

To: Chair and Members of the Planning Committee

Date: 10 October 2013

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, 16 OCTOBER 2013** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN**.

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 7 - 36)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 11 September 2013 (copy attached).

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Pages 37 - 164)

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

6 AFFORDABLE HOUSING - INTERIM CALCULATIONS FOR FINANCIAL CONTRIBUTIONS (Pages 165 - 168)

To consider a report by the Planning Officer (copy attached). This report explains the proposed process of the above calculation and seeks Members' approval to use this approach in determining planning applications, pending adoption of new Supplementary Planning Guidance (SPG) on affordable housing.

MEMBERSHIP

Councillors

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
James Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Duffy
Peter Evans
Carys Guy
Huw Hilditch-Roberts
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

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 matters relevant to the meeting.

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 may 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 at the start of a debate on an item to constitute quorum and to allow a 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. The Chair will remind speakers they have a maximum of 3 minutes to address the Committee. Public speaking is subject to a separate protocol.

Where appropriate, the Chair will offer the opportunity for Members to read any late information on an 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, before any debate on the application. Opportunity will be given for discussion on the request, and a vote will 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 may invite officers to provide a brief introduction to an 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/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, 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 seek formal resolution(s) on each item, clarification of what resolutions have already been made, and how the vote is to proceed. Further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

Where Members are proposing to refuse or to grant permission contrary to Officer recommendation, the Chair will request members to state, for the minutes of the meeting, the planning reason(s) for doing so. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

If any member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair and Officers will clarify the procedure to be followed. The names of each voting Member will be called out and each member will announce whether their vote is to grant, to refuse, or to abstain. Officers will announce the vote on the item.

If a vote is to proceed in the normal manner via the electronic voting system, the Chair will ask officers to set up the voting screen(s) in the Chamber, and when requested, Members must record their votes by pressing the appropriate button (see following sheet).

Members have 10 seconds to record their votes once the voting screen is displayed, unless advised otherwise by Officers.

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

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

Where the formal resolution of the Committee is contrary to Officer recommendation, the Chair will request Members to agree the process through which planning conditions or reasons for refusal are to be drafted, in order to release the Decision Certificate (e.g. delegating authority to the Planning Officer, to the Planning officer in liaison with Local Members, or by referral back to Planning Committee for ratification).

PLANNING COMMITTEE

VOTING PROCEDURE

Members are reminded of the procedure when casting their vote. 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

+	To GRANT Planning Permission
-	To REFUSE Planning Permission
0	to ABSTAIN from voting

Or in the case of Enforcement items:

+	To AUTHORISE Enforcement Action
-	To REFUSE TO AUTHORISE Enforcement Action
0	to ABSTAIN from voting

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PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 11th September 2013 at 9.30am.

PRESENT

Councillors, I W Armstrong, J.R. Bartley (local member/observer) J A Butterfield, J Chamberlain-Jones, W L Cowie, J.M. Davies, M Ll. Davies, R J Davies, S.A. Davies, P A. Evans, H Hilditch-Roberts, T.R. Hughes. H. Ll. Jones (local member/observer), P M Jones, W M Mullen-James, R M Murray, P W Owen, D Owens, T M Parry, A Roberts, D Simmons, D.I Smith (observer) J Thompson-Hill, J S Welch, C H Williams, C L Williams E.W. Williams (local member/observer) and H O Williams

ALSO PRESENT

Head of Planning and Public Protection (Graham Boase), Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor (Planning and Highways) (Susan Cordiner), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Mike Parker (Highways), and Phil Ebbrell (Conservation Architect) attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillor, P. Duffy, C. L. Guy, M McCarroll, E.A. Jones, W.N. Tasker,

2 DECLARATIONS OF INTEREST

Councillor P.A. Evans declared an interest in item 14 (46/2013/0882/PC – Plas Elwy, The Roe, St Asaph)

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 24th JULY 2013.

Agreed as a true record:

Page 10 of Minutes of 24th July 2013– Ocean Beach, Rhyl

Councillor J. Butterfield asked for a further update on the Ocean Beach site which had been the subject of much local debate. Paul Mead (DC Manager) explained that the 106 Agreement had still not been signed but he would ask Rhyl Going Forward Manager Tom Booty to liaise closely with the Rhyl Members

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, and Public Protection (previously circulated) was submitted enumerating applications submitted and requiring determination by the Committee.

RESOLVED that:-

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

Application No: 01/2013/0783/PF

Location: 16, Y Maes, Denbigh

Description: Use of dwelling for childminding of 10 children maximum (including childminders' 2 children under the age of 8 years)

The following late representations/additional information were reported – Report of site visit which took place on Friday 6th September 2013.

Public Speakers: For: Tracy Green (applicant)

Ms Green referred to the required standards that they had in place and that registration was being sought. It was proposed that a fully bilingual service would be provided and a strategy had been devised to reduce noise impact. It was intended to accommodate 6 children under 5 years and Ms Green explained the stages of play at different ages – from solitary play up to 2 years, to co-operative play at age 5. She felt that children would be aware of acceptable and unacceptable noise. Any disturbance would be limited to between 3.15 pm and 5.15 pm. If granted permission, Ms Green was willing to work with all concerned to minimize the impact.

General Debate:

Councillor Richard Davies (local member) explained he had been unable to attend the site visit due to ill health but relayed objections he had received from neighbours – 3 properties adjoining the site. The noise concerns were an ongoing issue.

Councillor Ray Bartley attended site visit and although not a committee member, reiterated the Denbigh Town Council's concern about noise.

Proposals:

Councillor J Thompson Hill proposed permission be REFUSED
This was seconded by Councillor H. Hilditch-Roberts

On being put to the vote

5 voted to GRANT
17 voted to REFUSE
2 Abstained

PERMISSION WAS THEREFORE REFUSED

Application No: 05/2013/0484/PF

Location: Berwyn Lodge, Glyndyfrdwy, Corwen

Description: Change of use of industrial unit, visitor attraction, cafe and two residential units to a Class D1 non-residential education and training facility

The following late representations/additional information were reported:
Letter from Ken Skates (AM)

Public Speakers:

Sue Franke (Against)

Ms Franke expressed concern at this development, stating that neighbours of the site fear future crime. It was suggested that Branas accommodate youths who are dangerous and anti-social but that they have stated they cannot stop anyone walking out and would not involve the police unless there was violent conduct. Ms Franke stated that youths would need to use the neighbours' right of way to access parts of the site. Ms Franke explained that two small children lived in the house next door to this property and the proposal that 30 youths be accommodated was unacceptable. She also disputed whether jobs would be created and that the claim there would be no more noise than present.

Bob Yetze (For)

Mr Yetze disputed Ms Franke's figures and stated there would be no more than 25 residents, and that they would not be allowed to "wander around". He stated that visitors to The Butterfly Man studio could walk anywhere at present. He considered that the reputation of the company Branas was high and it employed 120 people in the Dee Valley. The residents would be protected from the abuse they suffered at home and have a right to education. Mr Yetze stated that if Branas did not educate them they would be sent to local schools instead and come into contact with local children.

General Debate:

Councillor H. Ll. Jones (Corwen) suggested that the photographs of the site on display showed the lack of security and felt that it was a blow to the locality that an education establishment is able to move in when local schools were being closed. He felt the location was ill advised and, of the 225 households in the village of Glyndyfrdwy, 108 have objected, although he noted that one person in Shrewsbury had no objection. Councillor Jones stated that the site was adjacent to the A5 Trunk Road and was puzzled that the Highway Agency raised no objection. He thought that educational establishments should be protected by a 20 mph speed limit.

Councillor Jones felt that 'fear of crime' was legitimate as the access track to 16 dwellings went through the site. The Company had other establishments, in Llandrillo and Bontuchel, and Councillor Jones stated that there had been 22 reported crimes in Llandrillo recently. Branas have procedures for tackling missing persons including the provision of a 1.8 metre fence but state they are not in a position to restrain a child if any ran away. As Branas state they are 'helping children who sexually harm', Councillor Jones felt that there had to be controls in place to help protect the children.

He sympathised with the family of two small children nearby and the fear of the other neighbours. He referred to the lack of consultation with Corwen Town Council and to Ken Skates' request for the application to be refused.

Councillor Stuart Davies agreed, quoting the circumstances of a murder in Llangollen by a troubled youth.

Proposals:

Councillor S. Davies proposed that permission be REFUSED on the grounds of Fear of Crime, and Public Safety. Councillor Rhys Hughes seconded this proposal adding grounds of disturbance to local residents.

Councillor Rhys Hughes felt that as a Governor of Dinas Bran School he objected to the speaker's comments over children being placed in local schools. He also considered that as Committee had earlier refused permission for the proposed nursery in Denbigh on noise grounds this argument would equally apply to this application.

Councillor Eryl Williams spoke as Head Member for Education, also challenging the comments made by the speaker.

Paul Mead (Development Control Manager) stated in answer to Councillor Huw Jones' query about consultation that all statutory publicity had been undertaken by the planning department but presumed he was referring to the Company's consultation exercise. He also stated that most schools had high fencing but he understood Councillors' views and suggested that if a refusal were to follow, reasons for refusal would be drafted and circulated to the local members for comment prior to issuing the decision

VOTE:

1 voted to GRANT
22 voted to REFUSE
1 Abstained

PERMISSION WAS THEREFORE REFUSED For the following reasons:

1. In the opinion of the Local Planning Authority, the proposed use is likely to give rise to an unacceptable fear of crime and disorder, having a negative impact on personal and community safety. The use is therefore considered inappropriate in nature in this location, contrary to Policy PSE 5 test i), the general development control considerations in Policy RD1 test xii) of the Denbighshire Local Development Plan, and Section 3.1 of Planning Policy Wales Edition 5, 2012.

2. In the opinion of the Local Planning Authority, the proposed use is likely to give rise to an intensification of activity at the site, leading to unacceptable levels of disturbance to occupiers of nearby residential property, inappropriate in scale and nature in this location, contrary to Policy PSE 5 test i), the general development control considerations in Policy RD1 tests i) and vi) of the Denbighshire Local Development Plan, and Section 3.1 of Planning Policy Wales Edition 5, 2012, which require due consideration of the effect of development on the neighbourhood and the environment.

(Drafts of the reasons to be circulated for consideration and agreement by Councillors H. Jones, S. Davies & R. Hughes)

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

The proposals are considered unacceptable in relation to public safety and residential amenity considerations.

Application No: 13/2011/1276/PF

Location: Pool Park Complex, Pool Park, Ruthin

Description: Redevelopment to provide care village comprising 38-bedroom nursing home within the main house, refurbishment of existing buildings to provide 6 No. dwellings, demolition of former boiler house and chapel. Provision of 62 No. apartments and dwellings within the grounds as enabling development, together with provision of new services and facilities and restoration of the grounds

The following late representations/additional information were reported:

- Mr G Thomas Pine Lodge Pool Park, Ruthin
- Darren Miller (AM)

A report of the site visit held on 6th September 2013 was circulated.

Public Speakers:

Rob Atkinson (Against)

Mr Atkinson stated his objection to the loss of the garden and parkland. He welcomed the rescue of the Listed Building but felt the building had been allowed to deteriorate for 20 years, now requiring this application to fund the repairs. He did not agree with the need for 3/4 bed houses and the requirement that only one person in the household need be over 60 years old. Mr Atkinson was also concerned at the standard of the access, particularly in the winter. He felt the proposal was for financial gain.

Matt Gilbert (Agent) spoke in favour,

Mr Gilbert said the Listed Building and grounds would be lost if nothing was done but the cost of renovation was increasing and it was necessary to be realistic. The reason for the provision of 3-4 bed housing was to provide a mixture within a retirement village, it was not just a care home. He felt the access was adequate as it would not generate a high volume of traffic.

General Debate:

Councillor Eryl Williams queried the worth of the Listed Building, stating the grand porch entrance was from a property in Bychymbyd and not original to Pool Park. The fireplaces were no longer there and windows were beyond repair. He also wondered if transport to the proposed care home had been adequately addressed and whether it was suitable for housing people in need of care. Councillor Williams asked how the condition restricting occupants from moving in to the dwellings would be enforced. He felt this would prove an enormous impact on the community and urged caution.

Councillor H O Williams queried the access arrangements and Councillor Rhys Hughes asked if the site would include affordable housing.

Councillor M. Lloyd Davies reported that the Site Visit Panel had been unable to see the historic garden as the area was overgrown and he was concerned that a number of trees would be lost. It was also clear that one block of apartments would be in front of the Listed Building, Councillor Davies also wondered why nothing had been done to protect the Listed Building as it had been on the "At Risk" Register since 2002. He regretted that the site visit panel had been unable to access the building to view the stairs which were part of the listing. He asked if the use of a Bond as part of a legal agreement would appropriate

Councillor H. Hilditch Roberts also reported on the site visit and asked for an explanation of the observations from Highways.

Ian Weaver (Principal Planning Officer) explained there were two applications to be considered by committee, one for planning permission and one for Listed Building Consent to follow. He stated that the property is Grade II* and the authority has a statutory duty to protect such an important building. Mr. Weaver pointed out that the Officer's report also covered the issue of smells from the nearby farm which Public Protection does not consider to be a nuisance. He answered Members' queries on Affordable Housing – this is proposed as a care village and the applicants have said if affordable housing was required to be included there would have to be an increase in the number of units to make the proposal viable. It was important to save the Listed Building but there were quite a number of conditions and Heads of Terms in the proposed 106 Agreement, including phasing. The provision of a Bond may only be acceptable in certain circumstances. It was suggested that this is on "balance" recommendation on a complex application and there are specific policies for "enabling" development in the Local Development Plan.

Mike Parker (Highways Officer) explained the traffic flow had been measured by counters placed in various locations around Ruthin and Clawddnewydd. While there were peaks of up to 150 vehicles at 8am -9 am and 5pm -6 pm the proposed use would not increase the volume of traffic to the extent justifying a refusal. Mr. Parker acknowledged that winter gritting would only take place on the main road and it would be up to the management to maintain the site road. Passing places along this access road have been requested.

Phil Ebbrell (Conservation Architect) addressed the issue of the Listed Building. It was erected by Lord Bagot originally as a hunting lodge, with Mock Tudor and later additions in a "Jacobethan" style. There was a fine staircase as part of the listing and CADW had no objection to the development. It was unfortunate that restoration would cost more than the finished property would be worth, leaving a "Conservation Deficit". Enabling Development is a legitimate way of dealing with this as there are no grants available. In reply to further queries, Mike Parker (Highways) acknowledged the visibility to the left on exiting the site onto the main road is substandard but to the right is suitable.

Councillor Eryl Williams was concerned that although Pool Park used to have four exits, there was now only one available for all traffic to this site. He also had concerns about the impact of the recently approved wind turbine on the proposed housing and smells from the farm. He had also heard that the listed staircase was no longer there and wondered if this affected the listed status of the main building.

Phil Ebbrell stated that he had seen the staircase within the last 18 months but could not say if it was there now. However, he doubted this would affect the listing.

(In response the agent in the public gallery was allowed to advise committee and stated that the staircase is still in situ, the decorative angels had been stolen but recovered and were now in storage).

Paul Mead (Development Control Manager) summed up the discussion, advising that this was on a balance recommendation, involving a level of enabling development required to ensure the refurbishment of the listed building.

Proposals:

Councilor M. Parry proposed planning permission be GRANTED.
This was seconded by Councillor J. Welch

Councillor R. Hughes proposed planning permission be REFUSED on the grounds of highway safety, due to an increase in use of a sub standard access and pressure on local services, lack of affordable housing and the impact on the welsh language.
This was seconded by Councillor H. O. Williams

On being put to the vote

VOTE:

15 voted to GRANT

6 voted to REFUSE
2 Abstained

Councillor Bill Cowie wished it to be noted that he did not vote as he was not present for the full debate)

PERMISSION WAS THEREFORE GRANTED

Subject to the completion of a Section 106 Obligation regarding the phasing of the scheme and the preparation of a detailed Conservation Management Plan..
Officers to enter into detailed negotiation with the applicants over the precise terms of a Section 106 obligation in accordance with the basic heads of terms set out below and the completion of the Obligation within 6 months of the date of the resolution of Planning Committee.

Basic heads of terms

In order to ensure that the enabling development provides the funding for the restoration works to meet the primary objectives in planning and conservation terms, the following terms are suggested:

1. The occupancy of the new units shall be restricted to at least one person in the household being either over 60 years of age and/or in need of care. Details of the how the site will be managed to be agreed.

2. Phase 1: Comprising Pool Park, The Vegetable Store, The Stables, Units 1 – 5 and Block A.

None of the dwellings shall be occupied until the initial restoration of Pool Park House has been completed and the use of the Nursing Home established. Details of the specified works to Pool Park House to be set out within the definitions/appendices of the Section 106 agreement.

3. Phase 2: Comprising Units 6 – 21

No more than 5 of the dwellings shall be occupied until the specified works for the conversion and restoration of The Bothy have been completed.

4 Phase 3: Comprising The Bothy, Units 22-33, and Block B

No more than 15 units shall be occupied unless works for the restoration and laying out of the Walled Garden have been completed. Details of the specified works to the walled garden would be set out within the definitions/ appendices of the Section 106 agreement.

5. The preparation of a more detailed Conservation Management Plan seeking out the works proposed to the grounds, a programme of works and specifications is linked to the phasing and timings set out in the other Heads of Terms.

Application No: 13/2011/1277/LB

Location: Pool Park Complex, Pool Park, Ruthin

Description: Listed Building application for redevelopment to provide care village comprising 38-bedroom nursing home within the main house, refurbishment of existing buildings to provide 6 No. dwellings, demolition of former boiler house and chapel. Provision of 62 No. apartments and dwellings within the grounds as enabling development, together with provision of new services and facilities and restoration of the grounds.

A Report of the Site Visit of the 6th September was circulated.

Public Speakers: (The registered speaker decided not to address the committee)

Ian Weaver reminded Committee that this application was for Listed Building Consent and would be referred to CADW.

Proposals:

Councillor S. Davies proposed that consent be given
This was seconded by Councillor M. Lloyd. Davies.

On being put to the vote

VOTE:

20 voted to GRANT CONSENT
0 voted to REFUSE
2 Abstained

Application No: 17/2012/1637/PF

Location: Maes Maelor, Llandegla, Wrexham

Description: Temporary change of use of land for 3 years for use as a laser quest / family fun site with associated car parking

The following Late representations/information were reported additional letters of representation were received:

Report of a Site Visit held on Friday 6th September 2013

Public Speakers: FOR: Sioned Edwards spoke in favour of this application, requesting a temporary change of use. The use would provide additional income to the farm offering a laser quest experience to visitors. The site is adjacent to, but outside the AONB and all structures would be of natural materials and removable. All livestock would be kept out of the site and the car park and portals would be screened and landscaped. 10 parking spaces were proposed which would be adequate for the small parties catered for. There would be alterations to the access and the venture would be of economic benefit to the County.

General Debate:

Councillor M. Lloyd. Davies reported on the site visit and felt it would be well screened although the AONB Joint Advisory Committee had felt the proposed kerbing would be a discordant urban feature.

In reply to queries from Councillor Arwel Roberts in the impact on the public footpath and Councillor Rhys Hughes on the aforementioned kerbing, Mike Parker stated that the public footpath would not be compromised and further details on the kerbing would be requested.

Proposals:

Councillor Rhys Hughes proposed temporary permission be GRANTED
This was seconded by Councillor M. Lloyd. Davies

On being put to the vote

VOTE:

22 voted to Grant
0 voted to REFUSE
0 Abstained

(Councillor Peter Owen did not vote as he was not present for the full debate)

PERMISSION WAS THEREFORE GRANTED

Subject to the following: revised conditions and new Note to Applicant.

3. The detailing of the new access and the treatment of the area around it shall not be as shown on the submitted plans, but shall be in accordance with such details as are submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the details as approved under this condition, and shall be completed prior to the use commencing.

10. Second line – delete words “the next planting and seeding season” and substitute with “the commencement of the use”.

Suggested new Note(s) to Applicant:

You are advised to contact the Case officer to discuss the detailing of the new access / kerbing prior to submission of the details required by condition 3 of this permission.

Application No: 21/2013/0646/PF

Location: Coed Moel Famau, Llanferres

Description: Erection of a play structure and a timber cradle nest swing

The following late representations/information was reported: :

M Whitley (unable to attend as speaker)

Councillor Martyn Holland

Public Speakers: AGAINST Mr John Evans spoke against this proposal.

Mr Evans stated that the site, within the AONB, was accessed by a country lane "unsuitable for large vehicles" used by walkers and cyclists. He felt saturation point had been reached in terms of traffic as 250,000 visitors to the site represented many vehicles. Children play happily in the woods without artificial structures and he doubted there was strong local support.

General Debate:

Councillor M. Parry pointed out that the Community Council had objected and felt visitors should be encouraged into the Country's towns to spend money. He thought children should visit the areas within the AONB to learn about the countryside and felt strongly that it should not become a theme park. Councillor Huw Hilditch Roberts was aware of frequent accidents on this road. He felt the proposed nest structure was not pleasing and it should be made of locally sourced natural material.

Councillor Dewi Owens agreed the road was inadequate and safety of children should be considered.

Councillor R, Hughes was also against this proposal.

Ian Weaver (Principal Planning Officer) reassured Members that no parking spaces were being lost and much of this scheme by NRW (formerly Forestry Commission) was permitted development, only the two elements applied for needing permission. He felt the proposal of a swing and a nest was low key and would not generate any more traffic. The structures were to be made of wood, and placed within the forest. In reply to queries Mr Weaver confirmed toilet facilities were established near the car park.

Mike Parker (Highways) stated that there were 8 structures in total, only two needing permission. He acknowledged problems with the road in winter but had not been aware of traffic issues in the area.

Proposals:

Councillor J. Butterfield propose permission be GRANTED

This was seconded by Councillor Pat Jones

On being put to the vote

VOTE:

16 voted to GRANT

6 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 22/2013/0666/PF

Location: Land at Tirionfa, Hendrerwydd, Denbigh

Description: Erection of 3 No. holiday chalets and associated works including alterations to existing highway access and change of use of land from agriculture/equestrian to holiday use

Mike Parker declared a personal interest in the following application and left the Chamber during consideration thereof.

Public Speakers: FOR Ceryl Jones spoke in favour explaining the dream of sharing their enjoyment of walking and cycling in the area. There was support from the local community and it would benefit local services. It was felt this is the best time to offer this type of holiday considering the increased popularity of cycling and the area offering such a variety of tourism options.

General Debate:

Councillor Huw Williams supported the application, stating the family is long established in the area. He said Denbighshire is the cycling hub of North Wales and this will help the White Horse Hendrerwydd and other excellent pubs and restaurants in the area.

Councillor M. Parry agreed and stated that the National Eisteddfod had shown up a lack of tourism accommodation in the area.

Proposals:

Councillor J. Butterfield proposed permission be GRANTED
This was seconded by Councillor Rhys Hughes

On being put to the vote

VOTE:

23 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 24/2013/0750/PF

Location: Cil y Graig, Rhewl, Ruthin

Description: Erection of extensions to existing dwelling

The following late representations/ information was reported:

- In objection DM & K Bryan, Fron Haul, Rhewl
- In support A. Smith & M Howarth (Applicants)

Public Speakers:

AGAINST

Rhian Jackson spoke against this application, stating that the extension would increase the footprint of the house by 50% and reduce the available parking area. The access is by private road which needs to be maintained at all times. The proposal overlooks the neighbouring property and the windows should have obscure glazing to prevent overlooking.

FOR

Alan Smith (applicant) spoke in favour stating that he has 2 children and wished to enlarge the house by removing the garage and extending upwards, not outwards. He had agreed to obscure glazing and parking spaces would be available for 3 vehicles. During building work the family would park their two cars elsewhere. All materials would match the existing and he was upset and surprised at the neighbours' objection.

General Debate:

Councillor M. Parry asked if obscure glazing was possible, and whether it encroaches onto Fron Haul land.

Councillor Huw Williams expressed concern about the blind exit onto the main road.

Councillor M. Lloyd Davies stated that planning permission does not give anyone the right to enter or work on someone else's land. Windows can be designed to eliminate overlooking but obscure glazing is not of value if the windows are open.

Ian Weaver (Principal Planning Officer) advised Members that previous extensions approved in 2009 could still be implemented, and are of a similar scale to this proposal. The extensions were comfortably within the definition of "subordinate". A Construction Methodology Scheme could be requested. There is a large tree near the proposed building work which it may be unreasonable to insist on retention. However, Councillor M. Parry was of the opinion that the tree did not belong to the applicant.

Mike Parker (Highways) considered that sufficient parking space was available and some disruption during building work was inevitable.

Proposals:

Councillor S. Davies proposed permission be GRANTED
This was seconded by Councillor M. Lloyd. Davies

On being put to the vote

VOTE:

20 voted to GRANT
2 voted to REFUSE
0 Abstained

**PERMISSION WAS THEREFORE GRANTED
SUBJECT TO THE FOLLOWING**

New Note(s) to Applicant

You will be aware that the Local Planning Authority has received representation on behalf of adjoining property owners, drawing attention to the delineation of ownership along the property boundary. You should ensure that you have the legal right to carry out the development before proceeding further as the Local Planning Authority cannot act as an arbitrator in a civil dispute over ownership, and the grant of permission does not convey any rights to undertake works on or to gain access to third party land in order to implement a permission.

Application No: 40/2013/0830/PO

Location: **Former Indesit Site, Royal Welch Avenue,
Bodelwyddan, Rhyl**

Description: Development of 11.2 hectares of land for mixed-use development, comprising:
PLOT 1 (4.7 ha) – industrial use (Use Class B1/B2/B8) - part-demolition of industrial unit (18,844 m²); part-refurbishment of industrial unit (15,156 m²); part-extension of industrial unit (340 m²); 219 parking spaces; change of use of canteen building for training centre (657 m²) – seeking approval of access, appearance, layout, and scale
PLOT 2 (3.6 ha) – residential development (Use Class C3), 126 no. units – all matters reserved except for access
PLOT 3 (1.6 ha) – industrial use (Use Class B1/B2/B8) (6,845 m²); 124 parking spaces – all matters reserved except for access
PLOT 4 (0.7 ha) – vehicle depot (Use Class Sui Generis) (790 m²); 22 parking spaces – all matters reserved except for access

Public Speakers: FOR

Richard Lanyon spoke in favour, stating that the factory closed some years ago and they had been unable to find a new occupier, the site is land-locked on 3 sides and the building is large. . The proposed range of smaller units supported by Enabling Development has not resulted in local objection. The development will provide construction jobs and regenerate the area.

General Debate:

Councillor J. Thompson Hill felt in a difficult position in that it was against policy but did not want to see the site left empty. While unhappy with the number of houses proposed he felt a pragmatic approach to be appropriate.

Councillor S. Davies proposed this be GRANTED although he felt the number of houses to be excessive.

Councillor D. Simmons referred to recent debate about the lack of industrial land and Councillor M. Lloyd Davies asked what conditions would be proposed if permission were to be granted.

Paul Mead (Development Control Manager) explained that officers were concerned at the scale of housing proposed. The Local Development Plan Inspector recently allocated this land for employment use. Mr Mead appreciated the building was large but the site had not been marketed as a cleared area of land. He felt strongly that this proposal went against Local Development Plan Policy and should be refused.

Proposals:

Councillor M. Lloyd Davies proposed permission be REFUSED
This was seconded by Councillor Peter Evans

On being put to the vote

VOTE:

7 voted to GRANT

14voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE REFUSED

Application No: 46/2013/0303/PF

Location: Plas yn Roe, Glascoed Road, St. Asaph

Description: Erection of replacement timber garage and attached store
(Partly in retrospect)

Public Speakers AGAINST: Julie Donovan (neighbour) spoke against this application and explained that on return from holiday she found their hedgerow removed and footings built. There was concern that the foundations were unsafe and their parking area had been affected. Although it had been stated that no trees were to be removed the hedgerow had already gone.

FOR

John Helm (applicant) spoke in favour stated that the previous structure was dilapidated and he had removed and replace it. A dead tree had also been removed. Mr Helm stated that he intended to reduce the size of the new garage and that access and parking will not be affected.

General Debate:

Councillor Bill Cowie did not feel the new building blended in and was out of character with the Listed Building. There had been queries about land stability and ownership and Councillor Cowie did not feel conditions to be appropriate as the building was already there.

Paul Mead (Development Control Manager) referred to photographs on display which showed the previous garage. He explained that the proposal would not need planning permission if it was not in the curtilage of a Listed Building. The applicant had agreed to reduce the size and stain the building a darker colour.

Susan Cordiner (Legal Officer) explained it was not necessary to own land to seek planning permission but Notice had to be served on the landowner

Proposals:

Councillor J. Butterfield proposed permission be GRANTED
This was seconded by Councillor Cheryl Williams

On being put to the vote

VOTE:

14 voted to GRANT
4 VOTED TO refuse
2 Abstained

PERMISSION WAS THEREFORE GRANTED

**AT THIS JUNCTURE IT BEING 1.30 PM
THE MEETING WAS ADJOURNED FOR LUNCH BREAK, TO BE RECONVENED AT 1.50
PM**

PLANNING COMMITTEE

Minutes of the reconvened meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 11th September 2013 at 1:50 pm.

PRESENT

Councillors, I W Armstrong, J.R. Bartley (local member/observer) J A Butterfield, J Chamberlain-Jones, W L Cowie, M Ll. Davies, P A. Evans, H Hilditch-Roberts, T.R. Hughes, P M Jones, G.M. Kensler (local Member/observer) W M Mullen-James, R M Murray, D Owens, T M Parry, A Roberts, D Simmons, D.I Smith (observer) J Thompson-Hill, J S Welch, C L Williams E.W. Williams (local member/observer) and H O Williams

ALSO PRESENT

Head of Planning and Public Protection (Graham Boase), Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor (Planning and Highways) (Susan Cordiner), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Phil Ebbrell (Conservation Architect) Mike Parker (Highways) and Gareth Roberts (Housing Area Renewals and Conservation Manager) attended part of this session.

1 APOLOGIES

Apologies for absence were received from Councillor, J.M. Davies, R J Davies, S.A. Davies, P. Duffy, T.R. Hughes E.A. Jones, P W Owen, and W.N. Tasker,

2 DECLARATIONS OF INTEREST

Councillor P.A. Evans declared an interest in item 14 (46/2013/0882/PC – Plas Elwy, The Roe, St Asaph)

Application No: 46/2013/0802/PO

Location: Land at north side of Bryn Gobaith, Bryn Gobaith, St. Asaph

Description: Development of 101 hectares of land for residential purposes (Outline application including access)

The following late representation / information was reported:

- Denbighshire Highways – no strong highway grounds to refuse

Public Speakers:AGAINST

Mr Gene Grube spoke against. Mr. Grube made detailed comparisons of the highway width and the required space for vehicles including emergency vehicles. He stated that vehicles presently park on the pavement leaving a narrow gap for vehicular movement. He considered this to be detrimental to those trying to use the pavements, requiring prams etc. to use the road. More traffic would increase the danger.

FOR

Matt Gilbert (agent) spoke in favour of this application, and considered any new residents were unlikely to park on the existing roadway and therefore not add to the parking problems. The new estate would add little extra traffic. He further reminded Committee that the previous application was refused because the site was outside the Unitary Development Boundary, not on highway grounds. As the site is now allocated for housing the Local Development Plan Inspector would have taken account of the traffic situation.

General Debate:

Councillor Dewi Owens stated that this site was a late entry into the Local Development Plan. Other sites such as H. M. Stanley should be developed first. He felt the number of houses in the Local Development Plan were excessive considering the miscalculation of population growth.

Councillor R. Hughes asked if this was one of the sites which were not to be released before the original Local Development Plan sites; Councillor Arwel Roberts asked how many houses were proposed.

(Councillors M. Lloyd Davies, Peter Evans and Joe Welch arrived at this point)

Paul Mead Development Control Manager stated there were 18 houses indicated. The land was presently agricultural but not farmed and it is within the Local Development Plan. The previous refusal was on the basis that the land was not within the Unitary Development Plan boundary.

Mike Parker (Highways) did not agree that existing parking was insufficient. There are 20 houses, 14 with parking space. Traffic surveys were conducted in May 2011, the traffic flows in both directions were 197 vehicle movements. Mr Parker stated that Mount Road nearby is much busier – 1300 vehicles during peak times. Parking restrictions are now in place and narrower roads are a traffic calming measure suggested in "Manual for Streets" highway guidance.

Councillor D. Owens suggested that if the survey took place in May it would be during the half term break and therefore quieter.

Councillor M. Lloyd Davies considered that that as the previous application was refused only because it was outside the Unitary Development Plan development boundary the committee

would not have included any other reason, but now it is in the Local Development plan development boundary it cannot be refused.

Paul Mead (Development Control Manager) felt the Local Development Plan Inspector would not have included the site if access was considered unsuitable. Committee would have further opportunity to consider the acceptability of any detailed application.

Mike Parker (Highways) stated that traffic calming would be subject to consultation with local residents.

Councillor D. Owens proposed permission be REFUSED on highway grounds
This was seconded by Councillor H. O. Williams

Proposals:

On being put to the vote

VOTE:

10 voted to GRANT

5 voted to REFUSE

2 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 40/2013/0839/PF

Location: **Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan, Rhyl**

Description: Erection of extension to existing cardiac catheter suite to include new/additional procedures suite, waiting area, reception, consulting rooms and offices

There was no debate on this item.

Proposals:

Councillor J. Butterfield proposed permission be GRANTED
This was seconded by Councillor M. Lloyd Davies

On being put to the vote

VOTE:

19 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2013/0989/PF

Location: 1A, Tudor Avenue, Prestatyn

Description: Erection of extension to side of dwelling, removal of existing front entrance porch and erection of open porch with balcony above

Proposals:

Councillor J. Thompson Hill proposed permission be GRANTED
This was seconded by Councillor Bill Cowie

On being put to the vote

VOTE:

19 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 46/2013/0882PC

Location: Plas Elwy Hotel, The Roe, St. Asaph

Description: Erection of extension to side of dwelling, removal of existing front entrance porch and erection of open porch with balcony above

Councillor Peter Evans declared an interest in this application and left the Chamber during consideration thereof.

General Debate:

Councillor Bill Cowie reported little local objection to this proposal but was concerned that customers were parking on double yellow lines outside the premises. He asked that conditions be imposed requiring on site parking to be provided.

Proposals:

Councillor M. Lloyd Davies proposed permission be GRANTED
This was seconded by Councillor H. Hilditch Roberts

On being put to the vote

VOTE:

18 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED / REFUSED

Subject to: Amended Condition

2. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the submitted site plan (Drawing DG2), within one month of the date of this permission, and shall be retained at all times thereafter.

Application No: 43/2013/0914/PF

Location: 218 High Street Prestatyn

Description: Change of use from Retail (use Class A1) to Insurance brokers (Use Class A2)

General Debate:

There was no debate on this item

Proposals:

Councillor Bob Murray proposed permission be GRANTED
This was seconded by Julian Thompson Hill

Paul Mead suggested an additional condition relating to roller shutters

On being put to the vote

VOTE:

19 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: New Condition

2. The use hereby permitted shall not be allowed to commence until the written approval of the Local Planning Authority has been obtained to a scheme for the improvement / renewal of the roller shutters on the front of the property, and the approved scheme has been implemented.

Reasons for the condition : In the interests of visual amenity.

Agenda ITEM 6

PLANNING APPEAL 15/2011/0692

MAES Y DROELL QUARRY, LLANARMON YN IAL

Submitted report by Head of Planning and Public Protection requesting representatives of Planning Committee be nominated to give evidence at the Public Inquiry into the above appeal, and seeking agreement to engage a Barrister and consultants to defend the reason for refusal following a proposal by Councillor Rhys Hughes (seconded by Merfyn Parry)

RESOLVED

- 1 That Councillor Martyn Holland be nominated to represent Planning Committee at the Appeal Inquiry.
- 2 To agree to officers engaging a barrister and consultant to assist the defence of the reasons for Refusal

Agenda ITEM 7

CLOCAENOG FOREST DEVELOPMENT CONSENT ORDER (D.C.O)

Submitted report by Head of Planning and Public Protection seeking a resolution by committee on the principle of development and to authorise officers to make representations to Planning Inspectorate on the D.C.O in accordance with deadlines.

Neil Walters (Planning Officer) explained the process which will be run by the Planning Inspectorate and emphasised the short timescales involved which will not allow time to seek a Committee resolution.

In response to Members questions Mr. Walters advised that the draft paper had been circulated by email to all Members and is not a public document. It was agreed that a hard copy be printed and placed in the Members' Room for reference purposes and that officers will liaise with Local and Lead Members.

On being put to the vote

18 voted to approve the recommendation

1 voted to Refuse

There were no abstentions

RESOLVED THEREFORE

- a) That the Council raise no objection to the principle of a large scale Wind Farm development in the SSA at Clocaenog Forest
- b) That the council raise objection to the potentially significant negative impacts of the development in respect of the landscape and visual impact, noise and any other negative impact that the Head of Planning and Public Protection and / or Development Control Manager considers to be significant following receipt of consultation responses.
- c) That the Committee authorises the Head of Planning and Public Protection and / or Development Control Manager to complete the Local Impact Report (LIR) and the Statement of Common Ground (SOCG), and make representations on the development proposal and the draft Development Consent Order (DCO), and to respond to other matters raised during the Examination process.

Agenda ITEM 8

FORMER NORTH WALES HOSPITAL DENBIGH

Submitted Report by Head of Planning and Public Protection seeking authorisation for Compulsory Purchase Order of the former North Wales Hospital, Denbigh.

Chair gave Members time to read the additional information circulated.

The report was introduced by Gareth Roberts (Housing & Area Renewal Manager/ Building Control Manager) who explained the background to this issue. Cabinet have supported this proposal but Planning Committee authorisation is needed. Mr. Roberts explained that Urgent Works Notice had been served but not complied with. A subsequent Listed Building Repair Notice had also been ignored and meant that the Council could seek to issue a Compulsory Purchase Order.

Susan Cordiner (Legal Officer) advised Committee that part of the report to Councillors was confidential and to be mindful of this during the debate.

Councillor Joe Welch spoke on behalf of Denbigh Member Councillor Richard Davies stating that there was local confusion about whether Denbighshire sold the property and that it had been sold cheaply. The closure of the North Wales Hospital had been a blow to Denbigh and it was important to take the site forward. Councillor M. Parry agreed provided there was no risk to Denbighshire County Council.

Councillor J. Thompson Hill supported the proposal and reassured Members as Lead Member for Finance that the proposal was unanimously supported by Cabinet while not being able to eliminate all risk.

Councillor Ray Bartley explained his involvement having worked at North Wales Hospital for many years.

Councillor Gwyneth Kensler filled in the background to the deterioration of the site which was bought at auction by the present owner unseen. Councillor Kensler paid tribute to the dedication of Jane Kennedy who worked on this issue up until her death.

Councillors Huw O. Williams, Rhys Hughes and H Hilditch Roberts agreed that lessons should be learnt and that it was important to the community to save Listed Buildings as early as possible.

Gareth Roberts reassured Committee that they would not exceed the available funds but it was important to do something positive.

Phil Ebbrell (Conservation Architect) explained that part of the building had collapsed and people were accessing the site which contained asbestos it was a public health hazard. Mr. Ebbrell said there are 1800 Listed Buildings in Denbighshire - 7% are "At Risk" because the owners cannot (or will not) restore them. The North Wales Hospital issue was taking 50% of his time so in that respect was a resource issue for Denbighshire County Council.

Councillor Rhys Hughes felt all committee members should have visited the site.

Councillor J. Welch proposed the recommendation be agreed. This was seconded by Councillor M. Parry.

On being put to the vote.

18 voted to Authorise the commencement of a compulsory purchase order.
1 voted not to Authorise.

Resolved therefore:

That Planning Committee authorises the commencement of the compulsory purchase of the Former North Wales Hospital site pursuant to section 47 of the 1990 Act and that a further report be submitted to Cabinet and Planning Committee prior to acquiring title to the land pursuant to the compulsory purchase order.

Agenda ITEM 9

**CHANGE OF USE OF EXISTING DWELLING TO CREATE THREE APARTMENTS AND
THE CONSTRUCTION OF TWO DORMERS IN THE REAR: 19 WEST PARADE, RHYL**

Submitted Report for Members' information relating to the Appeal decision recently issued.

Resolved that the report be received for information

Members were reminded of the Planning Training scheduled for 20th September 2013 which will be conducted by an officer from the Planning Inspectorate.

The meeting closed at 3.15 pm

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE 16th October 2013
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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

02/2013/0829/PO
Ty Cefn
Llanfwrog, Ruthin

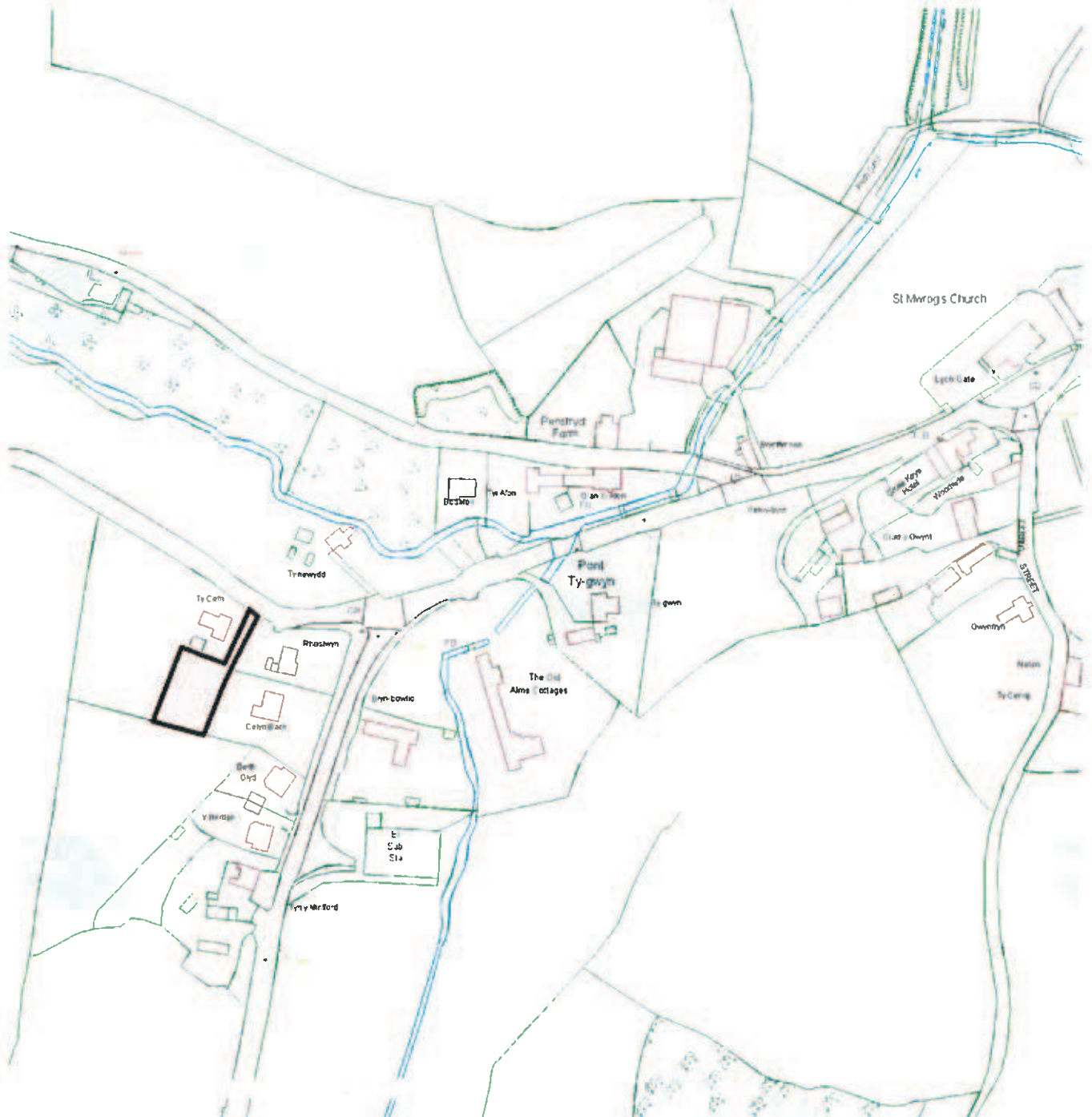
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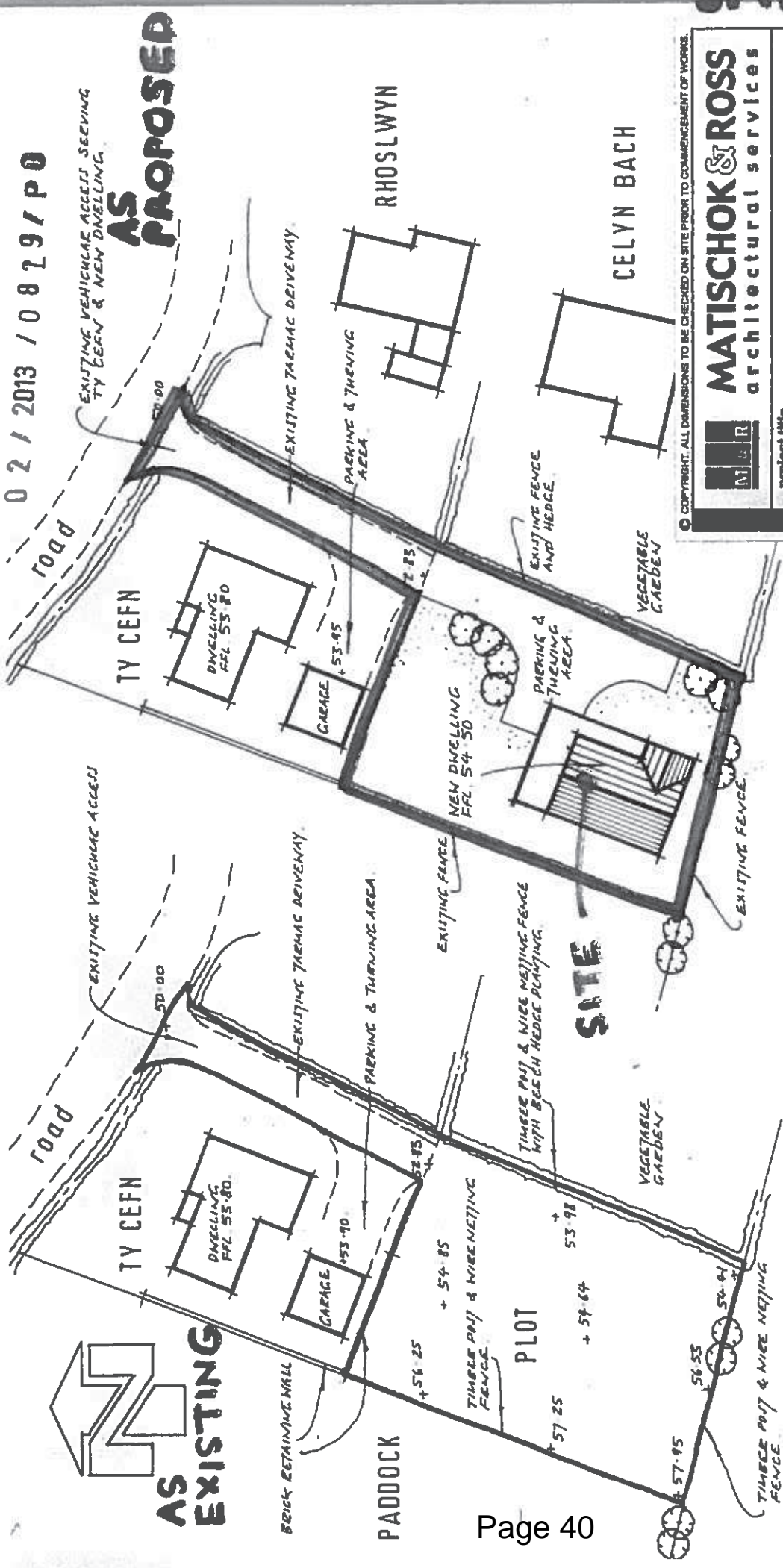
Date 2/10/2013
Centre = 311155 E 357730 N

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



02 / 2013 / 0829 / P0



AS PROPOSED

AS EXISTING

© COPYRIGHT. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.

MATISCHOK & ROSS architectural services	
Project title	Land to rear of TY CEFN, LLANFWROG.
Drawing title	Existing & Proposed Site Plans.
Project no.	0522
Drawing no.	1
Revision	
Date	11:07:12
Scale	1:500
Drawn by	PM
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA t 01824 705 232 & 01824 707 171 e mail@matschokross.co.uk w www.matschokross.co.uk	

PROPOSED SITE LAYOUT PLAN
1:500
ILLUSTRATIVE PURPOSES ONLY

EXISTING SITE LAYOUT PLAN
1:500

RECEIVED
15 JUL 2013
CALEDFRYN RECEPTION

0 2 / 2013 / 0 8 231 P0



Front Elevation

*FOR ILLUSTRATIVE PURPOSES ONLY

Side Elevation

*FOR ILLUSTRATIVE PURPOSES ONLY

15 JUL 2013

SKETCH ELEVATIONS

ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK

MATISCHOK & ROSS
architectural services

project title
Land to rear of Ty Cefn, Llanfwrrog, Ruthin

drawing title
Illustrative Proposed Elevations.

project no.	drawing no.	revision
0522	2	
date	scale	drawn by
11/07/2013	1:100	SR

Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL18 1NA
t 01824 765 222 e 01824 767 171
or mail@matischokross.co.uk www.matischokross.co.uk

ITEM NO: 1
WARD NO: Ruthin
WARD MEMBER(S): Councillors H Hilditch Roberts/ David Smith/ Bobby Feeley
APPLICATION NO: 02/2013/0829/ PO
PROPOSAL: Development of 0.09 hectares of land for residential purposes, installation of a new septic tank and associated works (outline application including access)
LOCATION: Land to rear of Ty Cefn Llanfwrog Ruthin
APPLICANT: MrElwyn Edwards
CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice - NoPress Notice - NoNeighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL:

"Object, to discourage a ribbon development on an arterial road leading into Ruthin and which encroaches on the Local Development Plan boundary."

NATURAL RESOURCES WALES

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objections subject to the inclusion of conditions relating to the creation and retention of parking/turning areas.

Development Plan and Policy Section

No objections in principle. The proposal should provide an element of Public Open Space as per the requirements of BSC 11. As the current application seeks outline permission it is appropriate to reserve consideration of such requirement and nature of its provision until the reserved matters stage in line with guidance in paragraph 7.5 of Supplementary Planning Guidance Note 4.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Outline planning permission including approval of access is sought for the development of 0.03ha of land by way of 1 dwelling.
- 1.1.2 Plans submitted show the existing access, which currently serves the existing dwelling Ty Cefn.
- 1.1.3 Indicative plans show how the site might be laid out, suggesting a two storey dwelling, with a footprint of approximately 15m x 10 m, parking and turning for two vehicles, and a garden area of approximately 725sqm.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the western limits of Llanfwrog, Ruthin.
- 1.2.2 There are existing dwellings to the north and east of the site. To the west the land is open fields which rise up from the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is partially within the development boundary of Llanfwrog.

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 Local Development Plan (adopted 4th June 2013)

- Policy RD 1 – Sustainable development and good standard design
- Policy BSC 3 – Securing infrastructure contributions from development
- Policy BSC 11 – Recreation and open space

3.2 Supplementary Planning Guidance

- SPG 7 – Residential Space Standards

3.3 Government Policy / Guidance

- Planning Policy Wales Edition 5 November 2012
- Technical Advice Note 18 – Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications

'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on Amenity
- 4.1.3 Highways (including access and parking)
- 4.1.4 Open Space
- 4.1.5 Sustainable Buildings

4.2 In relation to the main planning considerations:

- 4.2.1 Principle:
Policy RD 1, Sustainable development and good standard design steers development towards sites within development boundaries.

Ruthin Town Council has raised an objection on the basis that the site would constitute ribbon development which stretches outside the development boundary.

It is to be noted that the dwelling would be located within the development boundary, similar to the adjacent dwelling, Ty Cefn. Although granted under the Unitary Development Plan, this sets a clear precedent for development along the development boundary line that Officers suggest would be difficult to resist. Accordingly, the development of the land in this location for residential purposes is considered acceptable, subject to compliance with the general development control criteria as set out in Policy RD 1.

- 4.2.2 Impact upon residential and visual amenity:
Policy RD 1 also sets specific tests to be applied to amenity impacts of development. Proposals for development should comply with these tests.

Indicative plans show how a dwelling might be accommodated on the site with amenity space, parking and turning also shown. The nearest dwelling to the sites boundaries is Ty Cefn, approximately 25 metres away, then Celyn Bach approximately 30 metres away. The character of the area is mixed in design terms and boundaries are typically defined by mature planting.

In the absence of detailed plans a full assessment cannot be made on the impact on the amenity of adjacent occupiers, however on the basis of the indicative layout and site plan, it is considered that a dwelling could be accommodated on the site without significant harm to residential amenity given the separation distances which are possible. Whilst the size of the footprint is to be considered at the reserved matters stage, it is clear from the indicative plans which suggest a building footprint measuring 15metres by 10 metres, parking and turning for two vehicles and a garden area of approximately 725sqm, that a dwelling could be accommodated on this site without resulting in an overdevelopment of the site.

In respect of the above, it is considered that the proposal to develop the site by way of one dwelling is unlikely to have a detrimental impact upon the amenity of the area

and the proposal complies with general development control requirements as specified in policy RD 1.

4.2.3 Access and impact upon highway safety:

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The current proposal provides parking and turning for two vehicles. The site is accessed off an existing access from the Llanfwrog – Clocaenog Road. The Highway Authority has not raised an objection to the proposal.

On the basis of the information submitted, and the responses received, is considered that the access is suitable and that the additional usage of it resulting from one additional dwelling is not likely to result in a harmful impact to the safe and free flow of traffic on the highway. In respect of the proposed access and the impact upon highway safety, it is considered that the proposal complies with Policy RD1 and Policy ASA 3.

4.2.4 Open Space:

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

Discussions have taken place with the applicant and in principle there are no objections to providing an element of open space. Whether this is achieved through on site provision or commuted sum is still to be agreed.

As the current application seeks outline permission it is appropriate to reserve consideration of such requirement and nature of its provision until the detailed plan stage in line with guidance in paragraph 7.5 of Supplementary Planning Guidance Note 4. The application is acceptable in terms of public open space requirement subject to the imposition of a suitably worded planning condition to secure the future provision of public open space.

4.2.5 Sustainable Buildings

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales (Section 4.12) sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that building(s) can meet specific standards of construction and carbon emission levels.

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 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions are proposed to ensure the

development is carried out in accordance with the requirements of Sustainability Code.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with adopted planning policy, and is in support of general development strategies.

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

1. Approval of the details of the appearance of the building(s), landscaping, scale, layout and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
6. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
7. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.
8. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
9. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.
10. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and shall be completed prior to the proposed development being brought into use.
11. **PRE-COMMENCEMENT CONDITION**
No development shall be permitted to commence until the mechanism for securing a contribution for the provision of recreational open space has been agreed in writing by the Local Planning Authority and such contribution has been made.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. In the interests of visual amenity.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
10. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
11. In the interest of providing public open space.

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).

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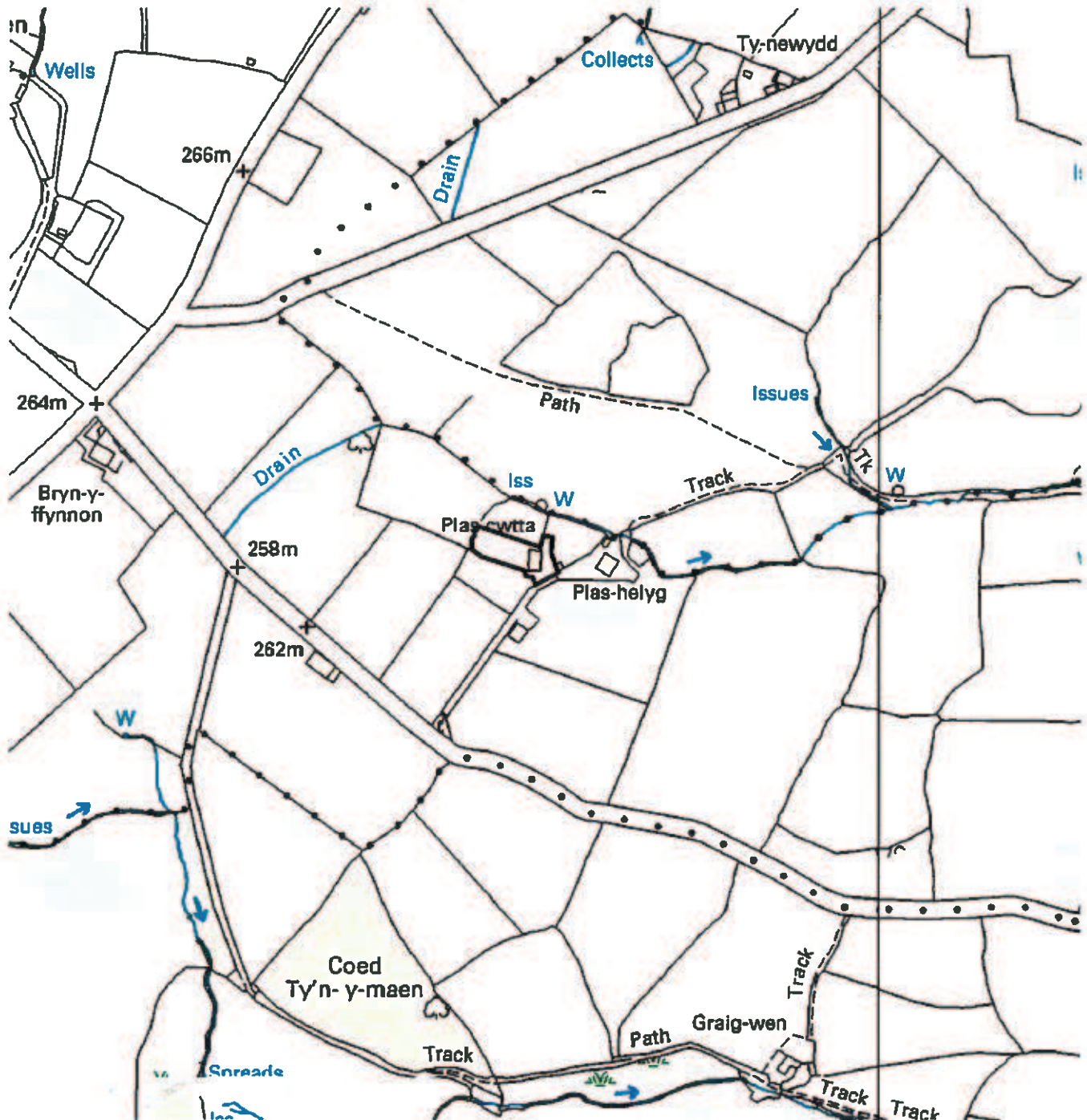
Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel 01824 706800 Fax 01824 706709

 Application Site



Date 2/10/2013 Scale 1/5000
Centre = 309706 E 353496 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.



ELEVATIONS

11 / 2013 / 0632 / PF



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

**AS
EXISTING**

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MATISCHOK & ROSS
architectural services

project title
Extension to Plas Cwta, Clocaenog, Ruthin.

drawing title
Existing Elevations

project no	drawing no	revision
0503	3	
date	scale	drawn by
22/03/2012	1:100	SR

Beech House, Hen Lon Parc, Ruthin, Denbighshire, LL15 1NA
t 01824 706 222 e 01824 707 171
a mat@matschokross.co.uk w www.matschokross.co.uk

PROPOSED EXTENSIONS HIGHLIGHTED

11 / 2013 / 0632 / PF



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

- External Materials**
- Roof: Natural metal slate (blue grey) to what authority approve
 - Walls: Smooth red, coloured or painted render finish with facing brick to what authority to approve and horizontal boarded brick, labbing where shown
 - Frameless Glazing: Black zinc gutters and down pipes to approval
 - Windows: 8 Panel Glazing Frames: White vinyl or painted iron or mild steel to what authority to approve
 - Frontal Glazing: 4 Panel Glazing: White vinyl or painted iron or mild steel to what authority to approve

**AS
PROPOSED**

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MATISCHOK & ROSS
architectural services

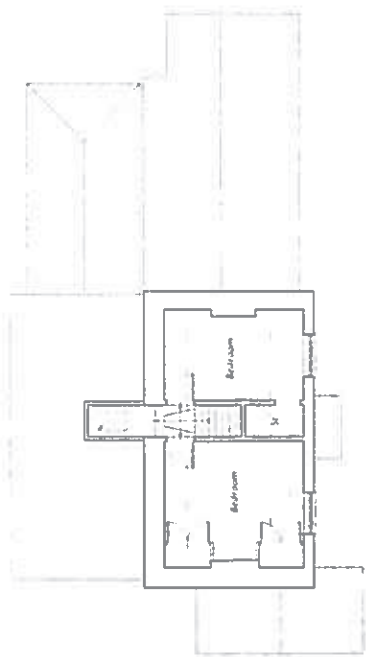
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Extension to Plas Cwta, Clocaenog, Ruthin.

drawing title
Proposed Elevations.

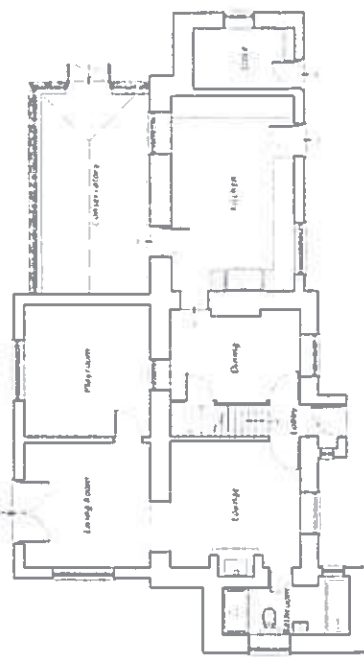
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03/04/2013	1:100	SR

Beech House, Hen Lon Parc, Ruthin, Denbighshire, LL15 1NA
t 01824 706 222 e 01824 707 171
a mat@matschokross.co.uk w www.matschokross.co.uk

AS EXISTING



First Floor Layout Plan



Ground Floor Layout Plan

11 / 2013 / 06 / 22 / P 1

MATISCHOK & ROSS
architectural services

project title
Extension to Plas Cwtia, Clocaenog, Ruthin

drawing title
Existing Plans

project no
0503

drawing no
2

scale
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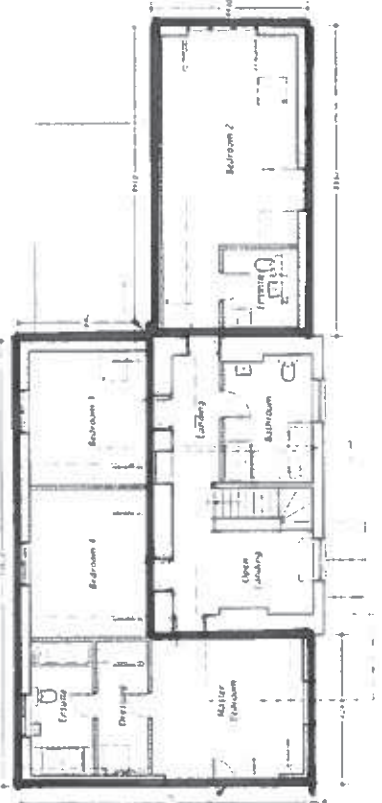
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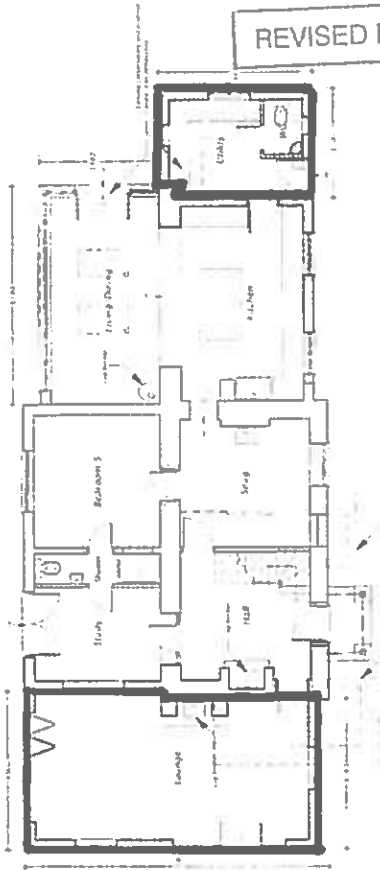
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21 MAY 2013
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AS PROPOSED



First Floor Layout Plan



Ground Floor Layout Plan

PROPOSED EXTENSIONS HIGHLIGHTED

11 / 2013 / 06 / 22 / P 1

MATISCHOK & ROSS
architectural services

project title
Extension to Plas Cwtia, Clocaenog, Ruthin

drawing title
Proposed Plans

project no
0503

drawing no
4

scale
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date
02/04/2013

revision
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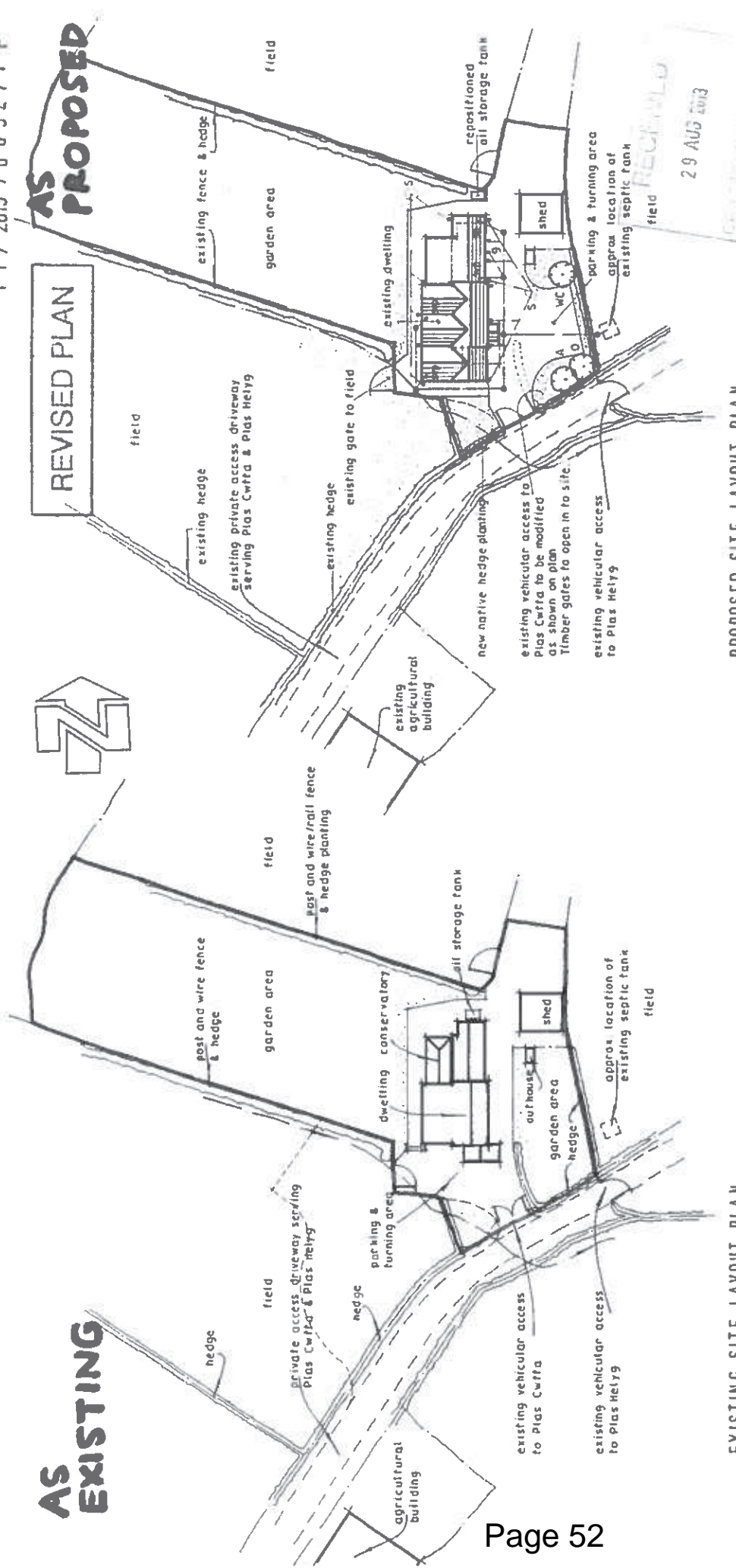
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SITE PLAN

11 / 2013 / 0632 / P F

AS PROPOSED

REVISED PLAN



PROPOSED SITE LAYOUT PLAN
1:500

EXISTING SITE LAYOUT PLAN
1:500

Rev. A - 25/07/13 - Amended vehicular access details

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MATISCHOK & ROSS architectural services	
project title Extension to Plas Cwtta, Clocaenog, Ruthin.	
drawing title Existing and Proposed Site Plans.	
project no. 0503	drawing no. 1
revision A	
date 02/04/2013	scale 1:500
	drawn by P M
Bluch House, Hen Llan Parcer, Ruthin, Denbighshire, LL15 1HA t 01824 706 223 f 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk	

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

Proposed new access driveway, parking & turning areas serving the existing dwelling to be finished with well consolidated hardcore with a surface finish of limestone chippings, permeable open-cell type concrete paving system or other approved finish, and to client's approval and specification.

GENERAL LANDSCAPING & EXTERNAL WORKS DETAILS.

- 100mm dia level drainage runs - min. fall 1 in 60.
 - 100mm dia surface water drainage runs - min. fall 1 in 80
 - Soak-away constructions
 - Turfed/Seeded Grassed Areas.
- Trees Planting**
Native tree planting to be 3.0m to 3.6m tall and to be sited a min. 5m from any buildings.
O - Oak A - Ash WC - Wild Cherry SB - Silver Birch R - Rowan.

The new timber post & wire netting fencing to the new boundaries - fences to be 1.20m high - to be supplemented with new native hedgerow planting to approval, and as shown on the plan.
1 - Hawthorn blackthorn holly hazel, etc. Planting at a min. 5 plants per metre square area.
All new paths and patio areas are to be finished in stone/stone flags to client's specification/approval.
Existing trees/hedges to be protected during the course of development by the erection of a timber chestnut paling fence to the perimeter of the crown of the tree. The fence is to be kept in place to the completion of the building works.

ITEM NO: 2
WARD NO: Efenechtyd
WARD MEMBER(S): Councillor Eryl Williams
APPLICATION NO: 11/2013/0632/ PF
PROPOSAL: Erection of two-storey and first-floor pitched-roof extensions, alterations to dwelling and alterations to existing vehicular access
LOCATION: Plas Cwtta Clocaenog Ruthin
APPLICANT: Mr & Mrs Adam & Katy Stubbings
CONSTRAINTS:
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:
CLOCAENOG COMMUNITY COUNCIL
No objection.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 13/08/13

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee
- amended plans requested

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of extensions to the dwelling Plas Cwtta in Clocaenog. The application comprises of three elements, a rear and two side extensions.
- 1.1.2 The rear extension would be over an existing single storey lean-to, and along the proposed side extension. In total it would measure 12.6 metres in length. It would have two gables to the rear, and would comprise of two additional bedrooms.
- 1.1.3 The two storey side extension is proposed on the southern elevation of the dwelling (closest point to the road). It would project 4.2 metres from the side of the dwelling, and run along the depth of the dwelling and to the rear, some 8.7 metres. The end would be heavily glazed with French doors on the ground and first floor. It would be clad in horizontal larch boarding. This extension would comprise of a lounge, with a bedroom and en suite on the first floor.

1.1.4 The side extension would project 3.1 metres from the northern side of the dwelling and would run over an existing single storey section on the northern end of the dwelling. The two storey section would measure 8.8m in total length. It would have a large dormer window to the front and would be partially clad in larch cladding. It would comprise of a bedroom and en suite and the additional ground floor space would comprise of a utility room.

1.1.5 The proposals are illustrated on the plans at the front of the report.

1.2 Description of site and surroundings

1.2.1 The two storey traditional detached dwelling is located off a track on to a minor road which links to the B5105 Ruthin to Clawddnewydd Road.

1.2.2 The dwelling was extended in the early 1980's with the addition of a side and rear extension.

1.2.3 It is a relatively flat site, bounded by hedging to all sides.

1.2.4 Another dwelling Plas Helyg shares the access track, and is located to the north east of Plas Cwtta.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

1.4.1 Planning permission was granted for extensions to the dwelling in 1983. Owing to the time lapse since these extensions were added they would now be regarded as part of the original dwelling for the purposes of planning policy considerations.

1.5 Developments/changes since the original submission

1.5.1 The application has been amended slightly on the advice of Officers. An extended curtilage originally proposed has now been removed and certain detailing of the scheme has been amended, albeit with a limited reduction in additional floorspace.

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 Local Development Plan (adopted 4th June 2013)
Policy RD 3 – Extensions and alterations to dwellings

3.2 Supplementary Planning Guidance
SPG 1 – Extensions to Dwellings
SPG 7 – Residential Space Standards
SPG 24 – Householder Development Design Guide

3.3 Government Policy / Guidance
Planning Policy Wales Edition 5 November 2012
Technical Advice Note 12 – Design (2009)

3.4 Other material considerations
None.

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. SPG 1 and SPG 24 offer basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following sections.

4.2.2 Visual amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The application proposes extensions to the sides and rear of the dwelling which would have a footprint of approximately 50 sq metres. The existing dwelling has a footprint of over 115 sq metres. Both side extensions would be set back from the front of the dwelling and the ridgelines would be set down from the main ridge height. The width of the resulting dwelling would be 21.5 metres; the original two story section of the dwelling was 8.5 metres. The extensions would be clad in larch boarding.

In Officers opinion the cumulative impact of the extensions would not appear subordinate to the original dwelling, owing to the scale and massing of the extensions. Whilst there are existing single storey elements on the sides of the dwelling, the existing two storey section is only 8.5 metres wide and this would be extended to over 21 metres, which more than doubles the original frontage. Design breaks, such as the set down ridges and alternative materials have been made to enable the original dwelling to stand out from the extension, however the width of the extension would be substantial and the proposed materials do not reflect those of the original dwelling. New fenestration patterns are also proposed and include substantial glazing to both end elevations, which is also introducing new features rather than reflecting those of the original dwelling, which is the suggested best practice in SPG. Hence it is considered that the proposal would not comply with tests i) and ii) of Policy RD 3 and advice within the supplementary planning guidance.

4.2.3 Residential amenity

Test iii) of Policy RD 3 seeks to ensure that proposals to extend dwellings do not harm the amenity of the dwelling by way of overdevelopment of the site. Planning Policy Wales 3.1.4 refers to the impact on the neighbourhood as a material consideration, the impact of a development on residential amenity is therefore a relevant test on planning applications.

A substantial amount of amenity space would remain if the extension was permitted and the nearest dwelling would be over 40 metres to the north west of Plas Cwta.

It is to be noted that there would be over the recommended 40 sq metres amenity space remaining for the proposed occupiers of the dwelling should the extensions be permitted. Considering the distances to the neighbouring dwelling the extension would not result in a loss of light for adjacent occupiers. The proposal is therefore considered to comply with test iii) of Policy RD 3 and separation distance advice within supplementary planning guidance.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposal fails to comply with key tests of planning policy RD3 Extensions to Dwellings, therefore the application is recommended for refusal.

RECOMMENDATION: REFUSE- for the following reason:-

1. It is the opinion of the Local Planning Authority that the siting and scale of the extensions would not be subordinate to and would not reflect the character and appearance of the original dwelling. The proposal therefore fails to comply with criteria i) and ii) of Policy RD3 of the Denbighshire Local Development Plan and advice contained in SPG 1 Extensions to Dwellings.



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:
 14/2013/1026
 Cae'r Hafod Isaf
 Bontuchel, Ruthin

3

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

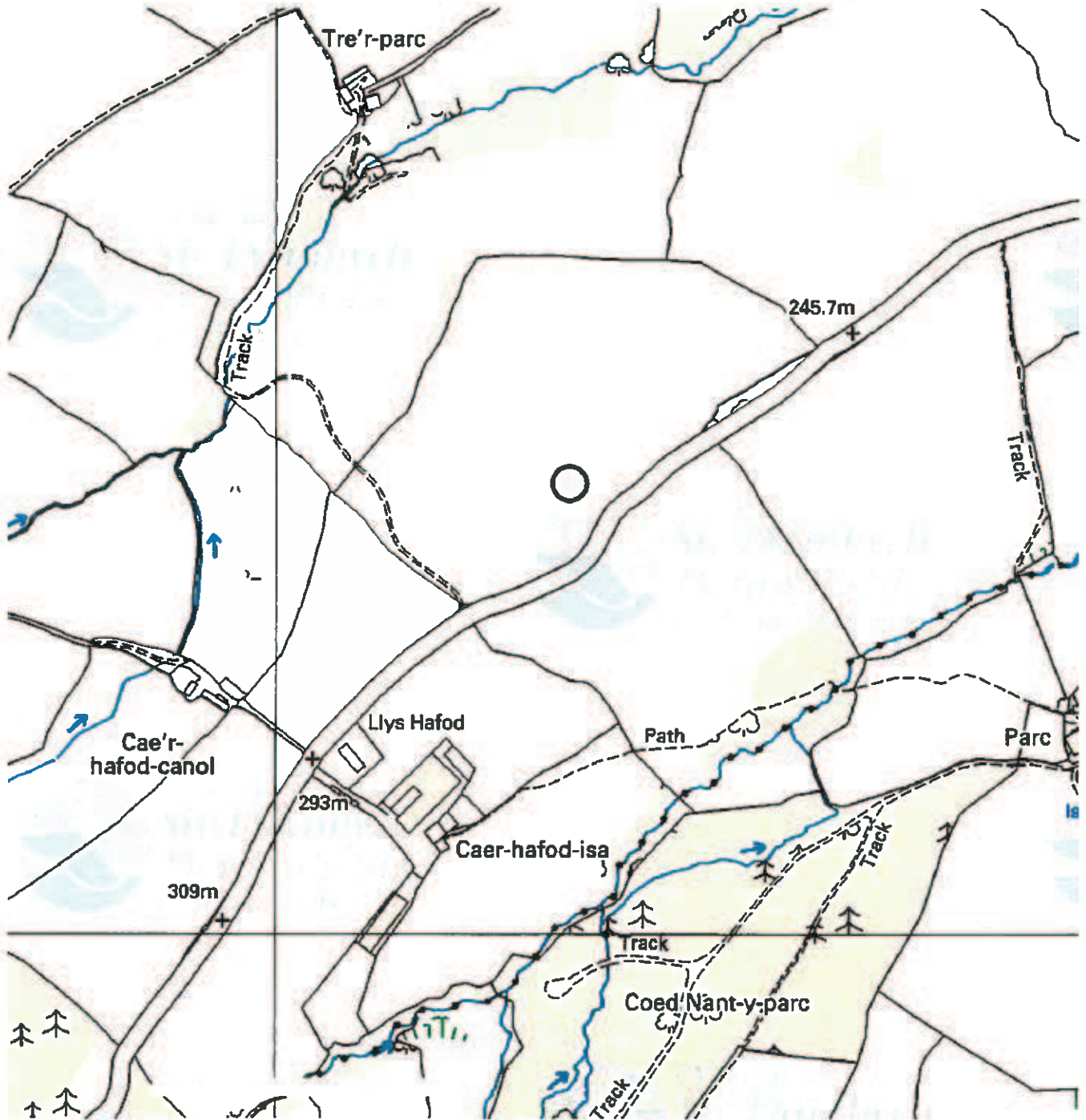
Tel: 01824 706800 Fax: 01824 706709

 Application Site



Date 2/10/2013 Scale 1/5000
 Centre = 307235 E 356324 N

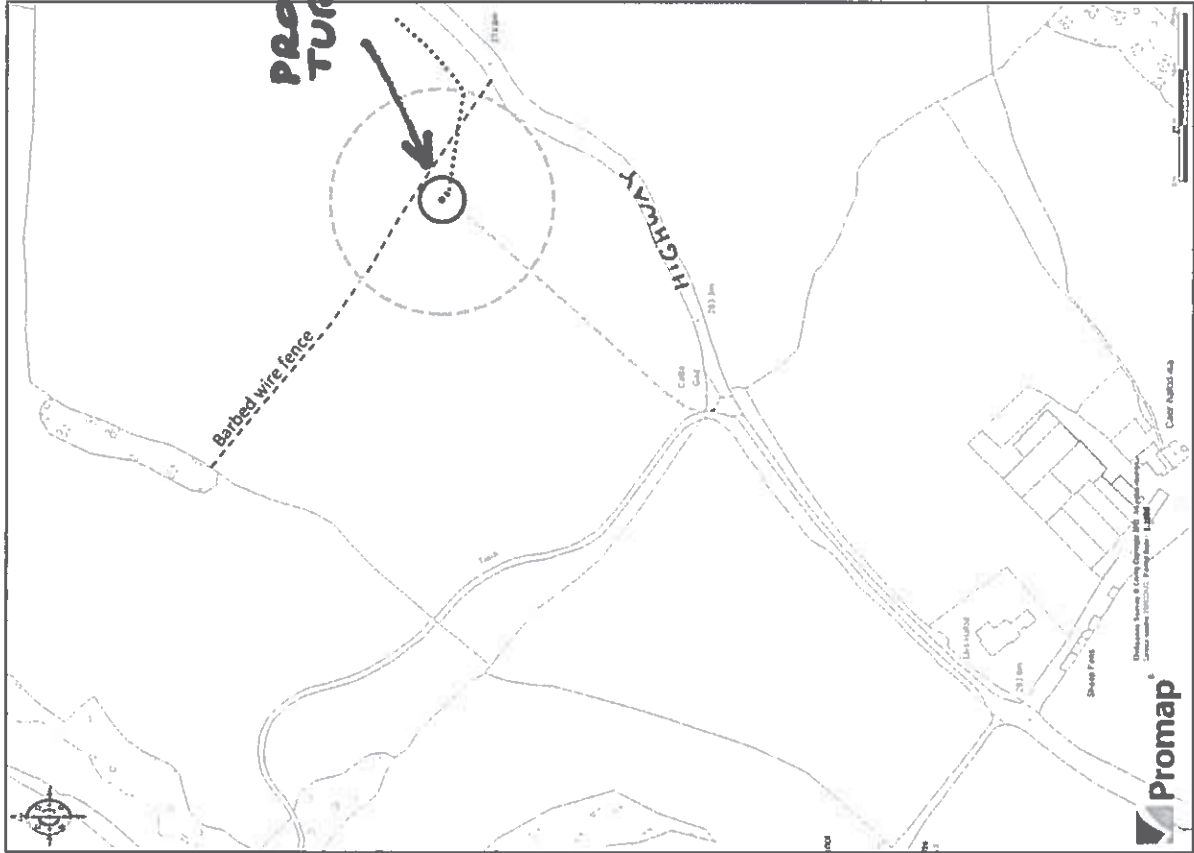
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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 © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain i brosesurol neu brosesurol sifil. Cyngor Sir Ddinbych 100023408 2011

SITE/BLOCK PLAN



SITE PLAN



CMS UK

KEY:-

Application Site (Rotor Diameter)
Maximum 0.1ha



Turbine Tower



Control Box Cabinet



Recommended separation distance from
Trees or hedges to not require a bat survey



Access Route for construction
No track is required



Underground cable route to grid connection



Project:
Installation of a single E-3120 50kW Endurance wind turbine with 36m hub height tower.

On the land to the north of:

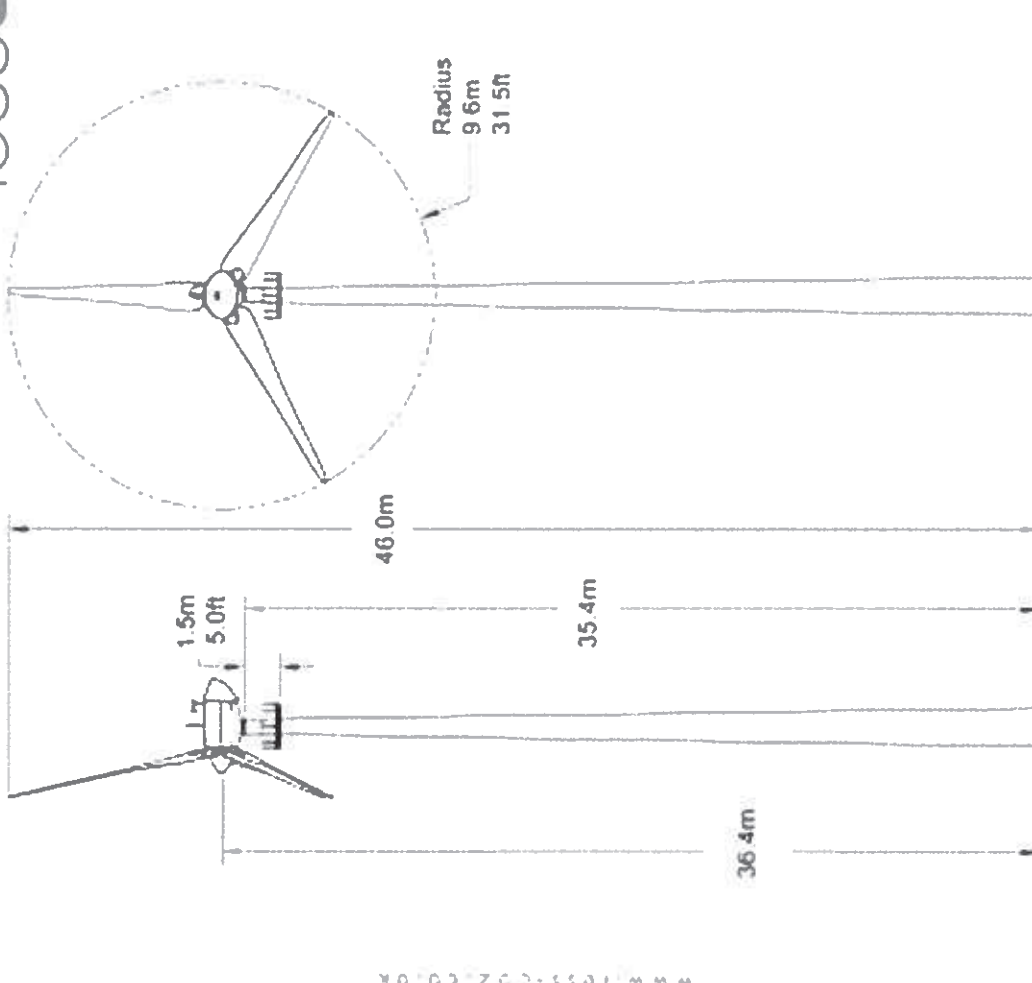
- Caerhafod Isaf
- Bontuchel
- Ruthin
- Clwyd
- LL15 2DF

Our Reference:
Ellis/WT36/DC

Notes:
Print : A3 Date: August 2013
Scale: 1:2500



CMS UK, Spring Farm Business Centre, Most Lane, Minshull Vernon, Crews, Cheshire, CW1 4RU
T/01270 522645 M/07791 284460
www.cmsuk-services.co.uk



www.essco2.co.uk



CMS UK

Plant: P10000 - Spring Farm, Most Lane, Minshull Vernon, Cheshire, CW14 6DQ

Proposed Turbine Elevations

- Hub Height 36.4m
- Blade length 9.6m
- Rotor Diameter 19.2m
- Total Blade Tip Height 46m

TURBINE DETAIL

Project:
Installation of a single E-3120 50kW Endurance wind turbine with 36m hub height tower.

On the land to the north of:

- Caerhafod Isaf
- Bontuchel
- Ruthin
- Clwyd
- LL15 2DF

Our Reference:
Ellis/WT36/DC

Notes:
Print : A3 Date: August 2013
Scale: 1:250



PLAN SHOWING TURBINE SITES IN THE LOCALITY



ITEM NO: 3

WARD MEMBER: Councillor J Welch

APPLICATION NO: 14/2013/1026/PFT

PROPOSAL: Installation of a single 50kW wind turbine on a 36.4m hub height tower with a total height to blade tip of 46m and associated control cabin

LOCATION: Land at Cae'r Hafod Isaf, Bontuchel

APPLICANT: Mr Rhodri Ellis

CONSTRAINTS:

PUBLICITY UNDERTAKEN: Site Notice - Yes
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:

CYFFYLLIOG COMMUNITY COUNCIL

"... has no objections to the above planning application and plans".

CLOCAENOG COMMUNITY COUNCIL

" No objections".

NATURAL RESOURCES WALES (NRW)

Do not object to the proposal. Development is unlikely to have an adverse effect on the environmental and natural heritage interests covered within their remit. No direct or indirect effects on any statutory protected sites of ecological, geological or geomorphologic interest. Any permission should be conditioned to ensure that a 50m buffer is maintained around any linear feature such as woodlands and large hedgerows which may be used by bats for foraging, commuting or roosting. Do not consider there would be significant adverse effects on any designated protected landscapes.

NATS (EN ROUTE) PUBLIC LIMITED COMPANY (NERL)

No safeguarding objection to the proposal.

CIVIL AVIATION AUTHORITY

Draw attention to relevant consultation processes, including the need for notification to the Defence Geographic Centre of any structures greater than 70 feet in height

MINISTRY OF DEFENCE

No response received

AIRBUS

No conflict with aerodrome safeguarding criteria.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE

Highways Officer

No objection.

POLLUTION CONTROL OFFICER

Recommends that any permission includes planning condition(s) limiting noise levels

SENIOR BIODIVERSITY OFFICER

No objection subject to the safeguarding of the recommended 50m buffer to features which could be used by bats and birds.

RESPONSE TO PUBLICITY:

In objection

Representations in objection received from:-
L Curtis, Tyn y Llidiart, Bontuchel

Summary of planning based representations in objection;

Landscape / visual amenity:

Impact on views from private property

Proliferation:

Ecology

Potential effects on wildlife

EXPIRY DATE OF APPLICATION: 14/09/2013

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL

1.1 Summary of proposals

- 1.1.1 The proposal is to erect a 46 metre high 50kW 3 bladed wind turbine on land to the north east of Cae'r Hafod Isa, some 2 kilometres south west of Bontuchel.
- 1.1.2 The purpose of the scheme is to generate renewable electricity to directly supply the national grid.
- 1.1.3 The proposed turbine would have a hub height of 36 metres and a blade diameter of 19.2 metres. The tower would be painted in off white (but alternative colours can be agreed), and the blades would be off white. The development will also include a control box cabinet alongside the turbine, and a new access track from the public highway running from an existing field gate which is located next to the entrance to the track serving the property Tre'r Parc.
- 1.1.4 The electricity will feed directly to the local electricity network via an underground cable.
- 1.1.5 The application site comprises solely the land on which the turbine and its control cabinet would be located, and the access from the highway. There is no other land shown in the applicant's ownership.
- 1.1.6 The application submission includes the following -
 - Planning Application forms and certificates
 - Plans / drawings illustrating the location, layout, and constructional details ; photomontages and -
 - Zones of Theoretical Visibility
 - A Design and Access Statement
 - Noise /acoustic information
 - Telecommunications consultation responses
- 1.1.7 The 44 page Design and Access Statement provides detailed commentary on a range of matters relevant to the application. It concludes that there would be no unacceptable environmental harm to the area and that there would be significant environmental and social benefits; the suitability of the site and potential benefits of wind energy generation outweighing any small impact of the single

turbine on the landscape. It argues the proposal is in compliance with local and national policy and would assist the government to meet its renewable energy targets. It is suggested the turbine is sufficiently separated from neighbouring residential properties to not cause any detrimental impact in terms of noise or appearing overbearing, and that there are no identified issues of concern in relation to ecology or cumulative impacts with other turbines.

- 1.1.8 For information, the proposal is submitted by an agent acting on behalf of the applicant, Mr Rhodri Ellis of Ty Newydd Farm, Trefnant. Certificate B has been served on J.H. Jones of Cae'r Hafod Isaf as owner of the land. The form states none of the land to which the application relates is, or is part of, an agricultural holding.
- 1.1.9 The agent has clarified that the applicant's wife is the daughter of the owners of Cae'r Hafod Isaf. Ty Newydd Farm is a dairy unit in Trefnant with a high electricity demand, but the location does not have sufficient wind speed for a turbine to be viable. Cae'r Hafod Isaf is a sheep unit with negligible electricity demand, so it is not considered the cost of connecting this to the turbine is justifiable. The idea is that the applicant would fund the development of the turbine, with the objective of offsetting the electricity usage of Ty Newydd as well as paying a ground rent to Cae'r Hafod Isaf, so providing a double benefit in terms of farm diversification.

1.2 Description of site and surroundings

- 1.2.1 The turbine is proposed in an agricultural field north of Cae'r Hafod Isaf, off the access track to the property Tre'r Parc. The site is some 2km south west of Bontuchel and 2km south east of Cyffylliog. Ruthin is 5km to the north east.
- 1.2.2 The area is characterised by an attractive rolling topography, with an irregular field pattern, mainly in agricultural use, with hedgerow and post and wire fencing, and small areas of woodland. The nearest part of the commercial woodland at Clocaenog Forest is 1km to the west.
- 1.2.3 The base of the turbine would be at an elevation of 283 metres. It would be on what forms part of a relatively prominent hill with open views in all directions.
- 1.2.4 The nearest dwellings are at Llys Hafod and Cae'r Hafod Ucha 300 metres to the south west, Tre'r Parc, 350 metres to the north west, and Ysgubor Ucha, 750 metres to the north west.
- 1.2.5 The proposed turbine would be some 1.5km to the east of existing operational turbines at Cerrig Oerion (2 turbines, 46m high), 2km to the north east of the turbine at Cil Llwyn, and 3km east of the turbines at Cae Gwyn (35m) and Cae'r Weirglodd (36m). Members may recall approving a 46m turbine for use in connection with Pool Park Farm at the July 2013 Committee, some 3km to the south east. One of the plans at the front of the report shows the relative locations of these turbines.

1.3 Relevant planning constraints/considerations

- 1.3.1 In planning policy terms the site lies in the open countryside and is not affected by any statutory landscape or nature conservation designations.
- 1.3.2 The easternmost boundary of the Clocaenog Forest Strategic Search Area (SSA) lies approximately 1km to the west of the application site i.e. the site is outside the SSA. In accordance with TAN 8, large scale wind farm development in Wales should be directed to within SSA boundaries.
- 1.3.3 The Denbighshire Landscape Strategy shows the application site lies within the Denbigh and Derwen (Ruthin) Hills LANDMAP Character Area, which is defined as an area of extensive and remote upland landscape of rounded and undulating hills often with exposed hill tops, rising immediately to the west of the Vale of Clwyd. The Character Area has been evaluated as having a 'High' Visual and Sensory Aspect.

1.4 Relevant planning history

1.4.1 The Council has granted planning consent for several wind turbines of this scale within the County where they have been proposed as a farm diversification scheme.

1.5 Developments/changes since the original submission

1.5.1 Additional information has been provided by the agent on the grid connection arrangements, noise impacts, and the farm diversification issue.

1.6 Other relevant background information

1.6.1 Wind turbines of this scale are eligible for feed in tariffs (FIT's), which is a government backed financial incentive designed to encourage renewable electricity generation. FIT payments for wind turbines are guaranteed for 20 years.

2 DETAILS OF PLANNING HISTORY

2.1 None specific to the site. There are other turbine developments in the locality referred to in Section 1.2.5 and on the plan at the front of the report.

3 RELEVANT POLICIES AND GUIDANCE

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan
Policy VOE 2 - AONB and AOB
Policy VOE 5 – Conservation of natural resources
Policy VOE 9 – On-shore wind energy
Policy VOE 10 – Renewable energy technologies

3.2 GOVERNMENT POLICY GUIDANCE
Planning Policy Wales (PPW Edition 5, 2012)
TAN 8 Planning for Renewable Energy (2005)
TAN 5 Nature Conservation and Planning (2009)
TAN 6 Planning for Sustainable Rural Communities (2010)
TAN 11 Noise (1997)

WELSH GOVERNMENT PRACTICE GUIDANCE
Planning Implications of Renewable And Low Carbon Energy (Practice Guidance 2011)

3.3 OTHER MATERIAL CONSIDERATIONS
Denbighshire Landscape Strategy (2003) / LANDMAP

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues are considered to be:
4.1.1 Principle
4.1.2 Context for the development / farm diversification considerations

- 4.1.3 Landscape and visual impact, including cumulative effects of / with other wind turbines
- 4.1.4 Biodiversity and nature conservation
- 4.1.5 Noise and amenity
- 4.1.6 Shadow flicker
- 4.1.7 Aviation interests

4.2 In relation to the main planning considerations:

4.2.1 Principle

Welsh Government policy and guidance

The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. As illustrated in PPW, the total capacity for energy generation from onshore wind by 2020/2025 is estimated at 2GW.

For planning purposes, PPW defines the following renewable and low carbon energy scales, which is of relevance to the application before Committee:

Scale of development	Threshold (Electricity and heat)
Strategic	Over 25 MW for onshore wind and over 50 MW for all other technologies
Local Authority – Wide	Between 5MW and 25 MW for onshore wind and between 5 MW and 50MW for all other technologies
Sub local authority	Between 50kW and 5MW
Micro	Below 50kW

This application therefore falls within the 'sub local authority' scale of development in PPW. Sub local-authority scale renewable energy projects are applicable in all parts of Wales subject to the assessment of site specific impacts.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects; TAN 8 introduced the principle of spatial planning for the delivery of energy policy and identifies 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated.

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para.2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes. It also refers to the need for local planning authorities to consider the cumulative impact of smaller schemes in areas outside of the defined Strategic Search Areas and the need to strike the right balance between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, TAN8 acknowledges there is a case for avoiding a situation where wind turbines spread across the whole of a county. Chapter 15 of the Welsh Government Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (2011) defines cumulative effects as ' *where more than one renewable energy scheme is proposed by one or more developers or where a single scheme is proposed in an area with existing schemes, the combined effect of all schemes taken together is known as the 'cumulative effect'* (para. 15.1). The Guidance mentions that potential cumulative effects of renewable energy developments could impact on landscape and visual amenity; viability of bird populations; ecological features; and noise levels. Given the increasing number of consented wind turbine development both within the Denbighshire and in neighbouring counties, Officers consider it is imperative that cumulative effects are fully considered when planning applications are assessed.

Denbighshire Local Development Plan Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to an assessment of environmental and sustainability impacts. It refers to the same scales of development as in the table reproduced above from Planning Policy Wales, and requires that all applications are subject to specific assessment of criteria including for the larger schemes and

ones on the periphery of the Strategic Search Area, compatibility with the Clocaenog Statement of Environmental Master Planning Principles (SEMP), impacts such as cumulative impact on the surrounding area and community (landscape/visual, noise, biodiversity, transport, health), community engagement, mitigation proposals and the colours to be used on the turbines and blades. The turbine would fall within the Sub Local Authority Scale, which VOE 9 indicates will be permitted outside AONBs and other sites designated for ecological, historic, landscape or other value where there is no adverse effect on their setting.

Policy VOE 10 offers general support for proposals which promote the provision of renewable energy technologies, providing they are located so as to minimise visual, noise, and amenity impacts and demonstrate no unacceptable impact on the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Taken together, the policies contained in the LDP provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, which includes taking into account the cumulative impact and spread of wind turbine development of varying scales throughout the County.

Officers' view is that as the development is for a medium/sub-local Authority scale single turbine, the principle of this development would be acceptable in general policy terms, subject to the tests of impact.

4.2.2 Context for the development / farm diversification considerations

TAN 6 supports national planning policy on sustainable rural communities and section 3.7 focuses on farm diversification. It states that "*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*". It goes on to state that "*many economic activities can be sustainably located on farms. Small on-farm operations such as..... renewable energy, are likely to be appropriate uses*".

Therefore the principle of installing a wind turbine may be a valid farm diversification activity, subject to consideration of the nature and scale of the activity.

Whilst the County Council has previously given weight to the agricultural benefits of wind turbine development when considering similar on-farm wind turbine applications, each application has to be assessed on its own merits. As there has been a significant increase in the number of proposals for on-farm wind turbine applications either pending determination or in the pre-application stages, Officers have suggested the need to apply a consistent approach to the manner which the farm diversification merits should be assessed. In this context the basic tests include consideration of the nature of the farming enterprise, how the turbine would fit into the wider farming picture, the size and siting of the turbine relative to the farm complex, the energy needs of the enterprise and how the energy generated will be used.

The Supporting Statement refers to opportunities arising from the wind turbine and that business diversification is one such opportunity. It advises that the project will take several years to pay back the investment, "but will be a worthwhile investment in the future that will bring a secure and reliable rental income for the farm". Additional information from the agent confirms that the financial returns from the turbine would help to offset electricity use at the applicant's farm in Trefnant, and that Cae'r Hafod Isaf would benefit through ground rental payments.

To assess whether or not this is an appropriate farm diversification scheme, Officers feel the following points are of relevance:

- Cae'r Hafod Isaf is a sheep unit with limited demand for electricity.
- Ty Newydd Farm, Trefnant (the applicant's farm) is a dairy unit with high electricity demand, but inadequate wind resource for a turbine
- The siting of the turbine is some 300 metres away from the Cae'r Hafod Isaf farm complex, therefore the turbine would appear as a relatively isolated structure.
- The turbine would be directly connected to the grid. The scheme as proposed would not therefore reduce either farm's reliance on imported energy, but it would offset the electricity consumption at Trefnant and provide a rental income at Bontuchel.

On balance, Officers view is that the above scenario does suggest that there are some farm diversification merits to the scheme, and that consequently some weight should therefore be

apportioned to the diversification arguments in TAN 6.

4.2.3 Impact on landscape and visual amenity, including cumulative implications

Local Development plan policies relevant to the visual and landscape impact associated with wind energy development are policy VOE 9 and VOE 10. These policies require due consideration of impact on the surrounding area and community, including cumulative landscape / visual impact. VOE 9 requires consideration of the potential impact on the setting of an AONB. The Denbighshire Landscape Strategy is based on the LANDMAP study, which provides useful background material on the essential characteristics and quality of the landscape of the County. The site lies within the Denbigh and Derwen Hills character area and is identified as an area of High value of County / regional significance for its high scenic quality, high character, with attractive, tranquil setting, and traditional rolling farmland qualities.

PPW and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. TAN 8 clarifies that outside of designated Strategic Search Areas, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.

There are no objections raised to the proposals on landscape / visual amenity grounds from consultees. There is one private individual objection to the visual impact of the turbine.

The site lies some 1km outside the Clocaenog Forest Strategic Search Area (SSA), which is one of Welsh Government's 'designated' areas for large scale windfarm development. The proximity to the SSA and the likelihood of a significant turbine development there in the near future is a relevant consideration in the assessment of the potential landscape / visual impact of the Cae Hafod Isaf turbine. In this context, whilst noting there would be a negative landscape / visual impact from a turbine in this location, it is not considered that the Council could sustain a refusal of permission for a 50kW turbine of the height proposed when balanced against the other material considerations outlined.

4.2.4 Biodiversity and nature conservation

The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5, TAN 5, LDP policies VOE 5, VOE 9, and VOE 10. Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity, and mitigation proposals. VOE 5 requires proposals which may have an effect on protected species or designated sites of nature conservation to be supported by a biodiversity statement having regard to the County biodiversity aspiration for conservation, enhancement, and restoration of habitats and species.

The NRW and the Council's biodiversity officer raise no objection to the proposal.

In Officers' opinion, subject to the inclusion of suitable conditions, there are no adverse ecological impacts likely to arise from the development.

4.2.5 Noise and amenity

Noise

Local Development Plan Policies VOE 9, and VOE 10 seek to ensure development does not have an adverse impact on residential amenity, and this would include assessment of the potential noise and general amenity impacts on local residents from any turbine development.

ETSU-R-97 is the industry standard for the Assessment and Rating of Noise from Wind Farms, and sets out indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on development. The levels are set relative to background noise limits, rather than absolute limits, with separate limits for day-time and night-time. They are presented in a manner that makes them suitable for noise related planning conditions.

For single turbines, ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to 35dB_{LA90,10min} (A) up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys. On site noise assessments have not been carried out in this case but the technical report accompanying the application refers to noise tests on the Endurance turbine and concludes

that power levels guarantee a sound level of around 43 dB for a distance of 100m, and that at this distance, the background noise is higher than the noise of the turbine.

The Council's Technical Officer (Pollution) has indicated that he has no objections to the proposal and that any planning permission should include suitable conditions to ensure noise levels are within the recommended limits.

4.2.6 Shadow flicker

Local Development Plan policy VOE 9 sets the general requirement to address potential impacts of wind energy developments on the locality. Shadow flicker is a phenomenon associated with turbine development which has to be considered in each case as a potential amenity impact.

Officers' understanding is that the incidence of shadow flicker depends on the position of the sun in the sky. It only occurs at certain times and tends to only affect nearby buildings within 130 degrees either side of north which are within 10 rotor diameters of a turbine. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The Design and Access Statement contains a short section on shadow flicker. The proposed rotor diameter is 19.2m, so applying the accepted formula, this would suggest no impacts on properties over 192m from the turbine. The nearest property is over 300m from the turbine.

In concluding on this issue, as shadow flicker analysis is not an exact science, as a precautionary measure it has been the norm to suggest that a condition be imposed on any permission to ensure any incidence of shadow flicker experienced by nearby properties can be controlled.

4.2.7 Communication and aviation

Local Development Plan Policy VOE 9 requires consideration of impacts of development on the surrounding area/community, and obliges the Council to give due assessment to potential impact on telecommunications and aviation interests.

Airbus, who operate Hawarden Airport, the NATS (en route) public limited company (who are responsible for civilian en-route air traffic control over the UK) and the Ministry of Defence have been consulted on this application.

No objections have been raised by the aviation authorities and therefore Officers are satisfied that the proposal will not have any adverse effects on communication and aviation infrastructure.

5 SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations Officers suggest are relevant to the determination of this application. As with all wind energy developments, inevitably there will be factors that weigh against and in favour of the grant of planning permission.
- 5.2 Officers retain concerns over the ongoing spread of 'one-off' medium / sub-local authority scale wind turbine developments outside the Strategic Search Area, which it is considered will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term. Officers continue to stress the need for Members to take a strategic approach to the determination of one-off applications such as this, especially considering the volume of applications which have been submitted for such development in recent times.
- 5.3 In advance of any Supplementary Planning Guidance coming into force which would be specific to this type of turbine proposal, it is important to stress the need for the Council to continue to assess the landscape and visual impact of wind turbine development in combination with operational, consented and in-planning wind turbine proposals to ensure cumulative effects are fully addressed and to prevent the wind farm landscape encroaching beyond the boundaries of the Strategic Search Area. In this context, it is to be noted that Natural Resources Wales raise no objection to the turbine proposal on landscape / visual grounds.
- 5.4 Members will recall considering the same basic issues in making decisions at planning committee on similar wind turbine applications, including the operational turbine at Cil Llwyn, 2km to the south east, and at Pool Park Farm, 3km to the south east. Whilst Officers in the Cil Llwyn instance questioned the weight to be attached to the farm diversification benefits of the project, Members were of the view in that location that

a 50kW/55kW wind turbine would be of a suitable scale, size and capacity to qualify as a form of farm diversification and have used this as a basis of support for the farming community with applications involving similar sized turbines.

5.5 Officers are fully respectful of the position adopted by the Committee and continue to suggest the application of a number of tests against which applications should be assessed to determine the weight to be attached to farm diversification arguments. In this instance, as the turbine would help to offset electricity usage at Ty Newydd, Trefnant, and Cae'r Hafod Isaf would benefit from a rental income from the proposal, it is therefore considered that some weight can be given to this project in terms of its farm diversification contribution.

5.6 In the current absence of a clear policy framework which would enable the Council to take a more strategic approach to the determination of medium/sub-local authority scale wind turbine proposals outside the SSA, Officers continue to recommend a precautionary approach is taken where adverse landscape and visual impacts and noise issues are identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development and a satisfactory level of amenity is retained for the residents of the area. In this case of the Cae Hafod Isaf proposal, it is to be noted that there are no landscape / visual objections from Natural Resources Wales, and the Pollution Control Officer indicates that noise can be controlled by the imposition of a planning condition on any approval.

On the basis of the above scenario, it is considered there is a reasonable basis of support for the proposal as a medium/sub-local authority scale wind turbine, hence the recommendation is for grant of permission.

RECOMMENDATION: GRANT subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The location of the turbine, site access and track shall be erected in the positions indicated on the submitted plans. A variation of the indicated position of the turbine by up to 5 metres shall be permitted provided the turbine is moved no closer to any existing hedgerows. Any variation greater than 5 metres shall require the written approval of the Local Planning Authority.
4. This permission relates solely to the erection of a 3 bladed wind turbine as described in the application plans and drawings with a maximum height to blade tip of 46m from original ground level.
5. The finish of the turbine tower, hub and blades shall be semi-matt. The colour of the turbine tower, blades and nacelle shall as approved in writing by the Local Planning Authority prior to the commencement of any work on their erection on site.
6. The equipment cabin shall be erected in accordance with the approved plans and no additional external ancillary equipment required in connection with the operation of the turbine, such as metering boxes, switchgear and overhead lines and poles shall be permitted without the prior written approval of the Local Planning Authority.
7. No part of the development shall display any name, logo, sign, advertisement or means of illumination without the prior written approval of the Local Planning Authority.
8. All electricity and control cables shall be laid underground.
9. All temporary construction access tracks and construction site compound shall be removed and the land shall be restored to its former profile and condition within a period of 6 months of the date of the first generation of electricity from the development.
10. No building materials shall be stored on the public right of way, no alterations to the surface of the right of way and no additional barriers (e.g. gates) shall be placed across the public right of way, of either a temporary or permanent nature. Vehicular movement shall be arranged so as not to interfere with the public's use of the way.
11. Noise from the turbine shall not exceed 35dBLA90,10min for wind speeds of up to 10m/s at 10m height when cumulatively measured freefield at the nearest noise sensitive receptor in accordance with ETSU-R-97.
12. In the event of complaints to the Local Planning Authority over noise attributable to the operation of the turbine, and after initial investigation by the Authority to assess that there is justification for such complaint:
 - a) The Authority shall notify the applicant, in writing, of the complaint.
 - b) Within one month of notification by the Authority the applicant shall organise, at their own expense, a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, to establish whether the terms of Condition 11 are met.

c) A copy of the noise assessment undertaken in accordance with b) shall be submitted to the Authority no later than two months from the date of notification.

13. In the event that noise attributable to the turbine is found to be exceeding the levels set out in Condition 11, mitigation measures to ensure compliance with Condition 11 shall be submitted to and agreed in writing with the Local Planning Authority and implemented within 3 months. Where mitigation measures have not been implemented within 3 months, the turbine shall be shut down and shall not commence operation until the mitigation measures have been implemented.

14. To aid cumulative impact and complaint investigations, the applicant shall temporarily turn the turbine off (braked to stop the rotors) to facilitate noise investigations being undertaken in nearby locations, when requested in writing by Local Planning Authority.

15. If justified complaints of shadow flicker are received by the Local Planning Authority from any occupied dwelling which existed or was consented at the time that this permission was granted, the developer will be notified in writing and mitigation measures to control, re-orientate, or shut down the turbine until the conditions causing those shadow flicker effects have passed shall be agreed with the Local Planning Authority and implemented within 3 months of notification.

16. If the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, the wind turbine and ancillary equipment shall be dismantled and removed from the site, and the foundations shall be removed down to a minimum depth of 1.0m below ground level, and the land shall be restored to its former profile and condition within a period of 6 months from the end of the 6 month period unless otherwise agreed with the Local Planning Authority.

17. No later than 12 months before the expiry of the 25 year operational period of this permission, a scheme for the remediation and restoration of the site to its former profile and condition, including the dismantling and removal of all elements above ground level, and the removal of turbine foundations down to a minimum depth of 1.0m below ground level, shall be submitted for the consideration of the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be implemented within 12 months from the date that the planning permission hereby granted expires.

18. PRE-COMMENCEMENT CONDITION

No work shall commence on site until a Construction Methodology Statement has been submitted in writing to and approved by the Local Planning Authority, and the development shall be implemented strictly in accordance with the approved details. The Statement shall include provisions relating to:

- a) Construction of and drainage from all internal access tracks, parking and turning facilities, including measures to reinstate the land once constructed.
- b) Laying of cables and any backfill of trenches.
- c) Storage of plant and materials onsite during construction.
- d) Measures to protect private water supplies and prevent groundwater pollution.
- e) Soil stripping management to ensure large volumes of silt are not allowed to run off.
- f) Surface and foul water drainage.
- g) Recording the existing geological state of the excavation area.
- h) Recording the existing state of the site.

The excavation works associated with the construction of the wind turbine and any ancillary development including the access track and laying of cables, shall be carried out in accordance with the following provisions:

- a) No excavation shall take place below the depth of the water table. If excavation below the water table is necessary, no construction works shall take place until information to demonstrate that there will be no adverse effects has been submitted to and approved in writing by the Local Planning Authority. The information shall include, but not be limited to, details of intrusive investigations, monitoring and characterisation of the hydrogeology regime of the area.
- b) Measures to prevent groundwater contamination during excavation shall be applied which may include, but not be limited to, the provision of a geomembrane or other similar impermeable membrane.
- c) Any water that either collects in, or arises from the excavation works, shall be pumped out and allowed to drain onto the surrounding land at a rate that allows for infiltration and prevents erosion.
- d) The excavation for the base of the turbine shall be inspected for the presence of features in the bedrock that could result in significant infiltration of water.
- e) Where there are any geological features that could provide a means for the rapid infiltration of water, then construction operations shall cease and measures to prevent infiltration of concrete or other building materials into such features shall be agreed in writing by the Local Planning Authority and implemented as approved.
- f) Geological features shall be defined as areas of open or gaping joints, cleavages or faults.

19. All refueling / oil changes for vehicles shall be carried out off site.

20. No contaminating liquids or soluble materials shall be brought to site until details of the proposed mitigation measures to contain any spillage have been submitted in writing to and approved by the Local Planning Authority.

21. Where the construction or future operation of the wind turbine hereby granted is proven to have a detrimental impact on the water quality and / or flow regime of any private water supply, a mitigation strategy to rectify the adverse hydrological effects shall be submitted in writing and approved by the Local Planning Authority, and the approved strategy shall be implemented within 1 month. Where mitigation measures cannot overcome the adverse hydrological impacts, the applicant will be required to cover the costs of providing an alternative water supply to any affected property.

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 in order that the Local Planning Authority retains control over the longer term uses of the land.
3. For the avoidance of doubt, to allow the Local Planning Authority to retain control over the development and in the interests of residential amenity and nature conservation.
4. For the avoidance of doubt and in the interests of visual amenity.
5. For the avoidance of doubt and in the interests of visual amenity.
6. For the avoidance of doubt and in the interests of visual amenity.
7. In the interests of visual amenity.
8. In the interests of visual amenity and nature conservation.
9. In the interests of visual amenity.
10. In the interests of protecting public rights of way.
11. In the interests of the amenity of occupiers of residential property in the locality.
12. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality.
13. To allow the Local Planning Authority to retain control over the development and in the interests of the amenity of occupiers of residential property in the locality.
14. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.
15. In the interests of the amenities of occupiers of residential property in the locality.
16. To ensure adequate arrangements are in place to reinstate the site, in the interests of visual amenity.
17. To ensure the long term reinstatement of the site, in the interests of visual amenity.
18. To ensure that the development is carried out in a manner which minimises disturbance to the area.
19. To safeguard against contamination.
20. To safeguard against contamination.
21. To safeguard against contamination of private water supplies.

NOTES TO APPLICANT:

The Civil Aviation Authority have advised that any structure exceeding 70 feet above ground level should be notified to the Defence Geographic Centre ICGDGC-ProdAISAFDb@mod.uk including the location, height and lighting status of the turbine, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to start of construction, to allow for the appropriate notification to the relevant aviation communities.

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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

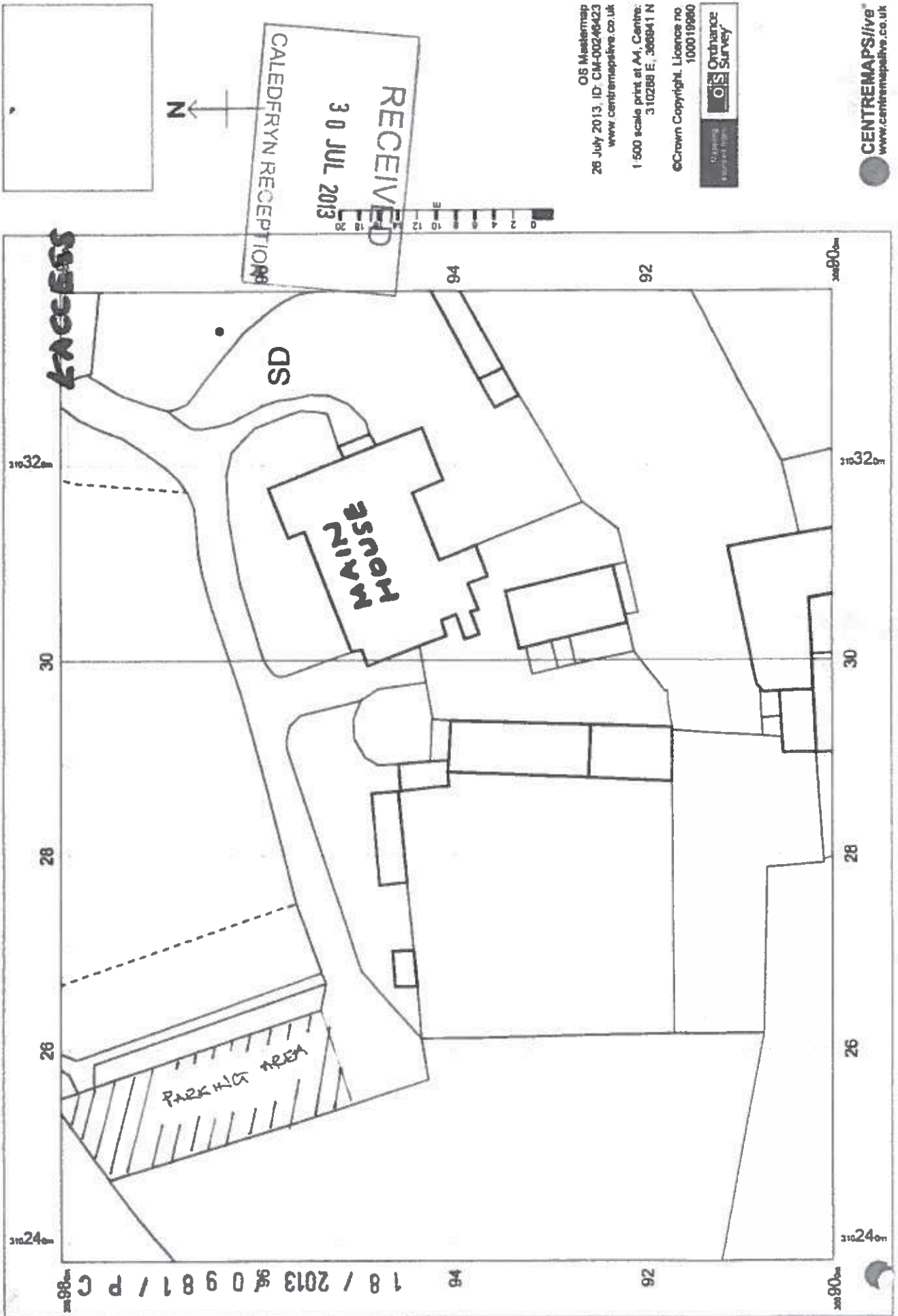


Date 2/10/2013 Scale 1/5000
Centre = 310292 E 366945 N

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



SITE LAYOUT



OS Mastermap
28 July 2013, ID: CM-00249423
www.centremapslive.co.uk

1:500 scale print at A4, Centre:
310268 E, 388941 N

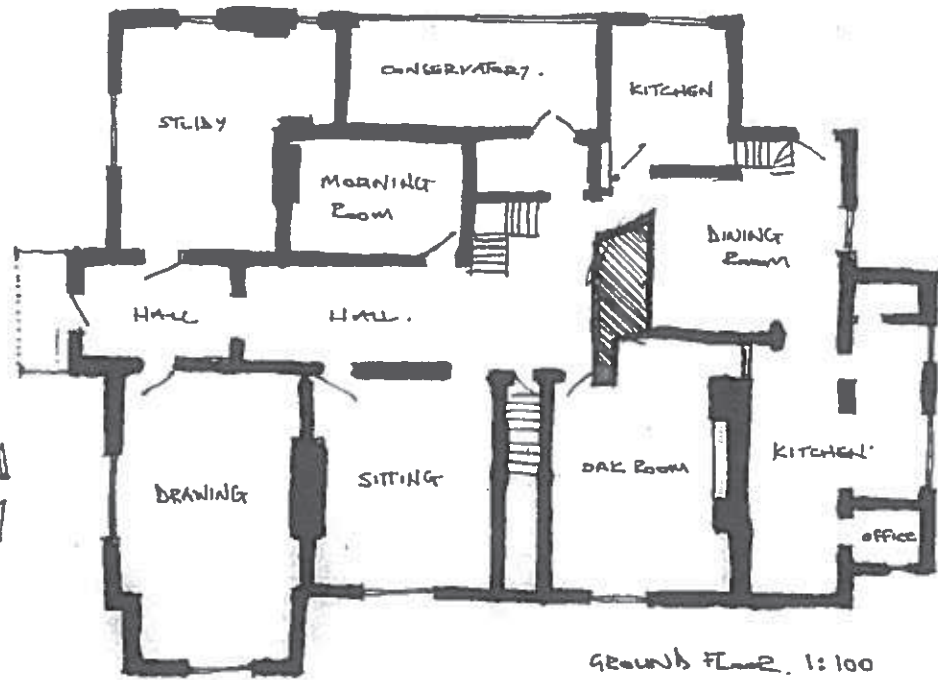
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CENTREMAPSlive
www.centremapslive.co.uk

FLOOR PLANS

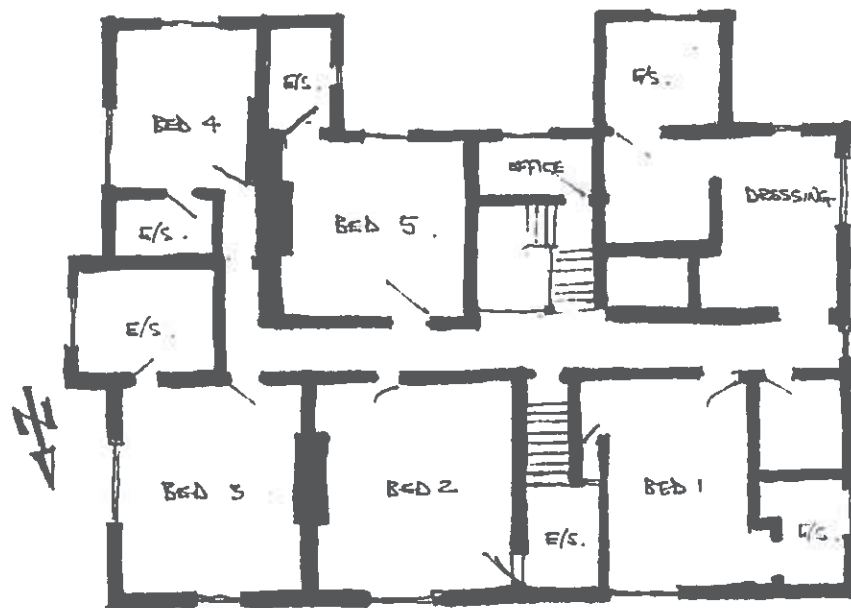
RECEIVED
30 JUL 2013
CALEDFRYN RECEPTION



18 / 2013 / 0981 / PC

GROUND FLOOR. 1:100
EX + PROPOSED.

RECEIVED
30 JUL 2013
CALEDFRYN RECEPTION



18 / 2013 / 0981 / PC

FIRST FLOOR. 1:100
EX + PROPOSED.

ITEM NO: 4
WARD NO: Llandyrnog
WARD MEMBER(S): Councillor Merfyn Parry
APPLICATION NO: 18/2013/0981/ PC
PROPOSAL: Mixed use of premises as dwelling and bed and breakfast facility (retrospective application)
LOCATION: Pentre Mawr Llandyrnog Denbigh
APPLICANT: Pentre Mawr Country House
**CONSTRAINTS:
PUBLICITY
UNDERTAKEN:** Site Notice - NoPress Notice - NoNeighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL:

"Llandyrnog Community Council wish to thank you for the opportunity to comment on the above application.

Pentre Mawr has been running as a bed and breakfast since circa 2005 alongside it's successful lodge tenting business and the community council is naturally glad to see a business succeeding in these days of austerity supporting local suppliers and employment.

However there are some concerns that conditions applied to previous applications have not been adhered to - passing places along the narrow lane being one and also an agreement to repair/re instate some of the listed outbuildings.

If either the applicant or DCC can provide some additional information then the matter can be given further consideration.

Until such time as that information is to hand then the CC wish to object to this application."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure
- Highways Officer
No objection.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Retrospective planning permission is sought for the continued use of the dwelling Pentre Mawr, Llandyrnog, as a Country House Hotel/Bed and Breakfast.
- 1.1.2 The proposal relates solely to the use of the building and does not propose any physical alterations to the Grade II listed building.
- 1.1.3 The proposal relates to the use of three out of a total of five bedrooms being used for guest accommodation, along with a guest sitting room, restaurant (which is also open to non residents) and to external guest recreation areas.
- 1.1.4 The application has been submitted to formalise the existing use which has established gradually over recent years. The applicants have stated their intention that should permission be granted that they would like to hold weddings at Pentre Mawr, thereby widening the commercial appeal of the enterprise.

1.2 Description of site and surroundings

- 1.2.1 The site is in a rural location some 4.7km east of Denbigh, and 1km north of Llandyrnog.
- 1.2.2 The dwelling, a grade II listed building, is set within extensive grounds which also include 6 'tented bedrooms' used in conjunction with the main buildings.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside.

1.4 Relevant planning history

- 1.4.1 Proposals to develop 6 'tented bedrooms' in the grounds of the property have been ongoing since 2008 and have been subject to consideration by Planning Committee. The most recent resolution by Planning Committee to grant planning permission for the 6 tented bedrooms in January 2013. This was subject to a legal agreement being signed to secure improvements to some of the listed outbuildings at Pentre Mawr. At the time of writing this report, these negotiations are still ongoing. The planning conditions to be imposed on the permission do not include any requirement for passing places on the access road.

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 18/2008/0289 Construction of 6 no. chalets, landscaping and pedestrian access routes. Resolution to grant, January 2013 Planning Committee.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE 5 – Rural Economy

3.2 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on Amenity
- 4.1.3 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle:

Policy PSE 5 offers general support for proposals that would help sustain the rural economy and specifically refers to tourism uses such as this. Proposals for tourist development should make a significant contribution to sustainable development and recognise the special status of the Area of Outstanding Natural Beauty.

The proposal utilises existing buildings and to develop an existing business. Whilst not located within the AONB it is in a location which offers an opportunity for visitors to explore the nearby AONB. It is therefore considered that the proposal is acceptable in principle subject to an assessment of generic planning consideration as outlined in Planning Policy Wales 5.

4.2.2 Impact upon residential and visual amenity:

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual and residential amenity is therefore a relevant test on planning applications.

The proposal does not involve any physical alteration to the building and there are no immediate neighbours to the site. In terms of any concerns regarding the increase in intensity of use, it is noted that the use along with the outside tented bedrooms, have been in operation for some years, and there is no knowledge of complaints in relation to this from residents in the wider locality.

In respect of the above, it is considered that the continued use of the dwelling as a hotel/B&B is unlikely to have a detrimental impact upon the amenity of the area and the proposal complies with general development control requirements in Planning Policy Wales.

4.2.3 Access and impact upon highway safety:

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

As noted previously, the application relates to the regularisation of an existing use. With respect to the comments of the Community Council, Planning Committee did not consider it necessary to

oblige highway improvements as part of the tented bedroom proposal in early 2013. The Highway Engineer has not reported any issues with the site and raises no objections to the proposal. With due respect to the Community Council's concerns, it is considered that the proposal is acceptable in terms of its impact upon the highway infrastructure of the locality.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with adopted planning policy, and is in support of general strategies to sustain the rural economy.

RECOMMENDATION: GRANT - subject to the following conditions:-

None

NOTES TO APPLICANT:

None

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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
22/2011/1373 & 1374
Outbuildings Wern Fawr
Llangynhafal

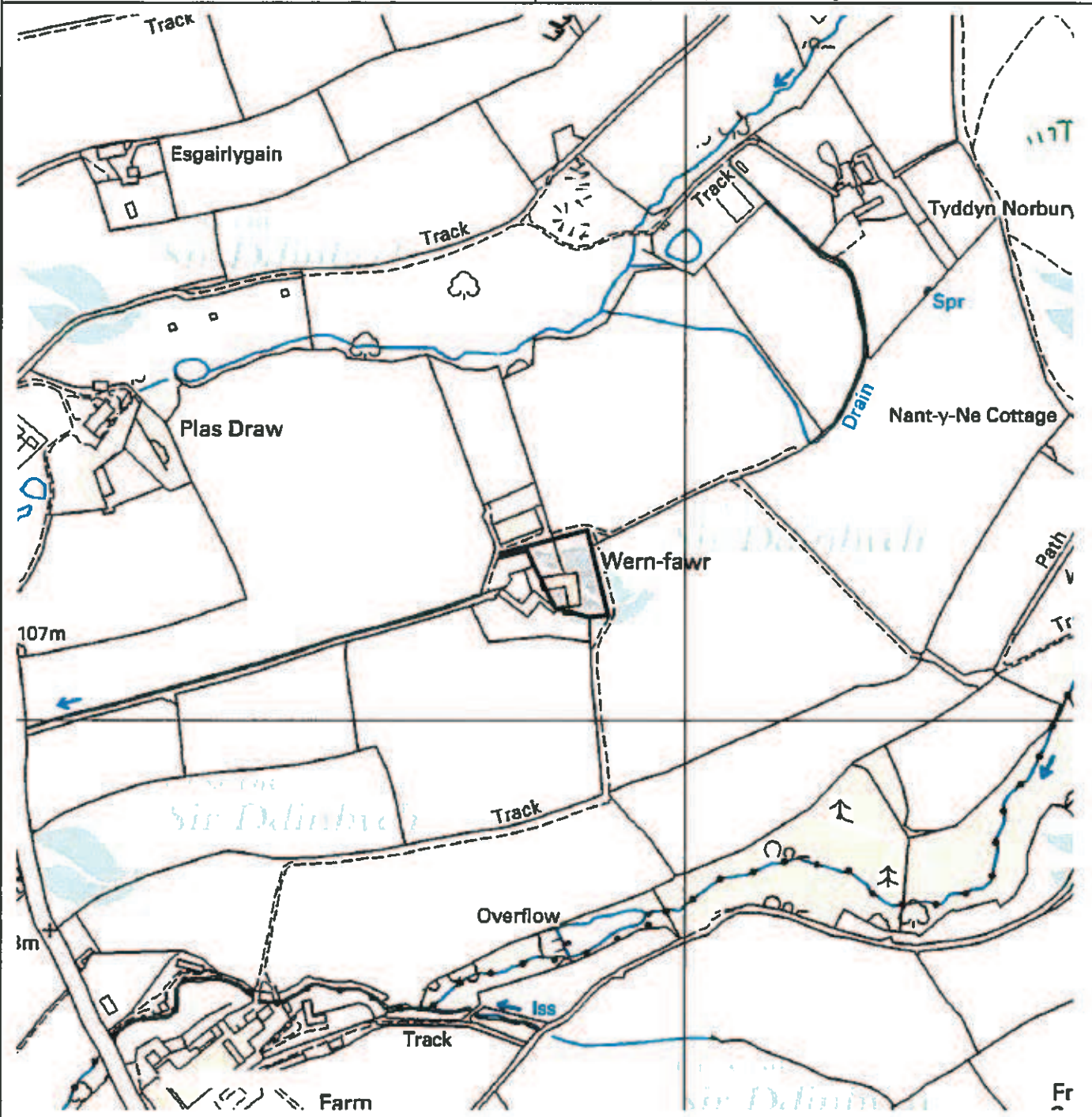
 Application Site

Date 2/10/2013
Centre = 313875 E 362140 N

Scale 1/5000



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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© Hawlfraint y Goron Mae atgynhychru heb ganiatâd yn tom hawlfraint y Goron a gall hyn arwain at estyniad neu gops sifil Cyngor Sir Ddinbych 100023408 2011



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

22/2011/1373 & 1374
Outbuildings at Wern Fawr
Llangynhafal, Ruthin



Application Site



Date 2/10/2013

Scale 1/2500

Centre = 313875 E 362140 N

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© Hawlfraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawlfraint y Goron a gall hyn yrru at erlyniad seachos sifil Cyngor Sir Ddinbych 100023408 2011

SITE PLAN

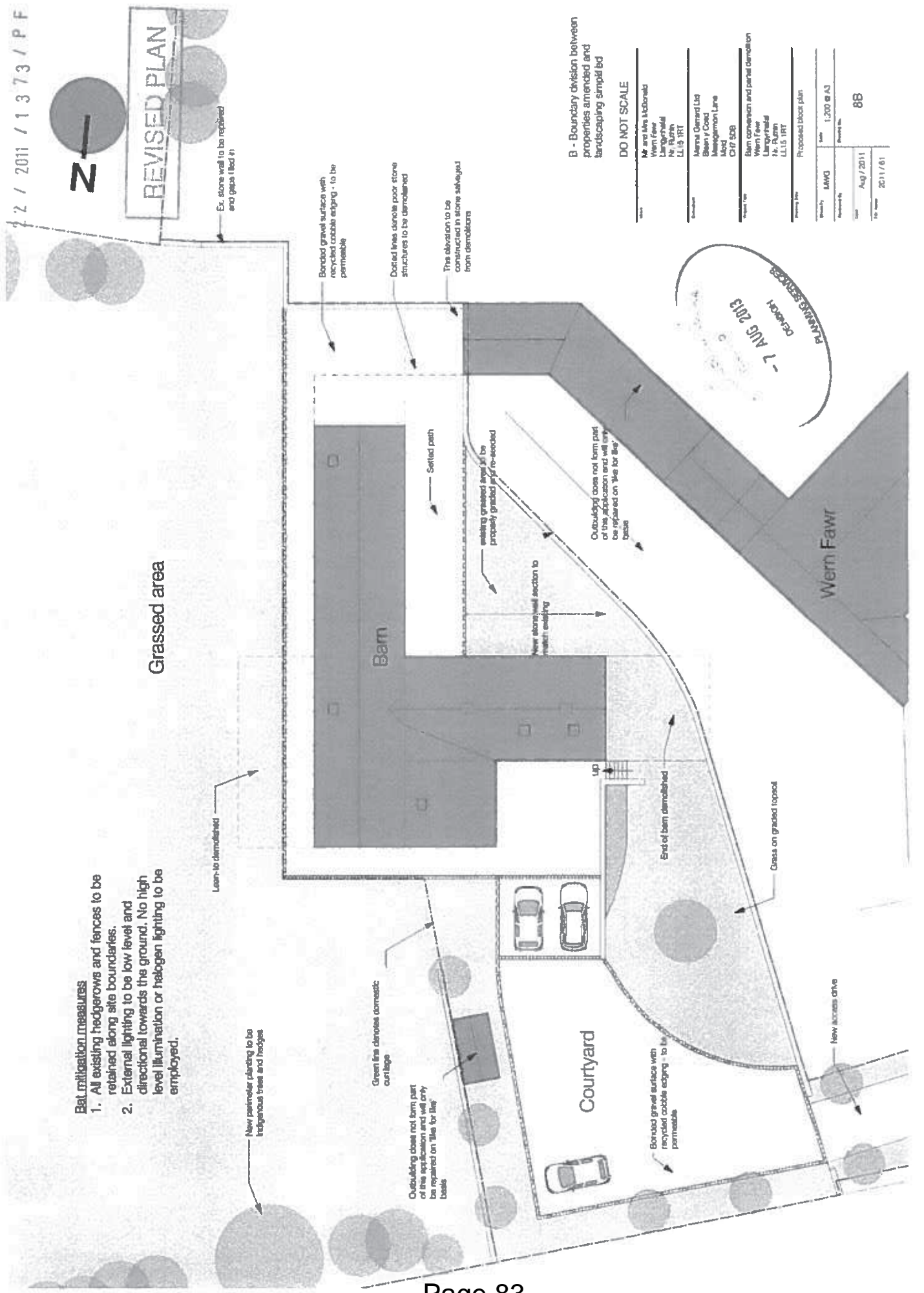
2 / 2011 / 1373 / P F

N

REVISED PLAN

Bat mitigation measures

1. All existing hedgerows and fences to be retained along site boundaries.
2. External lighting to be low level and directional towards the ground. No high level illumination or halogen lighting to be employed.



Ex. stone wall to be retained and gaps filled in

Bonded gravel surface with recycled cobble edging - to be permeable

Dotted lines denote poor stone structures to be demolished

This elevation to be constructed in stone salvaged from demolitions

Lean-to demolished

Green line domestic outillage

Outbuilding does not form part of the application and will only be required on 'file for file' basis

New perimeter planting to be indigenous trees and hedges

making graded area to be properly graded and re-seeded

New stone wall section to match existing

Courtyard

Bonded gravel surface with recycled cobble edging - to be permeable

End of barn demolished

Grass on graded topsoil

New access drive

Barn

Wern Fawr

PLANNING SERVICES
7 AUG 2013

B - Boundary division between properties amended and landscaping simplified

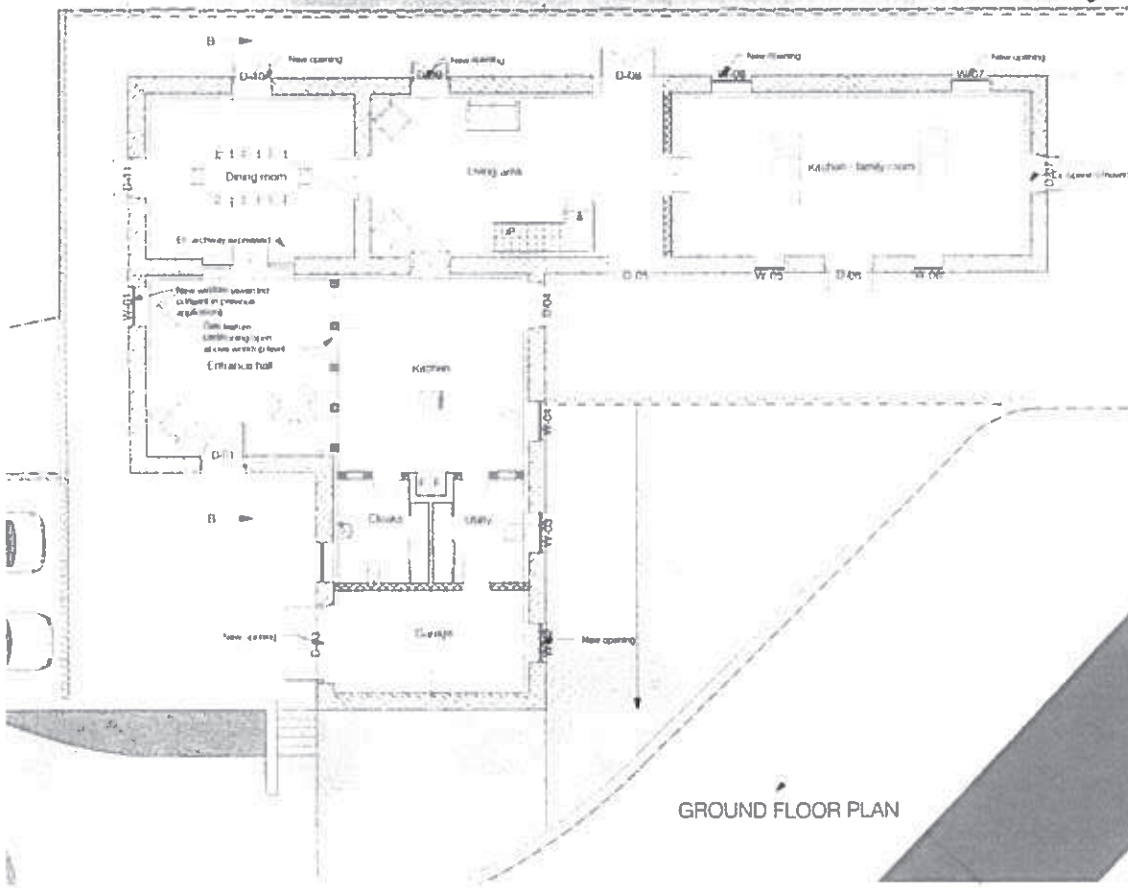
DO NOT SCALE

Client	MJ and Mrs McDonald
Address	Wern Fawr Langrithal Nr. Ruarh LL16 1RT
Contractor	Morgan Oswald Ltd Blaen y Coed Mangerman Lane Mand C17 5DB
Project No	Barn conversion and partial demolition
Planning No	Wern Fawr Langrithal Nr. Ruarh LL16 1RT
Proposed block plan	
Scale	1:200 @ A3
Drawn by	
Checked by	
Date	Aug / 2011
File name	2011/01
Sheet No	8B

PROPOSED FLOOR PLANS 1/373/PF

REVISED PLAN

Note: There is evidence of previous coverings along this elevation and new openings allowed in previous consent



GROUND FLOOR PLAN

-7 AUG 2013
DECISION
PLANNING SERVICES

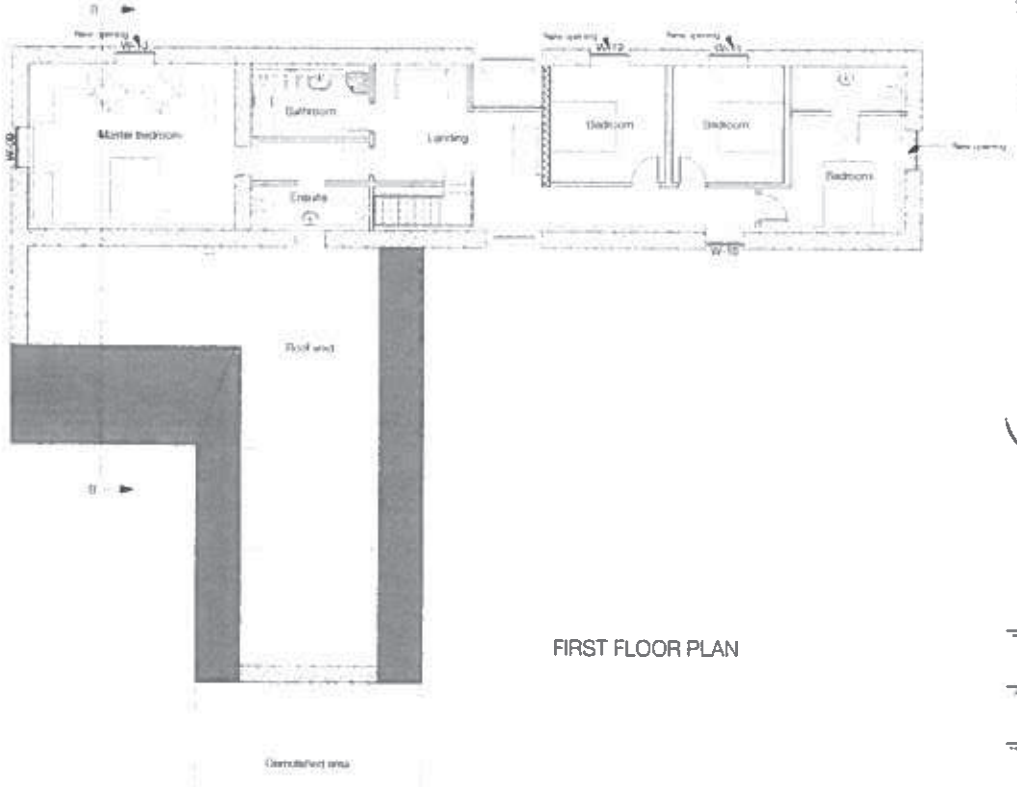
A - Internal layout amended and boundary division between properties amended

DO NOT SCALE

Client	M and M (1) Ltd
Project	Longfield
Site	1/373 RT
Design Contact	Blair & Co Ltd
Approval Contact	Blair & Co Ltd
Project No	1/373 RT
Scale	1:100
Date	Aug 2013
Sheet	10A

22 / 2011 / 1373 / PF

REVISED PLAN



FIRST FLOOR PLAN

-7 AUG 2013
DECISION
PLANNING SERVICES

A - South elevation gable roof doors changed to window

DO NOT SCALE

Client	M and M (1) Ltd
Project	Longfield
Site	1/373 RT
Design Contact	Blair & Co Ltd
Approval Contact	Blair & Co Ltd
Project No	1/373 RT
Scale	1:100
Date	Aug 2013
Sheet	10A

ITEM NO: 5

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): H.O.Williams

APPLICATION NO: 22/2011/1373/ PF

PROPOSAL: Conversion and partial demolition of barn to form separate single dwelling

LOCATION: Outbuilding at Wern Fawr Llangynhafal Ruthin

APPLICANT: Mr & Mrs M McDonald

CONSTRAINTS: PD Removed
Listed Building

PUBLICITY UNDERTAKEN: Site Notice - NoPress Notice - NoNeighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANGYNHAFAL COMMUNITY COUNCIL

No response received at time of drafting report

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

No response received at time of drafting report

NATURAL RESOURCES WALES

No objection

CLWYD POWYS ARCHAEOLOGICAL TRUST

Request photographic survey

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

Highways Officer

No objection

Biodiversity Officer

No objection subject to recommendations of submitted ecology report being followed

Conservation Architect

No objection

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 30/01/2012

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the partial demolition and conversion of a outbuilding to create a single dwelling.

1.2 Description of site and surroundings

- 1.2.1 The building is a former agricultural barn associated with the farm house at Wern Fawr. The Farmhouse is a Grade II Listed Building and the outbuilding is curtilage listed in association with this building.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in an open countryside location outside of any defined development boundaries.
- 1.3.2 The site lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the Vale of Clwyd Historic Landscape.

1.4 Relevant planning history

- 1.4.1 Permission was granted and commenced for the conversion of the outbuilding to form 2no. dwellings in 1990. Commencement of development was confirmed in 1994 and the permission is therefore capable of being converted without further permission.
- 1.4.2 Permission was granted for the conversion of the outbuilding to form 1 no. dwelling unit in 2007. This permission has now expired.

1.5 Developments/changes since the original submission

- 1.5.1 A revised design was submitted in August 2013. Following negotiations the scheme has been simplified in accordance with the recommendations of the Conservation Officer.

1.6 Other relevant background information

- 1.6.1 This application is subject to a separate application for Listed Building Consent (LBC) (22/2011/1374) which follows on the agenda.

2. DETAILS OF PLANNING HISTORY:

- 2.1 33/11413 - Conversion of outbuilding to 2no. dwellings GRANTED 10/08/1990
- 2.2 22/2007/1261 and 22/2007/1262 full planning permission and Listed Building Consent GRANTED 16/06/2008 and 28/10/2008 respectively.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

- Policy BSC 11 - Recreation and Open Space
- Policy PSE 4 - Re-use and Adaptation of Rural Buildings in Open Countryside
- Policy VOE 1 - Key Areas of Importance
- Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty
- Policy VOE 5 - Conservation of Natural Resources
- Policy ASA 3 - Parking Standards

3.2 Supplementary Planning Guidance

- SPG 7 - Residential Space Standards
- SPG 14 - Listed Buildings
- SPG 16 - Conversion of Rural Buildings
- SPG 21 - Parking

3.3 Government Policy / Guidance
Planning Policy Wales Edition 5 November 2012

3.4 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Highways (including access and parking)
- 4.1.6 Affordable Housing
- 4.1.7 Open Space
- 4.1.8 Area of outstanding natural beauty/Area of outstanding natural beauty

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Policy PSE 4 allows for the conversion of rural outbuildings subject to compliance with detailed tests. These require that it has been demonstrated that employment use of premises have been shown to be unviable and that the unit is affordable.

Having regard to the extant permission it is respectfully not considered reasonable to impose either test. Additionally it is considered that the location of the site means that the building would be unsuitable for employment generating uses in any event.

- 4.2.2 Visual amenity
In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. PPW paragraph 4.7.8 requires that all new development in the open countryside should respect the character of the surrounding area and should be of appropriate design and scale. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation. Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. This includes designated Historic Landscapes. Policy PSE 4 requires that proposals for the conversion of rural buildings make a positive contribution to the landscape and ensure that any architectural and historic features are retained.

The site is located within the AONB and the Vale of Clwyd Historic Landscape. The design of the proposed conversion is simplified in relation to the extant permission dating from 1990 and a previously approved 2007 scheme. The Conservation Officer considered the proposals to be an improvement on previously approved schemes.

Having regard to extant and previously approved permissions and the design and materials associated with the proposed conversion, it is considered that the proposals would have a positive impact on visual amenity and would respect the features of architectural and historic importance. It is therefore considered that the proposals would have an acceptable impact in relation to the policy requirements listed above.

4.2.3 Residential amenity

Planning Policy Wales 5, paragraphs 3.1.3 and 3.1.4 state that material planning considerations must be relevant to the regulation of the development and use of land in the public interest, and reasonably related to the development concerned. It is therefore a well established principle that the protection of residential amenity with regard to issues such as overlooking and loss of privacy, is a proper function of the development control system. SPG 7 sets out minimum space requirements new residential development.

The proposed dwelling exceeds all the minimum standards set out in SPG 7. The proposal would be for 1no. dwelling. The extant permission is for 2no. dwellings.

Having regard to the reduction in the intensity of use it is considered that the proposal would have a positive impact in relation to the amenity of the adjacent main house. As the minimum standards of SPG 7 are exceeded it is considered that the proposal would have an acceptable impact on the amenity of the proposed dwelling. Having regard to the above it is considered that the proposals would not have an unacceptable impact on residential amenity.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

A protected species survey has been submitted and the biodiversity officer has raised no objections subject to the recommendations being followed.

The proposals are therefore considered acceptable in relation to impact on ecology subject to condition.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highways Officer has considered that the proposed parking and access arrangements are acceptable having regard to existing facilities.

It is therefore considered that the proposals would not have an unacceptable highways impact.

4.2.6 Affordable Housing

Policy PSE 4 requires that all conversions of rural buildings must be affordable to meet local needs.

The proposal includes the creation of 1no new residential unit. An extant permission exists for the creation of 2no. units, with no requirement for the provision of an affordable unit.

Having regard to the extant permission for 2no. units it is not considered it would be reasonable to require a that the proposed dwelling would be affordable for local needs.

4.2.7 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

As noted previously the proposal includes the creation of 1no new residential unit. An extant permission exists for the creation of 2no. units with no requirement for the provision of open space.

Having regard to the extant permission for 2no. units and the proposed creation of 1no unit it is not considered it would be reasonable to require a commuted sum in relation to open space in this instance.

4.3 Other matters

Specific assessment of matters relating to the impact on the Listed Building is contained within the report of the associated LBC application.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the extant permission it is considered that the proposals are acceptable and are therefore recommended for approval.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the provisions of all Class(es) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority - In the interests of residential and visual amenity

3. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved by, the local planning authority. The resulting digital photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670 - In the interests of investigation and recording of historic/listed buildings

4. All development will take place in accordance with the recommendations set out within the submitted bat mitigation recommendations unless otherwise agreed in writing by the Local Planning Authority - In the interest of preserving the conservation status of protected species

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the first unit. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation - In the interest of landscape and visual amenity and the character and appearance of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

NOTES TO APPLICANT: None

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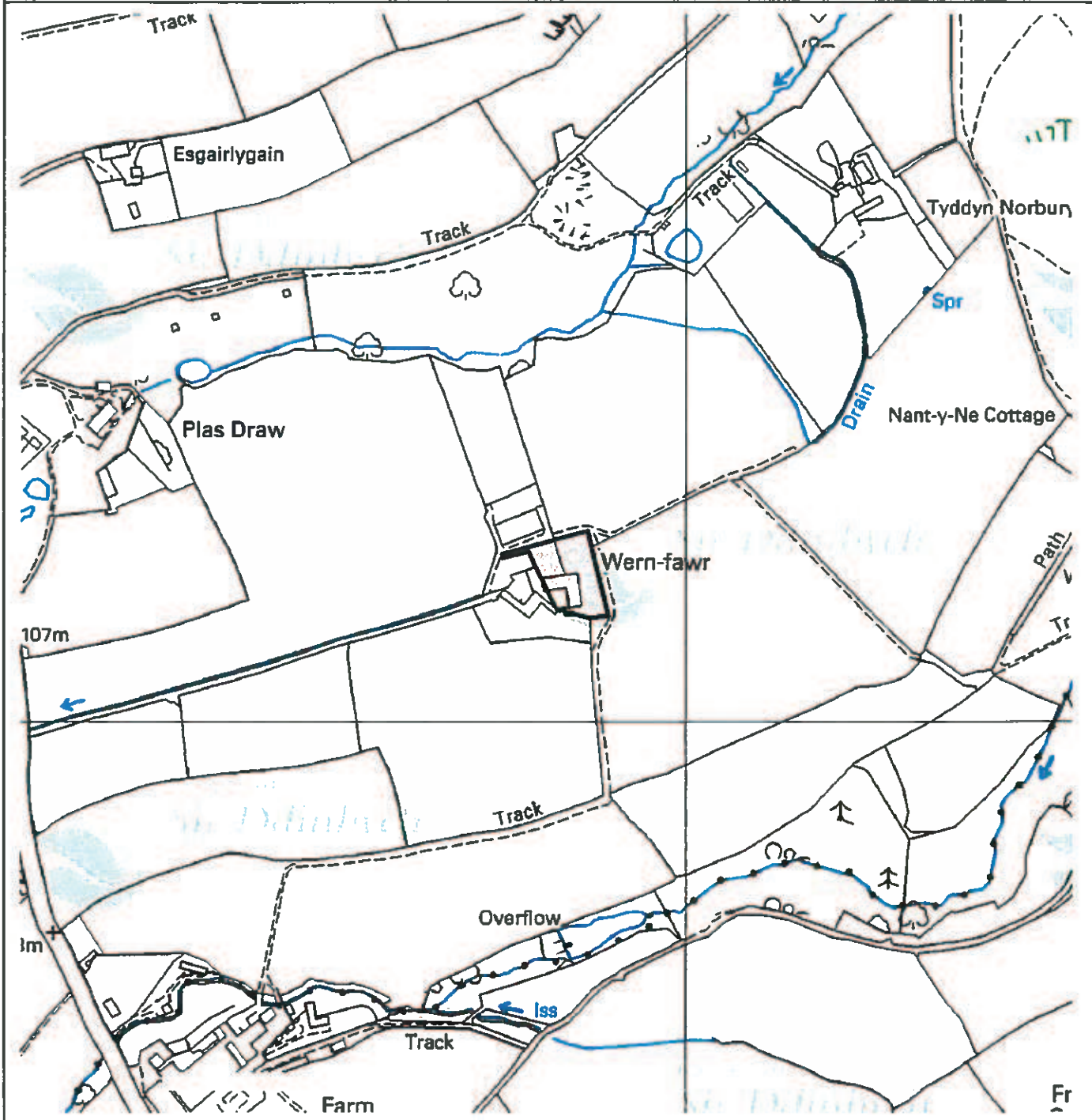
Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel 01824 706800 Fax 01824 706709

Heading
22/2011/1373 & 1374
Outbuildings Wern Fawr
Llangynhafal

 Application Site

Date 2/10/2013 Scale 1/5000
Centre = 313875 E 362140 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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Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel 01824 706800 Fax 01824 706709

Heading

22/2011/1373 & 1374
Outbuildings at Wern Fawr
Llangynhafal, Ruthin



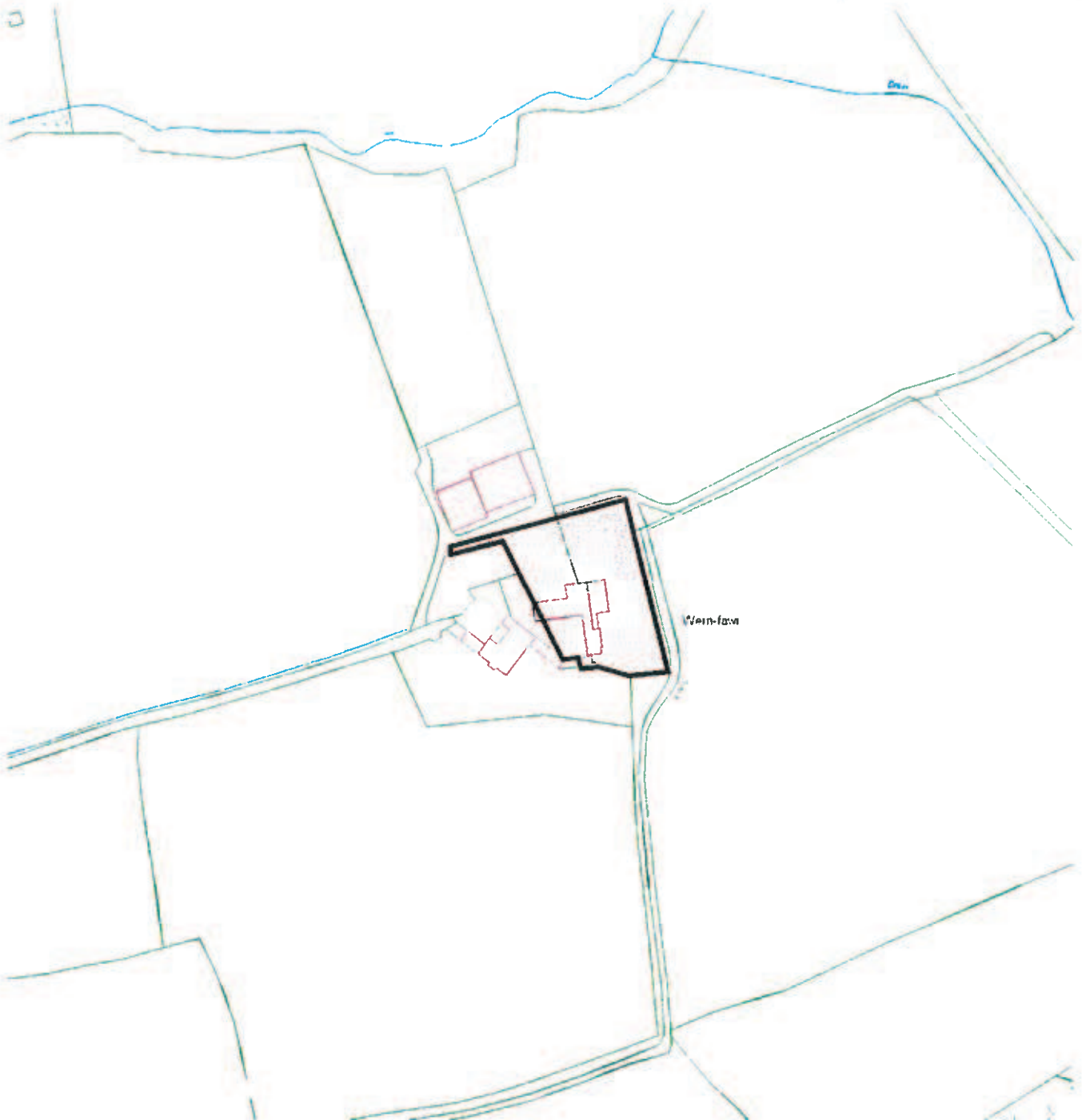
Application Site

Date 2/10/2013

Scale 1/2500

Centre = 313875 E 362140 N

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ITEM NO: 6

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): HO Williams

APPLICATION NO: 22/2011/1374/ LB

PROPOSAL: Listed Building Application for conversion and partial demolition of barn to form separate single dwelling

LOCATION: Outbuilding at Wern Fawr Llangynhafal Ruthin

APPLICANT: Mr & Mrs M McDonald

CONSTRAINTS: PD Removed
Listed Building
AONB

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANGYNHAFAL COMMUNITY COUNCIL
No response received at time of drafting report

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
Conservation Architect
No objection

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 16/12/2012

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for the partial demolition and conversion of an outbuilding to create a single dwelling. This application seeks Listed Building Consent in relation to the proposed alterations.

1.2 Description of site and surroundings

1.2.1 The building is a former agricultural barn associated with the farm house at Wern Fawr. The Farmhouse is a Grade II Listed Building and the outbuilding is curtilage listed in association with this building.

1.3 Relevant planning constraints/considerations

1.3.1 The property is curtilage listed as a ancillary outbuilding to the main farm house at Wern Fawr.

1.4 Relevant planning history

1.4.1 Permission was granted and commenced for the conversion of the outbuilding to form 2no. dwellings in 1990. Commencement of development was confirmed in 1994 and the permission is therefore extant.

1.4.2 Permission was granted for the conversion of the outbuilding to form 1no. dwelling unit in 2007. This permission has now expired.

1.5 Developments/changes since the original submission

1.5.1 A revised design was submitted in August 2013. Following negotiations, the scheme was simplified in accordance with the recommendations of the Conservation Officer.

1.6 Other relevant background information

1.6.1 This application is subject to a separate full planning application seeking planning permission for the proposed conversion (22/2011/1373).

2. DETAILS OF PLANNING HISTORY:

2.1 33/11413 - Conversion of outbuilding to 2no. dwellings GRANTED 10/08/1990

2.2 22/2007/1261 and 22/2007/1262 full planning permission and Listed Building Consent GRANTED 16/06/2008 and 28/10/2008 respectively.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Supplementary Planning Guidance
SPG 14 - Listed Buildings

3.2 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

Circulars

Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Impact on Listed Building

4.2 In relation to the main planning considerations:

4.2.1 Impact on Listed Building

In terms of general guidance on matters relevant to the consideration of a Listed Building Consent, Planning Policy Wales Edition 5, 2012 (PPW) confirms that there is no statutory requirement to have regard to the Local Development Plan when considering applications for listed building consent. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

The Conservation Officer is satisfied that the proposals would not have an unacceptable impact on the Listed Building.

Having regard to the design and materials of the proposal it is considered that the proposal would preserve the setting, features of special architectural merit and historic interest of the building. The proposals are not therefore considered to have an unacceptable impact in relation to the Listed Building and are recommended for Grant.

5. SUMMARY AND CONCLUSIONS:

- 5.1 It is considered that the proposals would not have an unacceptable impact in relation to the Listed Building and are recommended for grant and referral to Cadw to determine whether to authorise the County Council permission to grant consent.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. the works hereby permitted shall be begun before the expiration of five years from the date of the consent

Reason: To comply with the provisions for the 1990 Listed Buildings Act

7

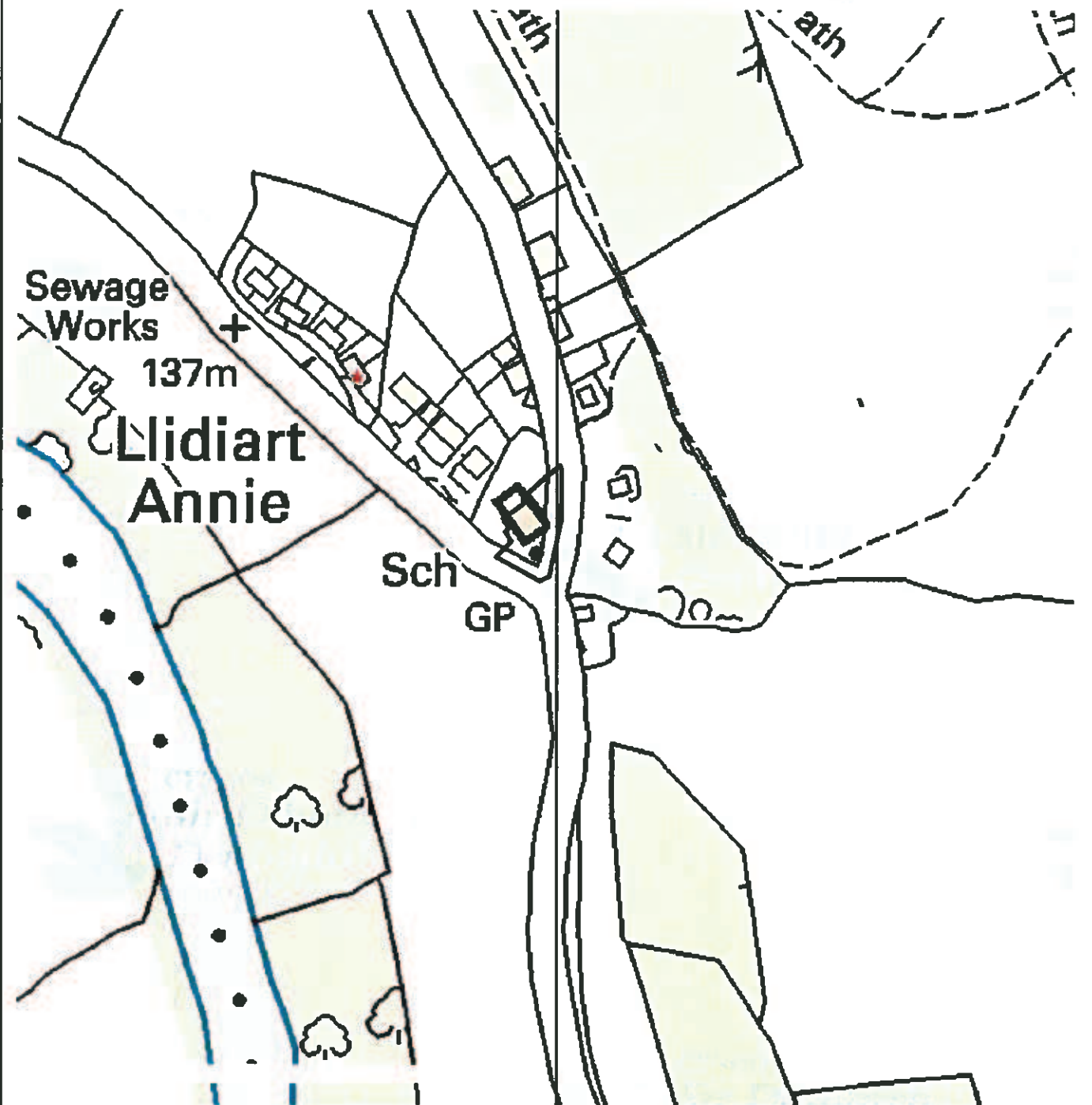
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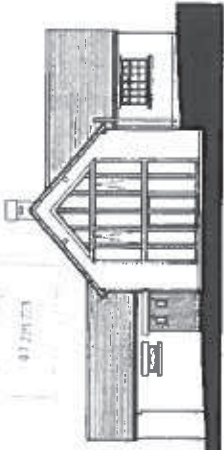
 Application Site



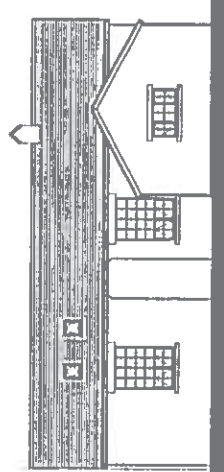
Date 2/10/2013 Scale 1/2500
Centre = 318995 E 344475 N

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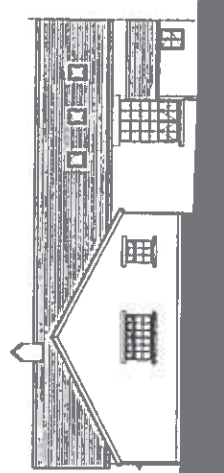




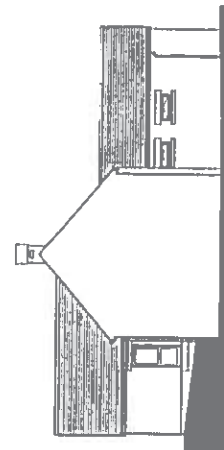
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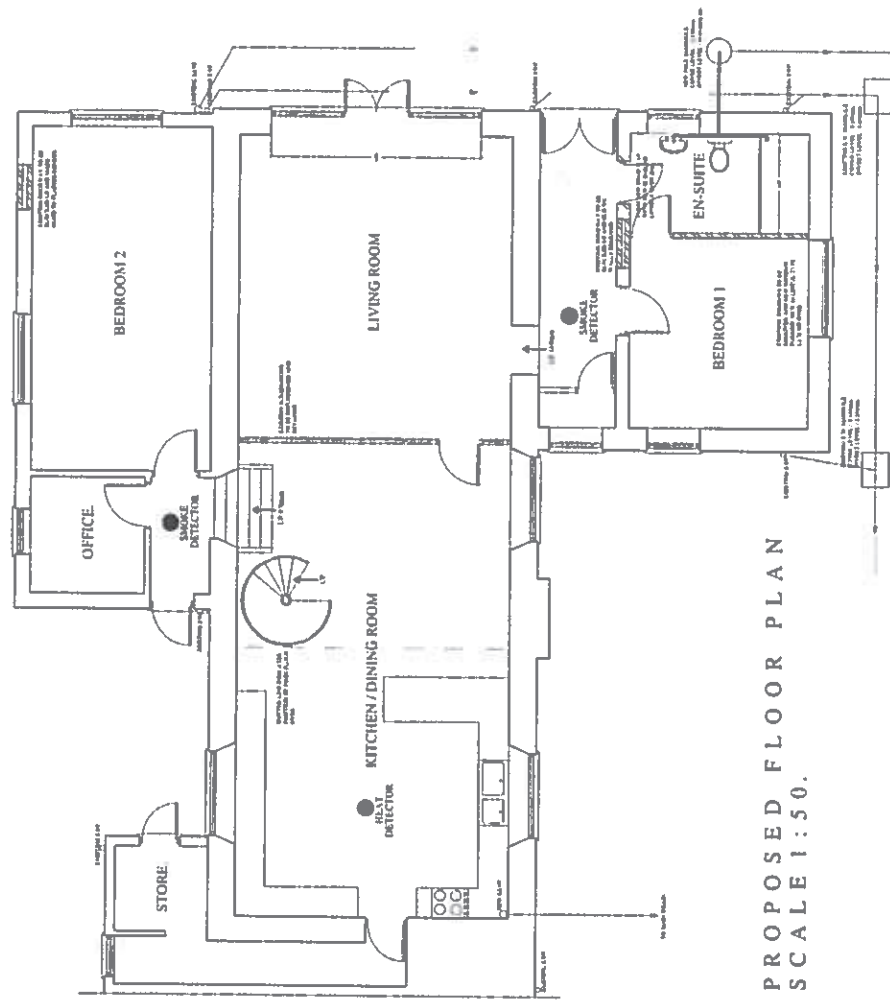
PROPOSED SIDE ELEVATION



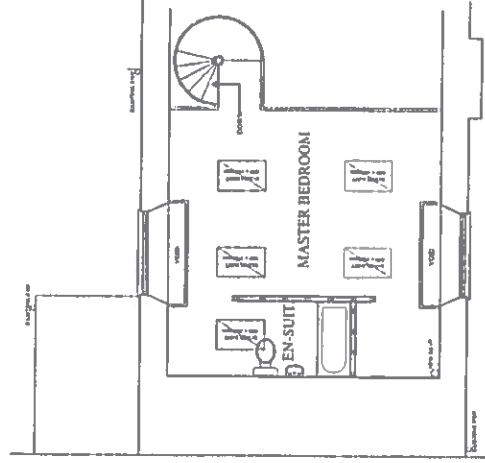
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED FLOOR PLAN
SCALE 1:50.



PROPOSED FIRST FLOOR PLAN
SCALE 1:50.

PLEASE NOTE: THESE PLANS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE ARCHITECT ACCEPTS NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS.

Rev No	Description	Rev By	Rev Date

andrew hannah limited
 CIVIL | STRUCTURAL | ARCHITECTURAL
 4 Dawn Close, Buckley, Flintshire, CH7 2BA
 T: 01244 543181 M: 07761 946642 E: ah.h@andhah.co.uk

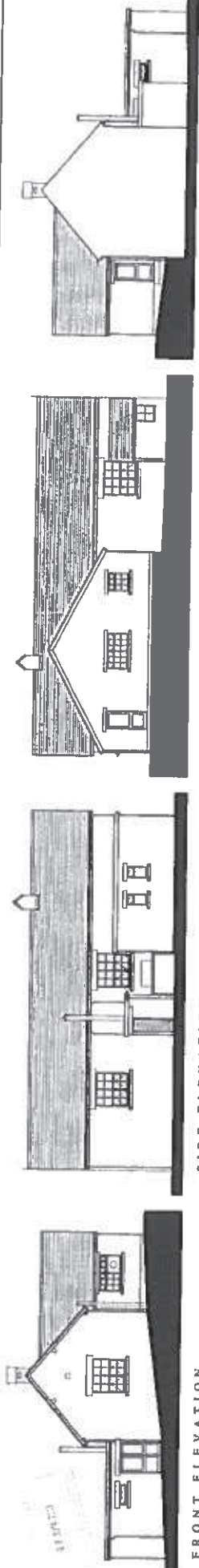
Mr. & Mrs. J. Lewis.

Proposed Change of Use
 At: Former Llanystilio School,
 Llanystilio, Denbighshire

Proposed Plans & Elevations

Drawn No:	1:50, 1:100, 1:1250 @ A1
Client No:	2013/10/A02
Date:	April 2011
Sheet:	7 of 7
Revision:	



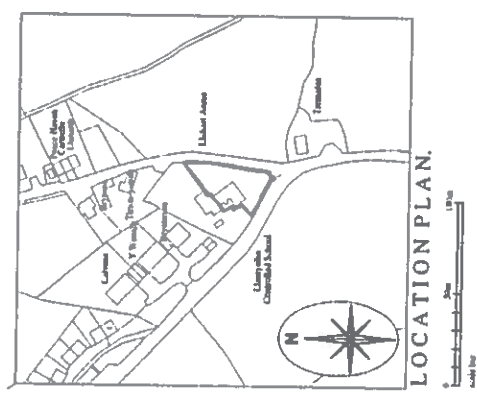


FRONT ELEVATION

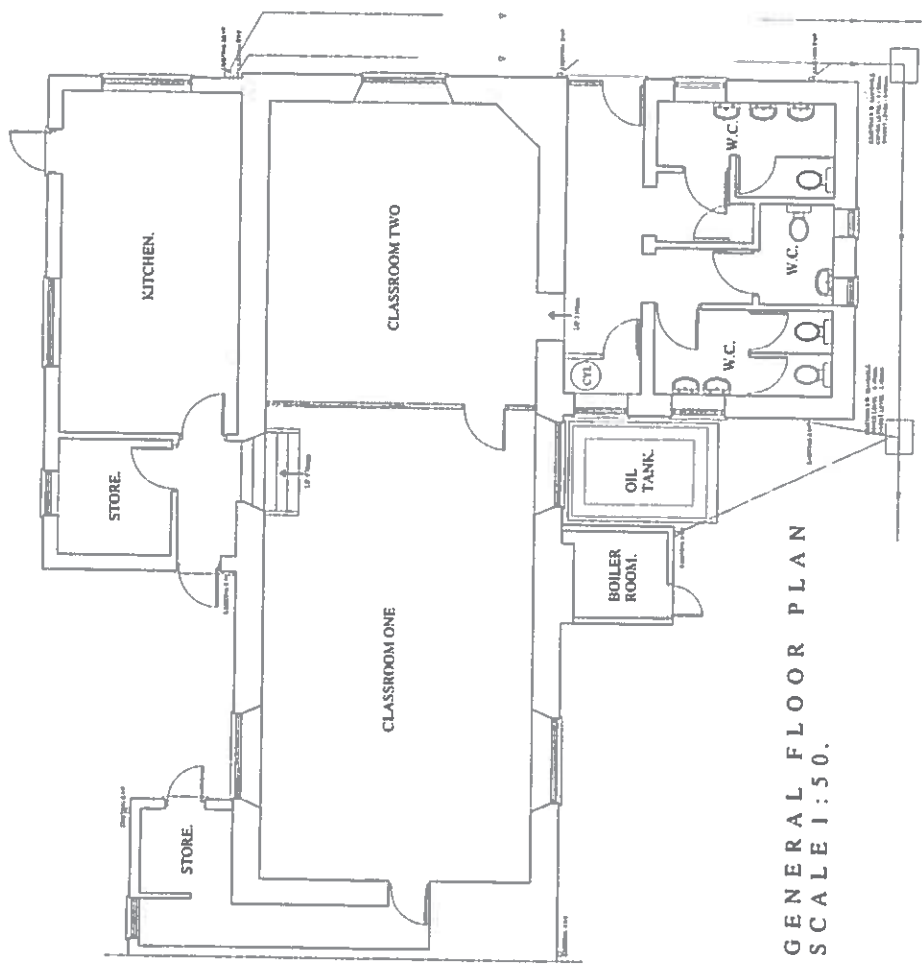
SIDE ELEVATION

SIDE ELEVATION

REAR ELEVATION



LOCATION PLAN.



GENERAL FLOOR PLAN
SCALE 1:50.

Profile	Revision Details	Prop by	Check by	Date

andrew hennett limited
 CIVIL / STRUCTURAL / ARCHITECTURAL
 4 Dawn Close, Buckley, Flintshire, CH7 2BA
 t. 01244 543181 m. 07781 346542 e. ah.h@andhennett.net

Mr. & Mrs. J. Lewis.
 Proposed Change of Use
 At: Former Llanysilio School,
 Llanysilio, Denbighshire
 Existing Plans & Elevations
 & Location Plan. 4 / April 2013

Drawn by:	A. Norman	Date:	April 2013	Sheet:	1 of 7
Scale:	1:50, 1:100 1:250 @ A1	Drawing No:	2013/10/A01	Project No:	



ITEM NO: 7
WARD NO: Llangollen
WARD MEMBER(S): Councillors Stuart Davies and Rhys Hughes
APPLICATION NO: 27/2013/0712/ PF
PROPOSAL: Change of use and conversion of redundant school to form a dwelling
LOCATION: Former Llantysilio School Llantysilio Llangollen
APPLICANT: MrJohn Lewis
CONSTRAINTS: AONB
PUBLICITY UNDERTAKEN: Site Notice - Yes 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:

LLANTYSILIO COMMUNITY COUNCIL:
No response received

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

"This is one of the first rural conversion proposals to be considered under the new LDP policy PSE4 relating to the reuse of rural buildings and the JAC notes that no affordable local need justification appears to have been submitted with the application. However, the JAC has no objection in principle to the conversion of this building to residential use, and considers that the scheme of conversion is sympathetic to the traditional character of the building. The addition of a pitched natural blue/grey slate roof in place of the existing flat roof is particularly welcomed. Given the elevated and prominent nature of the site, boundary treatments will be particularly important and the JAC would emphasise the need to ensure that the existing hedgerow along the eastern boundary is retained. In addition, the overall appearance of the scheme would be enhanced if the existing steel railings which present a rather utilitarian and urban appearance were replaced by raising the existing frontage wall with matching local stone. The committee would also recommend that a condition be attached to remove permitted development rights to ensure that controls are in place to prevent overdevelopment or a significant change in the character of the site."

NATURAL RESOURCES WALES

Concerns over initial submission pending the submission of a bat emergence survey being carried out.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objections subject to the inclusion of conditions relating to the creation and retention of parking/turning areas.

Development Plan and Policy Section

Object on the basis that it has not been demonstrated that an economic use is not viable, and that the proposal is not for affordable housing, as required by Policy PSE 4.

Valuation and Estates Manager

Considers the cost of purchase of the building, and the conversion works as suggested by the applicants are realistic, but that to convert the building for affordable housing purposes is not economically viable, resulting in a financial loss to the developer in the region of £129,000.

Biodiversity Officer

No objections subject to the recommendations in the ecological report being conditioned and followed.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Full planning permission is sought for the conversion of a former school building within the hamlet of Llantysilio.

1.1.2 The scheme of conversion would create a dwelling with 3 bedrooms, a kitchen/diner, lounge and 2 w.c.'s

1.1.3 The gross internal floor space is approximately 175 sqm. Externally the existing school yard to the south of the building would be used for parking and turning, and the yard to the north of the buildings would be grassed garden area.

1.1.4 Access to the site would be via the existing access.

1.2 Description of site and surroundings

1.2.1 The site is located within a cluster of buildings in Llantysilio.

1.2.2 There are residential dwellings to the north and west of the site, and 4 holiday log cabins to the east. Further north of the site, is Llantysilio Mountain. South of the site are open fields and beyond those, the River Dee.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in 'open countryside' and within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. The River Dee and Bala Lake Special Area of Conservation (SAC) lies within 150 metres of the site, and it is within 20 metres of the River Dee Site of Special Scientific Interest (SSSI).

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 For information, it is understood that the building was in use as a County Controlled School until May 2010. Upon its closure as a school, the building reverted back to its owners, the Church of Wales. The County Council have never owned the building, and will not benefit financially from its sale. The Church of Wales are understood to still own the building, and the applicants have an agreed purchase price with the Church of Wales subject to the grant of planning permission.

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 Local Development Plan (adopted 4th June 2013)

Policy PSE 4 – Re-use and adaptation of rural buildings in open countryside

Policy VOE 1 – Key areas of importance

Policy VOE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy BSC 3 – Securing infrastructure contributions from development

Policy BSC 11 – Recreation and open space

3.2 Supplementary Planning Guidance

SPG 4 – Open Space Requirements in New Developments

SPG 7 – Residential Space Standards

SPG 16 – Conversion of Rural Buildings

SPG 18 – Species Protection and Nature Conservation

3.3 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

Technical Advice Notes

Technical Advice Note 5 – Nature conservation and planning (2009)

Technical Advice Note 12 – Design (2009)

Technical Advice Note 18 – Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned, and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity/AONB

4.1.3 Residential amenity

4.1.4 Ecology

4.1.5 Highways (including access and parking)

4.1.6 Employment Use Test

4.1.7 Affordable Housing

4.1.8 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

The proposal is for the conversion of a disused building in the open countryside to a dwelling. LDP Policy PSE 4, Re-use and adaptation of rural buildings in open countryside, allows for such conversions where the scheme of conversion makes a positive contribution to the landscape, any architectural features of merit are retained, it is demonstrated that an employment use is not viable, and the resulting dwelling is affordable for local needs. It is considered that a proposal of this nature would be acceptable in principle subject to assessment of its impacts and compliance with the specific criteria of Policy PSE 4. These are set out in the following paragraphs.

4.2.2 Visual amenity/AONB

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is repeated in Policy PSE 4 which requires conversion schemes to make a positive contribution to the landscape. In this instance the surrounding landscape is a designated Area of Outstanding Natural Beauty. Policy VOE 2 does not support proposals for development within the AONB that would unacceptably harm the character or appearance of the AONB.

The proposal proposes limited external alterations to the existing building. The key alterations would be the rebuilding of the south eastern elevation to introduce additional full height glazing and the replacement of a flat roof extension with one featuring a pitched roof. The AONB Committee have commented that the scheme of conversion is, in their opinion, sympathetic to the traditional character of the building. The AONB also request that additional details of landscaping are required as part of a planning condition to further enhance the appearance of the site within the landscape.

With regard to the specific detailing of the scheme of conversion and the comments of the AONB Committee it is considered that the detailing would enhance the appearance of the building, and the proposal offers opportunities to assimilate what is a prominent site further into the landscape. The proposal is considered acceptable regarding its impact upon visual amenity and the AONB.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. Further guidance on the acceptability of a proposal in terms of the amenity it would provide for occupants is contained in Supplementary Planning Guidance Note 7, Residential Space Standards.

The nearest dwelling to the site is the School House, which is attached to the former school building. Other dwellings in the area are located to the north of the site. Existing dwellings in the area are well screened from the site by existing mature planting. The principal windows of the proposed dwelling would face to the south west and north east. Internally the rooms would be range in size from 15sqm (smallest bedroom) to 45sqm (kitchen diner). The living room would be 35sqm. In total the conversion would provide a gross internal floor area of approximately 175sqm and 3 bedrooms. Externally there would be in excess of 400sqm of garden/parking area.

With regard to the requirements of SPG 7 it is considered that the proposal clearly exceeds the minimum space standards and it is considered that the scheme of conversion would provide adequate amenity for future occupants. It is also considered that given the orientation of the building, it's siting in relation to other dwellings, location of windows and nature of boundary treatments, the use of the building as a dwelling would not result in harm to the residential amenity of occupiers of nearby properties.

4.2.4 Ecology

Policy VOE 1 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 building although bats were present in the surrounding area. Birds were found to be nesting in the building. NRW have indicated the need for a bat emergence survey and the County Ecologist has asked for the recommendations of the ecological survey to be conditioned if permission is granted.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable. It is considered prudent however to attach a note to applicant to advise that all contractors follow a code of best practice and to require the carrying out of an emergence survey prior to works commencing.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The proposal utilises an existing access and no alterations are proposed. The submitted site layout shows a large area allocated for parking and turning. The County Council's Highway Engineer has not raised an objection to the proposal.

It is considered that the proposal is acceptable in terms of its impact upon highway safety, and sufficient parking and turning space can be accommodated within the site.

4.2.6 Employment Use Test

Policy PSE 4 permits conversions of rural buildings to dwelling houses where it is demonstrated that there are no viable alternative employment uses.

The application is accompanied by a statement from a local Estate Agent, which outlines the marketing of the property since October 2011. There was one offer made in December 2011 for the building for use as hostel, but an agreement was not reached. The property has been on the market since that time with no further interest other than for residential purposes. The County Council's Valuation and Estates Manager has confirmed that there is a low demand for commercial uses in this type of location.

Given the statement of the Estate Agent, and in the absence of any evidence to the contrary, it is considered that the building is unlikely to be attractive for, or to come forward as a commercial unit. It is therefore not considered the failure to meet the employment use test is a reasonable ground for refusal.

4.2.7 Affordable Housing

Policy PSE 4 states that where it is accepted that there is no commercial use viable for a rural building it may be converted to a dwelling, but that dwelling must be affordable for local needs.

The requirement for the dwelling to be affordable for local needs has been put to the applicant. The applicant has responded with a detailed argument on the basis that to purchase the building (from the Church of Wales), and the resultant costs of conversion that this would make it an unviable project if the dwelling had to be made available for local affordable needs. The applicant has suggested that the total cost of purchase and conversion would be in the order of £200,000. An approximate price guide for the purchase of an affordable dwelling in this area is £85,000. The applicant suggests that it is unreasonable to expect a developer to undertake a project that would result in a loss of approximately £115,000. The suggested figures have been examined by the County Council's Valuation and Estates Manager who has concluded that they are not unrealistic estimations and reflect a reasonable purchase price of the building. The Valuation and Estates Manager also suggests that the cost of conversion is likely to be in excess of £100,000 alone.

The application raises difficult issues in relation to LDP Policy PSE 4. It is acknowledged that there is a clear need for affordable housing across the whole of the County, as evidenced in deliberations at the recent Local Development Plan Inquiry. Policy PSE 4 has the intention of addressing the shortfall of affordable housing in rural areas. However, it is inevitable that the application of this policy must be flexible, and based on the merits of each individual application. The financial details submitted clearly show conversion and sale or rent for local affordable needs would not be commercially viable even with a significantly reduced purchase price for the building – if the Church of Wales converted the building itself, the cost of conversion would exceed the affordable sale price

by some £15,000. The alternative approach for the Church of Wales to convert the building and rent the dwelling out at an affordable rent would be a long term option, also unlikely to cover the costs of conversion in less than 20 to 25 years. It is therefore considered in this instance that the building is unlikely to come forward as an affordable unit for viability reasons and a high risk that the building would therefore remain empty, and become a problem site within the AONB. In Officer's opinion it would be unreasonable in this instance to insist on provision of an affordable unit.

4.2.8 Open Space

Local Development Plan Policy BSC 3 seeks to secure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

As the current application seeks the creation of an additional unit it is considered appropriate to require the relevant Open Space to be provided. The open space requirement can be subject to the imposition of a suitably worded planning condition to secure the relevant provision.

5 **SUMMARY AND CONCLUSIONS:**

5.1 The report attempts to highlight the specific issues arising with regard to Policy PSE 4. It acknowledges the basis of the policy but that there are other material considerations relating to this application which must be taken into account alongside the need to provide affordable dwellings in the open countryside.

5.2 In this case, the arguments of viability cannot be ignored and such arguments strongly indicate that if the Local Planning Authority were to insist on the dwelling being for affordable local needs only, the scheme would not proceed and the building would most likely be left empty.

5.3 There is a need to balance the need to provide affordable housing and the need to preserve/enhance the character of the area/AONB. In this instance, with a high possibility of the building not coming forward as an affordable dwelling it is considered reasonable to grant permission in the interest of avoiding future harm to the character of the AONB.

RECOMMENDATION: GRANT - subject to the following conditions:-

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

2. **PRE-COMMENCEMENT CONDITION**

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

3. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

4. **PRE-COMMENCEMENT CONDITION**

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

(a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

(b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;

(c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.

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

6. Notwithstanding the provisions of Classes A, B & C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or

without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.

7. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the mechanism for meeting the requirements of the Local Planning Authorities policy for provision of recreational open space in conjunction with the development has been agreed in writing by the Local Planning Authority.

8. PRE-COMMENCEMENT CONDITION

No development shall take place until a bat emergence survey has been undertaken by a suitably qualified ecologist. Any works/mitigation measures recommended by that survey shall be undertaken prior to commencement of any building works.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interests of residential and/or visual amenity.
7. In the interest of providing public open space.
8. To ensure no harm is caused to protected species

NOTES TO APPLICANT:

You are advised that the Local Planning Authority has granted this permission solely on the basis that the proposal involves the conversion of the building to a dwelling, to be carried out strictly in accordance with the approved plans. Any alteration or demolition work deviating from that shown on the approved plans, unless agreed by the Local Planning Authority, involving the rebuilding of part or all of the outbuilding will invalidate the planning permission.

The Biodiversity Officer had advised your attention should be drawn to the following:

Please ensure the recommendations in addendum species surveys are incorporated, these relate to the installation of bat and bird friendly features into the conversion as a positive conservation measure and the following advice be followed:

1. Slates, ridge tiles/finishers, abutment flashings, door frames and window frames, structural members, lintel bearings, purlins or wall plates where these are involved, are all removed by hand where possible and with care to ensure that no torpid or hibernating bats are injured during the works. Similarly, defects to structural masonry should be lowered to prevent torpid / hibernating bats being injured.
2. This type of work should be conducted between November and end of March where possible to avoid potential disturbance to breeding bats.
3. If torpid or hibernating bats are uncovered at any time during the works, works must stop immediately and further advice sought from a licensed bat worker.

As birds nests were recorded, all work should be scheduled to avoid the bird nesting season (March to September) and compensation for lost nests will need to be provided within the conversion.

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel 01824 706800 Fax: 01824 706709

Heading
43/2013/0589/PF
Rear 91 Victoria Road
adj 3 Vic Park Avenue, Prestatyn

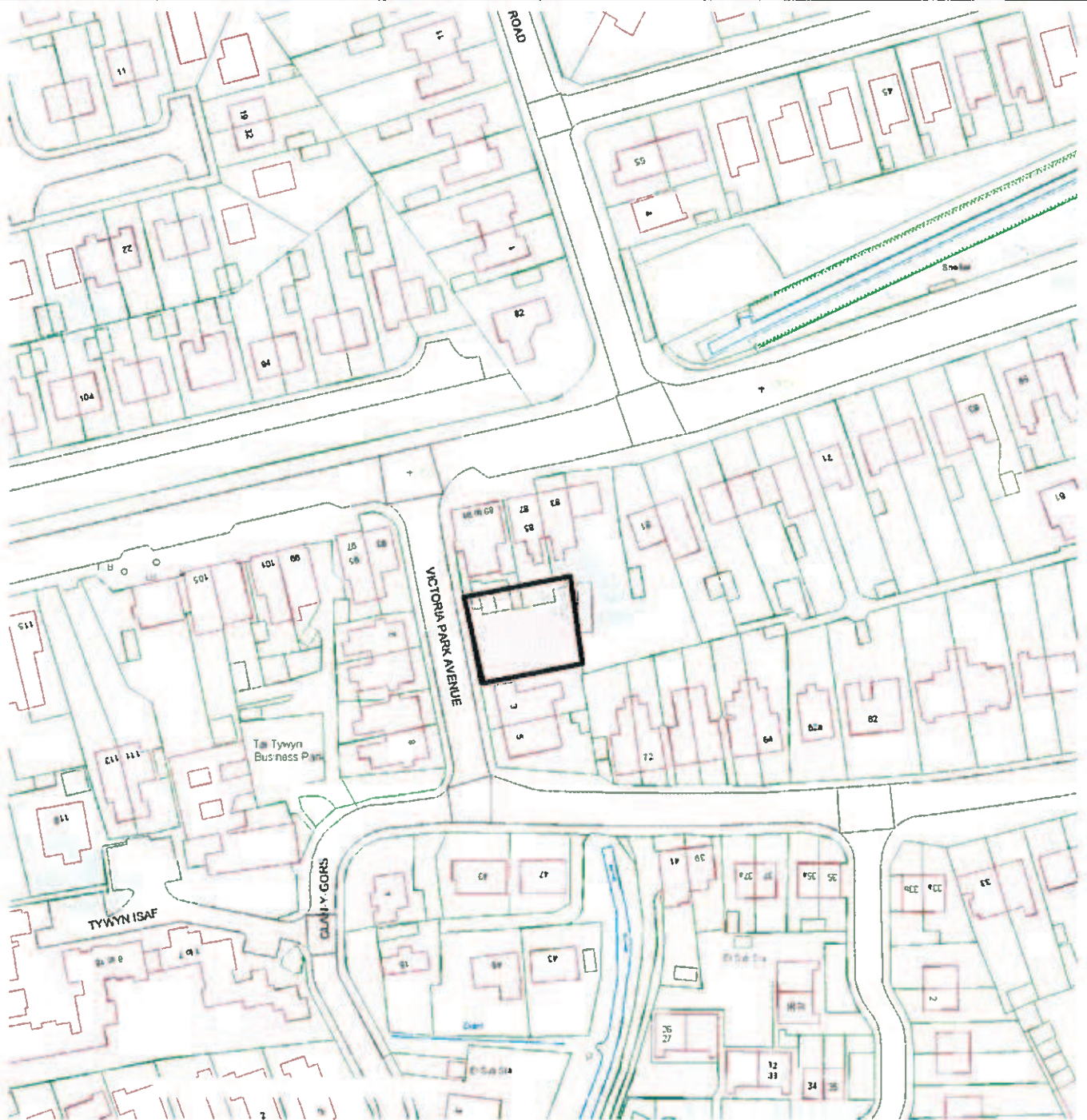
8

 Application Site



Date 2/10/2013 Scale 1/1250
Centre = 305983 E 383090 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 a'n Rheolwr Llyso, Ei Hawrhdy.
© Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at brosesau cyhoeddus. Cyngor Sir Ddinbych. 100023408. 2011

PROPOSED SITE PLAN

43 / 2013 / 0589 / PF



REVISED PLAN

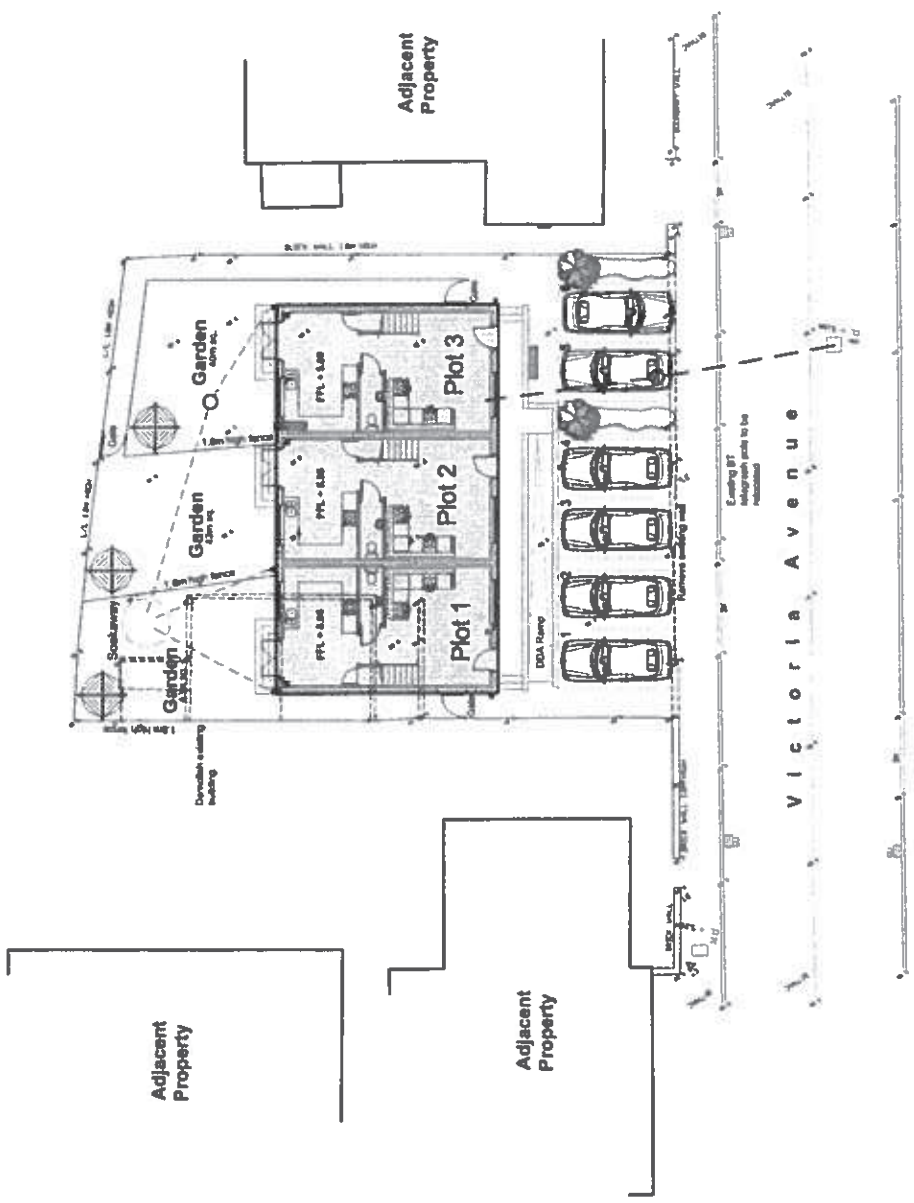
Design Key:

- Full Water Drain - (Proposed)
- - - Surface Water Drain - (Proposed)
- Manhole / Inspection Chamber
- Soakaway

Note:
Drainage Design and Layout is Indicative. Actual Drainage Lines, Inlets and Connectors to be confirmed on site by Contractor and agreed with Building Inspector and designed by Structural Engineer

- ☉ External Drying Area
- ▬ Cycle Rack
- ☼ Low Level Planting / Landscaping

COUNCIL
APPROVED
12 SEP 2013
DENOUGH
PLANNING SERVICES



Proposed Site Plan



BR Architecture
2 Chatsworth Close, Rhos-on-Sea
Cobryn Bay, Conwy LL28 4DE
T - 07789 175903
E - info@brarchitecture.com
W - www.brarchitecture.com

Client: Mr & Mrs D. Jarvis
Location: Land at 71 Victoria Avenue, Prestatyn, Denbighshire.
Scale: 1:200 **Paper:** A3 **Date:** Apr. 2013
Drawing No: BR:Jarv:D01A

Project: 3 x New Build Houses (3 Bed Terrace)
Drawing Title: Proposed Site Plan (Planning Application Drawing)

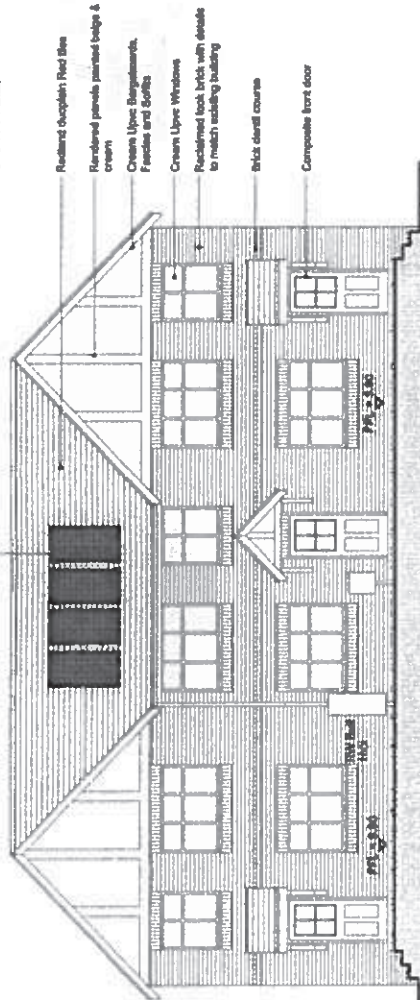
Remarks:
A - Finished Floor raised by 100mm to 50.90m A.C. Car Parking confirmed for 2 spaces per Dwelling - 12/9/2013
Scale: 1:200
0m 10m 20m
Scale Bar - 1:200

Checker:

PROPOSED ELEVATIONS

43 / 2013 / 0589 / PF

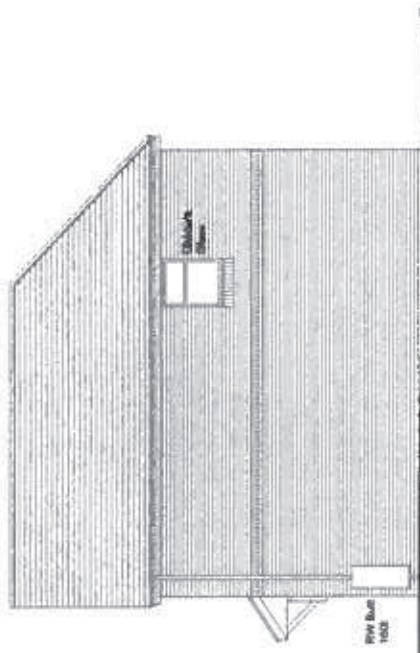
Solar / PV Panels



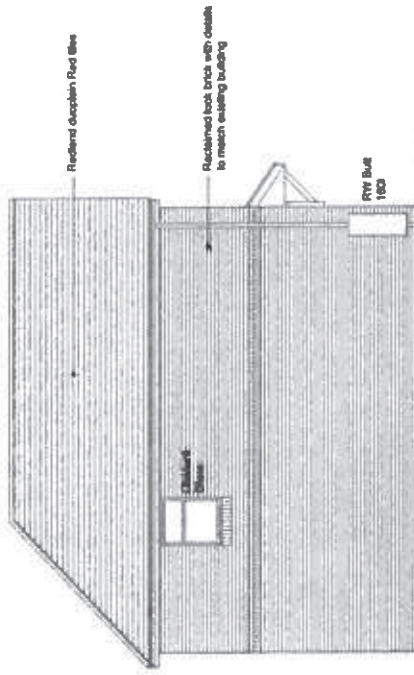
REVIS'D PLAN

Proposed Front Elevation

RECEIVED
12 SEP 2013
DENBIGH
PLANNING SERVICES



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation



BR Architecture
2 Chalworth Close, Rhos-on-Sea,
Colwyn Bay, Conwy, LL28 4DE
1 - 07769 175903
E - info@brarchitecture.com
W - www.brarchitecture.com

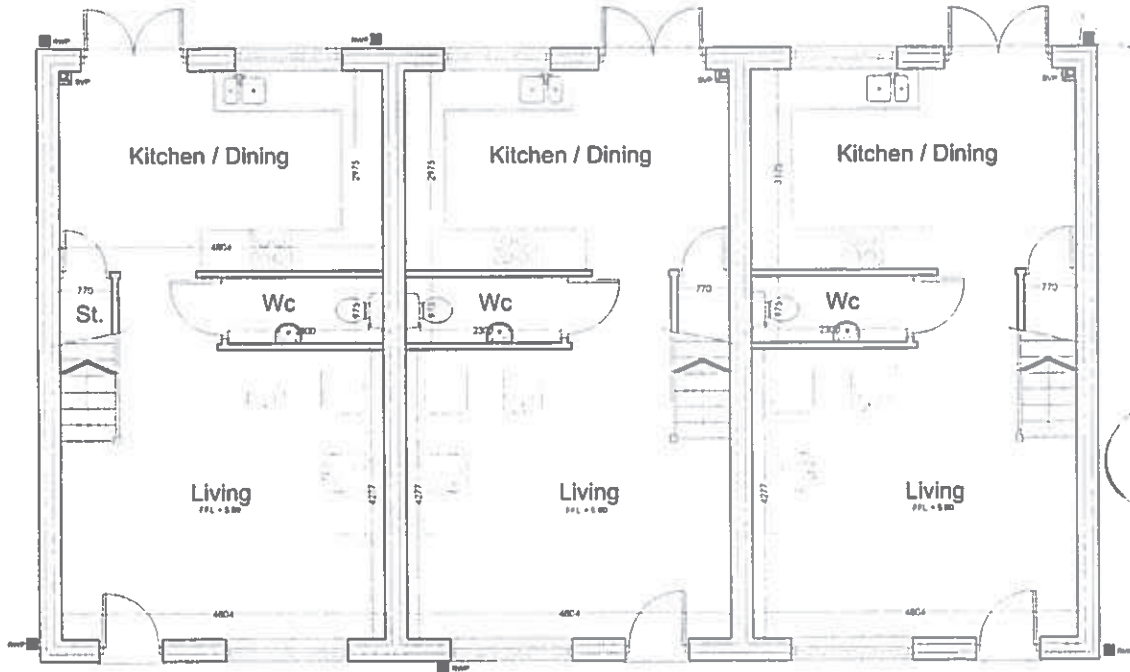
Client: Mr & Mrs D. Jarvis
Location: Land at 71 Victoria Avenue, Prestatyn, Denbighshire.
Scale: 1:100 **Paper:** A3 **Date:** Apr. 2013
Drawing No: BR:Jarv:D06A

Project: 3 x New Build Houses (3 Bed Terrace)
Client: Proposed Elevations (Planning Application Drawing)

Revision:
A - Finished Floor raised by 100mm to 50.90m - 12/9/2013

Scale Bar - 1:100

PROPOSED FLOOR PLANS 19 / P F

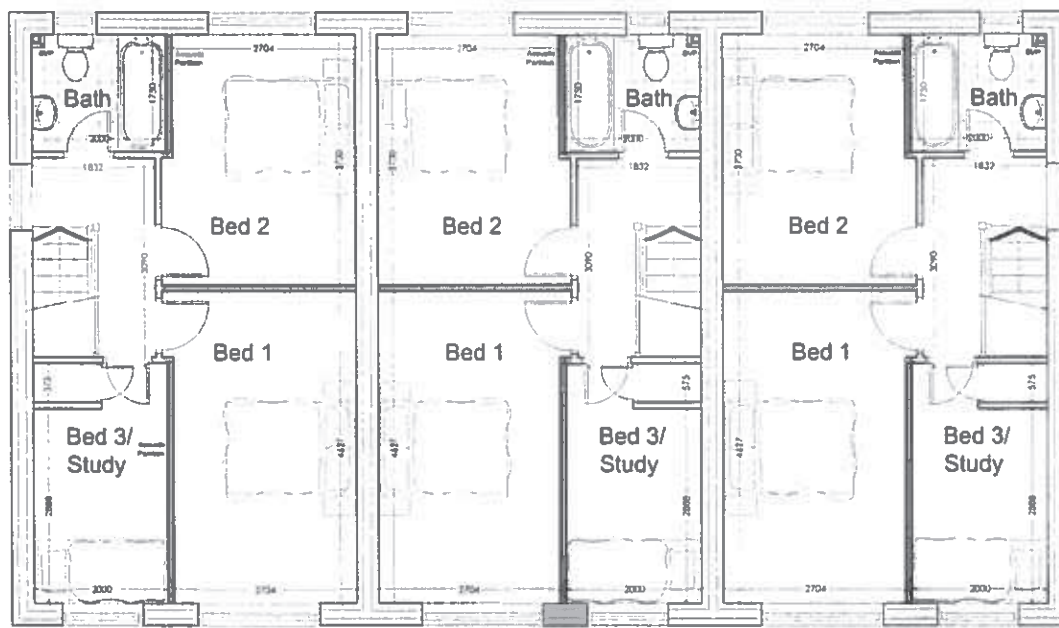


Proposed Ground Floor Plan



	19 - Proposed Floor Plan by 11/08/13 50 mm 1/80 (7/13)	Project: 3 x New Build Houses (3 Bed Terrace)	Client: Mr & Mrs D. Jarvis	BR Architecture 2 Chatsworth Close, Kibson-on-Sea, Colwyn Bay, Conwy, LL28 4DE T: 07789 175903 E: info@brarchitecture.com W: www.brarchitecture.com
	Scale Bar - 1:80	Proposed Ground Floor Plan (Planning Application Drawing)	Location: Land at 71 Victoria Avenue, Prestatyn, Denbighshire.	

13 / 2013 / 0589 / P F REVISED PLAN



Proposed First Floor Plan



	13 - Proposed Floor Plan by 11/08/13 50 mm 1/80 (7/13)	Project: 3 x New Build Houses (3 Bed Terrace)	Client: Mr & Mrs D. Jarvis	BR Architecture 2 Chatsworth Close, Kibson-on-Sea, Colwyn Bay, Conwy, LL28 4DE T: 07789 175903 E: info@brarchitecture.com W: www.brarchitecture.com
	Scale Bar - 1:80	Proposed First Floor Plan (Planning Application Drawing)	Location: Land at 71 Victoria Avenue, Prestatyn, Denbighshire.	

ITEM NO: 8
WARD NO: Prestatyn North
WARD MEMBER(S): Councillors Carys Guy, Jason McLellan, Paul Penlington
APPLICATION NO: 43/2013/0589/ PF
PROPOSAL: Demolition of former bakehouse, erection of terrace of 3 no. dwellings and construction of a new vehicular access
LOCATION: Land rear of 91 Victoria Road adjacent to 3 Victoria Park Avenue Prestatyn
APPLICANT: Anvis Ltd.
CONSTRAINTS: C1 Flood Zone
PUBLICITY UNDERTAKEN: Site Notice - NoPress Notice - NoNeighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

'Object'

'Lack of onsite parking, adverse impact on immediate neighbours including loss of light. Bakehouse of solid historical significance. Proposal would lead to over intensification of properties on site. Difficult lighting/access and egress'

NATURAL RESOURCES WALES

No objection subject to condition requiring minimum Finished Floor Levels (FFL)

DWR CYMRU / WELSH WATER

No objection

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection. Request photographic survey of traditional building of architectural interest in order to provide a record of the building prior to demolition

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

Highways Officer

No objection subject to conditions relating to exact details of access and details of proposed hard standing materials

Biodiversity Officer

No objection subject to proposed mitigation measures being followed

Affordable Housing Officer

Recommend commuted sum of 10% is required. The waiting list for social housing for a town of Prestatyn's size is high, however there is a low demand for low cost home ownership. 992 households on social housing waiting list in Meliden/Prestatyn. 4 applicants for low cost home ownership and affordable rental in the area as first choice. 4 applicants as second and third choice.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mrs. H. Jones, 3, Victoria Park Avenue, Prestatyn

Summary of planning based representations in objection:
Impact on Residential Amenity - Loss of privacy and light
Highways impact - impact on parking in the locality

EXPIRY DATE OF APPLICATION: 14/07/2013

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for the erection of 3no. 3 bed dwellings and the construction of a new vehicular access.

1.1.2 The proposals also include the demolition of a former bake house that is located on the site.

1.1.3 The details are shown on the plans at the front of the report.

1.2 Description of site and surroundings

1.2.1 The site is a former commercial site containing a redundant former bake house building.

1.2.2 The area is predominately residential with a mixed use shop/ residential property bounding the application site to the north.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within a C1 flood zone as shown on NRW flood risk mapping.

1.3.2 The site is within the development boundary as defined in the Local Development Plan.

1.4 Relevant planning history

1.4.1 The site has had outline planning permission in 2000 for the erection of 2no. dwellings and the demolition of the bake house.

1.5 Developments/changes since the original submission

1.5.1 Amended plans have been submitted to raise Finished Floor Levels to respond to a holding objection from NRW and additional off road parking has also been added to provide 2no. spaces per dwelling.

1.5.2 The original submission made arguments that contributions to affordable housing and open space should not be required on viability grounds. Following negotiations it has been agreed that contribution requirements will be met.

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 43/1999/0903 Residential development of 0.025ha of land and construction of new vehicular access (outline application) GRANTED 24/02/2000

2.2 43/2010/1069 Development of 0.045 hectares of land by the erection of 2no. dwellings and demolition of former Bakehouse (outline application - all matters reserved) GRANTED 11/05/2011

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD 1 - Sustainable Development and Good Standard of Design

Policy BSC 2 - Brownfield Development Priority

Policy BSC 3 - Securing Infrastructure Contributions from Development

Policy BSC 4 - Affordable Housing

Policy BSC 11 - Recreation and Open Space

Policy VOE 5 - Conservation of Natural Resources

Policy ASA 3 - Parking Standards

3.1 Supplementary Planning Guidance

SPG 1 - Extensions to Dwellings

SPG 7 - Residential Space Standards

SPG 24 - Household Development Design Guide

3.2 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Ecology

4.1.5 Drainage (including flooding)

4.1.6 Highways (including access and parking)

4.1.7 Affordable Housing

4.1.8 Open Space

4.1.9 Density of development

4.1.10 Sustainability including codes and water management

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development

in towns as BSC1, which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries. Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria.

The proposals are therefore considered acceptable in principle within a town such as Prestatyn.

4.2.2 Visual amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

The proposed dwellings would be formed from a 3 unit terrace. The roof of the development would be hipped to the side and rear and 2no. gable features would project to the front. Materials would include reclaimed brick to match the appearance of the existing bake house, red tile roof and cream uPVC windows and doors.

Having regard to the design, siting, scale, massing and materials of the proposed dwelling, in relation to the character and appearance of the site itself, the locality and landscape, it is considered that the proposals would comply with the requirements of the policies listed above, and would not therefore have an unacceptable impact on visual amenity.

4.2.3 Residential amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. SPG 1 states that no more than 75% of a residential property should be covered by buildings and that of a site is covered by 40m² of amenity space is provided. SPG 7 specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings and also sets out minimum standards in relation to internal space.

The proposed units meet the minimum space requirements set out in SPG 1 and SPG 7. Only obscure glazed windows are proposed to the first floor side elevation of the properties. The properties would be set back in the site by 7m. The rear of neighbouring properties from 85 - 91 Victoria Road face onto the proposed development site. The side elevation of the bungalow at 3 Victoria Park Avenue also faces onto the development site.

The Town Council's concerns in relation to the impact on residential amenity are duly noted. However, having regard to the existing structure, former use, previous permissions, separation distances, siting within the plot and orientation/obscure glazing of windows it is not considered that the proposed development would have an unacceptable impact in relation to the residential amenity of neighbouring properties. The proposed units meet the minimum standards set out in supplementary guidance and it is therefore considered that the amenity standards of the proposed dwellings would not be unacceptable.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new

opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

A protected species survey has been submitted and the biodiversity officer has raised no objections subject to the recommendations being followed.

The proposals are therefore considered acceptable in relation to impact on ecology subject to condition.

4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

The site lies within a C1 Flood zone. Floor levels have been adjusted in accordance with recommendations of NRW. The application is accompanied by a Flood Consequence Assessment.

NRW have removed a holding objection following alterations to the FFL of the development. The proposals are now therefore considered to be acceptable in relation to flood risk.

4.2.6 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highways Officer has considered that the proposed parking and access arrangements are acceptable having regard to existing facilities.

It is therefore considered that the proposals would not have an unacceptable highways impact.

4.2.7 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing by way of financial contribution on developments of less than 10 residential units.

3 no. residential units are proposed and following negotiations the applicant has confirmed a willingness to comply with this requirement.

The proposals are therefore considered acceptable in relation to affordable housing contribution subject to contributions being secured through condition.

4.2.8 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The proposal includes the creation of 3no. residential units, hence arrangements for open space provision are required.

It is considered that the proposals would be acceptable in relation to open space policy subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

4.2.9 Density of development

Local Development Plan Policy RD 1 test (ii) requires due consideration of the efficiency of use of land through achieving a suitable density of residential development, referring to a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density.

The proposed development would equate to 60 dwellings per ha.

The proposals meet the minimum density requirements and are therefore considered acceptable in relation to this test.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposals are acceptable in relation to the relevant policies and guidance and are therefore recommended for grant

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of all Class(es) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
3. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved by, the local planning authority. The resulting digital photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.
4. All development will take place in accordance with the recommendations set out within the submitted bat mitigation recommendations unless otherwise agreed in writing by the Local Planning Authority.
5. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
6. Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes.
7. Prior to the development being brought into use the surface of the parking area shall be paved with concrete or bituminous material or as otherwise agreed in writing by the Local Planning Authority.
8. The development shall not begin until arrangements for the provision of affordable housing as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been submitted to and approved in writing by the Local Planning Authority.
9. The development shall not begin until arrangements for the provision of Open Space as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has 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. In the interests of residential and visual amenity.
3. In the interests of investigation and recording of historic/listed buildings.
4. In the interest of preserving the conservation status of protected species.
5. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. In the interest of highway safety.
8. In the interest of compliance with adopted affordable housing policies.
9. In the interest of compliance with adopted open space policies.

NOTES TO APPLICANT:

Your attention is drawn to the attached ecological advisory notes.
 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.
 Your attention is drawn to the attached Welsh Water Advisory Notes.
 Condition No. 3 of this permission requires the carrying out of a photographic survey. The applicant is expected to pay for and complete the photographic survey. Professional photographers may be used where access to a camera or technical difficulties are encountered but the applicant should be aware that this will significantly increase the cost of the survey.

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

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

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

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

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

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

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

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

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

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Heading:

43/2013/0954/PS
Land off Graham Avenue
Meliden, Prestatyn

9

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

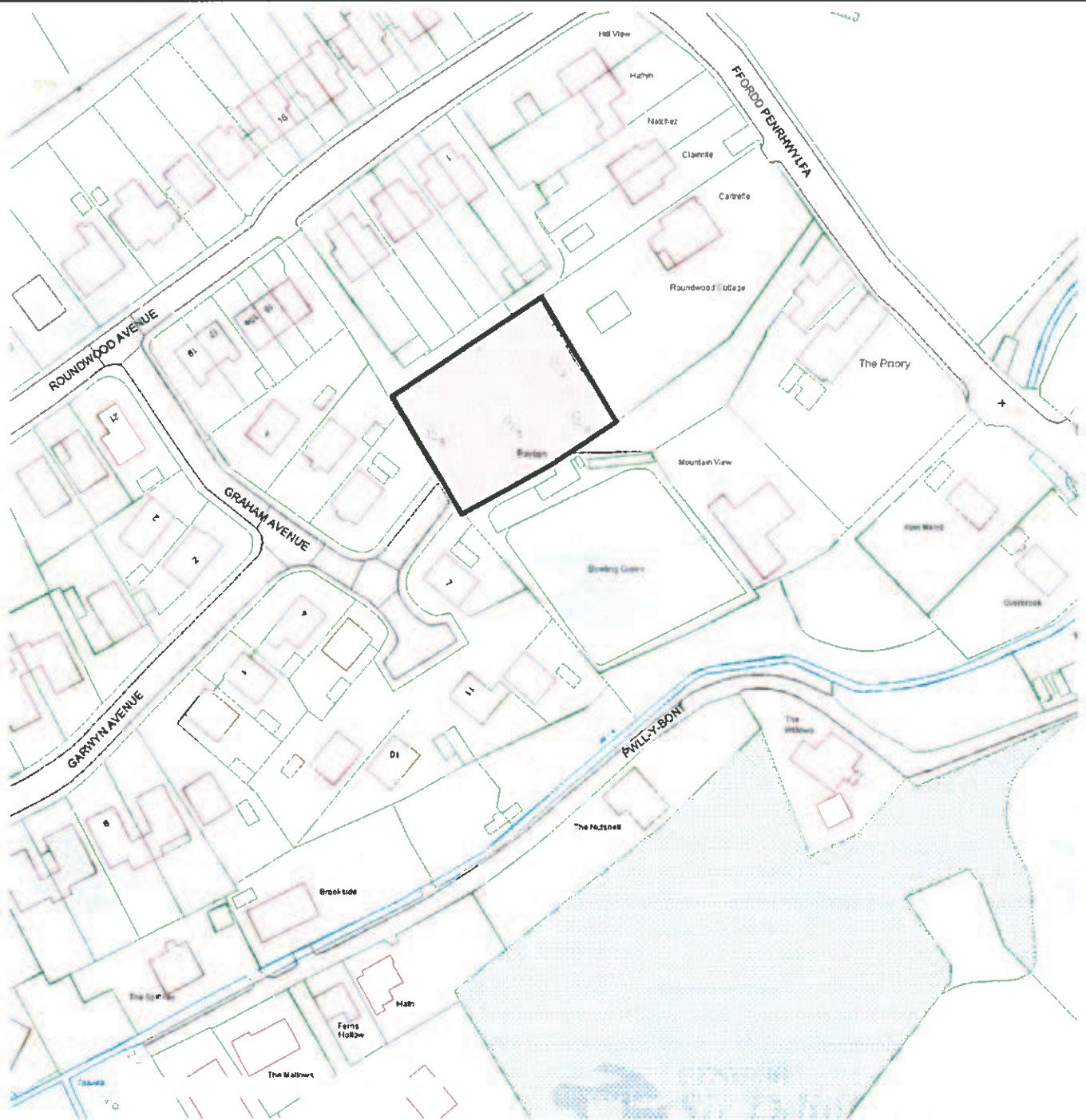
Tel 01824 706800 Fax: 01824 706709

 Application Site



Date 2/10/2013 Scale 1/1250
Centre = 305837 E 381251 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.



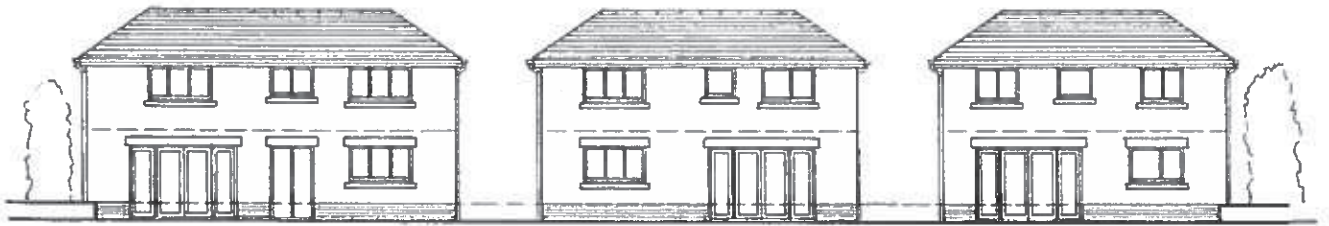
INDICATIVE PLANS

43 / 2010 / 1056 / P 7

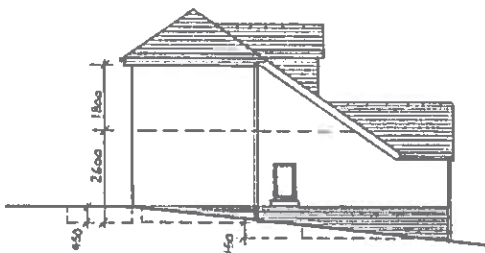
PROPOSED ELEVATIONS 1:100



SOUTH



NORTH

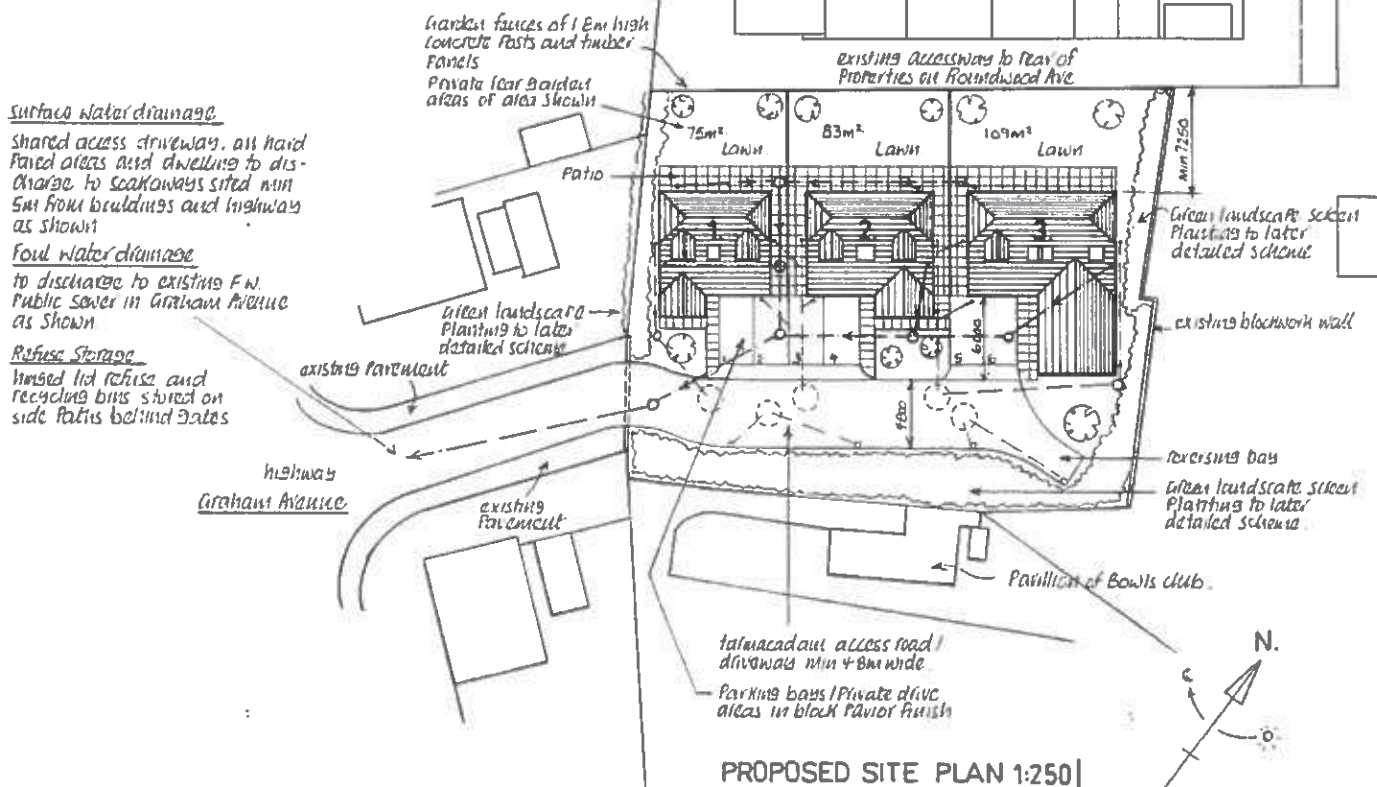


TYPICAL SIDE VIEW

Proposed External Finishes
 Roof to be natural blue mineral slate with charcoal grey ridge tiles etc.
 Black UPVC rainwater goods, white UPVC fascias and bargeboards etc.
 Slate hanging to vertical face of dormers
 Walls to be cream coloured render with facing brick piers
 Doors and windows etc to be white UPVC with coloured precast concrete cill and lintel detail as shown

PROPOSED RESIDENTIAL SCHEME LAND AT GRAHAM AVE DG2

INDICATIVE ONLY
 RECEIVED 18 AUG 2010
 CALEDONIAN RECEPTION



PROPOSED SITE PLAN 1:250

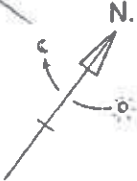
Surface Water Drainage
 shared access driveway, all hard paved areas and dwellings to discharge to soakways sited min 5m from buildings and highway as shown

Foul Water Drainage
 to discharge to existing F.W. Public Sewer in Graham Avenue as shown

Refuse Storage
 lidded lid refuse and recycling bins stored on side patios behind gates

highway
Graham Avenue

tarmac/adam access road / driveway min 4.8m wide
 parking bays / private drive areas in block paving finish



ITEM NO: 9

WARD NO: Prestatyn Meliden

WARD MEMBER(S): Councillor Peter Evans

APPLICATION NO: 43/2013/0954/ PS

PROPOSAL: Variation of condition no. 3 of outline planning permission code no. 43/2010/1056 to extend the time period by a further two years to obtain approval of reserved matters

LOCATION: Land off Graham Avenue Meliden Prestatyn

APPLICANT: Anwyl Construction Co. Ltd.

**CONSTRAINTS:
PUBLICITY
UNDERTAKEN:** Site Notice - NoPress Notice - NoNeighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Objection. Developer should comply with approved timescales for this development".

RESPONSE TO PUBLICITY:

In objection

Representations received from:

K. Ashton, 4, Graham Avenue, Meliden

Summary of planning based representations in objection:

Unhappy at the ongoing delays to this development and the condition of the partly removed wall.

EXPIRY DATE OF APPLICATION: 25/9/2013

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks to vary a planning condition which was imposed on a 2010 outline planning permission for the development of 0.12ha of land for residential development. The condition relates to the submission period for the details of the development (the 'reserved matters'), which was set at the standard 3 years by Condition 3 on the 2010 permission.

1.1.2 The 3 year period for submission of the reserved matters set in the planning condition expires on 27th October 2013 and the applicant is seeking an additional 2 years to obtain the relevant approvals. The applicant has advised that the purchase of the site has not yet been completed, and if this process is successful there is insufficient time remaining to submit all of the necessary details within the time defined by Condition 3.

1.2 Description of site and surroundings

1.2.1 The application site comprises a rectangular area of land measuring 0.12ha within the settlement of Meliden. To the northern, eastern and western boundaries of the site are existing residential properties on Roundwood Avenue, Ffordd Penrhwyfya and Graham Avenue which comprise a mixture of both single and 2 storey developments. To the southern boundary there is a bowling green and clubhouse.

1.2.2 The site slopes in a southerly and westerly direction and contains a number of trees.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Meliden.

1.4 Relevant planning history

1.4.1 The site has outline planning permission for residential development granted in October 2010. Full details are provided in the sections following.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 In March 2013 a full ecological assessment of the site was submitted and approved in accordance with a condition on the outline planning permission. This allowed for the site to be cleared in order to undertake investigation works and this also required the removal of a section of wall at the end of Graham Avenue to gain access. No development works have been undertaken on the site and a temporary fence has been put in place to secure the site.

2. **DETAILS OF PLANNING HISTORY:**

43/2010/1056/PO Development of 0.12ha of land by erection of 3no. dwellings and construction of new vehicular access (outline application – All matters reserved) GRANTED at Planning Committee 27th October 2010.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
 - Policy RD 1 Sustainable Development and Good Standard Design
 - Policy BSC 1 Growth Strategy for Denbighshire
 - Policy BSC 4 Affordable Housing
 - Policy BSC 11 Recreation and Open Space
 - Policy ASA 3 Parking Standards

3.2 Supplementary Planning Guidance

- Supplementary Planning Guidance 2: Landscaping in New Developments
- Supplementary Planning Guidance 4: Recreational Open Space
- Supplementary Planning Guidance 6: Trees and Development
- Supplementary Planning Guidance 21: Parking Standards
- Supplementary Planning Guidance 22: Affordable Housing

3.3 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

Technical Advice Notes

TAN 12 Design

TAN 22 Planning for Sustainable Buildings

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the

means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle of the development (taking into account the current LDP planning policy position and relevant planning history)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages.

The site is located within the development boundary of Meliden in the adopted Local Development Plan where the principle of residential development is considered acceptable.

Whilst respecting the concerns of the Town Council and local resident over the delay in carrying out the development, and the condition of the partly removed wall which it is considered could lead to planning blight and an eyesore within community, the principle of residential development in this location is consistent with the Council's adopted plan, and in Officers opinion, to allow an additional 2 years to obtain reserved matters approval is wholly reasonable and should be acceptable.

Other Material Considerations

Regard should be had to any changes in circumstances on site or legislative changes since the original granting of planning permission. In this respect, Officers view is that there have been no significant changes which would warrant refusal of a request for an extension to the period of 2 years for reserved matters approval to be obtained. If Committee agree to the application, it will be necessary to attach all of the other relevant planning conditions previously imposed.

5. SUMMARY AND CONCLUSIONS:

5.1 There are no significant changes in policy or circumstances since the grant of outline planning permission in 2010 that suggest a 2 year extension to submit approval of reserved matter details would be unreasonable.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before 27th October 2015.
2. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
4. Vehicular access to the site shall be obtained along the Graham Avenue highway and no other means of vehicular access shall used at any time.
5. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
6. **PRE-COMMENCEMENT CONDITION** Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.
7. **PRE-COMMENCEMENT CONDITION**
The development shall not begin until arrangements for the provision of affordable housing as part of the development, in accordance with the Council's Policies and Supplementary Planning Guidance, has been

submitted to and approved in writing by the Local Planning Authority. Where provision is to be made on site, the affordable housing shall meet the definition in Annex B of TAN 2 :Planning & Affordable Housing (2006) or any future guidance that replaces it.

8. Foul water and surface water discharges shall be retained separately from the site.
9. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local planning Authority.
10. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
11. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
12. The development shall be carried out strictly in accordance with the recommendations of the ecological report.
13. The proposed site plan has been treated for illustrative purposes only and does not form part of this permission.
14. None of the dwellings shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
15. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 6 credits under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide April 2009. The development shall be carried out entirely in accordance with the approved assessment and certification.
16. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that the minimum Code for Sustainable Homes Level 3 and a minimum of 6 credits under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 2009.
17. Prior to the occupation of any individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 6 credits under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 2009.

The reason(s) for the conditions(s) is(are):

1. To comply with the terms of outline planning permission code 43/2010/1056/PO
2. The application is for outline permission with details of means of access only.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In the interests of the amenities and highway safety of the locality .
5. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. To ensure suitable access for the disabled to the building.
7. In order to ensure an adequate supply of affordable housing in accordance with the Council's current planning policies
8. To protect the integrity of the public sewerage system.
9. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
10. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
11. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
12. To ensure all reasonable steps are taken to limit disturbance to wildlife.
13. For the avoidance of doubt.
14. To ensure satisfactory drainage system.

15. To ensure the development complies with Welsh Assembly Government Guidance on Sustainable developments.
16. To ensure the development complies with Welsh Assembly Government Guidance on Sustainable developments.
17. To ensure the development complies with Welsh Assembly Government Guidance on Sustainable developments.

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OVERVIEW OF CABLE ROUTE & SUBSTATION LOCATION

DETAILS CAN BE VIEWED ONLINE AND ON THE APPLICATION FILE

Figure 1.3: Project cable landfall, onshore cable route, substation and National Grid substation, where the energy generated by the Project will ultimately connect

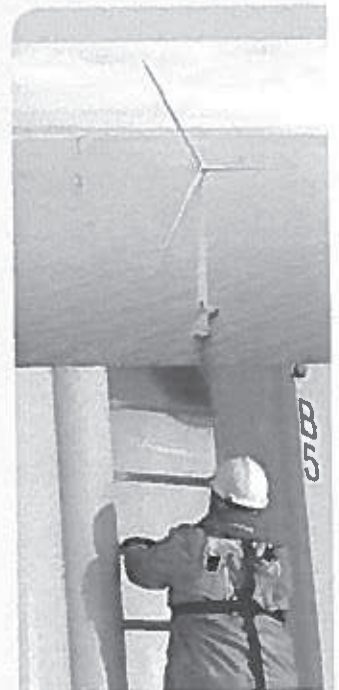
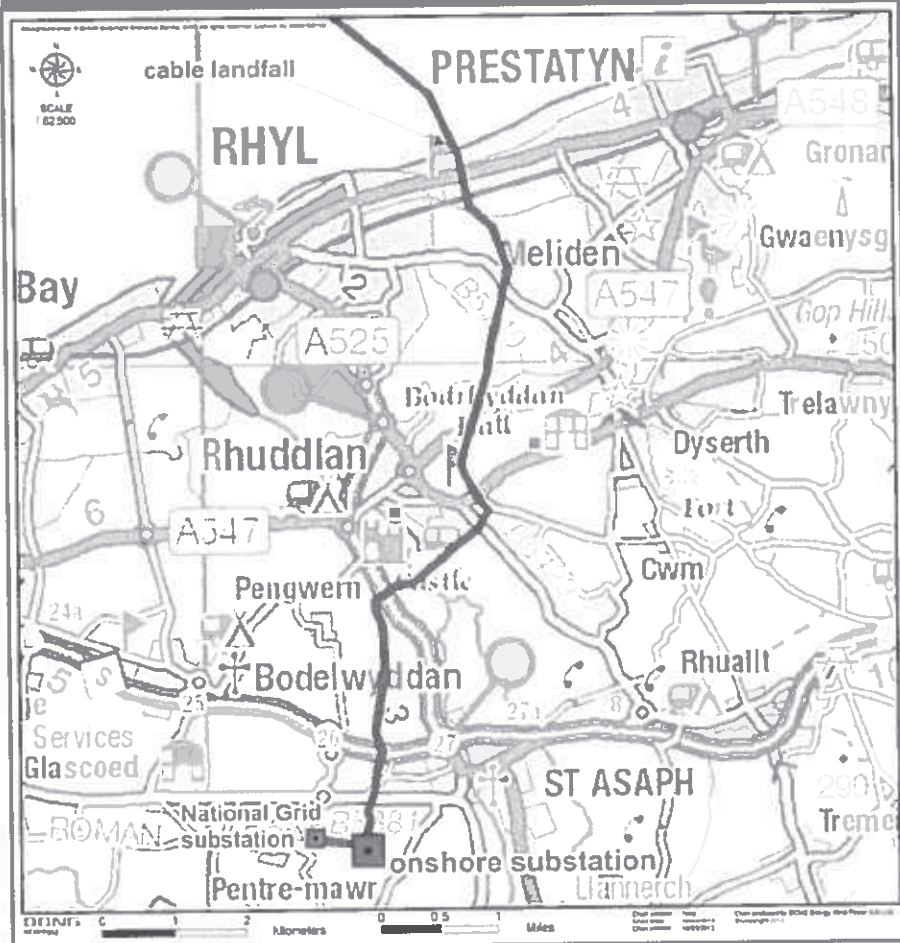


Figure 1.2:

Project site, export cable route (offshore and onshore) leading to the onshore substation and final grid connection

ELEMENTS OF THE SCHEME

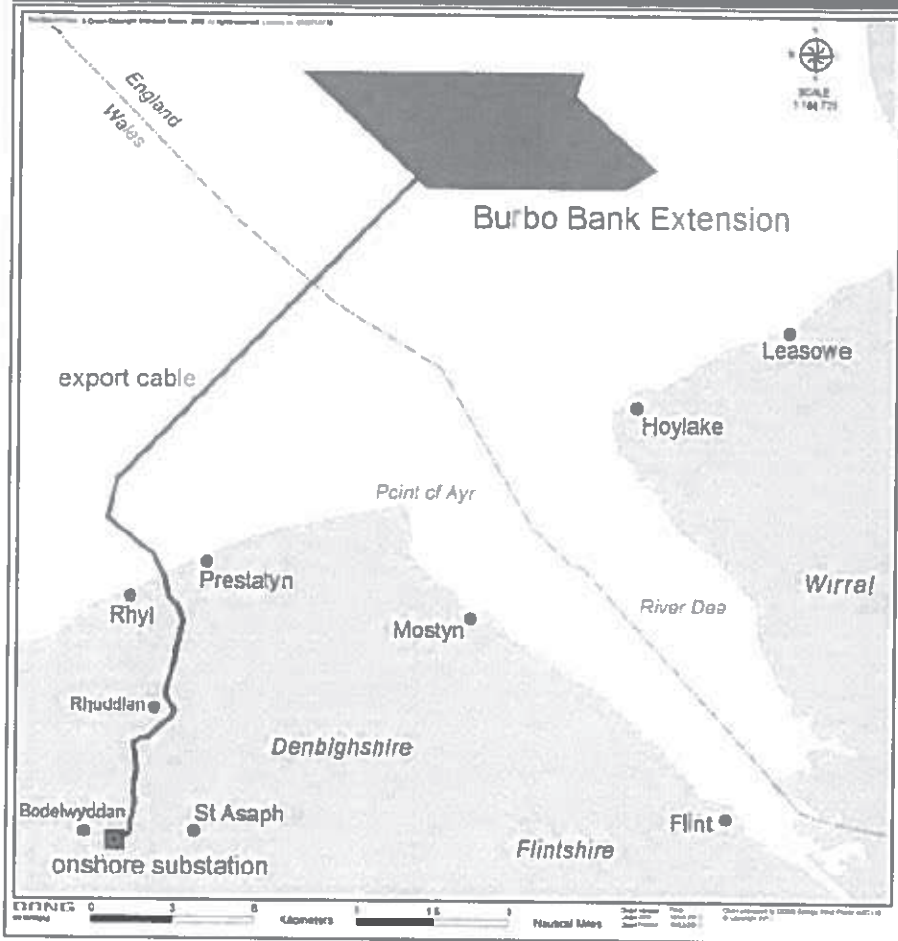
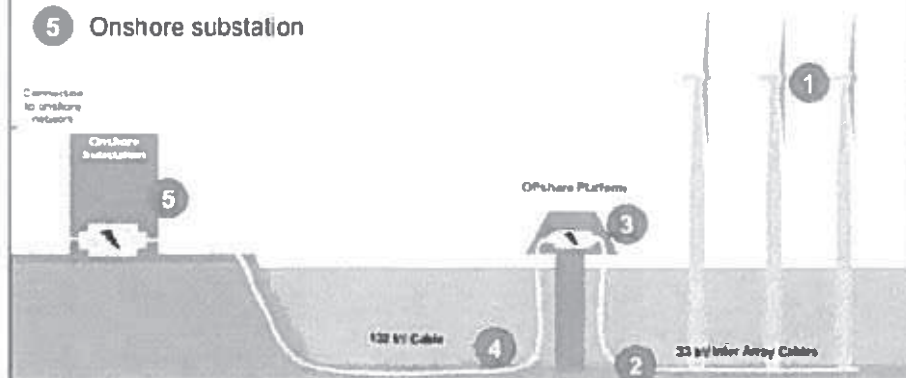


Figure 1.1:

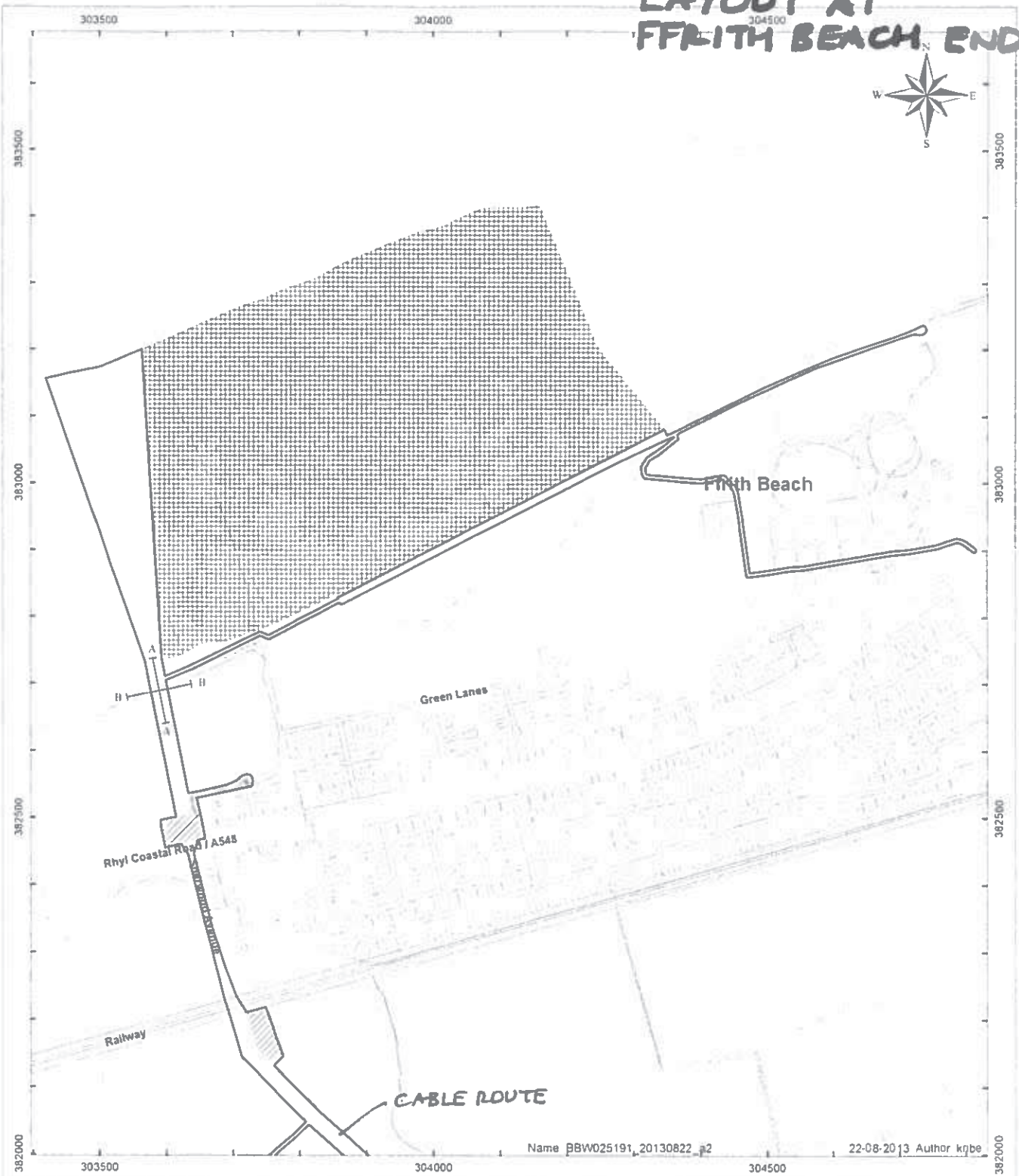
Simplified wind farm setup

Diagrammatical representation of an offshore wind farm typical format with regards to infrastructure involved

- 1 Wind turbine positions
- 2 Array cables
- 3 Offshore substation
- 4 Export cable
- 5 Onshore substation



LAYOUT AT FFRITH BEACH END



Name BBW025191_20130822_p2 22-08-2013 Author kr/be

Legend

- Planning Condition Location
- Planning application area
- Temporary working and compound area
- Temporary access road

Data Copyright

DONG Energy
Background map reproduced from
Ordnance Survey digital map data
© Crown copyright 2012 All rights reserved
Licence number 0100031673



Scale 1:4 000

Coordinate System OSGB 36 BNG

Burbo Bank Extension offshore wind farm

Planning Condition Drawing Number 1



DONG Energy Power UK Ltd
33 Grosvenor Place
Belgrave
London
SW1X 7HY
UK

Date 22-08-2013
Chart produced by KR/BE
Chart approved by CK/BE
Ref DAV/KE
Document nr BBW025191

LAYOUT AT SUBSTATION END



A55

CABLE ROUTE

EXISTING ACCESS

TEMPORARY ACCESS

NATIONAL GRID SUBSTATION

UNDERGROUND CABLE CORRIDOR

ONSHORE SUBSTATION AREA

Name BBW025184b overview 20130621 a0 24/07/2013 Author EADBR

Legend

- Planning application area
- Cable manoeuvring area
- Onshore substation mitigation area
- Temporary working and compensation area
- Substation area and compensation area
- Temporary working and compound area
- Existing access road
- Access road
- Temporary access road

Data Copyright

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 Background map reproduced from
 Ordnance Survey digital map data
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 Licence number 0100031673



Scale 1:2,000

Coordinate System OSGB 36 BNG

Burbo Bank Extension offshore wind farm Onshore substation



DONG Energy Power (UK) Ltd
 33 Grosvenor Place
 Belgrave
 London
 SW1X 7HY
 UK

Date 24/07/2013
 Chart produced by EADBR
 Ref. approved by NAKAH
 Document nr. DA1X1
 BBW025184b

ITEM NO: 10

WARD MEMBER: Various

APPLICATION NO: 31/2013/0400

PROPOSAL: Installation and operation of a proposed substation south east of St Asaph Business Park and approx. 11.14km of underground electricity cables from the substation to the coast at Ffrith Beach, Prestatyn. The substation will comprise a substation building (max. height 15M) and outdoor electrical equipment (max. height 10m) with transformers (max. height 15m).

LOCATION: Land between Ffrith Beach, Prestatyn and land to the south east of St Asaph Business Park, Glascoed Road St Asaph.

APPLICANT: DONG Energy Burbo Extension (UK) Ltd

CONSTRAINTS:

PUBLICITY UNDERTAKEN: Site Notice - Yes
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
- Recommendation to grant – More than 4 objections

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection"

CEFN MEIRIADOG COMMUNITY COUNCIL
"The Council wishes to know why the cabling does not go directly onto the Wirral which is much closer.

The Council also wish to know the risk to public health due to electronic magnetic field.

The Council also wish to know whether all of the cabling will be underground or will they be partly overhead from the substation pylon.

The Council are also concerned at the proliferation of large buildings in the rural area as they were under the impression that the existing substation would have taken the new cabling."

PRESTATYN TOWN COUNCIL
"Temporary works should not be carried out on the beach / promenade during the busy summer season
Local residents should be informed and consulted
Hours of operation to be limited to avoid evenings/weekends"

RHUDDLAN TOWN COUNCIL
"No Objection"

NETWORK RAIL
"No Objection"

WELSH ASSEMBLY GOVERNMENT (TRANSPORT)
No objection – Direct that any planning permission shall include Conditions dealing with restrictions to Access on the A55 expressway.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Initially raised concern over the approach taken, which was forwarded to the applicant for consideration. Further discussions have taken place and CPAT now recommend that any permission include a condition in respect of archaeology.

CONWY COUNTY BOROUGH COUNCIL

Raise no objection subject to the following issues being satisfactorily addressed:-
Ecological, Transport, Coast Protection, Tourism, noise, Electro magnetic fields, Land Use, Hydrology, Archaeology and Decommissioning.

NATIONAL GRID

No objection

NATURAL RESOURCES WALES (NRW)

Raise no objection in principle – have requested clarification on a couple of points – have also requested that any planning permission incorporate conditions to cover ecology issues and environmental management.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Head of Transport and Infrastructure (Highways)

Recommends that any permission incorporates planning conditions:- dealing with a construction method statement, highway drainage, wheel cleaning, construction traffic management and details of the road crossings.

Also indicates that Public rights of way need to be protected.

Biodiversity Officer

Raises no objection to the proposal

Pollution Control Officer

Has consulted with Public Health Wales who have the expertise on matters of Electro Magnetic Fields and their implications for Public Health.

Public Health Wales has indicated that:-

“The current position is that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline level of 100 microtesla (μT). There is some epidemiological evidence that long-term exposure to EMF above 0.4 μT is associated with some increases in childhood leukaemia however the evidence for a direct causal effect is uncertain and other artefacts and confounding factors cannot be discounted. As such exposure guidelines have been set for established health effects, principally associated with CNS effects and supported by additional precautionary advice to reduce exposure as presented below.

In March 2004, NRPB published advice on limiting exposure to electromagnetic fields (EMFs). The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). The ICNIRP 1998 guidelines were recommended by NRPB in the interests of harmonisation and having considered the totality of the scientific evidence in the light of uncertainty and the need for a cautious approach in the interpretation of the science”.

RESPONSE TO PUBLICITY:

In objection

Richard Williams on behalf of RB and ME Davies, Pentre Mawr Farm, Groesffordd Marli, Abergele

F Armstrong, Tyn-y-Caeau, Glascoed Road, St Asaph

P Jarrell, 1Terfyn Pella Avenue, Rhyl.

Linda And Dylan Griffiths, Cottage Villa, Glascoed Road, St Asaph.

Mrs Nora Brookes, “The Bungalow” Glascoed Road, St Asaph.

Sheila Stone, 8 Terfyn Avenue, Rhyl.

J Eifion Bibby on behalf of:Mr J R Jones, Bryn Gwyn Farm, St Asaph Road, Rhuddlan.

Carter Jonas on behalf , 3 trustees, a beneficiary, a farming company and 2 individuals – no addresses supplied.

Jillian Stanley and Alan Kay 2 Terfyn Pella Avenue Rhyl.

Mark Isherwood AM Cardiff Office

Dann Parry-Jones Royal Mail Group

The main objections to the proposal are:-

Agricultural Land Impact

It will damage Grade 2 Agricultural land and lower yields for years to come
It should be brought ashore on the Wirral not in North Wales.

Ecology

Ecological surveys are incomplete with no mitigation for migrating fish using the River Clwyd.
It will affect the parkland setting of the Grade 1 listed house Bodrhyddan with no mitigation
It will have a long term damaging effect on the great crested newt population in the area.

Archaeology

The archaeological survey work is too simplistic and would appear inadequate to protect the cultural heritage of the route.

Design

The scale and industrial appearance of the substation is out of keeping with the area.
The land take for the substation will have an adverse effect on the farming business.
The substation is inappropriately located and will be visually offensive when viewed from an objectors property.

Residential Amenity

The construction will cause significant inconvenience with dust, dirt and noise. Not prepared to accept the significant levels of disruption`

Health Concerns

Significant concern in respect of location of cable to residential properties and the resulting potential health impact associated with electro magnetic fields (EMF). Concern about the health and wellbeing of vulnerable groups such as the young and elderly to include potential association of childhood leukaemia and other impacts of health and wellbeing.

Highways

Holding objection from Royal Mail until Traffic Management Plan is issued – to ensure the development process will not delay mail collections and deliveries.

EXPIRY DATE OF APPLICATION: 15th July 2013

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- Further information from the applicant
- Number of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1. Summary of proposals

1.1.1. Dong Energy Burbo Bank Extension (UL) Ltd (DONG) is proposing to construct and operate (and ultimately decommission) an onshore electrical sub-station and associated ancillary works and underground electrical cabling between Ffrith Beach and St Asaph, within the county boundary of Denbighshire.

1.1.2. This scheme is in conjunction with Dong's proposals to build an offshore wind farm extension to the existing Burbo Bank wind farm with a generating capacity of 258 MW. The onshore component, the subject of this application, is necessary to connect the electricity generated by the wind farm to the National Grid. The offshore element of the proposal is a Nationally Significant Infrastructure project and the Development Consent Order application for that part of the scheme has been submitted to the Planning Inspectorate and is at Pre examination stage.

1.1.3. A generating system of this size requires a direct connection into a 400kV (high voltage) national grid electricity transmission system. The applicants, in consultation with the National Grid, looked at three options for onshore connections and on the advice of National Grid, the route to the National Grid Bodelwyddan 400kV sub station south of St Asaph Business Park was chosen.

1.1.4. In brief the proposal combines three main elements:-

- (a) The laying of approximately 11km of underground electricity cable;
- (b) The construction of a substation with associated equipment;
- (c) The connection from the substation to the Grid network.

1.1.5. The cables from the offshore wind farm will come ashore at Ffrith Beach (underneath the sea defences) to a Transition Joint Bay (TJB) which will be located above the high water on Rhyl Golf Course. The TJB will be an excavated pit measuring approximately 15m x 6m, The depth will depend on how deep the cable needs to be laid beneath the coastal protection works.

1.1.6. The onshore cable from the TJB will be laid in trenches of some 2-4 metres in width and at a depth of between 0.7 and 1.5 metres. The cable will cross Rhyl Golf Club before crossing the main Coast road. It then passes through the Robin Hood leisure complex before crossing into agricultural land. On its way to the substation at St Asaph it crosses several roads including the A 55 Expressway and also rivers/streams. The route is illustrated on the plan at the front of the report.

1.1.7. Along the length of the route there will need to be Jointing Bays and these will occur every 600 to 1000 metres. Each jointing bay will be approx. 10 x 3 metres, buried at 1.5 metre depth.

1.1.8. There will be a need for several temporary construction compounds along the route together with some temporary haul tracks.

1.1.9. Most of the cables will be laid by a cut and fill method, however there are obstacles which will require a different approach. These barriers will require the cables to be installed by a horizontal directional drilling (HDD) or auger boring. This method will be used for the following:-

- Sea Defences
- Rhyl Golf Course
- North Wales Railway line
- River Clwyd
- A55(T)
- A525 and
- 2 gas pipelines at the NGET Bodelwyddan substation

1.1.10. The substation element of the proposed development has been submitted in outline as the final detailing will not be known until a final assessment of the project has taken place and a contractor appointed. The applicants have however submitted as supporting information a typical substation design which shows two reactors, a control building, lightning masts, other external equipment, together with boundary fencing. (see the plan at the front of the report) The substation will cover an area approximately 80m x 100m.

1.1.11. There will be an underground connection between the new substation and the National grid compound which is within 250 metres of the proposed substation.

1.1.12. It is expected that the construction phase for the onshore element of the project will be 2 years.

1.1.13. The application has been supported by:-

- An Environmental Statement (ES)
- A Design and Access Statement (DAS)

The Environmental Statement

The main part of the ES is a comprehensive document which has for the sake of completeness included both the onshore and offshore works. In this present application the elements that are relevant relate to the works from the high water mark at Ffrith beach to the proposed substation at St. Asaph and the link from there to the National grid Sub Station.

There is comprehensive highly technical data in the submission and the relevant consultees have been consulted to ensure the assessments are accurate and the proposed mitigation is comprehensive, relevant and sufficient to ensure any environmental effects are minimised.

The applicants have also produced a non-technical summary which also covers the onshore and offshore works for completeness. This explains the whole scheme in an easier to read format.

In respect of the onshore development the subject of this application the ES covers the following topics:-

- Physical environment;
- Geology, hydrology and ground conditions;
- Hydrology and Flood Risk;
- Biological Environment;
- Human Environment;
- Land Use and Agriculture;
- Landscape and Visual Impact Assessment;
- Archaeology and Cultural Heritage;
- Traffic and Transport;
- Air Quality
- Noise and Vibration

The Design And Access Statement

The statement has been submitted to support the planning application; it provides the planning context for the onshore works; It explains the details of the proposal and sets out how it accords with local and national planning policy.

It covers the following topics:-

- Site location, description of the application area and site appraisal;
- Development Proposals;
- Legislation and Policy Context;
- Vision and Urban Design Principles;
- Development Design Concept and Layout;
- Response to Policy;
- Access;
- Sustainability Principles;
- Conclusions

2. DETAILS OF RELEVANT PLANNING HISTORY:

Planning permission Ref 31/2008/1123 – Granted 18/02/2009 - For the installation of a 132/400 kv electricity substation and associated underground cables between St. Asaph and Pensarn in connection with the Gwynt Y Mor Offshore windfarm, presently being constructed.

3. RELEVANT PLANNING POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:-

- 3.1. Denbighshire Local Development Plan (adopted 4th June 2013)
 - Policy RD1 - Sustainable development and good standard design
 - Policy RD 2- Green Barriers
 - Policy PSE 13 – Coastal tourism protection zones
 - Policy VOE 10 – Renewable energy technologies
- 3.2. Government Policy/Guidance:
 - Planning Policy Wales Edition 5 (2012)
 - TAN 5 - Nature Conservation and Planning
 - TAN 8 - Renewable Energy
 - TAN 11 – Noise
 - TAN 12 – Design
 - TAN 14 – Coastal Planning
 - TAN 15 - Development and Flood Risk
 - TAN 18 - Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales edition 5, 2012 (PPW) confirms the requirement that planning applications should be determined in accordance with the approved or adopted development for the area, unless material considerations indicate otherwise (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned, and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment.(Sections 3.1.3 and 3.1.4)

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1.Principle of development
- 4.1.2.Layout – landscape and design
- 4.1.3.Nature conservation, protected species, trees and woodlands
- 4.1.4.Agricultural land quality
- 4.1.5.Residential amenity
- 4.1.6.Highway and Traffic
- 4.1.7.Health risks and noise
- 4.1.8.Setting of listed building
- 4.1.9.Archaeology
- 4.1.10. Drainage and Flood Risk
- 4.1.11. Coast Protection
- 4.1.12. Tourism
- 4.1.13. Decommissioning

4.2. In relation to the main planning considerations noted above;

4.2.1.Principle of development

Renewable energy technology:

The proposed Burbo bank extension wind farm will make a significant contribution to meet UK targets for renewable energy. Planning Policy Wales, Edition 5 2012 and TAN 8 suggest that Local Authorities should plan positively for offshore and onshore wind farms and associated installations. Policy VOE 10 of the adopted Local Development Plan supports the principle of proposals which promote the provision of renewable energy technologies.

The merits of National Government Policy and Welsh Assembly Government Policy in relation to renewable energy production, including the case for alternative forms of generating electricity and the concentration of wind turbines off the Welsh coast are not matters for challenge in the determination of an individual planning application(s) for onshore installations.

Onshore infrastructure is necessary to accompany the offshore development in order to connect with the high voltage grid electricity transmission system.

Alternative sites investigated:

The applicant as part of the process looked at alternative sites for the onshore connection for the Burbo Bank off shore extension. Originally it was thought that it would connect either to the National Grid Substation at Birkenhead (275kV) or Deeside (400kV). However, following the submission of an application for a grid connection, the National Grid suggested the option of connecting to the new 400kV substation at the St Asaph business park (known as the Bodelwyddan (400kV) substation). After further discussions, Bodelwyddan was selected as the most optimal and efficient interface point for the connection of the project to the National Grid onshore network.

Once the connection had been established with National Grid, the applicants assessed various routes from the Coast to the site, based on environmental and technical considerations, consenting risk, potential cumulative effects and economic viability. This resulted in the route now under consideration being adopted as the preferred option.

There were also two options considered for the location of the substation, one immediately to the west of the National Grid substation, the other to the east, which is the one that was chosen.

National and local policies set a framework offering clear support for the development of renewable energy. The onshore installations have to connect to the existing 400kV powerline and the substation scale and size are as proposed for health and safety considerations and to accommodate the type of equipment needed. On the basis of the information provided, the location of the substation in and around the new National Grid substation to the South east of the St Asaph Business Park is considered logical and acceptable.

4.2.2. Layout – Landscape and Design

There are no specific policies in the adopted Denbighshire LDP relating to the landscape and design of this type of proposal hence the general considerations outlined in PPW need to be applied.

The key landscape management objectives for the substation area, as set by the Authority in LANDMAP, include maintaining and enhancing tree and woodland cover, encouraging new planting of Oak and Black poplar and promoting and establishing ponds.

As noted previously the planning application is a hybrid submission with the proposed substation being submitted in outline whilst the remainder of the works is a detailed submission. Whilst the substation submission is in outline the applicants have provided a typical design option which includes 2 reactors, a control building, lightning masts and other external equipment. The final detail is reserved for future approval once a Contractor has been chosen.

The proposed substation will be seen in the context of the Gwynt y Mor and National Grid substations, and it is considered that whilst there will be some change to the landscape setting in this area, there is a reasonable case for these substations to be in close proximity to each other. There will be some additional planting to help in mitigation against the visual impact the proposal will have on the local environment.

It is considered that the development can be integrated into the local landscape without causing unacceptable harm to its character. The substation will be partially screened by existing vegetation. The additional planting proposed will contribute to the screening of the substation in the agricultural landscape. It is not considered that potential landscape impact would be significant, or that any harm arising would outweigh the case in support of infrastructure to accommodate significant investment in renewable energy development.

4.2.3. Nature conservation, protected species, trees and woodland

Policy VOE5 of the LDP requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18- Nature Conservation and Species Protection, which stress the importance of the planning system in meeting the biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses or compensate for losses where damage is unavoidable.

An assessment of potential impact has been undertaken with a range of ecological surveys contributing to the baseline information for assessing the potential impacts.

The installation of the underground cables and the proposed substation has potential to create a number of adverse ecological impacts such as the permanent loss, disturbance or fragmentation of habitat during construction.

The impacts include the loss of land at the substation site and the removal of hedgerow and trees along the cable route. The submission includes significant mitigation measures in the Environmental Statement.

The County Ecologist and the ecologist from the NRW have no objections to the proposal or the mitigation proposed and recommend conditions be included on any permission to ensure the mitigation is completed to the satisfaction of the Council.

On the basis of the responses, the proposal is not considered likely to have a significant adverse effect on ecology and provides for sufficient mitigation to compensate for disruption during the constructional stage.

4.2.4. Agricultural Land Quality

Planning Policy Wales (Section 4.10) obliges considerable weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification system of the Department for Environment, Food and Rural Affairs. This land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. PPW indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The proposed development has the potential to impact upon existing and future land uses. There will be no permanent effects or loss of agricultural land or public rights of way from the underground cable once reinstatement has taken place.

The construction and operation of the substation will result in the permanent loss of arable and pasture farmland (approximately 0.8 hectares of grade 3b agricultural land). In addition there will be a change of some agricultural land to woodland as mitigation for the ecological and landscape effects.

Some of the landowners have indicated that they consider that the works will result in a downgrade of the land and a reduction in yields for years to come.

The Officer view is that although there will be some disruption during the construction and cable laying period there will be no long term damage to agricultural land. The permanent loss of land to the substation is not significant and the new woodland will assist with improvements to biodiversity in the area.

4.2.5. Residential Amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications.

There have been concerns raised by occupiers of neighbouring properties to this development both in terms of the constructional and operational phases.

The first area of concern is the area where the cable comes ashore, crosses the golf course, coastal road and Robin Hood holiday complex. The concerns relate to the proximity of the temporary construction compounds and the access to them. These are close to residential properties and residents are concerned about noise and general disturbance, possible damage to their properties and increased traffic especially large delivery vehicles. In this area there is also concern that any works take place during the winter months so as not to disrupt the tourist trade.

The other main concern is from a group of residents who reside on Glascoed Road, St Asaph. Their main concern is the possible health effects due to the proximity of cables to their property. The issue relates to the electro magnetic field and the possible adverse health effects that could result from a long term exposure to electro magnetic fields. They also have concerns in respect of the effect the proposal will have on a septic tank which is within the application site.

The applicant has indicated that there will be controls in their " Code of Constructional Practice" such as restrictions on operational hours and that before works commence in a particular area neighbours will be contacted and the nature of the works explained and will be given a contact number to which any complaints can be directed. A Public Liaison manager will also be appointed who will establish a system for enquiries and complaints. The applicants have also acknowledged the commercial interests along the route including the summer holiday season and tourism interests and have indicated that they will as far as possible programme works to avoid peak times.

In relation to the concerns around the Glascoed Road area the matter of the effect on the residents septic tank is one that is a matter that needs to be resolved between the parties concerned and is not an issue that the planning system needs to address. The matter of possible health risks from electro magnetic fields is discussed in Section 4.2.7 below.

The Officer view is that the issues of concern raised in relation to the laying of the cable and the construction and running of the Substation have been adequately addressed, and that there are no

unacceptable impacts likely to arise, in particular with suitable controls over construction stage activities.

4.2.6. Highways and Traffic

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of the means of access is therefore a standard test on most planning applications.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

There are no major representations expressing concerns over the highway and traffic implications, but some localised concerns re deliveries to the temporary construction compounds. It is considered that these can be resolved by condition or through a constructional management plan.

A full traffic /transport assessment has been included in the EA and whilst it recognises that the most disruption will be in the constructional phase it concludes that this will only be temporary and the overall effect in terms of the EA assessment will be neutral.

There will be some disruption to traffic when work is done to cross minor roads due to the cut and fill method of laying the cable. However, there will be no such disruption to the A55 expressway or the A525 (Coast Road) as high pressure drill methods will be used to go under the road similar to that which happened with the Gwynt y Mor scheme.

The Highway Officer's view is that the scheme as proposed is acceptable in principle and that any permission should incorporate suitable conditions. The Welsh Government's Highways Officer has directed that any permission should include conditions to ensure no direct access is created onto the A 55 Expressway.

The submission acknowledges that there will be some disruption during the constructional phase from both deliveries to and from the temporary constructional compounds and from temporary traffic disruption caused by cable laying across the highways. There also maybe a need to protect Public rights of way. However, it is the Officer view that these concerns can adequately be controlled by condition; such conditions requiring a Code of Constructional Practice Plan (COCP) to be submitted and approved. The COCP will include a Traffic Management Plan.

4.2.7. Health Risk and Noise

There are no specific policies in the Denbighshire LDP relating to Health Risk and Noise considerations for proposals in open countryside. The government has indicated that health impact assessment can be considered part of the planning process, and PPW contains the general requirements to have regard to impact on the neighbourhood and the environment. Section 13.13 of PPW refers to noise being a planning consideration in the use and development of land.

There have been issues raised in respect of the health risk associated with Electro Magnetic Fields (EMF) and also possible cumulative noise issues associated with the operation of the substation which is located in close proximity to the National Grid and Gwynt Y Mor substations.

In relation to Health Risk:

Objection has been received from the occupiers of a property in Glascoed Road , supported by their neighbours and by Mr Mark Isherwood (Assembly Member) expressing concern about the potential long term effect on health due to the proximity of the proposed cable to their property. This has resulted in extensive correspondence between the objectors including the Assembly Member and the applicant, and a meeting between the parties with representatives from the Council attending.

In response to the concerns raised in relation to electro magnetic fields, the applicants have included as part of their ES a section on EMF (Annexe 6) and in respect of the concerns raised have indicated as follows:-

"Cable proximity"

Some local residents have raised concerns about the proximity of the under-ground cable corridor to their property. The cable corridor has a working width of 25m and is being used along the onshore cable route. This means that, where possible, the cable will be laid centrally within this 25m corridor, however there is the possibility of the cable being located further left or right of the central path to avoid physical obstructions or constraints. The actual width of the cable trench within the 25m corridor will be 4m.

Project engineers undertook a site visit to consider the likely installation processes and format at this section of the cable route. Results from this site visit highlighted a number of physical constraints including the existing entrance for access to the field, location of existing manhole covers, and trees in the field to the north of Glascoed Road. These constraints are likely to require the Project to lay the cable towards the west side of the central line of the 25m working corridor at this section of the route, and position the topsoil and subsoil to the east side to act as temporary screening for the adjacent properties during the works (this was also discussed at the meeting mentioned in section 2.3). The area will be remediated post-construction.

Electromagnetic Fields (EMF) and human health concerns

Concerns have been raised about effects of Electromagnetic Fields (EMF) on human health in relation to the proximity of the cable to residential properties. The Project has been in dialogue with several members of the community on this matter via telephone, written, and face-to-face communication. To summarise the Project's position in relation to EMF, the following response is provided:

EMF arises wherever electricity is generated, transmitted or used. At the low frequency used for electricity transmission, it is appropriate to consider the electric and magnetic field components separately.

Strong EMF has the potential to affect human health, and for this reason guide-line limits for public and occupational exposure, set to protect health, have been published by the International Commission on Non-ionizing Radiation (ICNIRP). ICNIRP's guidelines have been adopted in a voluntary code of practice for the electricity industry, published by the Department for Energy and Climate Change (DECC), on the advice of the former National Radiological Protection Board (NRPB), which is now part of the UK Health Protection Agency (HPA). These guidelines are based on the best available scientific evidence base regarding EMF and health, and have been widely adopted around the world, particularly in the EU following a recommendation by the European Commission (EC) for their use. They are also referenced as standards set to protect health by the World Health Organisation (WHO) in their published information regarding EMF.

An assessment of the potential for health impacts due to EMF generated by the onshore underground electricity transmission cables of the Project has been undertaken (Annex 6 of the Environmental Statement). The assessment includes a brief summary of the current EMF and health effects evidence base and a discussion of the standards in place to protect human health.

The maximum magnetic field strength has been calculated, based on worst-case parameters for the cables (such as burial depth and electrical current carried). The maximum calculated magnetic field strength, at 1m above ground level directly above the cables, would be 66.9 μ T (micro tesla). This is 18.6% of the guideline public exposure limit to protect health. In reality, with expected cable design and loads, the magnetic field strength would be lesser. The magnetic field strength would decrease rapidly with distance to the sides of the cable route, as shown in the table below.

<i>Distance from trenches centreline (metres)</i>	<i>Magnetic field strength (μT – micro tesla)*</i>
0	66.88
4	14.29
8	3.94
12	1.78
16	1.01
20	0.65
24	0.545

28
32

0.33
0.25

on 0.7m burial depth. A more conservative scenario than presented in the EMF report accompanying the ES.

Source: RPS, July 2013

There would be no electric field from the cable above ground level, as the cable sheath material would fully screen it."

The applicants have also responded directly to the concerns raised by the neighbours and to the issue of health risk raised at their meeting and re iterate their position that there are no health risks, and conclude in their response that:-

"Based on the cable's design, the current scientific evidence base regarding power frequency EMF, and guidance provided by the HPA in their letter of the 28th January 2013 which responded to the health Impact Assessment undertaken, the proposed underground cables would have no measureable human health impact due to EMF and no mitigation is, therefore required."

The objectors and Pollution Control Officer have been re-consulted and the Pollution Control Officer has indicated that he has no more to add to the response from Public Health Wales, referred to in the Consultation Responses section of the report.

It is evident that the objectors have a perception/fear for their long term health from the proximity of the cable to their property that in their view would only be resolved by moving the cable outside the planning application site. The applicant has corresponded and met the objectors, and in response has indicated that due to technical issues it is extremely likely that the cable(s) will be located as far away as possible away from property but within the application site. It has also indicated the location of the cable is within the guidelines published by ICNIRP which has been adopted by DECC on the advice by the NRPB which is now part of the UK Health Protection Agency as the industry standards. The applicant has also indicated that these standards are also references as standards set to protect health by the WHO in their published information.

The applicants consider they have adequately covered the issue of EMF in the ES and have tried as far as is possible to allay the perception/fear of long term health implications by the objectors as the cable due to technical reasons is likely to be located as far away as possible within the application corridor.

The Pollution Control Officer has consulted with Public Health Wales (PHW) on the matter of possible Health risk and their response is that there is no risk to health by EMF's if the levels are below the set guidelines indicated by ICNIRP. The Pollution Control Officer has been in further discussions with Officers at PHW following the correspondence received from the Assembly Member Mr Mark Isherwood and is of the view that if the applicants ensure that the cable is laid as far as possible away from the residents boundary then this would be sufficient and satisfactory in ensuring a precautionary approach has been taken. The Officer view is that the exact location of the cable crossing Glascoed Road should be controlled by condition to ensure it is as far away as possible from the property concerned to meet with that precautionary approach. For the avoidance of doubt this condition is only considered necessary as a precautionary approach and is not a requirement that has been recommended or directed to meet health regulations. It is acknowledged that the objectors are unlikely to be satisfied with this, however, it is considered the most that can be achieved in this instance.

In relation to noise:

There has been some concern raised in respect of noise during construction and also from the cumulative impact from the operational aspect of the substations in the area.

The applicants have addressed the noise during construction and are in direct contact with the agent working on behalf of a dairy farmer who is concerned about the noise upsetting his dairy herd.

With respect to the cumulative noise issue the Pollution Control Officer has concluded that this

would be best controlled by condition on any planning permission.

The concerns expressed in respect of noise during construction and operation have been addressed and resolved and the Officer view is that noise can and should not be a significant issue subject to conditions being attached to any planning permission.

4.2.8. Setting of Listed Building

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

The proposed cable route will run in close proximity to several listed buildings along its length. These include the grade 2 properties at Rhodarddwy, Aberkinsey, Grivernigron, Staverton and Southcroft. It will also go through part of the grade 2* registered Park and Garden of special Historic Interest and close to the Grade 1 Listed House at Bodrhyddan Hall, and close to the Town Ditch at Rhuddlan which is part of the Scheduled Ancient Monument.

Whilst the cable route passes through the Registered Garden at Bodrhyddan and will be seen during the construction from the Listed Buildings and scheduled monuments it is considered that there will be no long lasting effect on their setting.

The owner of Bodrhyddan Hall and Registered Garden has objected to the proposal on the basis that it would adversely effect the setting of the building and gardens.

It is accepted there will be some temporary effect on the setting of the registered Garden, the Ancient Monument and the Listed Buildings referred to, but these will only be for a short period and will not have a lasting effect on their importance in the Historic environment.

4.2.9. Archaeology

Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provides basic advice on the handling of archaeological matters in the planning process.

There were originally concerns raised by CPAT on the information provided by the applicant in the study and the approach taken at that stage. However, following a meeting between the parties, assurances have been given that should planning permission be granted there will be sufficient time for the appropriate level of assessment to be carried out and mitigation to be finalised before work commences on the laying of the cable and construction of the substation.

Whilst it is not expected that there will be any direct impacts on significant archaeological assets, any that are found can be safeguarded and dealt with in an appropriate manner, and to ensure this, CPAT has recommended that any planning permission include conditions in respect of Archaeological interests.

Subject to condition(s) Officers suggest the archaeological interests can be adequately protected.

4.2.10. Drainage and Flood Risk

Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

There has been no representation in respect of drainage or Flood Risk issues.

The proposed route for the cable passes through a significant length of land falling within C1 zone as defined in TAN 15: Development and Flood Risk. The applicant has prepared a Flood

Consequences Assessment as part of the ES and this assesses the potential impacts of flooding during the temporary construction phases. In this respect the NRW has recommended that the temporary works Construction Manager registers with the NRW's Flood Warning Service to receive appropriate warnings.

The NRW are generally in agreement with the information submitted in the ES but have recommended that certain conditions be attached to any planning permission to ensure the disposal of surface water from the constructional sites is appropriate and in line with Sustainable drainage management techniques.

It is the Officer view that drainage or flood risk issues can be controlled by means of conditions on any permission.

4.2.11. Coast Protection

There are no policies in the Denbighshire LDP which cover the issue of Coast Protection. The National policy can be found in Planning Policy Wales 5th Edition 2012 (Section13) and in TAN 15 which specifically look at Flood Risk and Climate Change.

There has been no representation in respect of the effect the development will have on the existing Coast protection system at Ffrith Beach, where the cable(s) come ashore.

There will be a maximum of 2 cables from the offshore wind farm that will be buried when it crosses the inter-tidal area, each cable will be armoured and will be buried. The cables would be buried to an approximate depth of 0.7m and 1.5m with a possible depth of 3 m at the crossing of the coast defences. Immediately landward of the coast defences on the Rhyl Golf Club land there will be a Transition Joint Bay (TJB) constructed. Underground ducts for the cables will be installed on the seaward and landward side of the TJB. These will be installed by horizontal directional drilling (HDD) or augur boring at each side of the TJB. It is not considered that the integrity of the Sea defences will be compromised.

It is the Officer view that the applicant is proposing appropriate action in the transition from the offshore to the onshore part of the electrical connection to the Grid. The coastal defences will not be compromised due to the HDD technique being used to go under the defences with the ducts.

4.2.12. Tourism

Policy PSE 13 "Coastal tourism protection zones" in the Denbighshire LDP identifies the local issue of protection of areas of the coastal area of the County for tourism related activity. National policy can be found in Planning Policy Wales 5th Edition (Chapter 11).

There have been no concerns raised relating to the effect the proposal will have on the tourist industry. The only letter received on the issue has requested that as much of the work at the coastal end be carried out in the winter months so as not to conflict with the main tourist season.

There will be a large constructional accommodation area at Ffrith Beach required for the period of works in this area to cover the inter tidal works, the coastal defence crossing, the TJB construction and part of the crossing of Rhyl Golf Club. There will be disturbance and restrictions to using the beach area during these works.

It is considered that the proposal limits the area of land take for these accommodation works to the minimum required. It is acknowledged that there will be some disruption and that areas of the beach and parts of the Golf Club will be out of action during parts of the construction phase. However this is only temporary, and the restrictions will be lifted once the works are complete and remediation works undertaken.

The Officer view is that there will be temporary disruption caused in terms of tourist facilities during the construction phase, but this will disappear once that has been completed, therefore the Code of Constructional Practice Plan will need to be carefully controlled to ensure that disruption is minimised.

4.2.13. Decommissioning

There are no Denbighshire LDP policies referring to the decommissioning of wind turbines and related developments. Planning Policy Wales 5th Edition 2012 and TAN 8 reflect the national policy and indicate that decommissioning should be a material consideration and adequately controlled as

part of any planning permission.

The planning life of the proposed wind farm is 25 years unless an application is submitted to extend the period by extending the life of the existing turbines or replacing them with new turbines. The decommissioning of the turbines will be a matter for the DCO application being dealt with by the Planning Inspectorate who will report to the Department for Energy and Climate Change.

With regard to the onshore decommissioning, none of cables would be removed as it is considered that there would be less of an environmental effect / disturbance by leaving them in situ rather than trying to remove them. When the substation is decommissioned it can be removed and the site returned to agriculture.

The Officer view is that the proposals for decommissioning the substation in the future are relevant and appropriate, and can be dealt with through condition.

5. SUMMARY AND CONCLUSIONS:-

- 5.1. This is an extensive report setting out the main issues and concerns raised as part of the application process. It has referred to the topic areas covered in the Environmental Statement and identified the works that are required to secure the onshore connection of the Proposed Burbo Bank extension wind farm to the National Grid. These onshore works are essential to assist in securing the energy generation from this Nationally Significant Infrastructure Project and are therefore in line with National and Welsh Government policy.
- 5.2. The report recognises that there will be local impacts during the construction phase and has noted the concerns in respect of the operational stage, but in Officers' opinion the applicant has adequately responded to those impacts and concerns, and suitable mitigation and controls have been put in place to address relevant issues.
- 5.3. One of the main issues that has been raised as part of the consultation process has been the concern raised by residents in respect of the possible effect on health by Electro Magnetic Fields due to the location of the proposed cable to residential property. It is evident that the submission meets with the guidelines set out by INCIRP however as a precautionary approach it is considered that the route of the cable should be as far to the western edge of the application corridor as possible in the area of the crossing of Glascoed Road. It is appreciated that this is unlikely to allay the fears of a perceived health risks as expressed by the residents but it is not felt that on the evidence submitted that a refusal of planning permission or a requirement to move the cable further away from the property could reasonably be justified or sustained in this instance.

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

1. Approval of the details of the access, landscaping, scale, layout and appearance of the substation (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before the commencement of any development of the substation.
2. Application for the approval of the reserved matters for the substation shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted including the substation and related cable works and equipment shall be begun before the expiration of five years from the date of this permission or in the case of substation either before the expiration of the five years referred to or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.
4. No development shall take place until a Code of Construction Practice Plan, incorporating a Traffic Management Plan, has been submitted to and approved, in writing, by the local planning authority. The Statement shall include:
 - (i) Programme of works;
 - (ii) Hours of operation;
 - (iii) Construction Methodologies & Landfall works (including works relating to beach, coastal defence, road crossings, river crossing and all works relating to cable laying);
 - (iv) Re-instatement works;

- (v) Material and plant storage/deliveries (including construction traffic routes);
- (vi) Parking arrangements for site delivery, site operatives and visitors vehicles;
- (vii) Wheel washing facilities;
- (viii) Loading and unloading areas;
- (ix) The erection and maintenance of security/safety fencing;
- (x) Measures to control the emission of dust and dirt during construction;
- (xi) Temporary compounds and Haul road construction details;
- (xii) Cable decommissioning and haul route/compound removal details;
- (xiii) Access routes to the works from the A55;
- (xiv) Cross referencing to any construction methodologies which have been identified; in the Landscape/Ecological mitigation Plan;
- (xv) Management including HGV routes;
- (xvi) Signing along public roads;
- (xvii) Water drainage.
- (xviii) All works including access arrangements for mitigation to the area between the substation and the National Grid Substation in consultation with Gwynt y Mor Wind Farm Ltd (GYMOWFL) or if relevant the offshore Transmission owner (OFTO) who takes the transmission assets from GYMOWFL ; and
- (xix) the movement of abnormal indivisible loads to the site.

The approved Code of Construction Practice Plan and Traffic Management Plan shall be adhered to throughout the development process, unless otherwise approved in writing with the Local Planning Authority.

(For the avoidance of doubt the Traffic Management Plan shall also include a record of the existing state of the site and the condition of the local Public network, details of all access/egress arrangements, delivery routes and times, emergency vehicle routes, management of abnormal loads, routing, schedule of timing and movements, details of escorts for abnormal loads, temporary warning signing, banksman/ escort details and mitigation measures).

5. No development shall take place until a Landscape/Ecological Mitigation Plan, has been submitted to and approved, in writing, by the local planning authority. The Statement shall include;

- (i) Detailed hedgerow survey/assessment/removal to include new landscape proposals
- (ii) Comprehensive Ecological surveys
- (iii) Ecological Mitigation/method statements (including construction methodologies, annual monitoring, management, reinstatement/remediation & compensation proposals)

The approved Landscape and Ecological Management Plan shall be adhered to throughout the development process and for the approved period of management.

6. No open excavation shall be permitted within the A55 trunk road boundary. The cables shall be installed by horizontal directional drilling (HDD), auger boring or equivalent. The launch and receptor pits shall be constructed outside the trunk road boundary.

7. There shall be no direct access from the A55 trunk road for vehicles associated with any haul route or access pits.

8. No works shall be undertaken within or beneath the A55 trunk road without the Welsh Government's consent under section 61, New Roads and Streetworks Act 91 (NRSWA). Such consent will require a geotechnical report identifying all geotechnical risks which may be encountered and provide details including dimensions, depth, width, cross sections of tunnels as well as proposed locations for settlement monitors.

9. No development shall take place within the application area until the applicant, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the archaeological curator for the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the standards laid down by the institute of archaeologists and MoRPHE(2006). On completion appropriate reports and an archive assessment will be submitted for approval to the Local Planning Authority .

10. Unless otherwise approved in writing by the local planning authority no work shall be permitted to commence on the construction of the substation until the written approval of the local planning authority has been obtained to a full noise assessment for the final substation design. The noise assessment shall include an assessment of the cumulative situation, and in this respect the total noise levels from the onshore substation and the projects equipment within the National Grid compound must be as close to the night time background noise levels (as stated in the Energy Environmental Statement, Annex 32 - Onshore Noise and Vibration [ie.35 & 33dBLA90,8hrs]) as practicably possible. The mitigation measures proposed shall be fully explained and the benefits gained highlighted. The substation development thereafter shall be completed and operated in accordance with that approval.

11. In the event of complaints to the Local Planning Authority over noise attributable to the operation of the

substation and after initial investigation by the Authority to assess that there is justification for such complaints -

a. The Authority shall notify the applicants in writing of the complaint

b. Within one month of notification by the Authority, the applicants shall organise, at their own expense, a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, to establish whether the terms of Condition 10 are being met, to identify the source of any noise which may be giving rise to complaint, and to put forward measures for addressing/mitigating noise so that the levels set in Condition 10 are met, including the timing of implementation of the measures

c. A copy of the noise assessment undertaken in accordance with b. shall be submitted to the Authority no later than two months from the date of notification in 11a.

12. In the event that a noise assessment carried out in accordance with Condition 11 identifies noise exceeding the levels set in Condition 10 :-

a. Specific mitigation measures as set out in the assessment, or such other alternative means of addressing the source(s) of noise as are submitted for the consideration and approval of the Local Planning Authority, shall be implemented in accordance with a timescale to be agreed in writing with the Authority.

b. Unless otherwise agreed in writing with the local planning authority the same acoustic consultants who undertook the noise assessment referred to in Condition 11 shall undertake monitoring of noise levels at an agreed noise sensitive facade for a period to be agreed with the Authority, once the approved mitigation measures have been implemented, to determine whether the requirements of Condition 10 are being met.

c. A copy of the findings of the further noise monitoring undertaken in accordance with 12b. shall be submitted to the Authority within 7 days of completion unless otherwise agreed in writing with the local planning authority.

13. Twelve (12) months before the decommissioning of the associated Burbo Bank Extension offshore wind farm details of the decommissioning of the onshore substation and underground cable hereby permitted and reinstatement of the land shall be submitted to and approved by the local planning authority and thereafter the decommissioning shall be carried out in accordance with that approval.

14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the substation being brought into use or in accordance with the programme agreed with the local planning authority. All soft landscaping shall be maintained for a period of 5 years following planting and any trees or shrubs which die, become diseased or are removed within that period shall be replaced with a specimen of similar size and species.

15. Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the onshore substation hereby permitted is brought into use and the development thereafter shall be carried out in accordance with the approved details.

16. No development shall be permitted to commence until the approval of the Local Planning Authority has been obtained to specific proposals for protected species mitigation, including great crested newt. There shall be specific ecological compensation schemes in relation to the onshore substation development, and the mitigation scheme shall include Reasonable Avoidance Measures (RAMS), the measures for the period of temporary severance, the timing of operations, and audit schemes to demonstrate compliance. The ecological Compensation schemes shall include population monitoring for three years post completion unless otherwise agreed in writing with the local planning authority.

17. The development hereby permitted shall not be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SUDS) and the results of the assessment provided to the local planning authority.

18. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the local planning authority.

19. Prior to the commencement of works in the locations shown on Planning Condition Drawing 1 to 3 (attached to this consent) between points A-A, C-C and E-E details of the proposed location of each of the onshore underground cables to be installed within the cable corridor hereby approved for the export of electricity from the offshore wind farm shall be submitted to and approved in writing by the Local Planning Authority. The information provided shall include:

A) A plan showing for the relevant locations and for a distance measured [50 metres] on either side of the centreline between each of points A-A, C-C or E-E on Planning Condition Drawing 1 to 3 (Areas):

(i) the proposed position of the onshore underground cables to be installed in the relevant Area;

(ii) the location of, and allocating a reference number to, each existing tree in the relevant Area which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which tree(s) is to be retained and the crown spread of each retained tree;

(iii) details of the location within the relevant Area of existing infrastructure of statutory utilities (including the location of the onshore underground cables associated with the Gwynt y Mor Offshore Wind Farm);

(iv) details of other constraints influencing the location of the onshore underground cables within the relevant Area;

(v) details of any proposed temporary fencing for mitigating visual and acoustic impacts of the construction of the development within the relevant Area; and
(vi) the distance separating the location of the closest edge of the closest cable from the closest points of any residential properties, utilities or features of ecological interest within 50 metres of the proposed cables corridor, measured on a line 90 degrees from the centreline of the corridor as shown on Planning Condition Drawings 1 to 3 between points B-B, D-D and F-F.

B) Details of the species, diameter (measured in accordance with paragraph (ii) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each retained tree which is on land adjacent to the Area and to which paragraph (ii) above apply;

C) Details of any proposed topping or lopping of any retained tree, or of any retained tree on land adjacent to the relevant Area;

D) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the relevant Area; and

E) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of construction.

The works shall be carried out in accordance with the details approved under this condition unless subsequently otherwise approved in writing by the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph 1 (ii) above

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure proper controls over the matters referred to minimise the impact of the construction development.
5. To ensure proper arrangements are considered for nature conservation and protected species.
6. In the interests of highway safety, as directed by the Welsh Government.
7. In the interests of highway safety, as directed by the Welsh Government.
8. In the interests of highway safety, as directed by the Welsh Government.
9. To ensure the implementation of an appropriate programme of archaeological investigation and mitigation in accordance with the requirements of planning Policy Wales (Ch.6 Historic Environment, Nov 2012) and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.
10. To safeguard the level of amenity the residents in the neighbourhood could reasonably expect to enjoy.
11. To safeguard the level of amenity the residents in the neighbourhood could reasonably expect to enjoy.
12. To safeguard the level of amenity the residents in the neighbourhood could reasonably expect to enjoy.
13. To ensure that the land is reinstated to a satisfactory standard following decommissioning of the associated wind farm in the interests of the amenity of the locality.
14. To ensure adequate landscaping is provided in the interest of the amenity of the locality.
15. To ensure that light pollution from any floodlights is adequately controlled in the interests of the amenity of the locality.
16. To safeguard protected species including the populations of Great Crested Newts.
17. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
18. To reduce the risk of flooding to the proposed development.
19. In accordance with Policy RD1: Sustainable Development and Good Standard Design , Policy VOE10 Renewable Energy Technologies and VOE5 Conservation of Natural Resources

NOTES TO APPLICANT:

None

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

Tel: 01824 706800 Fax: 01824 706709

Heading

45/2013/1053
94 Dyserth Road
Rhyl

11



Application Site



Date 2/10/2013

Scale 1/1250

Centre = 302628 E 381236 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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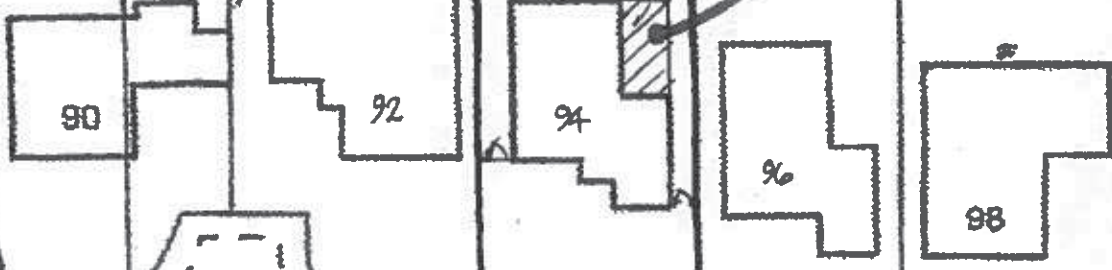
Al gynhyrchir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa E. Mawrhydi
© Hawffraint y Goron Mae al gynhyrchu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil Cyngor Sir Ddinbych 100023408 2011

SITE PLAN

5 / 2013 / 053 / P F

LOCATION OF EXTENSION

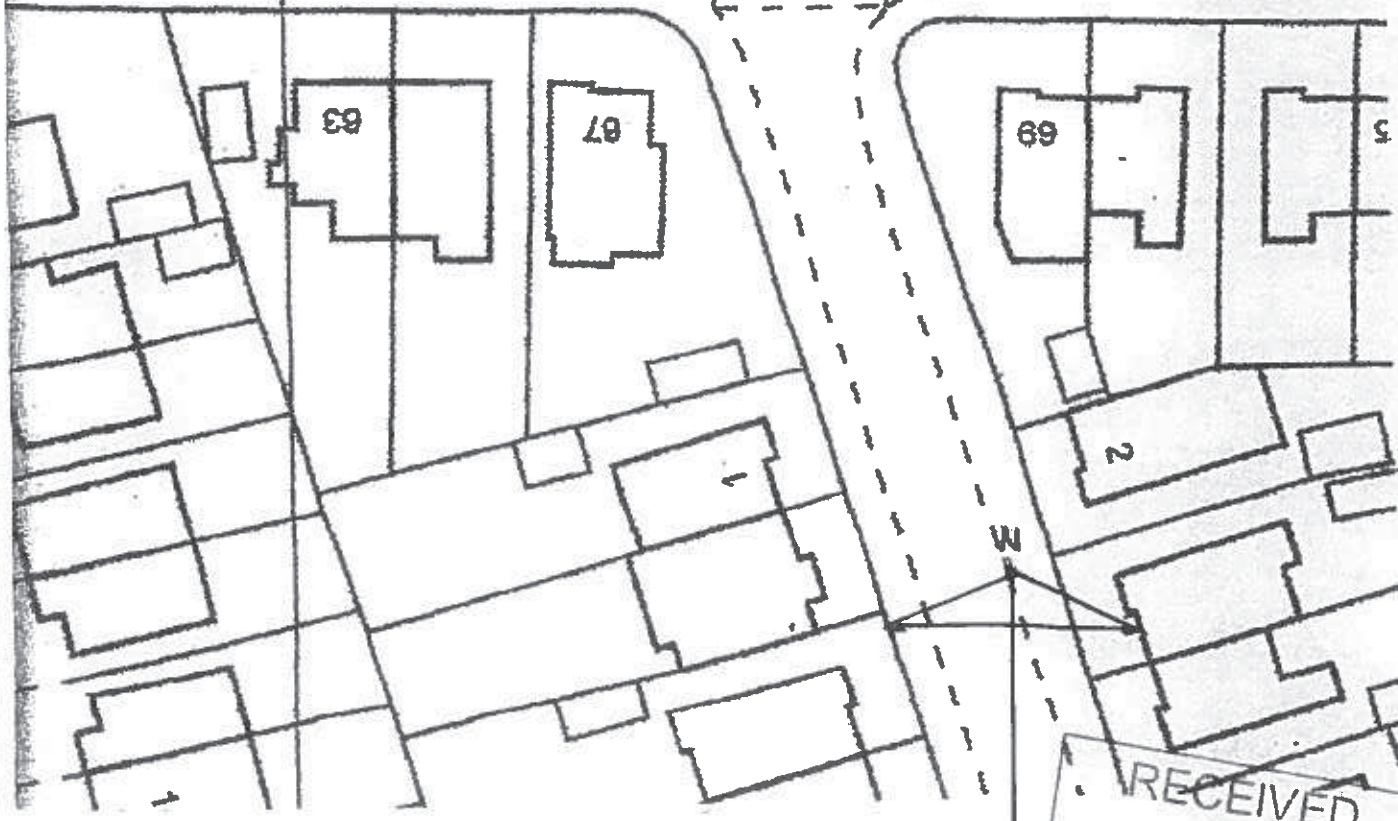
EXTD.



DYSERTH ROAD

TCB

LB



RECEIVED

15 AUG 2013

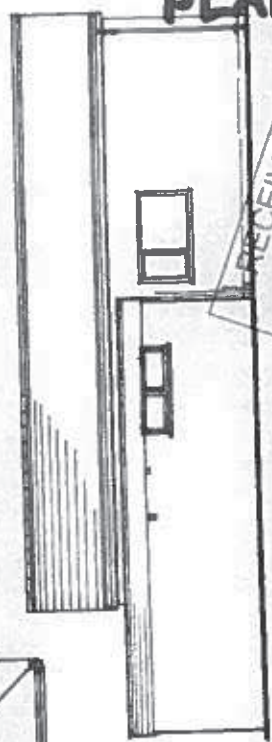
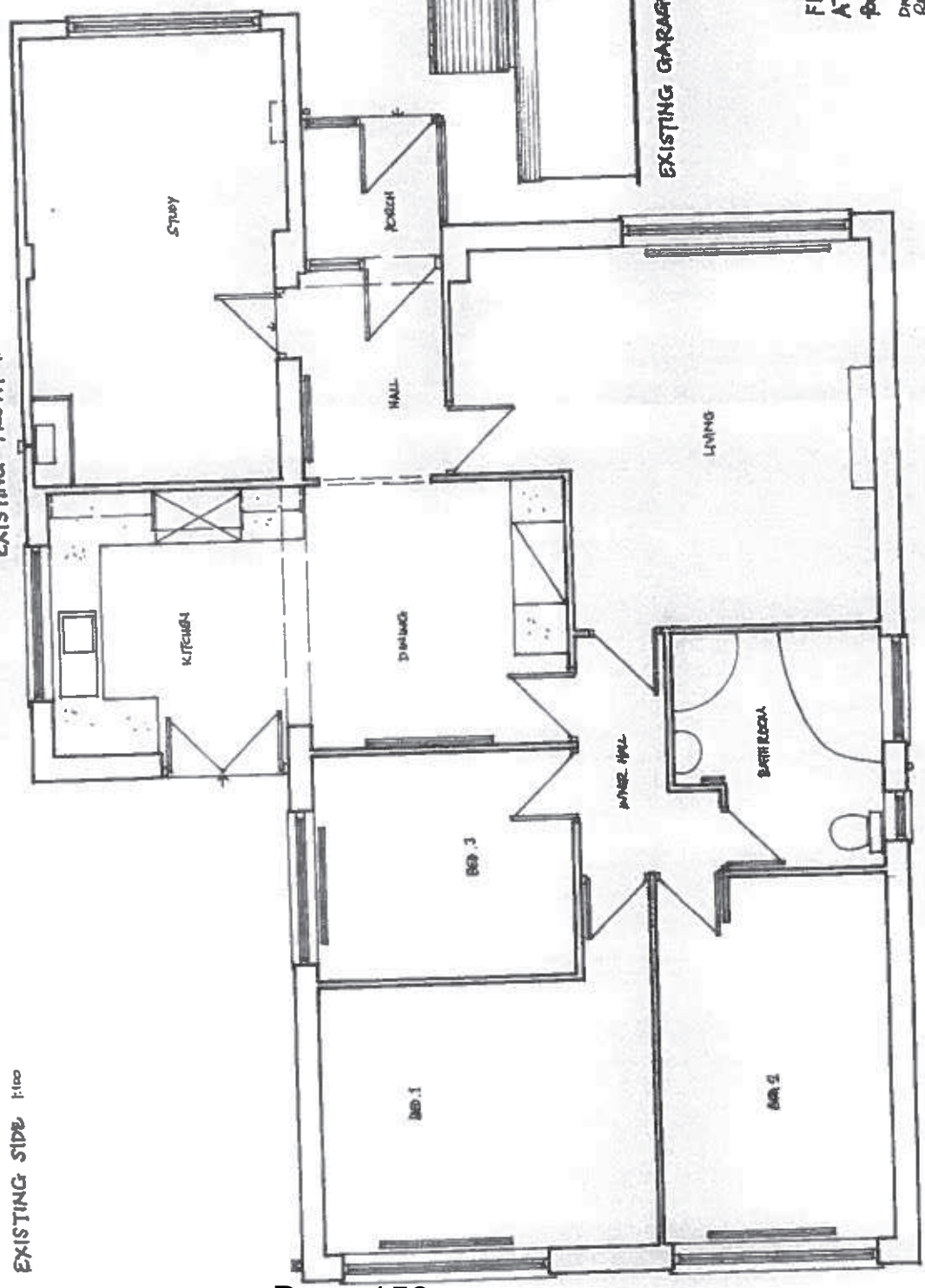
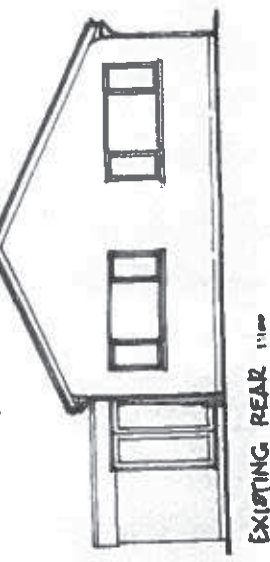
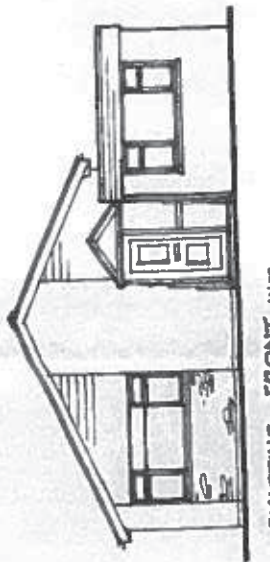
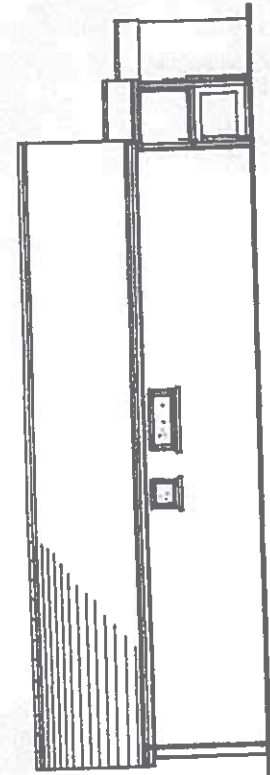
CALIFORNIA

AS EXISTING/ AS PROPOSED SITE PLAN 1:500

J. BRADY, ARCHITECTURAL CONSULTANT, 22 ORCHARD STREET

45 / 2013 / 10531PF

EXISTING PLANS



RECEIVED
15 AUG 2013
CALEDONIAN RECEPTION

FIRST FLOOR EXTENSION & ALTERATIONS
AT 94 DYSEBETH ROAD, RHYL,
By M. McAllister.

DATE: FEB '11; SCALE: AS SHOWN; DWG NO: 11/10/10FF-4
REVISIONS:

GROUND FLOOR LAYOUT AS EXISTING 1:50

ITEM NO: 11
WARD NO: Rhyl South East
WARD MEMBER(S): Councillors Win Mullen-James, Brian Blakeley and Bill Tasker
APPLICATION NO: 45/2013/1053/ PF
PROPOSAL: Erection of extension to ground floor and alterations and extensions to provide first floor living area
LOCATION: 94 Dyserth Road Rhyl
APPLICANT: Mr Ian McAllister
CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice - NoPress Notice - NoNeighbour letters - Yes

CONSULTATION RESPONSES:
RHYL TOWN COUNCIL- No objection.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: None.

REASONS FOR DELAY IN DECISION (none applicable):

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes the erection of an extension to the ground floor and alterations and extensions to provide a first floor living area within an existing bungalow. The roof would be raised from 4.5m to 7m to accommodate the first floor space, infilling the side extension to the rear of the existing flat roof garage to facilitate the extended roof.

1.1.2 The details of the proposals are shown on the plan at the front of the report.

1.2 Description of site and surroundings

1.2.1 The dwelling is a bungalow, located adjacent to similar bungalows, set back from the Dyserth Road, by a frontage access road. There are two storey dwellings to the rear.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Rhyl.

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 Local Development Plan (adopted 4th June 2013)
 - Policy RD1 Sustainable Development and Good Standard Design
 - Policy RD3 Extensions and Alterations to Dwellings

Supplementary Planning Guidance
SPG 1 - Extensions to Dwellings
SPG 7 – Residential Space Standards
SPG 24 - Household Development Design Guide

- 3.2 Government Policy / Guidance
Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

- 4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity

- 4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The principle of extensions to existing dwellings is acceptable in principle subject to consideration of detailing and impacts. Policy RD3 sets out tests to ensure proposals have an acceptable impact on the amenity and appearance of the host dwelling. Policy RD1 contains tests requiring the development to have an acceptable impact on the amenity and appearance of the locality.

- 4.2.2 Visual amenity
Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria i) of Policy RD 3 the scale and form of the proposed extension or alteration is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that a proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing.

In this instance the roof height of the bungalow would be raised and the roof form would be altered owing to the ground floor extension.

Owing to the design approach, Officers do not consider the proposed extension would reflect the character and appearance of the dwelling which is a bungalow. Having regard to the design, scale, massing and materials of the proposed extension, in

relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered that the proposal would not comply with the requirements of the policies listed, and would therefore have an unacceptable impact on visual amenity.

4.2.3 Residential amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. Test iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site, to ensure that sufficient external amenity space is retained. SPG 7 requires that 40m² of private external amenity space is provided.

The application proposes infilling an area at the side of the dwelling to enable a new roof to be added which would be 2.5m higher than the existing single story roof level. The adjacent dwelling has a dormer on the side extension which would face the gable of the proposed new roof.

As the proposed extension would be located in close proximity to an existing dormer window of the adjacent dwelling, and there would be windows in the side roof plane and gable, it is likely that the scale of the roof addition as well as the windows in the roof would impact adversely on the outlook from the windows on the adjacent dwelling. Hence it is considered that the extension would result in an unacceptable loss of amenity for the adjacent occupiers. Therefore having regard to the scale, siting and design of the proposed extension, it is considered that the proposals would not comply with the requirements of the policies listed.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposal fails to meet the relevant policy criteria, and is therefore recommend for refusal.

RECOMMENDATION: - REFUSE for the following reason:-

It is the opinion of the Local Planning Authority that the siting, scale and design of the extension and alterations would not respect the character and appearance of the bungalow and the increased height of the dwelling would result in an unacceptable loss of amenity for the occupiers of No. 96 Dyserth Road. The proposal therefore fails to comply with Tests i) and ii) of Policy RD3, and Test vi) of Policy RD1 of the Denbighshire Local Development Plan and advice contained in SPG 1 Extensions to Dwellings.

Report To: Planning Committee

Date of Meeting: 16th October 2013

Lead Member / Officer: Cllr David Smith, Public Realm
Angela Loftus, Planning & Public Protection Policy
Manager

Report Author: Claire MacFarlane, Planning Officer

Title: Affordable housing – interim calculation for financial contributions

1. What is the report about?

- 1.1. This report explains a proposed interim method for calculating financial contributions towards affordable housing, for developments of 3-9 dwellings.

2. What is the reason for making this report?

- 2.1. This report explains the proposed process of the above calculation and seeks Members' approval to use this approach in determining planning applications, pending adoption of new Supplementary Planning Guidance (SPG) on affordable housing.

3. What are the Recommendations?

- 3.1 That Members agree the method of calculation for affordable housing financial contributions on developments of 3-9 dwellings, prior to adoption of a new SPG on affordable housing.

4. Report details.

- 4.1. The Local Development Plan policy on affordable housing sets out a quota of 10% of any new residential developments to be provided as affordable housing. The thresholds for this are (i) on-site provision in developments of 10 or more dwellings and (ii) a financial contribution from developments of 3-9 dwellings. Developments of less than 3 will not be expected to make any provision towards affordable housing.
- 4.2. On-site provision is a simple calculation of 10% of the number of units proposed (or calculated using the LDP density figures). However, the LDP policy does not specify the basis on which financial contributions from developments of 3-9 should be calculated.
- 4.3. The final method of calculation will be developed as part of, and included within, the new Affordable Housing SPG. However, given the timescales associated with progressing this SPG to adoption and the lack of specific

guidance in the LDP policy wording, agreeing an interim mechanism for developments of 3-9 dwellings is a priority.

- 4.4. There are various bases on which this calculation could be formed but it is considered that a straightforward and reasonable basis would be on build costs. The contribution would be calculated using median build cost information (£/m²) as published by the RICS (BCIS Online) and the average floor area of the proposed development. For example, a development of **3 dwellings** with an average floor area of 90sqm would provide:

$90\text{sqm} \times \text{£}825 \text{ per sqm} = \text{£}74,250 \times 10\% = \text{£}7,425 \text{ per dwelling} \times 3 \text{ dwellings} = \text{£}22,275 \text{ financial contribution}$

The same development of **9 dwellings**, using the same figures, would yield a financial contribution of **£66,825**.

- 4.4. It is considered that a formula which uses a recognised industry standard figure for build cost will provide greater consistency and certainty for developers and officers than entering into negotiations over the actual projected build costs of the proposed development.
- 4.5. **It should be noted that the above calculation relates only to developments of 3-9 dwellings.** The current Affordable Housing SPG contains a separate formula for calculating commuted sums in lieu of on-site provision (ie developments of 10 or more). There will be an opportunity to revise this formula as part of the review of the SPG.

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

- 5.1. *Corporate Priorities 2012-17*. The SPG will contribute positively to the following proposed corporate priority:
- Ensuring access to good quality housing – Establishing a mechanism for securing financial contributions from smaller housing developments will contribute towards the delivery of affordable housing in the County.

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

- 6.1. Agreeing an interim mechanism for calculation financial contributions from developments of 3-9 is not anticipated to create any additional cost. It should be noted however, that the BCIS Online data is a paid service, which the Valuation & Estates section subscribe to. Officers from the Valuation & Estates section will provide the build cost figure at agreed times (eg annually etc).

7. **What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

7.1 An EqIA is not considered necessary for this decision. The principle of requiring financial contributions for affordable housing from developers has been established through adoption of the LDP. This decision relates only to the mechanism for calculating this. The LDP underwent a full EqIA in May 2011.

8. What consultations have been carried out with Scrutiny and others?

8.1 No formal consultation has been carried out, but internal consultation has been carried out with officers in the Housing & Community Development Service, Development Control Section and Valuation & Estates Section. A report on this issue was also presented to the first meeting of the LDP Members Steering Group on 18th September, with the recommendation being broadly supported.

8.2 The final mechanism for securing contributions on development of 3-9 dwellings will be included within the revised Affordable Housing SPG, which will be subject to public consultation.

9. Chief Finance Officer Statement

9.1 Any costs associated with the guidance should be contained within existing budgets and therefore there are no obvious financial implications contained in the report.

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

10.1 In the absence of an interim mechanism to calculate financial contributions from developments of 3-9 dwellings, there is a risk the Council will be unable to effectively operate the LDP policy until a new Affordable Housing SPG is adopted, which may take considerable time. This would result in a failure to secure the full amount of financial contributions available through new housing developments. The current Affordable Housing SPG relates to the previous UDP policy, which does not contain a requirement for financial contributions, and therefore cannot be relied upon to provide sufficient planning guidance in the intervening period.

11. Power to make the Decision

11.1 Planning & Compulsory Purchase Act (2004).

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