

To: Members of the Planning Committee Date: 9 October 2014
Direct Dial: 01824 712568
e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 15 OCTOBER 2014** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 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 - 32)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 10 September 2014 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 12) -

5 APPLICATION NO. 06/2014/0996/PF - OROR FARM, GWYDDELWERN, CORWEN (Pages 33 - 46)

To consider an application for the erection of agricultural cattle shed, feed silo and handling facilities at Oror Farm Gwyddelwern, Corwen (copy attached).

6 APPLICATION NO. 15/2014/0888/PF - LAND ADJOINING CANOL Y CAE, VILLAGE ROAD, ERYRYS, MOLD (Pages 47 - 62)

To consider an application for the erection of agricultural building for storage and stock shelter at land adjoining Canol Y Cae, Village Road, Eryrys, Mold (copy attached).

7 APPLICATION NO. 19/2014/0702/PFT - MAES TRUAN, LLANELIDAN, RUTHIN (Pages 63 - 86)

To consider an application for installation of a wind turbine 30.5m hub height and 45.07m to blade tip, control box and associated works at Maes Truan, Llanellidan, Ruthin (copy attached).

8 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH (Pages 87 - 104)

To consider an application for installation of micro hydro electric scheme at land at Elwy Meadows, Lower Denbigh Road, St. Asaph (copy attached).

9 APPLICATION NO. 41/2013/0857/PF - DINORBEN ARMS PUBLIC HOUSE, BODFARI, DENBIGH (Pages 105 - 124)

To consider an application for change of use and conversion, with partial demolition, of former public house to form 1 No. dwelling and erection of detached garage at rear at Dinorben Arms Public House, Bodfari, Denbigh.

10 APPLICATION NO. 41/2013/0858/LB - DINORBEN ARMS PUBLIC HOUSE, BODFARI, DENBIGH (Pages 125 - 142)

To consider a listed building application for conversion, partial demolition and alterations of former public house to form 1 dwelling with new detached garage at rear of Dinorben Arms Public House, Bodfari, Denbigh (copy attached).

11 APPLICATION NO. 43/2014/0906/AD - 79 HIGH STREET, PRESTATYN (Pages 143 - 148)

To consider an application for the installation of 2 externally illuminated fascia signs and 1 no. externally illuminated projecting sign at 79 High Street, Prestatyn (copy attached).

12 APPLICATION NO. 46/2014/0710/PF - GWYLFA, BRONWYLFA SQUARE, ST. ASAPH (Pages 149 - 162)

To consider an application for change of use of Class A1 shop to Class A3 restaurant and takeaway at Gwylfa, Bronwylfa Square, St. Asaph (copy attached).

13 ADOPTION OF DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: 'PARKING REQUIREMENTS IN NEW DEVELOPMENTS' (Pages 163 - 206)

To consider a report (copy attached) recommending adoption of the draft Supplementary Planning Guidance 'Parking Requirements in New Developments' in line with the proposed amendments for the determination of future planning applications and appeals.

14 HOT FOOD TAKEAWAYS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT (Pages 207 - 220)

To consider a report (copy attached) recommending members agree the draft SPG on hot food takeaways as a basis for public consultation.

15 POSITION STATEMENT: MINERALS LANDBANK IN DENBIGHSHIRE (Pages 221 - 226)

To consider a report (copy attached) recommending members agree a position statement in light of the publication of the Regional Technical Statement 1st Review and Clarification Letter CL-04-14 to demonstrate Denbighshire's commitment to contributing towards demand for minerals.

16 PLANNING COMPLIANCE CASE UPDATE (Pages 227 - 238)

To consider a report (copy enclosed) updating members on planning compliance cases.

MEMBERSHIP

Councillors

Raymond Bartley (Chair)

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
Paul Penlington
Arwel Roberts
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

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

This page is intentionally left blank



LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, (name)

a *member/co-opted member of

(*please delete as appropriate)

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

(*please delete as appropriate)

Date of Disclosure:

Committee (please specify):

Agenda Item No.

Subject Matter:

Nature of Interest:

Signed

Date

This page is intentionally left blank

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 10th September 2014 2014 at 9.30am.

PRESENT

Councillors J.R. Bartley (Chair), I W Armstrong, J A Butterfield, W L Cowie, M LI Davies, R J Davies, S A Davies, P A Evans, R L Feeley (Obs), H Hilditch Roberts, E A Jones, P M Jones, G M Kensler (observer), M. McCarroll, W M Mullen-James (Vice Chair), T M Parry, P Penlington, A Roberts, D Simmons, 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 Management Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Planning Officer (Sarah Stubbs), Development Management Officer (Paul Griffin), Senior Support Officer (Judith Williams) and Translator (Sandra Williams).

1 APOLOGIES

Apologies for absence were received from Cllr Jeanette Chamberlain Jones, Cllr Martyn Holland, Cllr Colin Hughes, Cllr Bob Murray, Cllr Bill Tasker, Cllr Rhys Hughes, Cllr Dewi Owens, Cllr Ann Davies, Cllr Peter Owen

2 DECLARATIONS OF INTEREST

Cllr Peter Evans – Personal/Prejudicial – Items 2 & 3
Cllr Ray Bartley – Personal – Item 12
Cllr Huw Hilditch Roberts – Non-prejudicial – Item 12

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 18th June 2014.

Agreed as a true record with an amendment to record that P.34 Last paragraph, first bullet point should read:

- Clarification of site access (no access from front of Marble Church, no construction traffic through the village or the road in front of Marble Church, **or Nant y Faenol Lane**

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

Report by the Head of Planning and Public Protection (previously circulated) relating to applications submitted and requiring determination by the Committee were considered.

It was RESOLVED that:-

- (a) *the recommendations of Officers, as contained within the reports submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the relevant legislation in relation to:-*

Item: 1

Application No: 12/2014/0611/PF

Location: Land at south east of Maes Llan, Derwen, Corwen

Description: Erection of a detached dwelling together with a detached single garage, formation of a new vehicular access and installation of a new septic tank

Public Speakers:

Mrs Manon Jones (For)

Mrs Jones explained that they had sought advice from policy and development management officers in order to ensure that the size and design of the proposed dwelling were acceptable. There was also a thorough assessment made by Grwp Cenefin as part of the submission. Mrs Jones explained that her family had strong links to the local community and felt that they met the local connections policy.

General Debate:

Cllr Eryl Williams (Local Member) pointed out that this application was one of the first applications of this type to be assessed against the Local Connections Policy of the Local Development Plan. He had only requested that this application be brought to Planning Committee as he felt that the decision should be totally transparent and to give all parties the opportunity to speak.

Cllr Huw Williams felt that this application was a true case of local people wanting a local home.

Cllr Cefyn Williams pointed out that houses of the size that met the needs of the applicants sold for approximately £300 - £400 in Derwen.

Cllr Meirick Lloyd Davies felt that the reasons for the officer recommendation was clearly explained in the Committee report and that was why the Officer was recommending grant.

Proposals:

Cllr Huw Williams proposed the Officer recommendation to GRANT subject to the signing of a S106 to secure the dwelling as an affordable home. This was seconded by Cllr Mervyn Parry

VOTE:

GRANT – 21

ABSTAIN – 0

REFUSE - 0

The resolution was therefore to GRANT permission subject to the completion of a Section 106 Obligation.

- a) Securing the dwelling as affordable for local needs in perpetuity.
- b) Securing the relevant commuted sum payment for Open Space

Item: 2

Application No: 43/2014/0205/PF

Location: 105-107 High Street Prestatyn

Description: Conversion of upper floors over existing retail unit to form 3 no. flats, demolition of two storey rear outrigger building and erection of extension to rear to form 5 no. 1 bed flats and associated works

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

The following information was reported on the late sheets:

Prestatyn Town Council

“OBJECTION

Lack of on site parking. Demolition of stone wall and replacement with brick not in keeping with conservation area status.

Multiple occupancy and increased residential development will lead to loss of High Street retail opportunity.

Over intensification of site. The site is within curtilage of listed building. Proposed flats considered too small.”

Public Speakers:

Allyson Evans (Against)

Ms Evans felt that the proposal would set a precedent for similar types of applications in the area. It was accepted that development was necessary for the vitality of the town but it was felt that local parking issues would compromise parking safety.

General Debate:

Cllr Thompson Hill (Local Member) had objected to a similar application in a previous Committee and felt that this application should also be refused. Although there was general support to bring upper floors of shops back into use, it was felt that this proposal would represent an overintensification of development in the area. Although the Conservation Architect did not object, it was felt that this was a subjective issue and that as the proposal was adjacent to a listed building, the size and scale of the development would have an adverse impact and would be out of keeping with the surrounding buildings. Cllr Thompson Hill therefore proposed to refuse the application, contrary to Officer recommendation.

Cllr Penlington echoed the sentiments of Councillor Thompson-Hill and seconded the proposal to refuse the application.

Cllr Butterfield also supported refusal as there had been a similar application in Rhyl in the past which contained one bedroom flats and this had caused a tidal wave of similar applications.

Cllr Meirick Lloyd Davies pointed out that if a refusal was going to be proposed, then good reasons needed to be put in place before the vote.

Officers explained that overintensification due the number of flats being proposed may be a land use ground for refusal. It had been accepted that there was a demand in the area for one bedroom flats and it was questioned whether impact on the Conservation area could be used as a defensible reason for refusal as the stone wall currently fronting the site was proposed to be retained.

Proposals:

Cllr Thompson Hill proposed refusal due to overintensification, impact on the Conservation Area, impact on the Listed Building, scale
The proposal for refusal was seconded by Cllr Paul Penlington

VOTE:

GRANT	-	5
ABSTAIN	-	0
REFUSE	-	15

PERMISSION WAS THEREFORE REFUSED

The decision, being CONTRARY to the Officer Recommendation was taken on the grounds that the proposals represented an over intensification of use and would impact adversely on the Conservation Area.

The grounds for refusal subsequently agreed with Local Members were:

1. In the opinion of the Local Planning Authority, the conversion of the upper floors of the existing property to create 3 flats combined with the rebuilding and extension to the rear to create 5 flats (8 flats in total) represents an over intensification of use of the site, contrary to Policy RD1 (tests i and vi) of the Denbighshire Local Development Plan given that there would be a shortfall of private amenity space for occupiers of the flats, contrary to the Council's adopted Supplementary Planning Guidance on Residential Space Standards.
2. The scale and design of the redevelopment at the rear of the main building is considered likely to have an adverse impact on the character and appearance of the Conservation Area and on the setting of the nearby listed building (Old Vicarage), contrary to Policy VOE1 of the Denbighshire Local Development Plan, advice in Chapter 6 of Planning Policy Wales Edition 7 (2014), and Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas.

I

Item: 3

Application No: 43/2014/0206/CA

Location: 105-107 High Street Prestatyn

Description: Conservation Area Consent for the demolition of a garage (redevelopment of site subject to separate application - ref: 43/2014/0205)

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

Proposals:

Cllr Julian Thompson Hill proposed refusal on grounds that there was no redevelopment scheme in place. Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT: 6

ABSTAIN: 0

REFUSE: 14

PERMISSION WAS THEREFORE REFUSED

The decision, being CONTRARY to the Officers' Recommendation was taken on the grounds that there was no planning permission in place for a redevelopment.

The ground for refusal was:

1. In the opinion of the Local Planning Authority, the grant of Conservation Area Consent for demolition would be premature in the absence of a planning permission for redevelopment on the footprint of the buildings to be removed, and would create the potential for an eyesore in a sensitive location in the town centre and Conservation Area, close to a listed building.

Item: 4

Application No: 43/2014/0250/PF

Location: 55 Pendre Avenue, Prestatyn

Description: Erection of a single-storey extension to rear of dwelling with alterations to roof and dormer window to side elevation to provide accommodation in roofspace

The following information was reported in the late sheets:

Private individuals

In objection, from:

Mrs B. Gee, 15 Linden Drive, Prestatyn

- Summary of representations :
Unacceptable impact on privacy/ overlooking from bedroom window into bedroom and garden
Roof level should be lower

Proposals:

Cllr Arwel Roberts proposed the Officer's recommendation to grant the application. Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT: 21

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED

Item: 5

Application No: 45/2014/0617/AC

Location: Shirley, 23 Marine Drive, Rhyl

Description: Details of proposed screen to prevent access from existing balcony to flat roof area submitted in accordance with condition no. 5 of planning permission code no. 45/2013/0805

General Debate:

Cllr David Simmons pointed out that the people who had the most issues with this site were the next door neighbours and he noted that they did not have any objections to this proposal.

Cllr M Lloyd Davies agreed that site had been a contentious one and had been the focus of much debate. He felt that the screen should have been put up long ago and that it should have been a fixed screen.

Officers explained that it was a complicated situation and that this approval of condition sought solely to resolve the issue of the details of the screen. It was proposed as a movable item rather than fixed due to fire escape reasons.

Proposals:

Cllr David Simmons proposed that the condition be approved and Cllr Pat Jones seconded the proposal.

Cllr M Lloyd Davies proposed that the time to comply with the condition was reduced to 1 month and Cllr Alice Jones seconded the amendment.

VOTE:

The first vote was in relation to the amendment of one month to comply with the condition.

GRANT: 10
ABSTAIN: 0
REFUSE: 11

Therefore the amendment was not approved.

The second vote was for the proposal to grant the application.

GRANT: 19
ABSTAIN: 0
REFUSE: 2

THE CONDITION WAS THEREFORE APPROVED

Item: 6

Application No: 45/2014/0924/PF

Location: Shirley 23 Marine Drive Rhyl

Description: Amended details of alterations and extensions to dwelling (previously granted under code no. 45/2013/0805), eliminating external staircase, involving alternative design of first floor lobby to incorporate internal staircase to ground floor level and the erection of a 1.8m high side boundary screen to permit use of additional section of flat roof area as extension to existing balcony

The following information was reported on the late sheets:

Rhyl Town Council
"No objection".

Officers reported receipt of a late letter from Mr & Mrs Soudegar, 24 Marine Drive, Rhyl, expressing the hope that this would be the final application relating to this property.

Public Speakers:

Mr Moffat (For)

Mr Moffat explained that there had been a rather protracted history to the application site and that the main issue had been the external staircase. He had sought to achieve a better scheme to appease the neighbours. He felt that the scheme now in front of Officers would greatly improve the neighbours view and would be less overbearing. He also stated that he was happy to comply with the screen height suggested by Officers

General Debate:

Officers introduced the item and explained that the application was a revision of a previous scheme. The proposal eliminated the external staircase and addressed the issue of overlooking.

Cllr David Simmons agreed that the proposal was the best solution to date.

Proposals:

Cllr David Simmons proposed the Officer recommendation to grant and Cllr Win Mullen James seconded the proposal.

VOTE:

GRANT: 21

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED SUBJECT TO THE ADDITION OF THE CONDITION SET OUT IN THE LATE REPRESENTATION SHEET IN RELATION TO THE HEIGHT OF THE BOUNDARY SCREEN.

Item: 7

Application No: 45/2014/0746/PF

Location: Fronfraith 1 Boughton Avenue Rhyl

Description: Change of use of offices to form 6 no. residential apartments

The following additional letters of representation were received:

Consultees :

Rhyl Town Council
"No objection".

ADDITIONAL INFORMATION

The applicant has forwarded a 25 page document setting out matters in support of the grant of permission 'in order to achieve a sustainable development of flats in Boughton Avenue' and to ..."assuage the unfounded fears of the neighbours." The summary of the submission advises

- "Elderly people are prone to mobility problems, and prefer Bungalows and Ground floor accommodation, to first (and second) floor flats.
- Already, half the first floor residents on Boughton Avenue are ready to sell their first floor flats since three years, revealing the absence of interest.
- Clarence House is a nearby example of an over 55s flat that was recently was forced to convert back to 'normal use' due inability to sell first floor flats.
- There has been hardly any sale of first floor flats for over 55s on Boughton Avenue itself mostly because of the age / ability exclusion criteria.
- Fronfraith is NOT designed for the elderly, and will not find over 55s takers (buyers or leasors) for the upper floors, especially in the current market.
- In view of the already saturated market for over 55s flats in the neighbourhood, there is a high risk of excess flats becoming vacant, dilapidated or vandalised.
- Lifts are environmentally damaging and cause harm to future generations and hence, both economically and environmentally unviable. Also, extensive work is needed if the top floors are to be at the same level for over 55s.

- Never have there ever been age restrictions on Fronfraith. There are no stated policy of the Council restricting age groups from this neighbourhood.
- There is ample space and fence wall, surrounding Fronfraith, separating it from the other blocks. The only shared space is the Avenue itself.
- Not purchasing the building while it was on the market, and now threatening unviable age limits, are unfair to the purchaser.
- The middle aged purchaser himself would like to stay in the property, being close to his workplace.
- The younger generation too, should be given equal opportunity to benefit from the location, in accordance with sustainable development policy. The Equality Act 2010, prohibits age or ability discrimination in benefitting from location.
- There are many examples of the elderly cohabiting peacefully with younger neighbourhoods even in Rhyl itself
- It will be an endeavour of the developers to ensure that the fears of noise, parking, pets and unruly elements are baseless. “

Public Speakers:

John Horton (For)

Mr Horton was speaking as an agent for the applicant and explained that the applicants had sought to put forward a sustainable use for the building. The proposal being put forward would not require significant changes to the current building and although the parking did not quite meet the SPG standard, they felt that there was plenty of off site parking in the vicinity. They also felt that the proposal would mean a reduction in the amount of vehicular movements to and from the property.

General Debate:

Cllr Simmons felt that the objections received were due to the fact that the other properties within the cul de sac were for people aged 55 or over and that this proposal would bring increased activity. However, he noted that the access that had been in place prior to the last use of the building had been reinstated which would help the issue and he would prefer to see this proposal than a proposal for lots of one bedroom apartments.

Cllr M Lloyd Davies asked how the information on the late representations should be read as he was unclear what it was trying to say.

Officers explained that the information on the late representations sheet was a summary of the applicant's attempts to address the neighbour objections.

Proposals:

Cllr Simmons proposed the Officer recommendation to grant and Cllr Butterfield seconded the proposal.

VOTE:

GRANT: 22

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED

Item: 8

Application No: 45/2014/0787/PF

Location: Fronfraith 1 Boughton Avenue Rhyl

Description: Conversion, alterations and extensions of existing office to form a residential institution

The following information was reported on the late sheets:

Rhyl Town Council
"No objection".

ADDITIONAL INFORMATION

The applicant has forwarded a 22 page document setting out matters in support of the grant of permission 'in order to achieve a sustainable development of flats in Boughton Avenue' and to ... "assuage the unfounded fears of the neighbours." The summary of the submission advises –

- 2 Fronfraith Hostel was previously a 26 bedded Mental Care Home. There have never been age or ability restrictions on its usage. This application is only for reversion to an older Planning Permission.
- An age, or ability, discrimination on the residents in the neighbourhood may be an infringement on the Equality Act 2010.
- The demand for Care Home beds, with >90% occupancy, is already the highest in the UK, and is set to increase with an ageing population.
- Designing rooms of sufficiently suitable size to meet the latest regulations of the CSSIW / HIW is possible. These standards can be expected to be higher than some of the care homes under older regulations in the area.
- By being able to adapt the newer standards of Care Homes, Fronfraith can attract users who do not get similar standards in existing homes that cannot adapt. Though this would require some major work, this will be commercially viable.
- Care Homes can create new jobs, employ people, and directly contribute to economic growth.
- There is ample space and fence wall, surrounding Fronfraith, separating it from the other blocks. The only shared space is the Avenue itself.

- Not purchasing the building while it was on the market, and now threatening unviable age / ability restrictions on the purchaser, are unfair to the purchaser.
- The purchaser himself would like to work here, being close to his workplace.
- The younger generation and disabled too, should be given equal opportunity to benefit from the location, in accordance with sustainable development policy. The Equality Act 2010, prohibits discrimination, in this case amongst those who may benefit from the location.
- There are many examples of the nursing homes successfully cohabiting peacefully in neighbourhoods, even in Rhyl itself
- It will be endeavour of the developers to ensure that the fears or noise, parking, pets and unruly elements are baseless. “

Public Speakers:

John Horton (For)

Mr Horton explained that the application was being proposed as his client wanted to keep his options open regarding the site. He was currently considering his business model and the C2 use would be one of his options. However, if this option was taken up, it would require the installation of a lift extension at the rear of the property. He pointed out that the building had been used as a nursing home in the past.

General Debate:

Cllr Simmons explained that whichever option the applicant chose to implement, there would be a demand in the area. Both options would also help to create jobs in the area

Proposals:

Cllr Simmons proposed the Officer recommendation to grant and Cllr McCarroll seconded the proposal.

VOTE:

GRANT: 19

ABSTAIN: 0

REFUSE: 3

PERMISSION WAS THEREFORE GRANTED

Item: 9

Application No: 45/2014/0927/PO

Location: Former Honey Club Site 21-26 West Parade Rhyl

Description: Development of 0.18ha of land by the erection of a 70 bedroom hotel (Class C1), Restaurant (Class A3) and a ground floor Class A1 /A3 unit (retail shop / food and drink use) (Outline application including access, appearance, layout and scale).

The following information was reported in the late sheets:

Rhyl Town Council
"No objection".

Public Speakers:

Julian Seabrook (For)

Mr Seabrook thanked Officers for their support in getting the application to Committee with a recommendation to grant.

He explained that the application was for a Premier Inn and a Brewers Fayre and that the project would hopefully be moving forwards fairly quickly.

General Debate:

Cllr Butterfield said that she was delighted that this much needed accommodation had come forward and proposed the Officer recommendation to grant.

Cllr Simmons commented that the 70 jobs that could come forward would be appreciated.

Both Cllr Arwel Roberts and Cllr M Lloyd Davies commented that a Welsh name would be preferred for the site.

Proposals:

Cllr Butterfield proposed the Officer recommendation. Cllr Cheryl Williams seconded the proposal.

VOTE:

GRANT: 22

ABSTAIN: 0

REFUSE: 0

**PERMISSION WAS THEREFORE GRANTED WITH THE FOLLOWING
ADDITIONAL NOTES TO APPLICANT**

1. Please be reminded that Reserved Matters approval for landscaping will be required prior to the commencement of any development on the site.
2. Advert Consent will be required for the new signage. The Council request that consideration be given to bilingual signage.

Item: 10

Application No: 46/2013/1222/PF

Location: Land at Bronwylfa Nurseries Bryn Gobaith, St Asaph

Description: Erection of 15 No. detached dwellings and construction of new vehicular accesses on 1.44 hectares of land

General Debate:

Cllr Cowie explained that there were two sites on the agenda that were very close together. He felt that there was currently a parking issue on Mount Road. Cllr Cowie also asked whether signage could be considered in relation to the play area

Cllr Cefyn Williams asked what the species of reptile was that had been found on the site.

Officers explained that the species of reptile found was a lizard. Officers also explained that a commuted sum for open space was required as part of the permission and that maybe this could be used for signage.

Proposals:

Cllr Cowie proposed the Officer recommendation and Cllr Simmons seconded the proposal.

VOTE:

GRANT	- 20
REFUSE	- 0
ABSTAIN	- 1

PERMISSION WAS THEREFORE GRANTED

Subject to the completion of a Section 106 obligation to secure the terms set out in Section 5.4 of the report (Page 154)

S106 to include (c) Ecological Management Plan to include details of the implementation and completion of long term site security, management and surveillance proposals.

Item: 11

Application No: 46/2014/0436/PS

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

Description: Removal of condition no. 15 of outline planning permission code no. 46/2013/0802 requiring a scheme of improvements at the Mount Road/Bryn Gobaith Junction and traffic calming on Mount Road and Bryn Gobaith

General Debate:

Cllr Cowie was present at the site meeting and pointed out that he did not see any signage to warn road users of the presence of children.

Officers agreed that they would raise the issue with the Highways section.

Proposals:

Cllr Cowie proposed the Officer recommendation to grant and Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT: 21

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED

Item: 12

Application No: 46/2014/0126/PF

Location: H M Stanley Hospital, Upper Denbigh Road, St Asaph

Description: Partial demolition of buildings and redevelopment of site to provide 54 no. dwellings, 33 no. apartment assisted living facility, and associated works

Cllr Dewi Owens and Cllr H Hilditch Roberts declared an interest in this application.

The following additional letters of representation were received:

Consultees :

Highway Officer

No objection subject to reconsideration of detailing of road widths, and parking arrangements for the Ambulance Trust and Hospice. Suggests inclusion of conditions to cover these issues in relation to the phasing of development.

Biodiversity Officer

Suggests the inclusion of conditions to secure implementation of the recommendations in submitted surveys

General Debate:

Cllr Cowie and Cllr Dewi Owens wanted to ensure that the following issues were addressed:

1. Proper access for ambulances.
2. Adequate parking with level ground for wheelchairs
3. Consultation on siting before the 3rd phase.

Cllr Bob Murray did not understand why the affordable housing element had been disregarded due to viability issues and asked the Officers to justify this.

Cllr M Lloyd Davies stated that he was looking forward to seeing this proposal come forward. He asked whether the developers would be dealing with the older building first and also whether anything was going to be done to protect the gate by the roadside.

Officers explained that the applicant had had to submit a detailed viability appraisal with the application. The works required to the listed building would be expensive and this had to be taken into consideration. It was also clarified that there would be 39 units of new build, 33 assisted living units and 13 residential units within the listed building. The proposal had been discussed in the Elwy Member group and the developer had explained then that they wanted to deal with the issue of the Listed Building as soon as possible. The gate that had been mentioned by Cllr Lloyd Davies would be dealt with by Condition 13 of the Officer's report.

Cllrs Simmons, Butterfield, Cefyn Williams, Mervyn Parry and H Hilditch Roberts all felt that the affordable housing contribution calculations should be clearer in future.

Proposals:

Cllr Cowie proposed the Officer recommendation to grant and Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT	- 18
REFUSE	- 0
ABSTAIN	- 1

In accord with the Officer recommendation in report to Committee

- Subject to the completion of a Section 106 Obligation to secure the terms set out in Section 5.1 of the report (Page 184) and the inclusion of the additional conditions/revised number of conditions set out in the late representation sheet.

Agenda Item: 6

Reconsideration of Application No: 45/2013/1545/PO

Location: Former Coach Park, Graigfechan

Proposals:

Cllr Huw Hilditch Roberts proposed that this item be deferred to allow for further negotiations regarding the signing of a S106

VOTE:

DEFER: 21

NOT TO DEFER: 0

Therefore the item was deferred.

This page is intentionally left blank

Agenda Item 5

WARD: Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 06/2014/0996/ PF

PROPOSAL: Erection of an agricultural cattle shed, feed silo and handling facilities

LOCATION: Oror Farm Gwyddelwern Corwen

APPLICANT: Mr Huw Williams

This page is intentionally left blank

Heading:

REFERENCE NO. 06/2014/0996/PF

OROR FARM

GWYDDELWERN

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

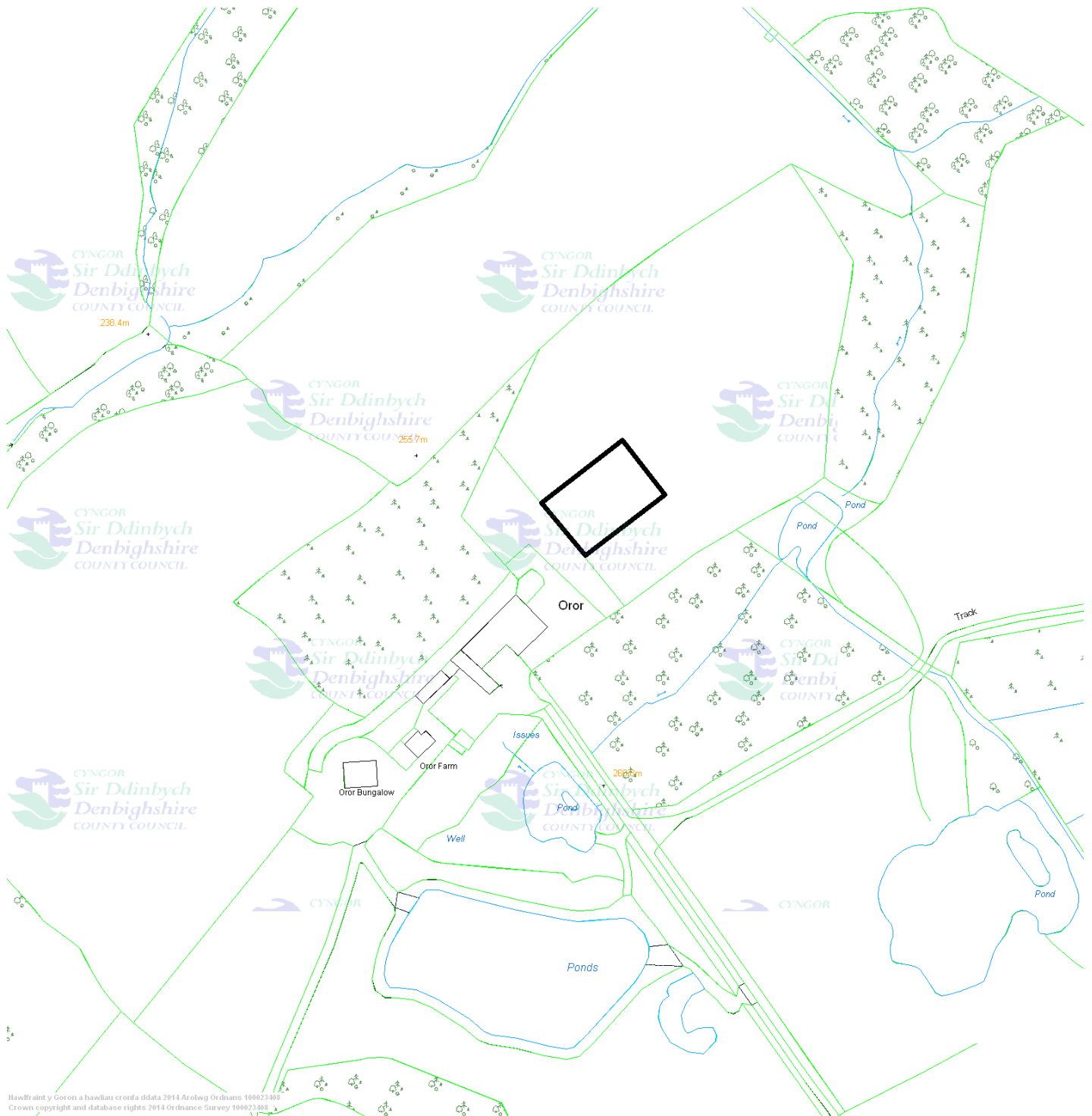


Date 26/9/2014

Scale 1/2500

Centre = 308577 E 347298 N

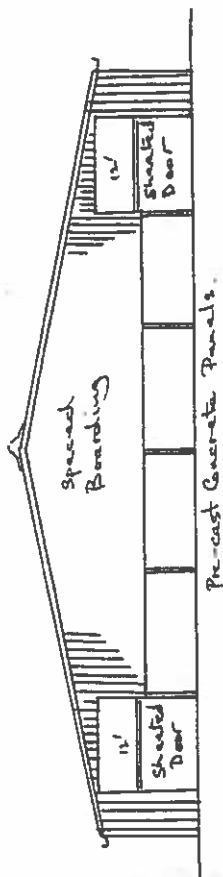
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



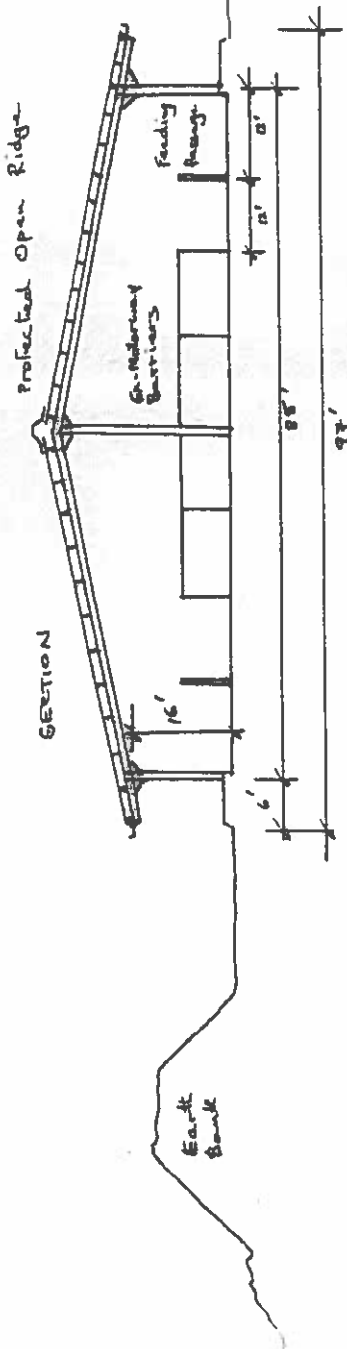
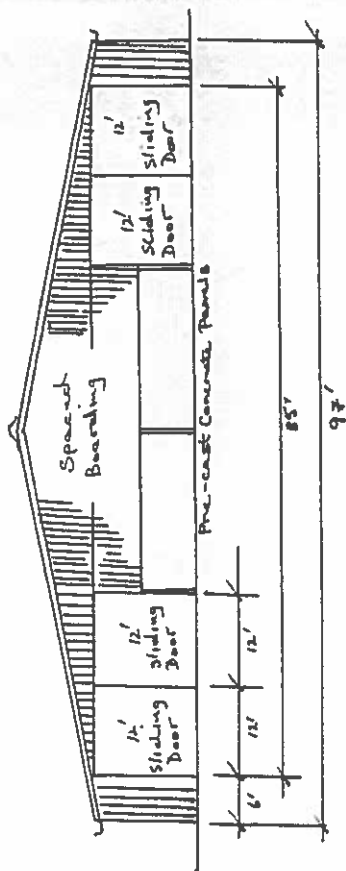
Hawffraint y Goron a hawflau crofta ddata 2014 Ar olwg Ordnance 100023408
Crown copyright and database rights 2014 Ordnance Survey 100023408

ELEVATION PLANS

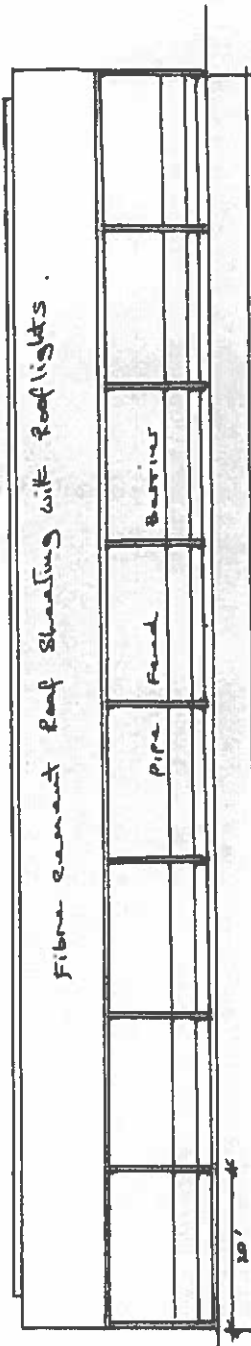
SOUTH ELEVATION 06 2014/0996/PF



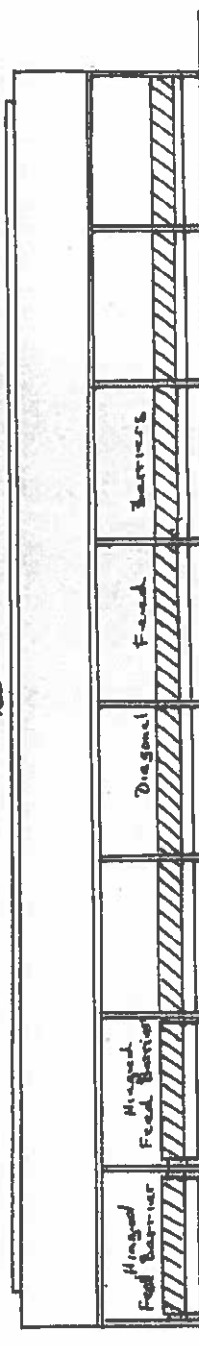
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION.



PROPOSED CATTLE BUILDING
OROR CUNYDELVERN
SCALE 1:200 DEC 002

ENCLOSURE



ITEM NO: 1

WARD: Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 06/2014/0996/ PF

PROPOSAL: Erection of an agricultural cattle shed, feed silo and handling facilities

LOCATION: Oror Farm Gwyddelwern Corwen

APPLICANT: Mr Huw Williams

CONSTRAINTS:

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

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

- Application submitted by behalf of County Councillor

CONSULTATION RESPONSES:

GWYDDELWERN COMMUNITY COUNCIL:
Awaiting response

NATURAL RESOURCES WALES:
No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Pollution Control Officer
Awaiting response

Biodiversity Officer
Awaiting response

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Permission is sought for the erection of a portal steel frame building to house cattle, measuring approximately 30m by 50m long consisting of 8 bays of 6m. Total area would be 1445m².

- 1.1.2 Permission is also sought for an area of hard standing surrounding the proposed building and silo. The bulk feed silo is a standard component and would be approximately 8metres high with a galvanized steel finish. The hard standing is proposed to the south-west of the proposed building. The tower silo will comply with the requirements of BS5061 specifications for a cylindrical forage tower silo and recommendations for their use.
- 1.1.3 Waste muck would be stored in a short term holding area then carried to a field heap. A dirty water holding tank constructed of concrete to avoid any seepage is also proposed. The end wall would be constructed of a concrete panel wall and would have a concrete base sloping into a concrete panel holding tank, with a capacity of 2,000 litres. Livestock would be housed on straw yards to reduce liquid waste. All waste would be spread on the farmland.
- 1.1.4 The proposed cattle shed would be accessed from the existing farm track. The turning area for cattle lorries would be in the existing yard, where the proposed loading bay and handling facilities would be installed.

1.2 Description of site and surroundings

- 1.2.1 The site is outside any development boundaries, and is adjacent to the existing farm complex at Oror Farm.
- 1.2.2 Oror Farm is an isolated farm some 3 miles north of Corwen and 1.5 miles west of Gwyddelwern. It is approached by a public highway then a private road.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside.

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 Oror Farm is a well established livestock farm of some 180 acres with 300 sheep and 100 stock cattle. The farm is the main farm in a two holding farming enterprising extending to 230 acres in total.
- 1.6.2 At present Oror Farm has no suitable sheds to house cattle. The new Farm Business Plan has been prepared and the intention is to increase the number of cattle at Oror to 250.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
None

3.2 Government Policy / Guidance

- Planning Policy Wales Edition 7 2014
- Technical Advice Notes TAN 6 – Planning for Sustainable Rural Communities
- TAN 12 – Design

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 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

Given the nature of the proposal for an agricultural building outside of the development boundary, the main issue is considered to be whether there is sufficient justification for the size of the building and whether the siting and visual impact are appropriate or if the building should be set within the existing collection of farm buildings.

Given the existing nature of the site, the amount of land farmed and the new farm business plan, it is considered that the size of the building is justified.

Welsh Government guidance on open countryside development is contained in paragraph 4.7.8 of PPW 7 and states *“Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.”*

Paragraph 7.6.5 of PPW 7 states *“Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use.”*

Paragraph A14 of TAN 6 provides advice to local planning authorities when dealing with Prior Approval submissions for agricultural buildings. However, the guidance on siting and design set out in Paragraph 14 is also considered useful and relevant for the subject application as it states that *“The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.”*

With regard to the above national guidance it is considered that the proposal is acceptable in principle subject to an assessment of the localised impacts.

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.

The site is located in the open countryside. Immediately to the west is located the main agricultural complex at Oror Farm. There is substantial woodland to the south and west. The site is visible from nearby public rights of ways.

The proposed building would be located close to the existing farm complex, which is in line with national guidance. For this reason it is not considered that the building would appear as an isolated structure in the open countryside. Neither is it considered that the proposed building would appear overly prominent given the topography of the land. It is considered therefore that the proposal is acceptable in terms of visual amenity.

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.

The nearest dwelling that is unrelated to this site is over 450 metres from the site. This dwelling is also a farm dwelling on a neighbouring farm.

It is considered that with this separation distance and the existing nature of the site, it is unlikely that the proposal would have a significant impact upon the residential amenity of the occupants of this property. The proposal is therefore considered to be acceptable in terms of residential amenity.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposals impacts would not be unacceptable, and it is therefore recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. Should the use of the building for agriculture cease the structure shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored to grassland no later than 3 months from the date of removal of the building unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interest of landscape and visual amenity.

NOTES TO APPLICANT:

None

This page is intentionally left blank

Agenda Item 6

WARD: Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 15/2014/0888/ PF

PROPOSAL: Erection of agricultural building for storage and stock shelter

LOCATION: Land adjoining Canol Y Cae Village Road Eryrys Mold

APPLICANT: Miss F. Parry

This page is intentionally left blank

Heading:

REFERENCE NO. 15/2014/0888/PF

LAND ADJ CANOL Y CAE

VILLAGE ROAD, ERYRYS

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

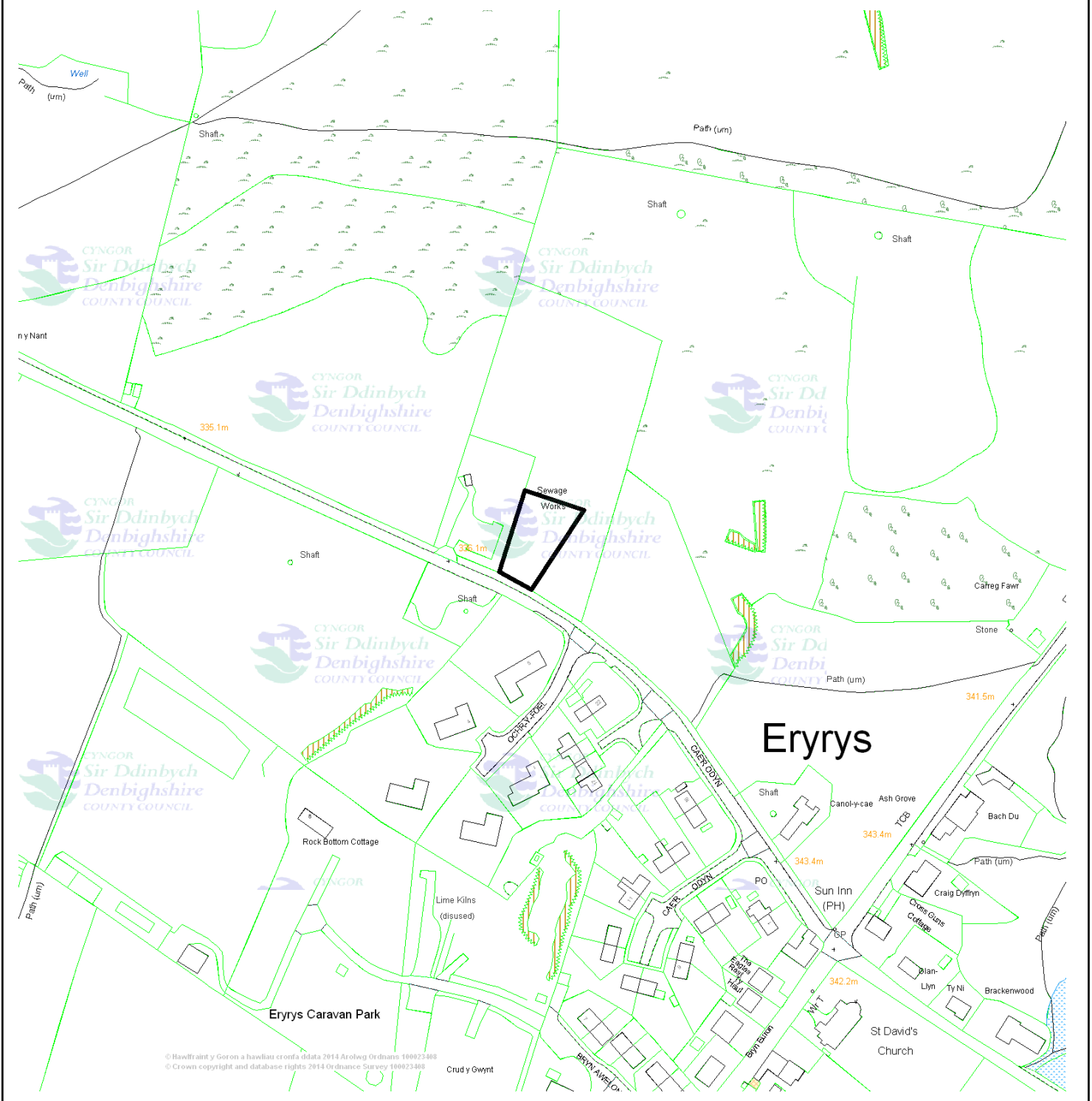


Date 26/9/2014

Scale 1/2500

Centre = 320264 E 358053 N

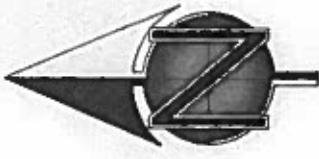
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



© Hawffraint y Goron a hawflau cronfa ddata 2014 Arolwg Ordnans 100023408
© Crown copyright and database rights 2014 Ordnance Survey 100023408 Crud y Gwynt

SITE PLAN

SCANNER



Site Plan 1:500

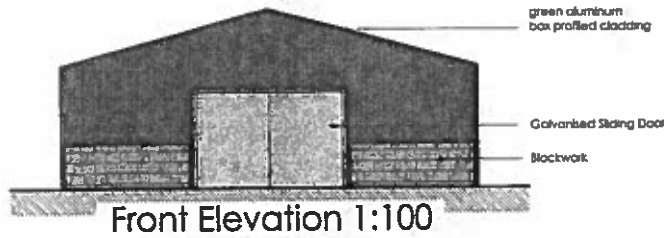
	Project	Proposed Agricultural Shed to Store Feedstock, Machinery & Shelter for Stock	Client	Meat F Farm
	Drawing No.	Proposed Planning Drawings	Drawing No.	15/045/04/149/01
	Location	Canol Y Cae Village Road Eryri CH7 4BT	Date	1 JUL 2014
			Drawn	Chlan Jones
			Checked	
			Scale	A3
			MANS TYDOTTN LLANFAMANGEL OLA CORRWEN LL31 9LF TEL: 01499 430 234 MOB: 07733348977 E-MAIL: info@tydottn.co.uk	

Canol-Y-Cae

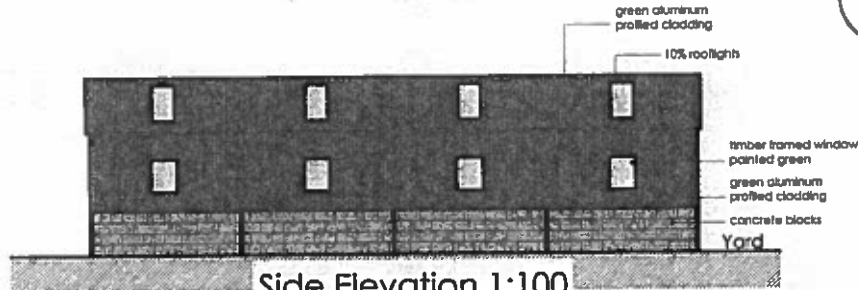


ELEVATIONS

SCANNED



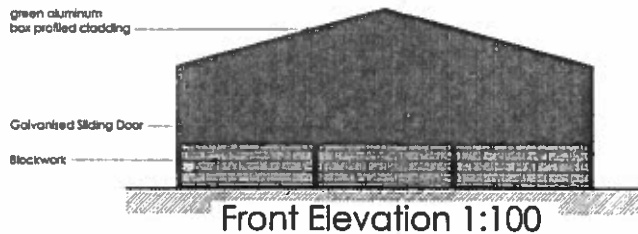
Front Elevation 1:100



Side Elevation 1:100

Project Proposed Agricultural Shed to Store Feed/Hay, Machinery & Trailer for Slacks		Client Miss F Parry	
Drawing No. Proposed Planning Drawings		Drawing No. 15/043/06/14/P/D4	
	Location Canel Y Coe Village Road Gwyn CH7 4BT	Scale 1:100	Sheet A3
	Date July 2014	Drawn Clash Jones	Checked
MADE TYDORH LLANFANGEL, G.B. CORWEN LL21 9UP TEL: 01499 428 284 MOBILE: 0797328997		E-MAIL: enq37@planning.gov.uk	

SCANNED



Front Elevation 1:100



Side Elevation 1:100

Project Proposed Agricultural Shed to Store Feed/Hay, Machinery & Trailer for Slacks		Client Miss F Parry	
Drawing No. Proposed Planning Drawings		Drawing No. 15/043/06/14/P/D3	
	Location Canel Y Coe Village Road Gwyn CH7 4BT	Scale 1:100	Sheet A3
	Date July 2014	Drawn Clash Jones	Checked
MADE TYDORH LLANFANGEL, G.B. CORWEN LL21 9UP TEL: 01499 428 284 MOBILE: 0797328997		E-MAIL: enq37@planning.gov.uk	

24 17 23 11

ITEM NO:

WARD: Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 15/2014/0888/ PF

PROPOSAL: Erection of agricultural building for storage and stock shelter

LOCATION: Land adjoining Canol Y Cae Village Road Eryrys Mold

APPLICANT: Miss F. Parry

CONSTRAINTS: AONB

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:

LLANARMON YN IAL COMMUNITY COUNCIL:

“The council feel that this agricultural building is far too large for the size of land owned. It was thought there was no need for it to be this big. Also it was felt it was really too big to be so close to the centre of the village. Ruining the character of the village scene. Not supported.”

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

“Providing the planning authority is satisfied that this small agricultural holding can justify a building of this size to meet the farming need, the JAC has no objection in principle to the proposed development. The siting next to the existing sewage works and the use of green box profile cladding for the walls and roof is supported, but the precise colour should be specified to ensure that the building blends into its rural surroundings. The JAC would also recommend that the doors should be green to match the wall/roof cladding in place of galvanised steel. In addition, the committee would emphasise the need to retain the existing hedges/hedgerow trees to the south and east of the building which help screen the site, and would recommend that these hedges should be gapped up and incorporate new tree planting of appropriate native local species to help further screen the proposed building.”

NATURAL RESOURCES WALES:

No objections subject to consultation with Council’s Biodiversity Officer

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure:

- Highways Officer: No objections

Biodiversity Officer:

- No objections, subject to protection of hedges and trees on the boundary

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Permission is sought for the erection of an agricultural building for storage and stock. It would measure 18 metres by 12 metres, with a ridge height of 5 metres. It is proposed to construct it of metal sheeting and concrete blocks.
- 1.1.2 Permission is also sought for an area of hard standing surrounding the proposed building.
- 1.1.3 The building would be used for storage of implements and fodder for animals and would be used for occasional shelter for livestock.

1.2 Description of site and surroundings

- 1.2.1 The site is outside of the development boundary of Eryrys, and adjacent to a sewerage treatment plant. The site is screened by mature planting and hedging along the boundaries, although in places this planting is sparse.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside and within the AONB.

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 Following receipt of the Community Councils comments, the applicants have submitted further justification for the size of the building, and their intentions to increase their stock numbers.
- 1.5.2 The applicants justification has been based on DEFRA guidelines:
"Housing: During winter months, or extreme weather conditions, certain breeds of sheep may be housed in barns with open fronted pens or in-by fields provided there is good natural shelter such as hedges. The sheep maybe housed for approximately three to four months depending on weather conditions and the state of grassland and soil. Bedding should be of deep-bedded straw or of alternative bedding materials such as wood shavings. For stocking density and access to water and feed spaces, please use the Defra code of practice:-

Type of sheep	Straw-bedded floor (sq.m)
Lowland ewes during pregnancy (60-90kg per head)	1.2-1.4
Lowland ewes with lambs up to six weeks of age	2.0-2.2
Hill ewes (45-65kg per head)	1.0-1.2
Hill ewes with lambs up to six weeks of age	1.8-2.0
Lambs up to 12 weeks of age	0.5-0.6
Lambs up to 12 months of age	0.75-0.9
Rams	1.5-2.0

Grassland: When grassland is capable of supporting livestock the sheep will be turned out to pasture. Typical stocking densities on productive grass can be approximately *six to 10 sheep per acre*. However, the stocking density will vary according to climate, topography and grass quality (both farm specific and seasonal variations). Grassland management should include rotational grazing alongside faecal egg counting and appropriate worming regimes to avoid parasitic burden and risk of wormer resistance. Strip grazing may be employed on larger fields and where fodder crops are grown.

The applicants wish to increase the stock numbers over the next few years but without shelter/storage this won't be possible. Taking the above information from the Defra guidelines into account the applicants can have 96 to 150 sheep on their 16 acres. If they were to house 96 of them over the winter months with lambs they would need at least 172.8m². The shed applied for is 223m². This would leave only 50m² to house all feed, hay, tractor and implements too."

1.5.3 It is indicated that the applicants currently have 30 sheep and 4 horses and own 16 acres of land.

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

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

Policy VOE 5 – Conservation of Natural Resources

3.2 Supplementary Planning Guidance

SPG 18 – Nature Conservation and Species Protection

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 2014

Technical Advice Notes TAN 6 – Planning for Sustainable Rural Communities

TAN 12 – Design

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 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/AONB
- 4.1.3 Residential amenity
- 4.1.4 Biodiversity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Given the nature of the proposal for an agricultural building outside of the development boundary, the main issue is considered to be whether there is sufficient justification for the size of the building and whether the siting and visual impact are appropriate or if the building should be set within the existing collection of farm buildings.

Taking the information from the Defra guidelines in to account the applicants can have between 96 to 150 sheep on their 16 acres. If they were to house 96 of them over the winter months with lambs they would need a building at least 172.8m². The shed applied for is 223m². This would leave only 50m² to house all feed, hay, tractor and implements too.

On the basis of this, plus the existing stock numbers, and case put forward by the applicants, it is considered that there is reasonable justification and need for a building of the size proposed.

Welsh Government guidance on open country side development is contained in paragraph 4.7.8 of PPW 7, which states *“Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.”*

Paragraph 7.6.5 of PPW 7, which states *“Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use.”*

Paragraph A14 of TAN 6 provides advice to local planning authorities when dealing with Prior Approval submissions for agricultural buildings. However, the guidance on siting and design set out in Paragraph 14 is also considered useful and relevant for the subject application as it states that *“The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable*

impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost."

With regard to the above national guidance it is considered that the proposal is acceptable in principle subject to an assessment of the localised impacts.

4.2.2 Visual amenity and AONB

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. In addition, Policy VOE 2 requires assessment of the impact of development within or affecting the AONB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation

The site is located in the open countryside and within the AONB. Immediately to the west is located the Eryrys sewerage treatment plant which has a brick building and ground tanks within the site. To the south are dwellings of mixed designs. The site has a dense hedgerow to the front which includes several mature trees and this is continued along the eastern boundary. The Community Council have objected to the proposal on the basis that building is in the open countryside and would in its opinion have a detrimental impact upon the character of the village. The AONB Committee has not raised an objection and support the proposal provided the boundary planting is strengthened and the colours of the proposed building are controlled.

The proposed building would be located close to existing development (the sewerage plant) and opposite residential dwellings. Whilst acknowledging the proposed building is in the open countryside in planning terms, it is considered that in visual terms the building is unlikely to appear as an isolated structure in the open countryside given other developments nearby. The site benefits from screening which can be also be improved. Neither is it considered that the proposed building would appear overly prominent given the land rises to the rear of the site. With respect to the comments of the Community Council, it is felt the scheme is acceptable in terms of visual impact and therefore complies with the relevant planning policies and guidance, subject to further agreement of the precise materials to be used.

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.

The nearest dwelling is 5 Ochr y Foel, approximately 35 metres from the proposed building. The proposed building would be for storage and some livestock when necessary. The field is already in use for the keeping of animals – sheep and horses.

It is considered that with this separation distance and the existing nature of the site, it is unlikely that the proposal would have a significant impact upon the residential amenity of the occupants of this property. There is unlikely to be an increase in the intensity of use of the field and building as this is governed by the size of the field.

4.2.4 Biodiversity

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.

The application site is located approximately 40 metres from the Bryn Alyn Site of Special Scientific Interest (SSSI). Natural Resources for Wales have not raised an objection to the proposal. The County Council Biodiversity Officer has advised that the proposal is unlikely to have an adverse impact upon the SSSI, or protected species.

Given the nature of the nature of the proposal and the comments of both NRW and the County Council Biodiversity officer, it is considered that the proposal complies with the requirements of Policy VOE 5 and would not be likely to result in harm to the biodiversity of the area.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposals impacts would not be unacceptable, and it is therefore recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. Should the use of the building for agriculture cease the structure shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored to grassland no later than 3 months from the date of removal of the building unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the commencement of development, a scheme of planting for the southern and eastern boundaries of the site shall be submitted and approved in writing by the Local Planning Authority, and that scheme shall be implemented in the first planting season following the commencement of development.
5. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interest of landscape and visual amenity.
4. In the interest of visual amenity.
5. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

NOTES TO APPLICANT:

None

This page is intentionally left blank

Agenda Item 7

WARD: Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 19/2014/0702/ PFT

PROPOSAL: Installation of a wind turbine 30.5m hub height and 45.07m to blade tip, control box and associated works

LOCATION: Maes Truan Llanelidan Ruthin

APPLICANT: Mr A Jones

This page is intentionally left blank

Heading:

REFERENCE NO. 19/2014/0702/PFT

MAES TRUAN

LLANELIDAN

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

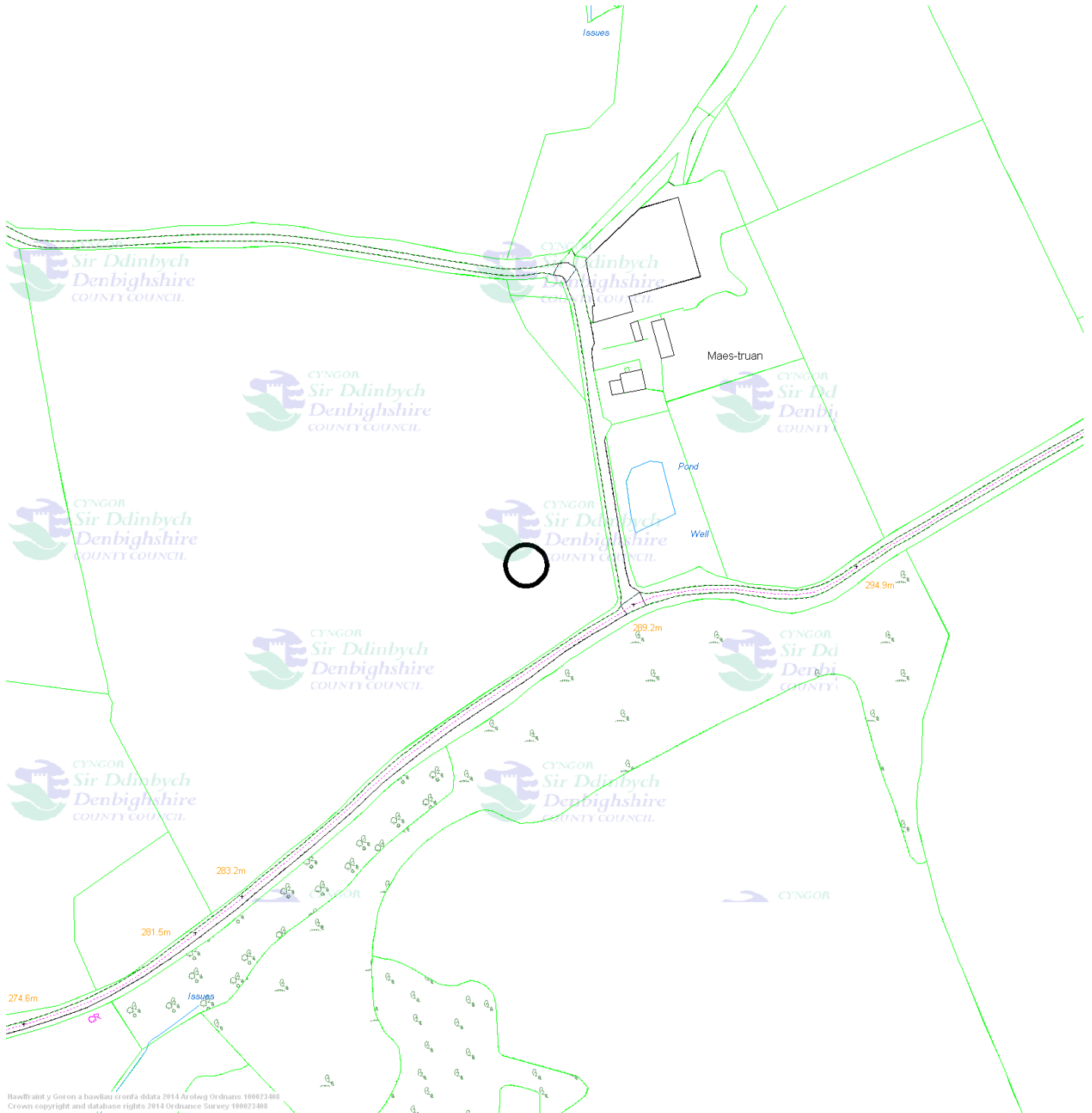


Date 30/9/2014

Scale 1/2500

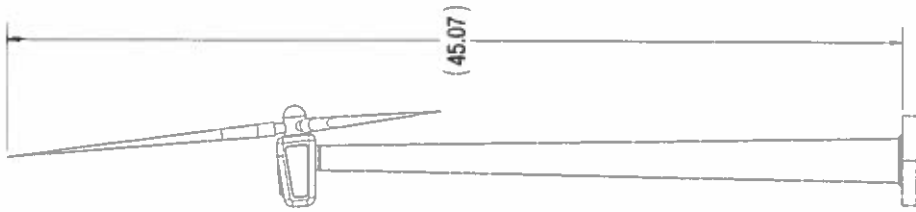
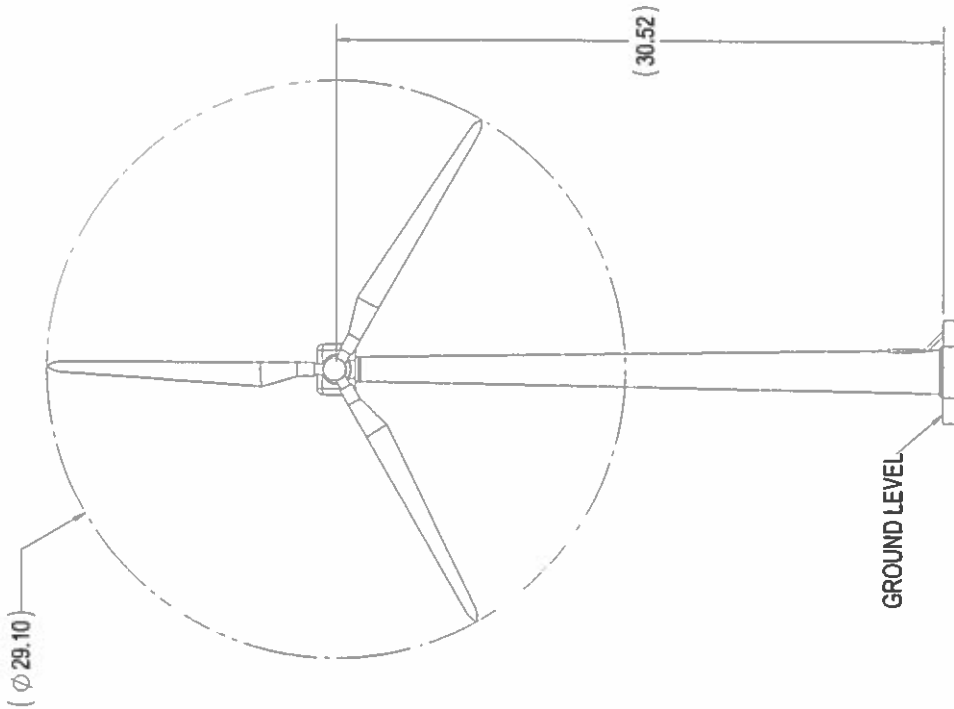
Centre = 310992 E 347369 N

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.



Hawffraint y Goron a hawlfraint orffa ddata 2014 Ar olwg Ordnance 100023408
Crown copyright and database rights 2014 Ordnance Survey 100023408

TURBINE DETAIL



NOTE
DIMENSIONS ARE APPROXIMATE AND PROVIDED FOR PLANNING
PURPOSES ONLY



REV.	PAGE	DESCRIPTION	DATE	ASSIGNEE	ECO
1		Final Release	26-Feb/2014	DS	1994

DO NOT SCALE DRAWING
UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS ARE IN METERS.
DIMENSIONS AND TOLERANCES AS PER ASME Y14.5M-1994.
DIMENSIONAL LIMITS APPLY AFTER FINISH.

SCALE 1:250
FORMAT B
REVISIONS

DRAWN BY RAJESH (OPT)
DATE 2014-02-25
APPROVED AND CHECKED BY APPROVAL DATE

PROJECT X-Series
THIRD ANGLE PROJECTION

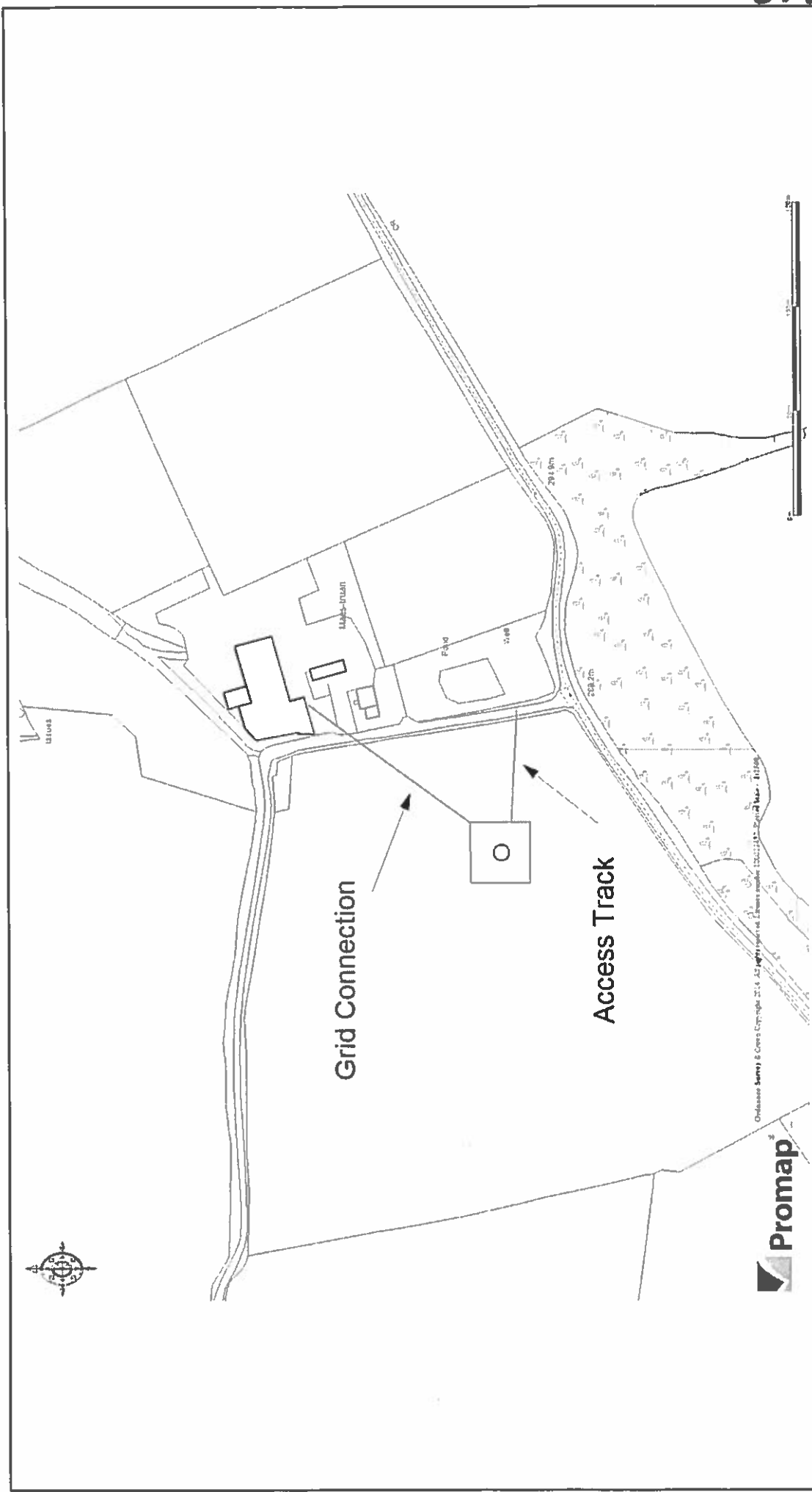


This document is the exclusive property of Endurance Wind Power and shall not be disclosed or reproduced, either in complete or partial form, by any person or company without the written consent of Endurance Wind Power.

TITLE X29 Elevation, 30m Monopole

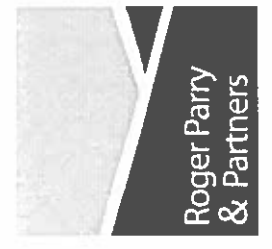
PART NUMBER 1005626
REVISION PART DATE 1 07/Mar/2014 SHEET 1 / 1

SITE PLAN



JOB:	Installation of a 30.5m to hub (45.07m to tip) wind turbine with control box and all associated works
CLIENT:	Mr A. Jones
TITLE:	Site Plan
LOCATION:	Maestruan, Llanelidan, Ruthin, Denbighshire, LL15 2RN
SCALE:	1:2500
DATE:	Jun-14
DRAWING NO:	RJC/RBJ/01
DRAWN BY:	RB

www.rogerparry.net
mail@rogerparry.net
 Tel: 01691 655334
 Fax: 01691 657798
 Roger Parry & Partners LLP
 The Property Experts



ITEM NO:

WARD: Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 19/2014/0702/ PFT

PROPOSAL: Installation of a wind turbine 30.5m hub height and 45.07m to blade tip, control box and associated works

LOCATION: Maes Truan Llanelidan Ruthin

APPLICANT: Mr A Jones

CONSTRAINTS:

PUBLICITY UNDERTAKEN: Site Notice – Yes
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
- Referral by Head of Ward Councillor

CONSULTATION RESPONSES:

LLANELIDAN COMMUNITY COUNCIL “The Members of Llanelidan Community Council have no objections to the above Planning Application received for observations on both 2nd July and 27th August 2014”.

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

“The JAC objects to this application. A turbine of this size will be visible from a number of significant vantage points in the AONB and will introduce an intrusive and discordant feature into the landscape. It will have a harmful effect on the setting of the AONB and impact on views from the protected landscape and its associated sense of tranquillity, which are recognised special qualities of the Clwydian Range and Dee Valley AONB.

The JAC considers the LVIA to be flawed in its conclusion that there is very little impact on the protected landscape, and is also of the view that the selection of additional photomontage viewpoints from the AONB are unrepresentative of the likely impact from the higher ground of the protected landscape. In addition, the JAC is very concerned about the potential impact on the sense of place and views from the important heritage asset of Caer Drewyn Hillfort.

The committee notes that there is an extant permission for a 19.8m high turbine at Maes Truan and considers this to be the maximum size unit which can be accommodated on this site in such close proximity to the AONB. The JAC’s favoured option for renewables at this site would be a combination of the currently permitted wind turbine in conjunction with a suitably designed roof mounted solar PV installation on the extensive range of outbuildings on the site.”

NATURAL RESOURCES WALES – No comments received at the time of drafting report.

AIRBUS – No aerodrome safeguarding objection.

NATS – No safeguarding objection.

MOD – No comments received at the time of drafting report.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer – no objection in principle, subject to works being carried out in accordance with the construction and installation document.

- Footpaths Officer – No Public rights of Way are directly affected by the proposal, but a Public Bridleway does exist 150m away from the site. Reference to the British Horse Society's April 2010 advisory note is made, where it advises a separation distance between turbines and bridleways of three times the tip height or at least 200m (whichever is the greater). However, this minimum separation distance may not be appropriate in all situations and sites should be considered independently.

Pollution Control Officer – Has concerns that the turbine would be too loud at the financially involved property called Maes Truan.

The Noise Assessment provided has not assessed the noise at financially involved properties. Based on Officers simple distance calculation it would be 47.4dBLA90 and therefore exceed the 45dBLA, 10min noise limit (which is the limit advised in ESTU R 97 guidance for financially involved properties.

Additional information should be requested to assess the noise at this location, and if necessary, mitigation measures should be proposed. If no information is forthcoming and consent is granted, would advise that a planning condition is applied to limit the noise from the turbine to 35dB at unrelated properties and 45dB at the two financially involved properties (with other standard noise conditions) to ensure residential amenity is protected.

Ecologist – No objection in principle. Turbine would be more than 50m away from any habitat features likely to be used by bats or birds and the site itself is agriculturally improved with relatively low ecological value. Creation of access tracks should avoid removal of hedgerows; if hedgerow / vegetation removal is required, should be carried out outside of main bird breeding season.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

The RT HON David Jones MP/AS

Balfours with Berringtons on behalf of Nantclwyd Estate (O)

M. & J. Brooker, Bryn Ysguboriau, Llanelidan (O) x 3

Pauline Baines, Ty Newydd, Cae Du, Corwen (O)

Mr Idwal Hughes, Casgen, Highgate, Bryneglwys (O)A. Hughes, Casgen, Highgate, Bryneglwys (O) x 2

Sue Hughes, c/o Casgen, Highgate, Bryneglwys (O)

A Hughes-Jones, Troed yr Allt, Waen, Nantglyn (O)

I.W. & R.M. Owen, Pwll Pridd, Bryneglwys (C)

Summary of planning based representations in objection:

Principle:

- Larger than consented 15kW turbine. Proposed turbine is disproportionate for location.

- Effectiveness of turbines questioned, in terms of energy and environmental cost to produce.
- Too big.
- Out of character with sheepfarm / disproportionate to the energy needs of the farm.
- Turbine is designed to make money rather than to meet the needs of the farm.
- Industrialisation of countryside.
- No details of grid connection.

Landscape and visual impact and setting of AONB:

- Whilst not within specific landscape designation, will have significant impact on natural landscape and will have a significant impact on Clwydian Range and Dee Valley AONB as evidenced by ZTV plan.
- Application fails to take into account the effect on the landscape character and amenity of the area, however it would have a significant effect on landscape and visual amenity.
- Only receptors referred to in the application are motorists and walkers and does not take into account residents and those who live in adjoining properties.
- Turbine would be visible over an area stretching from Gellifor in north to Llandrillo in south – significant level of visual impact.
- Industrialisation of farmland.
- Hedgerows and trees are seasonal – therefore not well vegetated area.
- Caer Drewyn viewpoint misleading – not taken from higher ground, therefore underestimates the impact on this important viewpoint. From further up the path, the turbine would be clearly visible and would silhouetted against the sky.
- Out of scale with local landscape.
- Will create a greater visual impact than a similar sized static structure.

Impact on Listed Buildings and Parks

- Application fails to take into account impact on listed buildings, including Derwen Hall, Clawdd Newydd (Grade II* listed) and Nantclwyd Hall and Park despite both areas falling within the zone of visual influence shown on ZTV plan. Will therefore affect the character and setting of listed buildings and parks which has failed to have been taken into account by application documents.

Residential amenity:

- Clearly visible from principal windows of neighbouring properties.
- Spoil tranquilly and peace of countryside for local residents.
- Too close to residential properties.
- Disturb sleep and cause related health issues.
- Cause shadow flicker at neighbouring properties.

Noise (including comments on noise assessment / noise data):

- Neighbouring properties less than 600m away – noise impact
- Turbine sound power rating data is unreliable, is based on tests carried out in 1999 in Scandinavia and turbine model has undergone significant design revisions since. Turbine is now manufactured in a different country by a different manufacturer and therefore there is no proven evidence for this turbine's performance in Britain.
- Background noise levels have not been measured.
- Noise assessment refers to 'existing turbine' however there is no existing turbine in location expressed.
- Concern raised regarding grid references used for assessment.
- Noise at financially involved properties not assessed. ETSU-R-97 recommends for financially involved properties, a higher noise limit is permitted, but no evidence to demonstrate that the higher limit can be complied with.
- Not all properties close to the site have been included in noise assessment.

Amplitude modulation (AM):

- Turbines are either 'pitch' or 'stall' control. X-29 turbine proposed is a 'stall' control turbine and therefore can cause greater problems with AM. AM can be experienced up to 1.5km.

Cumulative effects:

- Needs to be considered in context of other granted and proposed turbine development in vicinity
- Proliferation of turbines in area already exert impact and landscape and visual amenity and impact on listed buildings and parks.

Air safety:

- Low flying aircraft seen in area.

Private water supplies:

- Impact on private water supplies not considered.

Highways impact:

- Disruption to road access to neighbouring properties.

Lack of consultation:

- Neighbours not consulted in advance of application being submitted.

In support

Representations received from:

J Ceiriog Jones, Cilgoed, Derwen (S)

Summary of planning based representations in support:

Renewable energy generation:

- Will provide clean renewable energy for local electricity network. Renewable energy is better than nuclear power.

EXPIRY DATE OF APPLICATION: 21/08/14

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for the erection of 1 no. Endurance X-29 225kW turbine. The turbine would be a three blade horizontal axis turbine, with a hub height of 30.5m and a blade tip height of 45m and a rotor diameter of 29.1m. Each blade is approximately 14.5m in length.
- 1.1.2 The blades and nacelle colour would be signal white (RAL9003) and the tower colour would be painted traffic white (RAL9016).
- 1.1.3 The turbine foundation would be 9.2m x 9.2m and would be to a depth of 2.1m
- 1.1.4 A small control cabinet measuring 2.2m x 1m x 2m would be located adjacent to the turbine and the grid connection would be via the nearby 11kV 3 phase electricity overhead line.

1.2 Description of site and surroundings

- 1.2.1 The site is approximately 3km to the south of Llanelidan and 3.5km to the north-east of Gwyddelwern.
- 1.2.2 The site is an agricultural field adjacent to the Maes Truan farm complex which is currently used as pasture.
- 1.2.3 There are a number of individual residential properties in the locale of the site, with the following within 1km radius of the proposed turbine: Cefn y Wern approximately 555m to the north-west; Ty'n y Pant approximately 565m to the north-east; Bryn Ysguboriau approximately 650m to the west; Hafoty Wen approximately 800m to the south-west and Bryn Tangor approximately 830m to the south.
- 1.2.4 There are 2 'financially involved' properties which are Maes Truan, to the north-east and Ty'n y mynydd approximately 250m to the north.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of defined development boundaries in the open countryside.
- 1.3.2 The site is 1.2m to the west of the Clwydian Range and Dee Valley AONB boundary.

1.4 Relevant planning history

- 1.4.1 The applicant has extant permission for a 15kW turbine in the adjacent field. The permission is extant, but has not been implemented.

1.5 Developments/changes since the original submission

- 1.5.1 Additional photomontage from a viewpoint within the AONB and a noise assessment were submitted and were the subject of a re-consultation exercise.

1.6 Other relevant background information

- 1.6.1 The permission for the 15kW turbine will remain extant until January 2015, however the supporting information submitted with the application states that, should planning permission be granted for the proposed turbine, this permission would be abandoned.
- 1.6.2 Representations have raised concerns regarding the grid reference included on consultation letters issued by the Council and the grid reference referred to in the noise assessment. Officers have subsequently checked the grid references used for the purposes of the noise assessment and are satisfied that they correlate with the site plan submitted with the application.

2. DETAILS OF PLANNING HISTORY:

- 2.1 19/2009/1501 Erection of 1 no. 15kW turbine on a 15m mast. Maes Truan, Llanelidan.
Granted 21/01/2014

3. RELEVANT POLICIES AND GUIDANCE:

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

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

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

Policy VOE5 – Conservation of natural resources

Policy VOE9 – On-shore wind energy

Policy VOE 10 – Renewable energy technologies

3.1 Supplementary Planning Guidance

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes

TAN 8 Planning for Renewable Energy (2005)

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

WELSH GOVERNMENT PRACTICE GUIDANCE

3.3 Other material considerations

Denbighshire Landscape Strategy (2003) / LANDMAP

Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development, Final Report May 2013

ESTU R 97 and 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 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 Context for the development
- 4.1.3 Landscape and visual impact (including impact on AONB)
- 4.1.4 Noise
- 4.1.5 Shadow flicker
- 4.1.6 Ecology
- 4.1.7 Highways
- 4.1.8 Aviation and Radar
- 4.1.9 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. The principle of wind energy development is therefore set out in national planning policy. This application falls within the 'sub local authority' scale of development in PPW.

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

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para.2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes. It also refers to the need for local planning authorities to consider the cumulative impact of smaller schemes in areas outside of the defined Strategic Search Areas and the need to strike the right balance between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, TAN8 acknowledges there is a case for avoiding a situation where wind turbines spread across the whole of a county.

Denbighshire Local Development Plan Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to an assessment of environmental and sustainability impacts. The turbine would fall within the sub-local authority scale of development, which VOE 9 indicates will only be permitted within the Clocaenog Forest Strategic Search Area where they do not prejudice the development of strategic/large schemes; and, outside the Area of Outstanding Natural Beauty, Conservation Areas, World Heritage Site and Buffer Zone, and other sites designated for ecological, historic, landscape, or other value, and where they do not adversely affect the setting of these areas.

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

Policy VOE 9 and 10 provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, which is set out in the remainder of this report.

4.2.2 Context for the development

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

LDP policy PSE 5 supports employment proposals for both conversion and new build outside settlement limits providing a number of tests are met.

The DAS states the proposal is a farm diversification scheme. The turbine is sited close to the farm complex. No details of the energy consumption on site are provided, but the objectives of the proposed development are stated to be to support the continued viability of the farm business, provide electricity to offset the energy use on the farm and help reduce the carbon footprint of the business.

TAN 6 does not quantify what is meant by a ‘small on-farm renewable energy operation’, however the Council has previously given weight to the farm diversification merits of turbines with a tip height of less than 50m which are proposed on farms, so Officers would conclude that some weight can be apportioned to the farm diversification merits of the scheme, however Officers would also suggest the benefits need to be carefully balanced against other material considerations.

4.2.3 Landscape and visual impact (including the impact on the AONB)

LDP policies relevant to the visual and landscape impact associated with wind energy development are policy VOE 9 and VOE 10. These policies require due consideration of impacts, including cumulative impact on the surrounding area and community, which includes landscape and visual impact. With regards to sub-local authority scale developments, VOE 9 specifically requires consideration of the potential impact on the setting of an AONB and other designated sites. Policy VOE 1 requires development proposals to maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire: Local areas designated or identified because of their natural landscape or biodiversity value.

The Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development is a material consideration. Within the Sensitivity and Capacity Study, the proposed turbine is within Landscape Unit D5 (Edeirnion Hills), which is in Landscape Strategy Area 3. The Edeirnion Hills Landscape Unit is characterised as being a medium scale landscape comprising a complex pattern of rounded and interlocking hills and valleys and has an overall medium-high sensitivity to wind energy developments due to the number

of sensitive visual receptors, some prominent skylines and inter-visibility with adjoining high value landscapes included the Clwydian Range and Dee Valley AONB. The presence of existing wind turbines within both this area and adjacent landscape units slightly reduces the sensitivity of the local landscape to further wind energy development

The Design and Access Statement includes a landscape assessment and is supported by a number of photomontages from local views mostly from along the public highway. An additional viewpoint from to represent the view from the Caer Drewyn Hillfort was also provided on request.

The landscape section of the Design and Access Statement has considered the impact on the landscape and on visual amenity, and concludes that the proposed turbine would not result in a significant change in the view for residents in the settlements of Gwyddelwern, Corwen, Carrog and Brynelgwys. For individual properties within 1km of the proposed turbine, their sensitivity to change has been evaluated as medium, with the overall effect to these properties considered to be moderate / minor, however the Design and Access Statement does not specify which individual properties have been assessed or what factors were used to carry out the assessment on residential visual amenity.

The visual appraisal section considers the impact on the 6 no. viewpoints selected, which are all viewpoints from along the public highway and represent low sensitivity receptors (i.e. motorists and walkers). No assessment of sensitive receptors such as residential properties, listed buildings, or viewpoints from within the AONB have been considered.

On the matter of the impact on the AONB, the submission documents consider the impact on views from within the AONB will be limited as the ZTV plan provided shows that there will only be minor visibility from areas within the AONB.

A cumulative impact has not been carried out as the only consented turbine within 5km of the site is the extant permission on land in the applicants ownership, which should planning permission be granted, the applicant has confirmed they will not be implementing the extant.

There have been a number of public objections received raising concerns relating to the landscape and visual impact of the proposal, and the AONB JAC have also stated the Caer Drewyn Hillfort viewpoint provided has not be taken from higher ground, and therefore it does not represent the impact of the development at this important viewpoint within the AONB.

Similarly, public objections have raised concerns regarding the lack of assessment of sensitive receptors such as listed buildings, and residential properties, as the landscape assessment provided by the application has primarily focussed on the impact from views along the public highway. Objections have also stated the supporting documentation has not considered the impact on landscape character, and therefore the submission has not adequately assessed the impact on landscape and visual amenity.

The Council's landscape consultant considers the main issues are the effect of the proposal upon the character and visual amenity of the surrounding landscape and the implication of cumulative landscape impacts in relation to existing and consented wind development in the area.

Extent of study area and ZTV – the 15km Zone of Theoretical Visibility (ZTV) plan is insufficient for the purposes of the Landscape and Visual Impact Assessment, however the 5km ZTV map is of a sufficient scale.

Landscape Assessment – The proposed development would consist of a new vertical element in the landscape. The site lies on a slight plateau at the base of the northern slopes to Moel Truan, part of a ridge of hills which run east-west and lie to the north of the Afon Morwynion valley and the A5104 corridor. The site falls within the *Hills South of Llanelidan* LANDMAP Visual and Sensory Aspect Area. Moel Truan (the hill) and Maes Truan (the plateau) have little influence on neighbouring aspect areas. Listed buildings and scheduled ancient monuments are within the zone of theoretical visibility and would have views of the turbine

and the overall evaluation for the Cultural Landscape aspect area for the *Uplands to the west of Vale of Clwyd* is deemed to be high.

- Local scale (within 2km): The development, the wind turbine would likely be a prominent feature and would have a slight to moderate detrimental impact on the local area. At a total height of 45 m, the wind turbine would be slightly out of scale with agricultural buildings, dwellings and mature trees in the vicinity of Maes Truan. The proposed turbine would be in a prominent location in the field to the south-east and at a higher elevation to the farm dwelling.
- Intermediate scale (2km – 5km): The development, at an intermediate scale, the wind turbine would likely be a noticeable feature. The strongly undulating landscape and field boundary hedgerows would help to restrict the influence on certain areas. The intermediate area would include operational small wind turbines. From the AONB at Caer Drewyn in Corwen the northward view features infrastructural elements such as National Grid pylons, small scale operational turbines in the vicinity of Gwyddelwern, large scale operational wind turbines within Clocaenog SSS-A and industrial elements at Clawdd Poncen.
- Distant scale (5-15km): The development, at a distant scale the turbine would have a negligible influence on upland areas to the east and south. Within neighbouring LANDMAP visual and sensory character areas are operational medium and large scale wind turbines and a consented very large scale wind farms at Derwydd Bach in Melin-y-Wig and Clocaenog Forest. Views from uplands such as the Llantysilio ridge and Berwyn plateau already take in operational windfarms within the Clocaenog SSA-A.

Visual Assessment:

- 10 representative photomontage viewpoints and wireline presentations have been submitted, which are satisfactory quality however they represent a best case scenario as photographs were taken in summer months. The nature of the local landscape means that in the winter, when leaves have fallen, views of the development would be more readily available.
- 2 viewpoints represent intermediate views from where the turbine would not be visible. This demonstrates how the undulating terrain affects the visual influence, however views from popular viewpoints such as publicly accessible summits were not assessed. From this assessment the impression given is that the development would be a prominent feature within views up to 2 km distance from the site and a barely noticeable feature between 2 and 5 km distance, should the viewer look for it. There are no visual representations beyond 5 km.
- Maes Truan sits on a plateau. Moel Truan would effectively screen the proposed turbine from the south and south-east. Views from the network of unclassified roads that connect the settlements that surround the Llanelidan hills are available where gaps in mature hedgerow vegetation allow. During winter months, the effectiveness of the screen provided by deciduous vegetation would be greatly reduced.
- There are several scattered dwellings, farms and countryside rights of way that are situated along the network of unclassified roads. Dwellings within the Afon Hesbin/Nant Fawr valleys with local and direct views of the proposal would be very few. Photomontages 1 to 4 represent the main views that are available to local inhabitants.
 - What is clear is that the proposal would introduce a new infrastructural element to an area that suffers no existing view of operational wind turbines. Views from the head of the Afon Hesbin valley are particularly limited and free of major infrastructure, but views from the head of the Nant Fawr valley do feature National Grid pylons.
 - From the local dwellings of Cwm and Cefn-griolen, the view of the proposed turbine would be interrupted by agricultural buildings, but direct views would be available from the building curtilage or farm yard.
 - From Cefn-y-wern, Aber-y-groes and Groes-wen a direct view would be available, but filtered by mature trees, the effectiveness of which would be reduced in winter. It is considered that these three dwellings would be highly sensitive to the development.

- Views would also be available from Bryn ysguboriau, Blaen-cwm and Ty'n y pant (although the latter is no longer contain habitable dwellings), and Ty'n-y-mynydd and Maes Truan are occupied by the applicant. Views would also be available from the curtilage of the small Chapel at Cefn-y-wern, now disused. Apart from Maes Truan, views do not include any other operational wind turbines.
- From public footpaths and bridleways the turbine would be clearly visible where existing views of the proposal site/field are available. An alignment of minor roads, byways, bridleways and footpaths run along the northern ridge of the Nant Fawr/ Afon Hesbin valley would offer uninterrupted views of the turbine.
- Outside of the Hesbin and Nant Fawr valleys, direct views of the turbine would be effectively interrupted by the undulating landform and mature hedgerows that line the unclassified roads. At intermediate distances, views of the hub and blades would be available from higher ground.
- From the major settlement cores, intervening landform would disrupt the views.
- From Caer Drewyn, the proposed turbine may not breach the skyline but it would be positioned at a point where two distinctive ridges appear to meet.

Cumulative Impact:

- The DAS considers that the development would have no cumulative impact when perceived with other operational and consented wind energy schemes. However the DAS fails to mention the 3 operational turbines at Tyn y Celyn in Gwyddelwern, which would be within 5 km of the development and the Wern Ddu turbines are also visible from the Maes Truan plateau.
- The ridge which the proposed turbine would appear on interrupts views of the Clocaenog Forest area beyond, and may also screen the consented developments at Derwydd Bach (Melin-y-Wig), and Clocaenog Forest. Local undulations in terrain interrupt the visibility between Maes Truan and the Tyn y Celyn turbines.
- Cumulative views would be available from the Caer Drewyn summit, but views from the hill fort are extensive. The turbine would be seen as detached from other operational and consented wind energy developments that are concentrated to the north-west. When viewed from the Llantysilio ridge, the proposal would be seen amongst other wind energy developments further afield. When viewed from the Clwydian ridge, the distances involved would make the proposed turbine difficult to distinguish.

Conclusion - The installation of a single small sized wind turbine could reduce the sensitivity of the Edeirnion Hills landscape unit to wind energy development and set an example for future proposals within the area. There are no similar small-scale wind turbines at this south-eastern edge of the Edeirnion hills, the nearest being in Gwyddelwern, in an area which is influenced by the A494 corridor and National grid pylons.

The Landscape Consultants consider that the proposal would have a moderately detrimental impact on an area of high scenic value. The local area is not yet influenced by wind energy development. When viewed from the wider landscape, from the south-west in particular, the turbine would add to the spread of wind turbines in this part of Denbighshire and may set a precedent for further development should it be permitted.

The turbine site is close to the Clwydian Range and Dee Valley AONB. It would affect the setting of the AONB, in terms of inward and outward views, and also those from across the two regions of the AONB. In conclusion, the Landscape Consultant advise the application should be refused.

Having regard to the Landscape Consultant's assessment, consultation responses and the submission documents, Officers consider the proposal would introduce wind energy development to an area which is not yet influenced by wind energy development or other major infrastructure (such as A roads and grid infrastructure). The ridge which the proposed turbine would appear on interrupts views of the Clocaenog Forest area beyond, and may also screen the consented developments at Derwydd Bach (Melin-y-Wig), and Clocaenog Forest. Local undulations in terrain interrupt the visibility between Maes Truan and the Tyn y Celyn turbines. The proposal would therefore contribute to the spread of wind energy development

beyond the Clocaenog Forest SSA-A and have a detrimental visual impact on an area of high scenic quality, and the proposal is therefore contrary to policy VOE9.

4.2.4 Noise

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity. TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is the industry standard for the Assessment and Rating of Noise from Wind Farms, and is cited in TAN 8 as the relevant guidance on good practice. In May 2013, the Institute of Acoustics published 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG) which Officers consider is also material.

For single turbines ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to $35\text{dB}_{\text{LA90, 10min}}$ (A) up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary. For properties where the occupant has a financial interest in the development, ESTU-R-97 allows a higher level of 45dB limit.

However, where a proposed turbine is adjacent to existing wind turbine development, the application of the simplified noise condition would be inappropriate, as cumulative noise effects need to be taken into account.

The applicant has extant planning permission for a 15kW turbine in the adjoining field, however this permission has not been implemented and the applicant has confirmed it is not proposed to pursue this application should consent be granted for the proposed turbine. Therefore the cumulative effects of the consented turbine in combination with the consented turbine have not been assessed.

Should consent be granted for the proposed turbine, the applicant has also confirmed they would be willing to enter into a Legal Agreement to enable the Council to revoke the extant permission under the provision of the 1990 Planning Act without any financial recourse being taken by the applicant.

A detailed noise assessment has subsequently been submitted by the applicant as the initial information did not adequately consider the noise effects of the proposal.

The Noise assessment is based on the noise data from the proposed turbine taken from the document 'Noise study of Norwin 29/225 kW wind turbine, which has been approved by the manufacturer but is currently not warranted. For the purposes of the assessment, an 'uncertainty correction' of 2dB has been applied.

A public objection has raised concerns regarding the validity of the sound power rating which has been applied, given that it was determined in 1999 when the turbine model was being manufactured by a different manufacturer and had been tested outside the UK.

The Public Protection Officer has informally contacted a noise consultant previously retained by the Council, and whilst recognising the sound power rating was evaluated some time ago, is satisfied it is representative of the turbine proposed, and is also satisfied with the methodology applied in the noise assessment.

The noise assessment has assessed the noise impact at 6 no. neighbouring residential properties (Bryn Eithin, Bryn Ysguboriau, Hafoty Wen, Bryn Tangor, Cefn y Wern and Ty'n y Pant), however the assessment has not considered the impact of the proposed turbine at the 2 no. financially involved properties.

The assessment also contains a cumulative noise assessment with what is referred to as an 'Existing Turbine'. However, there is no planning permission at the grid references given for this turbine, nor has an application been submitted for one at the time of drafting this report. An EIA Screening Opinion has, however been issued for a turbine at Hafoty Wen. Whilst proposals for a turbine at this site may be at pre-application stage, as no planning application has been lodged with the Council, Officers consider little weight can be apportioned to the cumulative assessment and have instead focussed on the impact of the proposed turbine alone.

The noise assessment has demonstrated that the noise from the proposed turbine at the 6 unrelated residential properties would not exceed 35dB, and would therefore comply with the ESTU simplified assessment method.

Whilst a number of public objections have raised concerns regarding noise, the Public Protection Officer has not objected to the scheme with respect to the impact on non-related properties, and therefore Officers are satisfied the turbine would not unacceptably impact on the amenity of neighbouring properties in terms of noise.

As noted previously, the noise assessment has not assessed the noise at the financially involved properties. For properties where the occupant has a financial interest in the development, ESTU-R-97 allows a higher level of 45dB limit, and both a public consultation response and the Public Protection Officer has queries whether this noise limit could be achieved for the Maes Truan property given the proximity of the turbine to the farm house. The Public Protection Officer has estimated the noise experienced at Maes Truan would be around 47.4dBLA90 based on a simple distance calculation, but in the absence of further detailed assessment to ascertain what noise levels would be experienced at the financially involved properties, he has advised a planning condition should be applied to limit the noise from the turbine at the financially involved properties to 45dB, in order to protect amenity.

In conclusion, the noise assessment has demonstrated that the 35dB limit could be complied with and therefore the impact on the amenity of neighbouring unrelated properties would be within the acceptable limits. Whilst there is some uncertainty as to whether or not the proposed turbine would be able to comply with the allowable limit for financially involved properties, planning conditions can be applied to limit the noise to 45dB at these properties and therefore the amenity of current and future occupants of these properties can be protected.

Public objections have also raised concerns regarding amplitude modulation (AM). ESTU-R-97 assumes a certain level of AM (blade swish) is intrinsic to the noise emitted by a wind turbine. The position in relation to AM is evolving and research on the issue was published in December 2013 by the trade body RenewablesUK, and model planning conditions were put forward, however this research has yet to been endorsed by the Institute of Acoustics, the UK Government or Welsh Government. Current best practice advises that it would be inappropriate to apply AM planning conditions at this stage as there is no clarity regarding how such conditions could be complied with or monitored in Officer's opinion. It would therefore be unreasonable to apply a planning condition to control amplitude modulation.

In conclusion, it is suggested reasonable to deal with noise issues through conditions if a permission is granted, including the imposition of a condition to limit noise from the turbine at unrelated residential properties to 35dB and noise at the financially involved properties to 45dB. Officers therefore conclude with these controls that the application accords with VOE 9 with respect to noise.

4.2.5 Shadow flicker

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity.

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

The proposed rotor diameter is 30m, therefore the potential impacts should only be experienced up to 300m from the turbine location, and only then within 130 degrees either side of north. Only the two financially involved properties are within 300m of the proposed turbine location, and therefore it is reasonable to conclude that shadow flicker should not occur at any unrelated property.

A number of public consultation responses have raised concerns regarding the potential for the proposed turbine to adversely affect residential amenity and cause shadow flicker. As shadow flicker analysis is not an exact science, and should planning permission be granted, as a precautionary measure Officers would therefore advise a planning condition should be imposed requiring mitigation measures to be applied should the incidence of shadow flicker be experienced by any nearby unrelated properties.

Subject to the inclusion of a planning condition to address shadow flicker, it is reasonable to conclude that the proposal would comply with policy VOE 9 and VOE10 with respect to shadow flicker.

4.2.6 Ecology

The general requirements to consider the impact of development on biodiversity interests are set out in PPW Chapter 5, TAN5, and LDP policy VOE 5. 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). Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity and mitigation proposals.

An Ecological Assessment has not been provided with the application, however the Design and Access Statement contains a very brief section on ecology.

The Biodiversity Officer has not objected to the proposal. The turbine would be more than 50m from any habitat feature used by bats or birds and the site has low ecological value. However, should hedgerows or vegetation clearance be required for construct the access or temporary access track, clearance works should take place outside of the bird breeding season.

In light of the comments of the Council's Biodiversity Officer and subject to a planning condition restricting clearance works to outside of the bird breeding season, Officers conclude the scheme would not have an unacceptable impact on nature conservation, and is not in conflict with VOE 5 and VOE 9.

4.2.7 Highways

LDP Policies VOE 9 require due consideration of impacts of wind energy development on the surrounding area and community, including transport impacts.

The Council's Highways Officer has not objected to the application subject to conditions requiring details of the site compound location, vehicular access alterations and a traffic management scheme to be submitted prior to commencement of works.

Subject to pre-commencement conditions being applied requiring the submission of a Construction Method Statement incorporating details of the site compound, vehicular access arrangements and traffic management, which should include the need to upgrade the existing

highway, Officers conclude there would no unacceptable highways issues raised by the proposal.

4.2.8 Aviation and Radar

The impact on aviation and radar equipment is material to the determination of wind turbine applications.

Whilst public consultation responses have raised concerns regarding air safety as low flying aircraft have been seen in the area, no objections from an aviation authority have been received. Specifically, NATS and Airbus has not objected to the scheme, and the MOD, at the time of drafting the report, have not responded to consultation.

In light of the consultation responses from aviation authorities, it is therefore reasonable to conclude that proposed turbine would not have any adverse effects on aviation and radar interests in the area.

4.3 Other matters

Extant permission exists for a 15kW wind turbine on the adjoining field. The submission documents have not considered the cumulative effects of the proposed turbine in combination with the existing permission as the applicant has stated that they would not implement the extant permission should planning permission be granted for the proposed turbine.

However, the permission for the 15kW turbine will remain extant until January 2015, and therefore some control needs to be exerted to ensure this turbine is not constructed should planning permission be granted for the proposed 225kW turbine subject of the current planning application.

Section 97 of the Town and County Planning Act confers powers to the local planning authority to revoke or modify a planning permission at any time before those operations have been completed, however this is a very complicated process and it may be preferable to secure the removal of the extant permission through the Section 106 process should permission be granted. The applicant has confirmed they would be happy to enter into a legal agreement to this effect.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations Officers suggest are relevant to the determination of this application. As with all wind energy developments, inevitably there will be factors that weigh against and in favour of the grant of planning permission.
- 5.2 Officers retain concerns over the sporadic spread of 'one-off' medium / sub-local authority scale turbines, which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term.
- 5.3 The proposed turbine has been put forward as a farm diversification scheme and would be sited close to the farm complex. The Council has previously given weight to the farm diversification merits of applications which have been put forward as on-farm schemes. This turbine is a larger model to those turbines previously considered to be acceptable forms of farm diversification, however Officers recognise that there is no definition of 'small scale renewable energy operations' referred to in TAN6 and therefore have to conclude that some weight may be attributed to the farm diversification merits, but the benefits need to be considered against other material considerations.
- 5.4 The cumulative effects of the proposed turbine with the consented 15kW turbine in the adjacent field have not been assessed on the basis that, should planning permission be granted, the applicant is willing to enter into an obligation under Section 106 of the 1990 Planning Act to ensure that the extant planning permission for a 15kW turbine (permission reference 19/2009/1501) is not implemented.
- 5.5 The Landscape and visual impact and impact on residential amenity, specifically noise, are considered to be the most significant material considerations.

- 5.6 The proposal is for a turbine with a larger rated capacity than previously consented on-farm turbines in the Gwyddelwern area, however the proposed turbine is nevertheless more likely to be perceived as a single small / medium scale turbine of a similar scale to the operational turbines at Tyn y Celyn farm in Gwyddelwern rather than a commercial scale turbine.
- 5.7 The noise report submitted with the application has demonstrated that the turbine could comply with the 35dB noise limit at unrelated neighbouring properties. Whilst there is uncertainty regarding whether or not the 45dB limit for financially involved properties could be complied with, a planning condition could be applied to restrict the noise from the turbine and therefore measures to protect residential amenity would be in place.
- 5.8 On concluding on the issue of landscape and visual effects, Officers consider the installation of a single wind turbine with a tip height of 45m in this location would be out of scale with the farm buildings, and would be a dominant feature in local views. The proposal would introduce wind energy development into an area which is not yet influenced by wind turbines or other infrastructure, such as A roads and pylons, as the proposed turbine would appear to be visually distinct from other consented and operational turbines in the area. The proposal would therefore have a detrimental visual impact on an area of high scenic value and contribute to the spread of wind energy development beyond the Clocaenog Forest SSA-A and result in wind energy developments encroaching into previously unaffected areas of the county, contrary to LDP policy VOE9.
- 5.9 On balance, whilst the benefits of the scheme in terms of increased renewable energy generation and enabling the farm to reduce its carbon footprint are material, Officers consider the benefits do not outweigh the adverse visual impacts, and therefore recommend the application is refused.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The local planning authority consider the proposal would introduce wind energy development to a rural area which has a high scenic value and is not yet influenced by wind energy development or other major infrastructure. The ridge which the proposed turbine would appear on interrupts views of the Clocaenog Forest area beyond, and may screen views of the consented windfarm developments within the Clocaenog Forest SSA-A. Local undulations in terrain interrupt the visibility between Maes Truan and the operational sub-local authority scale turbines in Gwyddelwern and therefore the proposed turbine would appear to be visually distinct from other consented and operational turbines. The local planning authority considers the proposal would contribute to the spread of wind energy development beyond the Clocaenog Forest SSA-A which would harm the ability to conserve the integrity of wider Denbighshire landscape in the longer term and result in a detrimental visual impact on an area of high scenic quality. The proposal is therefore contrary to policy Local Development Plan VOE9, Planning Policy Wales and TAN8.

NOTES TO APPLICANT:

None

This page is intentionally left blank

Agenda Item 8

WARD: Trefnant

WARD MEMBER(S): Cllr M Lloyd Davies

APPLICATION NO: 31/2013/1079/ PFHY

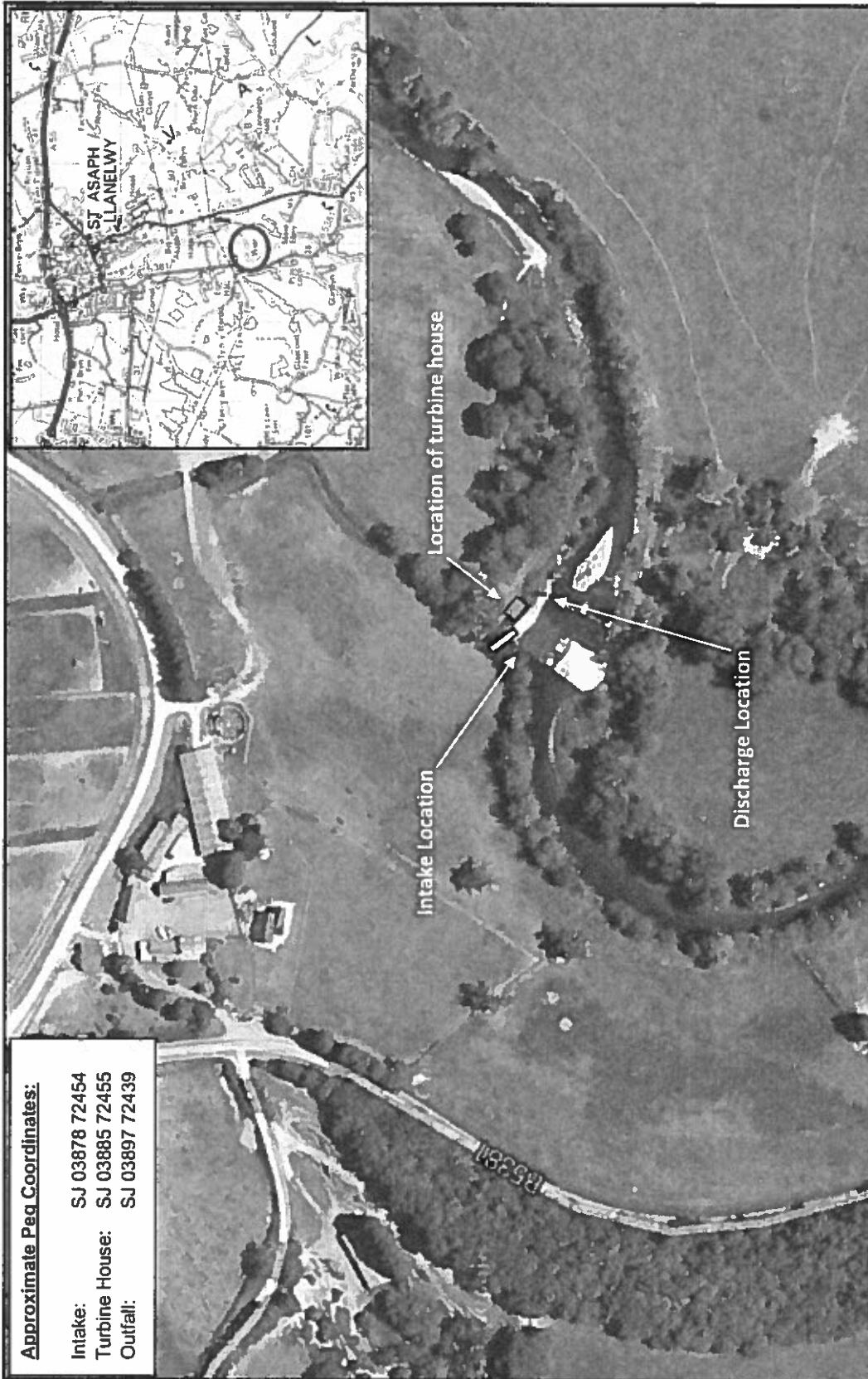
PROPOSAL: Installation of micro hydro electric scheme

LOCATION: Land at Elwy Meadows Lower Denbigh Road St
Asaph

APPLICANT: Mr Richard Rees
North Wales Hydro Power Ltd

This page is intentionally left blank

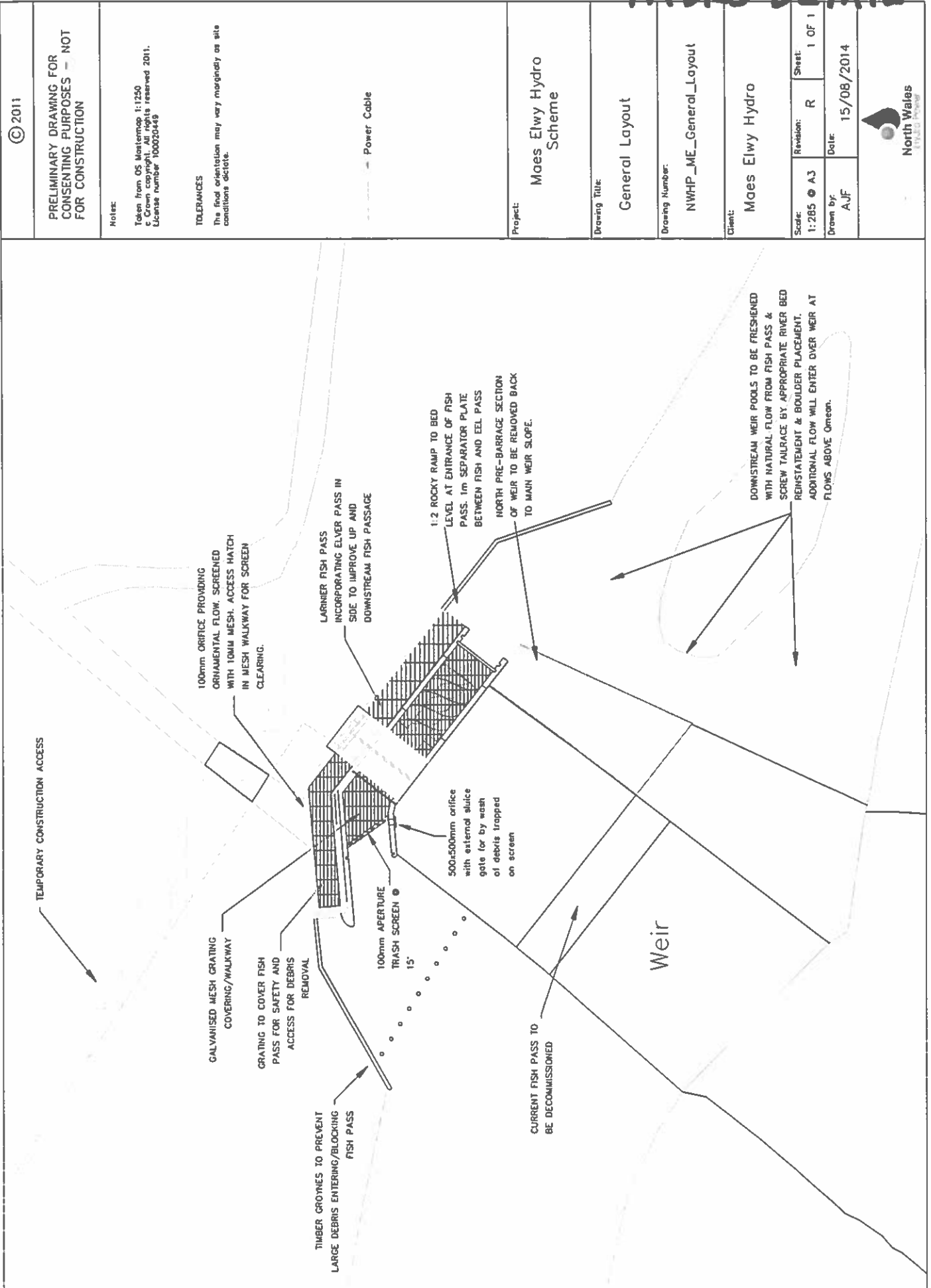
LAYOUT



Site 66: Hydro Scheme at Elwy Meadows Hydro – Afon Elwy
OS Location Plan and Illustrative Aerial Overlay
Not to Scale
29.07.2013

10/10/10

HYDRO DETAIL



~ 1731 ~ 1731

© 2011

PRELIMINARY DRAWING FOR
CONSENTING PURPOSES - NOT
FOR CONSTRUCTION

Notes:

Taken from DS Masterplan 10250
© Crown copyright. All rights reserved 2011.
License number 100020449

CONSTRUCTION NOTES

The hydro scheme will be constructed using a concrete framework which will be integrated with the existing weir and improved where necessary.

Basinhouse

- Roofed with local slate
- Timber clad with internal noise insulation
- Vents to be baffled internally to further control any noise emission.
- Doors to be double skinned with noise attenuation built in.

Intake

To prevent scour and erosion of the river bed, a plunge pool will be created from locally sourced stone/boulders at the end of the tailrace of the screen and fish pass.

TOLERANCES

The final orientation and dimensions may vary marginally as site conditions dictate.

Project:

Maes Elwy Hydro
Scheme

Drawing Title:

General Arrangement

Drawing Number:

NWHP_ME_General_Arrangement

Client:

MAES ELWY HYDRO

Scale:

1:200 @ A3

Revision:

T

Sheet:

1 of 2

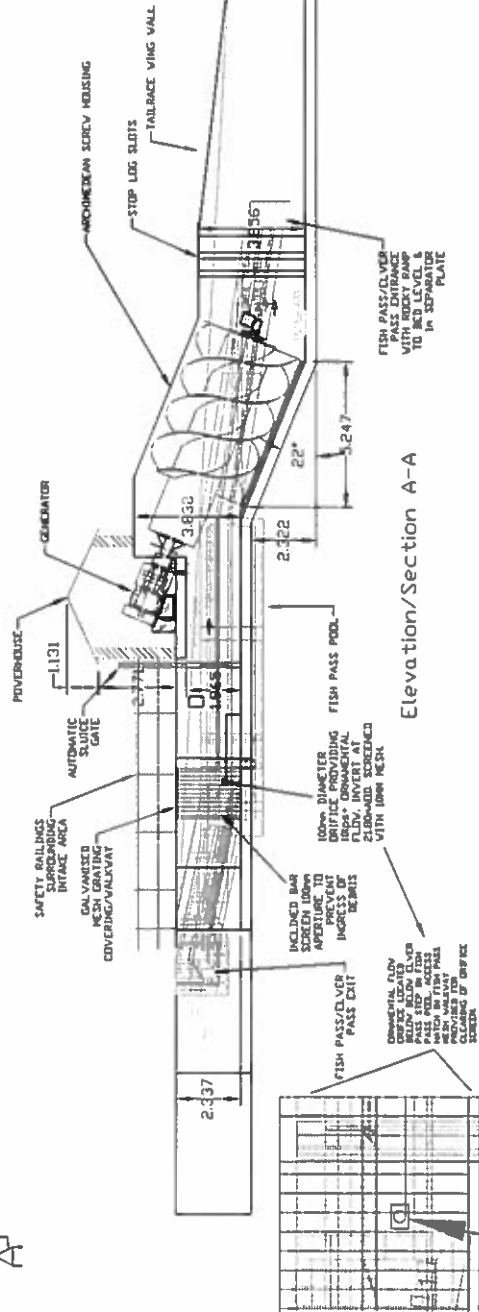
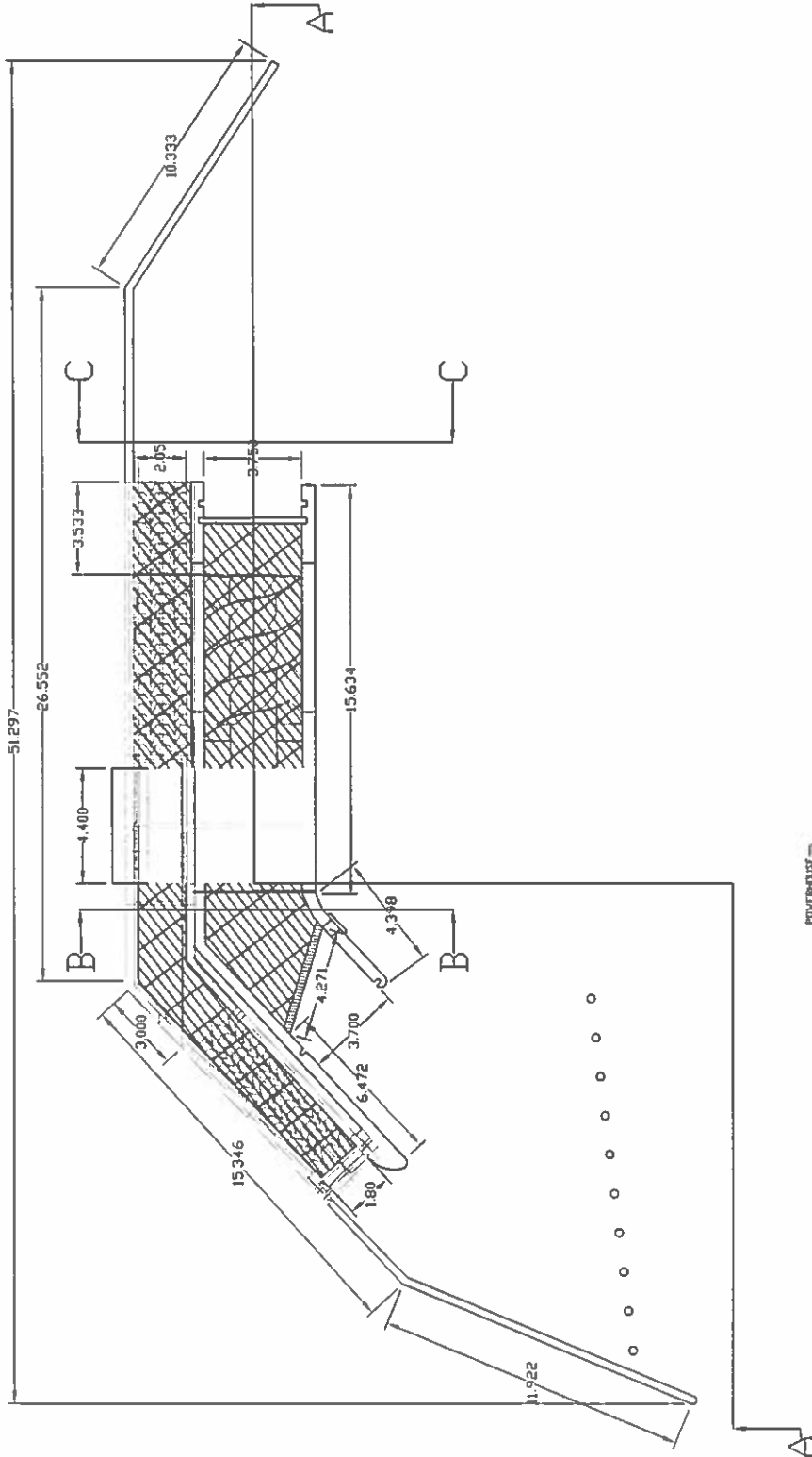
Drawn by:

AJF

Date:

26/08/2014

PLAN VIEW



Elevation/Section A-A

© 2011

PRELIMINARY DRAWING FOR
CONSENTING PURPOSES - NOT
FOR CONSTRUCTION

Notes:

Taken from DS Mastermap 11250
© Crown copyright. All rights reserved 2011.
License number 100020449

CONSTRUCTION NOTES

The hydro scheme will be constructed using a concrete formwork which will be integrated with the existing weir and improved where necessary.

Baseroofing

- Roofed with local slate
- Timber clad with internal noise insulation
- Vents to be baffled internally to further control any noise emission.
- Doors to be double skinned with noise attenuation built in.

Tolerance

To prevent scour and erosion of the river bed, a plunge pool will be created from locally sourced stone/boulders at the end of the tailrace of the screen and fish pass.

TOLERANCES

The final orientation and dimensions may vary marginally as site conditions dictate.

Project

Maes Elwy Hydro Scheme

Drawing Title

General Arrangement

Drawing Number

NWHP_ME_General_Arrangement

Client

MAES ELVY HYDRO

Scale

1:150 @ A3

Revision

T

Sheet

2 of 2

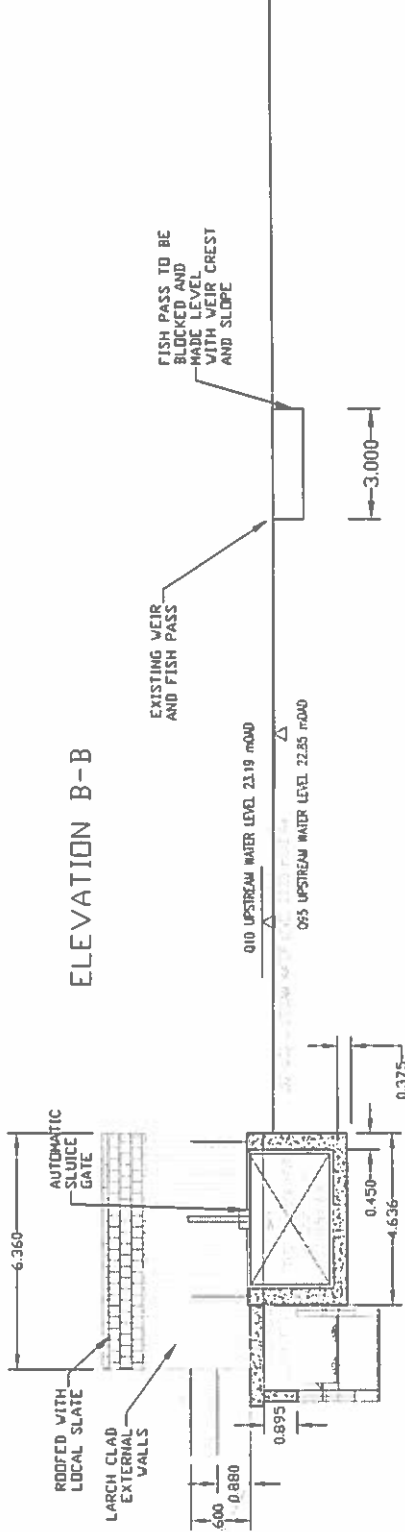
Drawn by

AJF

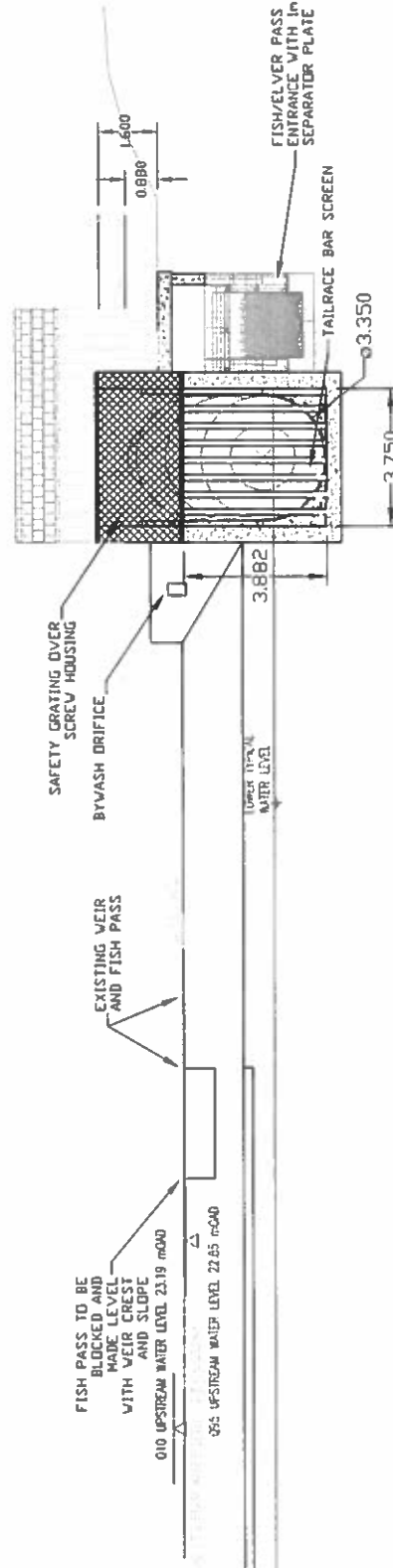
Date

26/08/2014

ELEVATION B-B



Elevation/Section B-B



Elevation/Section C-C

ITEM NO:

WARD: Trefnant

WARD MEMBER(S): Cllr M Lloyd Davies

APPLICATION NO: 31/2013/1079/ PFHY

PROPOSAL: Installation of micro hydro electric scheme

LOCATION: Land at Elwy Meadows Lower Denbigh Road St Asaph

APPLICANT: Mr Richard Rees
North Wales Hydro Power Ltd

CONSTRAINTS:

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

CONSULTATION RESPONSES:

CEFN MEIRIADOG COMMUNITY COUNCIL –
"Cefn Meiriadog Community Council fully support this application"

NATURAL RESOURCES WALES

- ABSTRACTION / IMPOUNDMENT LICENSING – NRW have received an abstraction license application, which is likely to be determined imminently.
- FLOOD RISK – FCA has been submitted, NRW accept findings of FCA and welcome applicants intention to incorporate flood proofing measures within the turbine house.
- FLOOD DEFENCE CONSENT – River Elwy is a Main River. In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of Natural Resources Wales has been granted for required for the works and structures located in, under, over or within 7 metres of the bank top of the Afon Elwy, designated "main river" (Consent NE2013LD125B).
- FISHERIES – NRW have received and approved the Fish Pass Details.
- ENVIRONMENTAL MANAGEMENT – Must be no adverse impact on water quality. Applicant should comply with NRW PPG5: Works and maintenance in or near water. Waste should be disposed of in accordance with Section 34 of Environmental Protection Act 1990. The activity of importing waste into the site must be registered as a permitted activity under the Environmental Permitting Regulations 2007.
- PROTECTED SPECIES – Consider the ecological assessment to be satisfactory.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

- No objection, according to OS first edition mapping the weir may be connected to the former Wigfair Isaf Mill by a long leat heading north from the weir. The weir therefore dates to at least 1874 and it probably earlier than this in origin. CPAT recommend a survey and archaeological watching brief is undertaken prior to the commencement of development.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
BIODIVERSITY OFFICER –**

Satisfied that the ecological surveys undertaken are suitable and commensurate with the development and agrees with the conclusions within the report.

RESPONSE TO PUBLICITY:

Chris White (by email no address provided)
John Lewis, Mill Brook, The Mill Yard, Lavister, Wrexham
Fish Legal, Leominster, Herefordshire (on behalf of Rhyl and St Asaph Angling Association)
Stephen Barlow, Nefydd House, Llanefydd
David Jones, Federation of Clwyd Angling Clubs, Panorama, Rhuallt
John Morris, 39 Orme View Drive, Prestatyn
David Roberts, 11 Park View, Carmel, Holywell
Paul King, 17 Llys Y Tywysog, Tremeirchion
Eugene Grube, 28 Rhodfa Glenys, St Asaph
Robert Hall, 6 Breezehill Park, Neston, Cheshire
Graham Whalley, 25 Grasmere Close, Prestatyn
Allan Cuthbert, 25 Ceg y Ffordd, Prestatyn (on behalf of Campaign for the Protection of Welsh Fisheries)

Summary of representations (all received to original consultation):

Impact on migratory fish river (salmon and sea trout up and downstream migratory paths effected, breeding effected).

Concerns over fish pass suitability at a low head hydro scheme.

Concerns over impact on river Elwy, visual amenity and the general environment.

Impact on river flows.

Concerns over maintenance/blockage of fish pass. Silt and build-up of debris likely to occur.

Fishing rights effected- weirpools fishery will be degraded as a result of the development. Loss will be felt by 160 Members of Rhyl & St Asaph Angling Association.

Impact on local economy owing to degrading of fishing facility.

Biodiversity impacts- proposal will have negative biodiversity impacts, insufficient number of species surveyed.

Ownership issue's- NRW do not own the weir, title from the middle of the weir to the right hand side of the river bank is unclear. Riparian rights exist and have not been considered.

Loss of trees- will have a negative impact on area, in particular loss of Black Poplars.

Existing schemes at Penmachno and Cefn should be monitored and negative impacts monitored.

Floodrisk- blockages, build up and release of debris, silting may impact on flooding.

Long term effects of development, concerns over decommissioning and reinstatement of weir.

Noise impacts of turbine.

Impacts of EMP on salmonoids

Policy conflicts with VOE 10- proposal does not demonstrate that there will be no unacceptable impact on nature conservation and wildlife.

Carbon reduction figures and efficiency figures queried.

EXPIRY DATE OF APPLICATION: 17/10/2013

REASONS FOR DELAY IN DECISION (where applicable):

- Additional information sought.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for the construction of a hydroelectric scheme on the River Elwy.

1.1.2 The development consists of an intake next to an existing weir, a new open leat containing an Archimedes Screw Turbine and Larinier fish pass.

1.1.3 The scheme would generate approximately 369,000 KWH of renewable energy per year.

1.1.4 The planning application is supported by a Design and Access Statement, a FCA, an Extended Phase 1 Habitat Survey, a Tree Survey and a Construction Method Statement.

1.2 Description of site and surroundings

1.2.1 The application site is located on the River Elwy at an existing weir approximately 2 miles south of St Asaph.

1.2.2 The weir, which was built to provide flow for a mill, creates an area of impoundment on the river.

1.2.3 The site is characterised by a wide river profile with low banks.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside.

1.3.2 It is a C2 Flood Zone as defined by the Development Advice Maps of TAN 15.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 Clarification was sought from the applicant in relation to the detail of the fish pass, in relation to comments raised by NRW.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy VOE 1 – Key Areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance

SPG 18 – Nature Conservation and Species Protection

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7, 2014

Technical Advice Notes:

TAN5 – Nature conservation and planning

TAN8 – Renewable energy

TAN15 – Development and Flood Risk

Circular 60/96 Planning and the Historic Environment

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 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 Landscape
- 4.1.3 Residential Amenity & Noise
- 4.1.4 Ecology
- 4.1.5 Flooding and water quality
- 4.1.6 Archaeology
- 4.1.7 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Para 12.8.1 of Planning Policy Wales (PPW) reaffirms UK and Welsh Government commitment to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of its proposals to tackling climate change. It refers to Welsh Government's Energy Policy Statement (2010), which identifies the sustainable renewable energy potential for a variety of different technologies.

For planning purposes, Figure 12.2 of PPW defines the following renewable and low carbon energy scales, which is of relevance to the application:

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

This application therefore falls within the 'sub local authority' scale of development in PPW, which in para 12.9.9 states that such projects are 'applicable in all parts of Wales'.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects. It refers in Section 3.12 to Hydro–Power and the development of 'run of river' schemes in Wales, that these are generally supported, although there may be occasions where account needs to be taken of potential ecological damage, and that there is need for close liaison with the NRW as licensing authority for abstraction and impoundment.

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

Taken together, the contents of Planning Policy Wales, TAN 8, and the policy in the LDP provide support in principle for this type of renewable energy development subject to the detailed assessment of localised impacts, which includes taking into account the potential impacts on landscape, visual and residential amenity, and ecological interests.

Officers' view is that as the proposal is for a sub local authority scale Hydro project, the

principle of this development would be acceptable in general policy terms, subject to the tests of local impact.

4.2.2 Landscape

The general requirement to consider the impact of development on the landscape specific to a hydro scheme development is LDP policy VOE 10 which requires specific assessment / explanation of impact on the landscape, and mitigation proposals.

The site is not located in an area with specific landscape designations. It would be sited on a weir on an existing river. The powerhouse is the largest above ground element of the development; it would measure 3.8 metres by 6.36 metres, with an overall height of 3.8 metres and would comprise of a larch clad building with a slate roof. Concerns have been raised that the development would have an impact on the visual amenity of the area.

The turbine house would be visible on the river bank, however considering the detailing of the building, the turbine house would be in keeping with traditional buildings in the area and the proposal would have a minimal impact on character of the area. The proposal would therefore accord with national and local planning policy.

4.2.3 Residential Amenity including noise

Local Development Plan Policy VOE 10 seeks to ensure development does not have an adverse impact on residential amenity, and this would include assessment of the potential noise and general amenity impacts on local residents from any renewable energy project.

The turbine equipment to be located in the turbine house has the potential to generate noise. Information submitted with the application states that there may noise impacts associated with the development, however it has been proven that they can be minimised via design. The nearest dwelling is sited 138 metres to the north west of the site. Concerns have been raised over the noise impact of the development.

Given that there are residential properties adjacent to the field where the proposed turbine house is to be located, Officers' opinion is that the imposition of a condition to ensure sound attenuation would put in place adequate safeguards for occupiers of the nearest residential properties. This would comply with the relevant planning policy VOE 10.

4.2.4 Ecology

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

A Phase 1 Habitats Survey has been undertaken to cover amphibians, badgers, bats, birds and reptiles. The survey includes recommendations for mitigation and enhancements. A tree survey, tree constraints plan and tree protection plan has been submitted with the application. Eleven individual trees have been identified for removal to facilitate the development.

The Council's Biodiversity Officer has considered the details in respect of amphibians, reptiles and nesting birds and has advised that she is satisfied that the ecological surveys undertaken are suitable and commensurate with the development, and agrees with the conclusions within the report. No objection was raised provided the recommended mitigation and enhancement measures within the ecological report are conditioned and followed. NRW have expressed a similar view. A felling license has been obtained for the tree felling from NRW. The response of the Council's tree consultant in relation to the tree survey is awaited. Concerns have been raised over the extent of the ecological surveys submitted with the application.

Officer's opinion which is informed by the responses of consultees is that appropriate reasonable avoidance measures and mitigation can be secured through the use of planning

conditions. Providing the development works are undertaken in strict accordance with the recommendations, mitigation and avoidance measures identified in the Habitat Survey and Tree Survey, it is not considered there would be any unacceptable impact on nature conservation. Officers understand that the concerns in relation to salmon and sea trout migration, breeding and river invertebrates would be considered by NRW through the various environmental permitting processes including fish pass approval and abstraction licensing.

4.2.5 Flooding and water quality

Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

The site is within a C2 flood risk zone, located within the 1 in 1000 year flood outlines on the NRW indicative Flood Map. A FCA has been submitted in support of the planning application which acknowledges that the turbine house may be susceptible to flooding. Therefore turbine housing will be built with flood resistant construction methods and techniques. NRW have confirmed that the contents of the FCA are generally commensurate to the type, nature and scale of the development and welcome the applicant's intention to incorporate flood proofing measures within the turbine house. NRW have also confirmed that Flood Defence Consent is required for the development as it is within 7 metres of the bank top of a main river, and the application for Flood Defence Consent has been granted for the development. NRW have requested no adverse impact to water quality as a result of this proposal.

In considering a technical application of this nature where there are a range of linked consent processes, Officers are bound to take into account the advice of key consultees, and in particular NRW. Detailed information has been submitted and considered by NRW in respect of environmental permitting, flood risk, flood defence consent and pollution control and waste management. NRW accept that the details and risks associated with these elements of the development can be sufficiently managed and controlled by condition to deem the development acceptable. In relation to flood risk NRW have advised the proposal is acceptable, therefore on this basis Officers consider that the relevant guidance in relation to TAN 15 is met.

4.2.6 Archaeology

The general requirement to consider the impact of development on archaeology and cultural heritage is set out in PPW Chapter 6.5, LDP policy VOE 10 and Welsh Office Circular 60/96 'Planning and the Historic Environment' which states the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether than monument is scheduled or unscheduled (para 10). Specific to a hydro scheme, policy VOE 10 requires specific assessment / explanation of impact on cultural heritage.

The scheme is proposing to utilise the existing weir associated with the former Wigfair Isaf Mill. The weir dates to at least 1874 and CPAT advise that its origin may even be earlier. CPAT have suggested a pre-commencement condition is applied to ensure a pre-development survey of the site is carried out and a watching brief undertaken during building works, in accordance with the guidance set out in Circular 60/96 regarding the use of conditions to protect archaeological monuments.

Therefore subject to the inclusion of a pre-commencement condition, there would be no adverse impact on archaeological features or cultural heritage.

Other matters

Representations received raise a number of issues the land use planning ones are considered above. In terms of land ownership the Applicants have advised that they have served notice on the land owner and are satisfied that that no further notices are required. In relation to the maintenance, management and long term plans for the scheme the Agents have advised that once the project is installed then it would not be decommissioned for the foreseeable future. North Wales Hydro Power would be ultimately responsible for the on-going maintenance of the scheme. There would be a webcam located on the side of the turbine house so as to allow the monitoring of debris build up and to monitor the operation of

the fish pass and the hydroelectric scheme. If debris collect on the debris screen, which is inevitable, then it will be removed as appropriate depending on the size of the debris. The debris screen is before both the fish pass and the hydro turbine and therefore should debris collect the turbine will be impacted on first as the fish pass has priority over the turbine for water flow. There is therefore no more incentive required for removal of debris as the build-up of debris will mean the output of the scheme is reduced and that they are effectively losing revenue.

5. SUMMARY AND CONCLUSIONS:

5.1 Taking into account the relevant consultee responses and the planning policies supporting renewable energy, it is considered that the proposal meets the relevant policy requirements and is recommended for approval.

RECOMMENDATION: GRANT- subject to the following conditions:-

RECOMMENDATION: GRANT- for the following reasons:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The development shall be carried out in accordance with the details set out in the Extended Phase 1 Habitat Survey and the Reasonable Avoid Measures set out in the 'Conclusions and Recommendations' section of the report shall be implemented.
4. If protected species are found to be present at the site during construction, no further development shall be carried out until appropriate protection and mitigation measures are submitted and approved in writing by the Local Planning Authority, in consultation with Nature Resources Wales.
5. If nesting birds are found to be present during construction, no further development shall be carried out during the bird breeding season until secondary surveys have been carried out, and the results of the surveys together with reasonable avoidance measures to deal with the presence of nesting birds during the construction phase have been submitted to and approved in writing by the local planning authority.
6. The development shall be implemented in accordance with the approved construction method statement and any deviation from the method referred to in this statement shall be approved in writing by the Local Planning Authority.
7. The turbine house hereby permitted shall be constructed so as to provide sound attenuation against internally generated noise to a standard that causes no reasonable loss of amenity to the occupiers of neighbouring residential properties.
8. All electricity cables from the turbine house to the grid connection point shall be laid underground and no additional ancillary equipment such as substations or equipment cabinets shall be permitted without the prior written approval of the local planning authority.
9. If the development hereby permitted ceases to operate for a continuous period of not less than 12 months, within 6 months of that time, the turbine house and all other structures on or above the ground shall be dismantled, the materials removed from the site and the site restored to the satisfaction of the local planning authority.
10. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the archaeological curator for the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the standards laid down by the Institute for Archaeologists and MoRPHE (2006). On completion appropriate reports and an archive assessment will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and for monitoring purposes.
3. In the interests of protecting biodiversity and to ensure the scheme will not be detrimental to the favourable conservation status of any protected species.
4. In the interests of protecting biodiversity and to ensure the scheme will not be detrimental to the favourable conservation status of any protected species.
5. In the interests of protecting biodiversity and to ensure no active nests have been built in within the work area or that may be disturbed by undertaking the works.
6. In the interests of protecting residential amenity.
7. In the interests of protecting residential amenity.
8. In the interests of visual amenity.
9. To ensure the long term reinstatement of the site, in the interests of landscape and visual amenity.
10. In the interests of archaeological recording.

Agenda Item 9

WARD: Tremeirchion

WARD MEMBER(S): Cllr Barbara Smith

APPLICATION NO: 41/2013/0857/ PF

PROPOSAL: Change of use and conversion, with partial demolition, of former public house to form 1 No. dwelling and erection of detached garage at rear

LOCATION: Dinorben Arms Public House Bodfari Denbigh

APPLICANT: ABC & D Limited Tony Thackeray

This page is intentionally left blank

Heading:

REFERENCE NO 41/2013/0857/PF
DINORBEN ARMS PUBLIC HOUSE
BODFARI

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

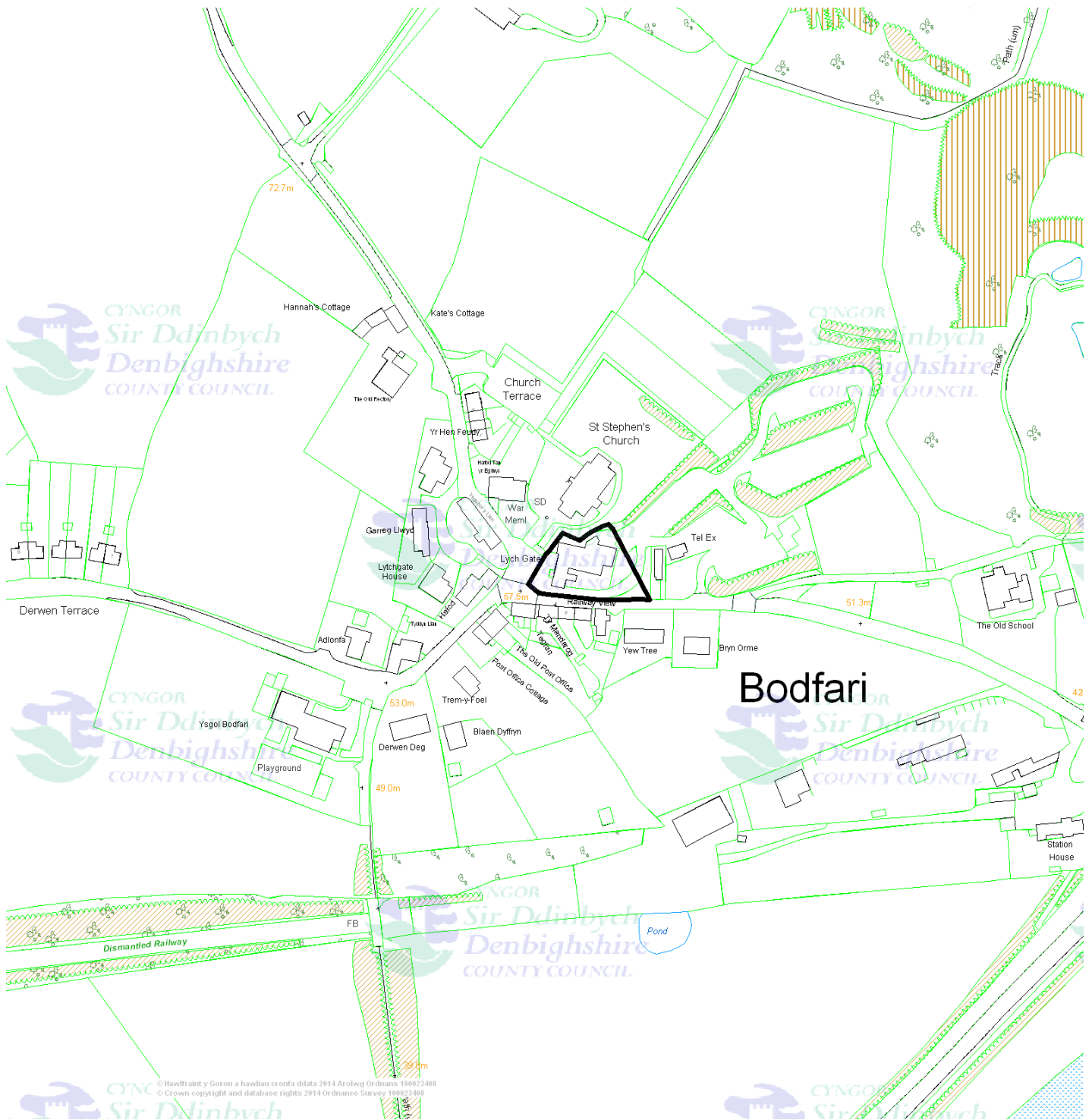


Date 29/9/2014

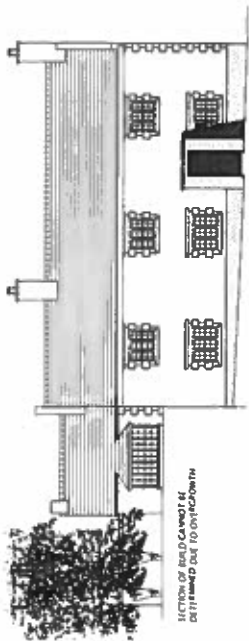
Scale 1/2500

Centre = 309237 E 370084 N

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

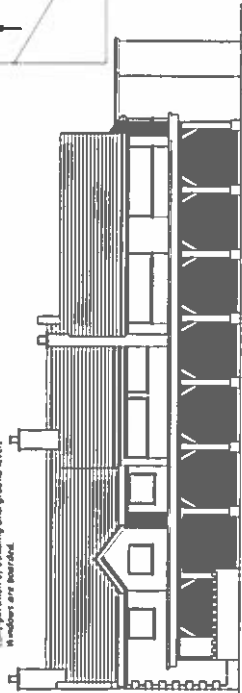


ELEVATIONS

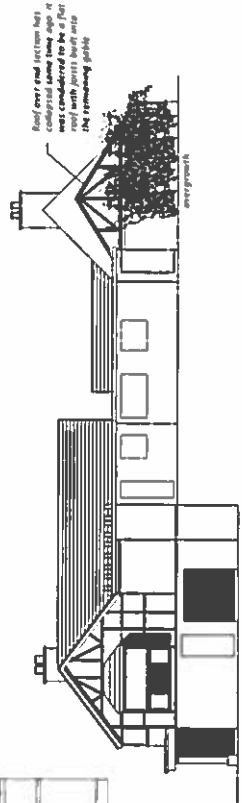


Front elevation - elevation A-west

Roof elements are made up of metal timber boarding with metal render panels detail. Style of panels is difficult to assess due to configuration of building and ground levels. Windows are double.

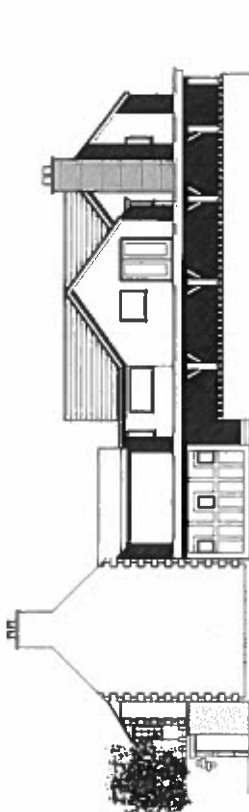


Side elevation - elevation C-east

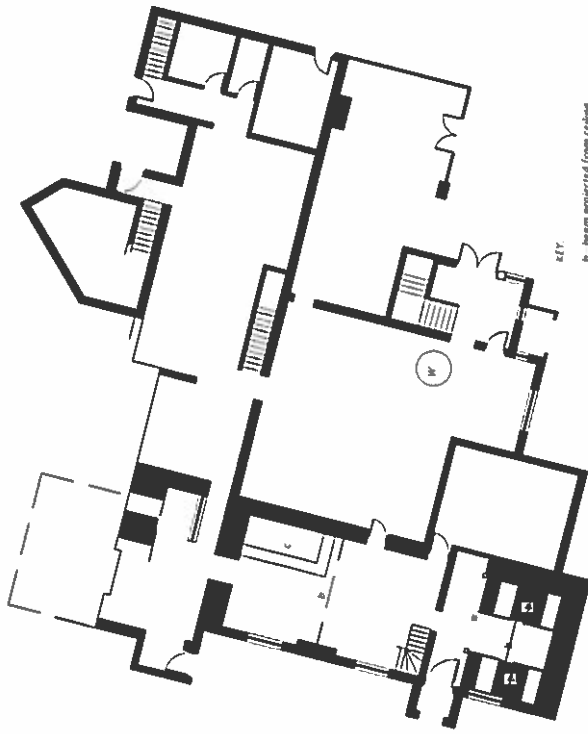
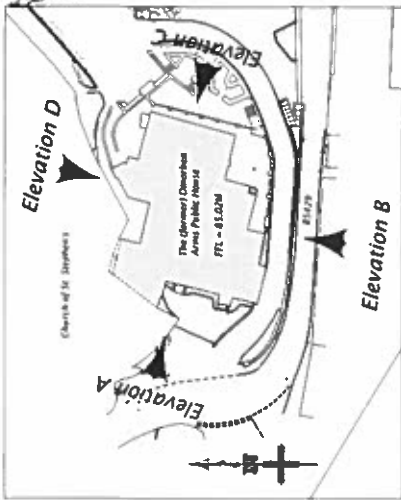


Side elevation - elevation D-north

Roof over end section has original same time age, it was considered to be a flat roof over the remaining gable end.



Side elevation - elevation B-south, as viewed from the B5429

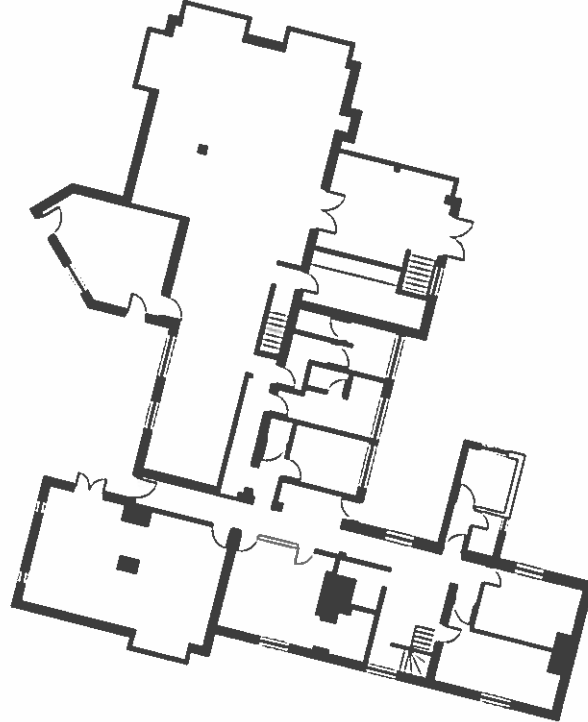


Ground floor layout plan

Existing Ground floor area - 216.97m² / 4057.25sq ft

KEY

- B - beams projected from ceiling
- F - floor level
- S - section of stairs (shown within strong booth)
- W - new ceiling
- C - existing bar counter
- W - approx position of wall



First floor layout plan

Existing First floor area - 312.63 m² / 3385sq ft



Parry Davies Architects. Chartered Architects.	
The Dunbar Arms, Boffery LE16 4DA	13 5489/3
All Existing.	
Grade 11, 20, North Walsham, Norfolk, Norfolk, Norfolk	14.01.2011 and 17.03.2011

ITEM NO:

WARD: Tremeirchion

WARD MEMBER(S): Cllr Barbara Smith

APPLICATION NO: 41/2013/0857/ PF

PROPOSAL: Change of use and conversion, with partial demolition, of former public house to form 1 No. dwelling and erection of detached garage at rear

LOCATION: Dinorben Arms Public House Bodfari Denbigh

APPLICANT: ABC & D Limited Tony Thackeray

CONSTRAINTS: Listed Building
Conservation Area
AONB

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

CONSULTATION RESPONSES:

BODFARI COMMUNITY COUNCIL

“Resolved that the Local Planning Authority be recommended to refuse this application on the following grounds:-

- (i) Despite the further modification to the application since its initial withdrawal, the quality of the submission is disappointing and in respect of policy BSC12 the evidence submitted in support is insufficient, inaccurate, incomplete and, in part, contradictory.
- (ii) Policy PSE3: the applicant’s claims remain speculative and no evidence has been adduced in support of the reasons for closure and the statements relating to the alleged attempts at marketing and the outcome are contradictory
- (iii) The community council reiterate their original comments that the suggestion that, because an area has still been able to meet a range of employment needs does not, in itself, demonstrate that its loss is without effect on the local economy. The effect such services have in performing a vital role in meeting the daily needs of the community is emphasised in the reasoned justification for the policy. The Dinorben Arms, throughout its existence as a functioning public house, has been a major source of employment, predominantly within the village and its immediate surroundings and the existence of another, operational, public house throughout this period, in no way detracts from the impact which the Dinorben Arms has had on the life of the community.
- (iv) The community council had previously stated the view that, in the absence of cogent arguments based on firm evidence of non-viability or unsuitability, this application is premature and lacking in substance. Nothing in the resubmission causes them to resile from that opinion and the increasing conflict between the contradictory statements made by the applicants in support reinforce that view.”

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

“The additional information relating to the viability of the business and marketing of the site is noted and the JAC welcomes the revised treatment of the proposed frontage wall which is now to be finished in natural local stone to match the adjoining church wall, together with the intention to restore the retaining wall along the B5429 as a natural local stone wall. However, the JAC is still uncertain as to the treatment of the B5429 boundary above the existing wall and would prefer this to be increased in height with traditionally finished local stone to match the restored retaining wall. Such an approach would be more sympathetic to the character and appearance of the Listed Building and Conservation Area.”(AONB Management Plan Policies PSQ1, PCP1, PCP2, PCP3 and PHE1)”

NATURAL RESOURCES WALES

No objection, further details of mitigation and compensatory roost location need to be agreed by the Local Planning Authority. A Licence will be required.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions requiring retention of parking facilities within the site, the need for the access to the site to be constructed/altered prior to occupation and details of site compound location, traffic management scheme, hours and days of operation and the management and operation of construction vehicles.

Ecologist

No objection subject to the inclusion of conditions to ensure the bat mitigation measures are followed and further details in relation to Great Crested Newt Reasonable Avoidance Measures.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

J. & G. Barnes, Hafod Tan Eglwys, Bodfari

J. & J. Pearce, Yr Hen Feudy, Bodfari

Mrs Muir, Minehead, Bodfari

Dee & Alex Jones, Bella Vista, Bodfari

Glynis Shaw, Castell House, Bodfari

Jenny Potter, Rectory, Caerwys (with 39 names listed)

Summary of planning based representations in objection:

Loss of Public House, Tourist facility & Community Facility :Would like to see it reopened as a pub; already lost the village post office/shop; Tourism is an important employment opportunity for people in the area and if tourists are to be encouraged then they need places to stay, eat and socialise; the pub was used as a community/social meeting place and this would be lost forever if this application were allowed and further break up the community; the neglect of the building has caused its degradation which is now an eyesore however this should not allow a change of use as the site is still perfect for the social needs of Bodfari which has no village hall. Ideally a pub can be reinstated but otherwise it should be restored as a community centre

Visual Impact

Detrimental effect on the character of the neighbourhood, Conservation Area and AONB by closing off the open front of a historic listed building and suburbanising the heart of the community;

Other Matters

There are a number of houses in and around the village that has been on sale for some time.

EXPIRY DATE OF APPLICATION: 9/9/2013

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 This application seeks full planning permission for the change of use and conversion of the Dinorben Arms Public House to form a single dwelling.
- 1.1.2 The proposal includes the demolition of part of the building and the erection of a detached garage to the rear.
- 1.1.3 It is proposed to utilise the existing access which is located to the front side of the building and also provide a separate pedestrian access leading directly to the front door of the property.
- 1.1.4 The proposal is to form a single dwelling comprising a living/dining room, kitchen, utility room, snug and WC at ground floor level with 5 bedrooms and bathrooms at first floor level.
- 1.1.5 An accompanying application for Listed Building Consent has been submitted, and follows this item on the agenda.
- 1.1.6 The applicant is aware of the Council's policies in relation to a change of use and has provided the following information and justification in support of the application in response to Policy PSE 10 of the LDP:

i) the unit is no longer financially viable

No financial information is available. Trade for the Public House was depleting in 2006 which led to the closure of the pub and the financial commitment required to upgrade the building would not be a surety to ensure the business' resurrection.

ii) the unit has been actively marketed for a period of 12 months without success

The unit was actively marketed between Spring 2007 and October 2008.

Advertising by Edwards Symmons of Liverpool commenced in Spring 2007 with press adverts in both 'The Publican' and the 'Estate Gazette' for the building and the land at the rear which had been given outline planning permission for residential development. The guide price was £1,000,000.

12 written offers were received and interested parties included Whitbred, Thwaites, Scottish & Newcastle and an unnamed restaurant group. These did not reach the asking price.

The building was remarketed in January 2008 at a reduced figure of £675,000 and as this was not reached, the building and land went to auction.

No marketing evidence has been provided. Copies of marketing material have been sought by the applicants agent but unfortunately 'The Publican' and 'Estates Gazer's' archives do not cover this time frame.

iii) all other reasonable options to find a new user for the unit have been pursued

The building was actively marketed for a new brewery and landlord however no offer came close to the lowered guide price, those looking in depth at the property would have been disillusioned by the state of repair of the building which is decaying at an alarming rate.

Members are referred to the front of the report for detailed plans and the extent of demolition proposed.

1.2 Description of site and surroundings

1.2.1 The Dinorben Arms is a 2 storey property located in the centre of the village of Bodfari. The property was formerly in use as a Public House, which is understood to have ceased in 2007.

1.2.2 The property has an existing vehicular access, and also located to the rear is a large tiered car park with separate access off the main village road.

1.3 Relevant planning constraints/considerations

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

1.3.2 The Dinorben Arms is a Grade II Listed Building located within the Bodfari Conservation Area.

1.4 Relevant planning history

1.4.1 None relevant to the building.

1.4.2 Outline planning permission was granted in 2005 for the development of the car park for residential purposes.

1.5 Developments/changes since the original submission

1.5.1 Additional information relating to protected species and mitigation has been provided.

1.5.2 Amended plans and additional information relating to the Listed Building application has resulted in a Listed Building Appraisal being submitted.

1.6 Other relevant background information

1.6.1 A separate full planning application for the development of the rear car park for residential dwellings has been submitted under ref 41/2013/0648/PF. This application is still under consideration and will be reported to Planning Committee at a later date.

1.6.2 The Dinorben Arms was classed as vulnerable in the 2011 Listed Buildings at risk survey, which is the Council's most up to date survey. The building is on the Council's eyesore site list and has been for 3 years.

2. DETAILS OF PLANNING HISTORY:

2.1 None

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 BSC1 – Growth Strategy for Denbighshire

Policy BSC11 – Recreation and open space

Policy BSC12 – Community facilities

Policy PSE10 – Local shops and services

Policy VOE1 - Key areas of importance

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

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance – Listed Buildings

Supplementary Planning Guidance – Conservation Areas

Supplementary Planning Guidance – Open Space

Supplementary Planning Guidance – Parking Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes 18: Transport

Circulars

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

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 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 Impact on Listed Building and Conservation Area

4.1.4 Residential amenity

4.1.5 Ecology

4.1.6 Highways (including access and parking)

4.1.7 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

The site is located within the development boundary of Bodfari in the adopted Local Development Plan where the principle of residential development may be acceptable in terms of Policies BSC 1 and RD 1.

In relation to Policy PSE 10, relating to local shops and services, proposals which

result in their loss to other uses are not permitted unless it can be demonstrated that the following tests can be met:

- i) the unit is no longer financially viable
- ii) the unit has been actively marketed for a period of 12 months without success
- iii) all other reasonable options to find a new user for the unit have been pursued.

In relation to the tests of Policy PSE 10, the information provided to support the statements made in relation to the viability and marketing of the Public House are set out in Section 1.1.6. The information is respectfully limited although it suggests that attempts have been made to acquire further details. In relation to Policy PSE 10, it is not considered that the policy tests are clearly met, however it is considered that there are other factors to take into account in this case. The condition of the Listed Building is the main cause for concern and is deteriorating at a rapid rate and the building is in a prominent location at the heart of the village, which is within a Conservation Area and as stated above, has been on the Council's eye sore site list for 3 years.

Whilst local residents and the Community Council would like to see the building re-opened as a public house, the building has failed to secure interest and investment for that use and after 7 years of vacancy and neglect, a proposal has now been submitted to change the use to a single dwelling which would secure a long term use for the building. Residential use does fit in with surrounding uses being located centrally within a village and the building was originally built as a dwelling, which is a positive factor to weigh against any policy conflicts.

With respect to the Community Council's reference to Policy PSE 3, this relates to employment land and sites in the County and is not considered of direct relevance to a proposal involving a former public house.

4.2.2 Visual amenity/Impact on Listed Building and Conservation Area

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.

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6), stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting.

There are objections from local residents in relation to the visual impact of the proposal and the detrimental effect the proposal would have on the character of the neighbourhood, Conservation Area and AONB.

The proposal involves the conversion of the original building and the demolition of modern extensions to the rear of the original building which would provide space for a private rear garden with a detached garage. It is also proposed to alter part of the boundary wall along the frontage of the site with the highway by reducing its height to 1m above road level and also to erect gates to the front boundary of the property. Overall subject to control over the final details, it is not considered that the proposal would have a negative visual impact on the area, the Listed Building or character and appearance of the Conservation Area. It is therefore considered acceptable in relation to the policies and guidance listed above.

A separate application for Listed Building Consent has been submitted and follows on the agenda.

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 are no objections in relation to residential amenity.

The proposal involves the conversion of the original building and the demolition of modern extensions to the rear of the original building which would provide space for a private rear garden with a detached garage. It is also proposed to alter part of the boundary wall along the frontage of the site with the highway by reducing its height to 1m above road level and also to erect gates to the front boundary of the property. All windows within the building would be located to the front and rear elevations which do not overlook any existing dwellings. The property would be provided with sufficient amenity and parking spaces and it is therefore not considered that the proposal would result in an adverse impact on the amenities of existing or future residents.

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.

The building supports Lesser Horseshoe bats. No objections have been expressed over the potential impact on these species as a result of development. The Council's Biodiversity Officer and Natural Resources Wales (NRW) have raised no objection subject to the implementation of the measures detailed in the ecological survey and imposition of planning conditions.

The Lesser Horseshoe Bat is protected under the provisions of the Wildlife and

Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulation 2010 (as amended). NRW have raised no objection provided the recommendations within the surveys undertaken are adhered to; the bat roost to be provided within the proposed garage should be constructed and completed to satisfactory standards before the final exclusion of the bats from the main building. A planning condition is suggested requiring details of the mitigation recommended along with a method statement, and this would need to be completed and approved in order for the applicant to secure a Licence from NRW to permit works that will affect bats and their roosts.

The County Ecologist has suggested a condition requiring details of Reasonable Avoidance Measures be imposed to safeguard Great Crested Newts as the application relating to the residential development of the car park has not been resolved. Full Great Crested Newt mitigation details would be required for any development of the car park site.

Officers' conclusion is that it would be in order to protect ecological interests through a condition ensuring the development is undertaken in accordance with the recommendations within the ecological report.

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.

There are no objections to the proposal on highway safety grounds.

The proposal is to utilise the existing access to the site which leads around the side of the building to where a new detached garage is proposed. Highways Officers raise no objection to the proposal to convert the public house in to a single dwelling subject to the inclusion of standard conditions and also provided a survey of the existing retaining wall adjacent to the highway is undertaken. It is not considered that there are any reasonable highway grounds to refuse permission here.

4.2.6 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with policy BSC 11. 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 onsite, 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.

The proposal includes the creation of 1 no. new residential unit.

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

5. SUMMARY AND CONCLUSIONS:

5.1 Concerns raised over the application are acknowledged but in Officer's opinion, the principle of the proposal is acceptable given the circumstances surrounding the application, and there are no adverse impacts on visual or residential amenity, highway safety or nature conservation.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
No development shall take place until the mechanism for compliance with the Council's policy and guidance on Recreation and Open space has been agreed in writing with the Local Planning Authority.
3. **PRE COMMENCEMENT CONDITION**
Prior to the commencement of the erection of any external stonework of the boundary walls, a sample panel of the type of stonework, mortar and pointing it is proposed to use on the boundary walls shall be constructed on the site, and the development shall only proceed in accordance with such samples as may be approved in writing by the Local Planning Authority; and the stonework, mortar and pointing to be used on the building (s) shall be strictly of the same type, texture and colour as the approved sample panel.
4. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment including gate details and colour finish.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. In relation to the approved detached garage, the doors shall be ledged and braced painted timber doors and strap hinges, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out strictly in accordance with the approved details.
7. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the proposed development being brought into use.
8. **PRE COMMENCEMENT CONDITION**
The access to the site shall be in laid out and constructed in accordance with the approved plan before the development is brought into use.
9. **PRE-COMMENCEMENT**
In relation to the carrying out of the works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, hours and days of operation and the management and operation of construction vehicles, the works shall be carried out strictly in accordance with the approved details.
10. **PRE COMMENCEMENT CONDITION**
No development shall commence until a detailed survey of the existing retaining wall adjacent to the highway has been carried out by a qualified structural engineer, and any remedial work identified shall be carried out prior to the commencement of the use hereby permitted.
11. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, a photographic record of the garden structure

located to the east of the property shall be undertaken, details of which shall be submitted to the Local Planning Authority prior to any works taking place.

12. The development shall proceed strictly in accordance with the mitigation measures recommended in the ecology reports.

13. Prior to the commencement of the development, details of Reasonable Avoidance Measures for Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. In order to comply with the policy and guidance of the Local Planning Authority in relation to the provision of open space in conjunction with new development.

3. In the interests of visual amenity/character and appearance of the area.

4. To ensure a satisfactory standard of development, in the interests of visual amenity.

5. To ensure a satisfactory standard of development, in the interests of visual amenity.

6. In the interests of visual amenity/character and appearance of the area.

7. To provide for the loading, unloading and parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

8. To ensure the formation of a safe and satisfactory access

10. In the interests of highway safety.

11. In the interests of historical recording.

12. In the interests of nature conservation.

13. In the interests of nature conservation.

NOTES TO APPLICANT:

In relation to protected species matters, you are advised that you will require a Licence from NRW. The Licence application will need to be accompanied by a Method Statement containing details of mitigation and compensation for minimising short and long term impacts on the bats, this should include a suitable post construction monitoring audit.

Please see attached details relating to Great Crested Newt Reasonable Avoidance Measures CH1 CH3.

In relation to condition 3, lime pointing will be required.

Agenda Item 10

WARD: Tremeirchion

WARD MEMBER(S): Cllr Barbara Smith

APPLICATION NO: 41/2013/0858/ LB

PROPOSAL: Listed Building Application for conversion, partial demolition and alterations of former public house to form 1 dwelling with new detached garage at rear

LOCATION: Dinorben Arms Public House Bodfari Denbigh

APPLICANT: ABC&D Limited Tony Thackeray

This page is intentionally left blank

Heading:

REFERENCE NO 41/2013/0858/LB
DINORBEN ARMS PUBLIC HOUSE
BODFARI

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

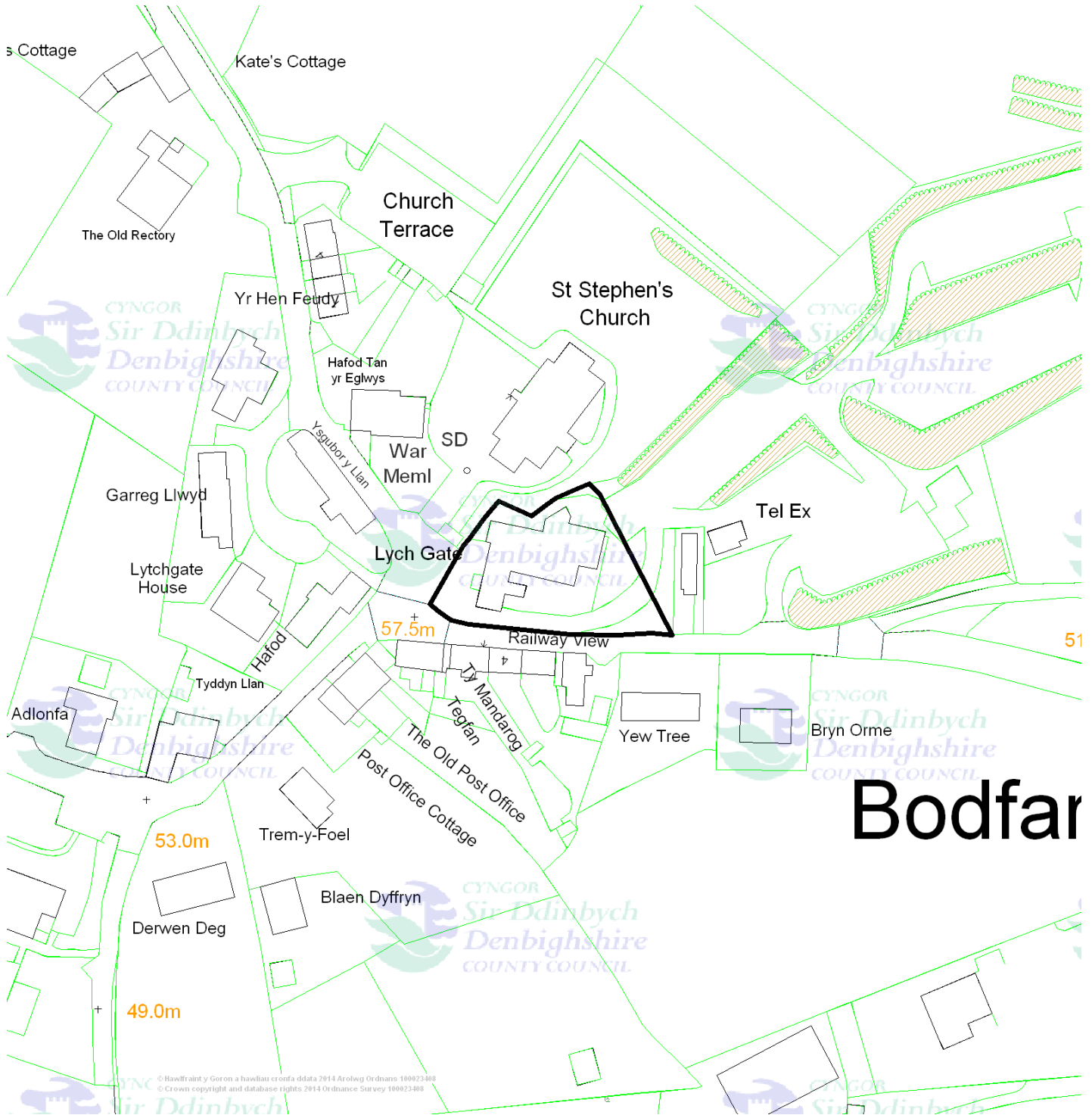
 Application Site

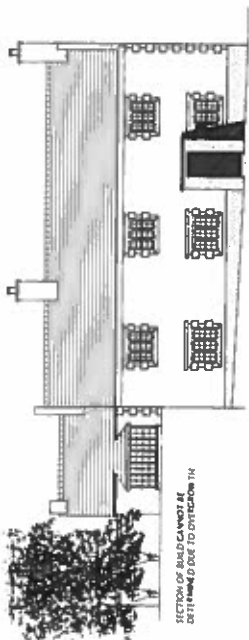


Date 29/9/2014
Centre = 309255 E 370085 N

Scale 1/1250

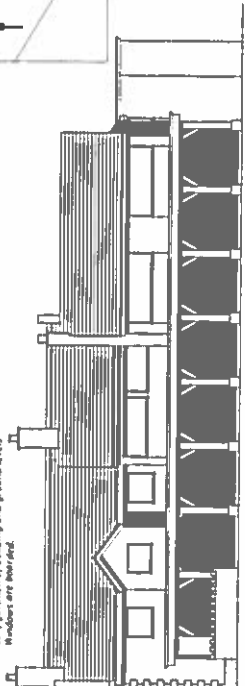
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



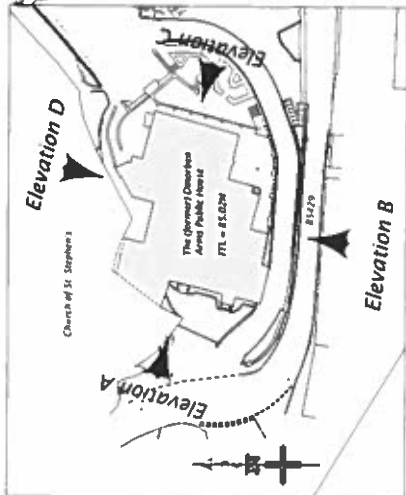


Front elevation - elevation A-west

Rear elevations are made up of mass timber boarding with white render panels. Actual type of panels is difficult to assist due to the way the boarding and ground levels. Windows are boarded.

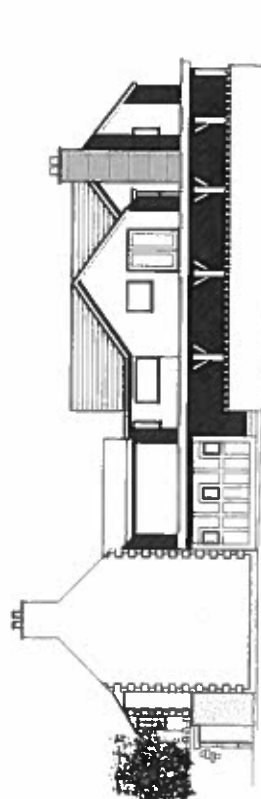


Side elevation - elevation C-east

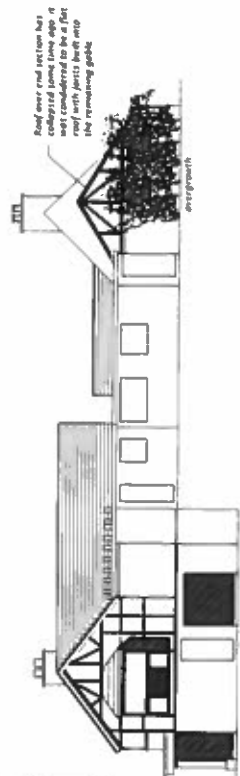


Elevation D

Elevation B

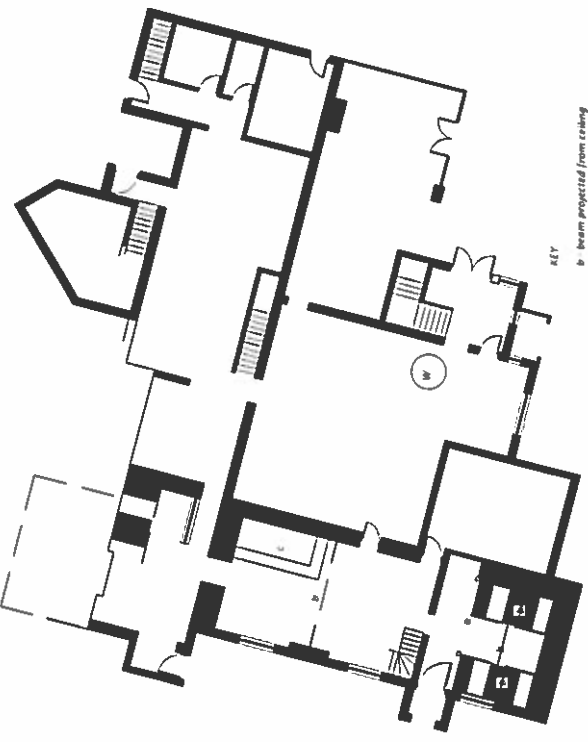


Side elevation - elevation B south, as viewed from the BS429



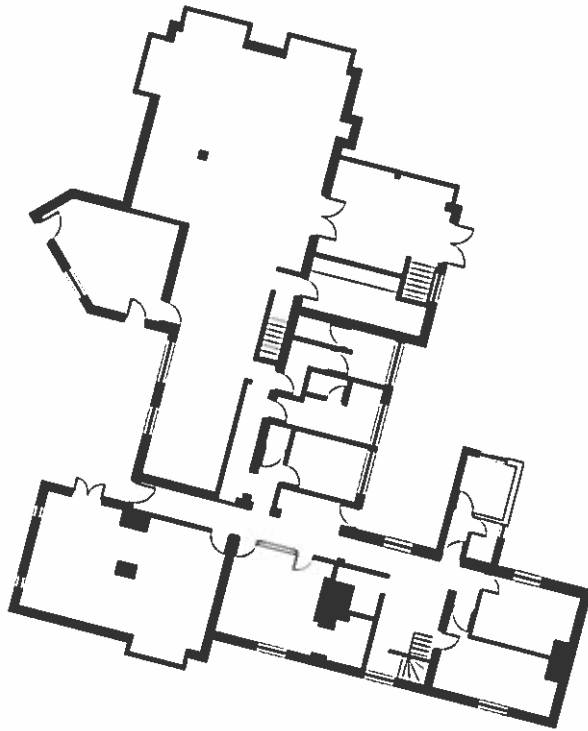
Side elevation - elevation D north

Red roof end section has collapsed along slope and is not considered to be a flat roof with joints built into the remaining gable.



Ground floor layout plan

Existing Ground floor area - 316.97m² / 4057.25sq ft



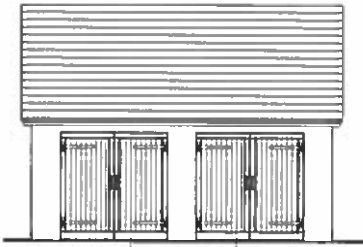
First floor layout plan

Existing first floor area - 312.63 m² / 338.54sq ft

Party Davies Architects, Chartered Architects.	
The Drummer Arms, Bedford 2116 4DA	Project No. 13 5489/J
As Existing	Scale 1:50 (1:100)
Number 11, 20, North Walsham Business Park, North Walsham, Norfolk, Great Britain (NR24 4JL)	Date 16.10.17 (Revised 19.10.17)

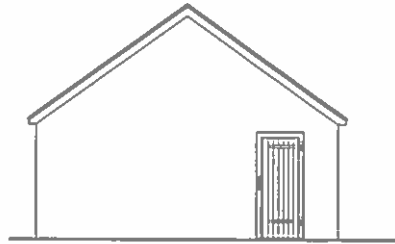


NEW GARAGE



Front elevation

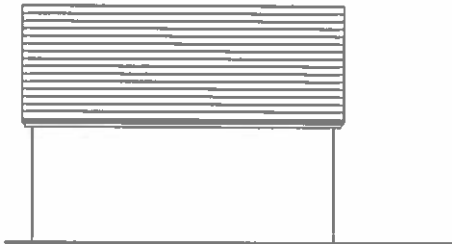
Battered and frame doors with T hinges and pull handles



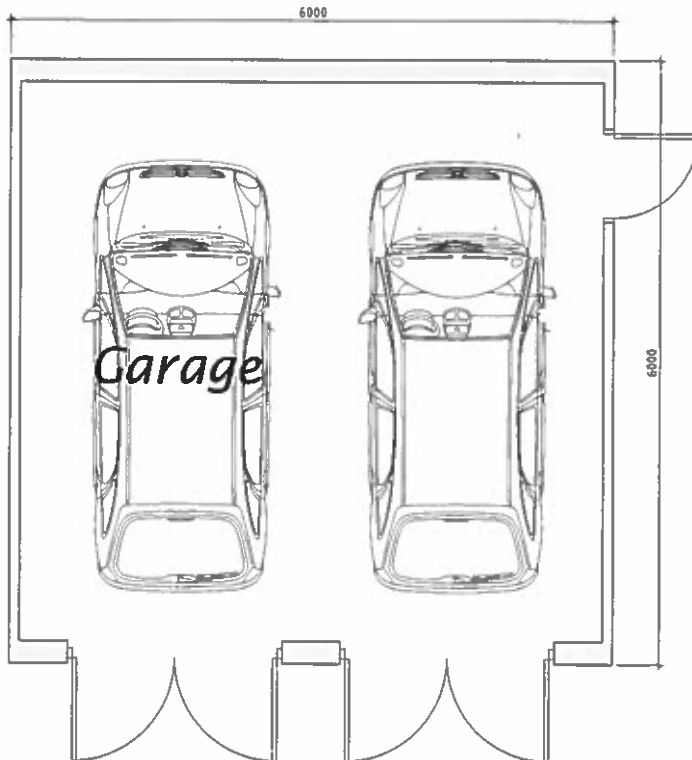
Side elevation



Side elevation



Rear elevation



© COPYRIGHT IN MY MAIL. CITE KIDMILSUNSHINEMATE. REPORT ANY ERRORS OR OMISSIONS TO ARCHITECT



Parry Davies Architects.

Chartered Architects.

PROJECT TITLE: **The Dinorben Arms, Bodfari LL16 4DA**

DATE	SCALE	DRAWN	CHECK
June 2013	1:100 / 50 @ A3	KEG	

DRAWING TITLE: **Proposed Garage**

DRAWING NO.	REV
13.5449/6	

Barclays Buildings, High Street, St Asaph, LL17 0RF

Tel: 01745 585517 Fax: 01745 582162. E-mail: PDA@architects@aol.com

ITEM NO:

WARD: Tremeirchion

WARD MEMBER(S): Cllr Barbara Smith

APPLICATION NO: 41/2013/0858/ LB

PROPOSAL: Listed Building Application for conversion, partial demolition and alterations of former public house to form 1 dwelling with new detached garage at rear

LOCATION: Dinorben Arms Public House Bodfari Denbigh

APPLICANT: ABC&D Limited Tony Thackeray

CONSTRAINTS: Listed Building
Conservation Area
AONB

PUBLICITY UNDERTAKEN: Site Notice – Yes
Press Notice – Yes
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

BODFARI COMMUNITY COUNCIL

“It was **RESOLVED** to recommend refusal on the following grounds:-

- (1) Contrary to policy BSC12 no evidence has been submitted to show that the continued use of the Dinorben Arms as a public house is un-viable or unsuitable. The applicant’s comments on the reason for closure of the public house are speculative and not supported by any evidence.
- (2) Policy PSE3 : again the applicant’s claims are speculative and no evidence has been provided in support either as to the reasons for closure or of the alleged attempts to market the property.
- (3) POLICY PSE10 :The suggestion that, because the area has still been able to meet a range of local employment needs does not, in itself, demonstrate that its loss is without effect on the local economy. The effect such services have in performing a vital role in meeting the daily needs of people is emphasised in the justification to this policy. The Dinorben Arms, throughout its existence as a functioning public house, has been a major source of employment, predominantly within the village and its immediate surroundings.
- (4) In the absence of cogent arguments based on firm evidence of non-viability or unsuitability, the council take the view that this application is premature and lacking in substance.

THE GEORGIAN GROUP

No objection in principle to the demolition of the modern extension to the rear of the property, it is unsightly and detracts from the simple and traditional character of the original fabric. Overall the proposed development is sympathetic to the original fabric and will preserve and enhance this important local building.

ROYAL COMMISSION ON THE ANCIENT AND HISTORICAL MONUMENTS OF WALES

The Dinorben Arms was listed for its special interest as a C17th house in the vernacular tradition remodelled in the C19th. The Dinorben Arms has been closed for some time and is rather derelict and the proposals to refurbish it are therefore to be welcomed. Do not need to make a special record of the building before demolition.

ANCIENT MONUMENTS SOCIETY

Has concerns over the way the proposals for Listed Building Consent have been presented.

COUNCIL FOR BRITISH ARCHAEOLOGY

No response received

VICTORIAN SOCIETY

No response received

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

No response received

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection, suggests a photographic survey condition.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Conservation Architect

No objection, supports the proposals to reinstate and renovate the Listed Building subject to conditions requiring additional details of the scheme.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

J. & G. Barnes, Hafod Tan Eglwys, Bodfari

J. & J. Pearce, Yr Hen Feudy, Bodfari

Mrs Muir, Minehead, Bodfari

Dee & Alex Jones, Bella Vista, Bodfari

Glynis Shaw, Castell House, Bodfari

Jenny Potter, Rectory, Caerwys (with 39 names listed)

Summary of planning based representations in objection:

Loss of Public House, Tourist facility & Community Facility :Would like to see it reopened as a pub;

Visual Impact

Detrimental effect on the character of the neighbourhood, Conservation Area and AONB by closing off the open front of a historic listed building and suburbanising the heart of the community;

EXPIRY DATE OF APPLICATION: 9/9/2013

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 proposal is for Listed Building Consent, relating to works on The Dinorben Arms in Bodfari in relation to its conversion to a single dwelling, which includes partial demolition.
- 1.1.2 The application comprises of the plans showing the proposals, and a Listed Building Appraisal. This summary contains reference to the proposals and design considerations, restoration intentions and aspirations and to considerations given to the impacts on the listed buildings.
- 1.1.3 Members are referred to the plan at the front of the report for details of the proposed scheme.

1.2 Description of site and surroundings

- 1.2.1 The Dinorben Arms is a 2 storey property located in the centre of the village of Bodfari. The property was formerly in use as a Public House, which is understood to have closed in 2007.
- 1.2.2 The property has an existing vehicular access, and also located to the rear is a large tiered car park with separate access off the main village road.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Bodfari.
- 1.3.2 The Dinorben Arms is a Grade II Listed Building located within the Bodfari Conservation Area.

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 Amended plans and additional information relating to the Listed Building application resulted in a Listed Building Appraisal being submitted.

1.6 Other relevant background information

- 1.6.1 The Dinorben Arms was classed as vulnerable in the 2011 Listed Buildings at risk survey, which is the Council's most up to date survey. The building is on the Council's eyesore site list and has been for 3 years.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None

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 VOE 1 - Key areas of Importance

Supplementary Planning Guidance
 Supplementary Planning Guidance 14: Listed Buildings

Government Policy / Guidance
 Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Impact on the character and appearance of the Listed Building

4.2 In relation to the main planning considerations:

Impact on the character and appearance of the Listed Building

The site is located within the settlement boundary of Bodfari, comprising a Grade II Listed Building located within a designated Conservation Area.

Policy VOE 1 of the Denbighshire Local Development Plan looks to protect sites of built heritage and historic landscapes, parks and gardens from development that would adversely affect them. It indicates development proposals should maintain and wherever possible enhance these areas for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales 7, 2014 (PPW) confirms the general presumption in favour of preservation of listed buildings. The continuation or reinstatement of the original use should generally be the first option when the future of a listed building is considered. It recognises that not all original uses will now be viable or necessarily appropriate and that the application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.

Planning Policy Wales, Section 6.5.9 confirms that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest which it possesses. (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Welsh Office Circular 61/96 (Planning and the Historic Environment: Historic Buildings and Conservation Areas), provides general guidance on the principles applied to proposals involving listed buildings, and issues relevant to the consideration of applications. The 4 issues are identified as:

- i. The importance of the building, its intrinsic architectural and historic interest and rarity in both national and local terms
- ii. The particular physical features of the building which justify its inclusion in the list
- iii. The building's setting and its contribution to the local scene
- iv. The extent to which the proposed works would bring about substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.

The Community Council have not raised any specific objections relating to the Listed Building Consent. Their concerns over the principles of the change of use are addressed in consideration of the accompanying planning application in the previous item on the agenda. Local residents have made general comments in terms of the general impact of the proposal on the visual amenity of the area and the historic environment which has also been considered in the assessment of the planning application. No specific concerns have been raised relating to the Listed Building Consent application.

The Council's Conservation Architect has been consulted and has been supportive of

the proposals, in particular the demolition of the extensive flat roof extensions to the rear of the building. The removal of these is considered to greatly enhance the original character of the listed building and the internal plan form is positively restored. The building has been subject to further deterioration over the years and its preservation and conservation is of key importance. Its location, in the middle of the village and next to several other listed buildings and structures – The Church of St. Stephen, the lych gate and step of the church, and Hafod Tan y Eglwys – creates a townscape of high significance. Listed building consent is recommended, subject to clarification being sought in relation to some points of detail, in addition to the need to submit some additional details which are suggested as conditions. The building has declined since Denbighshire County Council's 2002 listed buildings at risk survey from Not at Risk (Category 5) to Vulnerable (Category 4) in 2011. It is now considered to be at risk by the Council. The proposals will secure its preservation.

Whilst acknowledging the basis of representations, based on the response from the Conservation Architect, the proposals are considered to be acceptable and respect the site's historic and visual significance, and the aim to preserve and enhance the building and surrounding area. On these grounds, Officers consider there would be no unacceptable adverse impact on the character and appearance of the Listed Building.

5. SUMMARY AND CONCLUSIONS:

The recommendation is to Grant Listed Building Consent subject to conditions, and to referral of the application to CADW, to determine whether to authorise the County Council to grant consent.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. **PRE COMMENCEMENT CONDITION**
No development shall commence until a method statement and schedule of works identifying protective measures to secure the safety and stability of that part of the Listed Building which is to be retained have been submitted to and approved in writing by the Local Planning Authority. Such steps shall include, in relation to the part of the listed building to be retained, measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface and to provide protection for the building against the weather during the progress of the works.
3. Notwithstanding the plans submitted, a site analysis of the exposed elevations that are currently inaccessible shall be undertaken in presence of the Council's Conservation Officer. Any features of interest uncovered by the execution of the approved alterations should be recorded and the advice of the Conservation Officer should be sought prior to any further works.
4. A window schedule shall be undertaken and submitted to and approved by the Local Planning Authority prior to any repair or restoration works undertaken.
5. Notwithstanding the details submitted, cast iron rainwater goods shall be installed on the property.
6. **PRE COMMENCEMENT CONDITION**
No development shall commence until details of all external materials including paint colours, render type and finish, pointing, slates and ridge tiles have been submitted to and approved in writing by the Local Planning Authority.
7. All other repair work outlined in the Listed Building Appraisal dated January 2014 PDA Ref: 13.5449/7 shall be undertaken in strict accordance with the submitted detail unless otherwise agreed in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details.
8. Prior to installation, details of all new windows and doors, and internal joinery, shall be

submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with such approved details.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. To protect the Listed Building
3. To protect the Listed Building
4. To protect the character and appearance of the Listed Building.
5. To protect the character and appearance of the Listed Building.
6. To protect the character and appearance of the Listed Building.
7. To protect the character and appearance of the Listed Building.
8. To protect the character and appearance of the Listed Building.

NOTES TO APPLICANT:

None

Agenda Item 11

WARD: Prestatyn East

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

APPLICATION NO: 43/2014/0906/ AD

PROPOSAL: Installation of 2 externally illuminated fascia signs and
1 no. externally illuminated projecting sign

LOCATION: 79 High Street Prestatyn

APPLICANT: M & EMS Ltd

This page is intentionally left blank

ITEM NO:

WARD: Prestatyn East

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

APPLICATION NO: 43/2014/0906/ AD

PROPOSAL: Installation of 2 externally illuminated fascia signs and 1 no. externally illuminated projecting sign

LOCATION: 79 High Street Prestatyn

APPLICANT: M & EMS Ltd

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“Observation. The projecting sign should be refused due to adverse impact on conservation area.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

No objection following amendments from previous submission. Request clarification in relation to specific yellow to be used.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 23/09/2014

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for the erection of 2no. new externally illuminated fascia signs and 1no. new externally illuminated projecting sign at an existing food retailing premises.

1.1.2 The application is a re-submission following a previous refusal and dismissed appeal.

1.1.3 Materials proposed on the fascia signs are timber and aluminium lettering for the fascia sign and timber with vinyl graphics for the hanging sign.

1.2 Description of site and surroundings

1.2.1 The existing property is retail unit located within the town centre of Prestatyn.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the Development Boundary and designated town centre as defined by the Local Development Plan and the Prestatyn Conservation Area.

1.4 Relevant planning history

1.4.1 A previous application for advert consent refused due to the impact on the amenity of the locality.

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 43/2013/1321 - Display of 3 no. externally-illuminated fascia signs and 1 no. externally-illuminated projecting sign REFUSED under delegated powers 09/12/2013 and subsequently dismissed at appeal.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Government Policy / Guidance / Legislation

Planning Policy Wales Edition 5 November 2012

The Town and Country Planning (Control of Advertisements) Regulations 1992 (advertisement regulations)

3.2 Supplementary Guidance

SPG 17 - Advertisements

MAIN PLANNING CONSIDERATIONS:

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

3.3.1 Principle

3.3.2 Amenity of the Locality

3.3.3 Public Safety

3.4 In relation to the main planning considerations:

3.4.1 Principle

The advertisement regulations permit the display of advertisements, however powers of control are provided to Local Planning Authorities in order to ensure advertisements do not have unacceptable impacts. The proposal is therefore considered acceptable in principle subject to the assessment of impacts set out below. The advertisement regulations require that the assessment of issues are restricted to amenity of the locality and public safety. The Local Planning Authority can only refuse deemed consent against these criteria.

3.4.2 Amenity of the Locality

Under the advertisement regulations the Local Planning Authority may refuse to grant express consent in the interests of amenity. Particular regard should be given to features in the locality of historic, architectural, cultural or similar instance.

The Town Council have recommended that the proposed hanging sign should be refused. The Conservation Officer has raised no objection to the proposals subject to clarification of the specific shade of yellow to be used.

The comments of the Town Council are duly noted, however Officers do not consider that the proposed signage would have an unacceptable impact in relation to the amenity of the locality. In relation to the comments of the Conservation Officer it is considered that it would be reasonable to attach a condition to the permission requiring submission and agreement of the detail of the proposed yellow to be used.

3.4.3 Public Safety

Under the advertisement regulations the Local Planning Authority may refuse to grant express consent in the interest of public safety. Particular regard should be taken to the safety of any person who may use any road, railway, waterway, dock, harbour or aerodrome and whether any display of advertisements is likely to obscure, or hinder

the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air.

Having regard to the location and design of the proposed signage it is not considered that the proposal would have an unacceptable impact in relation to obscuring key views or creating a distraction to the public.

4. SUMMARY AND CONCLUSIONS:

The proposals would not have an unacceptable impact on amenity or public safety and are therefore recommended for approval.

RECOMMENDATION: APPROVE - subject to the following conditions:-

1. Prior to the display of the advertisement hereby approved, details of the proposed yellow to be used shall be submitted to and approved in writing by the Local Planning Authority - in the interests of protecting the amenity of the locality

NOTES TO APPLICANT:

Please note express consent is granted under the Town and Country Planning (Control of Advertisements) Regulations 1992 (advertisement regulations) and the permission granted is subject to a time limit of 5 years from the date of the grant of this permission.

Please also note the standard conditions that apply

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

This page is intentionally left blank

Agenda Item 12

WARD: St Asaph East

WARD MEMBER(S): Cllr Dewi Owens

APPLICATION NO: 46/2014/0710/ PF

PROPOSAL: Change of use of Class A1 shop to Class A3 restaurant and takeaway

LOCATION: Gwylfa Bronwylfa Square St Asaph

APPLICANT: Mr Steven Owen

This page is intentionally left blank

Heading:

REFERENCE NO. 46/2014/0710/PO

GWYLFA

BRONWYLFA SQ, 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

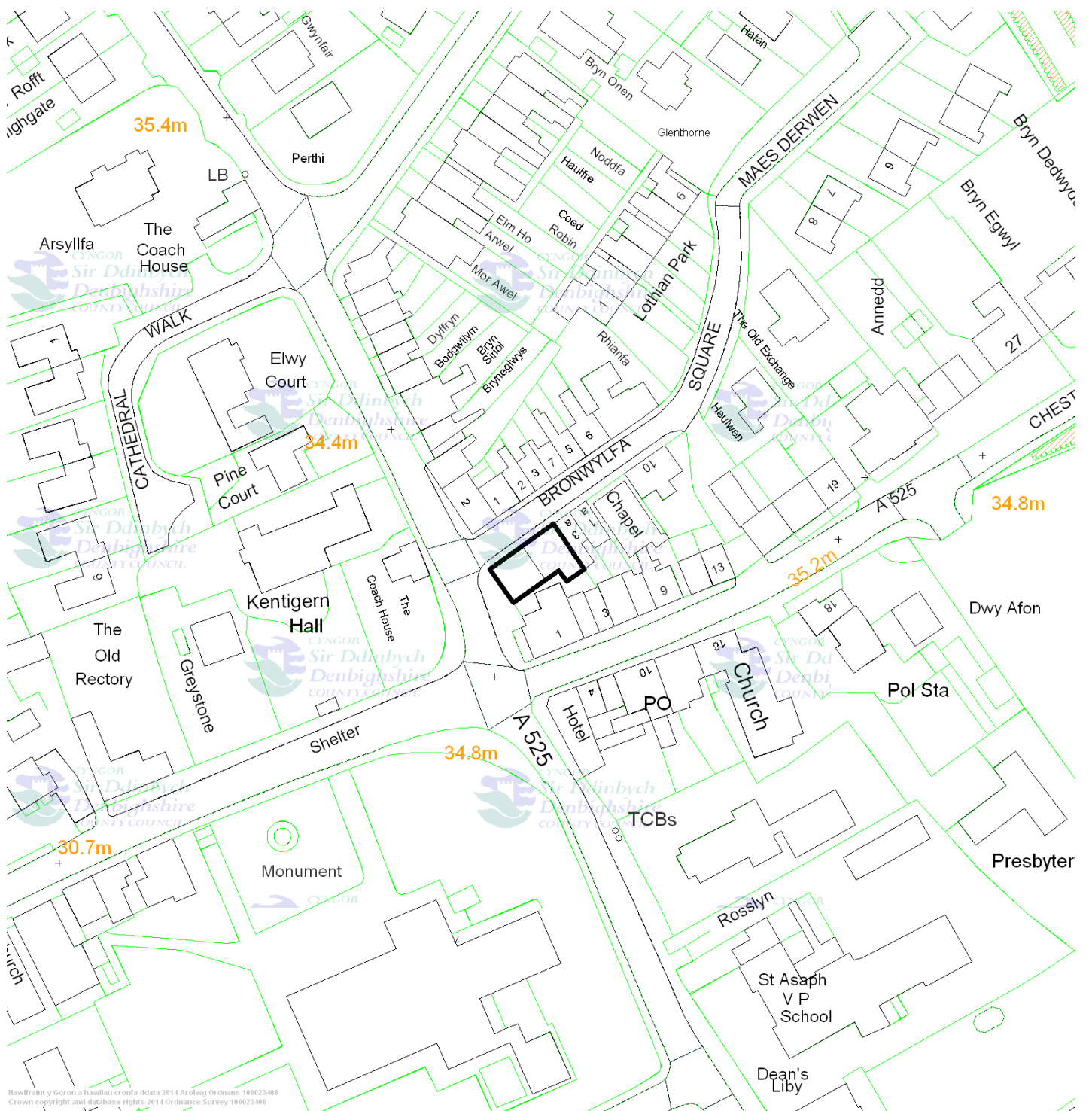


Date 25/9/2014

Scale 1/1250

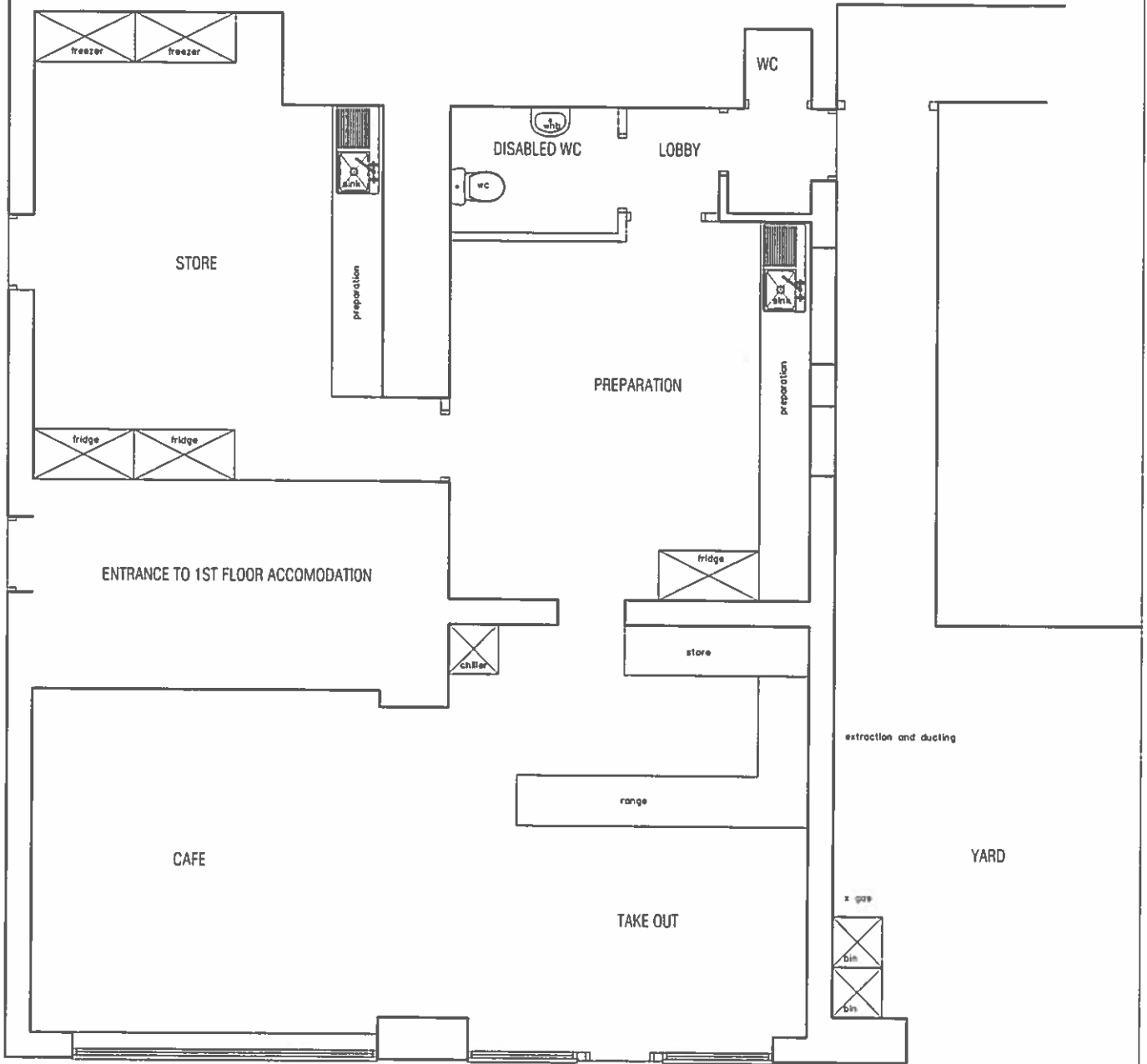
Centre = 303929 E 374407 N

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.



Hawffraint y Goron a hawlfraint cofrestru 2014 Ar olwg Ordnance Survey 100023408
Crown copyright and database rights 2014 Ordnance Survey 100023408

PROPOSED FLOOR PLAN



GROUND FLOOR PLAN

© COPYRIGHT. DO NOT SCALE. CHECK DIMENSIONS ON SITE. REPORT ANY ERRORS OR OMISSIONS TO ARCHITECT.



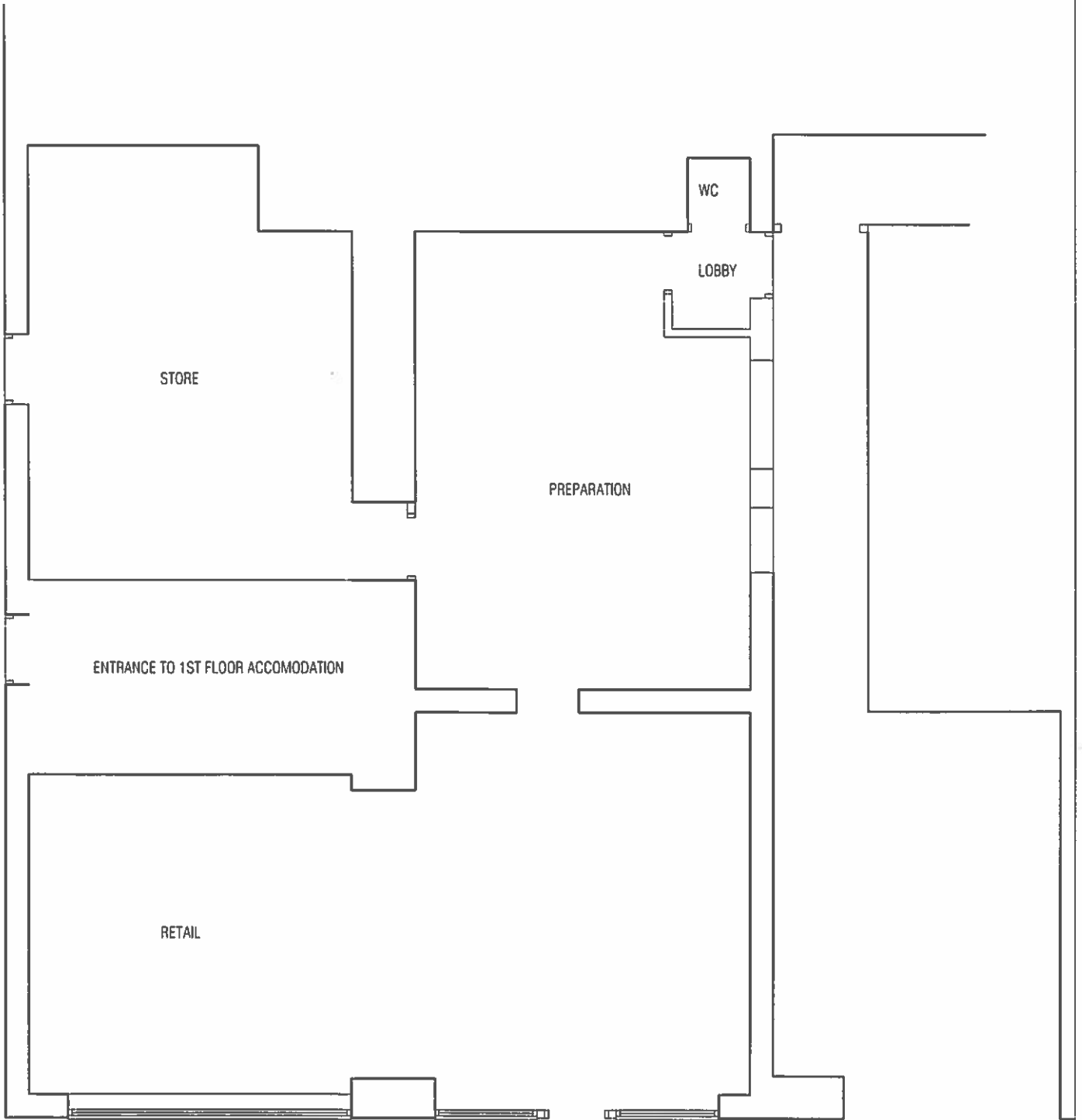
Parry Davies Architects.

Chartered Architects.

PROJECT TITLE	GWYLFY BRPNWYLFY SQUARE ST ASAPH		DATE	SCALE	DRWN	CHK
DRWG TITLE	PROPOSED GROUND FLOOR PLAN		JULY 2014	1:50 @ A3	RSG	
	Studio 55:20 North Wales Business Park Abergele LL18 7LJ		DRWG NOS.	14.5517/2		REV
			Tel 01745 585517		E-mail PDPArchitects@aol.com	

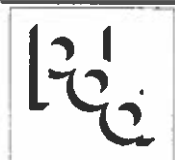
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

EXISTING FLOOR PLAN



GROUND FLOOR PLAN

© COPYRIGHT DO NOT SCALE. CHECK DIMENSIONS ON SITE. REPORT ANY ERRORS OR OMISSIONS TO ARCHITECT.



| | | | | | |
|--|--|--|--------------------|-------------|-----|
| Parry Davies Architects. | | Chartered Architects. | | | |
| PROJECT TITLE
GWYLFYA BRPNWYLFYA SQUARE ST ASAPH | | DATE
JULY 2014 | SCALE
1:50 @ A3 | DRWN
RSG | CHK |
| DRWG TITLE
EXISTING GROUND FLOOR PLAN | | DRWG NOS.
14.5517/1 | | REV | |
| Studio 55:20 North Wales Buisness Park Abergele LL18 7LJ | | Tel. 01745 585517 E-mail PDPArchitects@aol.com | | | |

Handwritten notes or markings at the top left of the page.

ITEM NO:

WARD: St Asaph East

WARD MEMBER(S): Cllr Dewi Owens

APPLICATION NO: 46/2014/0710/ PF

PROPOSAL: Change of use of Class A1 shop to Class A3 restaurant and takeaway

LOCATION: Gwylfa Bronwylfa Square St Asaph

APPLICANT: Mr Steven Owen

CONSTRAINTS:

PUBLICITY Site Notice – Yes

UNDERTAKEN: Press Notice – Yes

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

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

“Objections:

1. There already exists a high density of hot food outlets in the vicinity and the impact of another will reduce trade at existing outlets which are already suffering financial hardship.
2. The shopping and trading experience would be enhanced by having a variety of different shops.
3. The restaurant would increase traffic and parking at a busy junction.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection

Pollution Control Officer

No response received

Conservation Architect

No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:

E. Jones, 7, Bronwylfa Square, St. Asaph Lowri Williams, Jacobs Ladder, Mount Road, St. Asaph

Sandy Ding, 1B High Street, St. Asaph (letter has 6 additional names on without addresses)

Summary of planning based representations in objection:
No need for A3 use- overconcentration of A3 uses in St Asaph as existing.
Residential amenity issues- potential for noise and disturbance.
Highways- parking and traffic safety issues.
Hygiene issues- potential for vermin from proposed use.
Crime and anti-social behaviour- could be an issue of youths gathering at property.
Inappropriate development in proximity to a school.

EXPIRY DATE OF APPLICATION: 04/09/2014

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 relates to the use of, the former 'Simply Drinks' shop in St Asaph. The application proposes the change of use of the class A1 shop, to a class A3 restaurant and takeaway.
- 1.1.2 No external physical alterations are proposed to accommodate the change of use. Internally the unit will be divided into a sit down 'café' area and a takeaway. The remainder of the ground floor will serve as a storage area and kitchen.
- 1.1.3 There is first floor accommodation in the unit which will be accessed as existing from the northern side off Bronwylfa Square.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the eastern end of St Asaph centre. It lies opposite the A525 mini-roundabout with a frontage to Mount Road and Bronwylfa Square.
- 1.2.2 Simply Drinks operated from the shop previously, it is understood they ceased trading in April 2014.
- 1.2.3 To the south of the site is an A3 café Jacobs Ladder, which fronts Mount Road and Chester Street. On both sides of Chester Street there are a range of retail uses.
- 1.2.4 The eastern end of the town centre is detached from the main retail uses on the High Street as the Cathedral and St Kentigerns Hall lie between them.
- 1.2.5 To the north of the site, the area is primarily residential.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of St Asaph, and is designated a PSE 8 area, (which is Town Centre) in the Local Development Plan.
- 1.3.2 The site is also within the St Asaph Conservation Area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The application is supported by a Design and Access Statement and information from the applicant regarding the type of business they propose to operate. They have also carried out some surveys in the locality to gauge interest in their proposed Fish and Chip Shop and have submitted this to support their case. They have advised that they

propose to operate within the hours of 09.00-21.00 Monday to Saturday and 11.00-20.00 on Sunday.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

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 PSE8 – Development within town centres

3.1 Supplementary Planning Guidance
SPG Conservation Areas

3.2 Government Policy / Guidance
Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 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/Impact on Conservation Area
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Fear of crime
- 4.1.6 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site lies within an area defined Town Centre in St Asaph. Policy PSE 8 allows for development proposals within town centres provided they enhance the vitality and viability of the town centre and they do not result in an unacceptable balance of retail and non-retail uses. The policy recognises that town centres can appropriately accommodate non retail uses, but states that it is essential that the primary function of the town centre is not eroded by incremental development.

Guidance within Planning Policy Wales considers retailing within town centres, distinguishing between primary and secondary shopping centres. Primary shopping centres are characterised by a high proportion of retail uses while secondary frontages are areas of mixed commercial development including for example banks and restaurants. These uses are recognised as important services within town centres. Within the LDP, St Asaph has no

primary/principal shopping frontage, and therefore non retail uses may be permitted provided they enhance the vitality and viability of the town centre and they do not result in an unacceptable imbalance of retail and non-retail uses.

The proposal is for an A3 use for a vacant property which is currently making no contribution to the town centre. Whilst the site is adjacent to an existing A3 use, Jacobs Ladder cafe, this daytime café use is different to the proposed fish and chip shop. It is also acknowledged that there are a range other A3 uses within St Asaph, however it is considered that they are relatively spread out throughout the town, and that if permitted the proposal would not result in an unacceptable imbalance of retail and non retail uses on the eastern side of the town, as Class A1 retail use would remain the dominant use overall within this particular PSE 8 town centre area.

Whilst fully respecting the comments of the Town Council and objectors, Officers opinion is that owing to the character of the PSE8 area, and having regard to the actual number of Class A3 uses in proximity to the application site, there are no reasonable land use planning grounds to refuse permission. The change of use proposed is considered acceptable in line with the abovementioned retail policies of the LDP and Planning Policy Wales.

4.2.2 Visual amenity/ Impact on Conservation Area

Policies RD 1 requires due consideration of the impact of proposals on the historic environment.

As the scheme proposes no external changes and will utilise the same shop front, it is not considered that the application is contrary to any of the LDP policies or SPG relating to the Conservation Area.

4.2.3 Residential amenity

Policy RD 1 requires consideration of impacts on amenity, including those of occupiers of nearby residential property.

The site is located in the town centre, close to a junction with an A road. The hours of operation are proposed to be no earlier than 09.00 hrs and no later than 21.00 hrs on any day.

It is not adjudged that the scheme will cause any harm to local amenity given the location of the site within the defined town centre area. Therefore the proposal complies with RD1 criteria relating to amenity.

4.2.4 Highways (including access and parking)

Policy RD 1 requires due consideration of the impact of development on the local highway network.

There was no parking available for the previous use and none is proposed for the A3 use. It is noted that no objection to the proposal is raised by the Highway Officers. There is a public car park close to the site at the Cathedral and on street parking available on Mount Road.

Given the proximity of the public car park along with on-street parking it is not considered that the change of use proposed gives rise to any highways issues or conflicts with policy.

4.2.5 Fear of crime

Local Development Plan Policy RD 1 test (xii) requires account to be taken of personal and community safety and security in the design and layout of development and public and private spaces, and to have regard to implications for crime and disorder. This reflects general advice in Planning Policy Wales (Section 3.1).

The application proposes a change of use to a Fish and Chip takeaway and café; the hours of operation are set out in the supporting documentation.

Given the town centre location, the nature of the use and proposed hours of operation it is not considered that the change of use would have such detrimental impacts on community safety to warrant refusal of the proposal.

4.3 Other matters

The main planning considerations cover most of the points raised in representations. However one issue raised relates to the proximity to schools and the appropriateness of the change of use. Whilst the Courts have held that this is a reasonable planning consideration, there is currently nothing in the Local development Plan policy to cover the issue and although it is understood Officers are developing Supplementary Planning Guidance on Takeaways for consultation, and there will be a section within this on proposed exclusion zones for A3 uses near to schools, to date this guidance has not been finalised. Owing to this timing of the application, Officers consider it would be pre-mature to refuse the application based on this reason.

5. **SUMMARY AND CONCLUSIONS:**

5.1 On the basis of current planning policies and guidelines it is considered that that proposal is acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.

The reason for the condition is:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

This page is intentionally left blank

Report To: Planning Committee

Date of Meeting: 15th October 2014

Lead Member / Officer: Cllr David Smith, Public Realm/
Angela Loftus, Planning & Public Protection Policy
Manager

Report Author: Karsten Brußk, Planning Officer

Title: Adoption of draft Supplementary Planning Guidance note: 'Parking Requirements in New Developments'

1. What is the report about?

- 1.1 The report informs Members of outcomes from the 8 week public consultation exercise on the draft Supplementary Planning Guidance (SPG) note: 'Parking Requirements in New Developments', and recommends adoption in line with proposed document amendments.

2. What is the reason for making this report?

- 2.1 The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.
- 2.2 Development Planning & Policy carried out an 8 week public consultation exercise in March and April 2014, and discussed outcomes with Members at the LDP Steering Group meeting on 21st May 2014. Hence, a decision is required on the Council's intention to adopt the draft SPG.

3. What are the Recommendations?

- 3.1 It is recommended that Members adopt the draft SPG 'Parking Requirements in New Developments' in line with proposed amendments for the determination of future planning applications and appeals.

4. Report details.

- 4.1 If adopted, the draft Supplementary Planning Guidance (SPG) note will become one of a series of SPGs amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies or principles of development for individual site allocations in a format which aims to guide the process, design and quality of new development.
- 4.2 Following adoption of the LDP, updated SPGs are required to offer detailed guidance to assist members of the public, Members of the Council, potential

developers and Officers in discussions prior to the submission of and, consequently, in determination of future planning applications.

- 4.3 (UDP) SPG no. 21 was produced in line with national policies, parking standards, guidance and best practise in 2004. Henceforth, legislation and regulations have been amended, withdrawn or extended. CCS - Wales Parking Standards was published in 2008, which was produced on behalf of all 22 Welsh Unitary Authorities and the four regional transport consortia.
- 4.4 Members approved the draft document for an 8 week public consultation exercise at the Planning Committee on 22nd January 2014. They also resolved to include an additional note for the public reflecting the debate about insufficient parking space provisions in many settlements throughout the County. Accordingly, Appendix 4 was included in the draft SPG for public consultation.
- 4.5 The public was invited to comment on the draft document from 3rd March 2014 to 28th April 2014. Appendix 2 contains the consultation report which includes a summary of each response received and outlines proposed changes. If Members wish to see representations in full, they are welcomed to do so.
- 4.6 A total of 4 representations were received by the Council throughout the consultation period. None of them referred to matters that Members wished to be particularly highlighted in Appendix 4.
- 4.7 Respondents generally expressed concerns regarding an over-provision of parking spaces, and, therefore continue to encourage the use of private cars as the default transport option; considerations should be given to provide recharging facilities for electric cars; and the application of permeable surface to avoid greater surface water run-offs.
- 4.8 Proposed changes are shown as **highlighted** or ~~strikethrough~~ text in the SPG in Appendix 1.
- 4.9 Members should be aware that Housing and Community Development in joint working with Highways Services is in the process of reviewing the availability and pricing of off-street car parking spaces, policy for on-street parking restrictions and enforcement strategy. Heads of these two services took the report 'Parking Enforcement and its impact on Economic Development' to Communities Scrutiny Committee on 25th November 2013.
- 4.10 If the draft SPG becomes adopted it will be used in line with a suite of pertinent legal requirements and guidance on design, layout and safety standards. For example, residents will have restricted permitted development rights with regard to provide hard standing surfaces for car parking in front of their property.

4.11 Appendix 4 contains selected slides that were part of a presentation taken to the LDP Steering Group with the principal aim to show minimal differences between parking requirements calculated in line with the old and the proposed document.

5. How does the decision contribute to the Corporate Priorities?

5.1 Corporate Priorities 2012 – 17. The SPG will contribute positively to the following corporate priorities:

- Modernising the Council to deliver efficiencies and improve services for our customers by ensuring that planning guidance documents are up to date

6. What will it cost and how will it affect other services?

6.1 It is not envisaged that adopting the draft SPG will create any additional costs. Having clear guidance on the provision of parking spaces will not only benefit the Planning department but also Highways and other interested parties.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

7.1 The content of the draft SPG was screened for likely adverse effects on the eight protected characteristics before Members resolved granting permission to consult with key stakeholders and members of the public at Planning Committee on 22th January 2014. Since all proposed changes to the draft SPG are of minor factual character, it is not considered to be necessary to conduct a full EqIA for this SPG.

7.2 The Local Development Plan, on which this SPG is based, underwent a full EqIA as part of the Plan preparation process.

7.3 A copy of the draft SPG - EqIA screening document is attached for information in Appendix 3.

8. What consultations have been carried out with Scrutiny and others?

8.1 Officers from the Development Planning & Policy, Development Management and the Highways section were involved in drafting the SPG document. A workshop session was held with members of the LDP Steering Group in November 2013.

8.2 The Council consulted with statutory consultees, all City, Town and Community Council and members of the public on the draft document for a period of 8 weeks between 3rd March 2014 and 28th April 2014. The consultation exercise included public notices in local papers, press releases, and a letter to all people on the Denbighshire Local Development Plan 2006 – 2021 (LDP) database.

8.3 A discussion of the consultation results took place at the LDP Steering Group meeting on 21st May 2014.

9. Chief Finance Officer Statement

9.1 Any costs associated with the final guidance should be contained within existing budgets and therefore there are no obvious financial implications contained in the report.

10. What risks are there and is there anything we can do to reduce them?

10.1 There is a risk that the Council will be unable to provide accurate advice and service to its customers in the absence of any up-to-date planning guidance.

11. Power to make the Decision

11.1 Planning & Compulsory Purchase Act (2004).

**DRAFT Supplementary Planning Guidance Note:
Parking Requirements in New Developments (November 2013 October 2014)**

Content

| | |
|-------------------------------------|----|
| 1. Introduction | 02 |
| 2. Status and stages in preparation | 02 |
| 3. Background | 02 |
| 4. Policy | 03 |
| 5. Parking Standards | 03 |
| 6. Parking Zones | 05 |
| 6.1 Parking Zone 1 | 05 |
| 6.2 Parking Zone 2 | 09 |
| 7. Access for disabled people | 11 |
| 8. Cycle Parking Standards | 14 |
| 9. Motorcycle parking standards | 15 |
| 10. Landscaping | 16 |
| 11. Contacts / Sources | 17 |

Appendices

Figures

| | | |
|----------|---|----|
| Figure 1 | Alternative ways of arranging disabled parking spaces | 13 |
|----------|---|----|

1 Introduction

- 1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs) amplifying the development plan with the aim of improving the process, design and quality of new development. The notes are intended to offer more detailed guidance which will assist members of the public, Members of the Council, and officers in discussions prior to the submission of planning applications and assist officers and Members in determining planning applications.

2 Status and stages in preparation

- 2.1 The Council's SPG notes are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. ~~This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on 22.01.2014.~~ **This SPG was formally adopted by Denbighshire County Council's Planning Committee on XXXX.**
- 2.2 This note has been prepared in accordance with guidance contained in Planning Policy Wales Edition 5 7 (~~November 2012~~ **July 2014**), Technical Advice Note (TAN) 18: Transport, and Local Development Plans Wales (Welsh Government 2005).

3 Background

- 3.1 The availability of car parking is a key element in managing car use and a major influence on the choice of transport. Car parking can take up large amounts of space in developments thereby reducing densities. Poor design and layout of parking areas can make it more difficult to provide effective walking, cycling, and public transport links.
- 3.2 Welsh Government (WG) is committed to implementing the principles of sustainable development in planning policies and, hence, into new developments with high quality design. Local planning authorities are advised to ensure new developments include facilities to promote sustainable transport. Applicants should be aware that new developments must make provision for the safe cycle parking. A series of standards have been adopted for different types of development (see Section 8).
- 3.3 The parking standards are based on the following factors:
- A recognition that the availability of parking influences choice of means of transport;
 - The need to reduce reliance on the motor car and promote other means of travel;
 - Making the best use of the existing transport network; and
 - The need to promote regeneration and investment in Denbighshire.

- 3.4 Where major developments are proposed (for example, a large industrial unit, office complex or housing scheme) car parking provision should be reduced, and the development should incorporate measures to further reduce reliance upon travel by car. Such measures should be detailed within the Travel Plan, produced by the applicant. Travel Plans propose measures that promote environmentally friendly forms of travel in preference to the car. To encourage cycling, measures could include financial incentives for cyclists and the provision of facilities such as showering and changing areas.
- 3.5 The parking standards laid out in this document were prepared on the basis of the following documents:
- County Surveyors' Society (Wales) (CSS Wales): Wales Parking Standards (2008); The document was produced on behalf all 22 Welsh Unitary Authorities and the four Welsh regional transport consortia: Sewta, SWWITCH, Taith and TraCC;
 - Department for Transport: Inclusive Mobility (2005); and
 - Denbighshire County Council Supplementary Planning Guidance Note 21: Parking Requirements in New Developments (2004), a document that supplemented Unitary Development Plan policy TRA9 'Parking & Service Provision'.

4 Planning Policy

- 4.1 The parking standards have been updated to reflect WG and Council policy on transportation and land use planning. National and local planning policy is contained in Planning Policy Wales (~~Edition 5 – November 2012~~ **Edition 7 – July 2014**), Technical Advice Note (TAN) 18: Transport (2007) and the Denbighshire Local Development Plan 2006 – 2021 (LDP), adopted June 2013.
- 4.2 In line with national policy, justification of LDP policy ASA3 states *“Maximum parking standards will be applied throughout the County to reduce the over-reliance on the car. Their purpose is to minimise individual car-based trips and to promote sustainable transport means.”* This SPG supplements LDP policy ASA3 in laying out the parking standards to be applied in Denbighshire.
- 4.3 It should be noted that the following car parking standards are maximum standards for each land use category. Where the maximum is not provided the developer will be required to show the scale, i.e. frequency and length, of the journeys to the site and, if parking demands exceed proposed parking provision, how the resulting shortfall will be catered for.
- 4.4 Additional guidance on parking design principles for West Rhyl can be found in LDP Supplementary Planning Guidance Note (SPG) 03: West Rhyl, and further guidance on specific requirements for disabled people is laid out in SPG 08: 'Access for all'. Applicants should also refer to WG Technical Advice Note 12: Design (2009) and The Chartered Institution of Highways & Transportation: Manual for Streets 2 (2010) for guidance on best practise

with regard to layout and design.

5 **Parking Standards**

5.1 Parking Standards apply throughout the County with the following exceptions:

- Where the implementation of these standards would cause road safety or congestion problems additional provision will be required.
- There may be occasions when a particular development does not justify the levels of parking indicated. The Authority may give consideration to a variation in standards relating to the nature of development, a lower level of car ownership in urban areas and those well serviced by public transport. In these circumstances, a fully reasoned assessment of the parking provision proposed (covering areas such as existing public transport or parking provision) will be the subject of negotiation with the Council.
- Variations may be allowed in the light of local circumstances (e.g. the availability and existing capacity of nearby parking and public transport). Each planning application will be assessed on their own merits according to the size, nature, location, density, employment and traffic generation characteristics of the proposed development. Planning policies which seek to maintain the town centre and other areas designated as main centres for development activity in the County are also relevant considerations. In certain circumstances, e.g. Conservation Areas, modifications of the standards may be allowed in order to preserve built / natural environmental conditions.
- Innovative car free housing schemes will be considered on their merits.

5.2 In assessing the parking requirements for a particular development, the Council will need to take into account a number of factors in relation to the development and its location. These are listed below. However it should be noted that some of these factors are outside direct planning control, e.g.:

- a) accessibility to and the service provided by the public transport system;
- b) the availability of private buses or the extent of car pooling;
- c) the relative proportions of full time / part time / local catchment of labour;
- d) accessibility by walking and cycling; and
- f) accessibility to and the availability of public and/ or private car parking space in the vicinity.

5.3 The full operational standard will normally be expected together with the non-operational standard for employees' vehicles and in certain cases for visitors. (Definition of individual terms and notes can be found in Appendix 1). Where possible, developers will be required to provide all the parking space within the curtilage of the site. Section 106 Agreements may be negotiated with developers and these can include a number of measures to mitigate the potential impact of development and to address concerns.

- 5.4 Major developments will have implications on existing travel patterns in an area. Locating retail, housing, education facilities and health services can cause change to travel directions, travel frequencies and the choice of means of transport. A Transport Assessment for a proposed development should assist in predicting implications and identifying measures to counteract the likelihood of negative impacts. Like non-motorised user audits, the conclusions and recommendations of a transport assessment should be incorporated into the development proposal. Information with regard to transport assessment requirements and process can be found in Technical Advice Note (TAN) 18: Transport, Appendix D.

6 **Parking Zones**

- 6.01 The parking standards are laid out for two principle parking zones that reflect differing requirements for individual car-based trips in the County's urban and rural areas, availability of public transport services and infrastructure provision.
- 6.02 The following two principal zones were defined with regard to the spatial strategy as laid out in the Denbighshire Local Development Plan 2006 – 2021 (LDP)¹ Their spatial demarcation is based on development boundaries (LDP policy RD1) or areas of search (LDP policy BSC6) as shown on the LDP proposals maps.
- 6.03 Every development proposal has to be determined on its own merit including local circumstances such as, public transport and existing parking provisions. LDP policy ASA3 wording already reflects this approach. However, if applicants wish to deviate from the parking standards as set out in this document, because the transport assessment indicates so, they are expected to fully justify their approach in the Design and Access Statement.
- 6.04 At the time of writing, Denbighshire County Council is reviewing its parking and enforcement policy which will consider factors such as the availability and pricing of off-street car parking spaces, on-street parking restrictions and enforcement strategy. Once ratified or adopted, those results and findings may be used to inform the determination of parking requirements for individual developments.
- 6.05 Parking standards for disabled people are laid out in section 7, and for cycle and motorcycle spaces can be found in section 8 and 9 respectively.

6.1 **Parking Zone 1**

- 6.11 Parking Zone1 includes the towns of Rhyl, Prestatyn, Denbigh, Ruthin, Corwen, Llangollen, Rhuddlan, Bodelwyddan, and the City of St Asaph. Every settlement in this category is delineated by a development boundary (LDP policy RD1) which is shown as a red outline on the LDP proposals maps. In addition, employment land at St Asaph Business Park is included in

¹ Denbighshire LDP (2013), Chapter 5 'Denbighshire's Local Development Plan Strategy', p.11

this zone.

6.12 In Denbighshire, these towns and the City of St Asaph are regarded by local people as their destination for most activities which are not met within their own settlement. The area has a full range of retail activity, doctor's surgery and many commercial businesses, all within walking distance. Built density is high with little private car parking.

6.13 Further explanatory notes relating to individual types of development can be found in Appendix 2.

| Residential: New build & Conversion | | | |
|--|--|---------------------------------|---|
| Type of Development | Residents | | Visitors |
| <i>General Purpose - Houses and Apartments</i> | | | |
| Houses | 1 space per bedroom
(maximum requirement 3 spaces) | | 1 space per 5 units |
| Apartments | 1 space per bedroom
(maximum requirement 3 spaces) | | 1 space per 5 units |
| House conversions to bedsits, or self-contained apartments | 1 space per bedroom
(maximum requirement 3 spaces) | | 1 space per 5 units |
| House conversions to residential hostel | 1 space per resident staff
1 space per 3 non-resident staff | | Nil |
| <i>Special Purpose Housing</i> | | | |
| Self-contained elderly persons dwellings (not wardened) | 1 space per 2 – 4 units | | 1 space per 4 units |
| Self-contained elderly persons dwellings (wardened) | 1 space per 4 units
1 space for warden
1 space per 2 ancillary staff | | 1 space per 4 units |
| Purpose built student accommodation under College/ University control | 1 space per 25 beds for servicing, wardens and drop-off areas | | 1 space per 10 beds (for students &/ or visitors) |
| Residential childrens'/ homes for elderly persons/ nursing homes | 1 space per resident staff
1 space per 3 non-resident staff | | 1 space per 4 units |
| Offices – Use Class B1 Business, Class A2 Financial & Professional Services | | | |
| Type of Development | Requirement | Type of Development | Requirement |
| Offices (< 1000m ²) | 1 space per 35m ² | Offices (> 1000m ²) | 1 space per 60m ² |
| Shops (including Supermarkets & Superstores) | | | |
| Type of Development | Operational | | Non-operational |
| Shops (< 200m ²) | 1 commercial vehicle space | | 1 space per 60m ² |
| Shops and small supermarkets (201m ² - 1,000m ²) | 2 commercial vehicle space | | 1 space per 40m ² |
| Shops and small supermarkets (1,001m ² - 2,000m ²) | 3 commercial vehicle space | | 1 space per 40m ² |
| Supermarkets & Superstores | 3 commercial vehicle space | | 1 space per 14m ² |

| (predominantly food)
(> 2,000 m ²) | | |
|--|--|--|
| Retail Warehousing and Garages | | |
| Type of Development | Operational | Non-operational |
| Retail Warehousing (non-food) (non-DIY) (> 1,000m ²) | 3 commercial vehicles spaces | 1 space per 30m ² |
| Retail Warehousing (DIY & Garden Centres) (> 1,000m ²) | 3 commercial vehicles spaces | 1 space per 20m ² |
| Builders Merchants (Trade & Retail) | 3 commercial vehicles spaces | 1 space per 80m ² & 10% of GFA |
| Cash & Carry Warehousing (Trade Only) (> 1,000m ²) | 3 commercial vehicles spaces | 1 space per 50m ² |
| Open Air Markets & Car Boot Sales | 1 space per stall pitch | 1 space per 30m ² of gross stall pitch area including pedestrian circulation area |
| Garages | 1 car/ lorry space per each car/ lorry service bay | 2 car/ lorry spaces per each service bay |
| Service Stations (exhausts, MoT, tyres etc.) | 1 lorry space & 20% of GFA | 2 car/ lorry spaces per each service bay |
| Petrol Filling Stations | 1 space for petrol tanker | 4 spaces for ancillary use (eg automatic car wash) |
| Car Sales Premises | 1 space per car transporter | 1 space per 50m ² of retail area (internal & external) |
| Motorcycle Sales Premises | 1 commercial vehicle space | 1 space per 50m ² of retail area (internal & external) |
| Driving Schools, Private Hire / Vehicle Hire, Licensed Taxis | 1.25 spaces per vehicle operated | 1 space per 3 auxiliary staff |
| Industry and Industrial Warehousing (including Use Classes B2 & B8) | | |
| Type of Development | Operational | Non-operational |
| Small Industry (< 100m ²) | 1 van space | 1 space |
| Small Industry (< 235m ²) | 1 van space | 2 spaces |
| Industry | see Annotation* | 1 space per 120m ² |
| High Technical Industry | see Annotation* | 1 space per 35m ² |
| Industrial Warehouse | see Annotation* | 1 space per 140m ² |
| Storage Warehouse | 1 commercial space per 500m ² | Nil |
| Distribution Centre (< 1,000m ²) | 35% of GFA | 1 space per 120m ² |
| Distribution Centre (> 1,000m ²) | 25% of GFA | 1 space per 120m ² |

Annotation* - Operational requirements:

| GFA (m ²) | Minimum (m ²) | GFA (m ²) | Minimum (m ²) | GFA (m ²) | Minimum (m ²) |
|-----------------------|---------------------------|-----------------------|---------------------------|-----------------------|---------------------------|
| 100 | 70 | 500 | 100 | 1,001 | 150 |
| 250 | 85 | 1,000 | 150 | 2,000 | 200 |

Above 2,000m² GFA, the required minimum operational area should be taken as 10% of GFA.

| Places of Entertainment | | |
|--------------------------------|-------------|-----------------|
| Type of Development | Operational | Non-operational |

| | | |
|---|--------------------------------|--|
| Children's Play Centres | 1 space per 3 members of staff | 1 space per 20 m ² play area |
| Type of Development | Operational | Non-operational |
| Assembly Halls (Commercial) e.g. Bingo Hall | 1 commercial vehicle space | 1 space per 8m ² |
| Assembly Halls (Social) e.g. Unlicensed Club, Community Centres | 1 commercial vehicle space | 1 space per 15m ² |
| Cinemas, Theatres & Conference Centres | 1 commercial vehicle space | 1 space per 5 seats |
| Hotels and Restaurants | | |
| Type of Development | Operational | Non-operational |
| Hotels | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per bedroom |
| Public Houses & Licensed Clubs | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per 5m ² of public area including servery |
| Restaurants | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per 7m ² of dining area |
| Cafes & Drive-Thru Restaurants (see Annotation*) | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per 14m ² of dining area (or part thereof) |
| Hot Food Takeaways | 1 commercial vehicle space | 1 space for non-resident staff & adequate on-street parking for customers nearby |
| Transport Cafes | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 commercial vehicle space per 2 seats |

Annotation* - Restaurants including drive through facilities for ordering and collecting food by car must have an internal segregated access for this purpose and be provided with a minimum of 6 waiting spaces.

| | | |
|---|--------------------------------|---|
| Community Facilities | | |
| Type of Development | Operational | Non-operational |
| Hospitals* | Essential vehicles as required | 2.5 spaces per bed |
| Health Centres & Surgeries | 1 space per practitioner | 1 space per 3 ancillary staff & 3 spaces per practitioner |
| Churches & Places of Worship | 1 commercial vehicle space | 1 space per 10 seats or 1 space per 8m ² of praying floorspace |
| Chapels of Rest | 3 commercial vehicle spaces | as per Churches etc. |
| Funeral Homes | 3 commercial vehicle spaces | 1 space per 2 members of staff |
| Public Leisure Centres | 1 commercial vehicle space | 1 space per 2 facility users & 1 space per 3 spectators |
| Fitness Clubs, Leisure Clubs & Sports Clubs** | 1 commercial vehicle space | 1 space per 2 facility users |
| Marinas | 1 car and trailer space | 1 space per berth |
| Libraries | 1 commercial vehicle space | 1 space per 45m ² |

* - This level of provision would be appropriate for acute and neighbourhood District Hospitals. For other types of hospitals a lower level of provision may be acceptable.

** - Clubhouse bar and restaurant facilities must always be separately assessed

| Educational Establishment | | |
|--|---|---|
| Type of Development | Operational | Non-operational |
| Day Nurseries & Creches (new build property) | 1 commercial vehicle space | 1 space per 2 full time staff |
| Day Nurseries & Creches (converted property) | Included in non-operational requirement | 1 space per 2 full time staff |
| Nursery/ Infants/ Primary School | 1 commercial vehicle space | 1 space per each member of teaching staff & 3 visitor spaces, Bus parking as required |
| Secondary Schools | 1 commercial vehicle space | 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 20 students of age 17 and 3 visitor spaces, Bus parking as required |
| Colleges of Higher/ Further Education | 1 commercial vehicle space | 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 8 students and 5 visitor spaces. |

6.2 Parking Zone 2

6.21 Parking Zone 2 includes all settlements in the rural countryside of Denbighshire, i.e. villages, hamlets and individual buildings in the open countryside. Except buildings in the open countryside, these settlements are either delineated by a development boundary (LDP policy RD1) or an area of search (LDP policy BSC6) on the LDP proposals maps.

6.22 These settlements may have a small number of local facilities within walking facilities. Motorised travel is required for most journeys. Public services are less than hourly and then only to one local centre. There may be no shortage of land for parking provision within the site but the adjacent highway system offers limited opportunities to park cars.

6.23 Notes to individual types of development can be found in Appendix 2.

| Residential: New build & Conversion | | | |
|--|------------------------------|---------------------------------|------------------------------|
| Type of Development | Residents | Visitors | |
| - as defined per Parking Zone 1 - | | | |
| Offices – Use Class B1 Business, Class A2 Financial & Professional Services | | | |
| Development | Requirement | Development | Requirement |
| Offices (< 1000m ²) | 1 space per 25m ² | Offices (> 1000m ²) | 1 space per 40m ² |
| Shops (including Supermarkets & Superstores) | | | |
| Type of Development | Operational | Non-operational | |
| Shops (< 200m ²) | 1 commercial vehicle space | 1 space per 60m ² | |
| Shops and small supermarkets (201m ² - 1,000m ²) | 2 commercial vehicle space | 1 space per 20m ² | |

| Retail Warehousing and Garages | | |
|--|--|--|
| Type of Development | Operational | Non-operational |
| Builders Merchants (Trade & Retail) | 3 commercial vehicles spaces | 1 space per 80m ² & 10% of GFA |
| Open Air Markets & Car Boot Sales | 1 space per stall pitch | 1 space per 30m ² of gross stall pitch area including pedestrian circulation area |
| Garages | 1 car/ lorry space per each car/ lorry service bay | 2 car/ lorry spaces per each service bay |
| Service Stations (exhausts, MoT, tyres etc.) | 1 lorry space & 20% of GFA | 2 car/ lorry spaces per each service bay |
| Petrol Filling Stations | 1 space for petrol tanker | 4 spaces for ancillary use (eg automatic car wash) |
| Car Sales Premises | 1 space per car transporter | 1 space per 50m ² of retail area (internal & external) |
| Motorcycle Sales Premises | 1 commercial vehicle space | 1 space per 50m ² of retail area (internal & external) |
| Driving Schools, Private Hire / Vehicle Hire, Licensed Taxis | 1.25 spaces per vehicle operated | 1 space per 3 auxiliary staff |

Industry and Industrial Warehousing (including Use Classes B2 & B8)

| Type of Development | Operational | Non-operational |
|--|--|-------------------------------|
| Small Industry (< 100m ²) | 1 van space | 1 space |
| Small Industry (< 235m ²) | 1 van space | 2 spaces |
| Industry | see Annotation* | 1 space per 120m ² |
| Industrial Warehouse | see Annotation* | 1 space per 140m ² |
| Storage Warehouse | 1 commercial space per 500m ² | Nil |

Annotation* - Operational requirements:

| GFA (m ²) | Minimum (m ²) | GFA (m ²) | Minimum (m ²) | GFA (m ²) | Minimum (m ²) |
|-----------------------|---------------------------|-----------------------|---------------------------|-----------------------|---------------------------|
| 100 | 70 | 500 | 100 | 1,001 | 150 |
| 250 | 85 | 1,000 | 150 | 2,000 | 200 |

Above 2,000m² GFA, the required minimum operational area should be taken as 10% of GFA.

Places of Entertainment

| Type of Development | Operational | Non-operational |
|---|--------------------------------|---|
| Children's Play Centres | 1 space per 2 members of staff | 1 space per 15 m ² play area |
| Assembly Halls (Commercial) e.g. Bingo Hall | 1 commercial vehicle space | 1 space per 8m ² |
| Assembly Halls (Social) e.g. Unlicensed Club, Community Centres | 1 commercial vehicle space | 1 space per 10m ² |

Hotels and Restaurants

| Type of Development | Operational | Non-operational |
|--------------------------------|----------------------------|---|
| Hotels | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per bedroom |
| Public Houses & Licensed Clubs | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per 3m ² of public area including servery |

| Type of Development | Operational | Non-operational |
|--|----------------------------|--|
| Restaurants | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per 7m ² of dining area |
| Cafes & Drive-Thru Restaurants (see Annotation*) | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 space per 14m ² of dining area |
| Hot Food Takeaways | 1 commercial vehicle space | 1 space for non-resident staff & adequate on-street parking for customers nearby |
| Transport Cafes | 1 commercial vehicle space | 1 space per 3 non-resident staff & 1 commercial vehicle space per 2 seats |

Annotation* - Restaurants including drive through facilities for ordering and collecting food by car must have an internal segregated access for this purpose and be provided with a minimum of 6 waiting spaces.

Community Facilities

| Type of Development | Operational | Non-operational |
|-----------------------------------|-------------|-----------------|
| - as defined per Parking Zone 1 - | | |

Educational Establishment

| Type of Development | Operational | Non-operational |
|--|---|---|
| Day Nurseries & Creches (new build property) | 1 commercial vehicle space | 1 space per 2 full time staff |
| Day Nurseries & Creches (converted property) | Included in non-operational requirement | 1 space per 2 full time staff |
| Nursery/ Infants/ Primary School | 1 commercial vehicle space | 1 space per each member of teaching staff, 1 space per 2 ancillary staff & 3 visitor spaces |
| Secondary Schools | 1 commercial vehicle space | 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 10 students of age 17 and 3 visitor spaces, Bus parking as required |
| Colleges of Higher/ Further Education | 1 commercial vehicle space | 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 5 students and 5 visitor spaces. |

7 Access for disabled people

7.1 The Equality Act 2010 protects people from discrimination in the workplace and in the wider society. All new public buildings are now required to be accessible to and have facilities for disabled people. The requirements of the Act do also apply to a wide range of buildings, including offices, shops, sport centres, church halls and education facilities. Additional information and guidance can be found in the document 'Inclusive Mobility' which was published by the Department of Transport in 2005.

7.2 Developers must give due consideration to the following aspects, which are considered important to disabled person.

- A. The signing of pedestrian routes - having established the most convenient location for parking the vehicles of disabled persons, it is essential that a clear system of sign posting to the appropriate access catering for disabled persons should be devised and, implemented by the developer.
- B. The gradient of any ramp should be as slight as possible. Further guidance is provided in The Buildings Regulations 2000 (as amended) Part M and 'Accessibility By Design – A Standard Guide' that was published by Local Authority Building Control Cymru. Developers should consider very carefully the relative levels of parking spaces and finished floor levels at an early stage in their planning, so that a level or near level pathway (preferably less than 5% gradient) can be maintained between the two, if at all possible.
- C. The difficulty caused to disabled persons in gaining entrance into a building is covered in 'Inclusive Mobility' but the delay in opening doors etc., can cause considerable discomfort and therefore the developer should consider providing a canopy over entrances designed for the use of disabled persons.

7.3 It is recommended that appropriately positioned parking places, preferably within 50 metres of the facility served by the car park and which are adequate in size and number, shall be provided for people with disabilities.

7.4 The recommended proportions of spaces for Blue Badge holders:

- For car parks associated with existing employment premises:
2% of the total car park capacity, with a minimum of one space.
- For car parks associated with new employment premises:
5% of the total car park capacity should be designated (to include both employees and visitors)
- For car parks associated with shopping areas, leisure or recreational facilities and places open to the general public;
6% of the total car park capacity should be designated (to include both employees and visitors)
- For car park associated with railway stations;
A minimum of one space for disabled railway employees plus:
 - for a car park with fewer than 20 spaces, one disabled space
 - for a car park of 20 to 60 spaces, two disabled spaces
 - for a car park of 61 to 200 spaces, three disabled spaces
 - for a car park with more than 200 spaces, 4% of capacity plus four disabled spaces.

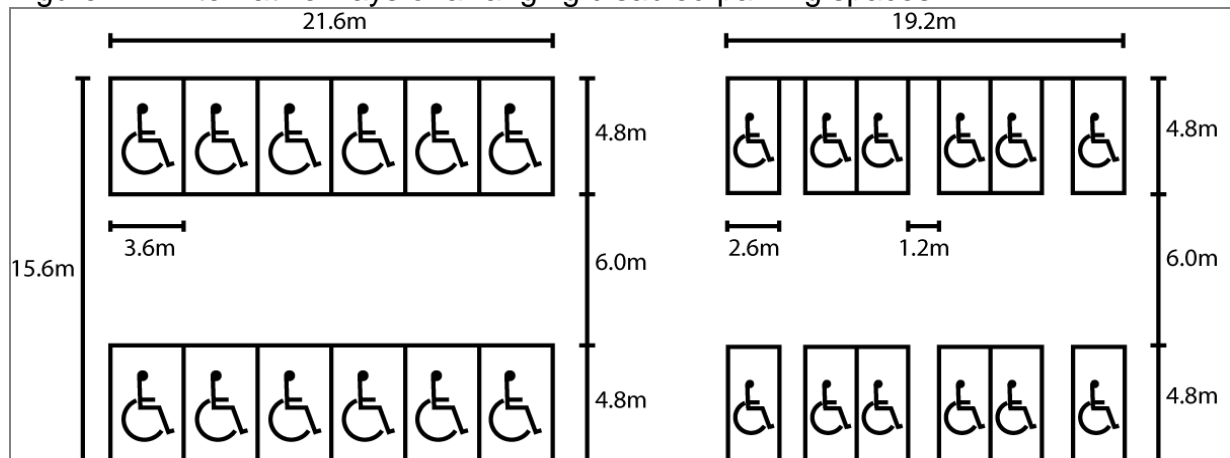
7.5 Notes relating to disabled motorists parking standards

- If only 1 space is required as part of the total operational or non-operational parking provision, the layout must conform to the requirements for disabled motorists parking (see Appendix 3).
- The number of parking spaces required for disabled employees is included in the total number of non-operational parking requirements. However, a single disabled parking space must be provided as a minimum.
- If there is no requirement for non-operational parking, the Council will encourage developers to provide a setting-down point for disabled people on firm and level ground, close to the main entrance to the building.

7.6 Disabled persons parking bays in off-street locations should be marked out with yellow lines and a yellow wheelchair symbol within the parking space. A sign, or if appropriate signs should be provided at the entrance to the car park to direct disabled motorists to designated parking spaces which, if the car park is not under cover, should also have raised signs at the head of the reserved bays. Signs inside the car park should show the most convenient way to the facilities served by the car park, with an approximate distance to those facilities. The marking out should comply with British Standard BS8300:2001 'Design of buildings and their approaches to meet the needs of disabled people – Code of Practice'.

7.7 On street disabled parking bays should be indicated by signs and marked out in full compliance with the Traffic Signs Regulations and General Directions (1994). Each bay should have a raised sign at the head of the bay to ensure that if snow or fallen leaves obscure the road marking, the purpose of the bay is still apparent.

Figure 1 Alternative ways of arranging disabled parking spaces



8 Cycle parking standards

- 8.1 Cycle parking should be located in a safe, secure and convenient location. Care should also be taken to ensure that cycle parking facilities are not located where they may obstruct pedestrians, disabled persons and particularly people with sight problems. Appropriate signing should always be provided to indicate the location of short term cycle parking.
- 8.2 For reasons of security, cycle parking facilities should be located in areas that are visible and therefore allow for informal surveillance. In certain instances this could be supplemented through the introduction of CCTV or other security means.
- 8.3 The design of cycle parking facilities. Sheffield stands (n-shaped steel bars set into the ground) are best suited for short stay parking. These should be:
- 750mm high, 700mm long and at least 250 mm into the ground;
 - spaced a minimum of 800mm apart;
 - polyester powder coated, coloured to match existing street furniture or buildings, (or else painted in black); and
 - be protected from the elements by a wall, shelter or canopy.
- 8.4 Hitching rings or hoops affixed to walls and buildings can also be used where space is limited and where Sheffield stands cannot be accommodated. These should be positioned at 1.8m intervals and 750mm above ground level.
- 8.5 All residential developments should be accessible by cycles and cycle storage should be a factor of dwelling design. In appropriate circumstances, convenient communal facilities may be provided. Guidance on this subject is available within Manual for Streets.
- 8.6 Small clusters of cycle parking facilities are preferable to large, central parking compounds. All stands should be located so as not to obstruct or endanger pedestrians, particularly visually impaired or partially sighted pedestrians and wheelchair users. Bollards painted with contrasting stripes may be required to give additional protection in this respect. Cycle parking areas may also need to be surrounded by tactile markings.
- 8.7 Cycle parking facilities should not damage the area's townscape or landscape. In Conservation Areas and Listed Buildings, special attention should be paid to the siting, design and materials used for the parking facilities. Measures which detract from the character or setting of a Listed Building or which damage the character of Conservation Areas will be resisted.
- 8.8 Further guidance on the design of cycle parking is available in the Department for Transport Traffic Advisory Leaflet 5/02 'Key Elements of Cycle Parking' and in Sustrans Information Sheet FF37 'Cycle Parking'.
- 8.9 For the application of the following standards, it is assumed that the typical dimension of a bicycle is 1.8m x 0.6m. There is no differentiation between

different parking zones. A minimum of 1 space should be provided for all types of development.

8.10 Minimum Cycle Parking Standards

| Land Use Type | Number Of Spaces Required |
|--|--|
| Shops | |
| Small convenience shops | 1 per 100m ² (or part thereof) |
| Food supermarkets | 1 per 150m ² (or part thereof) |
| Non-food retail | 1 per 200m ² (or part thereof) |
| Banks, building societies, betting shops | 1 per 60m ² (or part thereof) |
| Food and drink outlets | 1 per 60m ² (or part thereof) |
| Industrial Uses | |
| Administrative offices, research and development uses | 1 per 350m ² (or part thereof) |
| General industrial uses | 1 per 500m ² (or part thereof) |
| Storage and distribution uses | 1 per 1,000m ² (or part thereof) |
| Residential Uses | |
| Hotels and guest houses | 1 per 10 guest beds |
| Residential care homes, nursing homes and hospitals | 1 per 10 employees |
| Residential schools, residential colleges and residential training centres | 1 per 10 staff & 1 per 5 students |
| Dwellings | No prescribed standard. However, secure and convenient communal cycle parking areas may be required in appropriate circumstances (e.g. higher density developments with limited, or no car parking). |
| Community Uses | |
| Primary and secondary schools | 4 per classroom |
| Sixth form and FE Colleagues | 1 per 35m ² |
| Medical and health centres | 2 per consulting room |
| Leisure Uses | |
| Art galleries, museums and libraries | 1 per 150m ² |
| Cinemas, leisure centres, bingo halls, concert halls | 1 per 75m ² |

9 Motorcycle parking standards

9.1 Motorcycle parking should be located in a safe, secure and convenient location where other vehicles cannot encroach or obstruct the motorcycle parking area.

9.2 Motorcycles are prone to theft. For reasons of security, motorcycle parking facilities should be located in areas that are visible and therefore allow for informal surveillance. Surrounding high walls or shrubbery should be avoided as they could provide cover for thieves. In certain instances the introduction of CCTV or other security means could be necessary. In particular these facilities should be located where other larger vehicles, such as vans, could not be used to steal the motorcycles.

- 9.3 Robust anchor points must be provided to lock the motor cycles to, but the design of the anchor points must be such that they are able to accommodate a wide range of motorcycle wheel sizes, but without affording easy leverage for bolt croppers or other equipment used for the purposes of theft. Care must also be taken to ensure that locking facilities do not present a trip hazard to pedestrians, disabled persons and particularly people with sight problems.
- 9.4 Covered motorcycle parking would clearly be of benefit to riders, particularly for long term parking, as would the supply of convenient litter bins as riders have little space for carrying surplus articles. It is also important to consider the supply of lockers for storage of riders' protective clothing and helmets.
- 9.5 Motorcycle length and width dimensions are generally reduced when parked, as the front wheel will be turned to a locked position. The effective length and width vary between about 1600mm to 2300mm (length) and 650mm to 900mm (width). A bay size of 2.8m x 1.3m is recommended.
- 9.6 A further consideration is that of disabled riders. It is suggested that provision be made for disabled riders by way of special marked-out bays of increased size. Any rider experiencing reduced mobility and strength will benefit from extra room to position themselves to the side of their bike when manoeuvring or mounting.
- 9.7 Motorcycle parking bays should not be surfaced with bitumen based material as it can soften in hot weather, causing the stand of the motorcycle to sink and the bike to topple. Concrete surfaces should avoid this problem. Further guidance is available in Manual for Streets.
- 9.8 There is no differentiation between different parking zones with regard to motorcycle parking requirements in new developments. If there is no requirement for the provision for car parking then motorcycle parking spaces will not be required either.

| Type of development | Motorcycle Parking Provision |
|----------------------------|---------------------------------|
| All classes of development | 5% of provision for car parking |

10 Landscaping

- 10.1 Planting should be used in car parks to relieve the monotony of areas of paving: to define or screen parking bays, and to provide visual features. Landscaping is seen as an integrated part of the design of parking areas and not as an after thought. Grass, ground cover plants, shrubs and trees used in car parks should be pollution resistant varieties, and in the case of trees should not be a type liable to heavy leaf fall, fruit dropping or branch shedding. Particularly to be avoided are most varieties of lime, maiden hair and horse chestnut. Care should be taken that planting does not obscure sight lines at junctions or remove any degree of natural surveillance.
- 10.2 Plant selection should reflect local character and vegetation and draw on native as well as the more ornamental of exotic species. Ultimate height and

spread should be considered in relation to nearby structures. Plant selection must exclude those species of plant that harbour litter and future maintenance should be considered.

- 10.3 A useful guide for species choice is available on a web site compiled by the Horticultural Trades Association in consultation with the Landscape Institute at www.plantspec.org.uk.
- 10.4 In some circumstances, hard landscaping may be more appropriate, e.g. concrete blocks, bricks, paving slabs, cobbles. There is a wide variety of surfacing materials available, which can be used for car parks. The choice of which one to use in a specific situation will depend on the intensity of use expected, the desired appearance and the amount of money available for laying and maintenance.
- 10.5 The design and landscaping of car parks should take into account the guidance contained within the assessment guidelines of the Park Mark safer parking initiative of the Association of Chief Police Officers as well as the more general requirements of Planning Policy Wales Technical Advice Note12: Design (TAN12).

11 **Contacts / Sources**

Denbighshire County Council
Development Control &
Compliance Team
Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

Tel.: 01824 706727

Email: planning@denbighshire.gov.uk

Denbighshire County Council
Planning & Public Protection
Policy Team
Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

Tel.: 01824 706916

Email: ldp@denbighshire.gov.uk

CSS Wales - County Surveyors' Society Wales: Wales Parking Standards 2008

Denbighshire Local Development Plan 2006 – 2021, LDP theme: Achieving Sustainable Accessibility, adopted 2013

Denbighshire Unitary Development Plan 1996 – 2011, Supplementary Planning Guidance Note 21: Parking Requirements in New Developments, 2004

Department for Transport: Inclusive Mobility (2005)

Welsh Government, Planning Policy Wales (~~Edition 5~~ **Edition 7**), ~~November 2012~~
July 2014

Appendix 1 - Definitions

- A1.1 *Operational Parking Space* - Sufficient space to allow the maximum number and size of vehicles likely to serve the development at any one time and to manoeuvre with ease and stand for loading and unloading without inconvenience to vehicles and pedestrians on the public highway or to other users of the site.
- A1.2 *Non-Operational Parking Space* - The space occupied by vehicles not necessarily used for the operation of the premises.
- A1.3 *Residential Parking Space* - Includes space required for residents and space for cars of people visiting the residents.
- A1.4 *GROSS Floor Area* - The standards that are related to floor areas are GROSS floor area, i.e. including external walls, except where the text stipulates otherwise in respect of public houses, restaurants, cafes and places of worship.
- A1.5 *Extension or Development of Existing Buildings* – Any development carried out within the framework of the General Permitted Development Order (therefore, not requiring planning permission) is not subject to the parking requirements set out in this document. However, any parking displaced must be relocated.
- A1.6 *Public Transport Accessibility* - Public transport provision has the potential to reduce use of the car and where appropriate the level of this provision should be enhanced by planning gain through the planning process at the expense of developers.
- A1.7 *Employment Density* - The standards have been assessed on density norms (retail 19.5 m² per employee; industrial 35 - 45m² employee, office 16.5m² per employee). Variations in density may be treated on their merits.
- A1.8 *Land Use* - for the purpose of applying the parking standards the following table outlines the land uses specified within the Town and Country Planning (Use Classes) Order 1987 and subsequent amendments.
- A1.9 Certain uses within this document do not fall within any specific Use Class and therefore must be dealt with separately (see sui generis) e.g. open air markets. The absence of parking standards for a particular land use does not mean that no parking provision will be required.
- A1.10 Table 1 lists examples of types of developments with regard to the 'Town and Country Planning (Use Classes) Order 1987 (as amended)' classification.

Table A1: Examples of land uses per category in Town and Country Planning (Use Classes) Order 1987 (as amended)

| Use Classes in 1987 Order | Land Uses in Parking Guidelines |
|---|--|
| Class A1: Shops | Shops; Supermarkets and Superstores; Retail Warehousing (Cash and Carry) |
| Class A2: Financial & Professional Services | Offices (only in cases where premises are provided principally for visiting members of the public) |
| Class A3: Food & Drink | Restaurants; Public Houses; Cafes; Transport; Licensed Clubs |
| Class B1: Business | Offices (other than in A2 above) / Light Industry |
| Class B2: General Industrial | Industry |
| Class B8: Storage or Distribution | Wholesale Warehousing |
| Class C1: Hotels & Hostels | Hotels |
| Class C2: Residential Institutions | Homes for the Elderly, Children, etc; Nursing Homes; Hospitals |
| Class C3: Dwelling houses | General Purpose Houses & Flats; Sheltered Accommodation |
| Class D1: Non-Residential Institutions | Health Centres; Surgeries; Churches; Schools; Colleges of Higher & Further Education; Libraries etc. |
| Class D2: Assembly and Leisure | Leisure Centres; Sports Clubs; Bingo Halls |

A1.11 The Standards have not been defined in terms of the 1987 Use Classes Order as this would lead to wide ranges of recommended provision, e.g. Class B1 business encompasses some office uses and industry. A standard anticipating this inter-changeability would be very wide and therefore, standards are only given for specific land use concerned e.g. office or industrial use.

A1.12 In view of the inter-changeability of uses it may be necessary to impose restrictions on development within these wider classes in order to reflect car-parking requirements.

A1.13 In addition, the Council reserves the right to treat all planning applications on their merits according to the size, nature, location, density, employment and traffic generation characteristics of the proposed development and its impact on the local and regional highway network.

A1.14 The acceptance of a submitted travel plan by the local authority may require the preparation of a Section 106 Agreement to ensure continual compliance with the contents of the travel plan.

Appendix 2 - Notes relating to parking standards

Notes relating to Residential parking standards

- A2.1 Curtilage parking and garages should be provided as the most secure parking option wherever possible, preferably located alongside the dwelling. Remote garage blocks must be avoided. Garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m. If disabled access is required, these dimensions must be increased to 6m x 3.8m.
- A2.2 For developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken. Acceptable evidence of this would be a contractual arrangement with tenants to secure low car ownership levels.
- A2.3 In respect of residential homes for the elderly and nursing homes, sufficient operational space must be provided close to the building to enable ambulance access and egress in a forward gear.
- A2.4 Visitor parking must be designed as an integral part of any development where it is required and must take into account the needs of the disabled.

Notes relating to Office parking standards

- A2.5 Any office development carried out within the framework of the General Permitted Development Order (therefore, not requiring planning permission) is not subject to the parking requirements set out in this document. However, any parking displaced must be relocated.
- A2.6 Consideration may be given to a relaxation of the parking requirements in shopping areas for the change of use at ground floor level of premises from Use Class A1 (shops) to Use Class A2 (Financial & Professional Services).

Notes relating to Shop parking standards

- A2.7 Although 'retail parks' may have shared parking, such developments will still require similar levels of parking to single stores, because of the longer duration of parking. Where existing premises are used for the establishment of a stall type market, the applicant shall identify a location for the provision of visitor parking.
- A2.8 Any development referring to shops and carried out within the framework of the General Permitted Development Order (therefore, not requiring planning permission) is not subject to the parking requirements set out in this document. However, any parking displaced must be relocated.
- A2.9 The non-operational standard includes employees parking. In addition to the operational parking requirements for servicing purposes, sufficient additional

space must always be provided to allow servicing vehicles to both enter and leave the curtilage of the store servicing area in a forward gear.

Notes relating to Retail Warehouse and Garage parking standards

A2.10 The range of trip generation and parking demand at retail warehouses varies to a considerable extent. The parking requirements of the most common types of store can be classified in broad bands. This is reflected by the tabulated requirements.

| | |
|--------------------------|--|
| Highest requirement - | DIY stores |
| Mid-range requirements - | Electrical/ gas appliance, flat pack furniture stores |
| Lowest requirements - | Assembled furniture/ carpet stores, household and leisure goods stores |

A2.11 Although 'retail parks' may have shared parking, such developments will still require similar levels of parking to single stores, because of the longer duration of parking.

A2.12 Where existing premises are used for the establishment of a stall type market, the applicant shall identify a location for the provision of visitor parking. The non-operational standard includes employees parking. Relaxation may be given to the parking requirements at fast service centres, e.g. tyres, exhausts. MOT etc. Where car sales premises include external display areas, additional parking space will be required.

A2.13 In addition to the operational parking requirements for servicing purposes, sufficient additional space must always be provided to allow servicing vehicles to both enter and leave the curtilage of the premises' servicing area in a forward gear.

A2.14 Convenience stores located at petrol filling stations will attract customers who do not also purchase petrol and will therefore require parking space. The additional requirement for this must be assessed as for a small shop.

Notes relating to Industry / Industrial Warehousing parking standards

A2.15 Vehicles should be able to enter and leave the site in forward gear. Relaxation permitted for operational space when special servicing arrangements are made. Visitor parking is included in non-operational parking.

A2.16 Any industrial warehousing development carried out within the framework of the General Permitted Development Order (therefore, not requiring planning permission) is not subject to the parking requirements set out in this document. However, any parking displaced must be relocated.

A2.17 High tech industries are companies specialising in technical innovation usually microprocessor based. If the premises are to be used as a

distribution depot, adequate space must also be provided to accommodate commercial vehicles that are likely to be parked overnight.

Notes relating to Places of Entertainment parking standards

- A2.18 In addition to the operational parking requirements for servicing purposes, sufficient additional space must always be provided to allow servicing vehicles to both enter and leave the curtilage of the premises' servicing area in a forward gear.

Notes relating to Hotel and Restaurant parking standards

- A2.19 Facilities for non-residents should be assessed by applying the appropriate category. An allowance should be applied where facilities are to be shared. The range in the parking requirements between zones allows for the distinction between 'country' public houses and 'suburban' public houses which are likely to have a higher proportion of walk-in trade.
- A2.20 Any hotel or restaurant development carried out within the framework of the General Permitted Development Order (therefore, not requiring planning permission) is not subject to the parking requirements set out in this document. However, any parking displaced must be relocated.
- A2.21 The non-operational requirement for restaurants and cafes in established shopping areas may be relaxed if it can be shown that they are 'incidental' to the shopping area or where such restaurants are used largely in the evening when adequate parking exists in the vicinity. However, adequate parking for staff must be provided at the rear. (This does not apply to transport cafes).
- A2.22 In addition to the operational parking requirements for servicing purposes, sufficient additional space must always be provided to allow servicing vehicles to both enter and leave the curtilage of the premises' servicing area in a forward gear.

Notes relating to Community Facilities parking standards

- A2.23 This range is intended to reflect different catchment areas of churches and places of worship. One serving a local area would require a lower provision than one serving a wide area.
- A2.24 Consideration must be given to the provision of a coach parking area where appropriate, and to cycle and motorcycle parking. In addition to the operational parking requirements for servicing purposes, sufficient additional space must always be provided to allow servicing vehicles to both enter and leave the curtilage of the premises' servicing area, where provided, in a forward gear.
- A2.25 The reference to practitioner includes doctor, dentist, nurse, health visitors etc.

Notes relating to Educational Establishments parking standards

A2.26 In addition to the non-operational parking an area must be provided for the picking up and setting down of school children. In the case of Day Nurseries in converted properties the availability of adequate kerbside capacity (i.e. unrestricted parking) should be taken account of. This should be assessed when the nursery is at full capacity. Where part-time staff is employed they should be aggregated to their full time equivalents.

A2.27 Experience has shown that a minimum of 15 car spaces will be required for most other types of schools. Exceptions to this may be specialised (e.g. religious or Welsh) secondary schools with a large catchment area where a reduced number may be adequate, or larger schools in each category where a substantial increase (up to 50) may be desirable. With regard to buses, sufficient off street spaces should be provided for all services that the operator of the new school anticipates running for pupils, with the exception of passing service buses.

A2.28 The parking area should include a facility for vehicles to turn without reversing. In exceptional circumstances a circulation/turning area remote from pupil circulation areas would be acceptable.

A2.29 Definitions of schools for the purposes of these standards:

| | |
|-----------|---|
| Nursery | - pre-school age groups 3 – 5 often in converted residential property |
| Infants | - formal schools ages 3 to 7 |
| Primary | - schools for children in the range 5 or 7 to 11 |
| Secondary | - age range 11 to 18 |

Colleges of Higher and Further Education – includes sixth form colleagues

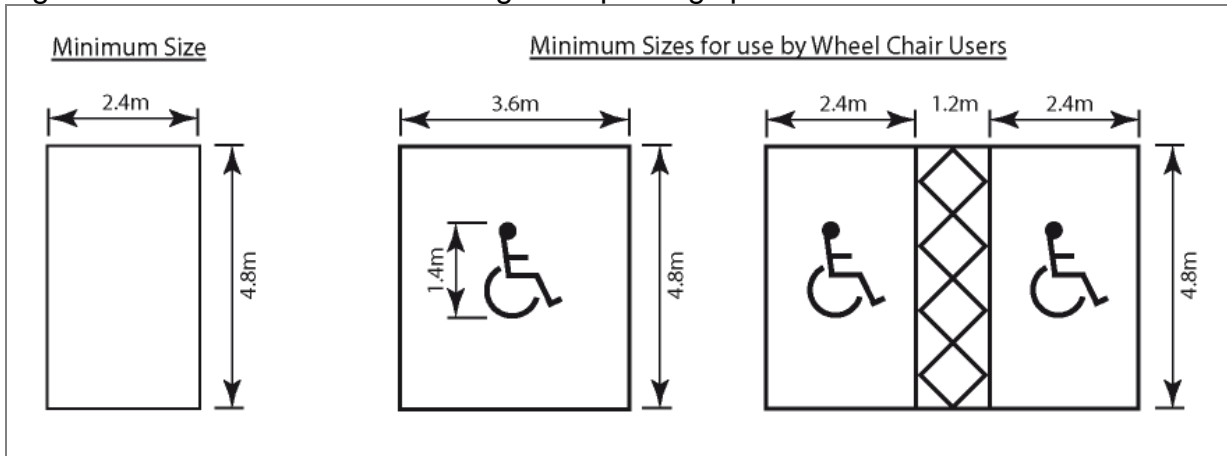
A2.30 Appropriate provision must be provided for parental drop off/pick up of children as dictated by local circumstances and any school travel plan. Drop off areas must be located so that the safety of pupils walking or cycling to school is not jeopardised.

Appendix 3 - Layout of parking areas

A3.1 Figure 2, below, displays the minimum size for a single car parking space with additional requirements for wheel chair users.

A3.2 Disabled Driver's Vehicles – The standard dimensions of car parking spaces are 4.8m x 3.6m. This allows transfer from vehicle to wheelchair. With certain layouts standard bays can be used but additional provision must be made for the disabled to transfer to wheelchairs. Access to the rear must be provided.

Figure A2 Minimum size of a single car parking spaces



A3.3 Figures 3 a/ b illustrate alternative ways of arranging 12 car parking spaces. The first figure (3a) shows layout standards in accordance to the minimum car parking space size of 4.8m x 2.4m, whereas the measures in the second figure (3b) are based on a standard car parking space of 4.8m x 2.6m.

Figure A3a Alternative ways of arranging 12 car parking spaces in accordance to the minimum car parking space size of 4.8m x 2.4m

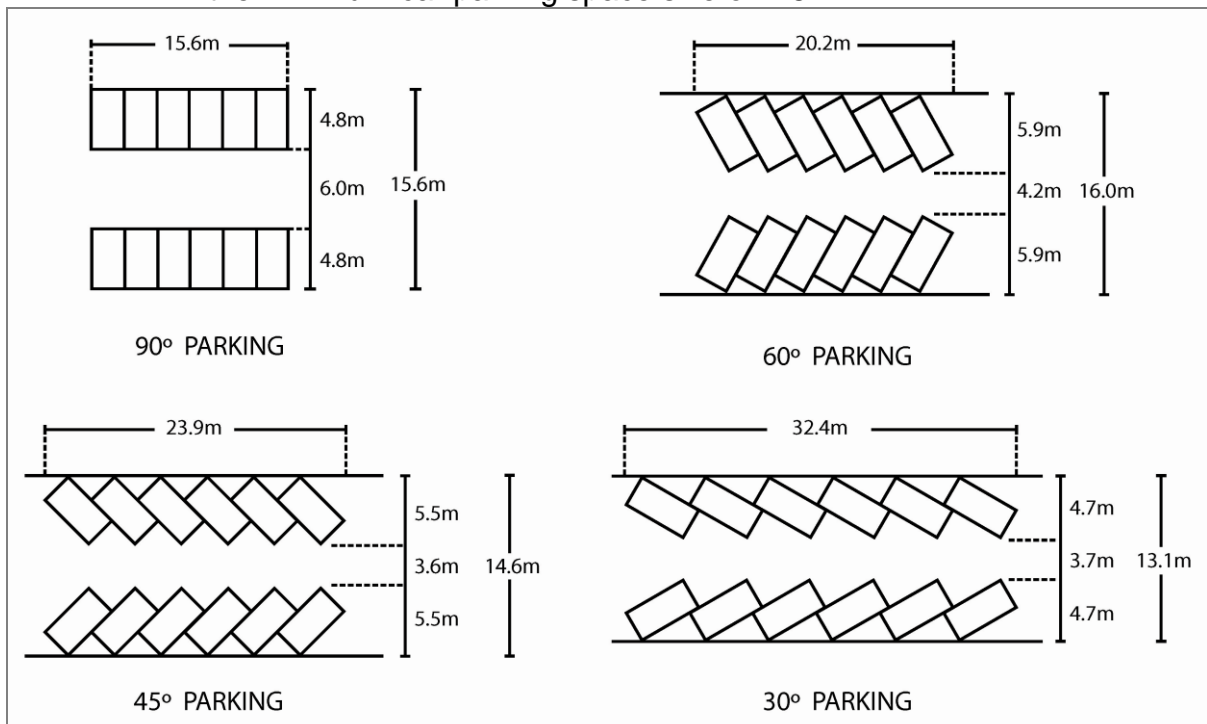
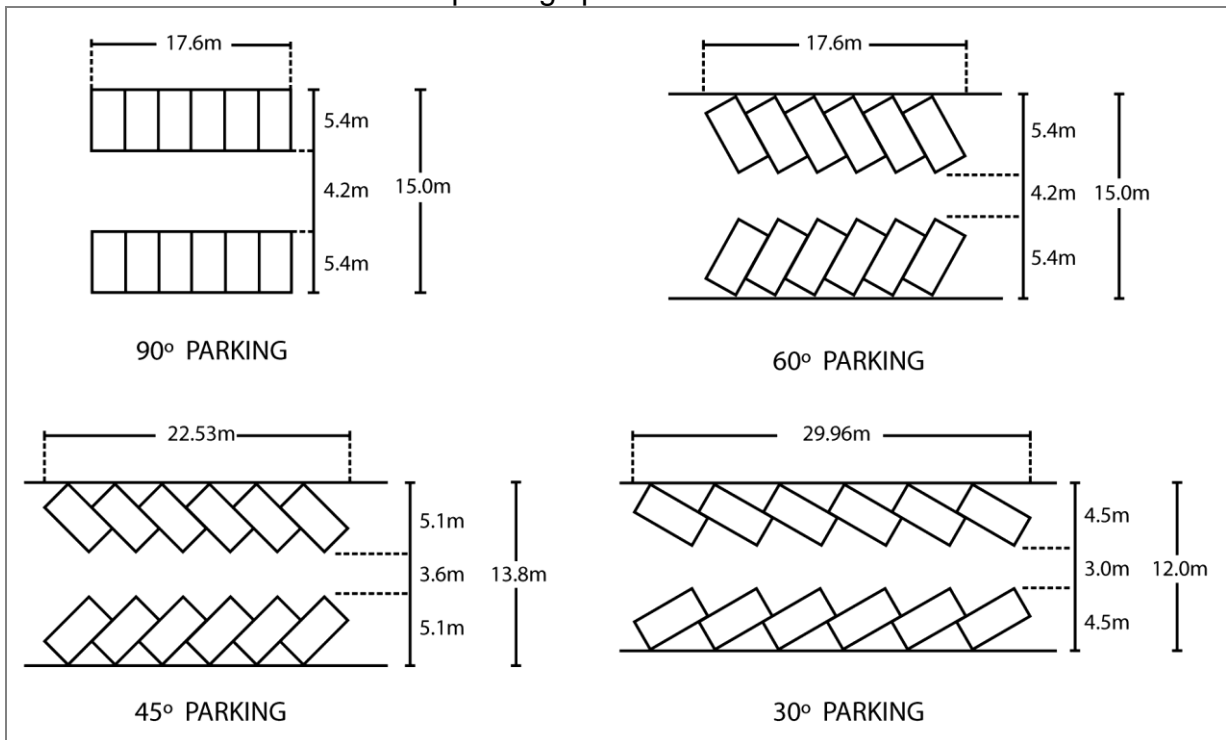
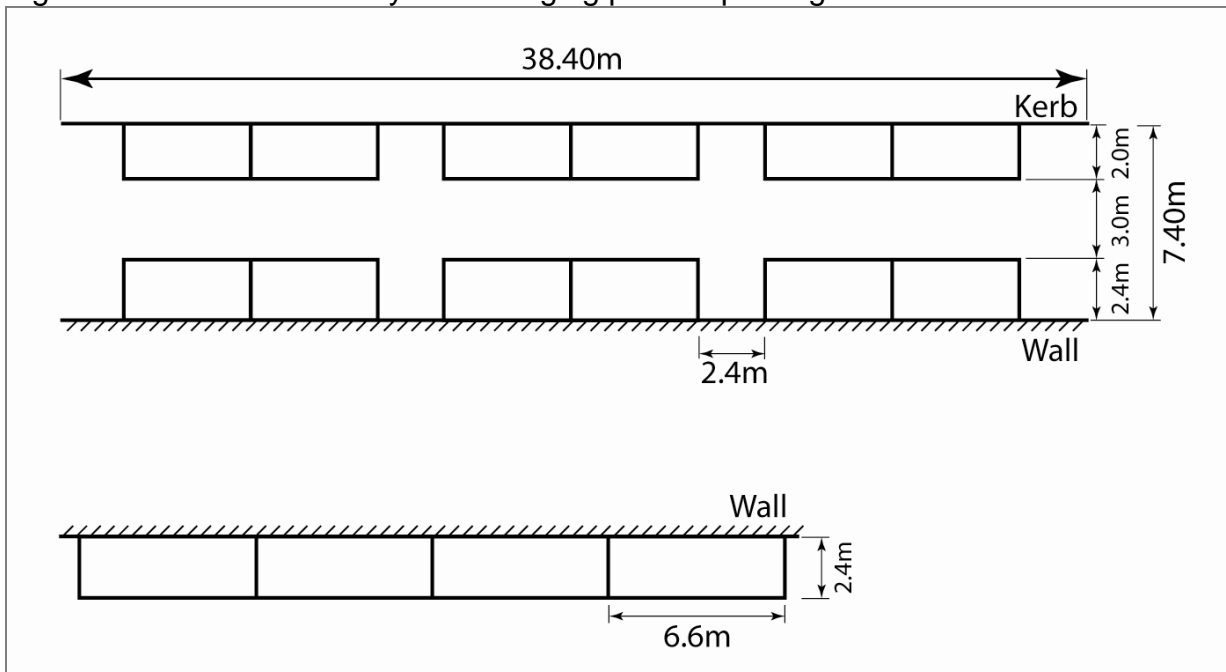


Figure A3b Alternative ways of arranging 12 car parking spaces in accordance to the standard car parking space size of 4.8m x 2.6m



A3.4 Parking arrangements along public roads have to take into consideration the minimum circulation aisle width of 3.0m for single way traffic and 5.0m on road accommodating two-way traffic.

Figure A4 Alternative ways of arranging parallel parking



A3.5 Vehicle Bays - The bay must be of sufficient size and be located so that the vehicle can be manoeuvred within the site, e.g. the 12m rigid lorry requires an absolute minimum of 105m² to allow it to leave a site in forward gear.

Further details of good design practice can be found in appropriate Highway Authority Design Standards or 'Designing for Deliveries', Freight Transport Association 1998.

A3.6

| | |
|---|----------------|
| Articulated* (goods) vehicles | 16.50m x 2.55m |
| Articulated low loader vehicles | 18.00m x 2.55m |
| Rigid vehicles | 12.00m x 2.55m |
| Buses and Coaches (two axes) | 13.50m x 2.55m |
| Buses and Coaches (three axes) | 15.00m x 2.55m |
| Buses and Coaches (Articulated) | 18.75m x 2.55m |
| Refrigerated vehicles maximum allowed is 2.65m. | |

* - Road Traffic Act 1988: "‘articulated goods vehicle’ means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such a manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle..."

Appendix 4 – Members’ discussion

A4.1 ~~Appendix 4 will not be part of this Supplementary Planning Guidance note once adopted. It has been included to reflect the discussion that Members of the Council had at the Planning Committee meeting on 22nd January 2014.~~

A4.2 ~~Despite the fact that there aren’t any detailed questions posed in the document, members of the Public may want to comment on the following matters.~~

| A4.3 | Councillor’s query | Reference in the document |
|------|---|--|
| A4.4 | Members pointed out the ‘chaotic’ and inadequate levels of parking provided within the town centres of Llangollen and Rhyl. | Denbighshire County Council ‘Highways and Environmental Services’ and ‘Housing and Community Development’ are jointly working on the development of a new parking policy and parking enforcement strategy for the County. This document will be the first port of call to address matters of parking congestion areas and parking enforcement. The draft SPG ‘Parking Requirements’ contributes to the Council’s emerging Parking Policy in setting out the amount of spaces required for new developments and conversions. |
| A4.5 | Why does the document propose different levels of parking for the West Rhyl regeneration area? | The draft SPG ‘Parking Requirements’ does not propose different parking standards for individual parts of Rhyl. (See paragraph 6.11) i.e. the same parking standards will be applied to new developments or conversions in Rhyl South, Rhyl East, and Rhyl West (including the Strategic Regeneration Area). It is proposed to require a maximum of 1 car parking space per bedroom for new houses and apartments. (See paragraph 6.13) Accordingly, a new 3 bedroom house within the West Rhyl SPG area may have up to 3 parking spaces provided on / off-site, depending on the local circumstances. This is the same amount of spaces as the currently adopted (previous UDP) SPG 21 ‘Parking Requirements in New Development’ would allow for. |
| A4.6 | How does the content of the draft SPG relate to the West Rhyl SPG document? | Reference to West Rhyl in the Parking SPG, paragraph 4.4, has been included into the document to make developers aware of the fact that there is further |

| | | |
|------|---|---|
| | | guidance available on selected topics and that there may be additional requirements applicable to their proposal. Since the West Rhyl SPG contains two paragraphs on parking in this particular area of Rhyl (See LDP SPG 3: paragraphs 5.7 and 5.8), reference to the document was included. Both paragraphs contain advice on design and location but not the number of car parking spaces to be provided. |
| A4.7 | Should there be particular reference to motorcycling parking bays due to the fact that more and more bikes are merely parked in car parking bays? | Paragraph 9.5 contains reference to motorcycle parking bays. A bay size of 2.8m x 1.3m is recommended. |
| A4.8 | Is there a consistent approach to the provision of car parking with regard to design and layout in conservation areas? | Conservation areas aim at preserving and enhancing areas because of their special architectural appearance or historic interest. Due to their place-specific nature, this SPG does not propose any details with regard to design and layout for car parking provision. Paragraph 5.1 (3rd bullet point): 'In certain circumstances, e.g. Conservation Areas, modifications of the standards may be allowed in order to preserve built / natural environmental conditions.' Layout and Design matters will be assessed on the proposal's merits. |
| A4.9 | Clarification was sought on terminology such as, non-operational parking spaces, and a request for improving the documents' user-friendliness. | The document's layout and wording has already been changed where practicable after seeking Members' initial comments on the draft document. 'Parking standards' is a highly technical (highways) topic. Appendix 1 provides definitions for selected terms that were frequently used throughout the document. This terminology is commonly used by other planning authorities. |

Appendix II: Report of Consultation – Draft Supplementary Planning Guidance note: Parking Requirements in New Developments.

1. Introduction

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance (SPG) note: Parking Requirements in New Developments, including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted with members of the public on the draft document for a period of 8 weeks between 3rd March 2014 and 28th April 2014. The consultation exercise included public notices in local papers, press releases, and a letter to all people on the Denbighshire Local Development Plan 2006 – 2021 (LDP) database, including: City, Town and Community Councils, Councillors, adjacent local authorities, and the general public informing them of the consultation and telling them how to respond.
- 1.3 Copies of the draft document were made available on the Denbighshire County Council website, in Public Libraries and the Council's One Stop Shops.

2. Responses received

- 2.1 The Council received a total of 4 representations on the draft SPG, including Bodfari Community Council, Natural Resources Wales, and the Campaign for the Protection of Rural Wales.
- 2.2 Respondents to the public consultation raised the following issues:
 - Consideration should be given for a requirement for permeable surfaces to be incorporated in large scale parking areas;
 - Provision of plug-in recharging facilities for electric/hybrid vehicles; and
 - Parking Standards should not be based on 'predict and provide' methodology, and promote the use of alternative modes of transport.
- 2.3 Copies of all public consultation responses can be obtained by contacting the Planning Policy team in Denbigh by phone: 01824 706916 or by email: ldp@denbighshire.gov.uk. A summary of the consultation responses are included at the end of this report in Table 1.

3. Changes proposed

- 3.1 After carefully considering all representations, the Council decided not to propose any changes to the content of the document. However, it was necessary to make minor amendments to the SPG due to factual changes, as indicated in Table 2.

Table 1: Consultation responses

| <i>Name</i> | <i>Organisation</i> | <i>Comment (summary)</i> | <i>Council's response</i> | <i>Changes proposed</i> |
|-----------------|--|--|---|-------------------------|
| Matthew Ellis | Natural Resources Wales (NRW) | NRW do not wish to express comments or observations on this document. | Comment noted. | No change proposed. |
| M W Moriarty | Campaign for the Protection of Rural Wales | It is considered that the document's content is comprehensive and adequate. | Support welcome. | No change proposed. |
| Alex Litherland | Bodfari Community Council | Consideration should be given to the requirement to implement permeable surface in large scale parking areas. New parking areas should provide plug-in / recharging facilities for electric and hybrid vehicles. | Draft SPG (paragraph 10.5) and Manual for streets provide guidance on the choice of paving and surface material.

Prescribing the provision of plug-in / recharging facilities would be premature without identified need. However, those facilities may be provided in line with rising demand. | No change proposed. |
| Alun Pugh | --- | Respondent disapproves of the so-called 'predict and provide' methodology. Proposed standards for car parking is too high, and continuous to encourage the use of private cars as the default transport option. | Parking standards are defined in line with national and regional guidance to alleviate anticipated demand for spaces, and adverse effects on surrounding areas. The SPG allows for local deviation depending on local circumstances, see paragraph 5.2 and 5.3. The document does not only focus on car parking but provides also standards for motorbike and cycle facilities. | No change proposed. |

Table 2: Factual changes proposed by Officers

| <i>Paragraph</i> | <i>Proposed Change</i> | <i>Justification</i> |
|------------------|--|---|
| SPG title | Replace 'DRAFT Supplementary Planning Guidance Note: Parking Requirements in New Developments (November 2013)' with 'Supplementary Planning Guidance Note: Parking Requirements in New Developments (October 2014)' | Editorial change to reflect document progression towards adoption by the Council |
| 2.1 | Replace 'This SPG document was formally approved for public consultation by Denbighshire County Council's Planning Committee on 22.01.2014.' with 'This SPG was formally adopted by Denbighshire County Council's Planning Committee on XXXX.' | Editorial change to reflect document progress towards adoption by the Council |
| 2.2 | Replace 'Planning Policy Wales Edition 5 (November 2012)' with 'Planning Policy Wales Edition 7 (July 2014)' | Factual change – new document issued in February 2014 |
| 4.1 | Replace 'Planning Policy Wales (Edition 5 - November 2012)' with 'Planning Policy Wales (Edition 7 – July 2012)' | Factual change – new document issued in February 2014 |
| 11 | Replace 'Planning Policy Wales (Edition 5), November 2012 with 'Planning Policy Wales (Edition 7), July 2014' | Factual change – new document issued in February 2014 |
| Appendix 4 | Delete Appendix 4 | Appendix 4 was included to reflect discussion Members had at Planning Committee on 22th January 2014. |
| Document footer | Delete document footer, including text 'Draft SPG: 'Parking Requirements in New Developments' | Amendment to document design |

This page is intentionally left blank

Draft LDP SPG 'Parking Requirements'
18 July 2014

Equality Impact Assessment

Draft LDP SPG 'Parking Requirements'

Contact: Karsten Brußk

Updated: 18.07.2014

1. What type of proposal / decision is being assessed?

| |
|-------|
| Other |
|-------|

2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

| |
|---|
| <p>Supplementary Planning Guidance notes (SPGs) amplifying the development plan policies in a clear and concise format with the aim of improving the process, design and quality of new development.</p> <p>The availability of car parking is a key element in managing car use and a major influence on the choice of transport. Car parking can take up large amounts of space in developments thereby reducing densities. Poor design and layout of parking areas can make it more difficult to provide effective walking, cycling, and public transport links.</p> |
|---|

3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

| | |
|-----------|---|
| No | <p>Supplementary Planning Guidance notes (SPGs) and SDBs amplify Denbighshire Local Development Plan 2006 – 2021 (LDP) policies in a clear and concise format with the aim of improving the process, design, and quality of new development. They do not set out any new policies.</p> <p>This SPG is linked to LDP policy ASA3 'Parking Standards', which was assessed as part of the LDP document production – see Denbighshire LDP 'Equality Impact Assessment Report (May 2011)'. It was concluded in table2: 'Screening of the Denbighshire Local Development Plan policies' that this policy is likely to 'Promote equality of opportunity by ensuring that new developments are accessible to all users, including mobility impaired'.</p> |
|-----------|---|

4. **Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken**

(Please refer to section 1 in the toolkit for guidance)

N/A

5. **Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

(Please refer to section 1 in the toolkit for a description of the protected characteristics)

N/A

6. **Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

N/A

7. **Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.**

| | |
|-----------------|---------------------------------|
| <Please Select> | <If yes, please provide detail> |
|-----------------|---------------------------------|

8. **Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

| | |
|-----------------|-----|
| <Please Select> | N/A |
|-----------------|-----|

| Action(s) | Owner | By when? |
|--|--------------|------------|
| <Please describe> | <Enter Name> | <DD.MM.YY> |
| <Please describe> | <Enter Name> | <DD.MM.YY> |
| <Please describe> | <Enter Name> | <DD.MM.YY> |
| <Please describe> | <Enter Name> | <DD.MM.YY> |
| <Unrestrict editing to insert additional rows> | <Enter Name> | <DD.MM.YY> |

9. **Declaration**

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

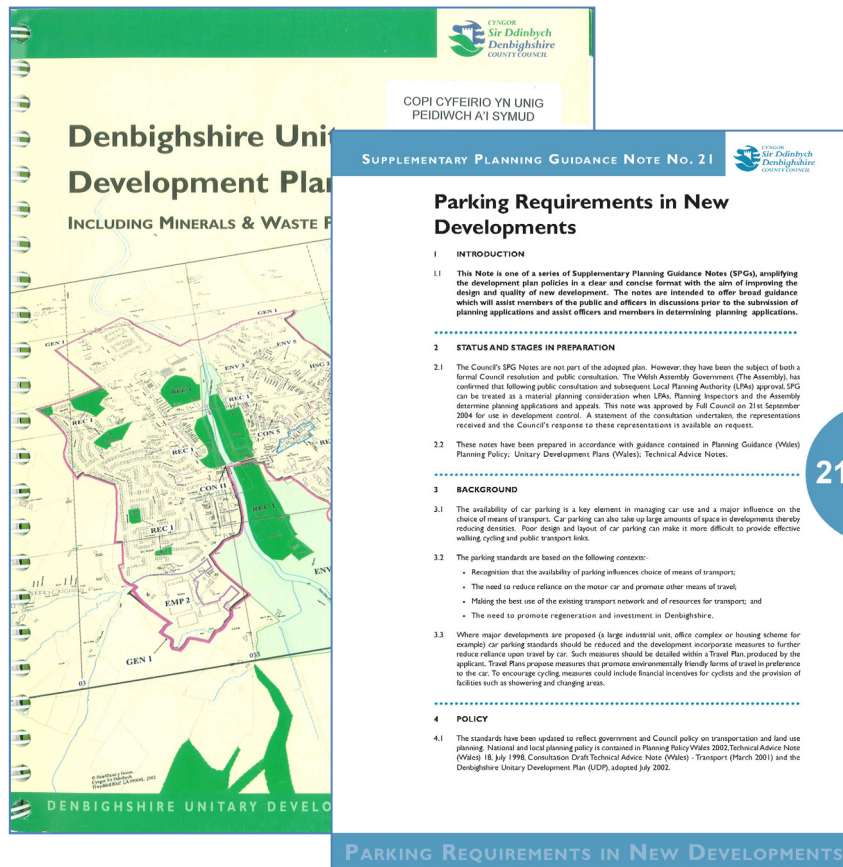
| | |
|--------------|------------|
| Review Date: | <DD.MM.YY> |
|--------------|------------|

| Name of Lead Officer for Equality Impact Assessment | Date |
|---|------------|
| Karsten Brußk | 18.07.2014 |

Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.

Draft SPG: Parking requirements in New Developments

Page 203



Denbighshire Unitary Development Plan
 INCLUDING MINERALS & WASTE PLANNING

SUPPLEMENTARY PLANNING GUIDANCE NOTE No. 21

Parking Requirements in New Developments

21

PARKING REQUIREMENTS IN NEW DEVELOPMENTS

DENBIGHSHIRE COUNTY COUNCIL

LOCAL DEVELOPMENT PLAN
 2006 – 2022

Adopted 4th June 2013

**DRAFT Supplementary Planning Guidance Note:
 Parking Requirements in New Developments (November 2013)**

| Content | |
|-------------------------------------|--|
| 1. Introduction | 02 |
| 2. Status and stages in preparation | 02 |
| 3. Background | 02 |
| 4. Policy | 03 |
| 5. Parking Standards | 04 |
| 6. Parking Zones | 05 |
| 6.1 Parking Zone 1 | 05 |
| 6.2 Parking Zone 2 | 09 |
| 7. Access for disabled people | 11 |
| 8. Cycle parking standards | 14 |
| 9. Motorcycle parking standards | 15 |
| 10. Landscaping | 16 |
| 11. Contacts / Sources | 17 |
| Appendices | |
| Figures | |
| Figure 1 | Alternative ways of arranging disabled parking spaces 13 |

Draft SPG: 'Parking Requirements in New Developments' - 1 -



Draft SPG: Parking requirements in New Developments

Planning Policy Wales Edition 6 (February 2014)

Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan. (Paragraph 8.4.2)

Draft SPG: Parking requirements in New Developments

Table 1: Comparison between UDP SPG no.21 and LDP Draft SPG

| Examples | SPG no. 21 'Parking Requirements in New Developments' | Draft SPG 'Parking Requirements in New Developments' |
|--|--|---|
| Housing estate consisting of 7 three bedroomed houses and 3 two bedroomed houses | 7 x 3 bedroomed house → 21 car spaces
3 x 2 bedroomed house → 6 car spaces
no consideration for visitor parking = 27 car spaces | 7 x 3 bedroomed house → 21 car spaces
3 x 2 bedroomed house → 6 car spaces
+ 2 spaces for visitors = 29 car spaces |
| Proposed new shop (500m² / 5 units) and office development (1000m²) | Retail element:
No distinction between operational / non-operational
= 25 spaces (1 space per 20m ²)
Office development:
= 34 car spaces (1 space per 30m ²)
→ 59 spaces for cars and commercial vehicles | Retail element:
Operational: 3 commercial vehicles spaces
Non-operational: 17 car spaces (1 space per 30m ²) = 20 spaces
Office development:
29 car spaces (1 space per 35m ²)
→ 49 spaces for cars and commercial vehicle |
| Conversion of a large 3-storey 5 bedroomed Victorian House to three one-bedroom flats | Up to 4 car spaces may be required depending on the number of car spaces already existing on site.

For example: If the 5 bedroomed Victorian House already provides 5 car spaces, no additional car spaces would be allowed. | Up to 3 car spaces may be required depending on the number of car spaces already existing on site.

For example: If the 5 bedroomed Victorian House already provides 2 car spaces, only 1 additional would be allowed. |

This page is intentionally left blank

Report To: Planning Committee

Date of Meeting: 15th October 2014

Lead Member / Officer: Cllr David Smith, Public Realm
Angela Loftus, Planning & Public Protection Policy
Manager

Report Author: Claire MacFarlane, Planning Officer

Title: Hot Food Takeaways Supplementary Planning Guidance – Consultation
draft

1. What is the report about?

- 1.1. This report accompanies a draft Supplementary Planning Guidance (SPG) document on hot food takeaways which, if adopted, will be used in the determination of planning applications.

2. What is the reason for making this report?

- 2.1. Following the adoption of the Denbighshire Local Development Plan (LDP), an updated SPG on hot food takeaways is required in order to provide further guidance for developers, Officers and Members. A draft SPG for public consultation is attached to this report (Appendix 1).

3. What are the recommendations?

- 3.1. That Members agree the draft SPG on hot food takeaways as a basis for public consultation.

4. Report details

- 4.1. Following the adoption of the LDP on 4th June 2013, Council agreed to carry forward the existing series of SPGs, including SPG 11 – Hot Food Takeaways. However, given the differences between the previous Unitary Development Plan (UDP) and LDP policies, and the lengthy period since adoption of the original SPG (in 2003), it is necessary to produce an updated SPG on this topic. If adopted, the SPG will be a material planning consideration when assessing planning applications.
- 4.2. The SPG supplements the LDP policies on sustainable development and development in town centres by providing further guidance on suitable locations and other considerations for hot food takeaways.
- 4.3. The public consultation period would be a minimum of 8 weeks and is anticipated to start in October 2014. The results of the consultation will be reported back to Planning Committee with a final SPG for adoption.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. The SPG does not directly contribute to the corporate priorities but will be used in maintaining the viability and character of town centres and will help to support the healthy eating in schools agenda.

6. What will it cost and how will it affect other services?

- 6.1. Agreeing the SPG for consultation is not anticipated to create any additional cost.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

- 7.1 An EqIA is not considered necessary for this decision. The principles of development of hot food takeaways have been established through adoption of the LDP. The SPG provides further guidance on this. The LDP underwent a full EqIA in May 2011.

8. What consultations have been carried out with Scrutiny and others?

- 8.1 No formal consultation has been carried out, but internal consultation has been carried out with officers in the Housing & Community Development Service, Development Management Team, Public Protection Section, Education Service and Highways & Environmental Services. Informal consultation has also been carried out with Public Health Wales.

- 8.2 Member input on the content of the SPG has also been provided through the LDP Members Steering Group and Licensing Committee (11th June). An excerpt from the minutes of this meeting are attached as Appendix 2 to this report.

9. Chief Finance Officer Statement

- 9.1 Any costs associated with the guidance should be contained within existing budgets and therefore there are no obvious financial implications contained in the report.

10. What risks are there and is there anything we can do to reduce them?

- 10.1 In the absence of up-to-date guidance there is a risk the Council will be unable to effectively operate the LDP policies. The current hot food takeaways SPG relates to the previous UDP policies, which are different to the LDP policies, and therefore cannot be relied upon to provide appropriate planning guidance in the long-term.

11. Power to make the Decision

- 11.1 Planning & Compulsory Purchase Act (2004).

APPENDIX 1

DENBIGHSHIRE COUNTY COUNCIL

DRAFT SUPPLEMENTARY PLANNING GUIDANCE: HOT FOOD TAKEAWAYS

OCTOBER 2014

1. INTRODUCTION

- 1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs), amplifying the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality of new development. The notes are intended to offer broad guidance which will assist members of the public and officers in discussions prior to the submission of planning applications and assist officers in handling and members in determining planning applications.

2. STATUS AND STAGES IN PREPARATION

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on XXXX.
- 2.2 These notes have been prepared in accordance with guidance contained in Planning Policy Wales (November 2012); Local Development Plans Wales (December 2005); and Welsh Government Technical Advice Notes.

3. BACKGROUND

- 3.1 This SPG is intended to assist with proposals for hot food takeaways. In dealing with these the Council seeks to balance the need to find beneficial use for vacant shops, the commercial interests and requirements of such proposals with the need to safeguard the viability and character of the commercial area or ensuring acceptable amenity standards to residents of nearby properties.
- 3.2 The Town and Country Planning (Use Classes) Order 1987 subdivides different types of use into separate Classes of Use. Hot food takeaways (along with restaurants, public houses, cafes and wine bars) fall within Class A3. Hot food takeaways are defined as establishments whose primary business is the sale of hot food for consumption off the

premises. In determining the primary use of the premises, consideration will be given to:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space
- The number of tables or chairs to be provided for customer use.

3.3 The table below provides examples of the shop types that would normally be considered as hot food takeaways. However, this list is not exhaustive.

| Examples of hot food takeaway shop types | Examples of shop types not considered as hot food takeaways |
|--|--|
| Chicken shops | Restaurants |
| Fish and chip shops | Cafes |
| Pizza shops | Public houses |
| Kebab shops | Wine bars |
| Chinese, Indian or other takeaway shops | Night clubs |
| Drive-through premises | |

4. PLANNING POLICY

4.1 Potential applicants should refer to refer to policies RD 1 and PSE 8 of the Council's Local Development Plan (LDP) which outlines the general policies and criteria under which such proposals are determined. The broad aims of these policies, in respect of hot-food takeaways, are:

- To enhance the vitality and viability of town centres
- To prevent an unacceptable imbalance of retail and non-retail uses
- To locate hot-food takeaways where they maintain the viability and character of the surrounding area.

5. GENERAL LOCATION

5.1 In assessing the suitability of the location of proposals, the following guidance will apply:

- Generally such proposals are acceptable in defined town centres subject to their satisfying the criteria in LDP policy PSE 8.
- Hot food takeaways may also be considered acceptable outside of defined town centres (and within development boundaries). However the Council will ensure that the number and concentration of such units does not detract from the function, character and attractiveness of the centre.
- Particular care needs to be exercised in locating such uses in or near primarily residential areas, including residential accommodation above or adjacent to the proposal.

- 5.2 **Proposals for new hot food takeaways will not be allowed within 400 metres¹ of the boundary of a school or tertiary college.** The close proximity of such outlets to schools can tempt children to consume cheap energy-dense and nutrient-poor foods. The Welsh Health Survey (2012) found that 34% of children in Wales are overweight or obese, which has significant implications for long-term health and associated costs to health services.
- 5.3 Case law has shown that proximity to a school and the existence of school's healthy eating policy can be a material consideration when considering planning applications for hot-food takeaways. The Healthy Eating in Schools (Wales) Measure 2009 places a duty on Local Authorities and school's governing bodies to take action to promote healthy eating by pupils. This is supported by the 'Appetite for Life' guidelines on food and nutrition standards in schools, which can be undermined by the provision of hot food takeaway outlets close to schools. NICE public health guidance 'Prevention of cardiovascular disease' (2010) and the 'All Wales Obesity Pathway' (2010) also recommend that Local Authorities should limit the number of fast food outlets in specific areas, such as close to schools.

6. OTHER CONSIDERATIONS

- 6.1 Having established the general suitability of the location in policy terms the other main issues in relation to hot food takeaways can be summarised as follows:
- Noise and disturbance;
 - Concentration / clusters of similar uses;
 - Hours of opening;
 - Traffic, Parking and Access;
 - Smells, and;
 - Litter.

The majority of these concerns can be mitigated by condition and careful thought to the location and operation of the takeaway use.

6.2 Noise and Disturbance

- Takeaways generate frequent comings and goings of customers, whether by foot or by car.
- Such activity may generate noise that becomes a nuisance from customers congregating on the street, car doors slamming and car radios where the proposed use is located in a primarily residential area, although problems may arise where the use is located in a town centre with flats above.

¹ 400m is considered to be a reasonable equivalent to 10 minutes walking distance, taking into account physical barriers (eg buildings, traffic lights etc).

- For the above reasons, planning permission is generally not granted in primarily residential areas.
- Adequate noise insulation measures will need to be undertaken to the walls and ceiling of the property, before the use commences.

6.3 **Concentration / Clusters of Similar Uses**

- Generally across the County these uses are dispersed. However, there are pockets where there is concentration of such uses, including premises (pubs/clubs/restaurants) which have a distinctive character and late night opening. Different considerations may apply here in respect of additional uses and opening hours.
- Concentrations or clusters of such uses should be avoided as they often have an adverse impact on the character of an area.

6.4 **Hours of Opening**

- Whereas most businesses usually operate from approximately 9.00 a.m. to 5.30 p.m., hot food takeaways tend not to open until lunch time and owners may request that the premises be permitted to remain trading until the early hours of the following morning.
- It is often necessary to use planning conditions to limit the opening hours to minimise disturbance to the surrounding community. However, one set of time limits would not be appropriate throughout the County because areas vary so much. An application must be determined on its own merits. It may be acceptable for proposed hot food takeaways in areas where late night opening occurs to remain trading until midnight or beyond. Other town centres/locations should be more controlled, whereas proposals which have residential properties in the vicinity should not remain trading until late evening in the interests of the amenity of local residents.

6.5 **Traffic, Parking & Access**

- Hot food takeaways located in the larger town centres will probably attract a large number of customers by foot. However, those on main routes out of towns and in local shopping parades or village centres will attract a large proportion of car-borne customers requiring short stay parking very close to the property. Properties outside town centres should, therefore, have a readily accessible vehicular parking area in close proximity to the site (e.g. lay-by to the front). A rear service yard or a public car park some distance away is unlikely to be used and properties on double yellow lines outside town centres are normally unsuitable.
- Adequate visibility for cars entering and leaving the premises will be required and proposals at or near junctions especially traffic - controlled junctions are unlikely to be supported, especially if there are no off-street parking or servicing arrangements.

6.6 Smells

- Cooking smells from takeaways can cause amenity problems for nearby residents
- Problems relating to smells should be mitigated by the installation of suitably designed extraction facilities.
- The actual design will vary from premises to premises, but all should be located to the rear of the property, with a colour and design such that the unit does not appear as an incongruous feature in the street scene. It is normally considered that modern equipment, combined with high level ventilation is adequate to reduce smell nuisance to tolerable levels except in the most sensitive of location.
- A condition requiring that a scheme for the extraction of cooking odours be approved by the local planning authority, and that the equipment be installed prior to the use commencing, will be attached to planning approval. The use of charcoal filters will not be acceptable.
- Where practicable and especially in conservation areas or on listed buildings, a flue liner inside an existing chimney should be used.

6.7 Litter

- However careful the owner/operator, hot food takeaways have a tendency to generate litter. Whilst this is essentially outside his/her control the proprietor must make every effort to keep the area around the premises litter-free. A legal agreement to that effect may be appropriate, particularly for larger national chains. The local authority has the power, through environmental legislation, to take enforcement action against littering offences and this can ultimately lead to prosecution by a court.
- Where appropriate, a condition to require the operator to provide (at his/her expense) containers for the deposit of litter, in accordance with details to be submitted to the Local Authority, will be attached to planning approval.

7. PLANNING PERMISSION

- 7.1 Hot food takeaways (along with restaurants, public houses, cafes and wine bars) fall within Class A3 which allow the use of a property for the sale of food or drink for consumption off the premises. Hence, it would be possible to change a property currently selling one type of hot food, e.g. fish and chips, to one selling a different type of hot food, e.g. Chinese take-away, without requiring planning permission. However, if it is intended to use a property as a hot food take-away which is currently not used for that purpose then a change of use planning application will be required. Operators of bakery shops and sandwich shops which sell a small proportion of hot food would not normally be

required to apply for planning permission as a hot food take-away, depending on the scale of the operation.

- 7.2 Mobile catering, for example trading on a street from a vehicle or stall, is not within the control of the planning system and is therefore not covered by this SPG. Such uses will be subject to other licensing regimes, and guidance should be sought from the Council's Licensing Team.

8. OTHER LEGISLATION

- 8.1 Proposals will also require any approvals under other legislation e.g. Environmental Protection, and Building Regulations. Applicants must ensure compliance with these requirements.

9. CONTACTS

Development Planning & Policy Team
Tel: 01824 706916
Email: ldp@denbighshire.gov.uk

Development Management Team
Tel: 01824 706727
Email: planning@denbighshire.gov.uk

Licensing Team
Tel: 01824 706311
Email: licensing@denbighshire.gov.uk

Food Health & Safety Team
Tel: 01824 706405
Email: envhealth@denbighshire.gov.uk

APPENDIX 2

EXCERPT FROM LICENSING COMMITTEE MEETING MINUTES (11TH JUNE 2014)

7 DRAFT SUPPLEMENTARY PLANNING GUIDANCE - HOT-FOOD TAKEAWAYS

The Planning Policy Manager and Planning Officer presented a report by the Head of Planning and Public Protection (previously circulated) seeking members' views on the draft Supplementary Planning Guidance (SPG) document on hot-food takeaways prior to its submission to Planning Committee and public consultation. The Local Development Plan Steering Group had requested the guidance be presented to the Licensing Committee in view of the clear links with licensing.

Members were advised of the need to update existing SPGs following adoption of the Local Development Plan in June 2013. Following a review of this particular guidance some minor changes had been proposed but the main change was the proposal to introduce a restriction on new hot-food takeaways within 400m of any school boundary. Officers elaborated upon other considerations within the document of particular interest to licensing and emphasised that the guidance would only apply to new planning applications and would not affect existing hot-food takeaway premises.

During consideration of the draft guidance discussion focused on the following:

- the committee supported the proposal to introduce an exclusion zone near schools and was keen for this restriction to be extended to mobile hot food businesses with greater controls exercised over mobile traders generally and proactive enforcement. Officers explained the legalities governing mobile traders advising they could not be regulated via the planning mechanism but through Street Trading Consents and Hawkers Licences. It was agreed that reference be made to street trading within the guidance clarifying those areas of responsibility and control. However, concerns remained that adequate controls could not be exercised over particular traders which fell outside the Council's legislative jurisdiction
- Members reported upon existing traffic and parking problems experienced near established hot-food takeaways and lack of enforcement and officers provided assurances that consultation with Highways formed part of the planning process for new applications
- reference was made to paragraph 6.7 regarding litter and members felt that those measures should be strengthened and made mandatory if possible.

The Planning Policy Manager advised that members' comments would be put before Planning Committee in July when considering the draft document. She added that members would have a further opportunity to comment during the formal consultation stage.

RESOLVED that, subject to the above comments, the draft *Supplementary Planning Guidance document on hot-food takeaways* be received and noted.

APPENDIX 3

Consultation Draft Supplementary
Planning Guidance - Hot-food takeaways
15th October 2014

Equality Impact Assessment

Consultation Draft Supplementary Planning Guidance - Hot-food Takeaways

Contact: Angela Loftus, Planning & Public Protection Service
Updated: 15/10/14

1. What type of proposal / decision is being assessed?

| |
|-------------------------|
| A new or revised policy |
|-------------------------|

2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

| |
|--|
| The proposal is to seek approval from Planning Committee to carry out public consultation on a revised draft Supplementary Planning Guidance for hot-food takeaways. If adopted, following public consultation, this will replace the existing Hot-food Takeaways SPG. |
|--|

3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

| | |
|----|--|
| No | The proposal is to to carry out public consultation on updated planning guidance relating to new hot-food takeaways. The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying the LDP policies. The LDP underwent a full EqlA in 2010. |
|----|--|

4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

(Please refer to section 1 in the toolkit for guidance)

| |
|--|
| The Denbighshire Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqlA in 2010. |
|--|

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?
(Please refer to section 1 in the toolkit for a description of the protected characteristics)

No

6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

No

7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.

| | |
|----|--------------|
| No | Not required |
|----|--------------|

8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

| | |
|----|--------------|
| No | Not required |
|----|--------------|

| Action(s) | Owner | By when? |
|-----------|-------|----------|
| | | |
| | | |
| | | |
| | | |

9. Declaration

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

| | |
|---------------------|--------------|
| Review Date: | January 2015 |
|---------------------|--------------|

| Name of Lead Officer for Equality Impact Assessment | Date |
|---|----------|
| Angela Loftus | 15.10.14 |

Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.

Report To: Planning Committee

Date of Meeting: 15 October 2014

Lead Member / Officer: Cllr David Smith, Public Realm
Angela Loftus, Development & Planning Policy
Manager

Report Author: Angela Loftus, Development & Planning Policy
Manager

Title: Position Statement: Minerals Landbank in
Denbighshire

1. What is the report about?

- 1.1. The Denbighshire Local Development Plan (LDP) was produced using the evidence base provided by the North Wales Regional Technical Statement (RTS). Since the Local Development Plan was adopted the Regional Technical Statement has been revised and the Regional Technical Statement 1st Review published. Welsh Government has issued a Policy Clarification Letter, CL-04-14, in response to the publication of the Regional Technical Statement 1st Review and this report considers the implications of these documents for the Denbighshire Local Development Plan.

2. What is the reason for making this report?

- 2.1 To agree a position statement in light of the publication of the RTS 1st Review and Clarification Letter CL-04-14 to demonstrate Denbighshire's commitment to contributing towards demand for minerals, in accordance with Minerals Planning Policy Wales paragraph 11.

3. What are the recommendations?

- 3.1. That Members agree the recommended position statement contained within paragraph 5.1 of this report.

4. Report details

- 4.1 Minerals Planning Policy Wales, paragraph 11, requires that each Mineral Planning Authority should ensure an appropriate contribution is made in its development plan to meeting local, regional and UK needs for minerals. Minerals Technical Advice Note 1: Aggregates, goes on to require that a minimum 10 year landbank of crushed rock and minimum 7 year landbank for sand and gravel should be maintained during the entire plan period of each development plan. As part of establishing the level of demand for aggregates, Minerals Technical Advice Note (MTAN) 1 requires the production of a Regional Technical Statement, the relevant parts of which would then be incorporated into development plans.

- 4.2 The Denbighshire Local Development Plan was produced using the Regional Technical Statement published in 2009, which recommended that no rock resource allocation is required at present (sic) and that an allocation of 1.0 Million tonnes (Mt) sand and gravel to cover at least a 12 year period should be made in the Local Development Plan. In response to the Regional Technical Statement the Local Development Plan included the identification of a Preferred Area, designated under policy PSE 17, within which applications for the extraction of up to 1 million tonnes of sand and gravel will be permitted, taking into account the level of need identified by the Regional Aggregate Working Party apportionment figures.
- 4.3 Since the Denbighshire Local Development Plan was adopted in June 2013, the North Wales Aggregates Working Party undertook a review of the Regional Technical Statement, culminating in the publication of the Regional Technical Statement 1st Review on the 1st August 2014. The Regional Technical Statement 1st Review includes a number of recommendations for each local authority which in some cases differs to those contained within the 2009 Regional Technical Statement. The advice for Denbighshire is that new allocations totalling 2.2 million for sand and gravel and 0.8 million for crushed rock should be identified within the Local Development Plan.
- 4.4 The RTS 1st Review identifies the need for primary land-won aggregates over a 25 period, until 2036. This is due to the need to ensure that Local Development Plans make sufficient provision throughout the full duration of the Local Development Plan. Minerals Technical Advice Note 1 states that “A minimum 10 year landbank of crushed rock and minimum 7 year landbank for sand and gravel should ...be maintained during the entire plan period...Where landbanks already provide for more than 20 years of aggregate extraction, new allocation in development plans will not be necessary.” When Minerals Technical Advice Note 1 was written it was presumed that a plan period would be 10 years.
- 4.5 The Welsh Government issued a Policy Clarification letter, CL-04-14 on 25/07/2014 in response to the publication of the Regional Technical Statement 1st Review. The Policy Clarification letter advises that given the Local Development Plan Period is 15 years, it would be prudent to conclude that where landbanks already provide for more than 25 years of aggregates extraction, new allocations in development plans will not be necessary. This is instead of the 20 years specified in Minerals Technical Advice Note 1 paragraph 49.
- 4.6 The Clarification letter also advises that the method of calculating landbanks using a 10 year sales average instead of a 3 year sales average is appropriate and that the exclusion of dormant sites from the landbank calculation is appropriate.

Implications for Denbighshire: Crushed Rock

- 4.7 The Denbighshire Local Development Plan period is between 2006 and 2021. Consideration therefore needs to be given to what the level of requirement would be over this period and 10 years beyond for crushed rock, not until 2036. The annual requirement for crushed rock is based upon an annualised apportionment of 0.89 million tonnes per year. Between 2011 and 2021 this equates to a requirement for 8.9 million tonnes and over a 20 (until 2031) year period this equates to 17.8 million tonnes, which is well below the 22.07 million landbank available (as at 31st December 2010).
- 4.8 **It is therefore considered that there is currently no need to identify an allocation for crushed rock in the Local Development Plan.** However, this will be monitored through the Local Development Plan Annual Monitoring to ensure that if a need arises an allocation can be identified, or, alternatively, it can be explored whether collaborative working with Conwy which has substantial surplus of crushed rock would be appropriate. It is considered possible that an allocation for crushed rock would be required in the next Local Development Plan period although this will depend upon the rate at which rock is extracted and sold from quarries in Denbighshire, the planning position of quarries within Denbighshire and whether collaboration with Conwy is agreed.
- 4.9 Furthermore, in Officer's view, the existing policy is able to deal with applications for mineral extraction without amendment given the wording contained within criteria (ii) and (iii). It is recommended that the Local Planning Authority adopt a position statement acknowledging the change in advice at the regional level and why no action is considered necessary at this moment in time.

Sand and Gravel

- 4.10 The 2009 Regional Technical Statement identified a need for sand and gravel, so, through the Local Development Plan process, a Preferred Area which exceeds 220ha was identified, within which applications for up to 1 million tonnes of sand and gravel extraction may be supported under policy PSE 17 subject to a number of tests including need. The Regional Technical Statement 1st Review identifies a need for 2.2 million tonnes over a 25 year period and assumes that the existing landbank is 0, excluding permitted reserves at Maes Y Droell Quarry which is a silica sand quarry, the output of which has industrial applications and is therefore not classified as an aggregate quarry.
- 4.11 Assuming that the regional need for sand and gravel is based upon this provision being made and that past sales of sand and gravel elsewhere in the region would effectively result in a negative theoretical landbank in Denbighshire, provision should be made over the period 2011-2021 (plus 7 years). Therefore, over the period of the Local Development Plan provision should be made for 1.7 million tonnes of sand and gravel. Policy PSE 17 already provides a shortfall according to the Regional Technical Statement (0.1 million tonnes by end of 2014). However, it is considered that there is sufficient scope within the preferred area identified on the proposals maps to meet the additional need identified by the Regional Technical Statement 1st

Review. In the event that this is demonstrated not to be the case the policy would need to be reviewed.

- 4.12 The wording of criteria (iii) of policy PSE 17 states that “Applications for the extraction of up to 1 million tonnes of sand and gravel will be permitted in Preferred Areas (identified on the proposals maps) taking into account the above criteria. Criteria (ii) states that “ *Applications for the extraction of aggregate minerals will only be permitted where it is necessary to maintain a stock of permitted reserves having regard to the Regional Aggregate Working Party apportionment figures....*”. In Officer’s view this wording provides sufficient flexibility to enable the Local Planning Authority to respond to any increase in demand.
- 4.13 Since the adoption of the Local Development Plan there has been no interest in Denbighshire for sand and gravel extraction received to date. There are existing sand and gravel quarries within the region which are meeting existing needs, therefore, whilst there is a need to ensure compliance with national policy, industry has not identified a pressing need in this location. In the absence of interest from the industry the identification of further areas or further investigation of the current Preferred Area is considered to be unnecessary. As with crushed rock it is recommended that this matter is kept under review through annual monitoring.

5. Recommendation

5.1 That members agree the following position statement:

Position Statement

There is currently no need to identify an allocation for crushed rock in the Local Development Plan due to existing landbanks within the Local Development Plan area which would meet the need for crushed rock until 2035. This matter will be kept under review to ensure that if a need arises an allocation can be identified or, alternatively, to explore whether collaborative working with Conwy would be appropriate.

Any additional requirement for sand and gravel identified by the Regional Technical Statement 1st Review shall be met through policy PSE 17. In the event that this is demonstrated not to be the case the policy shall be reviewed.

Appendix 1: Extract of the RTS and RTS 1st Review

Extract of the 2009 Regional Technical Statement (page 76)

Recommendation:

On the basis of the information available on permitted reserves and in the light of MTAN1 policy (para 49), and applying Method A and Method B apportionment, no rock resource allocation is required at present. However, in preparing Local Development Plans, consideration should be given to whether the factors in (para 4.16) above give rise to any requirement for resource allocations.

An allocation of 1.0 Mt sand and gravel in the Denbighshire LDP to cover at least a 12 year period should be made in liaison with Flintshire and where possible, outside the AONB. Steps should be taken to maximise the use of CD&EW as aggregates.

Sand and gravel and rock (especially limestone) deposits should be safeguarded in the LDP.

Extract of the RTS 1st Review 2014 (page17 of Appendix A)

Allocations required to be identified in the Local Development Plan

In order to address the resulting shortfalls, new allocations totalling at least 2.2 million tonnes for sand & gravel and at least 0.18 million tonnes for crushed rock will need to be identified within the LDP. In practice, the crushed rock allocation will probably need to be significantly greater than this, in recognition of scale of extraction needed to justify a new planning application, even for an extension to an existing quarry.

This page is intentionally left blank

Report To: Planning Committee

Date of Meeting: 15th October 2014

Report By: Head of Planning and Public Protection

Report Author: Development Manager

Title: Planning Compliance Case Update

1. What is the report about?

The report provides an update for Members on planning compliance cases. The cases included in the attached table are not exhaustive but represent ones which had been authorised at Committee previously. In addition, Officers have included cases they consider are of general interest.

2. What is the reason for making this report?

Under the current Planning Scheme of Delegation Officers have been given the authority to progress planning compliance cases under delegated powers. This means that over the last 12 months no reports have been presented to Planning Committee seeking authorisation from Members to take planning enforcement action on specific cases. Officers will liaise directly with local Members on cases in their area before progressing formal enforcement action.

As such, it is felt important to provide Planning Committee with an annual update report on certain cases of note. Members are still able to contact individual compliance Officers direct on individual compliance cases.

3. What are the Recommendations?

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

4. Report details.

Background

Within the Planning and Public Protection Service there are currently 3 Officers involved in Planning Compliance work.

- Wayne Williams (works Wed, Thurs, Fri). Involved primarily in project based work related to service priorities e.g. HMO project, appeal work.
- Jill Daniel (works Mon, Tues, Wed, Thurs). Involved in all planning compliance work focussing on eyesore sites work and other service priority work e.g. Caravan Site Project and Forestry Project.

- Bryn Bolton (works Mon, Tues, Wed, Thurs, Fri). Involved in all planning compliance work across the County.

The Officers above can be contacted on 01824 706727 or via planning@denbighshire.gov.uk.

Planning Compliance work can be complex and time consuming. Taking formal action requires thorough investigations into potential breaches of planning control with legal documents needing to be produced.

Officers have to prioritise work and must follow the principles set out in Welsh Government guidance which stipulates that formal action should only be taken as a last resort.

As such, much of their work involves negotiation between complainants and potential contravenors, seeking to resolve an issue without the need for formal action to be taken. Member training sessions have taken place on the subject of planning compliance as it can be a complex and controversial area. Complainants will often feel their issue is a priority and should be dealt with ahead of all others. This is why the Service has developed the eyesore sites list and service priorities in an attempt to focus the Officer time on tackling the most important and harmful issues.

It should also be noted that Officers will focus on resolving untidy land cases as quickly as possible given the links to the corporate priority of Clean and Tidy Streets.

The attached table (**Document 1**) lists a number of cases that Officers have been involved in and is self-explanatory. Members are encouraged to contact the Officers direct should they want more detailed information on particular cases.

**PLANNING COMMITTEE AUTHORISATIONS FOR ENFORCEMENT AND OTHER ENFORCEMENT
NOTICES SERVED – LAST 2 YEARS**

CASE REVIEW REPORT: 24 SEPTEMBER 2014

Cases detailed in italics are closed

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|-----------------------|--|------------------|-----------------------------------|--|---|--------------|
| <i>ENF/2012/00029</i> | <i>102 Vale St,
Denbigh</i> | <i>Delegated</i> | <i>Untidy land</i> | <i>S.215 Notice served 1/10/12</i> | <i>Compliance by 5/2/13

26/2/13 – A Lord served PDP Act notice – not complied with.

Owner failed to comply - 2/8/13 – works in default completed

30/10/13 – letter to owner demanding payment – invoice raised – owner has arranged payment plan.

Case closed</i> | <i>WW</i> |
| <i>ENF/2012/00027</i> | <i>4 The Paddock,
Park St,
Denbigh</i> | <i>Delegated</i> | <i>Untidy land</i> | <i>S.215 Notice re-served by hand 30/10/12</i> | <i>Compliance by 30/1/13

Owner failed to comply - 6/9/13 – works in default completed

3/10/13 – letter to owner demand payment of costs for works in default – invoice raised

Case closed</i> | <i>WW</i> |
| <i>ENF/2012/00031</i> | <i>45 Aquarium St, Rhyl</i> | <i>21/11/12</i> | <i>Unauthorised development –</i> | <i>Enforcement action authorised</i> | <i>Instructions to Legal Services to prepare E Notices sent 22/11/12</i> | <i>WW</i> |

Page 229

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|--------------------------------|----------|---|--------------------------------------|---|--------------|
| | | | <i>sub-division of single dwelling prior to agreement on S.106</i> | | <i>Original application amended (45/2008/0412/PF) – to retain conversion to three self contained units – granted 9/12/13.

Case Closed</i> | |
| ENF/2012/00032 | 1 Willow Court, Rhyl | 21/11/12 | <i>Unauthorised development – erection of fence over 1m</i> | <i>Enforcement action authorised</i> | <i>Owner has notified Appeal to be lodged

Appeal against refusal lodged 27/3/13 – dismissed

30/10/13 – E Notices served by Legal Services – compliance by 30/1/14

31/1/14 – owner requested more time – further 2 weeks allowed.

S/V 6/3/14 – no change – LBA to owner 7/3/14

10/4/14 – SV – fencing reduced in height.

Case closed</i> | WW |
| ENF/2013/00006 | Y Foelas, Peakes Lane, Denbigh | 20/3/13 | <i>Unauthorised development – installation of uPVC windows and door in Article 4 area</i> | <i>10/7/13 – E Notices served</i> | <i>Compliance by 8/8/14

4/9/13 – app submitted for replacement windows – 01/2013/0998/PF – granted 28/10/13

S/V 4/4/14 – new timber windows & door inserted as per pp</i> | WW |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|---------------------------|-----------|-------------|-----------------------------|--|--------------|
| | | | | | <i>Case closed</i> | |
| ENF/2012/00010 | Isfryn,
Glyndyrdwy | Delegated | Untidy land | S.215 Notice served 22/3/13 | <p>Compliance by 29/8/13</p> <p>27/9/13 – LBA sent out by LS.</p> <p>14/10/13 - owner's nephew responded – has engaged builder who advised required works will require more time than allowed. To be discussed with nephew.</p> <p>4/11/13 – discussed with nephew – quote from builder £20-25K. Needs to gain approval from owner on whether she has funds to complete repairs or whether property to be sold.</p> <p>29/1/14 – S/V – scaffolding erected</p> <p>17/2/14 – contractor has submitted Building Notice re roof works for BC to approve.</p> <p>S/V 9/4/14 – roof works underway, render removed & new windows inserted – works on-going</p> <p>Further S/V required to confirm works complete.</p> | WW |
| ENF/2012/00034 | 8 Pine Tree
Walk, Rhyl | | Untidy land | S.215 Notice served 22/3/13 | <p>Compliance by 29/6/13</p> <p>WID completed 18/12/13</p> <p>17/1/14 – letter to owner seeking</p> | WW |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|--------------------------------------|---------|--|--|---|--------------|
| | | | | | <i>costs. Invoice raised.</i>
<i>Case closed</i> | |
| ENF/2013/00007 | 127-129 High St, Rhyl | 20/3/13 | Unauthorised development – installation of uPVC shopfront in Conservation Area | Enforcement action authorised – 2 year compliance period | E Notices served 14/10/13 – compliance by 14/11/15.

Appeal lodged – 4/12/13 statement submitted

7/5/14 – Appeal upheld

Case closed | WW |
| ENF/2013/00011 | 26 Butterton Rd, Rhyl | 24/7/13 | Unauthorised change of use from HMO to four self contained flats | Enforcement Notice served 5/12/13 | Compliance by 3/10/14

No Appeal lodged

15/8/14 – reminder sent to owner who responded 20/8/14 stating agent dealing with revised plans & will correspond further re amended layout. | WW |
| ENF/2013/00008 | Amber Coffee House, 85 High St, Rhyl | 24/7/13 | Unauthorised new shop front | Enforcement action authorised | 16/7/13 S/V – coffee shop closed, but unauthorised shop front remains in situ.

30/7/13 – shop front removed by owners.

Case closed | WW |
| ENF/2013/00014 | Plas Elwy, The Roe, St Asaph | 24/7/13 | Unauthorised change of use from residential to mixed residential & vehicle sales | Draft report prepared for P/Comm | 10/7/13 – valid app submitted to continue car sales operation for temp period of 3 years – application granted by P/Comm

Case closed | WW |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|---|-----------|---|--|--|--------------|
| ENF/2013/00010 | Craig Villa,
Abraham's
Lane,
Denbigh | 24/7/13 | Unauthorised
development –
installation of
uPVC windows
and door in
Article 4 Area | Enforcement action authorised

P/Committee require press
release to explain Article 4 | 11/11/13 – E Notice served –
compliance by 15/12/14

Appeal lodged – 29/1/14 statement
submitted

9/5/14 – Appeal dismissed –
compliance date now 9/5/15.

28/5/14 – owner called to clarify
works required. 29/5/14 – letter
sent to owner to clarify & seek
intended course of action. | WW |
| ENF/2013/00016 | Crown Hotel,
Crown Sq,
Denbigh | Delegated | Untidy land | S.330 served 11/7/13

S.215 Notice served 23/7/13 | Compliance by 26/9/13

25/10/13 - boards removed.

Case closed | WW |
| ENF/2013/00012 | Scout Hall,
Middle Lane,
Denbigh | Delegated | Untidy land | S.215 Notice served 8/8/13 | Compliance by 9/11/13

Application 01/2013/1061 validated
10/9/13 – granted 6/1/14

15/4/14 – S/V – building
demolished & site cleared.

Case closed | WW |
| ENF/2013/00015 | Marlborough
Hotel, 16
East
Parade,
Rhyl | Delegated | Unauthorised
HMO | Delegated report supported by
local Members | 30/10/13 – E Notices served by
Legal Services – compliance by
30/4/14

Appeal lodged – 13/12/13
statement submitted. Inquiry to be
held 20/5/14 | WW |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|--|-----------|--|---|--|--------------|
| | | | | | 20/5/14 – Inquiry part heard & adjourned to 3/9/14 – Appellant (unrepresented) produced documents not seen by DCC – ‘hotel booking logs’

Inquiry held 3/9/14 – decision expected by 16/10/14 | |
| ENF/2011/00021 | The Money Shop, 83 High St, Rhyl | Delegated | Unauthorised fascia signage | Discontinuance Notice served 20/11/13 | Compliance by 20/4/14

6/12/13 – replacement fascia boarding & signage installed.

Case closed | WW |
| ENF/2013/00013 | Land at Coed y Glyn, Glyndyfrdwy, Corwen | Delegated | Unauthorised development – building on agricultural land | Delegated report supported by local Members | 7/11/13 - instructions sent to Legal Services for preparation of E Notice

7/4/14 – E Notice served – no appeal lodged – compliance by 7/9/14

Land owner requested further time to comply due to seasonal agricultural pressures. Compliance period extended to 7/10/14 | WW |
| ENF/2013/00024 | Lleweni Parc, Mold Rd, Denbigh | Delegated | Unauthorised residential use of static caravan | Delegated report supported by local Members | 23/12/13 - instructions sent to Legal Services for preparation of E Notice

6/2/14 – new app submitted to retain residential use of static caravan – 01/2014/0070/PC – service of notice withheld pending review of application by EOC | WW |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|---------------------------------------|-----------|--|--|--|--------------|
| | | | | | <p>26/3/14 – app refused</p> <p>7/4/14 – E Notice served – compliance by 7/10/14</p> <p>16/4/14 – appeal lodged – Hearing set for 15/10/14</p> | |
| ENF/2014/00001 | Land adj to 21 Stanley Park Ave, Rhyl | Delegated | Untidy land | S.215 Notice served 30/1/14 | <p>Compliance by 28/4/14</p> <p>28/5/14 – S/V site cleared. (PP granted for erection of garage for domestic use)</p> <p>Case closed</p> | WW |
| ENF/2014/00002 | Ocean Beach Site, Wellington Rd, Rhyl | Delegated | Breach of Condition 33 attached to 45/2012/1236/PS | Breach of Condition Notice served 7/3/14 | <p>Compliance by 7/4/14</p> <p>2/4/14 - submission made to discharge condition – for consideration by PM</p> <p>16/4/14 – letter from GHB to agents advising latest proposals to discharge condition are welcomed & response will be given once revised plans have been considered by all interested Council parties.</p> <p>13/6/14 – S/V – all missing boarding replaced, 95% painted blue remainder painted white undercoat</p> <p>10/7/14 – following meeting between agent/developer & PM/GHB – current proposals are</p> | WW |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|---|------------|--|---|--|--------------|
| | | | | | acceptable. Progress to be monitored. | |
| ENF/2013/00019 | Land at Bwlch Cottage, Berwyn, Llangollen | Delegated | 1. Unauthorised engineering operation
2. Unauthorised Siting of 2 static caravans | Delegated report submitted to local Members 28/2/14 – view awaited | 13/3/14 - instructions sent to Legal Services for preparation of E Notice

E Notice served by Legal 18/9/14 – compliance by 18/4/15 | WW |
| ENF/2014/00005 | 4 Dyffryn, Pwllglas, Ruthin | Delegated | Untidy land | S.215 Notice served 27/3/14 | Compliance by 29/7/14

19/8/14 S/V by Andrea Fisher – 90% compliance with Notice.

27/8/14 – letter to owner to seek full compliance by painting windows, doors & fascia boards

Further S/V required to check progress | WW |
| ENF/2014/00009 | 5 Heol y Llys, Rhyl | Delegated | Untidy land | S.215 Notice served 2/4/14
Notice re-served by hand 2/5/14 | Compliance by 4/8/14
Andrew Lord served PDP Act notice regarding rear garden.

Andrew Lord to assess site & compliance with both notices | WW |
| ENF/2012/00020 | The Royal Hotel, Bridge Street Llangollen | 21/11/2012 | Unauthorised Change of Use of Hotel to mixed use Hotel and Hostel housing the homeless | Committee authorised the service of an Enforcement Notice with a 2 month compliance period, requiring the cessation of a mixed use of the hotel as a hostel for housing the homeless and the return to its sole use as a Hotel providing shorter stay | Following Committee's resolution, we received assurances via the owner's Solicitor that the unauthorised use would cease immediately. No further complaints were received and therefore there was no need to serve the Enforcement Notice. | JD |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|--------------------------------|------------|--|---|---|--------------|
| | | | | <i>accommodation for travellers with permanent addresses elsewhere</i> | | |
| ENF/2012/00033 | Bryntirion Farm Rhualt | 21/11/2012 | Unauthorised change of use of agricultural field to mixed use residential and agricultural
Unauthorised development – siting of residential static caravan; erection of tree house and ancillary ladder; zip wire with landing platform | Committee authorised the service of an Enforcement Notice with a 2 month compliance period, requiring: <ul style="list-style-type: none"> (i) Removal of the unauthorised Tree House and Zip Wire from the agricultural land. (ii) Cessation of use of the agricultural land as a play / recreational area and restoration of the land to its previous state as an agricultural field. (iii) Removal of the unauthorised static caravan from the land. | | |
| ENF/2013/00026 | TY CAPEL, WAEN ST ASAPH | 19/2/2013 | <i>Unauthorised creation of vehicular access onto a classified road.</i> | <i>Committee authorised the service of an Enforcement Notice in circumstances where application(s) attempting to regularise or address the breach of planning and highway control were not submitted within THREE month of authorisation being given. Such Notice would require that use of the vehicular access</i> | <i>Following Committee's resolution, a retrospective planning application was submitted on 20/5/2014 (47/2014/0579) and therefore there was no need to serve an Enforcement Notice. This was GRANTED 30/7/2014.</i> | JD |

| REF. NO. | ADDRESS | P/CMTE | BREACH | ACTION | NOTES | CASE OFFICER |
|----------------|---|-----------|----------------------|--|---|--------------|
| | | | | <i>ceases and that the access be reinstated to a pedestrian access only.</i> | | |
| ENF/2014/00006 | Aldi Stores, Prestatyn | Delegated | Breach of Conditions | Breach of Condition Notices served 17/4/2014 | Service of Notices secured compliance with conditions and encouraged planning application. | JD |
| ENF/2010/00081 | Commerce House, Corwen | Delegated | Untidy Property | Enforcement Notice served | Owner only partially complied with Notice. Successful prosecution in Magistrates Court on 15/7/2014 for non-compliance with the Notice. Owner found guilty and given conditional discharge for 12 months rather than a fine. Costs awarded to DCC (£126.50 Investigative costs and £150 legal costs). Since the prosecution, the site has been monitored and the owner has clearly been more motivated to comply. Further works required by the original notice have since been carried out and only 1 item of works remains to be completed. | JD |
| ENF/2014/00017 | Vale Country Club, Ruthin | Delegated | Breach of Conditions | Breach of Condition Notices served 11/8/2014 | Service of Notices secured the submission of a retrospective planning application. | JD |
| ENF/2012/00028 | Land to Rear of 2 Allt y Graig, Dyserth | Delegated | Untidy Land | S.215 Untidy Land Notice served | Owner failed to comply with the Notice. Successful prosecution in Magistrates Court on 16/9/2014 for non-compliance. Owner found guilty and fined £200. Costs awarded to DCC (Victim surcharge £20, Investigative costs £50 and Legal costs £130). The site will now be monitored and if he continues not to comply a further prosecution will follow. | JD |