the detailed design submitted would lead to unacceptable noise levels for the occupiers of Orme View Drive. It is considered that this application would not impact upon the living conditions of neighbouring properties to the extent that a refusal could be justified.

#### 4.2.3 Visual and landscape impact

Policy GEN 6 requires that development respects its site and its surroundings. Policy ENV 2 requires that development affecting the AONB will conserve and enhance the natural beauty of the area.

The proposed dwelling would not occupy a prominent position and would respect the topography of the site by utilising a split level design. Existing planting would provide screening from Bishopswood Road and the properties on Orme View Drive. Bishopswood Road is characterised by detached dwellings in large plots with no dominant house type or design. It is therefore considered that the proposed modern design is appropriate for this location. For these reasons it is considered that the proposals respect the site and its surroundings.

Residents have raised concerns over the potential impact on the AONB. The AONB boundary lies to the east of Bishopswood Road. A dwelling has been approved in this location by virtue of the existing outline planning permission. It is not considered that any aspect of the detailed proposals submitted would have a negative impact on the adjacent AONB and the proposal would therefore comply with the policy requirement of conserving the natural beauty of the landscape.

#### 4.2.4 Ecological impact

Unitary Plan policies, Assembly guidance and national legislation oblige due consideration of impact on ecological interests, and in particular protected species, (Unitary Plan policies ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection.

As part of the proposed development, two trees would be removed. The adjacent woodland and SSSI are unlikely to be affected by this proposal. Whilst it is unlikely that protected species would be affected because of the nature of the site (maintained garden area), it was considered prudent, in granting outline planning permission, to attach a condition which requires the site to be surveyed to determine wildlife interest and to include for possible

mitigation measures. This is a pre-commencement condition that will need to be complied with before development begins. For the above reasons it is considered that the proposals would not have an unacceptable impact on ecology.

**5. SUMMARY AND CONCLUSIONS:**

5.1 It is considered, with regard to the background history and the basic details in the application that the proposals are acceptable, and the application is therefore recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.
3. Prior to the occupation of the dwelling the gap in the screening to the west boundary created by the removal of the tree shall shown on the approved plan shall be filled by tree or hedge replanting to a minimum height of 2 metres.
4. Foul water and surface water discharges shall be drained separately from the site.
5. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
6. Land drainage run-off shall not be permitted to 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. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
3. In the interest of visual amenity.
4. To protect the integrity of the public sewerage system.
  
5. 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.
6. To prevent hydraulic overload of the public sewerage system and pollution of the environment.

**NOTES TO APPLICANT:**

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



**ITEM NO:** 9

**WARD NO:** St Asaph East

**APPLICATION NO:** 46/2010/1239/ PC

**PROPOSAL:** Retention of all weather sports surface and perimeter fencing (retrospective application)

**LOCATION:** Fairholme Preparatory School The Mount Mount Road St. Asaph

**APPLICANT:** Mrs E Perkins Fairholme Preparatory School

**CONSTRAINTS:** Tree Preservation Order

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

**CONSULTATION RESPONSES:**

ST.ASAPH CITY COUNCIL

Following receipt of Noise Monitoring Report, the Town Council commented as follows:  
'Agree with recommended Conditions 1 & 2 in report'.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

PUBLIC PROTECTION- POLLUTION CONTROL OFFICER

Has undertaken investigation of complaints and has drafted a Noise Monitoring Report based on data arising from monitoring at a complainant's property over a 10 day period in November 2010. The basis of comments is:

- The nature of the noise is likely to be the same as previously, the only difference being the intensification of use of the area as a sports facility.
- Conditions should be considered to control the use of the pitch to term time only and within the hours of 1000-1200 and 1300-1800 Monday to Friday; and to preclude sound amplification equipment, playing of music, and use of whistles.
- If use outside term time is to be permitted, a more detailed noise assessment is needed.
- An acoustic barrier is an option and would reduce ground level noise, but would be expensive, could not eliminate all noise from children playing, and would need to be carefully detailed with regard to adjacent properties.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

R F & J M Cotton, 11 Bryn Coed, Off Mount Road, St. Asaph

Mr & Mrs J G Owen, 19 Bryn Coed, Mount Road, St. Asaph

Dr. (Mrs) Azeeza Devakumar, 15 Bryn Coed, St. Asaph

Mr C & Mrs R Bickley, Arfryn St. Asaph

Mr Chris Weaver, 17 Bryn Coed, St. Asaph

Summary of planning based representations:

- Amenity impact - unacceptable levels of noise/impact on enjoyment of residential property nearby/use of pitch at unacceptable times- until 6pm, at weekend and

during summer holidays at sports camps/need for the school to erect an acoustic barrier

Other matters  
Loss of property value/properties unsaleable

**EXPIRY DATE OF APPLICATION: 24/11/2010**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Retrospective planning permission is sought for the retention of an all weather sports surface and perimeter fencing, at Fairholme Preparatory School.
- 1.1.2 The pitch measures 30m by 15m, bounded by a green mesh fence to a height of 3m. The surface of the pitch is a synthetic grass carpet finish, with the relevant markings, to host mini football, hockey and various sports activities.

1.2 Description of site and surroundings

- 1.2.1 Fairholme Preparatory School is a long established facility set in its own grounds. The site is bounded by mature hedgerow on three sides, with the hedgerow surrounding the multi use games area being approximately 3.5m high.
- 1.2.2 The site is surrounded by residential properties to the north, east and west, with the A55 to the north. The Bryn Coed residential estate is to the west and consists of detached two storey dwellings, with rear gardens of the closest dwellings on this estate abutting the boundary of the school. The Lon Derw cul-de-sac to the east is separated from the site by a section of small fields and Mount Road, which narrows to a bridge over the A55.

1.3 Relevant planning constraints/considerations

- 1.3.1 The school lies within the development boundary of St. Asaph.

1.4 Relevant planning history

- 1.4.1 The school has been in existence for many years and has been subject to a number of applications for extensions, etc. The land occupied by the all weather pitch has been used previously by pupils as a recreational area.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The application has been submitted following a complaint submitted to a Planning Enforcement Officer. Planning permission is required for the construction of an all weather pitch as this is an engineering operation.
- 1.6.2 Planning and Public Protection officers have been investigating complaints from neighbours over noise levels arising from use of the new pitch.
- 1.6.3 The application was deferred at the January Planning Committee, to allow interested parties opportunity to view noise data collected in early November 2010, along with a Noise Monitoring report from the Pollution Control Officer on that data.
- 1.6.4 The applicant's agents have since asked that consideration be given to the following restrictive conditions on any permission:

*'1. The multi use games area shall be used for teaching children for a period of 40 weeks a year only and strictly during the hours of 0830 and 1800 Monday-Friday. The schools grounds may be used for the personal enjoyment of the residing family outside of school opening hours and term times.*

*2. There shall be no sound amplification equipment, including the facilities for the playing of live or recorded music or vocals played on the multi use games area without the prior written consent of the local planning authority.'*

The agent's arguments are that it is reasonable to safeguard school term times and allow use for holiday clubs; that it would be unfair to limit the school's facilities when others in the vicinity enjoy year round use; that the restrictions on sound amplification should only apply to the Multi Use Games Area, since otherwise this would preclude the annual drama production in the grounds of the school; the school was present before the Bryn Coed estate was built; and it is contended that the games area is not used more intensively.

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

### 2.1 APH/0020/90/P

Two Pre Fab Buildings Single Storey With Flat Roofs For Temporary Classrooms – GRANTED - 26/04/1990

2/APH/0220/91/P

Formation Of Two Classrooms From Existing Outbuildings – GRANTED - 16/07/1991

2/APH/0493/91/P

Retention Of Temporary Classrooms And Alterations To Elevations Of Outbuildings - GRANTED - 10/03/1992

2/APH/0192/92/P

New Classrooms - GRANTED 29/07/1992

46/0950/97/PF

Erection Of Wall, Piers & Alteration To Access With Rebuilding – GRANTED - 08/01/1998

46/2000/0442

Erection of single-storey building to provide sports pavilion – GRANTED - 06/07/2000

46/2010/0622/PF

Erection of two-storey extension to form three new classrooms, alterations and extension of further classroom to provide a new pedestrian entrance for pupils, staff and parents, and internal alterations to enlarge two classrooms into one multi use space, Granted 01/07/2010

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

The main planning policies and guidance are considered to be:

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

Policy GEN 1 Development within development boundaries

Policy GEN 6 Development control requirements

Policy REC 4- Recreation Facilities within development boundaries

Policy ENP 1- Pollution

### 3.2 GOVERNMENT GUIDANCE

Planning Policy Wales, Edition 3, 2010

## **4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Visual impact
- 4.1.3 Impact on amenity of surrounding properties

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is within the St. Asaph development boundary where the general principle of many forms of development would be considered acceptable as indicated in policy GEN 1. The principle of a school use at the site has long been established, and the all weather pitch is located in what has been the play area. The issues arising are the detailed amenity implications of the use which are the subject of the tests of Policy GEN 6 and ENP 1, which include the need for assessment of the potential impact of noise on the amenities of nearby properties, and these are reviewed in the following sections.

4.2.2 Impact on visual amenity

Policy GEN 6 test i) seeks to ensure that development does not visually harm the surrounding area.

The pitch is contained within the private grounds of the school, and benefits from being screened by a high mature hedgerow, which reaches a height of 3.5m around the pitch. The appearance of the pitch itself is discreet, with green fencing helping it blend visually into the surrounding area. It is therefore considered the proposal meets the visual impact tests of policy GEN 6 part i).

4.2.3 Impact on amenity of surrounding properties

Policy GEN 6 test v) seeks to ensure that development does not unacceptably impact on the amenity of local residents, by virtue of, for example, increased activity, disturbance, and noise.

ENP 1 states that development will not be permitted when it would unacceptably harm the environment or the amenity of nearby properties in terms of, for example noise, light or other pollution.

The basis of neighbours' concerns is the noise impact from what has been a more intensive use of the play area following the laying of the all weather pitch.

In officers' opinion, the residential amenity impacts and specifically that of noise is the main consideration here. There are factors which weigh in support and against the grant of permission, and there is an obligation to consider whether the imposition of planning conditions can mitigate impacts to an acceptable degree to support the grant of permission.

In factual terms, and in support of the proposal, it is of some relevance here that the formerly grassed area where the all weather pitch is located has been used for recreational purposes by school pupils over many years. The proposal does not involve a change of use of that land. There has long been a level of noise and disturbance from active use of the grassed area, and there have been no planning controls exercisable over the frequency/hours or days of use of the land, or over who uses it (Fairholme School or any outside organisation). The all weather surface simply creates a more practical and user friendly area for play for children, also allowing use at times when wet weather would otherwise have made it impractical for use of a grassed area. Planning permission is required because the creation of an all weather pitch involves engineering works and the erection of fences in excess of the 'permitted development' height of 2 metres. The pitch measures only 30m x

15m, so is nowhere near a full size hockey or football pitch size, hence allows only limited scale competitive matches.

On the negative side, the impact of introducing an all weather pitch has primarily been a more frequent use by children, and hence the potential for more intense levels of noise and disturbance, including in areas closer to the boundaries with occupiers of nearby residential property. Residents' responses suggest the level of noise and disturbance has increased significantly and the pitch has allowed for the staging of more competitive and additional events, such as after school activities, summer sports camps and use until early evening. Reference is made to the existence of the protective fencing near the boundaries and constant disturbance from balls crashing against it.

Complaints over noise have been investigated by the Public Protection section's Pollution Control Officer. This has included examination of residents log sheets indicating the frequency and type of noise in October 2010, when the conclusion was that it would not be possible to establish statutory nuisance and the Council could not take formal action (meaning residents could only pursue civil legal action based on nuisance). Further noise monitoring was undertaken in early November 2010, and the findings have been made available to interested parties. The Noise Monitoring Report of the Pollution Control Officer concludes that the All Weather Pitch has not changed the type of noise generated from the school, but the formalisation of the area into an All Weather Pitch has intensified the use of the area as a sports facility. It therefore suggests a number of conditions to reduce the noise to a more acceptable level. The suggested conditions include imposing limits on the hours and days of use, prohibiting the use of whistles and sound amplification equipment; all to mitigate impact. The Pollution Control Officer has also commented that the erection of an acoustic barrier would further reduce the impact of noise levels at ground floor level for occupiers of adjacent residential properties, although such a structure could not eliminate all noise.

Clearly monitoring of the situation can continue at any time, and if statutory nuisance can be established, then appropriate action can be taken by the Council.

Taking all the aforementioned into account, officers respectfully suggest the basic issue is whether the **increased** levels of activity which an all weather pitch can give rise to, in terms of noise and disturbance, is such that it would lead to an unreasonable loss of amenity for local residents. The situation is inevitably complicated here by the fact there is a 'fall back' position for the school as the area where the pitch has been laid has a long established planning use as a games area in connection with the school, and the use of the grassed area could have carried on at all times of day and over weekends outside any planning control; and if the proprietors had so determined, the intensity of use of the old grassed area in this location could have been increased without any requirement for permission from the planning authority. This is an important material consideration.

Information on the planning file suggests residents have experienced an increase in noise and disturbance from what has clearly been an intensified use of the area as a result of the new pitch. This is also a relevant consideration to be taken into account. The Public Protection officer has however investigated complaints, and has indicated these do not suggest there is a statutory nuisance, and there is mitigation possible by introducing

controls through planning condition(s) restricting hours and days of use, which do not exist at present. This is an approach suggested by the City Council, who raise no objections. Following additional noise monitoring undertaken by the Pollution Control Officer and the subsequent Noise Monitoring Report, officers' view is that it would be difficult to substantiate a recommendation for refusal of permission, based on amenity impact, and the possibility of mitigating impact by planning conditions, including the possible provision of an acoustic barrier.

Other issues

Whilst respecting residents' concerns, it is not considered much weight can be attached to potential loss in property value in determining a planning application. The land use planning matters outlined previously in the report are the main considerations to which the Authority has to have regard.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The application raises a number of issues which need to be taken into consideration in weighing the case for and against the grant of permission. These include the quite legitimate concerns of local residents over noise and disturbance, and the historic use of the land as a playing area for the school, with no planning restrictions on the timing or intensity of use.

5.2 Whilst acknowledging matters are finely balanced, on the basis of the Public Protection response, officers conclusion is that there are reasonable planning conditions that could be imposed which would help to mitigate the impacts of the use of the all weather pitch to protect residents interests, and that there is a basis for supporting the application.

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

1. The Multi Use Games Area shall only be used during school term time between the hours of 1000 - 1200, and 1300 - 1800 Monday to Friday.
2. There shall be no sound amplification equipment, including facilities for the playing of live or recorded music or vocals, and no use of whistles in connection with any activity on the Multi Use Games Area without the prior written consent of the local planning authority.
3. The use of the Multi Use Games area shall not be permitted to continue after 1st September 2011, unless there has been erected an acoustic barrier to mitigate noise in relation to nearby residential property. Full details, to include the design and location of the acoustic barrier shall be completed in accordance with such details as is submitted to and approved in writing by the local planning authority before work is commenced thereon. The approved barrier shall be retained at all times thereafter.

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

1. To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers and of the area generally.
2. To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers and of the area generally.
3. To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers and of the area generally.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 10

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2009/1354/ PF

**PROPOSAL:** Change of use of former market garden to touring caravan and chalet park, alterations to existing vehicular access, landscaping, installation of septic tank and new maintenance and amenity buildings

**LOCATION:** Oakleigh House Park Waen Road Rhuddlan Rhyl

**APPLICANT:** Messrs A D Rodger & G B Judd

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL

OBJECTION for the following reasons:

## 1. Landscape Considerations:

a ) Proposals in open countryside should be set against a backdrop of trees or a woodland setting. This is not present in this case as the site is on an incline.

b) The proposal would require extensive screening through new planting - a site should only be situated where good screening on a site already exists.

## 2. Road safety considerations:

The proposal should have access to a good road network. Whilst access to the site is from a B road (B5429), this road by its very nature is not a safe route for walkers or cyclists, due to the restricted widths, no footpaths and also the passage of increased numbers of cars and caravans to access the site, thereby causing safety issues and difficulties for all road users.

## 3. Amenities considerations:

a) A site should be within walking distance of public transport to reduce reliance on private cars. This is not the case here. Nearest public transport ( bus ) is located at St. Asaph or Rhuddlan.

b) The site should have access to local shops, eating places etc. This is not the case here. The closest is approx.3 miles away.

Councillors request that the conditions attached to planning application 47/2005/1314/PF when granted, be attached to the above planning application should this also be granted.

**ADDITIONAL INFORMATION RESPONSE**

In response to the submission of An Ecological Survey and Landscape and Visual Impact Assessment report;

## OBJECTION.

### FIRST AND FOREMOST

#### 1. Road safety considerations:

The proposal should have access to a good road network. Whilst access to the site is from a B road ( B5429), this road by its very nature is NOT a safe route for walkers or cyclists, due to the restricted widths, no footpaths and also the passage of increased numbers of cars and caravans to access the site, thereby causing safety issues and difficulties for all road users.

#### 2. Landscape Considerations:

a ) Proposals in open countryside should be set against a backdrop of trees or a woodland setting. This is not present in this case as the site is on an incline.

b) The proposal would require extensive screening through new planting - a site should only be situated where good screening on a site already exists.

Community Council has serious concerns of landscape from east of the site to the Waen boundary.

#### 3. Amenities considerations:

a) A site should be within walking distance of public transport to reduce reliance on private cars. This is not the case here. Nearest public transport ( bus) is located at St. Asaph or Rhuddlan.

b) The site should have access to local shops, eating places etc. This is not the case here. The closest is approx.3 miles away.

Councillors request that the conditions attached to planning application 47/2005/1314/PF when granted, be attached to the above planning application should this also be granted'.

### CLWYDIAN RANGE AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE.

'The JAC has no observations to make on the principle of touring caravans and chalet development on this site, but would wish to recommend that the landscaping scheme should be modified to include supplementary screen planting along the north and east boundaries to minimise the impact on views from the AONB.'

### ENVIRONMENT AGENCY

No objection, subject to the septic tank meeting BS requirements. Notes that the surface water disposal is via Suds , as the SUDS appraisal indicates that soakaways are unlikely to work with the ground conditions. Also highlights that a 1 in 100 year storm event and allowance for climate change can be contained on site, suggesting the possibility of temporary shallow depths of flooding in landscaped/car parking areas on the development site.

### COUNTRYSIDE COUNCIL FOR WALES

Initially submitted a 'holding objection', on the basis that the application should not be determined until satisfactory landscape and ecological surveys assessments were submitted, and if required, appropriate mitigation and compensation measures proposed.

In response to additional information, concludes that in terms of :



1) Visual Impact Assessment and Landscape Mitigation report - the proposal will not have significant visual impacts, particularly when viewed from higher ground of the AONB. Welcomes/supports proposed landscaping and retention of existing trees and hedgerows.; considers roof treatments for the toilet block and maintenance building – natural slate – are appropriate.

2) Protected species – re-iterates a ‘holding objection in the assessment in respect of reptile species’;

- reptile survey notes that only two site visits were undertaken and considers this to be unsatisfactory for the purposes of confirming absence of reptiles at this site.
- Invasive non – native plant – the amphibian surveys appear not to have recorded the presence of Himalayan balsam – failure to record this can give rise to bio security issues and associated concerns. Any consent should include a condition in respect of the submission and implementation of a bio –security risk assessment.
- Great crested newt survey – undertaken too late to demonstrate the absence of this species at this site. Echoes the comments of the County Ecologist. Despite the survey results, considers that the species is likely to be present. Suggests that further surveys and assessments are undertaken. Additionally, in view of the detail of the development, suggest that the applicant could alternatively submit a revised assessment that must include a long term conservation scheme ensuring the provisions of terrestrial and aquatic habitats for the GCN’s in the foreseeable future., including the creation of a dedicated nature conservation area. In the absence of this information, indicates that the application is unable to demonstrate the ‘favourable conservation status’ of the GCN in this locality.

In respect of further, additional information to overcome the above points, confirms that in principle, that the application could now be approved provided planning conditions and/or obligations (with possible Section 39 Agreement) are used to address outstanding issues.

In respect of the detail, material issues that need to be addressed include

- (i) habitat creation and enhancement works;
- (ii) implementation of long term site management;
- (iii) implementation of long term monitoring; and
- (iv) Mechanisms to ensure long term site security

#### WELSH ASSEMBLY GOVERNMENT

Comments that the published Agricultural Land Classification information is not reliable for site specific assessments, so the Grade 2 mapped information will need checking. The previous use of the land as a market garden perhaps indicates intensive cultivation and high quality, but is not conclusive. Refers to TAN 6 and PPW 2010 for Assembly policy towards the conservation of best and most versatile agricultural land.

Notes that the threshold for consultation – 20 ha- for statutory consultation will not be triggered. But notes that the LPA still needs to take account of the WAG policy in the decision making process, provided that the agricultural quality of the land comes within the best and most versatile category. If further guidance on ALG grading required, suggests that WAG could undertake a desk based probability assessment.

#### WELSH WATER

Confirms that a water supply can be made available to serve the development. An attached map indicated an approximate position of a trunk/distributor main. Standard advice and regulations include for works and rights of access.

## **DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

### **SENIOR BIODIVERSITY OFFICER**

Initially, highlighted that given the proximity of a pond – less than 500 metres from the site with recorded great crested newts, also as this is within an area of pond clusters, an assessment of impact of proposals on this species should be undertaken. Also, comments ; no anticipated effects on the adjoining Crest Mawr Wildlife site; to condition the retention of trees/shrubs on site perimeter, as a wildlife habitat; protection of nesting birds and to check with Cofnod databases.

### **ARCHAEOLOGIST**

Confirms that, on checking the Historic Environment records, and 1870 first edition maps, there is no known archaeology present.

### **LANDSCAPE CONSULTANT**

Overall, concludes that the Visual impact assessment (VIA) provides generally a fair assessment. Having reviewed the VIA, with a site visit, comments:-

- A very fair assessment of the proposals has been undertaken, and the conclusions and recommendations are reasonable. Does not consider that there are likely to be any material effects on long distance, elevated views from the Clwydian Range, over and above those reported, and that the AONB would not be adversely affected by the proposals.
- Raises a point of deviation from the VIA - inward views from the south-east, particularly the road, minor branch road and footpath between Ty Isaf Farm and the corner of the site.
- Suggests that inward views are potentially at least moderate adverse, possibly worse in winter, and although the VIA suggests that the proposed planting would largely mitigate this, on the basis of the planting plan provided in the Appendices ~ Feb '09, this may not be the case. There is a length of hedge covering the central section of this boundary which may filter visibility somewhat in the Summer but may not be adequate in winter and there are open views into the site at either end which require substantial planting to resolve.

### **HEAD OF TRANSPORT AND INFRASTRUCTURE**

Awaiting formal response.

### **RESPONSE TO PUBLICITY:**

None received.

### **EXPIRY DATE OF APPLICATION: 20/01/2010**

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

- timing of receipt of representations
- additional information required from applicant
- amended plans
- re-consultations necessary on amended plans and / or additional information

### **PLANNING ASSESSMENT:**

#### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the use of land by 28 no. touring caravans, the construction of internal access roads, provision of 6 no. chalets, road widening to the B5429, alterations to an existing vehicular access point, and the installation of a septic tank.
- 1.1.2 A detached, pitched roof amenity block (toilets, showers and family room) , measuring some 180sqm and a separate pitched roof maintenance building

area – some 85sqm –are also shown. External materials include natural slate roof and a combination of ‘green render’ and hardwood cladding. Indicative chalet illustrations and vehicular site access arrangements are included.

- 1.1.3 The application submission includes a number of accompanying documents, briefly:
- Planning Statement  
This includes background detail to the application site, including a review of the planning history for the site and summary of the proposal; sets out the relevant planning policy framework, including the LDP; justification of the proposals against the current planning context and technical issues, and provides a conclusion. The conclusion refers to additional benefits with the current scheme – including a landscape scheme; SUDS, detailed access design and a more complimentary layout.
  - Design and Access Statement  
This provides detail on design vision; location, access and movement; character ; design approach; community safety and environmental sustainability,.
  - Transport Statement  
This describes the existing highway network and existing conditions; the proposed access arrangements; the traffic generated by the development and the summary and conclusions. The conclusions include improving the existing visibility splay to the right .The plans demonstrate 2.4m X 43m visibility can be achieved in both directions.
  - Ecological Survey Report  
The report’s key findings indicate no direct evidence of protected species/ notable species found during the site survey; the site provides the potential habitat for several important species including bats and great crested newts; further survey work is recommended in relation to protected species;suggestions are made to enhance the landscaping maximise biodiversity benefits.
  - SUDS Appraisal.  
Concludes that SUDS will work on this particular development via a combination of hard and soft materials including basins and pipe storage. Notes that Highway Authorities will not adopt soakaway systems placed underneath the highway; sewerage undertakers will not adopt a SUDS system as it serves the highway, and suggests that , with TAN 15, a SUDS approach in this particular site should not be enforced. Suggests however, that the scheme does however contain a form of Hard SUDS – disposal of surface water from the access roads, roofs and car parking area via a combination of below ground and above ground attenuation systems. The maintenance of such a system would be the responsibility of the developer at this stage, providing a maintenance agreement.
  - Landscape Design Strategy  
This includes a site appraisal – including in the context of the locality. The landscape proposals are based on retaining and enhancing the majority of the existing features, and the creation of an informal layout, with an informal pond area, connected with the SUDS approach and to contribute to habitat diversity.

## 1.2 Description of site and surroundings

- 1.2.1 The site lies in low lying open countryside, positioned centrally between St. Asaph to the south west, Rhualt to the south east, Dyserth to the north east and Rhuddlan to the north west.
- 1.2.2 Along the northern boundary of the site runs the B5429 and A55 highways, with public footpaths Nos. 11, 14, 15 closes by. The site has an existing vehicular access point at the junction of the lane which joins with the B5429. The B4529 boundary along the road includes a mature hedgerow and Oak tree. The site gradually slopes down to the south, with a stream forming the south easterly boundary. Other mature trees, hedgerows and shrubs exist as both boundary features and within the site.
- 1.2.3 Plas Coch Farm, the nearest residential property to the site, is located some 120 metres to the west.
- 1.2.4 The site extends to 1.75 ha, previously used as a former market garden. Since 1997, with the exception of a part two storey dwelling, all structures associated with the market garden have been removed. Both the site and the existing dwellinghouse is understood to have remained unoccupied for some time, and is currently in a poor state of repair.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies in the open countryside, within a ground water vulnerability area, and on land indicated of Grade 2 Agricultural Land Quality in the land classification maps. The locality has a high density pond landscape with the potential for presence of great crested newts and associated habitats.

### 1.4 Relevant planning history

- 1.4.1 Planning permission has previously been granted on three separate occasions for a similar touring caravan/chalet type development, the initial permission granted in 1997. The last planning permission granted – in 2006 - expired in 2008. A number of applications relating to details of conditions on the 2005 planning permission received approval.
- 1.4.2 The plan accompanying this report includes a copy of the previously approved layout ( granted in 2006) and the current planning application indicative site layout.

### 1.5 Developments/changes since the original submission

- 1.5.1 Following consultation comments, a formal Landscape and Visual Impact Assessment and additional Ecological Information has been submitted. Additionally a planning policy update has been provided, together with a revised landscape plan to provide great crested newt habitat.

### 1.6 Other relevant background information

- 1.6.1 None.

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

- 2.1 With the exception of applications involving the dwellinghouse and the market garden use, the planning history include:-

**47/718/96/PF**

Change of use from market garden to touring caravan and chalet park and alterations to existing vehicular access – GRANTED – 6/2/1997

**47/2001/1000/PF**

Renewal of application 47/718/96/PF for touring caravan and chalet park – GRANTED – 28/11/2001

**47/2003/1449/PF**

Siting of 38 no. static holiday caravans in lieu of 35 no. touring caravans and 6 no. chalets – WITHDRAWN – March 2004

**47/2004/1111/PF**

Siting of 41 static holiday caravans in lieu of 35 touring caravans and 6 chalets (47/2001/1000/PF) – REFUSED – 24/3/2005 – APPEAL DISMISSED – 30/9/2005

The reasons for refusal being:-

”The proposal would not be accessible by a choice of means of transport and would not be unobtrusively sited in the landscape. Thus it would conflict with criterion i) and ii) of Policy TSM 9, criterion ii) and vi) of Policy GEN 6 and criteria vi) of Policy GEN 3 of the Denbighshire Unitary Development Plan. The proposal would also conflict with the guidance within SPG 20 - Static Caravan and Chalet Development, in relation to accessibility by different modes of transport and unobtrusive siting.”

**47/2005/554/PS**

Removal of condition no. 2 of planning permission Code No. 47/2001/1000/PF relating to 21 day stay limitation – GRANTED – 20/7/2005.

**47/2005/1314/PF**

Renewal of application 47/2001/1000/PF for touring caravan and chalet park – GRANTED – 25/1/2006

The application was considered at the January 2006 Planning Committee, with a recommendation for approval for a three year period.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

STRATEGIC POLICIES

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

DETAILED POLICIES AND GUIDANCE

Policy GEN 3	-	Development Outside Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 10	-	Supplementary Planning Guidance
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 2	-	Development Affecting the AONB/AOB
Policy ENV 5	-	Sites of Local Conservation Importance
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape/Townscape Features
Policy ENV11	-	Safeguarding of agricultural land
Policy ENP 1	-	Pollution
Policy ENP 4	-	Foul and Surface Water Drainage

- Policy ENP 3 - Water resources
- Policy TSM 5 - Rural Tourism
- Policy TSM 9 - Static Caravan and Chalet Development
- Policy TSM 12 - Touring Caravan Sites
- Policy TRA 6 - Impact of new Development on Traffic Flows
- Policy TRA 9 - Parking and Servicing Provision
- Policy TRA 10 - Public Rights of Way

#### **Supplementary Planning Guidance**

- SPG 2 - Landscaping
- SPG 6 - Trees and Development
- SPG 8 - Access for All
- SPG 18- Nature Conservation and Species Protection
- SPG 20- Static caravan and chalet development
- SPG 21- Parking Requirements in New Developments

#### **Other Council Documents**

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

#### **Government Guidance**

- Planning Policy Wales, Edition 3, 2010

#### **TANs -**

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

#### **Circulars**

- WO Circular 35/95 'The Use of conditions in planning permissions.
- Circular 13/97 – Planning Obligations – as amended.
- Circular 45/95 – the Installation of septic tanks in non – sewerred areas.

#### **4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Scale of development
- 4.1.3 Landscape
- 4.1.4 Nature Conservation
- 4.1.5 Drainage and water infrastructure
- 4.1.6 Archaeology
- 4.1.7 Residential amenity
- 4.1.8 Highways and access
- 4.1.9 Agricultural Land quality
- 4.1.10 Inclusive access
- 4.1.11 Sustainability

## 4.2 In relation to the main planning considerations:

### 4.2.1 Principle

At a national level, the Welsh Assembly Government's objectives for tourism are to encourage sustainable tourism, promoting local prosperity and supporting community well-being and involvement, while protecting and giving value to natural heritage and culture; and to manage the tourism sector in ways which minimise environmental impact. Planning Policy Wales (3<sup>rd</sup> edition 2010) states that the planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities.

TAN 13 highlights particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity, coastal or historic environment or the interests of local communities. TAN 13 also states that holiday and touring caravan sites should be operated flexibly by limiting the number of pitches on a particular site and that authorities should give sympathetic consideration to applications to extending the opening period allowed under existing permissions.

Denbighshire's Unitary Development Plan policies are in accordance with the thrust of these national objectives. STRAT 9 deals with tourism development. In the countryside and rural settlements, It highlights that development will be permitted in the form of small scale built or natural environment based tourism projects where 'they provide appropriate infrastructure, accommodation and attractions and which consolidate and diversify the tourism industry without unacceptably affecting social, highway ,amenity, heritage or environmental interests.

Policy GEN 3 controls development in the open countryside, limiting to exceptional cases only. GEN 6 includes various criteria, including not unacceptably affecting the form and character of surrounding landscape nor the local natural environment and not unacceptably affecting prominent views into and out of or across any area of open countryside; and satisfies physical and natural environmental considerations.

Policy TSM 5 is generally favourable to rural tourism in the countryside on the basis of conversions of structurally sound buildings. Policy TSM 12 is the main 'detailed' policy relating to touring caravan sites, and sets specific tests for any application. Policy TSM 12 allows for new and extensions to existing touring caravans sites provided, in general, they are unobtrusive and well screened; lie close to main highway network with safe access high quality development; no unacceptable impact on surrounding area; site is used for touring purposes only. Policy TSM 12 states that sites are for touring purposes only, that any touring vans are removed from the site for periods when not in use and should be vacated during the months granted by the planning permission. TSM 9 , relates to new static caravans and chalet developments, sets specific 'key' criteria – sustainable access/transport; no unacceptable harm to landscape (AOB) Historic Landscapes or nature conservation interests Policy TSM 9 is amplified by SPG 20 'Caravan and Chalet Development', and specifies three considerations; transportation, with an emphasis on sustainability; landscape; and environment.

The grant of permission for the touring caravans in 1997 and 2006 recognised the Council's acceptance that the site was suitable for a touring caravan use. At the time of considering the previous permission, the planning application was assessed against Policies TSM 9 and 12 of the Denbighshire County Council Unitary Development Plan. The same tourism planning policies apply to this current proposal.

The main issue here is whether there has been any material change in planning policy and circumstances since the previous planning permission for the site, granted in 2006 having regard to the other site specific factors covered in the remainder of the report.

#### 4.2.2 Scale of development

Policy STRAT 9 of the Unitary Plan permits "small scale built or natural environment based tourism projects in the countryside and rural settlements where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity or environmental interests. STRAT 7 sets a specific requirement to safeguard the countryside and environment.

In terms of assessing the issue of scale it is to be noted that the site is located close to the B549 highway, and positioned adjoining Oqkeligh House and Plas Coch farm, to the south west. In officers' opinion the limited built development involved, the extent of land involved, 28 touring caravan site, and the extent/ratio of remaining 'green/natural environment area, could be described as 'small scale' relative to the scale, extent and nature of development in the locality . This has remained the case since the original planning permission was issued.

#### 4.2.3 Landscape impact

Policy ENV 1 highlights that development must be designed to maintain or enhance the landscape character of the countryside and biodiversity of the natural environment. ENV 2 requires that development affecting the AOB does not unacceptably harm the character and appearance of the landscape or prejudice future designation as an area of outstanding natural beauty.

SPG 20 highlights that the impact of a caravan or chalet site upon the landscape will be a significant factor to which special attention will be given in the determination of a planning application, with reference to policy START 7 Environment. It highlights that development must comply with a number of factors aimed at being 'unobtrusive and fully assimilated in to the landscape" .It highlights specific criteria to assess proposals.

The Inspector's observations on the static caravan appeal (47/2004/1111/PF) are also a consideration. In terms of landscape impact, the touring caravans ( as noted by the Inspector ) cannot be on site from 31 October to 1 March in the following year, a period when vegetation screening will be least effective. It was also accepted that as a matter of fact, close by views are gained into the south eastern boundary of the site specifically from the public footpaths. The conclusion in relation to sustainable transport/accessibility highlighted that whilst chalets would have the same character as static caravans, the use of the site for touring caravans would not have the same requirement, and not comparable with the conflict with the sustainability principles involved with a permanent static caravan site of the type proposed.

Given therefore:-



- i) The previous intrusive market garden use and the range of outbuildings occupying the site.
- ii) The Inspector's conclusions on landscape impact.
- iii) Low level positioning of the chalets.
- iv) Comments of the Landscape Consultant and the appropriateness of a suitable landscaping scheme.

Officers do not consider there are grounds for concern on landscape impact.

#### 4.2.4 Nature Conservation

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impact on wildlife and in particular protected species. (Policies ENV 1, ENV 6, ENV 8 and GEN 6); Planning Policy Wales : Habitat Regulations; Unitary Plan Policy and Supplementary Guidance). Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence should be established before the grant of permission.

The Habitat Directive aims to promote the maintenance of biodiversity through measures to maintain or restore natural habitats and wild species listed in the Directive at a favourable conservation status, introducing robust protection for those habitats and species of European importance. In applying these measures, account should be taken of economic, social and cultural requirements, as well as regional and local characteristics.

In those cases where development would result in the 'breach' of the protection afforded to protected species and plants are required to be covered by a derogation license. A license cannot be issued unless it satisfies certain tests.

All local planning authorities have to have regard to the provisions of the Habitat Directive and related Regulations in reaching planning decisions. In respect of the derogation licensing tests, they have to meet all of the three tests:

- There is "**no satisfactory alternative**".
- The proposal would "not be detrimental to the maintenance of the populations of the species concerned at **a favourable conservation status** in their natural range.
- The proposal is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

In this case, both the Countryside Council for Wales and County Ecologist have highlighted the potential for Great Crested Newts (GCN), given existing habitats and recorded presence in the locality. The application is located in a high pond density landscape. Consequently the application site is likely to support GCN.

The applicant has submitted additional plans and information to try and overcome and address the issues highlighted by the Countryside Council for Wales.

CCW have confirmed that the key issues in this case relate to:-

1 - improving the ecological coherence, to encourage the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

2 - Derogation purposes and circumstances within which they can be approved.

In respect of the tests in this case:

the **relevant derogation** (point 3 above) is Imperative Reasons of Overriding Public Interest. - Evidence for provided through the current development opportunity and control and the site currently unoccupied, unmanaged and derelict. Development of site could improve this for people and wildlife, landscape, local economy.

In respect of the remaining two mandatory tests:

(i) **No satisfactory alternative** – if left as existing, the site will remain with no control over wildlife, with the possibility of more intrusive, less beneficial uses/benefits to the local economy and environment.

(ii) **No detrimental impact on the FCS of a population of European Protected Species.** Mechanisms that contribute to the maintenance of FCS include the provision and long term management of wildlife habitats under strict protection. The County Ecologist has undertaken a Favourable Conservation Status assessment and concludes the FCS of the population of GCN will not be affected by the implementation of the proposal through the creation and management of a dedicated wildlife area within the development. The provision and management of this is in accordance with the Habitats Directive. To ensure the provision of long term site security and appropriate management of this area, a Section 106 should be negotiated. Provisions of this agreement will require a Section 39 Agreement to be signed with DCS or voluntary nature conservation organisation in respect of management and monitoring.

The proposal therefore is considered to comply with the policies and guidance relating to protected species, subject to a long term, whole site management approach.

#### 4.2.5 Drainage and water infrastructure

GEN 6, ENP 1,3 & 4 seek to ensure development does not lead to unacceptable harm to surface water; ground water and pollution e.g. light; satisfactory water resources, and quality ; and satisfactory drainage arrangements. Circular 45/95 – the Installation of septic tanks in non – sewered areas suggests avoiding septic tank installations, in preference to main drainage. Mains drainage is unavailable in this location.

The Environment Agency comments include capacity considerations. The submission of additional plans in connection with nature conservation mitigation, obliged additional consultation with the Environment Agency. In response to the additional plan, and an additional condition proposed by the Environment Agency, and no objections from Welsh Water, the proposal is considered to comply with the relevant planning policies, subject to

conditions.

#### 4.2.6 Archaeology

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

The County Archaeologist confirms that there are known archaeological issues in this case and the proposal does not involve any site specific archaeological impacts.

#### 4.2.7 Residential amenities

Unitary Development Plan policy GEN 6 sets out the general requirement to assess impact of proposals on the amenity of local residents, including from increased activity, disturbance and noise.

Plas Coch Farm, the nearest residential property to the site, is located some 120 metres to the west.

Given the distances to/from neighbouring properties in this instance, the potential use of the site is not considered likely to result in such significant additional disturbance to the locality to justify a refusal.

#### 4.2.8 Highways and access

Unitary Plan Policies TRA 6 and TRA 9 permit new development provided there is no unacceptable impact on the safe and free flow of traffic, and the capacity of and traffic conditions on the surrounding road network are satisfactory. TAN 18 requires that tourism proposals in rural areas should demonstrate access by a choice of travelling modes, and suggests that, even small scale tourist facilities that rely on car based travel can offer public transport information and arrange pick ups from railway stations.

The cessation of the use of the site as a market garden has led to a reduction in the number of heavy goods vehicles and visitors to the site. The proposal to include improvements to widen the road to the site frontage will allow additional improved visibility and traffic flow, to acceptable standards for this B road. The Highway Officer has previously supported the use of the site, and the Planning Inspector during the consideration of the appeal confined his concerns to sustainability as opposed to accessibility – (sustainability relating, in this case to the chalets as opposed to the touring caravans).

The appeal Inspector noted that the site has a problem in satisfying the accessibility sustainability objectives. However, given the limited number and size of the chalets proposed (6), being ancillary to the touring caravan use, it is difficult to conclude that this element of the proposal by itself would have a significant adverse impact on Policy TSM 9 specifically criterion (i), a choice of means of transport.

Having regard to the specific proposals, it would be difficult to conclude that the current proposal would involve significantly greater highway safety or accessible sustainability issues. The requirement for cycling provision would assist the approach for sustainability, as well as the display of public transport information and pick up arrangements. Officers consider that these could be covered by suitable conditions.

#### 4.2.9 Agricultural Land quality

In terms of conserving the best and most versatile agricultural land, PPW 9

highlights that land grades 1, 2 and 3a is the best and most versatile, and should be conserved as a finite resource for the future. It highlights that considerable weight should be given to protecting such land from development 'because of its special importance. Land in grades 1,2 and 3a should only be developed if there is an overriding need for development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife historic or archaeological designation which outweighs the agricultural considerations.'

TAN 6 highlights that once agricultural land is developed, even for soft uses – such as golf courses -its return to agriculture as best and most versatile agricultural land is seldom practicable .It also advises that the Agricultural Land Map is unsuitable – given its scale – to evaluate individual sites, and in such cases a re-survey at a larger scale is necessary to obtain a definitive grade.

UDP STRAT1 Policy, point vii) highlights the need to protect the best and most versatile agricultural land. Policy ENV11 relates to the safeguarding of agricultural land of grades 1, 2 and 3a, and permits development only where an overriding need for the development exists, and available lower grade land has an environmental value recognised by a statutory designation. The policy highlights that development should be directed to land of lowest grade; and that land loss will only be allowed in exceptional circumstances, the proposal includes a justification that it will only involve a small reduction in the total amount of graded land.

In light of the previous, market garden use, and the relatively small area of the site, the proposal is not considered likely to impact adversely on high grade agricultural quality land.

The proposal is therefore considered not to conflict with the main aims and objectives of national policy.

#### 4.2.10 Inclusive access

The requirement for mandatory Access Statements is outlined in TAN 12 Design, and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All' supplements this policy, and the Council's document 'Planning and Inclusive design'.

The Design and Access Statement adopts a positive approach to inclusive design, respecting the Welsh Assembly approach for standards. Officers consider that additional details can be included to the final chalet design, site levels and disability parking areas. It is considered that these details could be covered by a suitable condition.

#### 4.2.11 Sustainable Building standards

Planning Policy Wales, TAN 12 and the recently published TAN 22 require specific standards for improving the sustainability of new buildings in order to reduce their impact on the environment and to tackle climate change. As of October 2010 additional requirements are now in place. At the time of the submission of the application, the standards were minimal.

The DAS provides a basic approach to achieving sustainable building standards. Further details would be required to comply with TAN 22 requirements.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 In officers' opinion, there have been no material changes in circumstances or policy since the 2006 planning permission was granted.
- 5.2 Whilst respecting the landscape objections, officers do not consider the current proposal conflicts with the aims of the relevant landscape policies.
- 5.3 The touring caravan site and limited chalet numbers have previously been considered acceptable in the context of Policies TSM 9 and 12 of the Unitary Development Plan. An improved layout is proposed in the current submission.
- 5.4 With an increased emphasis on sustainability and integrated transport, the current application allows for opportunity to incorporate and maximise alternative choices of travel. Accordingly, a condition requesting a safe cycle storage for the site can be incorporated.
- 5.5 In terms of protected species, a 106 legal obligation is considered the most appropriate mechanism to deliver the detailed management issues highlighted by the Countryside Council for Wales. This is in line with the key tests of the Circular 13/97 – Planning Obligations – as amended.
- 5.6 With respect to objections raised, this application represents effectively the same proposal for the site as previously granted planning permission. The proposal has the potential to provide significant economic benefits. With the aim of reducing potential conflicts with future new Local Development Plan Policies, should members support the basis of the recommendation, a timescale of 2 years commencement should be considered with any permission.

The recommendation is subject to the completion of an obligation under section 106 of the 1990 Planning Act to secure the following,

- **The long term provision and management approach to the new habitat area, including maintenance, site security and monitoring methods Provisions of this agreement will require compliance with Section 39 Habitat Regulations to be included, and be signed with Denbighshire Countryside Services or voluntary nature conservation organisation in respect of management and monitoring.**

The permission will only be released on completion of the Obligation. The Obligation must be completed within 12 months of the date of the resolution by the Committee to grant permission; otherwise the application will be reported back to the committee and determined against relevant policies and guidance at that time.

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

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. No touring caravans shall remain on site between the 31 October in any one year and the 1 March in the succeeding year.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) the written approval of the Local Planning Authority shall be obtained in respect of the siting, design and

external appearance of any buildings required by the conditions of the site licence prior to their erection on site.

4. 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.

5. 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.

6. The touring caravan site use hereby permitted shall not be commenced and the chalets hereby permitted should not be occupied until the access and highway improvements to the B5429 indicated on drawing no. R354/1/A have been carried out and the improved access is available for use.

7. No more than 28 touring caravans shall be on the site at any one time.

8. No development shall commence until details of the chalets have been submitted for the further written consideration of the Local Planning Authority, which should include dark-stained timber only. Such details shall include a Code for Sustainable Homes assessment, and the development completed in accordance with the approved details.

9. Details of the proposed septic tank and soakaway system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. In submitting such details porosity tests shall also be provided. The septic tank and soakaway system shall comply with BS6297 and be fully operational prior to the commencement of the use of the site hereby permitted.

10. No effluent from chemical toilets utilised on the site shall be discharged to the septic tank. Provision shall be made for a sealed ceaspit for such disposal prior to the commencement of the user hereby permitted in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

11. **PRE-COMMENCEMENT CONDITION**

Prior to the commencement of use of the site details of the following shall be submitted for the written consideration of the Local Planning Authority:-

- i) The method and positioning of public transport information and arrangements for pick up and return trips to Rhyl Railway station.
- ii) Disabled access details for the chalets and utility buildings, and the use undertaken in accordance with the approved details.

12. The units shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The owner of each unit and the site operator shall maintain an up-to-date register of the names of the owners and occupier of each caravan on the site, their main home and addresses, the dates each caravan has been occupied, and by whom. The information shall be made available for inspection at all reasonable times on written request from the local planning authority.

13. The existing dwelling on the site shall only be occupied by a person solely or mainly employed on the site in connection with the touring caravan and chalet site use or by a widow/widower of such a person, or by any residential dependents.

14. Facilities shall be provided and maintained within the site for the loading and

unloading, parking and turning of vehicles in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority; and such scheme shall be completed prior to the commencement of the use hereby approved.

15. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway

16. No development including the change of use shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:-

(i) layout, design, signing, road markings, drainage, and construction of the access and road widening as indicated on the approved plan.

(ii) a scheme for a safe cycle storage facility within the application site.

(iii) a recycling waste facility within the application site.

(iv) a low level lighting scheme, which gives priority to a renewable energy source.

17. The use hereby approved shall not be commenced until all of the details approved in condition 16 have been completed.

18. No more than 6 no. chalets shall be erected on the site and they shall only be sited as shown on drawing no. EP126/D/02B received by the Local Planning Authority on the 19th January 2011.

19. No chalets or caravans shall occupy the site until the great crested newt conservation area and the SUDS scheme have been implemented in accordance with the plans hereby approved.

20. No development shall be commenced until a detailed scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of the character and appearance of the area.
3. The site is located within a sensitive area wherein the Local Planning Authority wish to ensure that any buildings are of a high standard of design.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interests of highway safety.
7. To control the use in the interests of amenity.
8. In the interests of the appearance of the development in the landscape.
9. To prevent pollution of watercourses.
10. To prevent pollution of watercourses.
11. In the interests of maximising a sustainable transport approach to the site.
12. To ensure that the chalets are used for holiday purposes only in the interests of amenity.
13. To ensure the site is occupied as a single planning unit.
14. In the interests of amenity and highway safety by ensuring that adequate space is available for all vehicles visiting the property to park and turn clear of the highway.
15. In the interests of highway safety.
16. In the interests of highway safety, amenity and resource considerations.

17. In the interests of highway safety, amenity and resource considerations.
18. In the interests of the appearance of the development in the landscape.
19. In the interests of ensuring appropriate nature conservation measures are undertaken.
20. To prevent the increased risk of flooding on and off-site.

**NOTES TO APPLICANT:**

**ENVIRONMENT AGENCY NOTES**

Please see attached guidance notes from the Environment Agency

If the developer intends to discharge effluent from the septic tank/sewage treatment plant by other than a soakaway system, they must contact this Authority regarding the requirement for a discharge consent pursuant to the Water Resources Act 1991.

You are advised of the need to obtain a caravan site licence from the Council's Head of Public Protection under the Caravan Sites and Control of Development Act.

**HIGHWAYS NOTES**

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

The Highway Authority advise that there will be a need for a Section 278 Agreement under the Highways Act to be entered into prior to the commencement of the development.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).



SES

**ITEM NO:** 11  
**WARD NO:** Tremeirchion  
**APPLICATION NO:** 47/2010/0285/ PF  
**PROPOSAL:** Change of use of 2 hectares of land from mineral working to a 60 pitch touring caravan park  
**LOCATION:** Cae Rhys Sand & Gravel Pen Y Cefn Caerwys Mold  
**APPLICANT:** Mr & Mrs John Roberts  
**CONSTRAINTS:**  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL  
"Objection, the area is well provided for in touring caravan sites".

THE JOINT ADVISORY COMMITTEE CLWYDIAN RANGE AREA OF OUTSTANDING NATURAL BEAUTY  
No objection, the site is some distance from the AONB and will not have a significant impact on important views into or out of the designated area. Advice has been provided in relation to landscaping the site.

FLINTSHIRE COUNTY COUNCIL HEAD OF HIGHWAYS & TRANSPORTATION  
No objection however conditions recommended

FLINTSHIRE COUNTY COUNCIL PLANNING POLICY  
No objection

COUNTRYSIDE COUNCIL FOR WALES  
No objection

ENVIRONMENT AGENCY  
No objection

WELSH ASSEMBLY GOVERNMENT (ROADS & PROJECTS DIVISION)  
Do not wish to issue a direction with respect to the proposal

DWR CYMRU WELSH WATER  
No objection

MINERALS OFFICER  
No objection, this was a very small sand and gravel extraction operation, the deposit is largely worked out and there is no prospect of an extension.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**  
SENIOR BIODIVERSITY OFFICER  
No objection, existing trees and hedges should be retained and safeguarded and the

planting of native species that are beneficial to wildlife is encouraged.

**HEAD OF TRANSPORT & INFRASTRUCTURE**

No objection subject to the inclusion of a condition ensuring adequate parking and turning facilities are retained within the site.

**PUBLIC PROTECTION – LICENCING**

Response to be reported

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 16/05/2010**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the change of use of a former sand and gravel quarry to form a 60 pitch touring caravan site. The site is located to the south west of the dwelling 'Cae Rhys Farmhouse', Pen y Cefn, Caerwys and is accessed off Pen y Cefn Road.
- 1.1.2 The application site area proposed for the siting of touring caravans is 1.4ha. If the existing access to the site is included, the site area is 2ha. The main elements of the proposals are:
- Formation of a network of tracks off the existing access to service the 60 pitch touring caravan pitches.
  - Construction of an amenity building with toilet facilities and reception, a building for waste and recycling facilities in the north eastern corner.
  - The use of an existing building in the north eastern corner of the site for maintenance/equipment
  - Additional tree planting / landscaping on the boundaries of the site to enhance existing landscaping
- 1.1.3 The submission includes an Access statement, a Supporting Statement, and an Ecological Survey. These outline the industrial history of the site, the basis of the proposals, compatibility with policies and model standards for caravan sites; visual representations of the site; and a basic indication of how access issues would be addressed.

1.2 Description of site and surroundings

- 1.2.1 Immediately surrounding the site are landscaped earth bunds with agricultural land beyond. Access to the site off Pen y Cefn Road which is located to the north eastern boundary. The A55 Trunk Road is located approx 110m to the

north and the dwelling of 'Cae Rhys Farmhouse' is located at the end of the access road to the north east of the application site.

- 1.2.2 To the north east of the site is a separate dwelling known as 'Cae Rhys' and associated outbuildings. There are no other properties within close proximity to the site.

**1.3 Relevant planning constraints/considerations**

- 1.3.1 The site is in open countryside with no settlements nearby. The site does not lie within any specific designations in the Unitary Development Plan. The western boundary of the Clwydian Range Area of Outstanding Natural Beauty is some 2000 metres to the west.

**1.4 Relevant planning history**

- 1.4.1 None

**1.5 Developments/changes since the original submission**

- 1.5.1 The application was originally received in March 2010. Further details have been received including an ecological survey, drainage details, topographical and landscaping information.

**1.6 Other relevant background information**

- 1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

- 2.1.1 None

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

STRAT 1	-	General
STRAT 6	-	Location
STRAT 7	-	Environment
STRAT 9	-	Tourism
STRAT 13	-	New development
Policy GEN 3	-	Development outside development boundaries
Policy GEN 6	-	Development Control Requirements
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape / Townscape features
Policy ENP 4	-	Foul and Surface Water Drainage
Policy TSM 1	-	Tourism Development
Policy TSM 5	-	Rural Tourism
Policy TSM 12	-	Touring Caravan Sites
Policy TRA 6	-	Impact of new Development on Traffic Flows
Policy TRA 9	-	Parking and Servicing Provision
Policy MEW 4	-	Restoration and aftercare

**3.2 Supplementary Planning Guidance**

SPG 2	-	Landscaping in New Developments
SPG 6	-	Trees and Development

SPG 18- Nature Conservation and Species Protection  
SPG 21- Parking

### 3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Revised Edition 2010

Technical Advice Notes  
TAN 13 - Tourism (1997)

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Scale of development
- 4.1.3 Landscape / Impact on visual amenity
- 4.1.4 Highway / access impact
- 4.1.5 Residential amenity
- 4.1.6 Drainage
- 4.1.7 Ecology
- 4.1.8 Sustainability
- 4.1.9 Inclusive access

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

At a national level, the Welsh Assembly Government's objectives encourage sustainable tourism, maximising its economic and employment benefits promoting tourism in all seasons whilst safeguarding the environment and interests of local communities. In rural areas, tourist development is considered to be an essential element in providing for a healthy, diverse local and national economy. TAN 13 (draft 2006) highlights however particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity, coastal or historic environment or the interests of local communities.

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

Policy GEN 3 contains a general restraint on new development outside development boundaries, with a number of exceptions, including essential workers dwelling, agricultural development and tourism/leisure schemes, against subject to compliance with basic criteria and other policies in the plan.

Policy TSM 12 is the main 'detailed' policy relating to touring caravan sites,

and sets specific tests for any application, requiring an unobtrusive and well screen site and/or one which can be readily assimilated into the landscape and in no way appears conspicuous or alien; the site is close to and can be easily accessed to the main highway network without significant or inappropriate highway alterations; the overall quality of the development is of a high standard by virtue of its design, layout and appearance as seen from inside and outside the site; there is no unacceptable impact on the surrounding area by virtue of noise, disturbance, fumes/smell or other nuisance and landscape, agricultural and nature conservation considerations; and finally that the site is used for touring purposes only and touring vans are removed from the site for periods when not in use.

Policy MEW 4 contains general guidance in relation to the after-use of a mineral site, with the following criteria being taken into account: existing use of the site, adjoining land uses, the existing landscape character. The final landform design, the potential for enhancing wildlife habitats, the potential for amenity or recreational use, the potential for community benefit and employment use and other plan policies.

Overall, the policies of the UDP, and guidance in Planning Policy Wales and TAN 13 accept the general principle of suitable tourism related developments outside established settlements, as they provide potential economic benefits for the area, but qualify this support with the requirement that proposals meet a range of detailed tests. The principle of the proposed touring caravan site development would not therefore be contrary to the UDP's general policies, but invariably the acceptability rests on assessment of the detailed local impacts. These are reviewed in the following sections of the report.

#### 4.2.2 Scale of development

Policy STRAT 9 of the Unitary Plan permits "small scale built or natural environment based tourism projects in the countryside and rural settlements where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity or environmental interests". STRAT 7 sets a specific requirement to safeguard the countryside and environment.

There is no definition or guidance in the Unitary Plan or Supplementary Guidance on what may constitute a "small scale" tourism project with regard to a touring caravan use, nor what consideration should be given in that context to the use of what is 'previously developed land'. In simple number terms, comparison with sites which have recently been the subject of applications determined at Committee, the 60 vans proposed here are clearly less than the 85 touring vans proposed at the Fifth Wheel Rhualt (refused in part on scale in October 2010), but is similar to the 59 static lodges proposed at the Blue Hand Field, Bodfari (refused in part on scale in March 2009, appeal dismissed April 2010). In terms of land take, the application site extends to 2 hectares, the two other examples referred to involved 2.4 hectares (Fifth Wheel) and 9 hectares (Blue Hand). The area surrounding the site is characterised by a scattering of small farms with the nearest settlement some 3km away so the land area actively involved in the use would be larger than anything nearby. In relation to the local landscape, the site would be naturally screened from external view because of the existing landform, so as a physical feature, the size/scale of the site would not seem likely to be immediately visible against other features from public viewpoints. Ultimately, it is officers' view that the development could not be described as 'small scale' and consequently this is a negative factor to be placed in the balance against

other considerations on the application.

#### 4.2.3 Landscape / impact on visual amenity

The proposed caravan site would be located in open countryside but within 400m of the A55. Policy ENV 1 seeks to protect the landscape and requires development to maintain or enhance the landscape character of the County. As outlined earlier, TSM 12 only permits new touring sites where they are unobtrusive, well screened by natural landscape features, and readily assimilated into the landscape; and in no way appears conspicuous or alien, especially in the AONB.

In officers' opinion, the landscape impact would be minimal. The site is previously developed land which is well screened on all boundaries by existing earth bunds and landscaping, which it is proposed to supplement with additional planting. It is considered that the touring caravans and the associated amenity buildings should be well assimilated into the landscape with no adverse impact on the character and appearance of the open countryside and broader landscape.

#### 4.2.4 Highway / access impact

The main Unitary plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network. TSM 12 test ii requires close and safe access to the main highway network.

Access is proposed from an existing private access off Pen y Cefn Road which is some 400m from the A55. The highway officers raise no objections subject to parking and turning facilities being retained within the site.

The site is close to and can be easily and safely accessed to the main highway network.

#### 4.2.5 Residential amenity

Policy GEN 6 sets the requirement to assess the impact of development on the amenities of occupiers of nearby property.

The nearest residential property of 'Cae Rhys Farmhouse' is within the ownership of the applicant, the dwelling is served off the same access from Pen y Cefn Road, however the application site/former sand and gravel quarry has its own access off this private access. Cae Rhys Farmhouse is located approx 20m from the boundary of the application site, 30m away from the existing building, which would be utilised for maintenance purposes, approx 35m from the siting of the proposed amenity/reception block and approx 70 metres from the nearest caravan pitch. At such distances, with existing and additional screen planting, it is not considered the activity within the main part of the site would have unacceptable impacts sufficient to oppose the grant of permission.

The dwelling of 'Cae Rhys' is further away from the application site from 'Cae Rhys Farmhouse' and therefore it is not considered that there would be any adverse impacts on the amenities of this property.

Whilst the dwellings would share the main access off Pen y Cefn Road with the proposed use, it is not considered that this would have a significant impact on residential amenity.

#### 4.2.6 Drainage

Drainage considerations are contained in policies ENP 4 and GEN 6 of the Unitary Plan. The requirement is to ensure new development has no unacceptable impacts on the locality from foul or surface water drainage.

The proposal is to use a cess pit for the development. It has been indicated that a Klargestor Bio Disc system or similar would be used. The Environment Agency raise no objections and it is suggested that a condition be included requiring agreement to the drainage details before commencement of use. On this basis it is not considered there are any reasonable grounds to oppose the drainage element of the development.

#### 4.2.7 Ecology

Unitary Plan policies, Assembly guidance and current legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18.

There are no objections to the proposals from the Countryside Council for Wales or the County Ecologist on grounds of impact on ecological interests. On this basis it is not considered there are any conflicts with policy or guidance.

#### 4.2.8 Sustainability

The Unitary Development Plan's General Development Strategy sets the strategic aims of the County Council, and includes as a key objective to ensure development and uses of land are undertaken in a sustainable manner. Sustainable development involves the effective protection of the environment. There are a range of Unitary Plan policies which set a requirement to ensure the unacceptable environmental effects arise from development, and these are dealt with in the preceding section of the report. On the theme of sustainability effects arising from development, TSM 12 (ii) includes a specific requirement that a site is close to and can be easily and safely accessed to the main highway network, without significant or inappropriate highway alterations. This policy test is in support of the accessibility and sustainability objectives in Planning Policy : Wales which include the reduction in the need to travel by private car by locating development to locations where there is good access by public transport, walking, and cycling; and reducing the length of journeys.

In relation to the specific tests in TSM 1, the site is accessed off a Class 3 road close to the junction with the A55 and highway officers raise no concerns over the physical adequacy of the highway to accommodate the scale of development. The site is within 400m of a junction with the A55 allowing relative ease of access from a main arterial road. On the negative side, the location of the site within open countryside with very limited facilities, an infrequent bus service and no direct link to the footpath or cycle network, suggest reliance on the motor car for trips which is contrary to general sustainability principles.

#### 4.2.9 Inclusive access

The requirement for mandatory Access Statements is outlined in TAN 12 Design, and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All'

supplements this policy, and the Council's document 'Planning and Inclusive design'.

The Access Statement adopts a basic approach to inclusive design with respect to the Welsh Assembly approach. Officers consider that additional details can be conditioned, including site levels and disability parking areas.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The application raises basic planning policy issues relating to caravan development in the open countryside. There is general encouragement in the Unitary Plan and in Assembly policy and guidance for suitable tourism development. The policies require assessment of local impact and there are positive and negative factors to weigh. Officers do not consider the proposals for 60 caravans on 2 hectares can be regarded as 'small scale' and this is a conflict to be addressed here. To counter these concerns it has to be noted that the site is previously developed land and is relatively well screened from external view, so in mitigation of the 'scale' concerns, it may be argued that the physical impacts of a site of this size would not be obvious from external view. On balance officers consider there is a basis for supporting the application.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the recommendations of the Protected Species Survey (Clwydian Ecology) received 9th June, 2010.
3. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.
4. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
5. 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.
6. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
7. In relation to the use of the touring caravans:
  - (i) None shall be used other than for holiday purposes only.
  - (ii) None shall be occupied at any time as a person's sole or main place of residence.
  - (iii) The site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and the dates each caravan arrives on the site and leaves the site. The register shall be made available on request for inspection by officers of the local planning authority. Responsibility for the maintenance of the register shall be that of the caravan site licence holder or his/her nominated person.



8. No caravans shall be permitted on site between the 31 October in any one year and the 1 March in the following year.

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 nature conservation
3. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
4. To ensure satisfactory drainage of the site and to avoid flooding.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. In order that the local planning authority is able to retain control over the uses of the caravans to holiday purposes to prevent use as permanent places of residence
8. In the interest of the character and appearance of the area.

**NOTES TO APPLICANT:**

You are advised that a Site Licence will be required.

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).

You are advised by the Welsh Assembly Government as Highway Authority for the A55, that any signing on the A55 will require a separate application and will be subject to the site meeting certain criteria in order to qualify.

**ITEM NO:** 12

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2010/1272/ PF

**PROPOSAL:** Erection of detached garden equipment store

**LOCATION:** Bryntirion Farm Rhualt St. Asaph

**APPLICANT:** Mr Michael Walsh

**CONSTRAINTS:** AONB

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

**CONSULTATION RESPONSES:**

**TREMEIRCHION CWM AND WAEN COMMUNITY COUNCIL:**

Awaiting response to amended plans (received by the Local Planning Authority 13/1/11), but the Community Council commented as follows on the original submission:  
“Object, on the grounds that:

- a) The proposed building by virtue of its size and siting would result in an intrusive feature in the open countryside and the AONB contrary to Criterion ii) of Policy GEN 6 of the UDP and Policy ENV 2 of the Unitary Development Plan
- b) Even though plans show screening it will be inadequate screening for a number of years to come
- c) We question the reasoning behind the necessity for such a large building on a domestic site
- d) This constitutes over development of the site.”

**AONB JOINT ADVISORY COMMITTEE:**

Response to amended plans:

“The JAC notes that the building has been relocated to a site which is better related to the existing complex of buildings. The introduction of additional tree and hedge planting to help screen the building is also supported, but the JAC is still concerned that the scale of the building appears excessive for a domestic garden store. However, if the planning authority is satisfied that there is a need for an equipment store the JAC would prefer the building to be constructed of more traditional local materials such as stone and natural blue/grey slate.

The JAC would also add that with the addition of the proposed equipment store the scale and extent of the Bryntirion complex has reached the limit beyond which any significant further extensions or development of the site would be harmful in this prominent rural setting.”

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 27/02/2011**

**REASONS FOR DELAY IN DECISION (where applicable): N/a**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of a garden equipment tool shed. The shed would measure 10 metres by 8 metres. It would feature a pitched sedum green roof with a ridge height of 5.4 metres. External wall materials would be timber weatherboard cladding.
- 1.1.2 The submitted design and access statement indicates that the proposed shed is required to house a tractor, hedge-cutting equipment, water bowser and general mowing equipment. This equipment is required to maintain some 14 acres of land which is in the applicant's ownership. The building would also provide welfare facilities for grounds-men who are employed at the site. These facilities would include a toilet/washroom and small utility room.
- 1.1.3 The building would be sited immediately to the south of the existing complex of buildings known as Bryntirion Farm (formerly Toledo Farm) and, contrary to statements in the submitted Design and Access statement, is outside of the existing residential curtilage.
- 1.1.4 The ground where the building is to be located slopes gently upwards east to west. It is therefore proposed to excavate some of the earth to the immediate west of the building to create a level area. For this purpose, a retaining wall is proposed to the west of the building.
- 1.1.5 A scheme of landscaping has also been submitted surrounding the building. Four new beech trees are proposed around the proposed building, as well as a mixed native species hedge along its eastern elevation. An existing leylandii hedge would be grubbed up, and additional ash trees, horn beam and field maples proposed around the periphery of the site.

1.2 Description of site and surroundings

- 1.2.1 The site is located in an area of open countryside designated as an Area of Outstanding Natural Beauty. Accordingly the area features the typical characteristics of a rural area; open fields, divided by hedgerows and mature trees and few well dispersed dwellings.
- 1.2.2 The site is well maintained grassland immediately adjacent to the associated residential curtilage and outbuildings of Bryntirion Farm. Within the residential curtilage of Bryntirion Farm are a triple bay garage, a dog kennel, and swimming pool/gymnasium building. To the south of the site is an area of concrete hard-standing upon which currently machinery and equipment is stored.
- 1.2.3 A public right of way runs along the southern boundary of the site, approximately 30 metres from the proposed building. This boundary is made up of a mixture of native species and leylandii. A public highway runs north to south, 70 metres from the proposed building. The public highway is screened from the site by a dense 3 metre high laurel hedge.
- 1.2.4 The site is open to the north-west and looks across land in the applicant's ownership.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Clwydian Range Area of Outstanding Natural Beauty and is outside of any defined development boundary.

#### 1.4 Relevant planning history

- 1.4.1 The site has been the subject of a long planning history. Initially the main farm complex was redeveloped by way of a replacement dwelling, which was then added to by various applications allowing a triple garage, swimming pool/gymnasium, dog kennels, and a 2 storey rear extension to the dwelling.
- 1.4.2 Three previous applications by the applicant for the erection of an equipment store have been refused. In each of these applications the siting of the proposed building was approximately 30 metres to the south west of the current site. The proposed buildings were of varying sizes and designs, all being larger than that which is now proposed. The most recently refused scheme was also considerably more ornate, featuring amongst other things, a clock tower.
- 1.4.3 The most recent refusal was appealed against, and the Planning Inspector dismissed the appeal. The Inspector's decision focused primarily on the detached siting of the proposed building in relation to the existing buildings, the over ornate design in this rural location, and the size of the building being unjustified in terms of functional need. The proposed building measured 14.2m by 8.3m and featured a ridge height of 6.3m. Importantly the decision suggested that there was a need for such a building, but the size and scale would need to be commensurate with what was genuinely needed on site. The Inspector felt that two tractors and a JCB were unnecessary on a site of this size. It is noted that the applicant has taken these comments on board and submitted an application for a reduced building in terms of size and design.

#### 1.5 Developments/changes since the original submission

- 1.5.1 This application was originally made with the proposed building sited in the same location as that of the three previously refused applications. Following discussions with the Case Officer, and consideration of the Inspector's decision, the applicant amended the scheme to site the proposed building adjacent to the existing buildings in order to address concerns relating to the isolated and intrusive appearance in the open countryside.

#### 1.6 Other relevant background information

- 1.6.1 None

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

2.1 **APPEAL** – The appeal against the decision of the Local Planning Authority to refuse planning application 47/2008/0813 was dismissed by the Planning Inspectorate on the 30<sup>th</sup> July 2009. The Inspectors decision concluded:

*“...the proposed scale, design and siting would result in the equipment store appearing as an intrusive feature that would neither preserve nor enhance the natural beauty of the AONB. The proposal would, therefore be harmful to the character and appearance of the surrounding rural area and it conflicts with UDP policies GEN 3, GEN 6, and ENV 2.”*

2.2 **47/2008/0813/PF** - Erection of detached equipment store (same site as previous refusal). Refused 11<sup>th</sup> September 2008 under delegated powers. The reasons for refusal were as follows:

1. *The proposed building, detached and unrelated to any farm or agricultural complex, would result in a sporadic form of*

*development contrary to Policy EMP 13 of the Denbighshire Unitary Development Plan.*

2. *The proposed building, by virtue of its size and siting, would result in an intrusive feature in the open countryside and the AONB contrary to Policy GEN 3, criterion ii) of Policy GEN 6 and Policy ENV 2 of the Denbighshire Unitary Development Plan.*

2.3 **47/2007/0834/PF** – Erection of detached equipment store (same site as previous refusal). Refused 25<sup>th</sup> October 2007. The application was refused for the following reasons:

1. *The proposed agricultural building, detached and unrelated to any farm or agricultural complex, would result in a sporadic form of development contrary to Policy EMP 13 of the Denbighshire Unitary Development Plan.*
2. *The proposed building, by reason of its size, prominent siting and its isolation from any farm complex would result in an intrusive feature in the open countryside contrary to Policy GEN 3 and criterion (ii) of policy GEN6 of the Denbighshire Unitary Development Plan.*

2.4 **47/2006/1278/PF** – Erection of agricultural equipment shed. Refused 21 December 2006 under delegated powers. The application was refused for the following reasons:

1. *The proposed agricultural building, detached and unrelated to any farm or agricultural complex, would result in a sporadic form of development contrary to Policy EMP 13 of the Denbighshire Unitary Development Plan.*
2. *The proposed building, by virtue of its size and siting, would result in an intrusive feature in the open countryside and the AONB contrary to Criterion ii) of Policy GEN 6 of the UDP and Policy ENV 2 of the Unitary development plan.*

2.5 **47/2005/0431/PF** – Demolition of building and erection of swimming pool and enclosure. Granted 31<sup>st</sup> August 2005

2.6 **47/2004/1013/PC** – Retention of triple garage, attached kennel block and compound, and gates, pillars, and CCTV columns. Granted 24<sup>th</sup> March 2005

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

The main planning policies and guidance are considered to be:

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

Policy GEN 3 – Development Outside Development

Policy GEN 6 – Development Control Requirements

Policy ENV 2 – Development Affecting the AONB

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales 3 (July 2010)

### **4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Impact upon visual amenity and AONB

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy GEN 3 controls development outside of development boundaries, and generally presumes against development in such locations. However, there are seven exception criteria. One such exception allows for development outside of development boundaries which is in conjunction with leisure and recreation uses.

It is considered that the proposed development relates to a leisure and recreation use, in that it relates to the maintenance of 14 acres of land outside the domestic curtilage of Bryntirion Farm, but within the applicants ownership for the applicants enjoyment. With regard to the Inspector's comments, it is considered that there is a justified need for the proposed building, and the proposal falls within the scope of Policy GEN 3 and is considered acceptable in principle, subject to the detailed impact assessment set out below.

#### 4.2.2 Impact on visual amenity and AONB:

Policy GEN 3 requires development in conjunction with recreation and leisure uses to not impact unacceptably upon the natural or built environment. Policy GEN 6 contains a raft of criteria which aim to protect the character and appearance of the area from inappropriate development. Policy ENV 2 specifically aims to enhance and preserve the natural beauty of the area. Small scale development, such as that involved in the proposal, is only be permitted by Policy ENV 2 where it would not detract from the character and appearance of the AONB.

The proposed equipment shed would be located within 4 metres of the existing buildings at Bryntirion Farm. Owing to the topography of the site, the western elevation of the building would be sunk into the ground by approximately 50cm, reducing the perceived overall height of the building. The appearance of the building would further be softened by the proposed planting scheme of beech, ash, hornbeam and field maple trees. Public views of the building would be limited to those from the Public Right of Way, 30 metres to the south of the proposed building. When viewed from the Public Right of Way, the proposed building would be seen against the back drop of much larger development at Bryntirion Farm, and the rising land to the west of the site. The materials would generally match and compliment the surrounding development, although a slate roof could be considered so as to match the existing buildings.

In terms of scale, the proposed building is considered commensurate with the stated need. Given the size of the site, the amount of land in the applicant's ownership, and scale of existing development, the proposal is not considered to represent an overdevelopment of the site.

Therefore, subject to control over the exact materials and planting scheme, the proposal is considered acceptable in terms of impact upon visual amenity, and is not in conflict with the aims of Policies GEN 3, GEN 6 and ENV 2.

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

5.1 The proposal would not result in an unacceptable impact upon the visual amenity of the area, and the proposal is considered to have addressed the matters raised by the Planning Inspector in the previous appeal decision. Accordingly, the proposal is considered to comply with adopted planning policies.

**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. 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.
4. No floodlights shall be erected or used on the site unless otherwise agreed in writing by the Local Planning Authority.
5. The use of the site and equipment store shall be for personal use only and not any commercial or business use.
6. The building hereby approved shall only be used as a garden equipment store and not for any other purpose.

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 a satisfactory standard of development, in the interests of visual amenity.
4. In the interest of visual amenity.
5. To enable the Local Planning Authority to monitor the impact of the use.
6. In the interest of clarity and to afford the Local Planning Authority a degree of control over the use of the building.

**NOTES TO APPLICANT:**

None

