

To: Members of the Planning Committee Date: 10 February 2015
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, 18 FEBRUARY 2015** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 11 - 12)

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 13 - 20)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 21 January 2015 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 11) -

5 APPLICATION NO. 01/2014/0705/PF - ST DAVIDS CHURCH, ST DAVIDS LANE AND BROOKHOUSE ROAD DENBIGH (Pages 21 - 44)

To consider an application for construction of a multi-user active travel route at land between St Davids Church, St Davids Lane and Brookhouse Road Denbigh (copy attached).

6 APPLICATION NO. 01/2014/1390 - 51 MYTTON PARK, DENBIGH (Pages 45 - 64)

To consider an application for erection of extensions and alterations to dwelling at 51 Mytton Park, Denbigh (copy attached).

7 APPLICATION NO. 18/2014/0793/PF - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH (Pages 65 - 98)

To consider an application for change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works at Pentre Mawr Country House Hotel, Llandyrnog Denbigh (copy attached).

8 APPLICATION NO. 18/2014/0794/LB - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH (Pages 99 - 122)

To consider a Listed Building application for change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works at Pentre Mawr Country House Hotel, Llandyrnog Denbigh (copy attached).

9 APPLICATION NO. 21/2014/0032/PF - CLWYD FOREST, MAESHAFN (Pages 123 - 136)

To consider an application for erection of wooden tool store and shelter for managing the woodland (retrospective application) at Big Covert, Clwyd Forest, Maeshafn (copy attached).

10 APPLICATION NO. 21/2014/0096/PC - CLWYD FOREST, MAESHAFN (Pages 137 - 152)

To consider an application for retention of existing shed and erection of wood store (partly in retrospect) at Clwyd Forest, Big Covert Maeshafn Mold (copy attached).

11 APPLICATION NO. 24/2014/1246/PS - CRAIG Y DDYWART QUARRY, RUTHIN (Pages 153 - 164)

To re-consider an application presented to Planning Committee on 21 January 2015 for variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site at Firearms Training Complex, Craig y Ddywart Quarry, Rhewl, Ruthin (copy attached)

12 TY NANT DEVELOPMENT BRIEF (Pages 165 - 210)

To seek Members' approval to undertake consultation on the draft Site Development Brief and the accompanying Strategic Environmental Assessment with statutory bodies and members of the public (copies attached). If approved, the Site Development Brief will assist in the determination of planning applications for this site.

MEMBERSHIP

Councillors

Councillor Raymond Bartley (Chair)

Councillor Win Mullen-James (Vice-Chair)

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

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

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Town and Community Councils

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

General introduction

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

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

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

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

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

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

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

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

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

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

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. The Chair will remind speakers they have a maximum of 3 minutes to address the Committee. Public speaking is subject to a separate protocol.

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

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

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

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

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

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

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

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

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

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

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

The voting procedure

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

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

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

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

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

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

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

PLANNING COMMITTEE

VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

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

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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:

(See the note below)*

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 21 January 2015 at 9.30 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Barry Mellor, Win Mullen-James (Vice-Chair), Bob Murray, Peter Owen, Dewi Owens, Merfyn Parry, Paul Penlington, Arwel Roberts, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams and Huw Williams

Councillor Bobby Feeley attended on behalf of Local Member, Councillor Hugh Evans. Lead Member, Councillor Dave Smith .

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principal Planning Officer (IW); Senior Engineer, Traffic and Transportation (MP); Head of Legal, HR and Democratic Services (GW); Development Planning and Policy Manager (AL) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Councillors Ann Davies, Pat Jones and Cheryl Williams

2 DECLARATIONS OF INTEREST

Councillor Alice Jones – Personal Interest – Agenda Item 5
Councillor Dewi Owens – Personal Interest – Agenda Item 5
Councillor Huw Hilditch-Roberts – Personal Interest – Agenda Item 7

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee's meeting held on 10 December 2014 were submitted.

Councillor Meirick Lloyd Davies requested that when referring to a previous Agenda item within the minutes, the Agenda item number be noted for ease of reference

RESOLVED that, subject to the above, the minutes of the meeting held on 10 December, 2014 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 – 14)

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests, it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 40/2013/1585/PO - LAND EAST OF BODELWYDDAN, RHYL

[Councillor Alice Jones declared a personal interest because she owns land adjacent to the applicant site and is also a member of the Bodelwyddan Development Action Group].

[Councillor Dewi Owens declared a personal interest because the owners of the land highlighted for development are known to him].

An application was submitted for an outline planning application at land east of Bodelwyddan, for the development of 1,715 dwellings, including affordable dwellings, up to 80 bed care home and 50 close care flats (Class C2 use), up to 100 bedroom hotel (Class C1 use), new primary school, 2 local centres (including Class A1, A2, A3, C3, D1 and D2 uses), 26 hectares of employment land (comprising a mix of B1, B2 and B8 uses), new highway infrastructure including the formation of a new access and a link between A55 Junction 26 and Sarn Road, pedestrian and cycle routes, areas of formal and informal open space, green space and structural landscaping and drainage infrastructure.

Public Speakers –

Reverend Andrew Miller (**Against**) – reiterated the basis of his objection and stated the development was too large for the village location. The Reverend Miller also stated he had submitted a formal complaint against Denbighshire County Council alleging misconduct in public office by Planning Officers.

Mr John Hutchinson, Bodelwyddan Development Action Group (**Against**) – clarified the Bodelwyddan Development Action Group had no connection with the Reverend Miller. Mr Hutchinson stated the development was based on outdated information on population growth. The development would be too big for real housing needs for local people. It would destroy agricultural land. Flood risk would also be a major concern.

Mr Owen Jones, Boyer Planning (Agent), (**For**) – clarified that the LDP had been adopted in 2013. There had been considerable work on this scheme for over 5 years. The submitted plans followed Policy and the development brief.

General Debate – In reply to issues raised in discussion, the Planning Officer provided some background information and context to the application. The Planning Officer explained the application was for Outline Planning Permission. Therefore, the development would take place over a number of

phases. Each phase would be brought back to Planning Committee at a later date to work through reserved matters and detailed conditions. Planning Officers were currently working with Solicitors to ensure all the elements within the scheme would be delivered. The adopted LDP requires a number of detailed elements to be provided as part of the scheme. These include a minimum of 10% affordable housing, employment land, a primary school and others requirements. The key Policy BSC 5 sets all this out and is included in the report. Flooding and drainage issues have been addressed in the submitted documents and have been fully assessed by the Council's Senior Flood Risk Engineer and Natural Resources Wales (NRW). None of the specialists had any concerns with regard to flood risks on the land. A sustainable urban drainage system would be installed at the development.

The outline planning permission would be subject to a Section 106 Agreement. Planning Officers had been liaising closely with the Betsi Cadwaladr University Health Board (BCUHB) as to what health facilities should be provided on site. This element amongst others will be dealt with in further planning submissions which will be brought back to Committee.

Lead Member Dave Smith confirmed to the Committee his agreement to the development. He raised the issue of economic opportunities which would be brought into the area to boost the local economy.

Councillor Alice Jones (Local Member) explained she represented the Bodelwyddan Development Action Group. Councillor Jones recommended refusal of the development. A large number of Bodelwyddan residents were against the proposed development because of concern about flooding issues and the development was being proposed for the wrong area. Regarding affordable housing, there would only be 173 affordable properties built. The population growth had not been as prolific as expected as the 2011/2012 census proved. The actual size of the development was too big for the village of Bodelwyddan. A referendum had taken place in 2009 and the result had been a resounding "no" to the development.

Proposal – Councillor Alice Jones proposed refusal of the application, against the recommendation of officers, seconded by Councillor Arwel Roberts.

VOTE:

GRANT – 15

ABSTAIN – 1

REFUSE - 9

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

6 APPLICATION NO. 16/2014/1020/PF - LLANBEDR HALL, LLANBEDR DC, RUTHIN

An application was submitted for the demolition of Llanbedr Hall and erection of 9 no. three-storey dwellings, and associated works.

Public Speakers –

Mr Guy Alford (**Against**) – explained Llanbedr Hall had been purchased in 2003 but since that time the building had become neglected and not viable for letting. The development would not be fulfilling a local need. The proposed development in an AONB contravened the Planning Policy and Llanbedr Hall was of local interest.

General Debate – Councillor Huw Williams (Local Member) explained Llanbedr Hall had an extensive planning history. The siting of the block of dwellings had been revised. The properties to be built would not be for local people. A development of 80 houses was already earmarked for Llanbedr. Access would be an issue as the road from the Hall to Lon Cae Glas had been closed for the last 12 months due to slippage. There was no affordable housing included within in the development.

A viability report had been carried out and the building inspector had agreed both the building and interior had been in such a bad state of repair that it could not be saved. The Senior Engineer confirmed that with regards to the construction traffic, the management plan would be approved prior to commencement of any work. There were not sufficient passing areas and, therefore, access through the council houses would be a preferred option. Additional parking areas could be included as an additional condition within the planning application. The LDP policy stated that if less residential units were to be built than were originally demolished then affordable housing did not need to be included. Members could impose a further condition that affordable housing be provided. There had been no provision for a Section 106 Agreement. The Planning Officer confirmed additional conditions could be included to the planning application to include the concerns raised.

Proposal – Councillor Dewi Owens proposed to refuse the recommendation (contrary to Planning Officers recommendations), seconded by Councillor Huw Williams.

Proposal – Councillor Dave Simmons proposed to grant subject to additional planning conditions and/or Section 106 Agreement, to cover:

- (a) Affordable Housing
- (b) Additional parking spaces, and
- (c) Passing places on access road

VOTE:

GRANT (with additional conditions) – 16

ABSTAIN - 0

REFUSE - 8

RESOLVED that permission be GRANTED in accordance with officer recommendations as stipulated within the report subject to additional planning conditions to be imposed.

7 APPLICATION NO. 20/2014/0965/PF - OUTBUILDINGS AT BRYN COCH, LLANFAIR DYFFRYN CLWYD, RUTHIN

[Councillor Huw Hilditch-Roberts declared a personal interest as he lives in Pentrecelyn].

An application was submitted for the conversion of outbuildings into 1 no. dwelling at Bryn Coch, Llanfair Dyffryn Clwyd, Ruthin.

Public Speakers –

Mr Owen Evans (**For**) – detailed the reasoning for the conversion of the outbuilding into one dwelling.

General Debate – Councillor Bobby Feeley addressed the Committee on behalf of the Local Member, Councillor Hugh Evans, who was unable to attend. Councillor Feeley reiterated Councillor Evans' reasons for the application to be granted. No objections had been received from neighbours, Community Council, Highways, or any other party. The applicants were a young, Welsh speaking couple with two children who, after 15 years away from Ruthin, had returned to the area to bring up their children. Pentrecelyn was in need of young Welsh speaking families to preserve its schools, businesses and values.

The Planning Officer drew members' attention back to the Policy. The principle of the conversion was unacceptable, as the application failed to show how the requirements of Policy PSE4 Re-use and Adaption of Rural Buildings in the Open Countryside were met, in that it had not been demonstrated that an employment use was not viable or that the dwelling was affordable to meet local needs, and there was no material planning consideration to justify a departure from adopted planning policy. A number of Members stated their support of the application throughout the meeting.

Proposal - Councillor Stuart Davies proposed to grant the application, against the Planning Officers recommendation to refuse, seconded by Councillor Huw Hilditch-Roberts.

VOTE:

GRANT (contrary to Officer recommendation) - 20

ABSTAIN - 0

REFUSE - 3

RESOLVED that permission be granted, contrary to officer recommendation, for conversion of outbuildings into 1 no. dwelling at Bryn Coch, Llanfair Dyffryn Clwyd, Ruthin.

8 APPLICATION NO. 01/2013/1599/PF - THE FORUM, 27 - 29 HIGH STREET, DENBIGH

An application was submitted for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27-29 High Street, Denbigh.

General discussion – Councillor Meirick Lloyd Davies addressed the Committee on behalf of the Local Member, Councillor Gwyneth Kensler.

Proposed – Councillor Meirick Lloyd Davies proposed the granting of the application to convert the first and second floors of “The Forum”, 27-29 High Street, Denbigh, to form 2 no. self-contained flats. Seconded by Councillor Richard Davies.

VOTE:

GRANT - 20

ABSTAIN - 0

REFUSE - 0

RESOLVED that the application be **GRANTED** in accordance with officer recommendations as stipulated within the report.

9 APPLICATION NO. 01/2013/1601/LB - THE FORUM, 27 - 29 HIGH STREET, DENBIGH

A Listed Building application was submitted for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27-29 High Street, Denbigh.

Proposed – Councillor Meirick Lloyd Davies proposed the granting of the Listed Building application to convert the first and second floors of “The Forum”, 27-29 High Street, Denbigh, to form 2 no. self-contained flats seconded by Councillor Win Mullen James..

VOTE:

GRANT - 20

ABSTAIN - 0

REFUSE - 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

10 APPLICATION NO. 03/2014/1067/PO - LAND AT (PART GARDEN OF) ADENHURST, ABBEY ROAD, LLANGOLLEN

An application was submitted (outline application – inc. access) for the development of 0.06ha of land at (Part garden of) Adenhurst, Abbey Road, Llangollen, by the erection of a dwelling.

Proposed - Councillor Stuart Davies proposed the granting of the outline application and Councillor Meirick Lloyd Davies seconded.

VOTE-
GRANT - 19
ABSTAIN - 0
REFUSE - 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

11 APPLICATION NO. 24/2014/1246/PS - FIREARMS TRAINING COMPLEX, CRAIG Y DDYWART QUARRY, RHEWL, RUTHIN

An application had been submitted for the variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site at the Firearms Training Complex, Craig y Ddywart Quarry, Rhewl, Ruthin

General Discussion - Councillor Merfyn Parry (Local Member) stated that local residents had expressed concern regarding Condition 3. (i) The site entrance would be considered too dangerous on the highway bend due to the additional traffic. (ii) the additional noise pollution created by the additional shooting on site would not be acceptable (iii) the hirers would not be supervised.

The Planning Officer clarified noise issues were covered within the report. The site access had been accepted as adequate and the Local Authority had no control over the intensity of use during permitted hours of operation.

Proposed by Councillor Merfyn Parry that the application for the variation of condition 3 of the planning permission code no. 24/2007/0694 be refused, contrary to the officer recommendation. The ground for refusal was indicated as concern over (i) control of users on site and (ii) increase in crime locally and nationally from who is training for firearms use. Seconded by Councillor Huw Williams.

Proposed by Councillor Meirick Lloyd Davies an additional condition be added for a Supervisor be on site at all times when outside bodies are in attendance at the site. Seconded by Councillor Dewi Owens.

Firstly a vote took place to agree the amendment proposed by Councillor Meirick Lloyd Davies

VOTE:
Agree to amendment - 15
No to amendment - 5

Amendment carried.

Vote then took place whether to grant the application including the amendment to the condition

VOTE:
GRANT - 8
ABSTAIN - 9
REFUSE - 12

RESOLVED that permission be **REFUSED** contrary to officer recommendation.

12 APPLICATION NO. 44/2014/0953/PF - 6 GROVE TERRACE, PRINCES ROAD, RHUDDLAN, RHYL

The application had been withdrawn prior to the meeting.

13 APPLICATION NO. 45/2014/1125/PF - 20 MARINE DRIVE, RHYL

An application had been submitted for the change of use of dwelling and flat to self-catering holiday let unit at 20 Marine Drive Rhyl.

Proposed – by Councillor Barry Mellor to grant the application and seconded by Councillor Win Mullen James.

VOTE:
GRANT - 20
ABSTAIN - 0
REFUSE - 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

14 APPLICATION NO. 45/2014/1202/PF - 47 HIGHFIELD PARK, RHYL

An application had been submitted for the erection of a 2m high timber fence adjacent to the highway at 47 Highfield Park, Rhyl

General discussion – it had been agreed by members that the fencing be splayed at the access point of the property and this condition to be added to the application.

Proposed by Councillor Barry Mellor that the erection of a 2m high timber fence be granted but to include the additional condition that the fencing be splayed at the access point of the property. Seconded by Councillor Jeanette Chamberlain-Jones

VOTE:
GRANT - 20
ABSTAIN - 0
REFUSE - 0

RESOLVED that permission be **GRANTED** but, as stated above, to include the additional condition that the fencing be splayed at the access point of the property.

The meeting concluded at 1.00 p.m.

Agenda Item 5

WARD : Denbigh Lower

WARD MEMBER(S): Cllr Ray Bartley
Cllr Richard Davies

APPLICATION NO: 01/2014/0705/ PF

PROPOSAL: Construction of a multi-user active travel route

LOCATION: Land between St Davids Church, St Davids Lane and
Brookhouse Road Denbigh

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

Heading:

REFERENCE 01/2014/0705/PF
LAND BETWEEN ST DAVIDS CHURCH,
ST DAVIDS LANE AND BROOKHOUSE RD, DENBIGH

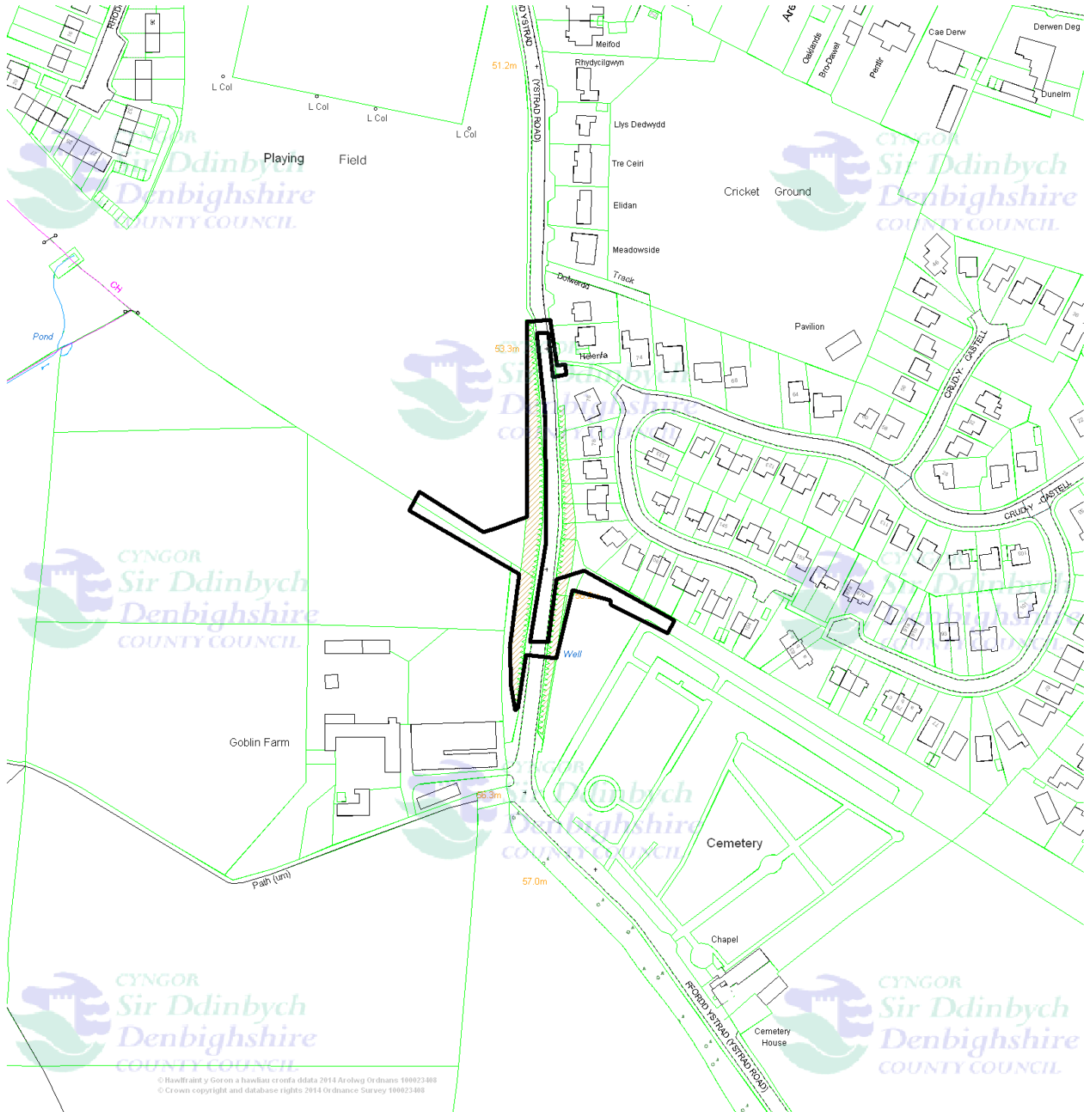
 Application Site



Date 3/2/2015
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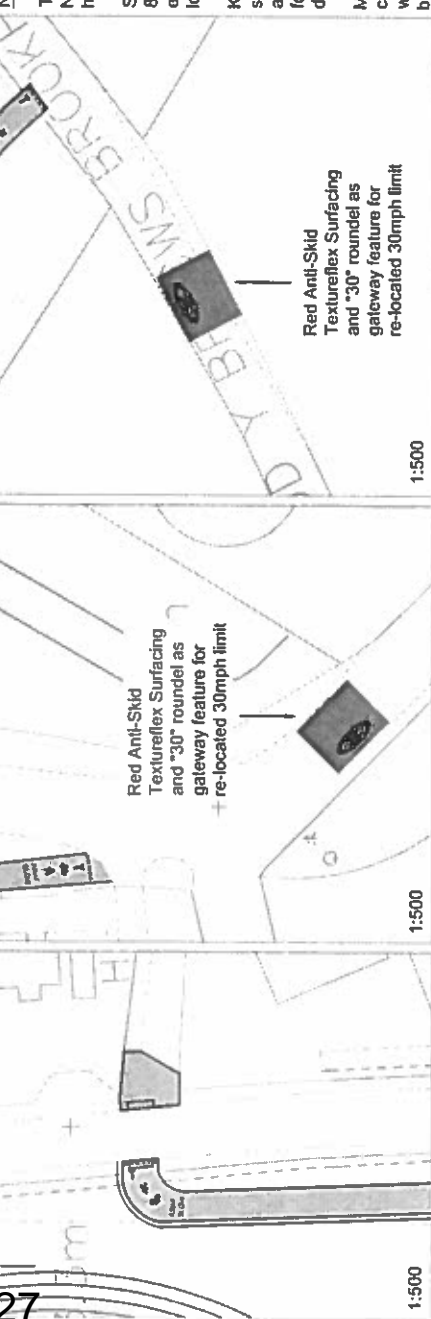
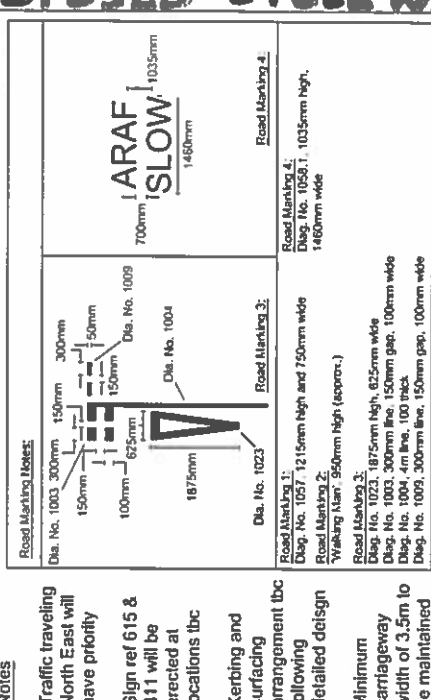
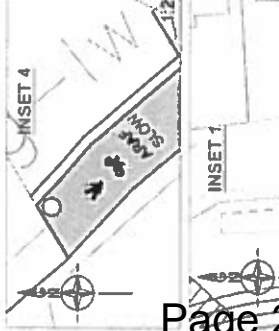
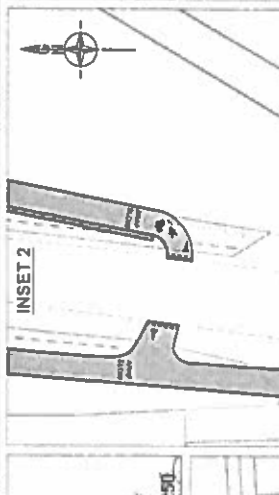
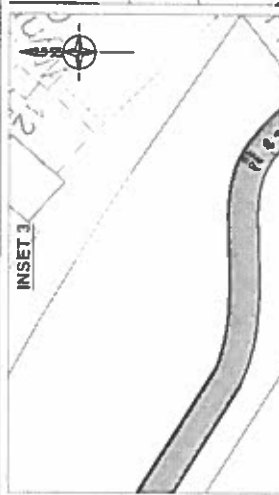
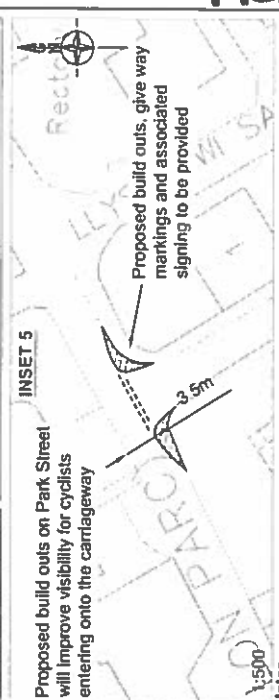
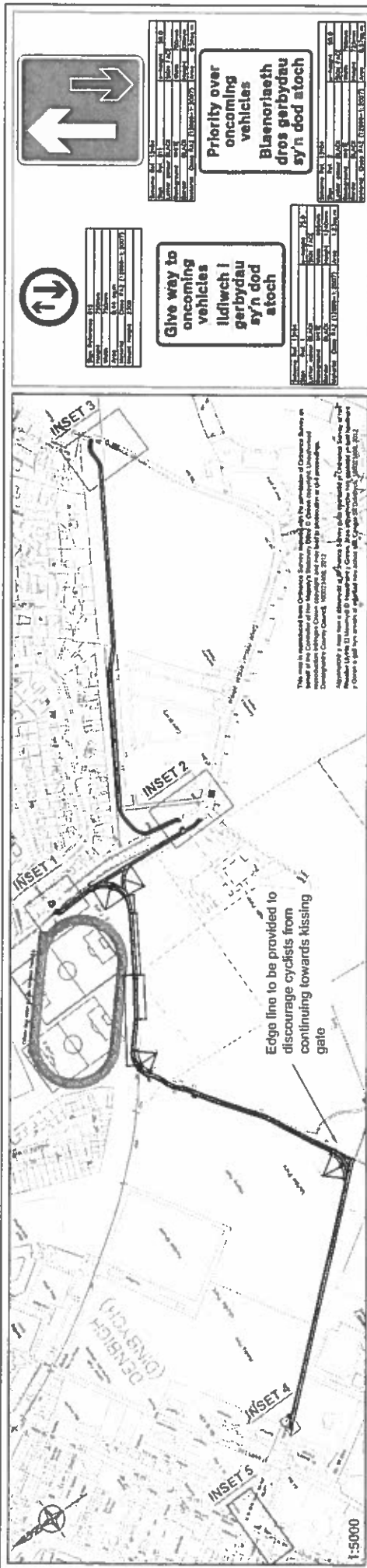
Scale 1/2500

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



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DETAILS OF SECTIONS OF PROPOSED CYCLEWAY



1003	150	300	150	100	187.5
1009	150	300	150	100	187.5
1004	150	300	150	100	187.5
1023	150	300	150	100	187.5

Give way to oncoming vehicles
Ildiwch i gerbydau sy'n dod atoch

Priority over oncoming vehicles
Blaenorfaeth dros gerbydau sy'n dod atoch

1003	150	300	150	100	187.5
1009	150	300	150	100	187.5
1004	150	300	150	100	187.5
1023	150	300	150	100	187.5

Key

- Planned Route
- Area Shared Usage
- Detail Inset

PLANNING

09/12/14

13102

AS SHOWN @ A3

SJ0665

JB

EP

VALE OF CLWYD ACTIVE TRAVEL ROUTE
TOWNSEND TO PENTRE LLANRHAELDR

TRAFFIC SIGNS & ROADMARKINGS

Denbighshire COUNTY COUNCIL

PENNAETH PRIFYRDD A GWASANAETHAU AMGYLCHEDDOL
HEAD OF HIGHWAYS AND ENVIRONMENTAL SERVICES
ADRAN PRIFYRDD A GWASANAETHAU AMGYLCHEDDOL
DEPARTMENT OF HIGHWAYS AND ENVIRONMENTAL SERVICES

H1/13102/D/33C

WARD : Denbigh Lower

WARD MEMBER(S): Cllr Ray Bartley
Cllr Richard Davies

APPLICATION NO: 01/2014/0705/ PF

PROPOSAL: Construction of a multi-user active travel route

LOCATION: Land between St Davids Church, St Davids Lane and Brookhouse Road Denbigh

APPLICANT: Traffic & Transportation, Denbighshire County Council

CONSTRAINTS: None

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL:

Response to initial consultation:

“Following considerable deliberation and a recorded vote it was resolved that the council would wish to object to the application. The objection is based on a report prepared by the council’s planning sub-committee following the site visit on the 15th instant:

The sub committee has serious concerns with the proposed route.

1. The route picks up the track following a turning off Park Street into Cow’s Lane. On either side of the lane there are very high walls. Visibility is very poor for any cyclist or any other vehicle entering or exiting it also.

Further along the same problem occurs with St David’s Lane

2. The entrance to the Old Rectory would prove a further problem for any cyclist wishing to join St David’s Lane from the field path as the entrance is long and unseen from the path.
3. The proposed ramps either side of the bridge would need to be gated in such a way as to slow any cyclist down.

However we found the traffic to be busy, heavy vehicles at times and of great concern. One side of the bridge the speed limit is 30mph while on the other it is 60mph. No amount of trees and bushes removed will make it a lesser hazard.

There is no way that any vehicle coming from the cemetery (Brookhouse) road will have slowed down sufficiently to be 30mph. Visibility will remain poor. The further problem is the farm entrance close to the bridge. Large vehicles will be exiting and turning to go over the bridge.

As the gated ramps are on one side of the brow of the bridge we believe it will be an accident waiting to happen – due to poor visibility for vehicles approaching from the Ruthin Road side.

4. The path at the end of the cemetery would have fence railings. However we found the use of this path to be inappropriate. Local residents had no knowledge of this proposal and were greatly upset at this idea. We believe it is entirely unsuitable. Should a Service be performed at a grave when cyclists are passing it would disturb mourners and any visitors. As a result we would object strongly on the use of the cemetery path.

The cemetery path would lead to one further created through the field (owned by DCC). This would then join Brookhouse Road via a gate. However this is another area of poor visibility.

The sub committee concluded that it would object strongly against the cycle track proposal due to the Health and Safety issues and the distress it would cause with the use of the cemetery path.

(The Town Council has been re-consulted on revised plans and any further comments will be reported in the late information sheets)

NATURAL RESOURCES WALES:

No objections subject to a precautionary planning condition relating to potential for unforeseen ground contamination, and requiring further mitigation measures to be approved if such unforeseen ground contamination is discovered during construction.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES – Head of Highways and Infrastructure

- Highways Officer: responded with no objections to the initial consultation, subject to further details of the junctions with Brookhouse Road and Ystrad Road being submitted and approved in writing prior to that work commencing. At the time of writing the response to the re-consultation is still awaited, and will be reported on the late representations sheets
- Footpaths Officer: the Public Rights of Way Unit fully supports the application.

Conservation Architect:
No objections

Archaeologist:
No objections subject to a watching brief being conditioned to ensure that any archaeology that may be discovered during construction is recorded.

Ecologist:
No objections subject to conditions/advisory notes relating to the removal of hedgerows and trees.

Development Plan and Policy Section:
No objections

Senior Flood Engineer:
No objections

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mrs C Roberts, St Davids House, St Davids Lane, Denbigh
S. Price, 104, Crud y Castell, Denbigh
Mr Michael E. Lavers - Trem-y-Foel, St. David's Lane, Denbigh

D. & P. Cairns, 24, Hilary Close, Myddleton Park, Denbigh
 Elfed and Llinos Evans, 75 Crud y Castell, Denbigh
 Mr & Mrs E Hughes - Hafod Y Parc, St. Davids Lane, Denbigh
 R T Cronin - Cilgoed, St Davids Lane, Denbigh
 Mr. J.P.Meakin & Miss R.E. Hughes - 83A Crud Y Castell, Denbigh
 Mrs Mary E. Jones - Garreg Lwyd, St Davids Lane, Denbigh
 R. Braund, 58, Park Street, Denbigh
 Mr & Mrs W Williams - 22 Hilary Close, Denbigh
 Mr D & Mrs S Garnsey - 52 Crud Y Castell, Denbigh
 Avril & Aldham Roberts - Parciau, St Davids Lane, Denbigh
 Kevin & Ruth Ringer - 24 Marcella's Court, Denbigh
 Shan Yale - 90 Crud Y Castell, Denbigh
 Leah Williams - 92 Crud Y Castell, Denbigh
 Huw A Jones - 83B Crud Y Castell, Denbigh
 Mr Michael Hughes - 100 Crud Y Castell, Denbigh
 Shane & Cathy Price - 104 Crud Y Castell, Denbigh
 E. Jones - 102 Crud Y Castell, Denbigh
 R.M Barnett - 98 Crud Y Castell, Denbigh
 Mr & Mrs Wynne, 83C Crud Y Castell, Denbigh
 Ian Evans, 26 Hilary Close Denbigh
 P Ringer, 24 Marcella's Court, Denbigh
~~Ann Jones AM~~ **N.B. Did not personally object but passed on objections**
 A. E. Roberts, Parciau, St. David's Lane, Denbigh **from constituents.**
 M. E. Jones - Garreg Lwyd, St Davids Lane, Denbigh
 D & P Cairns - 24 Hilary Close, Myddleton Park, Denbigh
 Dwynwen Williams, 4 Llys Merddyn, Llanfairpwll
 Ronald Jones, 82 Bishops Walk, St Asaph
 Gwenda Jones, 18 Hilary Close, Denbigh,
 Mrs. D. Roberts - Brookfields, Brookhouse Lane, Denbigh

Summary of planning based representations in objection:

- Impact on highway safety due to poor visibility at Ystrad Road and Brookhouse Road, narrowing of the highway at Brookhouse Road, and connecting to an existing highway network which is too narrow to accommodate additional users.
- Impact upon residential amenity by way of loss of privacy and additional disturbance.
- Fear of crime and increase in anti social behaviour.
- Contaminated land resulting from the former use of elements of the route being a former railway track bed.
- Impact upon visual amenity due to the path passing through open country side and the engineering operations required to manage the levels.
- Impact on historic environment/archaeology with particular reference to the conservation area in St Davids Lane, and potential remains of the Clwydian roman road.

Other matters:

Comments have also been received in relation the route option, the cost of the project, who would be funding the project, and the morality of introducing a right of way into the cemetery. It is Officers opinion that such matters are not material planning considerations and should not be taken into account when determining this application

In support

Representations received from:

J. Jones, 19, Bishops Walk, St. Asaph
 John Holiday, 7 Mold Road, Mynydd Isa, Mold
 Guto Lloyd-Davies, Foel Gaer, Rhyl Rod, Denbigh
 Peter Williams, Willaston, Neston, Cheshire

Alun Pugh, Ty Coch, Brynrefail, Gwynedd
M. & C. Ringer, 38, Ffordd Colomendy, Denbigh
R. Spilsbury, 2 Lark Hill, Fernbrook Road, Penmaenmawr
A. Thompson, 27, Bryn Teg, Denbigh
J. Chapple, 17, Lon Ceiriog, Denbigh
K. Bailey, Red Hill, Mount Road, St. Asaph
A. Overson, Melyd Cycling Club, Homewood, 1, Cambrian Drive, Prestatyn
C. Wynne, 25, Accar y Forwyn, Denbigh
J. Mather, 11, Bro Madog, Llanelian, Colwyn Bay
Chris Ruane MP
Barbara Manley, 20 Park Street, Denbigh LL16 3DB
Mr Tony Crimes, 30 Love Lane, Denbigh
M. Roberts, 50 Ffordd Colomendy, Denbigh
G. Davies Edwards, Argraig, Tan y Gwalia, Dinbych

Summary of planning based representations in support:
General support of the principle of the development.

EXPIRY DATE OF APPLICATION: 13/8/14

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the construction of what is described as a 'multi-user active travel route' to link St Davids Lane and Brookhouse Road, Denbigh.
- 1.1.2 The submitted Design and Access Statement states that the path would provide a traffic free route for walkers, cyclists, and wheelchair users and would be the first phase of the proposed Active Travel Route in the Denbigh area.
- 1.1.3 The path would vary in width between 2.5m and 3.0m, and would be formed by clearing vegetation and topsoil, and the laying of a stone sub-base followed by a sealed tarmac surface.
- 1.1.4 The route would start where an existing public footpath joins St Davids Lane. It would then proceed for approximately 340 metres in an easterly direction, skirting the southern edge of Middle Parc playing fields. At this point the existing public footpath continues easterly whilst the proposed multi-user active travel route would turn northwards for 300 metres and follow the eastern boundary of Middle Parc playing fields. After crossing over a stream (using the proposed new bridge), the route would again swing eastwards and continue for approximately 250 metres along the southern limit of Denbigh High School playing fields. Upon the approach to Ystrad Road, the route splits into two – to head north to form a junction with Ystrad road and provide access to Crud Y Castell, and to head south towards Goblin Farm to provide a crossing point over Ystrad Road into the cemetery, where it is proposed to continue the route in an easterly direction along the northern boundary of Denbigh cemetery, and along the disused railway line, until the route meets Brookhouse Road where it would terminate.
- 1.1.5 The planning application proposes a range of fencing (1.8m close boarding and 1.2metre bow top in particular) in various locations along the route, a bridge to cross

the stream mentioned above and landscaping. Retaining structures and embankments are proposed to facilitate the changes in levels required to form the junction with Ystrad Road. A highway 'build out' is proposed to achieve the junction between the route and Brookhouse Road.

- 1.1.6 An independent road safety audit has been submitted as part of the application which highlights possible safety issues with the route, and makes suggestions to deal with these issues.
- 1.1.7 Prior to the submission of the application the applicants sought to ensure the community was involved in the project.
- 1.1.8 The Design and Access Statement (DAS) highlights that since 2012 a Community Travel Group (CTG) has been in place to help steer the project and lead the consultation process. The CTG consists of all Denbigh Councillors, the member for Llanrhaeadr, Denbighshire CC Countryside Officers, Denbighshire CC Highway Officers, Sustrans, Cymdeithas Tai Clwyd (Community Development) and Denbighshire Community Volunteers.
- 1.1.9 The DAS further informs that between February and April 2013 a community consultation took place and details were posted to approximately 7300 addresses in the LL16 postcode area. The consultation process included a questionnaire and a community drop in session.
- 1.1.10 It is understood that the route now submitted for consideration was the result of the community consultation exercise, which produced a 10% response (700 responses).
- 1.1.11 The route is shown on plans attached to the front of this report.

1.2 Description of site and surroundings

- 1.2.1 From the St Davids Lane end, the route would be accessed via a network of roads, including Park Street, Cow Lane and St Davids Lane. The area here is characterised by residential uses, the dwellings being a variety of designs and ages indicative of the areas status as a conservation area.
- 1.2.2 As the route leaves the conservation area, it follows the edge of a playing field. To the north of the route is open sports pitches, whilst the southern edge would be defined by an existing mature hedgerow interspersed with mature trees. The character of the area surrounding the route remains much like this until it arrives at Ystrad Road.
- 1.2.3 Once across Ystrad Road the route enters the cemetery and continues along the northern boundary of the cemetery with two storey dwellings to the north. On exiting the cemetery at its north east corner, the route enters a strip of grassland which again has two storey dwellings to the north. The route remains like this until it terminates at the junction with Brookhouse Road.

1.3 Relevant planning constraints/considerations

- 1.3.1 In the main, the proposed route follows the edge of the Denbigh Development boundary, the main exception being where the route crosses 'open countryside' between the existing footpath and where the route joins the southern edge of the Denbigh High School playing field. In this location the route runs through an area allocated for recreation and open space.
- 1.3.2 The western end of the route is located within the Denbigh Conservation Area, where there is also the potential for archaeological artefacts to be present.
- 1.3.3 As the route proceeds along the boundary between Middle Parc fields and St Davids House, there are a number of mature trees (limes) that are protected by tree preservation orders. Along the route there are a number of other trees of merit, although not protected by tree preservation orders.
- 1.3.4 The eastern element of the route follows part of the former Denbigh - Ruthin railway line. Although the route has been disused for many years, and has long since been in filled in places with inert material, there is still the potential for contamination to exist.

1.4 Relevant planning history

- 1.4.1 None of direct relevance to the particular proposals.

1.5 Developments/changes since the original submission

- 1.5.1 The application was originally submitted in June 2014. Following the statutory consultation process the applicants prepared additional material in support of the application and provided additional detail in respect of the nature of the proposal and how certain impacts would be managed. Particular attention was given to the impacts upon the protected trees, and how the junctions with Ystrad Road and Brookhouse Road may be managed.
- 1.5.2 An independent Safety Audit of the proposed route has been commissioned and submitted in support of the application.

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:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD2 – Green Barriers
Policy BSC11 – Recreation and open space
Policy VOE1 - Key areas of importance
Policy ASA1 – New transport infrastructure

3.1 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014
Technical Advice Note 10: Tree Preservation Orders
Technical Advice Note 18: Transport

Circular 60/96 – Planning and the Historic Environment: Archaeology
Circular 61/96 – Planning and the Historic Environment: Historic buildings and conservation areas.

3.2 Other material considerations

North Wales Regional Transport Plan:

The plan highlights the concerns over carbon emissions from the existing transport network, and makes recommendations regarding the positive measures of introducing a sustainable transport network. It identifies the problems that there is a public perception of a lack of public footpaths between key settlements. It also sets the Welsh Governments aim of providing a better transport system for those households (currently a quarter of all Welsh households) who rely on public transport, walking or cycling because they do not have a car. It further states that to improve local transport cycle routes on an all Wales basis will be enhanced and linked up.

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 including conservation area impact
- 4.1.3 Conservation area
- 4.1.4 Residential amenity and amenity of neighbouring uses
- 4.1.5 Biodiversity (including trees)
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways
- 4.1.8 Archaeology
- 4.1.9 Open Space
- 4.1.10 Fear of crime
- 4.1.11 Contaminated land

4.2 In relation to the main planning considerations:

4.2.1 Principle

The proposal relates to the provision of new transport infrastructure. Policy ASA 1, New Transport Infrastructure states new transport infrastructure will be supported provided that there is an economic/social justification, there are no unacceptable impacts upon the surrounding area or environment, provision is made for safe access by all users including cyclists, pedestrians, and the mobility impaired. Policy ASA 1 specifically states that the Council will support projects, measures or actions identified in the North Wales Regional Transport Plan, the use of suitable disused railway lines as recreational routes, and the extension/improvement of cycle and walking networks in the county. In addition the proposed route is wholly within the south Denbigh Green Barrier. Policy RD 2 only permits development within the green barrier if the open character and appearance of the land is not prejudiced.

The proposal has been submitted by the County Council Highway Section in response to the requirements of the North Wales Regional Transport Agenda, the Welsh Government's aim to improve active travel routes, and to contribute to the County Council's ambition to link rural communities to the rural service centre of Denbigh and to reduce the need to travel. It is noted that the proposed route in part utilises a disused railway line, and is to serve walkers, cyclists and the mobility impaired. In relation to the Green Barrier, it is noted that its primary function is to reinforce the separation of neighbouring settlements by protecting the open character of the area. In this location and given the nature of the proposal it is not considered that the open character and appearance of the land would be prejudiced.

It is considered that the proposal accords with the principles in Policy ASA1 and with local, regional and national aims in respect of providing a sustainable, active travel route which can contribute to the overarching aim of reducing Co2 emissions. The proposal does not conflict with the intentions of Policy RD 2, Green Barriers. The proposal is therefore considered acceptable in principle. Assessment of the associated impacts follows.

4.2.2 Visual amenity:

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

skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

Comments have been received from residents that the proposal would have a detrimental impact upon the character and appearance of the area. The proposal would involve the laying a tarmac strip approximately 3 metres wide along established boundaries.

In terms of detail, in order to set the context, the first section would be along the southern boundary of Middle Parc playing field, and would involve the widening of an existing tarmac right of way. The path would then follow a mature field boundary along the eastern boundary of Middle Parc playing field before heading east along the edge of Denbigh High School Playing fields. The character of the area for this section of the route is open maintained recreational grass playing fields. As the route approaches Ystrad Road the level of the land will have to be engineered to achieve the change in levels to reach Ystrad Road. Trees along the route from St Davids Lane to Ystrad Road are a noticeable feature, and the applicant proposes to retain the trees and hedgerows where possible. Some trees and hedges will need to be removed at the point where the route enters Denbigh High School playing field from Middle Parc field so as to improve visibility for users of the route. Similarly, hedgerow will need to be removed from the northern junction with Ystrad Road, and a number of trees from the southern junction with Ystrad Road to improve visibility. Following the junction with Ystrad Road the route would enter the cemetery where a number of trees would need to be removed to allow it to follow the western boundary of the cemetery before descending in and crossing open grass land and connecting with the existing tarmac service road along the northern boundary of the cemetery. In this location additional planting is proposed so as to offer some additional screening from the dwellings to the north and cemetery to the south and to soften the appearance of the existing palisade fencing in this location. After the route departs the cemetery at its north eastern corner it enters a strip of grassland with no formal use. The route would follow the southern boundary of this strip of land. A 1.8metre high close boarded fence is proposed along the northern edge of the route in this location. The route then terminates with its junction with Brookhouse Road.

The main visual impact of the proposal is the laying of a 3 metre wide strip of tarmac. It is considered that as the route traverses well maintained 'urbanised' grass land circumnavigating playing fields and utilising existing tracks in the cemetery in the main the appearance of a 3metre path would not appear incongruous or excessively intrusive into the character of the area. The loss of a limited amount of trees and hedgerows is unfortunate but to an extent unavoidable in constructing a project of this nature which is acceptable in principle. It is noted that additional planting is proposed where possible and this would offset the impact that the losses would have. With regard to the proposed 1.8m close boarded fence along the eastern section (to the rear of Hilarys Close and Marcellas Court), it is considered that this may appear as a harsh feature within its context. Whilst it is acknowledged that there may be other reasons for erecting such a fence in this location, and its appearance may be softened through landscaping, it is considered that further consideration of detailing is required in this area.

It is considered that overall the proposal would be acceptable in terms of its impact upon the visual amenity of the area, subject to suitably worded planning conditions being imposed to secure the replacement planting/landscaping and further detailing of boundary treatments to the eastern section of the route. With respect to the comments of the objectors, the proposal is not considered to conflict with the requirements of policy RD 1 in respect of its impact upon the visual amenity of the area.

4.2.3 Conservation area:

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.

Concern has been raised by residents that the proposal to widen the existing footpath at the St Davids Lane end of the route would have a detrimental impact upon the character of the Conservation Area. The Conservation Architect has responded that only the start of the route is within the Conservation Area, and in this location the laying of additional tarmac would be acceptable provided it was neutral in appearance.

Given the existing character of the area, the limited amount of pathway that is proposed within the Conservation Area and the comments of the Conservation Architect, it is not considered that there would be any unreasonable impact on this area. It is considered that the proposal complies with the requirements of Policy VOE 1 and circular 61/96 and would not have a detrimental impact upon the character of the conservation area.

4.2.4 Residential and other land users 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.

Concern has been raised by local residents that the proximity of the route to dwellings would result in a loss of privacy for them and additional unacceptable disturbance through increased noise and activity from users of the path. Concern has also been expressed regarding users of the route not showing consideration those who may be attending a funeral in the cemetery, or visiting graves and that the proposal would therefore have a detrimental impact upon the amenity of the users of the cemetery.

In terms of detail, the proposed route runs close to properties on St Davids Lane, where it goes between St Davids House and Garreg Llwyd. The eastern section of the route runs approximately 16 to 25 metres (variable) from the rear of houses on Crud Y Castell and utilises an existing road around the cemetery. Additional planting is proposed along the boundary with the dwellings and the route. Further on the proposed route is approximately 20 to 25 metres from the rear of dwellings on Hilary Close and Marcellas Court. A 1.8m close boarded fence is proposed along the route in this location.

In consideration of the impacts of a right of way in this location and its impact upon the amenity of adjacent residents it is suggested regard should be given to the 'normal' relationship between footpaths/roads and dwellings. In Officers' opinion it is hard to draw a distinction between a footpath running to the front of a dwelling and a path some 15 to 25 metres to the rear in terms of its likely use impacting upon the amenity of a dwelling. It is noted that additional screening and planting is proposed in these locations which would further mitigate against any potential impacts. Whilst it cannot be absolutely guaranteed that there would never be any disturbance (as there may always be a minority of individuals that act in an anti social manner), the vast majority of users of a path such as what is proposed are likely to conduct their selves in a reasonable manner. With regard to the dwellings on St Davids Lane (and further away such as on Park Street), it should be noted that the area is already in use by the members of the public as it is an existing part of the public high infrastructure.

The issues are considered similar in relation to the impact upon the peacefulness of the cemetery. The potential for a proposal such as this to have a quantifiable and significantly detrimental impact upon the amenity of adjacent dwellings and land users is so limited that in Officers opinion it would not be sufficient to sustain a refusal.

4.2.5 Biodiversity (including trees)

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 proposal has the potential to impact upon protected species through the removal of trees and hedgerows and on the biodiversity of the area through the importation of materials as part of any engineering works. The County Council Biodiversity Officer has commented on the application and does not raise any objections. However, precautionary conditions/advisory notes have been suggested in relation to the timing of the removal of any trees, and the importation of any materials. Similarly NRW have not raised an objection in this regard. There are a number of trees adjacent to the St Davids Lane section of the route that are subject to Tree Preservation Orders. The applicant has commissioned an arboricultural report into the potential impacts of the works on these trees, as well as the other non-protected trees. Construction methods have been recommended which advise on how to implement the proposal without impacting upon the health of the trees.

On the basis of the response from the County Council Biodiversity Officer it is not considered that the proposal would have an adverse impact on the favourable conservation status of any protected species, or the biodiversity of the area, subject to conditions/advisory notes. Similarly the proposals relating to the construction methods are considered acceptable in relation to the protection of trees within the area, and it is not considered that the protected trees within the grounds of St Davids House would be detrimentally affected by the works. In terms of biodiversity and impact upon trees, the proposal is considered acceptable.

4.2.6 Drainage (including flooding)

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

The proposal involves the creation of a hard surface where currently the ground is permeable and involves the construction of a bridge across a small stream which is understood to flow towards drainage pools for Denbigh. Accordingly the County Council Flood Engineer has been consulted along with NRW. Neither has raised an objection in this regard.

On the basis of the responses of the Senior Flood Engineer and NRW it is not considered that the proposal would conflict with the aims of Policy RD 1 or TAN 15 in respect of flooding/drainage.

4.2.7 Highways

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users and consideration of the impact of development on the local highway network. This reflects general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Concern has been raised locally regarding the safety of the route at the points where it joins/crosses public highways. Particular reference has been made to the junction with St Davids Lane and how the route interfaces with the driveway with St Davids House, the junction and achievable visibility where the route crosses Ystrad Road, and the achievable visibility and impact upon road width where the route joins Brookhouse Road. Concern has also been raised in relation to the wider impacts of the proposal on highway safety of the surrounding highway infrastructure on Brookhouse Road, Park Street and Cow Lane.

An independent road safety audit has been commissioned by the applicants and submitted as part of the application. This document identifies potential problems with the route and makes recommendations to overcome the problems. These recommendations have been incorporated in the revised plan and include a 3 metre railing to separate vehicles exiting St Davids House and the path to allow increased visibility, improved visibility at the Ystrad Road Junctions, bollards proposed at the Ystrad Road junctions, build out at the Brookhouse Road junctions. These proposals have been examined by the Highway Officers and no objection has been raised.

Where the problems fall outside the control of this planning application (i.e. on the public highway where it is within the remit of the Highway Section to carry out works without the need for planning permission) the proposed recommendations have been shown nevertheless in order to demonstrate how potential problems would be dealt with. Most notably this is the 'build out' into Park Street which seeks to slow traffic down and improve visibility for cyclists exiting from Cow Lane onto Park Street. Additional warning signage and alterations to speed limits are also proposed. However, these elements fall outside the control of the Local Planning Authority and are within the remit of the Highway Section.

Whilst the concerns of residents are duly noted, it is considered that significant weight should be given to the views of the Highway Officers who are ultimately responsible for ensuring that public highways are constructed to nationally adopted standards in the interest of the safe and free flow of traffic. With regard to the details submitted, including the road safety audit and in the absence of an objection from the Highway Section, it is considered that the proposal is not unacceptable in terms of highway safety, and the safety of users of the route. The proposal is considered to comply with Policy RD 1 and TAN 18 in this respect.

4.2.8 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provided earlier advice on the importance of archaeological matters in the planning process, stressing the need for due assessment of the nature and importance of any features and their setting.

The St Davids Lane element of the proposal is located within the Conservation Area and is considered to be a historically important environment. Comments have been received suggesting that the proposal would have a detrimental impact upon the archaeology of the Clwydian Roman road. The proposal would involve the removal of some top layers of soil and therefore has the potential to impact upon any archaeology that may be present. The County Council Archaeologist has been

consulted on this application and raises no objections subject to a condition requiring an archaeological watching brief, should it be granted, such that any archaeology discovered during construction works is preserved by record.

On the basis of the response from the County Council Archaeologist, it is considered that any potential impact upon archaeology can be dealt with through a suitably worded planning condition. The proposal therefore is acceptable in terms of its impact upon archaeology.

4.2.9 Open Space

Policy BSC 11 seeks to protect existing recreation, public open space and amenity green space. Development that would result in the loss of such land with recreational and amenity value will only be permitted where alternative outdoor provision of equivalent or greater community benefit is provided.

Comments have been received from local residents that the proposed track would impinge upon the use of the school playing fields, resulting in the need to relocate the running track and the loss of the discus throwing area. Comments have also been received in relation to loss of the existing amenity value of the grassland to the rear of Hilary Close and Marcellas Court which is currently used by residents as an informal play area for children. The proposal would result in the loss of approximately a 3 metre wide strip of land along the edge of Middle Parc and Denbigh High School playing fields as well as grassland at the eastern end of the proposed route.

In Officers opinion, it is not considered that the proposed development would result in an unacceptable loss of existing recreational land. Whilst it is acknowledged that part of the existing recreational open space would be used to create the track, the amount is insignificant, and the proposed track would in itself provide a recreational facility. Whilst noting that the land is in the ownership of the County Council and that its current use by neighbours is through an agreement between the County Council Property Services and the residents, respectfully, consideration of the planning application should not be affected by a private agreement. It is not considered that the proposal would result in a loss of recreation, public open space or amenity green space. The proposal is considered to be in accordance with the aims of Policy BSC 11.

4.2.10 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 Crime and Disorder Act 1998 and subsequent good practice guide that the effects of a development on crime is a potential material consideration a planning authority should consider when exercising its functions.

A number of residents are concerned that the introduction of a track for unrestricted public access will result in an increase in crime within the area, with increased ease of access for criminals to the rear of dwellings on Crud Y Castell, Hilary Close and Marcella Court being cited along with the fear of anti social behaviour. Reference has been made to anti social behaviour occurring elsewhere in the County on public rights of way.

In addressing this issue, it is suggested due consideration should be given to the extent of public access existing in this area. The land to the south of Crud Y Castell is in use as a cemetery where there is a public right of access, the land to the south of Hilary Close and Marcella Court is open land that can be accessed from Brookhouse Road and the St Davids Lane part of the route is already a public right of way. It is not unreasonable to assume that the typical user of the route would not have criminal intentions and that by increasing public access along the route could actually increase natural surveillance and reduce the potential for opportunistic crime.

Officers are aware that the perception of crime may be a legitimate consideration in the assessment of the planning application, but it is a very difficult matter to determine that significant weight should be afforded to impacts likely to arise from the creation of a public right of way, without a clear evidence base. In Officers opinion, to refuse this application on fear of crime, would suggest quite clearly that it would be unreasonable for the County Council to develop rights of way anywhere for similar reasons. It is therefore considered that there is no sound basis to resist this application on fear of crime.

4.2.11 Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Chapter 13 of Planning Policy Wales, which requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council must require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. Otherwise, if contamination can not be overcome satisfactorily, permission should be refused.

Sections of the proposed route would be on a former railway line and there is therefore a potential for the ground to contain contaminants associated with its former use. The applicants have undertaken and submitted a desk study and preliminary ground contamination risk assessment. The report concludes that in the absence of any evidence of the former railway track or any ground materials which could be a source of contamination, 'there can be no contamination risk and no risk to the proposed development and its users'. Natural Resources Wales have been consulted on the proposal and have responded that the risk of contamination, suggesting a precautionary condition be attached to any permission to deal with any unforeseen contamination being discovered.

On the basis of the information submitted and the comments of Natural Resources Wales it is not considered likely that the proposal would be adversely affected by contaminated land. However, there is the potential during earth movements for ash, clinker or other potentially contaminated material to be encountered which would need to be assessed. The suggested condition from Natural Resources Wales is considered sufficient to deal with this issue and the proposal is therefore acceptable in respect of contaminated land.

4.3 Other matters

With regard to comments received in relation the choice of route, the cost of the project, who would be funding the project, and the morality of introducing a right of way into the cemetery, it is Officers opinion that such matters are not material to the determination and should not be accorded any weight when determining this application.

5. SUMMARY AND CONCLUSIONS:

5.1 Whilst respecting the comments of the Town Council and Local residents, it is considered that the proposed development is acceptable in principle, and that the potential impacts are not unacceptable in planning terms.

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 works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.
3. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.
6. Notwithstanding the submitted details, further details of the boundary treatment(s) facing St Marcellas Court and Hilary Close shall be submitted to and approved in writing by the Local Planning Authority and those details as approved shall be implemented in full prior to the multi user active travel route being brought into use.
7. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. Should any mature trees with features that can be used by bats need to be felled or trimmed, then a bat survey shall be undertaken by a competent ecologist and a scheme of Reasonable Avoidance Measures shall be followed during the works, which should be submitted to the local planning authority.
8. Prior to the importation of any material, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the local planning authority detailing measures to minimize or remove the risk of introducing non-native plants during the construction of the project.
9. 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 and vehicular access including the design and construction of the access, traffic management scheme, vehicle wheel washing facilities, 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. Full details of the highway works adjacent to Brookhouse Road and Ystrad Road as indicated on the approved plans including the detailed design, layout, construction, street lighting, visibility splays and drainage shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the works shall be completed in accordance with the approved plans before the path is brought into use.

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 archaeological investigation and recording.
3. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
6. In the interest of visual amenity
7. In the interest of ensuring the favourable conservation status of protected species.
8. In the interest of biodiversity.
9. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
10. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

NOTES TO APPLICANT:

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

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Agenda Item 6

WARD : Denbigh Lower

WARD MEMBER(S): Cllr Ray Bartley
Cllr Richard Davies

APPLICATION NO: 01/2014/1390/ PF

PROPOSAL: Erection of extensions and alterations to dwelling

LOCATION: 51 Mytton Park Denbigh


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Heading:

REFERENCE NO. 01/2014/1390/PF
51 MYTTON PARK,
DENBIGH

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

Tel: 01824 706800 Fax: 01824 706709

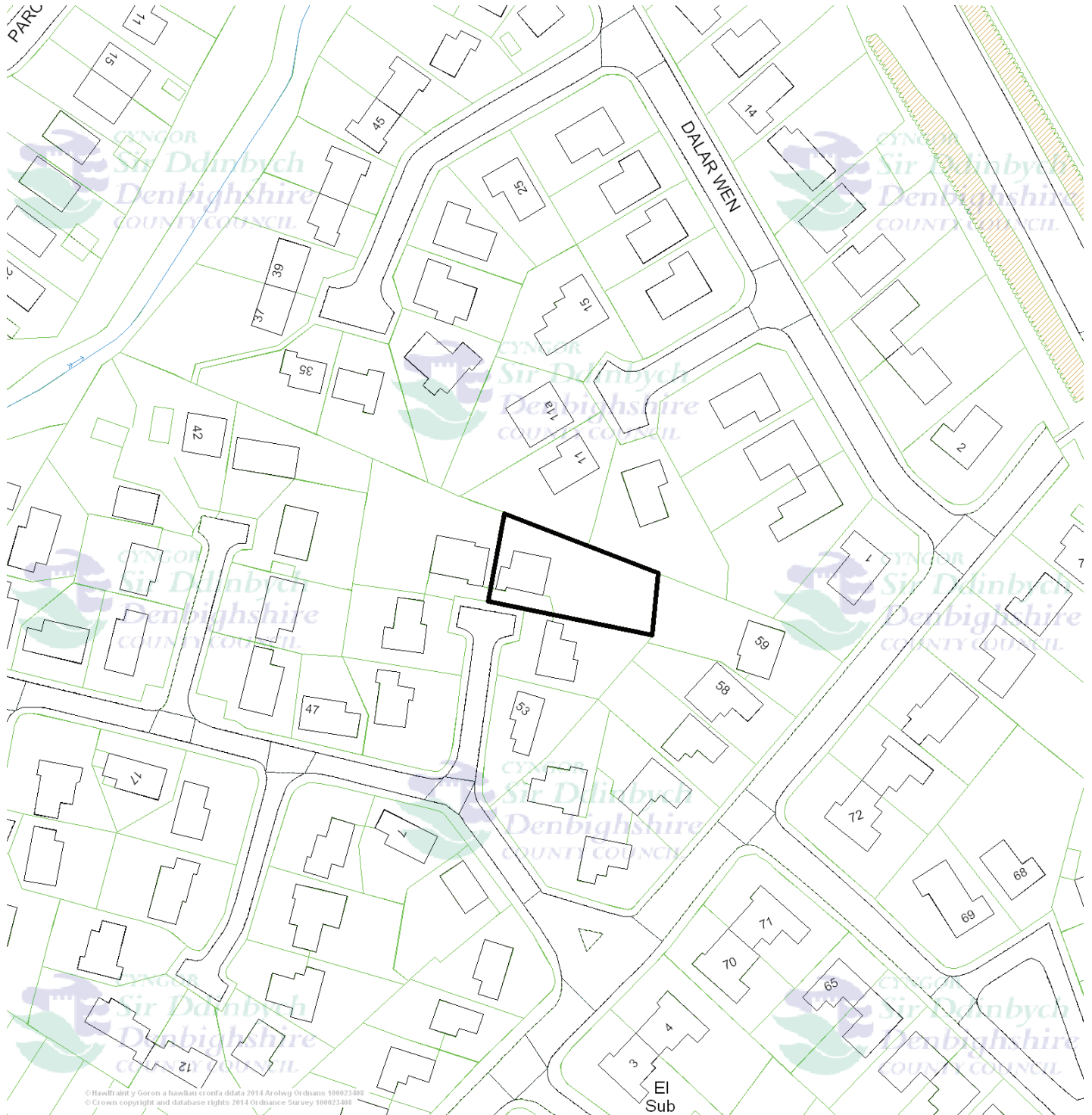
 Application Site



Date 29/1/2015
Centre = 306492 E 366509 N

Scale 1/1250

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

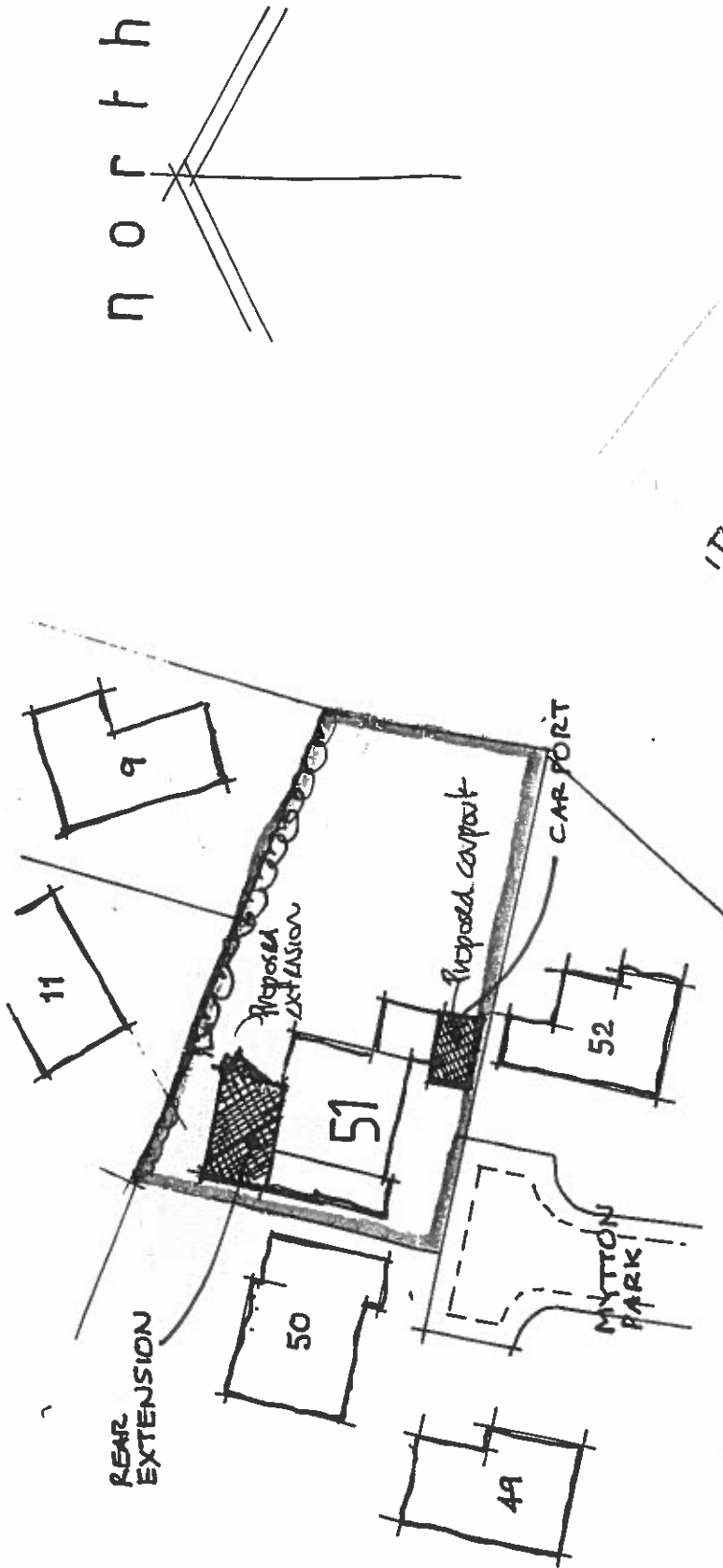


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LOCATION PLAN 1:2500

DALAR WEN PROPERTIES



BLOCK PLAN 1:500

PROPOSED
BLOCK PLAN
01 2014/1390/PF

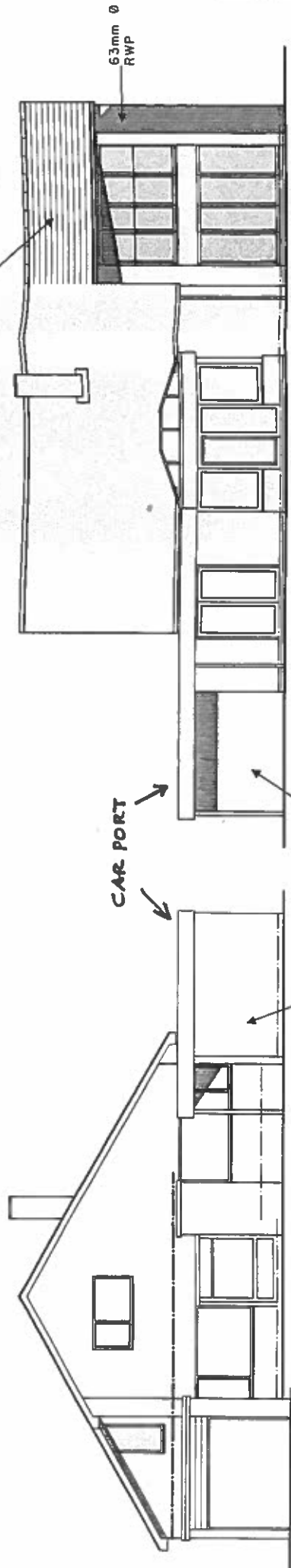
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		DRWG. No.	1
CLIENT		SCALE	1:500 / 1:2500
WYNN ROGERS Chartered Surveyors THE HOLLIES VALE STREET DENBIGH Tel: (01745) 812100 Fax: (01745) 816331		DATE	Sept 14
WYNN ROGERS Chartered Surveyors THE HOLLIES VALE STREET DENBIGH Tel: (01745) 812100 Fax: (01745) 816331		PRINT	

01-2014-11390/PF

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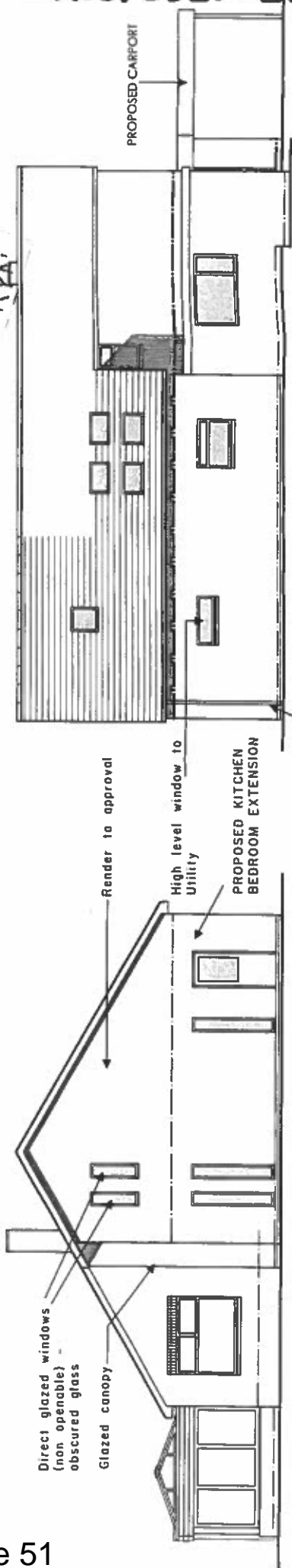
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SIDE ELEVATION

FRONT ELEVATION



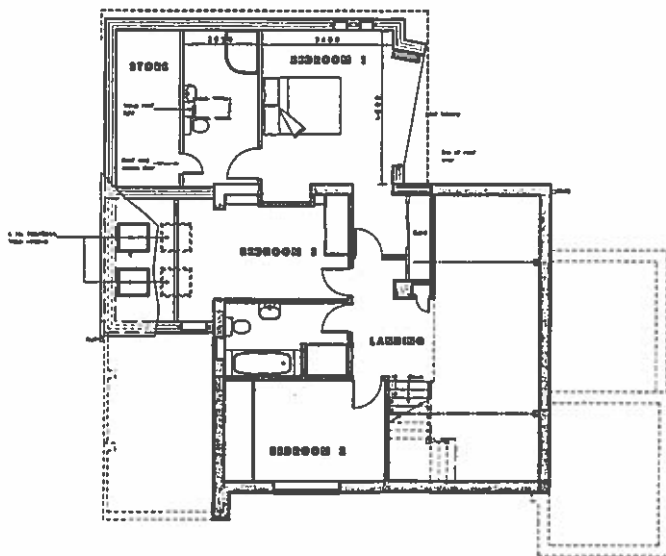
REAR ELEVATION

SIDE ELEVATION

WYNN ROGERS
 CHARTERED BUILDING SURVEYORS
 The Hollies, Vole Street, Derbyshire
 Tel: 01743 812101 Fax: 01743 816331
 E-mail: consult@wynnrogers.co.uk

RICS
 51 Mylton Park, Trewen
 Derbyshire
 Evaluations as Proposed

PROJECT No. 2285
 DRAWN BY: mdc
 SCALE: 1:100
 DATE: Aug 2014
 DRAWN BY: A3
 CHECKED BY: Mr & Mrs John & Saff Cameron



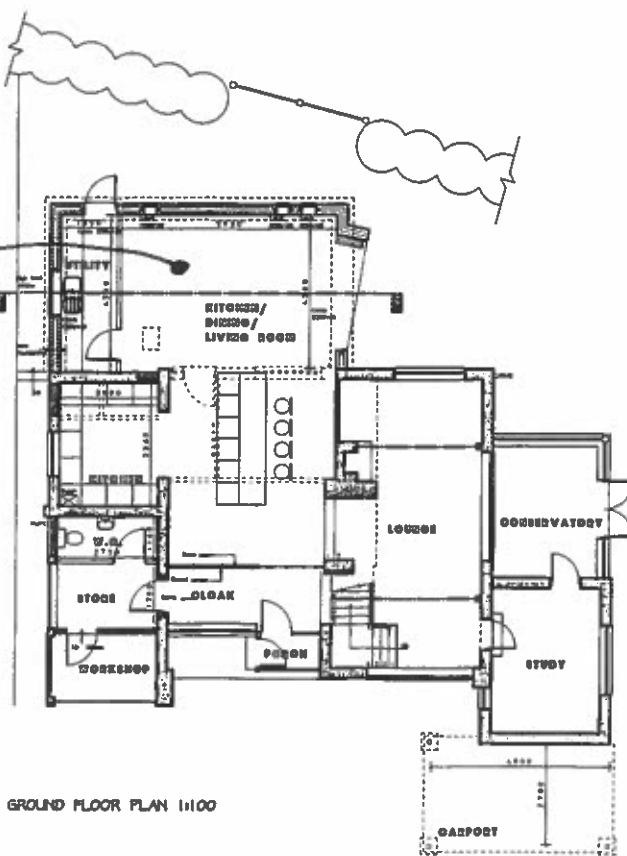
FIRST FLOOR PLAN 1:100

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WYNN ROGERS
 CIVIL ENGINEER
 100 HOLLIS ROAD WEST, SUITE 100
 RICHMOND, BC V6X 1A7
 TEL: 604-273-1111
 FAX: 604-273-1112
 WWW.WYNNROGERS.COM



REAR
 EXTENSION



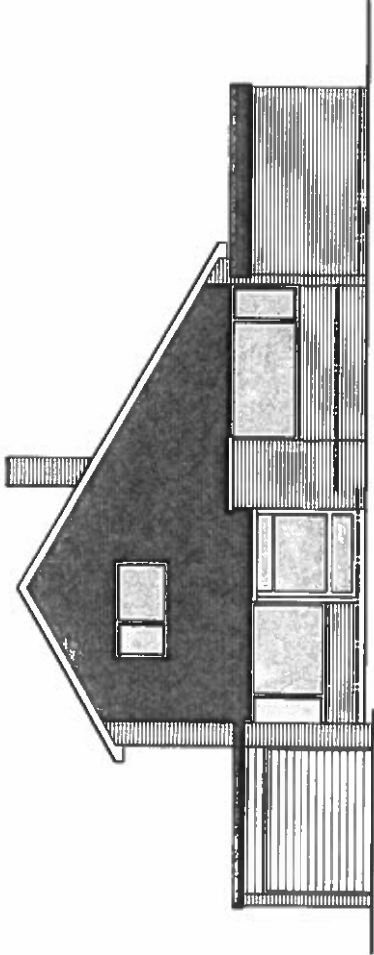
GROUND FLOOR PLAN 1:100

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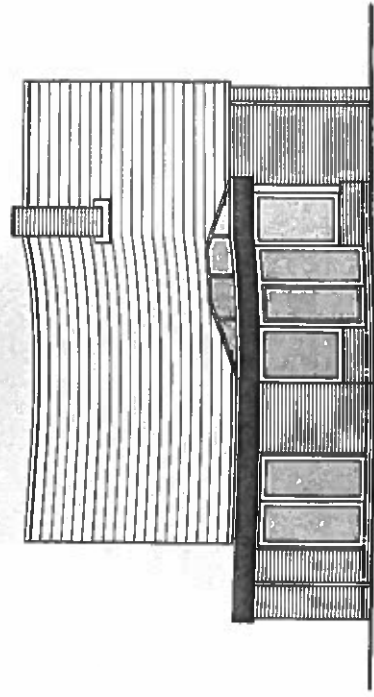
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 100 HOLLIS ROAD WEST, SUITE 100
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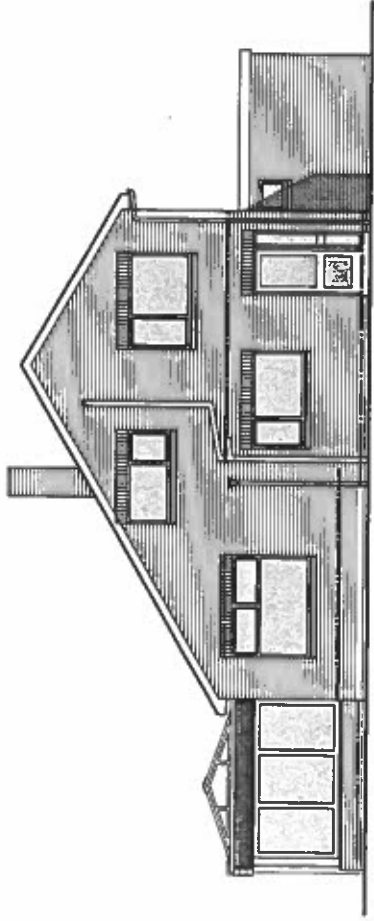
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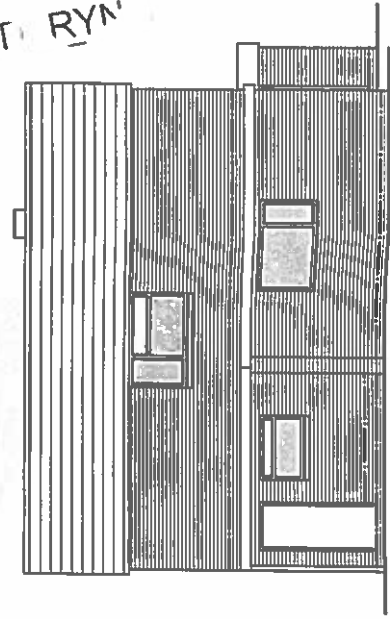
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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EXISTING ELEVATIONS



WYNN ROGERS
CHARTERED BUILDING SURVEYORS
115 Westgate Road, Three Kings, Bristol
Tel: 01174 812021 Fax: 01174 812031
Email: conrad@wynnrogers.co.uk

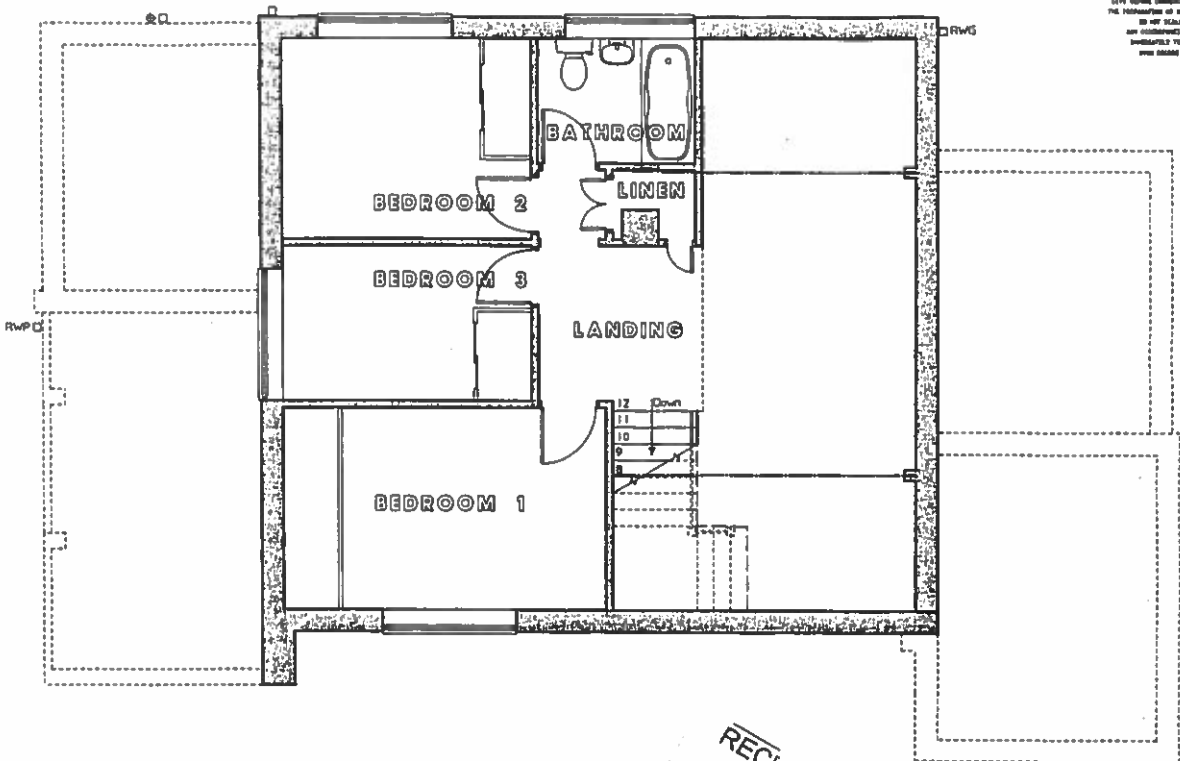
RICS
MEMBER
51 Mylton Park, Trewen
Denbigh
Denbighshire, Wales
Elevations as Existing
CLIENT: Mr & Mrs John & Safi Cameron

PROJECT No.	2285	DRAWING No.	3
DATE	mdc	SCALE	1:100
DATE	Aug 2014	PROJECT	A3

EXISTING FLOOR PLANS

01 2014/11596/PF

NOTES:
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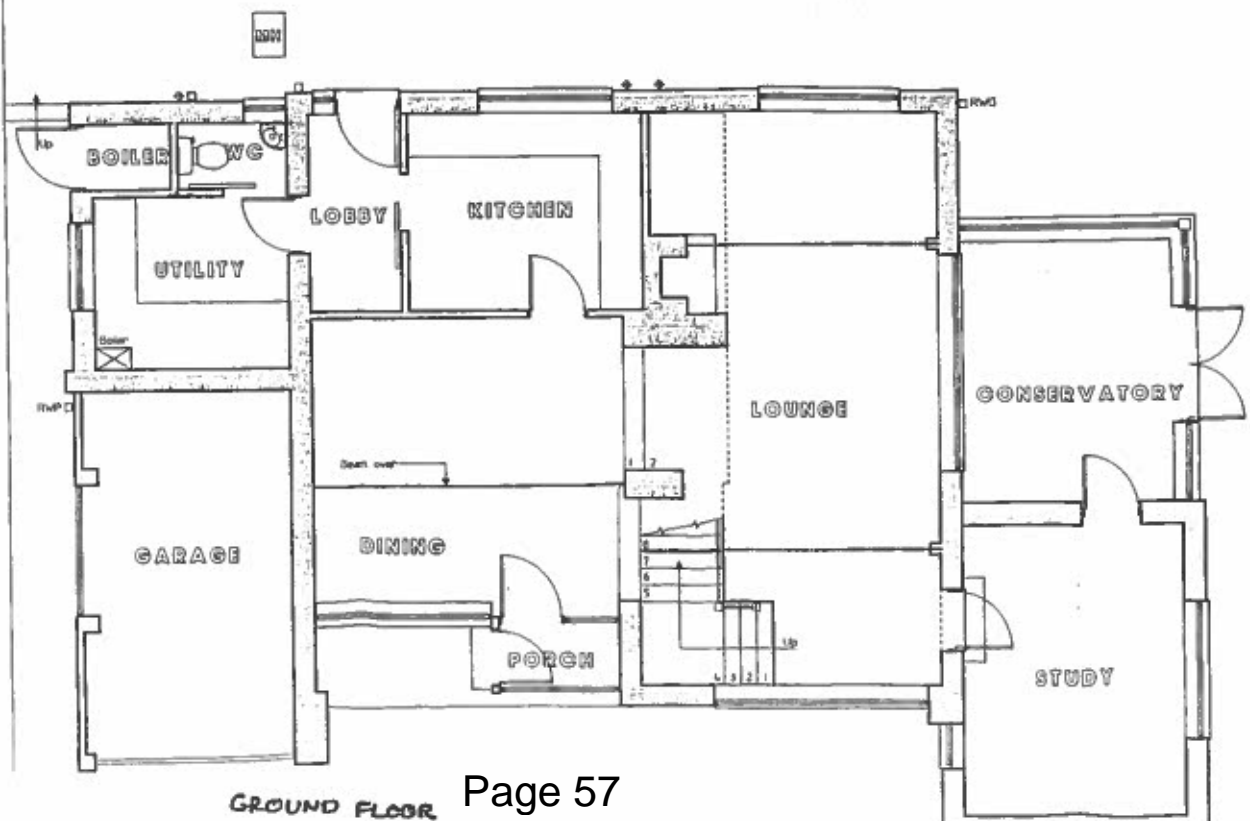


FIRST FLOOR

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WYNN ROGERS & RICS
 CHARTERED BUILDING SURVEYORS
 The Hub, 11th Street, Derriford
 Tel: 01742 812000 Fax: 01742 812001
 E-mail: wynnrogers@wryns.co.uk

Project: 51 Mylton Park, Trewan
 Date: 12/08/2014
 Drawing: First floor plan
 Scale: 1:50
 Date: Aug 2014
 Drawn by: W & Mrs John & Sall Cameron
 Sheet: A3



GROUND FLOOR

WARD : Denbigh Lower

WARD MEMBER(S): Cllr Ray Bartley
Cllr Richard Davies

APPLICATION NO: 01/2014/1390/ PF

PROPOSAL: Erection of extensions and alterations to dwelling

LOCATION: 51 Mytton Park Denbigh

APPLICANT: Mr John Cameron

CONSTRAINTS: None

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL “The town council does not wish to raise any objection to the application.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Freda Evans - 11 Dalar Wen, Denbigh (o)J. A. Lewis, 3, Dalar Wen, Denbigh (O)C. Jones, Hafan Glyd, 9, Dalar Wen, Denbigh (O)

Summary of planning based representations in objection:

Residential amenity:

- Adverse impact on privacy of neighbours garden due to overlooking from first floor windows.
- Adverse impact on privacy of neighbouring dwellings due to overlooking from first floor windows.
- Most properties are single storey and do not overlook neighbours – respectful, private environment would be spoilt.
- Changes to scheme do not previous overcome concerns.
- Noise levels would be increased as property would be overlooking neighbours.

Visual amenity:

- Scale of extension is out of character with surrounding properties.

EXPIRY DATE OF APPLICATION: 05/02/2015

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for a two storey side and rear extension, a single storey car port extension to the front elevation and alterations to the existing dwelling.

1.1.2 The application is a re-submission of a previously refused scheme. The proposal consists of:

- First floor pitched roof side extension above existing flat roof single storey side extension. Windows are proposed at ground floor and first floor levels in the side

elevation and 4 no. roof lights are proposed in the pitched roof to serve first floor rooms.

- Two storey rear extension. The ridge height would be the same as the existing dwelling at a height of 6.6m. It would project 4.5m from the existing rear elevation and would be 8.1m wide.
- Windows are proposed at ground and first floor levels. Specifically, at first floor level, 2 no. slim vertical windows are proposed in the rear elevation, which the plans show would be non opening and obscurely glazed. To the side elevation of the extension, floor to ceiling bi-fold windows and a Juliet balcony are also proposed. These windows would be angled slightly so the line of sight is directed into the garden area of the dwelling.
- Car port extension to the front of the existing dwelling. This would be 2.9m wide and 5.2m long.

1.1.3 The internal floorspace would be reconfigured as a result of the development.

1.1.4 Members are referred to the plans at the front of the report.

1.2 Description of site and surroundings

1.2.1 The site is an existing detached dwelling within a housing estate and has neighbours to both the side and rear, and shares a boundary with 6 neighbouring dwellings.

1.2.2 The neighbouring dwelling to the side is also a two storey detached dwelling, properties to the rear are detached bungalows.

1.2.3 Windows already exist in the rear elevation at ground and first floor level.

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the Denbigh development boundary as defined by the Local Development Plan.

1.4 Relevant planning history

1.4.1 A previous application was refused on grounds of an adverse impact on residential amenity in November 2014 as it was considered to have an unacceptable adverse impact on neighbouring properties creating a potential for overlooking and loss of privacy.

1.4.2 The current proposal is an amended scheme and the amendments consist of replacing 2 no. slim vertical windows with non-opening obscurely glazed windows, and the bi-fold doors and Juliet balcony at first floor level have been repositioned so they are set at an angle to the wall.

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 01/2014/1169. Erection of extension and alterations to dwelling. Refused 28/11/2014. The reason for refusal was:

“It is the opinion of the Local Planning Authority that the proposed bedroom 1 windows at first floor level in the two storey rear extension would have an unacceptable adverse impact on the residential amenity of neighbouring properties creating a potential for overlooking and loss of privacy. Therefore the proposal is considered to be in conflict with criteria vi) of Policy RD1 of the Denbighshire County Council Local Development Plan, and advice contained in the Extensions to Dwellings SPG, Householder Development Design Guide SPG and Planning Policy Wales Edition 7.”

3. **RELEVANT POLICIES AND GUIDANCE:**

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

Policy RD 1 - Sustainable Development and Good Standard Design

Policy RD 3 - Extensions and Alterations to Dwellings

3.2 Supplementary Planning Guidance

3.3 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
- 4.1.3 Residential Amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle
Policy RD 3 advises that the extension or alterations to existing dwellings will be supported subject to compliance with detailed criteria. Extensions and alterations to existing dwellings are therefore considered acceptable in principle.

4.2.2 Visual Amenity
PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria i) of Policy RD 3 the scale and form of the proposed extension or alteration is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that a proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The neighbouring property to the west (No. 50 Mytton Park) is a similar house type to No. 51 Mytton Park and a first floor side extension has already been built above the garage. The proposed first floor extension above the garage of No. 51 would therefore appear to mirror that of the neighbouring property and would not look out of keeping. The proposed car port would be forward of the principal elevation, however as the dwelling is in a corner plot at the end of a cul de sac, the proposed carport would be parallel to the driveway and garage of 52 Mytton Park, and in Officers opinion would therefore also not appear to be out-of-keeping with the area.

The existing dwelling is of brick construction, however the proposed extensions would be rendered. No details of the render finish is provided, and therefore a condition would need to be applied requiring the prior approval of the finish.

Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself, the

locality and landscape, it is considered that the proposals would comply with the requirements of the policies listed above, and would therefore not have an unacceptable impact on visual amenity.

4.2.3 Residential Amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. Test iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site, to ensure that sufficient external amenity space is retained. The Extensions to Dwellings SPG states that no more than 75% of a residential property should be covered by buildings. The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

As noted, the application is a revised scheme following a refusal of planning permission.

Objections have been received from neighbours raising residential amenity concerns.

Having regard to the relevant standards, the proposal would ensure sufficient amenity space remains to serve the property as more than 40m² of private external amenity space would be retained and less than 75% of the site would be covered by buildings as a result of the proposed development.

The Proposed first floor side extension and two storey rear extension would be approximately 1.5m from the boundary with 50 Mytton Park (2-storey) to the side and approximately 2.5m at it's closest point from the boundary with 11 Dalar Wen (single storey bungalow) to the rear. The proposed first floor balcony windows in the rear extension would also look towards the rear boundary of 9 Dalar Wen (single storey bungalow), with the rear extension being approximately 10m from the boundary with that property. The rear boundary of No.51 is lined with a wooden fence, hedges and shrubs.

In relation to No. 50 Mytton Park:

No. 50 has a two storey side extension with a high level window at first floor level. Along the side elevation of the proposed rear extension there would be windows at ground floor level in the same position as existing windows and a new high level window is proposed to serve a utility area.

At first floor level, the side extension has been designed to mirror the sloping roof of the existing dwelling and the eaves height in the proposed side elevation would be 2.9m. 5 no. roof lights are proposed in the newly formed roof pitch to serve rooms at first floor level.

Officers consider there would be no unacceptable overlooking impact to No. 50 Mytton Park.

50 Mytton Park has a rear first floor window in its side extension. It is not considered the proposed extension would not cause any unacceptable overshadowing of this property.

It is considered the proposal would not have an unacceptable adverse impact on the amenity of No. 50 Mytton Park.

In relation to Dalar Wen properties:

Objections have been received from No. 3, 9 and 11 Dalar Wen which raise concerns relating to overlooking into windows of the dwellings and also overlooking of private gardens.

No. 51 shares a rear boundary with 9 and 11 Dalar Wen.

In the context of these properties, it is important to note that there are already windows at first floor level in the rear elevation of No. 51 Mytton Park, and there is

already a degree of overlooking into the private gardens of neighbours to the rear. The applicant has submitted photographs with the application showing the existing view from these windows to demonstrate this point.

The site shares a rear boundary with 11 and 9 Dalar Wen with the garden of No. 51 being at an angle to the bottom of the gardens of these properties. The corner of the rear extension would be approximately 2.5m from the rear boundary with 11 Dalar Wen and 10m from the boundary with 9 Dalar Wen. Windows are proposed at first floor level in the rear extension and the Householder Development Design Guide SPG advises that 2-storey extensions with habitable windows should be at least 7.5m from a boundary.

In the north facing elevation of the rear extension, slim vertical windows are proposed at ground and first floor level which would serve habitable rooms. The plans now show these 2 no. slim vertical windows at first floor level would be non-opening and obscurely glazed, which Officers consider is sufficient mitigation to ensure there would be no overlooking from these windows, and therefore the impact on the neighbours privacy would be negligible.

In the east facing elevation of the proposed rear extension bi-fold doors and a Juliet balcony are proposed at first floor level to serve a bedroom. The scheme has been amended so the bi-fold doors and Juliet balcony are now oriented so they face into the garden of No.51 in an effort to limit any impact on the privacy of neighbours.

The Householder Development Design Guide SPG suggests a distance of 21m should be sought where windows of one property directly face windows in a neighbouring property. The centre of the bi-fold window would be just over 20m from the rear elevation of 9 Dalar Wen, which has main room windows facing towards No. 51. Due to the proposed orientation of the first floor bi-fold doors and Juliet balcony, it is not considered there would be any direct overlooking into neighbours windows from the extension.

The Householder Development Design Guide SPG states that, where direct overlooking of a lounge, dining room, bedroom or kitchen can be avoided by the positioning of the windows, then the distance can be a minimum of 18m, which Officers consider is an appropriate minimum distance to apply in this instance as a result of the re-orientation of the window.

At it's closest point, the proposed bi-fold windows would be approx. 19m from the rear elevation of 9 Dalar Wen, and therefore the proposal would comply with the guidance contained in the SPG above.

In relation to overlooking of private rear garden areas from the first floor bedroom window in the proposed extension, it would be Officers opinion that, due to the separation distances between the window and the garden boundaries and the orientation of the bi-fold window, the extent of overlooking as a result of the development would be no worse than that which occurs from existing first floor windows in the rear elevation of No. 51.

In conclusion, Officers consider the amendments to the scheme would reduce the impact on residential amenity of occupiers of neighbouring properties.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity. The proposals are therefore considered to be in basic compliance with the policies and guidance listed above.

5. SUMMARY AND CONCLUSIONS:

5.1 The scheme was previously refused due to concerns regarding the adverse impact on the residential amenity of neighbours, in particular the potential for overlooking.

- 5.2 The current proposal has incorporated minor amendments to the previously refused scheme to help address the reason for refusal.
- 5.3 The plans now show the 2 no. first floor slim vertical windows in bedroom 1 in the extended rear elevation would be non-opening and obscurely glazed, which would limit the impact on the residential amenity of 11 Dalar Wen.
- 5.4 The orientation of the first floor window serving bedroom 1 with bi-fold doors and Juliet balcony has been amended so the window now faces more directly into the garden area of No. 51 and no longer faces a rear window of 9 Dalar Wen. The proposed window, at it's closest point, would be 19m from the rear elevation of 9 Dalar Wen, which is in accordance with the guidance contained in the Householder Development Design Guide for windows in a back to back situation where the direct overlooking can be avoided by the positioning of the windows.
- 5.5 The proposal is therefore considered to be 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.
2. The materials and finishes of the external surfaces of the roof of the development hereby permitted shall be of the same texture, type and colour as those on the roof of the existing buildings.
3. Prior to the commencement of the application of any render, a sample panel of the type of render it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the render to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.
4. The two first floor vertical windows shown on the proposed rear elevation plan which face the residential curtilage of 11 Dalar Wen shall be non-opening windows fitted within obscure glazing. The windows shall be retained as non opening and obscurely glazed windows unless otherwise 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 interests of visual amenity.
4. For the avoidance of doubt and in the interests of protecting residential amenity.

NOTES TO APPLICANT:

WELSH WATER Note to Applicant:

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

Agenda Item 7

WARD NO: Llandyrnog

WARD MEMBER: Cllr Mervyn Parry

APPLICATION NO: 18/2014/0793/ PF

PROPOSAL: Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works

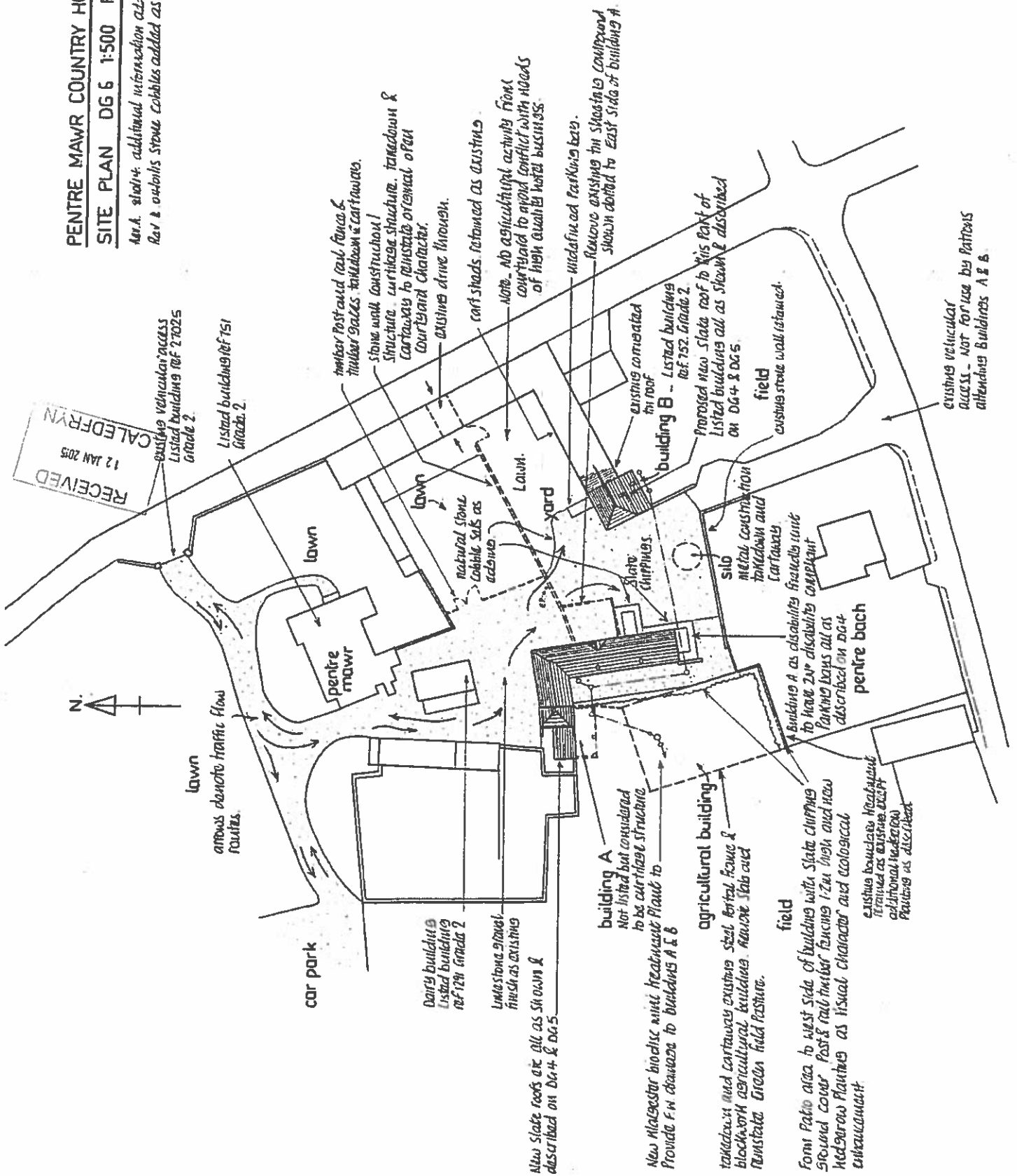
LOCATION: Pentre Mawr Country House Hotel Llandyrnog Denbigh

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PROPOSED SITE PLAN

PENTRE MAWR COUNTRY HOUSE HOTEL
SITE PLAN DG 6 1:500 PROPOSED

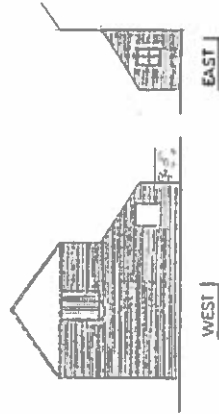
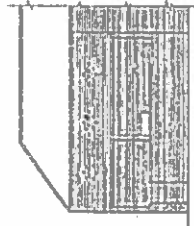
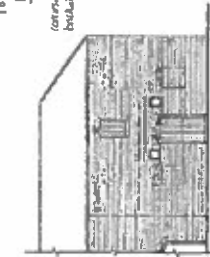
Mr A. shows additional information added
 Rev 1 & outline stone cobble added as follows



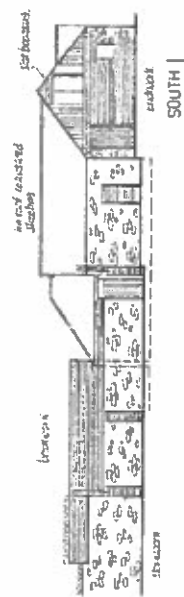
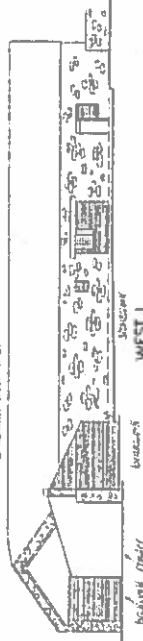
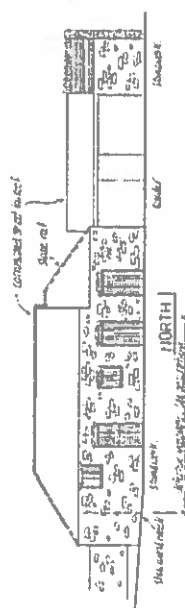
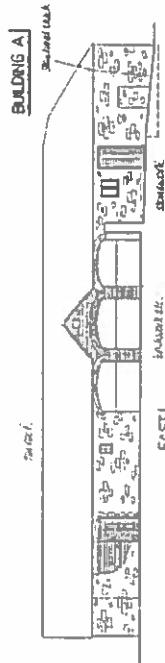
EXISTING ELEVATIONS

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 BUILDING B
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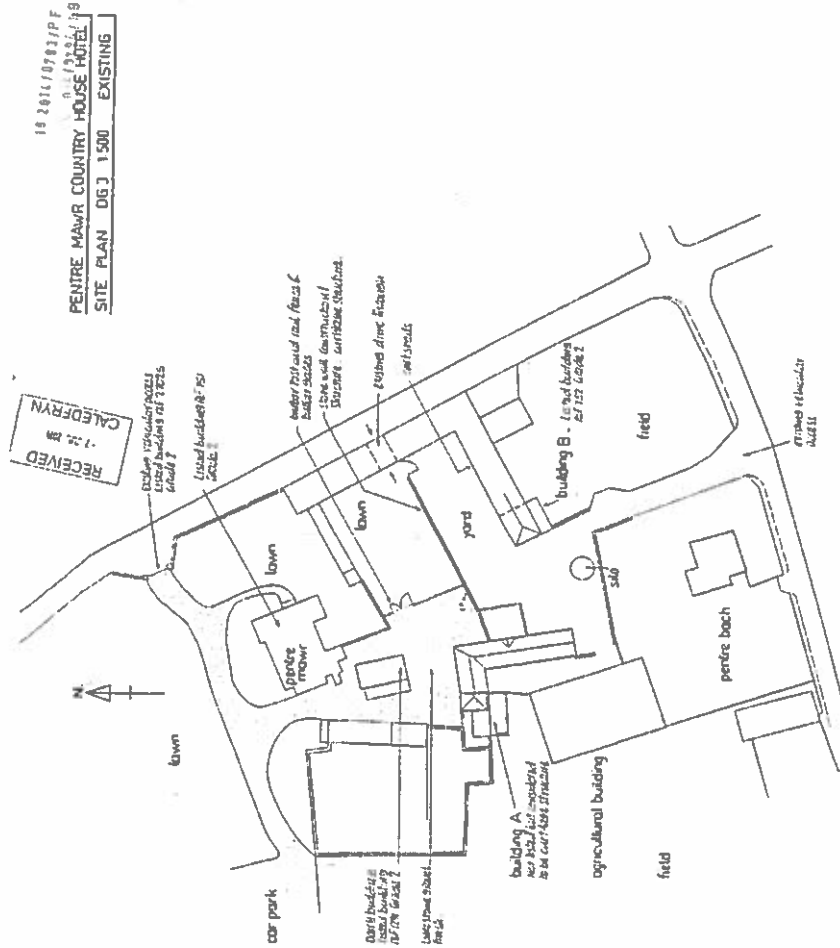


EAST



VIRE MAWR COUNTRY HOUSE HOTEL - DG2 - 1100 - EXISTING

EXISTING SITE PLAN



WARD NO: Llandyrnog

WARD MEMBER: Cllr Mervyn Parry

APPLICATION NO: 18/2014/0793/ PF

PROPOSAL: Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works

LOCATION: Pentre Mawr Country House Hotel Llandyrnog Denbigh

APPLICANT: Mrs Bre Carrington-Sykes

CONSTRAINTS: Listed Building

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
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

“Whilst the Community Council have no particular objection to the application as it stands there are concerns about the cumulative impact of the recent developments in Pentre Mawr - in terms of additional traffic generated and the impact thereof on the residents and regular users of this narrow and dangerous single track lane.

We are led to believe that the venue now has a licence to hold weddings and other functions - however couple this with the tented units and now possibly another two units and the increase in traffic along this narrow and dangerous lane has had a severe impact on the residents and regular users of this road - this is the message that has been relayed to community councillors and therefore must be relayed to DCC as the planning authority.

Whether this is a material consideration or not is a matter for DCC however the applicants have it within their powers improve the visibility and provide passing places along that stretch of lane and maybe DCC could encourage this to happen.”

NATURAL RESOURCES WALES

No objections to the proposal. Do not consider it will affect the features, ecological integrity or functionality or any statutory sites of ecological, geological, and / or geomorphologic interest; or the character or integrity of any statutory protected or nationally important landscapes. Consider the ecological survey and assessment in

respect of statutory species to be satisfactory for the purposes of informing the decision making process, and that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of protected species which may be present.

DWR CYMRU / WELSH WATER

No comments, as the proposals involve a private treatment works, which should be considered by Natural Resources Wales.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection. Proposals will not cause any significant highway related problems.

Future development will require full assessment of impact on the highway network

Conservation Officer

Has been in dialogue with the agent over the detailing of the scheme, including the treatment of the buildings and the layout of the courtyard.

Supports the principle of new uses for buildings, albeit that the proposals are for part of the buildings. No objections to the removal of the wall or proposals in general, as these will prolong the life of the buildings. Suggests conditions be imposed to control details of boundary treatment, internal repairs, reconstructed sections of building, means of escape and insulation. Wishes to see the weather vane and cupola on the main range repaired or protected as part of the works.

Biodiversity Officer.

No objection, but requested additional information regarding mitigation for nesting birds. Suggests conditions be attached to address bat and nesting birds issues.

RESPONSE TO PUBLICITY:

Susan Edwards, Pentre Bach, Llandyrnog

G Edwards & Son, c/o M E Roberts (NFU), 28 Well St, Ruthin

Philip Meade - Consultants - 103 Baeatrice Street, Oswestry (on behalf of G Edwards)

Summary of planning based representations in objection:

Residential amenity

Overlooking of private garden and loss of privacy from one of the proposed units / noise and disturbance from occupiers of units/ fears over safety and security / ambiguity of the proposed use of the extended garden and yard area between the units and Pentre Mawr house

Drainage

Developments may require redesign of land drainage systems disturbed by development / proposals will put extra pressure on existing foul drainage systems at Pentre Mawr which is already failing

Conflict with policy and guidance

Assessment of the impact on the value in planning terms of the existing agricultural use is a requirement in TAN 6/ conflict with SPG16 in relation to conversions – unacceptable amenity impacts / buildings not suitable for the uses proposed and there

does not seem to be a good business case to support the use; and the loss of the buildings will result in the need for replacements elsewhere as the objector's business will be unviable otherwise.

Other matters

Relevant Notice served on the tenant is incomplete and invalid.

Impact on existing agricultural use

Proposals would have adverse effect on operation, efficiency and upkeep of tenanted farm at Pentre Mawr and on farming practice at Plas Ashpool / grant of planning permission would enable the applicant to serve a notice to quit on the agricultural tenant and if this can not be defended, the farming of 190 acres will become untenable / buildings are used for handling and accommodating livestock, storage of agricultural materials, tools and machinery which form an important part of the farming business and remainder of the holding and other land farmed / responsibilities need to be resolved for costs, compensation, relocation of farmyard and livestock handling facilities and accommodation / question over legality of removing property owned by the tenant / questions over the safety and viability of using land owned by tenant farmer to accommodate the handling and loading of stock onto lorries/ potential impact of movement of animals along new routes, including past Pentre Mawr and neighbours to Plas Ashpool land / who meets compensation claims for loss or depletion of business or income

Concerns over impact of wedding party use / marquee in garden area (noise and disturbance, provision for parking)

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the conversion of a detached single storey outbuilding and a section of a larger range of outbuildings at Pentre Mawr, to two self contained units of visitor accommodation in connection with the enterprise at Pentre Mawr Country House Hotel. It involves the removal of existing agricultural buildings and land which forms part of an agricultural tenancy .

- 1.1.2 The plans at the front of the report show the location of the proposed units relative to the building complex at Pentre Mawr and to the nearest dwelling at Pentre Bach, to the south.
- 1.1.3 The supporting documents refer to the 5 star hotel and the quality dining facilities run from the main building at Pentre Mawr and recent authorisation to hold weddings at the venue. They indicate the bedroom facilities available for guests wishing to stay overnight are limited and that there are no facilities available for disabled visitors. The proposals have been developed to expand the facilities, and in part to cater for the needs of disabled guests.
- 1.1.4 The main elements of the development are:
- The conversion of a detached single storey stone walled building to provide a two bedroom accommodation unit, with a small patio area. This unit is indicated as a 'disability friendly unit', with two disability compliant parking spaces adjacent. The building has been in use for housing livestock, as a barn and for storage purposes in connection with an agricultural enterprise run on a tenancy separate to the business at Pentre Mawr..
 - The conversion of the end section of the brick walled range of buildings to a one bedroom accommodation unit, with a single parking space shown on the courtyard side of the building. The building would be re-roofed with slate as part of the scheme. The building has been in use as a barn and hayloft in connection with the aforementioned agricultural enterprise.
 - The removal of a portal frame agricultural building immediately to the south west of the single storey building, also used in connection with the agricultural enterprise.
 - The removal of a metal silo close to the boundary with Pentre Bach
 - The demolition of an existing stone wall which runs east-west across the courtyard at the rear of Pentre Mawr, and currently separates the lawned area serving Pentre Mawr and a yard area used in connection with the agricultural enterprise.
 - The use of all the land within the courtyard formed by the outbuildings in connection with Pentre Mawr, as an additional lawned area, and as an area which is proposed to be surfaced in slate chippings around the new accommodation units
 - The use of the existing main entrance to Pentre Mawr as the vehicular access to serve the two accommodation units
- 1.1.5 The application is accompanied by a Design and Access Statement, incorporating a Listed Building Justification Statement, a Structural Condition Report, a Protected Species Survey, and a Site History Assessment.
- 1.1.6 As part of the application process, notice has been served on Mr Gordon Edwards of Y Fferm, Llanfwrog, as an agricultural tenant. The issues relating

to the agricultural use of land and buildings involved in the application are covered later in the report.

- 1.1.7 In relation to the existing agricultural use of the area around the proposed accommodation units and the remainder of the two storey outbuildings, a site plan note states 'No agricultural activity from courtyard to avoid conflict with needs of high quality hotel business', and 'Cart sheds retained as existing' . The site plan is reproduced at the front of the report.
- 1.1.8 Pentre Mawr and its main outbuildings are Grade II Listed Buildings, and the single storey building proposed for conversion is a curtilage structure and therefore deemed listed for the purposes of planning legislation. The proposals are therefore the subject of a separate listed building consent application, being dealt with under Code no. 18/2014/0794/LB

1.2 Description of site and surroundings

- 1.2.1 The Pentre Mawr complex of buildings is located approximately 2km north of Llandyrnog village.
- 1.2.2 It is accessed off minor roads from the B5429. The vehicular access serving the Country House is a driveway off the minor road which runs past the front of the main house to a parking area to the west.
- 1.2.3 The building complex consists of an historic Manor House (as noted, a Grade II listed building) and a range of outbuildings, most of which are also listed buildings. There are also more modern, but long established agricultural buildings near to the single storey building proposed for conversion, in the form of a portal frame building and a silo.
- 1.2.4 The main building is in use as a bed and breakfast business with dining facilities and there are a number of 'tented bedrooms' on land immediately to the west of the main house. The parking area for visitors is located 40 metres to the north west of the main house at Pentre Mawr.
- 1.2.5 A lawn area to the south of the main house is in use in connection with the bed and breakfast business and owners private accommodation. Its extent is defined by a substantial stone wall which divides the courtyard enclosed by the range of outbuildings. The area to the south side of the wall, including the buildings and land has been in use in connection with an agricultural business.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside.

1.4 Relevant planning history

- 1.4.1 The bed and breakfast use at Pentre Mawr has developed gradually over time from an incidental use to the dwelling. The owners obtained planning consent to use the 'Manor' house as a bed and breakfast facility / Country House Hotel in October 2013, involving use of 3 out of 5 bedrooms as guest accommodation. Planning permission was eventually granted for the retention of 6 'tented bedrooms' used in connection with the facilities in the main house, in June 2014.
- 1.4.2 The Council has been made aware during 2014 of the introduction of a marquee in the garden area of the property, used in connection with the

staging of weddings. This has been the subject of separate enforcement investigation and is not a consideration in relation to the current application.

1.5 Developments/changes since the original submission

1.5.1 The applicant and agent have provided additional background information in response to representations on the impact on the agricultural use, and have revised the plans to clarify points of detail in relation to the layout and works on the outbuildings.

1.6 Other relevant background information

1.6.1 The application involves land and buildings which it is understood are used in connection with a farm business run on an agricultural tenancy, which has raised a volume of correspondence. The following paragraphs provide an outline of the main issues raised by and on behalf of the affected party and the owners of Pentre Mawr.

1.6.2 The basic points raised on behalf of the objectors is:

- The Edwards family have farmed at Pentre Mawr since 1969 with a tenancy agreement.
- Robert Edwards, who is the owner / occupier of Pentre Bach, is a partner in the business
- The proposals would have a detrimental effect on farming practice at Pentre Mawr, as the buildings involved are of fundamental importance to the running of the business and safe handling of livestock.
- Without the facilities, the alternative would be to reduce the farm business and the production / profitability would likewise reduce. This may result in the loss of the farming business altogether
- If planning permission is granted, under the terms of the tenancy agreement, the applicants can serve a notice to quit the buildings which the tenant would be forced to defend. If this fails, the farming of the 190 acres will become untenable
- Reference is made to a High Court case in 2000 where it was determined that the impact of a planning application on the personal circumstances of a tenant, where the landlord was making the application, was a material consideration in the planning process.
- Supplementary Guidance and Technical Advice Notes require consideration to be given to the impacts on neighbouring occupiers and in respect of tenanted agricultural buildings, the value in planning terms of the existing use

1.6.3 The applicants and their representatives have responded to issues raised in the following fashion:

- A Certificate B has been re-issued to reflect the date of service of the notice (this is the formal process of notification to the Council that there is an agricultural tenant with an interest in land involved in the application).
- The tenancy has limited longevity and will expire in time, and the tenants will then have to make alternative arrangements. The hotel business has permanence, provides support to the local economy and sustains local employment
- The use of the land and buildings in the manner experienced is damaging to the hotel business with unsightly stored plant and machinery, slurry causing smells and an environmental hazard

- In respecting concerns from Pentre Bach at residential amenity impacts, separation distances are more than adequate. The proposals will reduce noise and disturbance and enhance security and crime prevention
- The proposals to remove existing agricultural buildings will enhance the built environment
- Under the terms of the tenancy agreement, the landlord has the ability to serve a notice to quit on any part of the holding not being more than 25% the holding for a non agricultural use. This is not considered to be a planning matter.
- The buildings and yard are not crucial to the operation of the rest of the tenant's agricultural business and their current use is infrequent (part of the cattle shed is used for cattle in winter months, the stone building is used for occasional loading and sorting of stock which can be transferred to any part of the holding)
- The application seeks to ensure the future sustainability of Pentre Mawr, providing additional income to ensure it is successful and to provide employment to the local community

1.6.4 As referred to in paragraph 1.4.2, there has been separate investigation into the siting of a marquee in the garden area of Pentre Mawr, which has been used in connection with wedding events, following complaints over associated noise, disturbance, and traffic issues. This is not a matter for consideration as part of the current application as it seeks only a permission to convert the two buildings and to carry out related access, parking, hard and soft landscaping works.

2. DETAILS OF PLANNING HISTORY:

2.1 18/2008/0289 Construction of 6 no. chalets, landscaping and pedestrian access routes. GRANTED - Decision issued 18/06/2014

2.2 18/2013/0981 Mixed use of premises as dwelling and bed and breakfast facility (retrospective application). Granted 16/10/2013

3. RELEVANT POLICIES AND GUIDANCE:

3.1 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 ASA3** – Parking standards

3.2 Supplementary Planning Guidance
Re-use and adaptation of Rural Buildings

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

Technical Advice Notes – TAN 6 Planning for sustainable rural communities July 2010

3.4 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 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 Residential amenity
- 4.1.4 Landscape
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Inclusive design
- 4.1.9 Impact on Listed Building
- 4.1.10 Other matters
- 4.1.11 Impact on Agricultural Holding

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the Local Development Plan which is relevant to tourism related development is PSE5, which offers general support for proposals which make a contribution to sustainable development. The policy contains four tests relating to employment proposals for conversions and new build which require that the proposal is appropriate in scale and nature to its location; that any suitable buildings are converted or reused in preference to new build; proposals for new build are supported by a business case ; and full account is taken of impacts where proposals are in the AONB, AOB or World Heritage site.

PSE5 reflects the general support in the Local Development Plan to develop the local economy and businesses. Section 11 of Planning Policy Wales 7 emphasises the importance of tourism to economic prosperity and job creation, supporting the objectives to encourage community well-being, whilst protecting and giving value to natural heritage and culture, all in the context of minimising environmental impact.

In terms of detail, the last two tests of PSE5 are not relevant to the application. The proposals meet the second test, as this expresses a preference for conversion in preference to new build development. In Officers' opinion, the use of two existing buildings within a larger complex of buildings is appropriate in scale and nature to the location. It is suggested therefore that the general principle of the conversions to units of accommodation is acceptable in relation to the policy. The key issues are considered to be the localised impact of the proposals, which are reviewed in the following sections

of the report.

4.2.2 Visual amenity / design

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the visual amenity implications of a proposal as a material consideration.

There are no adverse representations raised in relation to the visual impact of the proposals. The Conservation Officer has no objections to the removal of the stone wall which subdivides the courtyard, and has sought improvements to detailed design elements of the scheme. She is suggesting the imposition of conditions if permission is granted, to ensure controls over specific features.

In Officers' opinion, in terms purely of design detailing, the plans submitted to show the works on the buildings proposed for conversion demonstrate a sensitive approach to the task of adaptation to a new use. The plans do need additional detailing, in particular in relation to the proposed reconstructed sections and in respect of fenestration, the hard and soft landscaping, including boundary fencing / walls, but they are considered acceptable as a way forward here. It is suggested that any permission would need to oblige the submission of further plans with the aforementioned details to ensure these respect the quality of the environment and the listed status of the building complex. The removal of the portal framed agricultural building and the steel silo are considered to be recognisable visual improvements associated with the development.

4.2.3 Landscape impact

Policy VOE 1 relating to key areas of importance seeks to protect areas designated of natural landscape value and Historic Landscapes from development which may adversely affect them. Due consideration has therefore to be given to the impact of proposals on the Vale of Clwyd Historic Landscape, which the site lies within. The requirement to take account of landscape impact is reflected in general advice in Planning Policy Wales 7 and Technical Advice Note 12: Design.

There are no representations raising issues relating to the landscape impact of the proposals, including from Natural Resources Wales.

Officers' view is that the development would not have unacceptable impacts on the Vale of Clwyd Historic Landscape Area. The physical effects of the conversion of existing buildings would be negligible in wider landscape terms, and the removal of the steel framed agricultural building and the silo would if anything have a beneficial impact on the landscape, these being relatively nondescript modern features.

4.2.4 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the residential amenity implications of a development as a material consideration.

Objections have been received from the owner / occupiers of Pentre Bach expressing concerns at the potential impact of the proposals in respect of overlooking of the private garden and loss of privacy from one of the proposed units, from noise and disturbance, at the ambiguity of the proposed use of the area between the units and Pentre Mawr, and over issues of safety and security. The applicant's agent has suggested separation distances are more than adequate and that the proposals will reduce noise and disturbance and enhance security and crime prevention. It is also noted that there is already an agricultural use of the area to the north of Pentre Bach which gives rise to levels of noise and disturbance.

In offering comment first on the issues of overlooking and loss of privacy, factually, the dwellinghouse at Pentre Bach itself is some 30 metres from the walls of the proposed accommodation units, and its rear garden boundary is some 10 metres from the two units. This relationship is best appreciated by referring to the plans at the front of the report. The detailing of the proposed single storey unit shows an entrance door and window serving a WC on the gable end facing towards Pentre Bach at a distance of 10 metres from the property boundary. With additional boundary screening in this location, Officers would conclude there are no overlooking or privacy issues likely to arise in relation to Pentre Bach from this unit. The plans of the two storey unit show a ground floor WC window and a window at first floor level providing light for a stairwell in the gable end facing west, and there would be a ground floor door and rooflight window on the reconstructed single storey section facing south. Having due regard to the detailing, Officers would not consider there would be any unacceptable overlooking or loss of privacy for the occupiers of Pentre Bach from this unit.

Given the relative distances between the properties, Officers would not consider the level of noise and disturbance from activity associated with the two units of accommodation used in connection with Pentre Mawr would be likely to be such that there would be unreasonable impacts on the occupiers of Pentre Bach, sufficient to merit a recommendation of refusal. However, the Conservation Officer has requested in connection with the Listed Building Consent application that a condition be imposed requiring approval of internal details relating to mitigation of noise, fire, and insulation, which would introduce measures for limiting transfer of noise. There is also scope here to oblige the provision of a more substantial boundary wall along the southern boundary between the site and Pentre Bach, which could act as a visual and noise barrier to mitigate impacts of activity associated with the accommodation units.

It is not considered with due respect to the concerns of the objectors, that

safety and security fears from the use of buildings as accommodation units can be accorded significant weight in the consideration of the application.

Officers acknowledge the concerns over the future use of the extended lawn/yard area between the proposed accommodation units and Pentre Mawr. It is suggested that consideration should be given to restricting the use to occupiers of the new accommodation units, guest accommodation at Pentre Mawr Country House, and the owner/occupiers of Pentre Mawr and staff involved in the running of the business.

4.2.5 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.

There are no objections to the proposals in respect of ecological impacts from Natural Resources Wales or the Council's Biodiversity Officer. The latter has sought provision for swallow mitigation and suggests conditions be attached to cover bat and nesting birds issues.

Officers' conclusion on ecological matters is that adequate mitigation for impacts can be secured through planning conditions if a permission were to be granted.

4.2.6 Drainage (including flooding)

Drainage issues are a normal consideration on planning applications. 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, where this is relevant to a development.

Comments from / on behalf of the neighbours raise concerns over potential impact on land drainage systems disturbed by development, and that proposals will put extra pressure on existing foul drainage systems at Pentre Mawr which is already failing. Natural Resources Wales and Dwr Cymru Welsh Water have raised no objections on drainage grounds. The proposals are to introduce a new mini treatment plant to serve both units, separate from any system serving Pentre Mawr. The site is not in a flood zone.

In respecting the comments on drainage impacts, there are no grounds of concern expressed in the responses of the key statutory consultees. The foul drainage system proposed to serve the accommodation units would be entirely separate from the system serving Pentre Mawr. Appropriate details of the reinstatement of land in the area of the buildings to be removed would need to be submitted for further approval, to include indications of land

drainage proposals. Surface water drainage associated with the accommodation units is indicated by way of soakaways, which is likely to be the current means of disposal. There are no flood risk issues to consider here.

4.2.7 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces 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.

Llandyrnog Community Council have raised the matter of cumulative impact of recent developments in Pentre Mawr, including the licence to hold weddings - in terms of additional traffic generated and the impact on the residents and regular users of the narrow lane. The Highway Officer has no objection, as it is considered the proposals will not cause any significant highway related problems.

It is not considered in the context of the Highway Officer's comments, and with respect to the comments of the Community Council that there are strong highway grounds to refuse permission here, given all that is under consideration in the application is the potential impact of traffic generated by the two accommodation units. The wedding function use is not a matter for deliberation here. Officers view is that the highway implications of the proposals before the Council would be limited, having regard to the likely traffic movements which would be generated, and the fact that the implementation of the permission would displace the agricultural use of the courtyard at Pentre Mawr, which in itself is capable of generating a volume of traffic when in active use.

4.2.8 Impact on listed buildings and the historic environment

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them, which requires assessment, where relevant, of impacts on archaeological, landscape and listed building interests. The context for assessment of applications involving alterations, extensions, and demolition of listed buildings which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which also 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. These are matters dealt with in detail in the following report on the agenda, in respect of the listed building consent application.

There are no representations on the application which express specific comment on the impact of the proposals on the listed buildings. The Conservation Officer is a key consultee on this aspect of the application and has no objections to the proposals subject to imposition of conditions to control the detailing of the development.

Officers would suggest the proposals to renovate and to introduce a positive new use into listed buildings showing clear signs of deteriorating physical condition is worthy of support in principle, as a means of securing their future. In terms of the detailing of the scheme, it is considered that subject to controls over work on the buildings and the treatment of the courtyard and boundary fencing / walls, there would be no adverse impact on the character or appearance of the listed buildings or their setting.

4.2.9 Inclusive design

The requirement to address issues of safe and convenient access for disabled persons is set out in TAN 12 Design, TAN 18 Transport, and Policy RD1 test (vii), which sets out the need for mandatory Access Statements with planning applications.

The details with the submission indicate the single storey building would be fully accessible for persons with disability.

4.2.10 Other matters

Impact on agricultural business / agricultural tenancy

Members will appreciate from the summaries of representations on the application and the contents of Section 1.6.2 of the report that there are specific comments made on the impact of the proposed conversions of the buildings and the expansion of the lawn area of Pentre Mawr into the remainder of the courtyard, on the operation of a farm business operated from the premises on an agricultural tenancy. The substance of responses from and on behalf of the applicants are included in Section 1.6.3, and are available for inspection on the application files.

In respecting the position of the landlord and tenant and the obviously difficult issues the submission has given rise to, Members will understand that there are limits on the role of the Council as a Planning Authority in its consideration of matters relevant to the determination of a planning application. Simply, the Council cannot act as an arbitrator in disputes between parties in relation to civil law issues associated with tenancy agreements, including a landlord's decision to seek termination of a tenancy, which involves legislation such as the Agricultural Holdings Act, and separate arbitration processes.

The land use planning considerations which have been drawn to the Council's attention, which are relevant to proposals for the re-use and adaptation of rural buildings are in Welsh Government's Technical Advice Note 6, and include the following-

Paragraph 3.2.1 suggests the primary consideration should be whether the nature and extent of the new use proposed is acceptable in planning terms, and that it should not normally be necessary to consider whether a building is no longer needed for its present agricultural purposes ; however it states "...although in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration".

There is further advice in Paras 6.2.5 – 6.2.9:

The relevant sections are –

6.2.5 – farms with development close to them tend to suffer from trespass and other forms of disturbance which may affect the efficiency and upkeep of holdings.

6.2.6 – farms vary in size, type of business and layout, the loss of part of a holding can have important impacts for the remainder; the effect of severance and fragmentation on the farm and its structure may be relevant.

6.2.7 – efficiency of farms can be affected by the condition and extent of buildings and other fixed equipment; the full use of these assets could be impaired by the loss of specific sites to development.

6.2.9 – developments may have further consequences for agriculture; for example it may be necessary to redesign land drainage systems disturbed by development.

In order to inform this section of the report, Officers have sought advice from colleagues involved in the Agricultural and Estates Section.

In terms of the value in planning terms of the existing use, it is only possible to offer basic comment from the information in front of the Council.

It is understood that factually the agricultural business involves dealing in cattle and that stock are moved on and off the land at Pentre Mawr ; the large shed being used to house stock during the winter and to store machinery; the single storey building being used to sort stock (including sheep) prior to loading and transportation; and along with the section of the brick building, is used for general storage.

From observation, and photographs submitted by the applicants, there is evidence that the buildings and yard area are in use in connection with the agricultural business and have a value for that business, but it is difficult to conclude whether they are so critical to its operation that their loss would necessarily lead to the loss of the business. The older buildings are clearly dated and in poor repair, and like the yard area are being used for the storage of a range of material.

Given the nature of the use and the extent of the holding, it does not seem unreasonable to suggest that there is scope to reorganise the arrangements for moving stock and associated machinery / materials to allow the business to continue.

In respect of the other issues referred to in TAN6, it is not considered likely that the nature of the uses proposed would lead to unacceptable risks from trespass and disturbance to the efficiency and upkeep of the holding. There is no issue of severance or fragmentation here as the proposals involve the loss of a small yard area and buildings associated with it. The impact of loss of buildings and the yard area are addressed above. Land drainage issues are addressed in section 4.2.6 of the report.

In concluding on this matter, Officers acknowledge that the potential impact on the agricultural business requires consideration, but having regard to the above, it is not concluded that the effects would be so significant to merit a recommendation for refusal of permission, when put into the balance against other matters relevant to the merits of the proposals.

The issues of responsibilities for costs / compensation , relocation of farmyard and livestock handling facilities and accommodation for livestock, machinery, tools, materials, the legality of removing roofing materials on the brick building which were put there by the tenant, the safety and viability of using land to move livestock and access for livestock vehicles, and the onus for submitting a planning application for a new farmyard and livestock handling facilities are respectfully not ones for consideration by the County Council in the determination of the planning application.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application proposes the conversion of two agricultural buildings within the complex at Pentre Mawr for use as accommodation units in connection with the existing Country House Hotel. It involves the removal of a portal frame agricultural building and a silo, and the extension of the garden into an area used in connection with the operation of an agricultural business which is run on a tenancy agreement.
- 5.2 The applicant's case is that the proposals are an essential development of an existing business and are in accord with local and national policy encouraging suitable tourist related schemes. They argue the existing agricultural uses of the buildings and land is detrimental to the business aims of the hotel and to the setting of the listed buildings. They consider the proposals are sympathetic to the character and appearance of the buildings and the setting of the listed buildings at Pentre Mawr, and are a first step in the regeneration of the remainder of the historic buildings in the complex.
- 5.3 The Community Council have raised comments over the highway implications of additional development at the property, and there are concerns expressed over the impact of use of the buildings and land on the adjacent dwelling and on the operation of the farm business on an agricultural tenancy. Consultation responses are supportive of the proposals subject to suitable conditions being imposed to control detailed elements of the scheme.
- 5.4 Officers' conclusions are that the principle of developing an existing business is encouraged in current planning policy and guidance. There are good conservation grounds for supporting proposals which secure the long term future of listed buildings. Elements of detailing are capable of control through conditions if permission is granted. The highway implications of an additional two accommodation units are not considered to be significant. Amenity impacts on Pentre Bach can be mitigated by suitable screening, and through internal detailing which can be controlled through conditions on the planning and listed building consents.
- 5.5 There are difficult issues relating to the impact on the agricultural tenant. The report notes that the Council cannot act as arbiter in any dispute between a landlord and tenant and should deal with the proposals solely in terms of land use planning impacts. Regard has to be given to the value of the facilities to the agricultural business, but it is concluded that this is not a matter which would merit a recommendation for refusal of permission, considered alongside the factors weighing in support of the proposals. Responsibility for resolving claims for compensation for impacts on the business, provision of alternative facilities, etc is a matter between landlord and tenant.

5.6 Having regard to the above, Officers suggest the proposals are acceptable subject to conditions, and justify support as they are a relatively small scale development of an existing tourist enterprise and present an opportunity to secure the long term future of the buildings. Physically the development would have a positive impact on the character and appearance of the buildings involved, and on the setting of the Pentre Mawr complex.

RECOMMENDATION: GRANT- subject to the following conditions:-

RECOMMENDATION: GRANT- for the following reasons:-

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. Notwithstanding the details shown on the submitted plans, no works on the conversion of the outbuildings shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of all of all hard and soft landscaping details, including boundary walls and fencing, the surfacing of access ways and the treatment of the courtyard area, proposed planting including species and numbers; and the maintenance thereof. The development shall be carried out strictly in accordance with the approved details.
3. Notwithstanding the details shown on the submitted plans of the area around the proposed accommodation units and the boundary with Pentre Bach, no works shall be permitted to be carried out on the buildings or the layout of that area until the written approval of the Local Planning Authority has been obtained to the detailing of the boundary treatment and means of preventing vehicular access by visitors to the accommodation units and Pentre Mawr via the track running along the eastern boundary with Pentre Bach. The accommodation units shall not be occupied until the development has been completed in accordance with the approved details, and the arrangements shall be retained at all times thereafter.
4. All planting, seeding, turfing, fencing, walling or other treatment approved under the conditions of this permission shall be carried out prior to the bringing into use of the accommodation units, and any trees or plants which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Before the accommodation unit in Building A is first brought into use, all measures to secure its accessibility as a disabled friendly unit shall be completed. The measures shall be retained at all times thereafter.
6. None of the accommodation units shall be brought into use until the foul drainage system and associated soakaway system has been completed.
7. The portal framed agricultural building shall not be demolished until the written approval of the Local Planning Authority has been obtained to details of the reinstatement of the land exposed by the removal of the slab and frame, including the proposed land drainage system, the proposed levels, materials to be used in reinstatement, and the planting of the surface layer.
8. In relation to the carrying out of the development, no site works shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to a Construction Stage Plan indicating demolition methodology, site compound locations, construction traffic routes within the site, and hours and days of operation. The works shall be carried out strictly in accordance with the approved details.
9. None of the accommodation units hereby approved shall be occupied until the respective access and parking arrangements have been completed in accordance with the plans approved in accordance with this permission and conditions. The access and parking arrangements shall be maintained as approved at all times.
10. Vehicular access to the accommodation units shall be obtained solely from the existing main access serving Pentre Mawr off the public highway, and there shall be no vehicular access from the track running alongside the eastern boundary with Pentre Bach at any time.
11. The development shall be carried out strictly in accordance with the recommendations in the Section 9 of the submitted Protected Species Survey.
12. The use of the courtyard area between the accommodation units and Pentre Mawr indicated on the approved site plan as a lawn, yard and slate chippings, shall be limited to occupiers of the new accommodation units, guest accommodation at Pentre Mawr Country House , and the

owner/occupiers of Pentre Mawr, their family and friends, and staff involved in the running of the business.

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 and to protect the character and appearance of the listed buildings.
3. In the interests of visual and residential amenity.
4. In the interests of visual amenity.
5. To ensure adequate provision for accessibility for persons with disability.
6. To ensure the development is served by a suitable drainage system.
7. In the interests of visual amenity and to ensure the area is properly drained.
8. In the interests of the amenities of occupiers of nearby residential property.
9. To ensure there is no long term vehicular use of the unsurfaced track running to the south of the courtyard, in the interest of the highway safety and the residential amenities of occupiers of Pentre Bach.
10. To ensure there is no long term vehicular use of the unsurfaced track running to the south of the courtyard, in the interest of the highway safety and the residential amenities of occupiers of Pentre Bach.
11. To ensure that adequate mitigation is undertaken in relation to protected species.
12. In the interests of the residential amenities of occupiers of Pentre Bach.

NOTES TO APPLICANT:

You are hereby reminded that the works to which this permission relates also require Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence to carry out works affecting a listed building without listed building Consent, and you are therefore strongly recommended to ensure that no such works are carried out until the appropriate Consent has also been granted.

The Council's attention has been drawn to the use of land and buildings affected by the application, by an agricultural tenant. You should be aware that the grant of planning permission does not override any civil law restrictions which may prevent the implementation of the planning consent.

You are advised to contact the Development Management Section Case Officer to discuss the requirements of the conditions of this permission in advance of the submission of the relevant details. In respect of condition 3 Officers consider it necessary to erect a more substantial screen wall along the boundary with Pentre Bach in order to provide an effective visual and noise barrier to mitigate impacts of the use of the courtyard.

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

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

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Agenda Item 8

WARD NO: Llandyrnog

WARD MEMBER(S): Cllr Mervyn Parry

APPLICATION NO: 18/2014/0794/ LB

PROPOSAL: Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works (Listed Building application)

LOCATION: Pentre Mawr Country House Hotel, Llandyrnog, Denbigh

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Heading:

REFERENCE NO. 18/2014/0794/LB
& 18/2014/0793/PF
PENTRE MAWR, LLANDYRNOG

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

Tel: 01824 706800 Fax: 01824 706709

 Application Site

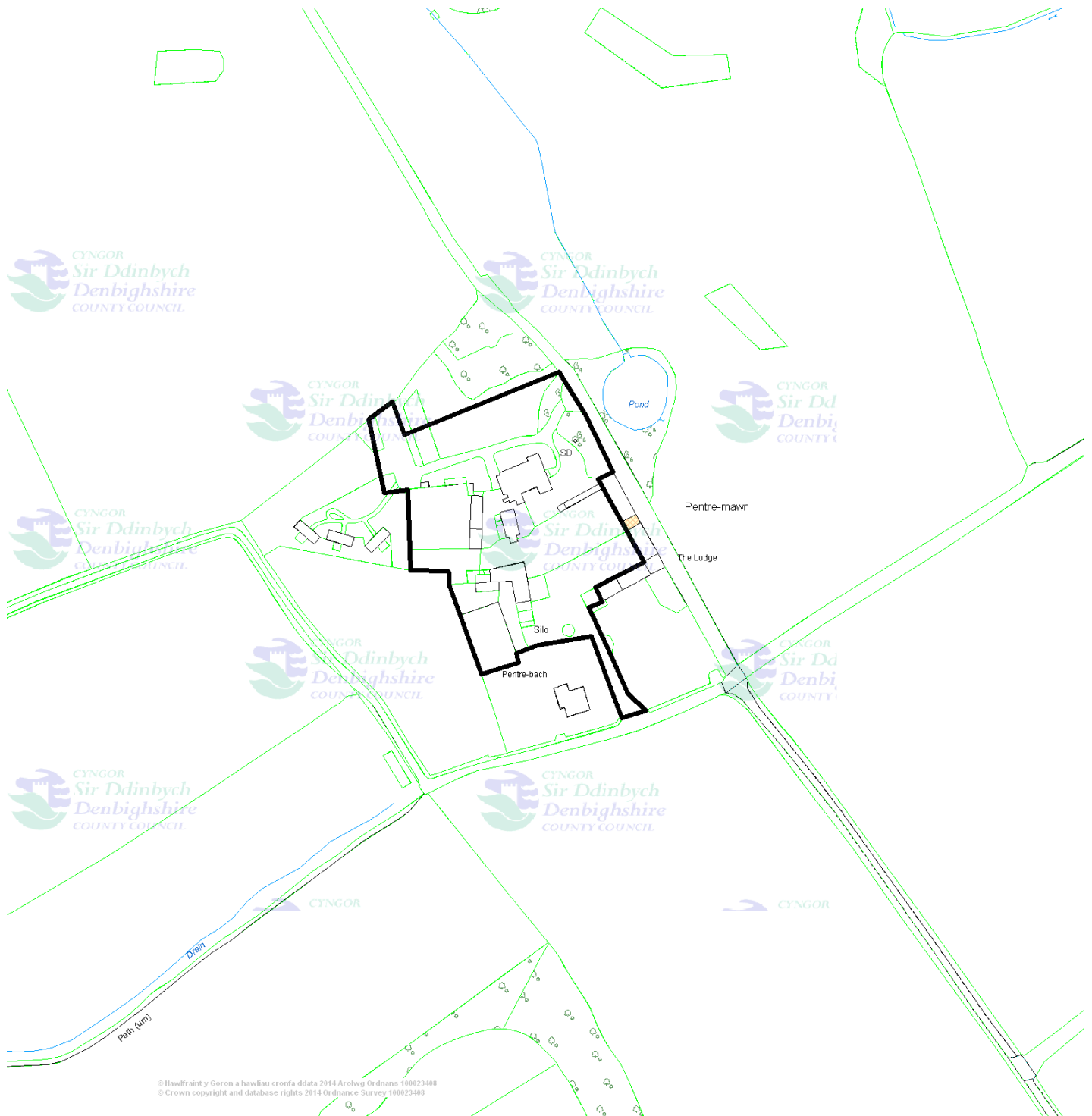


Date 3/2/2015

Scale 1/2500

Centre = 310321 E 366911 N

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

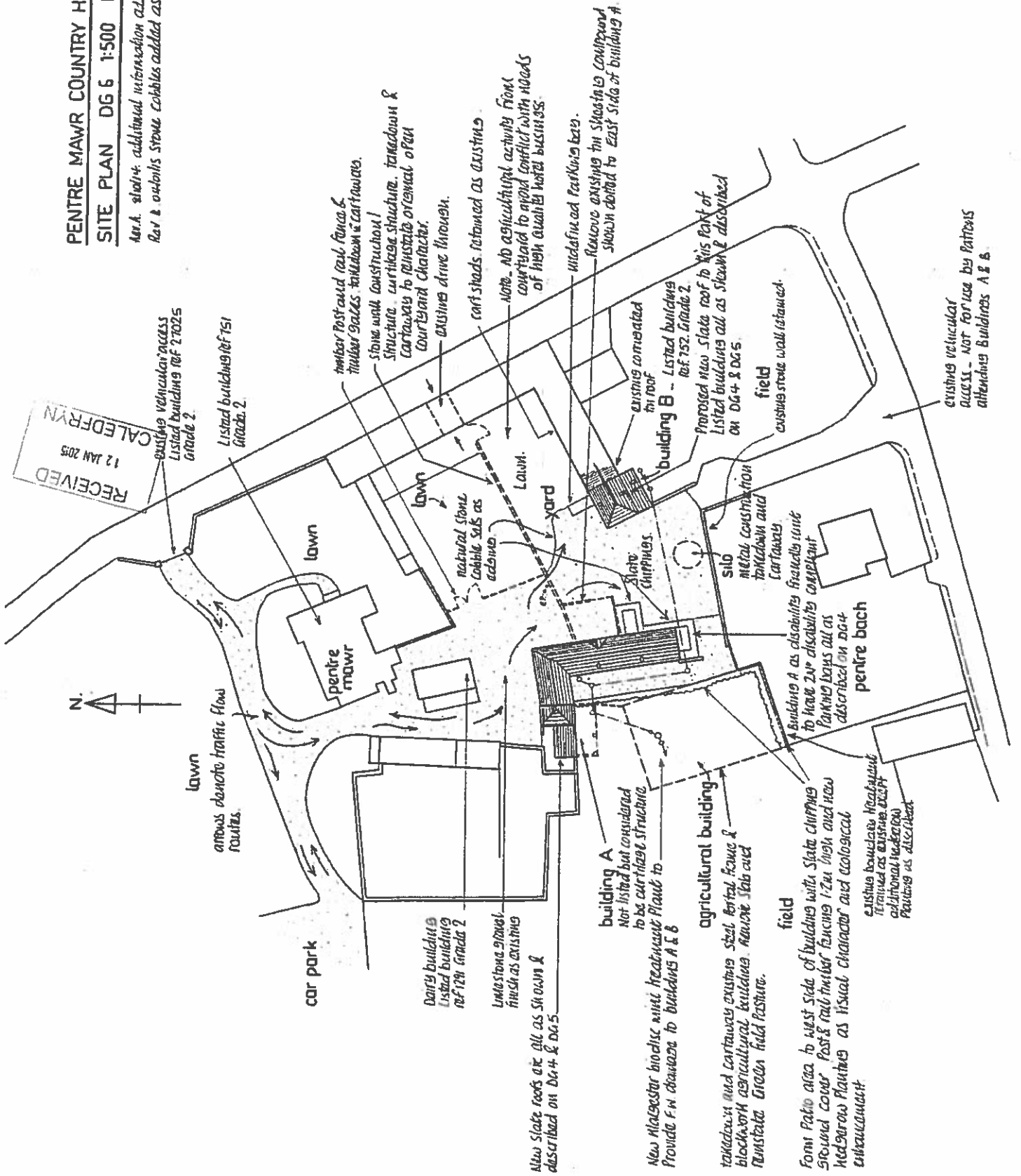


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PROPOSED SITE PLAN

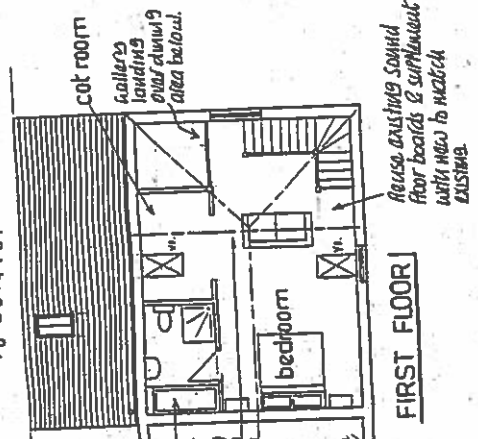
PENTRE MAWR COUNTRY HOUSE HOTEL
SITE PLAN DG 6 1:500 PROPOSED

Mr A. showing additional information added
 Rev 1: outline stone cobble added as details



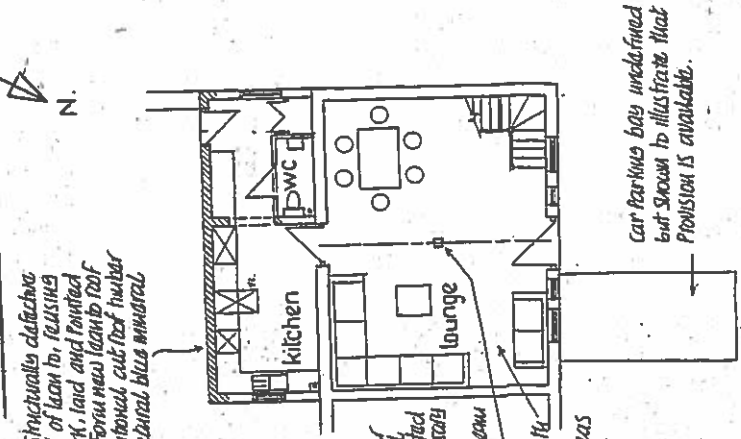
PROPOSED FLOOR PLANS

18 2014/0794/L.B.



FIRST FLOOR

BUILDING B



GROUND FLOOR

VI. Where shown to buildings A & B. to be relax low profile black conservation style rooflights

REVISED PLAN
 Form an suite, cot room etc with steel floorboards as shown.
 Retain existing roof support posts over replaced existing longitudinal timber joist roof and natural blue mineral slate finish.
 Walls to be replastered in lime mortar inside & out. 5 coats white limewash intertable only.
 Rebuild existing structurally defective loadbearing wall of lean to, retaining existing brickwork, land and levelled in lime mortar. Form new lean to roof structure and natural blue mineral slate finish.
 Rebuild of detached showwork existing stone wall caused walk in lime mortar. Deteriorate top of column has caused walk to bow out and new imposed from bulging wall. Rebuild retaining existing stone wall and reform in brickwork etc. no masonry bedded and finished in lime mortar.

log store and yard etc retained as existing. Rebuild all brick and stone walls in lime mortar provide new traditional roof over log store with natural blue mineral slate.
 Retain original opening, remove unbounded stone infill panel as shown and make good.
 New oak beam over and joists support intersection of foot structures of hip & valley etc. call to structural engineer's design & calculations. Timber and cartmasonry existing stone wall that currently allows original open characteristics of the courtyard.

brickwork lean to structure is a later extension built against original structure lean to is in a state of disrepair. Take down to reinstate original character of the building. Retain bricks for reuse in defining parking bays and brick work retains elsewhere on site.
PENTRE MAWR COUNTRY HOUSE
HOTEL PROPOSED DG 4 1:100
 Ref. A. Show: recess joints. - B. window openings.

Remove existing internal walls approx 1.8m high shown dotted and make good. Truss T3 over is sound and to be retained. T2 is structurally defective and to be reinstated to same condition as T3.
 Re-use existing brick infill and fit new glazed unit to original opening as shown on elevation.
 Roof support truss T1 over is sound & to be retained. Fit new truss T6 to support T1. to provide additional roof support & prevent roof spread etc.
 Disability friendly parking bays with 1.2m wide wheelchair provision zone defined on site with rows of brick seats set into ground (free) seats. Existing bricks arising from demolition of lean to to south of lee side.
 Roof of outbuilding A, with the exception of part of roof over stone 14, all have been replaced with composite structures following collapse. Fit new traditional timber structures with natural blue mineral slate finish. Re-use original timbers where possible and to avoid as often voided roof structures to retain original character.

Rebuild existing structurally defective loadbearing wall of lean to, retaining existing brickwork, land and levelled in lime mortar. Form new lean to roof structure and natural blue mineral slate finish.
 Rebuild of detached showwork existing stone wall caused walk in lime mortar. Deteriorate top of column has caused walk to bow out and new imposed from bulging wall. Rebuild retaining existing stone wall and reform in brickwork etc. no masonry bedded and finished in lime mortar.
 500 dia. wheel their timber circles structurally cracks as shown. Form in lime mortar.
 Reopen original opening, remove unbounded stone infill panel as shown and make good.
 New oak beam over and joists support intersection of foot structures of hip & valley etc. call to structural engineer's design & calculations. Timber and cartmasonry existing stone wall that currently allows original open characteristics of the courtyard.

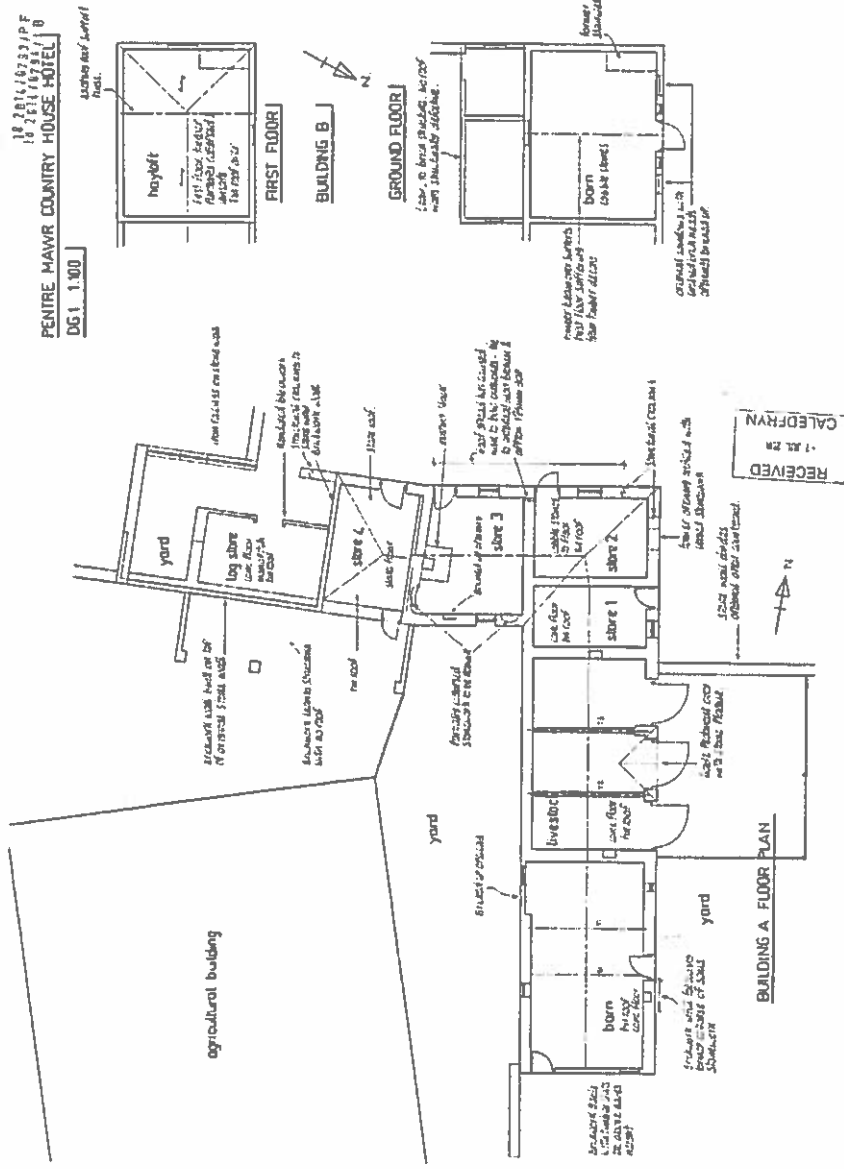
Re-use glazed units in existing brick retained openings as shown.
 Floors of outbuilding A. All to be replaced with new concrete floors incorporating a c.p.m. - retain and relay stone slabs to floor of existing side 4.
 Form roof in new low floors max gradient 1:15. 5m long. 3.50m tall.
 Re-use glazed units in existing brick retained openings as shown.

Re-use glazed units in existing brick retained openings as shown.
 Floors of outbuilding A. All to be replaced with new concrete floors incorporating a c.p.m. - retain and relay stone slabs to floor of existing side 4.
 Form roof in new low floors max gradient 1:15. 5m long. 3.50m tall.
 Re-use glazed units in existing brick retained openings as shown.

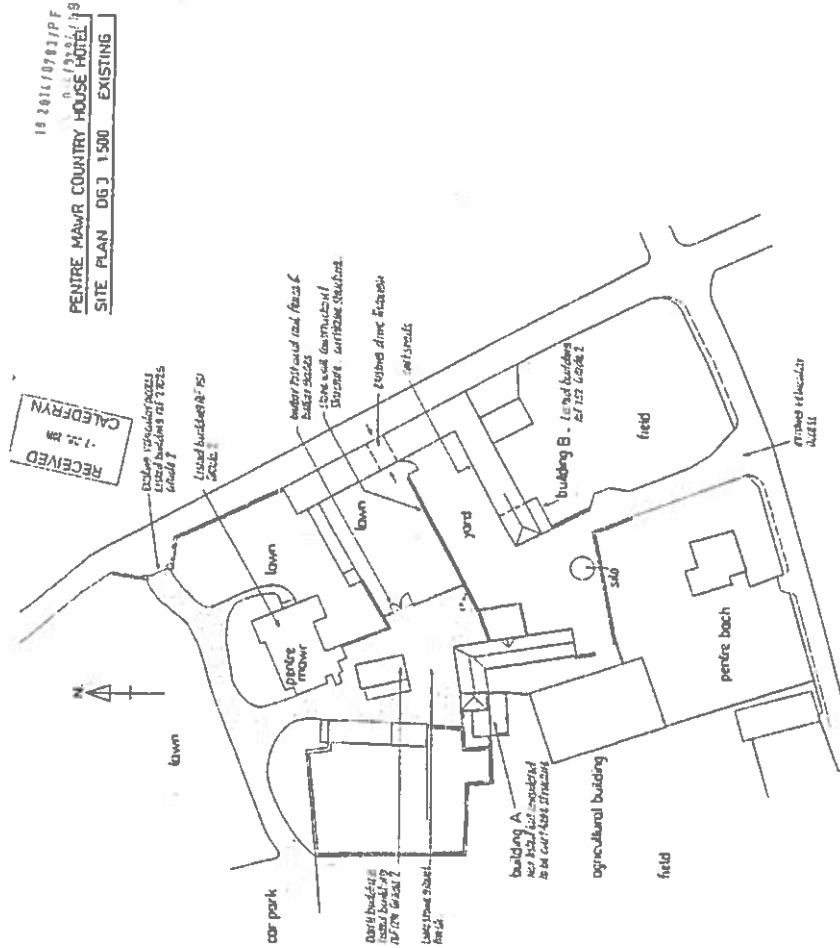
BUILDING A FLOOR PLAN

14 OCT 2014

EXISTING FLOOR PLANS



EXISTING SITE PLAN



WARD NO: Llandyrnog

WARD MEMBER(S): Cllr Mervyn Parry

APPLICATION NO: 18/2014/0794/ LB

PROPOSAL: Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works (Listed Building application)

LOCATION: Pentre Mawr Country House Hotel, Llandyrnog, Denbigh

APPLICANT: Mrs Bre Carrington-Sykes

CONSTRAINTS: Listed Building

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

No response received specifically in relation to the listed building consent application.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Records suggest the development appears to have limited archaeological implications, but affect a listed building of national importance and a barn structure of local architectural interest. Recommend inclusion of a condition requiring a photographic survey prior to development commencing.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Conservation Architect**

Has been in dialogue with the agent over the detailing of the scheme, including the treatment of the buildings and the layout of the courtyard.

Supports the principle of new uses for buildings, albeit that the proposals are for part of the buildings. No objections to the removal of the wall or proposals in general, as these will prolong the life of the buildings. Suggests conditions be imposed to control details of boundary treatment, internal repairs, reconstructed sections of building, means of escape and insulation. Wishes to see the weather vane and cupola on the main range repaired or protected as part of the works.

RESPONSE TO PUBLICITY:

None

The representations received in relation to the proposals have been lodged in relation to the planning application and to the implications of the conversions and uses of land in terms of impacts on the operation of the farm business, and do not raise issues relevant to the listed building consent application.

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for listed building consent for works associated with the conversion of a detached outbuilding and a section of a larger range of outbuildings at Pentre Mawr, to two self contained units of accommodation in connection with the enterprise at Pentre Mawr Country House Hotel.
- 1.1.2 The plans at the front of the report show the details of the proposals and the location of the proposed units relative to the building complex at Pentre Mawr and to the nearest dwelling at Pentre Bach, to the south.
- 1.1.3 The supporting documents refer to the 5 star hotel and the quality dining facilities run from the main building at Pentre Mawr and recent authorisation to hold weddings at the venue. They indicate the bedroom facilities available for guests wishing to stay overnight are limited and that there are no facilities available for disabled visitors. The proposals have been developed to expand the facilities, and in part to cater for the needs of disabled guests.
- 1.1.4 The main elements of the development of relevance to the listed building application are:
- The conversion of a detached single storey stone walled building to provide a two bedroom accommodation unit, with a small patio area. This unit is indicated as a 'disability friendly unit', with two disability compliant parking spaces adjacent. The building has been in use previously for housing livestock, a barn and for storage purposes in connection with an agricultural enterprise.
 - The conversion of the end section of the two storey range of buildings to a one bedroom accommodation unit, with a single parking space shown on the courtyard side of the building. The building would be re-roofed with slate as part of the scheme. The building has been used previously as a barn and hayloft in connection with the agricultural enterprise.
The other parts of the scheme involve:

- The removal of a portal frame agricultural building immediately to the south west of the single storey building.
 - The removal of a metal silo close to the boundary with Pentre Bach
 - The demolition of an existing stone wall which runs east-west across the courtyard at the rear of Pentre Mawr, and currently separates the lawned area serving Pentre Mawr and a yard area in agricultural use.
 - The extension of the courtyard area for use in connection with Pentre Mawr, as an additional lawned area and an area surfaced in slate chippings around the new accommodation units
 - The use of the existing main entrance to Pentre Mawr as the vehicular access to serve the two accommodation units
- 1.1.5 The application is accompanied by a Design and Access Statement, incorporating a Listed Building Justification Statement, a Structural Condition Report, a Protected Species Survey, and a Site History Assessment.
- 1.1.6 Pentre Mawr and its main outbuildings are Grade II Listed Buildings, and the single storey building proposed for conversion is a curtilage structure and therefore deemed listed for the purposes of planning legislation. The proposals are the subject of a separate planning application, being dealt with under Code no. 18/2014/0793/PF.

1.2 Description of site and surroundings

- 1.2.1 The Pentre Mawr complex of buildings is located approximately 2km north of Llandyrnog village.
- 1.2.2 It is accessed off minor roads from the B5429. The vehicular access serving the Country House is a driveway off the minor road which runs past the front of the main house to a parking area to the west.
- 1.2.3 The building complex consists of an historic Manor House (a Grade II listed building) and a range of outbuildings, most of which are also listed buildings. There are also more modern, but long established agricultural buildings near to the single storey building proposed for conversion, in the form of a portal frame building and a silo.
- 1.2.4 The main building is in use as a bed and breakfast business with dining facilities and there are a number of 'tented bedrooms' on land immediately to the west of the main house. The parking area for visitors is located 40 metres to the north west of the main house at Pentre Mawr.
- 1.2.5 A lawn area to the south of the main house is in use in connection with the bed and breakfast business and owners private accommodation. Its extent is defined by a substantial stone wall which divides the courtyard enclosed by the range of outbuildings. The area to the south side of the wall, including the buildings and land has been in use in connection with an agricultural business.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside.

1.4 Relevant planning history

1.4.1 The bed and breakfast use at Pentre Mawr has developed gradually over time from an incidental use to the dwelling. The owners obtained planning consent to use the 'Manor' house as a bed and breakfast facility / Country House Hotel in October 2013, involving use of 3 out of 5 bedrooms as guest accommodation. Planning permission was eventually granted for the retention of 6 'tented bedrooms' used in connection with the facilities in the main house, in June 2014.

1.4.2 The Council has been made aware during 2014 of the introduction of a marquee in the garden area of the property, used in connection with the staging of weddings. This has been the subject of separate enforcement investigation and is not a consideration in relation to the current application.

1.5 Developments/changes since the original submission

1.5.1 The applicant and agent have provided additional background information in response to representations on the impact on the agricultural use, and have revised the plans to clarify points of detail in relation to the layout and works on the outbuildings.

1.6 Other relevant background information

1.6.1 The application involves land and buildings which it is understood are used in connection with a farm business and by an agricultural tenant, which has raised a volume of correspondence. These are matters dealt with separately in relation to the planning application as they do not relate directly to matters of consequence to the merits of the listed building application.

2. DETAILS OF PLANNING HISTORY:

2.1 No history of direct relevance to the listed building application.

3. RELEVANT POLICIES AND GUIDANCE:

Government Policy / Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 7 2014.

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

4. MAIN PLANNING CONSIDERATIONS:

4.1. Section 7 of the 1990 Act sets out the requirement for listed building consent for works for the demolition, alteration or extension of a listed building in any manner which would affect its character as a building of special architectural or historic interest; and it outlines the requirements for the making and processing of

applications for consent.

- 4.2. Planning Policy Wales 7, 2014 Section 6.5.7 – 6.5.15 refers to general principles to be applied in considering applications for listed building consent. It confirms that there is no statutory requirement to have regard to the provisions of the Development Plan in making a decision on listed building consent applications. It reaffirms the general presumption in favour of preservation, whilst recognising the need for flexibility where new uses have to be considered to secure a building's survival. It sets out the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Applicants are expected to justify their proposals to show why alteration or demolition is desirable or necessary.
- 4.3. Welsh Office Circular 61/96, Paragraphs 93-99 provide specific advice on the considerations to be applied by Local Planning Authorities when dealing with proposals to alter or extend listed buildings.
- 4.4. The main issues to address in relation to the application are therefore considered to be:

The acceptability of the proposals having regard to the tests of PPW 2014 and Welsh Office Circular 61/96
- 4.5. The report outlines the case advanced in the application documents in support of the grant of listed building consent setting out arguments that the proposals would assist in securing the future of the buildings, without adversely affecting the character and appearance of the listed buildings or materially harming their setting.
- 4.6. The Conservation Officer is supportive of the proposals, subject to suitable conditions being imposed to control matters of detail.
- 4.7. Taking all the background information into account, in addressing the issues in the context of PPW advice, and in particular the tests of Welsh Office Circular 61/96, Officers' comments are as follows:-
- 4.8. In relation to the **alterations and extensions** to the buildings – Paragraphs 93 – 99 of Circular 61/96 –

Due regard has been given to the viability and impacts of the new use proposed for the buildings in formulating the proposals, in terms of effects on the special interest of the listed buildings, and it is not considered a tourist use is in any respects a potentially damaging use;

Due regard has been taken of the physical impacts of the proposals on the character and appearance of the listed buildings;

It is suggested the buildings have a capacity for accommodating change without loss of special interest;

The Grade II listing is recognised as a significant consideration but the proposals are considered to show a sensitivity to the special interest of the buildings;

The proposals are considered to show due respect for the character and appearance of the listed buildings and strike a proper balance between the need to respect the special interest of the listed buildings and the need to adapt them to a viable 21st century use;

Much of the internal detailing has been lost as a consequence of the deterioration in the physical condition of the buildings over time, hence the proposals are unavoidably designed around façade retention;

In relation to the general requirements in Planning Policy Wales, Officers would suggest that the proposals are compliant with the general presumption in favour of preservation, and embrace the need for flexibility where new uses have to be considered to secure a building's survival. The proposals are considered to have full regard to the tests for preserving these buildings, their setting, and features of special architectural or historic interest which they possess. It is suggested that the applicants have justified their proposals and show why alteration and a degree of demolition is desirable and necessary.

5. SUMMARY AND CONCLUSIONS

- 5.1. The report provides details of the proposals to convert two buildings intended as accommodation units in connection with the Pentre Mawr Country House Hotel.
- 5.2. The applicants argue the existing agricultural uses of the buildings and land is detrimental to the business aims of the hotel and to the setting of the listed buildings. They consider the proposals are sympathetic to the character and appearance of the buildings and the setting of the listed buildings at Pentre Mawr, and are seen as a first step in the regeneration of the remainder of the historic buildings in the complex.
- 5.3. The Conservation Officer is supportive of the proposals subject to suitable conditions being imposed to control detailed elements of the scheme. CPAT require a photographic survey.

- 5.4. Officers' conclusions are that there is a justifiable case to support the proposals, subject to conditions, as they present an opportunity to secure the long term future of the buildings, will have a positive impact on the character and appearance of the buildings involved, and on the setting of the Pentre Mawr complex.
- 5.5. The recommendation following is subject to the imposition of a number of conditions requiring further approval of detailed plans and referral of the listed building consent application to CADW for consideration, and authorisation from CADW that consent can be issued by local planning authority.

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**
Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.
3. Notwithstanding the details shown on the submitted plans, no works on the conversion of the outbuildings shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to all of the following:
 - a. A drawn and measured survey of all existing internal features, including cross sections and joinery repair schedule, to include external frames to doors and windows (including doors, windows, beams, trusses, stalls, hay feeders etc) of the existing buildings.
 - b. Detailed section drawings at a scale of 1:10 of all new internal and external joinery details
 - c. Detailed section at a scale of 1:10 of all measures proposed for attenuation of noise, fire and insulation
 - d. The specification, colour, and sample of any external materials to be used in conjunction with the development including stonework, slates, coping stones, render, pointing, painting and paving works and fencing details
 - e. All hard and soft landscaping details, including boundary walls and fencing, the surfacing of access ways and the treatment of the courtyard area, proposed planting including species and numbers; and the maintenance thereof.

The development shall be carried out strictly in accordance with the approved details.
4. Unless otherwise agreed in writing by the local planning authority, all rainwater goods shall be in cast iron, the profile of which shall be submitted to and agreed by the Local Planning Authority in writing and painted to an agreed colour.
5. There shall be no visible roof or window vents.
6. Any existing openings to be blocked up and / or existing walls / stonework to be restored in accordance with the approved plans shall be carried out with materials that match those used in the existing walls of which they form part, in texture, type, colour, mortar and pointing.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of investigation and recording of historic/listed buildings.
3. To ensure the detailing of works on the buildings are appropriate to the character and appearance of the listed buildings
4. To ensure the detailing of works on the buildings are appropriate to the character and appearance of the listed buildings.
5. To ensure the detailing of works on the buildings are appropriate to the character and appearance of the listed buildings.
6. To ensure the detailing of works on the buildings are appropriate to the character and appearance of the listed buildings.

NOTES TO APPLICANT:

In connection with Condition 2 of the consent, you are referred to the attached CPAT Photographic Guidance Note for Applicants

Agenda Item 9

WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2014/0032/ PC

PROPOSAL: Erection of wooden tool store and shelter for managing the woodland (retrospective application)

LOCATION: Big Covert, Clwyd Forest, Maeshafn, Mold

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Heading:

REFERENCE NO. 21/2014/0096/PF & 21/2014/0032/PC
BIG COVERT
MAESHAFN

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

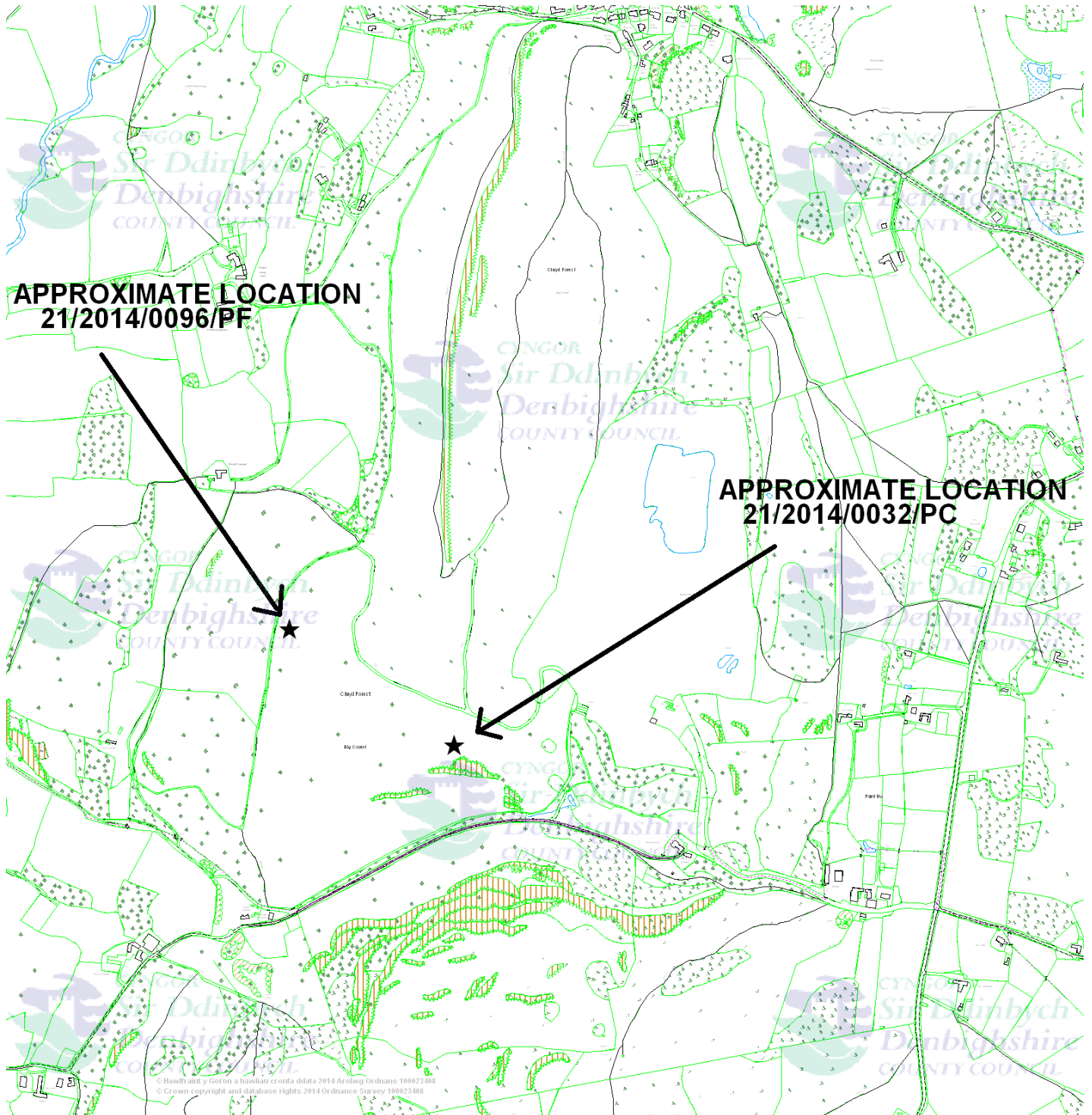


Date 29/1/2015

Scale 1/10000

Centre = 320073 E 360006 N

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

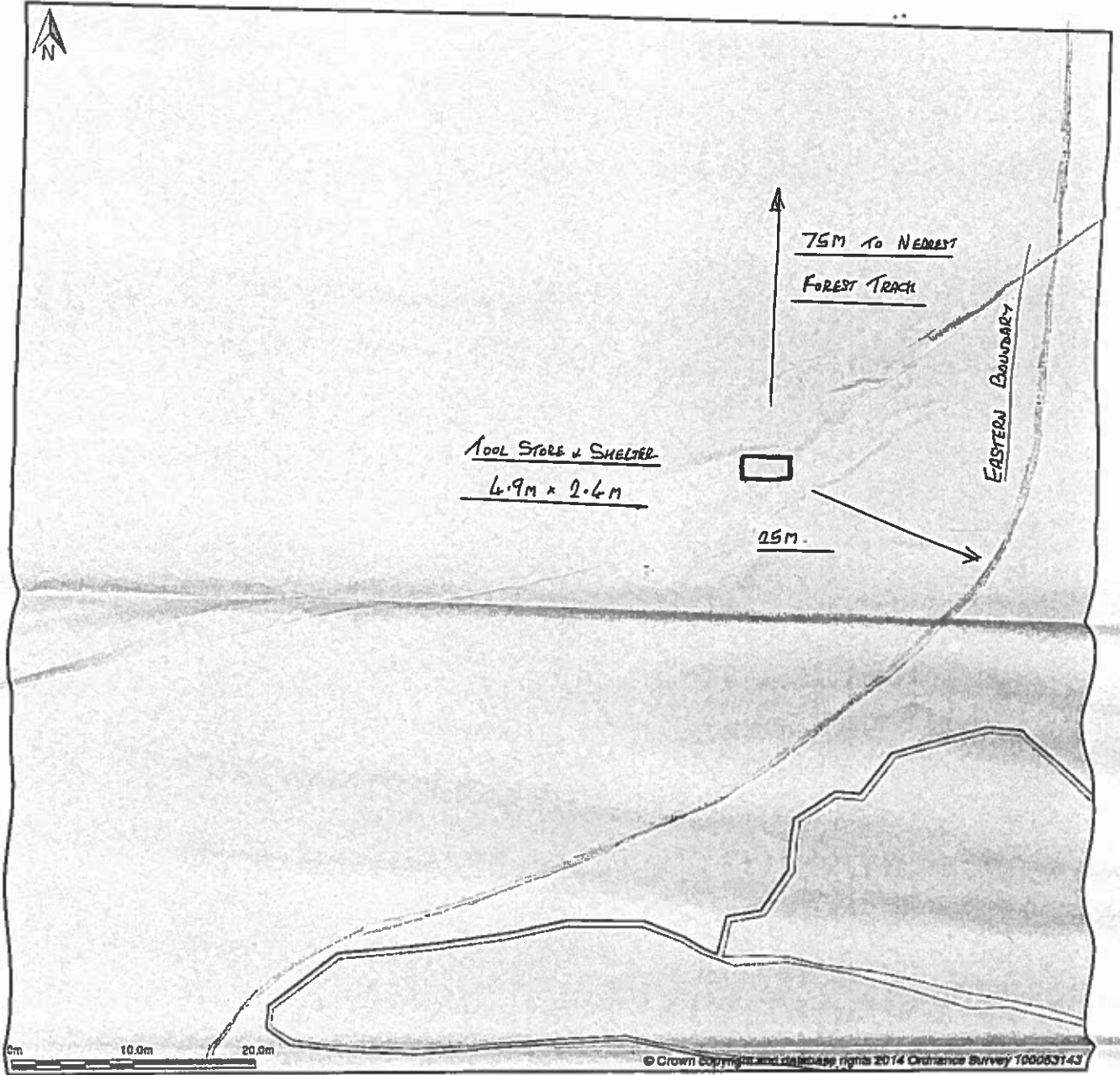


SITE PLAN

 **Buy A Plan**
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Middlewood Tool Store & Shelter



Block Plan shows area bounded by: 319848.06054688,359629.75976563 319938.06054688,359719.75976563 (at a scale of 1:500) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Emer O'Connor

WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2014/0032/ PC

PROPOSAL: Erection of wooden tool store and shelter for managing the woodland (retrospective application)

LOCATION: Big Covert, Clwyd Forest, Maeshafn, Mold

APPLICANT: Mr Jonathan Edwards

CONSTRAINTS: AONB

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

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

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

CONSULTATION RESPONSES:

LLANFERRES COMMUNITY COUNCIL:

“The Community Council strongly opposes this application due to the detracting it has from the essential nature of the woodland. The amount of work to be carried out does not warrant the erection of a shed or store.

There were grave concerns with regard to the proliferation of such buildings if a precedent was set; it is within the AONB, such a structure would not be allowed in open country within green belt land. The area is also covered by a National Trust covenant have they been approached for their opinion”.

AONB JAC:

“Whilst the proposed woodland management plan and minor changes to the design of the building are an improvement over the original scheme, the JAC maintains its in principle objection to the incremental and piecemeal introduction of a variety of sheds and other structures into Big Covert following the break-up and sale of much of the woodland into a number of separate plots. This application, when taken together with other similar applications in the area and other developments for which no applications have yet been submitted, is changing the previously unspoilt woodland character and associated tranquillity of Big Covert as well as undermining opportunities for informal countryside access and recreation which have been enjoyed by local people for many years.

The JAC is also concerned that, if approved, this application would set a precedent for a proliferation of similar developments on the other plots which would result in further harm to the character of the woodland and would be difficult to resist. It is accepted that there may be a forestry case for an appropriately sited and designed new storage/rest-room building to facilitate proper management of the woodland, but the JAC would prefer a single development to service the entire

woodland rather than the piecemeal approach which has emerged.” (AONB Management Plan Policies: PSQ1, PSQ2, PCP1 and PCP2)

RESPONSE TO PUBLICITY:

In objection:

C Marhsall, 12 Bryn Eithin, Gwernymynydd, Mold.
Mary Low, (no address received by email)
Alan Morgans, Maesawelon, Village Road, Maeshafn
Keith Lowery, 29 Llys Ambrose, Mold
Lee Matthews, Bushley, Village Road, Maeshafn
John Pearson, National Trust, Erddig, Wrexham

Summary of representations:

Visual impact - concerns over scale and nature of the development, impact on AONB.
Principle - Concerns over proliferation of structures in woodland should additional units be sold off.
Access - Public access limited by plot owners.

Other matters:

Covenant - National Trust are the beneficiaries of a Covenant on the land.

EXPIRY DATE OF APPLICATION: 01/06/2014

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Retrospective planning permission is sought for the erection of a wooden tool store at Middlewood, a parcel of land at the Big Covert, Maeshafn.
- 1.1.2 The stained timber shed measures 4.85 metres in length by 2.46 metres in width with a shallow pitched roof with an overall height of 2.6 metres. It has a side door and windows on all sides.
- 1.1.3 The building is sited on a clearing in the eastern side of a 4.61 hectare forestry plot owned by the Applicant within Big Covert.
- 1.1.4 The plot is accessed from an existing forestry track which is some 75 metres to the north.
- 1.1.5 The applicant indicates the store is required to facilitate woodland management by allowing for storage for tools and equipment, shelter in inclement weather and as a store for cut timber.

1.2 Description of site and surroundings

- 1.2.1 The site is within the Big Covert, an 82.5 hectare plantation to the south of the village of Maeshafn. Planted in the 1950's the woodland comprises of Scots Pine and Beech.
- 1.2.2 The plot is located approximately 1km south of the Maeshafn Village access to the woodland.

1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside outside of any development boundary. It is also within the Clwydian Range and Dee Valley AONB.

1.4 Relevant planning history

1.4.1 The planning application was submitted following the refusal of a Prior Approval Application in 2013.

1.4.2 A Prior Approval Application was submitted as the General Permitted Development Order allows land owners to carry out certain forestry related developments on their land without planning permission. However land owners are required to submit the details of the development to the Council in the form of a Prior Approval Application. The level of information required in this application is limited, therefore in this instance the prior approval was refused and a full planning application was requested.

1.5 Developments/changes since the original submission

1.5.1 Amended plans and additional information was submitted in support of the application following the initial assessment; these details include plans showing the removal of a decking area originally abutting the building, and a copy of a Woodland Management Plan for the site which has been developed with support from Mike Hughes, the Councils Coed Cymru/Woodland Officer.

1.5.2 The Woodland Management Plan sets out the Applicants intentions for the site. The objectives of this plan are to; reduce the softwood component with the stand, to preserve the number of mature Beech trees, to increase opportunities for natural regeneration, to increase habitat for bats and to increase nesting opportunities for birds.

1.6 Other relevant background information

1.6.1 This application is one of two on the Agenda involving woodland sheds at Big Covert. Officers have delayed the consideration of this application to ensure the applications are considered together.

2. DETAILS OF PLANNING HISTORY:

2.1 21/2014/1453 Erection of wooden tool store and shelter for managing the woodland (Prior Notification)21/2013/1453. Prior Approval refused to allow consideration of impact on AONB.

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

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 2014

Technical Advice Notes TAN 6 – Planning for Sustainable Rural Communities

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/ Landscape impact/ AONB Considerations

4.2 In relation to the main planning considerations:

4.2.1 Principle

Given the nature of the proposal for forestry developments outside any development boundary, the main issue is considered to be whether there is sufficient justification for a building and whether the siting and visual impacts are appropriate.

The national planning system accepts there will be a need for agricultural and forestry development in the open countryside. There are a range of 'permitted development' outlined in the GDPO which can be undertaken without the need for planning permission. The Order introduced the Prior Approval system requiring the details of certain proposals to be submitted to the local planning authority to allow assessment of the need for further detailing of siting, design, and external appearance.

Paragraph A14 of TAN 6 provides advice to local planning authorities when dealing with Prior Approval submissions. The guidance on siting and design set out in Paragraph 14 is 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."*

Considering this is an existing well established woodland, the nature of the development proposed and the amount of land owned, it is Officers opinion that the need for a small storage building can be justified, to house equipment etc necessary to carry out relevant maintenance work on the woodland. Furthermore the Applicants intentions have been demonstrated in the supporting Woodland Management Plan. The existing building is of relatively small scale, not dissimilar to a 'garden shed'. The building would be removable should the use cease therefore Officers would suggest a condition requiring removal on cessation of the use, if permission is granted.

With regard to the above guidance it is considered that the proposal is acceptable in principle. Assessment of the localised impacts follows.

4.2.2 Visual amenity/ Landscape impact/ AONB Considerations

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. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The site is located in the open countryside in substantial woodland close to the village of Maeshafn. The site is visible from nearby public rights of way, albeit from a distance. Concerns have been raised by the AONB JAC over the impact of the on the woodland character and on the principle of such developments generally in the woodland, including the precedent that may be established if permission is granted for this type of development. Private individuals also express concerns over these impacts.

In Officers opinion, there are issues to address in terms of impact on the character of the woodland, but given the scale and detailing of the building, its siting within a significant area of woodland and the topography of the land it is not considered that its presence would have such a detrimental visual amenity impact of the area or the AONB designation to warrant refusal of planning permission. It is considered therefore the proposal is acceptable in terms of visual, landscape, and AONB considerations.

4.2.3 Other matters

The AONB JAC and objectors have raised concerns over the subdivision of the Big Covert into smaller plots, the restriction of public access in the Big Covert and a National Trust legal covenant on the land. These issues are not material planning considerations or issues that the Local Planning Authority can get involved in. The subdivision of the Big Covert into smaller plots is the prerogative of the landowner. How subsequent landowners secure their plots is also a matter for them. Officers are aware that the Councils Rights of Way Officer has been investigating whether rights of way are being limited by plot owners, however the proposed development does not directly affect any right of way therefore this issue is not relevant to the decision on this application. Finally the issue of any restrictive covenant is a civil law issue, which would have to be pursued by the National Trust via the Courts rather than the planning process. All the Local Planning Authority can do in relation to this matter is to bring it to the attention of the Applicants via a 'Note to Applicant'.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Whilst this application raises some difficult issues, the material planning considerations are limited. The application only proposes to retain a building for forestry purposes and it appears that a genuine case has been made for the need.
- 5.2 To alleviate fears of inappropriate or unlawful uses it is suggested that a planning condition is attached to control the use and a condition is also suggested for the removal of the building should the need for it cease.
- 5.3 Taking into account the details and policies relating to the case it is considered that the impacts would not be unacceptable, and it is therefore recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The use of the building shall be for the purposes described in the application documents only, namely for the storage of tools and shelter. The building hereby permitted shall not be used for any residential purpose including overnight accommodation.
2. Should the use of the buildings for forestry cease the structures 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 reason(s) for the condition(s) is (are):-

1. In the interests of rural restraints policies.
2. In the interest of landscape and visual amenity.

NOTES TO APPLICANT:

Civil Law Issue

The LPA have been advised that the site may be subject to a Legal Covenant involving the National Trust. You are advised to contact John Pearson, Land Use Planning Advisor, on 01978 340 800 or 07770 496701 to discuss this matter.

Agenda Item 10

WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2014/0096/ PF

PROPOSAL: Retention of existing shed and erection of wood store (partly in retrospect)

LOCATION: Clwyd Forest Big Covert Maeshafn Mold

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Heading:

REFERENCE NO. 21/2014/0096/PF & 21/2014/0032/PC
BIG COVERT
MAESHAFN

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

Tel: 01824 706800 Fax: 01824 706709

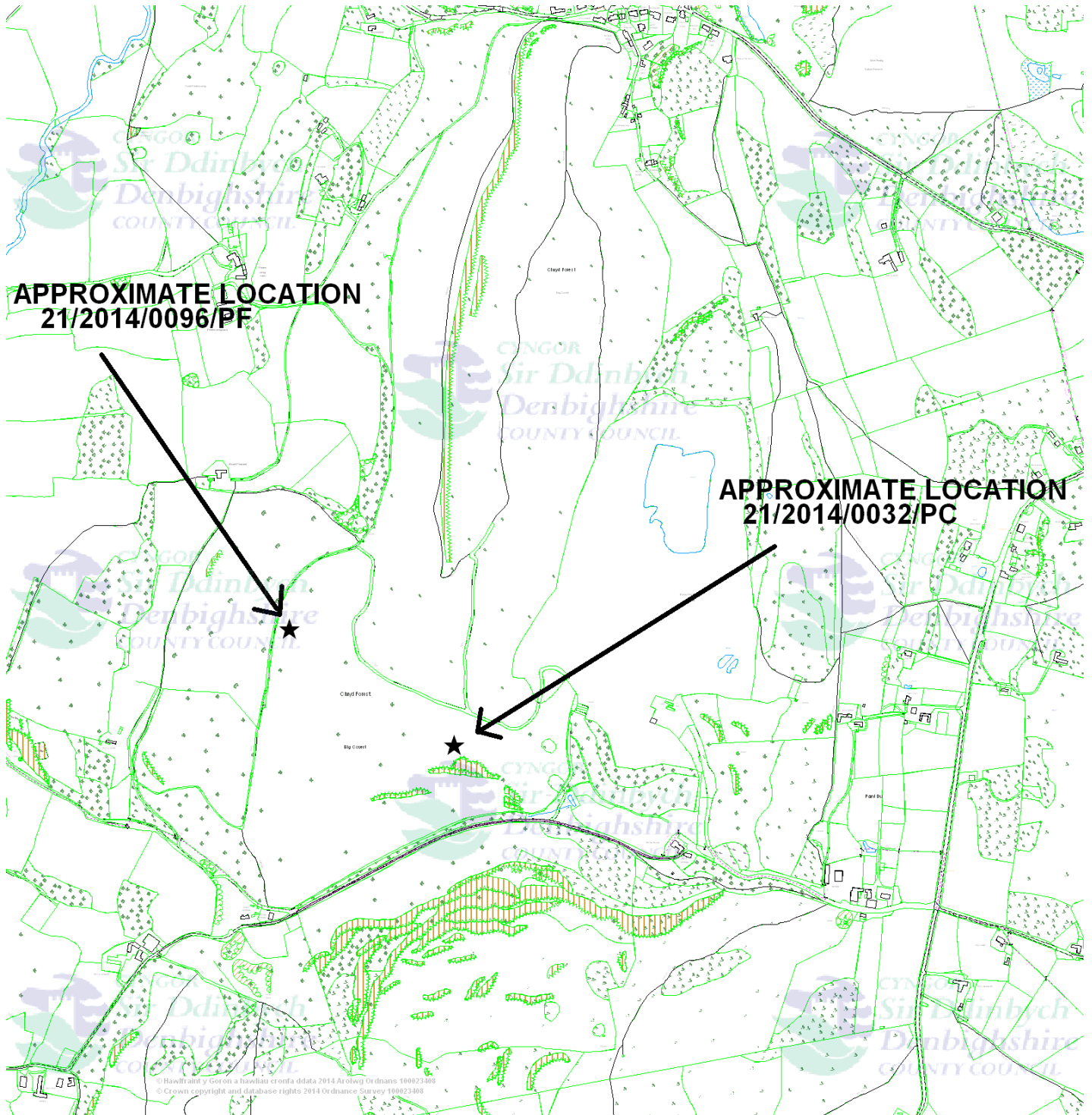
 Application Site



Date 29/1/2015
Centre = 320073 E 360006 N

Scale 1/10000

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



SITE PLAN

Land Registry
Official copy of
title plan

Title number CYM579458
Ordnance Survey map reference SJ1652NE
Scale 1:1250 enlarged from 1:2500
Administrative area Denbighshire / Sir Ddinbych



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RECEIVED
31 MAR 2014
CALED. PŴN RECEPŴN

STORE
SHELTER



Existing
Access
Road

This official copy issued on 15 March 2013 shows the state of this title plan on 29 January 2013 at 12:10:51. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

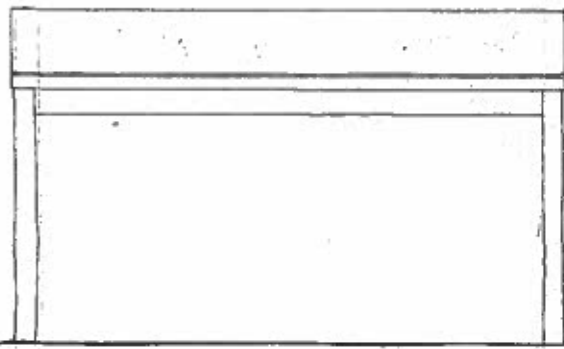
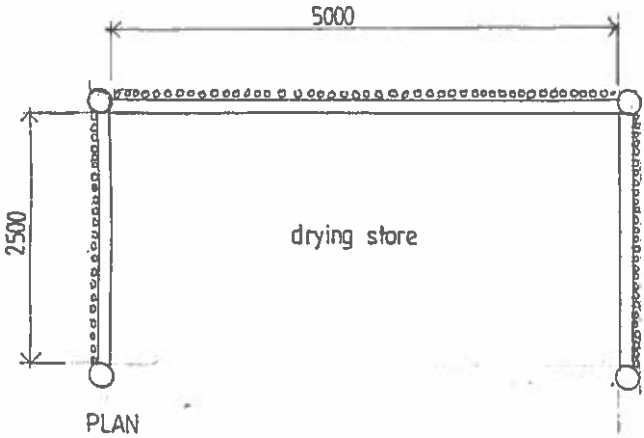
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Wales Office.

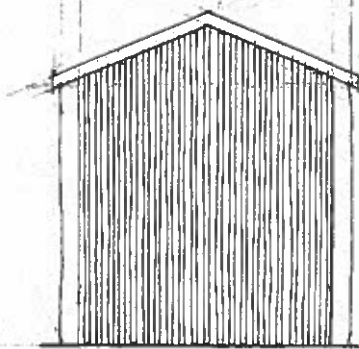
NOTES
 THIS DRAWING IS FOR PLANNING PURPOSES ONLY
 RECOMMEND STRUCTURAL ENGINEER DETERMINES POST, BEAM
 TRAPPER SIZES

STORE PLANS

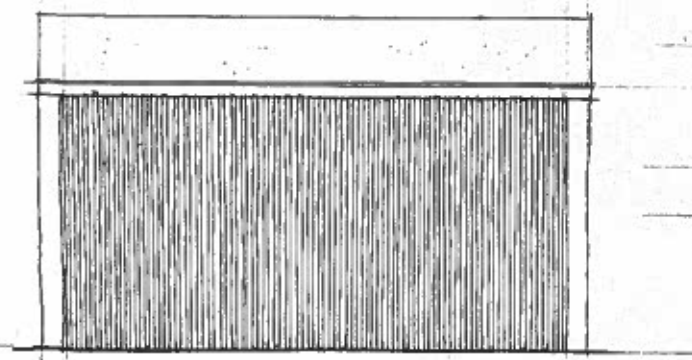
2500



FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION

GREEN WOODEN PALE ROOF

NUMBER FRAMES AND VERTICAL NUMBER PILING

NUMBER SOURCED FROM WOODLAND

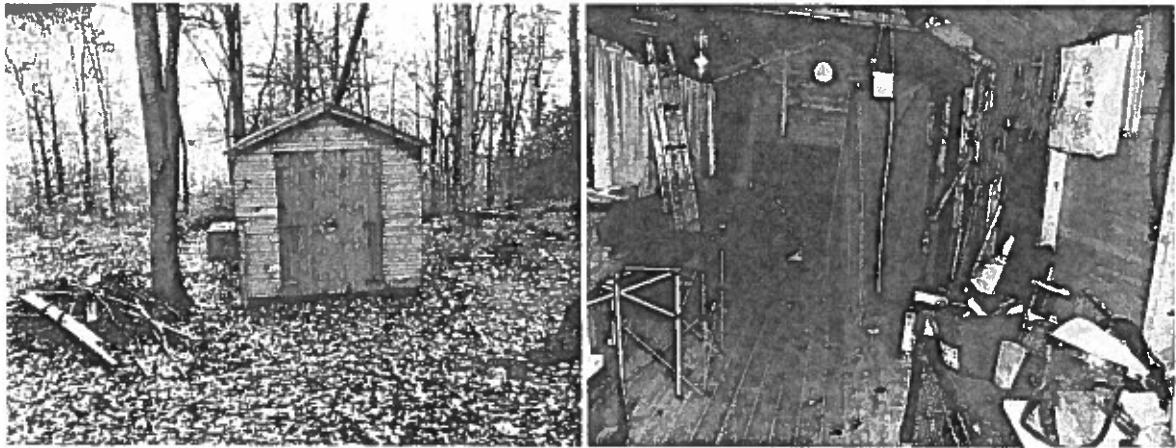
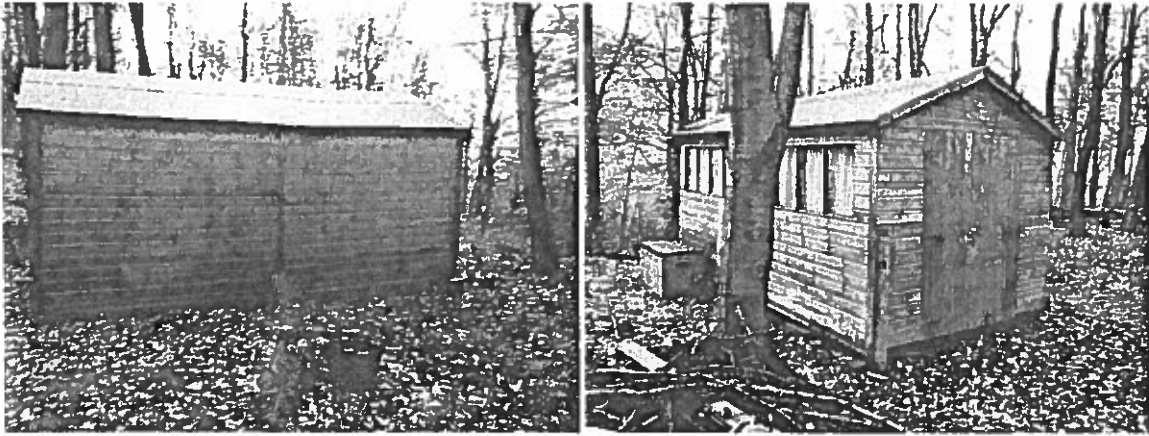


PROPOSED DRYING STORE
 COED CERRIG
 MAES ATHEN
 SCALE 1:50
 DATE DEC 2013

21 / 2014 / 0096 / PF

SHELTER

Photographs of Existing Welfare Shelter at Coed Cerrig, Maeshafn



The above shows the shed in situ, and the proposed wood store will lie at 90° to the existing shed, in an area already cleared, thus there will be no unnecessary tree felling to accommodate this store.

4.8m x 2.4m
2.9m height

WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2014/0096/ PF

PROPOSAL: Retention of existing shed and erection of wood store (partly in retrospect)

LOCATION: Clwyd Forest Big Covert Maeshafn Mold

APPLICANT: Mr Robert Payne

CONSTRAINTS: AONB

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee

CONSULTATION RESPONSES:

LLANFERRES COMMUNITY COUNCIL:

"The Community Council strongly opposes this application due to the detraction it has from the essential nature of the woodland. The amount of work to be carried out does not warrant the erection of a shed or store.

Under the Planning Development Act Part 5 it may allow a forestry worker to live in a caravan if the property exceeded five acres for up to twenty-eight days.

There were grave concerns with regard to the proliferation of such buildings if a precedent was set; it is within the AONB, such a structure would not be allowed in open country within green belt land. The area is also covered by a National Trust covenant have they been approached for their opinion".

AONB JAC:

"The JAC deplores the retrospective nature of this application and objects to the incremental and piecemeal introduction of a variety of sheds and other structures into Big Covert following the break-up and sale of much of the woodland into a number of separate plots. This application, when taken together with other similar applications in the area and other developments for which no applications have yet been submitted, is changing the previously unspoilt woodland character and associated tranquillity of Big Covert as well as undermining opportunities for informal countryside access and recreation which have been enjoyed by local people for many years.

The committee supports the preparation of a woodland management plan which has submitted with the application, but is very disappointed that the Design and Access Statement accompanying the application fails to take account of the implications for the AONB.

The JAC is also concerned that, if approved, this application would set a precedent for a proliferation of similar developments on the other plots which would result in further harm to the character of the woodland and would be difficult to resist. It is accepted that there may be a forestry case for an appropriately sited and designed new storage/rest-room building to facilitate proper management of the woodland, but the JAC would prefer a single development to service the entire woodland rather than the piecemeal approach which has emerged.

The JAC also notes that the site is on land subject to a National Trust Covenant and would recommend that they be consulted on the application. (AONB Management Plan Policies: PSQ1, PSQ2, PCP1 and PCP2)”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Biodiversity Officer
No objection.

RESPONSE TO PUBLICITY:

In objection:

C. Marshall, 12 Bryn Eithin, Gwernmynydd, Mold, Flintshire, CH7 5NG

Lee Matthews, Bushley, Village Road, Maeshafn, Mold.

John Pearson, National Trust, Erddig, Wrexham

Summary of representations:

Visual impact - concerns over scale and nature of the development, impact on AONB.

Principle - Concerns over proliferation of structures in woodland should additional units be sold off.

Covenant - National Trust own a Covenant on the land.

Other matters:

Covenant - National Trust are the beneficiaries of a Covenant on the land.

EXPIRY DATE OF APPLICATION: 25/05/14

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Retrospective planning permission is sought for the erection of a wooden tool store and the erection of shelter for managing the woodland at Coed Cerrig, a parcel of land at the Big Covert, Maeshafn.
- 1.1.2 The stained timber shed measures 4.8 metres in length by 2.4 metres in width with a shallow pitched roof with an overall height of 2.9 metres. The wood drying shelter would comprise of a timber open fronted structure measuring 5 metres in length by 2.5 metres in width with an overall height of 3.2 metres.
- 1.1.3 The buildings would be sited on a clearing in the western side of the 2.14 hectare forestry plot within Big Covert owned by the Applicant.
- 1.1.4 The plot is accessed from an existing forestry track.
- 1.1.5 The applicant indicates that the building is required to facilitate woodland management by allowing for storage for tools and equipment and shelter in inclement weather. The store would be for drying cut timber.

1.2 Description of site and surroundings

- 1.2.1 The site is within the Big Covert, an 82.5 hectare plantation to the south of the village of Maeshafn. Planted in the 1950's the woodland comprises of Scots Pine and Beech.

1.2.2 The plot is located approximately 1km south of the Maeshafn Village access to the woodland.

1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside outside any development boundary. It is also within the Clwydian Range and Dee Valley AONB.

1.4 Relevant planning history

1.4.1 The planning application was submitted following an enforcement investigation in 2013.

1.5 Developments/changes since the original submission

1.5.1 Additional information was submitted in support of the application following the initial assessment; these details include a copy of a 'Thinning Licence' issued by NRW, a Protected Species Assessment made in support of the Licence and a letter of support from Mike Hughes, the Councils Coed Cymru/Woodland Officer.

1.6 Other relevant background information

1.6.1 This application is one of two on the Agenda involving woodland sheds at Big Covert. Officers have delayed the consideration of this application to ensure the applications are considered together.

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

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 2014

Technical Advice Notes TAN 6 – Planning for Sustainable Rural Communities

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/ Landscape impact/ AONB Considerations

4.2 In relation to the main planning considerations:

4.2.1 Principle

Given the nature of the proposal for forestry developments outside any development boundary, the main issue is considered to be whether there is sufficient justification for a building and whether the siting and visual impacts are appropriate.

The national planning system accepts there will be a need for agricultural and forestry development in the open countryside. There are a range of 'permitted development' outlined in the GDPO which can be undertaken without the need for planning permission. The Order introduced the Prior Approval system requiring the details of certain proposals to be submitted to the local planning authority to allow assessment of the need for further detailing of siting, design, and external appearance.

Paragraph A14 of TAN 6 provides advice to local planning authorities when dealing with Prior Approval submissions. The guidance on siting and design set out in Paragraph 14 is 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."*

Considering this is an existing well established woodland, the nature of the development proposed and the amount of land owned, it is Officers opinion that the need for the small storage building and store can be justified, to house equipment etc necessary to carry out relevant maintenance work on the woodland. Furthermore the Applicants intentions have been demonstrated in the supporting Woodland Management Plan. The existing building is of relatively small scale, not dissimilar to a 'garden shed'. The building would be removable should the use cease therefore Officers would suggest a condition requiring removal on cessation of the use, if permission is granted.

With regard to the above guidance it is considered that the proposal is acceptable in principle. Assessment of the localised impacts follows.

4.2.2 Visual amenity/ Landscape impact/ AONB Considerations

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. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The site is located in the open countryside in substantial woodland close to the village of Maeshafn. The site is visible from nearby public rights of way. Concerns have been raised by the AONB JAC over the retrospective nature of the development, the impact on woodland character, the principle of such developments generally in the woodland, and the precedent that may be established if permission is granted for this type of development.

In Officers opinion, there are issues to address in terms of impact on the character of the woodland, but given the scale and detailing of the buildings, their siting within a significant area of woodland and the topography of the land it is not considered that its presence would have such a detrimental visual amenity impact of the area or the

AONB designation to warrant refusal of planning permission. It is considered therefore the proposal is acceptable in terms of visual, landscape, and AONB considerations.

4.2.3 Other matters

The AONB JAC and objectors have raised concerns over the subdivision of the Big Covert into smaller plots, the restriction of public access in the Big Covert and a National Trust legal covenant on the land. These issues are not material planning considerations or issues that the Local Planning Authority can get involved in. The subdivision of the Big Covert into smaller plots is the prerogative of the landowner. How subsequent landowners secure their plots is also a matter for them. Officers are aware that the Councils Rights of Way Officer has been investigating whether rights of way are being limited by plot owners, however the proposed development does not directly affect any right of way therefore this issue is not relevant to the decision on this application. Finally the issue of any restrictive covenant is a civil law issue, which would have to be pursued by the National Trust via the Courts rather than the planning process. All the Local Planning Authority can do in relation to this matter is to bring it to the attention of the Applicants via a 'Note to Applicant'.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Whilst this application raises some difficult issues, the material planning considerations are limited. The application only proposes to retain a building for forestry purposes and it appears that a genuine case has been made for the need.
- 5.2 To alleviate fears of inappropriate or unlawful uses it is suggested that a planning condition is attached to control the use and a condition is also suggested for the removal of the building should the need for it cease.
- 5.3 Taking into account the details and policies relating to the case it is considered that the 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. The use of the buildings shall be for the purposes described in the application documents only, namely for the storage of tools and shelter. The buildings hereby permitted shall not be used for any residential purpose including overnight accommodation.
3. Should the use of the buildings for forestry cease the structures 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 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 rural restraints policies.
3. In the interest of landscape and visual amenity.

NOTES TO APPLICANT:

Civil Law Issue

The LPA have been advised that the site may be subject to a Legal Covenant involving the National Trust. You are advised to contact John Pearson, Land Use Planning Advisor, on 01978 340 800 or 07770 496701 to discuss this matter.

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REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

RECONSIDERATION OF PLANNING APPLICATION

Variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site

Craig y Ddywart Quarry, Rhewl, Ruthin

APPLICATION NO. 24/2014/1246/PS

1. PURPOSE OF REPORT

- 1.1 To seek Planning Committee's reconsideration of an application presented to Committee on 21st January 2015.
- 1.2 The report will provide Members with the relevant background information and the reason why the application has been referred back to Committee for determination.

2. BACKGROUND

- 2.1 The application to vary Condition 3 on the existing planning permission relating to the use of the North Wales Police Firearms facility at Rhewl Quarry was recommended for grant by Officers, having regard to the contents of the application, planning considerations and representations.
- 2.2 A copy of the Officer report to the January Committee is attached as Appendix 1 to this item. The Appendix also includes representations on the application received from Llanynys Community Council, which were included on the late information sheets circulated before consideration of the application.
- 2.3 The matters raised in debate at the January Committee included local concerns over the use, including the issue of site supervision and checks on users, noise, and highways implications.
- 2.4 At the end of debate on the item, Members may recall that there were two votes on the application:
 - The first vote was on a proposition to grant permission with a variation to the officer recommendation, to add a condition obliging the presence of a supervisor on site when other organisations were using the facility. The vote was 15 in favour of this amendment and 5 against.
 - The second vote was on a proposition to refuse the variation to the condition. Councillor Merfyn Parry suggested as a basis for a refusal, (i) control of users on site and (ii) increase in crime

locally and nationally from who is training for firearms use. The vote was 12 to refuse permission and 8 to grant. The decision was therefore to refuse permission.

- 2.5 As Officers we are fully respectful of the views of Members and the fact that Committee voted to refuse to vary the condition in this case. We have since attempted to draft a reason for refusal to encompass the basis of the concerns expressed, to give effect to the resolution of Committee. However, with every respect to the suggested basis of the refusal and the vote at Committee, having due regard to the information submitted with the application, and the evidence to support a refusal, it is our professional opinion that there is a clear prospect of a cost award at appeal if we issue a refusal based on the grounds outlined. It is on these grounds that the application is being referred back to planning committee for determination in accordance with Section 2.1.10 of the Scheme of Delegation.
- 2.6 The following section of the report therefore contains further commentary on the issues arising in relation to the proposal, and requests Members to reconsider the application.

3. KEY ISSUES ON THE APPLICATION

- 3.1 The Officer report in Appendix 1 sets out in some detail the basis of the application seeking the variation of Condition 3. It explains the facility is long established and that in respect of this particular application, its use is governed by conditions set by a planning inspector on appeal in 2008. The variation sought is essentially to allow other organisations authorised by North Wales Police to use the site during already permitted hours of use.
- 3.2 Responses on the application from consultees and private individuals are referred to on page 223 and 224 of the Officer report. The Llanyrys Community Council's response and Officers' notes relating to them, as included on the late information sheets to the January Committee, are in the final sheet of the Appendix. The concerns expressed are over potential noise, access / highway impacts, fear of increased crime in the area, and over hirers not being supervised.
- 3.3 Specific attention is drawn to the contents of Section 1.6 of the Officer report on Pages 226 and 227. This highlights information provided by North Wales Police in relation to the users of the facility and detailed site management arrangements. In summary :
- * The use would be by accredited gun clubs and other government organisations
 - * In terms of Site Management the application states:—
 - any organisation using the facility would have to be a large scale body and have accredited standards (such as the British Association for Shooting and Conservation);
 - would have to have licensed instructors in place;
 - the organisation would have to have risk assessments in place for their activities and hold suitable public liability insurance;
 - Chief Officers of NWP would need to sign off on authority for the organisations to use the range
 - all activities would be monitored by the Range Warden, who would also be responsible for opening and closing the site and ensuring that shooting only took place within the permitted hours;
 - register of those attending and hours of use would be kept; and

- in the event of any unsafe activities or breaches of rules occur then the Organisation would be de-authorised from using the range.

- 3.4 In relation to control over the users of the site, Officers would suggest that the submission makes clear that this is a matter for North Wales Police, and as noted above, that there are detailed checks in place as part of their supervisory regime that should offer suitable comfort over who uses the facility, including monitoring by way of the Range Warden.
- 3.5 In relation to fear of crime, the Officer report accepts that this may be a material consideration but questions how it would be a defensible ground for refusing the variation of condition, given the site is operated by a responsible body in the form of North Wales Police, who would have to authorise which organisations use the facility, and monitor individual users.
- 3.6 In offering Members advice on this matter following the resolution at the January Committee, Officers recognise that perception of harm may be a legitimate consideration in the assessment of a planning application, but that it is a very difficult matter to determine what weight, if any, should be accorded to fear of crime arising from the potential use of the firing range by organisations who are authorised and supervised by a responsible body such as North Wales Police. In defending any appeal against a refusal, it would be necessary to provide a clear evidence basis that there is a reasonable likelihood of there being an increase in crime in the locality or nationally as a result of the grant of the variation. Officers do not consider that there is such evidence to support a refusal.
- 3.6 It would be Officers' view therefore that whilst appreciating the grounds of concern, this is not an instance where significant weight should be given to fear of an increase in crime as a ground for resisting the application.

4. RECOMMENDATION

- 4.1 In acknowledging Members' resolution on the application, having regard to the contents of this report and the Officer report to the January Committee, it is recommended that Planning Committee adopt the original recommendation of the Planning Officer and grant the variation of the condition.

**GRAHAM H. BOASE
HEAD OF PLANNING & PUBLIC PROTECTION**

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**APPENDIX 1
OFFICER REPORT TO
JANUARY COMMITTEE**

Paul Griffin

WARD : Llandyrnog

WARD MEMBER(S): Cllr Mervyn Parry

APPLICATION NO: 24/2014/1246/PS

PROPOSAL: Variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site

LOCATION: Firearms Training Complex Craig y Ddywart Quarry Rhewl Ruthin

APPLICANT: North Wales Police

CONSTRAINTS: Listed Building

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

CONSULTATION RESPONSES:

LLANYNYS COMMUNITY COUNCIL: awaiting response

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Pollution Control Officer (Noise):” We have received noise complaints about the site in the past but they were largely in relation to the explosive method of entry procedure practised on site at that time. After liaison with the site management efforts were made to improve the matter and as a result we have not received, to my knowledge, any further complaints since 2009.

The potential for the intensification of noise from the site is a concern but as they are not going to be altering their current planning permission in relation to this, it is unlikely that this will be a material concern and could be addressed at a later date through the nuisance legislation if a problem did actually materialise.

We do not therefore have any further comments to make at this time.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

S. Dolben, Y Garreg Wen, Rhewl O. L. Jones, Prysor, Rhewl

Delwyn G Jones, Pen Y Bryn, Rhewl

Mrs Olwen Edwards, Gwynlys, Rhewl Mrs Victoria Roberts, 1 Pen Y Graig, Rhewl I Edwards,

Pen Y Graig Farm, Rhewl D M Bryan & K Bryan, Fron Haul, Rhewl Rhian Wyn Jackson, Bryn

Coch, Rhewl R.E, H.N, I, K, S & E Owen - Bryn Caredig, Rhewl Mrs. K. Culhane, 22 Min yr

Afon, Ruthin

Summary of planning based representations in objection:

- Impact on residential amenity by way of increased noise and activity
- Increased risk of gun crime in the area

- Infringement of human rights as the proposal would interfere with the reasonable expectation of privacy (Article 8) and the it would result in the State interfering with the peaceful enjoyment of property (Article 1).

EXPIRY DATE OF APPLICATION: 4/1/15

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 North Wales Police are seeking a variation of a condition governing the use of the North Wales Police Firearms complex at Rhewl quarry.
- 1.1.2 The firearms use has been established over many years and the condition in question is one granted on appeal in 2008, and which controls who uses the facility and when.
- 1.1.3 The planning condition in question, relating to the use of firearms at the site states:

- "3. The use of the firearms training centre during weekdays shall be subject to compliance with all the following restrictions:

a) the organisations permitted to use this site shall be limited to the North Wales Police Authority and such other emergency services as are authorised by the North Wales Police Authority;

b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request."

- 1.1.4 The proposed variation seeks to vary parts a) and b) as follows::

*- "a) the organisations permitted to use this site shall be limited to the North Wales Police, such other emergency services as are authorised by North Wales Police, **and other organisations as are authorised by the North Wales Police.**"*

And criteria b), condition 3 reading:

*- "b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours; **and the use by the other authorised organisations shall be limited to a maximum of four hours per day between the hours of 10:00 and 16:00 on Monday - Friday.**"*

- 1.1.5 No extension to the permitted hours or days of use is sought.

1.2 Description of site and surroundings

- 1.2.1 Rhewl Firing Range Complex is a long established police training facility within the former Craig y Ddwyart quarry off the A525, north-west of Ruthin, and south west of Rhewl.

- 1.2.2 The site is accessed via a track from the main A525.
- 1.2.3 The site contains a number of buildings and purpose built training areas set within the former quarry area.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside of defined development boundaries.

1.4 Relevant planning history

- 1.4.1 The site in question has been the subject of a number of permission's which allow its current use a firing range for North Wales Police (NWP) and other emergency services. The applications of relevance to the origins and use of the site are detailed in section 2 of this report.

- 1.4.2 Of relevance are planning permissions 24/0834/98/PF and 24/518/99/PS which imposed conditions restricting the hours and days on which the site may be used. The conditions in question were identical and stated that the use of the firearms training centre shall be subject to compliance with the following restrictions:

“a) the organisations permitted to use the site shall be limited to the North Wales Police and such other emergency services as are authorised by the North Wales Police;

b) the hours of use shall be restricted to between 0830 and 1730 with the provision for a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000 within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request;

d) there shall be no operation on Saturdays, Sundays or Public Holidays.”

- 1.4.3 In 2007, NWP applied to vary the above conditions under planning reference 24/2007/0694/PS.

The variation sought to replace the above criteria c) with:

c) the site and buildings shall not be used on Christmas, Boxing or New Years Day

and criteria d) with:

d) there shall be no firing of high or low velocity weapons or activities involving explosions within the site on Saturdays, Sundays or Public Holidays and no sound amplification equipment shall be used outside buildings within the site on these days.

- 1.4.4 In essence application 24/2007/0694/PS sought to increase the use of the site for passive activities only, and not any activity that would result in additional noise from gun fire.

- 1.4.5 The application was reported to planning committee in August 2007 and was refused against Officers recommendation. NWP subsequently appealed the decision, and the appeal was allowed in March 2008.

- 1.4.6 Full costs were awarded against the Council by the Planning Inspectorate as the Inspector considered refusal had been based on the 'unfounded fears of local residents that the full ranges of activities, including the firing of noisy weapons at the training centre at weekends and public holidays' and that such fears were 'clearly a misapprehension'. He concluded that the decision to refuse the proposal was 'largely driven by local concerns which were not soundly based, and was contrary to the advice of paragraph 15 of the Circular [23/93 on costs] indicating that local opposition to a proposal in itself is insufficient to justify withholding planning permission'.
- 1.4.7 In allowing the appeal, the Inspector imposed 3 planning conditions, two of which related to restrictions in the use of the site. These are the controls currently in place at the site. Condition 3 related to the use of fire arms, and is the one of most relevance to this application:

3. The use of the firearms training centre during weekdays shall be subject to compliance with all the following restrictions:

a) the organisations permitted to use this site shall be limited to the North Wales Police Authority and such other emergency services as are authorised by the North Wales Police Authority;

b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request.

- 1.4.8 It is to be noted the use of firearms on weekends and public holidays is clearly prohibited through criteria c) of condition 2 of 24/2007/0694/PS, which is not under consideration as part of the current application.

1.5 Developments/changes since the original submission

- 1.5.1 Initially the application sought to vary the condition to simply allow other organisations to use the facility within the existing hours of operation, Monday to Friday.
- 1.5.2 Following receipt of comments from members of the public and discussions with Officers, the applicants agreed to limit the hours which those 'other organisations' can use the site to between 1000 and 1600 hrs Monday to Friday.
- 1.5.3 The applicant's agent is keen to stress the following:
"the proposal would not alter the character, nature, or intensity of the existing use of the site as it would involve only a minor change in the identity of the users on it, with the nature and level of activity not changing from the levels allowed by the current condition. As such there would be no harmful impact upon local amenities, or the operation and safety of the highway. However, without prejudice to our arguments in respect of the lack of material impact on noise from the site the Applicant is willing to accept a condition along the lines of what you proposed in order to address local residents concerns"

1.6 Other relevant background information

- 1.6.1 NWP have explained the rationale behind the application as being:
'to satisfy demand for use of the facility by accredited gun clubs and other government organisations, with expressions of interest forthcoming from such groups

to make use of the high standard of facilities available at the site. The applicants are keen to satisfy this demand as it would allow them to make best use of the resource that is provided by the site when it is not in use.'

1.6.2 In terms of site management, the application states that:

- any organisation using the facility would have to be a large scale body and have accredited standards (such as the British Association for Shooting and Conservation);
- would have to have licensed instructors in place;
- the organisation would have to have risk assessments in place for their activities and hold suitable public liability insurance;
- Chief Officers of NWP would need to sign off on authority for the organisations to use the range
- all activities would be monitored by the Range Warden, who would also be responsible for opening and closing the site and ensuring that shooting only took place within the permitted hours;
- register of those attending and hours of use would be kept; and
- in the event of any unsafe activities or breaches of rules occur then the Organisation would be de-authorised from using the range.

2. DETAILS OF PLANNING HISTORY:

2.1 24/549/97/LE - certificate of lawfulness for existing use of quarry as a firearm centre for North Wales Police - CERTIFICATE ISSUED 02/09/98

24/973/97/PF - erection of office block, training courses, tower, street scenes, provision of assault course, car parking, and other ancillary works - GRANTED 12/2/98

24/834/98/PF - erection of building for workshop, control room, and garage - GRANTED 27/11/98

24/518/99/PS - amendment to condition 3 of 24/973/97/PF to allow use of firearms training centre by other emergency services and to allow an extension in hours of operation from 08:30 until 20:00 for a maximum of 12 times per annum - GRANTED 03/11/99

24/2007/0694/PS – Variation of condition no.3 of planning permission code no. 24.518/99/PS and condition no.3 of planning permission code no. 24/0834/98/PF to allow use of the Firearms Training Centre site and buildings in compliance with the following restrictions:

a) the organisations permitted to use the site shall be limited to the North Wales Police and such other emergency services as are authorised by the North Wales Police;

b) the hours of use shall be restricted to between 0830 and 1730 with the provision for a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000 within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) the site and buildings shall not be used on Christmas, Boxing or New Years Day;

d) there shall be no firing of high or low velocity weapons or activities involving explosions within the site on Saturdays, Sundays or Public Holidays and no sound amplification equipment shall be used outside buildings within the site on these days.

REFUSED 01/08/07 at planning committee for the following reason:

“The proposed variations of condition to allow increased use of the site at weekends and certain Bank Holidays for additional organisations to North Wales Police and other Emergency Services would lead to an unacceptable intensification of use at the site beyond the original grant of permission, having a detrimental impact on the general amenity of the area contrary to criteria i) and v) of Policy GEN 6 of the Denbighshire Unitary Development Plan.”

The proposal was allowed at APPEAL with costs awarded against the LPA on 28/03/08. The conclusions of the Inspector were that the decision to refuse the proposal was 'largely driven by local concerns which were not soundly based, and was contrary to the advice of paragraph 15 of the Circular [23/93 on costs] indicating that local opposition to a proposal in itself is insufficient to justify withholding planning permission'.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

N/A

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 Residential amenity/Noise
- 4.1.3 Fear of Crime

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application is made under section 73 of the Town and Country Planning Act 1990 which relates to the variation of conditions associated with a planning permission.

In terms of the requirements of the legislation, on such an application the local planning authority has to consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The use of the site as a Firing Range for training purposes is well established, as detailed in the preceding sections. It is therefore considered that the principle of a

proposal to vary a condition may be acceptable in principle, subject to assessment of the localised implications/impacts of allowing condition 3 to be varied to allow 'other organisations as authorised by North Wales Police' to use the site during the permitted hours of operational activities.

4.2.2 Residential amenity/Noise

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

Concern has been expressed by local residents that allowing other organisations (alongside the NWP and other emergency services) increases the potential for the site to be used for the firing of noisy weapons to its maximum allowance, i.e. between 0830 and 1730 during weekdays (Mondays to Fridays) and with the provision of a maximum number of 12 days in any 12 month period where the hours of use are permitted between 0830 and 2000, within which shooting activity is not permitted to exceed a maximum of 5 hours. The Public Protection Officer advises that there have been no complaints since 2009 over activity at the site and has raised no objections to the proposed variations.

The concern that the proposal would result in the site being used more intensively is appreciated. However, in allowing the 2007 appeal, the Inspector considered the amenity impacts of those hours of use and concluded that as a maximum that they were acceptable. In terms of hours of use and noise it is respectfully considered irrelevant who is creating the noise, the point being that there is no control over how much use is made of the facility. Regard has to be given to the fall back position that if this application were refused, North Wales Police could still operate the site to its maximum permitted hours and create the same impacts as could arise if the variation were granted. This, in Officers opinion, is the fundamental consideration in determining the application. Such consideration suggests that a refusal on the grounds of additional noise having a detrimental impact upon the residential amenity of occupiers of dwellings in the area would not be sustainable.

4.2.3 Fear of crime

There is general advice in Planning Policy Wales (Section 3.1), the Crime and Disorder Act 1998 and subsequent good practice guide that the effects of a development on crime is a potential material consideration a planning authority should consider when exercising its functions.

Concern has been raised by local residents that the use of the firing range by other organisations could result in a loss of public safety within the area and increased fear of crime.

Whilst respecting this perception, from a planning perspective it is clear that fear of crime in relation to a site run by North Wales Police, (with users being members of large scale organisations, licensed instructors being present, and a Range Warden supervising activities), is not a defensible reason to consider withholding permission. There is little or no evidence to support this stance, as the applicants are well placed to ensure the proper operation and monitoring of the site and its users. It is not considered that the proposed variation of the planning condition would result in a loss of public safety.

4.3 Other matters

In considering comments made relating to human rights, it is noted that Article 1 and Article 8

relate to impact upon the enjoyment of private property and residential amenity. It is considered that these issues are addressed above.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the considerations which appear relevant to the determination, it is considered that the variation of condition 3 to allow 'other organisations as authorised by North Wales Police' to use the site during the permitted hours of operational activities is acceptable, and it is recommended that the variation be granted.

5.2 For Members' reference, it should be noted that where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission would need to be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 also have to repeat the relevant conditions from the original planning permission

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The passive training pursuits on weekends and public holidays (except Christmas Day, Boxing Day and New Years Day) shall be subject to compliance with all the following restrictions:
 - a) the organisations permitted to use this site shall be limited to the North Wales Police, other emergency services and other organisations as are authorised by the North Wales Police;
 - b) it should not operate except between the hours of 0830 and 1730 hours on Saturdays, Sundays or Public Holidays, with the proviso that no activities whatsoever shall take place on the site on Christmas Day, Boxing Day and New Years Day in any year;
 - c) no firing of high or low velocity weapons or activities involving explosions within the site (including buildings) and no sound amplification equipment shall be used outside the buildings within the site on Saturdays, Sundays or Public Holidays;
 - d) there shall be no more than 30 persons in attendance at training events at any one time;
 - e) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request.
2. The use of the firearms training centre during weekdays shall be subject to compliance with all the following restrictions:
 - a) the organisations permitted to use this site shall be limited to the North Wales Police, such other emergency services as are authorised by North Wales Police, and other organisations as are authorised by the North Wales Police.
 - b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours; and the use by the other authorised organisations shall be limited to a maximum of four hours per day between the hours of 10:00 and 16:00 on Monday - Friday.
 - c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request.

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

1. In the interest of residential amenity.
2. In the interest of residential amenity.

NOTES TO APPLICANT:

None

Report To: Planning Committee

Date of Meeting: 18th February 2015

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

Report Author: Angela Loftus, Strategic Planning & Housing Manager

Title: Draft Site Development Brief -Ty Nant, Nant Hall Road,
Prestatyn

1. What is the report about?

1.1 This report introduces the draft Site Development Brief for the Ty Nant site off Nant Hall Road, Prestatyn. It is accompanied by the draft main document, Appendix 1, the Strategic Environmental Assessment (SEA) screening document, Appendix 2, and the screening document for the Equality Impact Assessment, Appendix 3.

2. What is the reason for making this report?

2.1 To seek Members' approval to undertake consultation on the draft Site Development Brief and the accompanying Strategic Environmental Assessment with statutory bodies and members of the public. If approved, the Site Development Brief will assist in the determination of planning applications for this site.

3. What are the Recommendations?

3.1 That Members agree the draft Site Development Brief for Ty Nant, Nant Hall Road and the accompanying Strategic Environmental Assessment (SEA) screening document for public consultation.

4. Report details.

4.1 This draft site development brief will become, once adopted, part of a series of Supplementary Planning Guidance notes (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 The Council's SPG notes are not part of the adopted development plan. The Welsh Government (WG) 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.

- 4.3 The site is located in the centre of Prestatyn, to the east of the High Street. It is accessed from the Nant Hall Road, with pedestrian access from the High Street. The site lies immediately opposite Parc Prestatyn Retail Park. Most of the site is currently in use for car parking, with the Ty Nant Council offices occupying the northern part of the site. This building has been vacated and is currently being marketed to let. Part of the site is within the Conservation Area and the buildings fronting Nant Hall Road, although not listed, are within the Conservation Area.
- 4.4 The draft Development Brief aims to set out a framework to guide the potential redevelopment of the site. It proposes the following vision for the site:
- To create a vibrant, attractive development which successfully connects and integrates with Prestatyn's town centre.
 - To provide high quality design, which respects and enhances the adjacent important listed buildings and Prestatyn High Street Conservation Area.
 - It should provide a mixture of uses which enhance the vitality and viability of Prestatyn's town centre by establishing an active frontage along Nant Hall Road, which could include new cafes and restaurants to add to Prestatyn's attractiveness and complement existing facilities in the town centre.
 - The mix of uses could include retail, commercial, residential, leisure, offices, health, education and public open space.
 - The frontage to Nant Hall Road and the existing Council Chamber should be retained and re-used if possible but there is scope for innovative design on the remainder of the site.
 - The aim is to provide well-designed public open spaces/ squares for visitors and residents to enjoy and to help to provide a focus for the town.
 - Good pedestrian links, both within the site and to the High Street and Nant Hall Road will ensure that any development here becomes part of the town centre.
- 4.5 The document's main elements are: site location and description, local planning policies, areas highlighted for development and potential uses, and access and movement. The aim is to provide guidance on potentially acceptable uses on the site.
- 4.6 The public consultation period would be a minimum of 8 weeks and is anticipated to start in March 2015. All City, Town and Community Councils will be consulted along with key stakeholders and people registered on the LDP database. Hard copies of documents will be available in all libraries and one stop shops as well as on the Denbighshire web site. Officers also will hold

exhibitions / drop-in events at Prestatyn Library (details will be announced as early as possible). The results of the consultation will be reported back to Planning Committee with any changes proposed as a result of the comments received.

- 4.7 The draft document is accompanied by a Strategic Environmental Assessment screening document, Appendix 2, which will also be subject to consultation with statutory consultees over the same period of time.

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 Approving the draft Development Brief for consultation with statutory bodies and members of the public is not anticipated to create any additional costs.
- 6.2 Having an adopted SDB outlining potential development opportunities, which comply with planning legislation subject to details, will assist in marketing of the site to attract investment and to deliver a redevelopment by reducing risk and providing certainty for developers and future occupiers.

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 proposal is to carry out public consultation on guidance relating to development on the Ty Nant, Nant Hall Road site. The content of the Development Brief does not set policy but consolidates, and provides site-specific guidance on, the relevant LDP policies. The LDP, including all policies, underwent a full EqIA prior to adoption.

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

- 8.1 Content and principles of development were discussed by Denbighshire Local Development Plan 2006 – 2021 (LDP) Member Steering Group and the draft Development Brief was also discussed at the Prestatyn and Meliden Member Area Group on 28th January 2015. Contributions from colleagues from the Economic Business and Development, Development Management, Conservation and Property Services have also informed the development of the Brief.

8.2 The Councils regeneration aspirations for the site are to deliver a high quality urban development providing an attractive and vibrant environment to reinforce the commercial vitality of the Town Centre and provide new employment opportunities. The Development Brief is aimed at providing a quality mixed use scheme that is complimentary to the Town Centre generally and but is sympathetic to adjacent uses.

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 This is a significant site in Prestatyn, which has the potential to be redeveloped to provide a mixture of uses which enhance the vitality and viability of Prestatyn's town centre. Taking a positive approach will help to ensure that a suitable scheme is put forward which improves the visual appearance of the site and raises the attractiveness of the place for potential new investment.

11. Power to make the Decision

11.1 Planning & Compulsory Purchase Act (2004)

Draft Site Development Brief: Ty Nant, Nant Hall Road, Prestatyn

Main Document



DRAFT

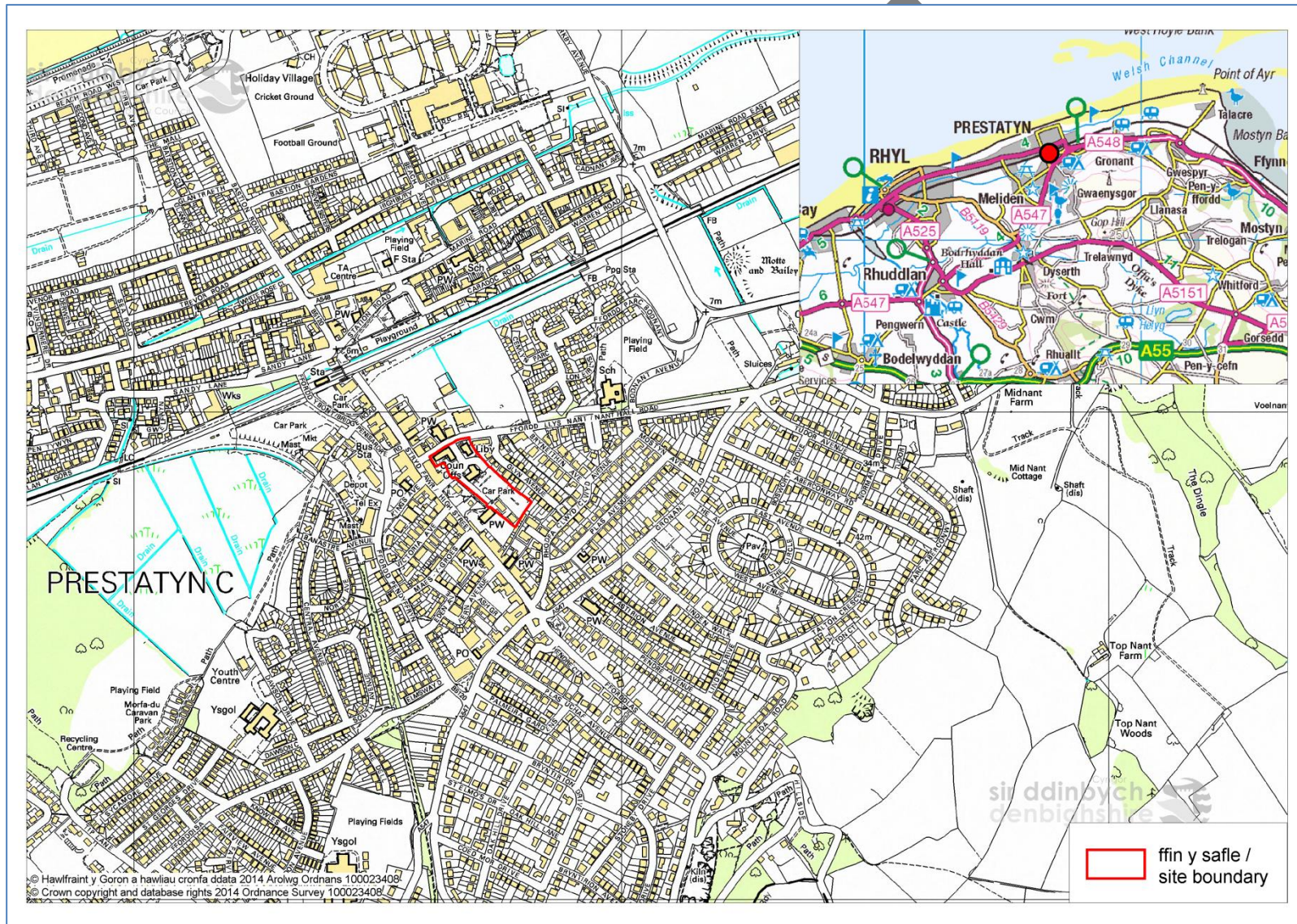


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Cover Photo: Ty Nant, Prestatyn (Aerial View, 2009)



Figure 1: Location of Ty Nant, Prestatyn



1. Introduction

- 1.1 This site development brief is one of a series of Supplementary Planning Guidance notes 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. These notes are intended 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.

2. Document Status and Stages in Preparation

- 2.1 This site development brief was formally approved for public consultation by Denbighshire County Council's Planning Committee on XXXX.
- 2.2 The Council's Supplementary Planning Guidance notes (SPGs) are not part of the adopted local development plan. The Welsh Government (WG) 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.
- 2.3 This document has been prepared in accordance with planning policy contained in Planning Policy Wales (Edition 7), guidance on 'economic development' provided by Welsh Government, as well as consultation with members of the public.

3. Site Location and Description

3.1 Location

The site is located in the centre of Prestatyn, to the east of the High Street

(please see figure 1). It is accessed from Nant Hall Road, with pedestrian access from the High Street. The site lies immediately opposite Parc Prestatyn Retail Park which opened in 2013.

3.2 **Size**

The site measures 1.3 hectares.

3.3 **Site Boundaries**

The site is bounded to the north by Nant Hall Road, a historically important route to the High Street. On the perimeter of the site are the Council offices and private offices. The site is bound to the west by the Parish Church and Vicarage, with the High Street beyond. The southern boundary is of terraced Victorian housing in Church Walk. The eastern boundary comprises the rear boundaries of inter war housing on Glyn Avenue.

3.4 **Existing and previous land uses**

The Council Offices were built at the beginning of the 20th century. In the late 1960's or early 1970's the south western section of land next to the Parish Church was developed for a church hall. A guide hut was erected in the mid 1980's behind and south of the Church Hall. The lower northern part of the site remained as a car park for the town until the erection of Ty Nant Council Offices in 1996.

3.5 **Topography**

The topography of the site rises at a gentle gradient from north to south.

3.6 **Historical background**

Prestatyn developed rapidly from a fishing village to a thriving town. The townships of Prestatyn and Nant were merged to create a new parish of Prestatyn in 1863, after the parishes of Meliden and Llanasa were separated. The railway, which opened on 1st May 1848 contributed to the real and anticipated rise in population. The first phase of building of the Parish Church was built in 1863. The Vicarage was built in 1866. Both the buildings and



boundary walls are constructed of the local limestone, now comparatively rare in Prestatyn. Much of the Ruabon brick, seen extensively in the town and in Nant Hall Road, was imported.

3.7 Landscape and Landscape context

Much of the site is a hard surfaced urban car park. It is a large rectangular open space, with smaller block of development to the south west next to the Parish Church. It is bound by low limestone boundary walls to the west. There is post and panel fencing to the eastern boundary, with hedges to the south and south east. The area of high significance both in landscape terms and architectural and historical significance is the boundary between the Church and Vicarage and the car park. The trees and limestone boundary walls with the narrow width of the road between the boundary wall and car park boundary create a semi-rural character, which is an important part of the character of this area.

3.8 Trees and hedges

There are some significant trees within the Vicarage site. These are covered by a blanket TPO and comprise of several species. A tree survey has been undertaken on behalf of the Council and this identified a number of trees which should be retained and protected. These are shown on the Site Plan attached as Figure 3. The full survey is available on request. Trees important to the site are on the northern perimeter by the former library. This helps to continue the tree boundary further east and helps to break up the density of development on Nant Hall Road. These trees are shown on Figure 3. The survey also identified a number of trees which contribute to the site's amenity which should be integrated into the design where possible, to provide some mature landscaping. Hedges to the rear of the car park at the south of the site are also a positive landscape feature. Any new tree planting should incorporate a range of species and take account of the availability of space.

3.9 Biodiversity and ecology

A Phase 1 habitat survey, bird and bat survey and tree survey has been



undertaken on behalf of the Council and is available on request. This concluded that there are no rare or notable habitats present on the site, the majority of the site is hardstanding and amenity grassland. It also concluded that any development would not affect any watercourses. No bats were found on the site, although there may still be bats occasionally using the buildings and any demolition should be carried out outside the bat activity season (March to September). The site could be enhanced for bats by erecting some bat boxes, preferably along the south west corridor of the site. Any tree or shrub removal, or work to buildings should be timed to avoid the bird breeding season (March to September).

3.10 Existing buildings of importance

The site is adjacent to the Prestatyn High Street Conservation Area.

Listed buildings: -

Christ Church – a Grade II listed building directly abutting the site to the west. Listed as “A plain late C19 church built to a phased programme reflecting the expansion of Prestatyn as a resort, of well integrated design notwithstanding the involvement of three architects and the delay of completion of the chancel until after the Great War.”



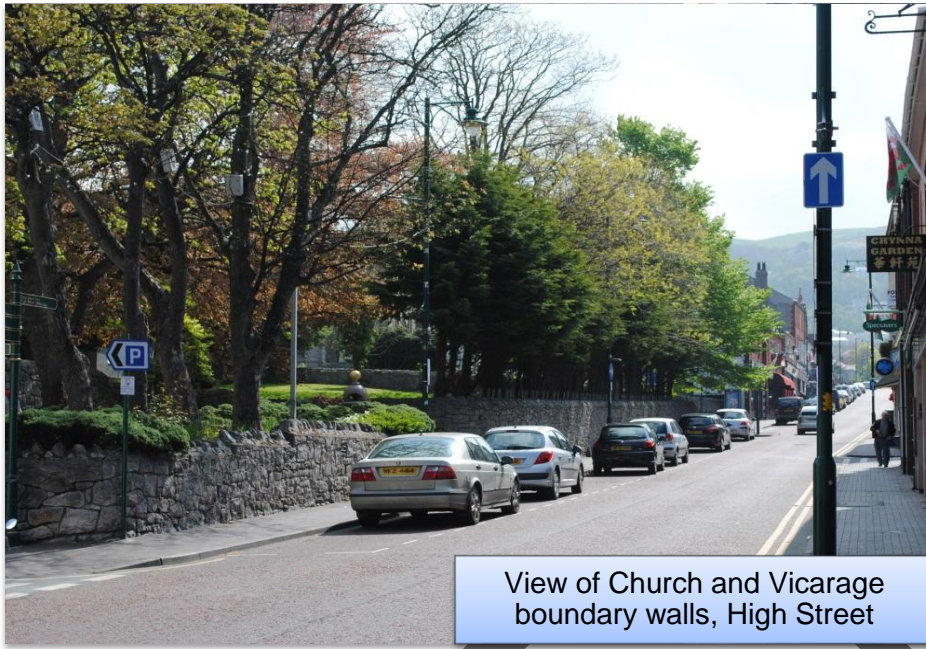


Christ Church Vicarage – a Grade II listed building abutting the site to the North West. Listed as “A good mid-Victorian parsonage which has retained its character and forms a group with its contemporary, Christ Church, by the same architect; the plan has the segregation of service circulation characteristic of the period.”

The outlook of the Vicarage faces south to the church. It has an extensive garden and the main reception rooms are to the south and the service rooms are to the north. The entrance to the site is also north. The building is close to but faces away from the access road to High Street, with a secondary elevation facing the access road. The spaces between these buildings are extremely important.

The Church and Vicarage boundary walls are listed as they form part of their curtilage.





Unlisted buildings

Northern boundary

The Council Offices, built 1907, which are attached to mid Victorian two storey properties, with canted bay windows. The Council offices are two storeys with a high pediment above the Council Chambers. There is some classically derived architectural detailing above windows and doors. The 1990's extension to the Council Offices is not of importance.

Across the road and abutting the site is the *former Police Station*, built of brick with Dutch gables and central doorway, the Presbyterian Church, built 1902, and an Edwardian semi-detached building half-timbered gables and bay windows. These are municipal buildings designed on the whole to be domestic in character and scale. The height and width of plot spaces reinforce this.

All the above buildings are in the Conservation Area.





3.11 Visual appraisal

Building form and street context

Nant Hall Road northern boundary - the treatment of the façade to the Council Offices reflects a type of Victorian architectural character similar to many English northern urban towns. There is a cohesive townscape rhythm created by a terrace development or single buildings with small or narrow garden boundaries. Bay windows, gable detailing and other architectural embellishments are also important. The scale overall is domestic. This part of Nant Hall Road has a fairly dense urban form and character, created by the following: -

- Building lines directly abutting pavement
- Cohesive architecture in terms of scale, massing and materials
- Ruabon red brick, with yellow sandstone surrounds, and slate roofs
- Two storey domestic scale, punctuated by the classically inspired Council Chambers.
- A moderate to high townscape value



- The character changes heading east on Nant Hall Road. There is more space surrounding and between buildings. The character of the former library appears to be more lightweight than the Victorian and Edwardian architecture. This is down to the use of materials, the amount of glazing and its neat and compact form, set back from the road, with trees and greenery introduced.

To the west, the Vicarage is set within spacious grounds facing south to the church. The character of this area is distinctly rural in character, which is a sharp contrast to the dense urban form of Nant Hall Road and northern part of the High Street.

3.12 Views

The principal view into the site from the single vehicular access point from Nant Hall Road is of Ty Nant. This has created a stop view to the site but has obscured the views to the Church. The views of the Vicarage and Church cannot be seen together as a result.



The Church building itself is not a dominant feature in any views from Nant Hall Road, as it is tucked neatly away between the High Street and car park



but the spire is very significant in terms of views to it. This is an important historical landmark. Other important views are of the limestone walls and the Vicarage and Church, which are of most significance when viewed in the same view point. This is partially obscured by Ty Nant.

Views to the site via the access road from High Street are created by a strong boundary line created by limestone boundary walls fronting small garden areas to either side. The stop view is busy, and includes a large mature tree and a side elevation of Ty Nant. The tree and Ty Nant are of roughly the same height. The view into the site from the principal route of the High Street could be improved.





3.13 Important open space

The open character of the car park is accidental and functional rather than attractive. It is of a significant size, but it has an unplanned character. Consequently existing development within the site, such as the Guide Hut and Church Hall have not created particularly relevant active frontages, or contributed to the character of the open space or to nearby streets and buildings.

An attempt to create a Civic Square between Ty Nant and the Council offices and library has not been realised. As a result Ty Nant is marooned between an access road and car parking, which has compromised the treatment of the space.

Green space is noticeably absent, apart from the area by the former Library. Back gardens are evident to the buildings on the northern perimeter of the site.

3.14 Cultural appraisal

This area has for a long time been the municipal quarter of Prestatyn. The Council's preference is for the existing Council Chamber located on the first floor of 6-8 Nant Hall to be retained, if not feasible alternative arrangements for accommodating Town Council meetings should be explored.



4. Planning Policy

- 4.1 Planning Policy Wales (Edition 7), paragraph 2.1.2, states that planning applications have to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Denbighshire's Local Development Plan 2006 – 2021 (LDP) was adopted in June 2013, and contains local policies applicable to any development proposals for Ty Nant, Prestatyn.
- 4.2 Material considerations are issues that may be relevant to the decision such as capacity of physical infrastructure (e.g. in the public drainage or water systems), noise or disturbance resulting from use, highways capacity, nature conservation and biodiversity objectives, flood risk, or previous appeal decisions and planning inquiry reports.

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Figure 2a

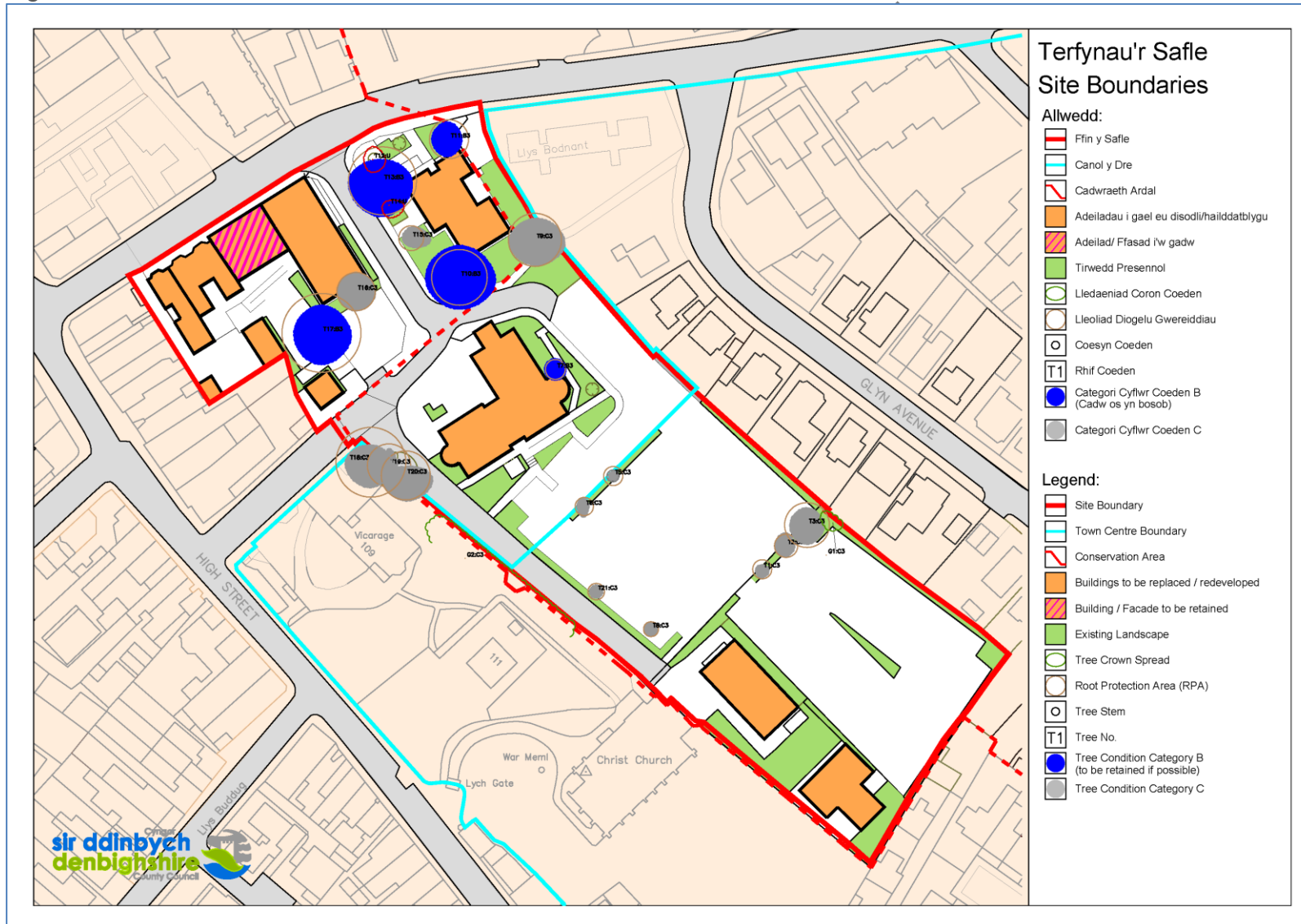
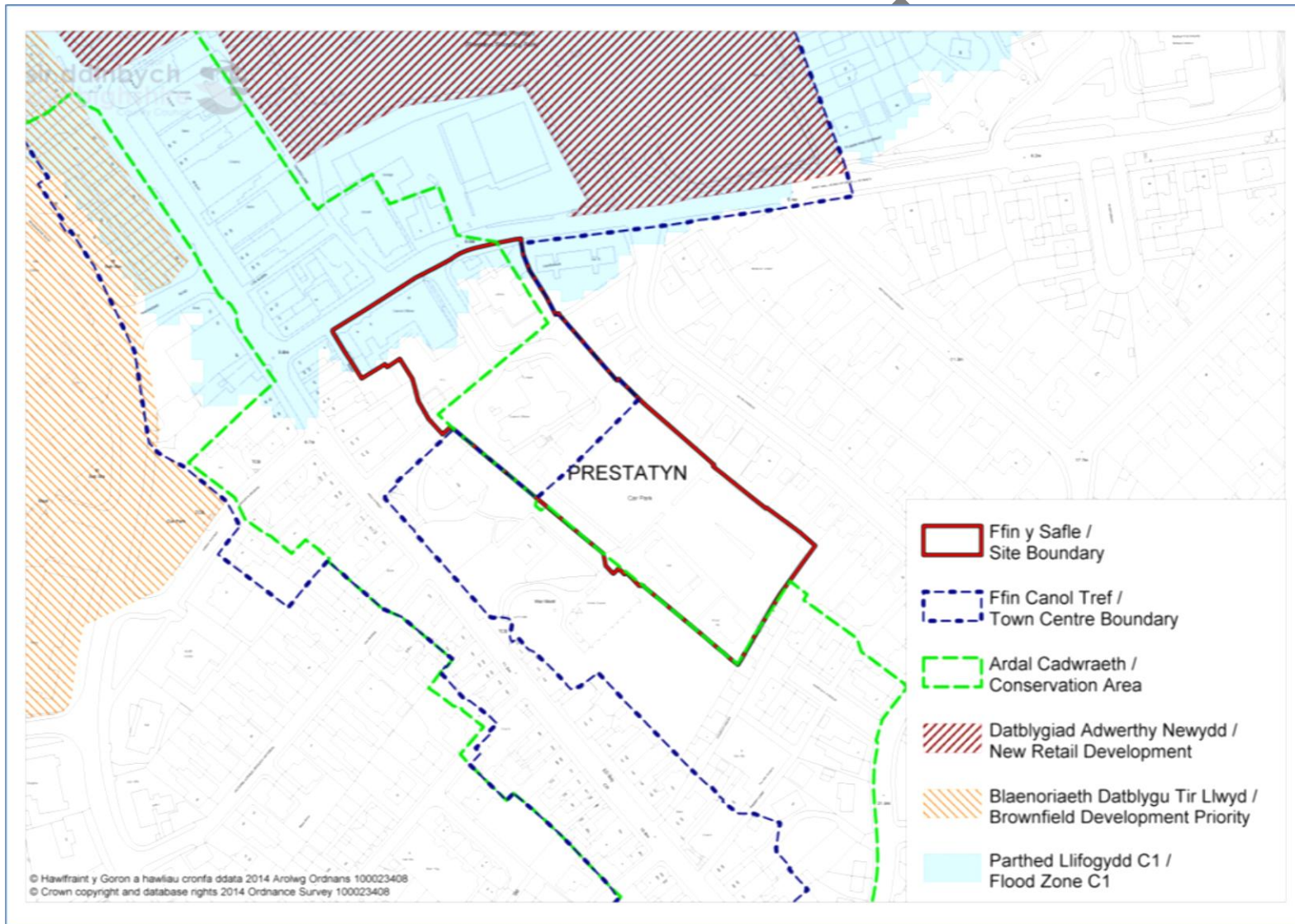


Figure 2b



- 4.3 LDP Policy RD 1 – Development Boundary: The site is located within the development boundary of Prestatyn, i.e. a wide range of land uses could be considered suitable subject to detailed policy criteria addressing sustainable development and good standard design.
- 4.4 Development proposals should aim for high standards of design in terms of built environment and in securing the best environment through landscape design. That means applicants may want to consider the following matters (that are by no means exhaustive): built height, scale and form, density of development, elevation of buildings, implementation of Sustainable Urban Drainage Systems (SUDS), provision of green landscape features and built material sympathetic to the surrounding area. Although the Policy generally seeks to achieve densities for residential development of a minimum of 35 dwellings per hectare, the density of residential development in the wider area is significantly less than this, consequently, proposals for lower densities may be acceptable on this site provided that a justifiable case is put forward.
- 4.5 LDP Policy BSC2 – Brownfield development priority: This policy directs development in Lower Growth Towns, such as Prestatyn, towards previously developed land, such as this site.
- 4.6 LDP Policy BSC4 – Affordable Housing: All developments of 3 or more dwellings are currently expected to provide a **minimum** of 10% affordable housing. Developments of between 3 and 10 dwellings are required to make a financial contribution, whereas developments of 10 or more are expected to make on-site provision. The minimum 10% contribution will be subject to annual monitoring of sales prices and could be increased to a minimum 30% contribution in the future. Further detail is provided in the Council’s adopted Supplementary Planning Guidance on Affordable Housing. The Council would encourage proposals for higher levels of affordable housing on this site.

- 4.7 LDP Policy VOE 1 – Conservation Area: Prestatyn’s Conservation Area borders to the north, and west. It is essential that any development proposals should maintain and wherever possible, enhance the character and setting of the conservation area, and listed buildings; particularly to potential adverse effects on the setting of Christ Church and Christ Church Vicarage (both Grade II Listed Buildings).
- 4.8 Appraising the local context is essential in identifying and understanding the historic development pattern and distinctive patterns of townscape. Such an exercise could include analysis of (this is by no means exhaustive): density of building blocks, development types and architectural vocabulary; building, roof and street lines; key and secondary views; important open spaces; and roof lines and chimneys. Such an appraisal should inform any design submitted as part of a planning application.
- 4.9 It is important to assess the character of the area; especially if there have been developments in the past that have not responded to the local context. This should be seen as an opportunity to enhance the area rather than maintain a poor status quo. Applicants may wish to discuss proposals with the Council’s Conservation Officers or Welsh Government body ‘Cadw’ prior to submitting a planning application.
- 4.10 LDP Policy BSC11 – Recreation and Open Space: Whilst no land is designated for recreation and open space on site, there is an opportunity to enhance public open space by providing a well-designed community open space within the site, with pedestrian links to the High Street and Nant Hall Road. This could provide a focus for the town, with provision of high quality seating, information and public art. The policy sets out the Council’s requirements for open space in association with residential development at a rate equivalent to 2.4 hectares per thousand population, to be provided on site unless it can be demonstrated that it is impractical to do so, in which case a commuted sum will be required. The preference here would be to secure



contributions from any residential development, to provide a community open space/ public square on the northern part of the site which would allow for better design and the potential to provide a more usable public space.

4.11 LDP Policy BSC12 – Community facilities: This policy seeks to protect community facilities. The former library building on the north-eastern part of the site was previously a community facility, but it is accepted in this case that the services that it provided have been relocated within Prestatyn and that the continued use of the facility is unviable and unsuitable. Therefore alternative provision on site would not be required. This policy would also apply to the existing church hall and guide hut on the southern part of the site and these facilities should be retained or alternative provision made.

4.12 LDP Policy PSE3 – Protection of employment land and buildings: The office building of Ty Nant has provided employment for a number of years, however it has been vacated and has been marketed for over a year. Proposals for the site may include retention of this building, however the Council would not oppose the redevelopment of this part of the site for alternative uses. Any planning application for development on this site should be accompanied by information demonstrating how proposals contribute towards regeneration and economic diversification.

4.13 Town Centre Boundary – LDP Policy PSE 8 / PSE 9: Prestatyn’s town centre comprises a mixture of town centre uses and Prestatyn Retail Park which opened in 2013. The northern part of the site falls within the town centre boundary. LDP Policy PSE 8 applies to development within town centre boundaries as shown on the LDP Proposals Maps and LDP Policy PSE 9 refers to development in an out of town centre location but within development boundaries. As part of the site is located in a designated town centre, policy criteria as defined in PSE 8 are applicable to this part of the site. Within this area, development proposals will be permitted provided they enhance the vitality and viability of the town centre and do not result in an unacceptable imbalance of retail and non-retail uses. Any proposals for



development should be accompanied by information demonstrating how they would contribute to and enhance the vitality and viability of the town centre.

Policy PSE 9 would apply to the remainder of the site. This policy states that proposals for small scale retail uses will be permitted provided that they: (1) are less than 500sqm gross area; (2) serve the local area; (3) do not form part of an industrial estate; and (4) do not jeopardise the viability and vitality of town or district centres. Should the size of any retail proposed exceed 500sqm gross area, a sequential approach to the selection of sites would be required in line with Planning Policy Wales (Edition 7) paragraph 10.2.11.

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Development Vision

- To create a vibrant, attractive development which successfully connects and integrates with Prestatyn's town centre.
- To provide high quality design, which respects and enhances the adjacent important listed buildings and Prestatyn High Street Conservation Area.
- It should provide a mixture of uses which enhance the vitality and viability of Prestatyn's town centre by establishing an active frontage along Nant Hall Road, which could include new cafes and restaurants to add to Prestatyn's attractiveness and complement existing facilities in the town centre.
- The mixture of uses could include retail, commercial, residential, leisure, offices, health, education and public open space.
- The frontage to Nant Hall Road and the existing Council Chamber should be retained and re-used if possible but there is scope for innovative design on the remainder of the site.
- The aim is to provide well-designed public open spaces/ squares for visitors and residents to enjoy and to help to provide a focus for the town.
- Good pedestrian links, both within the site and to the High Street and Nant Hall Road will ensure that any development here becomes part of the town centre.

5. Development Framework

Land use and density

- 5.1 Redevelopment of this site provides the opportunity for a mix of uses, which could include housing, office, hotel, leisure, education, health and retail uses, together with public open space and improved links to the High Street. Any

residential development should be close to existing residential areas. The balance between commercial uses and residential uses will need to be carefully considered and the impact on the amenity of existing and proposed housing from any commercial development proposed would have to be considered. This should include aspects such as noise, opening hours, refuse collection, and car parking.

5.2 The space to the south of the site could benefit from a development of larger massing and scale and an innovative design that could sit comfortably alongside the Church, providing that building heights, rooflines, skylines, massing and appropriate space around the building were taken into consideration.

5.3 Retail or commercial uses may be best clustered around the existing commercial area around Nant Hall Road. The scale, mass and form of this should sit comfortably with the former Council Offices fronting Nant Hall Road. The Council's preference is that the frontage to Nant Hall Road and the Council Chamber should be retained if possible.

5.4 There is potential to retain and re-use Ty Nant Council offices, however the Council would not be opposed to demolition, which would allow for the comprehensive redevelopment of the site to provide a high quality scheme better linked to the town centre and contributing to its vitality and viability.

A large portion of the site is currently provided for car parking although this has been underutilised since the closure of the Ty Nant Council Offices. Parking occupancy surveys undertaken in August and September 2014 indicate that there is sufficient parking capacity elsewhere in the town centre to accommodate any parking displaced from the site. Any redevelopment of the site would, however, need to provide sufficient parking spaces for the new uses in line with the Council's requirements.

5.5 Prestatyn has a high level of housing need and a mixture of mainly 2 bedroom town houses/terraced (some 3 bedroom) would be most appropriate for the

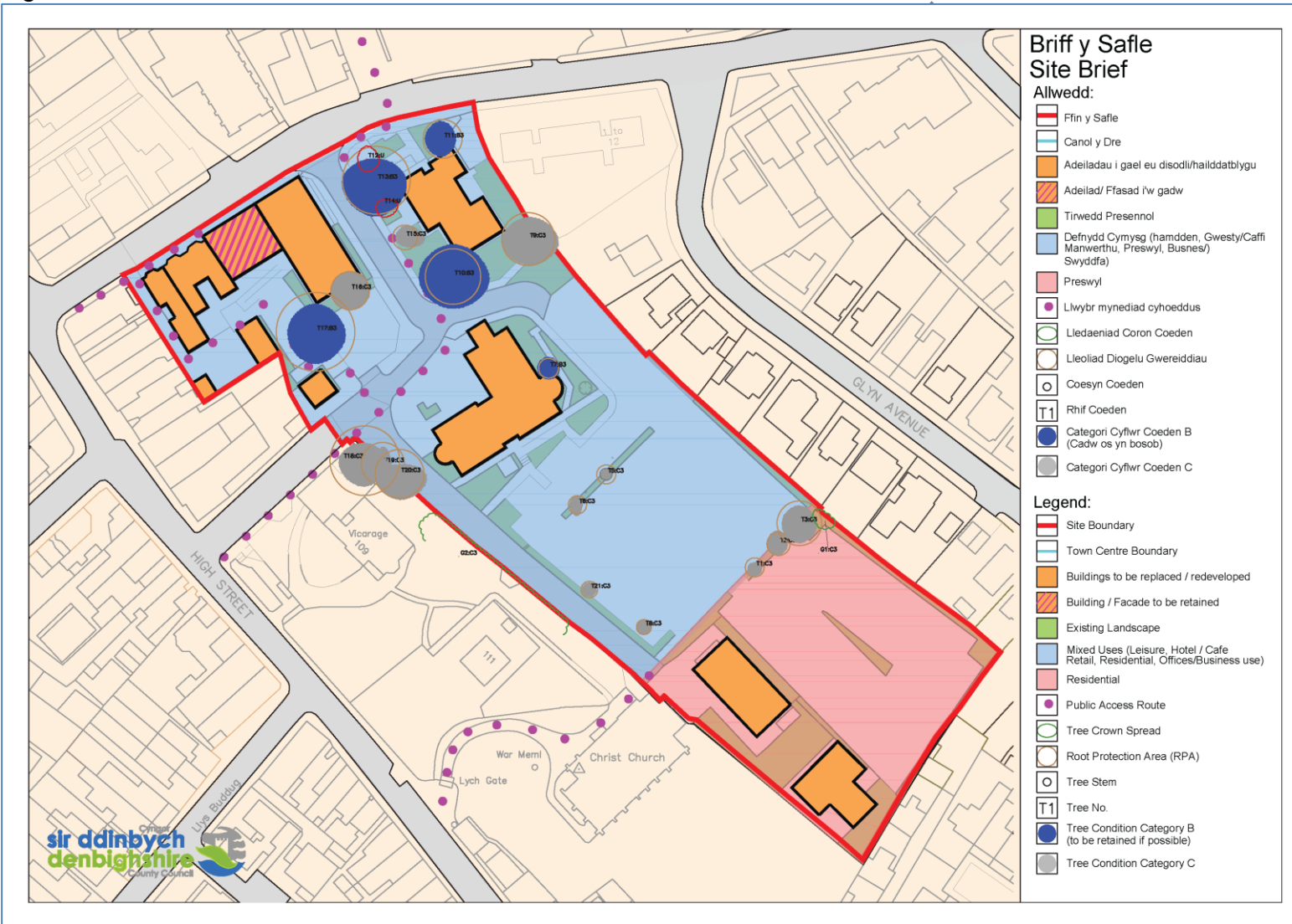


southern part of the site. Affordable housing provided should comprise a mixture of mainly rented properties with some shared equity properties. In view of the high level of housing need in the area, the Council will require a minimum of 20% affordable housing to be provided on the site. Any residential development would be required to meet the Council's space standards set out in SPG: Residential Space Standards.

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Figure 3



Design Principles: Public realm

- 5.6 Listed buildings and their settings need to be preserved and enhanced. Generally the space within the site currently does not enhance the setting of the listed buildings to any great degree. However, the lane by the church and vicarage is very important.
- 5.7 The area of high significance, and part of the setting of the Church and Vicarage is the boundary wall between these buildings and the car park. The trees and limestone boundary walls with the narrow width of the road between the boundary wall and car park, boundary create a semi-rural character, which captures the character of historic Prestatyn and this part of the conservation area. The character of this area needs to be strengthened and enhanced by appropriate highway management, and landscaping, including the introduction of limestone walls, trees and an appropriate traffic management system. It would be best protected as a pedestrian access. Any proposals to use this as a vehicular access need to take into account its special character, the setting of the listed church and Vicarage and apply the principles of Manual for Streets.
- 5.8 The post and panel fencing to the eastern residential boundary makes the public space dead. The appearance of this perimeter needs to be strengthened by either appropriate development, such as residential, or appropriate landscaping. Back gardens to the buildings on the perimeter of the site need careful treatment to enhance any abutting public open space.
- 5.9 Improving the view from the High Street into the site, and improving boundaries to either side of the road, such as appropriate tree planting is important. Views in and out of the site should identify particular vantage points, and features of interest. The critical view is of the Church spire. This should be recorded in any appraisal and site lines protected. Cluster viewpoints will also be important – for example the relationships with the Church and Vicarage.

Integrated sustainable renewable resources would be welcomed, providing they are integral architectural components of the building.

Green infrastructure / Open Space

- 5.10 The green space outside the library could be retained and the tree boundary reinforced to create a visual link to the eastern part of Nant Hall Road. There are a number of trees on the northern part of the site which should be retained and protected and these are shown on Figure 3: Site Brief Plan. The Tree Survey also identified a number of trees which contribute to the site's amenity which should be integrated into the design where possible, to provide some mature landscaping. Green space could be introduced into the site to enhance the setting of the Church and Vicarage, or could form part of a series of urban squares.
- 5.11 A series of linked formal squares from Nant Hall Road into the site should be considered, with high quality hard and soft landscaping. The Council's policy requires a contribution from any residential development towards open space provision. The Council's general preference is for on-site provision however, contributions from any residential development to an enhanced community open space/public square on the northern part of the site would be preferable and would allow for better design and the potential to provide a more usable public space.

Built form and materials

- 5.12 Any redevelopment on the northern section of Nant Hall Road should reinforce the street's building line. There is scope to set the building line back on the former library site, provided that there is positive treatment to the gable end of the Council offices. There is a strong vertical emphasis to windows and doors, which is important and should be considered in any new development in order to retain the townscape rhythm. An active frontage with appropriate scale, massing and detail to the site onto Nant Hall Road is



essential.

Any affordable housing should be well designed in terms of materials and detailing and not segregated architecturally.

New build within the site needs to reflect the scale, height and mass of existing buildings, which are principally two storey, and generally terraced or set close together within small grounds. An imaginative approach can be considered, but within the confines of the existing scale, height and massing of buildings.

The existing buildings on Nant Hall Road are capable of re-use. A mixed tenure – such as shop units to ground floor and residential above, would be encouraged. The Council would encourage active frontages at street level along Nant Hall Road. A similar approach to new build on the site should be considered.

Residential development should be of high quality and design, and reflect good housing examples in terms of scale, massing and architectural quality in Bryneithin Avenue and Clwyd Avenue for example. There should be a clear demarcation between public and private space and frontages facing into the site.

Demolition

- 5.13 Demolition of the former library, Ty Nant and the modern extension to the Council Offices on Nant Hall Road is considered acceptable. Conservation Area consent would be required for those buildings to be demolished within the Conservation Area.

Community safety

- 5.14 Any proposals should ensure the creation of attractive and safe public spaces and movement routes particularly for the pedestrian and cyclist maximising natural surveillance over the public realm and adopting where appropriate Secure by Design measures.



6. Access and Movement

- 6.1 Vehicular access should be gained from Nant Hall Road, there may be scope to alter the current access point and flexibility with regard to internal access and circulation arrangements within the site. Design solutions should have regard to 'Manual for Streets'. Any proposals should incorporate clear, attractive and safe pedestrian links to the High Street and Nant Hall Road.
- 6.2 Pedestrian access routes from Glyn Avenue to the car park site should be permeable, protected and enhanced. Proposals should provide safe conditions for pedestrians, cyclists and those with mobility impairments both entering and exiting the site and also moving within the site. There may be the need to carry out highway improvement works, depending on the nature of individual proposals and the potential increase of traffic generated by the development which would need to be assessed. Access arrangements and road improvement works should be discussed with the Council's Highways department.
- 6.3 Further guidance on parking requirements is set out the Council's Supplementary Planning Guidance: Parking Requirements in New Development.

7. Further Considerations

Flood risk considerations

- 7.1 A small part of the northern part of the site lies within Flood Risk Zone C1 of Welsh Government's Development Advice Map referred to in Technical Advice Note 15: Development and Flood Risk. Zone C1 denotes areas of floodplain which are developed and served by significant infrastructure, including various types of flood defences. Consequently, development may take place but will be subject to application of justification tests and acceptability of consequences for particular types. Detailed information on justification tests and acceptability criteria can be found in WG TAN15:



Development and Flood Risk, paragraphs 6 - 7 and Appendix 1. The majority of the site is shown within Flood Zone A – an area considered to be at little or no risk of fluvial or tidal flooding.

7.2 A flood consequences assessment has been undertaken for the site and is available on request.

7.3 With regard to flood risk, types of development can broadly be categorised as (1) Emergency Services (e.g. hospitals, fire station), (2) Highly Vulnerable Development (e.g. public buildings, all residential premises), and (3) Less Vulnerable Development (e.g. general industrial, retail, car parks). Whilst national planning guidance does not prohibit highly vulnerable development in Zone C1, development proposals must comply with the criteria set out in TAN15, and any advice from Natural Resources Wales (NRW) would be treated as a material consideration.

Archaeology

7.4 This area of Prestatyn is known to have the remains of Mesolithic hunter gatherer communities in the vicinity. During developments at the old Kwik Save site evidence of shell middens and stone tools have been found which demonstrate that people were exploiting the coastal resource perhaps seven or eight thousand years ago. When the Ty Nant office block was developed a possible hearth was found dating to this period. It is unclear what remains might be surviving on the remainder of the site and it is likely that a pre-determination evaluation would be needed as a first step to assess the archaeology present on the site. Developers are advised to contact the County Archaeologist regarding the pre-determination evaluation and potential measures to safeguard or enhance archaeological interests if necessary.

Drainage

7.5 Development should incorporate Sustainable Urban Drainage Systems (SUDS) to limit land drainage or surface water runoff discharging to the public



sewer or causing surface water flooding.

Construction

- 7.6 The Council will require a Construction Environmental Management Plan to be submitted, covering issues such as hours of work on site, delivery of materials, noise and disturbance during construction. The Council will also expect any developers to enter into local labour/ training agreements for the construction phase.

Welsh Language

- 7.7 The Council may require the submission of a Community and Linguistic Impact Assessment to accompany planning applications, dependent on the scale and type of development proposed. Further guidance is provided in SPG: Planning and the Welsh Language. Developers will be expected to provide bilingual signage as a minimum.

Contacts

Denbighshire County Council
Planning and Public Protection
Development Management
Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

Tel.: 01824 706727

Email: planning@denbighshire.gov.uk

Denbighshire County Council
Economic and Business
Development

Denbighshire County Council
Planning and Public Protection
Strategic Planning & Housing
Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

Tel.: 01824 706916

Email: ldp@denbighshire.gov.uk

Denbighshire County Council
Highways & Environmental Services
Highways and Transportation



Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

Department
Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

Tel.: 01824 706860

Email: econ.dev@denbighshire.gov.uk

Tel.: 01824 706882

Email: highways@denbighshire.gov.uk

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Appendix 2

Strategic Environmental Assessment (SEA) Screening – Site Development Brief for Ty Nant, Nant Hall Road, Prestatyn

1. Legal Background

- 1.1 This reports aims at determining whether the emerging Site Development Brief (SDB) for Ty Nant, Prestatyn must be subject to a (full) Strategic Environmental Assessment (SEA) to comply with the requirements set out in ‘Environmental Assessment of Plans and Programmes (Wales) Regulations 2004’, henceforth referred to as SEA Regulations 2004, which transposes European Directive 2001/42/EC into national legislation.
- 1.2 The SEA Regulations 2004 place an obligation on local authorities to undertake a SEA on plans and projects;
- that are required for town and country planning or land use; and
 - set the framework for future development consent of projects listed in Annex I or II to European Council Directive 85/337/ EEC.
- Detailed guidance on the methodology is laid out in ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM et al, 2005)
- 1.3 The Planning and Compulsory Purchase Act 2004 contained the requirement for local planning authorities to produce a Sustainability Appraisal (SA) for all local development plan documents. It was suggested to be of best practise to incorporate the SEA into the document accompanying SA. The Planning Act 2008 removed the obligation of carrying out a SA for Supplementary Planning Guidance (SPG) including SDB without establishing whether a SPG still requires the SEA.
- 1.4 SEA Regulations 2004, regulation 5(6) further clarifies that a SEA is not required for (1) a plan or programme which determines the use of a small area at local level or (2) minor modification to a plan or programme, unless it has been determined that the plan, programme or modification is likely to have significant environmental effects or the Welsh Government determines so.

2. SEA – screening

- 2.1 Although this Site Development Brief supplements policies from Denbighshire’s Local Development Plan (LDP) 2006 – 2021, which has been subject to a full SA (including SEA) appraisal, it is essential to determine whether this SDB is likely to have a significant effect on the environment. Natural Resources Wales (NRW) and Cadw, both are statutory consultation bodies, will be consulted on this document to

establish whether they agree with the Council’s viewpoint that this SDB would not be ‘likely to have significant environmental effects’.

- 2.2 If NRW or Cadw conclude that the plan would be likely to have significant effects on the environment, listing the reasons for their viewpoint, the requirements are established for a (full) SEA.
- 2.3 Table 1 presents the template for this screening process to determine the requirements for a SEA. It is an amended version of ‘Figure 2 – Application of the SEA Directive to plan and programmes’ in ‘A Practical Guide to the Strategic Environmental Assessment’ (2005).

Table 1: Screening for the need for an SEA

Stage	[Y / N]	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The SDB has been prepared by a local planning authority, and is likely to become adopted by the Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The SDB is not required by legislative provision but amplifies several Denbighshire Local Development Plan policies and may become a material consideration in determining planning applications.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes Yes	The SDB was prepared for town and country planning and may guide future land use if adopted. ‘Urban development projects’ (identified under Annex II - 10. (b) of the Directive) is the most relevant type of Annex II project in relation to the SDB. The SDB site totals approximately 1.3 hectares, and therefore exceeds the 0.5 hectare threshold outlined in the regulations. The SDB suggests a various uses (residential, office, hotel, leisure, retail) that might be appropriate for the site. At this stage, any suggested use is not specific. Once a more specific use is identified, the planning application process would ascertain whether the proposed use (s) are EIA development by way of the

		standard screening process.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N/A	N/A
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes Yes	The SDB will be used to guide development of a small area (1.3 ha) at local level. The SDB amplifies policies contained in the Denbighshire Local Development Plan 2006 - 2021 that was subject to a full SEA as part of the Plan process.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	N/A
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Please refer to table 2 'Assessment of the likely significant effects on the environment'

Table 2: Assessment of the likely significant effects on the environment

1. The characteristics of plans and programmes, having regard, in particular, to:		
SEA Directive Criteria (Article 3 (5) of directive 2001/42/EC)	Response	Is there a significant or specific effect beyond that anticipated by the parent policy framework? Y/N
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The SPD suggests acceptable uses and seeks to raise the standards of design on the site.	No.
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SDB will not influence other plans and programmes but may guide future development on this particular site.	No.
1c) The relevance of the plan or programme for the	The SDB refers to the fact that all development	No.

integration of environmental considerations in particular with a view to promoting sustainable development.	proposals should be of high quality and inclusive design. Land use proposals, landscape elements and design must principally contribute to the creation of a sustainable community and secure the best environment.	
1d) Environmental problems relevant to the plan or programme.	Specific reference has been included to advise on the requirements regarding building works affecting nature conservation, building conservation and flood risk.	No.
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The SDB points out principal design aspirations but does not contain or impose specific measures. Those features are expected to be discussed as part of the planning application.	No.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a) The probability, duration, frequency and reversibility of the effects.	The aim of the SDB is to redevelop the site for the long-term future.	No.
2b) The cumulative nature of the effects.	The changes proposed will occur over a gradual period of time, and when taken as a whole, the effects of the SDB if implemented, will be on a local/small scale only.	No.
2c) The trans-boundary nature of the effects.	Indirect effects of redevelopment as outlined in the SDB would relate primarily to highways and visual impacts. Environmental considerations are considered at 2f.	No.
2d) The risks to human health or the environment (e.g. due to accidents).	It cannot be envisaged that there are any risks to human health or the environment beyond legal requirements. As a small part of the site is located within flood zone C1, the SDB outlines the national policy requirements relating to potential uses on the site.	No.
2e) The magnitude and spatial extent of the effects (geographical area and size)	The SDB specifically refers to the Ty Nant site in Prestatyn. There may	No.

of the population likely to be affected).	positive spill-over effects for the local community, e.g. job and leisure opportunities.	
<p>2f) The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> ▪ special natural characteristics or cultural heritage. ▪ exceeded environmental quality standards or limit values. ▪ intensive land-use. 	<p>Part of the site is located within the Prestatyn conservation area, and adjoins several buildings of architectural value (including listed buildings). There are also Tree Preservation Orders adjoining the site. The SDB highlights the importance of (and measures for) any redevelopment proposal preserving and enhancing the setting and character of the surrounding area.</p> <p>The SDB area does not include any environmentally related designations. The SDB aims to improve environmental quality by re-developing a brownfield site to high environmental standards.</p> <p>The site is a brownfield site that was previously used for car parking and office accommodation. It is not considered any potential re-development and subsequent use of the site would lead to a more intensive land use of the site.</p>	No.
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	The area affected by proposals contained in the SDB is not covered by any national etc. designation.	No.

3. Conclusion

- 3.1 The Council awaits responses from statutory consultation bodies: Natural Resources Wales and Cadw before concluding whether the site development brief for Ty Nant, Nant Hall Road, Prestatyn requires a (full) Strategic Environment Assessment.

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Appendix 3

Draft Site Development Brief: Ty Nant, Nant Hall Road, Prestatyn 27th January 2015

Equality Impact Assessment

Draft Site Development Brief: Ty Nant, Nant Hall Road, Prestatyn

Contact: Angela Loftus

Updated: 27/01/15

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 carry out a public consultation on the Draft Site Development Brief for the site at Ty Nant, Nant Hall Road, Prestatyn. The Site Development Brief supports the planning policies contained within the Denbighshire Local Development Plan and sets out the principles of development for the site in order to guide future proposals. If adopted, following consultation, the Site Development Brief will be used in determining applications for planning permission on the site.
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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 carry out public consultation on guidance relating to development on the Ty Nant site. The content of the Site Development Brief does not set policy but consolidates and provides site-specific guidance on the relevant LDP policies. The LDP, including all policies, underwent a full EqIA prior to adoption.
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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 LDP is the overarching policy framework under which all Site Development Briefs sit and this underwent an EqlA prior to adoption by Council.

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

No applicable

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

No

Not applicable

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:	June 2015
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Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	27/01/15

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