



To: Members of the Planning Committee Date: 24 May 2012  
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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 30 MAY 2012** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

### **3 APPOINTMENT OF CHAIR**

To appoint a Chair of the Planning Committee for the 2012 / 13 municipal year.

**4 APPOINTMENT OF VICE CHAIR**

To appoint a Vice Chair of the Planning Committee for the 2012 / 13 municipal year.

**5 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

**6 MINUTES (Pages 1 - 22)**

To confirm the accuracy of the minutes of the meeting of the Planning Committee held on the 18 April 2012 (copy attached).

**7 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Pages 23 - 96)**

To consider applications for permission for development (copies attached).

**8 PLANNING APPEAL: ST. DAVID'S RESIDENTIAL HOME, EAST PARADE, RHYL (Pages 97 - 98)**

To consider a report by the Head of Planning, Regeneration and Regulatory Services (copy attached) in respect of a planning appeal lodged against a refusal decision and to appoint two members of the Committee to give evidence at an appeal hearing.

**9 MAJOR INFRASTRUCTURE PROJECTS:UPDATE REPORT (Pages 99 - 108)**

To consider a report by the Head of Planning, Regeneration and Regulatory Services (copy attached). Members are requested to note the information and key dates contained in the report.

**10 BURBO BANK WINDFARM EXTENSION MAJOR INFRASTRUCTURE PROJECT (Pages 109 - 120)**

To consider a report by the Head of Planning, Regeneration and Regulatory Services (copy attached) to consider the Council's response to the formal pre-application consultation.

**11 VERSION 2 OF THE PROTOCOL FOR MEMBER TRAINING** (Pages 121 - 126)

To consider a report by the Head of Planning, Regeneration and Regulatory Services (copy attached) in respect of proposed changes to the Protocol for Member Training on Planning Matters.

**12 UPDATED SCHEME OF DELEGATION - VERSION 4** (Pages 127 - 142)

To consider a report by the Head of Planning, Regeneration and Regulatory Services (copy attached) concerning proposals for minor amendments to the Scheme of Delegation.

**COPIES TO:**

All Councillors for information  
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## **WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE**

### **HOW THE MEETING WILL BE CONDUCTED**

The note outlines the manner in which the meeting is likely to be run.

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

### **General introduction**

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to items on the agenda.

Officers will outline as appropriate items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public will be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets (blue sheets) and any supplementary or revised plans relating to items for consideration.

The 'Blue Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present to constitute quorum and to allow an item to be considered and vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

## **CONSIDERING PLANNING APPLICATIONS**

### **The sequence to be followed**

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the basis of the proposal, and the location.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. Public speaking is subject to a separate protocol.

Where appropriate, the Chair will offer the opportunity for Members to read any late information on the item on the 'Blue Sheets' before proceeding.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason. Opportunity will be given for debate on the request, and a vote shall be taken to determine the course of action.

The Chair will seek propositions and seconders for or against the officer recommendation, or any other resolutions.

The Chair will invite officers to provide a brief introduction to the item where this is considered to be worthwhile in view of the nature of the application.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the local member, to speak first.

On all other applications, the Chair will permit the local member(s) to speak first, should he/she wish to do so.

Members are normally limited to a maximum of five minutes speaking, and the Chair will conduct the debate in accordance with Standing Orders.

Once a member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

The Chair will announce when the debate is closed, and that voting is to follow.

## **The voting procedure**

Before requesting Members to vote, the Chair will announce what resolutions have been made and how the vote is to proceed. Clarification of resolutions, amendments, additional conditions and reasons for refusal may be sought so there is no ambiguity over what the Committee is voting for or against.

If any member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair will clarify the procedure to be followed.

When the Chair is satisfied that the vote can proceed, this will be conducted through the electronic voting system. The Chair will request officers to set up the voting screen(s) in the Chamber, and members must vote once the voting screen appears.

Members have 10 seconds to record their votes once the voting screen is displayed.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item

# PLANNING COMMITTEE

## VOTING PROCEDURE

Members are reminded of the procedure when casting their vote to grant or refuse a planning application. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

<b>+</b>	to <b>GRANT</b> permission
<b>-</b>	to <b>REFUSE</b> permission
<b>0</b>	to <b>ABSTAIN</b> from voting

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## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 18<sup>th</sup> April 2012 at 9.30am.

### PRESENT

Councillors S Thomas (Chair), I Armstrong, J R Bartley, J B Bellis, B Blakeley, J Butterfield, W L Cowie (observer), M LI Davies, P A Dobb, M J Eckersley, G C Evans, R L Feeley, I A Gunning, D Hannam, C Hughes, R W Hughes, T R Hughes, E R Jones, H LI Jones, M M Jones, G M Kensler, L M Morris, P W Owen, D Owens, A G Pennington, B A Smith, D I Smith, D A J Thomas, J Thompson-Hill, C H Williams, E W Williams (observer).

### ALSO PRESENT

Head of Planning, Regeneration and Regulatory Services (G Boase), Principal Solicitor (Susan Cordiner), Development Control Manager (P Mead), Principal Planning Officer (I Weaver), Team Leader (Support) (G Butler), Customer Services Officer (J Williams) and Translator (Catrin Gilkes)

### APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors J A Davies & J M Davies

#### 2 DECLARATION OF INTEREST

None

#### 3 URGENT ITEMS: None

#### 4 MINUTES OF THE MEETING HELD ON 21<sup>st</sup> March 2012

Resolved that the minutes of 21<sup>st</sup> March 2012 be confirmed for accuracy.

#### 5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) was submitted enumerating applications submitted and required determination by the Committee.

#### **RESOLVED that:-**

- (a) *the recommendations of the Officers, as contained within the report submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act 1991, Town and Country Planning Advertisements Regulations 1991 and/or Planning (Listed Buildings and Conservation Areas) Act 1990 to the proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-*

## **Item 1**

**Application No:** 01/2011/0621/PF

**Location:** The Glyn Lleweni Parc, Mold Road, Denbigh

**Description:** Siting of 20 holiday lodges with associated access, parking and installation of a sewage treatment plant

The following additional letter of representation reported:  
Ann Jones, 4 The Haybarn, Lleweni

A report of a site visit which took place on Thursday 12<sup>th</sup> April 2012 was circulated.

### **Public Speakers: Jeni Winstanley (Against)**

Ms Winstanley lived near the site. She felt there were too many caravans in Denbighshire and cited recent problems in policing all the sites.. She referred to the historic parkland under threat at Lleweni and considered this proposal to be unsustainable due to the need to travel there by car, the lodges being made outside Wales and the damage to the countryside.

### **Mr R Witter (In Favour)**

Mr Witter, the applicant, referred to the history of the site, stating that it was on the location of a walled garden, demolished in 1820. There had been no access to the site until the 1980's when the Gliding Field was established and the conversion of the outbuildings had opened up access into the area. He felt there was a demand for tourism to such quieter places and said the lodges were well made and would be enclosed and well screened. Mr Witter considered the proposal to be a delightful Welsh tourism project.

Members were given time to read the addendum report.

(At this juncture (09.40 am) Councillor M LI Davies arrived and asked for permission to speak on the debate. Legal Officer Susan Cordiner reminded Members of the convention which states that Councillors should not vote on an item unless they were present from the start.)

Councillor R Bartley (local Member) referred to the potential for light and noise pollution, that it would be naïve to think occupants of the lodges would not play games outside the lodges. He felt committee had a duty to protect the permanent residents. Councillor Bartley was concerned about the need to travel by car, the density of the development, whether the water supply would cope, the loss of trees, whether tourism would truly benefit and the loss of high grade agricultural land.

Councillor S Thomas referred to the site visit. He commented that it was a long walk to the site and thought the development would be cramped and the site may be open to expansion in the future.

He also felt there was little to safeguard the trees. Councillor Thomas was also unhappy at the lack of cycleways, the need to use a car and limitations on parking within on site.

Councillor M LI Davies referred to the change to the location map and asked why a report had not been requested to discover the grade of the land.

Councillor L Morris asked how this proposal differed from previous applications with a recommendation to refuse.

Councillor D Hannam asked about the Authority's chances of winning an appeal.

Councillor E R Jones referred to the Agricultural Land Grading and stated his opposition to development on Grade 1 or 2 land.

Councillor R Bartley referred to the presence of bats and Councillor D Owens asked if a licence was required for a borehole to supply water.

Principal Planning Officer Ian Weaver responded:

It would not be reasonable to refuse on residential amenity grounds as the site is 300m from the nearest dwelling and is well screened.

Highways Officers considered the private track with passing places to be acceptable. The AONB Committee and Landscape Officer had no objection.

There was an absence of detail for the lodges but it would be possible to control this by condition. One car space per lodge was considered reasonable by Highways Officers.

The Environment Agency would need to approve the discharge from the sewage treatment works into the brook but had raised no objection. DCC Water Services were satisfied there would be sufficient water available from the proposed new borehole and it should not affect the supply to the existing dwellings. The trees are all within the control of the applicant and can be protected by condition. A condition can also be imposed restricting use of the lodges to holiday use only.

(At this juncture - 10.15am - Councillor M Eckersley arrived)

Principal Planning Officer, Mr Ian Weaver mentioned that CCW and the DCC Biodiversity Officer had no objection provided mature trees were retained to reduce disturbance to bats. A tree management condition could be imposed.

He apologised for the inaccurate location plan initially included with the committee papers. This had been corrected and circulated to all Members prior to committee.

Finally, the reliance on car travel was a negative factor but in a recent appeal on nearby land to the north, the Inspector did not feel this should be a determining issue.

This application should be dealt with on its own merits but the basis of an Inspector's decision on a similar proposal in the locality was a relevant consideration.

**Proposals:**

**Councillor J Thompson-Hill proposed that permission be GRANTED  
This was seconded by Councillor P Owen**

**On being put to the vote:**

**10 voted to Grant**

**13 voted to Refuse**

**3 Abstained**

**(Councillor M Eckersley wished it to be noted that he did not vote as he had been late arriving)**

**PERMISSION WAS THEREFORE REFUSED**

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reasons:

The decision to refuse permission being contrary to recommendation of the Planning Officer was taken on the basis that the proposals as submitted were contrary to Unitary Development Plan and Welsh Government Policies on sustainability, agricultural land quality, and unacceptable layout and parking details

Officers to draft the full reasons for refusal and consult the local member.

1. It is the opinion of the Local Planning Authority that the proposed layout of the lodges in the site appear unduly cramped with a number of units sited in close proximity to one another, to the retained trees, and to the southern boundary of the site; and it is considered there is inadequate provision for the parking of vehicles for occupiers of the lodges and potential visitors. The proposals are therefore considered to be in conflict with tests of GEN 6 and TRA 9 of the Denbighshire Unitary Development Plan.
2. The Local Planning Authority do not consider there is sufficient information with the application to determine whether the proposals involve development on the best and most versatile agricultural land (of Grades 1, 2 or 3a), and hence whether the lodge development would be in conflict with policies ENV 11 and TSM 9 of the Denbighshire Unitary Development Plan and Welsh Government's key objective to conserve the best and most versatile agricultural land, as set out in Chapter4 of Planning Policy Wales 2011.
3. It is the opinion of the Local Planning Authority that the location of the proposed development would mean people using the lodges would be highly dependent on the private car for access, and there is an absence of safe pedestrian routes linking the site to the public footpath network or along the A road to Denbigh, all limiting the accessibility of the site; contrary to key tests in Policies STRAT 1, STRAT 13, GEN 6, TSM 9 of the Denbighshire Unitary Development Plan, and Welsh Government's key policy objective of locating developments so as to minimise the

demand for travel, especially by private car, as set out in Planning Policy Wales Chapter 4 and Chapter 8.

## Item 2

**Application No:** 13/2012/0259/PO

**Location:** Land adjacent to Bryn Myfyr Galltegfa, Ruthin

**Description:** Development of 0.095ha of land by the erection of an affordable local needs detached dwelling. Detached garage, installation of a new septic tank, and formation of a new vehicular access (outline application including access).

The following additional letters of representations were reported:  
Denbighshire County Council - Affordable Housing Officer  
Nerys Ellis, Llys Awel, Galltegfa, Ruthin

A report of a site visit which took place on 12<sup>th</sup> April 2012 was circulated.

**Public Speakers:**  
**Mr P MacCarter (in favour)**

Mr Phil MacCarter told committee that his partner and himself were from the Ruthin area and had attended local schools. They were presently in rented accommodation in Pwllglas and were struggling to get a mortgage. Building a house on this land would help them have their own property and be near his parents and help on the farm.

Councillor E W Williams (local member) urged committee to approve this application as he felt it fell within policy HSG5 – Galltegfa is a small community of houses with a chapel. He cited other successful applications which he considered set a precedent. There had been no other development in Galltegfa for a number of years and Councillor Williams felt that the committee ought to support local people.

Councillor R Bartley referred to the site visit and said the plot was in a picturesque location. He sympathised with young local people but this proposal was a departure from policy.

Councillor S Thomas also referred to the site visit when they observed that there was a cluster of houses and a chapel but that this plot was located on its own. It would require a new access to the road.

Councillors L Morris, C H Williams, H L Jones, D Owens & E R Jones expressed sympathy and thought the policy should be reviewed. Other Councillors understood the policy situation but felt it wrong that many houses can be built in Bodelwyddan, or Officers recommend approval for lodges in the countryside while a single dwelling for a local family is recommended for refusal.

Councillor D A J Thomas suggested a 106 Agreement be entered into.

Officers explained that the other applications Councillor Williams had referred to had complied with policy relating to infill conversions as part of a group.

Policy HSG5 has been used consistently where an identifiable group of six or more houses in a continuous frontage is involved.  
This application relates to a separate plot and therefore in “open countryside” and does not meet the criteria of HSG5.

Head of Planning, Graham Boase advised members that as this constituted a departure application he would have to discuss it with the Monitoring Officer if Committee was minded to grant permission.

**Proposals:**

**Councillor H LI Jones proposed that permission be GRANTED  
This was seconded by Councillor D Owens**

**On being put to the vote:**

**12 voted to Grant**

**14 voted to Refuse**

**1 Abstained**

**PERMISSION WAS THEREFORE REFUSED**

**Item 3**

**Application No:** 17/2012/0207/PR

**Location:** Llandegla Memorial Hall, Llandegla, Wrexham

**Description:** Erection of a single storey extension to provide two new classrooms, community room and formation of a new playground

Councillor G C Evans felt that parking for parents should have been considered.

Principal Planning Officer, Ian Weaver, agreed that parking was inadequate and the road was narrow but the hard area for play could be used for parking in the evening.

Highways Officers had raised no objection.

**On being put to the vote:**

**26 voted to Grant**

**0 voted to Refuse**

**0 Abstained**

**PERMISSION WAS THEREFORE GRANTED**



**Item 4**

**Application No:** 28/2011/0207/PR

**Location:** Henllan Centre, Henllan, Denbigh

**Description:** Reserved matters submission for Phase 2 of development, including construction of six dwellings and an electrical substation

The following letters of representation were reported:

Letter from the applicant confirming that the substation had been omitted from the application.

Councillor C Hughes advised committee that he had discussed this application with officers and hoped the applicant would market the dwellings locally.

**Proposals:**

**Councillor P Dobb proposed that permission be GRANTED**

**This was seconded by Councillor D Hannam**

**On being put to the vote:**

**25 voted to Grant**

**0 voted to Refuse**

**1 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

## Item 5

**Application No:** 45/2010/1470/PF

**Location:** 37/39 Pendyffryn Road, Rhyl

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

The following additional letters of representation were reported:  
Denbighshire County Council Affordable Housing Officer

**Public Speakers:**  
**Mr Mark Pearson (Against)**

Mr Mark Pearson spoke in objection to both this application and the following Listed Building application.

Mr Pearson agreed the property should be renovated but questioned whether six affordable units could be accommodated or would be in keeping with the locality. He thought it could set a precedent as a number of houses nearby had large gardens which could be developed.

Councillor I Gunning advised committee that this is the oldest house in Rhyl and thinks it should be renovated. But he thought it should be a residence and it was the wrong place for this development.

Councillor J Bellis agreed the Listed Building should be restored but this was not the place for social housing.

Councillor D A J Thomas stated that permission exists for three units. The new application is for apartments, not houses and there would be a tight regime for prospective tenants - no children, interviews and a probationary period to address anti-social issues. The existing permission does not have such restrictions. He said this is an "enabling development" to provide funds for the Listed Building renovation.

Councillor D Hannam supported the renovation of the Listed Building but objected to the suggestion that someone living in social housing is "anti-social".

Councillor L Morris referred to a similar conversion of a Listed Building in Llangollen into three affordable units which proved to be a great success.

Councillor M LI Davies asked whether the older building to the rear could be retained.

Councillor J Butterfield told of her attempts to buy the property in the 1980s and regretted that it had deteriorated. Councillor Butterfield also expressed her

offence at comments about anti-social behaviour and said everyone has a right to decent housing.

Development Control Manager, Paul Mead, advised that policy allowed affordable units on this site and agreed that The Willows, Llangollen was a similar renovation which had been a great success. This application was before committee for determination because of changes made to accommodate wheelchair access.

Head of Planning, Graham Boase, stated that the social landlord had stepped in when the open market had failed. There was a need for quality affordable housing.

**Proposals:**

**Councillor J Butterfield proposed that permission be GRANTED**

**This was seconded by Councillor C Hughes**

**On being put to the vote:**

**21 voted to Grant**

**4 voted to Refuse**

**2 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

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

- (a) the provision of 6 affordable housing units and the retention of these units for affordable purposes

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

**Revisions to conditions**

Condition 1:

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

The reasons for the suggested recommended revisions are to ensure the early commencement and completion of works on the Listed Buildings.

**Add new condition**

- 17. The development shall be carried out strictly in compliance with the recommendation in the Badger Assessment report dated 21<sup>st</sup> October 2010 and the Protected Species Survey Report received on 30<sup>th</sup> November 2011.

*Reason:* To ensure due protection to wildlife in connection with the development.

**Item 6**

**Application No:** 45/2010/1471/LB

**Location:** 37/39 Pendyffryn Road, Rhyl

**Description:** Listed Building application for alterations, extension and partial demolition of Plas Penyddeyglawdd with conversion to 3 dwelling units and alterations to existing vehicular/pedestrian access

The following additional letters of representation were received:

**Public Speaker(against):**

Mr Mark Pearson did not take the opportunity to speak separately on the listed building application.

There was no further debate.

**Councillor D A J Thomas proposed that Listed Building Consent be GRANTED**

**This was seconded by Councillor M LI Davies**

**On being put to the vote:**

**20 voted to Grant**

**4 voted to Refuse**

**1 Abstained**

**LISTED BUILDING CONSENT WAS THEREFORE GRANTED**

## **Item 7**

**Application No:** 45/2011/1510/PF

**Location:** 4 Wellington Road, Rhyl

**Description:** Change of use of ground-floor from shop (Class A1) to Financial & Professional Services (Class A2)

Councillor J Butterfield felt that this application was premature as the premises was still trading as a retail shop. She thought there was no need for the proposed use and the new Town Manager should liaise with owners to retain retail properties.

Councillor D A J Thomas agreed as he felt there was an over-intensification of this type of use in the area and gave example of enforcement action being taken for an unauthorised sign at The Money Shop nearby.

Councillors expressed opinions about “Rhyl Going Forward” encouraging retail shops rather than money lenders and whether Welfare Rights should be advised of such applications for change of use. Other Councillors though the application premature, that Town Centres should be as diverse as possible. Conversely some felt that internet shopping had changed habits and a realistic view should be taken.

Councillors D A J Thomas and R W Hughes felt there should be a Town Centre Policy to ensure a mix of shops, not clustered together by type and Councillor I Gunning suggested lower business rates for local retailers.

Head of Planning, Graham Boase, explained that the proposed change of use was acceptable in planning terms. The committee had to judge whether A2 use (which would include a Bank or Building Society) is suitable in the area or not. However he felt that “loss of an existing A1 shop” would be possible to justify as a reason for refusal.

Councillor J Butterfield said she would prefer not to have vacant shops in the town centre but felt there was already a proliferation of this proposed type of business in Rhyl and as they cluster together (as do charity shops or Banks) they create their own areas and atmospheres.

Councillor B Smith suggested that this proposal would be contrary to policy RET6 and therefore this could be a suitable reason for refusal.

### **Proposals:**

**Councillor J Butterfield proposed that permission be REFUSED**

**This was seconded by Councillor D Hannam**

### **On being put to the vote:**

**6 voted to Grant**

**19 voted to Refuse**

**1 Abstained**

## **PERMISSION WAS THEREFORE REFUSED**

For the following reason:

1. In the opinion of the Local Planning Authority, the change of use from an existing and operating A1 retail shop to an A2 use in this location would be unacceptable in that it would contribute to a further dilution of the retail shopping function in the town centre, as it would not maintain, enhance or improve the viability and vitality of the centre, contrary to policy RET6 and RET1 of the Denbighshire Unitary Development Plan, and to the wider aims of the Council's Rhyl Going Forward Strategy and Delivery Plan.

The decision to refuse permission, being contrary to the recommendation of the Planning Officer, was taken on the basis that the proposed use of the building would have a detrimental impact on the viability and vitality of the town centre, contrary to planning policy.

## Item 8

**Application No:** 45/2012/0042/PC

**Location:** Molly Mouse Day Nursery, The Church, Princes Street, Rhyl

**Description:** Internal alterations and change of use to provide multi use community facility including café/food co-op, resource centre and community meeting venue (retrospective application)

The following additional letters of representation were reported from:  
Chris Ruane MP

Councillor T R Hughes asked whether a flood assessment had been carried out.

Development Control Manager, Paul Mead, explained that as this is an existing use, the flood assessment policy did not apply.

Councillor J Butterfield gave the history of the property. It had a planning use for a play centre, limited to Monday to Friday. It was subsequently granted weekend opening for a café. Pennaf bought it and gave it to the community. At present the only business operating from the premises is a Company Car scheme. Change of use is required for D2 use from D1 use as there is a public entrance to the café.

Councillor G C Evans referred to Rhyl Town Council's objection on behalf of local businesses.

Councillor J Bellis suggested adding the conditions requested by Rhyl Town Council.

Development Control Manager, Paul Mead, noted the Town Council comments and advised that Highways Officers had assessed parking issues and considered that it would not exacerbate the present situation. He suggested imposing a temporary permission to allow the impact to be monitored.

Councillor J Butterfield said that this was a contentious issue. There are double yellow lines in the vicinity and although the business had previously had two parking permits this was no longer the case. Councillor Butterfield understood the business may move to the town centre in due course, subject to funding.

Councillor J Bellis asked again about the Town Council suggestions but officers felt the existing conditions sufficiently covered these issues.

### **Proposals:**

**Councillor J Butterfield proposed that permission be GRANTED  
This was seconded by Councillor I Armstrong**



**On being put to the vote:  
21 voted to Grant  
0 voted to Refuse  
2 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

This meeting being the last before the Local Elections, Head of Planning, Graham Boase, thanked all the Members of Committee and particularly those Councillors who were not standing for re-election.

He thanked past chair, Councillor M LI Davies, Vice-Chair Councillor R Bartley and singled out the outgoing Chair Councillor S Thomas, who was not standing again for Council. He thanked Councillor S Thomas for his professionalism and fairness and for the unique and lively way he conducted the meetings.

Councillor S Thomas thanked Officers for the support he had received over the years and wished everyone all the best for the future.

**The meeting closed at 12.20pm**

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**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE 30<sup>th</sup> May 2012  
INDEX TO REPORT**

Item No	Application No	Location and Proposal	Page No
1	02/2012/0241/PF	<p><b>Land at (Part garden of) Llys Deri Bryn Goodman Ruthin</b> Alterations to vehicular access previously granted under Code No. 02/2011/0167 to serve existing dwelling and proposed new dwelling</p>	25
2	23/2011/1447/PF	<p><b>Bryn Morfydd Llanrhaeadr Denbigh</b> Layout and siting of 42 no. holiday lodges, reception and temporary warden's accommodation including associated facilities, parking, landscaping, and infrastructure</p>	33
3	27/2012/0009/PF	<p><b>Tan Y Fron Farm Tan Y Fron Lane Eglwyseg Llangollen</b> Erection of an agricultural building for the storing of fodder and housing livestock</p>	51
4	43/2012/0143/TP	<p><b>20c Bryntirion Drive Prestatyn</b> Felling of 2 No. Sycamore trees numbered T41 &amp; T43 and crown reduction by 25 per-cent of 2 No. Sycamore trees numbered T40 &amp; T42 on the plan annexed to the Borough of Rhuddlan (Woodland Park Prestatyn) Tree Preservation Order No. 3, 1985 and replanting with British species, i.e. Silver Birch</p>	59
5	45/2011/1048/PF	<p><b>Land at Cefndy Trading Estate, Ffordd Derwen and Cefndy Road Rhyl</b> Development of 1.35ha of land by the erection of 24 no. dwellings including landscaping, open space and access and erection of a 1,299 sqm commercial unit including parking, servicing and access</p>	65
6	47/2012/0333/PC	<p><b>Field No. 6105, Bryntirion Farm Rhualt St. Asaph</b> Continuation of use of land as ancillary play area to main dwelling and retention of tree house (Retrospective Application)</p>	81
7	47/2012/0368/PC	<p><b>Bryntirion Rhualt St. Asaph</b> Erection of building to house water storage tank (retrospective application)</p>	89

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CYNGOR  
*Sir Ddinbych*  
**Denbighshire**  
COUNTY COUNCIL

Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caedfryn  
Smithfield Road  
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Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:  
02/2012/0241/PF  
Garden at Llys Deri  
Bryn Goodman, Ruthin

 Application Site



Date 16/5/2012 Scale 1/2500  
Centre = 312920 E 358599 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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© Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwneid at adroddio i'r awdurdod. Cyngor Sir Ddinbych. 100023408. 2011.



Tennis  
Courts

El

**PREVIOUSLY  
APPROVED  
SITE PLAN  
MAY 2011**

ACCESS

ACCESS

Meriden

New Driveway

**Important:**

F.F.L.B.M = Finished Floor Level Temporary Bench Mark  
Levels relate to a Temporary Bench Mark set at the site.

RECEIVED  
22 FEB 2011

The Client(s) is/are responsible for the accuracy of the information, dimensions, materials and references shown on this drawing. It is the user's responsibility to verify the accuracy of the information shown on this drawing. The user is advised that the user is not to be held liable for any errors or omissions on this drawing. The user is advised that the user is not to be held liable for any errors or omissions on this drawing.

Project No.	100-310
Sheet No.	100-310-10
Date	10/10/10
Scale	1:100
Author	REBA CHARLIE
Checked	REBA CHARLIE
Drawn	REBA CHARLIE
Project Name	Architects
Client Name	Mr & Mrs Wilson
Project Address	100-310
Project City	Meriden
Project State	CT
Project Zip	06450
Project Phone	203-261-1111
Project Fax	203-261-1111
Project Email	reba@rebaarchitects.com
Project Website	www.rebaarchitects.com

**ITEM NO:** 1

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2012/0241/ PF

**PROPOSAL:** Alterations to vehicular access previously granted under Code No. 02/2011/0167 to serve existing dwelling and proposed new dwelling

**LOCATION:** Land at (Part garden of) Llys Deri Bryn Goodman Ruthin

**APPLICANT:** Mr R Wilson

**CONSTRAINTS:** PROW  
PD Removed

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES:**  
RUTHIN TOWN COUNCIL  
"No objections."

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**

**HEAD OF HIGHWAYS AND INFRASTRUCTURE:**  
No objection subject to conditions.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
Mr. P. H. Helm, Hunters Lodge, Bryn Goodman, Ruthin  
R. C. Greening, Meriden, Bryn Goodman, Ruthin  
Mr. & Mrs. Aiyar, Oaklea, Bryn Goodman, Ruthin  
Ruthin Bowling Club, c/o Bryn Goodman, Ruthin

Summary of planning based representations:

- Impact on highway safety, in terms of additional vehicular movements.
- Loss of residential amenity as a result of proximity to Llys Deri.
- Harm to visual amenity through potential harm to trees and hedgerow.

**EXPIRY DATE OF APPLICATION: 02/05/2012**

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

- additional information required from applicant



## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 Permission is sought for alterations to an existing vehicular access to allow the access to serve both an existing dwelling and a dwelling which is currently under construction on Bryn Goodman, Ruthin.
- 1.1.2 The works involved include the widening of the existing access, and an amended layout for the parking and turning area of the new dwelling. (see the plans at the front of the report).

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located within a residential area within Ruthin. It is located at the top of Bryn Goodman, an un-adopted highway which links Greenfield Road and Rhos Street (A494).
- 1.2.2 The site is bound by an established beech hedge, and there are a number of mature trees present.
- 1.2.3 The area is characterised by a range of dwelling types and accesses.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 None

#### 1.4 Relevant planning history

- 1.4.1 Permission was granted in May 2011 for a new dwelling to be erected adjacent to Llys Deri. That scheme proposed the access to be separate from the existing access to Llys Deri, by creating a new access across land not in the ownership of the applicant (see the plan at the front of this report).
- 1.4.2 Subsequent to the grant of that permission, it is understood the applicant and the land owner have not been able to reach an agreement as to a right of access across that land, and so the applicant has submitted this current application to gain access from Llys Deri's existing access.

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

- 1.5.1 The current scheme originally proposed a gated entrance to the new dwelling, and a more angular approach off Bryn Goodman. In the scheme that is now being considered, the gate has been removed, and the drive-way layout amended to make vehicular movements easier.

#### 1.6 Other relevant background information

- 1.6.1 It would appear that the application has been submitted to overcome land ownership issues, which are not matters of relevance to the determination. The application should be considered on the planning issues listed under section 4 of this report.
- 1.6.2 Some concerns have been raised by residents that construction of the dwelling is under way. Members are advised that this is at the developers own risk prior to the determination of this application. The existing access is being used to enable the works to continue. This arrangement is not considered to be a breach of planning control.

## 2. DETAILS OF PLANNING HISTORY:

2.1 02/2011/0167/PF – Refurbishment, alterations and construction of new vehicular access to Llys Deri, and the erection of 1 no. detached two storey dwelling within the garden area. Granted under delegated powers 16<sup>th</sup> May 2012

## 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 TRA 6 – Impact of New Development on Traffic Flows

Policy ENV 7 – Landscape / Townscape Features

### 3.2 Supplementary Planning Guidance

None

### 3.3 GOVERNMENT GUIDANCE

Technical Advice Note 18 – Transport

## 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

4.1.3 Highway safety

4.1.4 Impact upon residential amenity

4.2 In relation to the main planning considerations:

### 4.2.1 Principle

The site is located within the defined development boundary of Ruthin where the general principle of development is acceptable (Policy GEN 1), and it benefits from an extant planning permission for a dwelling. The overall principle of development is therefore not questioned. The acceptability of the proposal should be considered on the basis of its impacts upon the amenity of the area and highway safety, as detailed below.

### 4.2.2 Impact upon visual amenity

Policy GEN 6 contains general criteria which aim to ensure proposals for new development respect the character and appearance of the area within which it is located. Proposals which do not meet the criteria should be resisted. In this instance, given the presence of several mature trees, and established beech hedge, Policy ENV 7 is also of relevance. Policy ENV 7 seeks to retain features such as trees which are of substantive value to townscape character. Development which would harm such features should be resisted unless adequate mitigation measures are proposed.

The site is located within a residential street which features many vehicular accesses onto it. Notable features which add value to the appearance of the area are the mature trees and beech hedge along the boundary of the site. The scheme proposes to retain these features. The hard standing for the driveway would be located 2 metres from the outer edge of the tree stems, and constructed using geotextile road construction method, (a method which is intended to prevent root compaction and help ensure the longevity of the trees). Additional planting is proposed to the front of the existing dwelling.

It is considered that the proposal will have limited impact upon the appearance of the existing access. The retention of the mature trees is welcomed and the method of protection adequate. The additional planting

would add additional value to the appearance of the site and surrounding area. Subject to planning conditions requiring the prior approval of surface materials, protection of the trees, and landscaping, the proposal is considered to comply with Policies ENV 7 and GEN 6 in terms of the impact upon visual amenity.

#### 4.2.3 Highway Safety

Policy GEN 6 and TRA 6 contain criteria which control the impact of new development on the safe and free flow of traffic on the highway. Proposals for development where it can be demonstrated there would be a significant loss of highway safety should be resisted.

The proposal would utilise an existing entrance onto the highway which currently serves one dwelling. The access would be widened slightly, to improve maneuverability into and out of the site. When exiting the site it is estimated that there would be a visibility distance of approximately 45metres to the left, and in excess of 70 metres to the right. The proposal has been examined by the Head of Highways and Infrastructure, and no objection has been raised. It is noted that the application is solely for the relocation of the access, and that the principle of additional vehicular movements on Bryn Goodman has already been agreed with the granting of the previous permission.

Notwithstanding the fact that the entrance already exists, consideration has to be given to the adequacy of the access in terms of visibility for its use by two dwellings. Technical Advice Note 18 advises on stopping distances at certain speeds. Given the condition of the road (broken, uneven, un-surfaced in parts), the residential character of the area, and the presence of a right angle bend, it is considered that typical vehicular speeds would not, (and could not) exceed 20mph, in relation to which Table A, Annexe B of TAN 18 indicates that the required stopping distance is approximately 45 metres at 20mph. It is considered that the proposal meets these requirements. With regard to the advice in TAN 18, and in the absence of an objection from the Head of Highways and Infrastructure, the proposal is considered to comply with Policies GEN 6 and TRA 6 and would not have a detrimental impact upon highway safety.

#### 4.2.4 Impact upon Residential Amenity

Criteria v) of Policy GEN 6 seeks to protect the amenity of residents from adverse impacts which may arise from development, such as, increased activity, disturbance and noise, for example. The Local Planning Authority should try to resist proposals which result in a loss of residential amenity.

The proposed access to the new dwelling would, at its closest, be 3.5 metres from the porch of the existing dwelling, Llys Deri. An area of approximately 2 metres in front of the porch is proposed to be a planting bed. The driveway would not pass directly in front of any principal windows of Llys Deri.

The increase in the amount of vehicular traffic generated by the additional dwelling is not considered likely to result in adverse impact upon the amenity of residents of Llys Deri. The distance between the porch and the drive, with planting between, is considered adequate to protect the privacy of the occupants of Llys Deri. It is further noted that the owners of Llys Deri are also the applicants, and it is unlikely that they would want to undertake a form of development that would significantly reduce the marketability of either of their properties. It is considered that the proposal would not have an adverse impact upon the amenity of local residents, and therefore complies with criterion v) of GEN 6.

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

5.1 With regard to the above considerations, and with respect to the concerns outlined, it is concluded that the proposal would have a limited impact upon the character and amenity of the area. It is therefore recommended that planning permission is granted.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Facilities shall be provided and retained within each dwelling for the parking of vehicles in accordance with the approved plan and shall be completed prior to the proposed development being brought into use.
3. Full details of the vehicular footway crossings shall be submitted to and approved in writing by the Highway Authority before the commencement of any site works and the accesses shall be completed in accordance with the approved plans before they are brought into use.
4. 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.
5. A full planting scheme of new trees, hedgerows, shrubs or vegetation including species, numbers and location shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission, and that scheme shall be implemented in full prior to the occupation of the new dwelling.
6. Any of the plants, shrubs or trees comprised in the planting scheme which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
7. Details of the materials to be used for the driveway surface shall be approved in writing by the Local Planning Authority prior to the laying of the new drive way surface, and the development shall only proceed in accordance with those details.
8. No gates shall be erected within the access/turning/parking areas hereby approved other than with the prior written approval of the Local Planning Authority as to the detailing.

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 provide for the parking of vehicles clear of the highway in the interest of traffic safety.
3. To ensure the formation of a safe and satisfactory access in the interests of highway safety.
4. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
5. In the interest of amenity.
6. In the interest of amenity.
7. In the interest of visual amenity.
8. In the interest of highway safety and residential amenity.

### **NOTES TO APPLICANT:**

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



CYNGOR  
**Sir Ddinbych**  
**Denbighshire**  
 COUNTY COUNCIL

Graham Boase  
 Head of Planning & Public Protection  
 Denbighshire County Council  
 Caledfryn  
 Smithfield Road  
 Denbigh  
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

23/2011/1447  
 Land at Bryn Morfydd  
 Llanrhaeadr YC



Application Site

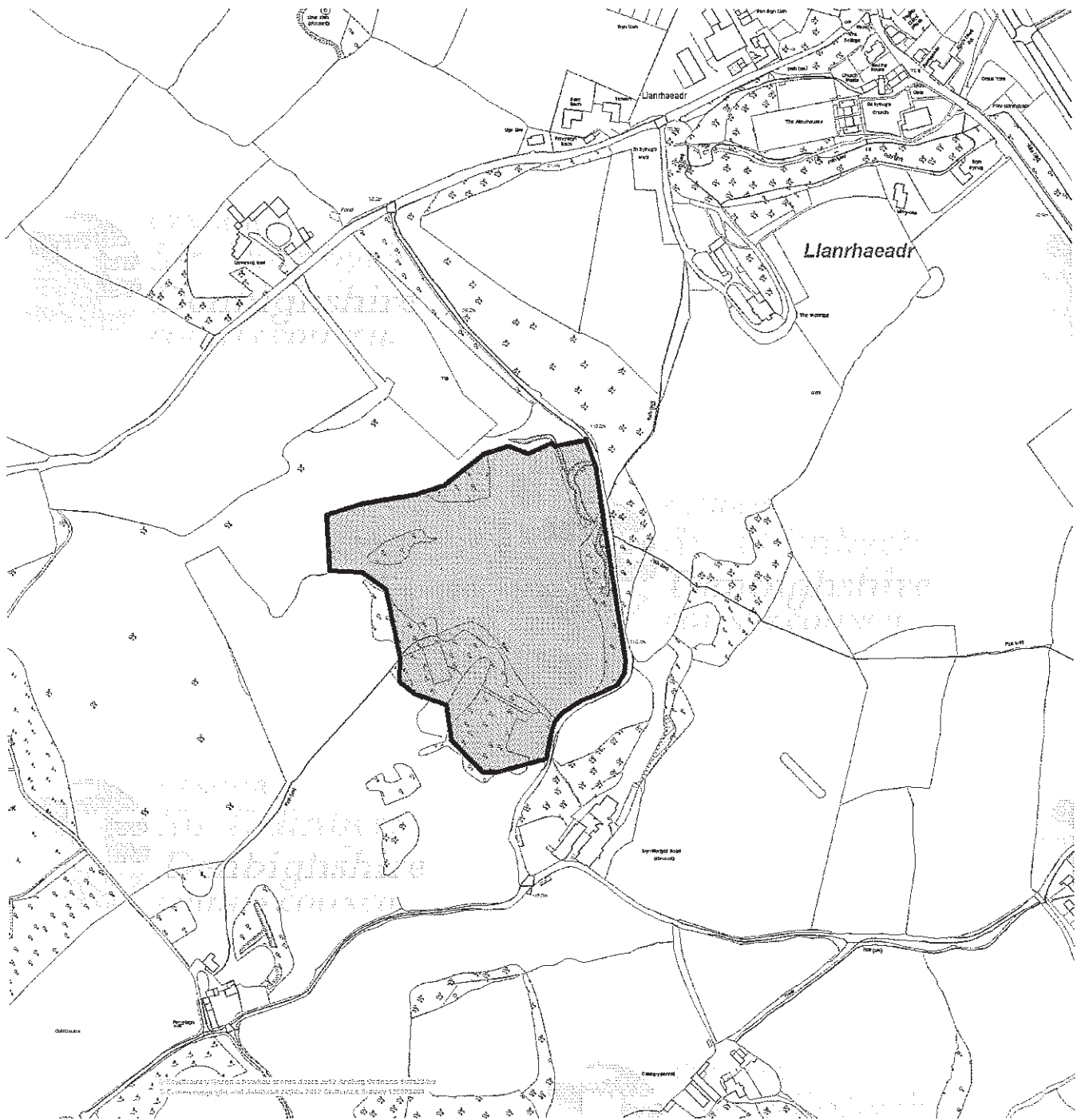


Date 16/5/2012

Scale 1/5000

Centre = 307835 E 362985 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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# SITE LAYOUT



## Key & Notes

- Site Boundary
- Proposed Lodges  
With lodge numbers and proposed base levels
- Proposed Access Roads and Footpaths -  
To be surfaced with compacted (local) Limestone.
- Proposed Native Species Hedgerow Planting -  
See table 2 and associated notes for details.
- Existing tree to be removed or pollarded  
Pollarded trees are to be identified on site with tree officer prior to commencement of any tree works.
- Existing tree to be retained  
See Forestry Tree Survey
- Existing Mature Woodland
- Proposed Native Woodland and Shrub Planting - These areas of planting  
will provide spatial definition, visual interest and enhance the bio-diversity of the site, eg. through improved butterfly habitat.  
See table 1 and associated notes for further details.
- Proposed Feature Trees -  
See table 3 and associated notes.
- Proposed Taurus bacatta -  
To be planted as individual trees to supplement the existing yew avenue. Trees to be planted at 1-1.5m high.  
Existing Footpath

**Table 1: Species Mix Schedule  
New Woodland Mix 1 (NWM1)**

Tree Species:	Percentage:	Species:	Size:
	15%	Fraxinus excelsior (Oak)	40-60cm
	5%	Cornus sanguinea (Hornbeam)	2R CG
	5%	Prunella spinosa (Burr Pine)	2R CG
	5%	Prunella spinosa (Burr Pine)	40-60cm
	20%	Quercus robur (Oak)	40-60cm
	5%	Alexis glabra (Hornbeam)	40-60cm
	7.5%	Corylus avellana (Hazel)	40-60cm
	15%	Prunella spinosa (Burr Pine)	40-60cm
	7.5%	Prunella spinosa (Burr Pine)	40-60cm
	5%	Prunella spinosa (Burr Pine)	40-60cm
	5%	Prunella spinosa (Burr Pine)	40-60cm
	5%	Prunella spinosa (Burr Pine)	40-60cm

**Table 2: Native Hedgerow Planting Schedule**

Species:	No. plants per linear m	% Mix
	5	5
	5	5
	5	5
	5	5
	5	5
	5	5
	5	5
	5	5
	5	5
	5	5

**Table 3: Feature Trees**

Tree Species:	Percentage:	Species:	Size:
	30%	Fraxinus excelsior (Oak)	10-15cm
	30%	Prunella spinosa (Burr Pine)	10-15cm
	40%	Quercus robur (Oak)	10-15cm

**Proposed tree and shrub planting - New Woodland Mix 1 (NWM1)**

The primary objective of NWM1 planting is to provide spatial definition and structure to the lodge sites. In addition, NWM1 planting will enhance the wooded appearance of the local landscape and create new wildlife habitat. Visual screening of the development from surrounding visual receptors is not a key objective, although NWM1 planting will screen localised views within the site.

A high percentage of NWM1 (see Species Mix Schedule for details) will be sown planted as bare-root transplants at a size of 40-60cm high (apart from species such as Beech which will be pot grown, all planted and supported with a single corner). The smaller shrubs will be supplied with larger rootballs (75-90cm high) and selected standard trees (10-12cm girth), supported by a low, single round stake and secured with a single rubber tie. These larger stock sizes will provide visual diversity with increased impact in the short term.

Areas of NWM1 planting will be quantified and implemented at a density of 1.5m (average spacing) or 0.44 plants per sq metre. Trees will be planted in groups of 5-10 and shrubs will be planted singly or in random groups. All trees and shrubs will be planted in a staggered pattern avoiding straight rows.

Plants will be protected by rabbit proof posts and wire fencing or by individual rabbit guards. The type of rabbit protection used will depend on the specific characteristics of each area of planting.

NWM1 areas will be maintained by staking or mowing as appropriate and the application of herbicide by spot spraying on an area with a diameter of 500cm around each plant for a period of at least 3 years from the end of the season in which the stock was planted.

NWM1 to comprise 90% bare root transplants - 40-60cm high, 5% feathered stock trees - 17cm-20cm high and 5% selected standard trees - 10-15cm girth.

**Proposed Native Hedgerow Planting**

This planting comprises the inter-planting and popping up of existing hedgerow and the creation of new hedgerow in the boundaries, and within the site itself.

The primary objective of this planting is to provide spatial definition and to strengthen the landscape framework whilst providing improved visual screening and siting of the development of the site.

Plants will be sown planted as bare-root transplants at a size of 40-60cm high. Smaller runs of planting will be protected with individual plastic rabbit guards, whereas longer sections of established hedgerow or new hedgerow could be protected by rabbit proof post and wire fencing.

Large plants are to be planted on a double staggered row at a density of 5 plants per linear metre with a spacing of 300cm between rows.

Weed growth is to be controlled by herbicide applications where necessary, for a period of 3 years from the end of the season in which the stock was planted (see management plan for further details).

**Softworks Notes**

All site preparation, planting and maintenance to comply with BS 4428:1989.

Landscaping works to take place within 12 months from the date when any building or other permitted development is occupied or carried out.

All trees, hedging, shrubs and plants to comply with BS 5832 specification for nursery stock. Do not substitute species, variety and form or reduce the specified size and number of plants without prior agreement. Note areas shown are minimum.

All new trees to be positioned in accordance with requirements of table 2 BS 5832:2005.

All plants to be watered as required immediately after planting. All plants to be free from pests and disease. All plants to be good specimens and characteristic of the species. Do not plant anything in the rain/shadow under a roof overhang.

Landscaping to be maintained in accordance with the approved schedule of landscape maintenance for a minimum period of 5 years.

Allow for the preparation of tree pits for new deciduous trees. Pits to have minimum 0.75m<sup>3</sup> per tree pit of premium grade topsoil to BS 5832:1984.

Stakes to be 16mm dia. galvanized steel and pointed at one end. Top of stake to be 50mm above ground level and fixed to trees with 10 suitable rubber tie. Stake to be firm in ground, position stake at time of planting.

Soil to be at a minimum depth of 450mm for planting areas and 150mm min depth for grass. Soil to be prepared to BS 3382.

All site preparation, planting and maintenance to comply with BS 4428:1989.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, diseased, die, become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species of those originally required to be planted unless the LPA gives its written consent by way of variation.

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, lopped or severely damaged or destroyed, cut back in any way or removed without the previous written consent of the LPA; any trees, shrubs or hedges removed without such consent or being or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the LPA gives its written consent to any variation.

**Table 3: Feature Trees**

Feature trees are to be planted & checked into open ground as 10-20cm calipers standard trees, supported by a single round stake and secured with a single rubber tie.

**Revisions:**

Rev 1: 04 March 2014 - Number of lodges reduced from 54 to 42. Lodge layouts adjusted so they are of 10m or less. Lodges removed from stream adjacent to the yew avenue and from the central area. Lodges removed and repositioned along boundary with Rhydydd Trail to finance office drainage.

Rev 2: 04 March 2014 - Minor amendments to notes and lodge tree levels added.

**Drawing Title:** Landscape Layout Plan

**Drawing Number:** M2042.10D

**Project Title:** Bryn Morfydd Lodge Park

**Client:** Mr & Mrs Jones

**Scale:** 1:500 @ A1

**Date:** 11.2011

**Drawn by:** SH **Checked by:** NF

**Barnes Walker**  
Landscape Architects & Garden Designers  
Unit 6  
Langley Lane  
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**ITEM NO:** 2

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2011/1447/ PF

**PROPOSAL:** Layout and siting of 42 no. holiday lodges, reception and temporary warden's accommodation including associated facilities, parking, landscaping, and infrastructure

**LOCATION:** Bryn Morfydd Llanrhaeadr Denbigh

**APPLICANT:** Mr & Mrs Mathew Jones

**CONSTRAINTS:** PROW  
250m Of Landfill Site  
Ancient, Semi Natural Woodland

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

#### **CONSULTATION RESPONSES:**

##### **LLANRHAEADR COMMUNITY COUNCIL –**

"The observations of the Llanrhaeadr Community Council to the above planning application are:-

1. Members feel that only a development of 27 holiday lodges should be allowed for this application as 54 are far too many.
  2. The highway infrastructure is not sufficient (too narrow) to handle the additional traffic the development would create.
  3. The development would create light pollution during the hours of darkness."
- (These comments relate to the revised scheme for 42 lodges also)

##### **COUNTRYSIDE COUNCIL FOR WALES (CCW)**

CCW does not object to the proposals having regard to landscape impact or impacts on protected species

##### **DWR CYMRU/WELSH WATER**

No objections subject to further details of the existing hotel drainage.

##### **ENVIRONMENT AGENCY**

No objection, however, if the method of drainage (connection to main sewer) is amended an Environmental permit would be required.

##### **CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)**

No archaeological impacts are predicted at this site. The lodges and infrastructure will be well screened in long distance and nearby views by woodland and would not require an ASIDOHL Assessment in this case.

##### **COUNCIL FOR THE PROTECTION OF RURAL WALES**

Raise concerns about the number of lodges, parking areas, light pollution and narrowness of access roads leading to and from site.

**DENBIGH AND DISTRICT CIVIC SOCIETY**

Society is pleased to see the development of the site but wishes to see a non-reflective surface on the roofs of the lodges.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**HEAD OF HIGHWAYS AND INFRASTRUCTURE**

No objection, given the existing lawful use of the site. Conditions to be imposed requiring details of parking and turning areas and the proposed visibility splays/access.

**HEAD OF HIGHWAYS AND TRANSPORTATION – RIGHTS OF WAY SECTION**

As footpath 65 crosses the site, conditions need to be imposed to safeguard this right of way.

**BIODIVERSITY OFFICER**

Is happy with the landscape plan but seeks some further information on the impacts on bats and reptiles on site.

**TREE CONSULTANT**

Submitted documents are of a high standard and tree survey is thorough. Conditions needed to protect the Yew Avenue on site and further protection to trees on the woodland boundary.

**WATER QUALITY, POLLUTION AND ENVIRONMENT OFFICER**

Details required in relation to claim of harnessing water as a sustainable opportunity to limit consumption.

**LANDSCAPE CONSULTANT**

No objection to the revised 42 lodge layout. This scheme addresses previous concerns about the impact upon the character, local views and additional planting. A landscape management plan will be required to be submitted before work commences and a no-dig construction for roads below trees would be needed.

**COUNTY ARCHAEOLOGIST**

Concurs with views of CPAT that there will be no negative impacts from the proposal.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

In Support

Darren Millar AM (e-mail)  
David Jones MP – Clwyd West  
D. C. Roberts, Bryn Dyfnog, Llanrhaeadr  
Mrs S Cooke, Nant Mawr, Llanrhaeadr  
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In Objection

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W. R. Williams, Llewesog Isaf, Llanrhaeadr  
Mr. Huw Ll. Roberts, Delfan, Llanrhaeadr (e-mail)  
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Ms. S. Van Der Bijl, Ty Cerrig, Llanrhaeadr  
Ms. S. Cook, Ty Mawr, Llanrhaeadr  
E. & M. Williams, Siop y Pentre, Llanrhaeadr Y.C., Denbigh



Mr. G. Jones, Llwyn Afon, Llanrhaeadr Y.C., Denbigh\*  
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Mrs. L.M. & Mr. R. G. Leece, Pen y Bryn Isaf, Llanrhaeadr (e-mail)\*  
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M. & H. Lucas, Y Fedwen Arian, Llanrhaeadr\*

\* denotes further objection to revised scheme of 42 lodges.

Summary of planning based concerns/objections:

Highways, parking and accessibility

- the access roads leading to and from the site are too narrow with few useable passing places.
- There will be an increase in traffic which can not be accommodated by the existing roads.
- Limited access to public transport, cycle routes or footpaths.
- Concerns over the impact on existing rights of way
- Unsustainable location which relies upon use of the car.

Nature Conservation and biodiversity

- Concerns over impacts on species such as bats and birds. Also potential disturbance to livestock, wildlife and game from the increased use of the site by tourists.

Noise and Nuisance

- Concerns over the increased use of the site and resultant noise, litter and nuisance caused to a tranquil rural location. Increased risk of crime in the village.

Landscape

- Concerns over the impact on the wider Vale of Clwyd landscape. Potential for light pollution having negative impacts on the visual amenities of the area.

Welsh Language

- The number of lodges proposed in this rural Welsh village could have a negative impact on the Welsh Language.

Summary of points in support for scheme:-

Economy

- The regeneration of this derelict former hotel/leisure use will be a welcome boost to the rural economy with tourists spending money in the village.
- The visual improvements to the site will also enhance the tourist offer locally with walkers and other visitors enjoying the improved landscape.

Habitat

- The landscape works around the site will enhance the visual appearance and will preserve natural habitats.

**EXPIRY DATE OF APPLICATION: 08/02/2012**

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

- protracted negotiations resulting in amended plans

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

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The application proposes the siting of 42 holiday lodges, a temporary warden's lodge, reception lodge and associated facilities, parking, landscaping and infrastructure at the former Bryn Morfydd Hotel and golf course, Llanrhaeadr. The site would be accessed via an existing unclassified road to the north of the site which links to the A525. There is an alternative, narrower access route from the south of the site it is proposed that vehicles will be directed to the more direct route from the village using signage.
- 1.1.2 The supporting information submitted with the application also explains the applicant's intention to implement a phased restoration of the main Bryn Morfydd building to create residential use therein. The applicant suggests that conditions could be imposed to ensure such works are undertaken as the lodge scheme develops.
- 1.1.3 The application includes the following documentation:

Design and Access Statement (DAS). The report sets out the basis of the 42 lodge proposal and emphasises the design principles and concepts. It argues in the section "Environmental Sustainability" that the scheme puts the open part of a disused site to good use, safeguarding woodland, hedgerows and stone walls. It emphasises that it poses no threat to habitats around the site. The report goes through other headings including "Movement to from and within the development", "Character", "Community Safety", and "Physical, social, economic and policy context." The report concludes that the scheme forms a highly sustainable form of holiday accommodation which will benefit the rural economy.

Landscape and Visual Assessment. The report notes that the site lies within the Vale of Clwyd landscape. It concludes that there would be low levels of adverse landscape impact by the removal of trees and the introduction of the lodges, access roads and cars. The report goes on to conclude that the impacts will be mitigated by the removal of ornamental tree species, the retention of the Yew Avenue within the site, the removal of the golf course and the reinstatement of the original landform across the site. Dry stone walling will be repaired along the nearby lanes with more hedgerow and tree planting. None of this would be done if not for this regenerative proposal.

Landscape Management Plan. The report sets out proposed woodland planting; feature tree planting; native species hedgerows; short grasses and explains the maintenance regimes for each area.

Transport Statement. The report concludes that the development shown will not have a significantly greater impact than the previous use with adequate on-site parking available for cars and bicycles.

Planning Supporting Statement. The statement is to be read in conjunction with a revised and updated DAS as described above.

#### 1.2 Description of site and surroundings

- 1.2.1 The site lies in an elevated position on the western edge of the Vale of Clwyd and comprises a sloping golf course area to the north of the former Bryn Morfydd Hotel complex. Comprising areas of grazed grass and trees, the presence of the former golf course (designed by Peter Allis) is still apparent

due to the prominence of a number of ornamental trees and scattered, contrived landforms which were created to form tees, greens and bunkers.

1.2.2 The central section of the site itself contains a number of mature trees. To the western part of the site is a hard surfaced tennis court.

1.2.3 To the south of the site, separated by a rural road is the main Bryn Morfydd site comprising of mainly derelict buildings and large parking areas. To the north and west of the application site are steeply undulating mainly agricultural fields located on the scarp slope adjacent to the Vale. These fields are interrupted by areas of woodland and large mature trees.

1.2.4 Located approximately 400m to the north-west of the site is the village of Llanrhaeadr. Around 700m to the south is Pentre Llanrhaeadr. A public footpath 65 crosses the site with the Hiraethog Trail running to the south and west.

### 1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the non-statutory Vale of Clwyd Landscape of Outstanding Historic Interest. It is located outside any development boundary in the Unitary Plan. There are no known flood risk issues in this location.

### 1.4 Relevant planning history

1.4.1 There have been a number of planning applications relating to the main hotel complex involving extensions and alterations. There has not been any relevant holiday lodge proposals at this site before but see "Other relevant background information" below.

### 1.5 Developments/changes since the original submission

1.5.1 The original scheme proposed 54no. holiday lodges on the site. The application was lacking some supporting information in respect to the DAS and other key areas. Following a meeting with the applicants a new agent was appointed. This resulted in the scheme being amended to reduce the number of lodges to 42 and to re-site them. Further information was then submitted with the revised scheme providing a more detailed landscape and visual assessment, a landscape management plan and supplementary supporting information on the proposed temporary warden's accommodation on site.

### 1.6 Other relevant background information

1.6.1 Members will be aware of similar sized proposals for holiday lodges at sites in Bodfari recently. Whilst not wholly comparable to this proposal those applications are of relevance to the assessment here. A Planning Appeal was dismissed at a site known as the Blue Hand Field in Bodfari in April 2010. That scheme sought permission for some 60 lodges in an open countryside location with similar historic/general landscape characteristics. The Inspector dismissed this appeal on the basis of the loss of the best and most versatile agricultural land. Other issues such as the sustainability of the site, reliance on the use of the car, pedestrian mobility etc were considered negative factors but were not considered sufficient reasons in themselves to dismiss the case.

1.6.2 More recently Members refused a smaller scheme at the April 2012 Committee for 20 no. holiday lodges on a site adjacent to the Blue Hand site at The Glyn, Lleweni, Bodfari. Members were concerned about the cramped nature of the development, sustainability issues relating to the reliance on the

car and insufficient information to assess the significance of high quality agricultural land.

- 1.6.3 Officers feel it justified to mention the above cases but would remind Members that this case should be dealt with on its merits having regard to the material considerations set out later in this report.

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

2.1 None of direct relevance to this proposal. However, there was a permission to further extend the main hotel building involving an adjacent stable block back in 1991. This scheme was commenced but was never completed. This could have a bearing, however, on the future renovations and extensions to the main building as possible conditions of any permission.

## **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)**

Strategic Policies 1, 2, 3, 5, 6, 8, 9, 11, 12, 13, 14, 16

Policy GEN 3 – Development Outside Development Boundaries  
Policy GEN 6 – Development Control Requirements  
Policy GEN 8 – Planning Obligations  
Policy GEN 10 – Supplementary Planning Guidance

Policy ENV 1 – Protection of Natural Environment  
Policy ENV 2 – Development affecting the AONB/AOB  
Policy ENV 6 – Species Protection  
Policy ENV 7 – Landscape/Townscape features  
Policy ENV 8 – Woodlands  
Policy ENP 3 – Water resources  
Policy ENP 4 – Foul and Surface water drainage

Policy TSM 1 – Tourism Development  
Policy TSM 9 – Static Caravan and Chalet Development

Policy TRA 1 – Public Transport  
Policy TRA 5 – Improvements to primary/strategic highway networks  
Policy TRA 6 – Impact of new development on traffic flows  
Policy TRA 9 – Parking and Servicing Provision  
Policy TRA 10 – Public Rights of Way  
Policy TRA 11 – Walking and Cycling routes

### **3.2 Supplementary Planning Guidance**

SPG 2 – Landscape in New Developments  
SPG 6 – Trees and Development  
SPG 8 – Access for All  
SPG 15 – Archaeology  
SPG 18 – Nature Conservation and Species Protection  
SPG 20 – Static Caravan and Chalet Development  
SPG 21 – Parking

### **Other Council Documents**

Denbighshire Local Biodiversity Action Plan 2003  
A Countryside Strategy for Denbighshire 1998  
Denbighshire Landscape Strategy 2003

### 3.3 GOVERNMENT GUIDANCE

Planning Policy Wales, 2011

TAN 5 – Nature Conservation and Planning

TAN 6 – Planning for Sustainable Rural Communities, 2010

TAN 11 – Noise

TAN 12 – Design

TAN 13 – Tourism

TAN 15 – Development and Flood Risk

TAN 18 – Transport

#### Circulars and Statutory Instruments

Circular 35/95 – Use of Planning Conditions in Planning Permission

Circular 03/99 – Non-Mains sewerage systems

## 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 Impact on Residential Amenity
- 4.1.4 The capacity of the highways network and impact on highway safety
- 4.1.5 Impact on nature conservation, including protected species
- 4.1.6 Flood risk and drainage issues
- 4.1.7 Impact on water supply
- 4.1.8 Impact on archaeology
- 4.1.9 Impact on landscape and trees
- 4.1.10 Inclusive access

#### Other Issues

Occupancy of lodges

Economic considerations

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The Unitary Development Plan reaffirms the support for sustainable development. Strategic policies STRAT 1 – 16 highlight those considerations necessary in relation to such development; referring to considerations relevant to the location of development; regeneration; energy efficiency; minimising waste; integrated transport systems and design quality. Briefly, in terms of specific strategic issues; STRAT 1 sets the main sustainable development approach with preference for maximising the use or re-use of derelict, vacant and under used land and buildings for development as opposed to greenfield sites; and requires that development is located so as to minimise the need for travel by private car and utilise existing infrastructure, facilities and services; the protection of biodiversity; protecting the best and most versatile agricultural land. STRAT 5 highlights the need for high quality design including the need to protect the character of the locality and respect local styles. STRAT 6 states that development in the open countryside will only be permitted in exceptional circumstances, whilst STRAT 7 considers the impact of proposals on the landscape/built heritage, nature conservation, biodiversity and environmental issues. Specifically for Tourism, STRAT 9 'Tourism' permits tourism development proposals in the form of either i) tourism projects in the coastal resorts of Rhyl and Prestatyn as part of Major Mixed Development Areas or allocated sites at Rhuddlan and Corwen and ii) small scale built or natural environment based tourism projects in the countryside and rural settlements, 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. The strategic policies would therefore allow for tourist related developments subject to consideration of impact tests set out in the General policies of the Unitary Plan.

In relation to the General policies -

Policy GEN 3 – Sets out possible exceptions for development outside development boundaries. These include housing for farm/forestry workers, infill housing within clearly identifiable groups of dwellings, conversion of rural buildings, affordable housing exceptions, replacement dwellings and development associated with agriculture, tourism and leisure, set against a number of provisos and to be read in conjunction with other policies in the plan.

TSM 1 focuses on the principle of new tourism development within development boundaries, and permission elsewhere subject to strict criteria, with priority for those that are accessible by a variety of means of travel. In relation to new build it highlights three criteria; that the proposal is small scale and ancillary to an existing tourism development and well related to existing buildings; the proposal is of a scale, type and character which respects the site and surroundings, and no unacceptable harm to designated and non designated features, including best and most versatile land.

Policy TSM 9 and SPG 20 set tests and detailed considerations relevant to caravan and chalet proposals. The policy tests relate to: the accessibility and availability of a choice of means of transport; whether the site is unobtrusively sited and can be assimilated in to the landscape, and impact on various landscape and wildlife designations, good agricultural land and historic landscapes/gardens. The explanatory text to Policy TSM 9 notes that “the County is already well served, if not over provided on the coast by such uses, many of which present a conspicuous and unsightly appearance and “It is highly unlikely that even the inland areas the case could be justified for new sites” SPG 20 includes a checklist of environmental and landscape considerations including scale; locational preference for the larger developments to be within or adjacent to settlements; with small scale and sensitive proposals only for rural locations; and use of unobtrusive locations. There is no requirement in these policies to establish a ‘need’ for a lodge development.

At national level, Planning Policy Wales and TAN 13 set out a strategic approach for Tourism development. PPW highlights that in rural areas in particular, the scale and nature of such development must be sensitive to the local environment and that development for tourism, sport and leisure uses should, where appropriate, be located on previously used land. In determining planning applications for tourist developments PPW requires local planning authorities to consider the impact of proposals on the environment and local community. TAN 6 advises that support should be given to diversification of the rural economy as a way of providing local employment opportunities, increasing local economic prosperity and minimising the need to travel for employment, but at the same time, minimising impacts on the local community and the environment.

Taken together the Unitary Plan policies and National Guidance do allow for tourist related development in open countryside, but in all cases subject to assessment of localised impacts.

To assist consideration of the application, the following section assesses the

proposal against the tests of policy TSM 9 and the guidance set out in SPG20.

Test (i) – TSM 9

Accessibility of site to the highway network and different means of transport

The sustainability themes of PPW, TAN 16, Strategic Policies 1 and 9 of the Unitary Plan, and the main tests of STRAT 13 seek to reduce reliance on the private car, to encourage use of public transport and safe conditions for pedestrians and cyclists. SPG 20 provides detailed criteria to be considered. Concerns have been raised locally as to the sustainable transport credentials of the proposal. The applicant has pointed out that a half hourly bus service operates through Llanrhaeadr and Llanrhaeadr village. The Clwydian Ranger bus service is a comprehensive service which provides an alternative to car usage for those visiting the site. The applicant also points out that the network of footpaths in proximity to the site would enable those persons staying at the tourist site to quite easily walk into the village to visit the pub or other facilities.

Given the existing standard of roads and footpaths in proximity to the site it could be argued that visitors to the lodges would be likely to use their cars for even short journeys. The roads around the site are not lit and walking into the nearby village may not be an attractive proposition during hours of darkness.

In Officers' opinion the accessibility situation is a negative factor in relation to the application as it would rely and perpetuate the use of motor cars as the main means of obtaining access to/from the site.

Whether this is a standalone ground for refusal is however questionable as the Inspector in the 'Blue Hand' appeal, mentioned above, concluded that this consideration in isolation, was not sufficient reason to refuse the proposals, although it is a material consideration in assessing the acceptability of developing a tourist facility in this location. Other material considerations may consequently override concerns over site accessibility. These matters are covered in the other tests of policy TSM 9, and the other considerations covered in the report.

Test (ii)

Landscape Impact

Test ii requires development to be fully assimilated into the landscape.

The site is clearly located within an extremely attractive and elevated open countryside location. The development of holiday lodges in such an environment will clearly have some impacts upon the landscape. However, it is important to assess whether such impacts will be so significant as to warrant refusal of the application. The Council's specialist Landscape Consultant has been involved in detailed discussions as various parts of the application process. This has resulted in the revised scheme of 42 lodges being presented in the layout seen at the front of this report. The Consultant concludes, in general agreement with CCW and CPRW, that the landscape impact of the proposal will be limited.

The site was a former golf course which enjoys existing screening from a variety of vantage points. The lodges will be sited so as to take advantage of existing screening and their design and use of materials can be controlled so as to help assimilate them into this landscape. Conditions can also be imposed to minimise light intrusion with a landscape management plan setting out future maintenance of the site.

Overall, Officers do not consider the submitted 42 lodge scheme will have

any significant negative impacts on the existing landscape.

Test (iii)

Impact on designations and site features

Test iii reflects considerations in other policies of the Unitary Plan, including Unitary Development Plan policy CON 12 on the need to have regard to the character of historic landscapes. The site lies within the non-statutory Vale of Clwyd Historic Landscape. The Council's Landscape Consultant however, confirms that the site does not appear to contain historic landscape features which would be adversely affected by the proposal.

Otherwise, the site is not within the AONB/AOB, a Conservation Area, site of Wildlife Interest or SSSI. Issues of Agricultural land quality have also been considered but given the golf course use of the site and the existing land quality classification this is not considered to be an issue in this case.

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. The policy does not define what would constitute "small scale". STRAT 7 sets a specific requirement to safeguard the countryside and environment.

Officers consider that the proposed scale of the development here (42 lodges) must be looked at in the context of the previous uses at the site and recent appeal guidance which was contained within the Blue Hand field decision.

The term 'scale' is not defined in any detail in current planning policy or guidance, but appeal Inspectors have dealt with this in terms of the general 'capacity' of a locality in terms of landscape, highway network and visual and social impact, to absorb the particular extent of caravan development. At the Blue Hand Field appeal, the Inspector accepted a 60 lodge static caravan development extending over 9 hectares, under 2km from the AONB, would not conflict with the capacity considerations in the Unitary Development Plan. Given this 'guide' and the extent of the proposed lodge site, officers do not consider there is a strong argument to oppose this proposal on the basis of inappropriate scale.

In addition, regard should also be had to the previous golf course usage, and the comments from landscape specialists who have acknowledged the scale of development will be readily assimilated into the existing landscape.

4.2.3 Impact on Residential Amenity

GEN 6 – Development Control Requirements, TSM 10, ENP 1 and TAN 11 "Noise" require consideration of the impact on residential amenity, and seek to limit and control potentially adverse impact by way of noise and disturbance to the amenities of occupiers of adjacent properties.

Sporadic residential properties exist outside of the main settlement in Llanrhaeadr but they are around 250-300m away from the site. Clearly the area generally will experience an increase in activity associated with holiday lodge development and occupation. However, the application indicates a warden would be responsible for site management and given the distances to nearby dwellings there should not be any significant direct impacts from noise and disturbance.



Controls would need to be imposed on bin storage, litter collection and site management generally.

It is hoped that in imposing such controls impacts on nearby residential amenity will be minimised. The activity associated with a tourist use, however, should hopefully benefit nearby villages in terms of economy and the regeneration of a derelict site.

#### 4.2.4 The capacity of the highway network and impact on highway safety

Policies TRA 6 – Impact of New Development on Traffic Flows ;TRA 7 – Road Design; TRA 9 – Parking and Servicing Provision ; GEN 6 criteria v ) and vii) are the main highways policies relevant to assessing the application.

There have been a number of objections received based on the inadequacies of the nearby road network and the subsequent impacts upon highway safety. The Highway Officer has examined the submitted transport statement and has taken account of the previous authorised uses and the nature of the nearby roads and junctions. When in full use, the hotel, restaurant and golf course would have generated a number of vehicle movements. Admittedly, these may have been at specific times and on specific days. The proposed use will potentially be all year round. This could be looked at in two ways. This could potentially put increased pressures on the road network throughout the year or it could spread the intensity of the use throughout the year thus avoiding extremely busy periods. The Highway Officer feels, subject to conditions on parking areas and access, that the use can be accommodated and the local roads will cope.

In Officers' opinion, given the Highway officer's comments, it is not considered there are reasonable highway grounds on which to oppose the scale of development proposed.

#### 4.2.5 Impact on nature conservation, including protected species

PPW, together with TAN 5, states that the presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which is likely to result in disturbance or harm to the species. It also highlights the process involved in requiring derogations from the provisions of the Habitats Directive, and obliges local planning authorities to take this into account in planning assessments, as 'competent authorities'. These requirements are reflected in Policies ENV 1 and ENV 6 of the Unitary Plan, and SPG 18.

The Council's Biodiversity officer and CCW have assessed the proposal and the submitted supporting documents. See comments at the start of the report).

In officers' opinion the ecological issues can be addressed by suitable conditions to retain mature trees, together with an overall management/bat habitat conservation approach for surrounding woodland, which would ensure that that the proposal is consistent with the guidance and policies with specific reference to protected species.

#### 4.2.6 Flood risk and drainage issues

Policies GEN 6 criteria x); ENP 1 Pollution, criteria i) ENP 4 – Foul and Surface Water Drainage, together with policy ENP 6 – Flooding, seek to control and avoid unacceptable harm to the environment /locality in terms of flooding and drainage implications. ENP 4 highlights that development will not be permitted unless satisfactory arrangements can be made for the disposal of foul sewage and surface water. TAN 15 guides development in respect of

vulnerability and the degrees of flood risk.

There are no flood risk issues associated with this elevated site.

In terms of how the foul and surface water will be dealt with as part of the development, the applicant intends to discharge foul water into a private sewer connection with surface water taken to a soakaway system. The applicant also indicates the intention to harness water as a sustainable opportunity. These details will need to be further agreed, however, the general arrangements for foul and surface water are acceptable subject to conditions.

#### 4.2.7 Impact on Water Supply

Policies GEN 6, ENP 1 and 3 seek to ensure there is no unacceptable harm to ground water and that there are adequate water resources to serve a development.

The Water Quality Officer of Denbighshire has assessed the proposal as acceptable but has advised the applicant to contact her further to discuss ideas for harvesting water from the development in a sustainable way.

#### 4.2.8 Impact on archaeology

Policy CON 11 and SPG 15 require consideration of the potential for archaeological impacts of new developments.

Both the County Archaeologist and Clwyd Powys Archaeological Trust have raised no objections and in this regard, the proposal accords with the guidance and policies in relation to archaeology.

#### 4.2.9 Impact on woodlands and trees

Policy ENV 7 seeks to protect features which have landscape and nature conservation value, such as trees, and explains that development should ensure their sensitive integration, by appropriate management, through conditions and obligations. ENV 8 Woodlands highlights the need to avoid harm to woodlands, especially Ancient Semi – Natural Woodlands, given their conservation value. SPG 6 provides further guidance on how to achieve these aims.

The Council's tree consultant has assessed the scheme and its likely impact upon trees and the nearby woodland. Whilst acknowledging that the information supplied is of a high quality he has suggested conditions which would seek to retain several trees on the woodland boundary. Further conditions would be required to ensure protection of the yew avenue within the site (an existing line of yew trees in the central area).

#### 4.2.10 Inclusive Access

Policy GEN 6, criteria vi) sets a requirement to consider the access needs of persons with disability, with additional guidance provided in SPG 8, TAN 12 and 18, together with the Council's document 'Planning and Inclusive design' provides further detail and advice.

The submitted detailing is limited in explaining the adopted policy or approach to inclusive design in terms of the development plan and guidance; or how specific issues which might affect access to the development may be addressed.

Whilst noting the submitted level of information and details, it is feasible to

cover inclusive access issues by appropriate conditions, to ensure appropriate measures are implemented in conjunction with the development.

### Other Issues

#### Occupancy of lodges

A number of objections/concerns refer to issues of occupancy and monitoring of holiday caravans and chalet sites, including the need to ensure adequate controls over the actual use of units on a site, to address concerns over use for residential purposes.

In respecting the concerns raised, it is suggested that the Local Planning Authority has taken a critical and positive approach to the wording of conditions involved with similar proposals, given confusion over the use of planning conditions and separate site licence conditions to secure controls. Recent examples of the Council's 'new' approach to restrictive conditions on caravan permissions have related primarily to static caravan sites (Thatched Cottage, Trefnant; Llwyn Afon, Llanrhaeadr; Woodlands Hall, Bontuchel; Cwybr Fawr, Rhyl), touring caravan sites (Ffynnon y Berth Llanferres, and Oakleigh House, Waen). A caravan appeal (siting of 21 static caravans on land at the Croft, Upper Denbigh Road, St. Asaph) confirmed the Inspectorate's acceptance of the wording of the Council's 'without prejudice' condition and criteria:

*"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 form the local planning authority".*

In the event of the planning permission being granted, officers suggest a suitable condition, on the basis of the above condition, would need to be considered to control use in line with national guidance on similar development.

#### Economic Considerations

Support has been given by locals and politicians who have highlighted the economic benefits which a tourist scheme of this type would provide. Whilst Officers cannot attach significant weight to the wider potential benefits as no detailed evidence or information has been supplied in this regard, the Tourism Officers of the Council have given their full support to the scheme as meeting the strategic tourism aims for Denbighshire.

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

5.1 The report outlines a range of planning policy and guidance relevant to the consideration of holiday lodge applications. Strategic policies of the Unitary Plan do allow for such tourist related development in the County, but subject to consideration of detailed impact assessments, and the specific effects of the proposals at any site. These have been assessed in the body of this report.

5.2 Members will have noted the responses of a number of consultees and private individuals to the proposals. There are concerns over elements of the scheme from the Community Council and local residents, but limited objection from many of the 'technical' consultees on matters such as impacts on highways, landscape, wildlife

and drainage/water supply.

5.3 Invariably, with applications of this nature there are negative and positive factors to balance in reaching a conclusion. In favour of the proposals are general support in planning policy and national guidance for tourist related development on a small scale, and there is little in the comments of technical consultees to support a refusal based on factors referred to in para 5.2 above. On the negative side, there are sustainability/accessibility questions over a development in a relatively remote location, which is inevitable given holiday lodge developments are likely to be proposed in such areas to attract visitors.

5.4 In reaching a difficult conclusion here, officers are inevitably aware of the same basic issues having been rehearsed in the course of progressing a 60 lodge development on land nearby at the Blue Hand Field, Bodfari. The Planning Inspector dealing with the appeal against the Council's refusal of permission reached a number of relevant conclusions including that the principle of lodge development was compatible with planning policies, the scale of development was appropriate, there were no compelling landscape, drainage or wildlife issue concerns. The refusal appeal was dismissed on the narrow issue of use of land of high agricultural land quality (a flat 9 hectare site on Grade 2/3 land), with reference to accessibility to the site being a consideration but not a determinant factor in the opinion of the Inspector. The agricultural land quality issue does not apply here.

5.5 Having regard to all the responses on the application, and to the basis of the Blue Hand Field appeal decision, officers respectfully conclude that there is limited planning policy or technical support for a refusal of permission, and that it would not be appropriate to rely solely on the accessibility concerns as a ground for resisting the development. The recommendation is therefore for grant of permission subject to conditions to address detailed matters arising from consultees responses. The conditions will also need to have regard to the phased renovation of the existing derelict building on site and its beneficial future use.

## **6. RECOMMENDATION – GRANT** subject to compliance with the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No more than 42 holiday lodges shall be stationed on the land at any time.
3. 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 lodge on the site, their main home addresses, the dates each lodge 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.
4. **PRE-COMMENCEMENT CONDITION**  
Notwithstanding the submitted plans, 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. The scheme shall include details of the number, species and location of proposed new trees, hedgerows, shrubs to be planted; the proposed levels and materials to be used on the internal roads, paths and other hard surfaced areas; the finished contours of earthworks and grading of land and their relationship to existing vegetation and land form; and, the position, design materials and type of boundary treatment. The scheme shall indicate relevant protection to trees within the yew avenue and several trees on the woodland boundary as agreed.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the first lodge. Any trees or plants which within a period of 5 years from 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, unless the local planning authority gives written approval to any variation.

**6. PRE-COMMENCEMENT CONDITION**

No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

7. All trees and hedges which are to be retained in accordance with the approved scheme referred to in Condition 4 shall be protected in accordance with a scheme that has been submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

**8. PRE-COMMENCEMENT CONDITION**

Notwithstanding the requirements of Condition 4, no development shall take place until there has been submitted to and approved in writing by the local planning authority a woodland management plan. The scheme shall include maintenance works required to be carried out on the trees and hedgerows to be retained.

9. No unit shall be brought onto the site until the written approval has been obtained from the local planning authority to the location, size, design and colour of each unit. The development shall thereafter be carried out in accordance with the approved details.

10. Details of all external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted begins. Development shall be carried out in accordance with the approved details.

**11. PRE-COMMENCEMENT CONDITION**

No development shall take place until a scheme for the ecological enhancement of the site, including provision for bats and reptiles has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**12. PRE-COMMENCEMENT CONDITON**

No development shall commence until the detailed schemes for foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented prior to the construction of any impermeable surfaces draining to the system.

**13. PRE-COMMENCEMENT CONDITION**

Development shall not begin until a scheme indicating the provision to be made for disabled people to gain access within the site shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of gradients of access ways, surfacing, lighting and signage. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

14. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.

**15. PRE-COMMENCEMENT CONDITION**

Before any work starts on site the full details of the detailed layout, design, drainage, visibility splays and construction of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority in and the access and associated works shall be completed to the written approval of the Local Planning Authority before the any construction work begins on the lodges approved.

16. None of the lodges shall be permitted to be occupied until the formal written approval of the local planning authority has been obtained to the details of the proposed arrangements for the storage of waste arising from the development.

**17. PRE-COMMENCEMENT CONDITION**

Before any works commence on site a phasing strategy and plan shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include details of the

removal of the warden's tenorart accommodation unit within 3 years of the first occupation of that unit and the phased renovation of the former Bryn Morfudd hotel buildings. Only those details subsequently agreed shall be implemented thereafter.

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. For the avoidance of doubt and to ensure lodge numbers do not exceed the approved numbers at any time.
3. To ensure the use of the lodges is for holiday purposes.
4. In the interests of visual amenity.
5. To ensure suitable protection of trees during site works.
6. To ensure suitable protection of trees during site works.
7. To ensure suitable protection of trees during site works.
8. To ensure there are suitable measures for the enhancement and management of adjoining woodland.
9. In the interests of visual amenity.
10. In the interests of visual amenity.
11. To ensure there are suitable measures for the enhancement and mitigation of impact on wildlife.
12. To ensure satisfactory drainage arrangements.
13. To ensure adequate provision for access for persons with disability.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. To ensure satisfactory waste storage facilities in connection with the development.
17. To ensure the existing derelict buildings on site are renovated and used concurrently with the phased development of the holiday lodge scheme and to prevent the provision of a permanent residential unit in the open countryside (warden's unit) contrary to local and national policies and guidance.

#### **NOTES TO APPLICANT:**

In relation to protected species matters, you are advised that if in implementing the permission and recommendations of the Ecological report, any statutory protected species are found within the boundaries of the application site, all works should cease immediately and the Countryside Council for Wales should be consulted for further advice before proceeding further. You are advised to contact the Council's Senior Scientific Officer with regard to the water supply proposals as there is separate legislation applying to the provision of boreholes.

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Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:  
27/2012/0009  
Tan y Fron Farm  
Eglwyseg, Llangollen

 Application Site



Date 16/5/2012 Scale 1/2500  
Centre = 320797 E 345842 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

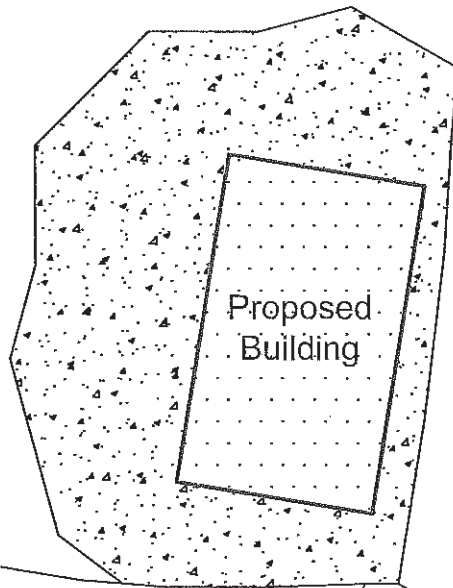


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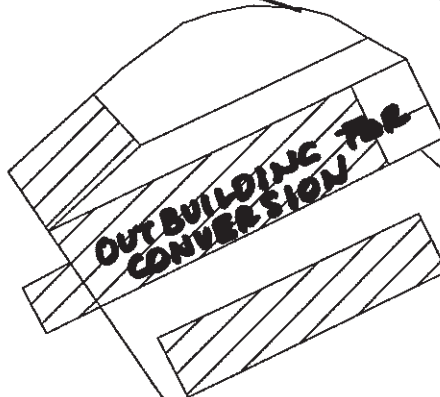
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27 / 2012 / 00097 P. 5

# SITE PLAN



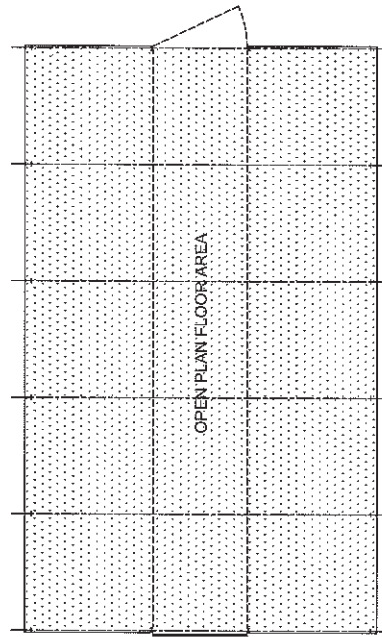
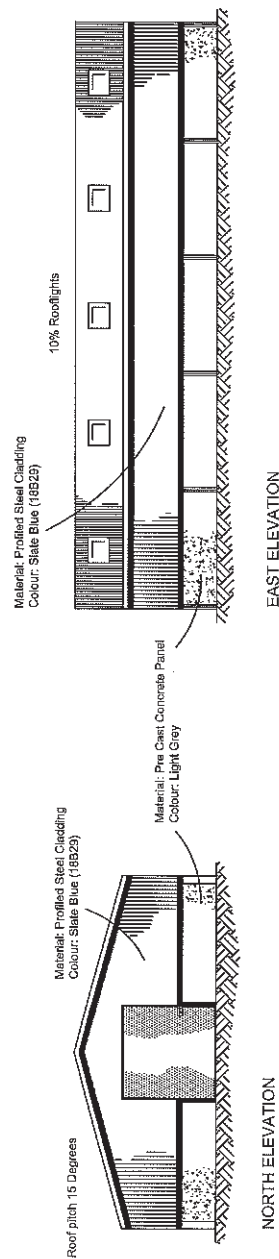
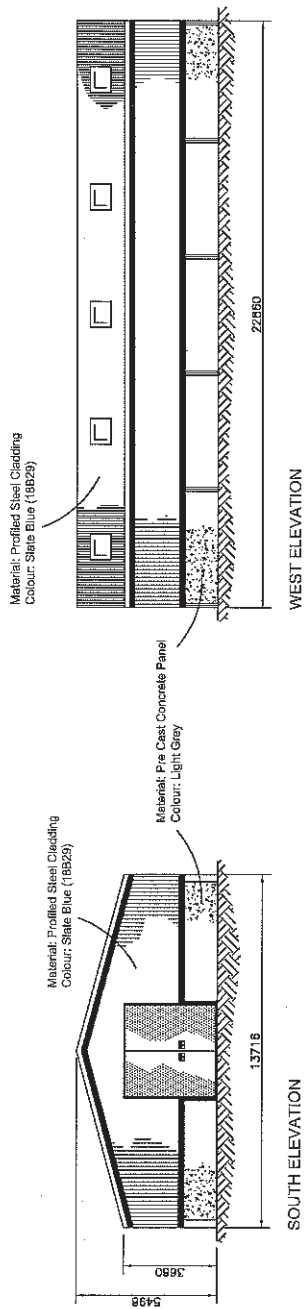
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PROPOSED BUILDING



FLOOR PLAN

# ELEVATIONS

REV.	By	Date	Description
			Project Description
			STEEL PORTAL FRAMED
			AGRICULTURAL BUILDING
			Client
			MR. T. R. HUGHES
			Finish
			J. LLOYD AI FAB
			Yr Efall, Bryn S.M. Corwen, SirDdinbych. Fon: 01824-792024 Ffôn: 01824-790424
			Drawn
			ALUN EDWARDS
			Date
			14/12/11
			Checked
			Date
			Approved
			Date
			Scale
			1:100
			Project Number
			12/11/7374
			File Name
			TAN Y FRON
			Drawing Number
			01
			Rev.

**ITEM NO:** 3

**WARD NO:** Llangollen

**APPLICATION NO:** 27/2012/0009/ PF

**PROPOSAL:** Erection of an agricultural building for the storing of fodder and housing livestock

**LOCATION:** Tan Y Fron Farm Tan Y Fron Lane Eglwyseg Llangollen

**APPLICANT:** Mr Trefor Hughes

**CONSTRAINTS:** AONB

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Application submitted on behalf of County Councillor

**CONSULTATION RESPONSES:**

LLANTYSILIO COMMUNITY COUNCIL  
'No objection'

**AONB JOINT ADVISORY COMMITTEE**

Supportive of appropriate agricultural development. Support use of slate coloured cladding. Suggest landscaping scheme to mitigate landscape impact. Emphasise importance of ensuring nearby public footpath not adversely affected.

**RESPONSE TO PUBLICITY:** None

**EXPIRY DATE OF APPLICATION:** 08/03/2012

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of an agricultural building at Tan-y-Fron, Eglwyseg, on an area of hardstanding to the north of the existing farm complex.
- 1.1.2 The proposed building would measure 22.9m in length, 13.7m in width and 5.5m in height and would be finished in slate blue cladding. The application indicates the building is required for the storage of fodder and winter livestock accommodation.

1.2 Description of site and surroundings

- 1.2.1 The site is related to an existing farm complex approximately 4km to the north of Llangollen and approximately 600m to the east of the A542. The complex consists of a farmhouse and associated detached outbuildings.

1.2.2 A stone outbuilding to the south of the proposed agricultural building has an extant permission for conversion to a residential property, and would be approximately 27m away on land elevated above the agricultural building. A single track road runs between the site of the proposed building and the stone outbuilding.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the Area of Outstanding Natural Beauty and Vale of Llangollen and Eglwyseg Historic Landscape. A right of way runs along the southern boundary of the application site, but is not affected by the development.

1.4 Relevant planning history

1.4.1 The section's records show the application for the conversion of the outbuilding granted permission at Planning Committee 27/07/2011.

1.5 Developments/changes since the original submission

1.5.1 Additional information has been submitted in order to supplement the evidence to demonstrate an agricultural need for the building.

1.6 Other relevant background information

1.6.1 The application is reported to Committee as the applicant is a Member of the County Council.

**2. DETAILS OF PLANNING HISTORY:**

2.1 Conversion of existing barn into single dwelling with associated external works, formation of vehicular access and installation of new septic tank GRANTED at Planning Committee 27/07/2011.

**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 ENV 2 - Development affecting the AONB

Policy EMP 13 - Agricultural Development

Policy CON 12 - Historic Landscapes, parks and gardens

Policy TRA 6 - Impact of New Development on Traffic Flows

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (February 2011)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 allows for certain types of development outside development boundaries. Criterion vi) permits agricultural development providing there is no unacceptable impact on the social, natural and built environment. EMP 13 relates specifically to agricultural development, and aims to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four tests relating to; i) the need for the development, ii) the use of alternative existing buildings, iii) the impact of

development on the character and appearance of the countryside and iv) the siting relating well to the existing complex.

The applicant's case is that the proposed building is required to house ewes during the winter period, and there are no redundant buildings existing on the farm complex that could fulfil this requirement. Supporting information states that the existing outbuilding to the south of the site does not meet the requirements for modern agricultural purposes and additionally the floor space provided by the existing outbuilding is significantly less than the building proposed. The proposals are therefore considered to be acceptable in relation to criteria i) and ii) of Policy EMP 13, and acceptable in principle.

#### 4.2.2 Visual and landscape impact

The site lies within the Clwydian Range and Dee Valley AONB and the Vale of Llangollen and Eglwyseg Historic Landscape. Policy ENV 2 states that development will only be permitted where it would not detract from the character and appearance of the AONB. Policy CON 12 requires that development does not unacceptably harm the character of a historic landscape. The general requirement to assess the landscape and visual impact of agricultural development are set out in criteria iii) and iv) of Policy EMP 13.

The proposed building would measure 22.9m in length, 13.7 in width and 5.5m to the ridge and would be finished in slate blue profiled steel cladding and light grey pre-cast concrete panels. The proposed location of the building is set down below the existing farm complex on a level area of hardstanding. The AONB JAC have supported the use of slate blue profiled steel cladding and have suggested that additional landscaping should be included.

It is considered that the scale, design, location and the relationship with existing buildings would not have an unacceptable impact, including on the wider landscape, subject to satisfactory landscaping. An appropriately worded condition can be attached in order to ensure acceptable landscaping is provided. For the above reasons it is considered that the proposals would not have an unacceptable visual and landscape impact and would comply with the requirements of Policy ENV 2, CON 12 and EMP 13.

#### 4.2.3 Residential amenity

Policy GEN 6 v) sets a requirement to ensure new development does not unacceptably affect the amenities of local residents, by virtue of noise, activity, fumes, etc.

The proposal is for a building to house livestock. Excluding the farmhouse associated with the proposed building, the nearest dwelling is approximately 200m away. There is an extant permission relating to an outbuilding within the ownership of the applicant for conversion to a separate dwelling. This outbuilding is approximately 27m away from the proposed building. The proposed agricultural building would be set below the outbuilding due to the topography of the land, and is separated by a single track lane.

In relation to the outbuilding which has extant permission for conversion to a separate dwelling, Officers consider that a separation distance of 27m for a livestock building from a private dwelling would pose questions over acceptability in terms of impact on residential amenity, but as the conversion scheme is yet to be undertaken and the outbuilding is within the ownership of the applicant, in this instance, it is considered that this would not justify refusal. The recommendation is based on the above and the separation

distances from other residential dwellings, and it is considered that the proposals are acceptable in relation to residential amenity and comply with criteria v) of Policy GEN 6.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The development is considered to comply with the relevant policy tests and is therefore recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **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 landscaping for the site.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the first unit. Any trees or plants which within a period of 5 years from 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, unless the local planning authority gives written approval to any variation.

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 landscape visual amenity.
3. In the interests of landscape visual amenity.

**NOTES TO APPLICANT:**

The landscaping scheme submitted should include suitable mature/semi mature native hedgerow and tree planting in order to provide an effective natural screening of the building.

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Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

43/2012/0143/TP  
20c Bryntirion Drive  
Prestatyn



Application Site

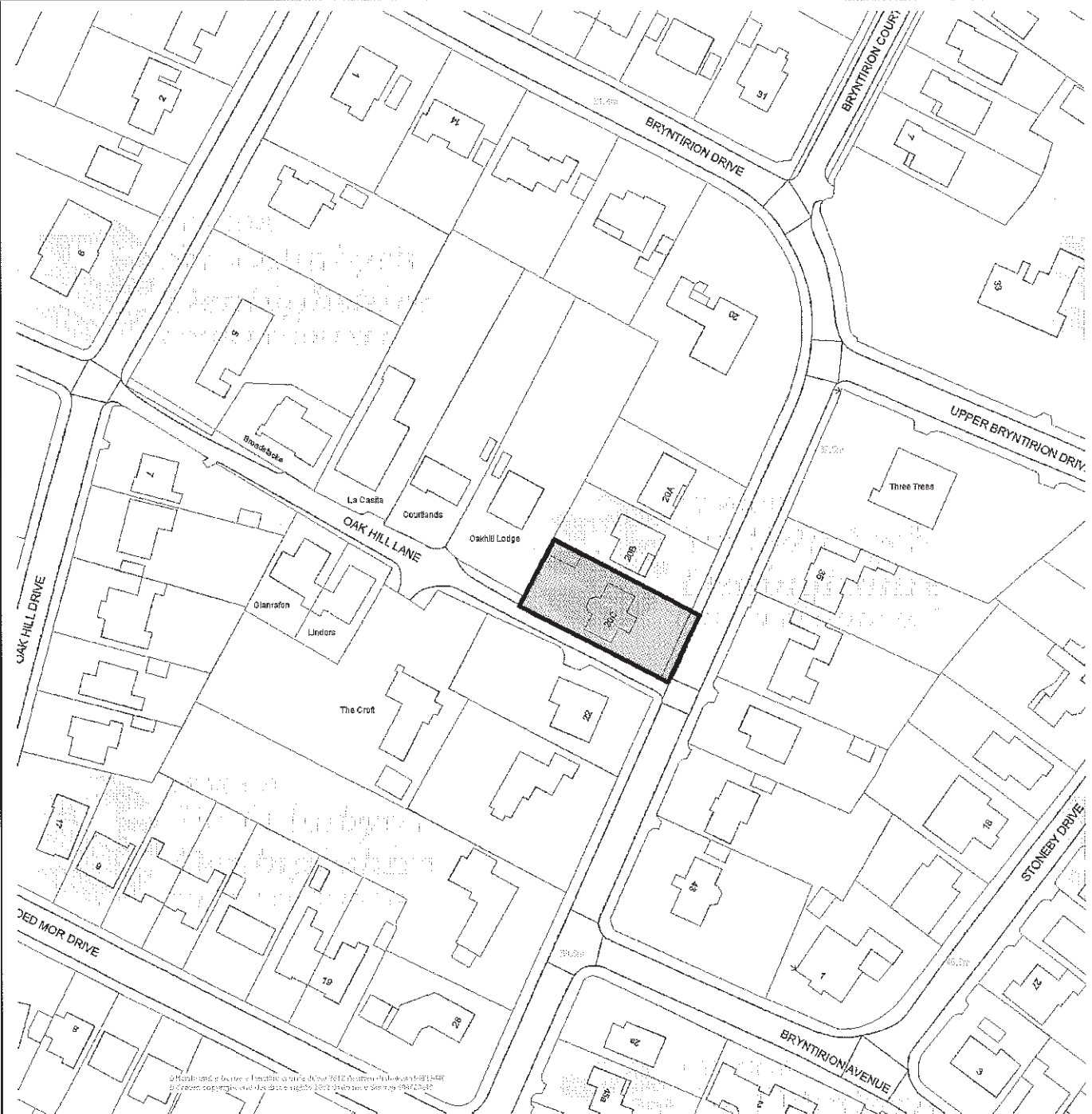


Date 16/5/2012

Scale 1/1250

Centre = 306855 E 382152 N

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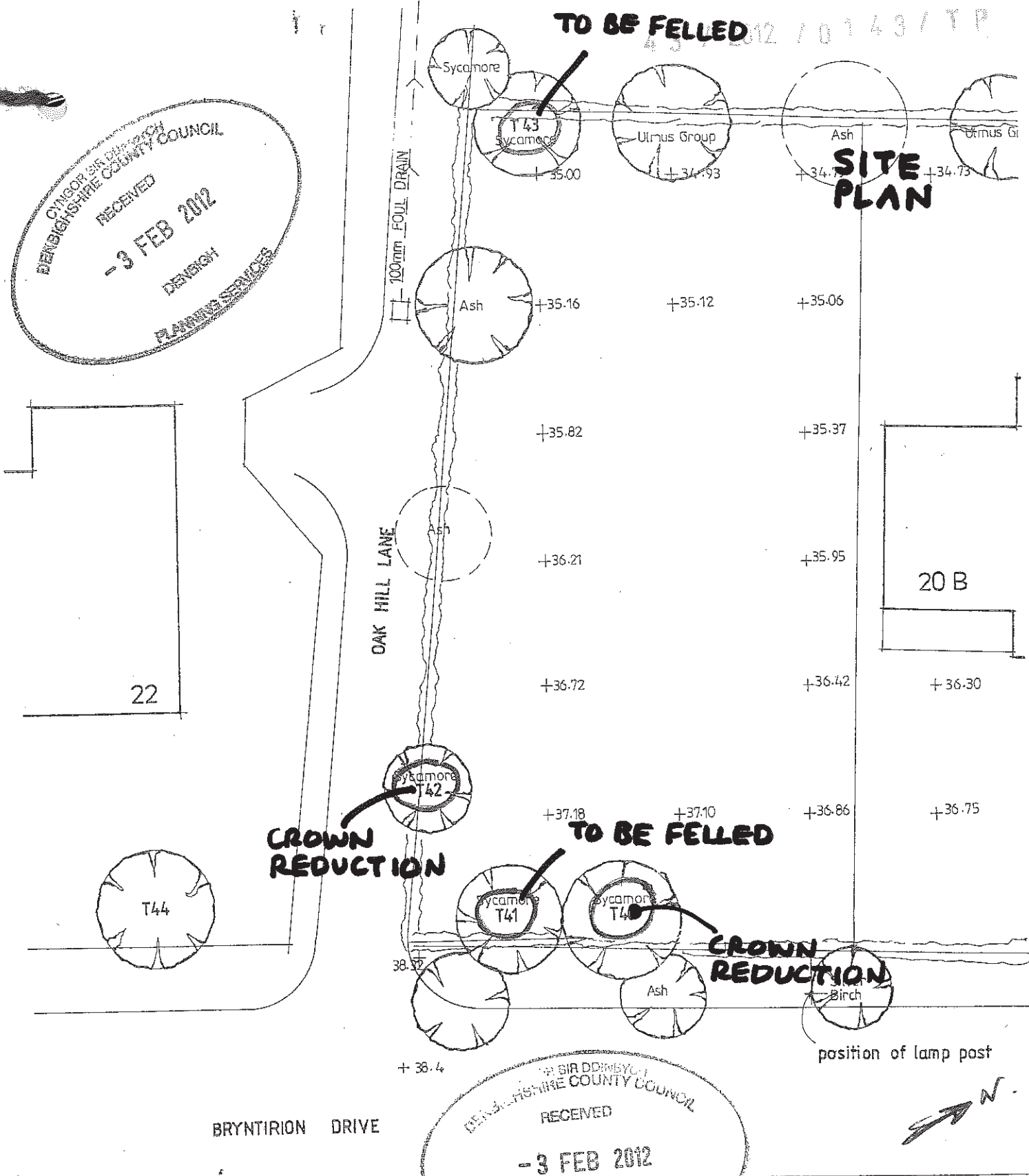


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 43



**SITE PLAN**

**CROWN REDUCTION**

**TO BE FELLED**

**CROWN REDUCTION**

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LAYOUT PLAN. (20c)

PP - 01804160

TPO is 40-43

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**Parry Davies**

PROJECT TITLE  
Land off Bryntirion Drive,

DRWG TITLE  
Site Layout as Existing

4 Bridge Street, Denbi



**ITEM NO:** 4

**WARD NO:** Prestatyn Central

**APPLICATION NO:** 43/2012/0143/ TP

**PROPOSAL:** Felling of 2 No. Sycamore trees numbered T41 & T43 and crown reduction by 25 per-cent of 2 No. Sycamore trees numbered T40 & T42 on the plan annexed to the Borough of Rhuddlan (Woodland Park Prestatyn) Tree Preservation Order No. 3, 1985 and replanting with British species, i.e. Silver Birch

**LOCATION:** 20c Bryntirion Drive Prestatyn

**APPLICANT:** Mr Peter Bramwell

**CONSTRAINTS:** Tree Preservation Order  
Article 4 Direction

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:  
Scheme of Delegation Part 2**

- Recommendation to grant – Town Council objection

**CONSULTATION RESPONSES:**

**PRESTATYN TOWN COUNCIL**

“Only dangerous, diseased or trees causing structural damage should be removed. Any reduction work should be done after nesting season”

**FORESTRY AND WILDLIFE ADVISORY GROUP (FWAG)**

Accepts that this is an area with an abundance of mainly mature trees and that the removal of a couple of trees will not have a major impact. This is an opportunity to establish some young trees which will help to ensure some degree of continuity of tree cover in the long term.

**EXPIRY DATE OF APPLICATION: 29/03/2012**

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

- re-consultations / further publicity necessary on amended plans

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The proposals are for the felling of 2no. Sycamores to be replaced by 2no. Silver Birch and the crown reduction of 2no. Sycamores which are all subject of Tree Preservation Orders. The trees are within a private garden of a property on the junction of Bryntirion Drive and Oak Hill Lane.

- 1.1.2 The covering letter and forms argue that the trees are out of scale for their position in the garden, and seriously inhibit the growth of other planting and grass in their vicinity.
  - 1.1.3 The proposals are to replace the Sycamores with trees native to Britain, hence the choice of Silver Birch.
- 1.2 Description of site and surroundings
- 1.2.1 The trees are within a garden of a residential property in an established residential area of Prestatyn.
- 1.3 Relevant planning constraints/considerations
- 1.3.1 The trees are subject of Tree Preservation Orders.
- 1.4 Relevant planning history
- 1.4.1 The sections records indicate various applications for crown reduction of the protected trees.
- 1.5 Developments/changes since the original submission
- 1.5.1 The original application was to fell all 4no. trees, but this has been amended following consultation with the tree specialist (FWAG).
- 1.6 Other relevant background information
- 1.6.1 The application is presented to Committee due to Town Council's objections to the proposals.
- 2. DETAILS OF PLANNING HISTORY:**
- 2.1 Erection of three detached two storey four bedroom dwelling houses Granted 28/07/1987
  - 2.2 25% reduction of 2 no. Sycamore and 1no. Maple GRANTED 02/06/2005.
- 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 ENV 7 - Landscape/Townscape Features
  - 3.2 Supplementary Planning Guidance  
SPG 6 - Trees and Development
  - 3.3 GOVERNMENT GUIDANCE  
Technical Advice Note 10 - Tree Preservation Orders (1997)  
Planning Policy Wales (February 2011)
- 4. MAIN PLANNING CONSIDERATIONS:**
- 4.1 The main land use planning issues are considered to be:
    - 4.1.1 Principle
    - 4.1.2 Impact on visual amenity
  - 4.2 In relation to the main planning considerations:
    - 4.2.1 Principle  
No specific issues of principle are involved here as the relevant legislation requires that assessment of proposals for works to trees must be made on visual amenity grounds only.

#### 4.2.2 Impact on visual amenity

Policy ENV7 requires that development should be designed to retain features such as trees and development which would harm these features will only be permitted where appropriate mitigation measures are taken.

Concerns have been raised by the Town Council that only trees which are dangerous, dying or causing structural damage should be removed and these concerns are duly noted. The case for removal of 2no. and crown reduction of 2 others is based on the size of trees and impact on other planting, which are legitimate grounds for consenting to the works. As advised above, assessment must be made against the impact on visual amenity. It is considered by FWAG that the removal of the 2no. Sycamores presents an opportunity to provide a degree of continuity of tree cover over time due to the proposed replanting, based on the extent of tree cover already established in the locality. The adequacy of this replanting, e.g. ensuring sufficiently mature replacements, could be reasonably secured by condition.

Officers consider that the opportunity to establish continuity in tree cover in the long term would provide satisfactory mitigation subject to adequate maturity of replanting being secured by appropriately worded condition. It is also considered that the extent of crown reduction is reasonable and will have no unacceptable impact in relation to visual amenity. The proposals are therefore not considered likely to have an unacceptable impact in terms of visual amenity, in particular given the existence of a number of protected trees in close proximity.

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

5.1 It is not considered that the proposed works would have an unacceptable impact in relation to visual amenity and they are therefore recommended for grant, subject to inclusion of a condition to secure adequate replacements.

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

1. Full details of the replacement trees including the exact location and size shall be submitted to and approved in writing by the Local Planning Authority and shall be planted in the first planting season after felling.

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

1. In the interests of the visual amenities of the locality.


#### **NOTES TO APPLICANT:**

All works should be undertaken in accordance with BS 3998:2010 - Tree Work Recommendations and all works should be undertaken outside of bird nesting seasons in accordance with this guidance

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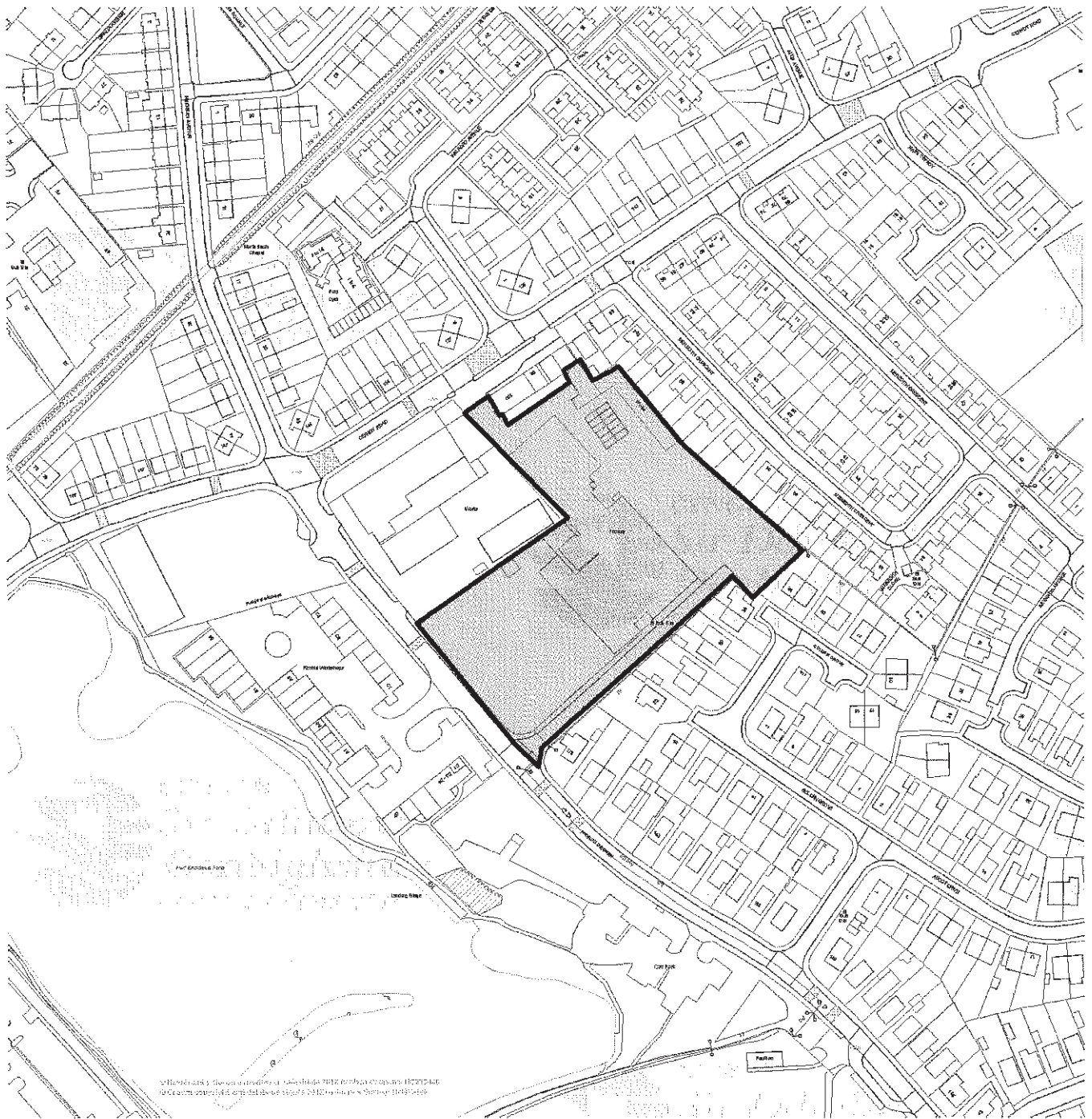
 Application Site



Date 16/5/2012  
Centre = 301398 E 380526 N

Scale 1/2500

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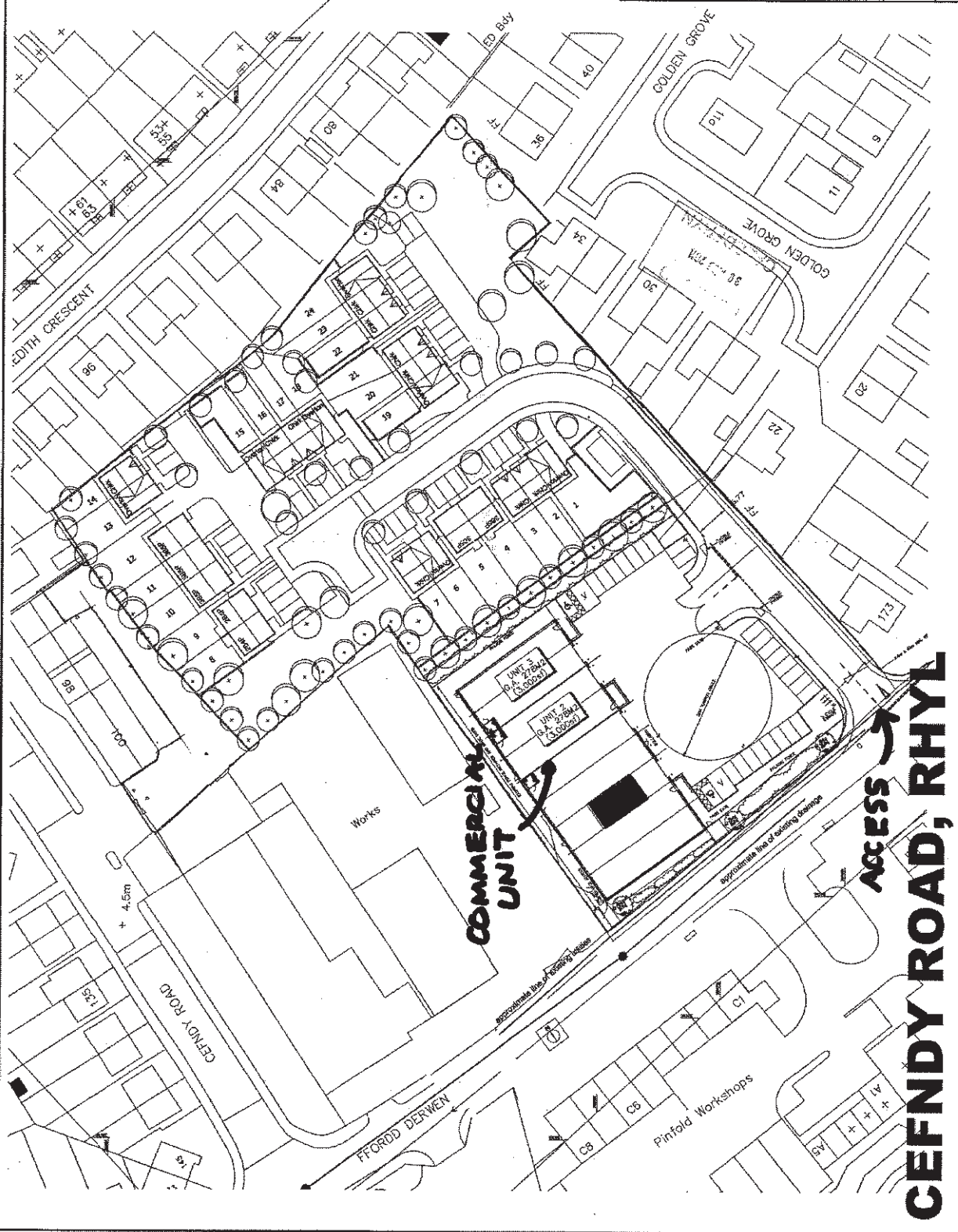
# LAYOUT

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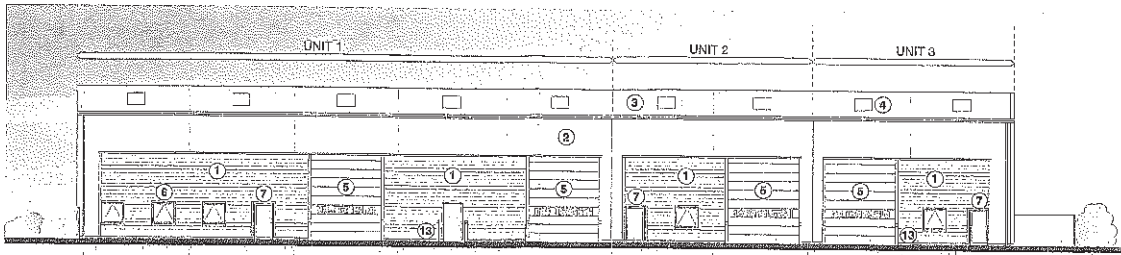
**NOTES**

1. All dimensions are to be finished unless stated otherwise.
2. All levels are to be finished unless stated otherwise.
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Project No.	10000000
Client	ANWYL HOMES
Project	CEFNDY ROAD RHYL
Phase	PLANNING LAYOUT
Date	25/07/11
Scale	1:500
Drawn By	...
Checked By	...
Project Manager	...
Site Location	...
Project Name	...
Project Address	...
Project Postcode	...
Project Contact	...
Project Phone	...
Project Email	...
Project Website	...
Project Logo	



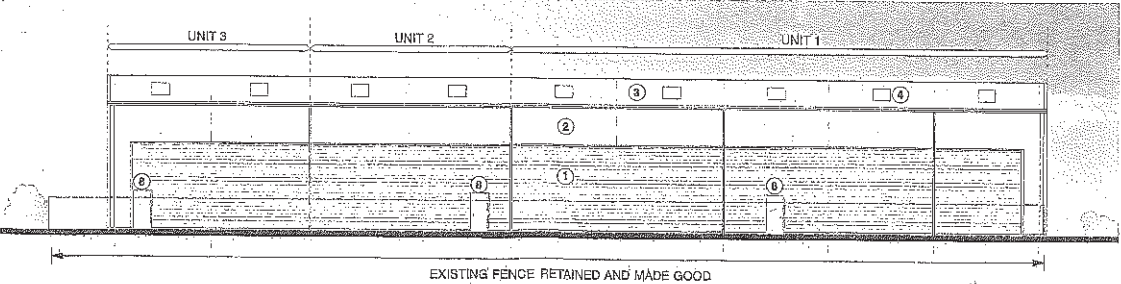
# ELEVATIONS OF COMMERCIAL UNITS



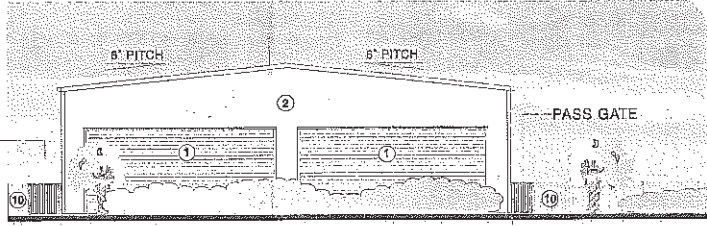
**UNITS 1-3 : SOUTH EAST ELEVATION**



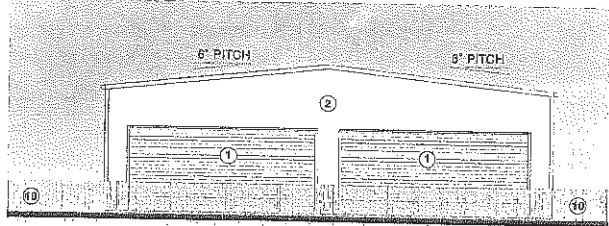
**PALADINE FENCE : SOUTH EAST ELEVATION**



**UNITS 1-3 : NORTH WEST ELEVATION**



**UNIT 1 : SOUTH WEST ELEVATION**



**UNIT 3 : NORTH EAST ELEVATION**

**ITEM NO:** 5  
**WARD NO:** Rhyl South West  
**APPLICATION NO:** 45/2011/1048/ PF  
**PROPOSAL:** Development of 1.35ha of land by the erection of 24 no. dwellings including landscaping, open space and access and erection of a 1,299 sqm commercial unit including parking, servicing and access  
**LOCATION:** Land at Cefndy Trading Estate, Ffordd Derwen and Cefndy Road Rhyl  
**APPLICANT:** Anwyl Construction Co. Ltd.  
**CONSTRAINTS:** C1 Flood Zone  
Tree Preservation Order  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

#### CONSULTATION RESPONSES:

##### RHYL TOWN COUNCIL

**“Objection** unless the application is amended to provide or conditions applied to:

1. The operations of commercial units should be restricted to prevent vehicle deliveries/departures between the hours of 2100hrs and 0800hrs in the interests of the amenities of adjacent residential properties.
2. Appropriate parking restrictions/signage to be included preventing the parking of vehicles on the feeder road and Ffordd Derwen limiting the parking in the residential part of the development to residents only. The reason for this condition is that the Town Council are aware of issues which have occurred in neighbouring areas (Marsh Road/Fforddilas) whereby commercial operators (particularly businesses involved in car maintenance activities) have utilized neighbouring residential roads for the parking and storage of customer and staff vehicles to the inconvenience and disadvantage of local residents.
3. The Open Space should include for CCTV installation by the developer to avoid it becoming an area which attracts anti-social behaviour to the detriment of the amenities currently enjoyed by residents of Golden Grove, Meredith Crescent and the new development. The new development should accord with the provisions of Section 17 of the Crime and Disorder Act 1998.
4. The Open Space to include suitably sized fencing on all four sides to take account of ball games and other activities likely to occur. The close proximity of adjoining gardens from Golden Grove and Meredith Crescent are likely to result in recreational objects (such as footballs) entering adjoining private gardens. Due to the layout of the streets persons seeking to recover such items are unlikely to follow the road system to recover the footballs but instead climb over the boundary fences and enter the private gardens. Similarly the layout provides for 8 parking spaces in close proximity to the open space which will result in vehicles being vulnerable to damage from mis-hit objects from the open space. The inclusion of the fence will also help prevent an informal access from the open space being developed from the Golden Grove boundary.”



#### WELSH WATER

No objection subject to foul and surface water discharges being drained separately from the site. Welsh Water has also accepted that the surface water being taken to the Brickfield pond with only part of the water entering their system is an acceptable compromise.

#### ENVIRONMENT AGENCY

Have suggested conditions in relation to dealing with possible land contamination. In relation to flood risk the Agency have explained that is for DCC to assess the acceptability or otherwise of the flood risk mitigation proposed in terms of the bund wall. The Agency requires 100 years Lifetime of Development criteria to be met.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

##### HEAD OF HIGHWAYS AND TRANSPORTATION

No objection subject to conditions to deal with parking, estate road designs and the provision of additional parking restrictions along Ffordd Derwen.

##### ENVIRONMENT OFFICER (Contamination)

Recommends similar conditions to those suggested by the Environment Agency in relation to ground testing.

##### AFFORDABLE HOUSING OFFICER

Response to be reported

#### RESPONSE TO PUBLICITY:

Objections received from:-

Brian Jones, Managing Director, Thorpe DT, Cefndy Rd, Rhyl, LL18, 2TT

Summary of planning based representations:

Concerns over the impact of existing manufacturing on the new housing development in terms of noise and logistics. Also concerns over the impact of the development on the existing highway network and parking availability.

**EXPIRY DATE OF APPLICATION: 31/10/2011**

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

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

#### PLANNING ASSESSMENT:

##### 1. THE PROPOSAL:

###### 1.1 Summary of proposals

- 1.1.1 The application proposes the development of 1.35ha of land by the erection of 24no. dwellings including landscaping, open space and access and the erection of a 1299 sq.m commercial unit including parking servicing and access. The site is located to the south of Rhyl within the development boundary and within an allocated Employment Site as set out within the adopted Unitary Development Plan.
- 1.1.2 The application includes the following documentation:

- Design and Access Statement – The report outlines the vision for the site acknowledging its location in an Employment area and on brownfield land. The conclusions of the DAS make reference to a well designed mixed use development sensitive to and well connected to its surrounding area. It emphasises that the scheme is sustainable creating on site open space and play areas in compliance with the principles of national and local guidance.
- Sustainability documents – The submission includes a BREEAM document highlighting that the proposed commercial unit can achieve a very good rating against the set criteria. The submission also includes a compliance statement for the Code for Sustainable Homes highlighting a level 3 compliance.
- Flood Consequences Assessment – The Assessment highlights that part of the site is located within a flood zone and that the applicant has discussed mitigation options with the Environment Agency. The Lifetime of Development criteria has been included within this assessment as well as arrangements for the disposal of surface water.
- Marketing Report – The submission includes details from Legat Owen of how the site has been marketed for employment purposes. The report concludes that the site has been rejected by almost all national trade counter operators. There is, however, interest from a single operator who require 8,000 sq.ft of space and the developer is willing to promote a scheme to include a further 6,000 sq.ft of speculative space. The conclusion of the report is that this is the best employment level which could be achieved in this location.
- Affordable Housing Questionnaire – The submitted document highlights that the developer seeks to meet the adopted Council Policy of 30% affordable units within the 24no. proposed. This would give 7no. units.

## 1.2 Description of site and surroundings

- 1.2.1 The site has been cleared in the past few years and is a relatively flat, rectangular shaped area of land. The site had provided an employment offer for over 60 years and is in an area of Rhyl characterised by family housing supported by a variety of commercial premises. The site is located at the junction of two important thoroughfares, Cefndy Road and Ffordd Derwen. The site adjoins a flourishing commercial storage and manufacturing business to the north-west corner of the junction with a builder's merchants and light industrial estate located to the south side of Ffordd Derwen. To the north-east and south-east of the site are established residential estates. The site is bounded by fencing and has vehicular access points off Cefndy Road and Ffordd Derwen.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl and in an area allocated for Employment uses as set out in the Unitary Development Plan (EMP 2). The site is located within a C1 flood zone as set out within the Flood Advice maps.

## 1.4 Relevant planning history

- 1.4.1 The most relevant planning record for this site is the application reference 45/2009/1595 which sought the development of the site by the erection of 34 dwellings (Class C3) and 6no. independent living apartments (units for the residential accommodation and care of people in need of care – Class C2), together with associated open space, a 900 sq.m industrial unit and the construction of a new vehicular and pedestrian access off Ffordd Derwen.

1.4.2 The above application was the subject of a planning inquiry held in August 2010. The Planning Inspector dismissed the planning appeal and the relevant issues pertaining to this decision will be discussed at length later in the report.

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

1.5.1 During the course of the application the applicants submitted some revised and additional plans which attempted to deal with some drainage and flood risk concerns. The plans were revised to show how the flood risk acknowledged on part of this site would be dealt with by the construction of a flood defence wall around part of the site. Plans indicating relevant levels around the site were also included to highlight the flood risk mitigation measures. A drainage appraisal plan was also submitted highlighting the applicants' intentions to take foul water to the public sewer and take surface water in part to the combined sewer with a proportion pumped to the Brickfields Pond.

#### 1.6 Other relevant background information

1.6.1 The proposed discharge of some storm waters from the site into the Brickfields Pond requires agreement from the Council as land owner. The applicant has agreed to pay for this and has suggested that this money can be used towards the Rhyl Cut scheme.

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

2.1 The following are considered of relevance to this application:

Code 45/2009/1595/PF – Development of 1.35ha of land by the erection of 34no. dwellings (Class C3), 6no. supported living apartments (Class C2), together with associated open space, a 900 sq.m industrial unit and the construction of a new vehicular and pedestrian access off Ffordd Derwen. – REFUSED by PLANNING COMMITTEE AND DISMISSED ON APPEAL 15/9/10.

## 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 1 - General
- Policy STRAT 5 - Design
- Policy STRAT 6 - Location
- Policy STRAT 8 - Employment
- Policy STRAT 15 - Housing
- Policy GEN 1 - Development within Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy HSG 10 - Affordable housing within development boundaries
- Policy EMP 2 - Main Employment Areas
- Policy EMP 10 - Protection of employment land/buildings
- Policy REC 2 - Open Space requirements in new developments
- Policy ENP 1 – Pollution
- Policy ENP 4 – Foul and surface water drainage
- Policy ENP 6 – Flooding
- Policy ENP 8 – Contaminated Land
- Policy TRA 6 – Impact of new development on traffic flows
- Policy TRA 9 – Parking Provision

### 3.2 Supplementary Planning Guidance

- SPG 2 – Landscaping
- SPG 4 – Recreational Public Open Space

SPG 7 – Space Standards in new developments  
SPG 8 – Access for All  
SPG 18 – Nature Conservation and Species Protection  
SPG 21 – Parking  
SPG 22 – Affordable Housing

### 3.3 GOVERNMENT GUIDANCE

Planning Policy Wales, 2011  
TAN 1 – Joint Housing Land Availability  
TAN 2 – Planning and Affordable Housing  
TAN 8 – Renewable Energy  
TAN 11 – Noise  
TAN 12 – Design  
TAN 15 – Development and Flood Risk  
TAN 16 – Sport, Recreation and Open Space  
TAN 18 – Transport  
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 Impact on residential amenity
- 4.1.3 Impact on visual amenity
- 4.1.4 Highway and parking impacts
- 4.1.5 Flood risk and drainage issues
- 4.1.6 Land contamination issues
- 4.1.7 Affordable Housing Provision
- 4.1.8 Open space
- 4.1.9 Biodiversity/Protected Species
- 4.1.10 Design and access/Sustainability Code/Access for all

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The Unitary Development Plan reaffirms the support for sustainable development. Strategic Policies STRAT 1-16 highlight those considerations necessary in relation to such development; highlighting considerations relevant to location of development, regeneration, energy efficiency, minimising waste, integrated transport systems and design quality. Briefly, in terms of the specific strategic issues; STRAT 1 sets the main sustainable development approach with preference for maximising the use or re-use of derelict, vacant and under used land and buildings for development as opposed to greenfield sites; and requires that development is located so as to minimise the need for travel by private car and utilise existing infrastructure, facilities and services; the protection of biodiversity; protecting the best and most versatile agricultural land. STRAT 5 highlights the need for high quality design including the need to protect the character of the locality and respect local styles. STRAT 6 states that development should be primarily located in existing settlements and employment areas as opposed to open countryside. STRAT 8 stresses that any land allocated for industry and business will generally be retained and protected for those purposes. STRAT 15 highlights that there is a need to make provision for affordable housing in developments.

The Strategic policies would generally support the principle of commercial development on an allocated Employment site and housing (containing affordable units) within the development boundary of Rhyl. The key test in this application is whether a mixed use (commercial/residential) at the proportion proposed would meet the strategic aims of the Plan.

In relation to General policies in the Plan the most relevant to this case are:-  
Policy GEN 1 – This policy supports the proposal as the development will be located within an existing settlement.

Policy GEN 6 – This is a generic policy which sets out a number of development control criteria against which proposals are assessed. The main thrust of the Policy is to ensure developments respect the site and surroundings in terms of siting of buildings and land uses, protect landscape features, protect the amenity of existing residents, provide safe and convenient access for persons with disabilities, pedestrians and cyclists and avoids congestion and highway dangers.

The above General policies would support the scheme but certain criteria would be need to be examined further. These criteria are looked at further in this report.

The key specific policy in the Plan is Policy EMP 10 which seeks to protect existing employment land and buildings. The proposal as submitted clearly seeks to develop housing on part of the allocated Employment site. The relevant EMP 10 Policy contains four criteria against which development proposals must be assessed. In summary these criteria are: the availability of other sites for the proposed development; the capability of the site to provide acceptable employment accommodation; whether the loss of the site would prejudice the ability of an area to meet a range of local employment needs; and the potential to relocate a non-conforming use.

All of the above criteria were examined in detail in the 2010 Planning Appeal outlined at para 1.4.2 above.

It is considered helpful to highlight the key issues of the aforementioned appeal as the proposal then had similarities to the proposal before Members now. In essence the previous scheme attempted to provide a proportion of the site for employment purposes with the other area shown for housing uses. The proportion offered at that appeal was roughly 4-1 of the site in favour of housing.

At the appeal parties had to accept that the location of the site, marketing attempts, the current economic climate and the proximity of existing nearby residential dwellings meant that the redevelopment of the whole site for an industrial use would not be viable. However, the Inspector commented that:-  
*“.....the mixed scheme assessed by the parties, i.e. a ratio of 4:1 in favour of industrial floor space, would not be likely to be viable. However, this position leaves a marked gap in information on the potential viability of a scheme that would provide a mix of uses that would lie between the two ratios that have been examined.”*

In essence, the Inspector was inviting a revised scheme which provided less housing and more industrial floor space. We now have a scheme with less housing (24 as opposed to 34), the removal of the previous supported living unit and more commercial floorspace at 1299sq.m as opposed to 900sq.m.

Officers consider that, having regard to the marketing exercise carried out since the appeal, the assessment of the viability of the scheme by the Council's Viability consultant and the general improvements made to the layout of the scheme the mix of residential and industrial space is acceptable in principle.

#### 4.2.2 Impact on residential amenity

Policy GEN 6 of the UDP seeks to ensure new development does not

unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes and litter, and provides satisfactory amenity standards in itself.

The site has historically been used for industrial purposes since the 1950's. Such uses have operated at the site in proximity to residential dwellings nearby. The 1299 sq.m commercial units are shown to be sited to the Ffordd Derwen end of the site abutting the existing industrial use at Thorpe Bros. The proposed units would be some 45m away from the nearest residential dwelling which fronts onto Ffordd Derwen. The units would be further away from existing residential units than previous industrial buildings on the site. This is considered to be an improvement to the levels of residential amenity previously experienced. The hours of operation of the commercial units can be controlled through condition as will the retention of parking areas for the commercial unit users. This will further reduce the potential for any negative impacts upon residential amenity.

Officers have assessed the location of the proposed 24no. residential dwellings, their floor levels in comparison to existing dwellings and the distances afforded between proposed and existing dwellings. The siting, scale and design of these dwellings would meet the adopted standards within the UDP in terms of space between dwellings, room and garden sizes. Officers are content, therefore, that the scheme will have no significantly detrimental impact on residential amenity.

#### 4.2.3 Impact on Visual Amenity

Policy GEN 6 of the UDP also seeks to ensure that the form and character of the surrounding area is not harmed by any new developments ensuring that the development respects the site in terms of siting, layout, scale, form, design, density, materials and aspect.

The new industrial unit would have a maximum height of 8.5m which is commensurate with other previous industrial buildings on this site. It would be located some 45m from the nearest residential dwelling and set back from the main Ffordd Derwen road. The use of modern roofing and cladding materials on this building would not harm the visual amenities of the site or surroundings.

The residential units proposed are all designed to be two storeys in height. This would match those existing nearby on Meredith Crescent. The materials used on the properties would be brick and render and would not be out of characters with those in the area generally. The layout of the scheme affords space around the buildings with garden sizes meeting the adopted SPG guidance.

Officers do not consider that the industrial units or the residential dwelling layout, scale or design would have an unacceptable impact on the visual amenities of the area.

#### 4.2.4 Highway and parking impacts

Policies TRA 6 – Impact of new development on traffic flows; TRA 7 – Road design; TRA 9 – Parking and Servicing Provision; GEN 6 criteria v) and vii) are the main highway policies relevant to assessing the application.

Highway Officers have assessed the proposed development as acceptable. The industrial unit will 27 car parking spaces (including 2 disabled spaces) as well as cycle parking. The residential element provides parking on-site with each property in accordance with the adopted standards in the relevant SPG.

Subject to conditions which will require additional parking restrictions to be provided on Ffordd Derwen to prevent parking on junctions the scheme is acceptable in highway and parking terms.

#### 4.2.5 Flood risk and drainage issues

Policies GEN 6 criteria x); ENP 1 Pollution, criteria i) ENP 4 – Foul and Surface Water Drainage, together with policy ENP 6 – Flooding, seek to control and avoid unacceptable harm to the environment /locality in terms of flooding and drainage implications. ENP 4 highlights that development will not be permitted unless satisfactory arrangements can be made for the disposal of foul sewage and surface water. TAN 15 guides development in respect of vulnerability and the degrees of flood risk.

The applicant has worked closely with Officers, Welsh Water and the Environment Agency in seeking an acceptable scheme for the disposal of foul and surface water drainage. Revised plans have been worked up which show a compromise position involving some surface water discharge being allowed into the combined public sewer and some being taken over to the nearby Brickfields Pond. Drainage Officers and Officers responsible for the Brickfields Pond see this as acceptable and will ensure that no contaminants enter the pond. The water discharged to the pond will be storm water and this provides a sustainable way of dealing with such discharge.

In terms of flood risk the Environment Agency had raised concerns about the residential development being located within a C1 Flood zone. The applicant has attempted to address the required 100 year Lifetime Homes criteria set out by the agency by proposing a small flood mitigation boundary wall around the perimeter of the lower part of the site. This is considered a reasonable mitigation measure by the Council subject to planning conditions to secure the future maintenance of the wall at the developers expense.

#### 4.2.6 Land contamination issues

Policy ENP 8 of the UDP relates to Contaminated Land issues emphasising that development will not be permitted on or close to contaminated land unless it can be demonstrated that there is no unacceptable risk to life, the environment, water resources or property.

Both the Environment Agency and the Council's own Contaminated Land Consultant (Conwy CBC) have assessed the proposals having regard to any nearby landfill sites and the historic uses on this site. They have concluded that subject to conditions which deal with site investigations the proposed development is accepted in principle. There will have been the potential for historic industrial processes on this site contaminating part of the land. Suitably worded planning conditions can deal with this and further details will then need to be agreed with the EA.

#### 4.2.7 Affordable Housing Issues

The requirement for provision of affordable housing in connection with housing developments within development boundaries is set out in Policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1 hectare or more and/or where more than 3 units are proposed. In this instance 24 units of accommodation are proposed in total, 30% of which are required to be affordable in the guidance.

The applicants have confirmed that they intend to make 7 units available as affordable within the scheme. This would be secured through a s.106 legal agreement. The units are spread throughout the site and will be consistent

with the design of the open market units. To this end there is no conflict with the adopted policies and guidance and the scheme is supported by the Affordable Housing Officer of the Council.

#### 4.2.8 Open Space/Play

Policy REC 2 of the Unitary Plan sets out how new development (of 10 residential units or more) should provide landscaped amenity areas and open space. The Policy explains that the open space requirement is calculated dependent on the intended occupancy of the development. The space must be provided so that it is of benefit to the occupants of the new development. The first preference for this provision would be on-site or in certain instance off-site, providing it was close to an accessible from the development. Where the above options are not feasible a commuted sum may be considered.

The applicants intend to provide 929 sq.m of on-site community recreational open space to the east part of the site providing a buffer between some existing dwellings on Golden Grove and the new development. The remainder of the open space/play area provision would be given by way of a commuted sum.

This issue was examined at the previous planning appeal at this site. The Inspector accepted that, given the size and location of the site, it would be unviable to try to accommodate all open space and play provision on site. He noted the potential to contribute towards improvements to nearby play areas/open space at Brickfields Pond, Ffordd Derwen and at Meredith Crescent by way of a commuted sum.

Having regard to the previous appeal decision and the fact that an on-site play facility can be provided Officers feel that the proposal would comply with the intentions of the adopted policies and guidance.

#### 4.2.9 Biodiversity/Protected Species

There are no known issues relating to any protected species on this site. The site is hard surfaced throughout and has been cleared of all buildings some years ago.

#### 4.2.10 Design and access/Sustainability Code/Access for all

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

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes pre-assessment report indicates that the commercial development will attain a BREEAM rating of very good and the residential development will achieve the required number of credits under "Ene-1 – Dwelling Emission Rates and a Code Level 3. In line with advice contained within TAN 22, suitably worded conditions are proposed to ensure that the development is carried out in accordance with the Code.



## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The site lies within the development boundary of Rhyl. The site has historically been used for commercial/industrial uses which have operated in close proximity to residential uses. Whilst a scheme of 100% employment use on this site would fully comply with the adopted Policy of the UDP, a previous planning appeal has strongly suggested that a mix of commercial and residential would be the only viable scheme for the site.
- 5.2 To this end the applicant has addressed previous concerns raised as to the ratio of commercial to residential development and attempted to provide more commercial space, more open space and fewer dwellings.
- 5.3 The scheme would provide some much needed employment/commercial space and also contribute towards an affordable housing need. The density of the development would not lead to an unacceptable relationship with existing properties nearby and the space provided between dwellings and within plots meets the adopted policies and SPG standards.
- 5.4 Planning conditions would need to be imposed which would deal with parking, access, land contamination, landscaping, hours of operation for the commercial unit, noise controls and play facilities. A
- 5.5 The recommendation is subject to the completion of an obligation under s.106 of the Town and Country Planning Act 1990 within 12 months of the resolution of this Committee to secure:
- a) The provision of 7 affordable housing units and the retention of these for affordable purposes.
  - b) The paying of a commuted sum for the provision of off-site open space and children's play areas.
  - c) The provision and maintenance of on-site play areas.
  - d) The retention and maintenance of a flood mitigation wall as shown in the approved plans.
- 5.6 The Certificate of Decision would only be released on completion of the legal obligation. Should such an obligation not be completed within 12 months of this Committee resolution the application would be represented back to Planning Committee and determined in accordance with the Policies applicable at that time, should material circumstances change.

### **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. Facilities shall be provided and retained within the housing estate and the industrial unit site for the parking, turning, loading and unloading of vehicles in accordance with the approved plan and which shall be completed prior to the proposed developments being brought into use.
3. **PRE-COMMENCEMENT**  
The detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road and associated highway works shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any work on site and the work shall be constructed as the approved drawings before any dwelling is occupied.
4. The parking restrictions on Ffordd Derwen shall be extended in accordance with details to be agreed in writing by the Local Planning Authority and the order shall be in place before any work starts on site.

5. PRE-COMMENCEMENT

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

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

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

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

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

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

10. PRE-COMMENCEMENT

Prior to the commencement of development, approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (i) A preliminary risk assessment which has identified:
    - a) all previous uses
    - b) potential contaminants associated with those uses
    - c) a conceptual model of the site indicating sources, pathways and receptors
    - d) potentially unacceptable risks arising from contamination at the site
  - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

11. PRE-COMMENCEMENT

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

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

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

14. PRE-COMMENCEMENT

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed phasing strategy and construction method statement for the development of the site. Such a strategy shall include details of how the commercial units shall be constructed concurrently with the residential units and include details of timing and routing of constructions traffic, site compound details and all mitigation measures required during construction. Only those details subsequently approved shall be implemented thereafter.

15. Prior to their use in the development details of the precise materials and finishes for the commercial units and residential dwellings shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter.

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

17. PRE-COMMENCEMENT

No development shall take place until a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed shall be implemented thereafter.

18. Prior to the construction, laying out and equipping of any formalised play areas within the site details of such areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include fencing types, security measures, signing and landscaping all of which shall be implemented and maintained thereafter in accordance with the approved details.

19. The commercial units hereby permitted shall be used for Class B1 or B8 usage only.

20. There shall be no outside storage of any materials associated with the commercial units hereby permitted unless in areas agreed in writing by the Local Planning Authority. Only those areas agreed shall be used thereafter.

21. All parking areas associated with the commercial units shall be kept available for that purpose at all times with appropriate signing provided to ensure this is managed. Such car parking management methods for the commercial units shall be submitted to and approved in writing prior to the areas first being used for that purpose.

22. The commercial units hereby permitted shall not be operational or open to the public outside of the following hours:-

Monday - Friday - 0700 - 2000hrs

Saturday - 0700 - 1800hrs  
Sunday and any Bank Holidays - 0900 - 1300hrs

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

1. To ensure the early redevelopment of this prominent, vacant development site.
2. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
3. In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.
4. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
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. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
10. For the protection of controlled waters. Given the past use of the site, it is possible that there have been unrecorded leaks from tanks and/or pipes leading to a persistent loss of fuel over time which could result in a source of contamination being present in the ground.
11. For the protection of controlled waters. Given the past use of the site, it is possible that there have been unrecorded leaks from tanks and/or pipes leading to a persistent loss of fuel over time which could result in a source of contamination being present in the ground.
12. For the protection of controlled waters. Given the past use of the site, it is possible that there have been unrecorded leaks from tanks and/or pipes leading to a persistent loss of fuel over time which could result in a source of contamination being present in the ground.
13. For the protection of controlled waters. The past uses of the site have not been fully defined, but they are noted as being commercial/industrial, which could potentially give rise to unsuspected contamination.
14. To ensure employment provision on this allocated site is provided in conjunction with the residential development and to ensure the construction of the site proceeds without detriment to the surrounding areas.
15. In the interests of visual amenity.
16. To protect the integrity of the public sewerage system.
17. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment of the existing public sewerage system.
18. In the interests of visual and residential amenity.
19. For the avoidance of doubt and to protect the amenity of nearby residential dwellings.
20. In the interests of visual amenity.
21. In the interests of highway safety and to prevent the parking of vehicles on the nearby access roads.
22. In the interests of residential amenity.

**NOTES TO APPLICANT:**

None

Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

47/2012/0333  
Bryn Tirion Farm  
Rhuallt

 Application Site



Date 16/5/2012  
Centre = 308603 E 375045 N

Scale 1/2500

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chariatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhyrchu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

RECEIVED

47 / 2012 / 0333 / P C

Streetwise

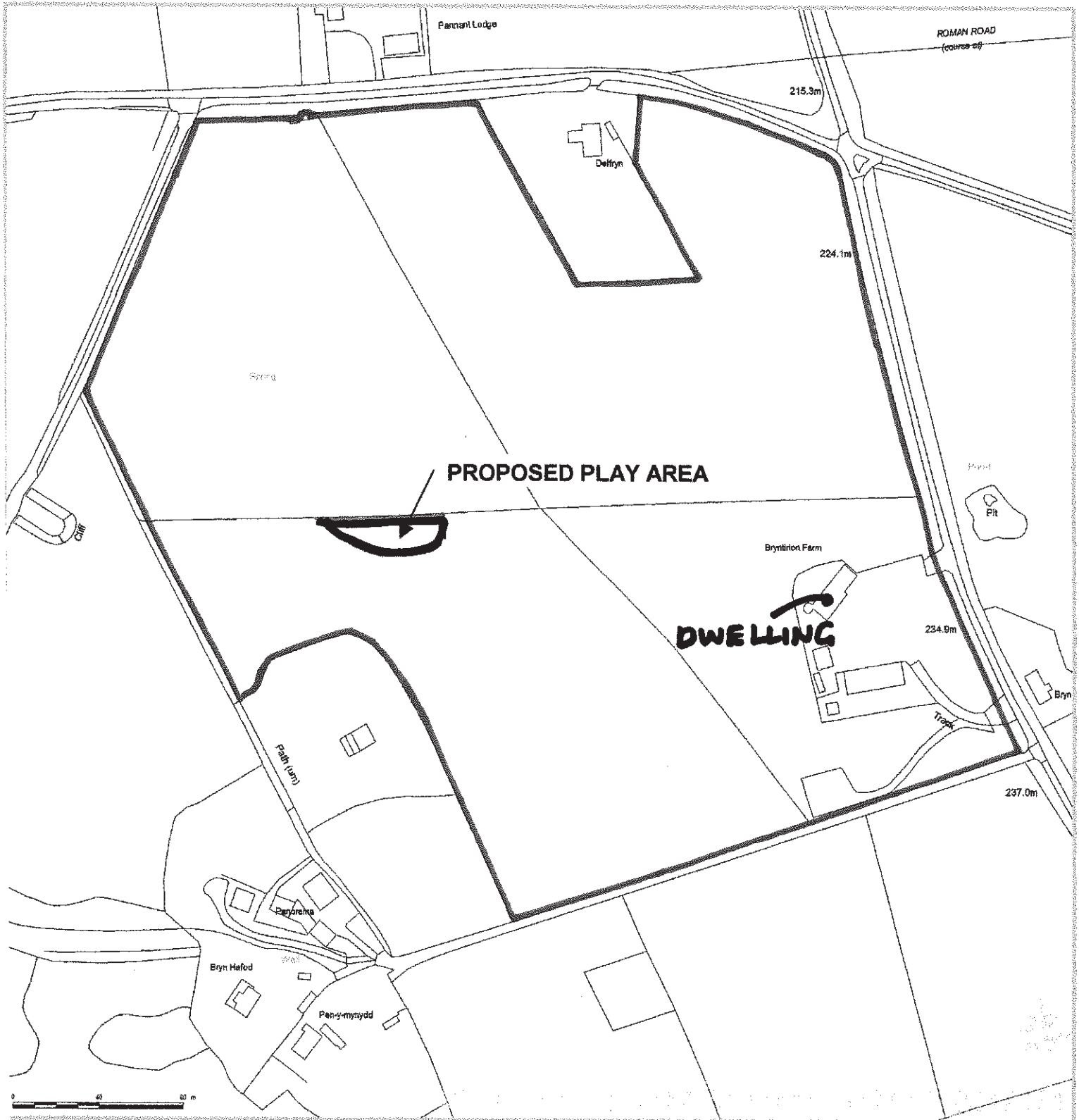
13 MAR 2012

Enabled by  
Ordnance  
Survey

CALEDFRYN



LOCATION



Description:  
PROPOSED CHANGE OF USE OF LAND TO PROVIDE ANCILLARY  
PLAY AREA TO MAIN DWELLING AND THE ERECTION  
OF A TREE HOUSE.

Scale:  
1:2500

Location:  
BRYNTIRION FARM, RHUALLT, ST ASAPH.

Date:  
18 February 2012

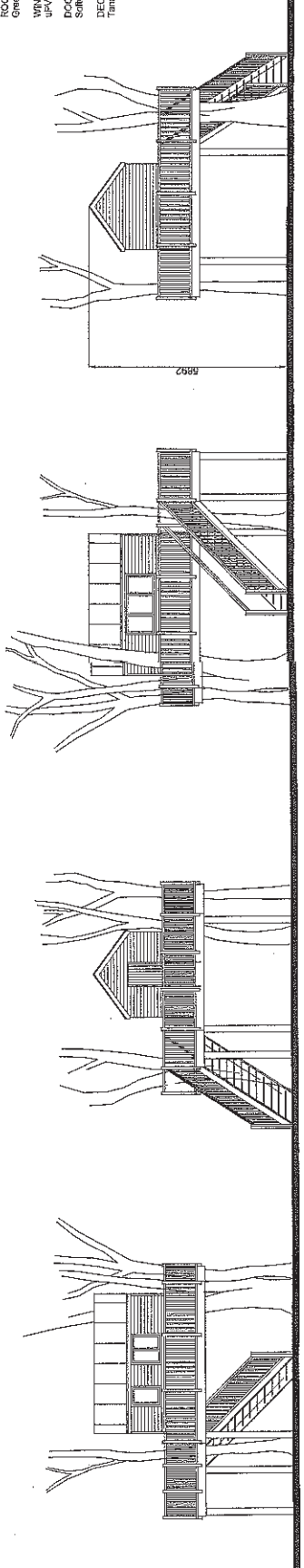
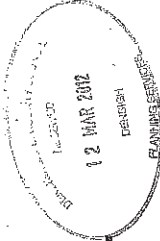
LOCATION PLAN

Page 82

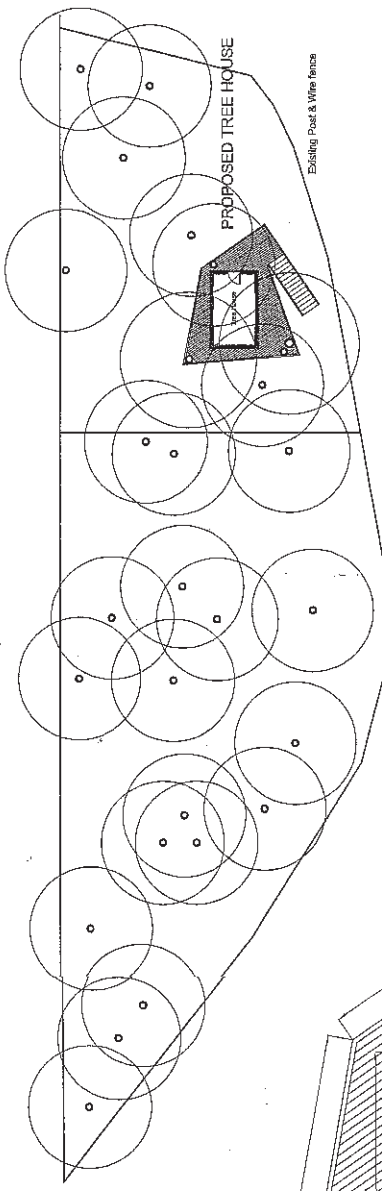
Drawing No. W.1208 / 2

**EXTERNAL MATERIALS:**

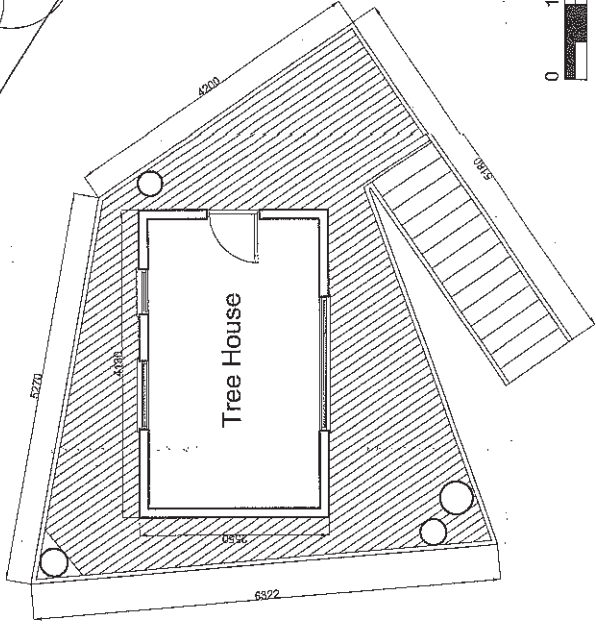
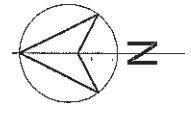
- WALLS:**  
Horizontal timber shiplap cladding - Stained Mahogany.
- ROOF:**  
Green mineral felt.
- WINDOWS:**  
UPVC - Colour: Mahogany.
- DOORS:**  
Shakered - Stained Mahogany.
- DECKING:**  
Tanneded Liner - Stained Mahogany.



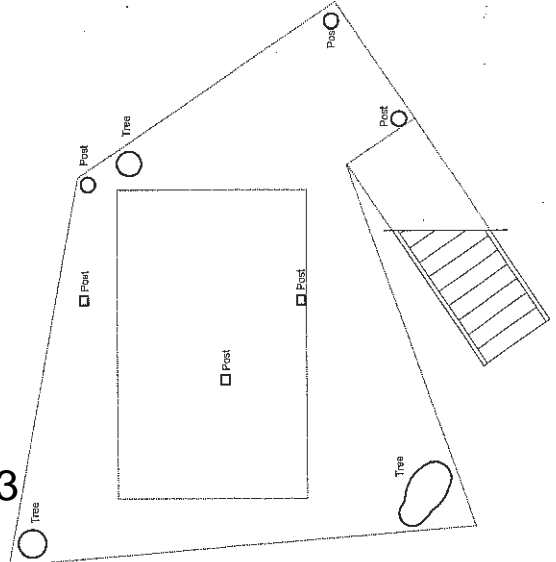
REAR ELEVATION ( North )      SIDE ELEVATION ( East )      FRONT ELEVATION ( South )      SIDE ELEVATION ( West )



**BLOCK PLAN**      Scale: 1:200



**FIRST FLOOR PLAN**



**GROUND FLOOR PLAN**

**Mr Mike Walsh**  
 Proposed Change of Use of Land to Provide Ancillary Play Area to Main Dwelling and the Erection of a Tree House.  
 Bryndafon Farm, Rhuallt, St Asaph.  
 Date: 15 Feb. 2012  
 Drawing No: W.1208 / 1

**ITEM NO:** 6

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2012/0333/ PC

**PROPOSAL:** Continuation of use of land as ancillary play area to main dwelling and retention of tree house (Retrospective Application)

**LOCATION:** Field No. 6105, Bryntirion Farm Rhualt St. Asaph

**APPLICANT:** Mr M Walsh

**CONSTRAINTS:** AONB

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:  
Scheme of Delegation Part 2**

- Retrospective application recommended for refusal, and enforcement action recommended

**CONSULTATION RESPONSES:**

TREMEICHION, CWM AND WAEN COMMUNITY COUNCIL  
"Objection

The application does not fall within the curtilage of the residential property"

**AONB JOINT ADVISORY COMMITTEE**

"The JAC deplores the retrospective nature of this proposal and regrets that a number of applications on this site have been submitted retrospectively in recent years. The stand of trees in which this substantial structure is located is a prominent and attractive feature in the surrounding landscape. The site is in the open countryside unrelated to an existing residential curtilage and the tree house introduces an incongruous and inappropriate feature into the rural scene and, in this context, the JAC objects to the application."

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
K.M. & B.T.M. Groves, Pennant Uchaf, Rhualt

Summary of planning based representations:  
Principle - not related to existing residential dwelling  
Visual and landscape impact - impact on AONB, Siting away from existing buildings, height of structure  
Impact on residential amenity - noise disturbance and loss of privacy

**EXPIRY DATE OF APPLICATION: 14/05/2011**



## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the continuation of the use of an area of land for ancillary residential purposes and the retention of an existing tree house. The area of land is approximately 0.1ha, and is comprised of a stand of trees.
- 1.1.2 The tree house measures 4.1m x 2.5m in plan and is on a substantial wooden platform of irregular shape some 3m above ground level. The maximum height of the tree house is 5.9m measured from ground level. Materials include stained mahogany cladding and green mineral felt roofing. The detailing is shown on the plans at the front of the report

#### 1.2 Description of site and surroundings

- 1.2.1 The tree house is within a stand of trees in an area of agricultural grazing land, associated with the property known as Bryntirion. It is approximately 170m away from the main dwelling. The distance to the nearest residential dwelling is approximately 150m.
- 1.2.2 The site is on an elevated area of land within an agricultural holding. A copse of trees is located within the site.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in open countryside outside of any development boundary as defined in the Unitary Development Plan.
- 1.3.2 The site is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

#### 1.4 Relevant planning history

- 1.4.1 The section records reveal various applications for the residential development of a former farm complex and applications for agricultural buildings relating to existing agricultural activity.

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

- 1.5.1 None

#### 1.6 Other relevant background information

- 1.6.1 The application is presented to Committee as the application is retrospective and permission to take enforcement action is sought.

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

- 2.1 47/2001/0877/PF Demolition of dwellings and erection of new dwelling and detached garage. Delegated decision. GRANTED 8th November, 2001
- 2.2 47/2004/1013/PC Retention of triple garage, attached kennel block, entrance gates, pillars and CCTV columns. Continuation of use of land as extension to residential curtilage for extended drive and additional vehicular access (Retrospective application) Committee decision. GRANTED 31st August, 2005
- 2.3 47/2005/0431/PF Demolition of building and erection of swimming pool enclosure. Delegated decision. GRANTED 3rd March, 2005
- 2.4 47/2008/813/PF Erection of detached equipment store. Delegated decision. Refused 13<sup>th</sup> May 2010. Appeal submitted against decision. Appeal dismissed. Inspector considered development would impact adversely on AONB
- 2.5 47/2010/332/PF Single storey and two storey extension to the rear. Committee decision. GRANTED 13<sup>th</sup> May 2010
- 2.6 47/2011/0768/PF Erection of agricultural building (lambing shed) GRANTED under delegated powers 19/10/2011

### 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 6 - Location

Policy GEN 3 - Development outside development boundaries

Policy GEN 6 - Development control requirements

Policy ENV 2 - Development affecting the AONB

Policy HSG 16 - Extensions to domestic gardens

#### 3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (February 2012)

### 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

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy STRAT 6 states that development will only be permitted outside of development boundaries in exceptional circumstances. Policy GEN 3 allows for certain types of development outside development boundaries. Policy HSG 16 permits limited extensions to domestic gardens.

The proposal includes the change of use of an area of wooded land to ancillary residential land. Concerns have been raised over the introduction of a residential structure away from the main dwelling in an open countryside location. The wooded area is outside of any development boundaries and is surrounded by agricultural land. The application states that the tree house is to be ancillary to the dwelling known as Bryntirion, which is approximately 170m away.

It is considered that the change of an isolated area of land to residential use would not be in principle in relation to Policy GEN 3. It is also considered that the proposal is not an acceptable extension to residential curtilage in relation to Policy HSG16 due to the physical detachment from the existing residential curtilage. For the above reasons it is considered that the change of use of the land is unacceptable in principle and does not fall within the 'exceptions' for rural development in Policy STRAT 6 and GEN 3.

#### 4.2.2 Visual and landscape impact

The general requirement to assess landscape and visual impact are set out in policy GEN 6. Policy ENV 2 states that development affecting the Area of Outstanding Natural Beauty will be assessed against the primary planning objective to conserve and enhance the natural beauty of the area and small scale development will only be permitted where it would not detract from the character and appearance of the Area of Outstanding Natural Beauty. This reflects national policy which states that great weight should be afforded to conserving and enhancing designated landscapes.

Concerns over the landscape/visual impact and the impact on the Area of Outstanding Natural Beauty have been raised. The AONB JAC have stated "The stand of trees in which this substantial structure is located is a prominent and attractive feature in the surrounding landscape. The site is in the open

countryside unrelated to an existing residential curtilage and the tree house introduces an incongruous and inappropriate feature into the rural scene”

In Officers’ opinion, the elevated position, scale and siting of the tree house, the introduction of an isolated formalised residential space within former grazing land, and the use of land for activity associated with residential use would detract from the character and appearance of the Area of Outstanding Natural Beauty. It is considered that the introduction of the structure and the residential use impact adversely on the open nature of the site. The proposals are therefore considered unacceptable in relation to Policy ENV 2 and criteria of Policy GEN 6.

#### 4.2.3 Residential Amenity Impact

Policy GEN 6 v) sets a requirement to ensure new development does not unacceptably affect the amenities of local residents, by virtue of noise, activity, fumes, etc.

Concern has been raised over the impact of increased disturbance from use of the land and tree house. The nearest unrelated residential dwelling is approximately 150m away.

The concerns over disturbance caused by increased activity are noted, however it is considered that the separation distances from the nearest residential dwelling means that the development is unlikely to unacceptably impact on residential amenity.

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

- 5.1 The use of an isolated area of land for purposes incidental to a dwelling is considered unacceptable in principle, and it is considered the tree house structure and the use of land have an unacceptable impact on the character and appearance of the Area of Outstanding Natural Beauty. The development is therefore recommended for refusal and permission is sought to take enforcement action to require the removal of the structure and to return the land to agricultural use.

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

1. It is the opinion of the Local Planning Authority that the construction of the tree house has created an isolated and sporadic form of development which has an adverse impact on the open character the area, which is in open countryside within a designated Area of Outstanding Natural Beauty. It is considered that the development detracts from the character and appearance of the Area of Outstanding Natural Beauty and therefore fails to comply with the requirements of Policy ENV 2 and Policy GEN 6 of the Denbighshire Unitary Development Plan.
2. It is the opinion of the Local Planning Authority that the use of land in association with a dwelling over 170m away does not meet the any of the ‘exception’ criteria outlined in Policy GEN 3 of the Denbighshire Unitary Development Plan, and due to the physical detachment and separation from the existing residential curtilage can not reasonably be considered an extension to a domestic garden under Policy HSG 16. The development is therefore considered unacceptable in principle and is contrary to Policy STRAT 6 and Policy GEN 3 of the Denbighshire Unitary Development Plan.

#### **NOTES TO APPLICANT:**

None

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Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:  
47/2012/0368  
Bryntirion Farm  
Rhualt

 Application Site

Date 16/5/2012  
Centre = 308867 E 375002 N

Scale 1/2500



This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

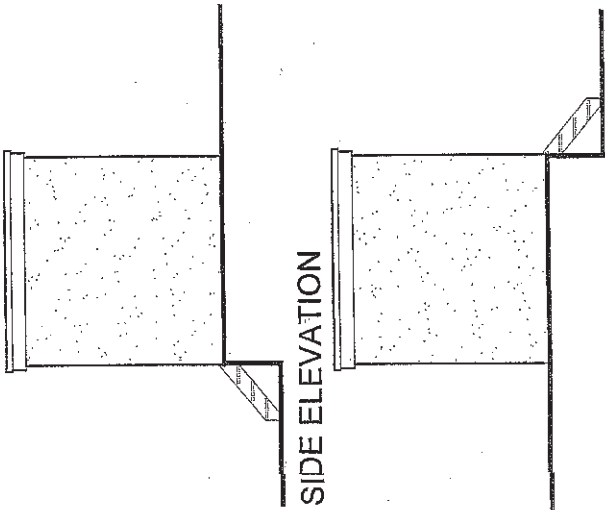


**EXTERNAL MATERIALS:**

**WALLS:**  
 240mm cavity brickwork, external walls finished externally with two coat render painted Olive Green.

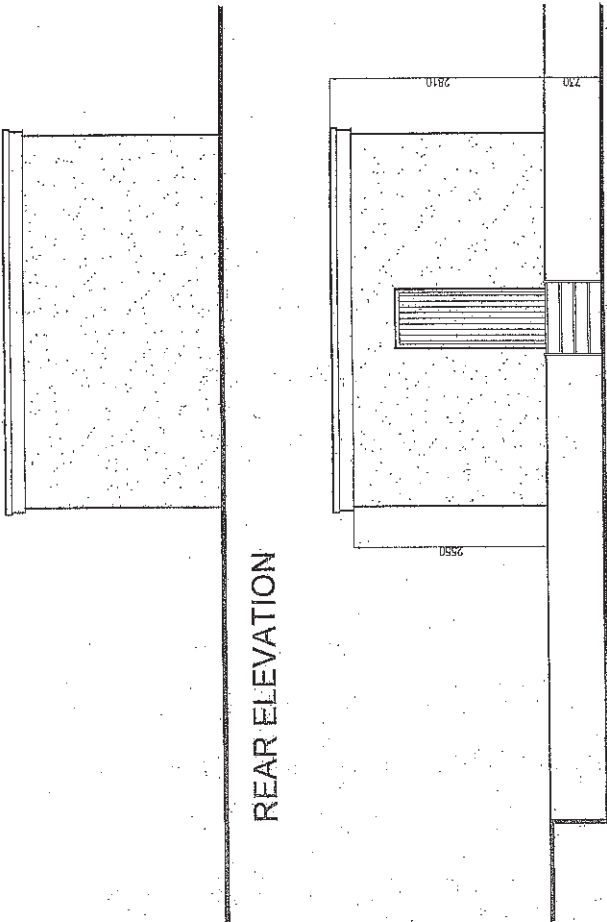
**ROOF:**  
 Flat roof finished with mineral based felt.

**DOOR:**  
 Softwood



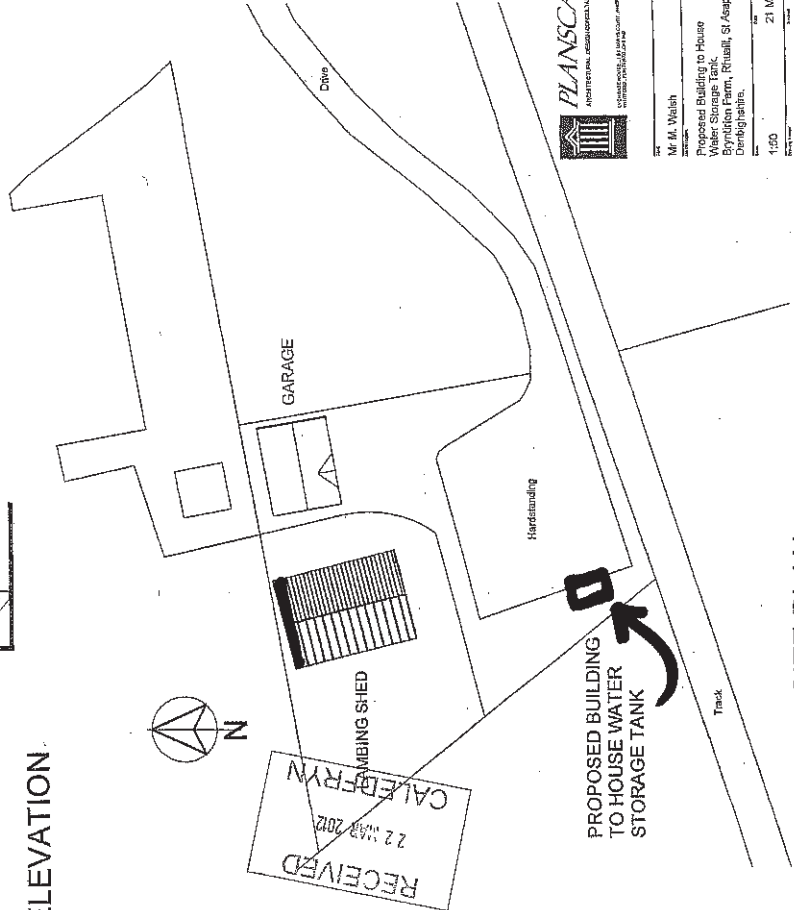
**SIDE ELEVATION**

**SIDE ELEVATION**



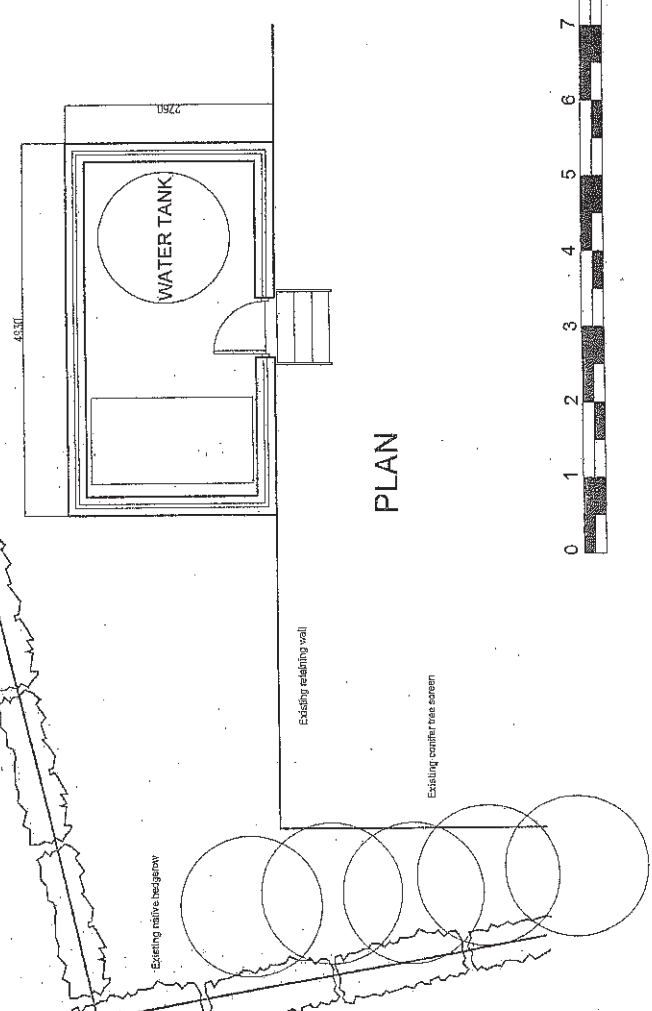
**REAR ELEVATION**

**FRONT ELEVATION**



PROPOSED BUILDING  
 TO HOUSE WATER  
 STORAGE TANK

**SITE PLAN** Scale: 1:500



**PLAN**



**DETAILS**



Mr M. Walsh	1:500	21 Mar. 2012
Proposed Building to House Water Storage Tank, Bynodden Farm, (Rural), St Asaph, Derriglahan.		
W: 1212 / 1		

**ITEM NO:** 7

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2012/0368/ PC

**PROPOSAL:** Erection of building to house water storage tank (retrospective application)

**LOCATION:** Bryntirion Rhualt St. Asaph

**APPLICANT:** Mr M Walsh

**CONSTRAINTS:** AONB

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:  
Scheme of Delegation Part 2**

- Referral by Development Control Manager

**CONSULTATION RESPONSES:**

TREMEIRCHION/CWM/WAEN COMMUNITY COUNCIL:

Response to be reported. The Officer has been advised by the Clerk that a response is due on 16<sup>th</sup> May.

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY  
JOINT ADVISORY COMMITTEE:

"The JAC deplores the retrospective nature of this proposal and regrets that a number of applications on this site have been submitted retrospectively in recent years. Several new buildings and extensions have been erected or are currently under construction at Bryntirion Farm and the JAC considers that any necessary water storage should be incorporated into the adjoining lambing shed which it is primarily intended to serve rather than through the erection of yet another freestanding building in this ever expanding complex of buildings in the open countryside."

**RESPONSE TO PUBLICITY:**

None received

**EXPIRY DATE OF APPLICATION: 29/05/2012**

**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 retention of a building which houses a water storage tank. The water storage tank is to serve a lambing shed located approximately 20 metres from the water tank building.
- 1.1.2 The building measures 4.9 metres by 2.7 metres and has a flat roof at a height of 2.8 metres. It is constructed of rendered block-work (painted green) with a mineral felt flat roof.
- 1.1.3 The submitted design and access statement indicates that the proposed shed is required to provide adequate shelter for the water tank and help prevent it from freezing during the winter months. The water tank would serve a recently approved lambing shed.
- 1.1.4 The building is 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.

#### 1.2 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 the Vale of Clwyd, with open fields, divided by hedgerows and mature trees and a few well dispersed dwellings.
- 1.2.2 Surrounding 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. The site on which the building stands is an area of concrete hard-standing upon which 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 view from the north-west 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.

#### 1.4 Relevant planning history

- 1.4.1 The site has been subject to a number of applications in the past for equipment sheds, all of which were refused, and successfully defended at appeal, as detailed below.



- 1.4.2 The previous refusals focused on the lack of an existing farm enterprise in this location, and the scale and design of the building being too large for this prominent location in the AONB.
- 1.4.3 In relation to the appeal lodged against the 2008 refusal for an equipment store, the Inspector commented that there was justification for a building within the site to assist the maintenance of the applicant's land. However, the appeal was dismissed on the grounds that the building proposed would result in injury to the character of the AONB.
- 1.4.4 Subsequent to that appeal, the applicant has gained planning permission for a detached equipment store adjacent to the other buildings at Bryn Tirion Farm, and a detached lambing shed, which would receive its water supply from the building in question.

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 47/2011/0768/PF – Erection of agricultural building (lambing shed). Granted 19<sup>th</sup> October 2011.
- 2.2 47/2010/1272/PF – Erection of equipment store. Granted 16<sup>th</sup> February 2011.
- 2.3 47/2008/0813/PF - Erection of detached equipment store refused on 11<sup>th</sup> September 2008, and subsequent appeal dismissed. 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.*
- 2.4 47/2007/0834/PF – Erection of detached equipment store. Refused 25<sup>th</sup> October 2007.
- 2.5 47/2006/1278/PF – Erection of agricultural equipment shed. Refused 21<sup>st</sup> December 2006.

**3. RELEVANT POLICIES AND GUIDANCE:**

- 3.1 The main planning policies and guidance are considered to be:
  - DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 3 – Development outside Development Boundaries
  - Policy GEN 6 – Development Control Requirements
  - Policy EMP 13 – Agricultural Development
  - Policy ENV 2 – Development Affecting the AONB

3.2 GOVERNMENT GUIDANCE

- Planning Policy Wales 4 – (February 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 the AONB/visual amenity

4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

Policy GEN 3 allows for certain types of development outside development boundaries and criterion vi) permits agricultural development providing there is no unacceptable impact on the social, natural and built environment. EMP 13 relates to specifically to agricultural development, and the aim of this policy is to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four criteria relating to; the need for the development, the use of alternative existing buildings, the impact of development on the character and appearance of the countryside and the siting relating well to the existing complex. The building is required to house a large water storage tank to provide water for the lambing shed and provides necessary insulation to prevent the water from freezing; given the elevation and exposed position of the site, this is not considered unreasonable. It is therefore considered that the proposal complies with criteria i) and ii) of EMP13.

##### 4.2.2 Impact upon the AONB/visual amenity

Policy GEN 3 requires development in conjunction with agricultural 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 shed would be located within 20 metres of the existing buildings at Bryntirion Farm and is close to existing planting along the site boundary. The building is 4.9 metres by 2.7 metres and has a flat roof at a height of 2.8 metres. It is constructed of rendered block-work (painted green) with a mineral felt flat roof. The AONB Joint Advisory Committee express concerns over another free standing building in this area.

In Officer's opinion, public views of the building would be limited to those from the Public Right of Way, adjacent to the south of the site. The materials and colour generally match and compliment the surrounding planting, and further help to reduce the impact of its appearance. 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, 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 principle of development in connection with agriculture is acceptable in this location. The main issue is considered to be the impact upon the visual amenity of the

area, and the character of the AONB. With regard to the detailing, the proposal is considered to comply with planning policy, and it is therefore recommended that permission be granted.

**RECOMMENDATION: - GRANT :-**

1. No conditions imposed.

**NOTES TO APPLICANT:**

None

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## REPORT BY THE HEAD OF PLANNING, REGENERATION, AND REGULATORY SERVICES

### PLANNING APPEAL

#### ERECTION OF 60 BED CARE HOME TO REAR OF EXISTING HOME, CONSTRUCTION OF NEW CAR PARK AND NEW VEHICULAR ACCESS FROM EAST PARADE AND SERVICE DRIVE FROM TARLETON STREET

#### ST. DAVID'S RESIDENTIAL HOME, EAST PARADE, RHYL

#### APPLICATION 45/2011/0572/ PF

### 1. PURPOSE OF REPORT

- 1.1 This report relates to a refusal decision of the Planning Committee against which a formal appeal has subsequently been lodged. The appeal will be dealt with by way of a Hearing.
- 1.2 The report will provide Members with the relevant background information and request that Members appoint two representatives to give evidence at the hearing in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol.

### 2. BACKGROUND

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to approve an application to erect a 60 bed care home, with associated access and parking works, at St David's Residential Home, East Parade, Rhyl.
- 2.2 The application was submitted in May 2011 and was considered at Planning Committee in September 2011. The officer recommendation was to GRANT permission. The Committee resolved to REFUSE permission for the following reasons:

1. *"The Local Planning Authority considers that the proposed level of provision for off road parking, and the access arrangements for service and emergency vehicles for a linked development of the existing St David's Home and the proposed Care Home would be unsatisfactory and likely to perpetuate problems arising from the use of Tarleton street as a service road and for parking of staff and visitors vehicles. Tarleton street is considered to be an inadequate highway to serve the development, being characterised by a limited carriageway width, on street parking, and a narrow and unusable footway on one side only. The proposals are considered to conflict with tests vi and vii of Policy GEN 6, test v of Policy CF5, and Policies TRA6 and TRA9 of the Denbighshire Unitary Development Plan, and the parking guidelines in the Council's Supplementary Planning Guidance Note No 21 – Parking Requirements in New Developments, which seek to ensure adequate parking and servicing arrangements in new developments"*
  2. *"The Local Planning Authority considers the proposals would give rise to an over intensification of development on the site, resulting in a cramped form of development and inadequate provision of open space for the residents of the two Care Homes, contrary to tests i, ii, and iii of Policy GEN 6 and test iv of Policy CF5 of the Denbighshire Unitary Development Plan"*.
- 2.3 The sole resolution at Committee was to grant permission, but the vote was 13 – 7 to refuse. Members who spoke against the grant of permission were Councillors Bellis, Bartley, and Pennington.

- 2.4 The formal Certificate of Decision was dated 6<sup>th</sup> October 2011.
- 2.5 The Planning Inspectorate notified the Council of the appeal on 21<sup>st</sup> February, 2012. They have advised that the appeal will be dealt with at a Hearing, and that the date of the Hearing will be Tuesday June 19<sup>th</sup>, 2012.
- 2.6 The Council's Statement on the appeal, and any further comments by third parties, was sent to the Planning Inspectorate by their deadline of 3<sup>rd</sup> April, 2012.
- 2.7 As the refusal decision was contrary to the Planning Officer's recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement.

Paragraph 9.3 states:

"Members of the Planning Committee will be required to give evidence at inquiry or informal hearing in appeals where an officer recommendation has been reversed. The Planning Committee shall appoint representatives to give evidence at the hearing/inquiry (normally the proposer and the seconder of the proposal)"

- 2.8 Officers presented a similar report to the March 2012 meeting of Planning Committee, and it was resolved at the time that Councillors Bellis and Hannam should represent the Council alongside the Development Control Manager at the Hearing, subject to re-election on May 3<sup>rd</sup>. As neither have been re-elected, Officers therefore have to seek a further resolution from Committee on Member representation, in accordance with the protocol.

### 3. RECOMMENDATION

- 3.1 That the Planning Committee appoints two representatives to give evidence at the Hearing on 19<sup>th</sup> June 2012

**GRAHAM H. BOASE**  
**HEAD OF PLANNING, REGENERATION AND REGULATORY SERVICES**

## **INFORMATION ITEM**

**REPORT BY THE HEAD OF PLANNING, REGENERATION AND REGULATORY SERVICES**

## **MAJOR INFRASTRUCTURE PROJECTS**

### **UPDATE REPORT**

#### **1. PURPOSE OF REPORT**

1.1 Members will recall previous reports focusing on major infrastructure projects in Denbighshire.

1.2 This report seeks to update Members on:

- changes to the planning process for major infrastructure projects introduced by the Localism Act 2011;
- the statutory framework for major infrastructure projects; and
- the current status of major infrastructure projects in Denbighshire.

#### **2. BACKGROUND**

2.1 Major infrastructure projects are large scale developments such as new harbours, power stations (including wind farms), and electricity transmission lines, which require a type of consent known as 'development consent' under procedures governed by the Planning Act 2008 (as amended by the Localism Act 2011).

2.2 Previously major infrastructure projects were dealt with by the Infrastructure Planning Commission (IPC). Under the Localism Act 2011, the IPC was abolished and from the 1 April 2012 the Planning Inspectorate became the agency responsible for operating the planning process for major infrastructure projects. In Wales the Planning Inspectorate examines applications for energy and harbour development, subject to detailed provisions in the Planning Act 2008 (the '2008 Act').

2.3 The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be nationally significant and require development consent. For energy projects in England and Wales, it includes:

- Electricity generation power stations with an installed capacity over 50 megawatts onshore and 100 megawatts offshore. This includes generation from fossil fuels, wind farms, biomass, energy from waste and nuclear; and
- High voltage electricity power lines at or above 132,000 Volts.

2.4 Any developer wishing to construct a major infrastructure project must first apply for consent to do so. For such projects, the Planning Inspectorate examines the application and will make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or to refuse development consent.

2.5 The 2008 Act places a duty on the project developer to undertake extensive consultation with prescribed consultees and local communities before submitting an application for development consent to the Planning Inspectorate. The prescribed list of consultees is contained in Schedule 1 to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009; Local Authorities and relevant Town and Community Councils are defined as prescribed consultees.

2.6 There is no statutory obligation placed on the Local Authority to respond to pre-application consultation or participate in the examination process.

2.7 However, Part 8 of the 2008 Act confers an enforcement function on the Local Authority; the Council will

therefore have the power to take enforcement action post consent should the development be in breach of the provisions set out in the Development Consent Order.

2.8 When making a recommendation or a decision on an application for development consent, the Inspector(s) appointed to examine the application must have regard to any relevant National Policy Statement; any Local Impact Report submitted by a relevant Local Authority; and any other matter which the Inspector(s) consider important or relevant.

2.9 Welsh Government policy and local planning policy are material considerations, however it is for the Local Authority or other interested parties to identify relevant policies and put forward a case during the examination of the application to demonstrate why weight should be apportioned to a particular policy.

2.10. Given the scale of development in Denbighshire and the impact this will have on our local communities, Officers feel it is incumbent to fully participate in the process; in this respect key activities include responding to pre-application consultations, submitting written representations and producing a Local Impact Report. A report will be put to the Communities Scrutiny Committee (date to be confirmed) to ratify the level of involvement the Council should have with regards to major infrastructure projects.

2.11 Appendix 1 summarises the statutory stages in the planning process for major infrastructure projects which affect the Local Authority and the local community.

### **3. MAJOR INFRASTRUCTURE PROJECTS IN DENBIGHSHIRE**

3.1 There are five major infrastructure projects currently in the pre-application stages which affect Denbighshire. This includes offshore and onshore windfarms and new high voltage electricity power lines. In addition, the Gwynt y Mor offshore windfarm is currently under construction. Details of all major infrastructure projects affecting Denbighshire are detailed below:

#### **Offshore major infrastructure projects**

3.2 The offshore windfarm developments off the North Wales coast are classed as major infrastructure developments and affect Denbighshire in terms of visual, landscape and seascape impact. Offshore windfarms also need an onshore connection point to feed the power generated into the electricity grid. Onshore grid connection works are likely to be subject to a separate planning application, where the determination body is the relevant local planning authority rather than the Planning Inspectorate.

##### **3.2.1 Gwynt y Mor offshore windfarm**

- The applicant for the project is RWE Renewables Ltd.
- The proposal is for a 576 megawatt (MW) offshore windfarm in Liverpool Bay, around 18km off the North Wales coast.
- The development will consist of 160 no. 3.6MW turbines each with a tip height of 150m.
- The offshore windfarm will have a grid connection point at St Asaph.
- The Department for Energy and Climate Change (DECC) granted consent for the windfarm in December 2008 and Denbighshire County Council granted planning permission for the onshore grid connection works in early 2009.
- The development is currently under construction.

##### **3.2.2 Burbo Bank Extension offshore windfarm**

- The applicant for the project is Dong Energy.
- The proposal is to extend the existing Burbo Bank offshore windfarm in Liverpool Bay, approximately 7km north of Hoylake on the Wirral and 12.2km from the Point of Ayr in Flintshire.



- The proposed installed capacity will be approximately 250MW and the windfarm will consist of a maximum of 75 turbines with a maximum tip height of 225m.
- The windfarm extension has been offered a grid connection point at St Asaph. and the onshore grid connection works will require planning permission from Denbighshire County Council. The onshore grid connection route is yet to be finalised. None of the current route options require overhead lines. All the cabling from the shoreline to St Asaph will be underground, however a new substation will be required.
- The development is in the pre-application stages. Statutory pre-application consultation commenced on 16 April 2012 and will run until 1 June 2012.
- The developer intends to submit the applications to the Planning Inspectorate and Denbighshire County Council in early 2013.

### **3.2.3 Irish Sea Zone offshore windfarms**

- In 2008 the Crown Estate began a competitive tender process to develop offshore windfarms in nine specified zones around Britain in its third round of offshore windfarm leasing (known as Round 3). This included the Irish Sea Zone.
- The Crown Estates awarded Centrica the development rights to the Irish Sear Zone in January 2010. In March 2012, Centric and Dong Energy announced the creation of a joint venture partnership to develop, construct and operate windfarms in the Irish Sea Zone.
- A Zonal Appraisal and Planning programme has been completed which identifies three Potential Development Areas where windfarm development could be located within the Irish Sea Zone.
- The scheme is in the early pre-application stages and the development programme is currently being devised.

### **Onshore major infrastructure projects**

3.3 The following onshore developments affecting Denbighshire are classed as major infrastructure developments:

#### **3.3.1 Clocaenog Forest windfarm**

- The applicant for the project is RWE Npower Ltd.
- The proposal is for a 32 turbine windfarm and associated infrastructure in the Clocaenog Forest. Each turbine would have a generating capacity of between 2 – 3MW and would have a maximum tip height of 145 metres.
- The site is wholly within the Clocaenog Forest Strategic Search Area identified in Welsh Government Technical Advice Note 8. The Welsh Government seeks to direct large scale wind farm development to within Strategic Search Areas.
- The development is in the pre-application stages. Statutory pre-application consultation was carried out in September 2011 and the application is expected to be submitted to the Planning Inspectorate in summer 2012.

#### **3.3.2 Mynydd Mynyllod windfarm**

- The applicant for the project is Scottish Power Renewables Ltd.
- The proposal is for a windfarm of up to 25 turbines and associated infrastructure on Mynydd Mynyllod, approximately 5km south west of Corwen. Each turbine would have a generating capacity of 2 -3MW and would have a maximum tip height of 145 metres.
- The site is outside of the Clocaenog Forest Strategic Search Area identified in Welsh Government Technical Advice Note 8. The Welsh Government seeks to direct large scale wind farm development to within Strategic Search Areas.

- The development in the pre-application stages. Consultation on preliminary environmental information was carried out in Autumn 2011 and formal pre-application consultation is expected to commence in June 2012 (the consultation period will last 42 days).

### **3.3.3 North Wales wind farm Connections**

- The applicant for the project is Scottish Power Energy Networks (Scottish Power MANWEB) who are the distribution network operator for the North Wales area.
- The electricity grid connection infrastructure to connect the consented windfarms in the Clocaenog Forest Strategic Search Area and the proposed Clocaenog Forest windfarm is classed as a major infrastructure development as it will include new 132,000 Volt power lines from Clocaenog Forest to St Asaph. The exact route and type of infrastructure is yet to be defined but it is envisaged that overhead lines will be required.
- Any new substations would require planning permission from Denbighshire County Council.
- The development is in the early pre-application stages. Early consultation with local communities is expected to be carried out in spring / summer 2012 to help the developer refine the route options. Once the preferred route is identified, the developer will consult with the Council on the provisions of the Statement of Common Ground and formal pre-application consultation is expected in Summer 2012.

### **3.3.4 National Grid North Wales grid connection**

- The applicant for the project is the National Grid.
- The National Grid North Wales grid connection project is classed as a major infrastructure development and will affect the whole of North Wales. This is a separate development from the North Wales wind farm connections project being progressed by Scottish Power Energy Networks.
- The proposal is to upgrade the existing North Wales National Grid electricity power lines to increase the capacity on the transmission network (this is the existing very high voltage lines on large pylons which stretches across North Wales). All North Wales local authorities will be affected by this project, however the current options are only proposing to re-power the existing lines which cross through Denbighshire; no new infrastructure is proposed in the county (however new power lines and infrastructure are proposed in other North Wales counties).
- The development is in the early pre-application stages and is yet to be registered as a project with the Planning Inspectorate.

3.4 The lead officer within the planning section for major infrastructure projects is Denise Shaw, who is the Renewable Energy Schemes Planning Officer based in the Caledfryn office, and would be please to answer any questions relating to these matters..

3.5 Further information on these projects can be found on the developer's websites. Appendix 2 contains contact details and website addresses for the major infrastructure projects referred to above.

## **4. RECOMMENDATIONS**

4.1 The report is mainly for information purposes, but Members are requested to note the key dates identified in Section 3 of this report. Useful advice notes and further information can be found on the Planning Inspectorate's dedicated National Infrastructure Planning website:

<http://infrastructure.planningportal.gov.uk/>

**GRAHAM H. BOASE**

**HEAD OF PLANNING, REGENERATION AND REGULATORY SERVICES**

## APPENDIX 1: THE ROLE OF THE LOCAL PLANNING AUTHORITY IN THE PLANNING PROCESS FOR MAJOR INFRASTRUCTURE PROJECTS

The tables below set out the statutory stages which relate to Local Authorities in the planning process for major infrastructure projects. Relevant non-statutory stages which affect Local Authorities have also been included and are show in italics.

<b>A1. PRE-APPLICATION STAGE</b>		
<b>Pre-application Stage</b>	<b>Activity</b>	<b>Statutory timescale</b>
EIA scoping opinion consultation (EIA Regs)	Where the developer requests an EIA scoping opinion from the Planning Inspectorate (PINS), the Inspectorate will consult with Local Authorities and other consultation bodies prior to issuing their opinion.	Minimum of 28 days
Draft Statement of Community Consultation (SoCC) consultation (Section 47)	Prior to undertaking formal consultation with the local community, the developer is required to prepare a Statement of Community Consultation (SoCC), setting out how they are going to carry out their consultation. The Local Authority will be invited to comment on the provisions of the draft SoCC before it is published.	28 days
Statutory consultation (Section 42)	Developer is required to formally consult prescribed consultees at pre-application stage (this includes Local Authorities and relevant Town and Community Councils).	Minimum of 28 days
Community Consultation (Section 47)	The developer is required to engage with the local community in accordance with the proposals set out in the SoCC	No statutory timescale
Publicity (Section 48)	The developer is required to advertise the project in national and local newspapers at specified stages in the process	No statutory timescale
<i>Pre-submission discussions</i>	<i>Best practice recommends developers enter into discussions with the Local Authority prior to submitting their application. This may include commenting on the draft Development Consent Order (DCO) provisions, requirements and planning obligations and agreeing a Statement of Common Ground.</i>	<i>No statutory timescale</i>

<b>A2. SUBMISSION / ACCEPTANCE STAGE</b>	
<b>Submission / Acceptance Stage</b>	<b>Activity</b>
Comment on the adequacy of community consultation (Section 55)	The Planning Inspectorate has 28 days to decide whether or not to accept an application. During this time the Local Authority will be invited to comment on the adequacy of the consultation carried out by the applicant.
	<b>Statutory timescale</b> Less than 28 days (2 weeks is most likely)

<b>A3. PRE-EXAMINATION STAGE</b>	
<b>Pre-examination Stage</b>	<b>Activity</b>
Registration of Interest / Initial Representation (Section 56 & 57)	Once an application is accepted, the developer must give notice of the application to prescribed consultees, Local Authorities and any other person who is within one of more of the categories set out in Section 57. The developer must also publicise the application in the prescribed manner and allow a minimum of 28 days for interested parties to register their interest. The deadline for expressions of interest to be clearly stated. As a prescribed consultee, Local Authorities are automatically an 'interested party'. The Planning Inspectorate encourage prescribed consultees to make a representation at this stage to set out their initial views on the application.
Local Impact Report (Section 60)	The Local Authority will be invited to submit a Local Impact Report. The Planning Inspectorate must have regard to any Local Impact Report during the examination of an application for development consent.
Agree a Statement of Common Ground	<i>The developer may approach the Local Authority to negotiate and agree a Statement of Common Ground and seek to agree heads of terms for any necessary legal agreements (Section 174 of the 2008 Act amends section 106 of the TCPA 1990 to enable legal agreements to be entered into)</i>
	<b>Statutory timescale</b> Approx. 3 month Pre-application stage.  Minimum 28 days must be given for interested parties to register their interest  Timescale for submission of LIR will be set by Planning Inspectorate  No statutory time limit

<b>A4. EXAMINATION STAGE</b>	
<b>Examination</b>	<b>Activity</b>
	<b>Statutory timescale</b>

<b>Stage</b>		
Preliminary Meeting (Section 88)	The Local Authority will be invited to attend a preliminary meeting.	6 month Examination stage
Submit Written Representation (Section 90)	The Local Authority will be invited to submit written representations..	Timescale for written reps will be set by Planning Inspectorate
Attend / speak at Hearing (Section 91 – 96)	The Local Authority will be invited to attend Hearing sessions and make oral representations where necessary.	Timescale for oral reps will be set by Planning Inspectorate

<b>A5. DECISION STAGE</b>		
<b>Decision Stage</b>	<b>Activity</b>	<b>Statutory timescale</b>
Decision Statement (Section 103-117)	The Decision make must prepare a statement of its reasons for deciding to grant or refuse development consent. A copy of the statement should be provided to prescribed consultees and interested parties.	Planning Inspectorate has 3 months to make Decision / Recommendation Secretary of State will have an additional 3 months
Legal Challenge (Section 118)	A court may entertain proceeding for questioning an order granted development consent only if a) The proceedings are brought by a claim for judicial review and b) The claim form is filed during the period of 6 weeks	6 weeks

<b>A6. POST DECISION STAGE</b>		
<b>Post- decision Stage</b>	<b>Activity</b>	<b>Statutory timescale</b>

Post consent monitoring and enforcement (Section 160-173)	Part 8 of the 2008 Act sets out the enforcement powers relating to development consent orders and confers an enforcement function on the local planning authority.	As defined in the DCO
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**Glossary of abbreviations:**

DCO = Development Consent Order

EIA = Environmental Impact Assessment

EIA Regs = Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

LIR = Local Impact Report

SoCC = Statement of Community Consultation

TCPA 1990 = Town and County Planning Act 1990

2008 Act = Planning Act 2008

## APPENDIX 2: MAJOR INFRASTRUCTURE PROJECTS CONTACT INFORMATION

<b>Gwynt y Mor offshore windfarm</b>	
Post	Gwynt y Mor Offshore Wind Farm, RWE Npower Renewables Ltd, Port of Mostyn, Coast Road, Mostyn, Flintshire, CH8 9HE
Tel	0845 071 4474
Email	<a href="mailto:gwyntymor@rwe.com">gwyntymor@rwe.com</a>
Web	<a href="http://www.rwe.com/web/cms/en/306614/rwe-innogy/sites/wind-offshore/under-construction/gwynt-y-mr/summary/">http://www.rwe.com/web/cms/en/306614/rwe-innogy/sites/wind-offshore/under-construction/gwynt-y-mr/summary/</a>

<b>Burbo Bank Extension offshore windfarm</b>	
Post	DONG Energy Burbo Bank Extension (UK) Ltd, 33 Grosvenor Place, London, SW1X 7HY
Tel	0207 811 5235 / 0207 811 5200
Email	<a href="mailto:burbobankextension@dongenergy.co.uk">burbobankextension@dongenergy.co.uk</a>
Web	<a href="http://www.dongenergy.com/burbobankextension/Pages/index.aspx">http://www.dongenergy.com/burbobankextension/Pages/index.aspx</a>

<b>Irish Sea Zone offshore windfarms</b>	
Post	Centrica plc, Millstream, Maidenhead Road, WindsorBerkshire, SL4 5GD
Tel	01753 494 000
Email	<a href="mailto:ceri@centrica.com">ceri@centrica.com</a>
Web	<a href="http://www.centrica.com/index.asp?pageid=923&amp;project=project8&amp;projectstatus=future">http://www.centrica.com/index.asp?pageid=923&amp;project=project8&amp;projectstatus=future</a>

<b>Clocaenog Forest windfarm</b>	
Post	Clocaenog Forest consultation, RWE npower renewables, Unit 22, Baglan Bay Innovation Centre, Baglan Energy Park, Central Avenue, Port Talbot, SA12 7AX
Tel	01639 816180
Email	<a href="mailto:clocaenog@npower-renewables.com">clocaenog@npower-renewables.com</a>
Web	<a href="http://www.rwe.com/web/cms/en/306196/rwe-innogy/sites/wind-onshore/united-kingdom/in-development/the-proposal/">http://www.rwe.com/web/cms/en/306196/rwe-innogy/sites/wind-onshore/united-kingdom/in-development/the-proposal/</a>

<b>Mynydd Mynyllod windfarm</b>	
Post	Scottish Power Renewables, 1 Atlantic Quay, 4th Floor, Glasgow, G2 8JB
Tel	0141 614 0450

Email	<a href="mailto:mynydd@scottishpower.com">mynydd@scottishpower.com</a>
Web	<a href="http://www.mynyddmynylodwindfarm.com/">http://www.mynyddmynylodwindfarm.com/</a>

<b>North Wales wind farm Connections</b>	
Post	North Wales wind farm connections project manager, Scottish Power Energy Networks, 2 Prenton Way, Prenton, Merseyside, CH43 3ET
Tel	No dedicated telephone number set up to date
Email	No dedicated email set up to date
Web	<a href="http://www.sppowersystems.co.uk/publicinformation/performance.asp">http://www.sppowersystems.co.uk/publicinformation/performance.asp</a> (details will be available on this webpage in due course)

<b>National Grid North Wales grid connection</b>	
Post	Freepost National Grid, NW Connection
Tel	0800 990 3567
Email	<a href="mailto:nationalgrid@northwalesconnection.com">nationalgrid@northwalesconnection.com</a>
Web	<a href="http://www.nationalgrid.com/uk/Electricity/MajorProjects/NorthWalesConnection/">http://www.nationalgrid.com/uk/Electricity/MajorProjects/NorthWalesConnection/</a>



**PLANNING COMMITTEE  
30<sup>th</sup> MAY 2012**

## **ADDITIONAL ITEM**

**REPORT BY THE HEAD OF PLANNING, REGENERATION AND REGULATORY SERVICES**

### **BURBO BANK WINDFARM EXTENSION MAJOR INFRASTRUCTURE PROJECT**

#### **RESPONSE TO CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008**

##### **1. PURPOSE OF REPORT**

1.1 Members are referred to the previous item on the agenda titled 'Major Infrastructure Projects - Update Report' which sets out the planning process for major infrastructure projects.

1.2 Denbighshire County Council have been invited to respond to the pre-application consultation on the proposed Burbo Bank offshore windfarm extension in accordance with Section 42 of the Planning Act 2008.

1.3 This report seeks approval from Members to submit the a consultation response, which must be with the developer by 5.00pm on the 1st June 2012.

##### **2. BACKGROUND**

2.1 DONG Energy is proposing to develop an extension to the existing operational Burbo Bank offshore wind farm ('the Project'). The Project consists of an area of 40 sq. km and is located to the west of the existing operational offshore wind farm within Liverpool Bay. Appendix 1 shows the indicative site plan.

2.2 The Project would consist of a maximum of 75 turbines with a maximum blade tip height of 225m and would be located in English waters, although the offshore export cable route to shore would cross into Welsh territorial waters and the cable route, landfall and onshore cable route would lie within the administrative area of Denbighshire County Council.

2.3 The export cable landfall will be located on a stretch of coastline between Rhyl and Prestatyn; at this stage several landfall locations are still being explored, but in either case, once ashore, an underground cable will run south to south-west for approximately 11 km and the Project will connect into the wider electricity transmission network at the National Grid's Bodelwyddan substation (which is currently under construction) to the south of the St. Asaph Business Park.

2.4 A new onshore substation would be built at one of two potential locations on land near to St. Asaph Business Park.

2.5 The Project will require the following planning and development consents:

- A development consent order (DCO) under the Planning Act 2008 for the offshore elements of the Project that are in English waters. This will be examined by the Planning Inspectorate and the Secretary of State will have the final decision on whether to approve the application. A deemed marine licence from the Marine Management Organisation (MMO) can be incorporated into the DCO.

- A marine licence under the Marine and Coastal Access Act 2009 for the offshore elements of the project in Welsh waters. The Welsh Government's Marine Consents Unit (WG MCU) is the relevant consenting authority.
- Planning permission under the Town and Country Planning Act 1990 for the onshore elements of the Project. Denbighshire County Council will determine the application.

2.6 The Project will also be subject to Environmental Impact Assessment as well as other statutory assessments (e.g. Appropriate Assessment and Habitats Regulations Assessment) and will require a range of additional consents and licences (e.g. Water abstraction licence, protected species licence, notice of street works etc.).

2.7 In accordance with the provision of Section 42 of the Planning Act 2008, formal pre-application consultation with stakeholders and the public commenced on 16 April 2012 and ends on 1 June 2012.

2.8 It is noted that the Council will not receive a planning fee to cover the cost of responding to the Section 42 consultation, however it presents an opportunity for the Council to comment on the proposal and ensure local impacts are fully considered.

2.9 Other stakeholders such as the Countryside Council for Wales, the Environment Agency, Town and Community Councils and members of the public will also have the opportunity to comment on the consultation documents.

### **3. SECTION 42 CONSULTATION DOCUMENTS**

3.1 The consultation is focussed on the Preliminary Environmental Information Technical Report ('PEI Report'). The purpose of the PEI Report is to provide detailed information about the project and set out a preliminary overview of how the Environmental Impact Assessment (EIA) is progressing and to detail the information gathered and assessments made so far.

3.2 The PEI Report is accompanied by a Non-Technical Summary.

3.3 Since the final layout of the Project is not fully defined at this stage, the EIA process has considered the worst realistic scenario within the design envelope, i.e. the scenario allowed within the defined envelope of the proposals that have the potential to be constructed and would lead to the worst levels of adverse environmental effects for that sensitivity.

3.4 As a result of the consultation the developer (DONG Energy) is seeking to obtain comments from stakeholders and communities on the Project, including in relation to the following:

- The proposed Project in relation to the 'design envelope' i.e. range of wind turbines, foundations etc. that are being considered;
- The relevance of the environmental impacts being assessed with regards to various physical, biological and human sensitivities to the Project;
- The degree of consultation undertaken thus far and, if required, what could be done to improve this;
- The amount of feedback received and information available with regards to the Project;
- The clarity of the application process and various bodies/organisations through which the relevant consents/licences will be obtained.

### **4. CONSULTATION RESPONSE**

4.1 Having assessed the submission, Officers have drafted a consultation response which is contained in Appendix 2.

4.2 As the offshore windfarm would be a considerable distance from the Denbighshire coastline (the nearest turbine will be more than 15km from the Nova Centre in Prestatyn), Officers feel the offshore works will have only a limited

impact on the County; so comments have therefore focused on the onshore works.

4.3 The consultation response does not form an opinion on the development but rather takes the form of an observations report that makes reference to the relevant chapters in the PEI Report.

4.4 Officers have consulted with colleagues in other relevant sections of the Council, and comments have been received from the Council's Biodiversity Officer, Public Protection Technical Officer and Senior Highways Engineer, which have informed the consultation response; Officers respectfully feel this is an adequate response at this stage.

4.4 As the onshore works will be the subject of a planning application, the consultation response includes a caveat within the preface to clarify that comments are given without prejudice and do not constitute a formal determination under the Town and Country Planning Act 1990. The Council will therefore reserve the right to fully assess the onshore works at the planning application stage.

4.5 Failure to submit a consultation response to DONG Energy may result in key issues being overlooked which may result in delays at the planning application stage.

#### **4. RECOMMENDATIONS**

4.1 Members agree to the appended consultation response in Appendix 2 being submitted to DONG Energy as the Council's response to the formal pre-application consultation, in order to meet the timescale directed by the developer (1 June 2012).

**GRAHAM H. BOASE**

**HEAD OF PLANNING, REGENERATION AND REGULATORY SERVICES**

APPENDIX 1: BURBO BANK EXTENSION OFFSHORE WINDFARM



**APPENDIX 2: CONSULTATION RESPONSE ON BEHALF OF DENBIGHSHIRE COUNCIL**

PLEASE SEE REPORT BELOW:

**BURBO BANK WINDFARM EXTENSION MAJOR INFRASTRUCTURE PROJECT**  
**SECTION 42 CONSULTATION**  
**RESPONSE TO PRELIMINARY ENVIRONMENTAL INFORMATION (PEI) ON BEHALF OF**  
**DENBIGHSHIRE COUNTY COUNCIL**  
**30 MAY 2012**

**1. PREFACE**

Reference is made to your letter dated 16 April 2012 which gave notice of the formal pre-application consultation period and invited comments on the Preliminary Environmental Information (PEI) in accordance with the provisions of Section 42 of the Planning Act 2008.

Comments on behalf of Denbighshire County Council ('the Council') take the form of an observations report which follows this preface. The response incorporates comments from the Council's Renewable Energy Planning Officer, Senior Highways Engineer, Public Protection Technical Officer (Pollution Control) and Biodiversity Officer. Reference is made to the relevant chapters in the PEI Technical Report; reference is made only to sections of the Report which the Council wish to provide comment on.

As the onshore works will not form part of the Development Consent Order and will instead require planning permission from the Council, we advise that comments specific to the onshore works contained in this response are provided without prejudice based on the information available, and does not constitute a formal determination under Town and Country Planning Act 1990. The Council therefore reserves the right to fully assess the onshore works at the planning application stage.

These comments have been considered by Denbighshire County Council's Planning Committee and constitute the authority's formal response to the consultation.

**2. GENERAL NOTES**

**Layout of the Report**

The PEI Report is well laid out and has a logical format, however it is a very long document (276 pages in total) which required a significant amount of time to review; this should be taken into consideration when the documents are submitted and interested parties should be given adequate time to review the information during the pre-examination stage. The Non-Technical Summary is also well laid out and provides sufficient information for the reader to familiarise themselves with the key elements of the project without being overly simplistic.

For information, in relation to other EIA developments (both NSIP and non-NSIP projects), we have previously received comments from the public which criticise the scope of the ES Non-Technical Summary; members of the public and local interest groups often do not have the time or resources to review the full ES and often rely on the Non-Technical Summary as a source of information, but in many cases they have found it to be too brief or overly simplistic, therefore we would recommend that the final Non-Technical Summary retains the level of information presented in the PEI Non-Technical Summary. However it may also be prudent to produce a more condensed version of the ES in, for example, the form of an executive summary.

**Welsh language and planning policy**

It is noted that the consultation documents have been produced in English only. Given that the project affects both England and Wales, Welsh language consultation documents should have been made available.

It is recommended that when the application is submitted to the Planning Inspectorate, a Welsh language version of the ES Non-Technical Summary is made available and publicity materials and public notices should also be bilingual.

In the onshore section of the Report, some reference is made to English planning policy and English statutory undertakers (e.g. PPS9 and Natural England), however as all onshore works will be within Wales, reference to England only policies and agencies should be removed and replaced with the relevant Welsh counterparts.

## **Local supply chain**

Whilst this comment is not pertinent to the PEI Report or the consents process, the Council would also wish to enquire about the opportunities for local businesses in the supply chain should consent be achieved?

To enhance the sustainability credentials of the project and provide tangible economic benefits to host communities who will be impacted by the Project, the Council would welcome a commitment from DONG Energy to adopt a sustainable procurement strategy and to maximise opportunities for the local supply chain during the design, construction and operation of the windfarm. As far as practical, products and services from within North Wales and the North West of England should be procured and we welcome the inclusion of a local business weighting criteria in the supply chain tender process.

### **3. COMMENTS ON PEI REPORT**

#### **SECTION 3: OFFSHORE WIND ENERGY AND ELECTRICITY MARKET**

Section 3.1. makes reference to the Westfield project rather than the Burbo Bank Extension project (end of 2<sup>nd</sup> paragraph).

#### **SECTION 4: ENVIRONMENTAL IMPACT ASSESSMENT PROCESS**

Section 4.2 sets out the Rochdale Envelope Principle. For the avoidance of doubt, the report should clarify what the 'the worst case scenario' assessment entails; have the assessments been based on a theoretical 'worst case scheme' (i.e. a scheme which would consist of 75 no. turbines with a tip height of 225 meters, even though this isn't a feasible arrangement), or have each of the three realistic development scenarios presented in section 7.1 (Scenario 1, Scenario 2 and Scenario 3 respectively) been individually assessed and the most significant impacts from the three assessments reported in the PEI Report?

Section 4.7 refers to mitigation measures and states the intention is to provide specific details within the individual chapters of the ES, however it would exceedingly useful if all proposed mitigation and enhancement measures are collated into separate stand-alone section of the ES or in a separate Mitigation Statement, and it should be made explicit which measures will be taken forward.

Section 4.9 details the surveys undertaken and planned. Will these surveys in their entirety be available for prescribed consultees and interested parties to consider, and will they be available on the Project website?

#### **SECTION 5: LEGISLATIVE CONTEXT, PLANNING AND REGULATORY REQUIREMENTS**

Table 5: Onshore consents: Reference to Natural England should be replaced with the Countryside Council for Wales (CCW).

#### **SECTION 6: SITE SELECTION**

Section 6.6 states that '*all cables to and from the onshore cable that are associated with this Project application are to be buried (no additional overhead cables are required)*'. However, as the voltage from the substation will need to be stepped up to 400kV to interface with the National Grid substation, clarification is sought as to whether this single high voltage cable will be underground, or will this section of cable be replaced with overhead lines at the value engineering stage?

#### **SECTION 7: PROJECT DESCRIPTION**

Section 7.6 states works on the onshore substation will be carried out during the summer months. Will the onshore export cable route also be constructed during the summer months?

Carrying out construction works during the summer months in coastal areas will have a more significant impact on tourism than it would during the winter months. Has the time of year been factored into the recreation and tourism impact assessment?

#### **SECTION 8: CONSULTATION**

Were community consultation materials (leaflets, flyers, display boards etc.) bilingual (English and Welsh)?

It is noted that consultation with landowners along the onshore cable routes have been carried out. However, as the proposed substation will be located on the St. Asaph business park, have adjoining businesses on the business park also been consulted?

We would like to draw your attention to an issue which arose when the Council determined the planning application for the Gwynt y Mor substation. A neighbouring business (Qioptic) had particular concerns over vibration and security, and it would be advisable to discuss this matter with them and other adjoining businesses directly to avoid objections at the planning application stage.

Section 8.4 sets out the provisions for further consultation. Once the application is accepted by the Planning Inspectorate, we would encourage you to extend to period of time for interested parties to register their interest rather than strictly adhering to the statutory 28 day minimum period, given the length and complexity of the application documents.

## **SECTION 12. OFFSHORE HUMAN ENVIRONMENT**

Section 12.4 summarises the Landscape & Seascape Visual Impact Assessment (LSVIA); a correction is required in Table 39: Prestatyn, near Nova Centre view point is in Denbighshire not Flintshire.

The regeneration of Rhyl is a strategic priority for the Council, and the coastal resorts are a key component of the visitor economy in the county and we would therefore recommend an additional view point from Rhyl promenade to ensure the impacts are fully considered (e.g. Rhyl Aquarium which was used in the North Hoyle SLVIA). However we do acknowledge that the Prestatyn view point noted above would be broadly representative of views from Rhyl promenade as well.

Section 12.4.7 acknowledges that the operational windfarms (North Hoyle and Rhyl Flats) combined with the Gwynt y Mor windfarm will be a significant source of cumulative effects in views from the viewpoints along the Welsh coast (however the existing Burbo Bank windfarm is the most prominent offshore windfarm when viewed from the Flintshire coast).

However, as each windfarm has a different array layout and consists of different turbine specifications which vary in size, will the offshore windfarm seascape appear to be cohesive? This is a particular concern with regards to onshore wind energy developments; the scale of wind turbine development in the county varies significantly, and when different scales of development are assessed in combination, there is the potential for the windfarm landscape to appear disjointed, resulting in more significant cumulative effects. Have the offshore SLVIA taking into account the layout, height and form of the existing windfarms as well as the volume of turbines when considering cumulative and in-combination effects?

Do the turbines under consideration vary significantly in size and form from the turbines within the existing Burbo Bank array and within the other offshore windfarms? If so, will it be obvious from the coastline that the turbines differ in size and does this affect the magnitude of effects? (e.g. will the existing windfarm and the extension look like a single larger scheme or will it be obvious that they are two separate schemes. If it is the latter, will this result in a more significant visual effect?).

Section 12.4.8 refers to their being limited opportunities for mitigating visual impacts, however one mitigation measure would be to ensure the turbine specification visually complements the existing arrays. However, it is noted that the visual impact of the existing offshore windfarms along the North Wales coast varies significantly depending on the climatic conditions (weather, visibility, position of the sun in the sky etc.) and we would agree that it will be very difficult to mitigate for this given the variability of the climate, and standard turbine colours would be preferable to blend with the existing offshore developments.

## **MISSING INFORMATION: ONSHORE TRAFFIC AND TRANSPORT RELATING TO OFFSHORE WORKS**

The report doesn't seem to contain any information about onshore traffic and transport movements which relates to the offshore works. Section 15.5 concentrates on the environmental effects caused by traffic and transport which relate to the onshore works only, however there will inevitably be onshore traffic and transport implications during the construction of the offshore windfarm.

For example, where will the construction compound and site office for the offshore construction works be located? (Liverpool Docks, Mostyn Docks?) How will the turbine components be transported to site, will they be transported by sea or will some components be transported by road? What implications will this have on shipping and the road



network? What is the number and frequency of vehicular movements to and from the construction compound during the construction phase? Will abnormal loads be required? Etc.

Therefore additional transport impact assessments are needed which should be reported in final Environmental Statement.

## **ONSHORE WORKS**

Please note comments given on the onshore elements of the proposal are given without prejudice based on the information provided and does not constitute a formal determination under Town and Country Planning Act 1990:

### **SECTION 13. ONSHORE PHYSICAL AND CHEMICAL ENVIRONMENT**

It is noted that the impacts on geology, hydrogeology and ground conditions and on hydrology and flood risk are most likely to occur during the construction phase and Section 13 makes reference to the Construction Environmental Management Plan (CEMP) as a mechanism to manage and mitigate those impacts. This would be a key document to enable the Council to assess if measures have been put in place to adequately mitigate identified environmental effects; it would be preferable if this document is submitted with the planning application so the development proposal can be assessed in its entirety rather than the approval of the CEMP being subject to a pre-commencement planning condition.

All proposed mitigation measures to reduce environmental effects during operation (e.g. surface water drainage measures; maintenance protocols etc.) should be identified in the supporting information accompanying the planning information.

As mentioned earlier, it would be beneficial for all mitigation and enhancement measures which are to be taken forward to be collated into a stand-alone section of the ES, or in a separate Statement.

### **SECTION 14. ONSHORE BIOLOGICAL ENVIRONMENT**

Par. 14.1.1 refers to Nature England, who has no jurisdiction in Wales and Par. 14.1.3. refers to PPS9 which does not apply in Wales. Reference should instead be made to CCW and Welsh planning policy (Planning Policy Wales and Technical Advice Note 5). Appropriate planning policies contained in the Denbighshire UDP should also be referenced.

The Council is happy with the proposed surveys to be carried out in 2012, but will reserve detailed judgement on the ecological impacts until the Phase 2 ecological surveys have been carried out. However, based on information in the PEI Report, the Council's Biodiversity Officer has put forward the following comments:

**Landfall location:** From a biodiversity point of view option 1 would be preferable since it avoids the Wildlife Site; however it is appreciated that this could be more contentious. Option 2 will be possible if scrub/gorse clearance is undertaken outside of the bird nesting season and adequate mitigation is provided. In fact removal of some of the scrub would be beneficial for the herb-rich grassland behind the dunes which is being taken over by scrub.

**Onshore cable route:** Section 14.1.3 Baseline states "*The proposed cable route corridor crosses three Local Wildlife Sites, at Ffrith Beach at the northern end of the proposed cable route, in the centre of the scheme, near the River Clwyd, and at the southern end of the proposed cable route*".

Which wildlife site is referred to as being at the southern end of the cable route as this site isn't identified on the map? For information it is the River Clwyd and Adjacent Fields Wildlife Site which the cable route crosses as it crosses the river south of Rhuddlan.

Please contact the Council's Biodiversity Officer for more information on this site.

**Grid connection point:** Sub-station option B would be preferable since this avoids taking the cable through the mitigation area for the Gwynt y Mor onshore works.

### **SECTION 15. ONSHORE HUMAN ENVIRONMENT**

#### **15.2 Landscape and Visual Impact Assessment**

With regards to the substation, the Council had recommended additional viewpoints to inform the LVIA at Bodelwyddan historic park, St Asaph Cathedral and Scheduled Ancient Monument's with public access. It is not

clear if these additional viewpoints have been incorporated into the assessment. Viewpoints used within the assessment should be tabled in the report similar to Table 39 which lists the viewpoints for the offshore LSVIA.

Details of mitigative landscaping should be included with the planning application rather than being subject to a pre-commencement planning condition.

#### **15.4 Recreation, Tourism and Socio-Economics**

Has time of year being factored into the assessment for construction impacts? Is in noted previously in the PEI Report that onshore construction works are likely to be carried out during the summer months which would have a more significant impact on tourism and recreation interests than if works were carried out in the winter. It is recommended that construction activities in coastal areas avoid peak times of the year to mitigate the impact on the visitor economy; if peak times cannot be avoided affected businesses should be compensated for any loss of income they may incur.

Similarly, during operation, maintenance activities on the jointing bays should be scheduled during quiet times to avoid disruption.

#### **15.5 Traffic and Transport**

Please refer to the point made above in relation to the offshore works; have the onshore traffic and transport movements which relate to the offshore works been assessed?

The Welsh Government has advised that planning applications for windfarms should not be determined until such time as a Transport Management Plan (TMP) has been agreed by all relevant highways authorities. As the planning application for the onshore works will be ancillary development, this advice will apply. Therefore an approved TMP should be produced (either as a stand-alone document or within the CEMP) and be submitted with the planning application as the Council will be unable to determine the application without it.

The TMP should contain the information set out below:

**Introduction** - includes background including the number of abnormal loads and other vehicles.

**Description of Route** - detailed description of the access route to the site for all vehicles delivering abnormal loads, HGV's delivering materials, concrete etc. identifying road types and characteristics and any improvements proposed a condition survey of the existing highway network will also be required.

**Traffic Management** - methodology for moving abnormal load convoys whilst minimising delays to other traffic including contingency plans in the event of incidents or emergencies.

**Delivery Times** - including timings for traffic sensitive locations; delays to negotiate any constraints.

**Details of Trial Runs** - the TMP to be supported by documented trial run information, witnessed/observed by the Highway Authority and police. Document to include or refer to separately submitted full video coverage of the route.

**Proposed Highway Improvements or Works** - location, nature and details of all potential horizontal and vertical constraints such as junctions, bends and steep gradients, swept path analysis of constraints. Outline design of proposed permanent improvement works the plans should show all improvement works within the highway or third party land.

**Structures** - carriageway width at all highway structures, headroom at all bridges and the proposals for assessing the impact on highway structures, non-highway structures and embankment slopes possible effected by loads.

**Proposals to ensure Public Awareness** - including consultation proposals; notification for travelling public and communities.

**Site Accesses** - Full details of all accesses at road crossings, including the detailed design, layout and drainage etc. including wheel wash facilities.

**Site compounds** - full details of the site compound locations indicating material storage areas staff car parking, loading and unloading facilities off the highway including wheel wash facilities.

Please refer to the attached letter from the Welsh Government for further information. To avoid delays, we would strongly advise discussions with the relevant highways authorities take place well in advance of the planning application stage.

## 15.7 Noise and Vibration

The Council's Public Protection Technical Officer has reviewed this section of the PEI Report and has put forward the following comments:

There is mention of the Horizontal Directional Drilling (HDD) being undertaken on a 24hr basis and yet the noise levels are likely to be greater than the 40dB(A)eq,8h night time target. We would therefore request that this element of work is undertaken during the normal working day. However, if it is absolutely necessary that the work continues during the night time period then we would request that robust mitigation measures are used. We would also request that we are informed of these situations.

A contact number should be provided to the public so that any nearby residents affected by noise can contact the site and the situation can be investigated and improved, if necessary, at the time.

For information, no noise complaints have been received by the Council to date with respect to the construction of the Gwynt y Mor substation and underground cables, therefore we recommend you consult with RWE Renewables Ltd with respect to this scheme when devising a noise mitigation strategy.

### SECTION 17. IN-COMBINATION AND CUMULATIVE EFFECTS

The Denbighshire LDP is at an advanced stage in its production and includes a strategic development site in Bodelwydden. At the LDP Examination, the Welsh Government challenged the housing targets within the Plan which has prompted an additional round of consultation seeking to identify potential additional housing sites in the County. This may result in additional housing development sites being allocated in the vicinity of the site which should be taken into consideration when assessing cumulative effects. Please refer to the Council's website for more information:

<http://denbighddms.wisshost.net/english/default.asp>

Scottish Power Energy Networks are proposing new overhead electricity lines from Clocaenog Forest to St. Asaph to provide a grid connection to 3 no. consented windfarms within the Clocaenog Forest Strategic Search Area (SSA-A as defined in TAN8) and the proposed Clocaenog Forest windfarm being progressed by RWE Npower Renewables. This project is classed as a nationally significant infrastructure project as new 132kV lines and substations are required. This project, in combination with the new National Grid substation and Gwynt y Mor substation all converge in St. Asaph and therefore the Council would recommend the cumulative effects of these projects are assessed.

For further information of the Scottish Power Energy Networks project, please contact:

Scottish Power Energy Networks, 3 Prenton Way, Prenton, Merseyside, CH43 3ET

#### 4. FURTHER INFORMATION

This report has been prepared by Denise Shaw - Renewable Energy Planning Officer with contributions from the following Denbighshire County Council officers:

Mike Parker - Senior Highways Engineer

Sean Awbery – Public Protection Technical Officer (Pollution Control)

Lizzy Webster - Biodiversity Officer

Any queries should be directed to Denise Shaw in the first instance; contact details for other officers can also be provided:

Tel: 01824 706724

Email: [denise.shaw@denbighshire.gov.uk](mailto:denise.shaw@denbighshire.gov.uk)

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**REPORT BY THE HEAD OF PLANNING, REGENERATION  
AND REGULATORY SERVICES**

**VERSION 2 OF THE PROTOCOL FOR MEMBER TRAINING**

**1. PURPOSE OF REPORT**

- 1.1. The purpose of this report is to seek Members support for the proposed changes to the Protocol for Member Training in Planning Matters.

**2. BACKGROUND**

- 2.1. The protocol was first approved at Full Council in 2008. The reason for introducing such a protocol was to ensure that Members are kept up to date on the processes and procedures used within the Planning system and also to keep Members informed of any relevant changes in legislation.
- 2.2. As a new election period approaches, it is felt to be an opportune time to review the protocol and ensure it is being operated in the manner it was originally intended.
- 2.3. Planning Officers attend regular Continual Professional Development sessions and training sessions on new legislations and planning processes. The events arranged for Members are an ideal opportunity for staff to pass this information on to Members and also for Members and staff to exchange views on new processes.
- 2.4. The protocol has been largely successful therefore there are only minor amendments proposed. The look of the protocol has changed. This is simply to bring this protocol in line with all other protocols within Planning.
- 2.5. The first change is within paragraph 7 of the protocol. The additional criterion within this paragraph is intended to allow Members more opportunity to fulfill their training/development requirements. Members will often undertake a lot of work and research when representing the Council at Planning appeals. Members also spend a lot of time assisting constituents, or developers in Planning issues. Officers acknowledge that the research undertaken when assisting in appeals or meetings with developers/applicants can often be considerable. However, Members will be required to outline the level of their involvement in writing to the Development Control and Compliance Manager so that this can be recorded accordingly.
- 2.6. The second change relates to the issue of Members getting to the end of the Council year and not having met the requirement of two sessions. Following feedback from Members, this change has been made to ensure recognition of the fact that some Members are regular attendees at Planning Committees and therefore gain a lot of

knowledge and experience through such attendance.

- 2.7. An additional criterion has been included within paragraph 10 to ensure that regular attendees of Planning Committee are given 1 no. credit for attending a minimum of 8 Planning Committees in the Council year (March/April). However, it is not intended that Members of Planning Committee should only attend 1 no. training/development session each Council year, it is simply acknowledging that some Members may find it difficult to attend two sessions but should have some credit for attending Planning Committee on a regular basis.
- 2.8. There has been a note added at the bottom of the protocol that is intended to clarify the issue of whether the Members are to be prevented from voting if they do not fulfill the requirement of 2 no. training/development sessions in each Council year.
- 2.9. If a local authority has an adopted protocol for member training/development, it is likely that Members not meeting the required criteria are risking criticism from the Local Government Ombudsman or the Inspectorate in the event of a complaint or an appeal. Therefore it is noted that although the Member will not be prevented from voting, there is a morale obligation on the Member to meet the required training/development criteria.

### **3. RECOMMENDATION**

- 3.1. That members accept the changes.

### **APPENDICIES**

Appendix 1 - Original Member Training Protocol

Appendix 2 - Revised Member Training Protocol

## Protocol for Member Training on Planning Matters

*(This protocol was approved at Full Council on 8 April 2008 and came into effect thereafter)*

1. All Members of the County Council will be required to undertake training on planning matters.
2. To facilitate training, a minimum of 4 no. training events will be organised by Officers within each Council year (May to April).
3. In Council election years, a minimum of 6 no. training events will be organised by Officers within each Council Year (May to April).
4. Members will be required to attend at least 2 no. of these organised training events in any Council year (May to April).
5. All newly elected members will be required to attend the 2 no. events organised after the commencement of the new Council and before the first Planning Committee of that new Council year.
6. Existing Members with a shortfall of training in a previous Council year may attend the 2 no. events as specified within paragraph 5 above.
7. It will be necessary for Members who have not attended formally arranged training events to submit their alternative training proposals to the Head of Planning and Public Protection for authorization by the Lead Member for Policy, Communications and Improvements. Alternative sources of training could include:-
  - (i) Attendance at an event organised by the WLGA, another local Authority or an external provider.
  - (ii) Distance learning using an approved planning based website which have training modules e.g. The Planning Advisory Service – [www.pas.gov.uk](http://www.pas.gov.uk), the Royal Town Planning Institute – [www.planningmatters.co.uk](http://www.planningmatters.co.uk)
8. Members attendance for training will be monitored by the Head of Planning and Public Protection who will report on a six monthly basis to the Environment Scrutiny Committee. Reports will normally be at the end of the Council year (March/April) and after six months of the Council year (Nov/Dec).
9. Prior to the final 2 no. training events in any one Council year individual letters will be sent to Members outlining their training records for that year with a reminder of the agreed protocol and the forthcoming training events.

10. Members will need to have fulfilled the training requirement for the Council year by the 30<sup>th</sup> April in any one year. Members who fail to fulfill the training requirements by this date would be prohibited from voting on any planning related matters at Planning Committee and Full Council during the following Council year until either of the following have occurred:
  - a) They have attended two organised training events in the following Council year or attended alternative events as agreed by the Head of Planning and Public Protection and the lead Member for Policy, Communications and Improvement.
  - b) They have been authorised to continue to make decisions on planning matters having been reported to Corporate Governance Committee.
11. For clarity Members who have not fulfilled the training requirement for the Council year (i.e. by 30<sup>th</sup> April) will in the following Council year be able to discuss/debate planning related matters in Planning Committee/Full Council but will have their right to vote on that particular matter removed until either of 10(a) or 10(b) above have been fulfilled/complied with.



## **PLANNING, REGENERATION AND REGULATORY SERVICES**

### **DEVELOPMENT CONTROL AND COMPLIANCE TEAM**

### **PROTOCOL FOR MEMBER TRAINING AND DEVELOPMENT ON PLANNING MATTERS**

The protocol was first approved at Full Council on 8<sup>th</sup> April 2008 to ensure that Members were kept up to date on the processes and procedures used within the Planning system and to also keep Members informed of any relevant changes in legislation.

1. All Members of the County Council will be encouraged to undertake training and development sessions on planning matters.
2. To facilitate this, a minimum of 4 no. training/development events will be organised by Officers within each Council year (May to April).
3. In Council election years, a minimum of 6 no. training/development events will be organised by Officers. The first 2 no. events will always be held prior to the first planning committee of the new Council.
4. All newly elected Members will be required to attend the 2 no. initial training events organised after the commencement of the new Council and before the first Planning Committee of that new Council year.
5. Re-elected Members with a shortfall of development events in a previous Council year may attend the 2 no. events as specified within paragraph 4 above.
6. In each consecutive Council year (May to April), all Members will be required to attend at least 2 no. training/development events.
7. It will be necessary for Members who have not attended Officer arranged training events to submit their alternative training proposals to the Head of Planning, Regeneration and Regulatory Services or the Development Control and Compliance Manager. Alternative sources of training could include:-
  - (i) Attendance at an event organised by the WLGA, another local Authority or an external provider.
  - (ii) Distance learning using an approved planning based website

- (iii) Direct involvement in planning appeals and/or planning proposals where the Member has demonstrated an understanding of planning issues as agreed with the Development Control and Compliance Manager.
8. Members attendance for training will be monitored by the Head of Planning, Regeneration and Regulatory Services who will report on a six monthly basis to the Corporate Governance Committee. Reports will normally be at the end of the Council year (March/April) and after six months of the Council year (Nov/Dec).
  9. Prior to the final 2 no. training events in any one Council year letters will be sent to Group Leaders outlining the number of events that their members need to attend for that year with a reminder of the agreed protocol and the forthcoming training events.
  10. Members will need to have fulfilled the training requirement for the Council year by the 30<sup>th</sup> April in any one year. Members who fail to fulfill the training requirements by this date would be able to discuss/debate planning related matters but would be prohibited from voting on any planning related matters at Planning Committee and Full Council during the following Council year, unless
    - a) They were Planning Committee Members in the previous Council year and had attended a minimum of 8 Planning Committee meetings that year and had also attended at least 1 no. training/development event.
    - b) They attend two organised officer events in the current Council year.
    - c) They have had agreement to vote at Planning Committee and Full Council by the Head of Legal and Democratic Services and the Head of Planning, Regeneration and Regulatory Services.

**Note:**

This protocol is not designed to prevent Members from voting on Planning matters at Planning Committee and/or Full Council. The purpose of the protocol is to provide Members with appropriate training/development opportunities.

Those Members who do not meet the training/development criteria laid down in the protocol will be advised as such before all relevant meetings and will be advised/requested not to vote on Planning matters.

Whether the Member chooses to vote or not under such circumstances is a matter for each individual Member, but if they do vote, they run the risk of officers advising Corporate Governance Committee and/or Standards Committee. They also run the risk of a third party reporting them to the Local Government Ombudsman.

Author : Paul Mead	Date : April 2012
Contact : Judith Williams	Version : 2
	Date to be reviewed : January 2016

## REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

### ITEM FOR PLANNING COMMITTEE UPDATED SCHEME OF DELEGATION – VERSION 4

#### 1. PURPOSE OF REPORT

To inform Members of minor amendments to the Scheme of Delegation. The amendments are presented for information before being taken to Full Council for authorisation.

#### 2. BACKGROUND

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

The Scheme of Delegation is reviewed twice a year.

The amendments made at this review are as follows:

Paragraph (V4)	Amendment	Reason
2.1.4	additional wording..."(screening and scoping opinions)"	This wording has been added for clarity as screening and scoping opinions for Environmental Impact Assessments are specific types of notification.
2.1.12	Additional wording "..... / notes to applicants"	For clarity.
2.1.14	Additional paragraph  a) Respond to Infrastructure Planning Commission (IPC) environmental impact assessment (EIA) scoping opinion consultations. b) Respond to a developer consultation on draft Statements of Community Consultation (SoCC) c) Respond to the IPC consultations on the adequacy of developers pre-application consultation	This paragraph has been added to ensure that Officers have the authority to respond to Infrastructure Planning Commission consultations.
2.2.11	Additional paragraph  Any application made regarding buildings or land in the	This paragraph is intended to provide more transparency on applications submitted by a third party on Council owned land, where the Council stands to benefit financially from the sale or lease of

	Council's ownership by a private company/individual, where the Council stand to benefit financially from the sale or lease of the land/buildings.	the land/buildings.
2.2.12	Additional paragraph  Any formal pre-application (Section 42) consultation on Infrastructure Planning Commission (IPC) schemes along with the formal application made to the IPC (Local Impact Report) and any other formal representations at examination stage.	This paragraph is intended to ensure that all responses to formal pre-application consultations on Infrastructure Planning Commission (IPC) schemes and the Councils Local Impact Reports are taken to Committee for authorisation. It also covers the formal representation at examination stage.
2.2.13 and 2.2.14	Additional paragraphs  2.2.13 Any application which has been determined at Committee previously but which, in the opinion of the Head of Planning, Regeneration and Regulatory Services, could represent one of the following:- a) a significant departure from the adopted Development Plan, b) an application where there could be a significant risk of costs awarded against the Council at any subsequent planning appeal, legal challenge or Ombudsman investigation.  2.2.14 Any returning report to Committee will contain additional information pertaining to the two areas a) and/or b) above.	Version 3 of the Scheme of Delegation allows the Head of Planning, Regeneration and Regulatory Services to take an application to Full Council if he feels that it would be a significant departure from the adopted Development Plan. It also allowed for Full Council determination where, based upon the advice of Officers, it was felt that there would be a strong likelihood of an award of costs against the Council at a subsequent planning appeal, legal challenge or Ombudsman investigation.  The suggested wording in paragraph 2.2.13 and 2.2.14 replaces section 2.3 – Full Council Level Decisions. The wording in the proposed scheme is intended to allow the above cases to go back to Planning Committee rather than Full Council for decision should the Head of Planning, Regeneration and Regulatory Services feel that they fall within the relevant criteria.

The revised scheme (Version 4) is attached to this report for Members (**appendix A**). A copy of the current scheme (Version 3) is also attached for reference (**appendix B**). Should any Members wish to discuss the contents of the protocol they should contact either:-

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

### 3. RECOMMENDATION

That Members approve the contents of this report.

## PLANNING, REGENERATION AND REGULATORY SERVICES

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

#### SCHEME OF DELEGATION

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

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

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

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

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

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

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

**Part 1 – Officer Level Decisions**

**Part 2 – Committee Level Decisions**

## 2.1. PART 1 – OFFICER LEVEL DECISIONS

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

### **Planning or other Applications**

- 2.1.1. All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different individuals raising material planning objections.
- 2.1.2. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal relates to a specific function exercised by the Council.
- 2.1.3. All types of planning or other application on which Officers are recommending refusal, except for those referred to in paragraph 2.2.6 below (i.e. retrospective applications which are recommended for refusal should be reported to Planning Committee).
- 2.1.4. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments (screening and scoping opinions) and other notifications.

### **Compliance Issues**

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

Corporate Director **OR** Head of Planning, Regeneration and Regulatory Services.

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

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

Listed Building Enforcement Notices

Discontinuance Notices (Advertisement Regs)

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

High Hedges Notices

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

Breach of Condition Notice

Urgent Works Notice

Repairs Notice

- 2.1.8. Legal action in association with breaches of Notices served under the provisions contained in paragraph 2.1.7/2.1.8 above.

### **Miscellaneous**

- 2.1.9. Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 2.1.10. To submit observations on behalf of the Council on external consultations or draft documents.
- 2.1.11. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.12. Minor amendments to the wording of planning conditions / notes to applicants on applications approved at Planning Committee where the substance of the suggested condition / note to applicant has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.13. Minor amendments to Committee authorised Enforcement Notices where the substance of the breach or remedy has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.14. To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:-
- Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation
  - Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC)
  - Responding to the IPC's consultation on the adequacy of the developer's pre-application consultation

## 2.2. PART 2 – COMMITTEE LEVEL DECISIONS

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

- 2.2.1. All types of planning or other applications on which Officers are recommending approval where 4 or more individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.2.2. All types of planning or other applications on which Officers are recommending approval where a relevant material planning objection has been received from a Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.2.3. All applications on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.
- 2.2.4. Any application not already determined under Part 1 above which the Ward Member, for the Ward in which the application is located, has submitted a written request based on valid planning grounds that application be heard at Planning Committee. The request should be made as soon as possible after notification of receipt of the application by the Ward Member to the Head of Planning, Regeneration and Regulatory Services and/or the Development Control & Planning Compliance Manager.
- 2.2.5. Any application submitted by, on behalf of, or on land in the ownership of:
  - A County Councillor,
  - The Chief Executive
  - Corporate Director
  - Head of Service
  - Member of staff of Planning, Regeneration and Regulatory Services
  - A close relative of any of the above
- 2.2.6. Any retrospective planning or other application which is recommended for refusal where enforcement action is also recommended, unless the enforcement/compliance action falls within paragraph 2.1.7 above.
- 2.2.7. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal does not relate to a specific



function exercised by the Council.

- 2.2.8. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee or Full Council.
- 2.2.9. Any application to vary or modify any fundamental terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.
- 2.2.10. Any other application, compliance case or determination which the Head of Service or Development Control & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.
- 2.2.11. Any application made regarding buildings or land in the Council's ownership by a private company/individual, where the Council stand to benefit financially from the sale or lease of the land/buildings.
- 2.2.12. Any formal pre-application (Section 42) consultation on Infrastructure Planning Commission (IPC) schemes along with the formal application made to the IPC (Local Impact Report) and any other formal representations at examination stage.
- 2.2.13. Any application which has been determined at Committee previously but which, in the opinion of the Head of Planning, Regeneration and Regulatory Services, could represent one of the following:-
  - a) a significant departure from the adopted Development Plan.
  - b) An application where there could be a significant risk of costs awarded against the Council at any subsequent planning appeal, legal challenge or Ombudsman investigation.
- 2.2.14. Any returning report to Committee will contain additional information pertaining to the two areas a) and/or b) above.

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

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

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

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

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

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

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

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

**For “Bodies required to be consulted under Procedure Order” please refer to latest Procedure Order**

Author : Paul Mead	Date adopted at Full Council :
Contact : Judith Williams	Version : 4
	Date to be reviewed : 01/04/13

## PLANNING AND PUBLIC PROTECTION

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

#### SCHEME OF DELEGATION

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

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

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

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

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

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

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

**Part 1 – Officer Level Decisions**

**Part 2 – Committee Level Decisions**

**Part 3 – Full Council Level Decisions**

## 2.1. PART 1 – OFFICER LEVEL DECISIONS

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

### **Planning or other Applications**

- 2.1.1. All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different individuals raising material planning objections.
- 2.1.2. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal relates to a specific function exercised by the Council.
- 2.1.3. All types of planning or other application on which Officers are recommending refusal, except for those referred to in paragraph 2.2.6 below (i.e. retrospective applications which are recommended for refusal should be reported to Planning Committee).
- 2.1.4. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments and other notifications.

### **Compliance Issues**

- 2.1.5. Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 2.1.6. Compliance cases where "urgent action" is needed including the serving of Stop Notices, Temporary Stop Notices and Injunctions (Emergency Powers) subject to consultation with the Local Ward Member(s). Once "urgent action" is considered necessary the signatures of the following Council representatives will be required:  
  
Corporate Director **OR** Head of Planning and Public Protection.  
  
Chair **OR** Vice Chair of Planning Committee **OR** Lead Member.
- 2.1.7. Compliance cases which require the serving of:  
Section 215 Untidy Land Notice

Listed Building Enforcement Notices

Discontinuance Notices (Advertisement Regs)

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

High Hedges Notices

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

Breach of Condition Notice

Urgent Works Notice

Repairs Notice

- 2.1.8. Legal action in association with breaches of Notices served under the provisions contained in paragraph 2.1.7/2.1.8 above.

### **Miscellaneous**

- 2.1.9. Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 2.1.10. To submit observations on behalf of the Council on external consultations or draft documents.
- 2.1.11. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.12. Minor amendments to the wording of planning conditions on applications approved at Planning Committee where the substance of the suggested condition has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.13. Minor amendments to Committee authorised Enforcement Notices where the substance of the breach or remedy has not significantly altered, subject to informal consultation with the Local Ward Member(s).

## 2.2. PART 2 – COMMITTEE LEVEL DECISIONS

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

- 2.2.1. All types of planning or other applications on which Officers are recommending approval where 4 or more individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.2.2. All types of planning or other applications on which Officers are recommending approval where a **relevant** material planning objection has been received from a Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.2.3. All applications on which Officers are recommending approval which represent a **significant departure** from the adopted policies and guidance of the Development Plan.
- 2.2.4. Any application not already determined under Part 1 above which the Ward Member, for the Ward in which the application is located, has submitted a written request based on valid planning grounds that application be heard at Planning Committee. The request should be made as soon as possible after notification of receipt of the application by the Ward Member to the Head of Planning and Public Protection and/or the Development Control & Planning Compliance Manager.
- 2.2.5. Any application submitted by, on behalf of, or on land in the ownership of:
  - A County Councillor,
  - The Chief Executive
  - Corporate Director
  - Head of Service
  - Member of staff of Planning & Public Protection Service
  - A close relative of any of the above
- 2.2.6. Any retrospective planning or other application which is recommended for refusal where enforcement action is also recommended, unless the enforcement/compliance action falls within paragraph 2.1.7 above.

- 2.2.7. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal **does not** relate to a specific function exercised by the Council.
- 2.2.8. Any application to remove or vary a planning condition which has been specifically **imposed by Members** at Planning Committee or Full Council.
- 2.2.9. Any application to vary or modify the terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.
- 2.2.10. Any other application, compliance case or determination which the Head of Service or Development Control & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.

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

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

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



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

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

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

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

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

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

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

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

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

Author : Paul Mead	Date adopted at Full Council : 07/12/10
Contact : Judith Williams	Version : 3
	Date to be reviewed : 01/12/11

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