

To: Chair and Members of the Planning Committee

Date: 12 June 2014

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 18 JUNE 2014** 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 11 - 28)

To confirm the accuracy of the minutes of the Planning Committee meeting held on 14 May 2014 (copy attached).

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Pages 29 - 80)

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

6 GLASCOED ROAD CREMATORIUM APPEAL (Pages 81 - 84)

To consider a report by the Head of Planning and Public Protection (enclosed) regarding an anticipated appeal against refusal for development. The report provides background information and seeks member and professional legal representation in the appeal process.

7 APPEALS UPDATE COVERING REPORT (Pages 85 - 98)

To consider a report by the Development Manager (enclosed) providing a detailed analysis of all the planning appeal decisions which have been made from April 2013 to date.

MEMBERSHIP

Councillors

Councillor Raymond Bartley (Chair)

Councillor Win Mullen-James (Vice-Chair)

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
Ann Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Evans
Huw Hilditch-Roberts
Colin Hughes
Rhys Hughes
Alice Jones
Pat Jones

Margaret McCarroll
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 location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

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 for deferral, before any public speaking or debate on that item.

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

Prior to any debate, 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.

There are display screens in the Council Chamber which are used to show photographs, or plans submitted with applications. The photographs are taken by Officers to give Members a general impression of a site and its surroundings, and are not intended to present a case for or against a proposal.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

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.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason (s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

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

The voting procedure

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, 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.

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 outcome of 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 14th May 2014 at 9.30am.

PRESENT

Councillors J.R. Bartley, J A Butterfield, W L Cowie, M Ll. Davies, J.M. Davies , R J Davies, S.A. Davies, P A. Evans, H Hilditch-Roberts, C. Hughes., T.R. Hughes, P M Jones, M. McCarroll , W M Mullen-James, R M Murray, P W Owen, T M Parry, A Roberts, D Simmons, W.N. Tasker, J Thompson-Hill , J S Welch, C H Williams, C L Williams and H O Williams

ALSO PRESENT

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

Angela Loftus (Local Development Plan & Policy Manager) Claire Macfarlane (Local Development Plan & Policy Officer) and Denise Shaw (Planning Officer - Renewable Energy) attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillors I W Armstrong, J Chamberlain-Jones, E.A. Jones and D Owens.

(In submitting her apologies Councillor J Chamberlain-Jones requested a note be made that she is unable to attend Planning Committee due to a diary clash with Fostering Panel.)

It was noted that Councillor Ray Bartley has replaced Councillor Peter Duffy as representative of the Independent Group on Planning Committee with immediate effect.

Members were reminded of their obligation to maintain a level of training in Planning matters to ensure they are eligible to vote on planning applications. It was noted however that those Members without the requisite training can vote on all other matters on the agenda.

2 DECLARATIONS OF INTEREST

None

3 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of Planning Committee for the ensuing year.

Councillor Ray Bartley was nominated by Councillor Joe Welch, seconded by Councillor Merfyn Parry.

Councillor Win Mullen-James was nominated by Councillor Joan Butterfield, seconded by Councillor Bill Tasker.

The candidates addressed the committee and a secret ballot was conducted. The result was as follows:

15 votes to Councillor Ray Bartley
10 votes to Councillor Win Mullen-James

In accordance with the constitution Councillor Ray Bartley was duly elected Chair of Planning Committee for the ensuing year.

Councillor Bartley took the Chair and thanked the Committee. He also praised the work of Councillor Win Mullen James during her year as Chair

Councillors Meirick Lloyd Davies and H Hilditch Roberts also thanked Councillor Win Mullen James for her support during the last year.

4 APPOINTMENT OF VICE CHAIR

Nominations were sought for the position of Vice Chair of Planning Committee.

Councillor Win Mullen-James was nominated as Vice Chair for the ensuing year by Councillor Joan Butterfield, seconded by Councillor Bob Murray.

There being no other nominations, Councillor Win Mullen James was duly elected as Vice Chair of Planning Committee for the ensuing municipal year.

5 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 16th April 2014.

Agreed as a true record:

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 Act 1990, 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: 12/2013/1384/PO

Location: Land off Crud Yr Awel Clawddnewydd Ruthin

Description: Development of 0.07ha of land by the erection of 2 no. detached dwellings (outline application - all matters reserved)

Councillor M Lloyd Davies asked if this application would affect the provision of affordable housing.

Councillor Colin Hughes raised concerns that Denbighshire had not provided as many affordable houses as neighbouring Counties.

Ian Weaver (Principal Planning Officer) stated that this application was before Committee to allow debate on this very issue following an appeal which was allowed on a site in Cyffylliog – where land was subdivided and affordable housing not provided. This application raised similar issues, the site being part of a larger allocated housing area, in the development boundary, in the same ownership. The appeal judgement in Cyffylliog showed that it was important to address the affordable housing provision at an early stage in the event that subdivision takes place.

This application was for 2 houses, which is below the Affordable Housing trigger level, and makes no provision for open space for the larger potential development at this stage. A condition is suggested to ensure delivery of affordable housing.

Councillors expressed concern at the complexity of affordable housing as a wider issue.

Proposals:

Councillor H O Williams proposed that permission be GRANTED. This was seconded by Councillor M Parry.

VOTE:

22 voted to GRANT

0 voted to REFUSE

0 abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Correction to Reason for Condition No's 6 & 7

6. In the interest of compliance with adopted affordable housing policies, to prevent subdivision of an allocated housing site creating the possibility of circumventing policy, in order to ensure delivery of affordable housing.

7. In the interest of compliance with adopted open space policy, to prevent subdivision of an allocated housing site creating the possibility of circumventing policy, in order to ensure delivery of open space.

Suggested new Note to Applicant:

In relation to Conditions 6 and 7 of this permission, you are advised to contact the Planning Officer to discuss the approach to be adopted to the provision of Affordable Housing and Open Space in connection with the development of the application site and the larger allocated housing site.

Application No: 16/2013/1542/PF

Location: Llanbedr Hall Estate Llanbedr Dyffryn Clwyd
Ruthin

Description: Conversion of former boiler/glasshouse into a single dwelling and erection of ancillary summerhouse

additional representations were reported:

AONB Joint Advisory Committee
Natural Resources Wales
PLP Planning on behalf of D Hughes, Carneddi, Llanbedr DC

Public Speakers:

Mr Guy Alford (Against)

Mr Alford challenged the officer's recommendation, suggesting that policies should be adhered to. Mr Alford said this site is in the open countryside and AONB and to ignore LDP policy because of a previous permission is not logical. This development does not provide the affordable housing required by Policy PSE4. Mr Alford urged committee to refuse permission on this basis. He was also concerned that the access to this site would open it up for future development.

Rhys Davies (For)

Mr Davies spoke in favour, stating that in answer to Mr Alford's submission, the access does not open other areas for development and suggested the owner had communicated well with all concerned. The AONB Committee was in support of the "innovative design" which is the subject of this amendment to an existing permission. Mr Davies reiterated that, as permission exists, this building could be developed now but this amendment is, in Mr Davies' opinion, a better scheme. It is a sensitive conversion introducing elements to reflect this history as a glass house. The small garden room proposed would be smaller than a single garage and there was no intention to redevelop this.

Councillor H O Williams indicated support for concerns raised by Mr Alford. Councillor Williams had spent a great deal of time on Llanbedr Hall issues and stated that locals did not want the access to be built but this was part of the

appeal decision which overturned a 2011 refusal. He was concerned at the proposed loss of trees and would not be able to support the application.

Other Members asked whether there were sustainable grounds for refusal; whether the new roadway could be surfaced with non-reflective material to better blend into the mountainside; and the age of the trees that are to be felled.

Officers responded to explain that this site had planning permission but suggested the start date be the same as that of the extant permission to avoid increasing the life of the planning permission. The trees to be felled included some mature specimens to the south of the building. It is intended to retain one Yew tree, estimated to be 188 years old but there was a similar one which would have to be removed due to its proximity to the building.

The access has already been approved but officers would request details of materials to be used. The LDP requires the provision of affordable housing but the extant permission based on previous policy outweighs that requirement.

Proposals:

Cllr H O Williams proposed permission be REFUSED on the grounds that the proposal does not comply with the Policy PSE 4 requirement to provide affordable housing and the unacceptable impact of the proposed summerhouse outside the curtilage, within the AONB. This was seconded by Cllr H Hilditch Roberts.

ON BEING PUT TO THE VOTE:

8 Voted to GRANT
12 Voted to REFUSE
1 Abstained

PERMISSION WAS THEREFORE REFUSED

The decision, being contrary to the Officer recommendation, was taken on the basis that the proposals were in conflict with Local Development Plan policy.

Reasons drafted -

1. In the opinion of the Local Planning Authority, the proposals do not comply with test ii of Policy PSE4 of the Denbighshire Local Development Plan in that the dwelling is not proposed as an affordable unit to meet local needs, hence would not contribute to the delivery of affordable housing in accordance with the Council's strategies.
2. The proposal to extend the residential curtilage beyond that approved as part of the extant planning permission 16/2009/1155/PF, including the development of a detached summer house, is not considered acceptable in principle and in terms

of physical impact in terms of Policy VOE2 of the Denbighshire Local Development Plan in that it would have an unacceptable visual impact and cause unacceptable harm to the character and appearance of the landscape within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

The reasons for refusal are to be agreed with the proposer and seconder, Chair and Vice Chair of Committee.

Application No: 18/2014/0303/TP

Location: 11 Park Tyn Llan Llandyrnog Denbigh

Description: Felling of sycamore tree No. T1 and 30 per-cent canopy reduction of sycamore and elm trees in Area G1 shown on the plan annexed to the Glyndwr District Council Tree Preservation Order 1996

A clearer plan was circulated.

General Debate:

Cllr Merfyn Parry had no objection and moved officer's recommendation to GRANT. This was seconded by Councillor H Hilditch Roberts.

VOTE:

22 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2014/0193/PF

Location: Land adjoining 21 Stanley Park Avenue Rhyl

Description: Erection of a single storey pitched roof double garage

Cllr Bill Tasker stated that he had no objection in principle, but asked that the site be monitored to ensure it is not used by the applicant to store building materials for his business.

Other Councillors asked for clarification on the rules relating to businesses at home. Officers explained that if residential amenity is changed by the activity or the balance is more towards the business, permission would be required. It would be important to review activities.

Cllr W Mullen James advised Committee that parking was an issue in this area and restrictions should be placed on the storage of vehicles and large plant.

Officers referred committee to Condition 3 which covered commercial activity.

Cllr Bill Tasker proposed permission be **GRANTED**. This was seconded by Cllr M Lloyd Davies.

VOTE:

22 voted to **GRANT**

0 voted to **REFUSE**

0 **Abstained**

Permission was therefore **GRANTED**

ITEM 8

RECONSIDERATION OF PLANNING APPLICATION

CHANGE OF USE OF RESTAURANT AT FIRST FLOOR LEVEL INTO 2 NO. SELF-CONTAINED FLATS

72 QUEEN STREET, RHYL

APPLICATION NO. 45/2014/0116/PF

Submitted: report by Head of Planning and Public Protection

Paul Mead, Development Manager explained the circumstances leading to a refusal of permission at last Committee the Officers' request for a review of this decision

Highway concerns were given as a reason for refusal but on discussion with Highways Officers it was clear that, given the site location near to a town centre with suitable local car parks, this was not a sustainable reason for refusal. The Rhyl Going Forward Team were also consulted and they were comfortable with this development – stating that future focus for business premises would be confined to a smaller area of town centre this premises would be on the outskirts which would become more residential in nature.

Cllr J Butterfield reiterated her opinion that the demolition of houses in Rhyl was creating a problem and felt this area was not appropriate for flats.

Cllr Bill Cowie thought that potential residents would consider if parking was an issue for them before moving into such a property and said he would prefer it to be occupied than left vacant.

Cllr M Parry agreed with Councillor Cowie and asked that soundproofing be considered to protect residents from noise from the restaurant.

Officers explained that the restaurant to be converted was on the first floor and there were policy restrictions on using ground floor shops for residential purposes, so noise from a late opening restaurant should not prove to be an issue.

Cllr M LI Davies proposed permission be GRANTED. This was seconded by Cllr Bill Cowie.

Graham Boase, Head of Planning and Public Protection strongly advised those proposing to vote against this proposal to state their reasons prior to the vote being taken.

Cllr J Butterfield proposed permission be REFUSED, for the reason that loss of commercial premises would be detrimental. This was seconded by Cllr Bob Murray.

ON BEING PUT TO THE VOTE:

13 voted to GRANT
8 voted to REFUSE
1 abstained

Permission was therefore **GRANTED** in accordance with officer recommendation
, subject to the addition of the following planning condition:

3. Neither of the flats shall be permitted to be occupied until there has been submitted to and approved in writing by the Local Planning Authority, facilities for the secure parking of bicycles within the site, and the approved arrangements have been implemented.

Reason – To ensure satisfactory arrangements for the parking of cycles in the interests of accessibility.

ITEM 9
NORTH WALES WIND FARMS CONNECTIONS MAJOR
INFRASTRUCTURE PROJECT
CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT
2008

Denise Shaw (Planning Officer Renewable Energy) was in attendance for this item.

Denise Shaw explained that this report related to consultation prior to the submission of a planning application to the Planning Inspectorate for overhead electricity power lines from Clocaenog to St Asaph. Denbighshire County Council is one of the Statutory Consultees. The report also requests a resolution regarding resource allocation dedicated to respond to the project when the application is submitted. The consultation period for response had been extended to June 2014.

Cllr Joe Welch spoke at length on the inadequate consultation in his ward, including the case of a property, Tan yr Allt, within 25m of the proposed line which was not included in the consultation. He also referred to the inaccuracy of the viewpoint diagrams submitted. A number of properties in Peniel and Saron had been left out of the consultation and the exercise had to be repeated. There was a strong local opinion that large pylons would have a detrimental effect on tourism and landscape, and he urged that cables be routed underground.

Other Councillors agreed, stating that cabling had been routed underground from the coast to St Asaph, and that the Council's response should include (at 4.2b) that "all the route should be underground" and not "most of the route". There was dismay expressed that an Ancient Woodland had not been identified as being in the path of the pylons and that the views at the gateway to Denbighshire (on the Groes Road) would be affected by pylons crossing at this point.

Denise Shaw stated that these were valid points but advised that the proposal was for overhead lines and it would be necessary at the Inquiry to robustly defend why overhead lines are not acceptable.

It was also pointed out that Denbighshire County Council was one of many consultees and other consultees (including members of the public) should issue a response on their own behalf.

At this point Councillor Colin Hughes proposed a strong message be included stating the Council's preference for the cables to be routed underground. This was seconded by Councillor J Butterfield and unanimously agreed on a show of hands.

Members continued the debate, raising the following issues:

- requesting that neighbouring counties affected be advised of Denbighshire's opinion in order to seek their support.
- to note that magnetic fields are emitted from underground cables and this should be taken into consideration
- that cost should be used as part of the argument.
- that there will be an effect on wildlife.

Officers referred Members to the recommendation on the Addendum Report which would be redrafted and shared with Local Members, Chair and Vice Chair before it is issued to SPManweb as the Council's response.

There was a further proposal from Councillor D Simmons that all concerned should write to their MP/AM advising them of their constituents concerns. This was seconded by Cllr Colin Hughes and unanimously accepted by a show of hands.

Cllr Arwel Roberts proposed that the Officers' recommendation be accepted, subject to the additions suggested by Committee. This was seconded by Cllr Bill Cowie.

ON BEING PUT TO THE VOTE:

23 voted to accept the report recommendations

0 voted against

There were no abstentions

Denise Shaw was thanked for the recent Member briefing and her work on this issue.

ITEM 10
AFFORDABLE HOUSING SUPPLEMENTARY PLANNING
GUIDANCE –
ADOPTION OF FINAL DOCUMENT

Angela Loftus and Claire Macfarlane (Local Plan and Policy Section) were present for this item.

Angela Loftus explained the background to this item, advising Members of the reason for reducing the requirement for affordable housing to 10% of the proposed dwellings but emphasised that this can rise to 30% if the housing market recovers. Officers would monitor build costs, income and house prices on an annual basis.

Smaller developments require a financial contribution, details of which have been included in the SPG.

Members voiced the opinion that

- Affordable Housing was not addressed properly in Denbighshire, “red tape” makes it difficult to get on the waiting list but the list was being used as an indicator of need for affordable housing in a given locality.
- The “Local Connection” element was too restrictive.
- Average house prices in some locations are high so there are few opportunities for young people to stay. School pupil numbers are reducing as a result.
- Financial Need is not necessary for the hamlets policy.
- Denbighshire County Council should be ‘open for housing’ as well as ‘open for business.’

Officers responded to advise that they understood the issues of getting on the waiting list and would feed back to colleagues in Housing.

- The Hamlets policy is aimed at retaining young local families.
- Financial Need is central to this policy.
- There must be some control over building outside development boundaries.
- If Members considered the SPG to be flawed then it should be rejected and redrafted.
- Clear lack of communication – Officers will seek to discuss with Head of Housing, Housing Officers and relevant Planning staff to discuss issues in depth.
- The LDP is due to be reviewed from June 2014 so issues can be addressed at that point.

Councillor Stuart Davies proposed acceptance of the Affordable Housing SPG in accordance with the report subject to further work on the Affordable Housing

policy during the LDP review starting in June 2014, together with associated policies. Discussions to take place between Housing and Planning Officers on the wider issue of Affordable Housing in Denbighshire and Members to be offered opportunities for involvement in training sessions on relevant topics.

This was seconded by Councillor H Hilditch Roberts.

ON BEING PUT TO THE VOTE:

22 voted in favour of this proposal

1 voted against

There were no abstentions.

It was therefore RESOLVED that the proposed final Supplementary Planning Guidance on Affordable Housing be adopted for use in the determination of planning applications.

That the affordable housing and related policies within the adopted Local Development Plan be the subject of further discussion with Members, possibly through the medium of training sessions involving Officers from Housing, Planning and other relevant services

ITEM 11
FORMER NORTH WALES HOSPITAL

Development Design Brief – Proposal for Adoption

Angela Loftus introduced this item, explaining the 8 week consultation period consisted of a substantial mail drop and exhibitions in Denbigh library.

The proposed Development Design Brief is a proactive approach to secure this important Listed Building, including the minimum enabling development to generate sufficient income to fund the necessary works.

It also protects various important view points of the building and establishes a framework for consideration of future proposals.

Councillor D Simmons proposed the Former North Wales Hospital Development Design Brief be adopted.

This was seconded by Cllr Win Mullen James

ON BEING PUT TO THE VOTE:

20 voted in agreement

3 voted against

0 abstained

It was RESOLVED therefore to adopt the proposed Site Development Brief: Former North Wales Hospital Denbigh for use in discussions prior to the submission of and, consequently, in determination of future planning applications

The Meeting closed at 12.45 p.m.

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DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
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3	43/2014/0013/PS	Prestatyn Football Club Bastion Gardens Prestatyn Variation of condition no. 2 of planning permission code no. 43/2008/0072 to permit the use of the floodlights between 1430hrs and 2200hrs on no more than 3 days in any 7 day period	49
4	31/2014/0432/PF	Land south of St. Asaph Business Park (south) Glascoed Road St. Asaph Continued use of land as a construction compound for up to 5 years to be used in association with Burbo Bank extension onshore works	57
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Heading:

REFERENCE NO. 18/2014/0225/PF
THE CREAMERY
LLANDYRNOG

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

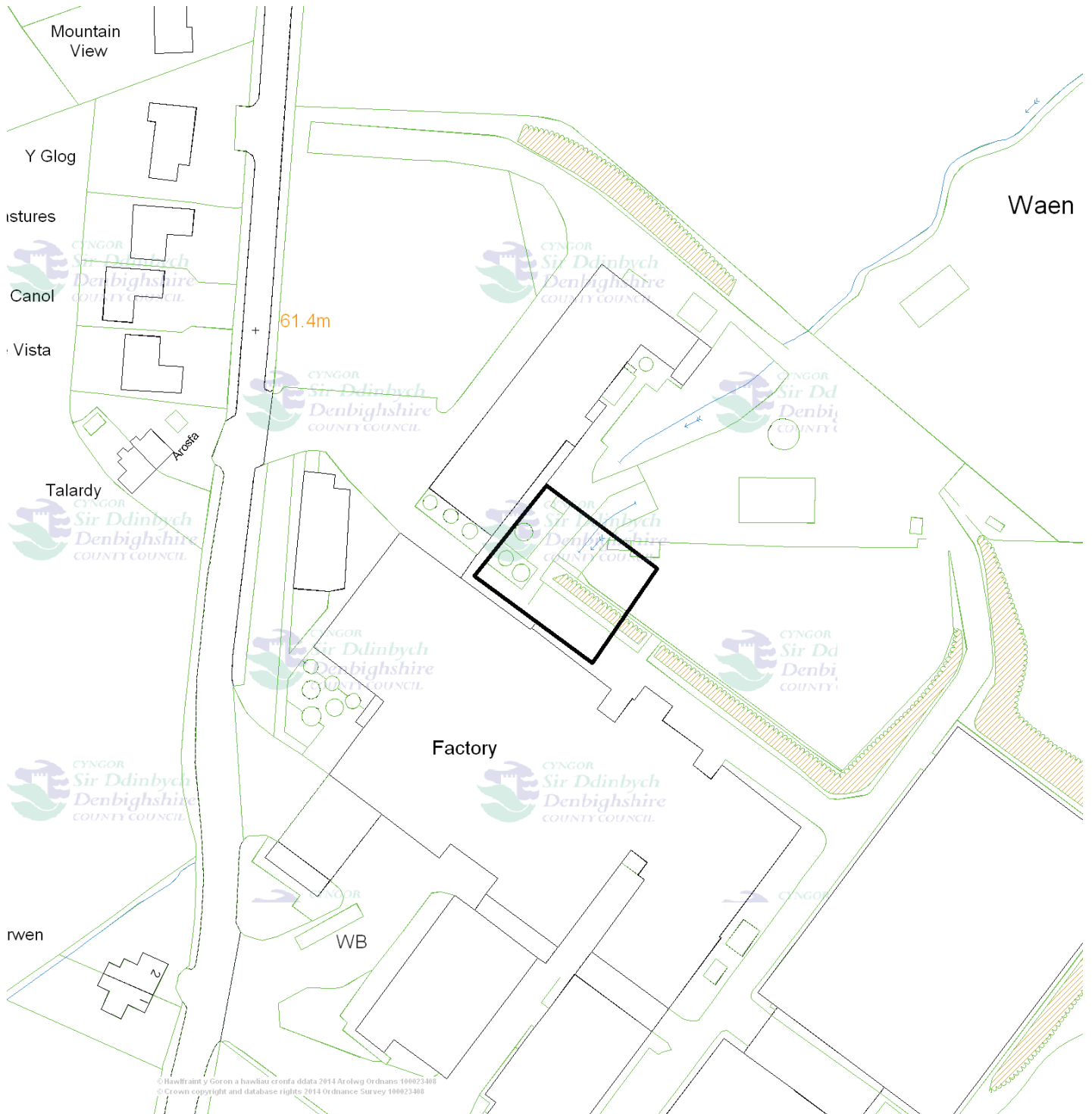
 Application Site



Date 3/6/2014
Centre = 310946 E 365682 N

Scale 1/1250

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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AS EXISTING

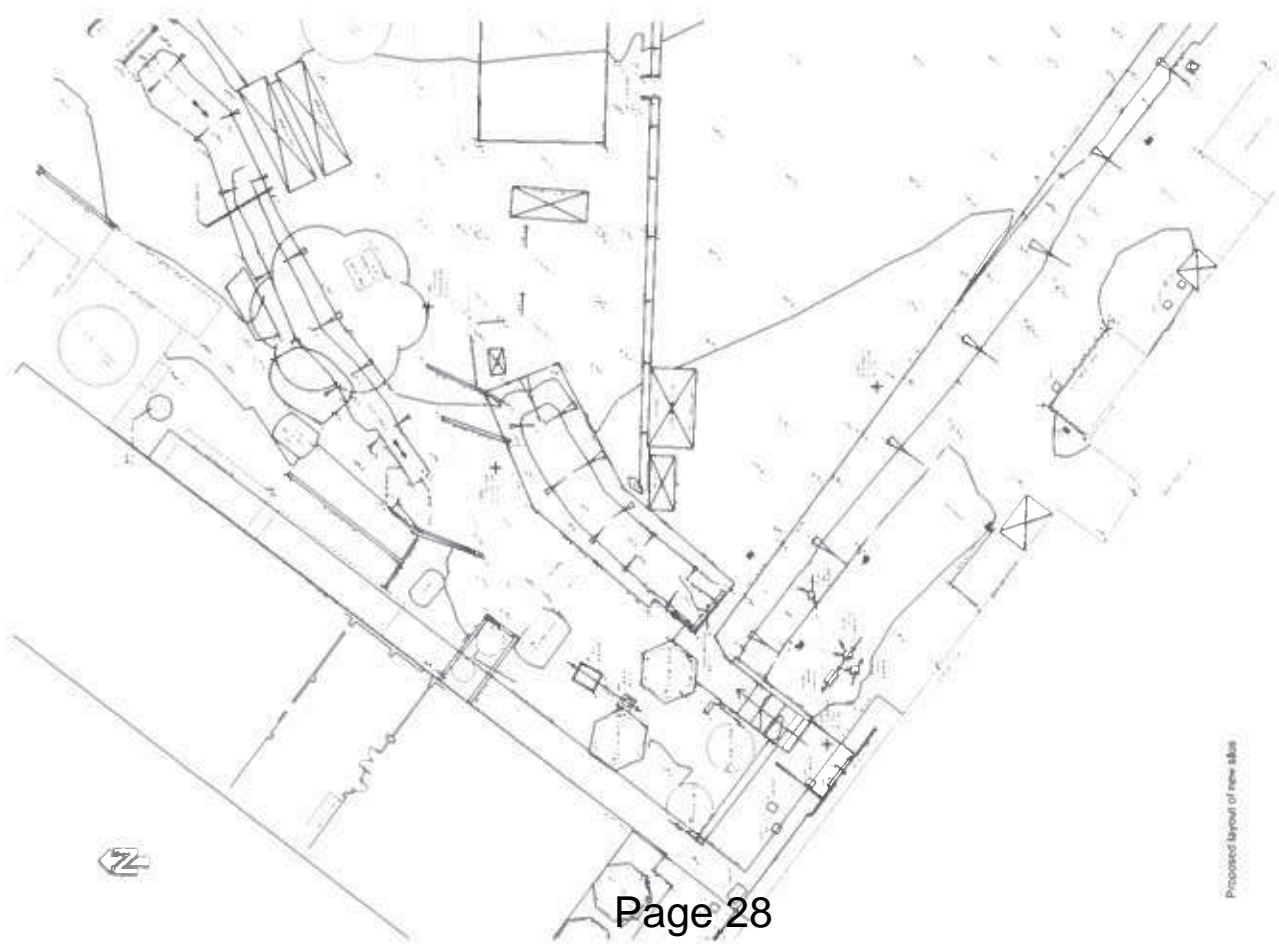
Sheet 28 of 31



AS EXISTING

Drawn by
Landscape Architecture
Landscape LI 18 024
Scale 1:200
Landscape Architecture Associates
1000 10th Street, Suite 100
P.O. Box 1000

Drawn by
Landscape Architecture
Landscape LI 18 024
Scale 1:200
Landscape Architecture Associates
1000 10th Street, Suite 100
P.O. Box 1000

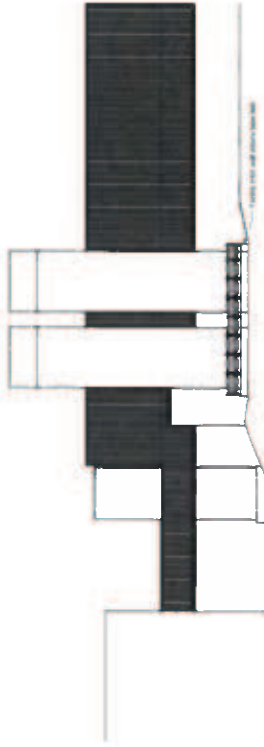


Proposed layout of new site

AS PROPOSED

New Silos
 County
 Larchmont, LI 11810
 S&L
 1/20
 PROJECT ASSOCIATION
 115
 CONTRACT NO. 1808022

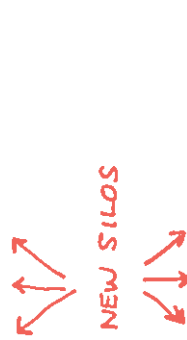
Drawn
 5/20/18
 10/20/18



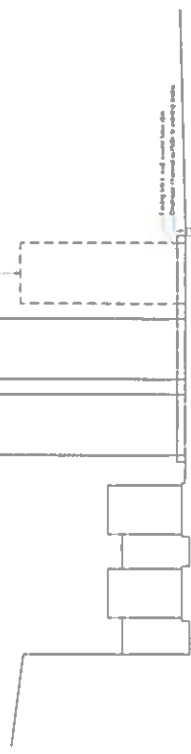
South east elevation



North east elevation



1. Silo 1 - 12' dia. x 12' high
 2. Silo 2 - 12' dia. x 12' high
 3. Silo 3 - 12' dia. x 12' high



South west elevation



ITEM NO: 1
WARD NO: Llandyrnog
WARD MEMBER(S): Cllr Mervyn Parry
APPLICATION NO: 18/2014/0225/ PF
PROPOSAL: Erection of 6no. silos and associated engineering works
LOCATION: The Creamery Llandyrnog Denbigh
APPLICANT: Mr Nigel Tynan Arla Foods
CONSTRAINTS:
PUBLICITY Site Notice – No
UNDERTAKEN: Press Notice – No
Neighbour letters - Yes

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

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

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

"Whilst being supportive of the application there was no environmental impact assessment included with the application and no mention of noise levels generated - presumably there will be pumps associated with the silos. Would DCC expect an environmental impact survey with a development of this type - we'll let you answer that.

Officers therefore need to be satisfied that the levels of noise generated will not be detrimental to the amenity of the local residents and what measures are being put in place to ensure that their amenity is protected.

It is a major employer and investment is welcomed - but one must not forget local resident's amenity - whilst most factories shut about six this plant operates 24/7 the noise levels being the same day and night.

There is also an existing planning permission for balancing tanks - an onsite waste attenuation system to regulate the flow of waste to the local treatment plant and Members would prefer if the silos could be delayed until such time as the balancing tanks have been installed - whether this is a planning issue is debatable - your comments on this would be appreciated but we have every faith in the planning system that there is a compromise somewhere which will allow this permission to be granted.

The visual impact from the AONB can be minimised by ensuring the silos are suitably coloured - from Llandyrnog CC point of view that particular aspect is not an issue".

NATURAL RESOURCES WALES (NRW)

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection.

- Public Protection Officer

No objections. Suggests inclusion of a suitably worded condition requiring the carrying out of a noise survey and restrictions on the noise levels which may be generated from the development.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

P. Knight, Argoed, Llandyrnog (N)

Mr. & Mrs. J. & M. Williams, Y Glog, Llandyrnog (O) – Petition with 11 signatures

Summary of planning based representations in objection:

Amenity considerations- proposals may increase noise levels on a site where there are existing noise issues.

EXPIRY DATE OF APPLICATION: 15/04/14

REASONS FOR DELAY IN DECISION (where applicable):

- Additional information requested
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes the erection of six silos at Llandyrnog Creamery. These are proposed for storing water recovered during the cheese making process for use in the factory and for heat recovery.

1.1.2 The proposed silos would be sited to the north east of the existing complex. They range in height from 18.8 metres to 16.6 metres. The silos would be finished in a forest green colour. They would be sited on concrete slabs surrounded by a brick wall.

1.2 Description of site and surroundings

1.2.1 The creamery is located on the northern end of Llandyrnog village. It is a well-established cheese making enterprise.

1.2.2 The creamery comprises of a range of large industrial type buildings and some existing silos.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

1.4.1 There have been various applications for developments on the site, the most recent application being for 'balancing tanks' in 2011. This development has not been implemented to date.

1.5 Developments/changes since the original submission

1.5.1 Following the consultation process additional information was sought by Officers regarding on the operation of the silos and noise details.

1.6 Other relevant background information

- 1.6.1 The Design and Access Statement refers to the need for the silos, the two largest silos would be used for the storage of water which will be recovered during the cheese making process. This water would be treated and used in the creamery for cleaning etc reducing the water needs on site and discharging from the site. The smaller silos would be used for heat recovery which would improve efficiency and reduce energy demands on site.
- 1.6.2 Noise data has been provided for the plant and pumps required for the silos.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Various planning application for ancillary developments, the most recent is set out below.
18/2011/1513 Installation of balancing tanks and bund. Granted under delegated powers.
07/03/2012.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy PSE 5 - Rural Economy

- 3.1 Supplementary Planning Guidance
N/A

- 3.2 Government Policy / Guidance
Planning Policy Wales Edition 6

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, 2014 (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 Highways Safety

- 4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Planning Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

The application proposes ancillary development at an existing rural commercial enterprise which would be acceptable under policy PSE 5. The detailed impacts are set out below.

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. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

Six silos are proposed, these would be sited on the north eastern side of the complex, to the rear of one of the factory buildings on a piece of land formally used for car-parking. The largest silo would be 18.8 metres in height. The existing buildings range from single storey height up to approximately 15 metres, there are also existing silos on the site. The proposed silos would be finished in a forest green shade to match the existing buildings on the site.

Considering the scale of the development in relation to the existing factory complex, the proposed siting and finish, it is considered that the proposal would not conflict with planning policy relating to impact on the visual amenity of the area.

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. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The application proposes the erection of six silos which will be used for purposes ancillary to the existing operation of the creamery, to improve environmental impacts and energy efficiency. The silos will not lead to an increase in production levels. Some plant is proposed as part of the proposal, for pumping water into the silos, the noise details of which have been submitted with the application. Public Protection Officers have been consulted on the application and have raised no objection to the scheme subject to a planning condition. Concerns have been raised locally over the noise impacts of the scheme.

Officers consider that the proposal would bring environmental improvements and would not increase activity at the factory including additional deliveries. Having regard to concerns over noise issues, the Pollution Control officer has no objections to the silo development, which may act to suppress sound from the existing building, but suggests the inclusion of a suitable condition requiring a noise survey and restrictions on noise levels from the silos. It is considered that the application raises no policy conflict in terms of residential amenity.

4.2.4 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.

The access arrangements to the site remain as existing. Having regard to the specific proposals, the Highways Officers raise no objections to the application.

It is not considered that that the proposal would result in highway safety issues.

4.3 Other matters

The Community Council have questioned why an Environmental Impact Assessment has not been submitted in support of this application. Officers have considered this issue as part of the processing of the application and that with regard to the Regulations, and advise that the

development would does not require the submission of an EIA. Queries have also been raised over the timing of the previous planning permission; strictly speaking this is not directly related to this application, as it will not impact on productivity levels or increase waste water from the site; however the Agent has advised that the planning permission for the balancing tanks is likely to be implemented in 2015.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposal would allow for environmental improvements at an existing enterprise, complying with policy PSE 5. The application is recommended for grant.

RECOMMENDATION: GRANT – with the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No work shall be permitted to commence on the installation of the plant and equipment associated with the silos until :
 - a) There has been undertaken, at the applicant's expense, a noise assessment by a suitably qualified acoustic consultant, to assess the current noise climate and the impact that the proposed plant will have on it, including recommendations for maximum noise levels permissible in association with the operation of the silos ;
 - b)The noise assessment has been submitted to the Local Planning Authority; and
 - c) The written approval of the Local Planning Authority has been obtained to the report and its recommendations.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall only be permitted to operate within the noise levels as set out in the report as approved by the Local Planning Authority.

Heading:

REFERENCE NO. 43/2013/1318/PF
PLAS DEVA CARAVAN PARK,
FFORDD TALARGOCH, MELIDEN

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

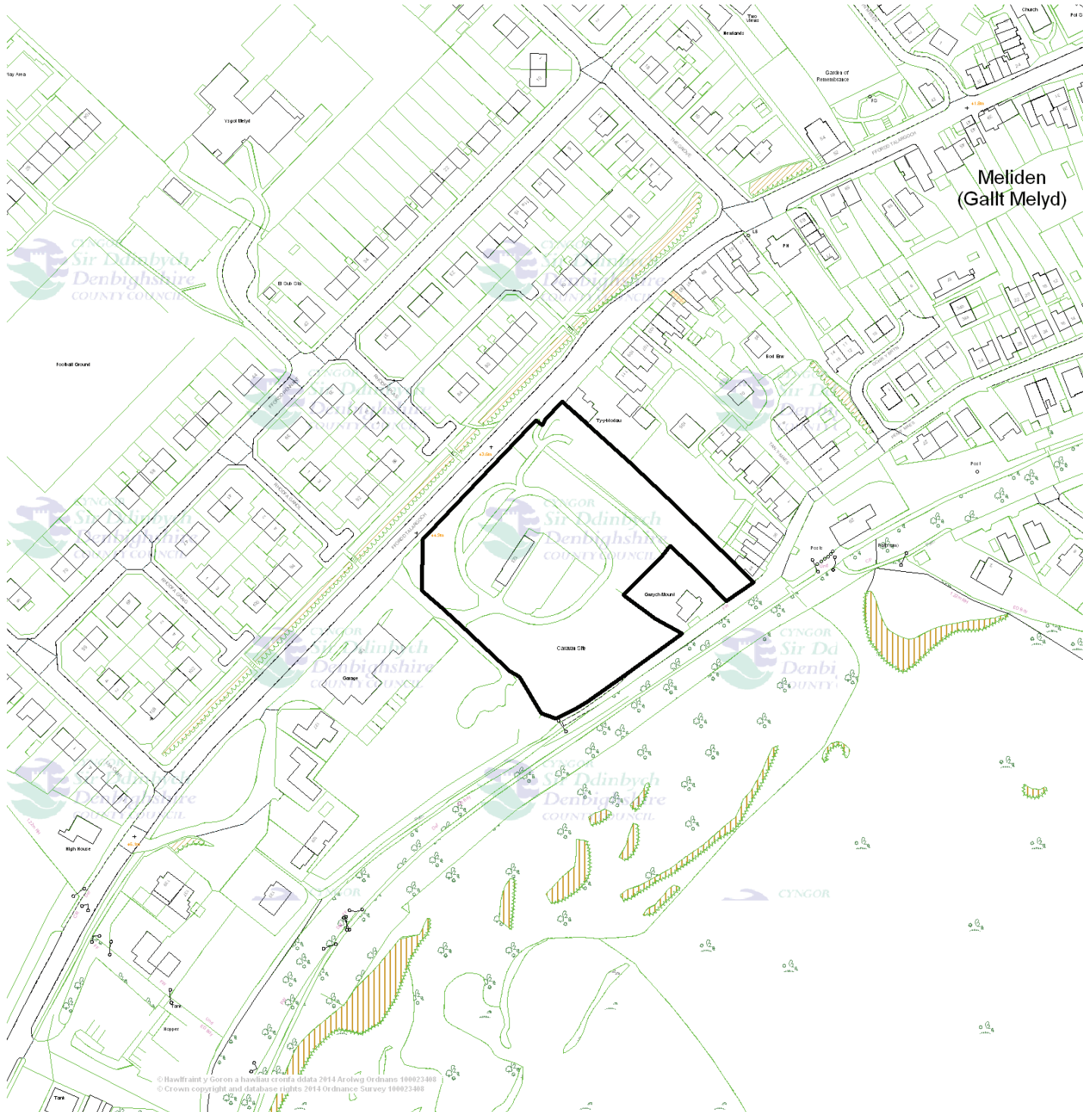
 Application Site



Date 3/6/2014
Centre = 305959 E 380665 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.



LAYOUT

Plus Deyo Park, Fford Talargoch,
Prestatyn, Wales

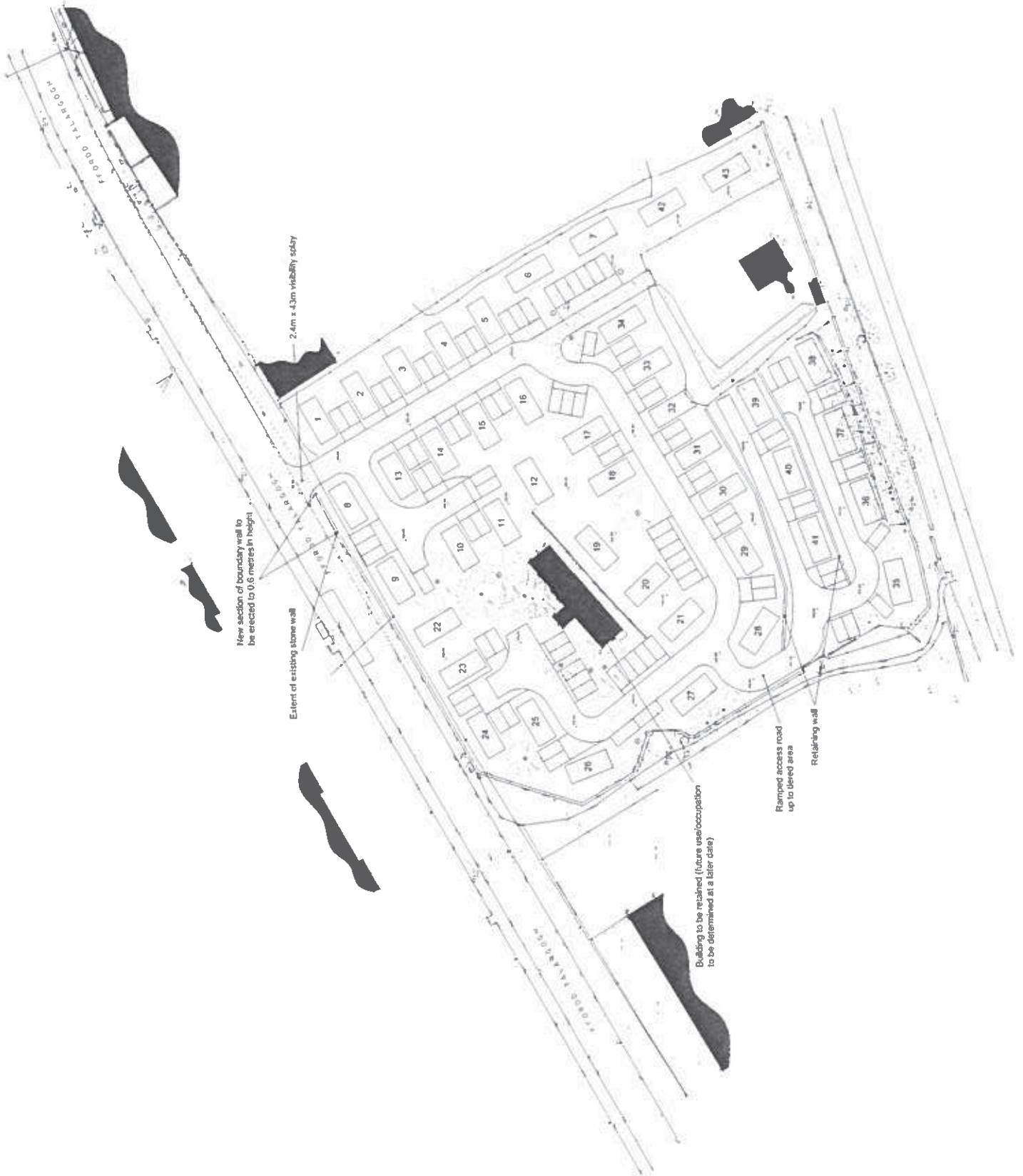
Flannigan Estates Limited

Proposed Site Layout Plan

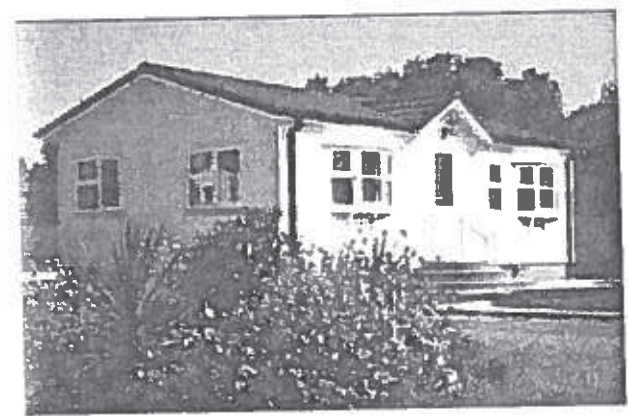
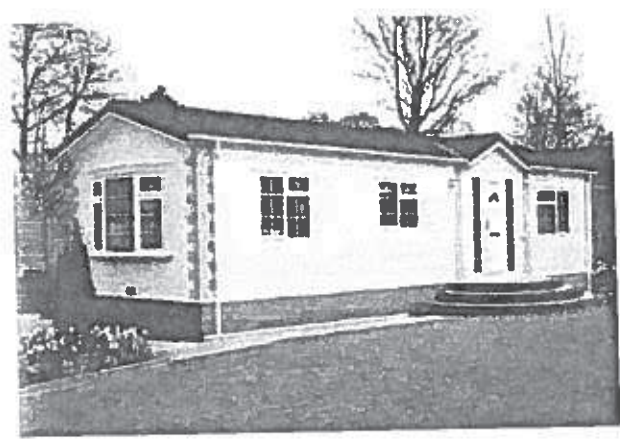
Planning Application No.	12/203	Date	28.03.2014
FIAS4.2.002		Scale	1:4

Knights
1759

Plot 2, Brynawr, Nantllewedd, Llanfair-ym-Muallt, Gwynedd, LL55 2JL
T: 01248 370221 F: 01248 370222 www.knights.co.uk



TYPICAL PARK HOME



Drawing Title
**Appendix 2 - Photographs of typical
park homes**

Project
**Plas Deva Caravan Park, Fford
Talargoch, Meliden, Prestatyn**
Client
Flannigan Estates Limited

Planning Application	Dwn	Scale	C'd	Date
	AK	NTS	CC	10 10 2013

Dwg No	Rev
FLA54/2-003	

Knights

1759

The Brampton, Newcastle-under-Lyme, Staffordshire, ST5 0QW
T 01782 619225 F 01782 712522 knightsllp.co.uk

ITEM NO: 2

WARD NO: Prestatyn Meliden

WARD MEMBER: Cllr Peter Evans

APPLICATION NO: 43/2013/1318/ PF

PROPOSAL: Change of use of land for the siting of up to 43 park homes for permanent residential occupation including access improvements and retention of existing building for site managers accommodation

LOCATION: Plas Deva Caravan Park Ffordd Talargoch Meliden Prestatyn

APPLICANT: MrW Flannigan Flannigan Estates Limited

CONSTRAINTS: Tree Preservation Order
Wildlife Site
PROW

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:

PRESTATYN TOWN COUNCIL
Awaiting response

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

“The JAC notes that this former caravan park which abuts the AONB boundary is allocated for housing in the LDP and, in this context, the committee has no objection in principle to development of the site for permanent residential use. The committee would prefer a more conventional housing development, but accepts that the site has an established prior use as a caravan park and that there may be a demand for low-cost park homes in the area.

However, whilst the principle of development is accepted the JAC is seriously concerned that the density of park homes proposed is excessive and will create an over developed appearance which will have a detrimental impact of the setting of the AONB. This is exacerbated by the need to remove a significant number of existing trees and shrubs, some of which are TPO protected, to facilitate such a high density. The proposed layout also appears regimented, lacking in visual interest and does not incorporate any open space or make provision for children’s play.

The JAC would therefore suggest that the proposals as submitted are unacceptable and would recommend a new approach to the design, layout and density of development on the site which will retain significant existing trees, ensure better separation of park homes to protect existing trees,

incorporates adequate open space and play provision, and includes a comprehensive landscaping scheme. Such a redesign will help soften the appearance of the development and better integrate it visually with the backdrop of Graig Fawr.

No details are provided of the proposed park home units, but the JAC would suggest that the colour of walls and roofs should be carefully controlled to ensure that the development presents a harmonious appearance which is in sympathy with its surroundings. In addition, if such permanent park homes enjoy residential permitted development rights these should be withdrawn by condition.

The intention to retain and extend the existing local stone frontage and boundary walls is supported.” (AONB Management Plan Policies PCP1 and PCP2)

NATURAL RESOURCES WALES

No objection

DWR CYMRU / WELSH WATER

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions requiring additional details to ensure the formation of a satisfactory access and visibility splays.

Pollution Control Officer

Expresses concerns relating to the detailed elements of the scheme which would need to be subject of a separate Site Licence, e.g. parking, drainage, water supply, refuse disposal, lighting

Tree Officer

Concerns raised to the original proposal to remove a number of trees which in turn would have a detrimental impact on the amenity of the area.

Ecologist

No objection subject to the inclusion of conditions requiring mitigation details for Common Lizards and an updated survey of plant species

Housing and Community Development Service

Has concerns relating to the principles of park homes in providing all year round housing accommodation

RESPONSE TO PUBLICITY:

Representations received from:-

Mr. J. Bowe, 6, Morfa Ddu Park, St. James Drive, Prestatyn

J. Huxley, 15, Morfa Ddu, St. James Drive, Prestatyn J. Blackshaw, 3, Morfa Ddu, St. James Drive, Prestatyn

Summary of planning based representations:

General comments from the owners of park homes on a site operated by the applicant on a nearby site in Prestatyn – outlining concerns regarding the management of the site. Also questions raised over potential flooding, drainage and lighting issues.

EXPIRY DATE OF APPLICATION: 30/1/2014

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the change of use of land at Plas Deva Caravan Park for the siting of up to 43 'park homes' for permanent residential occupation, including access improvements and retention of an existing building for site managers accommodation.
- 1.1.2 The application has been submitted with a layout plan indicating the siting of 43 park homes and the retention of the former caravan site managers dwelling for the same purpose, in connection with the proposed park home site.
- 1.1.3 The Design and Access Statement submitted sets out the legislative background of park homes explaining that the application seeks consent for the use of the land for park homes for permanent residential use and explains that the detailed layout of the site will be done in accordance with regulations set out within the Caravan Sites and Control of Development Act 1960 as the units are within the definition of caravans and will require a Site Licence.
- 1.1.4 The application documents state that the park homes would be marketed to retired and semi-retired persons over the age of 55 and that the site is designed and laid out to be low maintenance.
- 1.1.5 It is stated that the units proposed are different to traditional static or touring caravans but are in accordance with the Caravan Sites and Control of Development Act 1960 (as amended) and the structures would comply with section 13 (1) of the 1968 Act.
- 1.1.6 A tree constraints plan has been submitted showing all Category A and B trees to be retained. Category A trees are high quality trees with life expectancy of at least 40 years and Category B trees are moderate quality with life expectancy of at least 20 years.

1.2 Description of site and surroundings

- 1.2.1 Plas Deva is a vacant static and touring caravan site which is thought to have ceased operating in 2006 or 2007. This was prior to the submission of an outline application for residential development in 2007. The site contains all of the original concrete bases for the caravans and the site managers dwelling, known as 113 Ffordd Talargoch. The site is licenced for 65 caravans. It is relevant to note that the previous planning use and the licence allowed the site to be used for tourist use and not permanent residential occupation.
- 1.2.2 The site comprises of approximately 1ha of land and consists of a series of terraces sloping upwards to the rear of the site from Ffordd Talargoch.
- 1.2.3 The site has a number of trees which are protected by Preservation Orders located in a large group to the front of the site. An existing vehicular access to the site is to the north eastern corner . There is a secondary vehicular access off an existing track to the south western boundary which is now gated. Along Ffordd Talargoch the site is bounded by a

high stone wall.

1.2.4 The site shares its access with a private dwelling to the rear of the site (Gwrych Mount) which has a right of way leading through the site.

1.2.5 To the southern boundary the site abuts the Prestatyn to Dyserth walkway which lies at the base of Graig Fawr, which is a Site of Special Scientific Interest and within the Area of Outstanding Natural Beauty. Plans indicating the site location and accesses are attached to the front of the report.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Meliden and is an allocated housing site within the Local Development Plan. This allocation reflects the planning permission which existed for residential development at the time of the adoption of the LDP. The site lies close to, but outside the boundary of the Area of Outstanding Natural Beauty and Graig Fawr Site of Special Scientific Interest.

1.4 Relevant planning history

1.4.1 Outline planning permission for residential development was granted in 2008, with an extension of time to submit reserved matters details for an additional 2 years agreed in 2011, which expired in October 2013. There are therefore no extant planning permissions in place for residential development.

1.5 Developments/changes since the original submission

1.5.1 The existing derelict building on the site is now shown to be retained for use as accommodation for a site manager in connection with the proposed park home site. All Category A and B trees within the site are now shown to be retained. Amendments to the access have been made with alterations proposed to the front boundary wall and visibility splays shown.

1.6 Other relevant background information

1.6.1 A 'Park Home' is defined as being a 'caravan' as set out in the Caravan Sites and Control of Development Act 1960 and 1968. A 'caravan' means any structure designed or adapted for human habitation which is capable of being moved from one place or another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adopted.

1.6.2 Park Homes are constructed in two sections off site and then transported to the site where they are bolted together on a concrete base, fitted out and connected to mains services. Park Homes can vary in width and length depending on the type of unit that a prospective occupier purchases and sites on the land, however the dimensions are limited by the Caravan Sites and Control of Development Act 1960 to a maximum of 20m in length, 6.8m in width and 3.05m in height when measured internally from the floor at the lowest point to the ceiling at the highest level. An illustration of a typical Park Home is provided at the front of the report.

2. **DETAILS OF PLANNING HISTORY:**

2.1 43/2007/0714/PO Development of 1.0 ha of land for residential development and construction of new vehicular access (outline application) GRANTED at Planning Committee 3rd September 2008.

43/2011/0798/PS Variation of condition no's 2 and 3 of outline planning permission code no. 43/2007/0714 to extend the period for submission of reserved matters and commencement of development APPROVED under delegated powers 11th October 2011 with the following conditions imposed:

*Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of **two years** from the date of this permission.*

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.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC 1 – Growth Strategy for Denbighshire

Policy BSC 3 – Securing Infrastructure Contributions from Development

Policy BSC 11 – Recreation and Open Space

Policy BSC4 – Affordable Housing

Policy PSE12 – Chalet, static and touring caravan and camping sites

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

3.2 Supplementary Planning Guidance 7: Residential Space Standards

Supplementary Planning Guidance 20: Static Caravan and Chalet Development

Supplementary Planning Guidance 21: Parking Standards

Supplementary Planning Guidance 25: Residential Development Design Guide

3.3 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (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)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The assessment of this application has been difficult as it raises key issues of principle that cross over between caravan and housing policies, but also involves Site Licencing considerations which fall within the remit of the Public Protection Section.

In terms of the policy context: -

The main policy in the LDP which is relevant to the principle of housing development in towns and villages is Policy 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.

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4. Policy BSC4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either on site on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. It states that open space should always be provided on site, and that commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement be provided on site, or where it is impractical to provide the full requirement onsite. Where there is no identified shortfall of open space in an area, the option of a commuted sum payment may be appropriate to mitigate impact on existing open space and equipment.

Chapter 9 (para 9.2.20) in Planning Policy Wales states that residential mobile homes can make a contribution to overall housing provision and have a part to play in providing low cost accommodation for small households.

Policy PSE 12 of the LDP covers chalet, static and touring caravan and camping sites. Given the authorised previous use of this site this Policy would be relevant to this case. The Policy is generally supportive of proposals involving environmental improvements of existing holiday sites by their remodelling, provision of new facilities and by landscaping provided the development is acceptable in terms of other Local Development Plan policies. The policy does not allow the change of use of a static caravan or chalet site from tourist use to residential use which is particularly relevant to the application.

In relation to the County's growth strategy, Policy BSC 1 sets out the housing contributions expected from new and existing commitments and the table of sizes suggests Plas Deva has the potential to provide 30 dwellings. Policy BSC 1 expects housing sites to provide a range of house sizes, types and tenures to reflect local need and demand with the associated affordable housing and open space provision/contributions.

This application seeks permission to change the use of a former holiday caravan site to a park home site, with units used for permanent residential occupancy.

In relation to the policies listed above, Officers interpretation is as follows:-

Housing is one of the key factors that influence people's health and well-being. Providing

opportunities for the right scale and mix of housing to meet the needs of a growing population including provision of safe and affordable housing are key considerations of the Local Development Plan. Policy BSC 1 anticipates that the application site would deliver 30 dwellings of mixed sizes, types and tenure providing affordable housing and open space in accordance with adopted policies. On a site in this location, on a main route through the village of Meliden adjacent to the AONB a high quality housing development would be expected which respects the nature and constraints of the site and provide a good quality living environment for future residents. Respectfully, it is not considered Park Home development is what was envisaged for the County's allocated housing sites, as it would not provide mixed sizes, types and tenure of properties or provide affordable housing or open space. The detailed layout of park homes for permanent residential occupancy is controlled by Model Caravan Standards and not planning policy guidance, and therefore it is not considered that the proposal would deliver the quality of development required by Policy BSC 1. There is also a potential concern here for the precedent this proposal would set for similar developments on other allocated housing sites.

In relation to Policy BSC 4, whilst the proposed park homes may contribute to housing supply there is no evidence submitted that they would provide affordable housing. Concerns have been raised by the Council's Housing Section with regards the proposal. It is acknowledged that there is a need for smaller accommodation in Denbighshire and as the site is in close proximity to Prestatyn which is a seaside town, there will be a higher percentage of older people. However the park homes proposed would not meet the identified needs as in the main they require subsidised or specialised accommodation. Housing Officers have suggested that the park homes proposed would not meet any affordable accommodation targets in Denbighshire or help towards meeting any identified social or assisted housing need. It should also be noted that the housing demand in the area for 2, 3 and 4 bed houses is high

Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. The application proposes no on-site open space. It has been suggested within the submission that the park homes site would contain incidental open space with many trees present which would be maintained by the site operator and as the site is located within close walking distance of publicly accessible amenity space as well as adjacent footpath links the proposal complies with Policy BSC 11. Also as the site would be marketed to retired and semi-retired persons over the age of 55, no children's play space is proposed on-site.

Policy PSE 12 clearly states that the change of use of tourist sites to residential use will not be permitted. Whilst it is recognised in Planning Policy Wales (Section 9.2.20) that park homes can make a contribution to overall housing provision and have a part to play in providing low cost accommodation for small households, the proposal is considered to be contrary to the local development plan policy which restricts the use of caravan sites for permanent residential use.

Concerns have been raised by the Council's Environmental Health Officers with regards the principle of park home development, and detailed elements of the scheme

Significantly, the site is shown as a housing allocation within the Local Development Plan. The plan seeks to secure housing developments which provide a range of house sizes, types and tenures providing open space and affordable housing provision. The proposal is to locate 43 small Park homes with no open space or affordable housing provision offered. In Officer's opinion the proposal would not meet the objectives of the plan and whilst park homes may contribute to housing supply it is not considered that they offer the mix and nature of development the Council should be encouraging on sites allocated for

housing in its Local Development Plan.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The site lies in a prominent location off the main road through the village of Meliden, consisting of a sloping site with terraces to the rear and a number of mature trees. The proposal is to retain the existing dwelling at 113 Ffordd Talargoch and all category A and B trees.

The density of the layout is high(39 unit/hectare), as the layout has been designed having regard to the Model Caravan Standards and the existing use of the site as a holiday caravan site for 65 units. The units themselves are single storey structures which would have limited visual impact on the area. Overall, it is considered that the proposal by virtue of the scale, design and existing screening provided by mature vegetation would not have a negative visual impact on the area. It is therefore considered acceptable in relation to the policies and guidance listed above.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

There is a dwelling sited to the rear of the site and access to this is shown to be maintained as existing. This property is sited at the highest part of the site. Also to the north eastern boundary is the site of the former Meliden Garden Centre, which has full planning permission for 8 no. dwellings, therefore there are amenity issues to be taken in to account. In relation to spacing and amenity standards the submission refers to the Model Caravan Standards which have to be adhered to in order to secure a site licence. It is understood that if the proposals do not comply with the relevant standards, then the numbers/layout may change and there are controls to ensure that adequate fencing/screening is in place to protect amenities of residents.

If the application is looked at in relation to caravan legislation there would be a requirement to meet basic standards relating to protection of residential amenity, these are not the same standards that would be applied to a normal housing development.

If the application is looked at in relation to normal development control policies including Policy RD 1 relating to housing development, there would be a requirement for provision of private garden areas, adequate separation distances between dwellings, car parking, landscaping etc. The submitted layout does not demonstrate that the normal standards for housing development can be met.

Having regard to the above it is not considered that the proposal would have a negative impact on the residential amenity of existing properties close to the application site. There are however questions over the levels of privacy etc which can be achieved for future occupiers of the units which is a negative factor in the consideration of this application.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. 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 objection subject to the recommendations being followed, along with the requirement to submit an updated plant species report and mitigation details for the common lizard.

The proposal is therefore considered acceptable in relation to impact on ecology subject to conditions.

4.2.5 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 proposal is to alter the existing access by repositioning and widening and also to lower the existing stone boundary wall in part to improve visibility. Within the site the road layout will be upgraded to serve the proposed park homes and parking facilities for each park home would be provided. Standards relating to the internal road layout, parking, footpaths and pavements are set out in the Model Caravan Standards.

The Head of Highways has raised no objection to the proposal subject to the inclusion of conditions to ensure the formation of a safe and satisfactory access with adequate visibility splays.

The proposal is therefore considered acceptable in relation to impact on highway safety subject to conditions.

4.2.6 Trees

Local Development Plan Policy RD 1 test (xiii) obliges developments to incorporate suitable landscaping measures which should create a visually pleasant, sustainable and biodiversity rich environment that protects and enhances existing landscape features and also creates new features and areas of open space that reflect local character and sense of place.

The site contains a number of trees, with a number of trees located to the front of the site

covered by a protection order.

The applicant has amended the proposal to ensure that all Category A and B trees which are high and moderate quality trees are retained. These trees have a high amenity value within the area and their retention is supported.

4.2.7 Other Matters

There is reference in representations to the management of another Park Homes Site nearby, Officers view is that this is not materials to the consideration of this proposal.

In relation to the retention of the existing building for site managers accommodation, no detail has been provided with the submission and in the event that planning permission is granted a condition should be imposed to ensure the building remains tied to the park home site along with details of the restoration of the building.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the principle of the proposal is unacceptable and contrary to Policy PSE 12 in the adopted Local Development Plan.

5.2 The site is shown as a housing allocation within the Local Development Plan and seeks to secure housing developments which provide a range of house sizes, types and tenures providing open space and affordable housing provision. In Officer's opinion the proposal would not meet the objectives of the plan and whilst park homes may contribute to housing supply it is not considered that they offer the mix and nature of development the Council should be encouraging on sites allocated for housing in its Local Development Plan.

RECOMMENDATION: REFUSE - for the following reasons:

1. It is the opinion of the Local Planning Authority that the proposal to change the use of an existing holiday caravan site to permanent residential use is unacceptable in principle, being contrary to Policy PSE 12 in the Denbighshire Local Development Plan which seeks to secure improvements to existing holiday accommodation.

2. It is the opinion of the Local Planning Authority that the proposal is contrary to Policy BSC 1 of the Denbighshire Local Development Plan and the overall strategy in relation to housing development which seeks to provide a range of house sizes, types and tenure in connection with new development. The proposal to site up to 43 park homes on an allocated housing site would not provide the mix and nature of development the Council is looking to encourage on sites allocated for housing in its Local Development Plan also contrary to Policy RD 1 in the Denbighshire Local Development Plan which relates to sustainable development and good standard design.

NOTES TO APPLICANT:

None

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Heading:

REFERENCE NO. 43/2014/0013/PF
PRESTATYN FOOTBALL CLUB
BASTION GARDENS, PRESTATYN

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

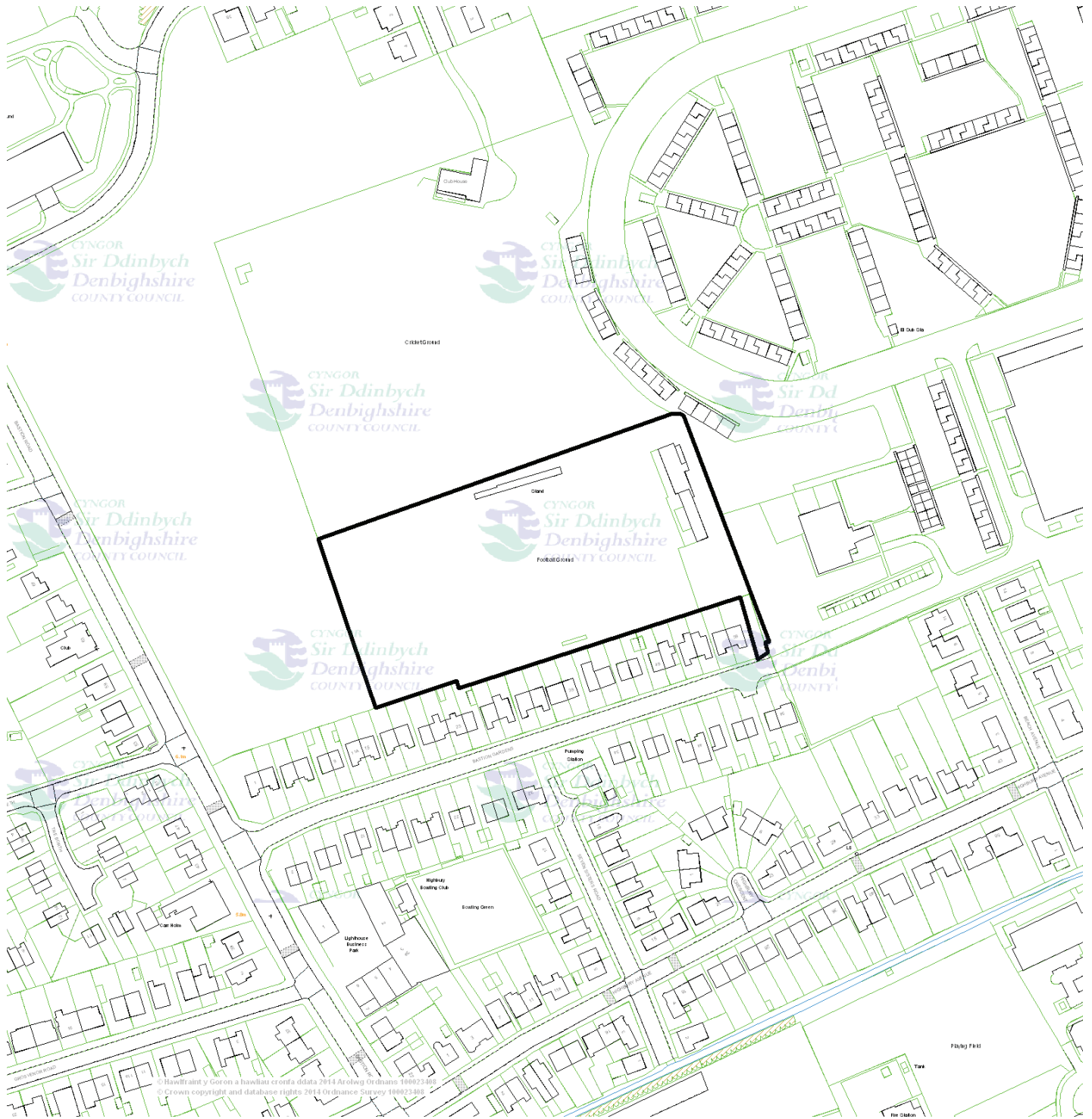


Date 3/6/2014

Scale 1/2500

Centre = 306362 E 383549 N

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



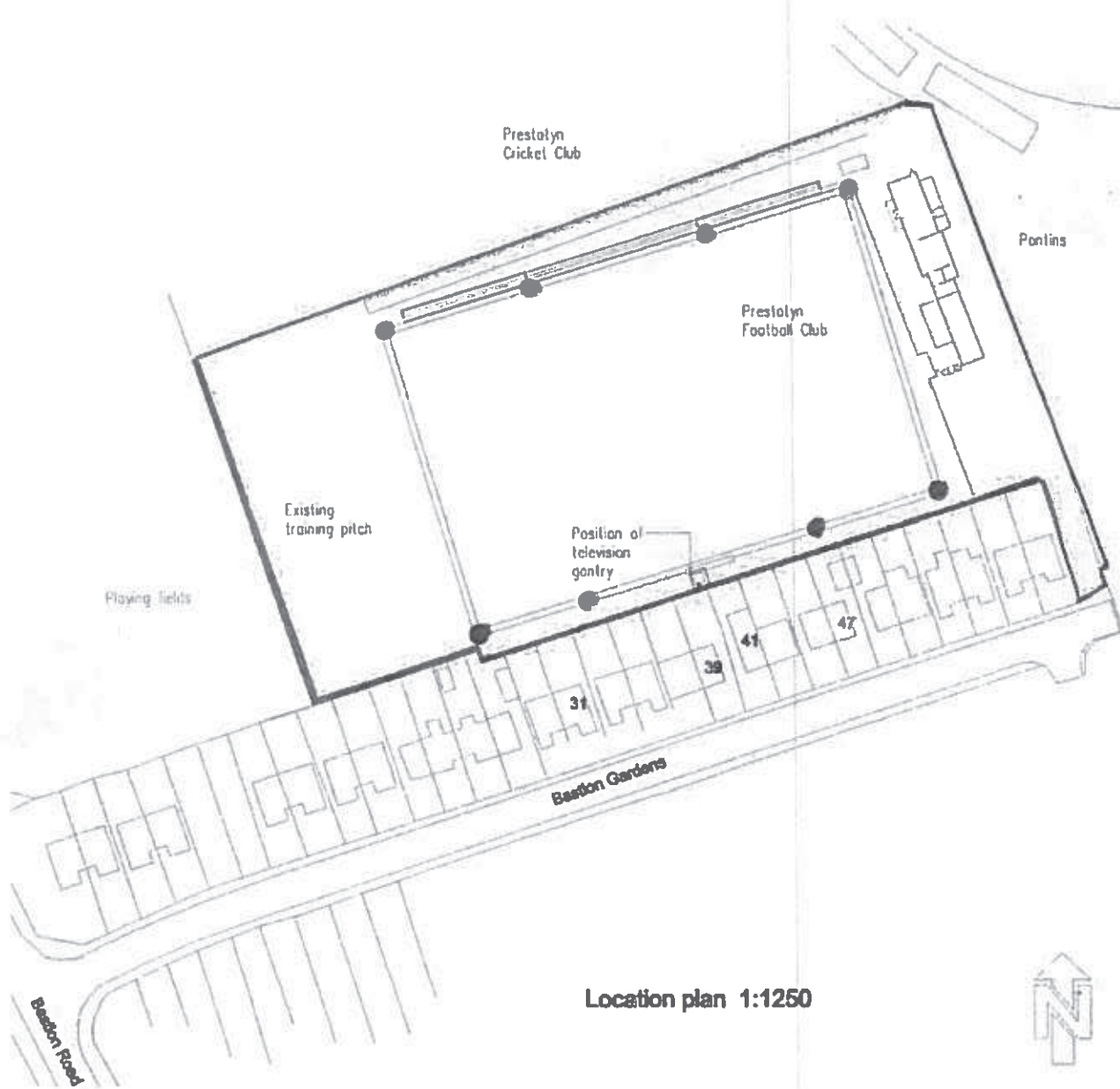
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SITE PLAN

As shown above

● FLOODLIGHTS



Location plan 1:1250



PRESTATYN FOOTBALL CLUB
Bastion Gardens
Prestatyn.

SCALE 1:1250 @ A4
DATE November 2008
LAWRENCE PARRY ASSOCIATES
HILL HOUSE, HILLSIDE, PRESTATYN,
01745 854945

DRWG. No 3688/01



ITEM NO: 3

WARD NO: Prestatyn East

WARD MEMBER(S): Cllr James Davies and Cllr Julian Thompson Hill

APPLICATION NO: 43/2014/0013/ PS

PROPOSAL: Variation of condition no. 2 of planning permission code no. 43/2008/0072 to permit the use of the floodlights between 1430hrs and 2200hrs on no more than 3 days in any 7 day period

LOCATION: Prestatyn Football Club Bastion Gardens Prestatyn

APPLICANT: MrGareth Owens

CONSTRAINTS: None

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

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL:

“Defer - Ward Councillors reported they were aware of residents objections arising from the significant proposed increase in times and activity. Committee requested clarification on reasons for proposed increase.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Pollution Control Officer:

- The lighting issue should be controlled through condition using the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The Environmental Zone is classed as E3 and the relevant Light Intrusion (into windows) should therefore be limited to 10lux as the times of operation are pre-curfew. The actual lighting levels are to be assessed by an independent lighting engineer in order to confirm that the limits are being complied with.
- Although there will be some increase in the use of the pitches as a result of the lighting, this is viewed as not too excessive. The use of the lighting is to be controlled to no more than 3 days in any 7 day period and this will provide protection of amenity for the nearby residents.
- The lights will be turned off at 22:00hrs and this includes the time taken for the tidy up after the match period and so as a result the actual noisier events will be finished before this time (likely to be about 21:30hrs).

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr & Mrs J & C Cook, 55 Bastion Gardens, Prestatyn

S. Tuey, 32, Bastion Gardens, Prestatyn

Mrs. S. Woodward, 57, Bastion Road, Prestatyn

B. Paterson, 120 Ffordd Ty Newydd

G. Roberts, 41, Bastion Gardens, Prestatyn

Mrs M Wadsworth, 28 Bastion Gardens, Prestatyn

Mrs S Ahmad, 33 Bastion Gardens, Prestatyn

Mrs P A Higson, 40 Bastion Gardens, Prestatyn

Mrs S Beattie, 39 Bastion Gardens, Prestatyn (Petition with 27 signatures)

C A Holliday 54 Bastion Gardens Prestatyn

P & A Kerfoot 35 Bastion Gardens Prestatyn

Mr J Thompson 46 Bastion Gardens Prestatyn

Ms A Clare 46 Bastion Gardens Prestatyn

Mrs. S. Ahmad, 33, Bastion Gardens, Prestatyn

Mrs. M. Wadsworth, 28 Bastion Gardens, Prestatyn

Miss S. Tuey, 32 Bastion Gardens, Prestatyn

Summary of planning based representations in objection:

Residential amenity:

Residents are concerned that the proposal would have a detrimental impact upon residential amenity by way of light spillage, additional noise arising from additional activity, and road congestion.

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
- 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 Permission is sought for the variation of planning condition 2 of planning permission code no. 43/2008/0072 to permit the use of floodlights at Prestatyn Town Football Club between 14:30hrs and 22:00hrs on no more than 3 days in any 7 day period. The proposal relates to the 8 existing 15m high floodlights.

1.1.2 The original condition on the 2008 permission restricted the use of floodlights to 16:45 hours (i.e. 4.45pm) once in any 14 day period, with the provision of a maximum number of 12 days in any 12 month period where the use is permitted to 21:15 hours (9.15pm).

1.1.3 The application is made on the basis that the club's requirements have changed since 2008. The club is now in the Welsh Premier League which requires clubs to play evening matches on a weekly/fortnightly basis (fixtures list dependent and at the discretion of the Football Association of Wales). It is understood that the evening games frequently finish after 21:15 hrs. It is further understood that within some 7 day

periods the club is required to play two evening games and hold one training session. During the winter months use of floodlights is therefore required.

- 1.1.4 The club has stated that it can no longer comply with the original condition for reasons beyond their control (i.e. they cannot dictate when matches are held). For this reason the club has applied to vary the original planning condition to allow them to use floodlights more frequently, and to a time which would allow them to finish an evening match without being in breach of a planning condition.

1.2 Description of site and surroundings

1.2.1 Prestatyn Football Club is located on land to the east of Bastion Road to the south of the Cricket Ground. The grounds are accessed off Bastion Gardens a residential cul de sac.

1.2.2 The Football Club have occupied the site since the 1970's. The site comprises of a parking area on the east side, clubhouse and changing rooms, the football pitch and a smaller training pitch on the western side.

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the Prestatyn development boundary as drafted in the proposals map of the Local Development Plan.

1.4 Relevant planning history

1.4.1 The floodlights were originally granted planning permission in 2008 and as detailed above, the hours of use were limited in the interest of residential amenity.

1.5 Developments/changes since the original submission

1.5.1 The application was originally submitted as a variation to allow the use of floodlights for a 'minimum' of 3 days per week. This has been amended to provide greater clarity as to how frequently and for how long the floodlights would be used.

2. DETAILS OF PLANNING HISTORY:

2.1 43/2008/0072 - Extension to and regularisation of stands, clubhouse and store, erection of floodlights and associated works. GRANTED by Planning Committee 10 April 2008

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy BSC11 – Recreation and Open Space

3.1 Supplementary Planning Guidance
None

3.2 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014
Planning Guidance (Wales) – TAN 16 – Sport and Recreation

3.3 Other material considerations

Institute of Lighting Engineers: Guidance Notes for the Reduction of Obtrusive Light
GN01:2011

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (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 Residential amenity

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

The application site lies within the settlement limits of Prestatyn as defined in the Local Development Plan on a site protected by Policy BSC11 of the LDP. The proposed variation would not conflict with this policy in that it would not result in the loss of a recreational asset. Policy RD1, Planning Policy Wales and TAN16 recognise that development, including new/improved recreation facilities, need to be considered against amenity impacts, including where the principle is acceptable. Therefore the proposal is considered acceptable in principle, subject to an assessment of the impacts.

- 4.2.2 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

A number of objections have been received on the basis that the proposed variation would result in harm to residential amenity. Some of these objections are made on the basis of additional disturbance and noise by way of additional activity. Other objections are made on the basis that the light spillage into the neighbouring gardens/houses from the floodlights would be unacceptable on a more frequent and longer basis than the 2008 permission permits.

In acknowledging the basis of local concerns, and with regard to the perception that the proposal would result in additional activity at the ground, it is Officers opinion that the likely intensification of use would be limited. The number of fixtures at the ground is likely to remain similar to previous seasons, and it is understood that training has historically taken place at the site, albeit on a smaller floodlit pitch. It is to be noted during the summer months the ground can be used late into the evening without the need for floodlighting and outside any planning control. The Local Planning Authority does not have control over the frequency of use of the pitch as this has established itself gradually over the last 3 decades. However, it is acknowledged that the use of floodlights does to an extent inadvertently formalise the intensity of use. It is Officers' opinion that given the history of the site and the nature of the use, the hours proposed per 7 day period are unlikely to result in a material harm to the amenity of residents over and above what is already permitted.

Notwithstanding the above, Members are advised that as the proposal relates specifically to the use of floodlights at the site, a key consideration is the impact of the

lights on the amenity of the dwellings and whether 22:00 is unreasonably late to permit their use, and whether 3 times in any 7 day period is too frequent.

To assist consideration of the issue, there is useful technical advice from The Institute of Lighting Engineers (ILE), who have published guidance notes for the reduction of obstructive light. The 2011 document offers advisory maximum light levels for sensitive facades (neighbouring windows for example) - referred to as Light Intrusion Levels. In a suburban/edge of town centre location such as this site, it is recommended that the lighting level, when measured flat on the glazing at the centre of a window should not exceed 10 lux (*Table 2: Institute of Lighting Engineers: Guidance Notes for the Reduction of Obtrusive Light GN01:2011*). It is considered that the light levels at neighbouring windows can be satisfactorily controlled through a suitably worded planning condition.

On the understanding that the light levels at sensitive facades can be adequately controlled to operate within the ILE tolerances, it is considered that to allow the use of floodlights 3 times within any 7 day period until 22:00hrs, would not be unreasonable or result in an unacceptable impact on residential amenity. The proposal would comply with planning policy RD1 in this respect, along with guidance relating to the reduction of obtrusive light.

5. SUMMARY AND CONCLUSIONS:

5.1 In Officers' opinion, and in respecting local concerns, subject to the imposition of suitable conditions controlling the light levels at sensitive facades it is not considered that the proposals would result in an unreasonable impact on residential amenity for the occupants of neighbouring dwellings.

RECOMMENDATION: GRANT - subject to the following conditions:-

Condition 2 shall be worded as follows:

2. The floodlighting hereby permitted shall be subject to compliance with the following restrictions;

- a) the hours of use shall be restricted to between 14:30 - 22:00 hours for a maximum of three times in any 7 day period;
- b) a register identifying all users and hours of use of the floodlighting shall be kept and made available for inspection by Officers of the Local Planning Authority on request.
- c) The vertical illuminance at any affected facade shall be controlled to a maximum of 10 Lux at all times, and all external lighting shall comply with the recommendations of the Institution of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution".

Reason for the condition

In the interest of residential amenity.

And shall be subject to the following additional condition

7. The floodlights shall not be permitted to operate until 22:00 hours on any occasion until there has been carried out, at Prestatyn Town Football Clubs expense, a suitable technical survey by an independent lighting engineer to demonstrate that the lighting levels specified in condition 2(c) can be met, such survey has been submitted to the Local Planning Authority and the written consent has been obtained from the Local Planning Authority that the lights may be operated in accord with the variation sought.

Reason for the condition:

in the interest of residential amenity

NOTES TO APPLICANT:


You are advised that all other conditions on planning permission 43/2008/0072 still apply to the use

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Heading:

REFERENCE NO. 31/2014/0432/PF
LAND SOUTH OF ST ASAPH
BUSINESS PARK, ST ASAPH

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

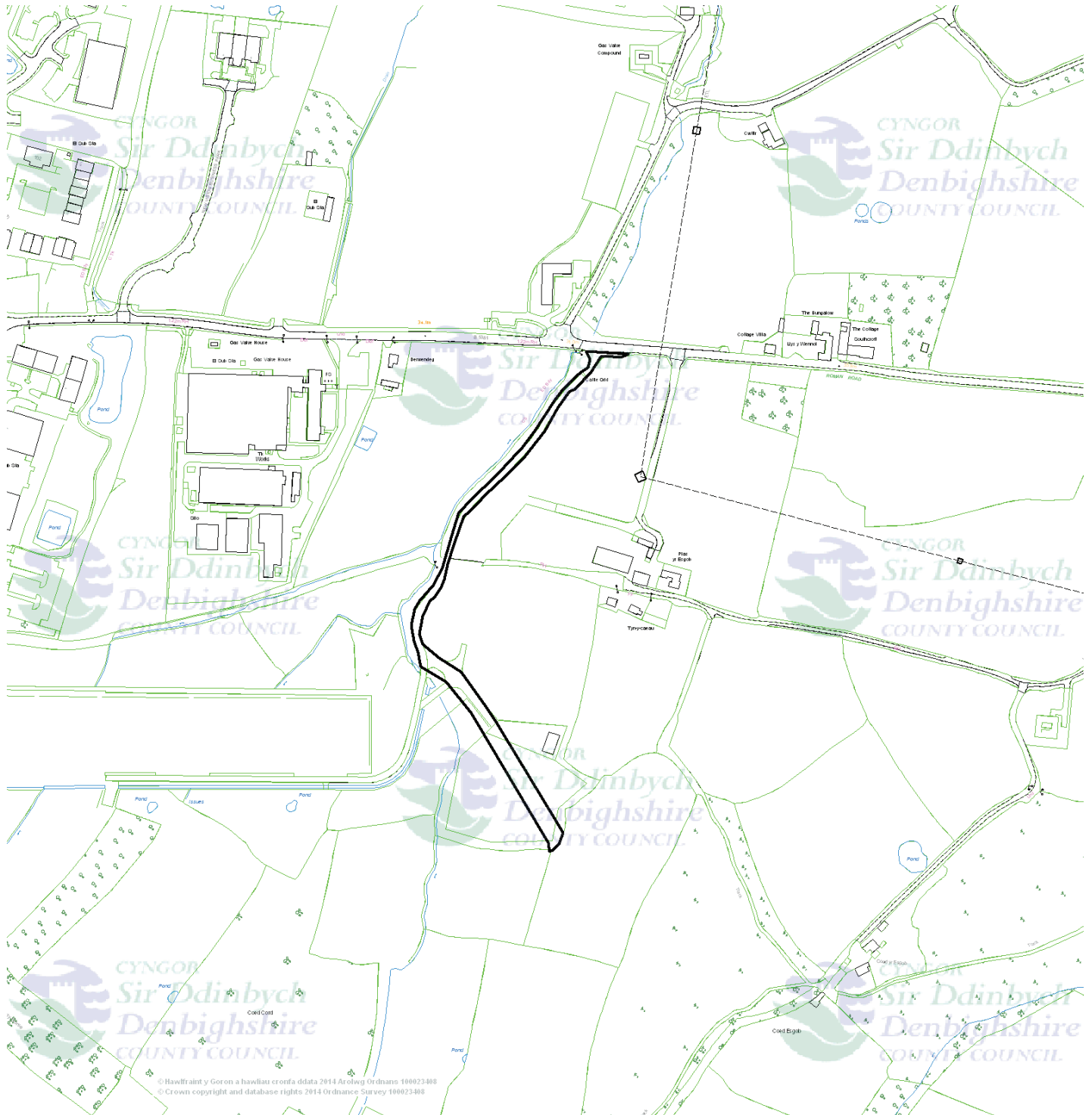


Date 2/6/2014

Scale 1/5000

Centre = 302065 E 373721 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.



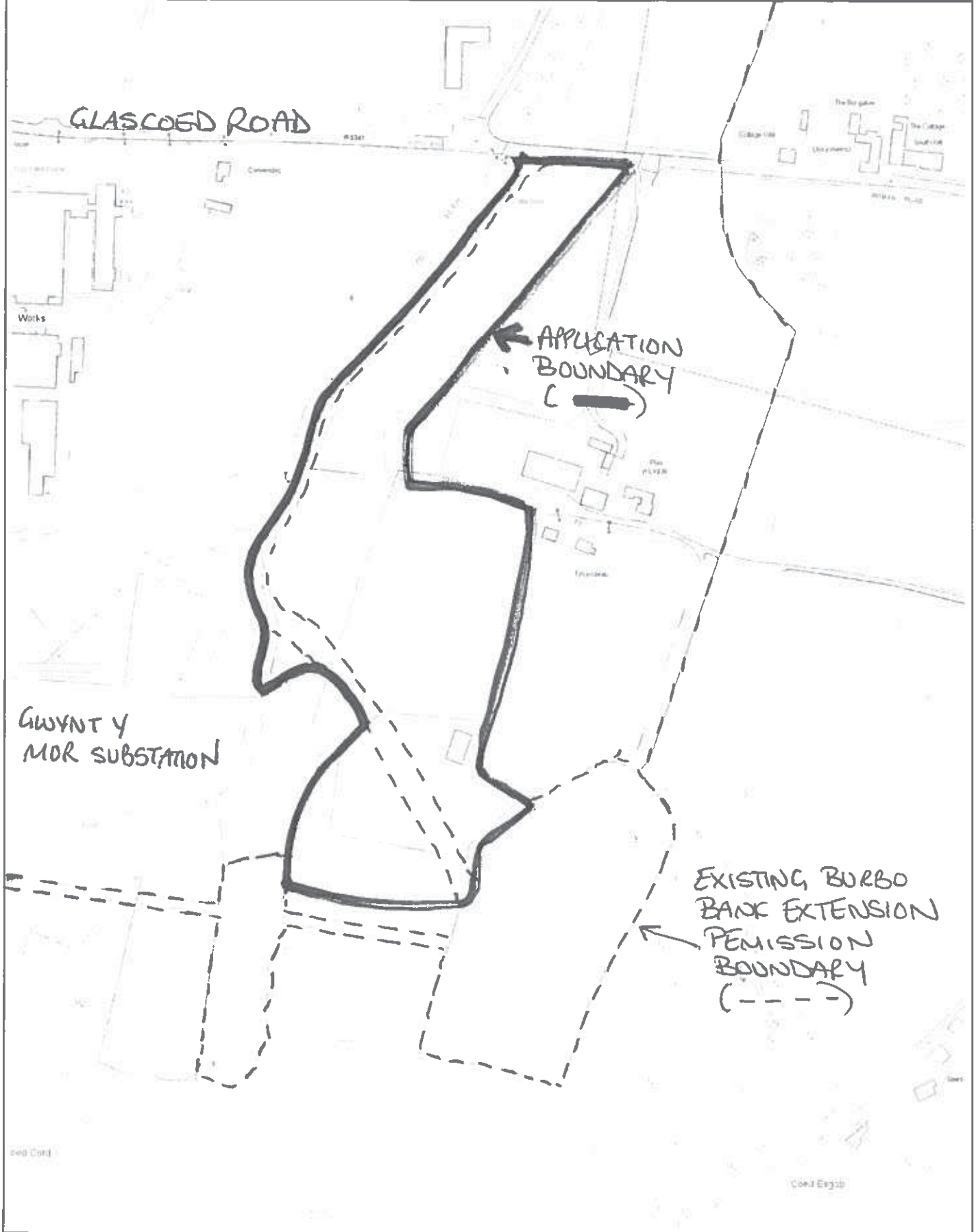


PLAN A: APPLICATION SITE + CONSENTED BURBO BANK EXTENSION SITE



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Date 29/5/2014
Scale 1/2000
Centre = 302087 E 373639 N

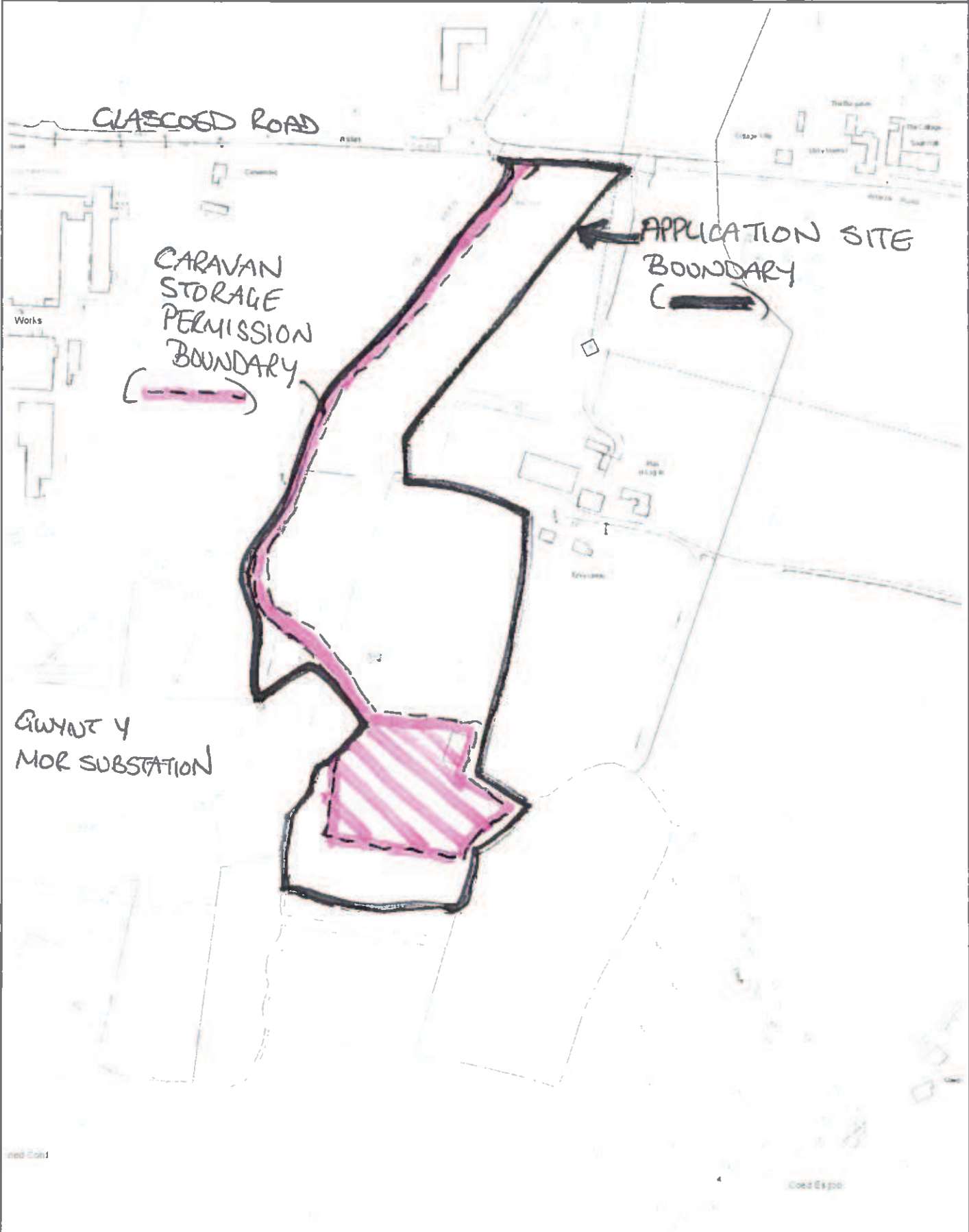


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PLAN B: APPLICATION SITE + CONSENTED CARAVAN STORAGE SITE

Date 29/5/2014
 Scale 1/2000
 Centre = 302087 E 373639 N



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ITEM NO: 4

WARD NO: Trefnant

WARD MEMBER(S): Cllr Meirick Lloyd Davies

APPLICATION NO: 31/2014/0432/ PF

PROPOSAL: Continued use of land as a construction compound for up to 5 years to be used in association with Burbo Bank extension onshore works

LOCATION: Land south of St. Asaph Business Park (south) Glascoed Road St. Asaph

APPLICANT: Dong Energy Wind Power Ltd.Mr Stuart Livesey

CONSTRAINTS: PROW

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

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

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

CONSULTATION RESPONSES:

CEFN MEIRIADOG COMMUNITY COUNCIL “Cefn Meiriadog community councillors object to the renewal of this application for continued use. They would like the site to be returned to its former state and use.”

NATURAL RESOURCES WALES – NRW does not object to the proposal, but following recommendations are made:

Statutory Sites: will not affect any statutory sites

Protected Species: NRW consider the St. Asaph population of great crested newts to be of national importance. Great crested newts recorded recently within application area, and advise the following:

- Newt fencing is maintained throughout construction phase.
- Site should be restored to habitats suitable for great crested newts, and further compensation land will be required should permanent loss of great crested newt habitat occur.

Flood Risk: No overall flood risk objection. Draft Code of Construction Practice for Burbo Bank Extension proposed mitigation measures to reduce surface water flood risk and these measures should be implemented.

Environmental Management: Applicant is advised that the septic tank associated with the development requires an Environmental Permit and Contractors need to comply with Pollution Prevention Guidelines Nos. 1 to 6. Fuels/oils/chemicals should be bunded on site and securely stored.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure

- Highways Officer – No Objection
- Footpaths Officer – No objection in principle. However, Public Rights of Way Footpath 16 & Bridleway 32 directly affected by the application. Developer is advised that Public Rights of Way will need to be made available to general public within the 5 year period.

Pollution Control Officer – No response at time of preparing report.

RESPONSE TO PUBLICITY: None received

EXPIRY DATE OF APPLICATION: 05/06/2014

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission to continue the use of land as a construction compound on land to the south of St. Asaph Business Park, Glascoed Road, St. Asaph in connection with the onshore works on the Burbo Bank Extension offshore windfarm for a period of 5 years.
- 1.1.2 The site was previously used as a temporary construction compound for the construction of the Gwynt y Mor substation.
- 1.1.3 The Burbo Bank Extension Wind Farm Onshore Works, which consists of an underground cable route and new substation, obtained planning consent in November 2013.
- 1.1.4 Condition 10 attached to the existing permission sets maximum noise limits for the substation. Whilst the design of the substation will be the subject of a separate reserved matters application, additional noise mitigation will be necessary to achieve compliance with condition 10 and an additional temporary construction compound is therefore required to enable the additional noise mitigation measures (e.g. noise enclosures) to be constructed.
- 1.1.5 The access to the site will be provided by a new access road consented by planning application 31/2013/0400. This will be the only access to the construction compound.
- 1.1.6 The applicant does not intend to increase the amount of hard standing presently within the existing construction compound and the existing 2.4m high chainlink fence and the new fence around the compound will remain in situ.
- 1.1.7 The temporary construction compound will be used to accommodate construction personnel, offices, toilets, mess facilities, traffic management, car parking facilities and storage areas for plant and machinery, and temporary mobile lighting will be used.
- 1.1.8 The proposed operational hours for the construction compound will be between the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with 24 hour security.
- 1.1.9 A Code of Construction Practice is proposed.
- 1.1.10 The temporary use of the construction compound would be for a period of 5 years.
- 1.1.11 Construction works are anticipated to be completed by October 2017. The application states that, upon completion of construction activities, the laydown area will remain in situ and will be utilised for the storage of caravans by the land owners in accordance with planning permission granted on appeal in March 2014.

1.2 Description of site and surroundings

- 1.2.1 The application site is to the south of Glascoed Road approximately 500 metres to the south-east of the St. Asaph business park.
- 1.2.2 The site is formerly agricultural land.

- 1.2.3 Immediately to the west of the site is the Gwynt y Mor offshore windfarm substation and immediately to the east is the site for the consented Burbo Bank Extension offshore windfarm substation.
- 1.2.4 The nearest un-related residential property is Tyn-y-caeau approximately 120m to the north of the construction compound.
- 1.2.5 Two Public Rights of Way (footpath 16 and bridleway 32) are directly affected by the proposal. Footpath 16 runs along the haul road and bridleway 32 runs in an east-west direction approximately 130 to the north of the construction compound.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is un-annotated land outside of defined settlement boundaries. It is therefore in open countryside.
- 1.3.2 Public Rights of Way are directly affected by the proposal.

1.4 Relevant planning history

- 1.4.1 The applicant obtained planning consent in November 2013 for the Burbo Bank Extension onshore works, which consists of a underground high voltage electricity cable from Ffrith Beach, Prestatyn to St. Asaph, and a new substation on land to the south of Glascoed Road. The application site is immediately to the west of the consented substation location.
- 1.4.2 The application site has been in use as a temporary construction compound in association with the Gwynt y Mor offshore windfarm onshore works planning permission. The site is immediately to the east of the recently constructed Gwynt y Mor substation.
- 1.4.3 Planning permission was granted on appeal in March 2014 for the permanent retention of the previously formed site compound here for the use as a touring caravan storage area.

1.5 Developments/changes since the original submission

- 1.5.1 N/A

1.6 Other relevant background information

- 1.6.1 The Councils Footpaths Officer is in dialogue with the applicant over Public Rights of Way temporary closures to identify suitable routes for diverting the Public Rights of Way during the 5 year construction phase. This is a matter to be dealt with under highways legislation.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1.1 31/2013/0400. Installation and operation of electrical substation compound with outdoor equipment, internal road layout & perimeter fencing south-east of St. Asaph Business Park and up to 11.14km of underground electricity cables between the St. Asaph substation and the coast at Ffrith Beach, Prestatyn, in connection with the proposed Burbo Bank offshore windfarm.
- 2.1.2 31/2008/1123. Installation of 132/400 kV electrical substation and associated underground 132 kV cables between St. Asaph and Pensarn in connection with proposed Gwynt y Mor offshore windfarm. Granted 18 February 2009.
- 2.1.3 31/2013/0767. Retention of a previously formed site compound for use as a touring caravan storage area. Granted on Appeal 7 March 2014 (Appeal Ref: APP/R6830/A/13/2206188).

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy VOE5 – Conservation of natural resources

Policy VOE 10 – Renewable energy technologies

Policy ASA 1 – New transport infrastructure

Policy ASA 3 – Parking standards

3.1 Supplementary Planning Guidance

3.2 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014

Technical Advice Notes

TAN 5 - Nature Conservation and Planning

TAN 8 - Renewable Energy

TAN 18 - Transport

3.3 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 6, February 2014 (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 Residential amenity

4.1.3 Ecology

4.1.4 Highways (including access and parking)

4.1.5 Decommissioning / remediation

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of renewable energy development is supported by Planning Policy Wales and LDP policy VOE 10.

This development would be ancillary to the Burbo Bank Extension offshore windfarm onshore works planning consent. To meet the noise limits specified in condition 10 attached to the Burbo Bank Extension planning permission, the current substation design, although not finalised, shows noise enclosures on the majority of the outdoor electrical equipment and noise walls on the substation perimeter will be required. An additional construction compound is necessary to construct the proposed noise mitigation measures.

The site has previously been in use as a construction compound for the construction of the Gwynt y Mor offshore windfarm substation and underground cables. The current proposal is for the continuation of the use of the land as a construction compound and it is not proposing to increase the operational land footprint or intensify the use of the land.

Cefn Meiriadog Community Council has objected to the principle of the development as they would like the site to be returned to its former state and use.

Whilst the intention was for the site to be restored to its former use once Gwynt y Mor construction activities had ceased, planning permission has subsequently been obtained on Appeal for the permanent retention of the construction compound for use as a touring caravan storage area, and therefore the Council can no longer require the land is restored whilst this permission remains extant. Whilst this permission has not yet been implemented, as it is extant, Officers consider significant weight should be apportioned to it.

As stated, the proposal has been put forward to enable the applicant to incorporate additional mitigation measures into the substation design in order to achieve the noise limits specified in Condition 10 to the Burbo Bank Extension permission. The continued use of this land as a temporary construction compound will therefore have a benefit in the longer term, once the substation becomes operational.

In light of the previously accepted use on the site, the existence of the extant planning permission and the longer term benefit in terms of enabling noise mitigation measures to be included within the substation design, Officers therefore suggest that the principle of the development is acceptable.

4.2.2 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 are no representations received raising concerns over residential amenity impacts.

The site has previously been in use as a construction compound. The current application is for the continuation of this use and it is not proposing to increase the operational land footprint or intensify the use of the land.

It is proposed that the construction compound will be operated between 07:00 and 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

The Supporting Statement indicates that activities at the additional construction compound may emit noise or cause vibration but these effects will be localised and short term. Mitigation measures to reduce the effects of noise and vibration will be detailed in a Code of Construction Practice.

As the current proposal is not materially different to the previous established use, Officers therefore conclude that, subject to the inclusion of a planning condition requiring the a Code of Construction Practice being submitted to and approved by the local planning authority prior to commencement, the impact on residential amenity can be controlled, and the development would not therefore give rise to unacceptable adverse impacts on local residents.

4.2.3 Ecology

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.

The Supporting Statement accompanying the application states that, as the site has already been developed for a construction compound, the proposal will not result in the loss of trees or hedgerows. Mitigation for great crested newts is currently in situ and will remain until the completion of the substation construction works.

NRW have not raised an objection to the proposal, but have requested a condition is applied to ensure the newt fences are maintained during the construction phase. NRW have also requested the site is restored to habitat suitable for great crested newts, and should the land be permanently be lost, compensation land should be secured.

The applicant has indicated that they are already in discussion with NRW regarding the existing newt fencing and the transfer of the responsibility of the Gwynt y Mor great crested

newt license to the applicant to enable the newt exclusion areas to be retained for use during the course of the Burbo Bank project. Officers consider this is a matter which can therefore be addressed under separate protected species legislation.

The Council can however, also apply a planning condition to requiring the site is decommissioned and remediated once the permission expires.

However, an extant planning permission exists for the permanent retention of the hardstanding and haul road. No planning condition was attached to this permission with respect to great crested newt. Therefore, should the landowner implement the extant permission, the Council cannot require great crested newt compensation land be provided under this permission.

Officers conclude that newt mitigation during the construction phase can be controlled through the protected species licence and therefore a planning condition requiring newt mitigation to be maintained would be unnecessary as it would duplicate another legislative process.

Subject to a planning condition being applied to ensure the site is decommissioned and remediated; Officers consider the proposal is not likely to have a significant adverse effect on biodiversity interests.

4.2.4 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 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.

Access to the substation will be from the existing private road off Glascoed Road via the St. Asaph Business Park.

The Environmental Statement accompanying the consented scheme acknowledged 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.

The supporting information with this application states that the use of the site as an additional construction compound will not have a significant effect over and above that already considered in the Environmental Statement for the consented scheme, and therefore the traffic and transport impact is considered neutral.

The Highways Officer has raised no objection to the scheme.

Officers are satisfied that the use of the land as an additional construction compound will not result in an unacceptable impact on traffic and transport. Highways impacts can be adequately controlled by a condition requiring a Code of Construction Practice Plan, incorporating a Traffic Management Plan to be submitted and approved prior to commencement of works.

With respect to Public Rights of Way, 2 Public Rights of Way are directly effected by the development proposal (footpath 16 and bridleway 32), both of which are currently closed under a temporary closure order. The Council's Public Rights of Way Officer has raised no objection to the proposal in principle and the applicant is already in discussion with the

Councils Footpaths Officer regarding the issue of further temporary closures and / or temporary diversions which has to be resolved under separate highways legislation.

4.2.5 Decommissioning / remediation of site

There are no specific policies in the adopted Denbighshire LDP relating to the re-instatement of land, hence the general considerations outlined in PPW need to be applied.

Extant planning permission exists for the permanent retention of the previously formed site compound (hardstanding and haul road) for use as a touring caravan storage area, and Officers believe it to be reasonable to attribute weight to the extant permission in the assessment of this application.

The touring caravan storage area permission has not yet been implemented. Condition 2 attached to the touring caravan storage area permission requires a detailed scheme of landscaping to be submitted to and agreed in writing by the local planning authority prior to commencement and this condition seeks to mitigate the visual impact of the site in the long term.

Whilst the current application is for the continued use of the land as a construction compound for a period of 5 years, from the supporting documents, construction works are likely to be completed in late 2017, and therefore the caravan storage permission could still be implemented after construction works have been completed (this in March 2019).

However, for the purposes of the current application, for the avoidance of doubt and in order for the Council to retain control over the use and appearance of the site in the long term, Officers consider it necessary to attach a planning condition to ensure a scheme for the decommissioning and remediation / re-instatement of the construction compound is submitted to the Council following completion of construction works, or before the expiry of the expiry of the 5 year period (whichever is the sooner).

5. SUMMARY AND CONCLUSIONS:

- 5.1 The purpose of using the land as a temporary construction compound for construction of the Burbo Bank Extension onshore works is in response to the need to incorporate additional noise mitigation features into the substation design.
- 5.2 The site has been used as a construction compound for the past 5 years and the applicant is not proposing to increase the footprint of operational land on site or intensify the use.
- 5.3 Whilst the Community Council have objected to the principle of the application and would prefer to see the land reinstated to its former use, as an extant permission exists for the permanent retention of the previously formed site compound for use as a touring caravan storage area, the Council cannot therefore require the site is reinstated whilst this permission remains extant. However, should planning permission be granted for this proposal, a condition should be attached requiring the land to be decommissioned and reinstated / remediated which would enable the Council to retain control over land in the long term should the extant permission not be implemented.
- 5.4 No other consultees have raised objection to the proposal and there have been no public responses.
- 5.5 NRW have not objected to the principle of the development, but have requested a condition is applied to ensure newt fences are maintained, and for the water, pollution, prevention and control measures to be applied, which Officers consider can be addressed by requiring the Code of Construction Practice Plan is agreed pre-commencement.
- 5.6 Whilst Public Rights of Way are directly affected by the proposal, this can satisfactorily be resolved under the provisions of the Highways Act 1980, and the applicant is already in discussion with the Council Officers to seek a solution.

5.7 Officers conclude that there would be no unacceptable adverse impacts arising as a result of the continued use of the land as a construction compound on a temporary basis, and are recommending the proposal should be granted subject to necessary planning conditions being applied.

RECOMMENDATION: GRANT - subject to the following conditions:-

The Conditions are:

1. The use of land as a temporary construction compound shall cease no later than 5 years from the date of this permission.
2. No development shall commence until a Code of Construction Practice Plan, incorporating a Traffic Management Plan and pollution, prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the local planning authority. The Statement shall include the following details:
 - (i) Programme and description of works;
 - (ii) Hours of operation;
 - (iii) Construction methodologies;
 - (iv) Material and plant storage/deliveries;
 - (v) Parking arrangements for site delivery, site operatives and visitors vehicles;
 - (vi) Wheel washing facilities;
 - (vii) Loading and unloading areas;
 - (viii) The erection and maintenance of security/safety fencing;
 - (ix) Site management and pollution, prevention and control measures (including arrangements for the safe storage of fuels/oils/chemicals to be kept on site);
 - (xi) Water drainage, including surface water drainage;
 - (xii) The movement of abnormal indivisible loads to the site.

The development shall be carried out in accordance with the approved Code of Construction Practice Plan, unless otherwise approved in writing with the Local Planning Authority.

3. Within 6 months of completion of construction works, or 3 months before the expiry of this permission, whichever is the sooner, a scheme for the decommissioning of the construction compound and the reinstatement and / or remediation of the land shall be submitted to, and approved in writing, to the local planning authority. The approved details shall be implemented within 3 months of the approval by the local planning authority being obtained.

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

1. For the avoidance of doubt and in order that the Local Planning Authority retains control over the longer term use of the land.
2. In the interests of protect amenity, highway safety, water management and pollution, prevention and control.
3. To ensure the long term reinstatement and / or remediation of the site, in the interests of visual amenity.

NOTES TO APPLICANT:

Public Rights of Way Footpath 16 and Bridleway 32 are directly affected by this scheme. Currently they are closed under a temporary closure order. Please be advised that it is highly unlikely that further closures can be sought for the next 5 years.

You are therefore advised to contact the Council's Transport and Infrastructure team to discuss the options for stopping up and / or diverting Public Rights of Way under the Highways Act 1980.

You are advised that great crested newts have been recorded within the application site. You are therefore required to obtain a great crested newt licence under provisions of the Conservation of Habitats and Species Regulations 2010 (as amended) and no development should commence until a licence has been issued and newt mitigation is in place.

To make an application for a newt licence, please contact Natural Resources Wales:
Email: specieslicence@naturalresourceswales.gov.uk
Tel: 01248 385500

The Septic tank associated with the development will require an Environmental Permit from Natural Resources Wales unless an exemption applies. Please contact Natural Resources Wales for more information.

Contractors undertaking work at the compound must comply with guidance contained in Pollution Prevention Guidelines Nos. 1 to 6.

Heading:

REFERENCE NO. 46/2014/0438/PF
7 DEANS WALK
ST ASAPH

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

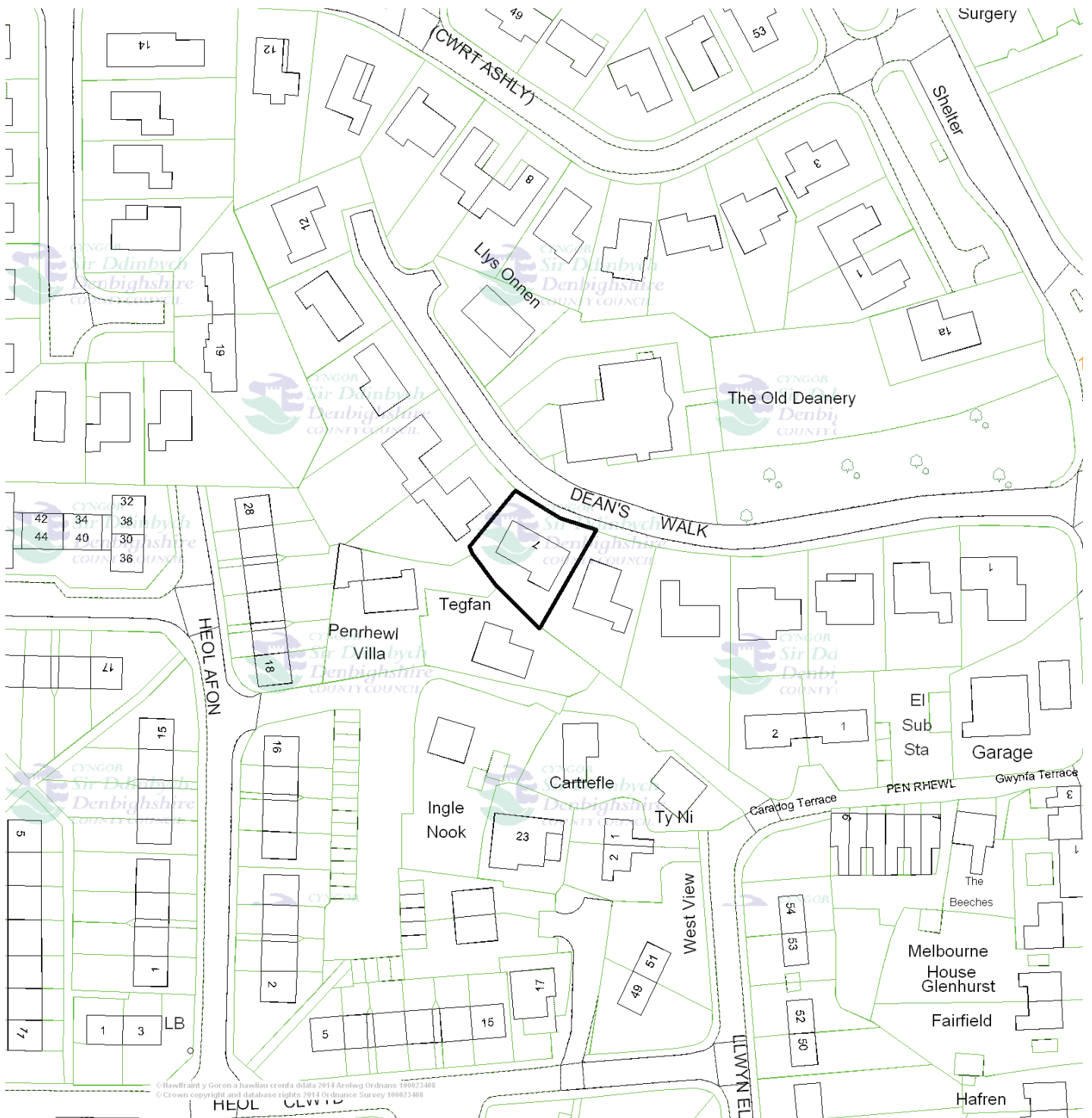
 Application Site



Date 3/6/2014
Centre = 303333 E 374182 N

Scale 1/1250

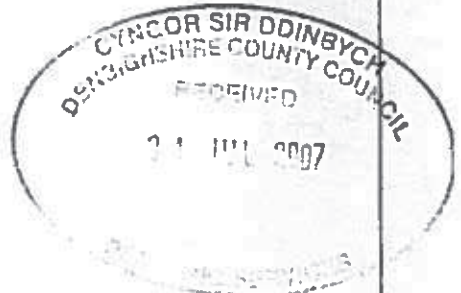
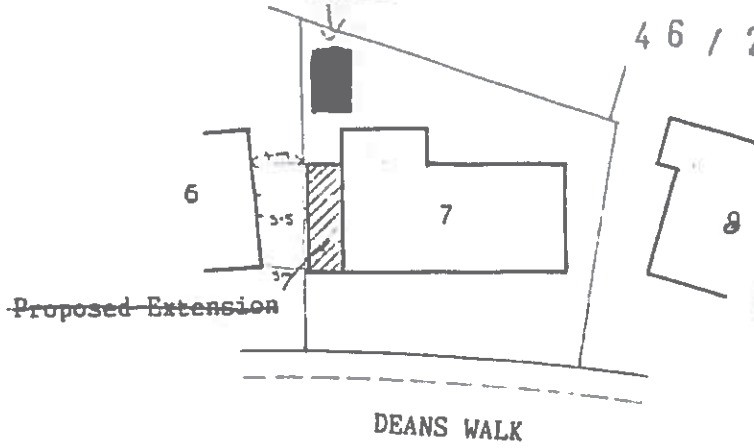
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



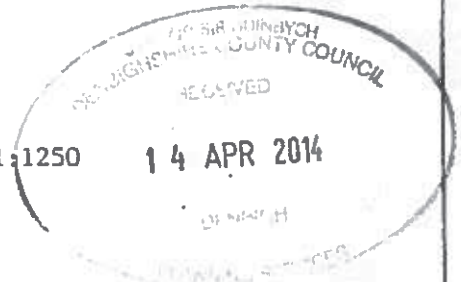
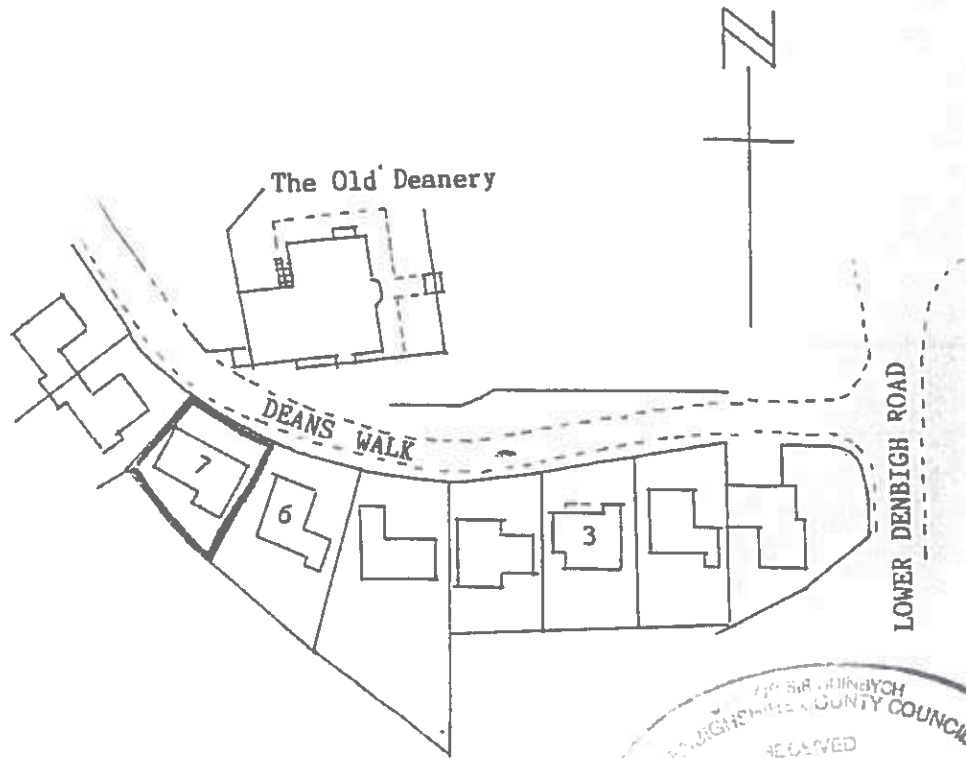
SHED

SITE PLAN

46 / 2014 / 0438 / P C



SITE PLAN SCALE - 1:500



LOCATION PLAN SCALE - 1:1250

PLAN No. 2112/1/JUL/07

BRIAN E. ROBINSON, ABEng, MWOBO,
Planning & Design Services,
32 Clwyd Avenue, Rhuddlan,
Rhyl, Denbighshire. LL18 2UW.

Tel/Fax: 01745 591188 Mobile: 07946 537229

A Member of the Guild of Master Craftsmen.

ITEM NO: 5
WARD NO: St Asaph West
WARD MEMBER(S): Cllr Cowie
APPLICATION NO: 46/2014/0438/ PC
PROPOSAL: Retention of garden storage shed (retrospective application)
LOCATION: 7 Deans Walk St Asaph
APPLICANT: MrMartin Bill
CONSTRAINTS: None
PUBLICITY UNDERTAKEN: Site Notice - NoPress Notice - NoNeighbour letters - Yes

REASON APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:
CITY OF ST ASAPH TOWN COUNCIL
Comments awaited .

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Mrs K McCormack, Tegfan, Penrhewl, St Asaph;
Mark Damrell and Ceri Evans, 6 Dean's Walk, St Asaph;
Mrs Lorna Mills, Penrhewll Villa, Penrhewl, St Asaph.

Summary of planning based representations in objection:
Visual / residential amenity

The structure is overly large for the size of garden in which it is placed / it is very close to the side and rear boundaries / the south facing window in the structure looks over the boundary wall into facing bedroom windows / it is used for domestic purposes and not for storage as suggested;

Drainage

The roof over the shed causes water to run off into the adjacent garden

EXPIRY DATE OF APPLICATION: 08/06/2014

REASONS FOR DELAY IN DECISION: Committee decision required.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks retrospective consent to retain a wooden log cabin type outbuilding which has been erected within the rear garden of the dwelling at 7 Deans Walk. The application forms refer to the proposal to be for a garden storage shed.
- 1.1.2 The cabin has a footprint of 3.0 metres by 4.8 metres with the roof overhanging to each side and therefore covering a larger area of 3.4 metres by 5.4 metres.
- 1.1.3 The structure has a pitched roof up to a height of 2.6 metres at the ridge with an eaves height of 2.3 metres to one side and 2.2 metres to the other due to a slightly off-centre pitch in the roof over the cabin. The outbuilding has a set of doors and two windows in the western side looking out over the applicant's own garden, and a further window in the southern end which directly looks out at the residential property immediately to the south (Tegfan).
- 1.1.4 The siting of the cabin is such that it immediately abuts the rear (south) and side (east) boundaries and is set within 0.5 metres of the rear elevation of the main bungalow. The structure is finished in a natural log design with a sloping green felt roof over.

1.2 Description of site and surroundings

- 1.2.1 The subject property is a detached bungalow set within a run of similar properties along the southern side of Dean's Walk in St Asaph, with the facing property to the other side of the road being The Old Deanery Nursing Home.
- 1.2.2 The bungalow has a relatively short rear garden depth of around 7 metres and a width of 20 metres, with its side and rear boundaries formed by walls of around 1.5 metres in height. The properties to the rear of the site are also bungalows with the nearest (Tegfan) having its front elevation facing the site and set around 5 metres off the rear boundary of the application site. The front (north) elevation of Tegfan contains the front door along with two habitable room windows.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site stands within the development boundary in an area without any specific designation in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 The only history at the site relates to the addition of a single-storey extension to the eastern side of the property which was granted in 2007.

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 46/2007/0949 - Erection of single-storey pitched-roof extension at side of dwelling: Granted 04/09/2007.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD3 – Extensions and alterations to existing dwellings

- 3.1 Supplementary Planning Guidance
 - SPG 1 – Extensions to Dwellings
 - SPG 7 – Residential Space Standards
 - SPG 8 – Access for All
 - SPG 24 – Householder Development Design Guide

- 3.2 Government Policy / Guidance
 - Planning Policy Wales Edition 6 February 2014

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (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 siting outbuildings in connection with existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 relates specifically to alterations to dwellings and permits such work 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 developments. The assessment of impacts is set out in the following sections.

- 4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (v) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. SPG 1 and SPG 24 provide further advice on the extension and alteration of residential properties.

As the structure is set within the rear garden of the subject property, it is not visible when viewed from the north along Dean's Walk. The uppermost section of the cabin is visible when looking at the site from the south along Penrhewl, but only to a minor extent due to the boundary wall with only the roof, the rear window and part of the gable end of the outbuilding being seen.

On this basis, it is not considered that the retention of the outbuilding would result in any substantial harm to the visual amenity of the area on which a refusal of permission could be justified, and the scheme is therefore in accordance with Policy RD 1 along with the advice of the SPGs.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The comments made by the adjacent occupiers whose properties are immediately to the side (east) and to the rear (south) are noted. In respect of the height of the outbuilding, the ridge is limited to 2.6 metres and the structure is not therefore adjudged to have an overbearing impact despite its proximity to the side and rear boundaries.

In Officers' opinion, the rear facing window in the cabin has a detrimental impact on the privacy and amenity of the occupiers to the rear at Tegfan who have two principal windows and their front doors facing this boundary due to the unusual juxtaposition of the properties. However, rather than seeking to refuse permission it is considered more appropriate to impose a condition which requires the removal of the southern facing window in the outbuilding to eliminate any detrimental impact on residential amenity to the adjacent occupiers to the south.

The other comments offered by the objectors relating to the use of the outbuilding are noted. Respectfully, it is not considered reasonable for a local planning authority to impose a condition on the use of a building within the curtilage of a dwellinghouse, to preclude use for normal domestic purposes in connection with that dwelling. If the use by the occupiers goes beyond normal domestic activity then this would be an enforcement matter, and if there is an issue with noise then this would need to be referred to the Public Protection section to determine whether there is a statutory nuisance to address.

It is not considered that the development represents an overdevelopment of the site, having regard to the remaining space around the dwelling and shed.

The question of water discharging from the roof into the neighbour's property is one that can be drawn to the applicant's attention by a suitably worded note to the applicant.

Having regard to the above, the scheme is considered to comply with the requirements of Policy RD 1 subject to the suggested condition requiring the removal of the rear facing window.

5 SUMMARY AND CONCLUSIONS:

- 5.1 In acknowledging the comments of neighbours, the retention of the building is considered acceptable and the application is recommended to be granted subject to the removal of the rear window.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
2. The window fitted in the south facing elevation of the outbuilding shall be removed entirely and replaced with wooden planks to match the remainder of the existing south facing gable of the structure within 3 months of the date of this consent, and thereafter no additional windows shall be fitted into the outbuilding.

The reasons for the conditions are:-

1. In the interests of visual amenity.
2. In the interests of the residential amenity and privacy of adjacent occupiers

NOTES TO APPLICANT:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

You are advised to ensure any roof water discharging from the building does not run onto adjacent property.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

PLANNING APPEAL

ERECTION OF A CREMATORIUM WITH ASSOCIATED CAR PARK, ACCESS ROAD, AND GARDENS OF REMEMBRANCE, CONSTRUCTION OF A NEW VEHICULAR ACCESS AND INSTALLATION OF A PACKAGE TREATMENT PLANT

LAND WEST OF ST, ASAPH BUSINESS PARK ON SOUTH SIDE OF GLASCOED ROAD, ST. ASAPH

APPLICATION NO. 31/2013/1069/PF

1. PURPOSE OF REPORT

- 1.1 This report relates to a refusal decision of the Planning Committee for the above development, in connection with which the Council has been given advance notification by the applicants that a formal appeal is to be lodged with the Planning Inspectorate, with a request for the appeal to be dealt with by way of a Public Inquiry.
- 1.2 The report will provide Members with the relevant background information and request, in anticipation of confirmation from the Planning Inspectorate that the appeal process has begun, that Members appoint two representatives to assist with the presentation of the case at the Inquiry in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol. It will also refer to the need for legal and professional representation in this process.

2. BACKGROUND

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to approve the development of a crematorium on Glascoed Road, St Asaph.
- 2.2 The planning application was originally submitted in August 2013, and was considered at the 19th March 2014 Planning Committee, with an Officer recommendation to GRANT permission. The Committee resolved to REFUSE permission, and the reasons for refusal were agreed at the subsequent meeting of the Committee on the 16th April 2014. The reasons were:

“1.The proposal involves development of an area of high quality agricultural land within the grades considered as ‘best and most versatile’ in Paragraph 4.10.1 of Planning Policy Wales,

Edition 6 (February 2014), which Welsh Government consider is of special importance and should be conserved as a finite resource for the future. Paragraph 4.10.1 requires Local Planning Authorities to give considerable weight to protecting such land from development, and outlines specific tests to be applied to proposals when determining applications. In this case, the Local Planning Authority do not consider the application demonstrates that the need can not be met on either previously developed land or on land in lower agricultural grades in the area, or that the application site is the most appropriate for the development, and hence the proposals are considered to be in conflict with the requirements of 4.10.1 of Planning Policy Wales Edition 6.

2. It is the opinion of the Local Planning Authority that the site does not have good accessibility credentials in terms of access by public transport or pedestrians, in conflict with the sustainability objectives in the Denbighshire Local Development Plan (LDP), Policy ASA 2 of the LDP, Welsh Government's aims in Planning Policy Wales Edition 6 (Section 8) and Technical Advice Note 18- Transport, which seek to extend choice in transport and secure accessibility in a way which supports sustainable development. There is no bus service passing the site and the nearest bus stops are over 500 metres to the east on St Asaph Business Park, with no footway link along the B5381 from the Business Park roundabout to the east of the site, effectively limiting access to the crematorium by way of the motor car. The applicants offer to provide bus stops closer to the site and the possibility of funding an increase in services passing the site are not considered sufficiently well developed to guarantee an acceptable level of accessibility to the site by means other than the motor car over the lifetime of the development. "

2.3 The resolution to refuse permission was proposed by Councillor Bill Cowie and seconded by Councillor Arwel Roberts.

2.4 The formal Certificate of Decision was dated 16th April, 2014.

2.5 There are potentially significant costs implications arising from the handling of the appeal via the Public Inquiry process. This will oblige the Council to engage a barrister to front the case, and as the decision to refuse was contrary to the Officer recommendation, it will also be necessary to consider employing a planning consultant to defend the two reasons for refusal, given the Officers of the Council involved in the case would not be able to present evidence contrary to their professional views expressed at application stage. It is likely that the costs for defending the appeal will be in the region of £10,000 - £15,000, leaving aside the potential for any successful costs claims which may be lodged by the appellants at the Inquiry.

2.6 As is the case in similar situations, Officers of the Council will provide the necessary procedural support during the Inquiry process.

3. DECISION SOUGHT

3.1 As the refusal decision was contrary to Officer recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement, hence seeking the Committee's resolution on the following:

Paragraph 9.3 states:

"Members of the Planning Committee will be required to give evidence at inquiry or

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

- 3.2 The need to engage a Barrister and Planning consultant to present the Council's case requires the resolution of Committee, allowing Officers to proceed with the necessary arrangements in time for the preparation of the initial Statement of Case, the subsequent Proof of Evidence, and the presentation of evidence at the Inquiry itself.

4. RECOMMENDATION

- 4.1 That the Planning Committee appoints two representatives to give evidence at the Inquiry.
- 4.2 That the Planning Committee agree to the engagement of a Barrister and Planning Consultant to defend the reasons for refusal.

GRAHAM H. BOASE

HEAD OF PLANNING & PUBLIC PROTECTION

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Report To:	Planning Committee
Date of Meeting:	18th June 2014
Report By:	Head of Planning and Public Protection
Report Author:	Development Manager
Title:	Planning Appeal Analysis 2013/14

1. What is the report about?

The report provides a detailed analysis of all the planning appeal decisions which have been made from April 2013 to date.

2. What is the reason for making this report?

To provide information regarding the performance of the Local Planning Authority in planning appeals so that Members can scrutinise the individual cases.

3. What are the Recommendations?

That Member's note the contents of the report and raise any issues on particular cases with the Officers outside of Planning Committee.

4. Report details.

Background

A Planning appeal can be lodged as a result of Denbighshire County Council, as Local Planning Authority, refusing a planning application. Such a refusal decision can be made by Planning Committee or by Officers under the provisions of our adopted Scheme of Delegation. The current Scheme of Delegation is attached at **Appendix 1**.

Planning appeals can be heard using one of three methods. These are set out below:-

- **Written Representation** – Exchange of statements between the Council and appellant through the Planning Inspectorate. Usually straightforward and quick with minimal cost involved to either party.
- **Informal Hearing** – Exchange of statements between the Council and appellant with a round table discussion with the Planning Inspector arranged over 1 day. Both sides may apply for costs and involves added Officer/ Member time of attending a day long hearing.
- **Public Inquiry** – Exchange of statements and proofs of evidence between the Council and appellants with a formal Inquiry arranged by the Planning Inspectorate. Legal representation is required for Inquiries as cross-examination of evidence takes place. Can be costly due to legal involvement and the fact the appeals can run into 3 or 4 days.

More recently Denbighshire County Council has been involved in a **Householder Appeal Service**. This process has been set up to speed up the hearing of more simple household extension type appeal cases. There is no exchange of statements in this process but the Inspectorate make a determination based on the submitted planning application and any other relevant documents such as our Committee or Delegated Officer report.

Clearly the Council would seek to defend any refusal decision it gives and hope that the Planning Inspectorate **dismiss** the appellants appeal. Sometimes however, for a variety of reasons, the Planning Inspectorate **allow** an appeal. It is important, therefore, that we are able to analyse these appeal decisions to see whether there are any lessons to be learnt by Officers, Members and other key parties such as Town and Community Council's in the appeal process.

The Council cannot predict how many planning appeals will be lodged over the course of a year as the decision whether to appeal always lies with the applicant.

The Council should always try to ensure that any refusal decision it makes on a planning application is robust and evidence based. To this end attempts have been made to minimise the risk for possible perverse decisions being made by the Council. Better Officer/Member communication during the planning application process, planning related training for Members and Town/Community Council's and a co-ordinated Planning Appeals process have served the Council well in avoiding the risks of costs being awarded against the Council. However, within a democratic process there is always some risk that decisions are made by the Planning Inspectorate contrary to the views of the Council.

Appeals Analysis 2013/14

Appendix 2 to the document gives a breakdown of all of the 18 no. appeal decisions the Council has had since April 2013 to date. Some key figures from that analysis are bullet pointed below the table.

Officers should highlight that those appeals dealt with prior to June 2013 would have had regard to the old Unitary Development Plan. From June 2013 onwards decisions have been made having regard to the new Local Development Plan.

The information contained in the appendix merely points out the relevant data but does not analyse the decisions. Officer will always try to bring specific reports back to Planning Committee should an appeal decision be received which highlights some key Policy areas of interest. In addition Officers will periodically provide Member training events which analyse appeal decisions, Policy interpretations and trends in more detail.

PLANNING AND PUBLIC PROTECTION

DEVELOPMENT CONTROL AND COMPLIANCE SECTION AND BUILDING CONTROL SECTION

SCHEME OF DELEGATION

The delegation scheme enables officers within the Building Control Section and Development Control & Planning Compliance Section of the Service to deal with certain defined determinations without authorisation from Members.

The purpose of having such a Scheme of Delegation is to ensure an efficient, customer focussed approach whilst maintaining the necessary democratic checks and balances which Planning Committee and Full Council provide.

1. BUILDING CONTROL SECTION SCHEME OF DELEGATION

Building Regulations are made under Part 1 of the Building Act 1984 and are exercisable by statutory instrument through empowerment of Local Authorities to ensure their requirements are met.

Provisions for dealing with defective premises, dangerous buildings and demolitions are set out in Part 3 of the Building Act in Sections 76 - 83 inclusive empowering Local Authorities to serve notices, execute works in default and recover expenses.

The scheme will authorise the Head of Planning and Public Protection, Building Control Manager and any Officer within the Building Control Section so authorised by them to deal with ALL Building Regulations work as set out in the provisions of the Building Act 1984.

2. DEVELOPMENT CONTROL & PLANNING COMPLIANCE SECTION SCHEME OF DELEGATION

Part 1 – Officer Level Decisions

Part 2 – Committee Level Decisions

2.1. PART 1 – OFFICER LEVEL DECISIONS

The scheme will allow the Head of Planning and Public Protection, Development Control & Planning Compliance Manager and any Officer within the Development Control & Planning Compliance Section so authorised by them to determine the following types of applications, prior determinations, notifications, approval of conditions, ancillary decisions, amendments and compliance case under the relevant Planning Acts:-

Planning or other Applications

- 2.1.1. All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different individuals raising material planning objections.
- 2.1.2. All types of planning or other application on which Officers are recommending refusal.
- 2.1.3. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments (screening and scoping opinions) and other notifications.

Compliance Issues

- 2.1.4. Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 2.1.5. Compliance cases which require the serving of a planning related enforcement notice.*
- 2.1.6. Legal action in association with breaches of Notices served under the provisions contained in paragraph 2.1.5 above. Legal action will not be taken until the Local Member(s) have been made aware, and agreed to the action to be taken.

Miscellaneous

- 2.1.7. Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 2.1.8. To submit observations on behalf of the Council on external consultations or draft documents.
- 2.1.9. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, subject to informal consultation with the Local Ward Member(s).

- 2.1.10. Minor amendments to the wording of planning conditions / notes to applicants on applications approved at Planning Committee, including minor amendments to Committee authorised enforcement notices where the substance of the suggested condition / note to applicant / notice has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.11. To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:-
- Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation
 - Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC)
 - Responding to the IPC's consultation on the adequacy of the developer's pre-application consultation
- 2.1.12 To make and serve Tree Preservation Order Notices and deal with applications for works to trees having a Preservation Order or works to Trees in Conservation Areas.

2.2. PART 2 – COMMITTEE LEVEL DECISIONS

The following sets out the types of applications which will need to be reported to Planning Committee for formal determination and as such do not fall within Part 1 of this scheme:-

- 2.2.1. All types of planning or other applications on which Officers are recommending approval where 4 or more individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.2.2. All types of planning or other applications on which Officers are recommending approval where a relevant material planning objection has been received from a Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.2.3. All applications on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.
- 2.2.4. Any application not already determined under Part 1 above which the Ward Member, for the Ward in which the application is located, has submitted a written request based on valid planning grounds that application be heard at Planning Committee. The request should be made as soon as possible after notification of receipt of the application by the Ward Member to the Head of Planning and Public Protection and/or the Development Control & Planning Compliance Manager.
- 2.2.5. Any application submitted by, on behalf of, or on land in the ownership of:
 - A County Councillor,
 - Member of the Senior Leadership Team (SLT)
 - Member of staff of Planning and Public Protection
 - A close relative of any of the above
- 2.2.6. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee or Full Council.
- 2.2.7. Any application to vary or modify any fundamental terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.
- 2.2.8. Any other application, compliance case or determination which the Head of Service or Development Control & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.

- 2.2.9 Any formal pre-application (Section 42) consultation on Infrastructure Planning Commission (IPC) schemes along with the formal application made to the IPC (Local Impact Report) and any other formal representations at examination stage.
- 2.2.10 Any application which has been determined at Committee previously but which, in the opinion of the Head of Planning and Public Protection in consultation with the Monitoring Officer, could represent one of the following:-
- a) a significant departure from the adopted Development Plan.
 - b) An application where there could be a significant risk of costs awarded against the Council at any subsequent planning appeal, legal challenge, possible Welsh Government call-in or Ombudsman investigation.
- 2.2.11 The returning report will, in all circumstances, be presented back to Committee in order protect the interests of the Council and will contain additional information pertaining to the two areas a) and/or b) above.

FOR CLARITY REGARDING THE DEVELOPMENT CONTROL & PLANNING COMPLIANCE SCHEME OF DELEGATION:

For the purposes of this scheme all planning applications will include those made by or on behalf of the Council.

Letters of representation will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they are signed and addressed.

Anonymous letters of representation will not be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing names/signatures only will be counted as one single representation for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing clearly written names along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as if each name was a separate representation.

All electronic submissions will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individuals name and associated address.

“Close relative” is defined as spouses/partners, parents, children, brothers and sisters.

“Significant Departure” is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the Development Plan.

For the purposes of this scheme “Specific function exercised by the Council” will include any development required to ensure the function and operation of the Council’s agricultural estate.

For “Bodies required to be consulted under Procedure Order” please refer to latest Procedure Order

*For the purposes of this scheme “Any Planning Related Enforcement Notice” includes Stop Notices, Temporary Stop Notices, Injunctions, Listed Building Enforcement Notices, Urgent Works Notices, Discontinuance Notices (Adverts), S215 untidy land notices, breach of condition notice and repairs notice.

Author : Paul Mead	Date adopted at Planning Committee :
Contact : Judith Williams	Version : 5
	Date to be reviewed : 01/06/14

APPEAL ANALYSIS 2013-14

	<u>Appeal Case</u>	<u>Decision Date</u>	<u>Decision</u>	<u>Appeal Type</u>	<u>Officer Recommendation</u>	<u>Committee Decision</u>	<u>Town Council Response</u>
1	45/2012/1163/PF - 1 Willow Court, Rhyl <i>Retention of 1.8m high front boundary fencing</i>	21/05/2013	Dismiss	Written	Refuse	Refuse	Object
2	43/2012/1128/PF - 18 Ffordd Ffynnon, Prestatyn <i>Erection of extensions to front and rear including side dormer features</i>	05/07/2013	Dismiss	Informal	Refuse	Refuse	No objection
3	47/2012/0425/AG - Part field No. 8100 Bryn Farm, St Asaph <i>Prior approval for the erection of a steel framed storage building</i>	02/07/2013	Dismiss	Written	Refuse	N/A	N/A
4	45/2012/1490/PF - Next, 56 High Street, Rhyl <i>Change of use from Class A1 shop to Class A2 financial and professional</i>	08/07/2013	Dismiss	Written	Refuse	Refuse	No objection
5	45/2012/1519/PF - Next, 56 High Street, Rhyl <i>Change of use of Class A1 shop to Class A3 food and drink use</i>	08/07/2013	Dismiss	Written	Refuse	Refuse	Object
6	01/2012/1350/LE - Caravan at the Airfield, Lleweni Parc, Denbigh <i>Certificate of lawfulness for a manager's residential caravan</i>	02/08/2013	Dismiss	Written	Refuse	N/A	N/A
7	40/2013/0063/PF - Tyddyn Gwynfa, Coed Avenue, Rhyl <i>Erection of extensions to side and rear of dwelling</i>	13/08/2013	Dismiss	Written	Refuse	N/A	No observations

APPEAL ANALYSIS 2013-14

	<u>Appeal Case</u>	<u>Decision Date</u>	<u>Decision</u>	<u>Appeal Type</u>	<u>Officer Recommendation</u>	<u>Committee Decision</u>	<u>Town Council Response</u>
8	45/2012/1329/PF - 19 West Parade, Rhyl <i>Change of use of existing dwelling to create 3 flats and erection of 2 dormers to rear.</i>	21/08/2013	Dismiss	Written	Refuse	N/A	Object
9	03/2012/0935/PF - Land at rear of 7 Maes Pengwern, Llangollen <i>Outline application for residential development to include means of access</i>	04/10/2013	Dismiss	Written	Refuse	N/A	Object
10	21/2013/0797/PF - Erw Las, Pant Du Road, Eryrys <i>Pitched roof dormer extension at rear and conservatory extension to side</i>	04/12/2013	Allow	Written	Refuse	N/A	No Objection
11	43/2013/0203/PF - 55 Pendre Avenue, Prestatyn <i>Single storey extension to rear</i>	10/12/2013	Allow	Written	Grant	Refuse	Object
12	06/2013/0253/PFT - Llety, Llety Road, Gwyddelwern <i>Single wind turbine with ancillary works (77m height to tip)</i>	15/01/2014	Dismiss	Written	Refuse	Refuse	No observations
13	45/2013/0072/PF - 38 Crescent Road, Rhyl <i>Conversion of dwelling to create 3no. 1 bed apartments</i>	04/03/2014	Allow	Written	Grant	Refuse	Object
14	31/2013/0767/PF - Plas yr Esgob, Glascoed Road, St Asaph <i>Retention of site compound for use as caravan storage area</i>	07/03/2014	Allow	Written	Refuse	Refuse	No observations

APPEAL ANALYSIS 2013-14

	<u>Appeal Case</u>	<u>Decision Date</u>	<u>Decision</u>	<u>Appeal Type</u>	<u>Officer Recommendation</u>	<u>Committee Decision</u>	<u>Town Council Response</u>
15	44/2012/1486/PF - Rear of Bryn Awel, High Street, Rhuddlan <i>Change of use of stores to create 1no. dwelling</i>	07/03/2014	Dismiss	Written	Refuse	N/A	Object
16	43/2013/1321/AD - 79 High Street, Prestatyn <i>3no. externally illuminated fascia signs and 1no. externally illuminated hanging sign</i>	15/04/2014	Dismiss	Written	Refuse	N/A	N/A
17	C01/2012/00332 -Graig Villa, Abrahams Lane, Denbigh. <i>Unauthorised Installation of uPVC window and door</i>	09/05/14	Uphold Enforcement Notice	Written	Serve Enforcement Notice	N/A	N/A
18	C45/2012/00073 127/129 High Street, Rhyl <i>Unauthorised installation of uPVC shopfront</i>	02/05/14	Quash Enforcement Notice	Written	Serve Enforcement Notice	Serve Enforcement Notice	N/A

- Total of 18 planning and enforcement appeal decisions from April 2013 to date
- 13 of those 18 decisions have supported the Council's decision (72%)
- All but 1 appeal was dealt with by the simple written method keeping costs low
- 9 of the 18 appeal cases were borne out of delegated Officer decisions. The other 9 stemmed from decisions made at Committee
- Of the 9 delegated decisions the Council won 8 of the subsequent appeals (89%)
- Of the 9 Committee based decisions the Council won 5 of the subsequent appeals (55%)
- Members followed Officers recommendation on 7 of the 9 Committee based decisions
- Where N/A has been placed in the Town Council response section this is because the types of application submitted did not require consultation with the Town Council under the provisions of the Planning acts.

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