

To: Members of the Planning Committee    Date: 10 March 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 MARCH 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 18 February, 2015 (copy attached).

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 8) -**

### **5 APPLICATION NO. 03/2014/0472/ PF - LLANGOLLEN COMMUNITY HOSPITAL AND CAR PARK, ABBEY ROAD, LLANGOLLEN (Pages 21 - 52)**

To consider an application for Redevelopment of former hospital site by way of demolition of existing buildings and erection of 6 social housing units with associated access and parking provision; and development of ancillary car park opposite by the erection of 6 social housing units with associated access and parking provision at Llangollen Community Hospital and Car Park, Abbey Road, Llangollen (copy attached).

**6 APPLICATION NO. 10/2014/1168/PFT - HAFOTTY WEN, CORWEN**  
(Pages 53 - 80)

To consider an application for Erection of a single wind turbine of up to 250kw output, maximum blade tip height 48m, and associated development comprising construction of access track, hardstanding, borrow pit, grid connection and switchroom at Hafotty Wen, Corwen (copy attached).

**7 APPLICATION NO. 28/2014/1204/PF - TY COCH FARMHOUSE, TY COCH STREET, HENLLAN, DENBIGH** (Pages 81 - 112)

To consider an application for Demolition of existing agricultural centre buildings and erection of 15 dwellings, alterations to existing vehicular access and associated car parking (renewal of planning permission code no. 28/2008/0578) at Ty Coch Farmhouse, Ty Coch Street, Henllan, Denbigh (copy attached).

**8 APPLICATION NO. 43/2015/0031/ PF - 51 HIGH STREET, PRESTATYN**  
(Pages 113 - 126)

To consider an application for Change of use of ground floor from Class A1 retail use to Class A3 hot food takeaway. Installation of new shopfront and associated external alterations at 51 High Street, Prestatyn (copy attached).

**9 ADVERTISEMENTS SUPPLEMENTARY PLANNING GUIDANCE -  
ADOPTION OF FINAL DOCUMENT** (Pages 127 - 148)

To consider a report by the Senior Planning Officer (copy attached) for Members to approve the adoption of the final Supplementary Planning Guidance (SPG) on Advertisements, for use in the determination of planning applications.

**10 "CONSERVATION AREAS" SUPPLEMENTARY PLANNING GUIDANCE -  
ADOPTION OF FINAL DOCUMENT** (Pages 149 - 168)

To consider a report by the Planning Officer (copy attached) for Members to approve the adoption of the final Supplementary Planning Guidance (SPG) on "Conservation Areas" in line with proposed amendments for the determination of future planning applications and appeals.

**11 "LISTED BUILDINGS" SUPPLEMENTARY PLANNING GUIDANCE -  
ADOPTION OF FINAL DOCUMENT (Pages 169 - 194)**

To consider a report by the Planning Officer (copy attached) for Members to approve the adoption of the final Supplementary Planning Guidance (SPG) on "Listed Buildings" in line with proposed amendments for the determination of future planning applications and appeals.

**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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## **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

<b>+</b>	To <b>GRANT</b> Planning Permission
<b>-</b>	To <b>REFUSE</b> Planning Permission
<b>0</b>	to <b>ABSTAIN</b> from voting

Or in the case of Enforcement items:

<b>+</b>	To <b>AUTHORISE</b> Enforcement Action
<b>-</b>	To <b>REFUSE TO AUTHORISE</b> Enforcement Action
<b>0</b>	to <b>ABSTAIN</b> 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 the Council Chamber, County Hall, Ruthin on Wednesday, 18 February 2015 at 9.30 am.

### PRESENT

Councillors Raymond Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, Meirick Davies, Richard Davies, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, 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

**Observers:** Councillors Martyn Holland, Huw Jones and Gwyneth Kensler

### ALSO PRESENT

Head of Planning and Public Protection (GB), Principal Solicitor – Planning and Highways (SC) Development Manager (PM), Principal Planning Officer (IW), Development Planning and Policy Manager (AL), Traffic, Parking and Road Safety Manager (MJ) and Committee Administrator (SLW)

#### 1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Stuart Davies, Peter Evans, Pat Jones and Barry Mellor

#### 2 DECLARATIONS OF INTEREST

Councillors Merfyn Parry and Huw Williams – Personal Interest – Agenda Items 7 & 8  
Councillors Bob Murray, Paul Penlington, and Julian Thompson-Hill – Personal Interest - Agenda Item 12

#### 3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

At this juncture, Councillor Joan Butterfield requested an update from Planning Officers regarding Scarborough Development at the Ocean Beach site, Rhyl.

The Head of Planning and Public Protection confirmed there were a number of issues ongoing but an update would be sent out to the Rhyl Member Area Group (Rhyl MAGs) following the Planning Committee meeting.

#### 4 MINUTES

The minutes of the Planning Committee meeting held on Wednesday, 21 January, 2015, were submitted.

Councillor Huw Hilditch-Roberts queried the fact that not all Councillors, who contributed during debates, were cited in the minutes. Councillor Hilditch-Roberts had also raised the issue at a previous Council meeting and he was of the opinion comments should be recorded accordingly.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 21 January, 2015, be approved as a correct record.*

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

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.

At this juncture, Councillor Win Mullen-James (Vice-Chair) took over the Chair for Item 5 to enable Councillor Raymond Bartley (Chair) to address the Committee as a Denbigh Ward Member

#### 5 APPLICATION NO. 01/2014/0705/PF - ST DAVIDS CHURCH, ST DAVIDS LANE AND BROOKHOUSE ROAD DENBIGH

An application was submitted for construction of a multi-user active travel route at land between St. Davids Church, St. Davids Lane and Brookhouse Road, Denbigh.

##### **Public Speakers –**

Mr Kevin Ringer (**Against**) – explained the reasons residents were against the construction of the multi-user active travel route being (i) highway safety (ii) visual amenity (iii) anti-social behaviour (iv) impact on protected trees and the (v) the accuracy of the plans. Mr Ringer confirmed residents supported having a cycle path but were against the proposed route.

Mr Clwyd Wynne (**For**) – explained the reasons why he and other residents were in favour of the multi-user active travel route. Denbigh was one of the only towns in Denbighshire not to have a cycle path. The proposal would provide a safe traffic free route for both local residents and tourists. It would promote physical activity for all ages.

Local Member, Councillor Raymond Bartley addressed the Committee endorsing the reasons why he would be voting against the proposal.

Local Member, Councillor Richard Davies addressed the Committee explaining the reasons he would be in favour of the proposal as he would be representing the voice of the majority of his constituents and not the minority.

**General Debate** - In response to issues raised, members held a lengthy and indepth debate. The proposed route was shown in the application submitted. An alternative route would not be for the Committee to debate during the current meeting. In terms of the issues raised regarding increased crime and anti-social behaviour and highway safety, evidence would be required to support those statements. The Traffic, Parking and Road Safety Manager (TP & RSM) confirmed data information had been received and all junctions had been checked. An Independent Road Safety Audit had been carried out and the report had been included with the papers circulated. In response to a query as to why no correspondence from the Police had been included within the application papers, the TP & RSM confirmed the Police would only attend when the audit progressed to Stage 3. No lighting on the route was to be included as part of the proposal. A consultation exercise had been undertaken in 2012, of which 80% of respondents had been in favour of a traffic-free route.

**Proposal** – Councillor Raymond Bartley proposed refusal of the application, against the recommendation of Officer, on the following grounds:

- (i) Highway safety concerns by reason of limited visibility
- (ii) Impact on neighbour amenity by reason of increased disturbance

Seconded by Councillor Bill Cowie

**VOTE:**

GRANT	-	9
ABSTAIN	-	0
REFUSE (contrary to Officer recommendation)	-	14

**RESOLVED** that permission be **REFUSED** contrary to Officer recommendation for construction of a multi-user active travel route at land between St. Davids Church, St. Davids Lane and Brookhouse Road, Denbigh.

At this juncture (10.45 a.m.) there was a break.

Meeting re-convened at 11.00 a.m.

**6 APPLICATION NO. 01/2014/1390 - 51 MYTTON PARK, DENBIGH**

An application was submitted for the erection of extensions and alterations to the dwelling at 51 Mytton Park, Denbigh.

**Public Speaker –**

Mr Mark Evans (**Against**) – Mr Evans spoke on behalf of his mother, Mrs Freda Evans of 11 Dalar Wen, Denbigh. Mr Evans explained the reasons why he was against the proposed extension as it would have a detrimental effect on his mother's health.

**Proposed** – Councillor Rhys Hughes proposed to grant the erection of extensions and alterations to the dwelling at 51 Mytton Park, Denbigh. Seconded by Councillor Bill Tasker

**VOTE:**

GRANT - 20  
ABSTAIN - 2  
REFUSE - 1

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

**7 APPLICATION NO. 21/2014/0032/PF - CLWYD FOREST, MAESHAFN**

An application was submitted for the erection of a wooden tool store and shelter for managing the woodland (retrospective application) at the Big Covert, Clwyd Forest, Maeshafn, Mold.

**Public Speaker –**

Mr Allan Morgans (**Against**) – gave reasons why he was against the granting of the application and was especially concerned regarding the protection of the woodland.

**General Debate** – The Planning officer explained that some types of development within forests were permitted. Persons requiring such structures for forestry related work would submit a notification to the Local Planning Authority (LPA) before erecting them. The LPA then determined whether the development would be permitted or whether a planning application would be required. In this case, the structure had been erected and a planning application submitted. The application was supported by a Woodland Management Plan. Officers felt, on balance, this showed the structure was reasonably required for forestry. Other structures discovered in forest areas may not be as genuine.

The Local Member, Councillor Martyn Holland explained reasons he would be asking for refusal. He explained the issue had been occurring over a number of years and was also happening throughout woodland across Wales. Big Covert was being sold off in plots and some were being used as holiday retreats which went against the legislation and exceeded what is necessary to manage a small area of woodland. It was agreed that legislation needed to be clarified and Councillor Martyn Holland urged members to write to Assembly Member to request a change to the planning guidance for woodlands in Wales and to stress the need for legislation to be changed.

**Proposed** - Councillor Merfyn Parry proposed refusal of the application, contrary to officer recommendation, on that grounds that:

- (i) Not for genuine forestry activity
  - (ii) Visual impact on the AONB
- Seconded by Councillor Dewi Owens.

**VOTE:**

GRANT	-	1
ABSTAIN	-	2
REFUSE (contrary to officer recommendation)	-	20

**RESOLVED** that the application be **REFUSED**, contrary to officer recommendation, for erection of a wooden tool store and shelter for managing the woodland (retrospective application) at the Big Covert, Clwyd Forest, Maeshafn, Mold.

**8 APPLICATION NO. 21/2014/0096/PC - CLWYD FOREST, MAESHAFN**

An application was submitted for the retention of existing shed and erection of wood store (partly in retrospect) at Clwyd Forest, Big Covert, Maeshafn, Mold

**Public Speaker –**

Mr Allan Morgans (**Against**) – gave reasons why he was against the granting of the application. Mr Morgan informed the Committee that proliferation of the woodlands had begun. Hedges had been planted, toilets installed and general rubbish left in areas of the woodland.

**General Debate –** Local Member, Councillor Martyn Holland explained the reasons he would be asking for refusal. The National Trust were also involved as they had control of a majority of forests in Denbighshire. Councillor Holland confirmed he had met with the National Trust.

**Proposed** - Councillor Dewi Owens proposed refusal of the application, contrary to officer recommendation, on that grounds that:

- (i) Not for genuine forestry activity
  - (ii) Visual impact on the AONB
- Seconded by Councillor Bill Cowie.

**VOTE:**

GRANT	-	2
ABSTAIN	-	2
REFUSE (contrary to officer recommendation)	-	20

**RESOLVED** that the application be **REFUSED**, contrary to officer recommendation, for the retention of existing shed and erection of wood store (partly in retrospect) at Clwyd Forest, Big Covert, Maeshafn, Mold.

**9 APPLICATION NO. 18/2014/0793/PF - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH**

Councillors Merfyn Parry and Huw Williams declared a personal interest in this item.

An application was submitted for the 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.

**Proposed** – Councillor Merfyn Parry proposed the granting of the application. Seconded by Councillor Julian Thompson-Hill

**VOTE:**

GRANT - 21  
ABSTAIN - 1  
REFUSE - 0

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

**10 APPLICATION NO. 18/2014/0794/LB - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH**

Councillors Merfyn Parry and Huw Williams declared a personal interest in this item.

A Listed Building application was submitted for the 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.

**Proposed** – Councillor Huw Hilditch-Robers proposed the granting of the Listed Building application. Seconded by Councillor Julian Thompson-Hill.

**VOTE:**

GRANT - 21  
ABSTAIN - 1  
REFUSE - 0

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



**11 APPLICATION NO. 24/2014/1246/PS - CRAIG Y DDYWART QUARRY, RUTHIN**

Application was submitted for the reconsideration of the previous refusal of 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.

The application had been returned to Committee by Officers following the resolution to refuse made by Members at the January 2015 meeting. The covering report with this item explained the reasons for this. The Planning Officer explained that where Officers had a real concern that a decision of Committee could result in an award of costs on appeal, the Scheme of Delegation allowed them to return an item for further consideration. In this case, Members raised concerns about a fear of crime relating to the proposal. Officers felt that, as this was an application made by North Wales Police, such a fear may be difficult to justify in an appeal.

**General Debate** – Local Member, Councillor Merfyn Parry reiterated his concerns to the Committee and again proposed the application be refused.

**Proposal** - Councillor Merfyn Parry proposed to refuse the application, contrary to Planning Officer recommendation. Seconded by Huw Williams.

**Proposal** – Councillor Alice Jones proposed to grant the application. Seconded by Councillor Rhys Hughes.

**VOTE:**

GRANT	-	14
ABSTAIN	-	0
REFUSE (contrary to Officer recommendation)	-	7

**RESOLVED** that permission be **GRANTED** in accordance with Officer recommendation as stipulated within the report.

**12 TY NANT DEVELOPMENT BRIEF**

Councillors Bob Murray, Paul Penlington and Julian Thompson-Hill declared a personal interest in this item.

The Development Planning and Policy Manager submitted a report recommending members agree the draft Site Development Brief for Ty Nant, Nant Hall Road, Prestatyn and the accompanying Strategic Environmental Assessment Screening document for public consultation.

A public consultation period would be a minimum of 8 weeks with an anticipated start in March 2015. Exhibitions / drop-in events would be held in Prestatyn Library (details to be announced as early as possible). The results of the consultation to be reported back to Planning Committee with any changes proposed as a result of the comments received.

The aim of the site development brief was to set out a framework to guide the potential redevelopment of the site. It would allow for demolition or retention of the existing Ty Nant building. The frontage to Nant Hall Road and the existing Council Chamber should be retained and re-used, if possible, but there was scope for innovative design on the remainder of the site. The development brief allows for a mixture of uses which could include retail, leisure, residential, commercial, offices, health, education and public open space and requires good pedestrian links to the High Street. Land ownership was split between Denbighshire County Council and the Church in Wales, who would be involved with the future development of the site.

**Proposal** – Councillor Julian Thompson-Hill proposed the officer recommendation, seconded by Councillor Paul Penlington.

It was unanimously,

***RESOLVED*** that members agree the draft Site Development Brief for Ty Nant, Nant Hall Road and the accompanying Strategic Environmental Assessment screening document (as attached to the report) for public consultation.

Meeting concluded at 12.25 p.m.

# Agenda Item 5

Ian Weaver

**WARD NO:** Llangollen

**WARD MEMBER(S):** Cllr Stuart Davies (c)  
Cllr Rhys Hughes (c)

**APPLICATION NO:** 03/2014/0472/ PF

**PROPOSAL:** Redevelopment of former hospital site by way of demolition of existing buildings and erection of 6 social housing units with associated access and parking provision; and development of ancillary car park opposite by the erection of 6 social housing units with associated access and parking provision

**LOCATION:** Llangollen Community Hospital and Car Park Abbey Road  
Llangollen

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Heading:

REFERENCE 03/2014/0472  
LLANGOLLEN COMMUNITY HOSPITAL AND  
CAR PARK, ABBEY ROAD, LLANGOLLEN

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

Tel: 01824 706800 Fax: 01824 706709

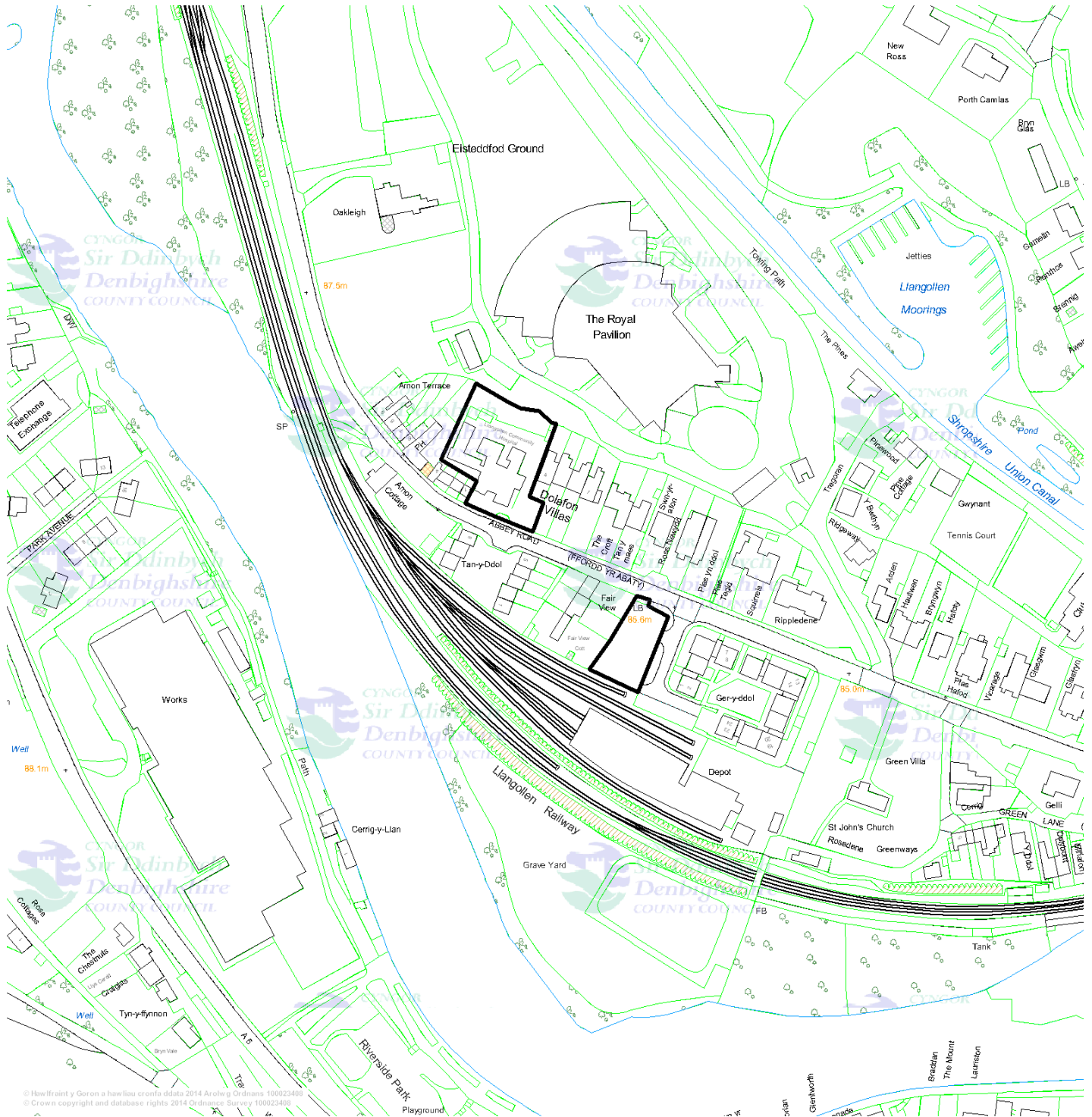
 Application Site

Date 2/3/2015  
Centre = 321135 E 342331 N

Scale 1/2500



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





# HOSPITAL SITE PROPOSED LAYOUT

Schedule of Accommodation	
<b>HOUSES</b>	
3 Bed / 5 Person (92m <sup>2</sup> ) -	4 units
2 Bed / 4 Person (88m <sup>2</sup> ) -	2 units



## KEY:

- Denotes area of building to be retained & protected due to presence of Phytochrome B. All lot be approval of the Local Authority Ecologist/Planning Officer.
- Denotes area to receive terrazzo/cast in situ
- Denotes area to receive grass finish
- Denotes new shrub planting. Exact type to be agreed. Refer also to Planting Schedule.
- Denotes new surface water soakaway & 1.80 associated drainage run.
- Denotes new trees planned in mitigation. Refer to Tree Specialists report. Final planting type to be to Tree Specialists recommendations/UA approval.
- Denotes new foul water (1.40) drainage run connecting to erg manhole in road. Exact inverts to be established prior to works commencing.

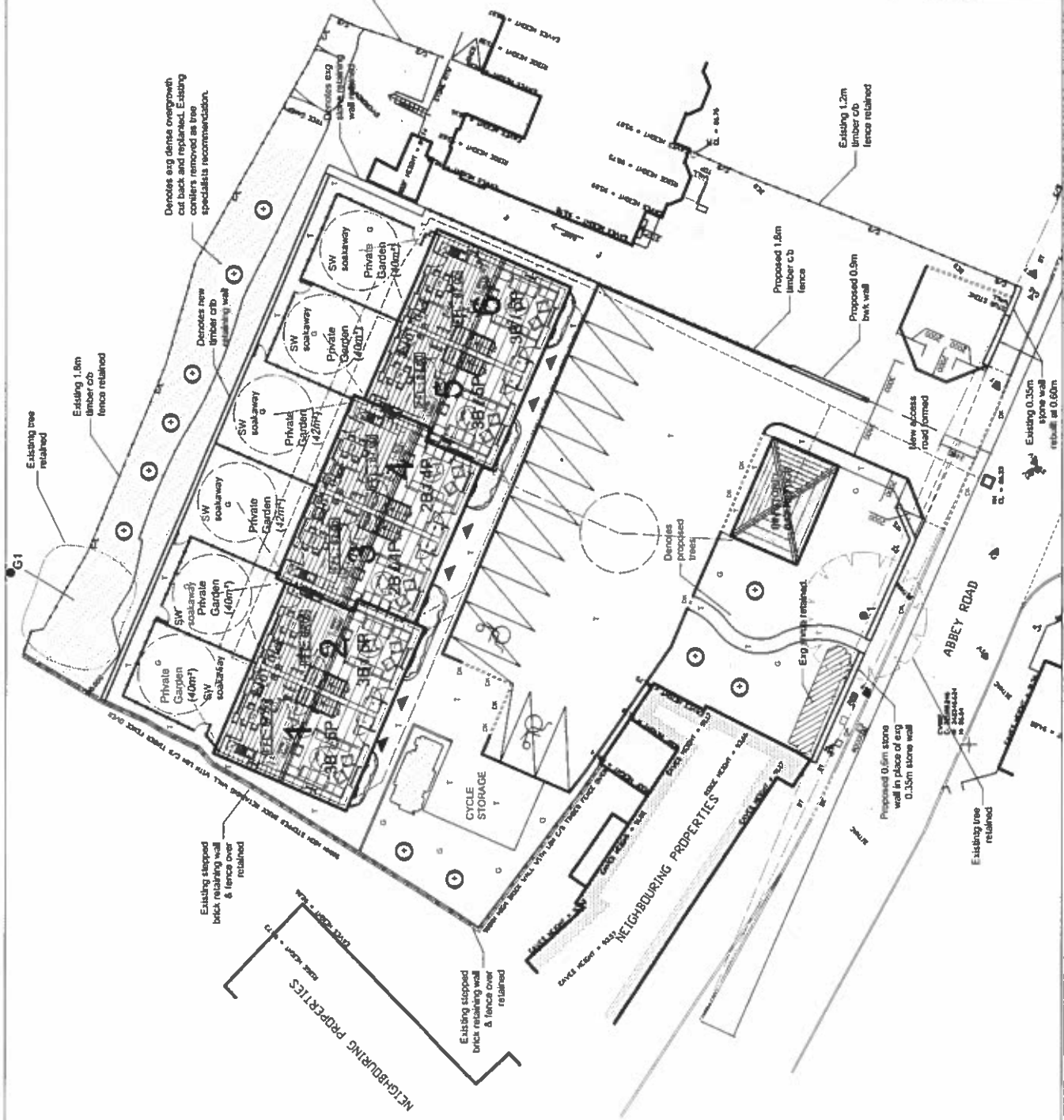
- H 190113 - Updated layout to tree survey.
- F 07/08/19 - Updated layout to meeting with Planners.
- E 30/09/19 - Updated layout to Planning meeting.
- D 02/04/14 - Utility study added for Client meeting with Highways.
- C 29/02/14 - Scheme updated Layout to Client meeting and Highways.
- B 30/07/13 - Additional annotation added.
- A 22/07/13 Unit size / rear garden size amended.

CYMBEITHAS TAI CLWYO  
SITE AS PROPOSED  
(Hospital Site)

Langallan Hospital Sites

6928/L(9)01

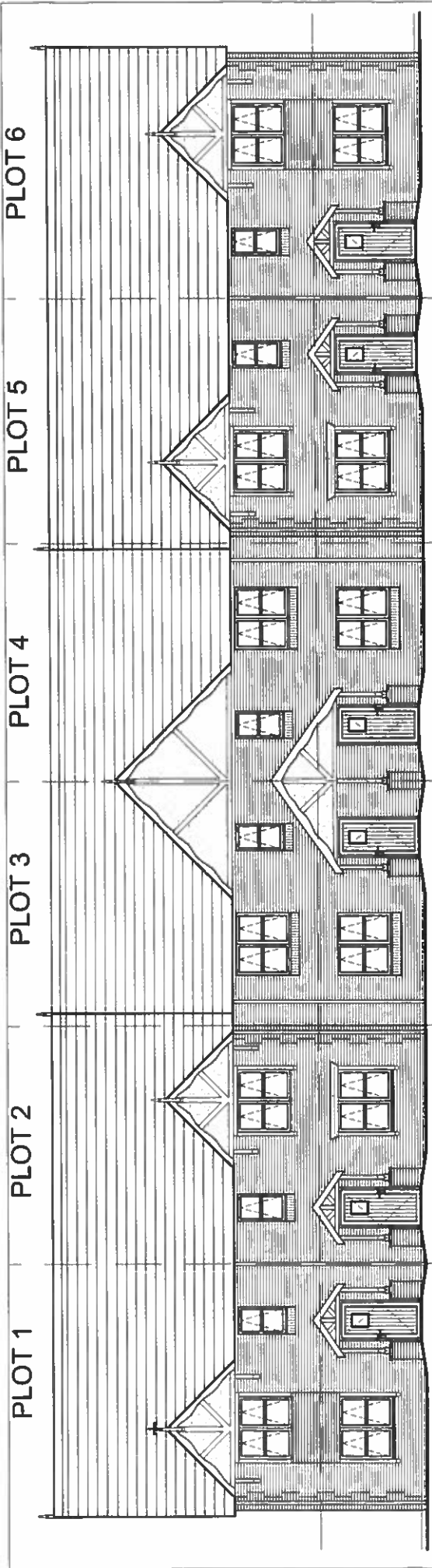
ORIGINAL DRAWING SIZE 420 x 297 (A3)



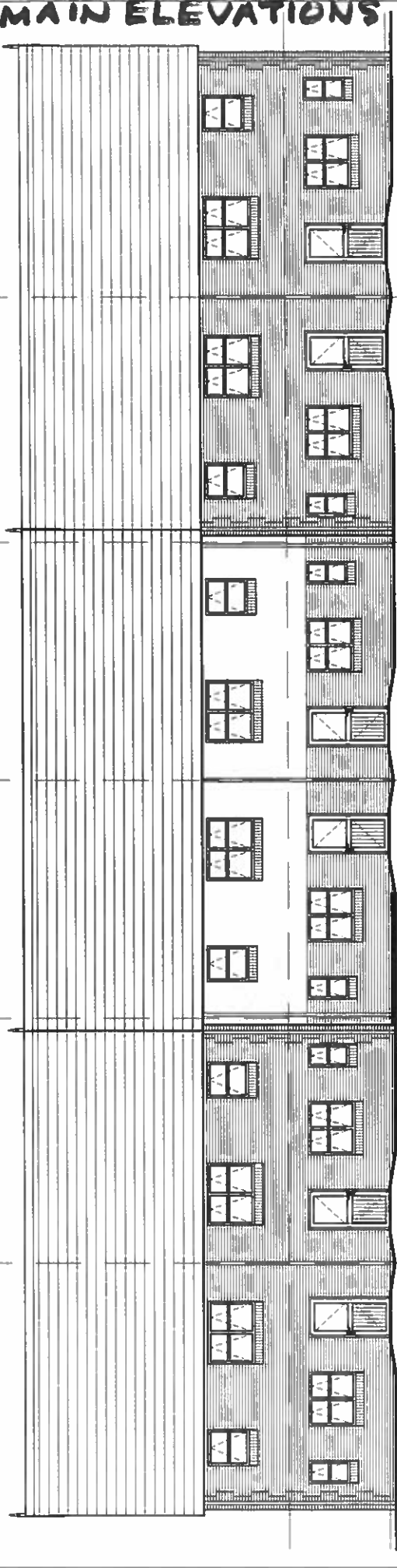




# HOSPITAL SITE MAIN ELEVATIONS



**FRONT ELEVATIONS**



**REAR ELEVATIONS**

**MATERIALS:**

Reconstructed slate roof.  
Timber double glazed window & door units.  
Red brickwork to main walls with buff brick quoins, window heads & cills.  
Render to spandrel panels as shown with koru fascias.  
Traditional style porches & timber oriel bay windows.

1	1:200	1:100	1:100	1:100	1:100
2	1:200	1:100	1:100	1:100	1:100
3	1:200	1:100	1:100	1:100	1:100
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100	1:200	1:100	1:100	1:100	1:100

ORIGINAL DRAWING SIZE 420 x 297 (A3)

0 10 20 50mm NATURAL SCALE



# CAR PARK SITE PROPOSED LAYOUT

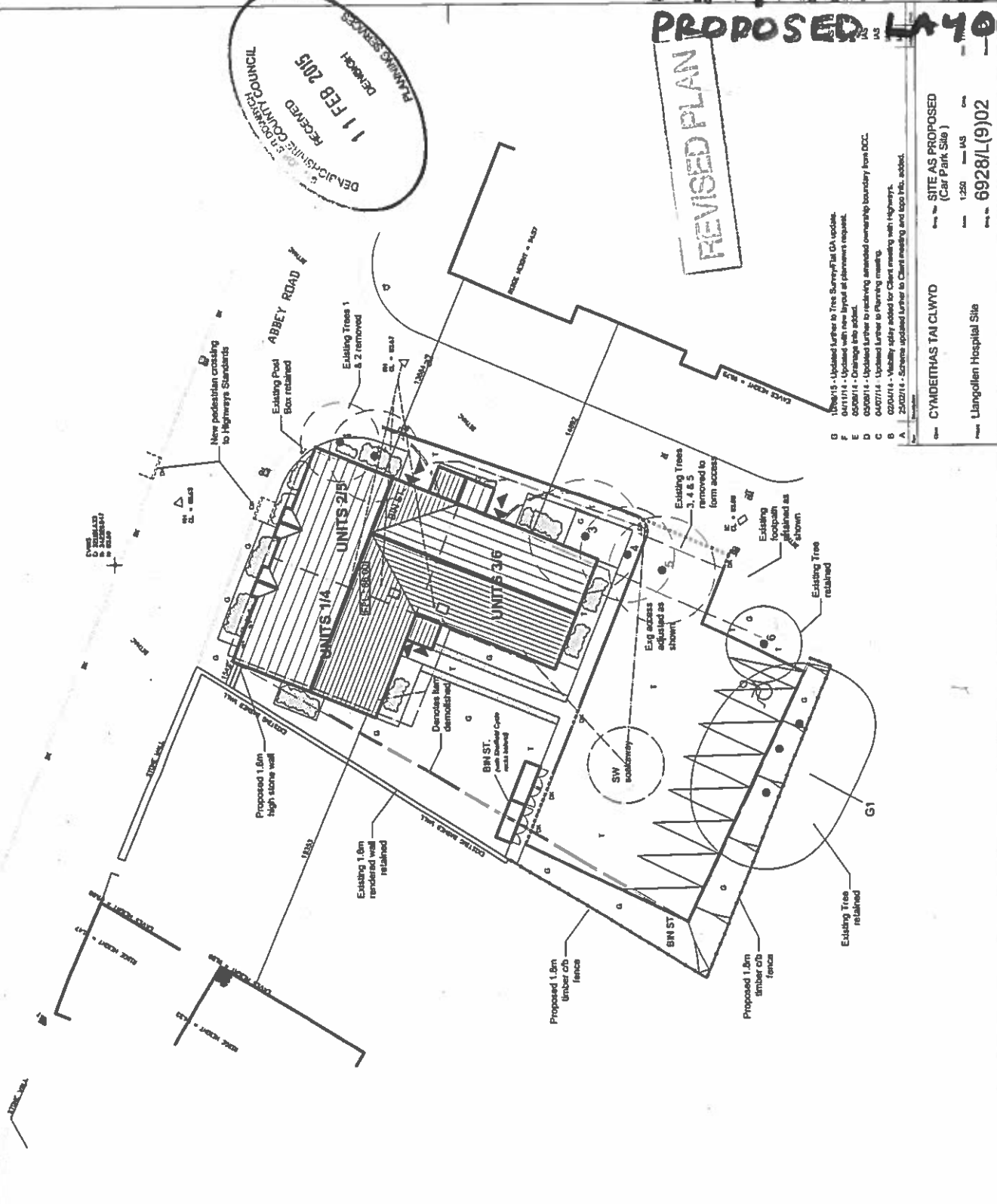
REVISED PLAN

RECEIVED  
11 FEB 2015  
DENBIGHSHIRE COUNTY COUNCIL  
PLANNING SERVICES  
DENBIGH

<b>Schedule of Accommodation</b>	
Apartments	
2 Bed/ 3 Person (66m <sup>2</sup> )	6 units

**KEY:**

- T Denotes area to receive lambshead finish
- O Denotes area to receive grass finish
- Denotes new shrub planting. Exact type to be agreed. Refer also to Planning Schedule.
- Denotes new surface water soakaway & 1:30 associated drainage run.
- Denotes new foul water (1:40) drainage run connecting to erg manhole in road. Exact invert to be established prior to works commencing.



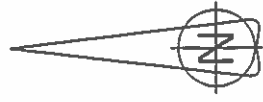
- G 150915 - Updated further to Tree Survey/TAI CA update.
- F 04/11/14 - Updated with new layout at planners request.
- E 05/01/14 - Change the addit.
- D 05/01/14 - Updated further to receiving amended ownership boundary from DCC.
- C 04/07/14 - Updated further to Planning meeting.
- B 02/04/14 - Visually update for Client meeting with Highways.
- A 25/02/14 - Scheme updated further to Client meeting and App Feb. addit.

Client: **CYMRITHAS TAI CLWYD**  
 Site: **SITE AS PROPOSED (Car Park Site)**  
 Scale: 1:250  
 Drawing No: **6928/L(9)02**

Project: **Llangollen Hospital Site**

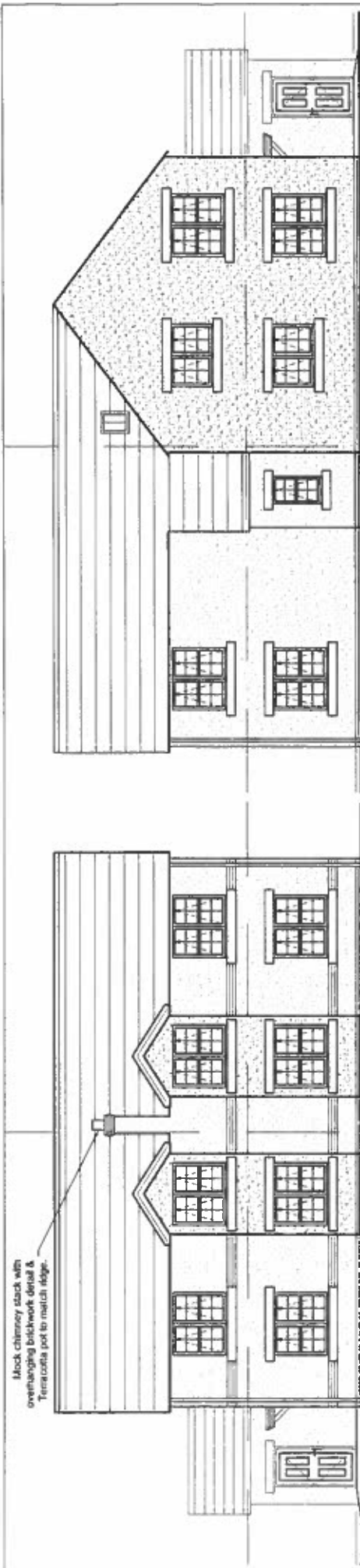
ORIGINAL DRAWING SIZE 420 x 297

0 10 20 50mm NATURAL SCALE



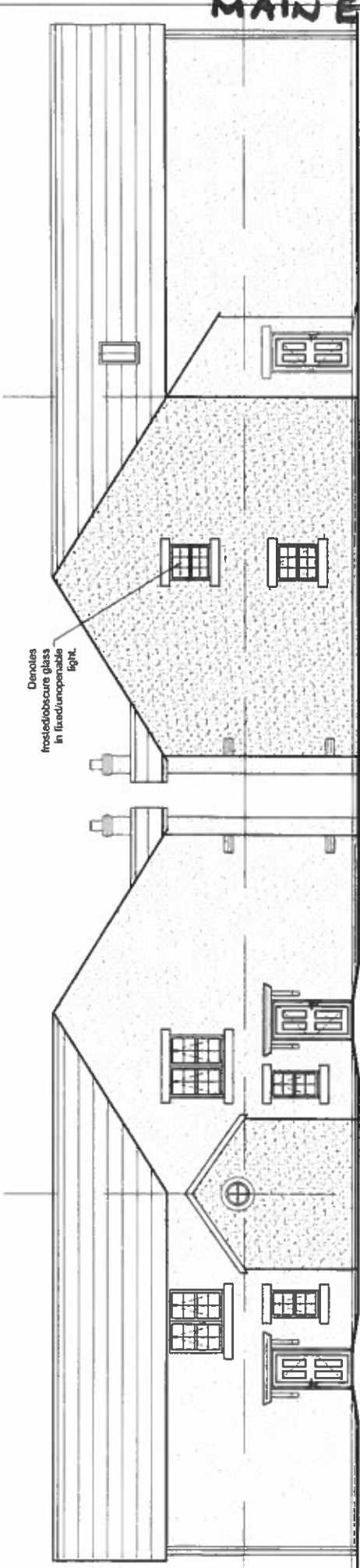


**CAR PARK SITE  
MAIN ELEVATIONS**



**REAR ELEVATION**  
FACING NEW CAR PARK

**FRONT ELEVATION**  
FACING MAIN ROAD



**SIDE ELEVATION 2**  
FACING ADJACENT COTTAGE

**SIDE ELEVATION 1**  
FACING ADJACENT FLATS

**MATERIALS:**

- Slate roofs with terracotta ridge tiles.
- Timber Georgian cottage style double glazed windows & door units.
- Grey smooth render to main walls with grey brick pilasters, brick sitting courses & stone window heads & cills as shown.
- Traditional style timber & leaded porches.
- Painted timber fascias & barge boards.
- Conservation style rooflights as shown.

1:00	1:100	1:200	1:500	1:1000
1:100	1:200	1:500	1:1000	1:2000
1:200	1:500	1:1000	1:2000	1:5000
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1:5000	1:10000	1:20000	1:50000	1:100000
1:10000	1:20000	1:50000	1:100000	1:200000
1:20000	1:50000	1:100000	1:200000	1:500000
1:50000	1:100000	1:200000	1:500000	1:1000000

SYMBOLS FOR TYPICAL FLAT ELEVATIONS

PROJECT: CYMDEITHAS TAI CLWYD  
 LOCATION: Llangollen Hospital Site  
 DRAWING NO: 6846/L(2)06  
 DATE: 12/03/14

ORIGINAL DRAWING SIZE 420 x 297 (A3)



Ian Weaver

**WARD NO:** Llangollen

**WARD MEMBER(S):** Cllr Stuart Davies (c)  
Cllr Rhys Hughes (c)

**APPLICATION NO:** 03/2014/0472/ PF

**PROPOSAL:** Redevelopment of former hospital site by way of demolition of existing buildings and erection of 6 social housing units with associated access and parking provision; and development of ancillary car park opposite by the erection of 6 social housing units with associated access and parking provision

**LOCATION:** Llangollen Community Hospital and Car Park Abbey Road Llangollen

**APPLICANT:** Mr Bryn Davies Grwp Cynefin

**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

**CONSULTATION RESPONSES:**

LLANGOLLEN TOWN COUNCIL

Original response

“Having considered the application, Members had no objections.”

Response to reconsultation

“Members had no objections to the application.”

LLANGOLLEN CIVIC SOCIETY

No objections. Would wish to see stone from demolished buildings used locally to support an embankment to tidy up the area.

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

No response received.

NATURAL RESOURCES WALES

No objections subject to imposition of conditions relating to proposals for bat mitigation.

DWR CYMRU / WELSH WATER

No response received.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Confirms records indicate the site appears to have limited archaeological implications. As the proposals affect a stone hospital building dating to c.1900, a record of its architectural style and present state should be made. Recommend a condition is imposed on any permission requiring a standard photographic survey is carried out.

CADW

Comments only on potential impacts on Scheduled Ancient Monuments or Registered Historic Landscapes, Parks, and Gardens. Does not consider the proposals would be visible from the World Heritage Site and Scheduled Ancient Monument of Pontcysytte Aqueduct and Canal.

GLANDWR CYMRU CANAL AND RIVER TRUST

No comments to make

NORTH WALES POLICE ARCHITECTURAL LIAISON OFFICER

Requests consideration be given to Secure by Design principles.

WALES AND WEST UTILITIES

No objections. Draws attention to apparatus in the locality and the need for liaison in the event of development proceeding.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

Has advised there are no objections to the revised proposals, subject to inclusion of conditions

Conservation Architect

(Original submission)

Notes the character of the area on a scenic route into the town, with a number of Victorian and Georgian buildings, of 3 and 2 storey height. Raised questions over the proposed use of materials and standard house types, and suggested there should be some locally distinctive materials and detailing in relation to windows and doors.

Biodiversity Officer

No objections in principle, but requested further survey information in relation to the Hospital site, clarification of mitigation proposals, details of lighting, etc.

In response to additional details, has updated the Article 16 Assessment which concludes that the development can proceed without a detrimental effect on the maintenance of the favourable conservation status of the soprano pipistrelle population. Recommends the inclusion of conditions to ensure the recommendations in the updated Ecology report are followed, and to control long term site security and monitoring, and the detailing of any lighting.



Archaeologist

No objections. No known archaeological sites within the area proposed for development.

Housing and Community Development Service

There is a clear evidence of housing need within Llangollen for smaller 1 or 2 bedroom properties. The need for social rented properties of this type is clearly evidenced through the Local Housing Market Assessment and waiting lists.

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

M.W. Callaghan, 3 Arnon Terrace, Abbey Road, Llangollen  
M. Crumpton, Chair, Keep Llangollen Special, Hafod y Maidd, Llangollen  
W. Beadle, Jenny Jones, Abbey Road, Llangollen  
M. Dingley-Shortt, 4, Arnon Terrace, Abbey Road, Llangollen  
Mrs. H. Birkenhead, 5, Ger y Ddol, Abbey Road, Llangollen  
S. & R.J. Barber, 3, Ger y Ddol, Abbey Road, Llangollen  
S. Joynson, Fair View, Abbey Road, Llangollen  
Mrs. V.E. Ellis, Fair View Cottage, Abbey Road, Llangollen  
L. Dacourt, 3 Dolafon Villas, Abbey Road, Llangollen  
A. Stevenson, Cwmteg, Abbey Road, Llangollen  
M and C Frodsham, 3 Tan y Ddol, Abbey Road, Llangollen  
J. Williams 3 Rose Cottages, The Geraint, Llangollen  
H. Forde, Bryn Ffynnon, Woodlands Road, Froncysyllte  
C. Lund, Apartment 20, Plas Derwen, Abbey Road, Llangollen  
I. Richards, Cherry Bank Stables, Dark Lane, Burton, Rossett  
S Tuxworth, 4 Vicarage Road, Llangollen  
D. Roberts, Swyn yr Afon, Abbey Road, Llangollen

Summary of planning based representations in objection:

Access / highways concerns

Entrance point to Hospital site development is proposed near a blind bend / would create dangers as traffic travels in excess of 30mph/ reduction in speed limit and traffic calming would be required if scheme proceeds / inadequate parking provision for 6 apartments and visitors on car park site / pedestrian crossing leaves limited braking distance for vehicles approaching round a blind bend and should be relocated to serve Ger y Ddol / limited pedestrian space

Development of hospital car park will result in loss of parking spaces used by local residents by verbal agreement with hospital over 20 years / what alternative is proposed for residents / parking in the town is at best abysmal without taking away this area / inadequate parking for flats on car park site / proposals would reduce visibility for vehicles exiting Ger y ddol

No public transport along Abbey Road as indicated in submission

Development of social housing

Concerns over 'social housing' and potential for problem families being housed in units / too many flats and apartments being built in Llangollen, affecting its character / no issue with properties being sold or part sold as starter homes for young couples but concern over rented properties and potential turnover of occupiers with consequent effect on care and maintenance of units

#### Public health concerns

Presence of asbestos in roofs of buildings to be removed and method of protecting nearby residents /

#### Residential amenity

Impact on privacy of nearby dwellings / overlooking / loss of privacy / overbearing impact / loss of sunlight / need for screen walls / potential overlooking and overshadowing of adjacent gardens / apartments would be close to Llangollen Railway sidings with associated noise and activity / no provision for garden areas for apartments on car park site, or open space within either site / units on car park site should be moved further from Fairview boundary / controls should be considered for construction stage works given congestion at Ger y ddol

#### Visual impact

Loss of attractive, historic stone building not justified / would retaining wall be necessary between railway sidings and apartments on car park site / development on car park site would diminish views of valley by local residents and visitors / why do so many trees on the car park site need to be removed when units could be repositioned / use of external materials needs to be carefully considered, e.g. buff bricks and stone on cills and quoins not red bricks, use of welsh slate / development should be maximum of two storey height / loss of frontage hedgerow regrettable on car park site

#### Ecological impacts

Hospital building contains an established bat roost / proposals to avoid disturbance or relocation need to be developed / barn owls are heard on a regular basis

#### Setting of listed building

Potential impact on the setting of Fairview (Grade II Listed Building )

#### Other matters

Questions over legality of ownership / consideration of application should be stopped pending resolution of dispute over ownership/ decision on application should be delayed until new Health Centre is complete and issue of safe pedestrian access to that site is resolved / if Health Centre scheme falls through the Cottage Hospital site remains an option for refurbishment for that use / hospital or hospital site should be utilised for the community, e.g. a hospice, doctor's surgery / traditional buildings should be preserved Lack of clarity over details, e.g. boundary walls and fences, treatment of trees, proximity to property boundaries / detailing should be resolved prior to any development.

No need for additional housing / preference would be to build social housing on the River Lodge site and retain the hospital for health centre use

What is to happen with No 1 Dolafon Villa

No consideration given to sustainability features, e.g. solar panels  
Inaccurate description of Abbey Road in application documents (refers to commercial hotels, offices and public transport; derelict hospital site, good local shops - which do not reflect reality)

#### **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 seeks full planning permission for development of social housing units for control by Grwp Cynefin Housing Association, on two sites either side of Abbey Road in Llangollen:

- a. The demolition of the former Llangollen Community Hospital on the north side of the A542, and the erection of 6 linked houses (4 three bed/ 5 person units, 2 two bed/ 4 person units), with related access and parking arrangements. The proposal involves creating a Bat refuge / bin store, cycle parking, and separate access to serve the dwellings and a new access to serve No 1 Dolafon Villas, which is outside the application site. The access detailing has been revised since submission of the original plans, moving the main entrance some 15 metres further away from the bend in the A road close to the Jenny Jones.
- b. The erection of 6 apartments (all 2 bed / 3 person units), on land on the south side of the A542 previously used for parking purposes in connection with the hospital, with related access and parking arrangements. Access onto Abbey Road would be as existing, off the entrance serving the adjacent Ger y Ddol development.

The plans at the front of the report show the main details of the development.

1.1.2 The application is submitted by agents acting on behalf of Grwp Cynefin. The ownership certificate confirms notice has been served on Betsi Cadwalladr University Health Board as the owners of the site.

1.1.3 The application was originally submitted in April 2014 and was revised in February 2015. It is accompanied by a number of plans including the layouts for the two sites, the house and apartment detailing, separate Design and Access Statements relating to the two sites, separate Code for Sustainable Homes Pre-assessment reports for the two sites, a bat roost assessment relating to the old hospital buildings, and an Arboricultural Impact Assessment.

1.1.4 The Design and Access Statements provide background information in relation to the proposals :

- The hospital site

The site has been left derelict after closure in early 2013

The erection of new housing would provide much needed affordable residential properties close to the town centre and nearby amenities

Abbey Road is lined by houses of varying ages and styles on both sides

The units are proposed as rented homes under the control of Grwp Cynefin.

Evidence is provided of need for 2 and 3 bed houses in Llangollen.

The units will significantly improve the appearance of the site and street scene, and elevations are designed to a traditional scale reflecting adjoining buildings.

Accessibility issues have been taken into account

A commuted sum payment would be made in lieu of on site provision of open space.

12 parking spaces are proposed, including 2 disabled bays, and secure cycle parking. The level of parking is considered appropriate for the type of development in a town centre location.

Environmental Sustainability standards would be met.

Secure by Design accreditation would be sought in liaison with local police.

- The old car park site

The car park was ancillary to the Community Hospital opposite, and has been left redundant since the hospital closure. Casual use of the car park has been by default and loss of the parking area will not affect the sustainability of Llangollen as a tourist destination. Adjoining properties have their own parking spaces. Use by Llangollen railway volunteers has been without authorisation by the owners. The same points noted in the Statement relating to the Hospital site are repeated in respect of detailing of the units, proximity to the town centre, and local character.

7 parking spaces are proposed, including 1 disabled bay.

Evidence is provided of need for flats in Llangollen.

Secure by Design accreditation would be sought in liaison with local police.

Developing the site for flats is considered to make best use of the site and the nature of the development reflects the demand in Llangollen for flats.

The detailing of the units has been revised following dialogue with the Conservation Officer.

## 1.2 Description of site and surrounding

1.2.1 The sites are located either side of Abbey Road as it runs north west from the centre of Llangollen, the car park site being some 100 metres from St John's Church, and the hospital site being some 180 metres from the church.

1.2.2 The car park site backs on to sidings associated with Llangollen Railway and lies between residential development at Fair View, and the flats at Ger y Ddol. It has a number of trees and hedges on its perimeter and a post box on the Abbey Road frontage. It has a capacity of about 15 cars and has been used historically in conjunction with the Community Hospital and informally by local residents and visitors, and as it has never been fenced off since closure of the hospital, continues to be used on an informal basis. Its vehicular access is off the private road serving Ger y Ddol which feeds off Abbey Road.

1.2.3 The hospital site lies between the old Jenny Jones pub, behind a terrace of 4 dwellings on Abbey Road (Arnon Terrace), and at the side of residential property at Dolafon Villas. It backs on to a steeply wooded bank bordering the Llangollen Eisteddfod field. The hospital site and No. 4 Dolafon Villas is served by a longstanding access onto Abbey Road.

1.2.4 Aside from the Llangollen Railway and the Eisteddfod field, the majority of surrounding properties in the area are in residential use, with a mix of detached, semi detached and linked terrace developments.

1.2.5 Land levels are relatively flat in this area.

### 1.3 Relevant planning constraints/considerations

1.3.1 The sites are within the development boundary of Llangollen in the Local Development Plan, but have no specific use designation.

1.3.2 Fairview, the dwelling to the west of the site, is a Grade II listed building.

### 1.4 Relevant planning history

1.4.1 None of specific relevance to this application.

### 1.5 Developments/changes since the original submission

1.5.1 Officers have engaged in dialogue with the applicants and agents in the course of progressing the application, to seek revisions to the detailing of the proposals. Revised plans and documents clarifying a range of points were received in early February 2015 and a reconsultation has been undertaken with consultees and neighbours/ private individuals on these details. The revised plans include a resiting of the units and parking area on the car park site and an extension of the hospital application site to include for access arrangements to serve No 1 Dolafon Villas.

### 1.6 Other relevant background information

1.6.1 None.

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

2.1 None of relevance to the application.

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

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
Policy RD 1 Sustainable Development and good standard design  
Policy RD 5 The Welsh language and the Social and cultural fabric of communities  
Policy BSC 1 Growth Strategy for Denbighshire  
Policy BSC 4 Affordable Housing  
Policy BSC 11 Recreation and Open Space  
Policy BSC 12 Community Facilities  
Policy VOE 1 Key areas of importance  
Policy VOE2 Area of Outstanding Natural Beauty and Area of Outstanding Beauty  
Policy VOE3 Pontcysyllte Aqueduct and Canal World heritage Site.  
Policy ASA 3 Parking Standards

### 3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note 4: Recreational Public Open Space  
Supplementary Planning Guidance Note 8: Access for all  
Supplementary Planning Guidance Note 22 Affordable Housing in New Developments  
Supplementary Planning Guidance Note 25: Residential Development Design Guide  
Supplementary Planning Guidance : Welsh Language Supplementary Planning Guidance

### 3.2 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014  
TAN 1 Joint Housing Land Availability Studies (2006)  
TAN 5 Nature Conservation and Planning (2009)  
TAN 12: Design (2009)  
TAN 20: The Welsh language – Unitary Development Plans and Planning Control (2000)  
TAN 22: Planning for Sustainable Buildings (2010)

## **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 Change of use from community facility
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Affordable Housing
- 4.1.9 Open Space
- 4.1.10 Density of development
- 4.1.11 Inclusive design
- 4.1.12 Contaminated land
- 4.1.13 Area of Outstanding Natural Beauty/Area of outstanding beauty
- 4.1.14 World Heritage Site considerations
- 4.1.15 Loss of parking area
- 4.1.16 Archaeology

4.2 In relation to the main planning considerations :

4.1.1 Principle

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

The site is located within the development boundary of Llangollen, which is designated as a 'low growth' town in the adopted Local Development Plan.

The principle of residential development in this location is consistent with the policies of the LDP. There is no requirement for a developer to establish the need for dwellings within the development boundary of a town. Officers would respectfully suggest the acceptability of the particular proposals therefore has to rest on the specific impact assessments and assessment against planning policies detailed in the following sections of the report.

4.1.2 Change of use from Community Facility

Policy BSC 12 of the Local Development Plan supports proposals for the provision of community facilities within development boundaries and outside boundaries, where they provide an essential facility to support the community. The second part of the policy refers to change of use from a community facility and indicates proposals could be refused unless it can be shown that the potential for continued use of the facility is unviable or unsuitable.

There are representations suggesting the Hospital should be reopened and that the process relating to the demolition is not completed. There are comments on the facilities offered at the Llangollen Health Centre and at the accessibility of the new Health Centre under construction on Mill Street.

The applicant's agents have advised that the decision to close the hospital was made at a Board meeting of BCUHB in January 2013, following formal public consultation. They state that papers from that Board meeting outline clearly how services would be changed, as a result of which the hospital was no longer required. These changes included the development of a Primary Care Resource Centre in Llangollen, which is currently under construction and is due to open in the summer of 2015. It is indicated that the Site Option Appraisal undertaken for the replacement PCRC development discounted use of the Hospital and the site was declared surplus to use. It is further stated that under Welsh Health Circular (2007) 088 – Affordable Housing Protocol, Health Boards in Wales are obliged to offer any surplus land or buildings considered to have potential for residential development for the development of affordable housing in the first instance. In accordance with the Protocol, the availability of Llangollen Hospital was offered and an appropriate Registered Social Housing Landlord was nominated, resulting in the submission of the planning application for residential development.

In acknowledging local concerns over the closure of the Community Hospital in 2013, it is apparent that this was a decision taken as part of a programme of reorganisation by the Betsi Cadwaladr University Health Board, involving assessment of the principles and the viability of delivering Primary Care in the area. In this context, Officers' opinion is that the planning policy is not an opportunity for the County Council as Planning Authority to pass retrospective judgement on Welsh Government and Health Board procedures on the viability of delivering services, or to question the now historic decision to close the Community Hospital. It is not considered the proposals are in conflict with policy BSC12.

#### 4.1.1 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.

There are objections to the loss of the stone buildings on the hospital site, to the loss of trees and hedgerows on the car park site, and to the impact on the outlook from existing property. The Conservation Officer has been in dialogue with the applicant's agent to secure improvements to the detailing of the development, and this has resulted in the submission of revised plans in February 2015.



In respecting the comments raised, Officers' opinion is that the proposals are acceptable in terms of impact on visual amenity. The original Hospital buildings have been altered and extended over time and are of limited architectural / historic merit. The design and layout of the units on both sites have been improved in collaboration with the Conservation Officer and it is considered that the detailing would be sympathetic to the character of development in the locality. Controls would be necessary over the use of materials on the buildings. There are detailed replanting proposals on both sites which would compensate for the loss of trees. Loss of view across a site is not a matter which could justify a refusal of permission.

#### 4.1.2 Residential amenity

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

There are local concerns expressed over the impact of the development on adjacent property, the absence of any garden areas for the units on the car park site, including potential for overlooking, loss of privacy, noise, and disturbance.

Having due regard to the comments received, Officers do not consider there are any strong residential amenity grounds for resisting this development. Levels of privacy and amenity would be safeguarded through the distances between properties, the orientation and detailing of the proposed units and associated boundary screening and planting. There has historically been a degree of noise and disturbance from activity relating to the Hospital and car park uses of the two sites. The layout on the car park site has been revised to move the flats away from the boundary with sidings at Llangollen Railway, to limit noise and disturbance for occupiers of proposed units. Controls over activities at construction stage can be exercised through the inclusion of appropriate condition(s).

#### 4.1.3 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 concerns expressed by individuals over an established bat roost in the hospital buildings which requires detailed mitigation proposals if development is to go ahead. The County's Biodiversity Officer requested additional information to assess the proposals, and on the basis of this material, has no objections subject to the inclusion of conditions to ensure implementation of specific measures to address impacts.

Subject to the inclusion of conditions as requested by the Biodiversity Officer, it is suggested the proposals would not have adverse impacts on ecological interests.

#### 4.1.4 Drainage

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.

There are no representations expressing concern over the potential effects of development on drainage or flooding.

In relation to drainage matters, it would be appropriate to attach standard conditions in relation to the submission of details prior to the carrying out of relevant site works.

#### 4.1.5 Highways (including access and parking)

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

This is a full planning application showing details of the proposed access and parking arrangements for the two sites. There are concerns from private individuals over the highway / access implications of the development, set out in the summary of representations – primarily issues over the safety of the location of the originally proposed new access to serve the 6 units on the hospital site, and the loss of the parking spaces on the old hospital car park. The plans have been revised to address concerns over the location of the access to the units on the Hospital site and the Highways Officer has advised there are no objections to the proposals, subject to suitable conditions.

It is not considered, having regard to the revised detailing of the proposals, that there are any strong highway grounds to refuse permission here. The access onto Abbey Road from the Hospital site has been relocated further to the east to increase the distance from the bend close to the Jenny Jones, which is acceptable to the Highway Officer. The car park site would have 7 parking spaces, which is less than half that which it has provided as a facility for the Hospital, so it is not considered there are any highway safety issues over the continued use of the existing entrance serving Ger y Ddol. The Highway Officer has no concerns over the number of parking spaces proposed to serve either site.

In relation to comments on the 'loss' of the parking area, it is respectfully to be noted that this has been used in connection with the hospital and its purpose was to service that use. The Hospital use has now ceased. It is essentially private land which residents and visitors have used over time on an informal basis, and there is unlikely to be any legal right for anyone to park there. The land could be fenced off by the owners at any time. In understanding wider issues in Llangollen in relation to the availability of public parking spaces, Officers would recommend strongly against opposing this development on grounds that it involves the loss of a parking area, having regard to the fact it is private land

#### 4.1.6 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units is provided.

The proposal is submitted on behalf of a Housing Association, who have indicated the units would be affordable for rent. There are concerns expressed by private individuals over the provision of social housing and rented properties, including the potential for rapid turnover of tenure. The Housing officers have confirmed support for the application and that there is evidence of need for the type of properties proposed in Llangollen.

Officers' view on the affordable housing issue is that the proposals merit support. There is no requirement to demonstrate need for affordable units on a site within a town boundary. Respectfully, dislike of affordable housing and rented properties and fears of behavioural problems are not reasonable grounds for refusing a planning application of this nature.

#### 4.1.7 Open Space

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

There are representations pointing to the absence of open space on either site. The applicants have advised that the intention would be to meet the Council's Open Space requirements by way of a commuted sum payment.

In Officers' opinion, the offer of a commuted sum payment in lieu of on site provision of open space in connection with a development of this nature involving two small sites with 6 units on each in a town location is an appropriate approach and a sum based on the Council's standard formula for the number of units would be appropriate, contributing to the improvement of recreational facilities in town. The mechanism for payment can be secured through inclusion of a standard condition if permission were to be granted. Private gardens are proposed for all the units on the Hospital site, and there is a communal external area proposed for the flats on the car park sites. The provision of a communal open space area is considered an acceptable option in relation to flat developments.

#### 4.1.8 Density of development

Local Development Plan Policy RD1 test ii) seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density.

There are no representations specifically over the numbers of dwellings proposed and the density of development.

The total site area is indicated as 0.3 hectares on the application form. Application of the density figure referred to in Policy RD1 would give an indicative number of 11/12 dwellings for the site area involved. The development would therefore be consistent with the density figure referred to in RD1.

#### 4.1.9 Inclusive design

Local Development Plan Policy RD1 test (vii) sets out the need to provide safe and convenient access for disabled persons. The requirement to embody the principles of inclusive design in development proposals is set out in Planning Policy Wales (Section 3.4) which outlines accessibility considerations to be given to all development proposals, reflected in TAN 12 Design, TAN 18 Transport, and through the obligation to submit Access Statements as part of most planning applications.

The applicants agents have confirmed that in the course of detailing up the proposals, due regard will be had to legislation and the needs of various groups.

Officers' view on the issue is that the two parts of the site are relatively flat and that the units will be easily accessible at ground floor level. A planning condition and suitable note to applicant should nonetheless be attached to oblige submission of detailed measures proposed to ensure accessibility.

#### 4.1.10 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.

In this instance, there are no representations received which raise issues relating to contaminated land.

Notwithstanding the above, given that sections of the site are close to the sidings of the old Llangollen – Corwen railway, Officers suggest it would be necessary to condition any permission to oblige appropriate actions in the event of any contamination being discovered during site works.

#### 4.1.11 Area of Outstanding Natural Beauty

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

There are no objections raised specifically in relation to impacts on the AONB.

Officers' conclusion is that the development of a total of 12 dwellings on land clearly within the built up area of the town would have no adverse impact on the character and appearance of the AONB landscape, and is therefore in compliance with Policy VOE2.

#### 4.1.12 World Heritage Site considerations

Policy VOE3 of the Local Development Plan relates specifically to development which may impact on the Pontcysyllte Aqueduct and Canal World Heritage Site and its Outstanding Universal Value, and in particular the authenticity and integrity of the attributes which justified its designation. It indicates that development which would lead to harm to the attributes will not be permitted, and refers to the setting of the World Heritage Site as a key material consideration. SPG 26 – Pontcysyllte Aqueduct and Canal World Heritage Site provides guidance on the determination of applications that may affect the Site and its setting. Planning Policy Wales (Section 6.5.24) reiterates that the World Heritage Site is a material consideration in the determination of applications, and that impact on the site and its setting should be carefully considered.

There are no adverse representations raising concerns over the impact of the development on the World Heritage Site, including its buffer zone. CADW do

not consider the proposals would be visible from the World Heritage Site.

In Officers' opinion, the proposals are not likely to result in any harm to the World Heritage Site, its setting or Buffer Zone.

#### 4.1.13 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.

There are no individual representations raising archaeological issues. CPAT have suggested any permission include a condition requiring a photographic survey of the buildings prior to demolition.

Subject to inclusion of the type of condition suggested by CPAT, it is concluded that archaeological interests would not be adversely affected by the development.

#### 4.2 Other matters

##### Ownership

There are representations claiming the Betsi Cadwalladr Trust are attempting to sell property they can not prove ownership of, and that the consideration of the planning application should be stopped pending proper investigation. This matter has been drawn to the applicants attention, and their agents have confirmed that the relevant notice has been served on the Betsi Cadwalladr University Health Board as owners of the sites, and they have completed Certificate B on the application forms to this effect.

Having regard to this background, and with respect to the request to place the application in abeyance, it is not for the Council to pursue ownership matters further. It would not be appropriate for the Council to consider 'stopping' the processing of the planning application. If a permission were to be granted and it was subsequently found that false claims have been made over ownership, then legally the permission could be open to challenge.

Delaying determination of the application pending completion of the new Health Centre. In Officers' opinion it is not appropriate to hold back the consideration of the application to await the completion of the new Health Centre at the Riverside Lodge site, or to deliberate on the adequacy of accessibility of that site, to leave the possibility of reopening the Community Hospital or redeveloping the site for an alternative use.

Decisions on these matters have already been taken by the respective bodies and should have no bearing on the determination of the current application. The Authority has a duty to deal with the current application on its land use planning merits and Officers believe it would be unreasonable to delay a decision to ensure the completion of another development (with a valid planning consent) geared at providing a Health Centre facility for the town. For the record, Welsh Government's Health Minister announced funding for the development of the Health Centre in late May 2014, with a scheduled completion date of June 2015. Work commenced on the Health Centre development in June 2014.

#### Description of the locality in application documents

With respect to concerns over the accuracy of the description of the Abbey Road area in the Design and Access Statement, this is a matter for the applicants, and is not of any significance in the weighing up of the application. The application documents have been revised in part to take account of comments made by objectors.

#### Re- use of stone from demolished buildings

The Civic Society have indicated that stone from the hospital buildings could be used in the vicinity for improvement works. The applicants have confirmed willingness to discuss this at the appropriate time.

## 5 **SUMMARY AND CONCLUSIONS:**

- 5.1 The site is within the development boundary of Llangollen. The principle of residential development is consistent with the housing strategy policies of the Local Development Plan.
- 5.2 The report sets out the main planning issues which appear relevant to the consideration of the application. There are local concerns raised, including over the principle of the development, the impact on nearby dwellings, and highway issues. None of the statutory consultees raise objections to the proposals, and are suggesting the inclusion of conditions to cover matters of detail.
- 5.3 In respecting the basis of concerns, Officers suggest there are no strong land use planning grounds to oppose the development, and it is therefore recommended that permission be granted.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**

Notwithstanding the submitted details, no external wall or roof materials shall be applied on any of the dwellings or associated buildings until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used. No materials other than those approved shall be used.

3. **PRE-COMMENCEMENT CONDITION**

The landscaping schemes for the respective sites shall be carried out prior to the first occupation of any of the units on the site to which they relate. Any trees or plants which, within a period of five years of the 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.

4. In relation to the carrying out of the demolition and highway works, no works shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to details of the site compound location, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes, and proposals for the use of stone form the demolished buildings. The works shall be carried out strictly in accordance with the approved details.

5. No units shall be occupied on either site until the vehicular access and parking spaces have been laid out/constructed in accordance with the approved plans.

6. **PRE-COMMENCEMENT CONDITION**

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before any dwellings are first occupied. The proposals shall ensure that no development takes place within 3 metres either side of any public sewer which crosses the site, and that all foul drainage is directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

7. **PRE-COMMENCEMENT CONDITION**

Development shall not begin until an appropriate photographic survey of the existing buildings on the hospital site has been carried out in accordance with details to be submitted to, and approved by, the local planning authority. The resulting digital photographs shall 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 553670PAT photographic survey

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.



9. **PRE -COMMENCEMENT CONDITION**

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's Policies and Supplementary Planning Guidance in relation to the provision of Open Space in connection with the development.

10. Notwithstanding the submitted plans, none of the flats on the car park site shall be permitted to be occupied until the written approval of the Local Planning Authority has been obtained to the precise detailing of the proposed 1.8 m close boarded fencing along the boundary with Fair View Cottage, including where this is to be sited relative to the existing boundary fence. The approved details shall be completed prior to the occupation of any of the flats, and the fencing shall be maintained as approved at all times thereafter.

11. The development shall be carried out strictly in accordance with the Recommendations in Section 7 of the July 2014 EDC Planning Assessment Survey, including the methodology for works on the Bat Refuge building.

12. **PRE COMMENCEMENT CONDITION**

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to full details of all of the following:

- a. Proposals for the long term site security, surveillance, and monitoring of protected species
- b. Any external lighting, to ensure the bat roost exit / entry point and bat flight paths are not lit

The reason(s) for the conditions(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. In the interests of the amenities of residents and highway safety.
5. To ensure the development is served by adequate parking and access arrangements.
6. To ensure the proper drainage of the site and to minimise the risk of pollution.
7. In the interests of archaeological investigation and recording.
8. In order to ensure that proper measures are taken to deal with any contamination which may be discovered on the site
9. In order to comply with the Council's policy and guidance in relation to open space requirements.
10. For the avoidance of doubt.

11. In order to protect ecological interests

12. In order to protect ecological interests

### **NOTE TO APPLICANTS**

Llangollen Civic Society have suggested that stone from the demolished buildings could be re-used locally and you are encouraged to contact the Society's Chair, Mr. Lawrence, Can y Gwynt, Tower Road, Llangollen, LL20 8TE prior to commencement of site works.

In connection with Condition 10, you are advised to contact the neighbour at Fair View Cottage to discuss the detailing of the proposed fence relative to the existing fence, and arrangements for future access / maintenance.

Your attention is drawn to the attached responses from the Council's Biodiversity Officer and Natural Resources Wales setting out a range of matters you need to be aware of in relation to the implementation of the permission, in particular in respect of protected species, including the need for licencing from Natural Resources Wales. Natural Resources Wales also provide guidance on the principles of Sustainable Drainage schemes which you should be aware of in designing the systems for the development.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 and 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, Road Construction, Specification for Highway lighting installation, Traffic Signs and Road Markings.

# Agenda Item 6

Denise Shaw

**WARD :** Llanfair Dyffryn Clwyd / Gwyddelwern

**WARD MEMBER(S):** Cllr Hugh Evans

**APPLICATION NO:** 10/2014/1168/PFT

**PROPOSAL:** Erection of a single wind turbine of up to 250kw output, maximum blade tip height 48m, and associated development comprising construction of access track, hardstanding, borrow pit, grid connection and switchroom

**LOCATION:** Hafotty Wen Corwen

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Heading:

REFERENCE 10/2014/1168

HAFOTTY WEN

CORWEN

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

Tel: 01824 706800

Fax: 01824 706709



Application Site

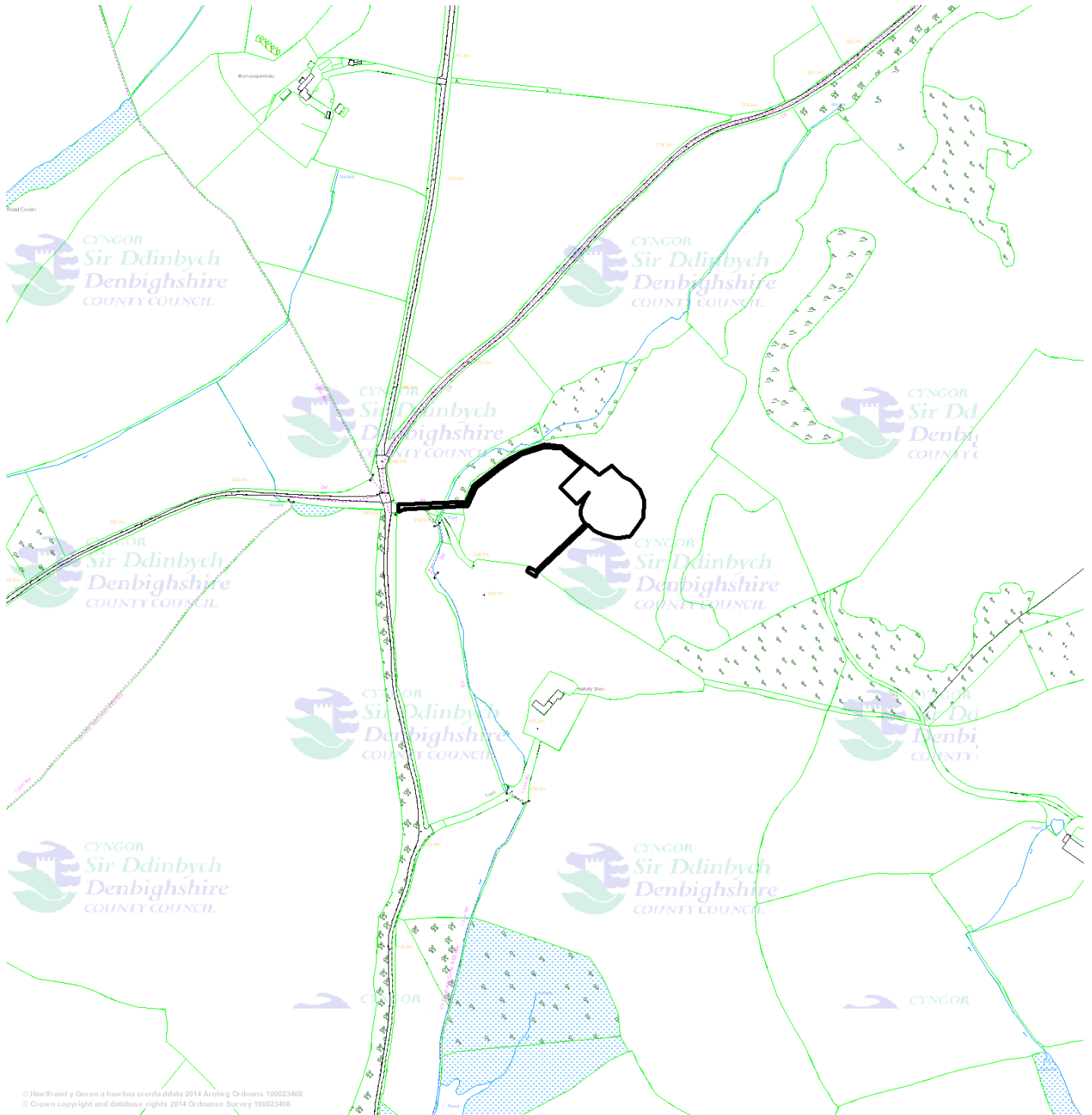


Date 2/3/2015

Scale 1/5000

Centre = 310587 E 346777 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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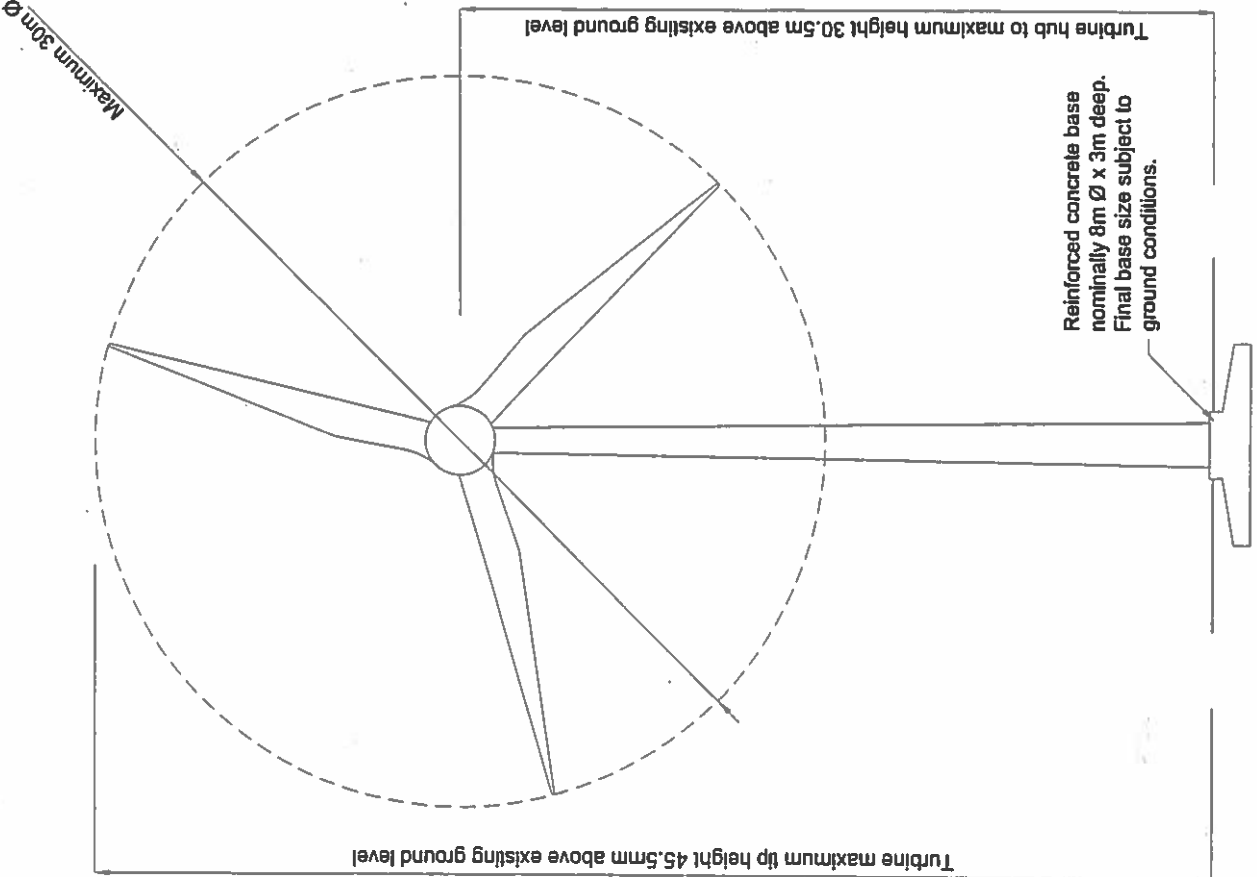
# TURBINE DETAIL

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1. Description 2. Date	3. Scale 4. Sheet No.
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City of San Diego  
 Planning Services  
 RECEIVED  
 - 2 OCT 2016  
 DELIVER

Client: DANA WIND JOBS Project: HAWORTH WIND TURBINE Drawing No.: TURBINE ELEVATION	Date: 10/02/16 Drawing No.: 1568-01-003 Project: HAWORTH WIND TURBINE
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**WARD :** Llanfair Dyffryn Clwyd / Gwyddelwern

**WARD MEMBER(S):** Cllr Hugh Evans

**APPLICATION NO:** 10/2014/1168/PFT

**PROPOSAL:** Erection of a single wind turbine of up to 250kw output, maximum blade tip height 48m, and associated development comprising construction of access track, hardstanding, borrow pit, grid connection and switchroom

**LOCATION:** Hafotty Wen Corwen

**APPLICANT:** Mr.Emyr Wyn Jones

**CONSTRAINTS:** None

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

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

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

LLANELIDAN COMMUNITY COUNCIL *“Llanelidan Community Council has no objections to the above Planning Application.”*

**CORWEN TOWN COUNCIL**

Initial consultation comments: *“confirm that members of Corwen Town Council have no observations to make regarding the following applications... 10/2014/1168.”*

Re-consultation comments: *“Please see below observations regarding the above application from Corwen Town Council:*

- *It is unclear how this can be diversification, it is a very small holding that appears to be operated from Bala.*
- *Opposite the access road is a very important Corwen Scheduled Ancient monument BWRDD Y TRIAGLWYDD - TABLE OF THE 3 LORDS which is the point where the old Lordships converged, which has public access and its setting should be protected from all development*
- *The access road is also (part) a public right of way so should be protected.*
- *The farm holding is very small and its agricultural consumption is estimated to be 10MWs and the Turbines output is 611MWs which far exceeds the requirement for this holding. Having been on site the farm buildings are unoccupied.*
- *There are two other wind turbine being constructed on Maes Truan so there are concerns about the further cumulative effect of a further farm.*
- *There is no community benefit to this project.”*

BRYNEGLWYS COMMUNITY COUNCIL *“Following our meeting, councillors have requested that I write to you regarding the above application. We do not have any comments to make regarding the actual application.”*

GWYDDELWERN COMMUNITY COUNCIL – No comments received.

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY

JOINT ADVISORY COMMITTEE *"The JAC objects to this application. A turbine of this size just 0.8km outside the nationally protected landscape of the Clwydian Range and Dee Valley will be visible from a number of significant vantage points in the AONB and will introduce an intrusive and discordant feature into the landscape. It will have a harmful effect on the setting of the AONB and significant heritage assets and impact on views from the protected landscape and its associated sense of tranquillity, which are recognised special qualities of the Clwydian Range and Dee Valley AONB.*

*The JAC is particularly concerned about the potential impact on the setting, sense of place and views from the important heritage asset of Caer Drewyn Hillfort, which is within the AONB. Views of the surrounding area are an important component of the former defensive purpose of this Ancient Monument and are an integral part of the historic character and atmosphere of the site. A significant part of the ridgeline of the Clwydian Range is clearly visible from Caer Drewyn, including Moel Famau and a number of other hillforts dating from the same period, and the proposed turbine will impact on the intervisibility of these monuments which has been the subject of recent archaeological research. These views have been compromised to some extent by the existing overhead electricity line and the recently permitted Maes Truan turbine (45.07m to blade tip), but the JAC considers that an additional turbine of this size closer to the monument and sited on a more prominent hillside will have a significant cumulative adverse effect on its setting and context. The desktop archaeological evaluation submitted with the application acknowledges that "visual significance" can be attributed to the relationship between the monument and the proposed turbine "as views from the hilltop across the landscape were an important defensive feature, and today it has a relationship to a fairly long-ranging setting." The evaluation concludes that the influence of views of the proposed turbine upon the setting of heritage assets such as Caer Drewyn is unknown and that a more detailed assessment may be required. The JAC is of the view that the development will have an adverse impact on the setting of the monument.*

*The development is described as a farm diversification scheme, but the JAC notes that the land ownership associated with the application site is very limited in extent and has annual energy consumption in agricultural use estimated at approximately 10MWh. The estimated annual output of the turbine is 611MWh. There is one dwelling on the site, but the turbine has the capacity to meet the needs of 145 dwellings. In this context, the JAC would suggest this is a commercial development in a sensitive area of open countryside and should be assessed as such.*

*It is noted that since submitting the application revised plans have been lodged showing the blade tip height of the proposed turbine increased to 48m, but this has not been reflected in the published description of the development.*

*In summary, the JAC believes that this development will have a harmful effect on the special qualities and features of the Clwydian Range and Dee Valley contrary to the statutory purpose of AONB's, which is to conserve and enhance their natural beauty.*

*Finally, the JAC would ask the Planning Committee to note that officers do carry out site visits for significant development proposals affecting the AONB when formulating a response, and have done so in this instance."*

NATURAL RESOURCES WALES – NRW objects to the proposal as the proposal may adversely affect the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

Protected Landscapes: The statutory purposes of AONBs are conservation and enhancement of natural beauty.

NRW note the proposed turbine would be seen in middle distance views from the Caer Drewyn hillfort, an important visitor destination within the AONB. The view northwards is panoramic and the viewers attention is drawn towards two notable characteristics – the windfarm landscape to the northwest in the Clocaenog Forest Strategic Search Area and three turbines at Gwyddelwern; and the Clwydian Range to the north east, which forms a dramatic skyline with

lower rural farmed hills in the middle distance crossed by pylons, which whilst evidence do not intrude on the scenic qualities of this view. NRW note a turbine at Maes Truan was granted at Committee in October in 2014 and consider the combination of two turbines at Maes Truan and Hafotty Wen would consolidate the presence and impact of wind development within views from the AONB and result in a cumulative significant adverse effect.

Protected species: NRW has no records of bats classified as being high risk from wind turbine development in this area. As turbine would be in excess of 50m from linear / habitat features, the proposal is unlikely to be detrimental to bat populations.

Protected sites: The proposal will not affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

MINISTRY OF DEFENCE – No response received.

NATIONAL AIR TRAFFIC CONTROL SERVICES (NATS) - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, no safeguarding objection to the proposal.

AIRBUS – No aerodrome safeguarding objection to the proposal.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer – No objection. Advisory Notes to be drawn to the applicants attention.
- Footpaths Officer – Public Footpath 16 (Brynegwlys Community) crosses part of the development area. Hence, this Public Right of Way must not be compromised and the measures to safeguard the public right of way should be applied.

Pollution Control Officer - The applicant has now changed the turbine type to overcome issue of cumulative noise with the Maes Truan turbine. Revised cumulative noise assessment has been submitted and this shows that the turbine should not cause a significant exceedence of the 35dBLA90, 10min cumulative noise limit for wind speeds up to 10m/s at 10m height.

The turbine should therefore be limited to the noise levels stated in Table 4 of the noise assessment submitted in the supporting documentation.

The other standard wind turbine noise conditions should also be added too.

Ecologist - No objection to the proposal providing the recommendations within this Ecological Appraisal report summarised in Section 6 of the report are implemented in full.

## **RESPONSE TO PUBLICITY:**

### **In objection**

Representations received from:

Pauline Baines - Ty Newydd, Cae Du, Corwen  
Mrs Pat Prabhu - Cefn y Bidwal, Bryneglwys  
Maggie and John Brooker, Bryn Ysguboriau, Llanelidan x 2 (consultation and re-consultation responses received)

Michael Skuse on behalf of the Campaign for the Protection of Rural Wales (CPRW) – Clwyd Branch

Summary of planning based representations in objection:

### **Principle / Need**

- Not part of an agricultural holding therefore not diversification – Hafotty Wen is a small holding and turbine of the size proposed is out of scale for the size of the holding.
- Proposal is a commercial enterprise and should be treated as such.

Landscape / visual impact (including cumulative effects & impact on AONB)

- proliferation of turbines in south Denbighshire
- extremely prominent and could set a precedent for development along the ridge
- concern that access road and related works would scar landscape
- the position of the turbine should be reconsidered
- close proximity to Maes Truan turbine – visual impact of two large turbines in such close proximity is unacceptable
- cumulative detrimental visual impact
- close to important ancient monument Caer Drewyn and would without question affect views from hillfort
- 0.8km from AONB and close to Maes Truan turbine – would add to the industrial clutter on the hillside.

#### Comments on accuracy of supporting information

- Landscape Assessment concludes impact on views would be adverse, but compares turbines to other structures such as pylons - not valid comparison as pylons are stationary structures.
- Question the accuracy of Noise Report as it uses Manufacturer's standard sound power levels for the turbine for the purposes of the noise assessment, despite the fact that the proposed turbine, and the Maes Truan turbine have both modified since the standard noise data was derived.

#### Amenity / Noise (including cumulative effects)

- Close to Maes Truan turbine – noise level from two large turbines in close proximity is unacceptable.
- Noise Report does not take address amplitude modulation.
- Noise Report does not take into account the fact that there are 3 properties at Cae Du.
- Cumulative noise at Bryn Ysguboriau would be 35.4dB, which is above the recommended 35dB, however this has been rounded down – if turbine is microsituated closer to property, this may increase the noise.
- Value peace and quiet – impact of two turbines within 500m of dwelling would take away quality of life.

#### Residential visual amenity

- affect outlook from neighbours properties and would be bulk of rotating blades would be visible from garden and from habitable windows of neighbour, and due to proximity to neighbours (455m away) would have a significant effect on residential amenity.
- Screening from vegetation is seasonal – will not screen views from neighbouring properties in winter.

#### Highways / access

- Preparations for access road seem excessive.

#### Biodiversity

- Rich biodiversity along ridge would be damaged.

#### Archaeology

- area has rich history and may be of archaeological value

#### **In support**

J Lloyd, J Lloyd and Sons Ltd Structural and Agricultural Engineers, Yr Efail, Bryn S.M, Corwen  
 N. Morris, Bryn S.M Service Station, Bryn SM, Corwen  
 A.G Jones, T.G Jones Plant Hire & Building Contractor, Lletty, Gwyddelwern,  
 M.E Jones, Lletty, Gwyddelwern.  
 G Jones, Tyddyn Angharad, Corwen  
 H Roberts & family, Tyn y Celyn, Gwyddelwern

#### Principle / Need

- Welsh family in involved in enterprise and success would mean wider future within more opportunities to remain in area.
- Proposal will support local family to live and work in community
- Will help local economy / create business
- Farm diversification – help to invest in the farm business
- Good for environment

Noise / amenity

- Will not have any noise or visual impact on Tyddyn Angharad

**EXPIRY DATE OF APPLICATION: 09/12/2014**

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal is for a single wind turbine with a rated capacity of up to 250kW and with a tip height of 48m.
- 1.1.2 The turbine shown on the elevation plan has a maximum hub height of 30.5m, a maximum rotor diameter of 35m and a maximum tip height of 48m which would be erected on a reinforced concrete base with a diameter of approximately 8m and up to 3m in depth.
- 1.1.3 The model of turbine currently being considered which could be installed within the parameters of the proposal is the Endurance X35Q 180kW. This turbine model has been used for the purposes of the noise assessment.
- 1.1.4 The proposal also consists of the following elements:
  - Site access via an existing farm access point which would be widened to accommodate construction vehicles.
  - Approx. 330m of new access track measuring approximately 4.5m in width.
  - A borrow pit close to the turbine location which would be used as a source of stone to construct the access track.
  - Crane hardstanding / laydown area with an area of 500m.sq (20m x 25m). The harstanding / laydown area would be reinstated following construction and soil removed from site would be bunded onsite to be re-used during the reinstatement.
  - Switch room with a building footprint of 7.2m by 4.7m approximately, 100m from the turbine which would be connected via an underground cable. The building would house the transformer, switch gear and other associated electrical equipment.
- 1.1.5 The turbine would be erected using two mobile cranes and it is anticipated that following construction and curing of the concrete turbine foundation it would take 2 weeks to erect the turbine. Details of construction and operational traffic and routing are set out in the Planning Statement.
- 1.1.6 Following construction of the turbine, the hardstanding / laydown area would be covered over with previously stripped soils and seeded so the field can be reinstated to its former use, with the exception of the access track and turbine base which would remain.

1.2 Description of site and surroundings

- 1.2.1 The proposed wind turbine would be located on land at Hafotty Wen, approximately 2.5km north of Carrog, 4km north east of Corwen and 3.2km east of Gwyddelwern.

- 1.2.2 The land is agricultural pasture forming part of a smallholding associated with Hafotty Wen farmhouse, which is currently unoccupied.
- 1.2.3 The site is part of a wider landscape of undulating hills which separate the valleys of the River Dee to the south and the River Clwyd to the north.
- 1.2.4 There are a number of individual residential properties in the locale of the site, with the following within a 1km radius of the site: Bryn Tangor approx. 450m to the south-west; Bryn Ysguboriau approx. 485m to the north-west; Maes Truan approx. 725 m to the north-east; Ty'n y Mynydd approx. 905m to the north-east; Bryn Eithin, Ty Newydd and Cae-Du approx. 635m to the south; and Highgate approx. 935m to the west.
- 1.2.5 There is one financially involved property – Hafotty Wen farmhouse approx. 175m to the south-west, which is currently unoccupied and Officers understand it has not been occupied for a number of years, however there is extant planning permission for a replacement dwelling.
- 1.2.6 The site is approx. 650m from the site of a 225kW wind turbine at Maes Truan, which is pending planning consent subject to the entering of a Section 106 Agreement.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of defined development boundaries and is in the open countryside.
- 1.3.2 The Clwydian Range and Dee Valley AONB is to the east and south of the site and at its closest point, the site is approx. 0.8km from the AONB boundary.
- 1.3.3 A Public Right of Way runs to the south of the site and is approx. 18m from the proposed access track at its closest point. The access track would need to be traversed to access the Public Right of Way.
- 1.3.4 The site is 650m to the south-west of a 225kW wind turbine at Maes Truan farm, which Planning Committee resolved to grant in October 2014, subject to a Section 106 Agreement.
- 1.3.5 There is 1 scheduled ancient monument within 1km of the site and 13 within 5km site, including the Caer Drewyn hillfort.
- 1.3.6 There are 2 Grade II listed buildings within 1km of the site – Bryn Tangor residential property 450m to the south-east and a medieval boundary stone 550m to the west.

### 1.4 Relevant planning history

- 1.4.1 A replacement farmhouse at Hafotty Wen was granted permission in 2014.
- 1.4.2 Planning Committee resolved to grant a 225kW turbine at Maes Truan farm, 650m to the north-west of the application site at Planning Committee in October 2014, subject to a Section 106 Agreement. The Section 106 Agreement has now been signed and the Decision notice will be issued shortly, and therefore it is likely that this turbine will be consented at the time of the Planning Committee meeting.

### 1.5 Developments/changes since the original submission

- 1.5.1 The proposed turbine type was amended in response to issues of cumulative noise being raised. This resulted in the turbine dimensions being altered and the overall tip height being increased from 45.5m to 48m.
- 1.5.2 As a result, an amended elevation plan, application form and noise report have been submitted together with a 'Further Information' Statement which explains the changes to the proposal and in part supersedes sections of the Planning Statement.
- 1.5.3 The Further Information Statement also seeks to establish the farm diversification merits of the application.

### 1.6 Other relevant background information

- 1.6.1 Officers consider the Appeal Decision on a proposed wind turbine at Lletty is material, given the location of the site and concerns raised regarding the impact of the proposed turbine on the AONB and in particular on the Caer Drewyn hillfort.

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

- 2.1 10/2014/0613. Demolition of existing dwelling, outhouses and outbuildings, erection of replacement detached dwelling, detached garage / workshop building, installation of a new replacement septic tank and associated works. Granted 02/10/2014 (Delegated).



2.2 19/2014/0702. Installation of a wind turbine 30.5m hub height and 54.07m to blade tip, control box and associated works. Resolution to Grant at Planning Committee October 2014 subject to a Section 106 Agreement (S.106 agreement has been signed and Decision Notice to be issued before March 2015 Planning Committee).

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

The main planning policies and guidance are considered to be:

#### 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE5** – Rural economy

**Policy VOE1** - Key areas of importance

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

**Policy VOE5** – Conservation of natural resources

**Policy VOE9** – On-shore wind energy

**Policy VOE 10** – Renewable energy technologies

#### 3.2 Supplementary Planning Guidance

#### 3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

TAN 8 Planning for Renewable Energy (2005)

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

WELSH GOVERNMENT PRACTICE GUIDANCE

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

#### 3.4 Other material considerations:

Denbighshire Landscape Strategy (2003) / LANDMAP

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

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

### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

4.1.1 Principle

4.1.2 Context for the development

4.1.3 Landscape and visual impact (including impact on AONB)

4.1.4 Residential visual amenity

4.1.5 Noise

4.1.6 Shadow flicker

4.1.7 Ecology

- 4.1.8 Highways
- 4.1.9 Aviation and Radar
- 4.1.10 Other matters

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

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

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

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

##### Denbighshire Local Development Plan Policies

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

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

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

##### 4.2.2 Context for the development

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

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

A Further Information Statement was submitted with the application which states the proposal is a farm diversification scheme.

The AONB JAC and public objectors have questioned the validity of the farm diversification merits of the scheme and also the relationship the turbine would have with an operational farm complex; however letters in support of the application have made reference to the wider benefits of on-farm turbines to help sustain farming businesses and in-directly support the rural economy.

TAN 6 does not quantify what is meant by a 'small on-farm renewable energy operation', however the Council has previously given weight to the farm diversification merits of turbines with a tip height of less than 50m which are proposed on farms. However, Officers consider this proposal differs from previous schemes where farm diversification merits have been given significant weight as there is no existing farming enterprise operating from Hafotty Wen. Hafotty Wen is a smallholding which forms part of the applicant's agricultural landholdings and at present the land is used for rough grazing by the applicant and neighbouring farmers; the farmhouse is not currently occupied and no other farming activities operate from the site.

The Further Information Statement states that planning permission has been obtained for a replacement dwelling at Hafotty Wen and the intention is for the applicant's son to reside at Hafotty Wen once the replacement dwelling has been built, who will then actively farm the land on behalf of the applicant. The Statement therefore states the turbine would assist Hafotty Wen becoming a viable and sustainable agricultural enterprise and it should be considered to be a viable form of farm diversification.

Officers note however, the replacement dwelling planning application at Hafotty Wen was not proposed as an agricultural workers dwelling and no reference was made to the need for the replacement dwelling in connection with an agricultural enterprise in the application documents. Therefore, once completed, there is no requirement for the replacement dwelling or the land to be used for agricultural purposes and this would essentially be an open market dwelling.

Officers therefore consider little weight should be given to the possibility that the smallholding would be actively farmed in the future once the replacement dwelling is completed, and only the current farming activities should be taken into account. As the land is a smallholding that is used for grazing only, and the turbine would not be physically connected to any farm complex, Officers consider very little weight should be apportioned to the farm diversification merits of the scheme, and instead consider the turbine should be assessed on its own merits having regard to other the other material considerations set out in this report.

#### 4.2.3 Landscape and visual impact (including impact on AONB and on scheduled ancient monuments)

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

The Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development (Sensitivity and Capacity Study) is a material consideration. Officers also consider the Lletty Appeal Decision is a material consideration given the proximity to the AONB and the impact on views from the Caer Drewyn hillfort.

The turbine site is close to the Clwydian Range and Dee Valley AONB which extends to the east and south of the site and at its closest point is 800m from the boundary.

Natural Resources Wales and the AONB Joint Advisory Committee have both raised an objection to the proposal on the basis of it giving rise to an adverse, cumulative impact on the Clwydian Range and Dee Valley AONB, and in particular on views from the Caer Drewyn

hillfort, which is a publically accessible Scheduled Ancient Monument and within the AONB. Public objections have also raise concerns on landscape and visual impact grounds.

A Landscape and Visual Impact Assessment has been submitted in support of the application which has been informed by LANDMAP and the visual impact of the turbine in the study area of 15km radius from the turbine has been assessed.

The LVIA includes a cumulative impact assessment and an assessment of visual residential amenity (the latter is detail with separately in the section below). 5km and 15km Zone of Theoretical Visibility Plans have also informed the application together with wireframes, cumulative wireframes and photomontages from 5 no. viewpoints including the Caer Drewyn hillfort.

In light of the consultation responses, Officers consider the key issues relate to the impact on effects of the development on views from the AONB, and the cumulative effects.

With regards to the impact on the AONB designation, the LVIA considers the effects on receptors within the AONB would not be significant as it would be seen within the context of typically long-rang and panoramic views where other wind turbine and pylons are already visible. The LVIA considers the small-scale change in view would that would derive from the introduction of the proposed turbine would not materially affect the statutory purposes or special qualities of the AONB.

The cumulative assessment in the LVIA has assessed the impact of the proposal in combination with existing and consented schemes. It concludes that the proposed turbine would be seen to be physically separate from the turbines within the Clocaenog Forest SSA and smaller on-farm turbines which are present in the Gwyddelwern area along the A494 corridor. It does consider there would be a localised cumulative impact on landscape character when the proposed turbine is considered with the Maes Truan turbine. Whilst the LVIA argues that landform would reduce the visibility of both turbines together, it does acknowledge that whilst the underlying character of the landscape would remain, the influence of wind turbines upon this would increase incrementally and therefore cumulative effects on character would occur, but would not be significant.

In conclusion, the LVIA considers the proposed turbine would have a limited and localised effect upon landscape character and upon views, but that would not be significant. It also considers views of the turbine would be seen in the context of expansive panoramas where overhead pylons and other larger turbines are already visible.

The site is within the Hills south of Llanelidan LANDMAP Visual and Sensory Aspect Area and within the Sensitivity and Capacity Study, the proposed turbine is within Landscape Unit D5 (Edeirnion Hills), which is in Landscape Strategy Area 3. The Edeirnion Hills Landscape Unit is characterised as being a medium scale landscape comprising a complex pattern of rounded and interlocking hills and valleys and has an overall medium-high sensitivity to wind energy developments due to the number of sensitive visual receptors, some prominent skylines and inter-visibility with adjoining high value landscapes included the Clwydian Range and Dee Valley AONB. The presence of existing wind turbines within both this area and adjacent landscape units slightly reduces the sensitivity of the local landscape to further wind energy development. The objective of the Landscape Strategy Area 3 is 'landscape protection' in areas that lie or contribute to the outlook and setting of the AONB, defined in the Sensitivity and Capacity Study as "*no wind energy development or very infrequent smaller scale development*". Elsewhere the object is for '*landscape accommodation*', which is defined as "*a landscape with occasional wind energy development*". Given the proximity of the turbine from the AONB boundary and the extent of land within the AONB which falls within the theoretical zone visibility, Officers would consider the site would lie within the landscape protection category and therefore the emphasis should be on no wind development or very infrequent smaller scale development.

The statutory purposes of Areas of Outstanding Natural Beauty are conservation and enhancement of natural beauty, and therefore Officers consider special regard should be had on the impact of the proposal on the statutory designation.

NRW note that the proposed turbine would be seen in the middle distance of views from Caer Drewyn hillfort, a scheduled ancient monument and an important visitor destination within the Clwydian Range and Dee Valley AONB. The view northwards is panoramic and the viewer's attention is drawn towards two notable characteristics of the view - the wind farm landscape to the north west associated with the Clocaenog Strategic Search Area and three turbines at Gwyddelwern; and the Clwydian Range to the north east, which form a dramatic skyline lined with lower rural farmed hills in the middle distance crossed by pylons. NRW disagree with the LVIA submitted with the application and do not consider the turbine would be seen in the context of pylons, as whilst they are evident in the landscape, pylons do not intrude on the scenic qualities of this view, whereas NRW believe, the turbines would have an adverse effect.

NRW acknowledge the presence of a turbine at Maes Truan farm in close proximity to the site, and consider the combination of the two wind turbines (consented Maes Truan and proposed Hafotty Wen turbine) would consolidate the presence and impact of wind development within views from the AONB and result in a cumulative significant adverse effect.

The AONB JAC has also objected to the proposal and again their comments focuses on the impact of the proposal on important outwards views from a number of significant vantage points within the AONB, which would introduce a discordant feature in the landscape.

The AONB consider the proposal would have a a harmful effect on the setting of the AONB and significant heritage assets and impact on views from the protected landscape and its associated sense of tranquility, which are recognised special qualities of the Clwydian Range and Dee Valley AONB. The JAC have also raised particular concern regarding the potential impact on the setting, sense of place and views from the important heritage asset of Caer Drewyn Hillfort. Views of the surrounding area are an important component of the former defensive purpose of this Scheduled Ancient Monument and are an integral part of the historic character and atmosphere of the site. A significant part of the ridgeline of the Clwydian Range is clearly visible from Caer Drewyn, including Moel Famau and a number of other hillforts dating from the same period, and the proposed turbine will impact on the intervisibility of these monuments which has been the subject of recent archaeological research. The JAC acknowledge that these views have been compromised to some extent by the existing overhead electricity line and the recently consented Maes Truan turbine (45m to blade tip), but the JAC considers that an additional turbine of this size closer to the monument and sited on a more prominent hillside would have a significant cumulative adverse effect on its setting and context.

Given that objections from statutory consultees focus on the impact on the setting of the AONB and on views from the Caer Drewyn hillfort, Officers consider the Lletty Appeal Decision is material. Whilst the Lletty turbine was a larger scale and the Appeal decision was issued before the Maes Truan turbine had been consented, Officers consider the Inspectors comments are still relevant. Specifically:

*8. The appeal site is close to the Clwydian Range and Dee Valley AONB, and the proposal falls to be considered against national and development plan policies that aim to protect the character and appearance of the AONB and its setting. The proposed wind turbine would affect the setting of the AONB, both in terms of views towards it and views from it. The Appellant has carried out a landscape and visual impact assessment of the proposed scheme, including recent work on views from several vantage points within the AONB. The general conclusions of that assessment are that visual impacts from most of the AONB would be slight or negligible. However, the impact is assessed as a "medium" change from the south-western parts of the AONB, including from the important Caer Drewyn Hillfort, and as having a "moderate" cumulative visual effect.*

*9. The Appellant argues that there would be no unacceptable adverse cumulative impacts and that AONB visitor enjoyment would not be adversely affected. I disagree with this broad dismissal. The proposed new wind turbine would be seen in the middle distance from an important part of the AONB, which is particularly sensitive to change; it would appear out of place in its scale and form compared with the group of wind turbines at Tyn y Celyn; and it would intensify the wind turbine landscape in this part of the County. Even though the Appellant's assessment is of a moderate cumulative visual impact, I consider the visual impact on the setting of this part of the AONB to be more substantial and unacceptably harmful, contrary to the aims of the relevant development plan and national policies.*

Therefore whilst the consent for a turbine at Maes Truan has introduced wind turbine features into an area of the county which was previously unaffected by wind turbine development, and to some extent the integrity of the view from the Caer Drewyn hillfort has already been compromised, Officers consider it necessary to ensure every effort is taken to protect the setting of, and views from within the AONB, from adverse cumulative effects that may arise as a result of additional wind turbine development.

The proposed turbine is also in an area of the county which is visually separate from the established windfarm landscape in the Clocaenog Forest to the west, and from the clusters of smaller scale wind turbines in the Gwyddelwern area.

The proposed turbine would be physically closer to the AONB boundary than the consented Maes Truan turbine and, as wireframe images for viewpoint 2 submitted with the LVIA show, the proposed turbine would be clearly visible from the Caer Drewyn viewpoint and the full blade length would cross the skyline which Officers consider would be visually distracting. Officers would also agree with the views of NRW and consider that whilst pylons are visible in the landscape, as they are static and commonplace structures they would not be discordant features in the landscape, whereas turbines are moving structures and would be viewed in a different context, In this case the blades would breach the skyline, which would draw the eye of the viewer towards it, and when viewed in combination with the Maes Truan turbine, the addition of the proposed turbine would consolidate the impact and presence of turbines in this location.

Officers also refer to the Sensitivity and Capacity Study objective for Landscape Strategy Area 3 which is 'landscape protection' in areas that lie or contribute to the outlook and setting of the AONB, which is defined as "no wind energy development or very infrequent smaller scale development". Whilst a single turbine at Maes Truan could be considered to be 'very infrequent smaller scale development' Officers would be of the opinion that the presence of two turbines in such close proximity could not.

Officers therefore consider the proposed turbine in such close proximity to a consented turbine at Maes Truan farm would serve to consolidate the presence of wind turbine development in this area of the county, which would have a harmful effect on the setting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and would result in a cumulative adverse effect on outward views from the Caer Drewyn hillfort, a scheduled ancient monument and important visitor destination within the AONB. The proposal is therefore considered contrary to Local Development Plan policy VOE 1, VOE 9 and the advice and guidance contained in the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development.

#### 4.2.4 Residential visual amenity

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

Neighbours have raised objections regarding the visual impact of the turbine and the impact this would have on their residential amenity.

Residential visual amenity means visual amenity from residential properties including their gardens. Whilst there is no published guidance on how impacts on residential amenity should be assessed, with respect to wind turbine development, there is a number of planning appeals that have examined the issue of residential visual amenity, which most notably includes the Sixpenny Wood, Enifer Downs and Burnthouse Farm Appeals. Having regard to these Appeal Decisions, Officers would consider the relevant residential amenity test to be whether or not the proposed turbine would have an unacceptable overbearing and / or oppressive impact on a residential property.

The LVIA includes a section on residential visual amenity. Only properties within ten times the rotor diameter of the site have been included in the residential visual amenity assessment–Hafotty Wen, and it concludes that landform and vegetation would screen views from this property and therefore considers the visibility of the turbine would not materially affect living conditions.

Objections from neighbours have also raised concerns regarding residential visual amenity, however no other properties were included in the assessment. The nearest properties other than Hafotty Wen farmhouse are over 450m from the site, and whilst the turbine may be visible from garden areas and from habitable windows in neighbouring properties, given the size of the turbine, the landform and the separation distances, Officers would consider the extent of the effect on these properties could not be considered to meet the threshold of being unacceptably overbearing and / or have an oppressive impact that would make neighbouring properties unattractive places to live.

In conclusion, Officers would consider that whilst the turbine may be visible from neighbouring properties and therefore would alter the outlook from these properties and may effect amenity in terms of having a detrimental impact on the quiet enjoyment of a private dwelling, the impact is not considered to be of an extent that could warrant a refusal of planning permission based on adverse impact to residential visual amenity.

#### 4.2.5 Noise

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

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

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

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

A revised noise assessment has been provided with the application following amended turbine details being submitted. The cumulative effects of the proposed turbine in combination with the consented turbine at Maes Truan have been assessed.

Officers have compared the noise levels used for the Maes Truan turbine in the noise assessment with the current application, with the noise assessment submitted for the Maes Truan turbine to ensure the noise levels used are appropriate. There is some slight variation between the levels and so Officers have checked the cumulative levels using the noise data from both assessments.

The table below contains the predicted noise levels from each of the turbines (*figures in italics are the values from the Maes Truan noise assessment report and the cumulative noise level in italics has been determined by Public Protection Officers*):

Location	Predicated noise levels (dB LA90 at 10 m/s at 10m height)		
	Hafotty Wen (Endurance X35Q)	Maes Truan (Endurance X29)	Cumulative Noise Level
Hafotty Wen (FI property)	41.1	27.9 <i>(29.2 in MT assessment)</i>	41.3 <i>(41.4 using MT level)</i>
Maes Truan (Maes Truan FI property)	27.5	47.2 <i>(not in MT assessment, but conditioned to not exceed 45)</i>	47.2
Ty'n y Mynydd (Maes Truan FI property)	23.9	41.0 <i>(not in MT assessment, but conditioned to not exceed 45)</i>	41.1
Bryn Ysguboriau	32.0	32.8 <i>(31.9 in MT assessment)</i>	35.4 <i>(35.0 using MT level)</i>
Bryn Tangor	30.3	27.4 <i>(28.9 in MT assessment)</i>	32.1 <i>(32.7 using MT level)</i>
Bryn Eithin	29.2	23.4 <i>(24.7 in MT assessment)</i>	30.2 <i>(30.5 using MT level)</i>
Cefn-y-Wern	23.9	33.6 <i>(32.9 in MT assessment)</i>	34.0 <i>(33.4 using MT level)</i>
Ty'n y pant	21.0	33.5 <i>(32.7 in MT assessment)</i>	33.7 <i>(33.0 using MR level)</i>

Hafotty Wen is a financially involved property and ETSU guidance advises a higher level of 45dB can be applied in this instance.

At properties which do not have a financial interest in the turbine the cumulative noise should not exceed 35dB. The consent for the Maes Truan turbine has a planning condition attached which requires the noise from the turbine to not exceed 35dB cumulatively at any unrelated dwelling that legally existed at the date of the planning consent. In respect to the current proposal, the noise from the proposed turbine in combination with the consented turbine should not exceed 35dB cumulatively at any unrelated property.

The noise from the Maes Truan turbine at the two financially involved properties (Maes Truan and Ty'n y Mynydd) is conditioned to not exceed 45dB. At properties which have a financial interest in the consented Maes Truan turbine, but not the proposed turbine, the Council would need to be satisfied that the noise from the proposed turbine would not result in any perceivable increase in cumulative noise.



Whilst the noise assessment presented with the current application indicates that the noise level from the Maes Truan turbine would exceed the 45dB limit at the Maes Truan farmhouse, the noise from the proposed turbine would not result in any cumulative increase – i.e. the noise from the consented Maes Truan turbine would mask any noise from the proposed turbine at this property. With regards to the Ty'n y Mynydd property, the cumulative noise would be only 0.1dB above the noise levels from the consented Maes Truan turbine, and whilst this would be a slight exceedance, Public Protection Officers have advised that a 0.1dB increase would not be perceivable and therefore the very minor exceedance would be acceptable.

With regards to the five properties included in the assessment which have no financial involvement with either turbine – Bryn Ysguboriau, Bryn Tangor, Bryn Eithin, Cefn-y-Wern and Ty'n y pant – the cumulative noise from both the consented turbine and the proposed turbine should not exceed 35dB cumulatively. For the avoidance of doubt, Officers have used the data from the noise assessment submitted with the current application and the noise data from the Maes Truan turbine noise assessment. In either scenario, the only property which would be at, or slightly above the 35dB cumulative limit is Bryn Ysguboriau.

Public Protection Officers have acknowledged the exceedance of 35dB cumulative level, but have advised that it is common practice to round down decimal points to the nearest whole number, and therefore the predicated cumulative noise level of 35.4dB could be rounded down and Public Protection Officers are satisfied that the proposed turbine should not cause a significant exceedance of the 35dBLA90, 10min cumulative noise limit for wind speeds up to 10m/s at 10m height.

Public Protection Officers have therefore requested that the exact noise limits contained in the noise assessment should be conditioned to ensure that the stated cumulative levels are not exceeded.

Public objections have raised concerns regarding the noise from the turbine, including the occupiers of Bryn Ysguboriau, who are particularly concerned with the approach to rounding decimal points down to the nearest whole number. Concerns have also focussed on the use of generic sound power levels for the turbine provided by the manufacturer which objectors feel may not represent the actual noise output of the current model of turbine as the design and specification of the turbine has been modified since the sound power levels were derived.

Officers acknowledge at each of the five unrelated properties the cumulative noise from the consented and proposed turbine is likely to be audible and may impact on residential amenity, and in particular at Bryn Ysguboriau, which would be the most affected unrelated property in terms of noise. However, Public Protection Officers have advised that, based on the information provided in the noise assessment, the proposal has demonstrated that it can comply with the ETSU simplified noise condition guidance as no significant exceedance of the 35dB cumulative limit would occur. On that basis, Officers would therefore conclude that, whilst the proposed turbine would have a noise effect that may impact on residential amenity, the levels at Bryn Tangor, Bryn Eithin, Cefn-y-Wern and Ty'n y pant would not exceed the 35dB level and the exceedance at Bryn Ysguboriau is not of a level that could warrant a refusal of planning permission as Public Protection Officers have advised that 35.4dB would in practice be rounded down to 35dB, and it would therefore not be at an unacceptable level.

It is considered therefore that the proposal would not result in an unacceptable impact on residential amenity in terms of noise which could warrant a refusal of planning permission.

#### 4.2.6 Shadow flicker

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

The incidence of shadow flicker depends on the position of the sun in the sky. It only occurs at certain times and tends to only affect nearby buildings within 130 degrees either side of

north which are within 10 rotor diameters of a turbine. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The proposed rotor diameter is 35m, therefore the potential impacts should only be experienced up to 350m from the turbine location, and only then within 130 degrees either side of north. Only the financially involved property is within 350m of the proposed turbine location, and therefore it is reasonable to conclude that shadow flicker should not occur at any unrelated property.

However, as shadow flicker analysis is not an exact science, should planning permission be granted, as a precautionary measure Officers would advise a planning condition should be imposed requiring mitigation measures to be applied should the incidence of shadow flicker be experienced by any nearby unrelated properties. Subject to the inclusion of a planning condition to this effect, it is reasonable to conclude that the proposal would comply with policy VOE 9 and VOE10 with respect to shadow flicker.

#### 4.2.7 Ecology

The general requirements to consider the impact of development on biodiversity interests are set out in PPW Chapter 5, TAN5, and LDP policy VOE 5. VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2). Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity and mitigation proposals.

An Ecological Appraisal has been submitted with the planning application which concludes that the proposal would not have an unacceptable impact on any ecological assets subject to a suite of mitigation and enhancement measures being carried out.

The Council's Biodiversity Officer has not raised an objection subject to a condition being applied requiring the recommendations, mitigation and enhancement measures being carried out. NRW has also not raised an objection to the proposal with regards to impact on Protected Species.

In light of the comments from statutory consultees, subject to a planning condition being applied to ensure the recommendations, mitigation and enhancement measures set out in Chapter 6 of the Ecological Appraisal are complied with, Officers conclude the scheme would not have an unacceptable impact on nature conservation, and is not in conflict with VOE 5 and VOE 9.

#### 4.2.8 Highways (including access and parking)

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

The Planning Statement contains details of the construction and operational traffic required in connection with the construction and operation of the turbine and also details of the proposed traffic routing along the public highway to the site. No changes or improvements to the local highway are proposed for construction / decommissioning or during operation and the Statement states that it is not anticipated that an abnormal indivisible load (AIL) would be required.

The site would be accessed via an existing gated field access point, which would be widened to accommodate construction traffic and approx. 330m of new access track is required which would be 4.5m in width and would be semi-permeable compacted stone over a geo-textile membrane with crushed stone finished surface slightly above ground level.

The Council's Highways Officer has not objected to the application and has not requested any additional information to be provided either pre-application or by way of a pre-commencement condition. Officers would therefore conclude that the proposal would not have an adverse impact on the local highway or have any other adverse transport impacts.

#### 4.2.9 Aviation

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

No objections from an aviation authority have been received. Specifically, NATS and Airbus has not objected to the scheme, and the MOD, at the time of drafting the report, have not responded to consultation however the applicant had provided a copy of their correspondence with the MOD as part of the application which confirms the MOD has no concerns with the proposal.

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

#### 4.2.10 Archaeology / Historic assets

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. Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them.

An Archaeological Desk-Based Assessment has been submitted with the application. Within 1km of the site 1 scheduled ancient monument (Bwrdd y Traglwydd) and 13 within 5km of the site including the Caer Drewyn hillfort. There are two Grade II listed buildings within 1km of the site.

Whilst there would be no direct effect on any historic assets, the proposal may affect the setting of historic assets, and in particular on scheduled ancient monuments (SAMs).

Both the AONB JAC and Corwen Town Council have raised concerns regarding the impact of the proposal on archaeological assets, specifically the Caer Drewyn hillfort scheduled ancient monument and the Bwrdd y Triaglwydd scheduled ancient monuments (SAMs).

The desktop archaeological assessment that "visual significance" can be attributed to the relationship between the Caer Drewyn hillfort SAM and the proposed turbine "as views from the hilltop across the landscape were an important defensive feature, and today it has a relationship to a fairly long-ranging setting." The evaluation concludes that the influence of views of the proposed turbine upon the setting of heritage assets such as Caer Drewyn is unknown and that a more detailed assessment may be required. The AONB JAC is of the view that the development will have an adverse impact on the setting of the monument.

Corwen Town Council note that *opposite the access road is a very important Corwen Scheduled Ancient monument 'Bwrdd Y Triaglwydd - Table Of The 3 Lords' which is the point where the old Lordships converged, which has public access and its setting should be protected from all development.*

The applicant has responded to the concerns of the Town Council; they have stated that the proposed development would not have any direct impact on the Bwrdd y Triaglwydd monument, given its location within a field to the west of the road. Considering the setting of the applicant considers the existing tree and hedgerow boundary treatments and the presence of roads and farm properties limits the magnitude of impact to the monument.

With regards to from the Caer Drewyn Hillfort, there would not be any direct impact, however as stated in the Landscape and Visual impact section above, Officers consider the proposal would have an adverse impact on views from the monument. As the views from the hillfort across the landscape were an important defensive feature, Officers would therefore conclude that the proposal has the potential to also adversely affect the setting of the monument.

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

- 5.1 The report sets out a number of considerations Officers suggest are relevant to the determination of this application. As with all wind energy developments, inevitably there will be factors that weigh against and in favour of the grant of planning permission.
- 5.2 The proposed turbine has been put forward as a farm diversification scheme. Whilst the Council has previously given weight to the farm diversification merits of wind turbine applications which have been put forward as on-farm schemes, Officers consider this scheme differs from previous proposals. The agricultural unit is a smallholding that is currently used for rough grazing. The farm buildings are redundant and Officers understand the farmhouse has been unoccupied for some time; however there is an extant planning permission for a replacement dwelling at Hafotty Wen. The replacement dwelling however was not put forward as an agricultural workers dwelling or in connection with any farming enterprise and the majority of the redundant agricultural buildings would be demolished. The supporting information states the intention is for the applicant's son to live at Hafotty Wen once the replacement dwelling has been constructed and actively farm the land, however potential future uses of land cannot be given significant weight, and there is no requirement for the replacement dwelling to be occupied by an agricultural worker and it would in effect be a market house. Officers recognise that there is no definition of 'small scale renewable energy operations' referred to in TAN6, however as there is not an existing operational farm complex at Hafotty Wen and the land is used for grazing purposes only, Officers consider very little weight should be attributed to the farm diversification merits, but acknowledge the benefits need to be considered against other material considerations.
- 5.3 The Landscape and visual impact, including the cumulative effects of the proposed turbine in combination with the consented 225kW turbine at Maes Truan farm and impact on residential amenity, specifically noise, are considered to be the most significant material considerations.
- 5.4 The noise report submitted with the application has demonstrated that the turbine could comply with the 35dB cumulative noise limit at four unrelated neighbouring properties, and would only result in a slight exceedance of the 35dB at Bryn Ysguboriau, which Public Protection Officers have not raised an objection to. Whilst the cumulative noise from the consented and proposed turbine would be audible from neighbouring properties and may have an impact on amenity, subject to the application of specific planning conditions to control the noise levels at neighbouring properties, the proposal should not give rise to any unacceptable impact on residential amenity in terms of noise which would be of a level which would be detrimental to quality of life.
- 5.5 Officers retain concerns over the sporadic spread of 'one-off' medium / sub-local authority scale turbines, which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term and in particular the impact of wind energy development on protected landscapes such as the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 5.6 In concluding on the issue of landscape and visual effects, Officers consider the installation of a single wind turbine with a tip height of 48m in this location in close proximity to a consented turbine at Maes Truan farm would serve to consolidate the presence of wind turbine development in this area of the county, which would have a harmful effect on the setting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and would result in a cumulative adverse effect on outward views from the Caer Drewyn hillfort, a scheduled ancient monument and important visitor destination within the AONB.

5.7 The benefits of the scheme in terms of increased renewable energy generation are material; however Officers consider on balance the benefits do not outweigh the adverse visual impacts, and therefore recommend the application is refused.

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

1. It is the opinion of the local planning authority that a wind turbine proposed in such close proximity to a consented turbine at Maes Truan farm would serve to consolidate the presence of wind turbine development in an area of the county which is visually separate from the established windfarm landscape within the Clocaenog Forest area to the west and from the clusters of smaller scale wind turbine developments in the Gwyddelwern area, which would have a harmful effect on the setting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and would result in a cumulative adverse effect on outward views from the Caer Drewyn hillfort, a scheduled ancient monument and important visitor destination within the AONB. The proposal is therefore considered contrary to Local Development Plan policy VOE 1, VOE 9 and the advice and guidance contained in the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development.

**NOTES TO APPLICANT:**

None

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# Agenda Item 7

Ian Weaver

**WARD :** Denbigh Upper / Henllan

**WARD MEMBER(S):** Cllr Colin Hughes  
Cllr Geraint Lloyd Williams

**APPLICATION NO:** 28/2014/1204/ PF

**PROPOSAL:** Demolition of existing agricultural centre buildings and erection of 15 dwellings, alterations to existing vehicular access and associated car parking (renewal of planning permission code no. 28/2008/0578)

**LOCATION:** Ty Coch Farmhouse Ty Coch Street Henllan Denbigh

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Heading:

REFERENCE 28/2014/1204  
TY COCH FARMHOUSE,  
TY COCH STREET, HENLLAN

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

Tel: 01824 706800 Fax: 01824 706709

 Application Site

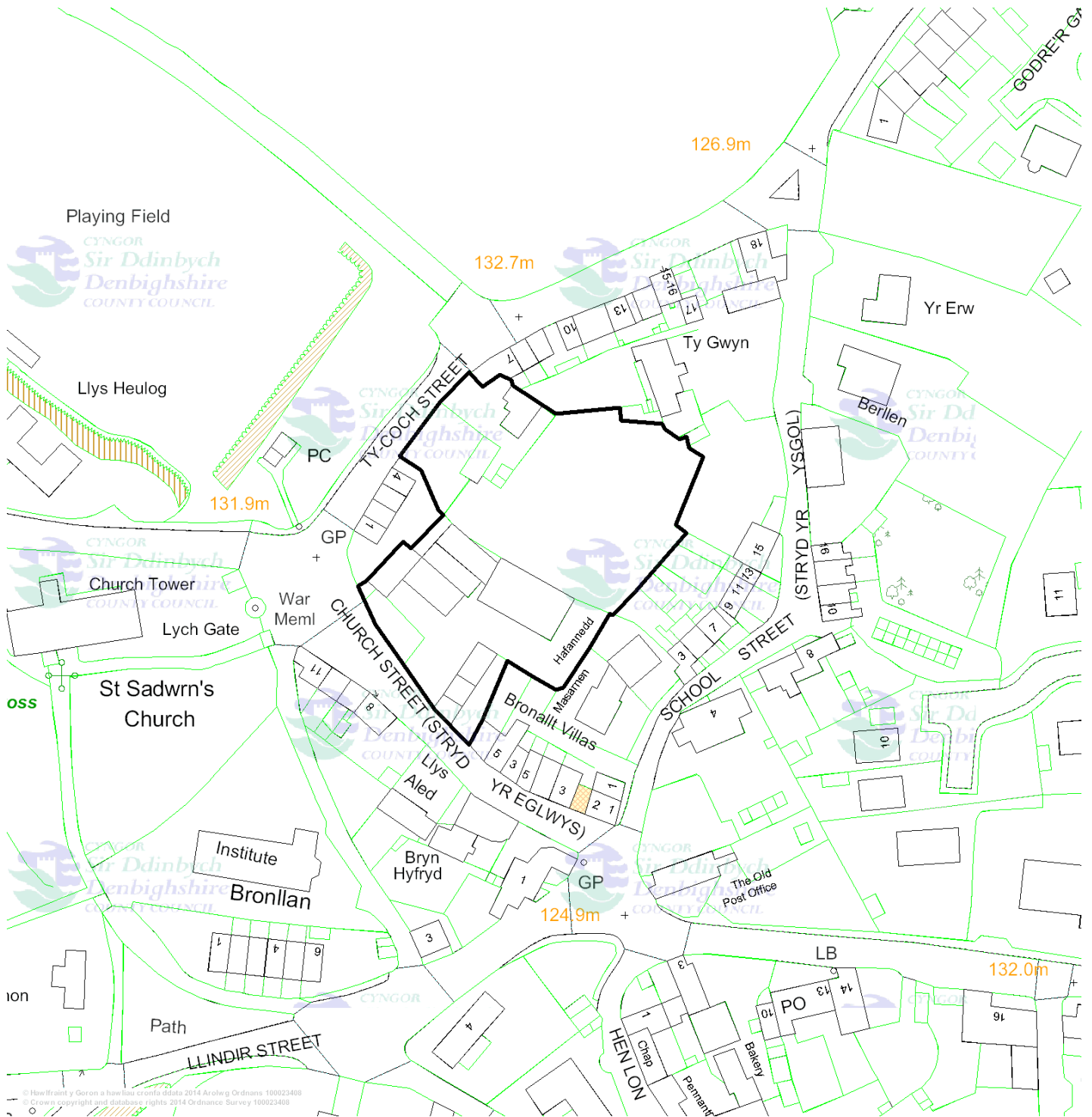


Date 2/3/2015

Scale 1/1250

Centre = 302335 E 368194 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.





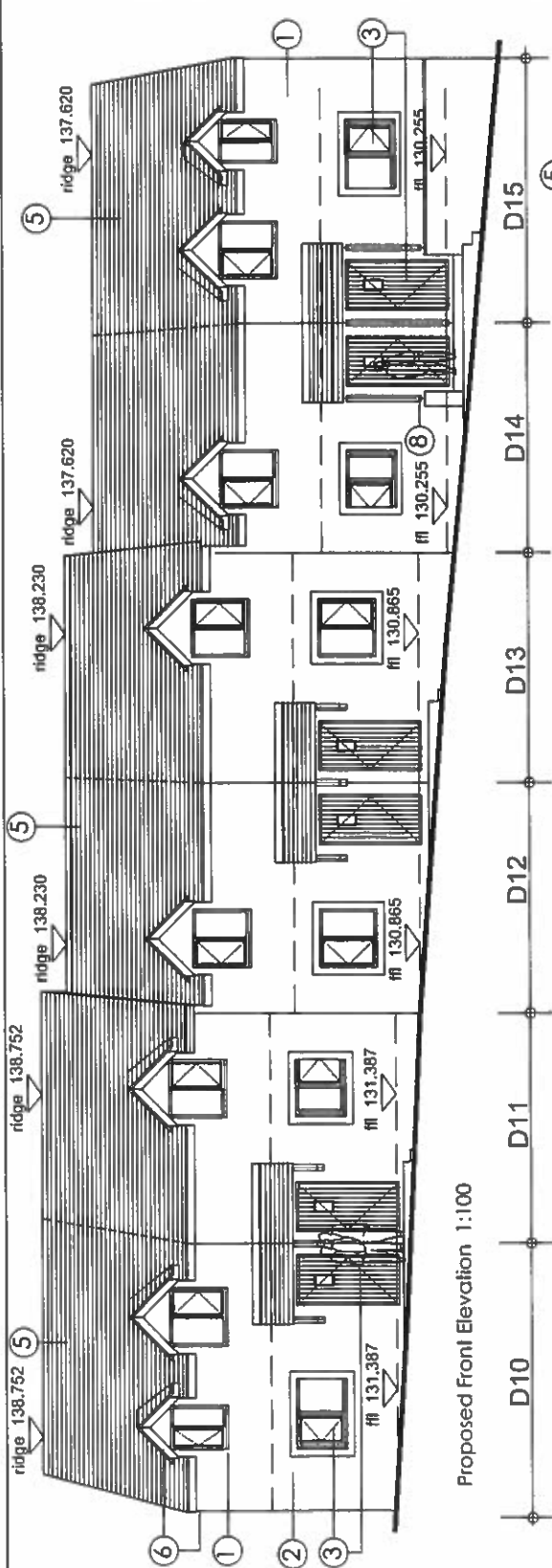




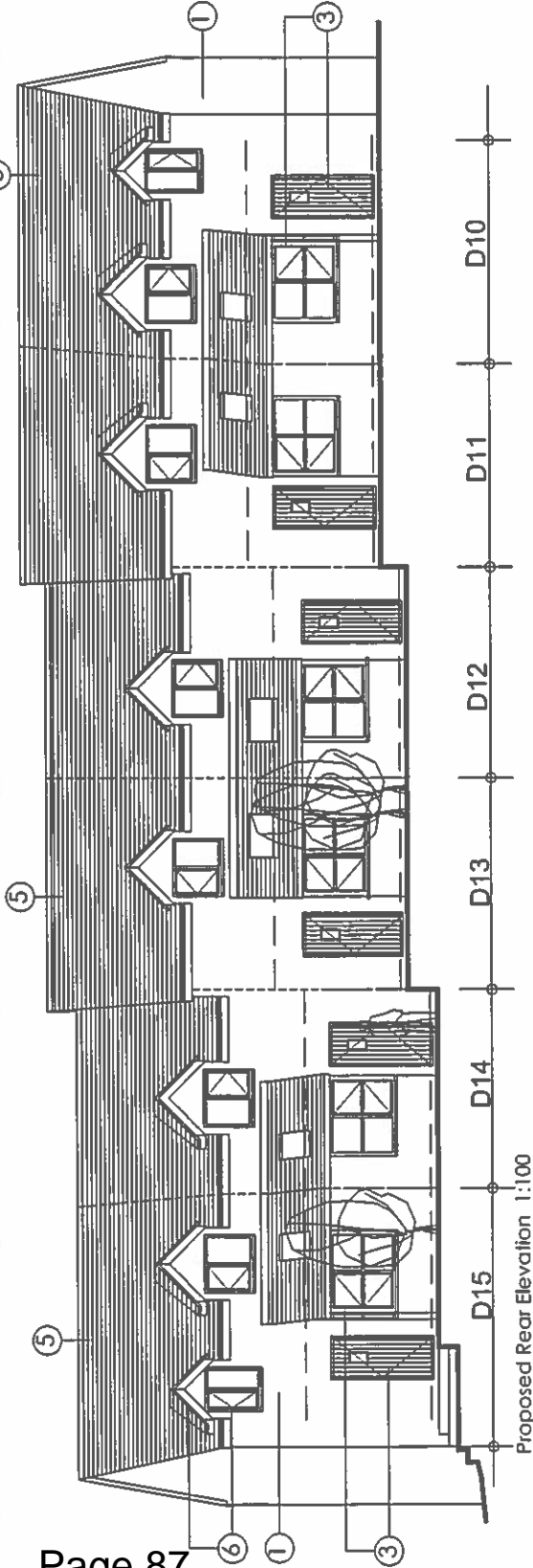
# UNITS FRONTING CHURCH STREET

**Proposed Finishes:-**

1. external walls - generally, finished with through colour acrylic render in contrasting colours (to be confirmed)
2. windows/doors - windows to be painted softwood (paint finish - colour to be battleshop grey RAL 7035)
3. roofing material - natural slate to LA approval
4. joinery (doors etc) - painted timber finish (colour to be battleshop grey RAL 7035)
5. rainwater goods to be black cast iron



Proposed Front Elevation 1:100



Proposed Rear Elevation 1:100

## Dwelling units D10-15

Proposed Residential Development Swayne Johnson	Old Agriculture Centre Site adjacent to Ty Coch Farmhouse, Merthyr Elevations - Dwelling Units D10-15	SCALE	DRAWN	DATE
		1:100 & A3	RG	JULY 2014
CLIENT: URBAN 203/03 CONSULTANT: SWAYNE JOHNSON ARCHITECTS PROJECT NO: 10/14/001		DRAWN BY: RG CHECKED BY: [blank] DATE: JULY 2014		

Architects have undertaken the responsibility to carry out the design and to ensure that the design complies with the relevant building regulations and to ensure that the design complies with the relevant building regulations. The architect does not accept any liability for any errors or omissions in the design or for any damage or loss resulting from the use of the design. The architect's liability is limited to the amount of the fee paid to the architect.

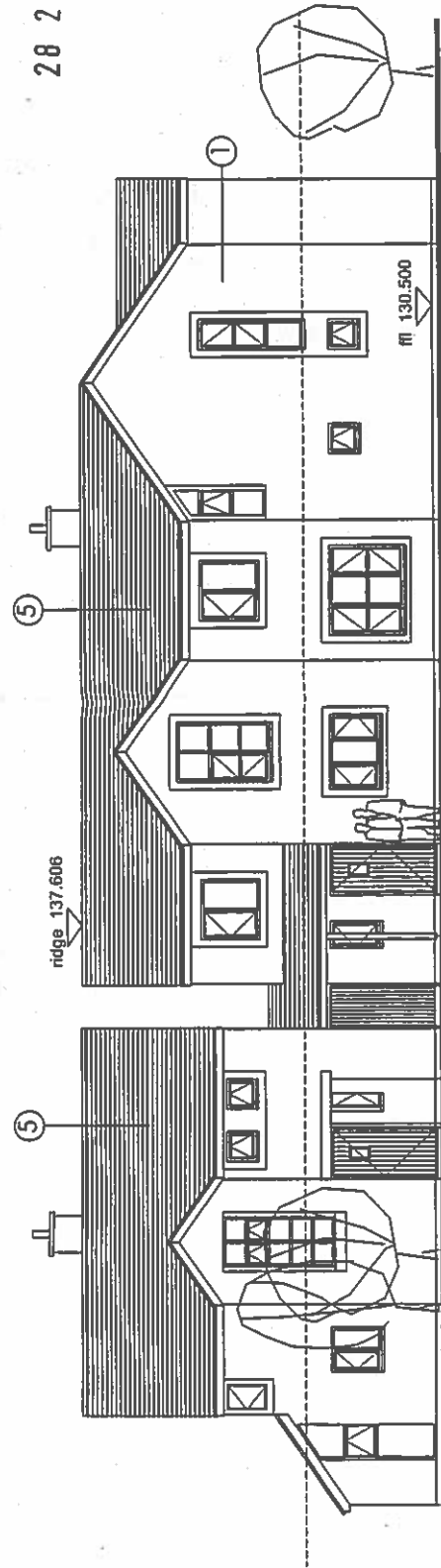








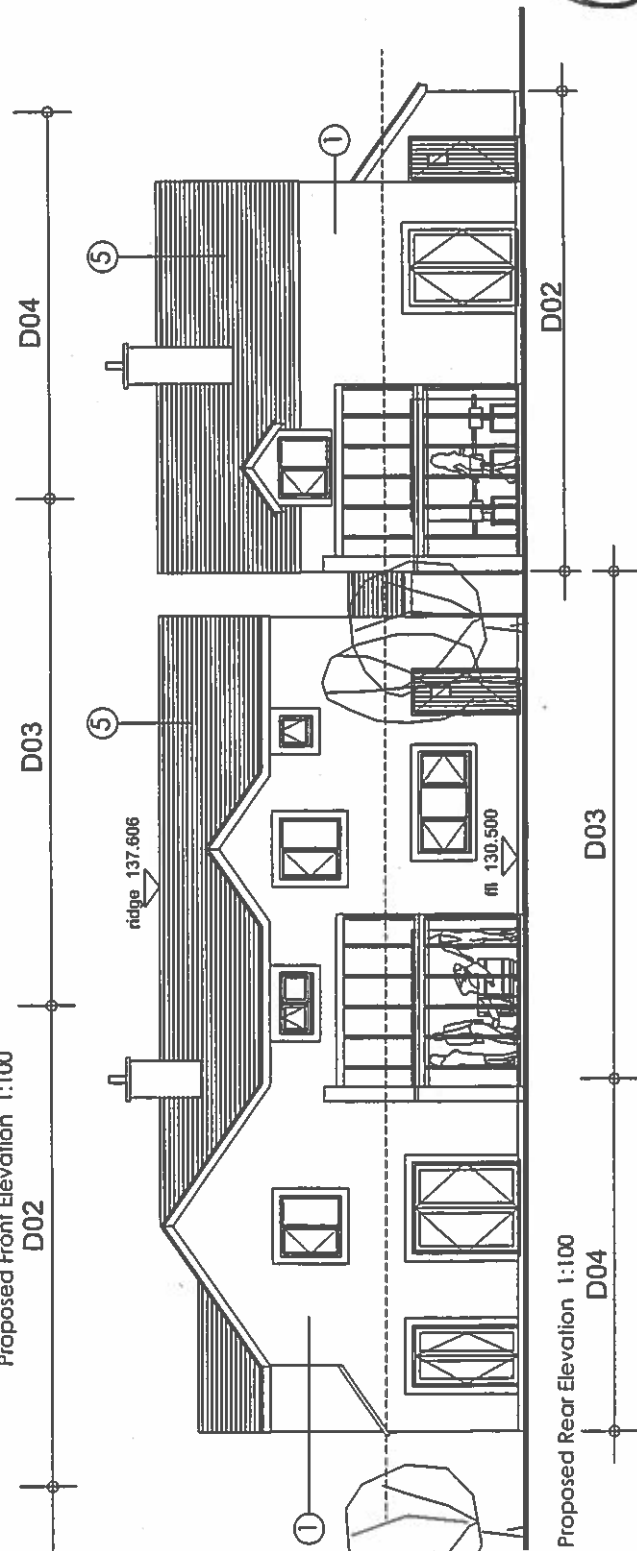
28 2014/11204/PF



Proposed Front Elevation 1:100

- Proposed finishes:
1. external walls - generally, finished with through colour acrylic render in contrasting colours (to be confirmed)
  2. windows/doors - windows to be painted softwood and doors to be treated hardwood (paint) finish - colour to be battleship grey RAL7035
  3. roofing material - natural slate to LA approval
  4. joinery (doors, etc.) - painted timber finish (colour to be battleship grey RAL7035)
  5. rainwater goods to be black cast iron

Proposed Rear Elevation 1:100



23 UNIT

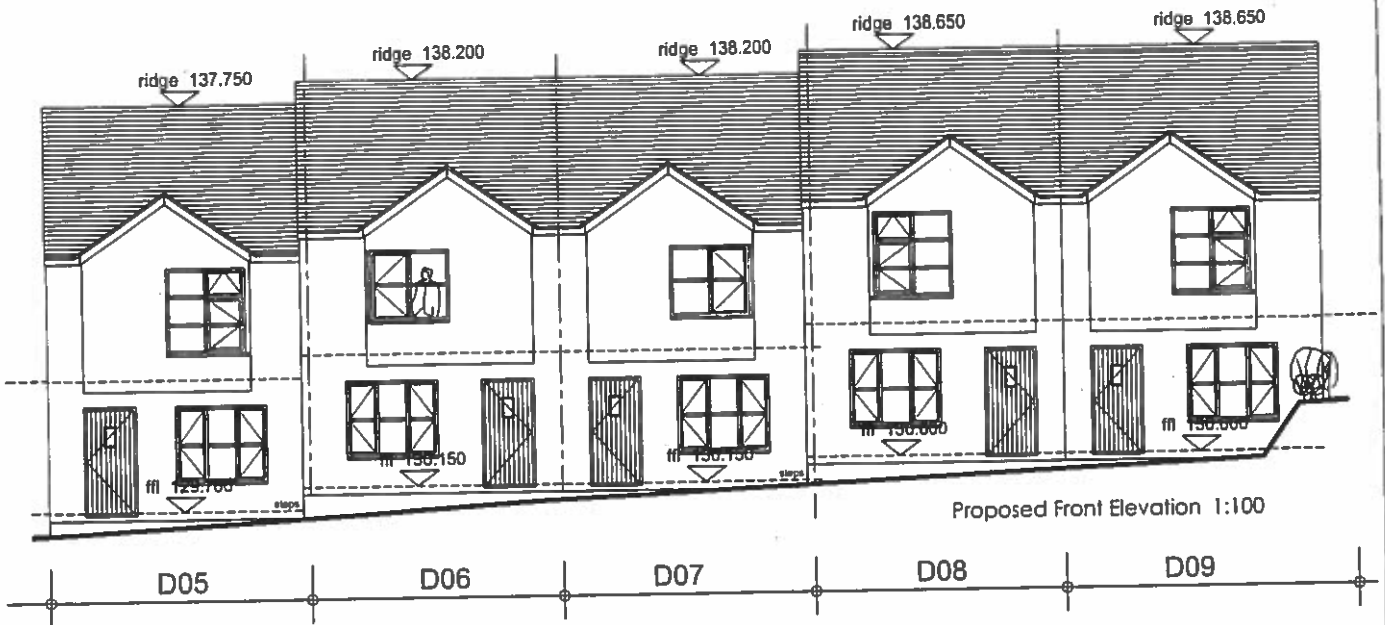
Dwelling units D02-04

Architectural Services Ltd is not responsible for any discrepancies between the drawings and the site. The client must check the drawings carefully before the architect starts work. The architect is not responsible for any discrepancies between the drawings and the site. The drawings are the property of the architect.

Proposed Residential Development	By Agreement Under the agreement to the Council for the purpose of the Proposed Elevations (Units D02, D03 & D04)	DATE	JULY 2014
Shayne Johnson	Matthew Jones Architects	SCALE	1:100 @A3
		DRAWN	RG
		DATE	JULY 2014



# UNITS 5-9



- Proposed Finishes:-**
1. external walls - generally finished with through colour acrylic render in contrasting colours (to be confirmed)
  2. windows/doors - windows to be painted softwood and doors to be treated hardwood (paint finish - colour to be battleship grey RAL7035)
  3. roofing material - natural slate to LA approval
  4. joinery (fascia, etc.) - painted timber finish (colour to be battleship grey RAL7035)
  5. rainwater goods to be black cast iron

23 OCT 2014

## Dwelling units D05-09

Proposed Residential Development	Old Agricultural Centre Site adjacent to Ty Coch Farmhouse, Herndon	DRAWING NUMBER	SCALE	DRAWN	DATE
Swayne Johnson	Proposed Elevations (Dwelling Units D05, D06, D07 & D09)	D/746/05/07-PL09	1:100 @A3	RG	July 2014
Page 93		matthewjonesarchitects		CONWT 01492 583036 DENBIGH 01745 817169 at: admin@matthewjonesarchitects.com web: www.matthewjonesarchitects.com	

28-2014-1120-1-1-P



**WARD :** Denbigh Upper / Henllan

**WARD MEMBER(S):** Cllr Colin Hughes  
Cllr Geraint Lloyd Williams

**APPLICATION NO:** 28/2014/1204/ PF

**PROPOSAL:** Demolition of existing agricultural centre buildings and erection of 15 dwellings, alterations to existing vehicular access and associated car parking (renewal of planning permission code no. 28/2008/0578)

**LOCATION:** Ty Coch Farmhouse Ty Coch Street Henllan Denbigh

**APPLICANT:** Mrs L Wright

**CONSTRAINTS:** Conservation Area

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

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

- 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:**

**HENLLAN COMMUNITY COUNCIL**

The Community Council sent a detailed response in December 2014 requesting consideration of a number of points relating to highways and parking issues:

1. “On the Church Street side of the new development we feel a footway should be constructed in front of the houses to ensure that pedestrian safety is improved, the planning application does not show that this is the case. This is an extremely busy road (in the context of its width and location) with significant traffic from within Henllan and from the outlying villages of Llansannan and Llanefydd as well as the hamlets of Cefn Berain and Bryn Rhyd Yr Arian, as well as other traffic from Denbigh, Trefnant and Groes. Church Street has inherent problems with parked cars, speed and volume of traffic and a lack of pedestrian footways.
2. It is also felt that the entrance to the new development should have a footway on both sides of the new junction, rather than just on the left hand side as you exit.
3. Consideration should also be given to introducing suitable traffic calming features, potentially in the form of a priority scheme, in Ty Coch Street, that will reduce traffic speeds and make this part of the village safer for pedestrians. The road leading into Ty Coch Street from Lon Garn has some serious road speeds (as

shown by a traffic survey in 2013), added to this another 20 houses are likely to be built at Cil Y Coed in 2015/16. Any scheme of this type should link the requested footway on Church Street so that safer routes to the village amenities can be accessed. Please also be aware that this part of the community provides access to the Church (which can be especially busy on Sundays as well as other days due to Weddings, Funerals and Christenings) and Top Park Playing Field which has a significant influx of cars and pedestrians (many of whom are children) throughout the year for matches and training.

4. Within the new development we also feel that the following alterations should be considered:
  - i) To enable Numbers 2 & 3 Ty Coch Street to have their own rear entrance we would like the path behind the new properties on Church Street to be extended to the rear of these properties.
  - ii) Should the owners of Hen Efail, Church Street request vehicular access to their property via the new development consideration should be given to this in the planning approval. This is key as the development will remove at least 1 parking place as it currently uses what will be the pedestrian access to the development.
  - iii) The developer should consider negotiating with the owners of 1 Ty Coch Street to provide some additional parking places (possibility of 1 or 2 in this area).
  - iv) Should any properties on School Street that are able to access their properties via the new development consideration should be given to them in the planning approval.

The Community Council would like to be able to communicate with any developer both prior to the planning application and thereafter. This potential development plays an important part in shaping the future vehicular and pedestrian safety within our community and once permission has been granted it will be difficult to ensure that road safety is improved. We urge you to work with Highways Development, Traffic Safety, the developer and the Community Council to provide a safe community environment for our residents now and in the future. An option to provide off street parking in an adjacent field (this could also assist with the community building project which is in the early stages of consideration) must also be considered prior to any application being granted.

Finally, the Community Council supports the general principle of this application, we just feel that other considerations must be made prior to any work commencing, as stated it can greatly influence the future traffic issues in Henllan.”

The Community Council’s comments were duly forwarded to the applicant’s agents, and a response with revised plans was submitted in late January 2015 (see Sections 1.5 and 4.2.6 of the report). The Community Council have subsequently forwarded the following comments:

“ We appreciate the response in relation to the footways that border the development on both Church Street and Ty Coch Street and welcome a further update on any speed calming measures on Ty Coch Street.

In relation to the other issues we accept there are difficult situations / problems and as such we would be grateful if the Community Council's representatives could meet (on site ) with the Planning Department to discuss our thoughts on a couple of issues.

Finally we would be grateful if you could provide the Community Council with details of any potential open space commuted sum, e.g. amounts, conditions etc."

#### NATURAL RESOURCES WALES

Confirm there are no flood risk objections. Advise of the need to address any contamination which may be found to be present during development. Defer to the Council's Ecologist in relation to bat and protected species issues.

#### DWR CYMRU WELSH WATER

No objections to the proposals on sewerage, sewage treatment, or water supply grounds, subject to imposition of conditions.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer
- No objections. Is aware of the Community Council's comments and the applicant's response, and suggests the imposition of conditions in relation to detailing of the development, including provision of suitable 'build – outs' on the footways at the point of access onto Ty Coch Street to address safety concerns over visibility.

#### Archaeologist

Requests imposition of similar archaeological condition to the one on the previous permission.

#### Biodiversity Officer

No objections to the proposal. Sought clarification of issues relating to bats and is happy at the conclusions of the ecology report, so suggests the recommendations of the report are conditioned, including mitigation for house martins, house sparrows, and the timing of works.

#### Local Housing Strategy and Development Officer

Advises that the latest Glyndwr University study demonstrates a demand for affordable housing, with waiting lists indicating a demand for one and two bedroom properties. Supports the development subject to provision of one unit on site and a contribution for the residual requirement.

#### **RESPONSE TO PUBLICITY:**

Joanne Hughes - 10 Ty Coch Street, Henllan  
Janet Ralphs (by email)

#### In objection

##### Highways / parking

Additional traffic would exacerbate issues residents have with parking on Ty Coch Street / already busy and narrow village street used by buses and farm vehicles / loss of hardcore area used by existing residents would give rise to parking problems on the street / need for speed restrictions/ Council should tarmac land by the playing fields as alternative parking for existing residents.

##### Visual impact

Effect on Conservation Area

Other matters

Concern over water pressure and potential of the development to make this worse

Council should engage with local community in open meeting

**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 proposal seeks to 'renew' a full planning permission granted in January 2009 for the demolition of existing buildings and the redevelopment of land for residential purposes for 15 dwellings, with associated gardens, car parking areas and alterations to the existing main vehicular access, off Ty Coch Street in Henllan.
- 1.1.2 The basic details in the application are the same as those submitted in late 2008 when planning Committee resolved to grant permission subject to a legal agreement to secure the relevant open space contribution.
- 1.1.3 Amendments have been made to the layout in response to the original comments from the Community Council and include provision of footways in front of the terrace proposed along Church Street and around the main vehicle access into the site.
- 1.1.4 Members are referred to the plans at the front of the report which show the proposed layout and elevation plans of some of the units.
- 1.1.5 Access to the site is proposed in the same location as the existing access to the property, between Nos 4 and 7 Ty Coch Street. Proposed units 1 – 9 are designed in a courtyard type arrangement with units 10- 15 in a terrace fronting on to Church Street. There are 30 off road parking spaces shown on the plans, including 2 spaces for the retained dwelling (the former Ty Coch farmhouse) .
- 1.1.6 A separate application seeking Conservation Area consent for demolition of the outbuildings has been submitted and is being dealt with under application 28/2014/1205/CA.
- 1.1.7 The Design and Access Statement submitted with the application highlights the previous grants of permission for residential development at the site and that the proposals now submitted are the same as granted permission



by Denbighshire in 2009. It suggests the development would bring about a number of improvements for nearby residents and the village including the removal of a non conforming use, and significant visual and residential amenity improvements in character with this part of the settlement.

1.1.8 The supporting documents indicate that the applicants are intending to provide one dwelling on the site as an affordable unit with a financial contribution for the equivalent to the remaining 0.5 of a dwelling, in accordance with the Local Development Plan policy and supplementary guidance. A commuted sum is proposed in lieu of provision of on site open space as it is indicated it is necessary to make best use of the site and to provide a viable scheme for redevelopment (as accepted previously by the Council).

1.1.9 There is a Community and Linguistic Statement with the application, concluding that the development would strengthen the identity of the local community, and will not cause significant harm to the character and language balance of the community.

## 1.2 Description of site and surroundings

1.2.1 The application site is located in the 'old' centre of the village of Henllan, and has been in use previously as a farm and a mix of uses involving agricultural machinery / garden centre, storage and workshops.

1.2.2 The site has been served by existing vehicular accesses, off Ty Coch Street and Church Street, and it is occupied by a collection of buildings including corrugated sheet workshops, and stored plant and machinery.

1.2.3 The site is surrounded by residential properties, on the west by Ty Coch Street, to the south and south west by Church Street, and to the east by School Street . A number of cottages on School Street are listed for their architectural or historic interest. To the north west, across Ty Coch Street, is the main village Playing Field.

1.2.4 The majority of dwellings in the vicinity of the site are of two storey height, with a mix of limestone, render and pebbledash on the walls, and slate on the roofs.

## 1.3 Relevant planning constraints/considerations

1.3.1 The site is within the development boundary of Henllan, which is identified as a village for the purposes of the policies in the Local Development Plan. It is annotated as a Housing Allocation on the Proposals Map, and under Policy BSC1 of the Plan is referred to as Ty Coch with an indicative number of 15 dwellings, reflecting the 2009 permission.

1.3.2 The site is within the village Conservation Area.

## 1.4 Relevant planning history

1.4.1 The land has been the subject of a number of applications in the past. Outline permission for development for residential purposes was granted as far back as 1998, with a renewal in 2000; and the most recent has been the full planning permission granted in 2009.

1.4.2 Conservation Area Consent has been granted previously in 2009 for the demolition of buildings on the site, this consent being necessary as the proposals involve demolition in a Conservation Area.

1.5 Developments/changes since the original submission

1.5.1 The application has been revised since submission to incorporate a footway in front of the terrace proposed along Church Street, and footways on both sides of the main vehicular access off Ty Coch Street. The applicant's agents have considered other points raised by the Community Council, including requests for providing rear access to existing properties for existing residents and parking spaces for two properties, but have respectfully advised that this is not considered reasonable and would lead to legal, management and maintenance complications.

1.6 Other relevant background information

1.6.1 None

**2 DETAILS OF PLANNING HISTORY:**

28/2000/0036/PO – Demolition of existing buildings and redevelopment of 0.40ha of land for residential purposes and construction of new vehicular and pedestrian access (renewal of outline application previously approved under code no 28/540/98/PO). - GRANTED 16 March 2000

28/540/98/PO - Demolition of existing buildings and redevelopment of 0.40ha of land for residential purposes and construction of new vehicular and pedestrian access. - GRANTED 2 March 1998

28/2008/0578/PF - Demolition of existing agricultural centre buildings and erection of 15 dwellings, alterations to existing vehicular access and associated car parking. GRANTED 21 January 2009

28/2008/0579/CA. Conservation Area consent for demolition of existing agricultural centre buildings. GRANTED 21 January 2009

**3 RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)
- Policy RD 1 Sustainable Development and good standard design
  - Policy RD 5 The Welsh language and the Social and cultural fabric of communities
  - Policy BSC 1 Growth Strategy for Denbighshire
  - Policy BSC2 Brownfield Development priority
  - Policy BSC3 Securing infrastructure contributions from development
  - Policy BSC 4 Affordable Housing
  - Policy BSC 11 Recreation and Open Space
  - Policy VOE1 Key areas of importance
  - Policy VOE 5 Conservation of natural resources

Policy VOE 6 Water management  
Policy ASA 3 Parking Standards

### 3.2 Supplementary Planning Guidance

Supplementary Planning Guidance - Recreational Public Open Space  
Supplementary Planning Guidance - Access for all

Supplementary Planning Guidance - Affordable Housing in New Developments  
Supplementary Planning Guidance - Residential Development Design Guide

### 3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 2014

TAN 1 Joint Housing Land Availability Studies  
TAN 2 Planning & Affordable Housing  
TAN 5 Nature Conservation and Planning  
TAN 12: Design

TAN 15 Development and Flood Risk

TAN 16 Sport and Recreation  
TAN 18 Transport

## 4 **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology

- 4.1.5 Drainage
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Sustainability
- 4.1.10 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.11 Contaminated land
- 4.1.12 Archaeology
- 4.1.13 Density

#### 4.2 In relation to the main planning considerations :

##### 4.2.1 Principle

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

The site is located within the development boundary of Henllan, which is designated as a village in the adopted Local Development Plan, and it is allocated as a housing site on the proposals map accompanying the Plan. The development therefore remains consistent with policy BSC1.

The site has been in intensive use in the past and would fall under the Planning Policy Wales definition of 'previously developed land'. As Policy BSC2 of the Local Development Plan seeks to direct development proposals in villages towards previously developed land, the application would clearly be compliant with this policy.

Given this background, and the history of permissions for residential development at the site, Officers would respectfully suggest the acceptability of the particular proposals therefore has to rest on the specific impact assessments detailed in the following sections of the report.

##### 4.2.2 Visual amenity / Conservation area impact

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. Policy VOE1 looks to protect sites of built heritage from development which would adversely affect them, and for proposals to maintain and enhance the character of such areas.

There is one representation expressing concern over the visual effect of development on the Conservation Area, but this does not elaborate on the reasons. The Community Council have raised no comments on this aspect of the scheme.

Officers' view would be that the development offers a clear opportunity to

improve the visual amenities of this area at the heart of the village. It involves the removal of a jumble of incongruous buildings and uses which make a negative contribution to the visual character of what is otherwise an attractive core of the village. Careful attention will be necessary with the use of materials on the proposed dwellings, and in particular the front elevation of the terrace proposed along Church Street, where it is suggested the use of stone would seem appropriate in the context of immediately adjacent property and the Church. In general terms, the carrying out of the demolition and the redevelopment would bring about significant visual improvement and is worthy of support.

#### 4.2.3 Residential amenity

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

There are no local concerns expressed over the residential amenity implications of the development, including potential for loss of privacy, overlooking etc. from new dwellings on the site.

In Officers' opinion, the layout plans show a development which has been detailed with some sensitivity to relationships with surrounding property, and it is not considered that there would be adverse residential amenity implications, subject to control over minor points of detail, in particular in relation to the elevations of the units backing on to the property Ty Gwyn (to avoid overlooking from first floor windows into the private rear garden area of the existing dwelling). Overall, the removal of the mix of commercial uses from the site represents a clear amenity gain for occupiers of the majority of surrounding residential properties.

#### 4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

There are no objections expressed over the impact on ecological interests from the proposals. The Biodiversity Officer has clarified issues relating to bats and is satisfied that there would be no adverse impacts as a result of development.

On the basis of the comments of the Biodiversity Officer it is not considered that there are any significant ecological issues of concern in this instance, subject to the inclusion of relevant conditions.

#### 4.2.5 Drainage

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.

There are no issues raised from consultees in relation to drainage issues. Natural Resources Wales and Dwr Cymru Welsh Water express no objections to the proposals.

The proposals are considered acceptable in relation to drainage considerations.

#### 4.2.6 Highways (including access and parking)

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

There are objections raised by local residents in relation to highway matters. The concerns are that additional traffic would exacerbate issues residents have with parking on Ty Coch Street, which is referred to as an already busy and narrow village street used by buses and farm vehicles; and it is indicated that the loss of a hardcore area used by existing residents would give rise to parking problems on the street. The Community Council's original response raised a number of issues including a request for consideration of providing a footway in front of the terrace along Church Street, footways on both sides of the Ty Coch Street entrance, traffic calming along Ty Coch Street, consideration by the developers to negotiations with residents of existing property for providing rear access to their dwellings and provision of some parking spaces for 2 existing properties as part of the development.

Earlier sections of the report refer to dialogue with the applicant's agents following receipt of the Community Council's comments, and the representations from residents. In Officers' opinion this has been a positive process, and has resulted in revisions to accommodate the suggestions for inclusion of footways in front of the units fronting Church Street, and on either side of the main entrance onto Ty Coch Street. The Highways Officers have encouraged these improvements and are suggesting in addition that at the entrance onto Ty Coch Street the footways are extended further into the highway to improve visibility along that street for drivers of vehicles entering the road from the development, and to allow drivers of vehicles travelling

along Ty Coch Street from the east in particular to see cars emerging from the site.

The applicant's agents have explained that they are unable to accommodate suggestions for provision of access to the rear of existing properties through the application site, or the provision of parking spaces within the site for existing residents. They indicate this is not practical on a legal or management basis and would be an unreasonable imposition for any developer. It is also not considered reasonable that the Council should be held responsible for providing parking facilities for existing residents displaced from parking on land within the application site, as this is essentially private land which could be fenced off by the owners at any time. Significantly in this respect, the application before the Council is a renewal of the permission granted in 2009 with the same layout and dwelling numbers, and there were no requirements imposed on that permission for 'replacement' parking spaces for existing residents. Officers would therefore recommend strongly against withholding the grant of permission on access and parking grounds.

In respecting the position of the Community Council, it would be a matter for the Highways Section to consider whether there is a need for additional parking provision for residents in the centre of the village, and it is suggested that in response to the Community Council's request for a meeting, that Officers take this up as a separate matter, as it is not one which should affect the determination of the current application. Officers would strongly recommend against delaying further the determination of the planning application pending meetings with Officers on matters which are not of direct relevance to the proposals in front of the Council.

Officers conclusions on the highway issues is that the applicant's agents have shown commendable willingness to incorporate revisions to the scheme, which will bring about sensible improvements as suggested by the Community Council. Respectfully, it is not considered in any way reasonable to oblige a developer to provide access or parking within a development site for existing private properties, or for the Council to provide compensatory parking for private vehicles in the particular circumstances. Given the above and the fact the proposal is for a renewal of an existing permission, Officers would recommend there are no highway grounds to resist the grant of permission here.

#### 4.2.7 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units is provided.

The applicant has stated that the Council's Affordable Housing requirement of 10% would be provided, i.e. in the form of a single dwelling on the site and a contribution for the remainder of the requirement. The Council's Housing officer has advised there is demand in the locality for affordable housing, and accepts the proposed provision and commuted sum payment.

In accordance with current planning policy, it is now accepted practice to use a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions in recent years, to cover the mechanism for

provision of affordable housing. Officers suggest this approach to be appropriate in this instance.

#### 4.2.8 Open Space

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

There are no representations in relation to open space issues. The applicant has stated that the proposal is to offer a commuted sum payment in lieu of on site provision of open space, which has been accepted previously by the Council in granting permission in 2009.

In Officers opinion, there is some sense in pursuing the commuted sum option in lieu of on site provision of open space in this instance, having regard to the existence of a recreation facility immediately to the north west of the application site. This can be covered by imposition of a planning condition requiring agreement to the mechanism for compliance with the open space requirement.

#### 4.2.9 Sustainability considerations

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales and associated Technical Advice Notes have previously set out specific requirements in relation to standards of construction in development as part of planning proposals, but as a consequence of changes in approach from Welsh Government, it is no longer necessary to include Sustainability Code requirements which were embodied in TAN 12 Design and TAN 22 Sustainable Buildings into planning permissions. Revisions to the Building Regulations in 2014, in particular into Part L now place the onus on developers to embody the relevant sustainability standards into Building Regulation submissions, so there is no need for consideration of these matters in relation to buildings proposed as part of the application.

#### 4.2.10 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Policy RD 5 in the Local Development Plan.

The Community Linguistic Statement submitted with the application concludes that the proposals would have no material impact on the needs and interests of the Welsh Language.

In Officers' opinion a residential development on this site would not by virtue of its size, scale, and location give rise to significant harm to the character and language balance of the community. The site has been accepted as suitable for development previously by the Council and is identified as an allocated housing site in the development plan in order to meet the County's growth targets. As part of the allocation process due account would have been taken of the potential for impact on the language and social fabric.

#### 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.

In this instance, there are no representations received which raise issues relating to contaminated land.

Given the history of the site, there is a potential for the presence of contaminated material and it would be necessary to attach standard conditions on any permission requiring suitable investigation and details of proposals for remediation in the event of contamination being found.

#### 4.2.12 Archaeology

Policy VOE 1 of the Local Development Plan seeks to protect areas of archaeological historic importance from development which would adversely affect them, reflecting general advice in Planning Policy Wales (Section 6.5) which 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.

There are no individual representations raising archaeological issues. The Archaeologist has requested the imposition of the same condition as the one imposed on the 2009 permission in relation to a programme of archaeological works in connection with the development.

Subject to inclusion of the type of condition suggested by the archaeologist, it is concluded that archaeological interests would not be adversely affected by the development.

#### 4.2.13 Density

General guidance on residential density is contained in Local Development Plan Policy RD1 test ii), which seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate differently.

There are no representations in relation to the density of development.

The site extends to approximately 0.4 hectares and the density of development would therefore equate to some 40 dwellings to the hectare. Officers consider this is an acceptable level given the tight knit nature of development in the area.

#### Other matters

Provision of alternative parking

Comments on the application indicate that parts of the application site have been used by local residents for off street parking and that the proposals should make alternative provision for residents. Respectfully, it is likely that

any use of what is private land for the parking of vehicles is not authorised and conveys no obligation on the owner or the Council to provide alternative spaces in connection with the planning application.

#### Water supply issues

Concerns over water pressure are matters residents should properly address to the relevant water supply authority. It would not be reasonable to withhold planning permission on water pressure issues with private properties. Dwr Cymru Welsh Water have raised no concerns over water supply to serve the development.

## 5 SUMMARY AND CONCLUSIONS:

- 5.1 The site has been the subject of previous planning permissions for residential development and a full permission for 15 dwellings in 2009. The current plans are virtually identical to those approved in 2009. The site is also included as a housing allocation within the development boundary of Henllan as part of the Denbighshire Local Development Plan. This background clearly establishes the acceptability of the principle of the development and proposals for 15 dwellings.
- 5.2 The report sets out the main planning issues which appear relevant to the consideration of the application. There are concerns raised over highway implications, but there has been useful dialogue with the applicant's agents following comments from the Community Council. The proposals have been scrutinised by the Highways Officers, and it is considered that subject to agreed amendments and suitable conditions, the proposals are worthy of support.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**  
Notwithstanding the submitted details, no external wall or roof materials shall be applied on any of the dwellings or associated buildings until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used. No materials other than those approved shall be used.
3. The gable end and street elevations of the units fronting Church Street, numbered D10 – D15 shall be clad in natural limestone in accordance with such sample stone and mortar as are submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on those walls.
4. The materials to be used on the roofs of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

5. PRE-COMMENCEMENT CONDITION

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

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment, including screen walls and fences
- (f) The timing of the carrying out of the planting, landscaping, erection of screen walls and fences
- (g) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned, domestic gardens,

Any trees or plants which, within a period of five years of the 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.

6. PRE-COMMENCEMENT CONDITION

Full details of the access and highway works on Ty Coch Street as shown on the approved drawing, shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details to be approved shall include the detailed design, construction, street lighting, drainage and the works shall be fully constructed in accordance as the approved details before any dwelling is occupied.

7. In relation to the carrying out of the demolition and highway works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to details of the site compound location, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes. The works shall be carried out strictly in accordance with the approved details.

8. No dwelling shall be occupied until the vehicular access and parking spaces have been laid out/constructed in accordance with the approved plans.

9. PRE-COMMENCEMENT CONDITION

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before any dwellings are first occupied. The proposals shall ensure that no development takes place within 3 metres either

side of the public sewer which crosses the site, and that all foul drainage is directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

10. PRE-COMMENCEMENT CONDITION

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute of Field Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted to the Local Planning Authority and the Curatorial Section of the Clwyd-Powys Archaeological Trust for approval.

11. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

12. Prior to occupation of any dwelling, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site

remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring program a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

14. PRE -COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's Policies and Supplementary Planning Guidance in relation to the provision of Open Space in connection with the development.

15. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's Policies and Supplementary Planning Guidance in relation to the provision of Affordable Housing in connection with the development.

16. The development shall be carried out strictly in accordance with the Recommendations in Section 6 of the Cynefin Consultants Bat and Bird Survey Report.

The reason(s) for the conditions(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. In the interests of visual amenity.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

6. In the interests of highway safety.
7. In the interests of safeguarding the amenities of the locality.
8. To ensure the provision of suitable access and parking for each dwelling.
9. To ensure the proper drainage of the site and to minimise the risk of pollution.
10. In the interests of archaeological investigation and recording.
11. In order to ensure there is adequate consideration of potential contamination on the site and measures to address it any present or discovered during site works.
12. In order to ensure there is adequate consideration of potential contamination on the site and measures to address it any present or discovered during site works.
13. In order to ensure there is adequate consideration of potential contamination on the site and measures to address it any present or discovered during site works.
14. In order to comply with the Council's policy and guidance in relation to open space.
15. In order to comply with the Council's policy and guidance in relation to affordable housing.
16. To ensure appropriate steps are taken to address ecological matters.

#### NOTES TO APPLICANTS

You are advised that a suitable legal agreement will be required in relation to the highway works and you should contact the Highway Section to discuss the requirements of the highway improvements at an early stage.

Your attention is drawn to the following Advisory Notes.

- (i) Highway Supplementary Note Nos. 1, 3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991 – Part N Notice.

Your attention is drawn to the attached suggestions from the Biodiversity Officer in relation to the planting scheme.

# Agenda Item 8

David Roberts

**WARD :** Prestatyn East

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

**APPLICATION NO:** 43/2015/0031/ PF

**PROPOSAL:** Change of use of ground floor from Class A1 retail use to Class A3 hot food takeaway. Installation of new shopfront and associated external alterations

**LOCATION:** 51 High Street Prestatyn

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Heading:

REFERENCE 43/2015/0031

51 HIGH STREET,

PRESTATYN

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

Tel: 01824 706800 Fax: 01824 706709



Application Site

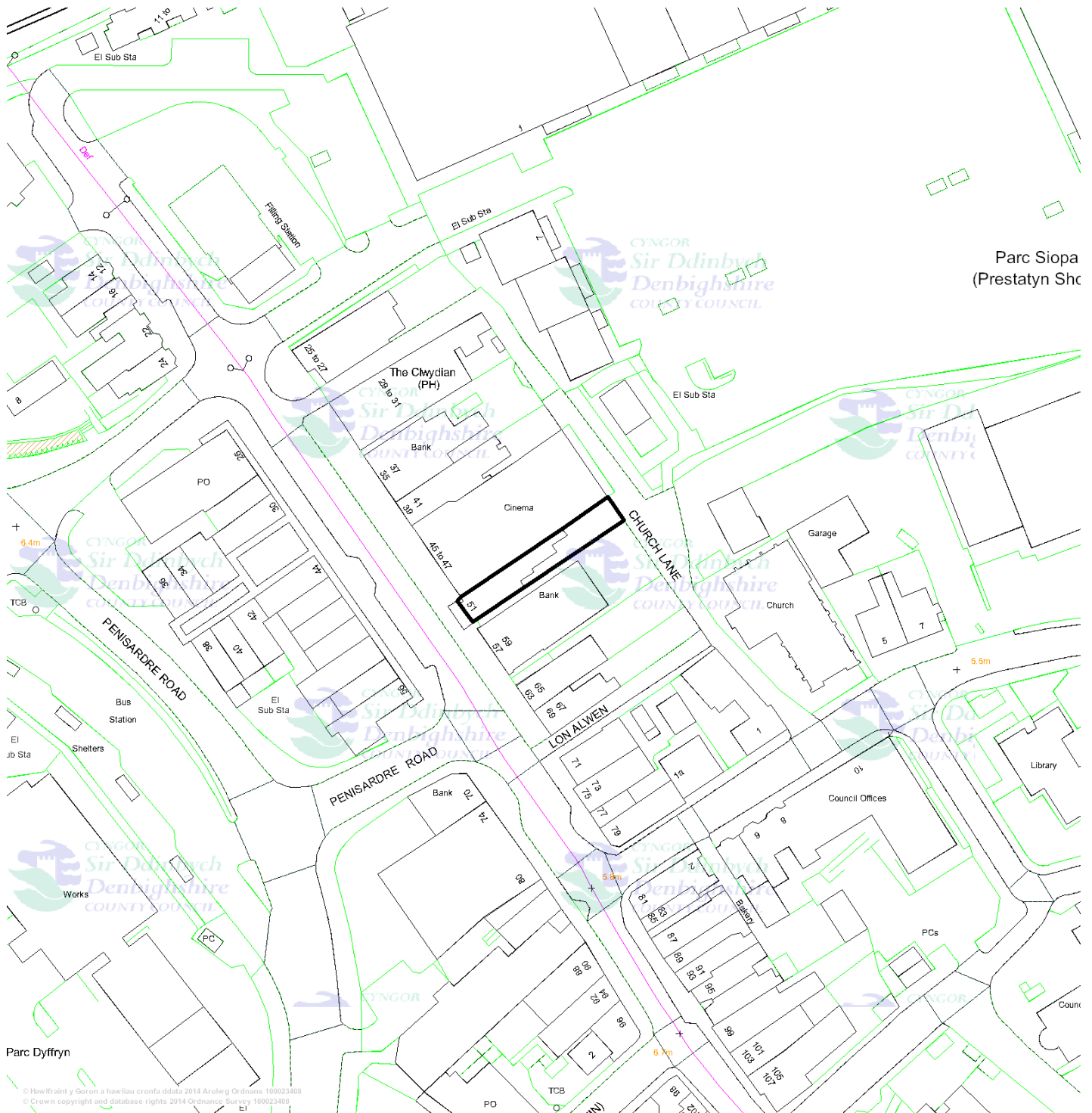


Date 2/3/2015

Scale 1/1250

Centre = 306570 E 382968 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.



Parc Siopa  
(Prestatyn Shc)

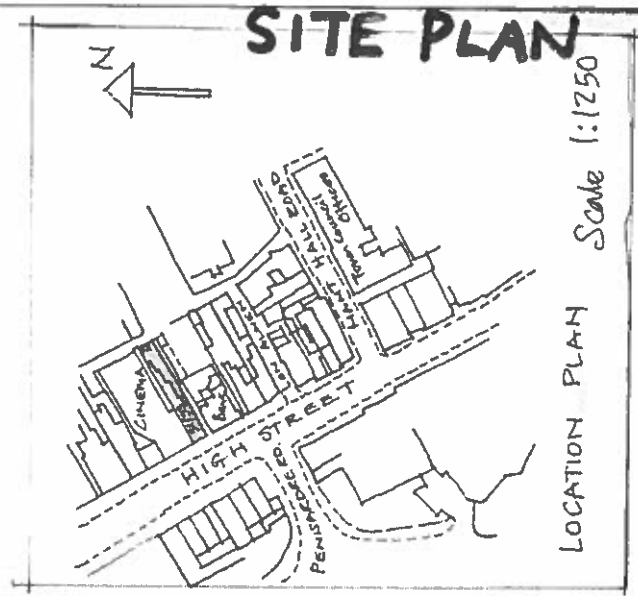


51, HIGH STREET,  
PRESTATUN

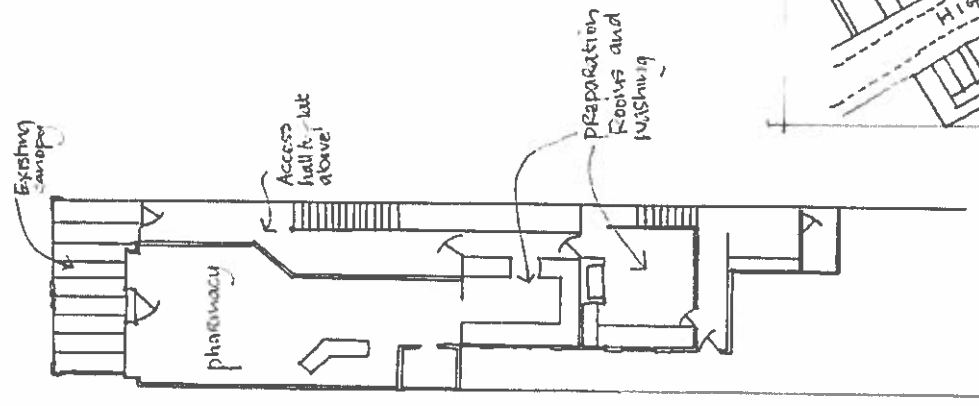
FLOOR BLOCK AND  
LOCATION PLANS

Drawing No: PTH/2014/01

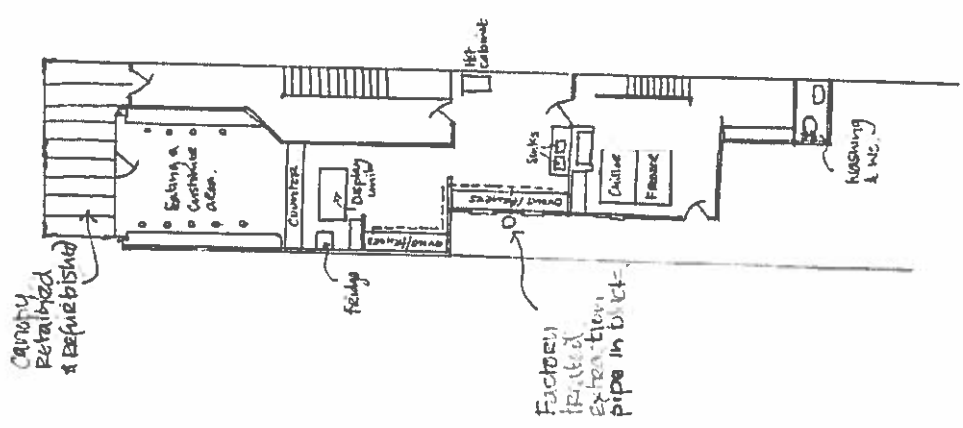
# SITE PLAN



LOCATION PLAN Scale 1:1250



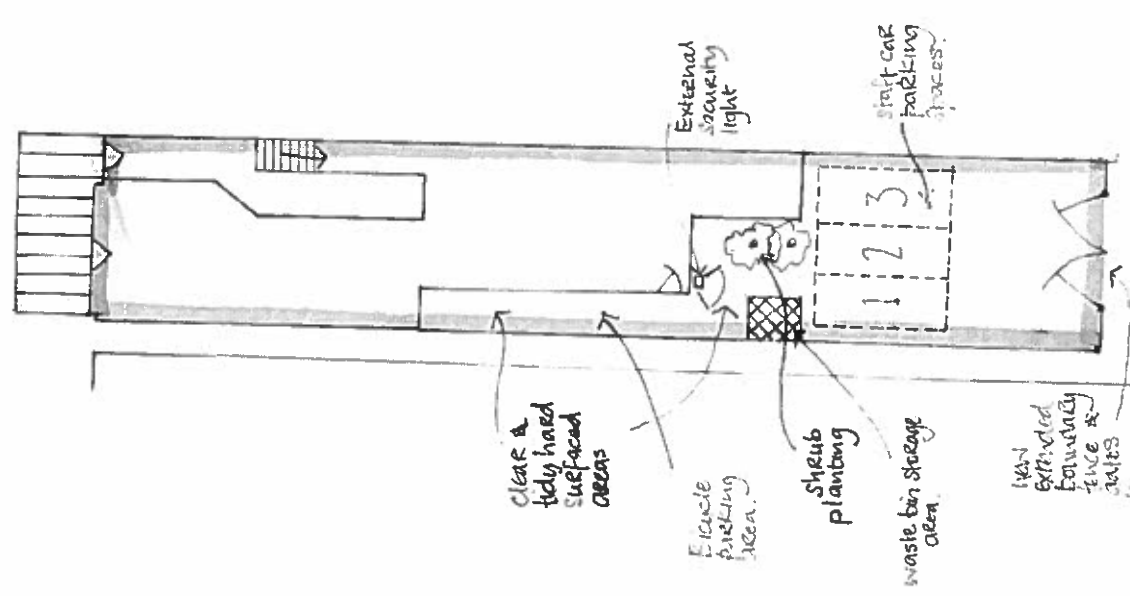
EXISTING



PROPOSED

GROUND FLOOR PLANS

Scale 1:125



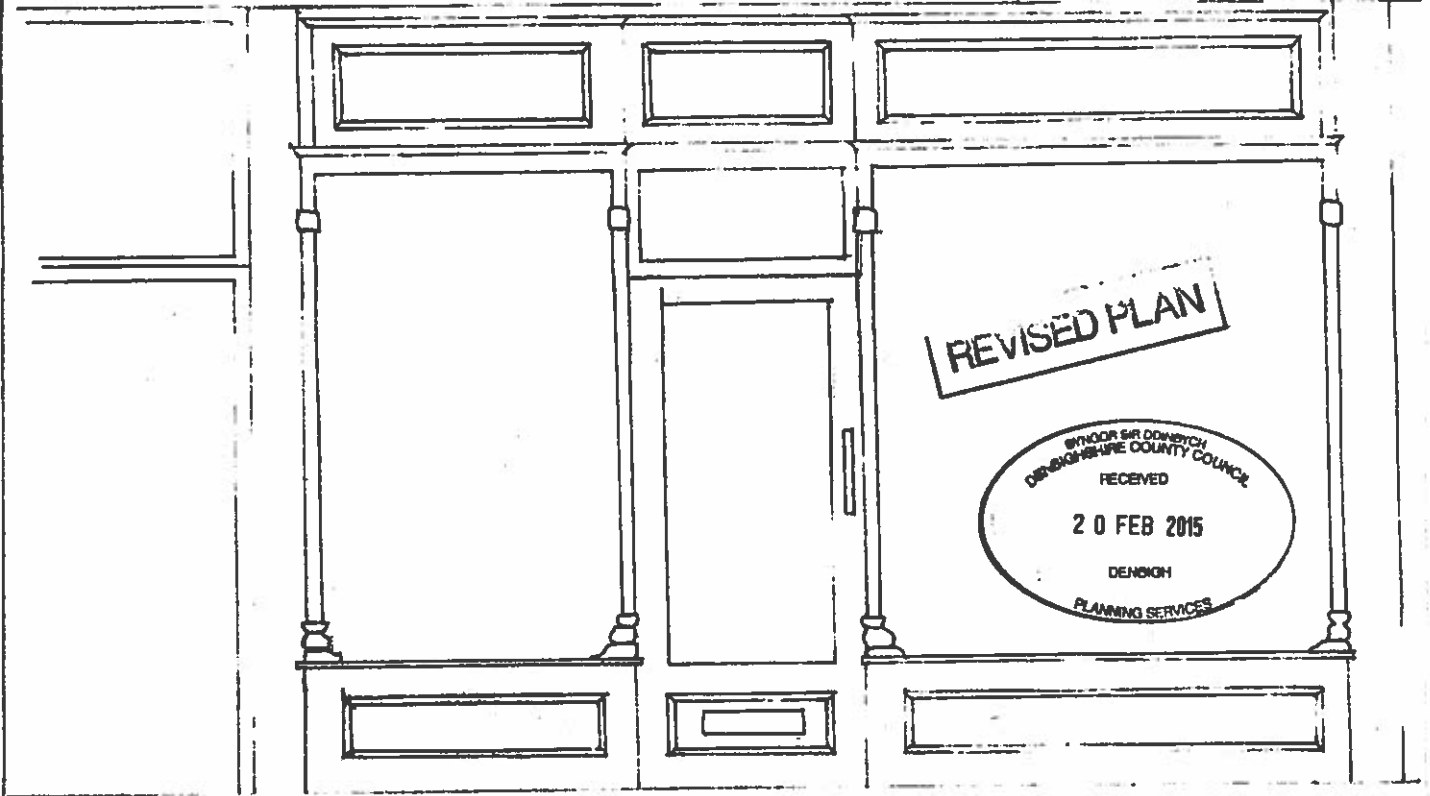
PROPOSED BLOCK  
PLAN OF SITE

Scale 1:125

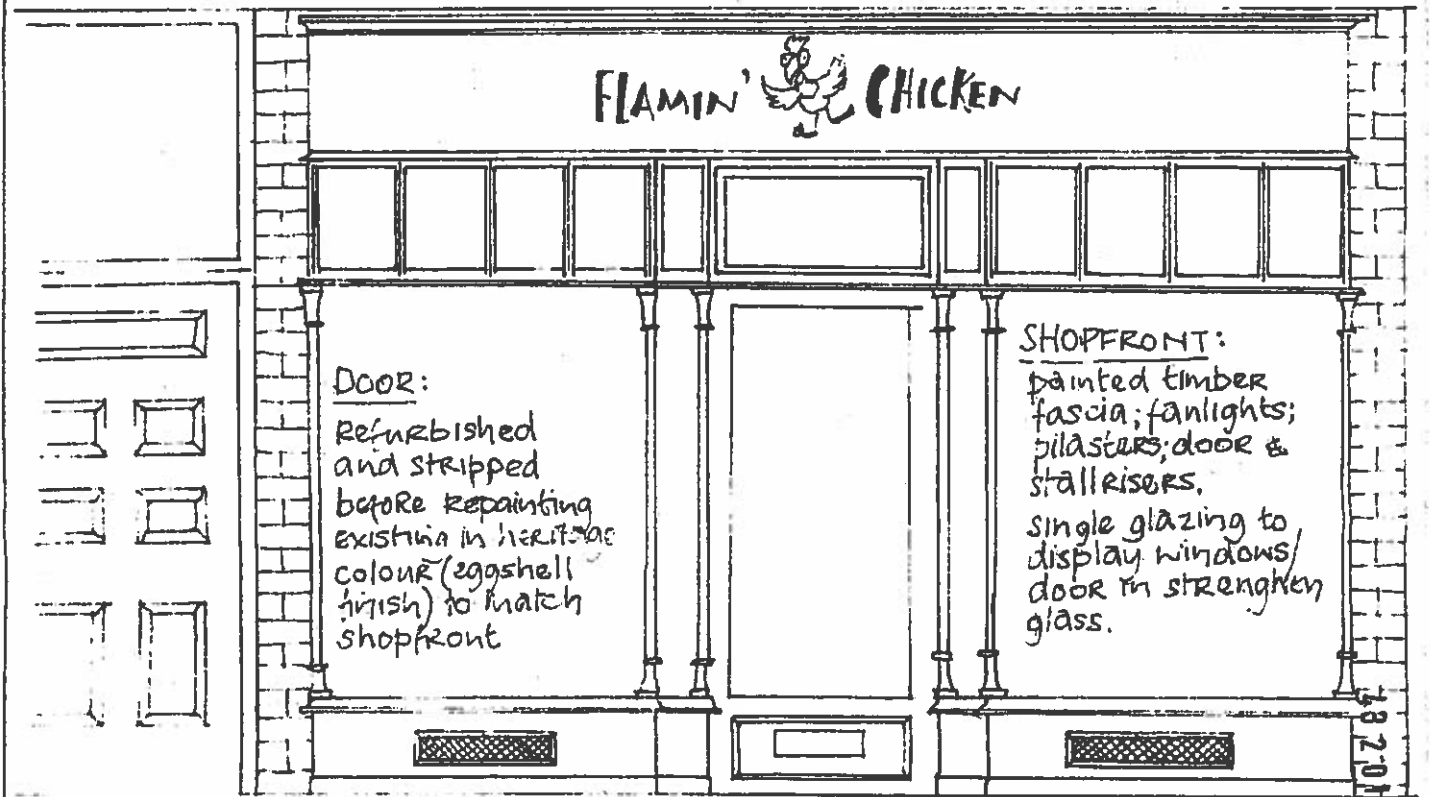


**EXISTING & PROPOSED FRONT ELEVATIONS**

REVISED DRAWINGS - NEW SHOPFRONT AT 51, HIGH STREET, PRESTATON.



EXISTING SHOP FRONT ELEVATION



PROPOSED SHOP FRONT ELEVATION

Revised drawing number: P14/2015/4.2

Scale 1:20



**PROPOSED  
FRONT  
ELEVATION**

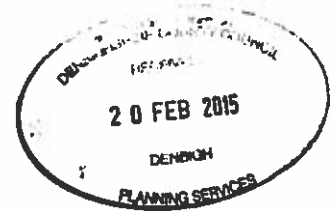
No. 51, HIGH STREET, PRESTATYN.

PROPOSED FRONT (SOUTH WEST) ELEVATION

REVISED ELEVATION



REVISED PLAN



REVISED FIRST FLOOR WINDOW:

NOTE:

Central window of first floor bay to have new two pane over two pane sash installed in line with historic photograph evidence

REVISED SHOPFRONT NOTES:

Existing exterior canopy not shown on plan but to be retained and reglazed & refurbished.

Revised new shopfront of timber in painted eggshell finish. Edwardian style to match upper storey architecture and historic photograph evidence

Revised drawing number: RJH/2015/03A.

Scale 1:50





**WARD :** Prestatyn East

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

**APPLICATION NO:** 43/2015/0031/ PF

**PROPOSAL:** Change of use of ground floor from Class A1 retail use to Class A3 hot food takeaway. Installation of new shopfront and associated external alterations

**LOCATION:** 51 High Street Prestatyn

**APPLICANT:** Mr.Mark Linaker

**CONSTRAINTS:** Article 4 Direction

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

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

- Referral by Development Control Manager

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

“Observations”

“Proposed front shop canopy and external renovations should reflect Conservation Area status of town centre location. Change of use should comply with local development plan policy.

There is concern about number of food outlets in vicinity. Planning conditions should be included to minimise environmental nuisance e.g, smells, litter, noise.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Conservation Officer

Suggest design alterations to proposed shop front.

Public Protection

No response received

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Cllr Gareth Sandliands

Summary of planning based representations in objection:

Principle - over concentration of food outlets

Impact on amenity - noise, litter and odour

**EXPIRY DATE OF APPLICATION: 08/03/2015**

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

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal is for the change of use of 51 High Street, Prestatyn from a Use Class A1 retail to A3 hot food takeaway use.
- 1.1.2 The proposal also includes the installation of a new shop front.

1.2 Description of site and surroundings

- 1.2.1 The property is located toward the northern end of Prestatyn High Street.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the designated town centre, conservation area, and development boundary as defined by the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 A new shop front was granted permission in 1989.

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 2/PRE/0234/89/P - Replacement shop front GRANTED - 28/06/1989

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
Policy RD1 - Sustainable development and good standard design  
Policy PSE1 - North Wales Coast Strategic Regeneration Area  
Policy PSE8 - Development within town centres  
Policy VOE1 - Key Areas of Importance

3.1 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 and general amenity

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

Policy PSE 1 states the Council will support proposals which retain and develop a mix of employment generating uses in town centres. Policy PSE 8 advises that development proposals within town centres defined on the proposals maps will be permitted provided that they enhance the vitality and viability of the town centre and they do not result in an unacceptable imbalance of retail and non retail uses.

The proposal would lead to a continuous frontage on the High Street in Prestatyn of 7 non A1 retail uses. The application states that two full time and 3 part time jobs would be created by the use.

Officers acknowledge the basis of representations that the proposal would bring about a concentration of non-retail uses in the immediate locality on the High Street. However having regard to the retail provision in the town centre as a whole it is not considered that the proposal would create an unacceptable imbalance. It would introduce a use to a vacant unit that would generate employment. Having regard to this it is considered that the change of use would not be in conflict with the policies listed above and therefore would be acceptable in principle.

#### 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. 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.

An amended shop front design has been submitted following consultation with the conservation officer to provide a more traditional style of shop front.

Having regard to the design and materials of the existing shop front in relation the design and materials proposed it is considered that the proposed shop front would have a positive impact in relation to visual amenity. The proposed improvements would in turn have a positive impact on the character and appearance of the conservation area. The proposals are therefore considered acceptable in relation to visual amenity.

#### 4.2.3 Residential and general amenity

Policy RD 1 sets specific tests to be applied to amenity impacts of development. Proposals for development should comply with these tests.

In noting comments on localised impacts, information in the form of a draft unilateral undertaking has been submitted in relation to arrangements for dealing with litter including proposed litter picking and provision of bins. It is noted that opening beyond 23.00 requires further consent from the licencing authority. It is proposed to highlight this requirement as a note to applicant.

Having regard to the scale, location and design of the proposed development in relation to the existing site and neighbouring properties, it is considered that the proposals would not have an unacceptable impact on residential amenity, and are not with the policy.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is considered to be acceptable in relation to planning polices and is therefore 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 use hereby permitted shall not be commenced until the written approval of the Local Planning Authority has been obtained to details of odour abatement arrangements and the arrangements have been implemented. The odour abatement equipment shall be retained and used at all times thereafter.
3. The use hereby permitted shall not be permitted to operate until the written approval of the Local Planning Authority has been obtained to arrangements for the disposal of litter, and those arrangements have been implemented. The facilities shall be retained at all times for the use operates thereafter.

The reasons for the conditions are:

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

**NOTES TO APPLICANT:**

Please be advised that a licence will be required for the premises to open beyond 23.00

**Report To:** Planning Committee

**Date of Meeting:** 18<sup>th</sup> March 2015

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

**Report Author:** Lara Griffiths, Senior Planning Officer

**Title:** Advertisements Supplementary Planning Guidance –  
Adoption of final document

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## **1. What is the report about?**

- 1.1. This report summarises responses from the recent consultation on the draft Supplementary Planning Guidance (SPG) Advertisements and recommends adoption with modifications enabling the guidance to be used in the determination of planning applications.

## **2. What is the reason for making this report?**

- 2.1. Following the adoption of the Denbighshire Local Development Plan (LDP), a revised SPG on Advertisements is required in order to provide further guidance for developers, Officers and Members. A final copy of the SPG is attached to this report. Appendix A

## **3. What are the recommendations?**

- 3.1. That Members adopt the final SPG on Advertisements for use in the determination of planning applications.

## **4. Report details**

- 4.1. Following the adoption of the LDP on 4th June 2013, Council agreed to carry forward the existing series of SPGs, including SPG 17 – Advertisements. The SPG has subsequently been revised to make guidance clearer and provide better illustrative material. When adopted, the SPG will be a material planning consideration when assessing planning applications.
- 4.2. The SPG supplements the national policies and regulations in relation to advertisements and Policy RD1 of the LDP by providing further detail and guidance on the various types of advertisements requiring consent and aspects to consider such as bilingual signage and appropriate lighting.
- 4.3. The SPG was subject to public consultation for 11 weeks between 1st December 2014 and 13<sup>th</sup> February 2015. A consultation report detailing the

results of the consultation and responses received is attached as Appendix B to this report. No major issues were raised but minor changes to include references to the work of the Highways department and to improve the layout are proposed. Proposed changes are shown as **highlighted** or ~~struckthrough~~ text in the revised SPG attached as Appendix A. The results of the consultation were reported to the LDP Members Steering Group on 16<sup>th</sup> February 2015.

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

5.1. *Corporate Priorities 2012-17*. The SPG will contribute positively to the following proposed corporate priority:

- Developing the local economy – Providing further guidance on sign design can help businesses to improve their appearance and generate additional custom.
- Clean and tidy streets – advice in relation to pavement mounted signs can help to ensure that streets are free from obstructions.

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

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

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

7.1 An EqIA is not considered necessary for this decision. The principle of requiring assessment of impact of development on Advertisements has been established through adoption of the LDP. The SPG provides further guidance on this. The LDP underwent a full EqIA in May 2011.

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

8.1 Internal consultation has been carried out with officers in Development Control Section, Head of Highways and Environmental Services and Conservation Project Officer.

8.2 Input on the content of the SPG has also been provided through a workshop session held with the LDP Members Steering Group. The draft document was also consulted with a range of stakeholders all City, Town and Community Councils, and the general public as detailed in the consultation report at Appendix B.

## **9. Chief Finance Officer Statement**

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

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

10.1 In the absence of up-to-date guidance there is a risk that businesses may come forward with inappropriate schemes which will be harmful to the vitality and vibrancy of our town centres.

**11. Power to make the Decision**

11.1 Planning & Compulsory Purchase Act (2004).

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# Supplementary Planning Guidance Note

# Advertisements



Denbighshire County Council  
Strategic Planning and Housing  
March 2015



## ***Supplementary Planning Guidance Note: Advertisements (March 2015)***

### **Contents**

1. Introduction
2. Status and Stages In Preparation
3. Background
4. Planning Policy and Regulations
5. Types of Advertisements
6. Contacts

Appendix A

Appendix B

Appendix C

*Cover Photo:*

## 1. Introduction

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

## 2. Status and Stages in preparation

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally **adopted** by Denbighshire County Council's Planning Committee on **18<sup>th</sup> March 2015**.
- 2.2 These notes have been prepared in accordance with guidance contained in Planning Policy Wales (March 2014); Local Development Plans Wales (December 2005); and Welsh Government Technical Advice Notes.

## 3. Background

- 3.1 The role of advertisements (or adverts) is to direct and / or inform the public (as potential customers) of a building, product or service. This document focuses on the location and design of advertisements, offering advice and guidance on location and type of advertisement. The regulations regarding the control of advertisements are complex, and advice should be sought prior to erecting or installing any advert or when considering making an application for advertisement consent from the Council's Planning Services.

## 4. Planning Policy and Regulations

- 4.1 National guidance can be found in **Planning Policy Wales (2014) Para 3.5 and Technical Advice Note 7 - Outdoor Advertisement Control (1996) LDP Policy RD1** outlines general development management considerations and section (i) will be relevant to advertisement consent applications. There is also useful advice published by the Department of Communities and Local Government titled '**Outdoor advertisements and signs- A guide for advertisers**', which is available via the following link <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>. It should be noted that this document only relates to England and some of the rules and regulations will differ in Wales but it does contain some useful design advice and illustrations which are helpful when considering options for advertisements.

- 4.2 Adverts are subject to control via the **Town and Country Planning (Control of Advertisements) Regulations 1992**. Adverts subject to control by the 1992 Regulations fall into two principal categories:
- Advertisements for which *deemed* consent is granted by the regulations; and
  - Advertisements which require *express consent* from the Council.
- 4.3 **Deemed consent** covers the types of advertisement listed in Schedule 3 of the regulations; to be found in Appendix A; subject to any specified conditions and limitations and also to the standard conditions listed in Appendix B. Although permission is not required for adverts that benefit from deemed consent, the Council has powers to require the removal of adverts that benefit from deemed consent but are considered to be having a detrimental impact.
- 4.4 **Express consent** is required from the Council for most types of advertising including fascia signs; posters and notices; advance signs; directions signs etc and the content of this guidance note will be a material consideration in the determination of applications for Express Consent. All applications for advertisement consent are judged against the following two criteria:
- AMENITY** - This relates to the effect the advertisement has on appearance of the surrounding area and host building, by way of size, siting, design, materials, colour, illumination etc. It also considers the cumulative effect of advertisements on the surrounding area. Particular care and consideration to the design and use of materials needs to be made in sensitive areas including the Clwydian Range and Dee Valley AONB and the Pontcysyllte Aquaduct and Canal World Heritage Site. Specific guidance in relation to Listed Buildings and Conservation Areas can be found in separate SPGs which should be used in conjunction with this note.
- PUBLIC SAFETY** - This considers all highway users; cars, cyclists, pedestrians, and disabled people. The main considerations are the distraction of drivers and the safety of pedestrians.
- 4.5 The use of **bilingual signage** will be encouraged and supported in all advertisements to reflect the linguistic and cultural character of Denbighshire. Businesses are encouraged to use Welsh names and terms as best practice in naming their premises and to make them locally relevant whenever possible.

#### 4.6 **Unauthorised Signage**

4.7 Anyone who displays an advertisement in contravention of the Regulations commits an offence. For example, by displaying an advert without the necessary consent or without complying with the conditions attached to that consent. The Council can bring prosecution proceedings and have the power to remove any advertisement (and any structure used for its display) which in their view is displayed in contravention of the Regulations.

4.8 [Section 132 of the Highways Act 1980](#) enables the highway authority to remove unlawful advertisements such as pictures or signs attached to any trees, highway signs, structures or works in the highway. Denbighshire's Highways department have developed additional guidance to clarify the position in relation to unauthorised signage and the highway. This is attached as Appendix C.

### 5. **TYPES OF ADVERTISEMENTS**

5.1 **Fascia Signs** – advertisements usually located on the principal elevation of the premises, between ground and first floor level. Materials should be appropriate to the property and surrounding area. The depth and size of the sign and lettering should reflect the characteristics of the premises. Painted, externally illuminated (if required) fascia signs will be encouraged across the County and required in sensitive areas.



## 5.2

**Projecting/hanging signs** – usually located at fascia level, projecting at right angles, normally supported by a bracket. This form of advertising can, when designed and displayed appropriately, form a positive addition to the street scene, adding interest and variety. Proliferation of such signs may however result in a cluttered and unattractive appearance and to avoid this only one such sign will be allowed per premises except on corner properties. Signs should not project more than 1 metre from the supporting wall and should be higher than 2.5 metres from ground level to ensure public safety. The use of materials, colour and illumination (if required) should be in keeping with the character of the premises and the surrounding area.



## 5.3

**Illumination** - Illuminated signs should be of a type and style not to cause visual nor hazard nuisance. Illuminated adverts should:

- cause no intrusion into any residential properties
- cause no glare, dazzle nor conflict with street or traffic lighting
- not be similar to traffic lights or the lights of emergency vehicles

## 5.4

In addition, the means of illumination should:

- be by a constant, non-intermittent light source (non flashing and non moving parts)
- if illuminated from the front, should not project more than 500mm from the advertisement
- cause minimal upward light spill
- be energy-efficient

## 5.6

**Forecourt signs** – Fixed forecourt signs are located on land in the same ownership as the commercial business being advertised. The safety of pedestrians and motorists will be a primary consideration as poorly sited signs, or a proliferation of such signs can obscure viewpoints. Rotating signs will not be encouraged as they can be distracting for motorists.

## 5.7

**A Boards** – these are temporary or moveable, and as above should be located on land in the



same ownership as the business being advertised. If a sign is to be located on the pavement it should be remembered that this is part of the adopted highway and separate consent will be required from the Highway Authority (DCC). Pavement signs can pose particular problems for pedestrians and must not obstruct movement or present a potential hazard.



Oversized adverts and collections of A boards that obstruct the pavement will not be approved.

- 5.8 **Temporary Banners** – these are generally used to advertise forthcoming events. They should be sited so that they do not obstruct visibility to road users or pedestrians. They should not be displayed more than 28 days before the event and must be removed no later than 14 days following in line with the 1992 Regulations.



- 5.9 **Advance Directional Signs** – these are used where the site or event being advertised is not easily seen, or is some distance from the main highway. These signs are not usually displayed on the premises to which they relate. If they are to be located in the Highway then separate consent from the Highway Authority (DCC) will be required. Preference is for AA or white on brown tourism signs and advertisement consent is not required for these signs.



- 5.10 **Poster Hoardings** – these are often used to screen building sites whilst work is being carried out, attached to the flank walls of buildings or free standing along roadsides. These are usually large and are controlled strictly through the planning system. They should not have an adverse impact on the character and appearance of the building or wider area. Any illumination should not cause a distraction to drivers or increase light pollution for nearby residents.



## 6. **Contacts**

### **Contacts:**

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

Tel.: 01824 706727  
Email: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)

Denbighshire County Council  
Highways and Environmental Services  
Caledfryn  
Smithfield Road  
Denbigh  
LL16 3RJ

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

Tel.: 01824 706916  
Email: [ldp@denbighshire.gov.uk](mailto:ldp@denbighshire.gov.uk)



Tel.: 01824 706800

Email: [highways@denbighshire.gov.uk](mailto:highways@denbighshire.gov.uk)

## Appendix A – Deemed Consent

### *Deemed consent*

By regulation 6 of the 1992 Regulations<sup>1</sup>, deemed consent is granted for the following displays of an advertisement falling within classes 1 to 14 listed in Schedule 3 (subject to any specified conditions and limitations and also to the standard conditions).

- Class 1: functional advertisements of local authorities, statutory undertakers and public transport undertakers, and advertisements displayed by LPAs on land in their areas.
- Class 2: miscellaneous advertisements relating to the premises on which they are displayed (e.g. professions, businesses, trades, religious institutions and hotels). There is some doubt as to whether signs for 'bed and breakfast' establishments are currently covered by Class 2.
- Class 3: miscellaneous temporary advertisements relating to sale or letting of property, the sale of goods or livestock, the carrying out of building or similar work, local events, demonstrations of agricultural processes, and visits of a travelling circus or fair.
- Class 4: illuminated advertisements on business premises.
- Class 5: advertisements other than illuminated advertisements on business premises.
- Class 6: advertisements on forecourts of business premises.
- Class 7: flag advertisement attached to single flagstaff projecting vertically from the roof of a building, or on a site where planning permission is granted for residential development, and at least one house remains unsold.
- Class 8: advertisements on hoardings.
- Class 9: advertisements on highway structures.
- Class 10: advertisements for neighbourhood watch and similar schemes.
- Class 11: advertisements directing potential buyers to a residential development.
- Class 12: advertisements inside buildings.
- Class 13: sites used for the display of advertisements without express consent on 1 April 1974 and that have been used continuously since that date.
- Class 14: advertisements displayed after expiry of express consent (unless a condition to the contrary was imposed on the consent or a renewal of consent was applied for and refused).

Specified conditions and limitations are set out in detail under each of the above classes of advertisement subject to deemed consent.

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<sup>1</sup> *The Town and Country Planning (Control of Advertisements) Regulations 1992* SI 1992/666, as amended

## Appendix B – Standard Conditions

The standard conditions are prescribed by Schedule 1 to the 1992 Regulations:

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



## Report of Consultation

### Draft Supplementary Planning Guidance

#### Advertisements

#### 1 Introduction

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance Advertisements including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted the general public on the proposed guidance note for a period of 10 weeks between 1st December 2014 and 13<sup>th</sup> February 2015. The consultation included press releases, and a letter to all people on the Local Development Plan database, including (but not limited to): City, Town and Community Councils; Councillors; Assembly Members; Members of Parliament; adjacent local authorities, and the general public informing them of the consultation and telling them how to respond. Copies of the document were made available on the Denbighshire website, in public libraries and Council One Stop Shops.

#### 2 Responses received

- 2.1 4 organisations responded to the consultation,
- 2.2 Detailed consultation responses are included in Table A.
- 2.3 Further discussions with Head of Highways has resulted in a number of minor amendments being made to the final document, these are shown as track changes in the final report attached as Appendix A to the Committee Report.

Table A – Detailed Consultation responses

<b>The Coal Authority</b>	
<b>Comments</b>	<b>Council Response</b>
No specific comments to make	Noted, no change required.
<b>AONB Interim Joint Advisory Committee</b>	
<b>Comments</b>	<b>Council Response</b>
The IJAC welcomes the local planning authority's ambition to improve the design and quality of new advertisements, and supports the draft SPG in principle. The guidance on	Support welcomed, minor amendments made to reflect additional comments.

<p>amenity considerations (para 4.4) is also supported, particularly the requirement for particular care in 'sensitive areas', but the committee notes that only Listed Buildings and Conservation Areas appear to be highlighted in this context. The IJAC would suggest that specific reference should also be made to the AONB as a nationally protected landscape/sensitive area. Similar considerations also apply to the World Heritage Site. In addition, the <i>siting</i> of advertisements should also be referred to as a specific consideration alongside design and materials in such sensitive areas.</p>	
<p><b>Council for the Protection of Rural Wales (CPRW)</b></p>	
<p>No Comments</p>	<p>Noted</p>
<p><b>Natural Resources Wales</b></p>	
<p>No Comments</p>	<p>Noted</p>

**3. Changes proposed**

3.1 Officers propose several minor amendments to the SPG – these are included in the attached amended SPG at Appendix A. These are mainly factual or editing changes, or to provide additional clarification.

Advertisements Supplementary Planning  
Guidance Adoption  
18/03/2015

Equality Impact Assessment

# Advertisements Supplementary Planning Guidance - Adoption

Contact: Angela Loftus

Updated: 18/03/2015

**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 adopt a new Supplementary Planning Guidance (SPG) on advertisements

**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 adopt new planning guidance relating to advertisements. The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying the policy.
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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 Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqlA in 2009.

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



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

No

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

No

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

No	Not required
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**8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

No	Not required
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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.

<b>Review Date:</b>	10 2015
---------------------	---------

Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	18/03/2015

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

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**Report To:** Planning Committee

**Date of Meeting:** 18th March 2015

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

**Report Author:** Karsten Brußk, Planning Officer

**Title:** 'Conservation Areas' Supplementary Planning Guidance – Adoption of final document

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## **1. What is the report about?**

1.1 The report informs Members of outcomes from the 11 week public consultation exercise on the draft Supplementary Planning Guidance (SPG) note: 'Conservation Areas', and recommends adoption in line with proposed document amendments.

## **2. What is the reason for making this report?**

2.1 The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.

2.2 Development Planning & Policy carried out an 11 week public consultation exercise between December 2014 and February 2015, and discussed outcomes with Members at the LDP Steering Group meeting on 16th February 2015. Hence, a decision is required on the Council's intention to adopt the draft SPG.

## **3. What are the Recommendations?**

3.1 It is recommended that Members adopt the draft SPG 'Conservation Areas', attached as Appendix I, in line with proposed amendments for the determination of future planning applications and appeals.

## **4. Report details.**

4.1 If adopted, the draft Supplementary Planning Guidance (SPG) note will become one of a series of SPGs amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies or principles of development for individual site allocations in a format which aims to guide the process, design and quality of new development.

4.2 Following adoption of the LDP, updated SPGs are required to offer detailed guidance to assist members of the public, Members of the Council, potential

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

- 4.3 Members approved the draft document for an 11 week public consultation exercise at the Planning Committee on 22nd October 2014.
- 4.4 The public were invited to comment on the draft document from 1st December 2014 to 13th February 2015. A total of 6 representations were received by the Council throughout the consultation period; raising no objection to the draft document. Appendix 2 contains the consultation report which includes a summary of each response received and outlines proposed changes. Copies of the original representations are available from the Strategic Planning & Housing team.
- 4.5 Proposed changes are shown as **highlighted** or ~~struckthrough~~ text in the SPG attached as Appendix 1.

## **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;
  - Developing the local economy; improvements to Conservation Areas raise the visual appearance of settlements in Denbighshire and, hence, attracting tourists and businesses to the area.

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

- 6.1 It is not envisaged that adopting the draft SPG will create any additional costs.

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

- 7.1 The content of the draft SPG was screened for likely adverse effects on the eight protected characteristics and the screening report was attached to the report to Planning Committee 22nd October 2014. Since all proposed changes to the draft SPG are of minor factual or editorial character, it is not considered to be necessary to conduct a full EqIA for this SPG.

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

- 8.1 The Council consulted with statutory consultees, all City, Town and Community Councils and members of the public on the draft document for a period of 11 weeks between 1st December 2014 and 13th February 2015. The consultation exercise included press releases and a letter to all people on the Denbighshire Local Development Plan 2006 – 2021 (LDP) database.

8.2 A discussion of the consultation results took place at the LDP Steering Group meeting on 16th February 2015.

**9. Chief Finance Officer Statement**

9.1 It is not anticipated that this work will create any additional cost pressures but if it does these costs will need to be contained within existing resources.

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

10.1 Without the adoption of updated guidance, there is a risk that the Council will be unable to provide accurate advice and service to its customers.

**11. Power to make the Decision**

11.1 Planning & Compulsory Purchase Act (2004).

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# Supplementary Planning Guidance Note

# Conservation Areas



***Supplementary Planning Guidance Note: Conservation Areas (March 2015)***

**Content**

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## 1. Introduction

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

## 2 Status and Stages in preparation

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. ~~This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on 15<sup>th</sup> October 2014.~~ **This SPG was formally adopted by Denbighshire County Council's Planning Committee on 18th March 2015.**
- 2.2 These notes have been prepared in accordance with guidance contained in Welsh Office Circular 61/96 (**'Planning and the Historic Environment: Historic Buildings and Conservation Areas'**) and 1/98 (**'Planning and the Historic Environment: Directions by the Secretary of State for Wales'**); Planning Policy Wales (March July 2014); Local Development Plans Wales (December 2005); Welsh Government Technical Advice Notes (TANs); Cadw's policy document Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011), and English Heritage guidance on 'The Setting of Heritage Assets' (2011).

## 3 Background

- 3.1 Conservation Areas are *"areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance"* (**Article 69 of Planning (Listed Buildings and Conservation Areas) Act 1990**). They were introduced in 1967 under Civic Amenities Act, repealed by the Planning (Listed Buildings and Conservation Areas) Act 1990. It is an area based designation by local planning authorities for preserving and enhancing the special character and appearance of towns, villages and areas.

- 3.2 There are 33 conservation areas in Denbighshire:

Betws Gwerfil Goch    Llandrillo

Prestatyn Castle

Mount and Nant Hill

Bodelwyddan	Llanelidan	Prestatyn Fforddlas
Bodfari	Llanfair D C	Prestatyn High Street
Corwen	Llanferres	Rhyl Central
Cwm	Llangollen	Rhyl River Street
Cynwyd	Llanrhaeadr	Rhyl Seabank Road
Denbigh	Llantysilio	Ruthin
Dyserth	Meliden Central	Rhuddlan
Efenechtyd	Meliden Ffordd Penwhylfa	St Asaph
Henllan	Nantglyn	Trefnant
Llanarmon-yn-Ial	Plas yn Pentre (nr <b>Llangollen)</b>	Tremeirchion

- 3.3 Plans showing the boundaries of these areas are available for inspection online ([www.denbighshire.gov.uk/ldp](http://www.denbighshire.gov.uk/ldp)) and at the Planning Offices based at Caledfryn, **Smithfield Road**, Denbigh, **LI16 3RJ**.
- 3.4 There are many types of conservation areas. These include estate villages, such as Bodelwyddan and Llaneliden, Georgian and Victorian towns with medieval cores, that are part of historically important routes such as Corwen, castle towns such as Denbigh, Ruthin and Rhuddlan, Victorian seaside towns such Rhyl and Prestatyn, and important historic settlements in an exceptional landscape setting such as Llangollen and Llantysilio.
- 3.5 Quality of place is the prime consideration in identifying Conservation Areas. The different characteristics of towns and villages mean that each area will have a unique special architectural or historic interest. This special interest results from the character provided by a variety of features. This can include a combination of street patterns, relationships between buildings and spaces, particular building styles and architectural detailing, open spaces, landscape, trees and views and vistas. Buildings range from the iconic, such as castles and medieval timber framed buildings, to the overall townscape, to building detailing and boundaries. **Conservation areas, particularly in historic towns, often have archaeological interest as well, both in buried remains and information embedded in the street pattern, for example.**
- 3.6 Conservation area designation is not an end in itself. It is managed through periodic review of the special characteristics of what makes that area special. By definition, conservation areas have statutory protection and are places which should be conserved. They require active management in order to retain their reason for existence. When exercising other functions with respect to buildings or land in conservation area (particularly the granting of planning permission) special attention is paid to preserving or enhancing the character or appearance of the area.

- 3.7 Planning applications should be assessed on how development proposals impact on the character and appearance of the conservation area. The character and appearance of these areas can be retained and enhanced in a positive way. Development proposals should be of high quality and designed in context within the building and area to which it relates. Well-designed new buildings will enhance the appearance and character of the Conservation Areas.
- 3.8 The first conservation areas in Denbighshire were designated in 1971. There have been significant changes to a number of conservation areas in Denbighshire ~~since then~~ **subsequently**. Significant improvements to buildings have resulted in the restoration of the townscape through the successful lottery funded Townscape Heritage Initiative area in Denbigh. The Pontcysyllte Aqueduct and Canal World Heritage Site directly impacts on Llangollen and Llantysilio conservation areas. The **Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)** extension includes the urban areas of Llangollen and Corwen. There is a new shopping centre in Prestatyn Conservation Area, and a regeneration strategy in West Rhyl that affects Rhyl Central Conservation Area.

#### 4. **Conservation Legislation, Planning Policy and Regulations**

- 4.1 ~~Statutory responsibilities~~ The primary legislation for carrying out building conservation functions is the Planning (Listed Buildings and Conservation Areas) Act 1990. There are various duties that the local authority has to provide under this Act with regard to conservation areas. Under Sections 69, 70 and 71 the Council must determine which parts of its area should be conservation areas, decide whether to extend these or create new ones, and publish proposals for their preservation and enhancement. Section 72 identifies the planning functions in conservation areas, in particular to pay special attention to the desirability of enhancing or preserving the appearance of conservation areas.
- 4.2 National guidance can be found in Welsh Office Circular 61/96 and 1/98; Planning Policy Wales (**Edition 7**, 2014) Chapter 6 '**Conserving the Historic Environment**', and Technical Advice Notes (TAN) 12: Design (2014).
- 4.3 National guidance has been updated since the adoption of the ~~original~~ **last** SPG on Conservation Areas in 2003; in particular Cadw's policy document 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales' (2011) and TAN 12. English Heritage has also produced guidance on 'Understanding Place: Conservation Area Management, Appraisal and Management' (2011). It should be noted that the English Heritage document only relates to England

and some of the rules and regulations will differ in Wales but it does contain principles to consider which are generic to all listed buildings.

- 4.4 Welsh Office Circular 61/96 and Planning Policy Wales (PPW) identify the important role that local planning authorities play in conserving the historic environment whilst balancing wider sustainable development responsibilities. The objective is to “preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations”.
- 4.5 PPW (**Edition 7, 2014**) stipulates in Chapter 6 Paragraph 6.3.2 that “*the positive management of conservation areas is necessary if their character or appearance is to be protected and enhanced*”, and in Paragraph 6.4.6 that “*development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of conservation areas, as identified in (a conservation area) assessment and proposal document, to ensure that any new development is in accord with the area’s special architectural and historic interest.*”
- 4.6 LDP Policy RD1 ‘**Sustainable development and good standard design**’ outlines general development management considerations relevant to development affecting conservation areas. LDP Policy VOE1 ‘Key Areas of Importance’ is a specific policy for planning applications affecting conservation areas. The physical location of conservation areas in Denbighshire, in the centre of town and villages, is a key consideration for ensuring that conservation areas are adapted or changed in a positive way, retaining their character that makes the towns and rural areas of Denbighshire unique. Providing positive and clear guidance on changes to conservation areas supplement relevant LDP policies on respecting distinctiveness, sustainable development, promoting a sustainable economy and valuing our environment.
- 4.7 The Council is also required to review their areas from time to time and to consider whether further designations of Conservation Areas are required. The Council is continuing this process of review and an appraisal of all Conservation Areas is taking place. Conservation Areas may be extended, reduced, deleted or added to as a result of this process and additional management measures may be considered appropriate for some areas.

## 5. **What does designation mean?**

- 5.1 Controls over demolition: Demolition or substantial demolition of a building within a conservation area will usually require permission from the local authority. Most works involving demolition require Conservation Area

Consent. Consent for demolition will not normally be granted until it is known what form redevelopment will take, and how it preserves or enhances the conservation area. There may however be some poor quality buildings which, if removed, would result in visual improvements to Conservation Areas.

- 5.2 Trees: Trees are given automatic protection in conservation areas for the contribution that they make to the amenity of an area. If you are thinking of cutting down a tree or doing any pruning work (with some exceptions) you must formally notify the Council 6 weeks in advance. This is to give the Council time to assess the contribution the tree makes to the character of the conservation area and decide whether to make a Tree Preservation Order. Some trees may be additionally protected by a Tree Preservation Order because of their importance to the locality.
- 5.3 *Positive management of detailing over new development* - Certain property alterations may need planning permission. These would include adding extensions, roof extensions and alterations, cladding, installing satellite dishes and solar panels, and laying paving or building walls.
- 5.4 All proposals for development, including the alteration of shop fronts and the display of advertisements in conservation area, require considered design to preserve and enhance the area's special character. Design, materials, lighting, style and colour are of particular importance.
- 5.5 *Article 4 (2) Directions* - In some Conservation Areas an Article 4 (2) Direction has been introduced. This ensures that alterations to the front of dwellings are carried out in sympathy with the special character of an area. Where such a Direction is in place, planning permission is normally required for the alteration of windows, doors, porches, chimneys, roofs and boundaries.
- 5.6 Payment of a planning application fee is not required for Conservation Area Consent, consent for works to trees or applications under the Article 4 (2) Direction.

## 6. **Enhancement of Conservation Areas**

- 6.1 Denbighshire County Council will, where opportunity arises, enhance the appearance of its Conservation Areas, ~~The Council~~ **and** is committed to the following actions to improve the appearance and maintain the character of Conservation Areas:
- A proactive Conservation Area Management Strategy;
  - Positive development management, through pre-application discussion and planning consents to ensure protection and enhancement;
  - Environmental improvements through partnership with others;

- Providing advice and information;
- Sourcing grant aid.

## 7. Understanding Character

7.1 The design of new developments within Conservation Areas should be in sympathy with the aim of ensuring that the character of the overall area is retained and/or enhanced.

7.2 It is recommended that the services of an architect are employed to produce the high standard of design required for development in Conservation Areas. Planning Officers of Denbighshire County Council are happy to give guidance and advice prior to detailed design work commencing to help arrival at a satisfactory result.

7.3 Design considerations should be based on an assessment of the site context and character of the conservation area. TAN 12 provides clear guidance on assessing context, but these will also help you:

- Historic maps - historic context;
- Building types – describe what is there at the moment: for example timber framed buildings, traditional cottages, estate cottages, Georgian architecture, Victorian architecture, Edwardian architecture;
- Historic photos – for the reinstatement of features such as shop fronts, windows, frontages etc;
- Design cues - look at the existing architectural palette – materials, roofscape, windows, doors, boundaries, landscaping and views.

7.4 Photo 1: A shop on High Street, Denbigh. The frontage was reinstated using historic photograph **(before [this page] and after [next page])**







7.5 **Castle Street, Ruthin** – key characteristics include medium density (18.4 units per hectare); a strong vertical townscape rhythm created by plot width, narrow frontages, limited blank walls and window and door proportions; two and a half storeys; a building line fronting the pavement creating a sense of enclosure and intimacy; buildings framing the view within a very narrow street; high quality composition of buildings and roofscapes of different periods in a vernacular style; a good colour palette of materials; all within a tightly woven historic consolidated core. **(see Photo 2)**

7.6 Photo 2: Castle Street, Ruthin



7.8 **The Terrace, London Road, Corwen** – key characteristics includes Victorian architectural uniformity; medium to high density; a vertical emphasis created

by plot width, original door and window proportions and detailing; townscape rhythm created by regular canted bay windows and chimneys; welcoming and articulated facades created by strong detailing to frontages and boundaries; small front gardens proportionate to elevation and street, uniformity of materials; overall creating a strong townscape with a sense of formality on the historic A5 route from London to Holyhead. **(see Photo 3)**

7.9 Photo 3: The Terrace, London Road, Corwen



- 7.10 New buildings, designed to a high standard should be sited, designed and appear externally in sympathy with their location and the overall appearance of the area.
- 7.11 **New build in Denbigh Conservation Area** – modern materials and style, but the attention to detail in terms of roof pitch, plot size and overall proportions allows it to sit well within its historic context. **(Please see photos on next page for details.)**
- 7.12 Alterations and extensions to buildings should be sympathetic to the character and appearance of existing buildings in terms of scale, size and use of materials.
- 7.13 Detailing is important to buildings, boundaries and the wider landscape.



7.14 Photo 4: **New build in Denbigh Conservation Area – detailed new build (top) as blended into the townscape (below)**



7.15 Photo 5: **Detailing is important**



## 8. **Contacts**

Denbighshire County Council  
Conservation Officer  
Caledfryn  
Smithfield Road  
Denbighshire County Council  
LL16 3RJ  
Tel: 01824 706712  
Email: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)

Cadw: Welsh Historic Monuments  
Plas Carew  
Units 5/7 Cefn Coed  
Parc Nantgarw  
Cardiff CF15 7QQ  
Tel: 01443 336000  
Email: [cadw@wales.gsi.gov.uk](mailto:cadw@wales.gsi.gov.uk)  
[www.cadw.wales.gov.uk](http://www.cadw.wales.gov.uk)

**Clwyd-Powys Archaeological Trust,  
41 Broad Street,  
Welshpool,  
SY21 7RR  
<http://www.cpat.org.uk>**

The Georgian Group  
6 Fitzroy Square  
London W1T 5DX  
Tel: 020 7387 1720  
Email: [info@georgiangroup.org.uk](mailto:info@georgiangroup.org.uk)  
[www.georgiangroup.org.uk](http://www.georgiangroup.org.uk)

The Society for the Protection of Ancient Buildings  
37 Spital Square  
London E1 6DY  
Tel; 0207377 1644  
Email: [info@spab.org.uk](mailto:info@spab.org.uk)  
[www.spab.org.uk](http://www.spab.org.uk)

The Victorian Society  
1 Priory Gardens  
Bedford Park  
London W4 1TT  
Tel: 020 8994 1019  
Email: [admin@victorian-society.org.uk](mailto:admin@victorian-society.org.uk)  
[www.victorian-society.org.uk](http://www.victorian-society.org.uk)

Royal Institution of Chartered Surveyors (RICS)  
Parliament Square

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SW1P 3AD  
Tel: 0870 333 1600  
Email: [contactrics@rics.org](mailto:contactrics@rics.org)  
[www.rics.org.uk](http://www.rics.org.uk)

The Royal Town Planning Institute  
41 Botolph Lane  
London EC3R 8DL  
Tel: 020 7929 9494  
[www.rtpi.org.uk](http://www.rtpi.org.uk)

The Royal Institute of British Architects (RIBA)  
RIBA Headquarters  
66 Portland Place  
London W1B 1AD  
0207 580 5533  
Email: [info@riba.org](mailto:info@riba.org)  
[www.architecture.com](http://www.architecture.com)

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## Appendix II: Report of Consultation – Draft Supplementary Planning Guidance note: Conservation Areas.

### 1. *Introduction*

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance (SPG) note: 'Conservation Areas' including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted with members of the public on the draft document for a period of 11 weeks between 1st December 2014 and 13th February 2015. The consultation exercise included press releases and a letter to all people on the Denbighshire Local Development Plan 2006 – 2021 (LDP) database, including: City, Town and Community Councils, Councillors, adjacent local authorities, and the general public informing them of the consultation and telling them how to respond.
- 1.3 Copies of the draft document were made available on the Denbighshire County Council website, in Public Libraries and the Council's One Stop Shops.

### 2. *Responses received*

- 2.1 The Council received a total of 6 representations on the draft SPG, including Clwyd Powys Archaeological Trust (CPAT), Natural Resources Wales (NRW), and the Campaign for the Protection of Rural Wales (CPRW).
- 2.2 Respondents to the public consultation raised the following issues:
  - To include a note that conservation areas often have archaeological interest, both in buried remains and information embedded in street pattern.
- 2.3 Copies of all public consultation responses can be obtained by contacting the Planning Policy team in Denbigh by phone: 01824 706916 or by email: [ldp@denbighshire.gov.uk](mailto:ldp@denbighshire.gov.uk). A summary of the consultation responses are included at the end of this report in Table 1.

### 3. *Changes proposed*

- 3.1 After carefully considering all representations, the Council decided to incorporate the change proposed by Clwyd Powys Archaeological Trust and Gwynedd Archaeological Trust to emphasise the archaeological heritage in Conservation Areas. Officers have made minor editorial changes to the document to improve readability and detailed literature references.
- 3.2 Proposed changes are shown as **highlighted** or ~~strikethrough~~ text in the draft SPG document in Appendix 1.

Table 1: Consultation responses

<i>Name</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Jenny Emmett	Gwynedd Archaeological Trust (Heneb)	An overall good, clear document that applicants will find helpful	Support welcomed.	No change proposed.
		Paragraph 3.2 or 3.3: Insert reference to archaeological interests within Conservation Areas	Change agreed to provide applicants with further information.	Insert the following sentence into paragraph 3.5 (former 3.3): <b>Conservation areas, particularly in historic towns, often have archaeological interest as well, both in buried remains and information embedded in the street pattern, for example.</b>
		Include CPAT's address in Contact section	Change agreed to provide additional contact for applicants.	Include CPAT's address in Section 8 'Contacts'
Mark Walters	Clwyd-Powys Archaeological Trust	Support Heneb's representation	Comment noted.	Amendments to be implemented in line with proposals made by Heneb
		Include CPAT's address in Contact section	Change agreed to provide additional contact for applicants.	Include CPAT's address in Section 8 'Contacts'
Mandy Evans	Abergele Town Council	No comment.	Comment noted.	No change proposed.
Mike Moriarty	Campaign for the Protection of Rural Wales	No comment.	Comment noted.	No change proposed.
---	The Coal Authority	No comment.	Comment noted.	No change proposed.
Debbie Hemsworth	Natural Resources Wales	No comment.	Comment noted.	No change proposed.

**Report To:** Planning Committee

**Date of Meeting:** 18th March 2015

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

**Report Author:** Karsten Brußk, Planning Officer

**Title:** 'Listed Buildings' Supplementary Planning Guidance – Adoption of final document

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## **1. What is the report about?**

1.1 The report informs Members of outcomes from the 11 week public consultation exercise on the draft Supplementary Planning Guidance (SPG) note: 'Listed Buildings', and recommends adoption in line with proposed document amendments.

## **2. What is the reason for making this report?**

2.1 The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.

2.2 Development Planning & Policy carried out an 11 week public consultation exercise between December 2014 and February 2015, and discussed outcomes with Members at the LDP Steering Group meeting on 16th February 2015. Hence, a decision is required on the Council's intention to adopt the draft SPG.

## **3. What are the Recommendations?**

3.1 It is recommended that Members adopt the draft SPG 'Listed Buildings', attached as Appendix I, in line with proposed amendments for the determination of future planning applications and appeals.

## **4. Report details.**

4.1 If adopted, the draft Supplementary Planning Guidance (SPG) note will become one of a series of SPGs amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies or principles of development for individual site allocations in a format which aims to guide the process, design and quality of new development.

4.2 Following adoption of the LDP, updated SPGs are required to offer detailed guidance to assist members of the public, Members of the Council, potential

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

- 4.3 Members approved the draft document for an 11 week public consultation exercise at the Planning Committee on 22nd October 2014.
- 4.4 The public were invited to comment on the draft document from 1st December 2014 to 13th February 2015. A total of 6 representations were received by the Council throughout the consultation period; raising no objection to the draft document. Appendix 2 contains the consultation report which includes a summary of each response received and outlines proposed changes. Copies of the original representations are available from the Strategic Planning & Housing team.
- 4.5 Proposed changes are shown as **highlighted** or ~~strikethrough~~ text in the SPG attached as Appendix 1.

## **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;
  - Developing the local economy; improvements to Conservation Areas raise the visual appearance of settlements in Denbighshire and, hence, attracting tourists and businesses to the area.

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

- 6.1 It is not envisaged that adopting the draft SPG will create any additional costs.

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

- 7.1 The content of the draft SPG was screened for likely adverse effects on the eight protected characteristics and the screening report was attached to the report to Planning Committee 22nd October 2014. Since all proposed changes to the draft SPG are of minor factual or editorial character, it is not considered to be necessary to conduct a full EqIA for this SPG.

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

- 8.1 The Council consulted with statutory consultees, all City, Town and Community Councils and members of the public on the draft document for a period of 11 weeks between 1st December 2014 and 13th February 2015. The consultation exercise included press releases and a letter to all people on the Denbighshire Local Development Plan 2006 – 2021 (LDP) database.



8.2 A discussion of the consultation results took place at the LDP Steering Group meeting on 16th February 2015.

**9. Chief Finance Officer Statement**

9.1. It is not anticipated that this work will create any additional cost pressures but if it does these costs will need to be contained within existing resources.

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

10.1 Without the adoption of updated guidance, there is a risk that the Council will be unable to provide accurate advice and service to its customers.

**11. Power to make the Decision**

11.1 Planning & Compulsory Purchase Act (2004).

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# Supplementary Planning Guidance Note

# Listed Buildings



## **Supplementary Planning Guidance Note: Listed Buildings (March 2015)**

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*Cover Photo: Dolbelidr - Listed II\* for its special historic interest as the home of Elizabethan grammarian Henry Salesbury, and its special architectural interest as a fine late C16 vernacular storied end-chimney*

## 1. Introduction

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

## 2. Status and Stages in preparation

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. ~~This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on 15<sup>th</sup> October 2014.~~ **This SPG was formally adopted by Denbighshire County Council's Planning Committee on 18th March 2015.**
- 2.2 These notes have been prepared in accordance with guidance contained in Welsh Office Circular 61/96 (**'Planning and the Historic Environment: Historic Buildings and Conservation Areas'**) and 1/98 (**'Planning and the Historic Environment: Directions by the Secretary of State for Wales'**); Planning Policy Wales (March July 2014); Local Development Plans Wales (December 2005); Welsh Government Technical Advice Notes (TANs); Cadw's policy document Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011), and English Heritage guidance on 'The Setting of Heritage Assets' (2011).

## 3. Background

- 3.1 This guidance note is to assist anyone who has a vested interest in a listed building. The purpose of the guidance note is to provide general information on listed buildings and specific information on what to do if there is a need to undertake works to a listed building.
- 3.2 There are over 1800 listed buildings in Denbighshire. The Council has a responsibility to manage appropriate changes to a listed building through a process called listed building consent. This consent is required if you want to undertake works that affect its character as a building of special architectural or historic interest. It doesn't mean that you can't undertake any works to a listed building but that the works are appropriate to its age, character,

appearance and longevity and would add value to the building. This note is to assist you in preparing an application for listed building consent and what is required for an application.

#### 4. **What is a Listed Building?**

4.01 A listed building is a building considered to be of 'special architectural or historic interest'. Cadw is responsible for listing buildings. Cadw forms part of the Welsh Government.

#### 4.1 **How are Listed Buildings chosen?**

4.1.1 The principles of selection have been established for some time but are periodically revised. The main criteria are:

- architectural interest: building important to the nation for their interest of their architectural design, decoration and craftsmanship, important examples of building types and techniques and significant plan forms;
- historic interest: buildings that illustrate important aspects of the nation's social, economic, cultural or military history;
- close historical associations with people or events of importance to Wales;
- Group value, where buildings contribute an important architectural or historic unity or are fine examples of planning.

4.1.2 Photo 1: Castle Street, Ruthin – most buildings on this street are listed in their own right. They also have group value by contributing to the townscape



- Age and rarity are also relevant considerations, particularly when buildings

are listed specifically for their historic interest.

- All buildings erected prior to 1700 are listed if most of the historic fabric survives in its original condition.
- There is some selectivity for buildings constructed between 1700 and 1840.
- There is greater selection required for buildings dating from 1840 **onwards**, given the number that has survived.
- Buildings less than 30 years old are normally only listed if they are of exceptional quality and are under threat.

- 4.1.3 Photo 2: Hillside Shelter, Prestatyn – a Grade II listed 20<sup>th</sup> century structure, listed as an unusual and innovative concrete garden structure, the centrepiece of a public garden



- 4.1.4 There are many types of listed buildings. These include buildings such as castles, houses, farmhouses and farm buildings, to structures such as bridges, telephone call boxes, post office boxes and street lights.

- 4.1.5 **All Listed Buildings are important, and** They are classified in grades to show their relative importance in terms of hierarchy:

Grade I - buildings of exceptional, ~~usually national~~ interest;

Grade II\* - particularly important buildings of more than special interest;

Grade II - buildings of special interest that warrant every effort being made to preserve them.



## 4.2 What does listing means in practice?

4.2.1 Once a building is listed the entire building is protected. This includes the interior and exterior of the building, and includes any object or structure fixed to the building, including any curtilage structures, that have been in place prior to 1 July 1948. This is irrespective of the reason for listing. You should also note that the list description has no statutory force - that is, there will be items, fixtures or fittings in the listed building even though it is not described on the listing document.

4.2.2 Photo 3: Nantclwyd y Dre, Ruthin – a Grade I listed building which has several phases of construction



Photo 4: Nantclywd y Dre, Ruthin – interior panelling, historic fireplaces and flooring (Photo courtesy of Gareth Parry)





## 5. **Listed Building legislation, Planning Policy and Regulation**

- 5.1 The primary legislation for carrying out listed building functions is the Planning (Listed Buildings and Conservation Areas) Act 1990. There are various duties that the local authority has to provide under this Act with regard to listed buildings. Under Sections 8, 10 – 22 and 66 – 68 - in considering whether to grant planning permission affecting a listed building or its setting, the local authority is to have special regard to the desirability of preserving the building or its setting.
- 5.2 National guidance can be found in Welsh Office Circular 61/96 and 1/98; Planning Policy Wales (**Edition 7**, 2014) Chapter 6 '**Conserving the Historic Environment**', and Technical Advice Notes (TAN) 8: Renewable Energy (2005) and TAN 12: Design (2014).
- 5.3 National guidance has been updated since the adoption of the ~~original~~ **last SPG on listed buildings** in 2003; in particular Cadw's policy document 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales' (2011) and TAN 12. English Heritage has also produced guidance on 'The Setting of Heritage Assets (2011)'. It should be noted that the English Heritage document only relates to England and some of the rules and regulations will differ in Wales but it does contain principles to consider which are generic to all listed buildings.
- 5.4 **Denbighshire Local Development Plan 2006 – 2021 (LDP)** LDP Policy RD1 '**Sustainable development and good standard design**' outlines general development management considerations relevant to development affecting a listed building. LDP Policy VOE1 'Key Areas of Importance' and VOE 4 'Enabling Development' are specific policies for planning applications affecting listed buildings and their settings. There is a presumption in favour of the preservation of listed buildings.
- 5.5 The Courts have accepted that there is no statutory requirement to have regard to the provisions of the local development plan for listed building consent, and Section 54A of the Town and Country Planning Act 1990 (superseded by Section 38 (6) of the Planning and Compulsory Purchase Act 2004) does not apply. However, plan policies have to be taken into account for planning applications, for example for changes of use, or development that affects the setting of a listed building. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.

## 6. Listed Building Consent

6.1 If you want to make changes to a listed building you have to apply for a special planning procedure known as Listed Building Consent. *Listed Building Consent is usually required for internal and external works for:*

- The alteration or extension of a Listed Building;
- The demolition of a Listed Building;
- Repairs that do not match the existing;
- Repairs on a like for like basis that require extensive removal of historic fabric;
- Thermally upgrading your property.

6.2 Listed building consent would also be needed for the above works that affect curtilage listed structures.

6.3 It is very important to seek advice on any proposed works before submitting an application for listed building consent to the Local Planning Authority. It is a criminal offence to alter, extend or demolish a listed building without consent.

6.4 All applications for listed building consent, or a planning application affecting a listed building or its setting, are considered on:

*“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.” [PPW 7 (2014) paragraph 6.5.9]*

6.5 Applicants for listed building consent must be able to justify their proposals. This is assessed against:

- The significance of the building;
- The scale of development;
- The impact on the listed building and its setting.

## 7. The setting of a listed building

7.1 The setting of a listed building can be much more far ranging than the curtilage. For example:

- Farms are typically set within a countryside setting
- Listed buildings in towns and villages, are typically part of a wider townscape quality
- Country houses may be set within a formal historic park or garden which has specifically been designed to take account of views and vistas into the wider landscape (see Photo 5, p. 9)

7.2 The setting of a listed building must be taken into account even when a planning application is not on the land where the listed building is located. In these circumstances it is important to:

- identify the listed buildings or structures that might be affected by evaluating their architectural character, quality and interest;
- identify the setting of the listed buildings or structures, by looking at the existing nature and appearance of the existing surroundings of the listed building;
- evaluate how any new development would impact upon this - for example the visual impact of the proposed development, and magnitude of accumulative change relative to the scale of the historic structure and its setting.

7.3 Photo 5: Plas Newydd, Llangollen – A Grade II\* listed building in a Grade II\* historic parkland setting



7.4 There is a statutory duty for the local authority to consider the desirability of preserving the building or its setting. This is to ensure that the special character of both the building and its setting are protected and are not compromised.

8. **What information is required to make an application?**

8.1 **There is no fee for listed building consent applications.** Your application must be made up of 4 copies of:

- the necessary up to date and accurate plans of the site;
- the required supporting documentation;
- the completed application form;

- Certificate of ownership (1 copy);
- 12 copies of all documents where demolition works are proposed.

## 8.2 Plans

- **Site Location Plan** - an ordnance survey plan of the site and surrounding area at a scale of 1:1250 or 1:1250. The site must be outlined in red and any other land in the same ownership in blue. The direction of north should be clearly marked.
- **Block Plan**: to a scale of 1:500 or 1:200 showing how the building relates to other buildings on the site or adjacent sites, any buildings or features to be removed and any extensions or new buildings. The site should be edged in red.
- **Existing and Proposed Plans**: Elevations, floor plans and cross sections of the building to a scale of 1:50, showing the whole building or part affected by the works proposed, including any historic features. This should make clear what changes are involved.
- **Relevant Specific Details**: section details of new windows, including glazing bars and mouldings, panelling etc., doors; internal joinery detail such as staircases, architraves and skirting; shop fronts, hanging signs, timber framing, railings etc. to a scale of 1:5, 1:10 or 1:20. Details of any building regulation requirements relevant to the application will also be required in plan form - fire safety, ventilation, thermal insulation, sound insulation for example.

## 8.3 Written Information

- **Copy of list description**;
- **Details of any grants** applied for by Cadw, or other public body for works to the building;
- **A Design and Access Statement** The information required should be proportionate to the work proposed. This should explain the design principles behind any new works and how they relate to the listed building and surrounding area and to explain how issues relating to access to the building have been dealt with.

8.4 Planning Guidance **Policy Wales (PGPW Edition 7 2014)** recognises in **paragraph 3.4.5**: *“Historic buildings can present particular accessibility difficulties. The provision of access suitable for all should be encouraged wherever the installation of such access would not unduly affect the special character of an historic building. When a new extension is designed for a building of special architectural or historic interest it should be fully accessible. Access audits may be useful in assessing the accessibility of historic buildings.”* Further information is in Cadw’s publication ‘Overcoming the Barriers: Providing Physical Access to Historic Buildings’ **(2002)**.

## 8.5 A Justification of the Works and An Assessment of the Significance of the works proposed

8.5.1 This is a detailed but proportionate account of how the proposals will impact on the listed building. This should:

- 1) Analyse the building to identify its architectural significance;
- 2) Identify the building's condition;
- 3) Describe the proposals and justification as to why they are desirable or necessary;
- 4) Assess their likely impact on the character of the building, its setting and the setting of any adjacent listed buildings;
- 5) Describe how the impact on the special architectural or historic interest of the building and setting have been minimised through an appropriate design solution.

8.5.2 This should include a detailed and appropriate specification of works proposed. It should be cross referenced to existing and proposed plans and drawings to indicate those affected historic features. This should also include details of any works required under the Building Regulations. The most common issues are below. The detailed works should include an appropriate conservation led solution for:

- Part B: Fire Safety;
- Part E: Resistance to Sound;
- Part F: Ventilation;
- Part L: Conservation of Fuel and Power;
- Part M: Access to and use of buildings.

## 9. **Assessing the Listed Building's Significance**

9.1 Applications will have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of a listed building, the extent of the listed building's fabric to which the significance relates and the level of importance of that significance. Historic Buildings Consultants and experienced conservation architects will be able to provide this level of detail. **There is sometimes a need for a professional archaeologist to be involved in the research to inform design and/or in undertaking subsequent recording.** The scope and complexity of each application is likely to vary enormously, depending of the extent of the proposals.

9.2 Cadw's document 'Conservation Principles for the sustainable management of the Historic Environment in Wales' (March 2011) sets out the principles behind conservation philosophy. Four types of heritage value are identified to assess significance: historic, evidential, aesthetic and communal value.

9.3 **Historical Value** – identifying a particular aspect of past life or association with a notable family, person, event or movement.

9.3.1 Historical research is important when analysing the significance of a listed building. For example historical research revealed the history of 37-39 Pendyffryn Road as a sub medieval farmhouse of the upper middle gentry. Its survival was highly unusual on the coastal plain and it has been restored accordingly.

9.3.2 Suggested details:

- Identifying historical sources of information - County Record Offices; local museums, libraries and archives; the National Monuments Record, **Historic Environment Record (HER)** etc. **The HERs and archaeological development control officers have further guidance on photographic recording standards;**
- Producing plans showing historical phases of development.

9.4 Photo 6: 37-39 Pendyffryn Road, Rhyl (before [top] and after [below])





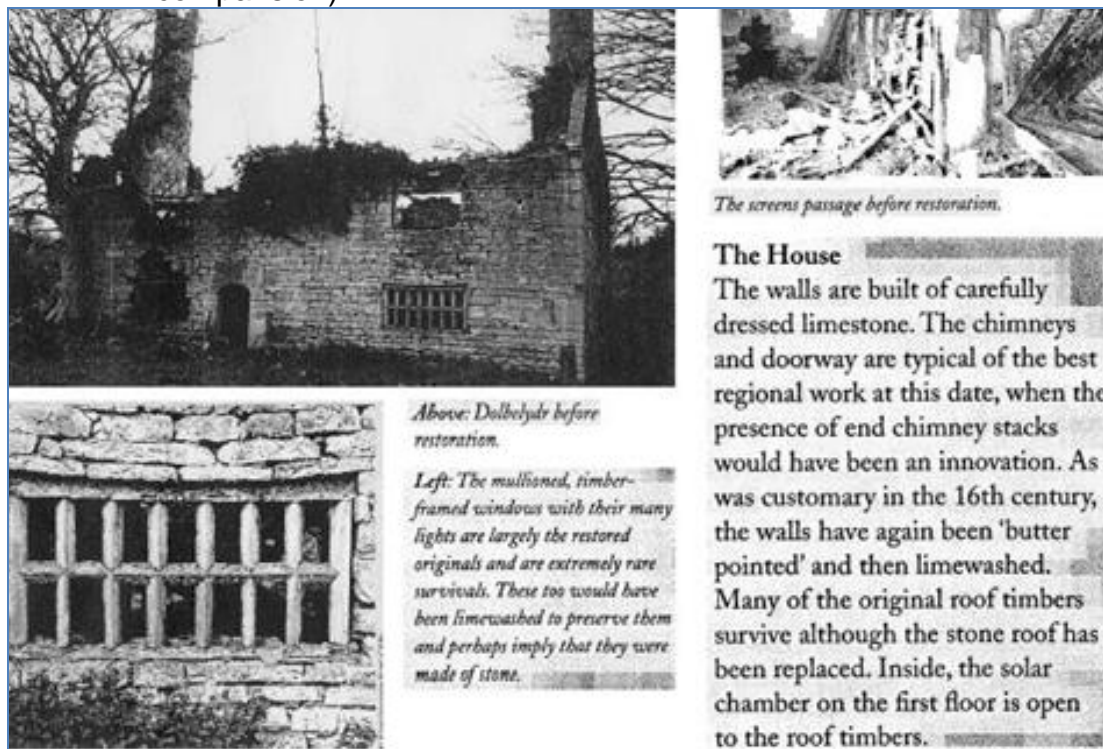
9.5 **Evidential Value** - elements of an historic asset.

9.5.1 This is evidence based research and recording on what is there – for example, the plan form of the old workhouse in St. Asaph (formerly HM Stanley), a Georgian house with 16th century timber framing inside, external features etc.

9.5.2 Suggested details:

- Written description of historical features from outside to inside, plan form, any historical remodelling and suggested dates of joinery detailing, fireplaces, historic shop fronts etc., room by room detail, and any loss or change to them, including Building Regulation requirements and how this impacts of the character of the building;
- Photographs - These must be up to date and in colour showing the whole building and closer views of the areas affected. Internal details may be of specific importance- doors, architraves, panelling, picture rails, fireplaces etc.

9.5.3 Photo 7: Dolbelidr in a poor condition; Roof repairs based on considered assessment and historic building research (see cover photo for comparison)



9.6 **Aesthetic Value** – derived from ways in which people draw sensory and intellectual stimulation from a place.

- Identify its character and architecture. Classical detailing, such as that on Mostyn House and on institutional buildings such as HM Stanley gives a

clue to the character and appearance and the society in which it was built.

- 9.7 Photo 8: Mostyn House, Vale Street, Denbigh, a Grade II fine town house – historical research and uncovering of features during works returned the character of the building back to its Georgian origins



- 9.8 **Communal Value** - the value a historic asset has for the people who relate to it.

- 9.9 Photo 9: Terfyn Wellhead, Bodelwyddan – a Grade II listed picturesque well of around 1868





10. **Schedule of Alterations and Repairs**

10.1 This should include a list of alterations, whether the works are of low, medium or high significance and a justification for the works. Repairs should be based on conservation work.

10.2

Drawing No:	Proposed alteration	Significance	Justification
ABC/1	Removing 19 <sup>th</sup> century casement window and replacing with stone mullion window	High	This part of the building is sub medieval. Evidence of original mullion window to side of building

10.3 Photo 10: Bryn-y-Parc, Park Street, Denbigh – a Grade II\* listed building, where the justification to restore the building to its original character of the late 16<sup>th</sup> / early 17<sup>th</sup> century was accepted after careful and detailed research



11. **For proposals involving substantial rebuilding, demolition in full or part (in line with paragraph 91-92 of Welsh Office Circular 61/96)**

11.1 **Structural Report** - A comprehensive and full detailed structural report by a conservation structural surveyor to justify why removal is necessary and to show that proposed alterations will not affect the structure, stability or character of the buildings.

## 11.2 **Financial Viability Appraisal**

### 11.3 **Justification for Demolition Statement** – This should include:

- A comprehensive assessment of the efforts made to sustain existing uses or viable new uses that would prevent demolition;
- Evidence that the redevelopment would produce substantial benefits for the community which decisively outweigh the loss resulting from demolition, and evidence made to incorporate the building into the redevelopment;
- Evidence that the preservation of the building in the form of a charitable trust or community ownership is not possible or suitable and efforts made to establish such ownership of sale on the open market.

## 12. **Maintenance and repairs**

12.1 Some works do not require consent, such as repairs that are on a like for like basis. Generally speaking normal maintenance works which are carried out on a "like for like" basis would by definition not affect the character of the building and therefore would not require Listed Building Consent. Care must be taken however to ensure that the work is "like for like". For example:

- Repairing roofs – retaining as much roof slates and timbers as possible. If a new roof is needed salvage as much slate as possible and replace slates with the same colour and size;
- Repairing windows with the same material, section detail and profile and finish;
- Re-pointing stonework with mortar of the correct mix, colour and finish.

12.2 Please see **for further information** the document 'A Stitch in Time', produced by The Institute of Historic Building Conservation (IHBC) and The Society for the Protection of Ancient Buildings (SPAB) and English Heritage (2002) ~~for further information.~~

12.3 There is no statutory duty to improve the building but it should not fall into a worse state than it was at the time of listing. This may necessitate some works to keep the building secure, wind and watertight.

## 13. **Unauthorised Works**

13.1 Please note that carrying out unauthorised works to a Listed Building is a criminal offence punishable by a fine, prison sentence or both. It is always advisable to seek pre-application advice for any works you are proposing for peace of mind.

## 14. **Contacts**

Denbighshire County Council  
Conservation Officer  
Caledfryn  
Smithfield Road  
Denbighshire County Council  
LL16 3RJ  
Tel: 01824 706712  
Email: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)

Cadw: Welsh Historic Monuments  
Plas Carew  
Units 5/7 Cefn Coed  
Parc Nantgarw  
Cardiff CF15 7QQ  
Tel: 01443 336000  
Email: [cadw@wales.gsi.gov.uk](mailto:cadw@wales.gsi.gov.uk)  
[www.cadw.wales.gov.uk](http://www.cadw.wales.gov.uk)

**Clwyd-Powys Archaeological Trust,  
41 Broad Street,  
Welshpool,  
SY21 7RR  
<http://www.cpat.org.uk>**

The Georgian Group  
6 Fitzroy Square  
London W1T 5DX  
Tel: 020 7387 1720  
Email: [info@georgiangroup.org.uk](mailto:info@georgiangroup.org.uk)  
[www.georgiangroup.org.uk](http://www.georgiangroup.org.uk)

The Society for the Protection of Ancient Buildings  
37 Spital Square  
London E1 6DY  
Tel; 0207377 1644  
Email: [info@spab.org.uk](mailto:info@spab.org.uk)  
[www.spab.org.uk](http://www.spab.org.uk)

The Victorian Society  
1 Priory Gardens  
Bedford Park  
London W4 1TT  
Tel: 020 8994 1019  
Email: [admin@victorian-society.org.uk](mailto:admin@victorian-society.org.uk)  
[www.victorian-society.org.uk](http://www.victorian-society.org.uk)

Royal Institution of Chartered Surveyors (RICS)  
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The Royal Town Planning Institute  
41 Botolph Lane  
London EC3R 8DL  
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[www.rtpi.org.uk](http://www.rtpi.org.uk)

The Royal Institute of British Architects (RIBA)  
RIBA Headquarters  
66 Portland Place  
London W1B 1AD  
0207 580 5533  
Email: [info@riba.org](mailto:info@riba.org)  
[www.architecture.com](http://www.architecture.com)

## **Appendix II: Report of Consultation – Draft Supplementary Planning Guidance note: Listed Buildings.**

### *1. Introduction*

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance (SPG) note: 'Listed Buildings' including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted with members of the public on the draft document for a period of 11 weeks between 1st December 2014 and 13th February 2015. The consultation exercise included press releases and a letter to all people on the Denbighshire Local Development Plan 2006 – 2021 (LDP) database, including: City, Town and Community Councils, Councillors, adjacent local authorities, and the general public informing them of the consultation and telling them how to respond.
- 1.3 Copies of the draft document were made available on the Denbighshire County Council website, in Public Libraries and the Council's One Stop Shops.

### *2. Responses received*

- 2.1 The Council received a total of 6 representations on the draft SPG, including Clwyd Powys Archaeological Trust (CPAT), Natural Resources Wales (NRW), and the Campaign for the Protection of Rural Wales (CPRW).
- 2.2 Respondents to the public consultation raised the following matter:
  - To include additional information for applicants on photographic surveys and sources of advice on works to listed buildings.
- 2.3 Copies of all public consultation responses can be obtained by contacting the Planning Policy team in Denbigh by phone: 01824 706916 or by email: [ldp@denbighshire.gov.uk](mailto:ldp@denbighshire.gov.uk). A summary of the consultation responses are included at the end of this report in Table 1.

### *3. Changes proposed*

- 3.1 After carefully considering all representations, the Council decided to incorporate the change proposed by Clwyd Powys Archaeological Trust and Gwynedd Archaeological Trust to provide further clarification on archaeological interests. Officers have made minor editorial changes to the document to improve readability and detailed literature references.
- 3.2 Proposed changes are shown as **highlighted** or ~~strikethrough~~ text in the draft SPG document in Appendix 1.

Table 1: Consultation responses

<i>Name</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Jenny Emmett	Gwynedd Archaeological Trust (Heneb)	Paragraph 4.3: It could be confusing in implying that only listed buildings Grade I are of national importance.	Change agreed to provide clarification on this matter	Paragraph 4.1.5 (former 4.3): delete words 'usually national'.
		There is sometimes a need for a professional archaeologist to be involved, in the research to inform design and/or in undertaking subsequent recording.	Change agreed to provide further guidance for applicants	Include the following sentence in paragraph 9.1: 'There is sometimes a need for a professional archaeologist to be involved in the research to inform design and/or in undertaking subsequent recording.'
		Historic Environment Records and archaeological development control officers have further guidance on photographic recording standards.	Change agreed to provide further guidance for applicants.	Include the following at the end of first bullet point in paragraph 9.3.2: 'The HERs and archaeological development control officers have further guidance on photographic recording standards.'
		Include CPAT's address in Contact section	Change agreed to provide additional contact for applicants.	Include CPAT's address in Section 8 'Contacts'
Mark Walters	Clwyd-Powys Archaeological Trust	Support Heneb's representation	Comment noted.	Amendments to be implemented in line with proposals made by Heneb
		Include CPAT's address in Contact section	Change agreed to provide additional contact for applicants.	Include CPAT's address in Section 8 'Contacts'
Mandy Evans	Abergele Town Council	No comment.	Comment noted.	No change proposed.
Mike Moriarty	Campaign for the Protection of Rural Wales	No comment.	Comment noted.	No change proposed.

---	The Coal Authority	No comment.	Comment noted.	No change proposed.
Debbie Hemsworth	Natural Resources Wales	No comment.	Comment noted.	No change proposed.

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