



To: Members of the Planning Committee Date: 13 June 2012  
Direct Dial: 01824 712568  
e-mail: dcc\_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 20 JUNE 2012** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

#### **AGENDA**

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 URGENT MATTERS**
- 4 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Pages 1 - 68)**  
To consider applications for permission for development (copies attached).

## **5 ENFORCEMENT ITEM (Pages 69 - 70)**

To consider an enforcement report in respect of Rosfryn, 9 Chester Street, St. Asaph (copy attached).

### **MEMBERSHIP**

#### **Councillors**

Ian Armstrong  
Brian Blakeley  
Joan Butterfield  
William Cowie  
Ann Davies  
James Davies  
Meirick Davies  
Richard Davies  
Stuart Davies  
Bobby Feeley  
Carys Guy-Davies  
Huw Hilditch-Roberts  
Colin Hughes  
Rhys Hughes  
Alice Jones

Pat Jones  
Margaret McCarroll  
Win Mullen-James  
Bob Murray  
Peter Owen  
Dewi Owens  
Merfyn Parry  
Arwel Roberts  
David Simmons  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Huw Williams

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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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**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE  
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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:

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



Application Site



Date 16/5/2012

Scale 1/1250

Centre = 312979 E 358606 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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Atgynhyrchir y map hwn o ddeunydd yr Ordnance Survey gyda chariatad yr Ordnance Survey a ganiatad ym Llyfrfa Ei Mawrhydi © Hawlfraint y Goron. Mae atgynhyrchu heb ganiatad yn torri hawlfraint y Goron a gall hyn arwain at ddyliad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

# EXISTING SITE PLAN

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 Tel: +44 (0)131 220 0100 | Fax: +44 (0)131 220 0101  
 Email: info@jigarchitects.co.uk

Project: **Mr & Mrs Wilson**  
 Drawing: **Existing Site Plan**  
 Date: **16/08/2016**  
 Scale: **1:100**  
 Drawn: **AL/2016**

S

Retain Existing Trees, include protection during construction work.

Remove Small section of existing beech hedge.

Existing Small 10ft tree to be removed.

Existing above way boundary/access road position to remain. No works are intended to project into the highway.

**Important:**

F.F.L.T.B.M = Finished Floor Level Temporary Bench Mark Levels relate to a 'Temporary Bench Mark' set at the site.

TY DERN

Llys Deri

EXISTING ACCESS

Idern

Retain Existing Trees, include protection during construction work.

# PROPOSED SITE PLAN

**Important:**

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

Retain Existing Trees, include protection during construction work.

**DRIVEWAY SUB-BASE (TREE ROOT PROTECTION)**  
 Driveway to be filled 2M away from the outer edge of the stem. Using a no dig method the top soil can be removed by hand loads within the RPA. Construct the driveway with 150mm Geoweb on Geotextile membrane held in place with pegs and edging boards. It filled with non flint aggregate. This type of construction will prevent root compaction and allow aeration and rain fall to penetrate the sub soil.

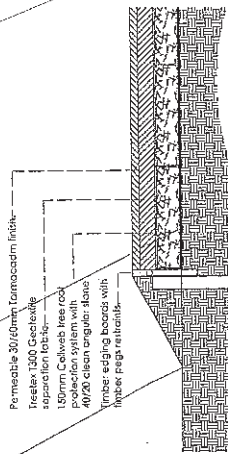
# TYDENM

EXISTING DWELLING  
 DWELLING UNDER CONSTRUCTION

Remove Small section of existing beech hedge.

Existing Small Tall Tree to be removed.

Existing drive way boundary/access road position to remain. No works are intended to project into the highway.



**GEOTECHNICAL CONSTRUCTION DETAIL**  
 Scale 1:20

**CSH Legend:**

- ENE 3:** Energy supply Unit to circulate the use of primary fuel consumption and electricity.
- ENE 4:** Drying Space Provision - Required set of hard standing.
- ENE 6:** Dual Space & Security Lighting
- ENE 8:** 275mm x 15m Timber specification to comply with CSH Design Quality guidelines. Sheds to be laid on concrete base with galvanneal base metal and raised to provide loading area for per 2 bikes. Joad/Fermentum Notice Dead Lock to BS 3821 : : 2007
- WAS 1: External Requirement**  
 3 No External House Hold Waste Bins
- WAS 1: Internal Requirements**  
 3 No Internal House Hold Waste Bins. Bins to combine a minimum of 20 liter waste space.
- WAT 2: Water Butts**  
 1 No Water Butt Per House & Hoist with approx. 150 liter capacity on a concrete base.
- WAT 3: Compost Bin**  
 1 No Compost Bin Per House Hoist with approx. 300 liter capacity on a concrete base.
- HEA 3: Private Space**  
 Provides a minimum of 5m hand-standing Private Space
- Level Thresholds:**  
 People Level Thresholds to the front and rear external doors to comply with the CSH.

The Client will describe in detail the site and the proposed works and the proposed site plan. It is the responsibility of the Client to ensure that the site is suitable for the proposed works and that the proposed works are in accordance with the relevant planning and building regulations. The Client will also ensure that the proposed works are in accordance with the relevant planning and building regulations.	
<b>JIG NEA</b>	<b>Architects</b>
Project Name: [Blank]	
Project Address: [Blank]	
Project Date: [Blank]	
Project Status: [Blank]	
Project Location: [Blank]	
Project Contact: [Blank]	
Project Reference: [Blank]	
Project Description: [Blank]	
Project Notes: [Blank]	
Project Drawings: [Blank]	
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Project Universe: [Blank]	

# Meriden

Tennis  
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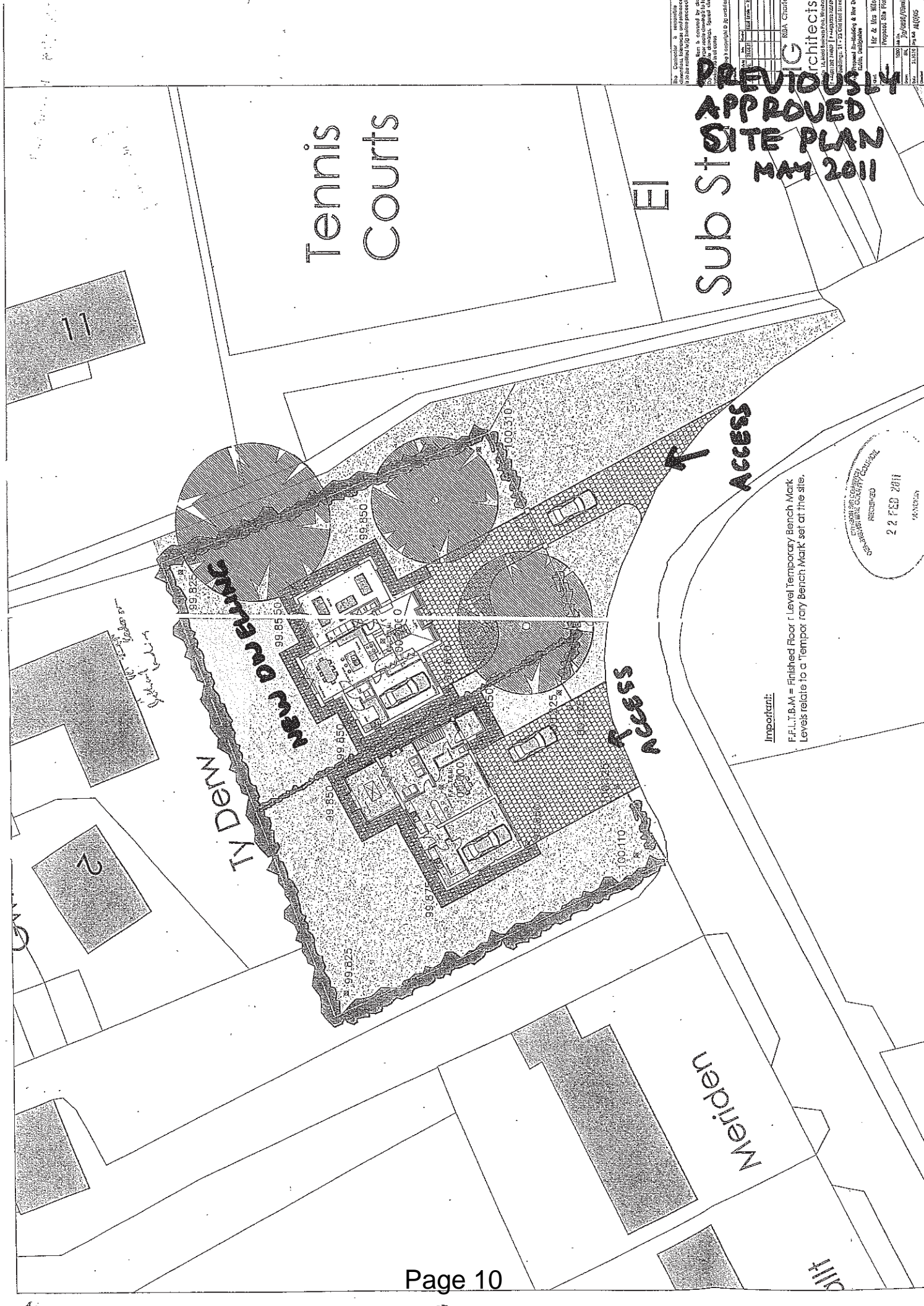
Sub St

PREVIOUSLY APPROVED SITE PLAN MAY 2011

ACCESS

ACCESS

IMPORTANT! FINISHED FLOOR LEVEL TEMPORARY BENCH MARK LEVELS RELATE TO A TEMPORARY BENCH MARK SET AT THE SITE.  
22 FEB 2011



NO.	DATE	DESCRIPTION
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**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 requiring provision of parking spaces prior to occupation of the dwelling, and details of the vehicular footway crossing.

**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  
Mr. B. Owen, Owen Devenport, 20, Vale Street, Denbigh (on behalf of Mr. & Mrs. Aiyar)

Summary of planning based representations:

- Impact on highway safety, in terms of additional vehicular movements and safety of access.
- Loss of residential amenity as a result of proximity to Llys Deri.
- Impact on visual amenity through potential harm to trees and hedgerows.
- Questions over accuracy of plans (representation of trees, position of access, scale of plans)

Other matters:

Questions over land ownership  
Questions over consultation/notification

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

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

- Deferral at May 2012 Committee
- additional information received from applicant

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 Members may recall that consideration of the application was deferred at the May 30<sup>th</sup> 2012 meeting of the Committee. This was to allow Officers to seek clarification of details including information on submitted plans, and to draw attention to land ownership matters raised by third parties.
- 1.1.2 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.
- 1.1.3 The works involved include the widening of the existing access serving the dwelling Llys Deri, by approximately 2 metres, and an amended layout for the parking and turning area of the new dwelling granted permission in May 2011.
- 1.1.4 The updated plans showing existing site features close to the entrance to the site, the 2011 approval for a new dwelling and access, and the alterations to the access and parking arrangements are included at the front of the report.
- 1.1.5 The revised plans submitted clarify that one small laburnum tree is to be removed along with a 2 metre section of beech hedge. All other trees within the site are to be retained.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located in a residential area within Ruthin town. 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 which access onto Bryn Goodman.

#### 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 driveway across land outside the ownership of the applicant (see the plan at the front of the 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 over rights of access across that land, so the applicant has submitted this current application to gain access by altering 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, but the gate has been removed, and the drive-way layout has been revised to simplify vehicular movements within and into the site.

1.5.2 Neighbours and objectors have been notified of the additional plans received.

1.6 Other relevant background information

1.6.1 As noted, it would appear that the application has been submitted following the applicant's failure to agree terms with a third party for access across land outside his ownership. An applicant is fully entitled to seek planning permission for an alternative access arrangement. Disputes over land ownership are not matters in which the Council can become involved, and Officers respectfully suggest the application should be considered on its merits with regard to the planning issues covered in section 4 of this report.

1.6.2 Concerns have been raised by residents that construction of the dwelling is under way, but this is not in breach of the 2011 permission. The existing Llys Deri access is being used to enable the works to continue.

**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 there is an extant planning permission for a dwelling on the land to the east of Llys Deri. The overall principle of development of a dwelling is therefore not in question. The issue is the acceptability of the access proposals, and these 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. In this instance, given the presence of several mature trees, and an attractive established beech hedge, Policy ENV 7 is also of relevance. Policy ENV 7 seeks to retain features such as trees which are of value to townscape character.

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 the extensive beech hedge along the boundary of the site. The scheme proposes the removal of a small laburnum tree and a 2 metre section of the beech hedge, but the retention of all other trees. The hard standing for the driveway would be located 2 metres from the trunk of an existing tree, and constructed using geotextile construction, (a method which is intended to prevent root compaction and help ensure the longevity of the tree). Additional planting is proposed to the front of the existing dwelling. Concerns are expressed over the potential impact on/loss of trees and hedgerow, and hence on the character of the area.

It is considered that the proposal would have limited impact upon the visual appearance of the existing access or the locality. The retention of the mature trees is welcomed and the method of protection can be subject to control through condition. The additional planting would add 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 is to extend an existing entrance onto the highway which currently serves one dwelling. The access would be widened by some 2 metres, to facilitate vehicle movement into and out of the site. When exiting the site it is estimated that there would be a visibility distance of approximately 45 metres 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, on the basis that the application is solely for the amendments to an access to serve a dwelling which already has planning permission, hence the principle of additional vehicular movements on Bryn Goodman has already been accepted with the granting of the previous permission. Objectors express concerns over the access proposals, in terms of additional use of an entrance close to a bend, raising highway safety concerns.

In terms of vehicle and pedestrian movements on Bryn Goodman and pressures on the existing road network, Officers would not consider there are reasonable grounds for resisting the particular proposals, given there is already a planning permission in place for the additional dwelling, albeit with a different access arrangement. The proposed parking and turning area would accommodate at least two vehicles in addition to the proposed garage. The 'revised' access to serve two dwellings is on the outside of a bend on Bryn Goodman, at which point the extent of visibility when entering the road would be as detailed in the previous paragraph. Advice on visibility standards is contained in Technical Advice Note 18 which refers to stopping distances for vehicles travelling at different speeds; in this case having regard to the physical condition of the highway at Bryn Goodman (a private road with a



badly broken surface to the west, speed bumps to the south), the narrowing of width and presence of a right angle bend close to the Llys Deri plot, typical vehicle speeds in the vicinity of the site are considered unlikely to exceed 20mph – at which stopping distances would be 45 metres. With respect to concerns expressed, the Highways Officer does not consider there is a basis for refusal here, and it is suggested the proposals are compliant with Policies GEN 6, TRA 6 and TAN 18, and would not have an unacceptable impact on 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.

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. Objectors suggest the driveway arrangements would have an adverse impact on occupiers of the Llys Deri dwelling.

In Officers' opinion, 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 limit effects on 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 choose to undertake a form of development that would significantly reduce the marketability of either of their properties. It is considered respectfully that the proposal would not have an unacceptable impact upon the amenity of local residents, and it therefore complies with criteria v) of GEN 6.

#### 4.3 Other matters raised

##### Land ownership

Correspondence from and on behalf of private individuals living near to the site has raised questions over land ownership. These matters have been drawn to the applicant's attention, and his agent has confirmed that there is no issue concerning third party land ownership in relation to the current application. Third parties have been made aware of this statement. The Local Planning Authority can play no part in civil disputes over ownership, and it is considered that all reasonable attempts have been made to keep the respective parties informed of the particular claims being made.

##### Accuracy of plans

Various points have been raised in relation to the accuracy and level of detail on the submitted plans/documents, including questions over the scale of plans and representation of site features. The applicants' agent has provided revised drawings which seek to address the matters raised, and interested parties have been sent copies. In Officers' opinion, the level of detail on the plans is adequate to allow consideration of the merits of the application. The actual position of the 'revised' access has been marked out on the site so all parties can take a view on the acceptability or otherwise of the proposals.

## 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.

5.2 The recommendation is subject to the receipt of no additional representations by the 22<sup>nd</sup> June 2012, raising land use planning matters not already covered in the report or in the late representations sheet, in which case the application would be reported back to the July Committee for reconsideration.

**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 plot for the parking of vehicles in accordance with the approved plan and shall be completed prior to the proposed dwelling being brought into use.
3. Full details of the vehicular footway crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works thereon and the access shall be completed in accordance with the approved plans before the dwelling is occupied.
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 the approved 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 proposed 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.

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

Tel: 01824 706800 Fax: 01824 706709

Heading:

20/2011/1138  
Tyn y Celyn  
Llanfair DC

2

 Application Site

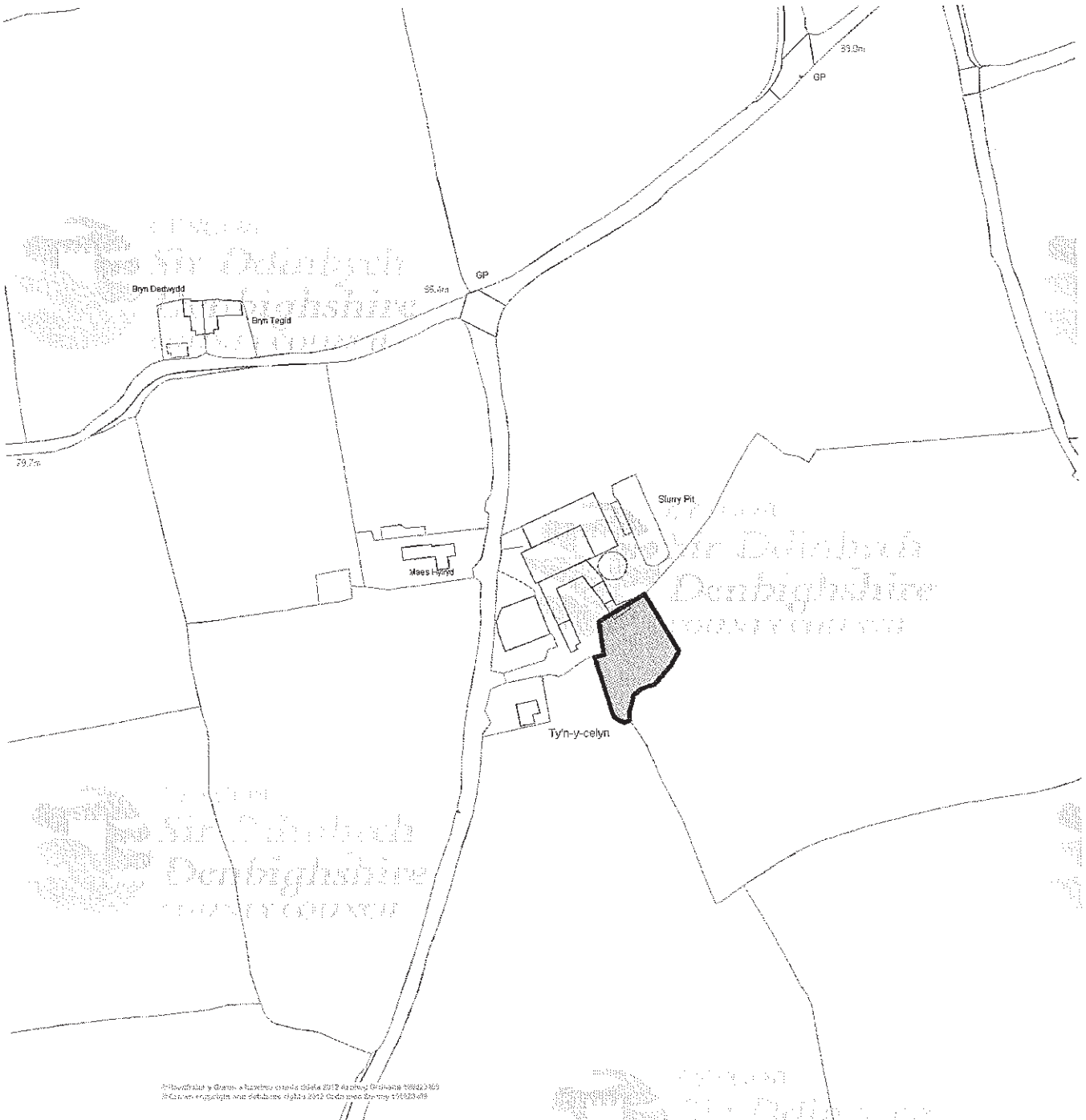


Date 7/6/2012

Scale 1/2500

Centre = 314292 E 356515 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.

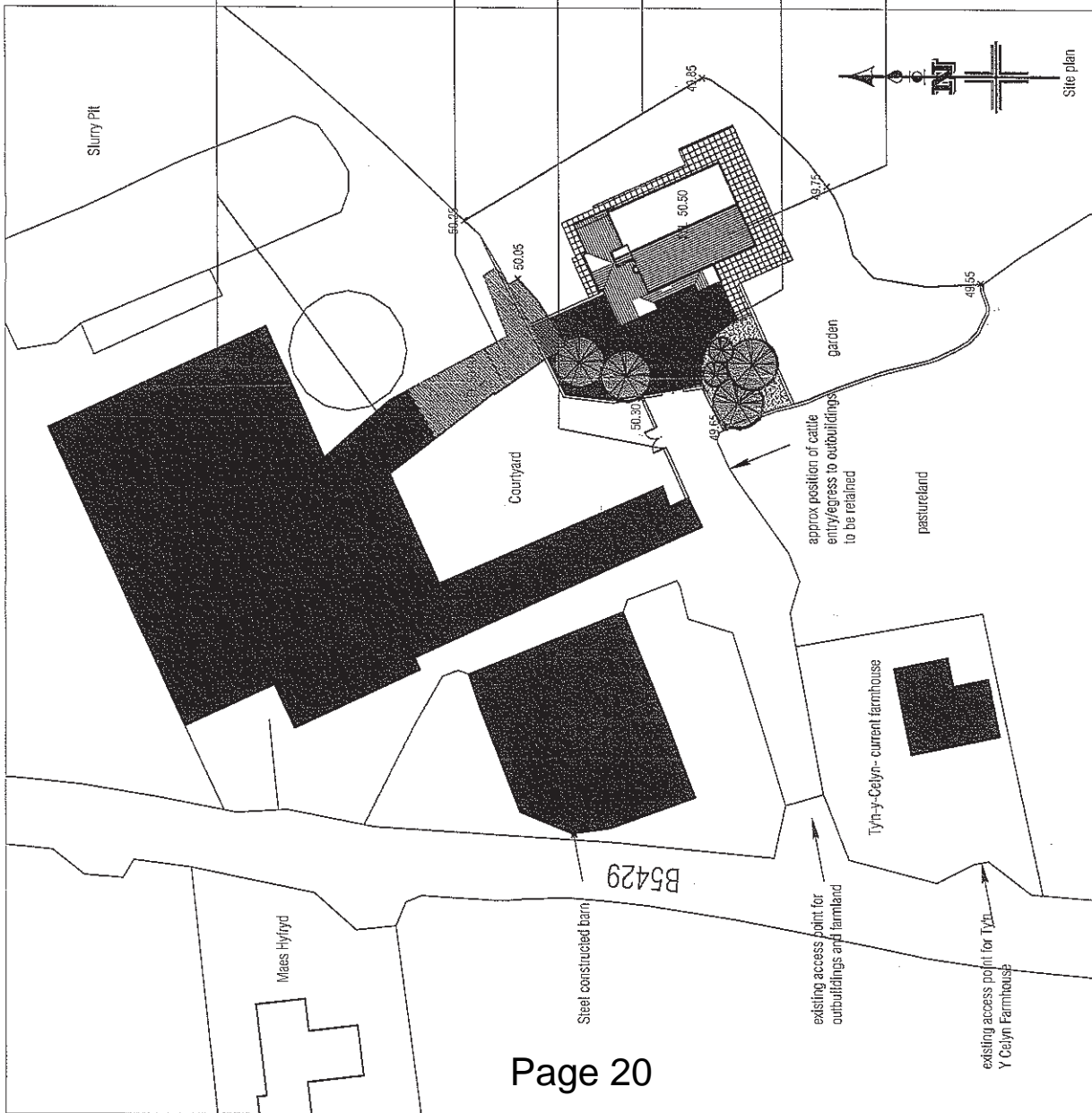


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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llysofa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn a wneud hysbysu i'r awdurdod hysbysu. Cyngor Sir Ddinbych. 100023408, 2011.

20/2011/1130/PP



Existing farm outbuildings currently in use by Tyn Y Celyn. A range of two storey stone outbuildings forms the pleasant courtyard, under slate roofs. All are currently in high intensity usage.

Former Tyn Y Celyn farmhouse (last known use 1930's) hatched in red to be demolished, all suitable materials to be salvaged wherever possible

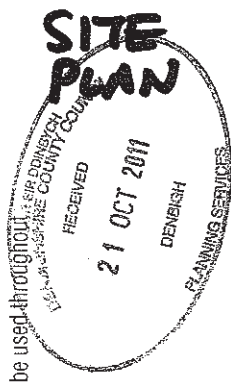
New fencing to stramline cattle from dairl to southern fields

Site boundary allocated to new dwelling edged in red  
Stone flagged patio areas to southern aspect and perimeter of property

Graveled driveway accessed from vehicular access gates

New dwelling, total floor area approx 2325 sqft

Landscaping to be agreed- native species of shrubs to be used throughout



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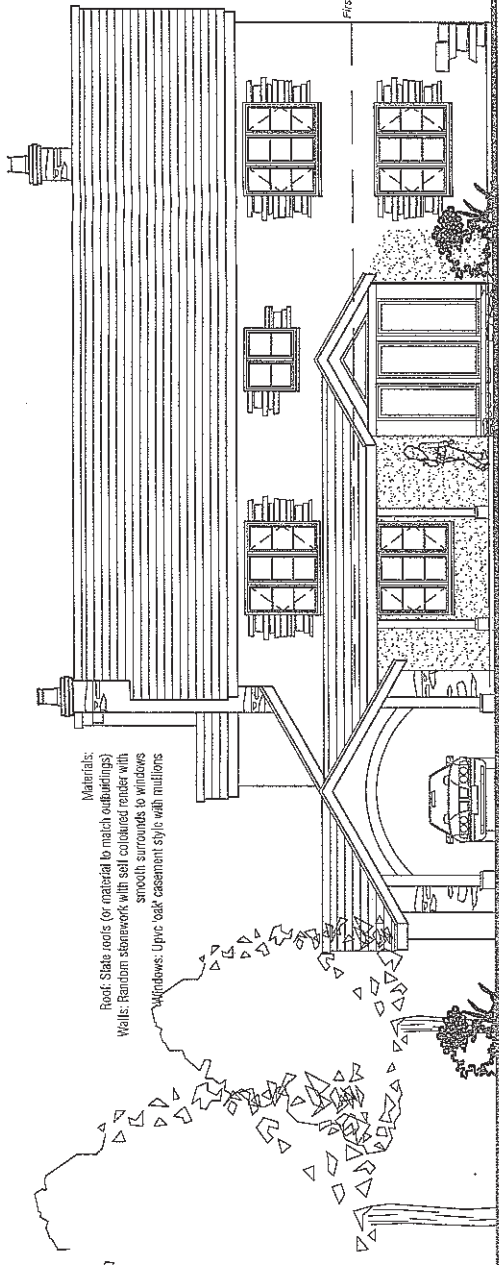
**Parry Davies Architects.**

**Chartered Architects.**

PROJECT TITLE	Tyn Y Celyn, Llanfair Dyffryn Clwyd	DATE	July 2011	SCALE	1:500 @ A3	FORM	Reg	CHK	
DRAW TITLE	Site Layout Plan	DRAW. NO.	11.5320/3						A
Barclays Buildings, High Street, St Asaph, LL17 ORF Tel: 01745 585517 Fax: 01745 582162 E-mail: PDP@architects@aol.com									



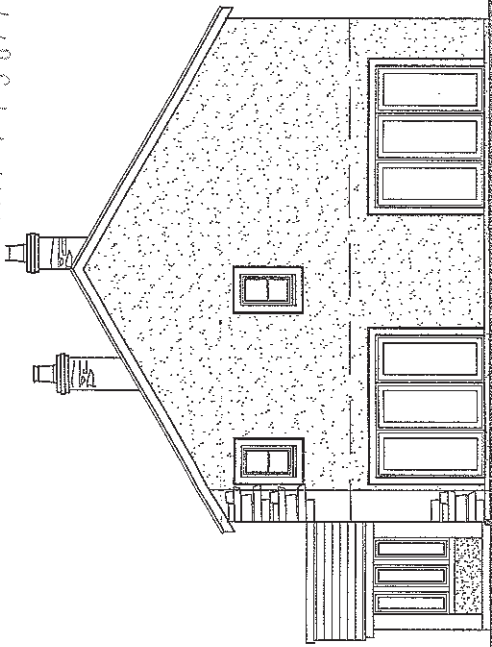
20/2011/1138/P



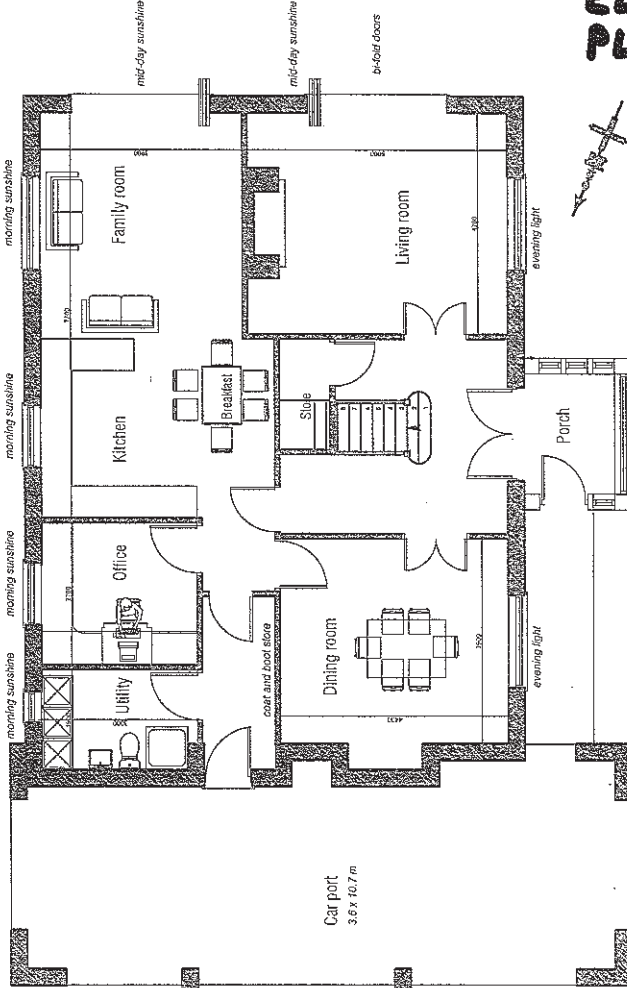
Front elevation - south-west

Materials:  
 Roof: Slate roofs (or material to match outbuildings)  
 Walls: Random stonework with set coloured render with smooth surrounds to windows  
 Windows: Upvic oak casement style with mullions

First floor level

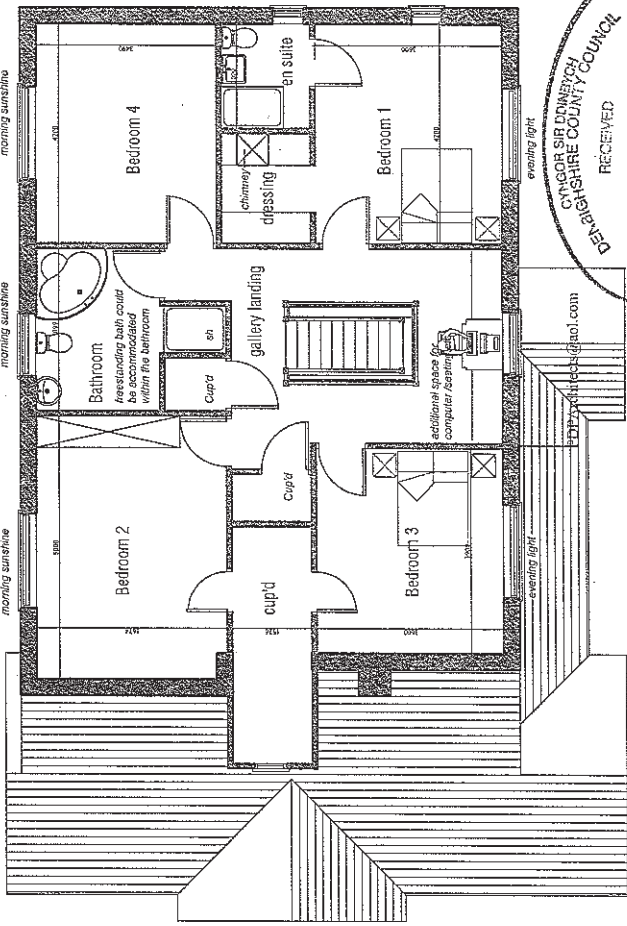


Side elevation



GROUND FLOOR PLAN

ground floor 108 sq m / 1162 sq ft Total: 216 sq m / 2325 sq ft



FIRST FLOOR PLAN

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# FLOOR AND ELEVATION PLANS

**Parry Davies Architects.**

Ty'n Y Celyn, Llanfair Dyffryn Clwyd

Proposed farm house

**Chartered Architects.**

PROJECT TITLE	DATE	SHEET	NUMBER	DATE
	July 2011	1:100 @ A3	Aug	2011
DWG. TITLE	DWG. NO.	11.5320/1		

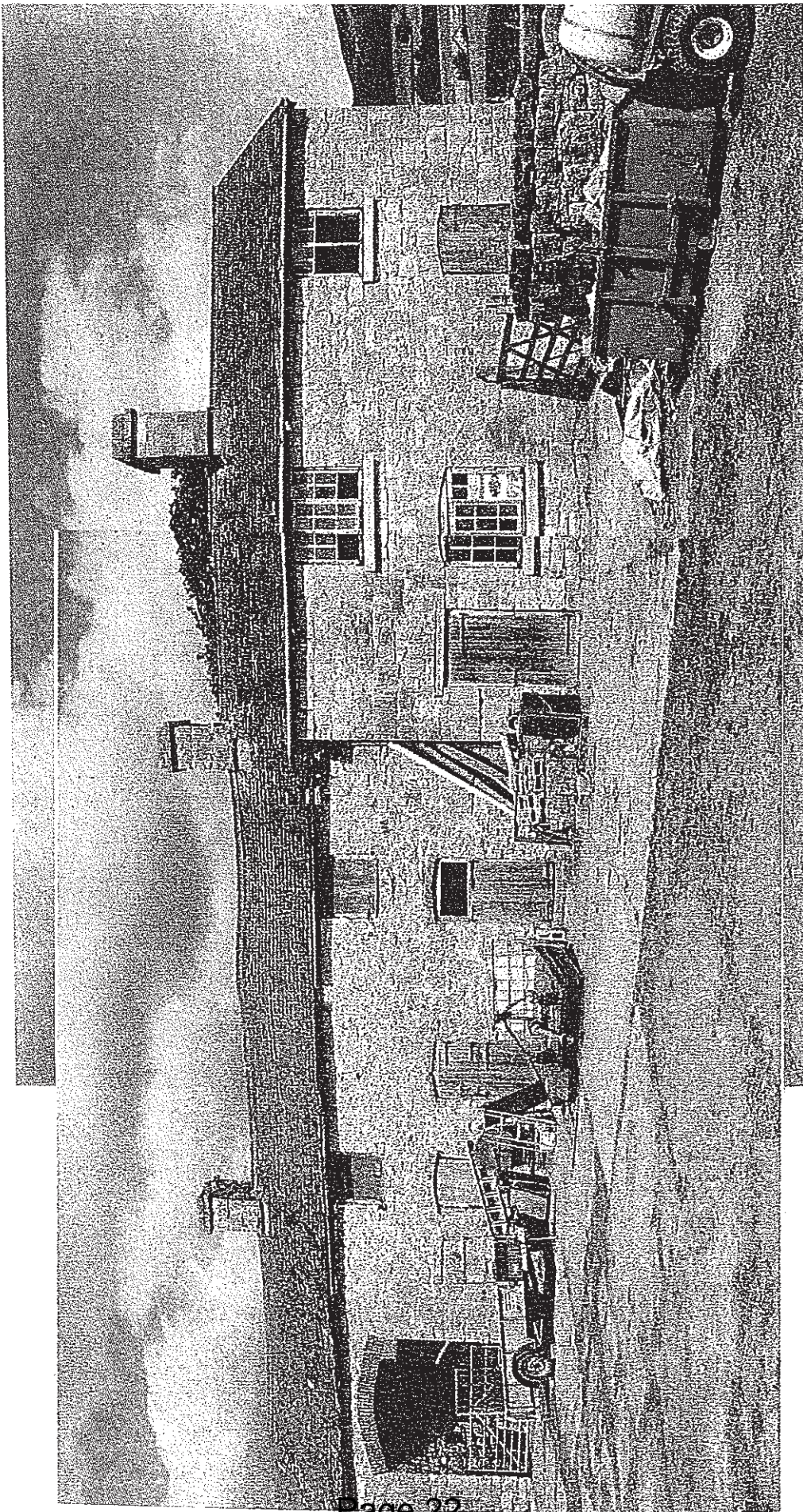
RECEIVED  
 DENBIGHSHIRE COUNTY COUNCIL  
 19 SEP 2011

Barclays Buildings, High Street, St Asaph, LL17 ORF Tel: 01745 585517 Fax: 01745 582162. E-mail:

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**FORMER DWELLING  
AND OUTBUILDINGS**





**ITEM NO:** 2

**WARD NO:** Llanfair Dyffryn Clwyd / Gwyddelwern

**APPLICATION NO:** 20/2011/1138/ PF

**PROPOSAL:** Demolition of two redundant stone buildings and erection of an agricultural workers dwelling

**LOCATION:** Land at Tyn Y Celyn Llanfair Dyffryn Clwyd Ruthin

**APPLICANT:** Mr Gwynfor Elfyn 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**

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**LLANFAIR D.C. COMMUNITY COUNCIL**

"This application was discussed in depth by members. They considered that the fabric of the existing building should be retained and therefore be converted and not demolished. They were of the opinion there was no reason for demolition. County Councillor Bobby Feeley did not participate in the discussions or vote on this application".

**COUNTRYSIDE COUNCIL FOR WALES**

No objections.

**ENVIRONMENT AGENCY**

No response.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**HEAD OF VALUATION AND ESTATES**

Concludes it is difficult to justify the need for an additional dwelling at Tyn y Celyn Farm. Notes that the application form, filled in by the applicant, clearly states that "G.E. Hughes farms a dairy unit on a self-employed basis without any labour assistance". On this basis, it seems that the existing 3 bedroom house is sufficient for the existing enterprise at this time.

**AONB JOINT ADVISORY COMMITTEE**

"The JAC has no objection in principle to an additional dwelling on this holding providing the local planning authority is satisfied that there is an essential agricultural need.

However, the JAC consider the existing range of redundant stone buildings it is proposed to demolish add to the traditional character and appearance of the AONB and would prefer these to be retained and converted to an agricultural workers dwelling rather than the substantial, entirely new building which is currently proposed. It is noted that the structural report prepared by the applicant suggests that considered works are required to restore and convert these buildings, but the JAC would suggest

that this appears to be comparable to many other similar conversions which have been granted permission and would recommend that the local planning authority secure an independent structural appraisal.

The JAC also has some concerns about the scale and design of the proposed new dwelling which has a suburban appearance unsuited to its countryside setting”.

**SENIOR CONSERVATION OFFICER**

Considers it is a shame that good farm buildings are being demolished to be replaced with a suburban house.

**BUILDING CONTROL MANAGER**

Notes the structural report concludes the building would be difficult to convert to provide modern living accommodation.

**HEAD OF HIGHWAYS AND INFRASTRUCTURE**

No objections.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 15/12/2011**

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

- additional information required from applicant

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the demolition of two redundant outbuildings, and the erection of a single, two storey detached agricultural workers dwelling.
- 1.1.2 The buildings to be demolished are constructed of natural stone with slate roofs. One of the buildings to be demolished is the former farmhouse, which it is understood was replaced by the current dwelling Tyn y Celyn in the 1930's. Photographs at the front of this report show the buildings in question.
- 1.1.3 The proposed dwelling would be a two storey unit with a maximum ridge height of 8 metres. The front of the dwelling would be 17 metres wide, with a depth of 9.5 metres. Internally, there would be a living room, dining room, utility/wc, office, kitchen, family room, 4 bedrooms (one with en-suite), and bathroom. It would be constructed of natural stone (reclaimed from the demolished outbuildings), and a slate roof.
- 1.1.4 Access to the dwelling would be via an existing entrance off the B5429 which serves the farm yard.
- 1.1.5 Submitted with the application is a Design and Access Statement, A Code for Sustainable Homes report, a structural report into the condition of the outbuildings, a protected species survey, new agricultural dwellings questionnaire and a Rural Enterprise Dwelling Appraisal (as carried out by Parry Davies Architects). The submitted information includes the following:-

- The proposal is for an additional dwelling for an established family business run currently by a mother and son, Mrs. Enidwen Hughes and Mr. Gwynfor Hughes. Mr. Hughes requires the dwelling for his own family.
- Mr. Hughes has majority interest in the farm. He is required for supervisory presence, is responsible for the management of the business and all decisions including financial decisions. Mrs. Hughes owns approximately 1/3rd of the business, and although she resides on site, is not fully equipped to meet the demands of the farm on a full time basis. Mrs. Hughes is heavily relied upon for the business running of the farm.
- Owing to the work requirements, in principle the functional tests are met.
- There are affordable units in the vicinity but none are sufficiently close to enable the maintenance of current levels of supervision. Conversion of existing buildings is not possible.
- The total existing stock is 170 dairy cattle and 60 sheep.
- The farm comprises 48ha owned by Mr. Hughes and a further 30ha tenanted by the applicant.
- The financial information submitted shows the enterprise to be a wholly viable and going concern.

- 1.1.6 The submission does not include a detailed labour assessment. However, it is to be noted that the application is not made on the basis of the need for an additional worker, nor is the argument made that the additional dwelling is to enable a transfer of control of the farm enterprise to Mr. Hughes.

## 1.2 Description of site and surroundings

- 1.2.1 The site is located to the east of the B5429 between Llanbedr and Graigfechan, 1km north east of Llanfair D.C., village.
- 1.2.2 The site for the dwelling is open, and level. To the north are the outbuildings to be demolished, and other outbuildings which are still in agricultural use. 45 metres to the west of the site is the existing dwelling, Tyn y Celyn. To the south and west of the site are open fields.
- 1.2.3 The existing dwelling was built in the 1930's, and is a two storey detached dwelling with hipped gable roofs, and a double fronted appearance. It is constructed of brick and render, and has a slate roof.
- 1.2.4 The nearest non related dwelling is Maes Hyfryd, located on the opposite side of the B5429, some 65m from Tyn y Celyn farmhouse.

## 1.3 Relevant planning constraints/considerations

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

## 1.4 Relevant planning history

- 1.4.1 None.

## 1.5 Developments/changes since the original submission

- 1.5.1 None.

## 1.6 Other relevant background information

- 1.6.1 None.

## 2. DETAILS OF PLANNING HISTORY:

2.1 None.

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

- Policy GEN 3 - Development outside development boundaries
- Policy GEN 6 - Development Control Requirements
- Policy HSG 6 - New dwellings in the open countryside
- Policy ENV 2 - Development Affecting the AONB
- Policy TRA 6 - Impact of New Development on Traffic Flows
- Policy TRA 9 - Parking and Servicing Provision
- Policy ENV 6 - Species Protection

### 3.2 Supplementary Planning Guidance

- SPG 9 - Agricultural and forestry workers dwellings

### 3.3 GOVERNMENT POLICY GUIDANCE

Planning Policy Wales 2011

Technical Advice Note 5 : Nature Conservation & Planning

Technical Advice Note 6 : Planning for Sustainable Rural Communities

Technical Advice Note 6 : Rural Enterprise Dwellings – Practice Guidance

Technical Advice Note 12 : Design

## 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/AONB
- 4.1.3 Impact on highway safety
- 4.1.4 Impact upon protected species
- 4.1.5 Inclusive access and Sustainability Code issues

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The Denbighshire Unitary Development Plan Policy GEN 3 relates to new residential development outside development boundaries. Criterion I states that development in connection with housing a farm worker may be acceptable subject to the provisions of Policy HSG 6. HSG 6 sets out the tests for development proposals relating to the erection of agricultural workers dwellings. These tests require a financial and functional need to be established to justify grant of permission.

Welsh Government planning policy on rural enterprise development is contained in Planning Policy Wales 2011, and Technical Advice Note 6 (July 2010) and a follow up Practice Guidance note to Technical Advice Note 6 in December 2011. These documents restate the need for general restraint on sporadic development in the countryside, and set out the requirement for applicants to fully justify new dwelling proposals. The TAN 6 documents outline four generally applicable tests which need to be applied:

- Functional test: It is necessary to establish whether it is essential, for the proper functioning of the enterprise for one or more workers to be readily available at most times.
- Time test: If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

- Financial test: The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining sustainable for a reasonable period of time, usually at least 5 years.
- Alternative Accommodation test: This requires assessment whether the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned.

With regard to these tests and the submitted information with the application:

- Functional test:  
The Agricultural Appraisal identifies areas of activity which require or have the potential to require the ready availability of a key worker on a unit outside normal working hours. These include the management of the breeding programme, care of young animals and stock welfare, and milking duties. Officers would accept the requirements of the functional test are met, in that there is a need for a key worker to be available on site. However, it is to be noted that there is already a dwelling on the unit (Tyn y Celyn) which is capable of providing the accommodation for the key worker.
- Time test:  
The Agricultural Appraisal submitted in support of the application does not provide a detailed appraisal of the labour requirements for the farm. It states, in relation to the time test that, the additional dwelling will house Mr. Hughes and his family, with the existing dwelling continuing to house Mrs. Hughes. There is no case made that an additional worker is required based on Standard Man Days figures and it is understood that labour arrangements will stay the same. It is not considered that the Time Test has been adequately addressed in the submission to conclude on the labour requirement on the farm.
- Financial test:  
The Agricultural Appraisal states that the farm has been profitable for the years 2007, 2008, and 2009. It highlights that the profit for the past two years has been between 44.4% and 36.6%. A letter from the National Farmers Union confirms that the enterprise is viable and a going concern. Officers consider the information indicates the financial soundness of the enterprise.
- Alternative Accommodation:  
The Agricultural Appraisal states there is alternative accommodation available within the Llanfair area, however, the Agent discounts these as they would not be on site, and it is a functional requirement that the applicant lives on site.

In relation to the accommodation test, TAN 6 refers to the need to justify why labour or residential arrangements cannot be re-organised to ensure that existing accommodation meets the needs of an enterprise without the need for another dwelling. In this case, the option of extending the existing dwelling to provide additional accommodation has not been explored. Neither is it indicated why no consideration has been given to Mrs. Hughes relocating to one of the 'affordable' units identified in the locality, as the Appraisal suggests that she is not fully equipped to help on a day to day basis, and it does not advise if she undertakes any active work on the running of the enterprise. In addition, it is clear that there are redundant outbuildings on the site. The submitted structural report contends that they are not suitable for conversion to modern living standards, and that it would be difficult to undertake such a conversion. However, Officers would respectfully suggest these are factors which are common to the majority of applications to convert outbuildings to dwellings, and it is politely suggested that the resistance to conversion is based on convenience rather than practical or

structural reasons. TAN 6 is quite clear in its presumption of favouring conversion over new build in such situations. The presence of a slurry tank close to the rear of the outbuildings is noted, but again, the inference in TAN 6 is that moving the slurry tank and converting the buildings would always be preferable to allowing a new dwelling to be built in the open countryside. It is not considered that the Alternative Accommodation test has been met, or that it is impractical to adapt existing buildings on the complex for residential use, contrary to Unitary Plan Policy HSG 6 (i).

TAN 6 includes a section on the Handover of management and outlines circumstances in which a second dwelling may be acceptable on an established farm as long as it is financially sustainable to support younger people to manage farm businesses and there is clear evidence of, for example, in the form of 'succession planning', and a handover agreement.

In cases where succession planning is involved, TAN 6 practice guidance states that the general requirement to address alternative housing options still applies, as does the need to explore alternative management approaches which might avoid the need for an additional dwelling. In this instance, it is respectfully suggested that the existing dwelling could be occupied by a person who would, following the transfer of management responsibilities, no longer play a major functional role in the enterprise, and indeed may progress towards retirement. Where dwellings are allowed by this exception, it is necessary to provide legally binding documentary evidence which demonstrates that majority control of a farm business has indeed been transferred to the younger person concerned. The companion guide suggests this legal agreement be drawn up with professional support of legal and financial advisors and the agreement of all parties with an interest in the farm business or any of its assets and of the local planning authority. From the information submitted, it appears that the application is not being made on this basis.

#### 4.2.2 Impact on visual amenity/AONB

Policy GEN 3 requires development in conjunction with agricultural uses do 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 permitted by Policy ENV 2 where it would not detract from the character and appearance of the AONB.

The proposed building would be sited some 60m from the public highway. There would be clear views of the building from the highway. The proposed dwelling would be 17 metres wide and 8 metres high. It would be constructed of natural stone and slate. Landscaping to the front is proposed, although there is only limited detail submitted. Indicative plans suggest trees would be planted around the front boundary.

In Officers' opinion, the scale and design of the building would make it a visible feature within the AONB landscape, although this would be balanced by the size and proximity of the existing agricultural buildings, and the reuse of the natural stone would help give some character to the building. The demolition of the stone barns would be an unfortunate loss, to the detriment of the character of the AONB. Overall, however, it is not considered that the proposal would significantly harm the character of the AONB and therefore it would not be in conflict with Policy ENV 2.

#### 4.2.3 Impact on highway safety

Policy TRA 6 seeks to ensure that proposals for new development do not

have an unacceptable impact upon the safe and free flow of traffic on the adjacent highway. Policy TRA 9 requires that new development provides adequate parking and manoeuvring space.

The proposed development would provide parking and manoeuvring within the site. Access would be via the existing farm entrance.

With regard to the impact upon highway safety, the proposal has been assessed by the Highways Officer who has not raised any objection to the proposal. It is considered that the proposal complies with Policies TRA 6 and TRA 9 and would not result in a detrimental impact upon the safe and free flow of traffic on the adjacent highway, and provides sufficient parking and manoeuvring within the site.

#### 4.2.4 Impact upon protected species

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats in the outbuilding although bats were present in the surrounding area. Birds were found to be nesting in the building.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable and do not conflict with the requirements of Policy ENV 6.

#### 4.2.5 Inclusive access and Sustainability Code issues

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

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales 3, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene 1 – Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions can be included to ensure development is carried out in accordance with the requirements of Sustainability Code legislation.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The application is for the erection of an agricultural workers' dwelling on land associated with Tyn y Celyn Farm. The agents conclude that if permission is refused, the main worker would have to live away from site and this would have an unacceptable impact upon the business. However, it is the opinion of Officers that a case is not made to justify the principle of a second dwelling as key tests in current policy and guidance are not met: the alternative accommodation test has not been fully considered; no consideration seems to have been given to restructuring living arrangements to allow the primary worker, Mr. Hughes to reside in the existing dwelling with his family; and the justification given for not converting the redundant outbuildings to a dwelling is not considered to be strong. It is respectfully suggested, with regard to the policy tests, the case advanced is based on convenience and not essential need.

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

1. It is the opinion of the Local Planning Authority that the case is not made for an additional dwelling at Tyn y Celyn Farm having regard to the key tests of Unitary Plan Policy and Welsh Government Policy and Guidance. The Authority consider there are redundant outbuildings which could potentially be converted to a dwelling, that the application fails to explore the alternative housing option test in TAN 6 as full consideration has not been given to re-organising existing labour arrangements, and there is no labour requirement information to assess the need for a second dwelling on the unit. It is considered the proposal would be contrary to the rural restraints policies of the Unitary Development Plan set out in Policies GEN 3 and HSG 6, and planning guidance set out in TAN 6 Planning for Sustainable Rural Communities, (2010), the TAN 6 Guidance Note (December 2011), and Planning Policy Wales, 2011.

**NOTES TO APPLICANT:**

None





CYNGOR  
Sir Ddinbych  
Denbighshire  
COUNTY COUNCIL

Heading:

24/2012/0127

Bod Ynys, Rhewl, Ruthin

3

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



Application Site



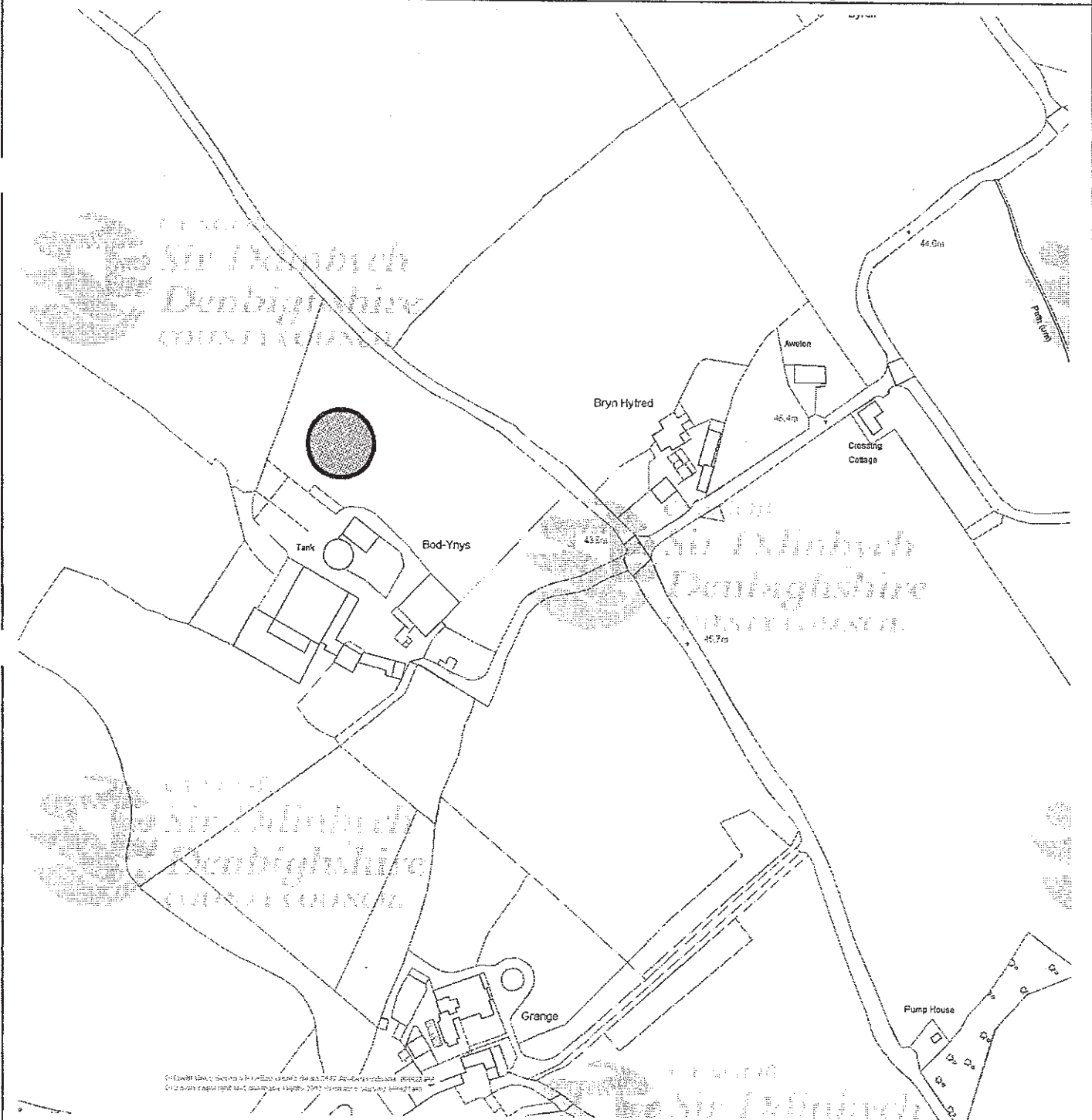
Date 7/3/2012

Scale 1/2500

Centre = 310567 E 361144 N

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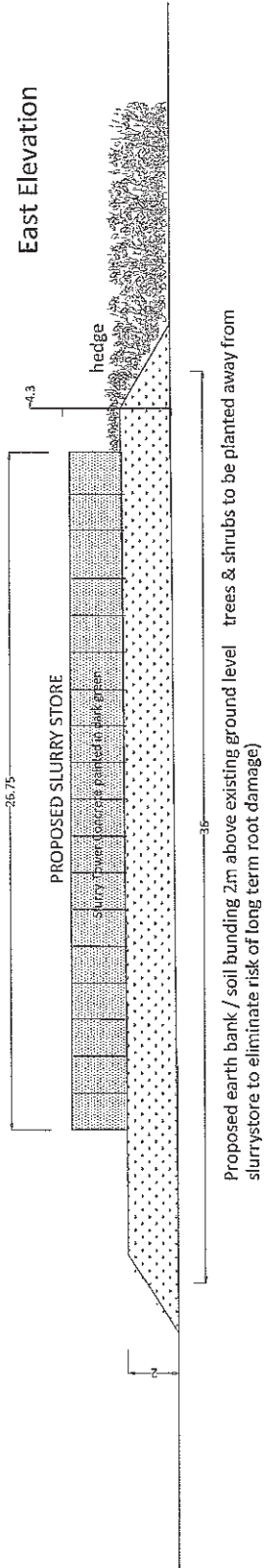
Tel: 01824 706800 Fax: 01824 706709



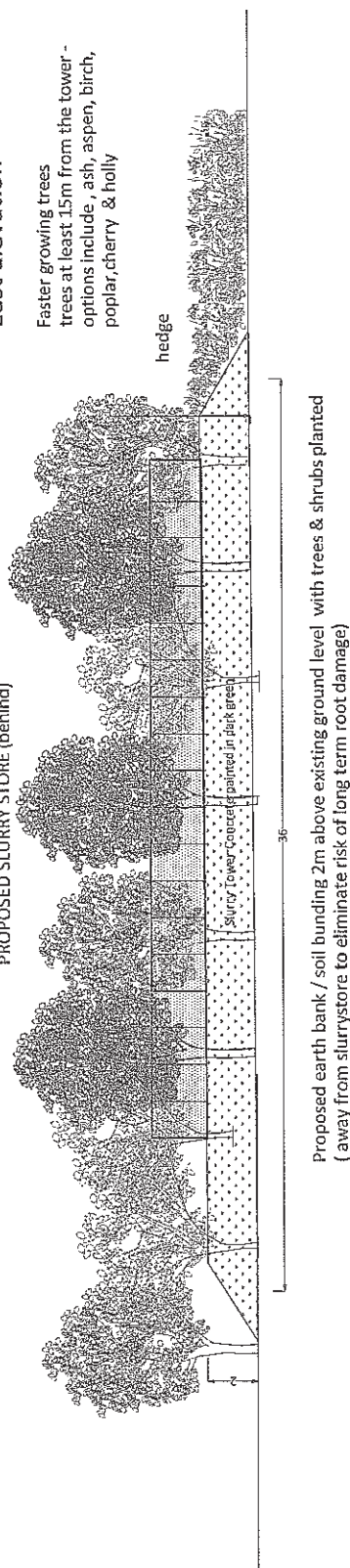
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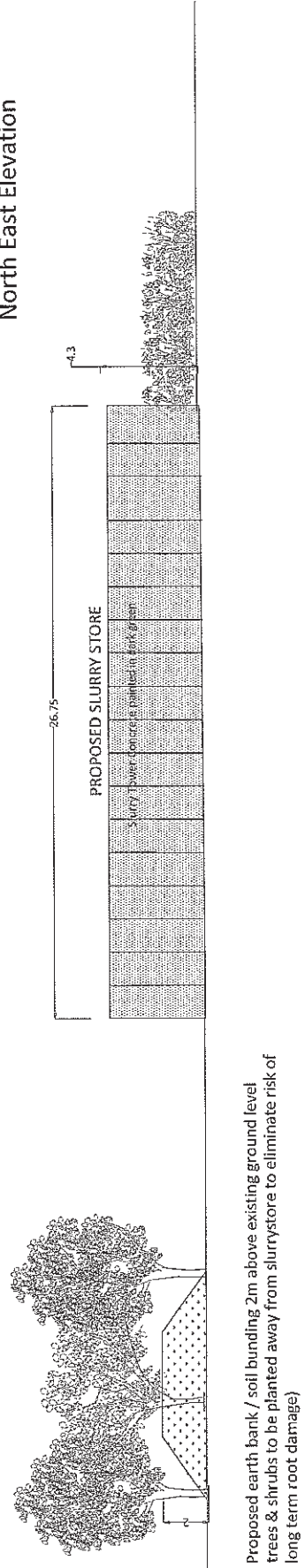
### East Elevation



### East Elevation



### North East Elevation

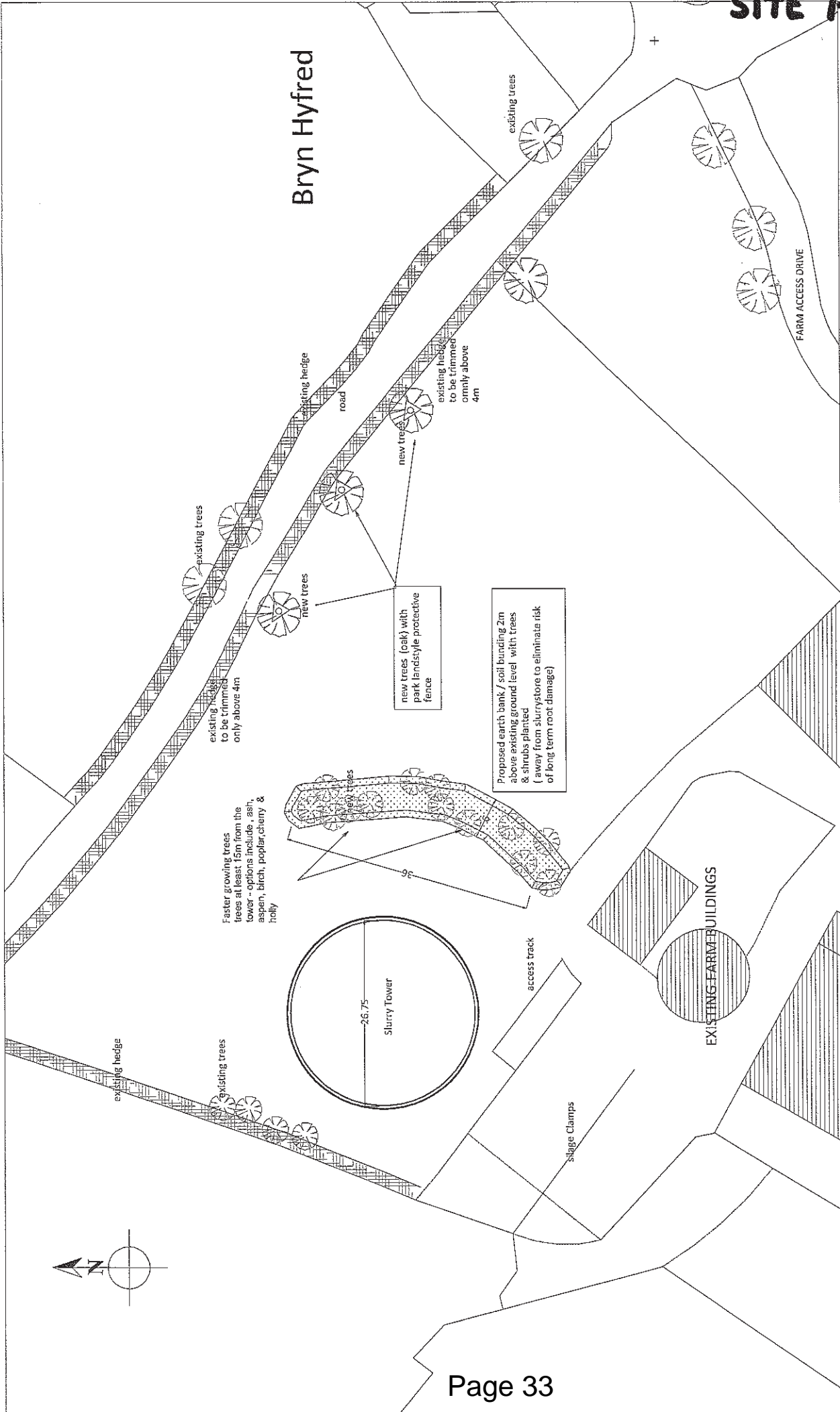



# ELEVATIONS

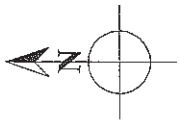
Proposed Slurrystore (Retrospective)	Elevations with previous application and proposed landscaping	
	Mr DW Roberts Bodynys Farm Rhowl Ruthin LL15 1UL	
Drawing 4.4 Revised	SCALE 1:200 ON A3	
DATE 14.5.2012		

# SITE PLAN

Bryn Hyfred



<b>PROPOSED LANDSCAPING &amp; BUNDING</b>	
Mr DW Roberts Bodynys Farm Rhewfl Ruthin LL15 1UL	
	
<b>Proposed Slurrystore</b>	
<b>Drawing 7.2</b>	Scale 1:500 ON A3
DATE 12.5.2012	



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**ITEM NO:** 3

**WARD NO:** Llandyrnog

**APPLICATION NO:** 24/2012/0127/ PC

**PROPOSAL:** Construction of a circular slurry store - amended details (retrospective application)

**LOCATION:** Bod Ynys Rhewl Ruthin

**APPLICANT:** Mr D W Roberts

**CONSTRAINTS:** C2 Flood Zone

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

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

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

LLANYNYS COMMUNITY COUNCIL

"1. Members support the local residents in objecting to the application due to the siting, colour and the increased size of the massive circular slurry store.

2. There is a more appropriate site for the Slurry Store which would be acceptable to local residents.

3. The site should be screened off.

4. The slurry store should be in a colour to blend in with the local environment.

5. Members are unhappy that the slurry store is bigger than the original plans thus the reason for the new retrospective planning application.

6. Members are happy for the Slurry Store to be relocated to a more appropriate site within the farm e.g. next to the Milking Parlour.

7. The location might have an affect on a public footpath right of way.

8. The Slurry Store in the present location is an eye sore.

9. There has been a lack of communication between Denbighshire County Council regarding this planning application."

ENVIRONMENT AGENCY

No objection

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Chris Ruane MP (on behalf of Mrs. C. Williams, Bryn Hyfryd, Rhewl)

Ann Jones AM, Constituency Office, 25, Kimmel St., Rhyl

C.T. Willilams, Bryn Hyfryd, Rhewl, Ruthin

C.I. Williams, Bryn Hyfryd, Rhewl, Ruthin  
E Jones, Erw Eithin Bach, Rhewl, Ruthin  
J Jones, Erw Eithin Bach, Rhewl, Ruthin

Summary of planning based objections:

Need not established

Visual impact / appearance / design unacceptable in the local landscape and when viewed from nearby dwellings/Officers' inconsistent in their stance on visual impact by now encouraging screen planting

Siting not well related to existing complex

Scale - grossly oversized

Inadequate landscaping/bunding would not be sufficient

Residential amenity – odour not properly considered/DEFRA recommend 400m distance from dwellings

Proximity to public footpath/community safety

Access - increased traffic

Precedent

Conflict with planning policy and guidance (character and appearance of the countryside and siting)

Alternative siting not considered

Procedural inadequacies given history of applications and developments, new Committee and Members. Consideration should be deferred pending Ombudsman investigation

Amendments do not address issues raised by local residents and Community Council

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application involves the retention of an above ground circular slurry store on land to the north east of the main farm complex at Bod Ynys, Rhewl.

1.1.2 The store measures 26.75m in diameter and is 4.3m high (see plans at front of report).

1.1.3 The plans have been revised since the application was deferred at the March 2012 Planning Committee and now show detailed landscaping proposals, including a bund and mature planting on the south east side of the slurry store.

1.2 Description of site and surroundings

1.2.1 The site is on an existing farm complex to the north of the village of Rhewl, Ruthin. The closest residential property to the development is Bryn Hyfryd, which is approximately 130m from the slurry store.

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the Vale of Clwyd Historic Landscape, a designated C2 flood zone and designated Nitrate Vulnerable Zone (NVZ). The site is outside of any development boundaries as defined in the Unitary Development Plan.

1.4 Relevant planning history

1.4.1 An application for an above ground circular slurry store with a 23 metre diameter, and a height of 4.27m was granted under delegated powers in December 2010. Following an enforcement investigation in relation to an alleged breach in planning control it has become apparent that the slurry store erected has not been completed in accordance with the approved details.

- 1.4.2 The slurry store as built is 26.75m in diameter and at this point has been constructed out of un-treated concrete panels. This represents an increase in diameter of 3.75m from the plans previously approved, which showed the use of dark green steel sheeting as the main 'wall' material.

1.5 Developments/changes since the original submission

- 1.5.1 Additional landscaping, including a bund and mature planting have been submitted to provide further mitigation for the slurry store. The Community Council and objectors have been notified and offered the opportunity for comment, and any additional representations, after the preparation of this report will be summarised on the late representations sheets.

1.6 Other relevant background information

- 1.6.1 The farm is under the ownership of Denbighshire County Council.
- 1.6.2 This application is presented to Planning Committee following deferral at the March 2012 Committee to allow investigation of the possibility of additional landscaping to mitigate visual and landscape impact.
- 1.6.3 The application was the subject of a Members Site Inspection Panel prior to the March meeting of the Committee. Officer notes of that meeting are below;

The Officers present were Paul Mead and David Mathews (Valuation and Estates Manager).

The reason for calling the site panel was to view the slurry store in the context of the surrounding landscape and its proximity to and impact on neighbouring properties.

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

1. The detailing of the development on site.
2. Impact on neighbouring dwellings.
3. Planning Conditions and future possible landscaping.
4. Other matters

In relation to the matters outlined:

1. Members noted the size, scale and concrete materials used on the larger slurry store on site. Members noted that the store on site is 3m wider than a previously permitted store in this location.
2. Members noted the proximity of Bryn Hyfryd and Erw Eithin Bach to the north-east. Field hedges were also noted along with their growing capacity.
3. Members noted the submitted proposed landscaping plan which showed new tree planting to the east of the slurry store and to the edge of the existing roadside hedge.
4. David Mathews, Valuation and Estates Manager, explained to the panel the background to the need for the slurry store as set out by the tenant farmer. He explained its size, capacity and why a different store to that previously granted had been erected on site. Whilst not material planning issues, Members noted this additional information.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 Erection of cattle shed and extensions to existing agricultural buildings GRANTED under delegated powers 17/08/2001
- 2.2 Erection of cubicle building extension for dairy cattle GRANTED under delegated powers 23/10/2008
- 2.3 Construction of a circular slurry store GRANTED under delegated powers 06/12/2010

2.4 Erection of agricultural shed extension GRANTED at Planning Committee 21/03/2012

### 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 3 - Development Outside Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy EMP 13 - Agricultural Development
- Policy CON 12 - Historic Landscapes, parks and gardens
- Policy ENP 6 - Flooding

#### 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
- 4.1.4 Flood risk

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 the aim of this policy is 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.

Questions have been raised in relation to the need for a slurry tank of the size that has been constructed. Officers' understanding is that the site is within a designated Nitrate Vulnerable Zone (NVZ) and there is a requirement for the farm to have the capacity to store at least 5 months of slurry in order to comply with the relevant regulations; and that based on submitted calculations the previously approved scheme would have provided 5.6 months of storage capacity. The increased capacity of the store as constructed is stated as providing 6.07 months of storage capacity. This equates to a capacity of approximately 20% above the legislative minimum. As statutory consultees, the Environment Agency has not disputed these calculations.

It is noted that the slurry store as built exceeds the capacity deemed sufficient in the previous submission. However, officers consider that a level of capacity approximately 20% above the statutory minimum would not seem excessive. It is also respectfully suggested that the additional capacity provided by the store as built may provide a level of flexibility in relation to fluctuations/increases in stock numbers, that may avoid the need for additional installations to be provided, and less regular emptying. It is therefore considered that proposals are reasonably required to meet the needs of the farm enterprise and comply with the requirements of criteria i) of Policy EMP 13.



In relation to the availability of alternative redundant buildings, no other suitable buildings exist on the site that could meet the need for additional slurry storage. Therefore it is considered that the proposals comply with the requirement to preferentially re-use redundant buildings, and comply with the requirements of criteria ii) of Policy EMP 13.

#### 4.2.2 Impact on visual amenity

The site lies within the Vale of Clwyd Historic Landscape. Policy CON 12 requires that development does not unacceptably harm the character of a historic landscape. The general requirement to assess landscape and visual impact of agricultural development are set out in criteria iii) and iv) of Policy EMP 13.

Local residents have expressed concerns over the landscape/visual impact of the proposed slurry store. The store is located on the northern edge of the existing complex, directly adjacent to existing open silage clamps and approximately 22m from the nearest existing agricultural building. Neighbours have suggested that alternative siting would reduce the impact of the slurry store. Submitted information states that the present siting has been chosen in response to topographical and operational constraints. Additional plans have been submitted showing proposals for a bund and landscaping to the north east of the slurry store.

Officers would agree that the current un-treated concrete finish on the slurry store is not in keeping with the existing farm complex, however it is considered that this issue can be addressed through an appropriately worded condition. The additional planting and mounding would assist in softening the impact of the development. Hence whilst acknowledging the concerns of the Community Council and local residents, it is respectfully suggested that the impact on the wider landscape would be limited due to the scale and siting of the development in relation to the existing farm complex, subject to an appropriate colour finish on the concrete panels and implementation of the proposed landscaping scheme. For these reasons the development is not considered to have an unacceptable impact in relation to landscape and visual amenity and complies with the requirements of Policy 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 occupier of an adjoining property has raised concerns on the potential impact of the proposed development in relation to odour, given the proximity of the development to residential properties, and has referred to DEFRA guidance on siting. The Environment Agency and the Public Protection Officers of Denbighshire County Council however, raise no concerns over health impacts of slurry storage. It is understood the proposed development is necessary to comply with NVZ regulations which require 5 months slurry storage for farms within NVZ's. Public Protection Officers have confirmed that the ability to store greater amounts of slurry would actually improve the situation in relation to smells, as issues of odour release from slurry are greatest when stored slurry is being distributed as fertiliser. Increased storage capacity would mean that distribution of the stored slurry would occur less often and therefore reduce exposure to the odour.

In acknowledging the concerns in relation to odour, Officers respectfully suggest due consideration has to be given to the fact that the proposal relates to development adjacent to a long established working farm. The

Public Protection Officers also consider the slurry store may actually bring about a reduction in the frequency of release of odour, since it would reduce the number of times necessary to move material. In Officers' view, the development would not seem likely to result in significant additional potential for smells, sufficient to merit refusal of permission.

4.2.4 Flood risk

Policy ENP 6 requires that development does not result in an unacceptable risk from flooding.

The Environment Agency has raised no objection subject to the applicant being advised to install flood proofing measures.

Provided that the applicant is advised to install flood proofing measures it is considered the proposals are acceptable in relation to flood risk.

4.3 Other matters raised

Neighbours have raised concerns that consultation on the previous planning application for a slurry store had not been undertaken correctly. Records show that letters were sent to Bryn Hyfryd, Crossing Cottage and Erw Eithin Bach, and that no objections were raised following this consultation. All these properties have been consulted on the current slurry store application and offered the opportunity to comment.

Concerns have been raised that the development may affect a public right of way. Officers can advise that following a review of the definitive Public Right of Way maps held by the authority that no rights of way are directly affected by the development.

Whilst respecting objectors' concerns over procedural issues, Officers believe it would not be appropriate to defer consideration of the application pending the outcome of an Ombudsman investigation.

**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 external faces of the concrete panels of the store hereby approved shall be painted dark green in accordance with the approved plans within 2 months of the date of this permission.
2. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out no later than the Autumn 2012 planting and seeding season. 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. In the interest of visual amenity.
2. In the interest of visual amenity.

**NOTES TO APPLICANT:**

None

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

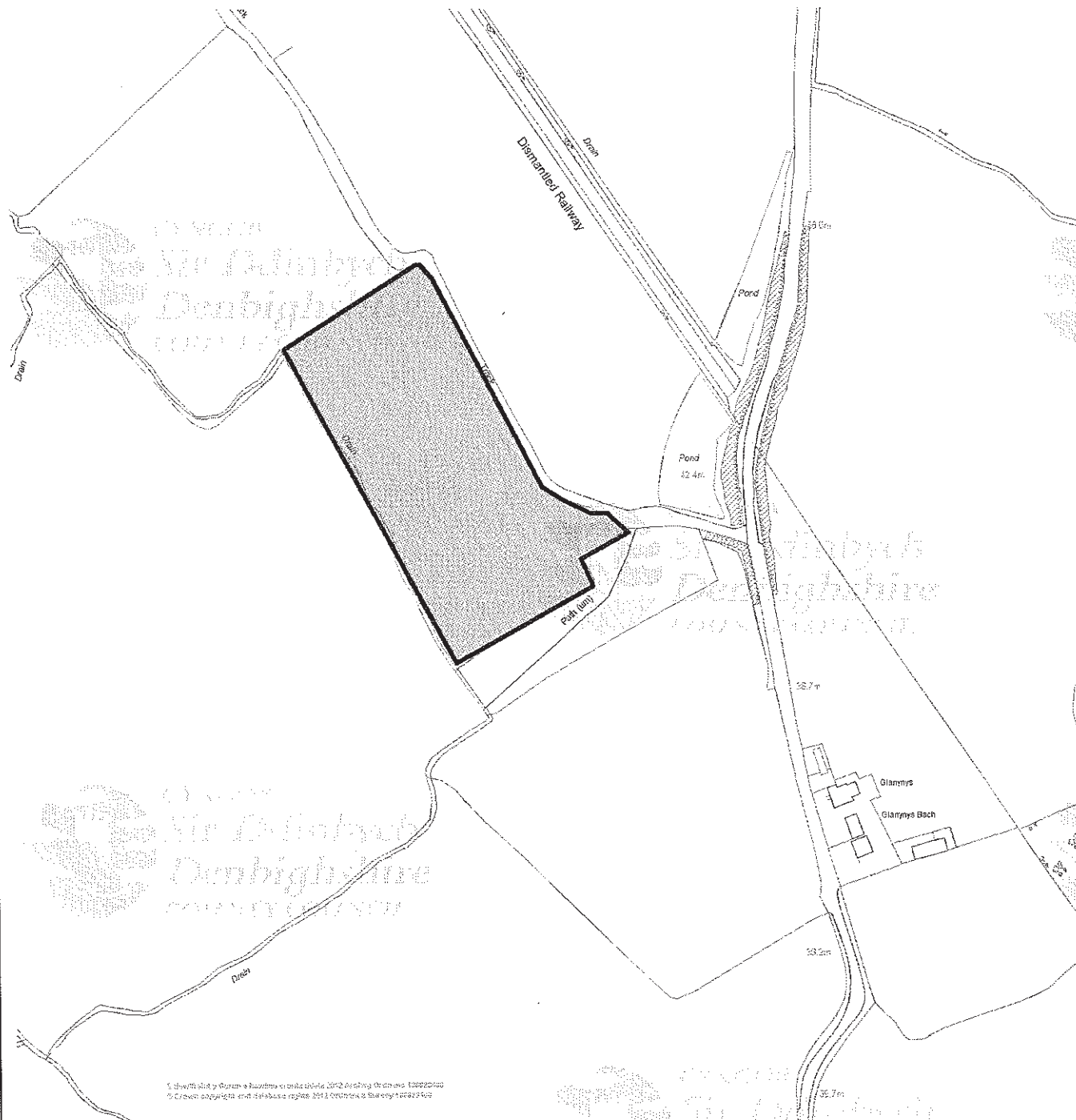
 Application Site



Date 7/6/2012  
Centre = 310056 E 361993 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.



1. Rhestrwyd y Goron a Hawddsia ei ddiwedd 2012 Arddangoswr 100023408  
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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:

24/2012/0382/PF  
 Land near Glanynys  
 Llanynys



Application Site

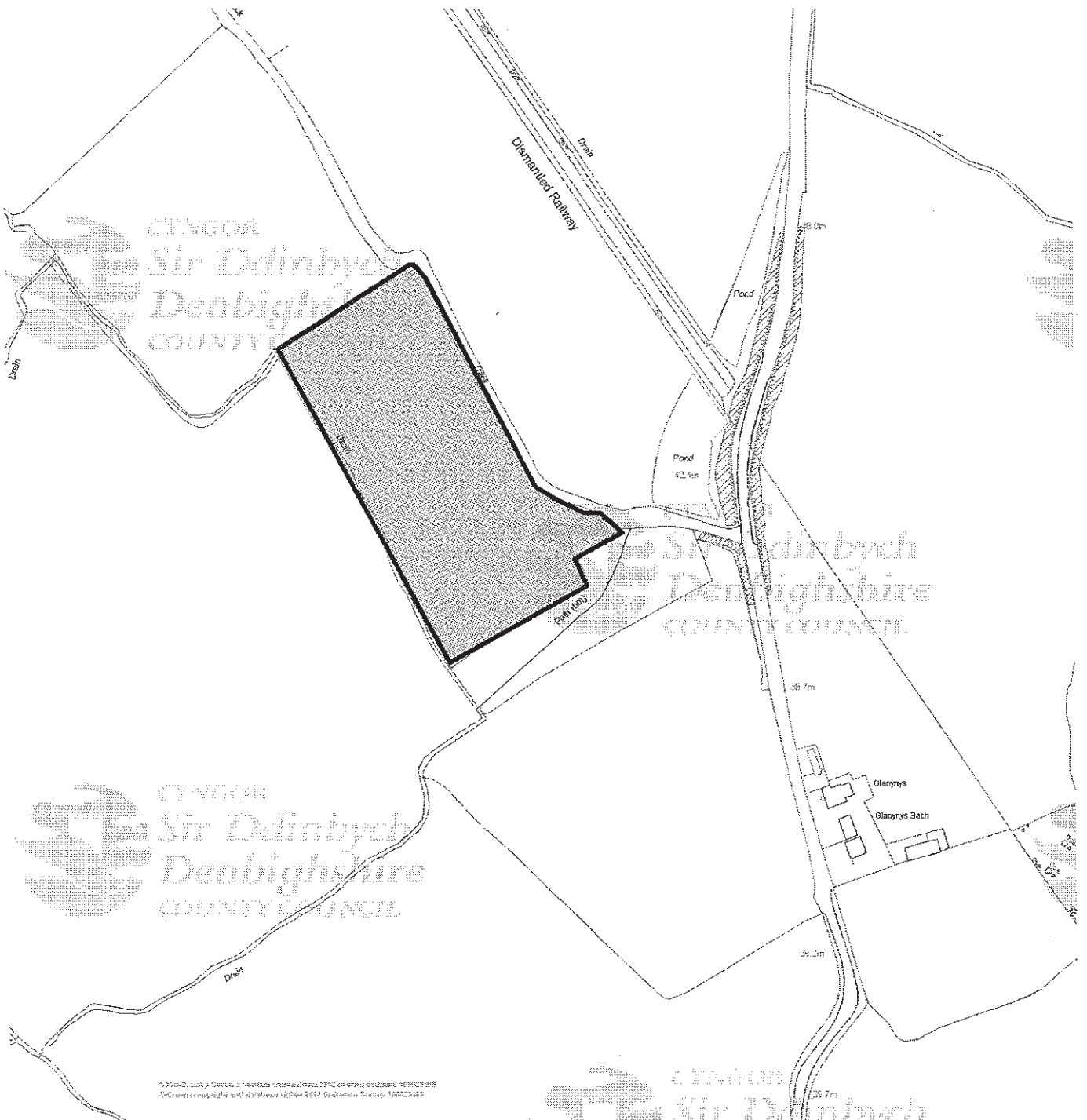


Date 7/6/2012

Scale 1/2500

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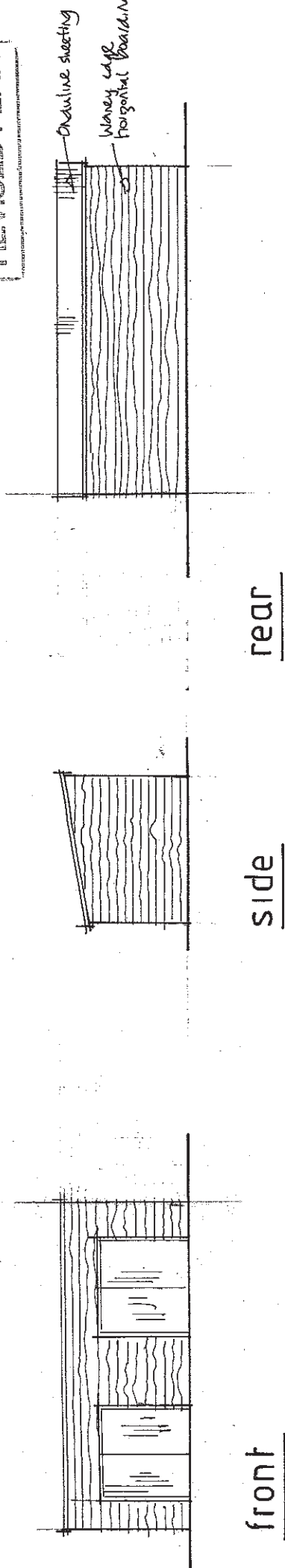


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REVISED PLAN



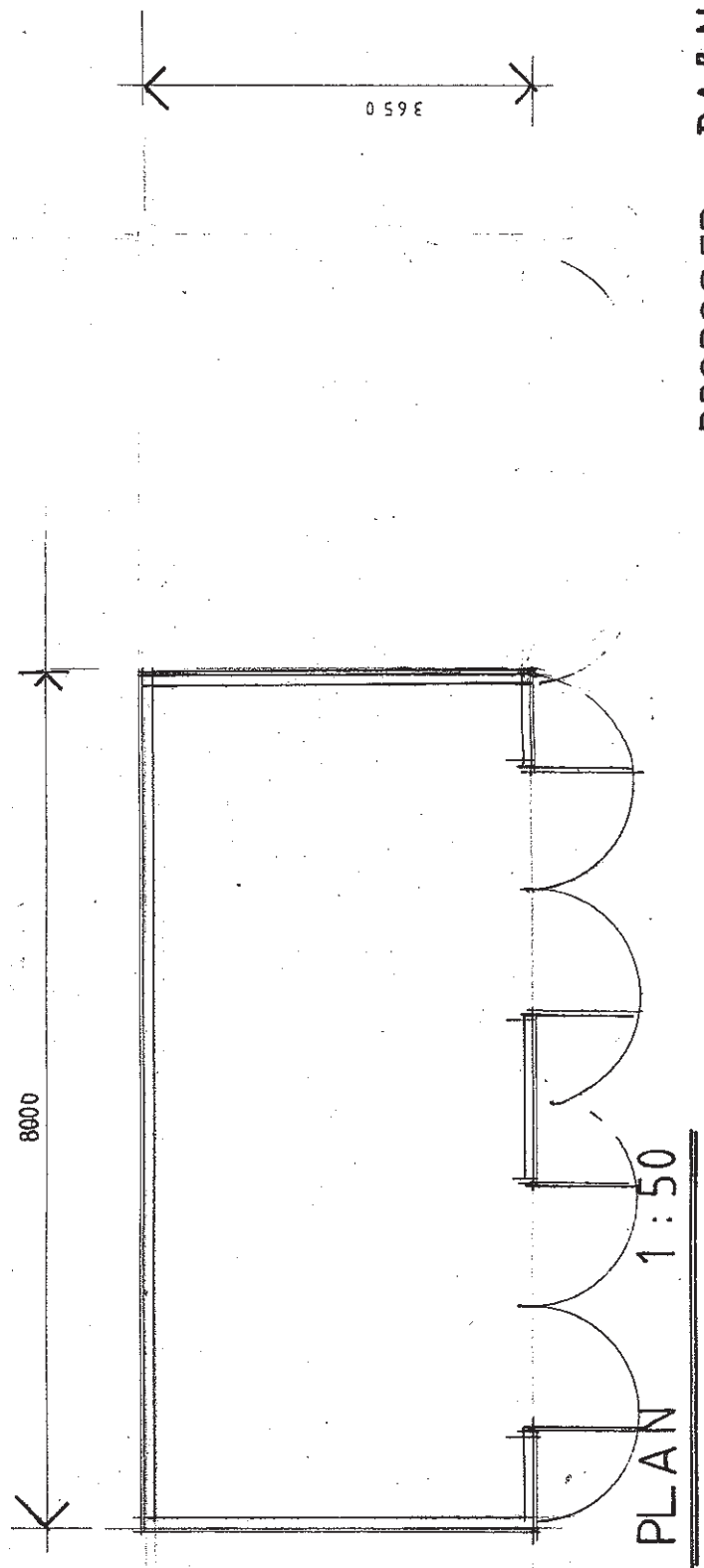
On-line sheeting  
Waney edge  
horizontal board

front

side

rear

ELEVATIONS 1:100



RECEIVED  
15 MAY  
CALICO

FLOOR AND ELEVATION PLANS

PROPOSED BARN

24/03/12

24 / 2012 / 0382 / P P F

REVISED PLAN

Approx. location of field shelters to be relocated

Garage

Low River

LOCATION PLAN 1:2500

SITE PLAN

RECEIVED

15 MAY 2012

CALEDONIAN

Amended 10/5/12

Existing gate

Approx. location of two field shelters

Proposed barn

Concrete ledge

Hardstanding

gate

gate

Relocate existing field shelters

Existing container to be removed

Proposed hawthorn hedge

SITE PLAN as proposed 1:500

**ITEM NO:** 4

**WARD NO:** Llandyrnog

**APPLICATION NO:** 24/2012/0382/ PF

**PROPOSAL:** Relocation of 2 No. existing field shelters, erection of new implement/food store (Partly in retrospect)

**LOCATION:** OS Parcel No. 8912 near Glanynys Llanynys Denbigh

**APPLICANT:** Mr. Stephen Miller

**CONSTRAINTS:** C2 Flood Zone  
Main River

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

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

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

LLANYNYS COMMUNITY COUNCIL  
'No objection'

ENVIRONMENT AGENCY  
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
HEAD OF HIGHWAYS AND INFRASTRUCTURE  
No objection

BIODIVERSITY OFFICER  
No objection

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mr. & Mrs. H. J. Varney, Glanynys, Llanynys

Mr. A & Mrs B Isaac, Ty Newydd, Llanynys

Ms. J. Beesley, Glyn Cottage, Llanynys

Summary of planning based representations:

Principle - Use not agricultural

Impact on landscape - unacceptable impact on open views

Impact on ecology - impact on watercourses and nearby pond/Impact on flood risk

**EXPIRY DATE OF APPLICATION: 21/05/2012**

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

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

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the relocation of 2 no. field shelters and the erection of 1 new barn and associated works at land west of Glanynys, Llanynys. The application documents refer to the 3 acre site being used for the keeping of horses and sheep.
- 1.1.2 The associated works include the creation of an area of hardstanding and additional landscaping.
- 1.1.3 The proposal is partially in retrospect with the relocation of the field shelters having been undertaken. Some planting and the hardstanding has also been completed.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is an agricultural field located to the south of the village of Llanynys. The field measures approximately 1.2ha. The closest residential property is Glanynys which is approximately 120m away.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Vale of Clwyd Historic Landscape and in the open countryside.
- 1.3.2 The site lies partially within the C2 and partially within the C3 flood zones as indicated in the Environment Agency's Flood maps.

#### 1.4 Relevant planning history

- 1.4.1 Complaints relating to unauthorised development have been investigated by the enforcement section and has resulted in the submission of this application.

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

- 1.5.1 The application has been amended to remove a proposed 'wedding carriage' storage area, i.e. a non-agricultural use. The proposed barn has been reduced from 3. bay to 2 bays in order to reflect this amendment.

#### 1.6 Other relevant background information

- 1.6.1 The application is reported to Planning Committee following the receipt of a formal request from the previous ward member prior to the May 2012 Council elections.

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

- 2.1 None

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

The main planning policies and guidance are considered to be:

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

- Policy GEN 3 - Development Outside Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy EMP 13 - Agricultural Development
- Policy CON 12 - Historic Landscapes, parks and gardens
- Policy ENP 6 - Flooding

#### **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 Impact on ecology
- 4.1.4 Flood risk

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.

The existing use of the land is understood to be agricultural. Whilst concerns have been raised that the proposed use of the site falls outside agriculture, the application as submitted does not propose any change of use of land. The storage of a wedding carriage which was included within the original submission, would have introduced a B8 storage and distribution use, but following the removal of this element from the application, it is considered that the use as outlined for sheep and horses is agricultural, and in the absence of any change of use application, the application has to be assessed on this basis.

Criterion vi) of Policy GEN 3 highlights agricultural development as acceptable outside of development boundaries providing there is no unacceptable impact on the social, natural, and built environment. EMP 13 relates specifically to agricultural development, and the aim of this policy is also 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 proposed and existing buildings are stated as being required for the storage of tractors, agricultural machinery, and the storage of feed. This is considered to be adequate justification for development in relation to criteria i) of Policy EMP 13. In relation to the availability of alternative redundant buildings, no other suitable buildings exist on the site that could meet the need for additional storage. Therefore it is considered that the proposals comply with the requirements of criteria ii) of Policy EMP 13.

##### 4.2.2 Visual and landscape impact

The site lies within the Vale of Clwyd Historic Landscape. Policy CON 12 requires that development does not unacceptably harm the character of a historic landscape. The general requirement to assess landscape and visual impact of agricultural development are set out in criteria iii) of Policy EMP 13. Criteria iv) of Policy EMP 13 requires that siting is well related to an existing complex.

Local residents have expressed concerns over the landscape/visual impact of the proposed and existing development. The application proposes the repositioning of 2 field shelters to the south western corner of the field and the new barn to be located towards the south eastern corner of the site. The new barn and repositioned field shelters would be separated by approximately 40m. The site has extensive screening from mature

hedgerows and trees to the east and west boundaries. The southern boundary is screened by lower and more sporadic planting.

Officers' consider that the siting, design and materials of the development would be acceptable subject to satisfactory additional landscaping. In this respect, it is considered that additional planting to the southern boundary would significantly reduce the visual impact of the development. A condition can be attached in order to secure the required additional planting. For these reasons the development is not considered to have an unacceptable impact in relation to landscape and visual amenity and complies with the requirements of Policy CON 12 and EMP 13.

#### 4.2.3 Impact on ecology

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

Concerns have been raised over the potential impact on the Llanynys Pond which is located to the east of the site. The Biodiversity Officer has advised that no direct impact on the pond would be anticipated. No objections have been raised by the Biodiversity Officer or CCW.

Due to the scale and location of the proposals it is considered that the proposals would not have an unacceptable impact in relation to ecological interests.

#### 4.2.4 Flood risk

Policy ENP 6 requires that development does not result in an unacceptable risk from flooding.

The Environment Agency have raised no objection subject to the applicant being advised to install flood proofing measures.

Provided that the applicant is advised to install flood proofing measures it is considered the proposals are acceptable in relation to flood risk.

## 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. A full scheme of landscaping to include supplementary planting to the southern boundary shall be submitted to the Local Planning Authority within a period of 2 months, of the date of this permission, and all planting included within the approved landscaping details shall be undertaken in the first planting season following the date of this permission. Any trees or plants which within a period of 5 years from the date of the permission 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.

2. The site and buildings thereon shall remain in agricultural use at all times.

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

1. In the interest of visual and landscape amenity.
2. In the interest of clarity and compliance with rural restraint policies.

**NOTES TO APPLICANT:**

You are advised that in view of the site's location within a Flood Zone, that flood proofing measures should be incorporated into the design of the buildings.

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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:

45/2012/0383/PFRE  
Rhyl High School/Leisure Centre  
Grange Road, Rhyl

5



Application Site



Date 8/6/2012

Scale 1/1250

Centre = 301913 E 381385 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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45 / 2012 / 0389 / PF

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18 APR 2012



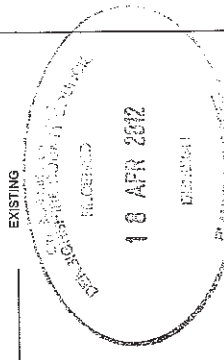
E.ON Energy Solutions Limited  
Customer Services, Oster Drive  
Springfield Business Park, Kenilworth  
Nottinghamshire, NG15 0DS

Rev	Date	Initial Release Description	IDW	JB	LB
A	17/5/12				

Revisions

LEGEND

PROPOSED  
EXISTING



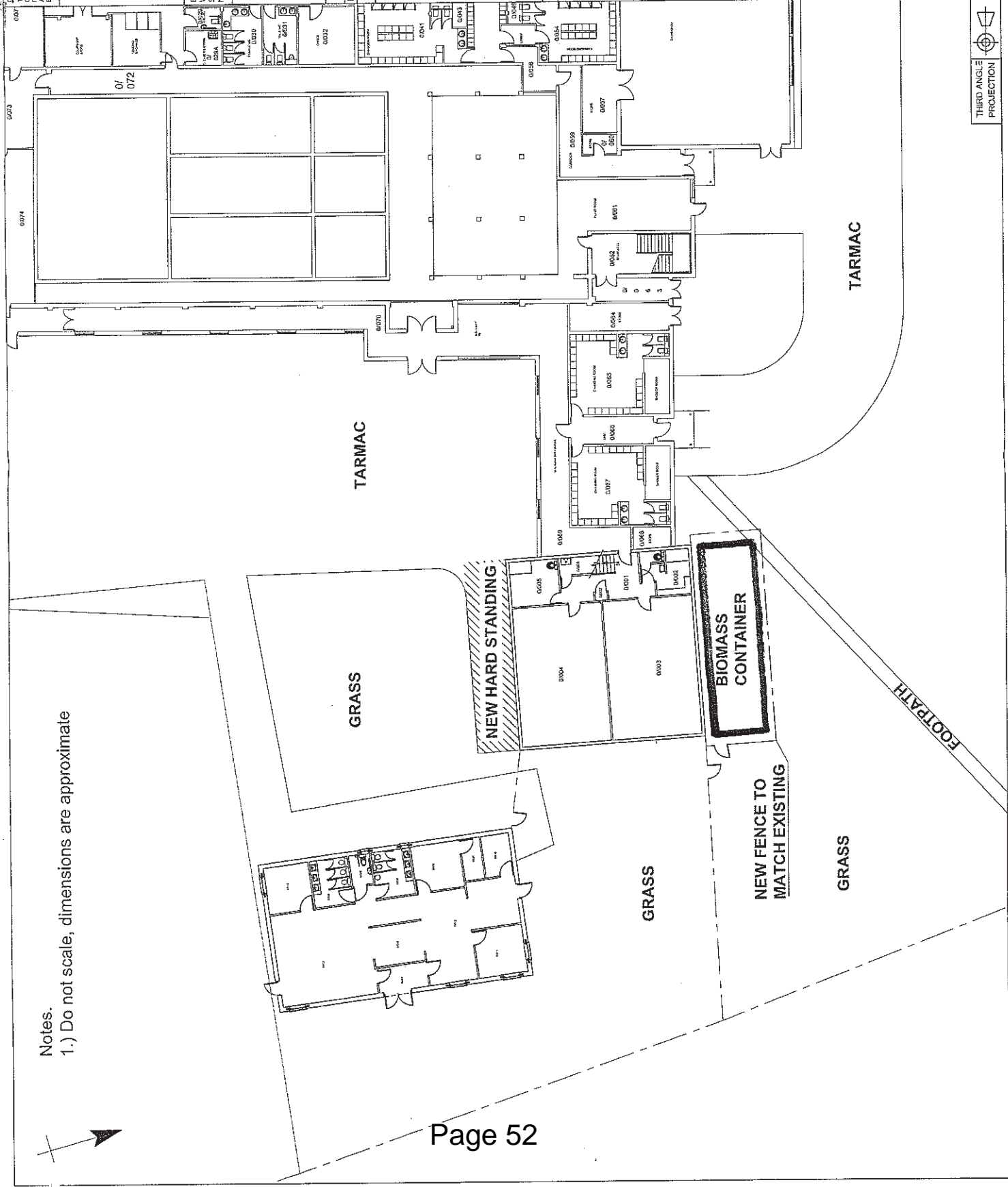
# SITE PLAN

Client / Partner  
RHYL LEISURE CENTRE  
Project Name  
RHYL LEISURE CENTRE  
BIOMASS INSTALLATION  
Drawing Title  
PROPOSED SITE PLANS

Scale  
PLANNING

Date	17-5-2012	Scale	1 : 250	Sheet Size	A3
Drawn By	IDW	Checked By	JB	Approved By	LB
Drawing No.	SES MG 11892	Rev			A

Notes.  
1.) Do not scale, dimensions are approximate





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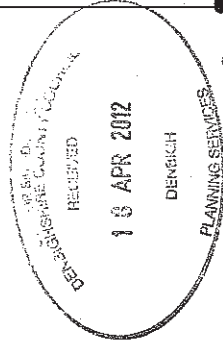


able

E.ON Energy Solutions Limited  
 Waterfront House, Lakeside Court, Oaker Drive  
 Sherwood Business Park, Ambleby  
 Nottinghamshire, NG15 0DS

Rev#	Date	Description	DRN	CHK	APP
B	17/5/12	AMENDED ELEVATION LAYOUTS	IDW	JB	LB
A	7/5/12	INITIAL RELEASE	ZA	--	--

Revisions



**ELEVATIONS AS EXISTING**

Client / Partner

RHYL LEISURE CENTRE

Project Name

RHYL LEISURE CENTRE

Biomass Installation

Drawing Title

ELEVATION DRAWINGS

EXISTING

Status

PLANNING

Date

17-5-2012

Scale

1 : 400

Drawn by

IDW

Checked by

JB

Approved by

LB

Sheet Size

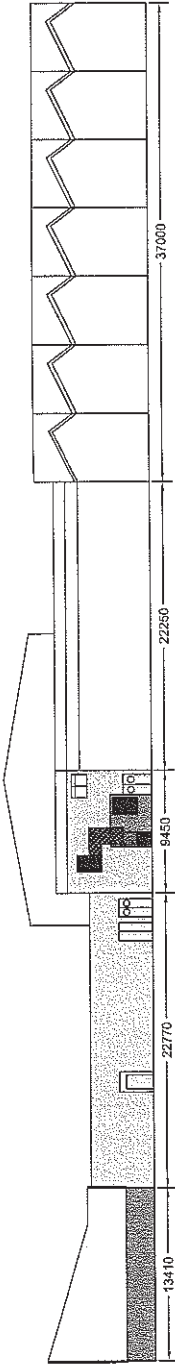
A3

Rev

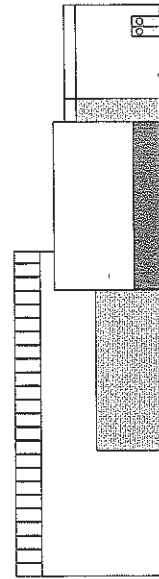
B

Drawing No.

SES MG 11864 B



**NORTH ELEVATION**



**EAST ELEVATION**



THIRD ANGLE PROJECTION



**ITEM NO:** 5

**WARD NO:** Rhyl South East

**APPLICATION NO:** 45/2012/0383/ PFRE

**PROPOSAL:** Installation of self-contained biomass heating system with external silo facility for heating the the leisure centre and swimming pool

**LOCATION:** Rhyl High School And Leisure Centre 86 Grange Road Rhyl

**APPLICANT:** E.ON Energy Solutions Ltd.

**CONSTRAINTS:** C1 Flood Zone

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

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

- Application on land in the Council's ownership where the proposal does not relate to a specific function exercised by the Council

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

Defer to enable further information to be sought in respect of the likelihood of odours emanating from the biomass system and the impact on the school, Leisure Centre and neighbouring residential properties".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**TECHNICAL OFFICER (POLLUTION CONTROL)**

Objected to a flue height of 10.9m as originally proposed and requested additional information on the indicative emission dispersal rates in accordance with the provisions of the Clean Air Act and the Council's Local Air Quality Management duties.

Following receipt of revised elevations and emissions data, are now satisfied that the stack (flue) height of the boiler should be adequate to ensure correct plume dispersion.

**RESPONSE TO PUBLICITY:**

No public responses received.

**EXPIRY DATE OF APPLICATION: 03/07/2012**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The proposal is for a containerised 600kW biomass unit, with flue, storage silo and new hardstanding and fencing. The proposed biomass feedstock will be bulk brown wood pellets. The plans at the front of the report show the basic details of the scheme.

- 1.1.2 Biomass is classed as a carbon neutral fuel and the objective of the proposal is to provide low carbon heat and hot water to the leisure centre and swimming pool.
- 1.1.3 The planning application is supported by a Design and Access Statement (DAS), the Manufacturers Brochure and photographs of the components of the system.
- 1.1.4 The DAS states that a containerised unit has been proposed as it enables a biomass heating system to be installed with minimum disruption to the existing building and surrounding area and refers to it as a 'plug in and play' system. The information with the application indicates:
- The proposed 600kW Hoval STU wood pellet boiler will be housed in a Dove Grey container and will measure 10.1m in length and 3.5m in height. It will be installed on the north facing elevation of the leisure centre on the external wall of the existing boiler room.
  - The steel coloured wood pellet storage silo will be adjacent to the container and will measure 4 meters in width and is 8.7m in height. Fences will be erected around the storage silo to restrict access; fences will be brown in colour.
  - The proposed flue is 13.5 metre tall and would extend 2m above the highest part of the building to ensure air quality standards can be achieved.
  - The container and the storage silo will be erected on a concrete plinth specially designed by a structural engineer to take into account the point loads of the container, the silo and the flue.
  - Vehicular deliveries of wood pellets will be required at varying intervals throughout the year and the wood pellets will be blown into and the storage silo.
  - Delivery vehicles will use the existing leisure centre site access from Grange Road and use the existing gated side access to the side of the existing boiler room of the leisure centre for wood pellet drops.
  - A small section of new hard standing will be required along the access route along the southern elevation of the existing boiler house (approximately 15m in length); this will be constructed using a lightweight permeable ground reinforcement system for grass or gravel stabilisation rather than concrete.
  - A full delivery schedule has yet to be agreed, however deliveries are likely to occur as follows:
    - Running at full peak load over winter months – delivery approx. every 10 days
    - On demand during the summer months – delivery approx. once a month.
  - Ash will be collected at similar intervals.
  - The preferred fuel supplier is Billington Biofuels; North Wales customers are supplied from the Stafford distribution depot.

## 1.2 Description of site and surroundings

- 1.2.1 The site is within Rhyl development boundary and within the curtilage of Rhyl High School and Leisure Centre. The leisure centre is surrounded by

residential properties with playing fields and public open space to the north and to the east of the main buildings.

- 1.2.2 The containerised biomass system would be located on the northern elevation to the rear of the leisure centre building where the existing boiler room and associated flues are located. The rear of the Leisure Centre building backs onto existing public open space.
- 1.2.3 There is a public footpath approximately 20m to the east of the application site and the nearest residential curtilage is approximately 70m to the north (rear gardens of Bridgegate Road which back onto the playing fields to the rear of the Leisure Centre).
- 1.2.4 The container will not be blocking or taking away any car parking provision or pedestrian right of way. Existing pedestrian access will remain.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is un-annotated land within the development boundary in the Denbighshire Unitary Development Plan.
- 1.3.2 The Leisure Centre site lies within a Zone C1 flood risk zone and Groundwater vulnerability zone.

### 1.4 Relevant planning history

- 1.4.1 Various applications on the site over the years, none of direct relevance to this proposal.

### 1.5 Developments/changes since the original submission

- 1.5.1 The flue height has been increased from 10.9m to 13.5m.

### 1.6 Other relevant background information

- 1.6.1 The scheme is a pilot project for the Council and is part of an initiative to reduce the carbon emissions and energy costs associated with Council run buildings. E.ON Energy Solutions have been appointed as an Energy Services Company (ESCo) who will own and operate the biomass system and supply heat and hot water to the Leisure Centre under contract.
- 1.6.2 Biomass systems are eligible for the Renewable Heat Incentive, which is a government backed financial incentive designed to encourage renewable heat generation.

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

2.1 Planning history for the Rhyl Leisure Centre (none of direct relevance to the proposal):

- 2/RYL/305A/82 – siting of 4 single mobile classrooms (granted 27/10/82)
- 2/RYL/344/83 – Building for town squash courts, spectator viewing, changing rooms (granted 08/11/83)
- 2/RYL/0358/93 – Satellite dish (approved 09/11/93)
- 45/2003/0642 – Alternations and extensions to sports centre to form new entrance and store room, boundary fencing and upgrading of lighting scheme to reduced size all weather pitch. Construction of all-weather running track with fencing and lighting (granted 23/07/03)
- 45/2004/0204 - Alternations and extensions to Rhyl Leisure Centre to provide new reception, link corridor and changing rooms (amendment to 45/2003/0642) (granted 12/05/04)

## 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 2 - Energy

Policy GEN 1 – Development Within Development Boundaries  
Policy GEN 2 – Development of Un-Annotated Land  
Policy GEN 6 – Development Control Requirements  
Policy ENP 1 – Pollution  
Policy EN6 6 - Flooding  
Policy MEW 8 – Renewable Energy

### 3.2 GOVERNMENT GUIDANCE

Planning Policy Wales  
Technical Advice Note 8 – Renewable Energy (TAN8)  
Technical Advice Note 15 – Development and Flood Risk (TAN15)

### WELSH GOVERNMENT PRACTICE GUIDANCE

Planning Implications of Renewable and Low Carbon Energy (Practice Guidance 2011)

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Air Quality
- 4.1.3 Traffic and Transport
- 4.1.4 Visual Impact
- 4.1.5 Public amenity and safety
- 4.1.6 Flooding

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy derived from renewables by 2020. In planning policy terms, renewable energy is the term used to cover those sources of energy, other than fossil fuels or nuclear, which are continuously and sustainably available; this definition includes biomass energy. Biomass is classed as renewable as the carbon dioxide emissions that are released when the fuel is burned is absorbed during its growth and therefore the overall carbon dioxide emissions per unit of energy generated are much lower from biomass when compared with fossil fuels.

The Welsh Government Technical Guidance categorises a 600kW biomass system as a 'medium scale' installation which is typically associated with community facilities, schools or industrial units.

Planning Policy Wales states that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy, subject to due consideration of local impacts.

In accordance with UDP planning policy STRAT 2 and MEW 8, applications for renewable energy technologies should be supported in principle where there is no unacceptable effect to the environmental quality of the locality.

#### 4.2.2 Air Quality

UDP policy ENP 1 seeks to protect the environment and / or the amenity of nearby properties in terms of ii) emissions of airborne pollutants. The key impacts on air quality that may arise from a biomass system include:

- Stack (flue) emissions – e.g. nitrogen and sulphurous oxides, carbon dioxide emissions
- Particulate emissions
- Emissions from construction and operation vehicles – e.g. dust generation during unloading.

In addition, for new heating appliances which burn solid fuel at a rate of 45.5kg/hour or more, it is necessary for the chimney / flue height to be approved by the Local Authority under the provisions of the Clean Air Act 1993. Local Authorities also have a duty under the Environment Act 1995 to review and assess air quality in their area which forms part of the system of Local Air Quality Management (LAQM); new combustion appliances with a rated capacity of between 50kW and 20MW need to be subject to an air quality assessment.

This proposal has triggered both of these legislative requirements and therefore the Council's Public Protection Department were consulted on the application. The Pollution Control Technical Officer initially objected to the proposed flue height of 10.9m as insufficient information had been provided to demonstrate that correct plume dispersion could be achieved. However the flue height has been increased and revised elevations plans have been submitted which now show a flue height of 13.5m. Emissions data was also submitted by the applicant which demonstrates that the maximum stack (flue) emissions rates for Particulates and Nitrogen Oxides for a 13m flue would be below the target rate, and therefore the Council's Pollution Control Technical Officer is satisfied that a flue height of 13.5m should be adequate to ensure correct plume dispersion. The proposed feedstock is wood pellet, which is a compact processed fuel and will be blown from the delivery vehicle directly into the storage silo; dust is therefore unlikely to be problematic. With respect to the Town Council's concerns, Officers feel air quality issues have now been adequately assessed and feel there would be no benefit in deferring the application.

In Officers opinion, air quality issues have therefore been adequately addressed and there would be no conflict with UDP policy ENP 1.

#### 4.2.3 Noise

UDP policy GEN 6 v) seeks to ensure new development does not unacceptably affect the amenity of local residents, including unacceptable noise impacts.

As with other combustion appliances, noise can be generated by the operation of a biomass system, however the proposed boiler equipment will be housed in a sealed container and the system will be installed adjacent to the existing boiler house, which already generates an acceptable level of noise. The Pollution Control Technical Officer has no concerns in relation to noise issues and the nearest noise sensitive receptors are the residential properties to the rear of the Leisure Centre which are over 70m from the application site.

In Officers opinion, it is unlikely that any unacceptable noise will be generated by this proposal hence there would be no conflict with GEN 6 v).

#### 4.2.4 Traffic and Transport

UDP policy GEN 6 vi) and vii) seeks to ensure new development proposals do not restrict access or have a negative effect on the highways network.

Vehicular deliveries of wood pellets to serve the proposal will be required at varying intervals throughout the year and ash collection will be at similar intervals to fuel deliveries. Therefore, the maximum number of vehicles associated with the operation of the biomass system will be approximately 2 vehicles every month in the summer rising to a 2 vehicles every 10 days in the winter. No alteration to the public highway is required to serve this development proposal and the existing leisure centre site access will be used to access the application site. Once on site, the delivery point is to the rear of the Leisure Centre building which is set away from the main car park area.

In Officers opinion, the proposal will not take away or block any car park provision or public right of way and there would be no unacceptable traffic or transport impacts as a result of this proposal, therefore no conflict with UDP policy GEN 6 vi) and vii).

#### 4.2.5 Impact on visual amenity

UDP policy GEN 6 i) seeks to ensure new development respects the site and surroundings in terms of siting, layout etc.

The application site is to the rear of the Leisure Centre building on the northern elevation where the existing boiler room and flues are located. The container, storage silo and flue will be visible from the open space to the rear of the leisure centre and from the rear of properties along Bridgegate Road. The top of the storage silo will be visible from the car park area to the front of the Leisure Centre and the flue will protrude approx. 2m above the highest part of the Leisure Centre roof. A smaller flue was initially proposed by this would not have complied with the local air quality management assessment. A fence will be erected around the bottom of the storage silo to reduce the visual impact as well as acting as a security measure, and the boiler equipment will be concealed within the container.

Given the footprint of the leisure centre and the presence of an existing flue on the building, Officers conclusion is that the proposed biomass system will be clearly subsidiary to the main complex and will have a limited visual impact. It therefore would not conflict with policy GEN 6 i).

#### 4.2.6 Public amenity and safety

UDP policy GEN 6 xi) seeks to ensure public and community safety is taken into account when development proposals are assessed.

The proposed biomass system will not affect public access to the leisure centre complex or reduce the area of public open space. The boiler equipment will be contained within a sealed container and the storage silo will be fenced off to restrict public access and the site will be secure.

In Officers opinion, adequate measures to protect public safety have been incorporated into the proposal and therefore no conflict with policy GEN 6 xi).

#### 4.2.7 Flooding

UDP policy ENP 6 seeks to ensure development does not result in an unacceptable risk from flooding. The site lies within a C1 Flood Risk zone which is defined in TAN15 as an area of the floodplain which are developed and served by significant infrastructure, including flood defences.

The proposal has a very small footprint (50 square metres) and the only new impermeable hardstanding will be the concrete plinth underneath the container and storage silo. The new hardstanding area on the southern elevation of the boiler house to enable delivery vehicles to access the site will be a lightweight permeable ground reinforcement system rather than concrete.

Given the scale of the development, Officers are of the opinion that the proposal will not give rise to an increased flood risk on site and therefore there is no conflict with policy ENP 6.

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

- 5.1 The proposal is considered to comply with national and local policy, and having regard to potential local impacts, it is not anticipated there would be any unacceptable effects on the locality.

**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. This permission relates solely to the installation of a contained 600kW biomass boiler, wood pellet storage silo, flue and ancillary works as described in the application plans. Written confirmation of the date of the first generation of heat and hot water from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The height of the flue shall be no less than 13 metres and no greater than 13.5 metres. Any deviation in flue height shall require the written approval of the Local Planning Authority.
4. **PRE-COMMENCEMENT CONDITION**  
No development shall commence until details of the design, height and materials proposed for the fences shown on the elevation plan have been submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and for monitoring purposes.
3. In the interests of pollution control and visual amenity.
4. In the interests of visual amenity and public safety.

**NOTES TO APPLICANT:**

Any deviation in flue height shall require approval from the Local Authority under the provisions of the Clean Air Act 1993. Sufficient data will need to be provided to enable the Council to undertake the chimney height calculation.

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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:

46/2011/0998/PC  
Rhosfryn, 9 Chester Street  
St Asaph

6



Application Site



Date 8/6/2012

Scale 1/1250

Centre = 303955 E 374403 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.

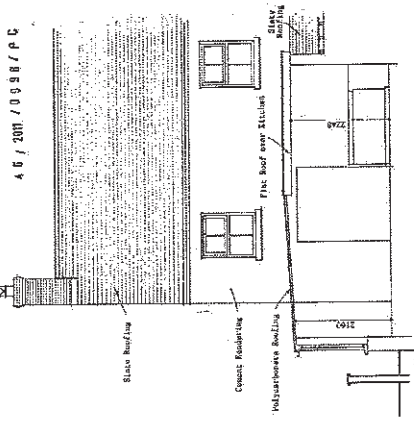


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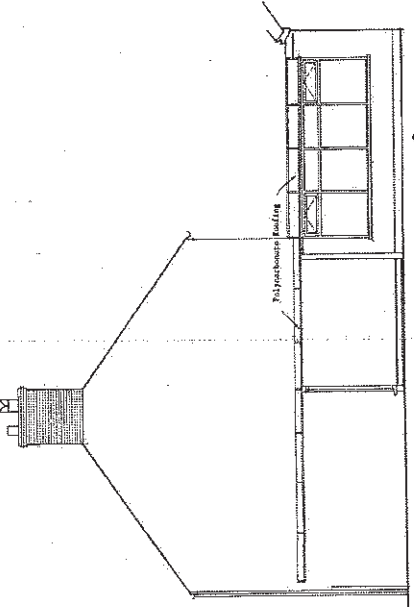
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# PLANS AND ELEVATIONS

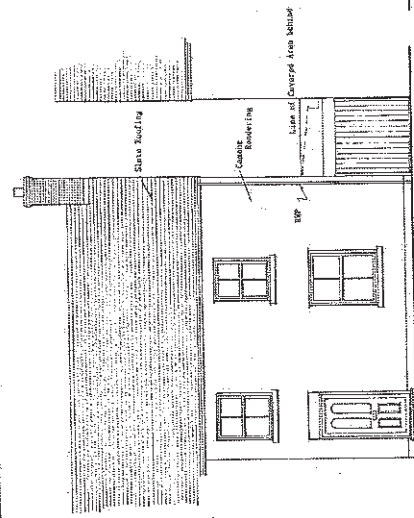
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SECTION X-X

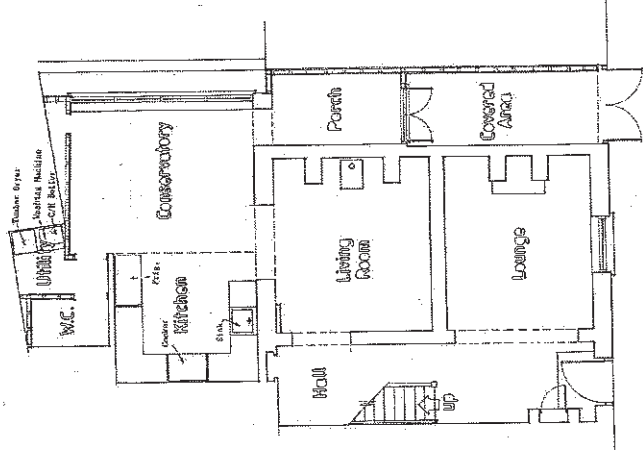


↑ EXTENSION

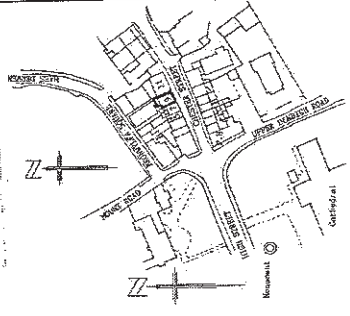
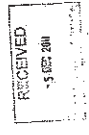


SIDE ELEVATION

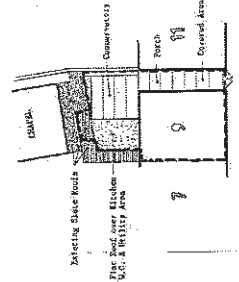
FRONT ELEVATION



GROUND FLOOR PLAN



DISTRICT PLAN SCALE - 1:1250



DETAIL SECTION  
SCALE - 1:50

PLAN NO. 2207/00731  
 25 D'YER AVENUE, BUNDEEN, N.S.W.  
 TEL/FAX: 01215 591188 MOBILE: 07816 537229  
 www.j.j.dwyerarchitectural.com.au  
 J. Dwyer, AIA, Dip. Arch. (1981), Dip. Urban Planning (1982)

9 CHESTER STREET, ST. ASAPH - RETENTION OF CONSERVATORY, ETC.  
 SCALE - 1:50.

**ITEM NO:** 6

**WARD NO:** St Asaph East

**APPLICATION NO:** 46/2011/0998/ PC

**PROPOSAL:** Retention of conservatory, alterations to kitchen roof at rear and re-rendering of front of dwelling

**LOCATION:** Rosfryn 9 Chester Street St. Asaph

**APPLICANT:** Mr R A Bill

**CONSTRAINTS:** Conservation Area

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
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:**  
ST ASAPH CITY COUNCIL  
'No objection'

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

D. Lewis-Jones C/O Bethlehem Unedig, 9, Ffordd Cae Canol, Trefnant

Summary of planning based representations:

Impact on amenity - Loss of light and ventilation due to window of adjoining property being blocked off

Scale of development - Extension covering full extent of rear of the property will cause issues with maintenance of adjoining property

**EXPIRY DATE OF APPLICATION: 29/01/2012**

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

- protracted negotiations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The proposal is for the retention of single storey extensions to the rear of an existing residential property, and cement rendering undertaken on the front of the property.

1.1.2 The extensions cover virtually the entire yard area of the rear of the property. A narrow strip of external space measuring 0.5m x 5m has been retained between the extension and the eastern boundary, but this external area can not be accessed as there is no door in the conservatory on this elevation.

The proposals are shown on the plans at the front of the report.

**1.2 Description of site and surroundings**

- 1.2.1 The property is an end terrace residential property. The locality has a mix of residential and commercial uses.
- 1.2.2 The site is bounded by residential properties to the side, and a chapel to the rear.

**1.3 Relevant planning constraints/considerations**

- 1.3.1 The property is within the development boundary of St Asaph and St Asaph Conservation Area.

**1.4 Relevant planning history**

- 1.4.1 A complaint was received in July 2011 in relation to unauthorised development and was subsequently investigated by Compliance Officers. An application submitted following investigation and confirmation that the development required planning permission.

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

- 1.5.1 None.

**1.6 Other relevant background information**

- 1.6.1 Unsuccessful attempts to secure alterations have been made, without success, which have led to significant delay in progressing matters.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 None.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 1 - Development within development boundaries
  - Policy GEN6 - Development control requirements
  - Policy CON5 - Development within Conservation Area
  - Policy HSG 12 - Extensions to dwellings

**SUPPLEMENTARY PLANNING GUIDANCE**

- SPG Note 1 - Extensions to dwellings
- SPG Note 7 - Residential Space Standards
- SPG Note 13 - Conservation Areas
- SPG Note 24 - Householder development design guide

**4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Detailed design and impacts
- 4.1.3 Impact on Conservation Area

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

The principle of extending existing dwellings is acceptable in relation to policies HSG 12 and GEN 6 of the Unitary Development Plan (UDP). Supplementary Planning Guidance (SPG) 1 and 24 give more specific guidance on what is acceptable and provides examples of best practice. HSG 12 permits extensions to a dwelling subject to tests. These tests require an

assessment of the acceptability of; scale and form; design and materials; the impact on the character, appearance and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. The assessment of these impacts is set out in the following section. GEN 6 contains a wide range of general development control requirements that all development proposals need to comply with. The purpose of this general policy is to help ensure that proposed development is of a high standard and has minimal adverse impacts on an area.

#### 4.2.2 Detailed design and impacts

- *Scale and form*

The proposed development involves a modest sized single storey extension to the rear of the property. It is therefore considered that the proposals are acceptable in terms of impact on the scale and form of the existing dwelling.

- *Design and materials*

It is considered that the proposed design and selection of materials are acceptable in relation to the existing dwelling and the surrounding area and would therefore be acceptable in terms of this test.

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

The rear extension covers the majority of the rear yard of the property. It extends across the full width of the property and up to the rear wall of the neighbouring chapel. The rear wall of the chapel contains a window serving a toilet. The construction of the extension has led to a loss of light and ventilation from this window. It is considered that this has an unacceptable impact on the amenity of the users of the neighbouring chapel, and for that reason the development is considered unacceptable in terms of the impact on the amenity standards of the locality.

- *Overdevelopment of the site*

SPG 7 states that residential dwellings should be served by a minimum of 40m<sup>2</sup> of outdoor amenity space unless exceptional circumstances dictate otherwise. The proposal leaves the dwelling without any accessible outdoor amenity space. It is not considered that there are any exceptional circumstances that justify this. It is therefore considered that the proposals represent an overdevelopment of the site and are therefore unacceptable.

#### 4.2.3 Impact on Conservation Area

Policy CON 5 requires that development conserves or enhances the character or appearance of Conservation Areas.

The development is to the rear of the property and is not visible from any public vantage points.

Due to the location of the development it is considered the impact on the Conservation Area is neutral and therefore acceptable in relation to Policy CON 5.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to have an unacceptable impact on the amenity of users of neighbouring properties and the property itself and is therefore recommended for refusal.

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

1. It is the opinion of the Local Planning Authority that the extensions, by virtue of their scale and location have an unacceptable impact on the amenity of the users of the adjoining chapel, and on the occupiers of the dwelling itself, due to the loss of virtually all the outdoor amenity space. The proposal fails to meet the tests of Policy GEN 6 (v), tests ii) and iii) of Policy HSG 12, and advice contained in Supplementary Planning Guidance Notes 1, 7 and 24.

**NOTES TO APPLICANT:**

None

## PLANNING ENFORCEMENT REPORT

**REFERENCE:** ENF/2012/00012  
**LOCATION:** Rosfryn, 9 Chester Street, St Asaph  
**INFRINGEMENT:** Unauthorised development - erection of extension

### RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 1 – Development within Development Boundaries  
Policy GEN 6 – Development Control Requirements  
Policy CON 5 – Development within Conservation Areas  
SPG 13 – Conservation Areas

#### GOVERNMENT GUIDANCE

Planning Policy Wales 2011  
Technical Advice Note (Wales) 9: Enforcement of Planning Control  
Circular 61/96 Planning and the Historic Environment

#### HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against unauthorised alterations to residential premises within a Conservation Area. In this instance, the matter under consideration relates to the rights of an owner of a residential property to erect an extension to the rear of the property where the impact of such development on the amenity of the neighbouring properties and the amenity of occupiers of the property itself are unacceptable. It is considered that such development is not in the general public interest, which outweighs the rights of the owner.

No specific human rights issues have been raised by the owner of the dwelling or any other interested party.

### 1. BACKGROUND INFORMATION

- 1.1 Rosfryn, 9 Chester Street, St Asaph is a terraced residential property located within the St Asaph Conservation Area. The property is in residential use and therefore falls within Class C3 of the Use Classes Order 1987.
- 1.2 On the 01 July 2011, a complaint was received that a new extension had been erected at the above address. A site visit was undertaken by a Planning Compliance Officer, who was able to verify the complaint.
- 1.3 There was no planning permission in place to authorise the development, nor had an application for planning permission been submitted, as required under the Town and Country Planning Act 1990 and Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995.
- 1.4 The Planning Compliance Officer made contact with the property owners and provided appropriate guidance. The owners agreed to submit an application for retrospective planning permission for the extension. The application code reference 46/2011/0998/PC was submitted on the 17 August 2011, but was not complete until

the 05 December 2011 due to the requirement for additional information to make it valid in accordance with legislation.

- 1.5 The application has been considered by Planning Officers and the separate report on its merits appears before the Planning Committee immediately prior to this item with a recommendation for refusal.

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

- 2.1 The unauthorised development has been carried out within the last four years.
- 2.2 The extension by virtue of its scale and location has an unacceptable impact on the amenity of users of adjoining properties due to proximity to existing windows, and has an unacceptable impact on the amenities of occupiers of the dwelling itself due to the loss of virtually all the outdoor amenity space.
- 2.3 The extension is in conflict with Policy HSG 12 of the Denbighshire Unitary Development Plan.
- 2.4 The use of conditions as part of any grant of planning permission for the retention of the unauthorised extension could not address these conflicts with policy.

## **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
- (i) Serve an Enforcement Notice to secure the removal of the unauthorised extension within a period of 6 months
  - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.