

To: Members of the Planning Committee Date: 9 April 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, 15 APRIL 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 9 - 10)

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 11 - 18)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 18 March 2015 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 6) -

5 APPLICATION NO. 01/2014/0063/PF - 3A, 3, 5 LENTEN POOL, DENBIGH (Pages 19 - 30)

To consider an application for conversion and alterations to existing dwellings and commercial unit to a Class C2 Residential Care Home at 3A, 3 and 5 Lenten Pool, Denbigh (copy attached).

6 APPLICATION NO. 10/2014/1168/PFT - HAFOTTY WEN, CORWEN
(Pages 31 - 64)

To consider and approve planning conditions to be attached to the Certificate of Decision for planning in respect of the 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 enclosed).

**7 ADVERTISEMENTS SUPPLEMENTARY PLANNING GUIDANCE -
ADOPTION OF FINAL DOCUMENT** (Pages 65 - 86)

To consider a report recommending adoption of the final Supplementary Planning Guidance on Advertisements for use in the determination of planning applications (copy attached).

**8 HOT FOOD TAKEAWAYS SUPPLEMENTARY PLANNING GUIDANCE -
ADOPTION OF FINAL DOCUMENT** (Pages 87 - 106)

To consider a report recommending adoption of the final Supplementary Planning Guidance on Hot Food Takeaways for use in the determination of planning applications (copy attached).

**9 SITE DEVELOPMENT BRIEF 'RHUDDLAN TRIANGLE' - ADOPTION OF
FINAL DOCUMENT** (Pages 107 - 154)

To consider a report recommending adoption of the draft Site Development Brief 'Rhuddlan Triangle', including proposed document amendments, for the determination of planning applications and planning appeals (copy attached).

**10 FORMER NORTH WALES HOSPITAL, DENBIGH - INFORMATION
REPORT** (Pages 155 - 158)

To receive an information report updating members on the developments at the North Wales Hospital site (copy attached).

11 S106 UPDATE REPORT - POOL PARK COMPLEX, RUTHIN (Pages 159 -
162)

To receive an information report updating members in relation to progress of the Section 106 Agreement for the Pool Park Complex, Ruthin (copy attached).

MEMBERSHIP

Councillors

Raymond Bartley (Chair)

Win Mullen-James (Vice-Chair)

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

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

General introduction

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

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

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

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

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

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

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

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

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The voting procedure

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

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

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

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

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

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

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

PLANNING COMMITTEE

VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

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

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

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

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

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

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 18 March 2015 at 9.30 am.

PRESENT

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

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), Senior Engineer, Highways & Environmental Services (MP) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Councillors Richard Davies, Win Mullen-James, Dewi Owens and Bill Tasker

2 DECLARATIONS OF INTEREST

Councillor Huw Hilditch-Roberts declared a personal interest in item 5
Councillor Huw Williams declared a personal interest in item 6

3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

4 MINUTES

The minutes of the Planning Committee meeting held on Wednesday 18 February, 2015, were submitted.

Councillor Cheryl Williams stated her apologies were not included in the minutes for the meeting.

Councillor Paul Penlington stated that Planning Committee did not agree to adopt the Ty Nant Development Brief (Item 12) but agreed for the consultation to commence.

RESOLVED that *subject to the above, the minutes of the meeting held on 18 February, 2015, be approved as a correct record.*

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 8)

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

5 APPLICATION NO. 03/2014/0472/ PF - LLANGOLLEN COMMUNITY HOSPITAL AND CAR PARK, ABBEY ROAD, LLANGOLLEN

An application was submitted for the 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.

Councillor Huw Hilditch-Roberts declared a personal interest.

Public Speakers –

Mr Martin Crumpton (**Against**) had been unable to attend the Planning Committee meeting due to ill health but had forwarded a statement which the Principal Solicitor – Planning and Highways (PS-P&H), read to the Committee. The statement set out the reasons why Mr Crumpton was against the prospective re-development of the hospital and car park site.

Mr Bryn Davies (**For**) – gave a brief background together with reasons why he was in favour of the application. Mr Davies explained he represented Grwys Cynefin who would be working in partnership with Denbighshire County Council and Betsi Cadwaladr University Health Board (BCUHB) for the re-development of the hospital and car park site, if the application was granted.

Ward Member, Councillor Stuart Davies, confirmed as the hospital had been closed by BCUHB, he would be in favour of the re-development of the site to provide affordable housing for the local people of Llangollen.

Ward Member, Councillor Rhys Hughes, explained he would be in favour of the re-development of the hospital site but would be against the development of the car park.

General Debate – the Principal Planning Officer (PPO) clarified to members that Highway Officers had requested additional conditions to be included if the application were to be granted. In response to issues raised, there was a detailed debate. It was confirmed by the PPO that even though the application submitted involved two separate parcels of land, it could be accepted as one application. It had been the applicants choice to submit the application in that manner. It was clarified that if the application were to be refused on one element then the whole application would fall. It was acknowledged that parking was an issue in Llangollen

but the car park concerned had been for use by the visitors to the hospital. The materials for the development could be agreed through conditions on any permission. PS-P&H confirmed that the correct ownership certificate had been submitted by the applicants.

Proposal – Councillor Stuart Davies proposed granting the application as the re-development would meet the needs of the young people of Llangollen.
Seconded by Councillor Bob Murray.

Proposal - Councillor Rhys Hughes proposed refusing the application (against officer recommendation) as the development of the car park site would cause additional parking problems in Llangollen.
Seconded by Councillor Alice Jones.

VOTE:

GRANT	-	19
ABSTAIN	-	1
REFUSE	-	5

RESOLVED that permission be **GRANTED** for the 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 and associated access and parking provision. Additional highway conditions to be imposed on the granting of the application at Llangollen Community Hospital and Car Park, Abbey Road, Llangollen.

6 APPLICATION NO. 10/2014/1168/PFT - HAFOTTY WEN, CORWEN

An application was submitted for the 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.

Councillor Huw Williams declared a personal interest.

Public Speaker –

Mr John Brookes (**Against**) – gave reasons why he was against the application and expressed concerns regarding noise due to the scale of the blades. Also, the turbine, if installed, would be the first one of its type in the country. The impact on the neighbouring properties due to the scale of the proposal was a major concern.

Mrs Sian Wynne Jones (**For**) – gave reasons for the granting of the application. Mrs Wynne Jones also explained she had lived in the area all her life and would be securing a future for her family and children to live a proper Welsh family life.

At this juncture, the Development Manager referred members to the blue sheet which showed additional support from Arwel Rhys Davies to make 3 representations and not 2.

General Debate - the fact the distance of the turbine would be less than the guideline set by the Welsh Government was raised. The guideline was 500m and the application was 480m. The Development Manager confirmed he had not been aware of any previous applications being granted which had been less than 500m. The noise output of the turbine, yet to be used in this country, would be monitored when installed and a condition relating to future noise monitoring would be included, if the application were to be granted. The reasons for the officer recommendation to refuse had been due to the impact on the landscape.

Proposed - Councillor Stuart Davies proposed to grant the application (against officer recommendation) on the grounds of diversification and the installation of the turbine would not be detrimental to the landscape. Seconded by Councillor Huw Hilditch-Roberts.

It was confirmed that the vote would be “to bring suggested planning conditions back to the Planning Committee for approval if granted”.

VOTE:

GRANT	-	12
ABSTAIN	-	2
REFUSE	-	11

RESOLVED that the application be **GRANTED** (contrary to Officer recommendation) to bring suggested planning conditions back to the Planning Committee for approval for the 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.

The reason for the resolution being contrary to the recommendation of the Planning Officer, was that having due regard to the landscape / visual and residential amenity issues, due weight should be attached to the diversification merits of the proposals, and in this instance were considered to justify the grant of permission.

7 APPLICATION NO. 28/2014/1204/PF - TY COCH FARMHOUSE, TY COCH STREET, HENLLAN, DENBIGH

An application was submitted for the 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.

Proposal – Councillor Meirick Lloyd Davies proposed granting of the application. Seconded by Councillor Huw Williams.

VOTE:

GRANT	-	24
ABSTAIN	-	0
REFUSE	-	0

RESOLVED that permission be **GRANTED** for the 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.

8 APPLICATION NO. 43/2015/0031/ PF - 51 HIGH STREET, PRESTATYN

An application was submitted for the 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.

Proposal – Councillor Julian Thompson-Hill proposed granting of the application. Seconded by Councillor Bob Murray.

VOTE:

GRANT	-	24
ABSTAIN	-	0
REFUSE	-	0

RESOLVED that permission be **GRANTED** for the 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.

9 ADVERTISEMENTS SUPPLEMENTARY PLANNING GUIDANCE - ADOPTION OF FINAL DOCUMENT

The Development Planning and Policy Manager (DP&PM) presented a report (previously circulated) for members to adopt the final Supplementary Planning Guidance on Advertisements for use in the determination of planning applications.

A consultation of 11 weeks had been carried out. Four responses had been received but no major issues had been raised.

Councillor Huw Hilditch-Roberts raised a point of order as the recommendations following the Scrutiny Committee meeting which had been held the previous week had not been received. Councillor Hilditch-Roberts, therefore requested the item be deferred until a full discussion could take place following receipt of the Scrutiny recommendations.

Therefore, a vote took place as follows:

DEFER	-	22
NOT TO DEFER	-	1

RESOLVED that the Advertisements Supplementary Planning Guidance document be deferred until recommendations from Scrutiny Committee are received.

10 "CONSERVATION AREAS" SUPPLEMENTARY PLANNING GUIDANCE - ADOPTION OF FINAL DOCUMENT

The Development Planning and Policy Manager presented a report (previously circulated) for members to adopt the final Supplementary Planning Guidance on Conservation Areas for use in the determination of future planning applications and appeals.

A consultation of 11 weeks had been carried out. Four responses had been received but no major issues had been raised.

Proposal – Councillor Meirick Lloyd Davies proposed to agree the adoption of the “Conservation Areas” Supplementary Planning Guidance. Seconded by Councillor Arwel Roberts.

VOTE:

IN FAVOUR	-	21
ABSTAIN	-	0
AGAINST	-	1

RESOLVED that the “Conservation Areas” Supplementary Planning Guidance be adopted.

11 "LISTED BUILDINGS" SUPPLEMENTARY PLANNING GUIDANCE - ADOPTION OF FINAL DOCUMENT

The Development Planning and Policy Manager presented a report (previously circulated) for members to adopt the final Supplementary Planning Guidance on Listed Buildings for use in the determination of future planning applications and appeals.

A consultation of 11 weeks had been carried out. Six responses had been received with minor changes.

Proposal - Councillor Julian Thompson-Hill proposed to agree the adoption of the “Listed Buildings” Supplementary Planning Guidance. Seconded by Councillor Meirick Lloyd Davies.

VOTE:

IN FAVOUR	-	21
ABSTAIN	-	0
AGAINST	-	1

RESOLVED that the “Listed Buildings” Supplementary Planning Guidance be adopted.

ANY OTHER BUSINESS

At this juncture, the Chair asked Members if there was any other business:

- Councillor Merfyn Parry requested an update report regarding Pool Park at the next Planning Committee;
- Councillor Rhys Hughes requested an update report regarding the North Wales Hospital
- Councillor Joan Butterfield informed members the new park in Rhyl West would be opening in a week and encouraged members to visit.

The Head of Planning and Public Protection confirmed there would be “for information” reports submitted, regarding both Pool Park and the North Wales Hospital, at the next Planning Committee meeting taking place on 15 April 2015.

The Chair took the opportunity to thank the Planning Officers, Legal Officer and support staff for their work.

END OF MEETING 12:10 P.M.

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Agenda Item 5

WARD NO: Denbigh Upper / Henllan

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

APPLICATION NO: 01/2014/0063/PF

PROPOSAL: Conversion and alterations to existing dwellings and commercial unit to a Class C2 Residential Care Home

LOCATION: 3A, 3, 5 Lenten Pool Denbigh

APPLICANT: Mr John Felt on behalf of MHC Limited

CONSTRAINTS: Conservation Area

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

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Heading:

REFERENCE NO. 01/2014/0063/PF

3A, 3, 5 LENTEN POOL

DENBIGH

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

Tel: 01824 706800 Fax: 01824 706709

 Application Site

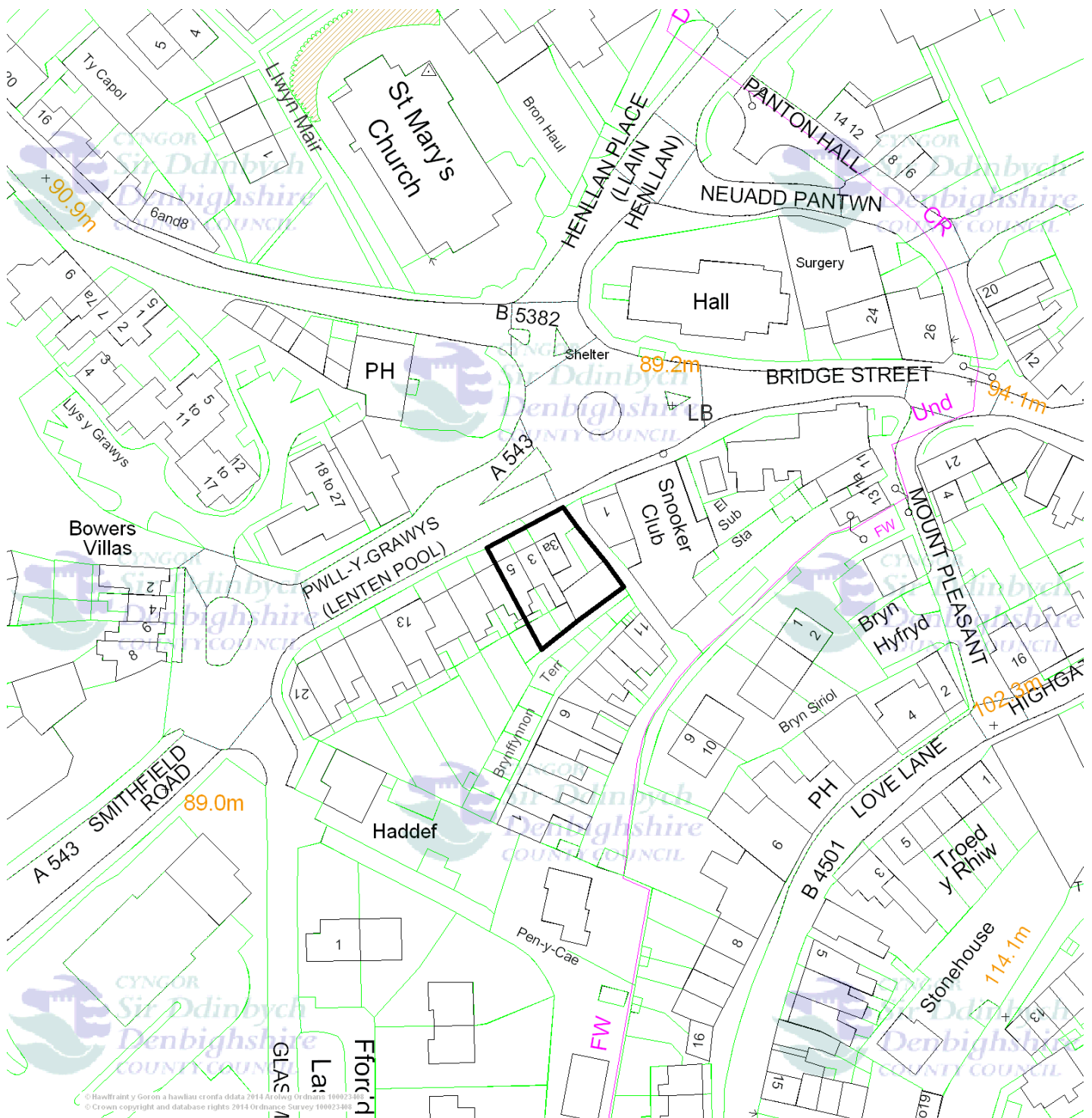


Date 30/3/2015

Scale 1/1064

Centre = 305013 E 366063 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.



PROPOSED GROUND FLOOR PLAN



By Room Name Legend

- Bathroom
- Bedroom
- Kitchen
- Lobby
- Lounge
- Lounge/Kitchen

Revision Details:

Notes:
 1. This drawing is for information only. It is not to be used for construction without the approval of the architect.
 2. The architect is not responsible for any errors or omissions in this drawing.
 3. The architect is not responsible for any errors or omissions in this drawing.
 4. The architect is not responsible for any errors or omissions in this drawing.
 5. The architect is not responsible for any errors or omissions in this drawing.

Drawing: GROUND FLOOR AREAS
 Project: MORTIMER HOUSE
 Client: MHC

Job Reference:	405	Revision:	
Drawing Reference:	D100	Drawn By:	GU
Date:	10/03/14	Project Status:	DESIGN
Scale:	1 : 50		

Gary Underwood Associates Limited
 The Old Barn
 10, Mill Lane
 Wellesley, CH45 9LQ
 T: 0151 638 3488
 E: admin@guarlimited.co.uk

PROPOSED FIRST FLOOR PLAN



By Room Name Legend

- Bathroom
- Bedroom
- Lobby
- Lounge/Kitchen
- Staff Bathroom
- Staff Office

<p>Job Reference: 405</p> <p>Scale: 1 : 50</p>	<p>Drawing Reference: D101</p> <p>Date: 10/03/14</p>	<p>Revision: D101</p> <p>Drawn By: GU</p>	<p>Drawing: FIRST FLOOR AREAS</p> <p>Project: MORTIMER HOUSE</p> <p>Client: MHC</p>	<p>Project Status: DESIGN</p>
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Gary Underwood Associates Limited
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WARD NO: Denbigh Upper / Henllan

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

APPLICATION NO: 01/2014/0063/PF

PROPOSAL: Conversion and alterations to existing dwellings and commercial unit to a Class C2 Residential Care Home

LOCATION: 3A, 3, 5 Lenten Pool Denbigh

APPLICANT: Mr John Felt on behalf of MHC Limited

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 – Town Council objection

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

'When the original application came before the town council on the 10th February 2014 a decision was made that the town council wished to object to the proposed conversion and alterations to these properties. The objection being based on the grounds of over intensification of this type of development in the Lenten Pool area of Denbigh

The town council, having considered the amended plans, would wish to reiterate its objection to the proposed conversion and alterations to these properties on the same grounds as outlined in February 2014.'

DWR CYMRU / WELSH WATER

No objection. Suggest installation of grease trap be required by condition.

CARE AND SOCIAL SERVICES INSPECTORATE WALES

'In principle CSSIW consider that the design and layout indicated in these plans, involving as it does flats providing individual accommodation, provides personal space far in excess of that expected by the relevant Standards for existing homes (13.4 sq m). As a result we would not see the size of the two bedrooms referred to above as a barrier to registration.

I note that there is some query as to whether CSSIW finds 'the scheme as submitted acceptable'. I have already indicated 'I can confirm that in principle the design and layout of the premises as individual flats (as described in our meeting) would not prevent registration as a care home.' I can confirm that this is a reference to the overall proposal to accommodate up to 7 people in individual flats (based on the plans seen on 11 November 2014) as a care home with a registered manager and care staff.'

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 23/03/2014

REASONS FOR DELAY IN DECISION:

- additional information required from applicant

- protracted negotiations resulting in amended plans
- re-consultations necessary on amended plans

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the change of use of a commercial property (hardware store) and 2 residential properties into a single residential care home (use class C2).
- 1.1.2 The supporting documents indicate the proposals would provide accommodation in 7 apartments and for a resident member of staff.
- 1.1.3 Some relatively minor external alterations are also proposed including a new staircase to the rear, an extended area of railings and alterations to existing openings.

1.2 Description of site and surroundings

- 1.2.1 The properties lie within the town of Denbigh. The site lies under 100m from the designated town centre.
- 1.2.2 The properties form part of a terrace. The remainder of the terrace is in residential use. The neighbouring property immediately to the east has a permitted use to operate as a restaurant.
- 1.2.3 Within Lintern Pool there is currently one other property which falls within the C2 use class.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Denbigh and the Denbigh conservation area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The number of bedrooms has been reduced from 9 to 7.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC11 – Recreation and open space

Policy BSC12 – Community facilities

Policy ASA3 – Parking standards

Government Policy / Guidance

Planning Policy Wales Edition 7

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, PPW confirms the requirement that planning applications 'should be determined in accordance

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

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

4.2 In relation to the main planning considerations:

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

The site lies within the development boundary as defined by the Local Development Plan. The existing properties are not protected by any specific planning policy designations.

Having regard to the above it is considered that the proposals are acceptable in principle.

The Town Council's concerns in relation to the over concentration of similar uses in the locality are duly noted. However it is evident from planning records that there is only 1 C2 use already within Lintern Pool and it is not considered that there are planning policy grounds that place a restriction on the concentration of Class C2 Residential Institutions. Therefore it is respectfully suggested that overconcentration would not be a sound reason to resist the application.

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

Having regard to the design, siting, scale, massing and materials of the proposed alterations associated with the change of use, it is considered that the proposals would have an acceptable impact on the site and surroundings and therefore comply with the requirements of the policies listed above. It is suggested there would be no unacceptable impact on visual amenity.

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

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

Having regard to the scale, location and design of the proposed use in relation to the existing site and neighbouring properties, it is considered that the proposals would have an acceptable impact on residential amenity. The proposals therefore comply with the policies and guidance listed above.

4.2.4 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.

Having regard to the existing uses, proximity to the town centre and the availability of on street parking in relation to the proposed use it is not considered that the proposals would be unacceptable in relation to parking provision. It is therefore considered that proposals would not have an unacceptable impact on the local highway network.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to be in accord with planning policies 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.

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

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

Agenda Item 6

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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REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING APPLICATION No. 10/2014/1168

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

HAFFOTTY WEN, CORWEN

1. PURPOSE OF REPORT

- 1.1. To seek a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 10/2014/1168, granted planning permission at the March 2015 meeting of the Committee.

2. BACKGROUND

- 2.1. Planning Committee on the 18th March 2015 resolved to grant conditional planning permission for the erection of a single wind turbine with a maximum tip height of 48m at the abovementioned site, in this case contrary to the Planning Officer's recommendation.
- 2.2. For information, the Officer report to the March meeting follows as an appendix to this report. The merits of the application are however not for consideration at this point, as the resolution of the Committee following the vote to grant permission was for Officers to draft a list of conditions to be included in the Certificate of Decision, and report these to Committee for consideration and ratification.
- 2.3. The discussion at the March meeting was based around the impact on landscape character and visual amenity, and in particular the impact on the setting of the AONB. Members took the view that the particular proposal was acceptable having regard to relevant considerations included the diversification benefits.
- 2.4. Officers believe the conditions as drafted in Section 3 of the report are reasonable and necessary in relation to the application, and cover standard matters relevant to wind turbine applications. These are consistent with similar wind turbine permissions previously issued by the Council.

3. DRAFT CONDITIONS

- 3.1. The suggested Conditions are:
 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. This permission relates solely to the erection of a 3 bladed wind turbine generator as described in the application plans and drawings with a maximum height to blade tip of 48m from original ground level.
4. The location of the turbine hereby permitted may vary up to a distance of 15m radius around the location shown on the site plan (General Arrangement Plan drawing no: 1568-01-002).
5. The location of the switchroom, access track, borrow pit and crane hardstanding / laydown area shall be in the positions indicated on the approved plans unless otherwise agreed in writing with the local planning authority.
6. PRE-COMMENCEMENT No development shall take place until the external finish of the turbine and switchroom hereby permitted, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Details of any logos, symbols or signs to be displayed on the turbine hereby permitted shall be submitted to and approved in writing by the local planning authority before they are displayed on the turbine.
8. All electricity and control cables between the turbine and the substation control building shall be laid underground.
9. Noise from the turbine hereby permitted at the following dwellings shall not exceed the levels set out in the table below when measured in free field conditions for wind speeds of up to 10m/s at a height of 10m above ground level:

Dwelling	noise levels (dB LA90 at 10 m/s at 10m height)
Maes Truan	27.5
Ty'n y Mynydd	23.9
Bryn Ysguboriau	32.0
Bryn Tangor	30.3
Bryn Eithin	29.2
Cefn-y-Wern	23.9
Ty'n y pant	21.0

Noise from the turbine hereby permitted at any other dwelling which lawfully exists or has extant planning permission for construction at the date of this planning permission shall not exceed 35dB_{LA90,10min} for wind speeds of up to 10m/s at a height of 10m above ground level when measured cumulatively in free field conditions with

any other wind turbine generator which lawfully exists or has extant planning permission at the date of this planning permission.

10. If complaints of noise nuisance are received by the Local Planning Authority, the developer shall be notified in writing and the developer shall employ a suitably qualified acoustic consultant to undertake a noise assessment within 1 month of notification to ensure that condition 9 is being complied with. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the Applicant fails to undertake a noise assessment within 1 month of notification, the Local Planning Authority shall undertake an independent noise assessment and the Applicant shall be required to cover the cost incurred by the Local Planning Authority.
11. If the turbine is found to exceed the noise limits specified in condition 9 above, the turbine shall be shut down and mitigation measures that will ensure compliance with condition 9 shall be agreed in writing with the Local Planning Authority and implemented prior to the turbine re-commencing operation.
12. To aid cumulative impact and complaint investigations, the applicant shall temporarily turn the turbine off (braked to stop the rotors) to facilitate noise investigations being undertaken in nearby locations, when requested in writing by Local Planning Authority.
13. **PRE-COMMENCEMENT CONDITION**
No development shall commence until a construction method statement, describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the local planning authority. The construction method statement shall include the following details:
 - i. Excavation for and construction of the turbine base.
 - ii. Construction and reinstatement of crane hardstanding / laydown area.
 - iii. Construction and reinstatement (where applicable) of the site access and access track.
 - iv. Excavation and reinstatement with respect to the laying of cables.
 - v. Method for working out and remediating borrow pit.
 - vi. Management and storage of fuel, oil, concrete and chemicals.
 - vii. The management and disposal of ground, surface and foul water.
 - viii. Soil stripping, storage and spreading.
 - ix. Construction traffic management.Development shall be carried out in accordance with the approved details.
14. The development shall be carried out strictly in accordance with the recommendations, mitigation and enhancement measures set out in the table in Section 6 of the Ecological Appraisal carried out by avian ecology dated 8 September 2014.
15. The development shall be carried out strictly in accordance with the recommendations set out in Section 7 of the Archaeological Desk-Based Assessment carried out by AOC Archaeology Group dated September 2014.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in order that the Local Planning Authority retains control over the longer term uses of the land.
3. For the avoidance of doubt and in the interests of visual amenity.
4. For the avoidance of doubt , to allow the Local Planning Authority to retain control over the development and in the interests of residential amenity and nature conservation.
5. For the avoidance of doubt, and in the interests of visual amenity.
6. For the avoidance of doubt, and in the interests of visual amenity
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. In the interests of the protecting the amenity of occupiers of residential property in the locality from cumulative windfarm noise.
10. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality
11. To allow the Local Planning Authority to retain control over the development and in the interests of the amenity of occupiers of residential property in the locality.
12. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.
13. In the interests of residential amenity, pollution, prevention and control
14. In the interests of nature conservation.
15. In the interests of protecting heritage assets.

NOTES TO APPLICANT:

Public Rights of Way

You are advised that the Definitive Map of Public Rights of Way shows Public Footpath 16 (Brynegwyls Community) crosses part of the development area. Hence, this Public Right of Way must not be compromised and the following measures should be applied:

- No building materials to be stored on the right of way, which may cause a nuisance, or obstruction to the user.
- No diminution in width of the Footpath as a result of the development
- No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
- No change to the surface of the Footpath, unless approved by the Public Rights of Way Unit via a licence.

Please contact Paul Owen, the Countryside Access Officer on 01824 706872 for further information.

Highways

The following highways Advisory notes are brought to your attention:

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

MOD:

You are reminded of the need to advise the Ministry of Defence of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

MOD contact details: MOD Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL. Tel: 0121 3113781; Fax: 0121 3112218; Email: DIO-Safeguarding-Wind@mod.uk

4. RECOMMENDATION

- 4.1. It is recommended that Members resolve to agree the conditions and notes to applicant set out in section 3 of this report for inclusion on the Certificate of Decision on application 10/2015/1168.

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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

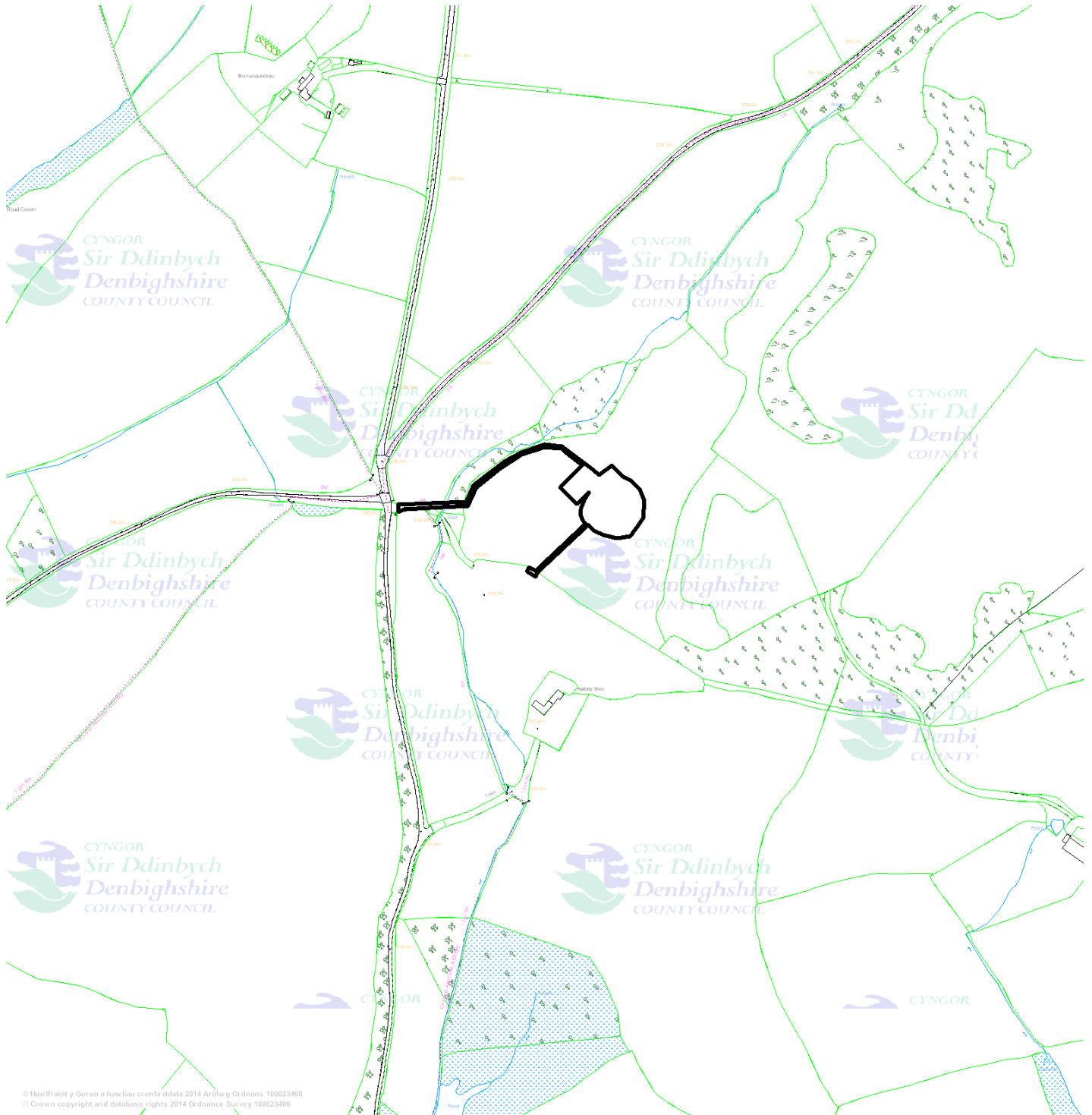


Date 2/3/2015

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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SITE PLAN

10 2 0 1 4 / 1 1 0 0

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Project: Hafotty Wind Turbine - 40 wind farms of the DUNNETT AFB.

Revision History

Rev	Date	Description

Planning Application Boundary

Wind Turbine

New Access Road (Type A)

New Access Road (Type B)

Switchroom

Cable Route

Crane Pad

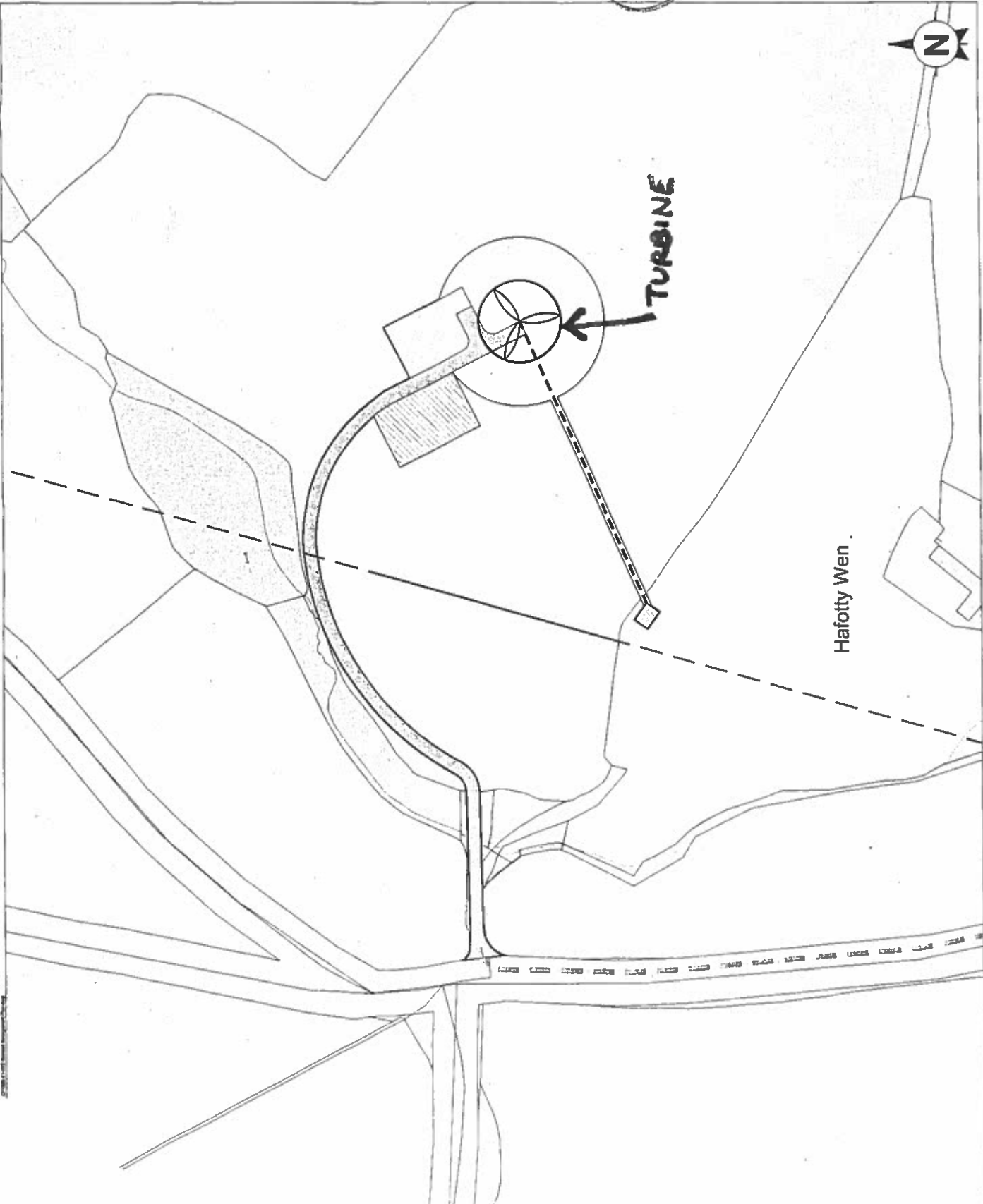
Overhead Line (Dotted line not surveyed)

Construction Access Route

Borrow Pit

15 OCT 2014
PLANNING SERVICES

Client	axis
Author	DAVID WYLLIE
Project	HAFOTTY WIND TURBINE
Project No.	06044
Design No.	06044-01
Contract No.	1560-01-002
Scale	1:2000
Sheet No.	01
Total Sheets	01
Drawn	DAVID WYLLIE
Checked	DAVID WYLLIE
Approved	DAVID WYLLIE



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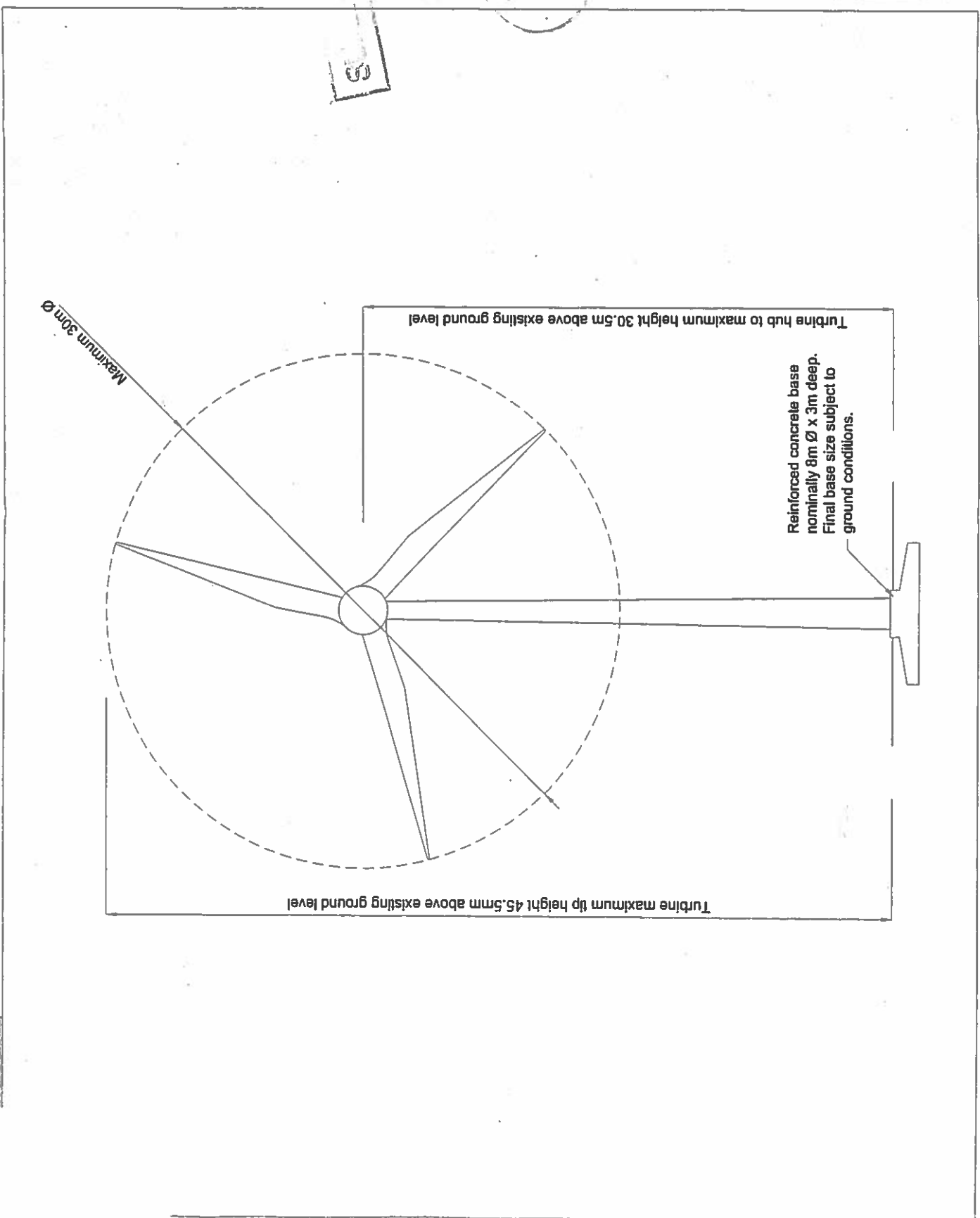
TURBINE DETAIL

This drawing is the property of the City of Darwin and should not be used for any other purpose without the written consent of the City of Darwin. It is to be used for the purpose only for which it is intended. It is not to be used for any other purpose without the written consent of the City of Darwin.

Client: Darwin City Council	Project: Darwin Wind Turbine
Contract No: 1568-01-003	Issue No: 1
Issue Date: 01/10/2016	Issue Description: Final Design

DATE: 01/10/2016
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

CDR AIR BOM
SOUTH COAST, N. TERR
RECEIVED
- 2 OCT 2016
DELIVER
PLANNING SERVICES



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 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

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

Policy VOE5 – Conservation of natural resources

Policy VOE9 – On-shore wind energy

Policy VOE 10 – Renewable energy technologies

3.2 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 Llanellidan 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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Report To: Planning Committee

Date of Meeting: 15th April 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

1. What is the report about?

- 1.1. The 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. This report was deferred from the March 2015 Planning Committee meeting for consideration of the results of the report to Communities Scrutiny on the policy of Highways in relation to signage.

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 13th 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 ~~strikethrough~~ text in the revised SPG attached as Appendix A. The results of the consultation were reported to the LDP Members Steering Group on 16th February 2015. Following consideration of the recommendations from Communities Scrutiny a number of minor amendments have been made to the document, the main one being the deletion of Appendix C, which set out the policy stance from Highways. It is considered this removes the potential confusion between what is Planning policy and guidance and the corporate guidance from Highways in relation to unauthorised signs within the highway.

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



Supplementary Planning Guidance Note: Advertisements (April 2015)

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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 adopted by Denbighshire County Council's Planning Committee on 15th April 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.~~

4.9 The Council recognises the need and desire that exists for businesses to advertise legitimately and aims to approve such applications. In addition the Council has established an inter-departmental working group to explore how best to assist businesses to apply for tourism (white on brown) signs and to promote the use of neighbourhood signs in areas where several businesses coexist such as trading estates.

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 immediately outside the particular business they are advertising and on land in the same ownership as the business being advertised. A boards should not be more than 1 metre in height. 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. A minimum passing space of 1.2 metres should always be maintained to allow a wheelchair or double buggy to pass.



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. Charity and community events such as coffee mornings, charity open days, community firework displays, air shows and events such as Roll the Barrel may be allowed to remain on the Highway provided they are safely located, you are advised to contact DCC Highway department for advice.



- 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

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

Tel.: 01824 706800
Email:
highways@denbighshire.gov.uk

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

Tel.: 01824 706916
Email: ldp@denbighshire.gov.uk

Appendix A – Deemed Consent

Deemed consent

By regulation 6 of the 1992 Regulations¹, 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.

¹ *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).

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Appendix B

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 13th 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

The Coal Authority	
Comments	Council Response
No specific comments to make	Noted, no change required.
AONB Interim Joint Advisory Committee	
Comments	Council Response
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>Council for the Protection of Rural Wales (CPRW)</p>	
<p>No Comments</p>	<p>Noted</p>
<p>Natural Resources Wales</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.

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.

Review Date:	10 2015
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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: 15th April 2015

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

Report Author: Claire MacFarlane, Planning Officer

Title: Hot Food Takeaways Supplementary Planning Guidance – Adoption of final document

1. What is the report about?

- 1.1 This report summarises responses from the recent consultation on the draft Hot Food Takeaways Supplementary Planning Guidance (SPG), proposed amendments to the SPG and recommends adoption enabling the guidance to be used in the determination of planning applications.

2. What is the reason for making this report?

- 2.1 Following adoption of the Denbighshire Local Development Plan (LDP), SPG is required to support the relevant plan policies. This will provide further guidance for developers, Officers and Members. The version of the SPG proposed for adoption is attached to this report as Appendix 1.

3. What are the Recommendations?

- 3.1 It is recommended that Members adopt the proposed final SPG on Hot Food Takeaways for use in the determination of planning applications.

4. Report details

- 4.1 Council adopted the existing Hot Food Takeaways SPG in March 2003. However, local and national policies and good practice have since changed. The SPG provides guidance on new hot food takeaway developments in the County.
- 4.2 The draft SPG was subject to public consultation for a period of 12 weeks, from 1st December 2014 to 13th February 2015. A Report of Consultation including summaries of each response received is attached to this report as Appendix 2.
- 4.3 Four responses were received through the consultation period. However, no changes are proposed to the draft SPG as a result of the responses received.

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

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

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

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

6.2 Once adopted, the SPG will provide guidance for developers, Officers and Members on the issues to be considered when determining planning applications. This will assist the Planning & Public Protection Service.

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 general development principles applying to hot food takeaways have been established through adoption of the LDP. The SPG provides further guidance on how this will be achieved. The LDP underwent a full EqIA in May 2011. A completed EqIA template is attached to this report as Appendix 3.

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

8.1 As part of the 12 week public consultation, a wide range of stakeholders were contacted directly and publicity used to advise members of the public. Further information is provided in Appendix 2.

8.2 In addition to the public consultation, internal consultation was carried out before and after this period with Officers in the Public Protection Team, Development Management Team, Economic & Business Development Team, Highways Service, Healthy Schools Team and Catering Services (school meals). Officers from Public Health Wales were also involved in developing the draft SPG.

8.3 Member input on the content of the draft SPG has also been provided through the LDP Members Steering Group and Licensing Committee.

9. Chief Finance Officer Statement

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

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

10.1 In the absence of up-to-date guidance there is a risk the Council will be unable to effectively operate the LDP policy. The current Hot Food Takeaways SPG relates to the previous UDP policies, which are different to the LDP policies,

and therefore cannot be relied upon to provide appropriate planning guidance in the long-term.

11. Power to make the Decision

11.1 Planning & Compulsory Purchase Act (2004).

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APPENDIX 1

DENBIGHSHIRE COUNTY COUNCIL

SUPPLEMENTARY PLANNING GUIDANCE: HOT FOOD TAKEAWAYS

APRIL 2015

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 by Denbighshire County Council's Planning Committee on XXXX.
- 2.2 These notes have been prepared in accordance with guidance contained in Planning Policy Wales (July 2014); Local Development Plans Wales (December 2005); and Welsh Government Technical Advice Notes.

3. BACKGROUND

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

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

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

3.3 The table below provides examples of the shop types that would normally be considered as hot food takeaways. However, this list is not exhaustive.

Examples of hot food takeaway shop types	Examples of shop types not considered as hot food takeaways
Chicken shops	Restaurants
Fish and chip shops	Cafes
Pizza shops	Public houses
Kebab shops	Wine bars
Chinese, Indian or other takeaway shops	Night clubs
Drive-through premises	

4. PLANNING POLICY

4.1 Potential applicants should refer to refer to policies RD 1 and PSE 8 of the Council's Local Development Plan (LDP) which outlines the general policies and criteria under which such proposals are determined. The broad aims of these policies, in respect of hot-food takeaways, are:

- To enhance the vitality and viability of town centres
- To prevent an unacceptable imbalance of retail and non-retail uses
- To locate hot-food takeaways where they maintain the viability and character of the surrounding area.

5. GENERAL LOCATION

5.1 In assessing the suitability of the location of proposals, the following guidance will apply:

- Generally such proposals are acceptable in defined town centres subject to their satisfying the criteria in LDP policy PSE 8.
- Hot food takeaways may also be considered acceptable outside of defined town centres (and within development boundaries). However the Council will ensure that the number and concentration of such units does not detract from the function, character and attractiveness of the centre.
- Particular care needs to be exercised in locating such uses in or near primarily residential areas, including residential accommodation above or adjacent to the proposal.

- 5.2 **Proposals for new hot food takeaways will not be allowed within 400 metres¹ of the boundary of a school or tertiary college.** The close proximity of such outlets to schools can tempt children to consume cheap energy-dense and nutrient-poor foods. The Welsh Health Survey (2012) found that 34% of children in Wales are overweight or obese, which has significant implications for long-term health and associated costs to health services.
- 5.3 Case law has shown that proximity to a school and the existence of school's healthy eating policy can be a material consideration when considering planning applications for hot-food takeaways. The Healthy Eating in Schools (Wales) Measure 2009 places a duty on Local Authorities and school's governing bodies to take action to promote healthy eating by pupils. This is supported by the 'Appetite for Life' guidelines on food and nutrition standards in schools, which can be undermined by the provision of hot food takeaway outlets close to schools. NICE public health guidance 'Prevention of cardiovascular disease' (2010) and the 'All Wales Obesity Pathway' (2010) also recommend that Local Authorities should limit the number of fast food outlets in specific areas, such as close to schools.

6. OTHER CONSIDERATIONS

- 6.1 Having established the general suitability of the location in policy terms the other main issues in relation to hot food takeaways can be summarised as follows:
- Noise and disturbance;
 - Concentration / clusters of similar uses;
 - Hours of opening;
 - Traffic, Parking and Access;
 - Smells, and;
 - Litter.

The majority of these concerns can be mitigated by condition and careful thought to the location and operation of the takeaway use.

6.2 Noise and Disturbance

- Takeaways generate frequent comings and goings of customers, whether by foot or by car.
- Such activity may generate noise that becomes a nuisance from customers congregating on the street, car doors slamming and car radios where the proposed use is located in a primarily residential area, although problems may arise where the use is located in a town centre with flats above.

¹ 400m is considered to be a reasonable equivalent to 10 minutes walking distance, taking into account physical barriers (eg buildings, traffic lights etc).

- For the above reasons, planning permission is generally not granted in primarily residential areas.
- Adequate noise insulation measures will need to be undertaken to the walls and ceiling of the property, before the use commences.

6.3 Concentration / Clusters of Similar Uses

- Generally across the County these uses are dispersed. However, there are pockets where there is concentration of such uses, including premises (pubs/clubs/restaurants) which have a distinctive character and late night opening. Different considerations may apply here in respect of additional uses and opening hours.
- Concentrations or clusters of such uses should be avoided as they often have an adverse impact on the character of an area.

6.4 Hours of Opening

- Whereas most businesses usually operate from approximately 9.00 a.m. to 5.30 p.m., hot food takeaways tend not to open until lunch time and owners may request that the premises be permitted to remain trading until the early hours of the following morning.
- It is often necessary to use planning conditions to limit the opening hours to minimise disturbance to the surrounding community. However, one set of time limits would not be appropriate throughout the County because areas vary so much. An application must be determined on its own merits. It may be acceptable for proposed hot food takeaways in areas where late night opening occurs to remain trading until midnight or beyond. Other town centres/locations should be more controlled, whereas proposals which have residential properties in the vicinity should not remain trading until late evening in the interests of the amenity of local residents.

6.5 Traffic, Parking & Access

- Hot food takeaways located in the larger town centres will probably attract a large number of customers by foot. However, those on main routes out of towns and in local shopping parades or village centres will attract a large proportion of car-borne customers requiring short stay parking very close to the property. Properties outside town centres should, therefore, have a readily accessible vehicular parking area in close proximity to the site (e.g. lay-by to the front). A rear service yard or a public car park some distance away is unlikely to be used and properties on double yellow lines outside town centres are normally unsuitable.
- Adequate visibility for cars entering and leaving the premises will be required and proposals at or near junctions especially traffic - controlled junctions are unlikely to be supported, especially if there are no off-street parking or servicing arrangements.

6.6 Smells

- Cooking smells from takeaways can cause amenity problems for nearby residents
- Problems relating to smells should be mitigated by the installation of suitably designed extraction facilities.
- The actual design will vary from premises to premises, but all should be located to the rear of the property, with a colour and design such that the unit does not appear as an incongruous feature in the street scene. It is normally considered that modern equipment, combined with high level ventilation is adequate to reduce smell nuisance to tolerable levels except in the most sensitive of location.
- A condition requiring that a scheme for the extraction of cooking odours be approved by the local planning authority, and that the equipment be installed prior to the use commencing, will be attached to planning approval. The use of charcoal filters will not be acceptable.
- Where practicable and especially in conservation areas or on listed buildings, a flue liner inside an existing chimney should be used.

6.7 Litter

- However careful the owner/operator, hot food takeaways have a tendency to generate litter. Whilst this is essentially outside his/her control the proprietor must make every effort to keep the area around the premises litter-free. A legal agreement to that effect may be appropriate, particularly for larger national chains. The local authority has the power, through environmental legislation, to take enforcement action against littering offences and this can ultimately lead to prosecution by a court.
- Where appropriate, a condition to require the operator to provide (at his/her expense) containers for the deposit of litter, in accordance with details to be submitted to the Local Authority, will be attached to planning approval.

7. PLANNING PERMISSION

- 7.1 Hot food takeaways (along with restaurants, public houses, cafes and wine bars) fall within Class A3 which allow the use of a property for the sale of food or drink for consumption off the premises. Hence, it would be possible to change a property currently selling one type of hot food, e.g. fish and chips, to one selling a different type of hot food, e.g. Chinese take-away, without requiring planning permission. However, if it is intended to use a property as a hot food take-away which is currently not used for that purpose then a change of use planning application will be required. Operators of bakery shops and sandwich shops which sell a small proportion of hot food would not normally be

required to apply for planning permission as a hot food take-away, depending on the scale of the operation.

- 7.2 Mobile catering, for example trading on a street from a vehicle or stall, is not within the control of the planning system and is therefore not covered by this SPG. Such uses will be subject to other licensing regimes, and guidance should be sought from the Council's Licensing Team.

8. OTHER LEGISLATION

- 8.1 Proposals will also require any approvals under other legislation e.g. Environmental Protection, and Building Regulations. Applicants must ensure compliance with these requirements.

9. CONTACTS

Strategic Planning & Housing Team
Tel: 01824 706916
Email: ldp@denbighshire.gov.uk

Development Management Team
Tel: 01824 706727
Email: planning@denbighshire.gov.uk

Licensing Team
Tel: 01824 706311
Email: licensing@denbighshire.gov.uk

Food Health & Safety Team
Tel: 01824 706405
Email: envhealth@denbighshire.gov.uk

APPENDIX 2

Report of Consultation

Supplementary Planning Guidance:

Hot Food Takeaways

April 2015

1. Introduction

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance (SPG): Hot Food Takeaways, including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted the public on the draft SPG for a period of 12 weeks between 1st December 2014 and 13th February 2015. The consultation included public notices in local papers, press releases, and a letter to all people on the Local Development Plan database, including (but not limited to): City, Town and Community Council; 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 County council website, in public libraries and Council One Stop Shops.

2. Responses received

- 2.1 Four responses to the consultation were received, from Planware Ltd (on behalf of McDonalds), Natural Resources Wales, Campaign for the Protection for Rural Wales and the Coal Authority. The responses raised the following issues:
- Limiting the number and location of hot food takeaways is unjustified and inconsistent with national policy
 - There is a lack of evidence linking proximity of takeaways to schools to adverse health consequences
 - No consideration has been given to the health impacts of other uses therefore the proposed approach will be ineffective
 - Limiting the number and location of hot food takeaways will have a disproportionate effect on land use planning and the economy.
- 2.2 A summary of the consultation responses are included at the end of this report in Table A.

3. Changes proposed

- 3.1 Taking account of the consultation responses received, it is not proposed to make any changes to the draft SPG.

TABLE A: Consultation responses

Representor	Organisation	Comment (summary)	Council's response	Changes proposed
Deb Roberts	The Coal Authority	No comments to make.	Comment noted.	No change proposed.
MW Moriarty	Campaign for the Protection of Rural Wales (CPRW)	No comments to make.	Comment noted.	No change proposed.
Deborah Hemsworth	Natural Resources Wales (NRW)	No comments to make.	Comment noted.	No change proposed.
Benjamin Fox	Planware Ltd. (representing McDonalds)	Limiting the number and location of hot food takeaways would be inconsistent with the National Planning Policy Framework and is not a positive approach to planning.	<p>The National Planning Policy Framework applies only in England.</p> <p>Planning Policy Wales states that 'policies, decisions and proposals should... contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development'.</p> <p>The SPG does not propose to limit the number of takeaways, rather their proximity to schools in order to assist in addressing childhood overweight /obesity and associated health problems, which are well-documented. It is considered the proposed</p>	No change proposed.

Representor	Organisation	Comment (summary)	Council's response	Changes proposed
			approach is consistent with national planning principles and sustainable development.	
		There is no adequate evidence to justify the underlying assumption that locating hot food takeaways within certain distances of schools causes adverse health consequences. This lack of evidence has been confirmed in a number of planning decisions.	Welsh Government's Preventing Childhood Obesity Steering Group report 'Turning the Curve on Childhood Obesity in Wales' (February 2015), includes a range of practical recommendations on how to prevent easy access to less healthy eating options, including restricting new takeaways or fast-food restaurants near schools. The SPG also refers to similar recommendations contained within NICE public health guidance and the 'All Wales Obesity Pathway'.	No change proposed.
			The planning decisions referred to were made in different contexts from the SPG and involved other factors which affected each decision.	
		No consideration has been	It is recognised that	No change proposed.

Representor	Organisation	Comment (summary)	Council's response	Changes proposed
		<p>given to other A class uses and their contribution or impact on daily diet or wellbeing. The suggested approach is therefore not holistic and will not achieve the principle aim.</p>	<p>supermarkets, shops etc may also contribute to unhealthy food choices. However, shops and supermarkets offer a far greater choice of food and other services therefore restricting their locations is considered to be disproportionate. The purpose of the SPG is to provide guidance on applications for hot food takeaways only.</p> <p>National strategies and guidance recognise that no one action alone will address health and obesity issues but restricting the location of hot food takeaways can be considered as one part of tackling the problem.</p>	
		<p>Restricting the location of hot food takeaways would have a disproportionate effect on land use planning and could stifle economic development.</p>	<p>Restrictions on the location of hot food takeaways would not apply to existing takeaway businesses.</p> <p>Planning Policy Wales states that the planning</p>	<p>No change proposed.</p>

Representor	Organisation	Comment (summary)	Council's response	Changes proposed
			<p>system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated when taking decisions. As referred to above, PPW also recognises the importance of considering health and well-being as a core component of sustainable development. It is considered that restricting new hot food takeaways around schools is a proportionate and justified approach in tackling childhood obesity and associated health problems.</p>	

Supplementary Planning Guidance - Hot
Food Takeaways
15th April 2015

Equality Impact Assessment

Supplementary Planning Guidance - Hot Food Takeaways

Contact: Angela Loftus, Planning & Public Protection Service
Updated: 15/04/15

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

A new or revised policy

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

The proposal is to seek approval from Planning Committee to adopt Supplementary Planning Guidance for hot food takeaways. If adopted, this will replace the existing Hot Food Takeaways SPG and will be used in determining planning applications.

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 updated planning guidance relating to new hot food takeaways. The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying the LDP policies. The LDP underwent a full EqIA in 2010.

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

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

The Denbighshire Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqIA in 2010.

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?
(Please refer to section 1 in the toolkit for a description of the protected characteristics)

No

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

No

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

No	Not required
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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.

Review Date:	April 2016
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Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	15.04.15

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

Report To: Planning Committee

Date of Meeting: 15th April 2015

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

Report Author: Karsten Brußk, Planning Officer

Title: Site Development Brief 'Rhuddlan Triangle' – Adoption of final document

1. What is the report about?

- 1.1 This report informs Members of the 11 week public consultation on the draft Site Development Brief 'Rhuddlan Triangle', and recommends document adoption as a Supplementary Planning Guidance note (SPG).

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 material planning consideration when the LPA, Planning Inspectors and the Welsh Government determine planning applications and planning appeals.
- 2.2 Strategic Planning & Housing carried out an 11 week public consultation on the draft Site Development Brief 'Rhuddlan Triangle' between December 2014 and February 2015, discussed matters raised in representations received with Members of the LDP Steering Group in February 2015, and, therefore, a decision is required on the Council's intention to adopt the draft document.

3. What are the Recommendations?

- 3.1 It is recommended that Members adopt the draft Site Development Brief 'Rhuddlan Triangle', attached in Appendix I, including proposed document amendments, for the determination of planning applications and planning appeals.

4. Report details.

- 4.1 If adopted, the draft Site Development Brief 'Rhuddlan Triangle' 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 Members approved the draft document for an 11 week public consultation at the Planning Committee on 22nd October 2014. The consultation preparations

included press releases, information on the Council's website and an email or letter to all people on the LDP database, including City, Town and Community Councils, County Councillors, adjacent local authorities and members of the public, informing them of the consultation details, two drop-in events at Rhuddlan Library and how to respond.

- 4.3 Copies of the draft document and comment forms were made available on the Council's website, in Public Libraries and the Council's 'One Stop Shops'.
- 4.4 In addition, approximately 400 households in the vicinity of the site received a leaflet containing all necessary consultation details and advertising two drop-in events at Rhuddlan Library. Officers held these two sessions on 10th December 2014 and on 17th January 2015, which were attended by about 50 interested residents. At the events, Officers from different departments were present to talk to the public, provide further information and advice on site-specific queries.
- 4.5 The Council received 9 written representations, addressing the following topics:
- forms of land use;
 - highways impact;
 - flood risk consideration; and
 - visual appearance of site.
- 4.6 Copies of the original representations are available from the Strategic Planning & Housing team in Denbigh by phone 01824 706916 or by email: ldp@denbighshire.gov.uk. Appendix II to this report contains the consultation report which includes a summary of each response received and outlines proposed amendments.
- 4.7 A number of amendments are proposed in response to the representations received. These are shown as **bold** or ~~strikethrough~~ text in the SPG attached in Appendix I.
- 4.8 There have been no representations on the Strategic Environmental Assessment (SEA) – screening document, see Appendix IV.

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

- 5.1 The SPG will positively contribute to the following Corporate Priorities as set by Denbighshire County Council:
- *Modernising the Council to deliver efficiencies and improve services for our customers.* Developers, landowners and the local community in Rhuddlan will be provided with an up-to-date guidance document on planning matters for consideration when bringing land forward for development on site. The document also supplements Denbighshire Local Development Plan 2006 – 2021 (LDP) policy BSC2 'Brownfield Development Priority' because parts of the site are designated for development in line with this local policy.

- *Developing the local economy.* The SPG sets out guidance on how derelict or under-development land can be brought into economic use and, hence, provide jobs for the local community. It broadly supports the objectives contained in Denbighshire's 'Economic & Community Ambition Strategy 2013 – 2023'.

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

- 6.1 There are no costs to the Council in adopting the draft Site Development Brief 'Rhuddlan Triangle'.
- 6.2 Once adopted, the SPG will be of benefit for several Council departments. For example, Economic and Business Development can use the document for site promotion, discussion with interested parties about site potential, and support of actions laid out in the Rhuddlan Town Plan 2012 – 2020. The Development Management team will have additional information on acceptable types of development in planning terms and potential site constraints.

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 conclusion of the EqIA-screening is that an Equality Impact Assessment is not required for the draft Site Development Brief, including the proposed document amendments, see Appendix III.
- 7.2 Members received a first EqIA-screening opinion with the report to planning committee on 22nd October 2014 when Officers sought approval for public consultation with key stakeholders and members of the public. It was concluded that a full EqIA was not required at that stage.
- 7.3. The proposed document amendments, which are of editorial and factual character, do not warrant a full assessment.

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

- 8.1 Throughout the document preparation process, Planning Officers worked jointly on the content of the draft Site Development Brief with colleagues from Highways, Economic and Business Development, Development Management, Property, and the Council's Senior Engineer advising on flood risk considerations. The two local Members for Rhuddlan were kept informed about progress at all stages.
- 8.2 Members of the LDP Steering Group discussed the content of the draft document prior to public consultation in September 2014, and they discussed matters raised in representations received in February 2015.
- 8.4 Members of the Planning Committee commented on the draft document prior to agreeing the draft document for consultation with City, Town and

Community Councils, statutory consultees, infrastructure providers and members of the public at Planning Committee in October 2014.

- 8.5 The document was also presented to Members of the Elwy Member Area Group and Rhuddlan Town Council in November 2014.

9. Chief Finance Officer Statement

- 9.1 'It is not anticipated that adopting the Site Development Brief will create any additional costs but if any arise these must be contained within existing Departmental budgets.'

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

- 10.1 There are no immediate risks to the Council. However, 'Rhuddlan Triangle' is a key gateway site into the town of Rhuddlan and the principal settlements along the Coast. Maintaining the status-quo will lead to further deterioration of some parcels of land and adversely affect the visual appearance of the entire site and views from historic (listed) buildings such as Rhuddlan Castle.
- 10.2 Taking no action, i.e. having no planning guidance in place for interested parties, would not be consistent with the Council's ambition to provide local communities with jobs, an attractive built and natural environment to live in and do business, and may harm the visitor economy in this part of the County.

11. Power to make the Decision

- 11.1 Planning & Compulsory Purchase Act (2004).

Draft Site Development Brief

Rhuddlan Triangle

Main Document



Development Planning and Policy Team
Denbighshire County Council
Strategic Planning and Housing
December 2014 April 2015

Cyngor
sir ddinbych
denbighshire
County Council

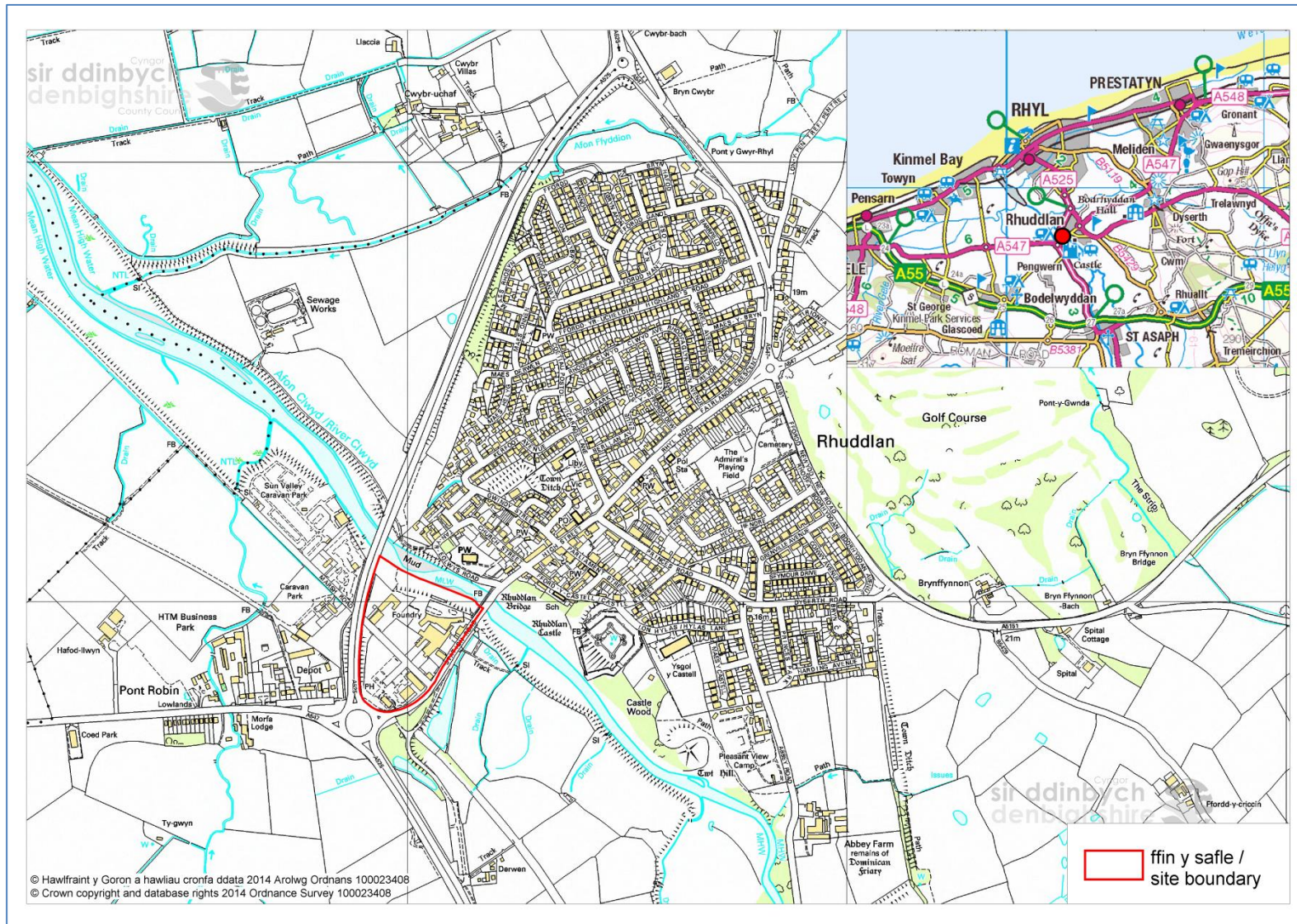


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Cover Photo: 'Rhuddlan Triangle' (Aerial View, 2009)

Figure 1: Location of 'Rhuddlan Triangle'



1. Introduction

- 1.1 This site development brief is one of a series of Supplementary Planning Guidance notes amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies or principles of development for individual site allocations in a format which aims to guide the process, design and quality of new development. These notes are intended to offer detailed guidance to assist members of the public, Members of the Council, potential developers and Officers in discussions prior to the submission of and, consequently, in determination of future planning applications.

2. Document Status and Stages in Preparation

- 2.1 ~~This site development brief was formally approved for public consultation by Denbighshire County Council's Planning Committee on 12th November 2014. This SPG was formally adopted by Denbighshire County Council's Planning Committee on 15th April 2015.~~

- 2.2 The Council's Supplementary Planning Guidance notes (SPGs) are not part of the adopted local development plan. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.

- 2.3 This document has been prepared in accordance with planning policy contained in Planning Policy Wales (Edition 7), guidance documents provided by Welsh Government and advice received from Natural Resources Wales (NRW) on flood risk matters.

3. Site Location and Description

- 3.1 Rhuddlan is a small town located at a strategic crossing point over the river

Clwyd which provides access to the main coastal strip including the seaside towns of Prestatyn and Rhyl. It is located about 4km to the north of the A55 trunk road, a principle transport corridor in North Wales, and is linked by a dual carriageway section of the A525. (see Figure 1) There are approximately 4,400 people living in Rhuddlan. The town has been identified as a lower growth town in the Denbighshire Local Development Plan 2006 – 2021 (LDP) settlement hierarchy in relation to proposed additional housing over the lifetime of the Plan.

3.2 The southern edge of the town, which is in an elevated position above the river Clwyd and overlooking the site in question, is defined by St. Mary's Church (Listed Building: Grade II*), Rhuddlan Bridge (Listed Building: Grade II*, Scheduled Ancient Monument) and the Castle (Listed Building: Grade I, Scheduled Ancient Monument); all of which are located within the Conservation Area. There is an area of mixed residential, commercial and industrial development to the west of town along Abergele Road (A547).

3.3 Photo 1 View over the site towards St Mary's Church (left), Rhuddlan Bridge (centre) and the Castle (right)



3.4 The term 'Rhuddlan Triangle' refers to about 4.5ha of land that is located south-west of the river Clwyd, between the historic town centre of Rhuddlan

and the roundabout junction of A525 and A547. It is bounded by the river Clwyd to the north-east, by Station Road (A547) linking the roundabout junction with the town centre in the east, and by the A525 dual carriageway leading from the roundabout junction into Rhyl (known as Rhuddlan Bypass) to the west.

- 3.5 Photo 2 View from St Mary's Church over the river Clwyd and the site towards the A525 and A547 roundabout junction with Rhuddlan Bypass rising to the right.



- 3.6 Marsh Road bisects the site; running parallel to the river Clwyd and providing the only access off Station Road to a number of commercial premises on site, a **several** caravan parks and individual residential premises located on adjacent land. There are frequent bus services along Station Road throughout the day, providing links to Rhyl Station (about 4km), Prestatyn Station (about 7.5km), Ysbyty Glan Clwyd in Bodelwyddan (about 3km) and all larger settlements in the Vale of Clwyd.

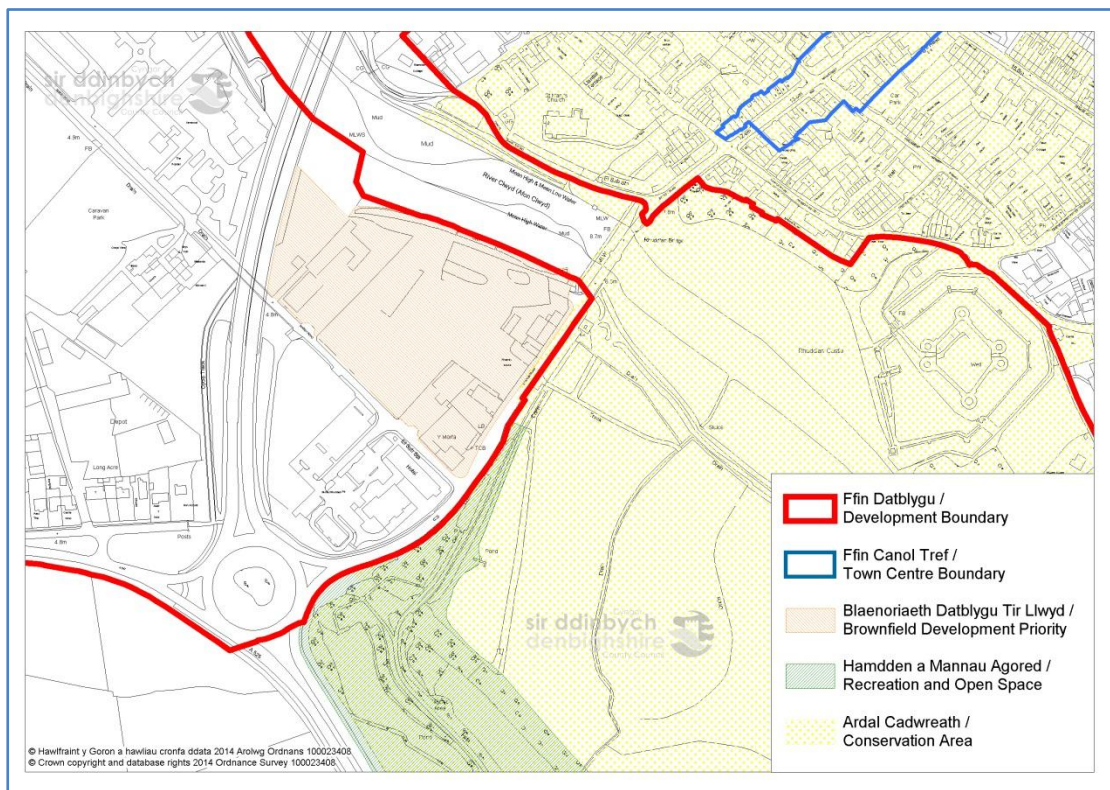
- 3.7 This is a key gateway site into town which is highly visible from the A525, St Mary's Church and Rhuddlan Castle. Large parts of it are a mixture of undeveloped and derelict land. The Council would like to see land back into economic use, improve the visual appearance of the site and raise the

attractiveness of the place for potential new businesses.

4. Planning Policy

4.1 Figure 2 shows local policies which may be a consideration in determining planning applications for the site. Please refer to the LDP Proposals Map for Rhuddlan and the LDP Key Map to obtain an overview of planning policies relevant to the wider area.

4.2 Figure 2 Local policies relevant to development on site



4.3 Planning Policy Wales (Edition 7), paragraph 2.1.2, states that planning applications have to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Denbighshire's Local Development Plan 2006 – 2021 (LDP) was adopted in June 2013, and contains local policies applicable to development proposals coming forward for 'Rhuddlan Triangle'.

4.4 Material considerations are issues subjects that may be relevant to the

decision such as capacity of physical infrastructure (e.g. in the public drainage or water systems), noise or disturbance resulting from use, highways capacity, nature conservation and biodiversity objectives, **the historic environment**, flood risk, previous appeal decisions and planning inquiry reports, or research work carried out to support planning proposals.

4.5 (1) LDP Policy RD 1 – Development Boundary: The site is located within the development boundary of Rhuddlan, i.e. a wide range of land uses could be considered suitable subject to detailed policy criteria addressing sustainable development and good standard design. However, due to flood risk considerations (see Chapter 5) ~~and recent events~~, the Council is unlikely to support applications for development classed as ‘highly vulnerable’ in Welsh Government – Technical Advice Note 15: Development and Flood Risk, e. g. residential premises.

4.6 Development proposals should aim to raise the standards of design in terms of the built environment and in securing the best environment through landscape design. That means applicants ~~may want~~ **have** to consider the following matters (that are by no means exhaustive): built height and scale, density of development, elevation of buildings, implementation of Sustainable Urban Drainage Systems (SUDS), provision of green landscape ~~features~~ **mitigation measures** and built material sympathetic to the surrounding area.

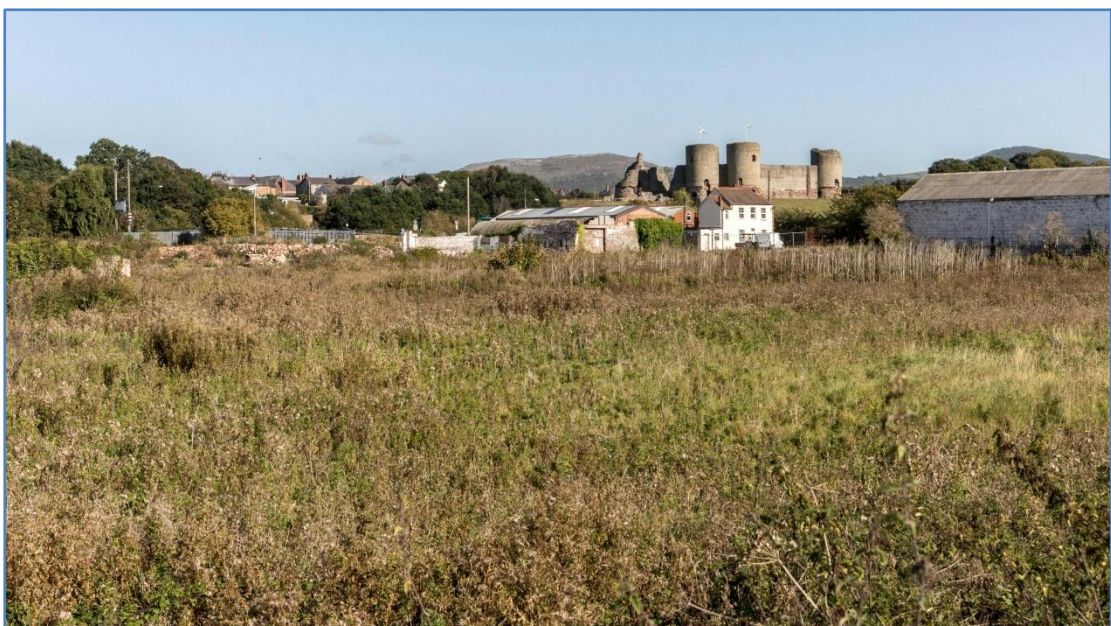
4.7 (2) LDP Policy BSC2 – Brownfield Development Priority: Land between Marsh Road and the river Clwyd has been designated as ‘brownfield development priority’ area in recognition of the potential to contribute towards economic growth and sustainable regeneration of Rhuddlan. The Council acknowledges that not all previously developed sites are suitable for every proposal due to possible contamination, flood risk, or nature conservation objectives. Any planning application for development on this site should be accompanied by information demonstrating how individual proposals contribute towards regeneration, (economic) diversification, and support actions ~~underlying~~ **and objectives set out in the Council’s ‘Economic &**

Community Ambition Strategy 2013 - 2023' and the 'Vision for Rhuddlan' as set out in 'Rhuddlan Town Plan 2012 – 2020: Looking Forward Together'.

4.8 (3) LDP Policy VOE 1 – Conservation Area: Rhuddlan's Conservation Area borders to the north, north-east and east; comprising of a strict defined building line and large areas of open grazing land offering extensive views from the site towards the Castle, Clwyd Range, and into the Vale of Clwyd. It is essential that any development proposals pay regard to the character and setting of the conservation area, listed buildings and monuments; particularly to potential adverse effects on the setting of Rhuddlan Castle (Listed Building: Grade I) and, St Mary's Church and Rhuddlan Bridge (both a Listed Building: Grade II*).

4.9 Appraising the local context will become essential in identifying and understanding the historic development pattern and distinctive patterns of townscape. Such an exercise could include (this is by no means exhaustive): density of building blocks, development types and architectural vocabulary; building, roof and street lines; key and secondary views; important open spaces; and roof lines and chimneys.

4.10 Photo 3 View over land designated as brownfield development priority towards the town (centre) and Rhuddlan Castle (right)



- 4.11 It is important to assess the character of the area; especially if there have been developments in the past that have not responded to the local context. This should be seen as an opportunity to enhance the area rather than maintain a poor status quo. Applicants may wish to discuss proposals with the Council's Conservation Officers or Welsh Government body '~~CADW~~' '**Cadw**' prior to submitting a planning application.
- 4.12 (4) Town Centre Boundary / **Retail Development** – LDP Policy PSE 8 / PSE 9: Rhuddlan's town centre is about 500m to the north-east, and comprises predominantly of a hotel, a hairdresser, a restaurant, a hot food takeaway, and a small proportion of traditional high street uses such as an optician, a pharmacy, a newsagent and two small supermarkets. LDP Policy PSE 8 applies to development within town centre boundaries as shown on the LDP Proposals Maps. ~~and~~ LDP Policy PSE 9 refers to development in an out of town centre location but within development boundaries. Since the site is not located in a designated town centre, policy criteria as defined in PSE 9 ~~are~~ **will principally be** applicable to proposed retail development at Rhuddlan Triangle. The policy states that proposals for small scale retail uses will be permitted provided that they: (1) are less than 500sqm gross area; (2) serve the local area; (3) do not form part of an industrial estate; and (4) do not jeopardise the viability and vitality of town or district centres. Should the size of any retail **proposed** exceed 500sqm gross area, criteria outlined in Planning Policy Wales (Edition 7) ~~paragraph 10.3.11~~ alongside guidance in Technical Advice Note 4: Retailing and Town Centres (1996) ~~would~~ **may** apply. **Applicants must (1) demonstrate need, (2) apply a sequential test for justifying the location, and (3) provide a strong case for supporting local regeneration and economic development initiatives.**
- 4.13 Denbighshire Retail Study – Retail Capacity (2013) indicates that there is no need for additional convenience (e.g. food supermarket) and comparison (e.g. DIY store, electronics) retail in the north of the County, and indeed across the entire County. Should LDP housing allocations be delivered and the tourism industry continues to grow at current levels, a modest increased

need for convenience retail would be required which would be met by existing planning permissions. Should population projections be accurate then a modest need for comparison retail would be required which would be met by increasing the trade efficiency of Rhyl Town Centre and the retail allocation at Queens Market, Rhyl. ~~Land at Rhuddlan Triangle already benefits from an approved but unimplemented planning permission for several retail units offering comparison goods. Therefore, any retail related development proposal exceeding the thresholds laid out in LDP Policy VOE 9 must meet national policy outlined in section 4.12 (above) and; (1) demonstrate need, (2) apply a sequential test for justifying the location, and (3) provide a strong case for supporting local regeneration and economic development initiatives.~~

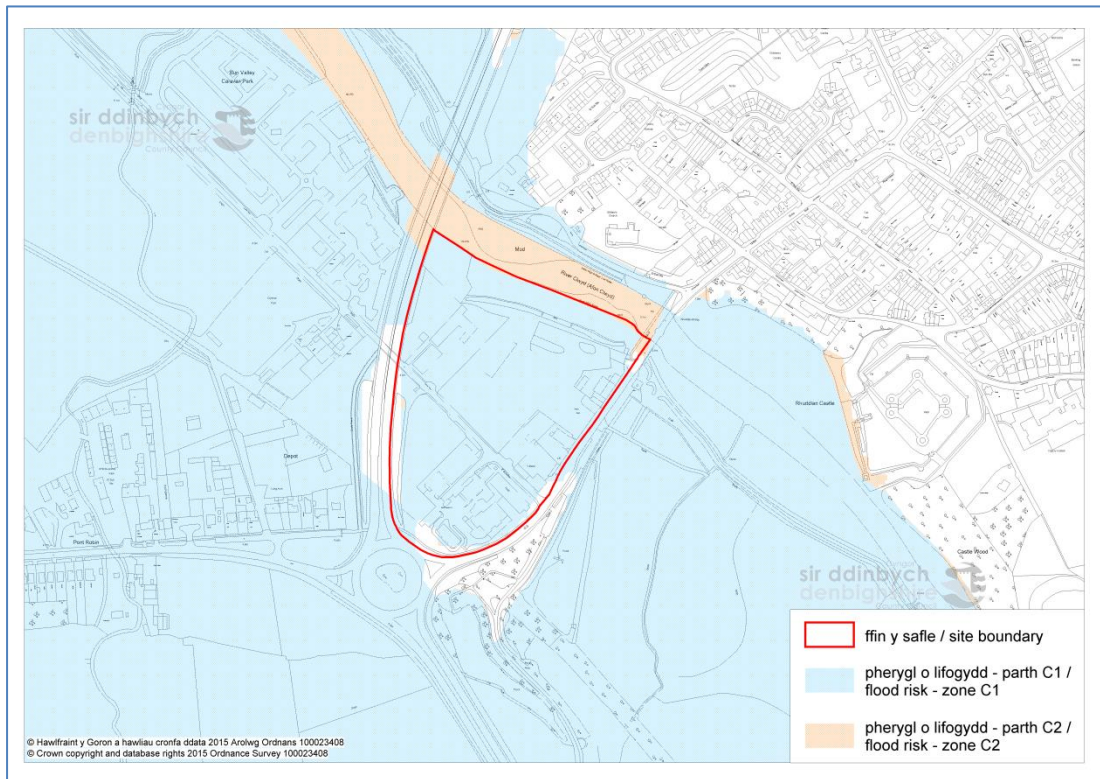
- 4.14 (5) LDP Policy BSC11 – Recreation and Open Space: Whilst no land is designated for recreation and open space on site, Denbighshire Countryside Services created with support of the local community a well-used local nature reserve on adjacent land and the North Wales long-distance walking and cycle path passes by on the opposite river bank. There is an opportunity to enhance the recreation offer by providing tourism-related services, incorporating outstanding views towards Rhuddlan Castle and the Clwydian Ranges, creation of a green link between the town centre, the local nature reserve and other settlements along the Coast and the Vale of Clwyd.

5. Flood Risk

- 5.1 The site lies within Flood Risk Zone C1 of Welsh Government's Development Advice Map referred to in Technical Advice Note (TAN) 15: Development and Flood Risk. Zone C1 denotes areas of floodplain which are developed and served by significant infrastructure, including various types of flood defences. Consequently, development may take place but will be subject to application of justification tests and acceptability of consequences for particular types. Detailed information on justification tests and acceptability criteria can be found in WG TAN15: Development and Flood Risk, paragraphs 6 - 7 and

Appendix 1.

5.2 Figure 3 Flood Risk Zones covering Rhuddlan Triangle (March 2015)



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

5.4 Due to several flooding incidents over the last two years (e.g. November 2012, December 2013) and the installation of individual flood defence schemes, Denbighshire County Council commissioned JBA Consulting with the production of a 'Denbighshire Strategic Flood Consequence Assessment – Update' (uSFCA). The final report was published in July 2014, and e-copies can be obtained from the authority's website

(www.denbighshire.gov.uk/ldp). Prior to above mentioned events, no flooding has been observed on site since 1966.

5.5 Photo 4 View along the bank of the river Clwyd towards Rhuddlan Bridge



5.6 The uSFCA 2014 describes potential scenarios of flood incidents from different sources for Rhuddlan Triangle, and assesses technically derived data for different types of development in line with TAN15 criteria for flood event tolerance conditions. ~~The main source of flood risk is from the river Clwyd (fluvial flooding) but this does not exclude potential tidal flooding from the Clwyd estuary and any risk posed by breach of flood defences.~~ **The site is at risk from both tidal sources and fluvial sources.** (Source: uSFCA, p. 56) Significant issues have been highlighted with regard to acceptable flood event criteria (e.g. depth of flooding, maximum speed of inundation of area) for emergency services and residential (habitable rooms) developments.

5.7 Both the uSFCA and Natural Resources Wales (NRW) (responding to previous planning enquiries) highlight the necessity to submit a Flood Consequence Assessment (FCA) with any proposal seeking planning approval on this site. Developers must be able to demonstrate that the risks to, and arising from, the development can be managed over the anticipated lifetime of the development.

5.8 ~~Raising individual land levels on site to accommodate highly vulnerable development, e.g. emergency services and residential premises, is not an acceptable option to address the maximum of depth of flooding due to the potential to displace flood waters and cause adverse flood risk impacts on adjoining landowners. (See TAN 15 paragraph A1.15)~~ Raising individual land levels on site may be put forward for both 'Less Vulnerable' and 'Highly Vulnerable' development to achieve compliance with TAN 15 part A1.14. NRW confirms that some land level modification may be put forward to reduce the flood risks and consequences of flooding at the site, but careful consideration of third party impacts would be necessary (see TAN15, paragraph A1.12); as would a scheme for compensatory flood storage, should off-site flood impacts be identified.

5.9 Potential developers should be aware that under the terms of the Water Resource Act 1991 (as amended) and the Land Drainage Byelaws the consent of Natural Resources Wales will additionally be required for any works, or structures located in, under, over or within 7 metres of the bank top (or landward toe of the raised flood defences) of the River Clwyd, designated "main river". The organization will use legislative powers to ensure that any future development layouts will not compromise its ability to access the watercourse (and flood defence assets) nor undertake improvement works in the future.

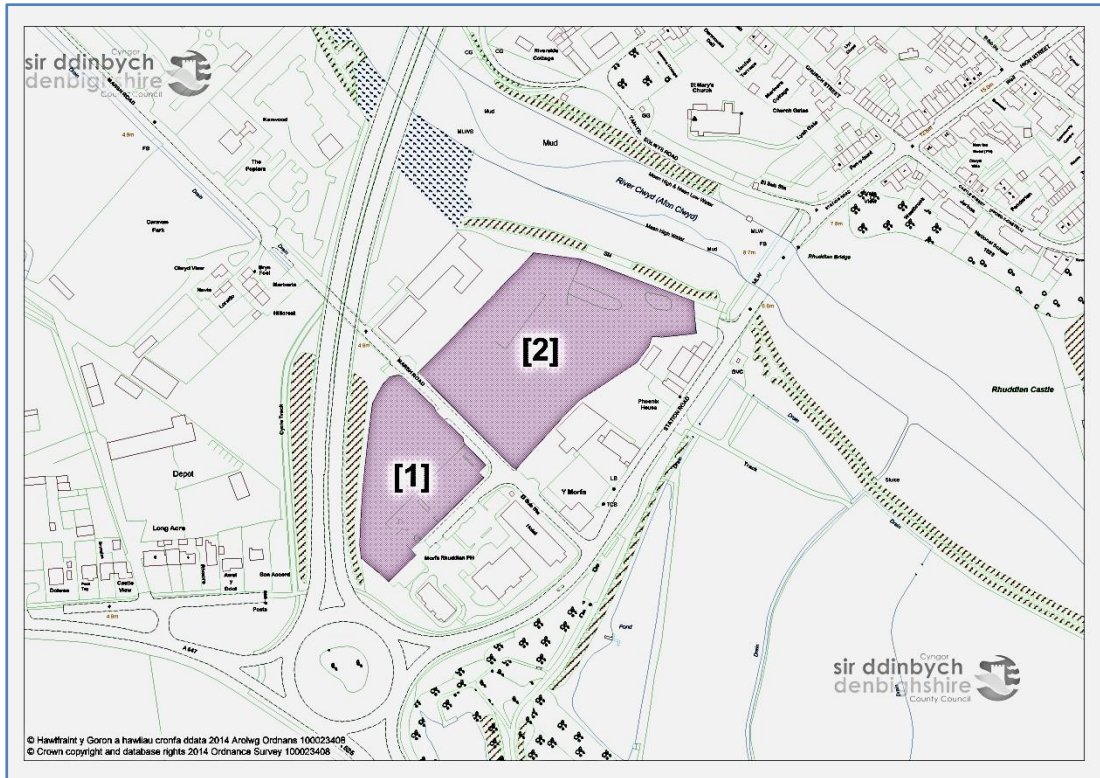
6. Key areas for future development

6.1 This chapter focusses on two areas where the Council would expect development to a high quality design standard, turn into a kind of anchor-development on site and, hence, will attract further businesses. (see Figure 4, ~~p. 14~~) Site boundaries shown are indicative only, and do not represent ownership or planning consent. The Council does not own any of the land but will assist in discussing development proposals.

6.2 Opportunities may arise for redevelopment of other parcels of land within the

site or along the frontage of Station Road. Proposals for redevelopment, conversions and design improvements to advance attractiveness and appearance would be encouraged.

6.3 Figure 4 Key areas for future development



6.4 Area 1: The area is about 0.7ha hectares. and benefits from planning consent for retail development, comprising the erection of two buildings containing 6 units of about 2,600 sq. m. in total. Outline planning permission for a mixed use scheme was approved in 1997 and renewed in 2000, covering the entire site south of Marsh Road with proposals for a hotel, a restaurant and an element of retail. After full planning was granted for the erection of a restaurant, hotel, drive-thru fast food unit and non-food retail in 2005, applicants have successfully sought amendments to the retail element but did not implement the permission.

6.5 The present planning permission is due to expire in November 2014, unless development starts on site. The Council would be prepared like to discuss similar schemes within the adopted policy framework and with advice

~~provided by Natural Resources Wales on flood risk (see Chapter 4 and 5).~~
The last planning permission expired in November 2014. The Council would like to see similar schemes in place but does not object to alternative forms of land use that comply with national and local policy, satisfy flood risk criteria and contribute to the economic regeneration of the area. For example, applicants may want to consider tourism-related facilities that cater for people cycle or walk along the river Clwyd, staying on the adjacent caravan sites or exploring sights in the Vale of Clwyd.

- 6.6 Photo 5 View from the A525 and A547 roundabout junction over Area 1 with St Mary's Church in the background



- 6.7 Area 2: This area measures about 1.4ha, and does not benefit from an extant planning permission. Parcels of land are owned by different parties which means that cooperation between landowners would be required if they wish to pursue a large or single development.

- 6.8 Having previously been occupied by economic enterprises, for example a foundry and a laundry, the Council would welcome a small industrial estate with some starter units on site, bringing employment opportunities for people living in the vicinity. However, this proposal is without any prejudice against other types of land use. Similar to Area 1 (see paragraph 6.5), there are

plenty of opportunities to enhance the existing offer of community and leisure facilities, outdoor activities and tourism or commercial enterprises for the local community. Applicants are encouraged to lay out how their proposals will support the development strategy for the North Wales Coast Strategic Regeneration Area, actions identified in the Rhuddlan Town Plan, or other documents aiming at improving living standards for residents along the coast.

6.9 Photo 6 View over Area 2 towards St Mary's Church



7. Access and Movement

7.1 Vehicular access should be gained from the A547, using Marsh Road as the main artery road to several properties on site. Existing provision requires access to residential properties, businesses and a caravan park further along Marsh Road, and any development will be required to maintain a route throughout the construction period and consider the possibility of re-routing at times if necessary.

7.2 The Council has imposed a temporary weight restriction on Rhuddlan Bridge by introducing single file traffic. Essential works are required to upgrade the listed structure for coping with increased traffic and weight of vehicles passing over the river Clwyd on a daily basis. This means, land uses

requiring frequent movement of heavy goods and vehicles should be aware that entering Station Road from the town centre may not be an option.

7.3 Photo 7 View along Marsh Road from T-junction with Station Road
(September 2014)



7.4 Proposals should provide for safe conditions for pedestrians and cyclists within and to / from the site. There may be the need to carry out road and pavement improvement works, depending on the nature of individual proposals and the potential increase of traffic generated by the development. The Council may require a Transport Assessment to assess site access arrangements and potential road improvement works; survey works, methodology and outcomes should be discussed with the Council's Highway department in view of implementation. **The Council could seek financial contributions from applicants if improvement work is required to mitigate any adverse effects on the local road network.**

7.5 In September 2014, the Council was carrying out feasibility studies with regards to constructing a pavement from the Sun Valley Caravan Park along Marsh Road towards the T-junction with Station Road. The principle aim is to improve road safety and the visitor experience for members of the public commuting along this route. Initial recommendations include further surveys

to be carried out into origin-destination movements to specify need, and, accordingly, make use of Section 278 agreements of the Highways Act 1980 that would require the inclusion of pavement provision as part of future development proposals.

7.6 Photo 8 View along Marsh Road towards Station Road (September 2014)



8. Further Considerations

8.1 *Contamination:* Developers are advised to investigate potential ground contamination on land north of Marsh Road due to craftsmanship activities linked to a foundry previously located there.

8.2 *Nature Conservation:* ~~Development proposals have to respect biodiversity and nature conservation objectives. Works in close proximity to the riverbank, including enhancements, should avoid any changes to the water quantity and water quality of the river Clwyd. The river joins the Liverpool Bay at the Clwyd Estuary just about two miles to the north, which is designated as a Special Protection Area and affords protection under the Habitats Directive.~~ NRW has records of Bats (Chiroptera), Otters (*Lutra Lutra*), Great Crested Newts (*Triturus cristatus*) and Red Kite (*Falco subbuteo*) within 1km of the Rhuddlan Triangle. Any planning application will need to provide sufficient

information, through appropriate surveys and assessments, to enable the local authority to determine whether the proposal is likely to be detrimental to the maintenance of the Favourable Conservation Status (FCS) of the affected population (or colony) of protected species.

8.3 The site is located adjacent to the river Clwyd that links with several international and national protected sites. Any development proposal will need to include details of working methods and pollution prevention measures that will ensure that the work does not impact on the adjacent watercourse, i.e. water quality and water quantity, and the features of the protected sites.

8.4 *Drainage:* Previous planning applications for development proposals (e.g. Harvey's – planning application ref.: 44/2014/0101) and the first feasibility study into installing a pavement along Marsh Road (see paragraph 7.5) highlight problems with drainage on site owing to a lack of gullies. Surface water primarily discharges into drains and culverts along Marsh Road. Therefore, development proposals have to incorporate drainage solutions, and should avoid increasing the amount of surface water run-off from the application site.

8.5 *Environmental Impact Assessment (EIA):* ~~Developers are advised to check with their proposal falls into either of the categories contained in Appendix 1 or Appendix 2 to the EIA Directive (85/337/EEC). Should this be the case, planning applications should be accompanied by an Environmental Impact Assessment (EIA).~~ Applicants are advised to establish whether their planning proposal falls under the regulations of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999, and, therefore, could be classed as 'EIA development'. The purpose of an EIA is to establish whether development is likely to cause significant effects on the environment and what type of mitigation measures may be required to reduce them.

8.6 All proposals that are of a description mentioned in Schedule 1 of the regulations have to be subject to an EIA, whereas proposals that are of a description mentioned in Schedule 2 of the regulations do not necessarily have to be subject to an EIA depending on the outcome of the EIA screening exercise. Further information on the process can be found in Welsh Office Circular 11/99 ('Environmental Impact Assessment (EIA)') or obtained from the Planning / 'Development Management' section.

9. Contacts

9.1	Denbighshire County Council Planning and Public Protection Development Management Caledfryn Smithfield Road Denbigh LL16 3RJ Tel.: 01824 706727 Email: planning@denbighshire.gov.uk	Denbighshire County Council Planning and Public Protection Development Planning & Policy Caledfryn Smithfield Road Denbigh LL16 3RJ Tel.: 01824 706727 Email: ldp@denbighshire.gov.uk
9.2	Denbighshire County Council Housing and Community Development Economic and Business Development Caledfryn Smithfield Road Denbigh LL16 3RJ Tel.: 01824 706860 Email: econ.dev@denbighshire.gov.uk	Denbighshire County Council Highways & Environmental Services Highways and Transportation Department Caledfryn Smithfield Road Denbigh LL16 3RJ Tel.: 01824 706882 Email: highways@denbighshire.gov.uk

10. Sources / Literature

Denbighshire County Council, Denbighshire Local Development Plan 2006 – 2021, adopted June 2013

Denbighshire County Council, Retail Capacity Study 2013, , document available online from DCC website

Denbighshire County Council, Rhuddlan Town Plan 2012 – 2020: Looking Forward Together', document available online from DCC website

Welsh Government, North Wales Coast Strategic Regeneration Area - programme

Welsh Government, Planning Policy Wales (Edition 7), July 2014

Welsh Government, Technical Advice Note 15: Development and Flood Risk (2004)

Appendix II: Report of Consultation – draft Site Development Brief 'Rhuddlan Triangle' (April 2015)

1. Introduction

- 1.1 This report informs Members of the 11 week public consultation on the draft Site Development Brief 'Rhuddlan Triangle'; including a summary of the representations received and how they have been taken into account by the Council in finalising the draft document.
- 1.2 Members approved the draft document for an 11 week public consultation at the Planning Committee on 22nd October 2014. The consultation preparations included press releases, information on the Council's website and an email or letter to all people on the LDP database, including City, Town and Community Councils, County Councillors, adjacent local authorities and members of the public, informing them of the consultation details, two drop-in events at Rhuddlan Library and how to respond. Public consultation took place between 1st December 2014 and 13th February 2015.
- 1.3 Copies of the draft document and comment forms were made available on the Council's website, in Public Libraries and the Council's 'One Stop Shops'. About 400 households in the vicinity of the site received a leaflet containing all necessary consultation details and advertising two drop-in events at Rhuddlan Library.
- 1.4 Planning Officers held these two sessions on 10th December 2014 and on 17th January 2015, which were attended by about 50 interested residents. At the events, Officers from different departments were present to talk to the public, provide further information and advice on site-specific queries.
- 1.5 The Council also consulted on the Strategic Environmental Assessment (SEA) - screening document, accompanying the draft document, with statutory consultees, i.e. Natural Resources Wales and Cadw, and members of the public but did not receive any representations.

2. Representations received

- 2.1 The Council received 9 written representations, and Officers spoke to about 50 interested residents at Rhuddlan Library. These include responses from Natural Resources Wales, Campaign for the Protection of Rural Wales, local businesses and interested parties in bringing development forward on site.
- 2.2 Representations received addressed the following topics:
 - support for the Council's intention to support regeneration on site;
 - impact on local road network; for example site access from Station Road and lorry parking along Marsh Road;
 - forms of land use: proposals for industrial use, food retail development or tourism-related facilities;
 - flood risk considerations and application of flood mitigation measures; and

- design requirements for new developments, respecting the historic environment.
- 2.3 Copies of the original representations are available from the Strategic Planning & Housing team in Denbigh by phone 01824 706916 or by email: ldp@denbighshire.gov.uk. Table 1 to this report contains a summary of each response received and outlines proposed amendments.

3. Document changes

- 3.1 Officers propose a small number of amendments to the draft document to reflect representations received (see Table 1), respond to factual changes and implement minor editorial alterations. These are shown as **bold** or ~~strike through~~ text in the draft document attached to the Planning Committee report on 15th April 2015 in Appendix I.
- 3.2 Factual changes are required with regard to paragraphs 6.4 and 6.5 because of the expiration of planning permission for retail development in November 2014. Natural Resources Wales provided further information on flood risk mitigation, location of highly vulnerable development on site and the maintenance of flood defences. There has also been a change to paragraph 5.6 prior to public consultation as a result of the discussion that Members had at Planning Committee on 22nd October 2014.

Table 1: Consultation responses

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Laura Beech (3237)	Walsingham Planning on behalf of Property Alliance Group (‘PAG’)	PAG supports the Council’s proactive approach to regenerate Rhuddlan Triangle; and support the principal elements of development as outlined in paragraph 3.7	Support welcomed.	No change proposed.
		Paragraph 6.5 refers to the existing planning permission for non-food retail in Area 1 – Site Development Brief should allow for other forms of land use, especially food retail and service development, to attract new business to the area	Land west of Premier Inn and south of Marsh Road has not been allocated for a specific form of land use in DCC’s Local Development Plan but benefitted from planning consent for non-food retail in the past. The Council will consider alternative proposals in line with adopted national and local policies.	Amendments to be made to paragraphs 6.4 and 6.5 in light of factual changes and provision of information on alternative forms of land use
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	Sub-Section 4.4: Amend fourth line of sub-section to read; ‘... <i>conservation and biodiversity objectives, <u>the historic environment</u>, flood risk, previous appeal...</i> ’ Reason for amendment: Due to the antiquity of human occupation in the area.	Change agreed, i.e. inclusion of additional wording; to highlight historic environment as a material planning	Amendment to be made to paragraph 4.4 as outlined in representation
		Sub-Section 4.6: Amend text to read; ‘ <i>That means applicants <u>have to consider the following matters (that are by no means exhaustive): built height and scale, density of development, elevation of buildings, implementation</u></i>	Change agreed, i.e. re-wording and inclusion of additional wording; to stress importance of design considerations in potential development proposals and to avoid	Amendments to be made to paragraph 4.6 as outlined in representation

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	<i>of Sustainable Urban Drainage Systems (SUDS), provision of green landscape <u>mitigation measures</u> and built material sympathetic to the surrounding area.</i> Reason for amendment: To emphasise a requirement to limit visual impact of any development looking across the site into the Vale of Clwyd or towards Rhuddlan and the Clwydian Range that forms part of a designated AONB	adverse effects on the historic environment and principal views from / towards the site	
		Sub-Section 4.8: Amend end of last sentence to read; ' <i>...Rhuddlan Castle (Listed Building: Grade I), <u>St Mary's Church and Rhuddlan Bridge (both a Listed Building: Grade II*)</u></i> .' Reason for amendment: Being a Grade II* Listed Building, Rhuddlan Bridge denotes that it is a structure of more than just local importance. This also requires to be taken into account with regard to potential adverse effects upon its setting by development.	Change agreed, i.e. re-wording of sentence; to stress the importance of Rhuddlan Bridge with regard to legislation and protection	Amendment to be made to paragraph 4.8 as outlined in representation
		Sub-Section 4.11: Amend last sentence to read; ' <i>Applicants <u>are required</u> to discuss proposals with the Council's Conservation Officers, <u>Archaeologist</u>, or Welsh Government body 'CADW' prior to submitting a planning application.</i> ' Reason for	There is no statutory requirement for applicants to carry out pre-application consultation. The Council encourages applicants to undertake such an exercise prior to submitting a planning	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	amendment: To make such pre-application consultation a requirement due to the antiquity of settlement in the area and potential archaeology being within the development site.	application. Hence, the chosen wording of paragraph 4.11	
Mandy Evans (791)	Abergele Town Council	Members of the Committee did not feel that they were able to comment on the policy of another County.	Comment noted.	No change proposed.
Deborah Hemsworth (276)	Natural Resources Wales	NRW supports the inclusion of 'Chapter 5: Flood Risk', and the requirement of submitting an Flood Consequence Assessment (FCA) in support of any planning application as outlined in paragraph 5.7	Support welcomed.	No change proposed.
		Clarification on potential adverse flood risk impacts associated with land raising of the site as outlined in paragraph 5.8; type of mitigation measure may be put forward for both 'less vulnerable' and 'highly vulnerable' development to achieve compliance with part A1.14 of Technical Advice Note (TAN) 15 but careful consideration of third party impacts would be necessary	Change agreed to clarify the situation re the application of raised land levels or required land modification to accommodate 'less vulnerable' and 'highly vulnerable' development on site	Amendments to be made to paragraph 5.8 in line with NRW's advice, Figure 3 to be updated in line with newly published Welsh Government advice maps
		Paragraph 5.8: Suggest changing the reference to paragraph A1.12 of TAN15 regarding new development should not result in flooding elsewhere.	Change agreed to provide correct reference	Paragraph 5.8 - Replace reference to A1.15 of TAN15 with A1.12 of TAN15

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Deborah Hemsworth (276)	Natural Resources Wales	Inclusion of an additional paragraph outlining the requirements of Flood Defence Consent - legal requirement for potential developers to seek NRW's consent regarding any works, or structures located in, under, over or within 7 metres of the bank top of the River Clwyd.	Change agreed, inclusion of additional paragraph is agreed to provide further advice on Flood Defence Consent for potential applicants	Chapter 5: Inclusion of additional paragraph 5.9 - outlining the requirements of Flood Defence Consent
		NRW has records of protected species within 1km of Rhuddlan Triangle; and advises on legal requirements and additional information to be sought for planning proposals that are likely to cause an adverse effect on protected species	Change agreed, inclusion of additional paragraphs is agreed to provide potential applicants with further information on avoiding adverse effects on protected species and habitats.	Amendments to be made to paragraph 8.2 and inclusion of additional paragraph 8.3 to provide further advice for applicants on protection of natural environment
Adrian Townsend (3239)	Sun Valley Caravan Park	'Rhuddlan Triangle' should be developed in a way that supports local tourism businesses, e.g. art and craft studios, provision of small shops, coach and car parking	Tourism is an important business sector in Denbighshire, and the Council would welcome proposals in support of this industry branch.	Inclusion of additional information in paragraphs 6.5 and 6.8 to outline the potential for tourism development.
		Disagrees with the provision of additional industrial units in the area	Paragraph 6.8 clearly states that industrial use is an option for bringing land back into use but by no means the only way. The Council welcomes alternative proposals that support the objectives, outcome and priorities laid out	Amendment to be made to paragraph 4.7 to refer to Denbighshire County Council's 'Economic and Community Ambition Strategy'.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Adrian Townsend (3239)	Sun Valley Caravan Park		in Denbighshire County Council Economic & Community Ambition Strategy 2013 – 2023.	
		Highway improvements are required to the entire lengths of Marsh Road to improve access to caravan parks	It is acknowledged that improvement works to Marsh Road or / and the junction of Marsh Road / Station Road is required with additional development. Paragraph 7.1 outlines requirements for road works affecting all properties and businesses along Marsh Road, and paragraph 7.4 highlights the identification of mitigation measures to be required for new development to avoid adverse effects on the local road network.	Amendment to be made to paragraph 7.4 to provide further information on potential developer's contribution towards required highways improvement works.
Robert M Hughes (3224)	---	New developments should be designed to not detract from the view of the Church and the Castle, be sensitive to the areas and address flood risk considerations; however, design considerations should not render potential development unviable	Design considerations will be an essential part in assessing potential development proposals due to the prominent location adjacent to three listed buildings	No change proposed.
		Site should be developed to cater for small business units to provide job opportunities, especially for young people	Paragraph 4.7 and Chapter 6 outline the site's capacity to contribute towards economic regeneration through the	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
			provision of employment opportunities	
John Owens (3240)	John Owens Solicitors on behalf of Trustees of J. T Owens; Mr & Mrs P Ashman – Ash Motors; Mr & Mrs J Morris – Morris Stores; County Laundry & Cleaners (Rhyl) Limited	It is strongly felt that the Site Development Brief will improve the prospects of a suitable development, in keeping with the position of the site and the needs of the landowners and the local community.	Support welcomed.	No change proposed.
		Draft document identifies two key areas for future development (paragraph 6.2) which do not include those parts of the site that front onto Station Road – these sites should be included in any proposal for the site and form part of the Site Development Brief	Paragraph 6.2 outlined that the Council would assist in bringing forward development on all parts of the site but further information explicitly referring to the frontage of Station Road to be included.	Amendment to be made to paragraph 6.2 to explicitly refer to the frontage of Station Road
		Site could be used for any of the following types of mixed developments (subject to financial and environmental viability): light industrial, retail, small warehousing, offices and residential housing	The Council do not wish to object to alternative forms of land use, subject to compliance with national and local planning policies.	No change proposed.
		Mix of light industrial and office use would not only enhance the existing offer but would increase prosperity within the town on Rhuddlan	Comment noted.	No change proposed.
		Residential development above small starter units, offices or retail units would both enhance security and amenity on site, and mitigate flood	The Council received advice from Natural Resources Wales on location of 'highly vulnerable' development on	Chapter 5 has been amended in light of latest NRW's advice, including the location

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
John Owens (3240)	John Owens Solicitors on behalf of Trustees of J. T Owens; Mr & Mrs P Ashman – Ash Motors; Mr & Mrs J Morris – Morris Stores; County Laundry & Cleaners (Rhyl) Limited	consequences	site and, therefore, does not categorically oppose residential development but points out the requirement of satisfying all flood risk considerations.	of highly vulnerable development.
		Traffic and highway considerations: developers are advised to discuss with the Council any measures relating to traffic pressure alleviation on Marsh Road and on its junction with Station Road	Chapter 7 'Access and Movement' outlines relevant traffic and highway considerations.	No change proposed.
Mrs G Thompson (3221)	---	Supports the principles of paragraphs 3.7 and 4.13	Support welcomed.	No change proposed
		Consideration should be given to accommodate a high school on site to cater for increasing demand for school places due to various residential developments taken place in the area	Schools are classed as 'highly vulnerable development' and the Council is unlikely to support a new school at Rhuddlan Triangle to site being denoted as flood risk zone C1. Improvements to Rhyl High School will provide additional capacity.	No change proposed.
		T-junction Marsh Road / Station Road needs to be improved to provide safe pedestrian crossing towards the nature reserve	Depending on a development proposal's nature, contributions may be sought towards improving site access / egress for pedestrians	Amendment to be made to paragraph 7.4 to provide additional information on developer's potential contributions

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
				towards highway improvement works
		New retail development should avoid detrimental effect on shops located along the High Street	Paragraph 4.12 outlines requirements and policy criteria regarding retail development, including a need assessment and the application of a sequential test for justifying the location.	No change proposed.
Wendy Clayton (3241)	---	Residential development should be considered on site due to housing shortage in the County; preferable business / offices on ground floor and above some residential development	The Council received advice from Natural Resources Wales on location of 'highly vulnerable' development on site and, therefore, does not categorically oppose residential development but points out the requirement of satisfying all flood risk considerations.	Chapter 5 has been amended in light of latest NRW's advice, including the location of highly vulnerable development.
General comments made by members of the public at two drop-in events at Rhuddlan Triangle		Where will the drainage be located, and where will additional sewerage be treated?	General drainage considerations are dealt with in paragraph 8.1. Details will be discussed with applicants and infrastructure providers when detailed proposals come forward.	No change proposed.
		Vacant and derelict areas to be greened until start of development to improve visual appearance of site	The Council would support temporary landscaping prior to development but those measures are outside this	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
			briefs remit and the Council's control.	
		Public foot path or cycle path to be provided on both sites of River Clwyd to provide for circular way for visitors from Kinmel Bay and Rhyl	There may be scope to provide for a footpath / cycle path on the western side of the river. Details can be discussed as part of a planning application.	No change proposed.
		Highway concerns: improvement works are required to Marsh Road, Station Road and junction of both; parking enforcement should be in place on Marsh Road to keep it clear for passing vehicles; an additional site entrance / egress could be created at the location of Phoenix house	Chapter 7 'Access and Movement' outlines pertinent traffic and highway considerations. Paragraph 7.4 provides also information on potential developer's contribution towards required highways improvement works.	Amendment to be made to paragraph 7.4 to provide further information on potential developer's contribution towards required highways improvement works.
		Area is contaminated	Applicants will be asked to carry out a contamination survey on land proposed for development. (see paragraph 8.1)	No change proposed.

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Site Development Brief: Rhuddlan Triangle
- Adoption of final document
26 March 2015

Equality Impact Assessment

Site Development Brief: Rhuddlan Triangle - Adoption of final document

Contact: Karsten Brußk

Updated: 26.03.2015

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

Other

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

<p>The proposal is to adopt the draft Site Development Brief: Rhuddlan Triangle after the Council has consulted with members of the public and key stakeholders over a period of 11 weeks. The Site Development Brief supports planning policies contained within the Denbighshire Local Development Plan 2006 – 2021 and sets out the principles of development for the site in order to guide future proposals. If adopted the Site Development Brief will be used in determining applications for planning permission on the site.</p>

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

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

No	<p>Supplementary Planning Guidance notes (SPGs) and SDBs amplify Denbighshire Local Development Plan 2006 – 2021 (LDP) policies in a clear and concise format with the aim of improving the process, design, and quality of new development. They do not set out new policies.</p> <p>The draft document was subject to EqIA screening prior to seeking Member's permission to consult with members of the public for a period of 11 weeks. Initial screening concluded that an EqIA is not required. There are minor changes proposed to the draft document but it cannot be envisaged how they can adversely effect any of the eight protected characteristics.</p>
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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)

<Type here>

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)

<Please summarise any likely positive impact and identify which protected characteristics will benefit>

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)?**

<Please summarise any disproportionate negative impact and identify which protected characteristics will be affected>

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

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

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

<Please Select> <If yes please complete the table below. If no, please explain here>

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

9. Declaration

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

Review Date:	n/a
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Name of Lead Officer for Equality Impact Assessment	Date
Karsten Brußk	26.03.2015

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

Appendix IV Strategic Environmental Assessment (SEA) Screening – Site Development Brief for Rhuddlan Triangle.

1. Legal Background

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

2. SEA – screening

- 2.1 Although this site development brief supplements policies from Denbighshire’s Local Development Plan (LDP) 2006 – 2021, which has been subject to a full SA (including SEA) appraisal, it is essential to determine whether this SDB is likely to have a significant effect on the environment. Natural Resources Wales (NRW) and Cadw (Welsh Monuments), both are statutory consultation bodies, will be consulted on this document to establish whether they agree with the Council’s viewpoint that this SDB would not be ‘likely to have significant environmental effects’.

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

Table 1: Screening for the need for an SEA

Stage	[Y / N]	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The SDB has been prepared by a local planning authority, and is likely to become adopted by the Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The SDB is not required by legislative provision but amplifies Denbighshire Local Development Plan policy BSC2 (and other relevant LDP policies) and may become a material consideration in determining planning applications.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes Yes	The SDB was prepared for town and country planning and may guide future land use if adopted. 'Urban development projects' (identified under Annex II - 10. (b) of the Directive) is the most relevant type of Annex II project in relation to the SDB. The SDB site totals approximately 4.5 hectares, and therefore exceeds the 0.5 hectare threshold outlined in the regulations. The SDB suggests a few uses (leisure, community facilities or an industrial estate with starter units) that might be appropriate for the site. At this stage, any suggested use is not specific. Once a more specific use is identified, the planning application process would ascertain whether the proposed use (s) are EIA development by way of the standard screening process.

4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N/A	N/A
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes Yes	The SDB will be used to guide development of a small area (4.5 ha) at local level. The SDB amplifies policies contained in the Denbighshire Local Development Plan 2006 - 2021 that was subject to a full SEA as part of the Plan process.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	N/A
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Please refer to table 2 'Assessment of the likely significant effects on the environment'

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

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

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

	on the site.	
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SDB specifically refers to Rhuddlan Triangle site in Rhuddlan. There may be positive spill-over effects for the local community, e.g. job opportunities.	No.
2f) The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> ▪ special natural characteristics or cultural heritage. ▪ exceeded environmental quality standards or limit values. ▪ intensive land-use. 	<p>The SDB area is near the Rhuddlan conservation area, and a number of listed buildings (including Rhuddlan Castle - Listed Building: Grade I and St Mary's Church - Listed Building: Grade II*).</p> <p>However, the SDB highlights the importance of any redevelopment proposal preserving and enhancing the setting and character of the conservation area, listed buildings and monuments near the site.</p> <p>The SDB area does not include any environmentally related designations but abuts a wildlife site. The SPD acknowledges that the River Clwyd (which abuts the site) connects to the Liverpool Bay SPA which is approximately 4km to the north. Therefore, the SDB seeks to ensure no changes to the water quality and quantity of the river. The SDB would improve environmental quality standards by re-developing a brownfield derelict site to high environmental standards.</p> <p>The site is a brownfield site that was previously used for industrial purposes. It is not considered any potential redevelopment and subsequent use of the site would lead to a more intensive land use of the site.</p>	No.
2g) The effects on areas or	The area affected by	No.

landscapes which have a recognised national, Community or international protection status.	proposals contained in the SDB is not covered by any landscape designation.	
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3. *Conclusion*

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

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

FORMER NORTH WALES HOSPITAL, DENBIGH

1. PURPOSE OF REPORT

- 1.1 The report provides a short factual update for the Committee on developments at the North Wales Hospital site, as requested by Members at the March 2015, meeting and is for information purposes only.
- 1.2 The last formal report to Planning Committee in relation to the site was in September 2013 when Members were requested to consider authorising the making of a Compulsory Purchase Order.

2 FACTUAL BACKGROUND

- 2.1 Members will be aware of the lengthy history relating to the site since closure in 1995 and disposal by the former Health Authority.
- 2.2 The planning consent granted in September 2006 for a mixed use redevelopment including enabling housing development within the grounds and restoration of listed buildings was issued following completion of a Section 106 Obligation which set out a range of requirements including the establishment of a Restoration Fund.
- 2.3 Listed building consent was granted in 2008 for the demolition of a number of peripheral buildings within the complex. Works of demolition were commenced in late 2008 but were stopped as the relevant Licence(s) to disturb Protected Species (bats) had not been obtained.
- 2.4 In December 2008, following a serious fire affecting the Main Hall, the Council served a Section 77 Notice under the Building Act 1984. This Notice was complied with and the building was demolished given its dangerous condition.
- 2.5 Whilst a number of detailed submissions were made in relation to the 2006 planning permission, not all conditions were complied with within the relevant period, and the permission expired in September 2009.
- 2.6 In March 2010, the Prince's Regeneration Trust was formally engaged by the Council to provide advice and support. The Trust produced a detailed Route Map document explaining the options facing the Council and recommending a way forward to be pursued in the event of continued neglect by the owner.
- 2.7 In October 2010, a Part II report was taken to Cabinet, where Members agreed to support the service of an Urgent Works Notice and Repairs Notice, and to the formation of a Single Purpose Vehicle in the form of a Building Preservation Trust, in accord with the Route Map.
- 2.8 In December 2010, Planning Committee authorised the service of an Urgent Works Notice and a Repairs Notice, and in the event of non compliance, the intention to proceed with a Compulsory Purchase Order.
- 2.9 The Urgent Works Notice was served in June 2011. On the basis of the response on behalf of the owners, Wye Valley Demolition were instructed to enter the site to carry out the urgent works in default. This contract spanned 4 months. Relevant demands were served on the

owner to reclaim the money spent, under Section 55 of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990. The cost of the urgent works was approximately £930,000 and in brief relating to the main range buildings :

- 2.10 The Repairs Notice was served in May 2013.
- 2.11 In September 2013, Planning Committee authorised the commencement of the Compulsory Purchase of the hospital site in accordance with Section 47 of the 1990 Act.
- 2.12 A Public Inquiry was held in 3 sittings between April and July 2014 in relation to 3 of the 5 Section 55 demands (i.e. approximately half of the £930,000 spent on the urgent works). The Inspector's decision on this Inquiry is still awaited. The 2 S55 demands for which no appeal was submitted is money owned by the owner to the Council.
- 2.13 The Compulsory Purchase Order was made in June 2014, incorporating the related Statement of Reasons. An objection was made to the Order in September 2014, by the owners.
- 2.14 The Prince's Regeneration Trust submitted detailed proposals to the County Council for the development of the site in the form of a 'hybrid' planning application and a listed building consent application for further demolition, in November 2014. The planning application proposes the conversion of the main range buildings to 34 apartments, the mothballing of a number of other listed buildings, and the development of 5 hectares of land for residential purposes as 'enabling development' to help fund the restoration works. The Trust decided to pursue this course of action as they felt it would support the Compulsory Purchase Order and if successful would allow the North Wales Building Preservation Trust to sell 'enabling development' land as quickly as possible, in turn providing a capital injection to start making improvements to the site and carry out any further urgent works, at the earliest possible opportunity.
- 2.15 The November 2014 planning and listed building consent applications have been the subject of consultation and at the time of preparing this report the earliest it is possible to report the applications to the Committee for determination is the meeting on the 13th May, 2015.
- 2.16 The Inquiry into the objection to the Compulsory Purchase Order was the subject of a 3 week hearing held in Denbigh between the 3rd and 20th March, 2015. The objector was represented by Q.C and called 5 witnesses. The Council was represented by a barrister (specializing in Planning and Compulsory Purchase Orders) and called 9 witnesses. The Inspector's decision is awaited.
- 2.17 Officers will keep Members updated on developments.

3 ADDITIONAL INFORMATION

- 3.1 Members have been advised previously that the Council received £1.9m in relation to a dispute over the S106 and associated bond. The costs of the urgent works, advice from private and external legal costs have been paid for from this fund.
- 3.2 In 2006/7 the owner paid approximately £250k into the restoration fund. A balance of approximately £18k is still in the restoration fund. The owner had requested the return of the balance. The Council have retained the balance to off set the unpaid S55 demands.
- 3.3 A Building Preservation Trust, the North Wales Building Preservation Trust has been set up and if the Council is successful in the CP O the intention is to "pass on" the ownership of the

property to the NWBPT. The Chair of the NWBPT trustees gave evidence on behalf of the Council at the recent CPO Inquiry. A back to back agreement between DCC & NWBPT has been signed.

- 3.4 The owners have stated they intend to submit their own planning application for the site, which will not depart significantly from the principles of the PRT application, but may contain more enabling development land.
- 3.5 If the Council is successful in regard to the CPO inquiry then Member authorization is still required to formally take the ownership, and the level of compensation made to the owner will still need to be agreed, if necessary, set by an independent tribunal.

4 RECOMMENDATION

- 4.1 That Members note the contents of the report.

GRAHAM H. BOASE

HEAD OF PLANNING & PUBLIC PROTECTION

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S106 Update Report – Pool Park Complex, Ruthin

APPLICATION NUMBER: 13/2011/1276/PF

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

LOCATION: Pool Park Complex Pool Park Ruthin

APPLICANT: Roberts Homes Ltd.

1. PURPOSE OF REPORT

- 1.1. To update Members in relation to progress of the Section 106 Agreement for the Pool Park Complex, Ruthin.
- 1.2. Members may recall the Committee resolved to grant planning permission for the development in September 2013.

2. BACKGROUND AND WHY A SECTION 106 AGREEMENT IS REQUIRED

- 2.1. The application relates to a number of developments involving an existing group of Listed Buildings along with new build development within the grounds. The new build element is presented as Enabling Development.
- 2.2. Enabling Development is a form of development which would normally be unacceptable in planning terms but for the fact that it may bring public benefits sufficient to justify it being carried out, therefore being a positive factor to weigh against other considerations.
- 2.3. Typically the benefits are, as in this case, the generation of funds that will be used to pay for works to be done to the Listed Building and the restoration of the grounds, which are a historic park.
- 2.4. In terms of the Section 106 Agreement the recommendation was as follows:-

Officers entering into detailed negotiation with the applicants over the precise terms of a Section 106 obligation in accordance with the basic heads of terms set out below and the completion of the Obligation within 6 months of the date of the resolution of Planning Committee.

Basic heads of terms

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

1. *The occupancy of the new units shall be restricted to at least one person in the household being either over 60 years of age and/or in need of care. Details of how the site will be managed to be agreed.*
 2. *Phase 1: Comprising Pool Park, The Vegetable Store, The Stables, Units 1-5 and Block A.
None of the dwellings shall be occupied until the initial restoration of Pool Park House has been completed and the use of the Nursing Home established. Details of the specified works to Pool Park House to be set out within the definition/appendices of the Section 106 agreement.*
 3. *Phase 2: Comprising Units 6-21
No more than 5 of the dwellings shall be occupied until the specified works for the conversion and restoration of The Bothy have been completed.*
 4. *Phase 3: Comprising The Bothy, Units 22-33, and Block B
No more than 15 units shall be occupied unless works for the restoration and laying out of the Walled Garden have been completed. Details of the specified works to the walled garden would be set out within the definitions/appendices of the Section 106 agreement.*
 5. *The preparation of a more detailed Conservation Management Plan seeking out the works proposed to the grounds, a programme of works and specifications is linked to the phasing and timings set out in the other Heads of Terms.*
- 2.5. In terms of restoring the heritage assets the requirements of the draft Section 106 agreement in circulation follows the most effective mechanism, used in these situations, for permissible progress upon or use of the commercial scheme to be related to the carrying out of works to the heritage asset. (Listed Buildings) It allows for the commercial or use of it to be prohibited until the agreed benefits have materialised including securing occupancy restrictions required.
- 2.6. The Listed Buildings are to be restored in accordance with a Listed Building Consent granted for the development, and a conservation management plan is to be put in place for the Historic Park.

3. PROGRESS TO DATE

- 3.1. Negotiations regarding the terms of the proposed Section 106 Agreement began properly only once the applicant had appointed Solicitors to act on their behalf. Precise terms were discussed in April 2014. The involvement of Solicitors by the applicant led to the submission of a draft Section 106 Agreement to the applicant for their consideration. The draft has subsequently been the subject of direct discussion between the applicant and planning Officers initially, and following an internal meeting involving planning, legal Officers including Phil Ebbrell (Conservation Architect), a revised draft is now with the applicant for

consideration and it is hoped that the agreement can be finalised in the near future.

4. RECOMMENDATION

That Members note the contents of this report.

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