

To: Members of the Planning Committee Date: 6 November 2014

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 12 NOVEMBER 2014** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

**PLEASE NOTE: PLANNING POLICY ITEMS WILL BE CONSIDERED FIRST ON THE AGENDA. CONSIDERATION OF PLANNING APPLICATIONS WILL START AT 11.00 A.M.**

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST**

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

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

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

### **4 MINUTES (Pages 11 - 20)**

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 15 October 2014 (copy attached).

### **5 ADVERTISEMENTS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT (Pages 21 - 34)**

To consider a report (copy enclosed) recommending members agree the draft SPG on advertisements as a basis for public consultation.

**6 LISTED BUILDINGS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT (Pages 35 - 56)**

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

**7 CONSERVATION AREAS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT (Pages 57 - 78)**

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

**8 DRAFT SITE DEVELOPMENT BRIEF: RHUDDLAN TRIANGLE (Pages 79 - 114)**

To consider a report (copy attached) recommending members agree the draft Site Development Brief for the 'Rhuddlan Triangle' site and the accompanying Strategic Environmental Assessment Screening document for public consultation.

**APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 9 - 13) -**

**9 APPLICATION NO. 02/2014/0990/PF - RUTHIN SCHOOL, MOLD ROAD, RUTHIN (Pages 115 - 126)**

To consider an application for siting of 1 no. temporary classroom unit (retrospective application) at Ruthin School, Mold Road, Ruthin (copy attached).

**10 APPLICATION NO. 15/2014/0969/PF - LLYS ARMON, LLANARMON YN IAL, MOLE (Pages 127 - 140)**

To consider an application for conversion of existing terraced house to form two separate one bedroom terraced houses and associated works at Llys Armon, Llanarmon Yn Ial, Mold (copy attached)

**11 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH (Pages 141 - 162)**

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

**12 APPLICATION NO. 45/2013/1510/PO - OCEAN BEACH SITE, WELLINGTON ROAD, RHYL (Pages 163 - 184)**

To consider an application for development of 5.3 hectares of land for mixed-use re-development to include provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping (outline application including access - all other matters reserved) at Ocean Beach Site, Wellington Road, Rhyl (copy attached).

**13 APPLICATION NO. 45/2014/1079/PF - 10 - 24 ABBEY STREET AND 3 - 29 GRONANT STREET, RHYL (Pages 185 - 208)**

To consider an application for demolition of Nos 10 - 24 Abbey Street and 3 – 29 Gronant Street and erection of 11 2-bed houses and 9 3-bed houses with associated gardens, parking and hard landscaping (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  
Margaret McCarroll

Bob Murray  
Peter Owen  
Dewi Owens  
Merfyn Parry  
Paul Penlington  
Arwel Roberts  
David Simmons  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Huw Williams

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## **WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE**

### **HOW THE MEETING WILL BE CONDUCTED**

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

#### **General introduction**

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

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

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

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

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

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

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

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

### **CONSIDERING PLANNING APPLICATIONS**

#### **The sequence to be followed**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **The voting procedure**

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

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

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

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

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

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

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

# PLANNING COMMITTEE

## VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

<b>+</b>	To <b>AUTHORISE</b> Enforcement Action
<b>-</b>	To <b>REFUSE TO AUTHORISE</b> Enforcement Action
<b>0</b>	to <b>ABSTAIN</b> from voting

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## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

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

**Denbighshire County Council**

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

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

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

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## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 15 October 2014 at 9.30 am.

### PRESENT

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

Local Members – Councillors Hugh Evans, Martyn Holland and Barbara Smith attended for particular agenda items relating to their wards.

Councillor David Smith, Lead Member for Public Realm attended for agenda item 13 – 15

### ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Management Manager (PM); Principal Planning Officer (IW); Planning Officer (DS); Development Planning & Policy Manager (AL); Senior Minerals & Wales Planning Officer (MS) and Committee Administrator (KEJ)

#### 1 APOLOGIES

Councillors Peter Evans, Colin Hughes and Pat Jones

#### 2 DECLARATIONS OF INTEREST

Councillor Hugh Evans – Personal Interest – Agenda Item 7  
Councillor Dewi Owens – Personal Interest – Agenda Item 12  
Councillor Merfyn Parry – Personal Interest – Agenda Item 5  
Councillor Huw Williams – Personal and Prejudicial Interest – Agenda Item 5 and Personal Interest – Agenda Item 7

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

No urgent matters had been raised.

#### 4 MINUTES

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

Accuracy – Page 12 – Application No. 12/2014/0611/PF – Councillor Cefyn Williams advised that he had not made reference to house prices in Derwen.

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

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

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. 19/2014/0702/PFT - MAES TRUAN, LLANELIDAN, RUTHIN**

[Councillor Hugh Evans declared a personal interest because the Applicant carried out farming work for him. Councillor Huw Williams declared a personal interest because the Applicant had undertaken farming work for him four years ago.]

An application was submitted for installation of a wind turbine 30.5m hub height and 45.07m to blade tip, control box and associated works at Maes Truan, Llanelidan.

#### **Public Speakers –**

Mr. M. Brooker (**Against**) – highlighted concerns over the landscape and visual impact together with associated noise levels from the turbine type.

Mr. A. Jones, Applicant (**For**) – explained his family's links with the area and farming community and the need to diversity to provide future viability of the farm.

**General Debate** – The Planning Officer summarised the report and reasons behind the officers' recommendation to refuse the application based on landscape and visual impact. Officers responded to a number of procedural issues raised relating to the application, particularly in terms of the consultation process.

Following assurances that neighbouring properties would not be adversely affected by noise, Councillor Hugh Evans (Local Member) spoke in favour of the application, believing that the local economic benefits outweighed the planning concerns raised.

During a detailed debate members considered the merits of the application and discussed, at length, the material planning considerations together with relevant policies. It was generally accepted that the diversification project would ensure the viability of the farm and benefit the wider local community and much debate focused on whether those benefits outweighed the visual impact and other material considerations. Members considered the size and location of turbines in the area in relation to the application site and officers explained the reasoning behind the planning decisions relating to other turbine developments. It was noted that permission for a 15kW turbine at the site remained extant until January 2015. Whether granting the application would add to the spread of wind turbines in the area was debatable. Consideration was given to the objections received from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Advisory



Committee (AONB JAC) and Natural Resources Wales (NRW). It was noted that the AONB JAC was not a statutory consultee and had not undertaken a site visit leading to questions regarding the sufficiency of their response and role within the process. Whilst officers had attached significant weight to NRW's response the strength of their late representations was also subject to debate. Members considered the impact on neighbouring properties and officers provided assurances that noise could be controlled effectively via planning conditions to ensure no adverse impact and a letter of support from a nearby neighbour was noted.

**Proposal** – Councillor Stuart Davies considered there was a viable case for farm diversification, the benefits of which outweighed other planning concerns, and he proposed, seconded by Councillor Merfyn Parry that the application be granted, contrary to officer recommendation.

**VOTE:**

GRANT – 18

REFUSE – 6

ABSTAIN – 3

In light of the committee's decision members were asked to vote on whether a report on the planning conditions to be applied to the consent and legal agreement issues should be brought back to the committee for approval or powers delegated to officers in liaison with the Chair and Local Member.

**VOTE:**

REPORT BACK TO COMMITTEE – 11

DELEGATE POWERS TO OFFICERS – 16

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** contrary to officer recommendation, and that power be delegated to officers, in liaison with Chair of the Planning Committee and Local Member, to apply planning conditions to the consent and deal with legal agreement issues arising therefrom.

**6 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH**

An application had been submitted for installation of micro hydro electric scheme at land at Elwy Meadows, Lower Denbigh Road, St. Asaph. Officers requested that the application be deferred to enable additional consultations to be carried out.

**Proposal** – Councillor Meirick Davies proposed, seconded by Councillor Dewi Owens, that the application be deferred in accordance with officer request.

**VOTE:**

FOR DEFERRAL – 27

AGAINST DEFERRAL – 0

ABSTAIN – 0

**RESOLVED** that the application be **DEFERRED** pending further consultation.

At this juncture (11.00 a.m.) the meeting adjourned for a refreshment break.

**7 APPLICATION NO. 41/2013/0857/PF - DINORBEN ARMS PUBLIC HOUSE, BODFARI, DENBIGH**

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

**Public Speakers –**

Mr. A. Williams (**Against**) – asked members to strictly apply their policies arguing that the application did not meet the criteria for change of use in this case.

Mr. T. Thackery, Applicant (**For**) – reported upon financial and economic influences following acquisition of the premises in 2010 and argued against its future viability.

**General Debate –** Councillor Barbara Smith (Local Member) spoke against the application, supporting the objection submitted by Bodfari Community Council. She argued that the criteria detailed in Policy PSE10 of the Local Development Plan had not been met in that (1) it had not been demonstrated that the premises was no longer viable, (2) the premises had not been actively marketed, and (2) all other reasonable options to find a new user had not been explored.

Members considered the merits of the application and questioned the robustness of the evidence presented in response to Policy PSE 10. Doubts were expressed that the relevant criteria had been fulfilled because the site had not been marketed since 2008 and marketing evidence had not been provided. There were mixed views regarding the future sustainability element with examples provided of comparatively successful public houses but it was also acknowledged that many similar businesses had failed. Concerns were raised about the state of the property and whilst members did not wish to see it falling into further disrepair there was much sympathy with the community's position. Officers acknowledged policy tests had not been clearly met but recommended granting permission given the likelihood of attracting a viable business after years of neglect and because the proposal would secure long term use for the building which was currently an eyesore site. Officers also responded to questions regarding the application detail and car parks on site if the application was granted.

**Proposal –** Councillor Merfyn Parry proposed, seconded by Councillor Huw Hilditch-Roberts, that the application be refused due to the failure to actively market the property in response to Policy PSE 10. A twelve month timescale was suggested for marketing purposes.

**VOTE:**

GRANT – 12

REFUSE – 15

ABSTAIN – 0

**RESOLVED** that permission be **REFUSED**, contrary to officer recommendation, based on the failure to actively market the property in accordance with Policy PSE 10 of the Local Development Plan.

**8 APPLICATION NO. 41/2013/0858/LB - DINORBEN ARMS PUBLIC HOUSE, BODFARI, DENBIGH**

A listed building application was submitted for conversion, partial demolition and alterations of former public house to form 1 dwelling with new detached garage at rear of Dinorben Arms Public House, Bodfari, Denbigh.

Officers explained that the committee had refused the earlier planning application for principle use as a dwelling and this application dealt solely with the impact of the proposed alterations. Technically the application could be granted but building works could not commence because there was no planning consent.

**Proposal** – Councillor Merfyn Parry proposed, seconded by Councillor Huw Hilditch-Roberts that the application be deferred in order to ascertain the applicant's intentions in light of the committee's decision under the previous item. As discussion on the merits of the application had not commenced officers advised it would be appropriate to consider deferral.

**VOTE:**

FOR DEFERRAL – 22

AGAINST DEFERRAL – 4

ABSTAIN – 0

**RESOLVED** that the application be **DEFERRED** in order to ascertain the applicant's intentions in light of the committee's decision to refuse the earlier application for change of use.

**9 APPLICATION NO. 06/2014/0996/PF - OROR FARM, GWYDDELWERN, CORWEN**

[Councillor Huw Williams, as Applicant, declared a personal and prejudicial interest and left the meeting during consideration of this item. Councillor Merfyn Parry declared a personal interest because he had dealt with the Applicant.]

An application was submitted for the erection of agricultural cattle shed, feed silo and handling facilities at Oror Farm Gwyddelwen, Corwen.

**Proposal** – Councillor Joan Butterfield proposed the officer recommendations to grant the application, seconded by Councillor Rhys Hughes.

**VOTE:**

GRANT – 25

REFUSE – 0

ABSTAIN – 0

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

**10 APPLICATION NO. 15/2014/0888/PF - LAND ADJOINING CANOL Y CAE, VILLAGE ROAD, ERYRYS, MOLD**

An application was submitted for erection of agricultural building for storage and stock shelter at land adjoining Canol y Cae, Village Road, Eryrys, Mold.

**General Debate** – Councillor Martyn Holland (Local Member) had no major objections but raised a number of issues as to the consultation and size of the proposed building. Officers responded that (1) neighbours had been consulted, (2) in light of the Community Council's concerns further advice had been sought from the Department of Environment, Food and Rural Affairs which indicated the size of the building was reasonable, and (3) the need for screening was accepted and covered in condition 4 within the report.

**Proposal** – Councillor David Simmons proposed the officer recommendations to grant the application, seconded by Councillor Arwel Roberts.

**VOTE:**

GRANT – 26

REFUSE – 0

ABSTAIN – 0

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

**11 APPLICATION NO. 43/2014/0906/AD - 79 HIGH STREET, PRESTATYN**

An application was submitted for the installation of 2 externally illuminated fascia signs and 1 no. externally illuminated projecting sign at 79 High Street, Prestatyn.

**Proposal** – Taking into account the revised condition regarding the colour scheme as detailed in the late supplementary papers Councillor Julian Thompson-Hill (Local Member) proposed, seconded by Councillor Rhys Hughes that the application be granted in accordance with officer recommendations.

**VOTE:**

GRANT – 25

ABSTAIN – 0

REFUSE – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

**12 APPLICATION NO. 46/2014/0710/PF - GWYLFA, BRONWYLFA SQUARE, ST. ASAPH**

[Councillor Dewi Owens declared a personal interest because he lived close to the planning application site.]

An application was submitted for change of use of Class A1 shop to Class A3 restaurant and takeaway at Gwylfa, Bronwylfa Square, St. Asaph.

**General Debate** – Councillor Dewi Owens (Local Member) balanced the need for yet another takeaway against empty premises. He sought assurances regarding odour control and opening hours. Councillor Bill Cowie (Local Member) highlighted traffic problems experienced by residents which would be further exacerbated once the housing development in Bryn Gobaith was completed and asked that this issue be revisited. Councillor Meirick Lloyd Davies asked that consideration be given to reinstating the parking space in front of the premises if the application was granted. Officers responded that –

- a condition had been proposed to ensure a fume extraction system was operational at the premises which met the authority's requirements
- officers proposed a new condition regarding the opening hours of the premises which was deemed reasonable for a food premises [0900 to 2100 Monday to Saturday and 1100 to 2000 on Sundays]
- the premises had been designated within the town centre boundary and the Highway Engineer's assessment had considered both previous and proposed uses and considered it would not give rise to any highways issues
- although not part of this application officers agreed to take up the suggestion of reinstating a parking space in front of the premises with Highway Officers.

**Proposal** – Councillor Rhys Hughes proposed the officer recommendations to grant, seconded by Councillor Merfyn Parry.

**VOTE:**

GRANT – 25

ABSTAIN – 0

REFUSE – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

**13 ADOPTION OF DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: 'PARKING REQUIREMENTS IN NEW DEVELOPMENTS'**

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance 'Parking Requirements in New Developments' for adoption following the public consultation exercise.

Discussion focused on the following –

- in terms of parking provision for students in secondary schools it was noted that each school had its own policy on whether or not to permit student parking
- the Council's stance of not supporting bedsits in developments was mentioned and members called for reference to bedsits to be deleted from the guidance

- assurances were sought that a common sense approach would be taken when applying the guidance to future developments at key strategic sites and the Policy Manager (PM) confirmed there would be some flexibility within the policy but stressed the importance of parking requirements as a starting point
- concerns were raised that insufficient parking had been proposed for particular sectors such as self-contained elderly persons dwellings and for houses, particularly in rural areas where public transport was limited, and there were also fears that houses would be crammed together thereby exacerbating the problem. The PM responded that the document was for guidance only and provision for variations had been included to take into account local circumstances which would allow flexibility. Most new houses would likely have more than one bedroom and a new allowance for visitor parking had been proposed for larger developments.

Councillor Stuart Davies asked for parking provision figures to be revised upwards. Councillor David Smith referred to previous opportunities to respond to the consultation advising that any revisions would require additional public consultation.

**Proposal** – Councillor David Simmons proposed the officer recommendation subject to removal of the word ‘bedsit’ within the table on page 6, paragraph 6.13, which was seconded by Councillor Richard Davies.

**VOTE:**

FOR – 20

AGAINST – 2

ABSTAIN – 0

***RESOLVED** that, subject to the removal of ‘bedsit’ within the table on page 6, paragraph 6.13 of the document, members adopt the draft Supplementary Planning Guidance ‘Parking Requirements in New Developments’ in line with proposed amendments for the determination of future planning applications and appeals.*

**14 HOT FOOD TAKEAWAYS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT**

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance document on hot-food takeaways as a basis for public consultation.

Members referred to paragraph 6.7 regarding litter and existing problems were highlighted leading to calls for measures to be strengthened and swift enforcement action taken against littering offences. The proposal to introduce a restriction on new hot-food takeaways near schools was also mentioned, particularly as a number of schools were located close to town centres, and it was acknowledged that schools had their own policies on whether to allow pupils to leave the school grounds during lunchtimes. The Chair reminded members of their opportunity to comment on the document during the eight week consultation period.

**Proposal** – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Jeanette Chamberlain-Jones. It was unanimously –

**RESOLVED** that members agree the draft Supplementary Planning Guidance on hot food takeaways as a basis for public consultation.

## **15 POSITION STATEMENT: MINERALS LANDBANK IN DENBIGHSHIRE**

Councillor David Smith, Lead Member for Public Realm submitted a report recommending members agree a position statement following publication of the Regional Technical Statement 1st Review and Clarification Letter CL-04-14 to demonstrate Denbighshire's commitment to contributing towards demand for minerals.

There was a requirement to ensure an appropriate contribution was made within the Local Development Plan (LDP) to meet the needs for minerals. The Senior Minerals & Wales Planning Officer elaborated upon the implications of the review for Denbighshire's LDP, specifically in terms of crushed rock and sand and gravel, together with the reasoning behind the terms of the position statement. In short the current policy was considered flexible enough to meet new demand if the need arose given the current allocations.

In response to questions the officer explained the potential for fracking in Bodelwyddan but confirmed that oil and gas were not covered by the policy which would be dealt with separately in the event they became an issue. Councillor David Smith suggested the LDP Working Group would be best placed to look into fracking and its implications for Denbighshire. Councillor Martyn Holland highlighted the number of non-working quarries in his ward and queried the potential of future reserves. The officer confirmed there were sufficient reserves within the county and highlighted an allocation in the LDP showing a preferred area of search in Denbigh/Aberwheeler but no interest had been shown from the industry.

**Proposal** – Councillor Meirick Lloyd Davies proposed the officer recommendation, seconded by Councillor Cheryl Williams. It was unanimously –

**RESOLVED** that members agree the recommended position statement contained within paragraph 5.1 of the report.

## **16 PLANNING COMPLIANCE CASE UPDATE**

A report was submitted updating members on planning compliance cases, including those which had been previously authorised at committee and general interest cases. Members were encouraged to contact the relevant officers directly outside of the meeting if they required more detailed information on particular cases.

**RESOLVED** that the report be noted.

The meeting concluded at 1.00 p.m.

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**Report To:** Policy Planning Committee

**Date of Meeting:** 22<sup>nd</sup> October 2014

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

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

**Title:** Advertisements Supplementary Planning Guidance – Consultation draft

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

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

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

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

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

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

## **4. Report details**

- 4.1. Following the adoption of the LDP on 4th June 2013, Council agreed to carry forward the existing series of SPGs, including SPG 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 public consultation period would be a minimum of 8 weeks and is anticipated to start in the first week of November 2014. All City, Town and Community Councils will be consulted along with people registered on the LDP database. Hard copies of documents will be available in all libraries and

one stop shops as well as on the Denbigshire web site. The results of the consultation will be reported back to Planning Committee with a final SPG for adoption.

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

5.1. *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 consultation is not anticipated to create any additional cost.

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

7.1 An EqIA is not considered necessary for this decision. The principle of advertisement consent has been established through national policies and adoption of the LDP. The LDP underwent a full EqIA in May 2011.

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

8.1 No formal consultation has been carried out, but internal consultation has been carried out with the LDP Members Steering Group, officers in the Development Control Section, County Conservation Officer, and amendments made.

## **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).

## DENBIGHSHIRE COUNTY COUNCIL

### SUPPLEMENTARY PLANNING GUIDANCE: ADVERTISEMENTS

October 2014

#### 1. INTRODUCTION

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

#### 2. STATUS AND STAGES IN PREPARATION

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on XXXX.
- 2.2 These notes have been prepared in accordance with guidance contained in Planning Policy Wales (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, 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. Specific guidance in relation to Listed Buildings and Conservation Areas can be found in SPGs xxxx and xxxx 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.

## 5. TYPES OF ADVERTISEMENTS

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



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



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

- cause no intrusion into any residential properties
- cause no glare, dazzle nor conflict with street or traffic lighting

- not be similar to traffic lights or the lights of emergency vehicles

5.4 In addition, the means of illumination should:

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

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

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



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





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



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



*Deemed consent*

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

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

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

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



## Appendix B – Standard Conditions

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

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

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Advertisements Supplementary Planning  
Guidance consultation draft  
22/10/2014

Equality Impact Assessment

# Advertisements Supplementary Planning Guidance - consultation draft

Contact: Angela Loftus

Updated: 22.10.14

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

A new or revised policy

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

The proposal is to carry out a public consultation on 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 carry out public consultation on 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.

<b>Review Date:</b>	10 2015
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Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	22.10.14

**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:** 22nd October 2014

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

**Report Author:** Kirsty Henderson, Conservation Project Officer

**Title:** Listed Buildings Supplementary Planning Guidance – Consultation draft

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

- 1.1. This report accompanies a draft Supplementary Planning Guidance (SPG) document on listed buildings which, if adopted, will be used in the determination of listed building consent applications and planning applications affecting the setting of listed buildings.

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

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

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

- 3.1. That Members agree the draft SPG on listed buildings as a basis for public consultation.

## **4. Report details**

- 4.1. Following the adoption of the LDP on 4th June 2013, Council agreed to carry forward the existing series of SPGs, including SPG 14 – Listed Buildings. Listed buildings are listed for their special architectural or historic interest. The protection of these building includes any curtilage buildings or structures, and their wider setting. National guidance has been updated since the adoption of the original SPG (in 2003), in particular Cadw's policy document *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales* published 2011 and TAN 12 – Design (2014). English Heritage has also produced guidance on *The Setting of Heritage Assets* (2011). It should be noted that the English Heritage document only relates to England and some of the rules and regulations will differ in Wales but it does contain principles to consider which are generic to all listed buildings. There are also differences between the previous Unitary Development Plan (UDP) and LDP policies, which may have an impact on planning applications affecting listed buildings and curtilage structures, as well as their setting.

- 4.2 The Courts have accepted that there is no statutory requirement to have regard to the provisions of the local development plan for listed building consent, and Section 54A of the Town and Country Planning Act 1990 (superseded by Section 38 (6) of the Planning and Compulsory Purchase Act 2004) does not apply. However it is necessary to produce an updated SPG on this topic. If adopted, the SPG will be a material planning consideration when assessing listed building consent applications and planning applications affecting listed buildings and their setting.
- 4.3. Denbighshire County Council has over 1800 listed buildings. They exist in town centres and rural areas and the type and nature of each listed building and reason for listing is different. Providing positive and clear guidance on changes and uses proposed to listed buildings in an SPG will supplement relevant LDP policies on respecting distinctiveness, sustainable development, promoting a sustainable economy and valuing our environment.
- 4.3. The public consultation period would be a minimum of 8 weeks and is anticipated to start in mid November 2014. The results of the consultation will be reported back to Planning Committee with a final SPG for adoption.

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

- 5.1. The SPG provides guidance on listed buildings and what to submit for a listed building consent application. The positive management of listed buildings undertaken through the planning process relates to two corporate policies – ‘Developing the local economy’, and ‘Clean and tidy streets’.
- 5.2 The physical location and number of listed buildings in towns such as Denbigh (235); Llangollen (224), Rhyl (101) and Ruthin (212), and Corwen (79) is a key consideration for ensuring that listed buildings are adapted or changed in a positive way, retaining their character that makes the towns and rural areas of Denbighshire unique. Appropriate management of these buildings are directly relevant to Corporate Priorities – ‘Clean and Tidy Streets’ and ‘Developing the Local Economy’. ‘Clean and Tidy Streets’ states that - "Denbighshire benefits from having an attractive and inviting landscape, as well as a spread of historic and cultural towns and villages. The quality of this public space is key to encouraging people to move into the county, as well as attracting tourists that help to support the local economy."

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

- 6.1. Any costs associated with agreeing the SPG for consultation will be contained within existing budgets and will not affect other services.

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

- 7.1 An EqIA is not considered necessary for this decision. The principles of appropriately managing listed buildings in national legislation, and supported through adoption of the LDP. The SPG provides further guidance on this. The LDP underwent a full EqIA in May 2011.



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

8.1 No formal consultation has been carried out, but informal consultation has been carried out with officers in Development Management Team.

8.2 Member input on the content of the SPG has also been provided through the LDP Members Steering Group.

**9. Chief Finance Officer Statement**

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

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

10.1 In the absence of up-to-date guidance there is a risk the Council will be unable to effectively operate the LDP policies. The listed buildings SPG provides clear and concise guidance based on up-to-date national policy. The submission of information for applications for listed building consent and planning applications affecting listed buildings and their settings will improve decision making in terms of speed and quality outcomes.

**11. Power to make the Decision**

11.1 The Planning (Listed Buildings and Conservation Areas) Act 1990

11.2 Planning & Compulsory Purchase Act (2004).

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**DENBIGHSHIRE COUNTY COUNCIL**

**SUPPLEMENTARY PLANNING GUIDANCE:**

**LISTED BUILDINGS**

**November 2014**

**1. Introduction**

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

**2. Status and Stages in Preparation**

2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on 15<sup>th</sup> October 2014.

2.2 These notes have been prepared in accordance with guidance contained in Welsh Office Circular 61/96 and 1/98; Planning Policy Wales (March 2014); Local Development Plans Wales (December 2005); Welsh Government Technical Advice Notes; Cadw's policy document Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011), and English Heritage guidance on 'The Setting of Heritage Assets' (2011).

**3. Background**

3.1 This guidance note is to assist anyone who has a vested interest in a listed building. The purpose of the guidance note is to provide general information

on listed buildings and specific information on what to do if there is a need to undertake works to a listed building.

- 3.2 There are over 1800 listed buildings in Denbighshire. The Council has a responsibility to manage appropriate changes to a listed building through a process called listed building consent. This consent is required if you want to undertake works that affect its character as a building of special architectural or historic interest. It doesn't mean that you can't undertake any works to a listed building but that the works are appropriate to its age, character, appearance and longevity and would add value to the building. This note is to assist you in preparing an application for listed building consent and what is required for an application.

#### **4. 4. What is a listed building?**

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

#### **4.2 How are listed buildings chosen?**

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

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



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

Age and rarity are also relevant considerations, particularly when buildings are listed specifically for their historic interest.

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



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

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

4.3 Listed buildings are classified in grades to show their relative importance: -

Grade I - buildings of exceptional, usually national interest

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

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

#### 4.4. What does listing mean in practice?

Once a building is listed the entire building is protected. This includes the interior and exterior of the building, and includes any object or structure fixed

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



*Nantclwyd y Dre, Ruthin – a Grade I listed building which has several phases of construction*



*Nantclwyd y Dre, Ruthin – interior panelling, historic fireplaces and flooring*

## **5.0 Listed building legislation, Planning policy and Regulations**

- 5.1 The primary legislation for carrying out listed building functions is the Planning (Listed Buildings and Conservation Areas) Act 1990. There are various duties that the local authority has to provide under this Act with regard to listed buildings. Under Sections 8, 10 – 22 and 66 – 68 - in considering whether to grant planning permission affecting a listed building or its setting, the local authority is to have special regard to the desirability of preserving the building or its setting.

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

## **7. Listed Building Consent**

- 7.1. If you want to make changes to a listed building you have to apply for a special planning procedure known as Listed Building Consent.

### **Listed Building Consent is usually required for internal and external works for:**

- The alteration or extension of a Listed Building
  - The demolition of a Listed Building
  - Repairs that do not match the existing
  - Repairs on a like for like basis that require extensive removal of historic fabric
  - Thermally upgrading your property
- 7.1.2 Listed building consent would also be needed for the above works that affect curtilage listed structures.

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

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

“The statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.” (PPW Ch6.5.9)

7.1.5 Applicants for listed building consent must be able to justify their proposals.

This is assessed against: -

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

## 7.2 The setting of a listed building

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

- Farms are typically sat within a countryside setting
- Listed building in towns and villages, are typically part of a wider townscape quality
- Country houses may be set within a formal historic park or garden which has specifically designed to take account of views and vistas into the wider landscape



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

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



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

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

## 8.0 What information is required to make an application?

8.1 Your application must be made up of 4 copies of:

- the necessary up to date and accurate plans of the site,
- the required supporting documentation,
- the completed application form
- Certificate of ownership (1 copy)
- 12 copies of all documents where demolition works are proposed

There is no fee for listed building consent applications.

## 8.2 Plans

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

## 8.3 Written Information

### 8.3.1 Copy of list description

8.3.2 **Details of any grants** applied for by Cadw, or other public body for works to the building.

### **8.3.3 A Design and Access Statement**

The information required should be proportionate to the work proposed. This should explain the design principles behind any new works and how they relate to the listed building and surrounding area and to explain how issues relating to access to the building have been dealt with.

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

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

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

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

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

Part B: Fire Safety

Part E: Resistance to Sound

Part F: Ventilation

Part L: Conservation of Fuel and Power

Part M: Access to and use of buildings

### **8.5 Assessing the Listed Building’s Significance**

8.5.1 Applications will have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and

understand the particular nature of the significance of a listed building, the extent of the listed building's fabric to which the significance relates and the level of importance of that significance. Historic Buildings Consultants and experienced conservation architects will be able to provide this level of detail. The scope and complexity of each application is likely to vary enormously, depending of the extent of the proposals

8.5.2 Cadw's document 'Conservation Principles for the sustainable management of the Historic Environment in Wales, March 2011' sets out the principles behind conservation philosophy. Four types of heritage value are identified to assess significance: historic, evidential, aesthetic and communal value.

**Historical Value** – identifying a particular aspect of past life or association with a notable family, person, event or movement.

Historical research is important when analysing the significance of a listed building. For example historical research revealed the history of 37-39 Pendyffryn Road as a sub medieval farmhouse of the upper middle gentry. Its survival was highly unusual on the coastal plain and it has been restored accordingly.

Suggested details: -

- Identifying historical sources of information - County Record Offices; local museums, libraries and archives; the National Monuments Record etc.
- Producing plans showing historical phases of development



*Before and after - 37-39 Pendyffryn Road, Rhyl*

**Evidential Value** - elements of an historic asset.

This is evidence based research and recording on what is there – for example, the plan form of the old workhouse in St. Asaph (formerly HM Stanley), a Georgian house with 16<sup>th</sup> century timber framing inside, external features etc.

Suggested details: -

- Written description of historical features from outside to inside, plan form, any historical remodelling and suggested dates of joinery detailing, fireplaces, historic shop fronts etc., room by room detail, and any loss or change to them, including Building Regulation requirements and how this impacts of the character of the building

- Photographs -  
These must be up to date and in colour showing the whole building and closer views of the areas affected. Internal details may be of specific importance- doors, architraves, panelling, picture rails, fireplaces etc.



*Dolbelidr in a poor condition*

*Roof repairs based on considered assessment and historic building research*



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

**Aesthetic Value** – derived from ways in which people draw sensory and intellectual stimulation from a place.

- Identify its character and architecture. Classical detailing, such as that on Mostyn House and on institutional buildings such as HM Stanley gives a clue to the character and appearance and the society in which it was built.



*Mostyn House, Vale Street, Denbigh, a Grade II fine town house – historical research and uncovering of features during works returned the character of the building back to its Georgian origins*

**Communal Value** - the value a historic asset has for the people who relate to it.



*Terfyn Wellhead, Bodelwyddan – a Grade II listed picturesque well of around 1868*

### 8.5.3 Schedule of Alterations and Repairs

This should include a list of alterations, whether the works are of low, medium or high significance and a justification for the works. Repairs should be based on conservation work.

Drawing No:	Proposed alteration	Significance	Justification
ABC/1	Removing 19 <sup>th</sup> century casement window and replacing with stone mullion window	High	This part of the building is sub medieval. Evidence of original mullion window to side of building





*Bryn-y-Parc, Park Street, Denbigh – a Grade II\* listed building, where the justification to restore the building to its original character of the late 16<sup>th</sup> / early 17<sup>th</sup> century was accepted after careful and detailed research*

## **8.6 For proposals involving substantial rebuilding, demolition in full or part (in line with paragraph 91-92 of Circular 61/96)**

### **8.6.1 Structural Report**

A comprehensive and full detailed structural report by a conservation structural surveyor to justify why removal is necessary and to show that proposed alterations will not affect the structure, stability or character of the buildings

### **8.6.2 Financial viability appraisal**

### **8.6.3 Justification for Demolition Statement**

This must include: -

- A comprehensive assessment of the efforts made to sustain existing uses or viable new uses that would prevent demolition
- Evidence that the redevelopment would produce substantial benefits for the community which decisively outweigh the loss resulting from demolition, and evidence made to incorporate the building into the redevelopment
- Evidence that the preservation of the building in the form of a charitable trust or community ownership is not possible or suitable and efforts made to establish such ownership

- of sale on the open market

## **9.0 Maintenance and repairs**

9.1.1 Some works do not require consent, such as repairs that are on a like for like basis. Generally speaking normal maintenance works which are carried out on a "like for like" basis would by definition not affect the character of the building and therefore would not require Listed Building Consent. Care must be taken however to ensure that the work is "like for like". For example;'

- Repairing roofs – retaining as much roof slates and timbers as possible. If a new roof is needed salvage as much slate as possible and replace slates with the same colour and size.
- Repairing windows with the same material, section detail and profile and finish;
- Re-pointing stonework with mortar of the correct mix, colour and finish

9.1.2 Please see the document 'A Stitch in Time', produced by The Institute of Historic Building Conservation (IHBC) and The Society for the Protection of Ancient Buildings (SPAB) and English Heritage (2002) for further information.

9.2 There is no statutory duty to improve the building but it should not fall into a worse state than it was at the time of listing. This may necessitate some works to keep the building secure, wind and watertight.

## **10. Unauthorised Works**

10.1 Please note that carrying out unauthorised works to a Listed Building is a criminal offence punishable by a fine, prison sentence or both. It is always advisable to seek pre-application advice for any works you are proposing for peace of mind.

### **Contacts**

Denbighshire County Council Development Management Section / Built Environment Section (Conservation Architect / Conservation Project Officer)

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Listed building Supplementary Planning  
Guidance consultation draft  
22/10/2014

Equality Impact Assessment

# Listed Buildings Supplementary Planning Guidance - consultation draft

Contact: Angela Loftus

Updated: 22.10.14

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

A new or revised policy

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

The proposal is to carry out a public consultation on a new Supplementary Planning Guidance (SPG) on listed buildings

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

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

No

The proposal is to carry out public consultation on new planning guidance relating to listed buildings. 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.

<b>Review Date:</b>	10 2015
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Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	22.10.14

**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:** 22nd October 2014

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

**Report Author:** Kirsty Henderson, Conservation Project Officer

**Title:** Conservation Areas Supplementary Planning Guidance – Consultation draft

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

- 1.1. This report accompanies a draft Supplementary Planning Guidance (SPG) document on conservation areas which, if adopted, will be used to assist in the proactive management of conservation areas and the determination of planning applications affecting conservation areas.

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

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

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

- 3.1. That Members agree the draft SPG on conservation areas as a basis for public consultation.

## **4. Report details**

- 4.1. Following the adoption of the LDP on 4th June 2013, Council agreed to carry forward the existing series of SPGs, including SPG 13 – Conservation Areas. Conservation Areas are “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. National guidance has been updated since the adoption of the original SPG in 2003, in particular Planning Policy Wales (2014); Cadw’s new policy document Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011) and TAN 12. English Heritage has also produced guidance on Conservation Area Management: ‘Understanding Place: Conservation Area Designation, Appraisal and Management’ (2011). It should be noted that the English Heritage document only relates to England and some of the rules and regulations will differ in Wales but it does contain principles to consider which are generic to conservation area management. There are also differences between the previous Unitary Development Plan (UDP) and LDP policies, which may have an impact on planning applications affecting conservation

areas. It is necessary to produce an updated SPG on this topic. If adopted, the SPG will be a material planning consideration when assessing applications that affect conservation areas.

- 4.2. Denbighshire County Council has 33 conservation areas. They exist in town centres and rural areas and the special architectural and historic interest of each conservation area is difference and unique. Providing positive and clear guidance in an SPG will supplement relevant LDP policies on respecting distinctiveness, sustainable development, promoting a sustainable economy and valuing our environment.
- 4.3. The public consultation period would be a minimum of 8 weeks and is anticipated to start in mid November 2014. The results of the consultation will be reported back to Planning Committee with a final SPG for adoption.

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

- 5.1. The SPG provides guidance on conservation areas. The positive management conservation areas undertaken through the planning process relates to two corporate policies – ‘Developing the local economy’, and ‘Clean and tidy streets’.
- 5.2. The physical location and number of conservation areas in the centre of all the County’s towns and in most villages, is a key consideration for ensuring that development proposals in conservation areas are managed in a positive way with other land use policies, in order to retain their special character and appearance that makes the towns and rural areas of Denbighshire unique. Appropriate management of these buildings are directly relevant to Corporate Priorities – ‘Clean and Tidy Streets’ and ‘Developing the Local Economy’. ‘Clean and Tidy Streets’ states that - "Denbighshire benefits from having an attractive and inviting landscape, as well as a spread of historic and cultural towns and villages. The quality of this public space is key to encouraging people to move into the county, as well as attracting tourists that help to support the local economy."

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

- 6.1. Any costs associated with agreeing the SPG for consultation is contained within existing budgets and it will not affect other services.

## **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 managing appropriate change in conservation areas is in national legislation, and supported through adoption of the LDP. The SPG provides further detailed guidance on this. The LDP underwent a full EqIA in May 2011.

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

- 8.1. No formal consultation has been carried out, but informal consultation has been carried out with officers in Development Management Team.

8.2 Member input on the content of the SPG has also been provided through the LDP Members Steering Group.

**9. Chief Finance Officer Statement**

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

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

10.1 In the absence of up-to-date guidance there is a risk the Council will be unable to effectively operate the LDP policies. The conservation areas SPG provides clear and concise guidance based on up-to-date national policy. The submission of information planning applications affecting conservation areas will improve decision making in terms of speed and quality outcomes.

**11. Power to make the Decision**

11.1 The Planning (Listed Buildings and Conservation Areas) Act 1990

11.2 Planning & Compulsory Purchase Act (2004).

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**DENBIGHSHIRE COUNTY COUNCIL**

**SUPPLEMENTARY PLANNING GUIDANCE:**

**CONSERVATION AREAS**

**NOVEMBER 2014**

**1. Introduction**

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

**2. Status and Stages in Preparation**

2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on 15 October 2014.

2.2 These notes have been prepared in accordance with guidance contained in Welsh Office Circular 61/96 and 1/98; Planning Policy Wales (March 2014); Local Development Plans Wales (December 2005); Welsh Government Technical Advice Notes; and Cadw's policy document Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011 ).

**3.0 Background**

3.1 Conservation Areas are "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". They were introduced in 1967 under Civic Amenities Act (repealed by the Planning (Listed Buildings and Conservation Areas) Act 1990). It is an area based designation by local planning authorities for preserving and enhancing the special character and appearance of towns, villages and areas. There are 33 conservation areas in Denbighshire.

1. Betws Gwerfil Goch

2. Bodelwyddan
3. Bodfari
4. Corwen
5. Cwm
6. Cynwyd
7. Denbigh
8. Dyserth
9. Efenechtyd
10. Henllan
11. Llanarmon yn Ial
12. Llandrillo
13. Llanelidan
14. Llanfair DC
15. Llanferres
16. Llangollen
17. Llanrhaeadr
18. Llantysilio
19. Meliden Central
20. Meliden Ffordd Penwhylfa
21. Nantglyn
22. Plas yn Pentre
23. Prestatyn Castle Mound and Nant Mill
24. Prestatyn Fforddlas
25. Prestatyn High Street
26. Rhyl Central
27. Rhyl River Street
28. Rhyl Seabank Road

29. Ruthin
30. Rhuddlan
31. St Asaph
32. Trefnant
33. Tremeirchion

Plans showing the boundaries of these areas are available for inspection online and at the Planning Offices based at Caledfryn, Denbigh.

- 3.2 There are many types of conservation areas. These include estate villages, such as Bodelwyddan and Llaneliden, Georgian and Victorian towns with medieval cores, that are part of historically important routes such as Corwen, castle towns such as Denbigh, Ruthin and Rhuddlan, Victorian seaside towns such Rhyl and Prestatyn and important historic settlements in An exceptional landscape setting such as Llangollen and Llantysilio.
- 3.3 Quality of place is the prime consideration in identifying Conservation Areas. The different characteristics of towns and villages mean that each area will have a unique special architectural or historic interest. This special interest results from the character provided by a variety of features. This can include a combination of street patterns, relationships between buildings and spaces, particular building styles and architectural detailing, open spaces, landscape, trees and views and vistas. Buildings range from the iconic, such as castles and medieval timber framed buildings, to the overall townscape, to building detailing and boundaries.
- 3.4 Conservation area designation is not an end in itself. It is managed through periodic review of the special characteristics of what makes that area special. By definition, conservation areas have statutory protection and are places which should be conserved. They require active management in order to retain their reason for existence. When exercising other functions with respect to buildings or land in conservation area (particularly the granting of planning permission) special attention is paid to preserving or enhancing the character or appearance of the area.
- 3.5 Planning applications should be assessed on how development proposals impact on the character and appearance of the conservation area. The character and appearance of these areas can be retained and enhanced in a positive way. Development proposals should be of high quality and designed in context within the building and area to which it relates. Well-designed new buildings will enhance the appearance and character of the Conservation Areas.

3.6 The first conservation areas in Denbighshire were designated in 1971. There have been significant changes to a number of conservation areas in Denbighshire since then. Significant improvements to buildings have resulted in the restoration of the townscape through the successful lottery funded Townscape Heritage Initiative area in Denbigh. The Pontcysyllte Aqueduct and Canal World Heritage Site directly impacts on Llangollen and Llantysilio conservation areas. The AONB extension includes the urban areas of Llangollen and Corwen. There is a new shopping centre in Prestatyn Conservation Area, and a regeneration strategy in West Rhyl that affects Rhyl Central Conservation Area.

#### **4.0 Conservation Legislation, Planning Policy and Regulations**

##### **4.1 Statutory responsibilities**

4.1.1 The primary legislation for carrying out building conservation functions is the Planning (Listed Buildings and Conservation Areas) Act 1990. There are various duties that the local authority has to provide under this Act with regard to conservation areas. Under Sections 69, 70 and 71 The Council must determine which parts of its area should be conservation areas, decide whether to extend these or create new ones, and publish proposals for their preservation and enhancement. Section 72 identifies the planning functions in conservation areas, in particular to pay special attention to the desirability of enhancing or preserving the appearance of conservation areas

4.2 National guidance can be found in Welsh Office Circular 61/96 and 1/98; Planning Policy Wales (2014) Chapter 6 and Technical Advice Notes (TAN) TAN 12 - Design (2014).

4.3 National guidance has been updated since the adoption of the original SPG in 2003, in particular Cadw's new policy document Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011) and TAN 12. English Heritage has also produced guidance on Conservation Area Management: 'Understanding Place: Conservation Area Designation, Appraisal and Management' (2011). It should be noted that the English Heritage document only relates to England and some of the rules and regulations will differ in Wales but it does contain principles to consider which are generic to conservation area management.

4.4 Welsh Officer Circular 61/96 and Planning Policy Wales (PPW) identifies the important role that local planning authorities play in conserving the historic environment whilst balancing wider sustainable development responsibilities. The objective is to "preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations "

- 4.5 PPW stipulates in Chapter 6 Para 6.3.2 that “the positive management of conservation areas is necessary if their character or appearance is to be protected and enhanced, and in Para 6.4.6 that “development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of conservation areas, as identified in (a conservation area) assessment and proposal document, to ensure that any new development is in accord with the area’s special architectural and historic interest.”
- 4.6 LDP Policy RD1 outlines general development management considerations relevant to development affecting conservation areas. LDP Policy VOE1 ‘Key Areas of Importance’ is a specific policy for planning applications affecting conservation areas. The physical location of conservation areas in Denbighshire, in the centre of town and villages, is a key consideration for ensuring that conservation areas are adapted or changed in a positive way, retaining their character that makes the towns and rural areas of Denbighshire unique. Providing positive and clear guidance on changes to conservation areas supplement relevant LDP policies on respecting distinctiveness, sustainable development, promoting a sustainable economy and valuing our environment.
- 4.7 The Council is also required to review their areas from time to time and to consider whether further designations of Conservation Areas are required. The Council is continuing this process of review and an appraisal of all Conservation Areas is taking place. Conservation Areas may be extended, reduced, deleted or added to as a result of this process and additional management measures may be considered appropriate for some areas.

## **5.0 What does designation mean?**

- 5.1 Controls over demolition: Demolition or substantial demolition of a building within a conservation area will usually require permission from the local authority. Most works involving demolition require Conservation Area Consent. Consent for demolition will not normally be granted until it is known what form redevelopment will take, and how it preserves or enhances the conservation area. There may however be some poor quality buildings which, if removed, would result in visual improvements to Conservation Areas.
- 5.2 Trees: If you are thinking of cutting down a tree or doing any pruning work you must notify the Council 6 weeks in advance. This is to give the Council time to assess the contribution the tree makes to the character of the conservation area and decide whether to make a Tree Preservation Order.
- 5.3 Positive management of detailing over new development.

- 5.4 Certain property alterations may need planning permission. These would include adding extensions, roof extensions and alterations, cladding, installing satellite dishes and solar panels, and laying paving or building walls.
- 5.5 All proposals for development, including the alteration of shop fronts and the display of advertisements in conservation area, require considered design to preserve and enhance the area's special character. Design, materials, lighting, style and colour are of particular importance.
- 5.6 Article 4 (2) Directions. In some Conservation Areas an Article 4 (2) Direction has been introduced. This ensures that alterations to the front of dwellings are carried out in sympathy with the special character of an area. Where such a Direction is in place, planning permission is normally required for the alteration of windows, doors, porches, chimneys, roofs and boundaries.
- 5.7 Payment of a planning application fee is not required for Conservation Area Consent, consent for works to trees or applications under the Article 4 (2) Direction.

## **6.0 ENHANCEMENT OF CONSERVATION AREAS**

6.1 Denbighshire County Council will, where opportunity arises, enhance the appearance of its Conservation Areas. The Council is committed to the following actions to improve the appearance and maintain the character of Conservation Areas:

- A proactive Conservation Area Management Strategy
- Positive development management, through pre-application discussion and planning consents to ensure protection and enhancement;
- Environmental improvements through partnership with others;
- Providing advice and information;
- Sourcing grant aid

## **7.0 Understanding character**

- 7.1 The design of new developments within Conservation Areas should be in sympathy with the aim of ensuring that the character of the overall area is retained and/or enhanced.
- 7.2 It is recommended that the services of an architect are employed to produce the high standard of design required for development in Conservation Areas. Planning Officers of Denbighshire County Council are happy to give guidance and advice prior to detailed design work commencing to help arrival at a satisfactory result.

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

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







Before



After

*A shop on High Street, Denbigh. The frontage was reinstated using historic photograph*



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



**The Terrace, London Road, Corwen** – key characteristics includes Victorian architectural uniformity; medium to high density; a vertical emphasis created by plot width, original door and window proportions and detailing; townscape rhythm created by regular canted bay windows and chimneys; welcoming and articulated facades created by strong detailing to frontages and boundaries; small front gardens proportionate to elevation and street, uniformity of materials; overall creating a strong townscape with a sense of formality on the historic A5 route from London to Holyhead.

- New buildings, designed to a high standard should be sited, designed and appear externally in sympathy with their location and the overall appearance of the area.



*New build in Denbigh Conservation Area – modern materials and style, but the attention to detail in terms of roof pitch, plot size and overall proportions allows it to sit well within its historic context*



- Alterations and extensions to buildings should be sympathetic to the character and appearance of existing buildings in terms of scale, size and use of materials.
  - Detailing is important to buildings, boundaries and the wider landscape





## CONTACTS

Denbighshire County Council Development Management Section / Built Environment Section (Conservation Architect / Conservation Project Officer)

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Conservation Areas Supplementary  
Planning Guidance consultation draft  
22/10/2014

Equality Impact Assessment

# Conservation Areas Supplementary Planning Guidance - consultation draft

Contact: Angela Loftus

Updated: 22.10.14

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

A new or revised policy

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

The proposal is to carry out a public consultation on a new Supplementary Planning Guidance (SPG) on conservation areas

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

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

No

The proposal is to to carry out public consultation on new planning guidance relating to conservation areas. 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
----	--------------

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

No	Not required
----	--------------

Action(s)	Owner	By when?

**9. Declaration**

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

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

Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	22.10.14

**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:** 22nd October 2014

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

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

**Title:** Draft Site Development Brief: Rhuddlan Triangle

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

- 1.1 This report introduces the draft Site Development Brief for the 'Rhuddlan Triangle' site on the outskirts of Rhuddlan. It is accompanied by the draft main document, Appendix I, the Strategic Environmental Assessment (SEA) screening document, Appendix II, and the screening document for the Equality Impact Assessment, Appendix III.

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

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

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

- 3.1 That Members agree the draft Site Development Brief for the 'Rhuddlan Triangle' site and the accompanying Strategic Environmental Assessment (SEA) screening document for public consultation.

## **4. Report details.**

- 4.1 This draft site development brief will become, once adopted, part of a series of Supplementary Planning Guidance notes (SPGs) amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies or principles of development for individual site allocations in a format which aims to guide the process, design and quality of new development.
- 4.2 The Council's SPG notes are not part of the adopted development plan. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.

- 4.3 The 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.
- 4.4 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.
- 4.5 The site lies within Flood Risk Zone C1 of Welsh Government’s Development Advice Map referred to in Technical Advice Note 15: Development and Flood Risk. Zone C1 denotes areas of floodplain which are developed and served by significant infrastructure, including various types of flood defences. Consequently, development may take place but will be subject to application of justification tests and acceptability of consequences for particular types.
- 4.6 The document’s main elements are: site location and description, local planning policies, two key areas highlighted for development, flood risk, and highways considerations. Individual topics are supplemented by maps, figures and photos. The aim is to provide guidance on potentially acceptable uses on the site.
- 4.7 The public consultation period would be a minimum of 8 weeks and is anticipated to start in mid-November 2014. All City, Town and Community Councils will be consulted along with key stakeholders and people registered on the LDP database. Hard copies of documents will be available in all libraries and one stop shops as well as on the Denbighshire web site. The results of the consultation will be reported back to Planning Committee with a likely request for document adoption with proposed changes resulting from the public consultation exercise.
- 4.8 Officers will hold an exhibition event at Rhuddlan Library (details will be announced as early as possible) in addition to the principle elements of conducting public consultation with members of the public and statutory consultees.
- 4.9 The draft document is accompanied by a Strategic Environmental Assessment screening document, Appendix II, which will also be subject to consultation with statutory consultees over the same period of time.

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

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

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

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

- 6.1 Approving the draft SDB main document for consultation with statutory bodies and members of the public is not anticipated to create any additional costs.
- 6.2 Having an adopted SDB outlining potential development opportunities, which comply with planning legislation subject to details, will assist the Economic Business and Development team in attracting businesses on site and supports actions identified in the Rhuddlan Town Plan 2012 – 2020.

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

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

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

- 8.1 Content and principles of development were discussed at the Denbighshire Local Development Plan 2006 – 2021 (LDP) Member Steering Group meeting on 19th September 2014. Contributions were also sought from Rhuddlan County Councillors, and colleagues from the Economic Business and Development, Development Management and Property Services.

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

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

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

- 10.1 This is a key gateway site into town and the Coast 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. Taking action will bring land back into economic use, improves the visual appearance of the site and raises the attractiveness of the place for potential new businesses.

## **11. Power to make the Decision**

- 11.1 Planning & Compulsory Purchase Act (2004)

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Draft Site Development Brief:

# Rhuddlan Triangle

Main Document



## Content

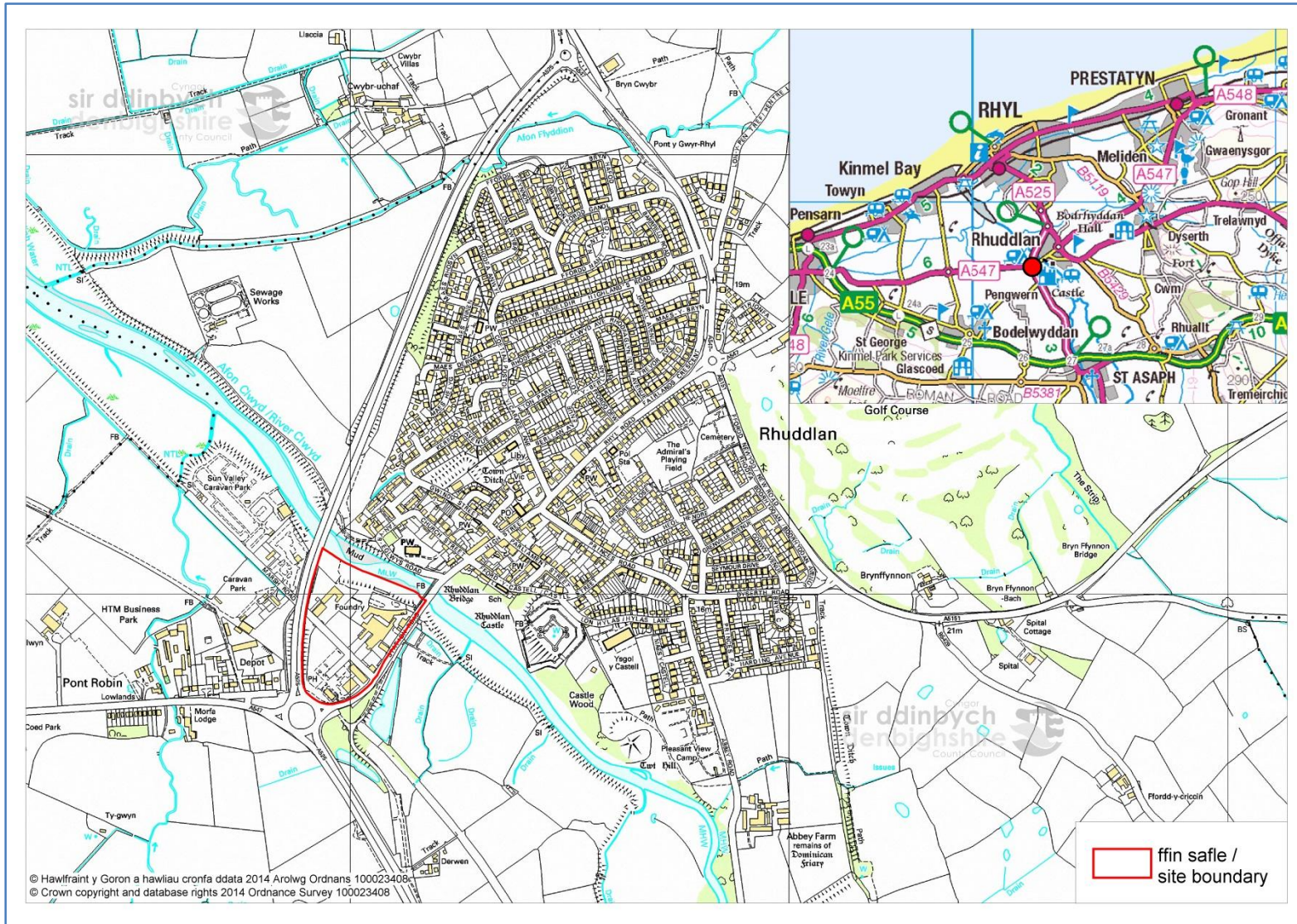
1. Introduction	4
2. Document Status and Stages in Preparation	4
3. Site Location and Description	4
4. Planning Policies	7
5. Flood Risk	11
6. Key areas for future development	13
7. Access and Movement	16
8. Further Considerations	18
9. Contacts	19
10. Sources / Literature	20
Figure 1 Location of 'Rhuddlan Triangle'	3
Figure 2 Local policies relevant to development on site	7
Figure 3 Flood Risk Zones covering 'Rhuddlan Triangle'	11
Figure 4 Key areas for future development	14



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

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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 XXXX.
- 2.2 The Council's Supplementary Planning Guidance notes (SPGs) are not part of the adopted local development plan. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.
- 2.3 This document has been prepared in accordance with planning policy contained in Planning Policy Wales (Edition 7), guidance 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.



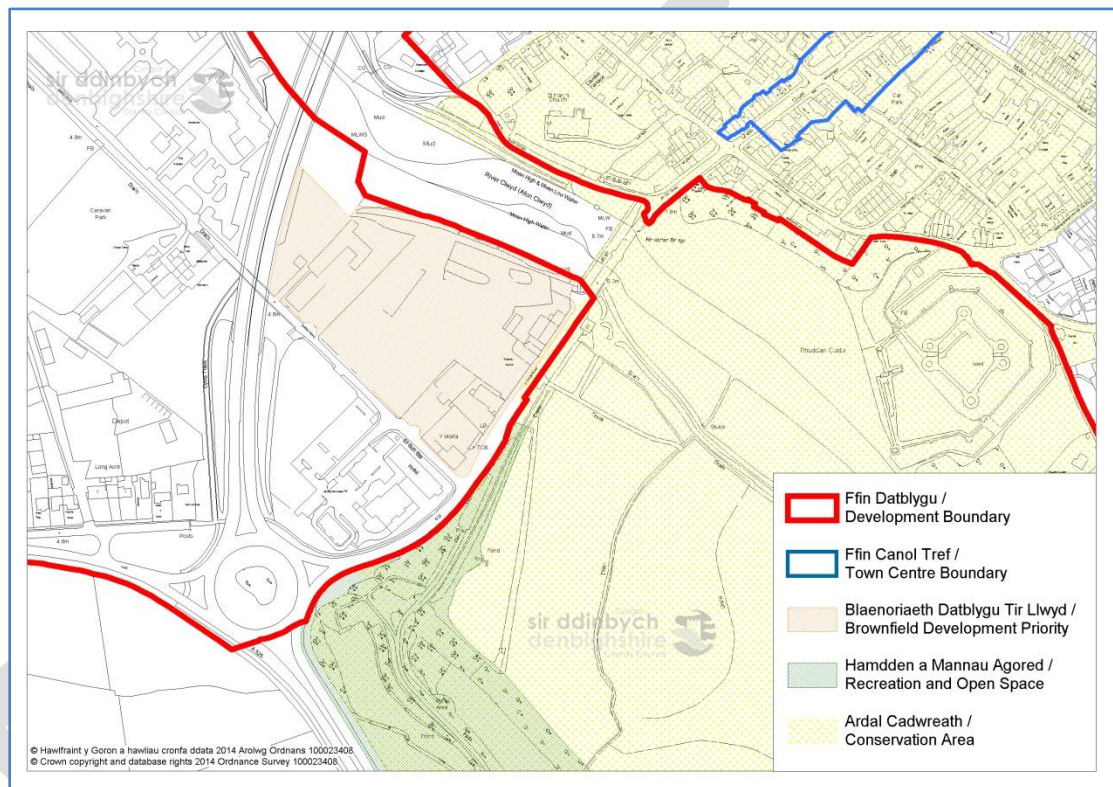
- 3.6 Marsh Road bisects the site; running parallel to the river Clwyd and providing the only access off Station Road to a number of commercial premises on site, a caravan park and individual residential premises located on adjacent land. There are frequent bus services along Station Road throughout 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 Policies

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 KeyMap 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 that may be relevant to the decision such as capacity of physical infrastructure (e.g. in the public drainage or water systems), noise or disturbance resulting from use, highways capacity, nature

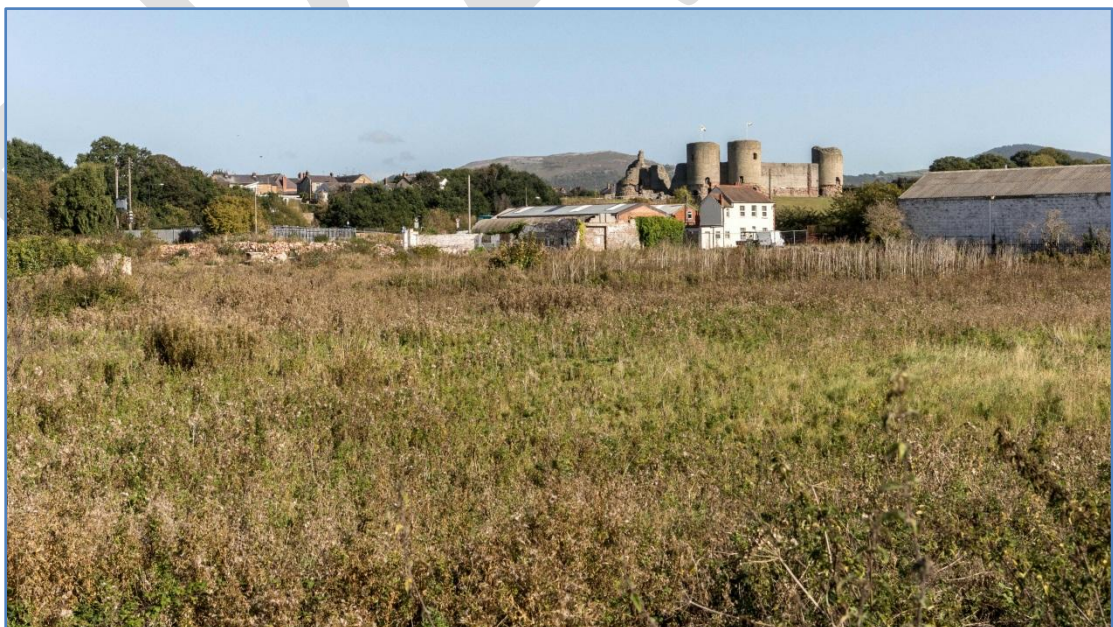
conservation and biodiversity objectives, flood risk, previous appeal decisions and planning inquiry reports, or research work carried out to support planning proposals.

- 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 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 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 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 (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' prior to submitting a planning application.

4.12 (4) Town Centre Boundary – 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 applicable. 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 apply.

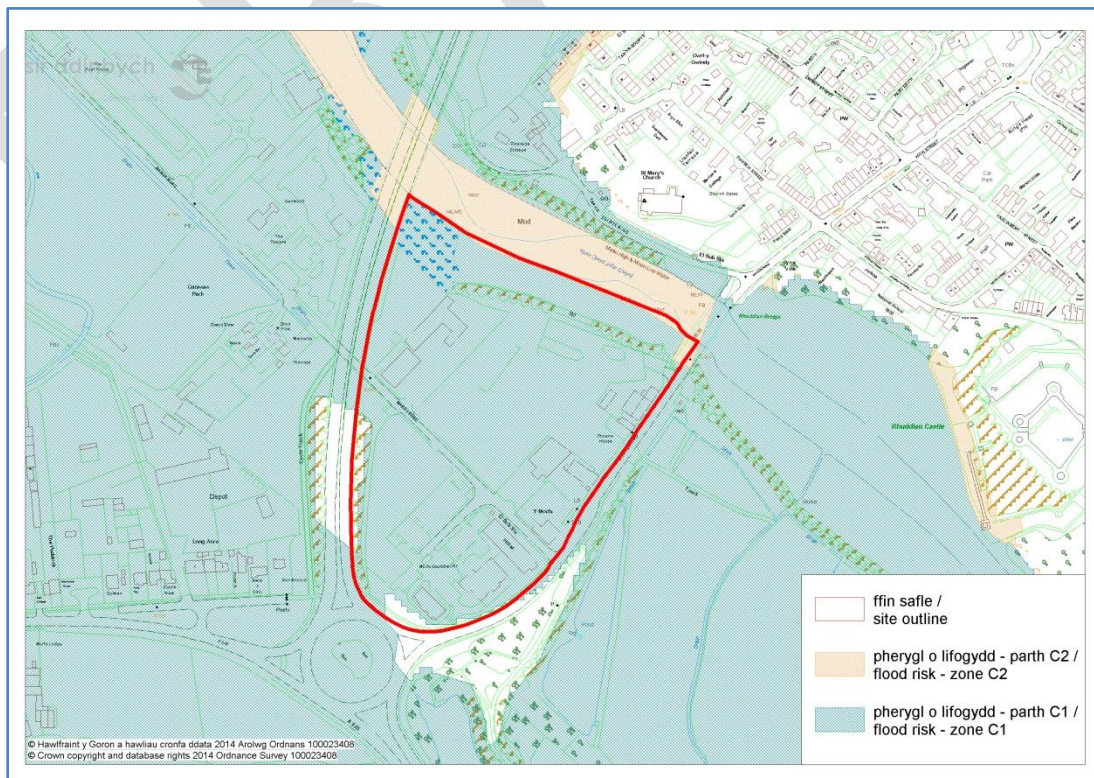
4.13 Denbighshire Retail Study – Retail Capacity (2013) indicates that there is no need for additional convenience (e.g. food supermarket) and comparison (e.g. DIY store, electronics) retail in the north of the County, and indeed across the entire County. Should LDP housing allocations be delivered and 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 Figure 3: Flood Risk Zones covering 'Rhuddlan Triangle'



5.2 The site lies within Flood Risk Zone C1 of Welsh Government's Development Advice Map referred to in Technical Advice Note 15: Development and Flood Risk. Zone C1 denotes areas of floodplain which are developed and served by significant infrastructure, including various types of flood defences. Consequently, development may take place but will be subject to application of justification tests and acceptability of consequences for particular types. Detailed information on justification tests and acceptability criteria can be found in WG TAN15: Development and Flood Risk, paragraphs 6 - 7 and Appendix 1.

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



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

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. 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 (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.

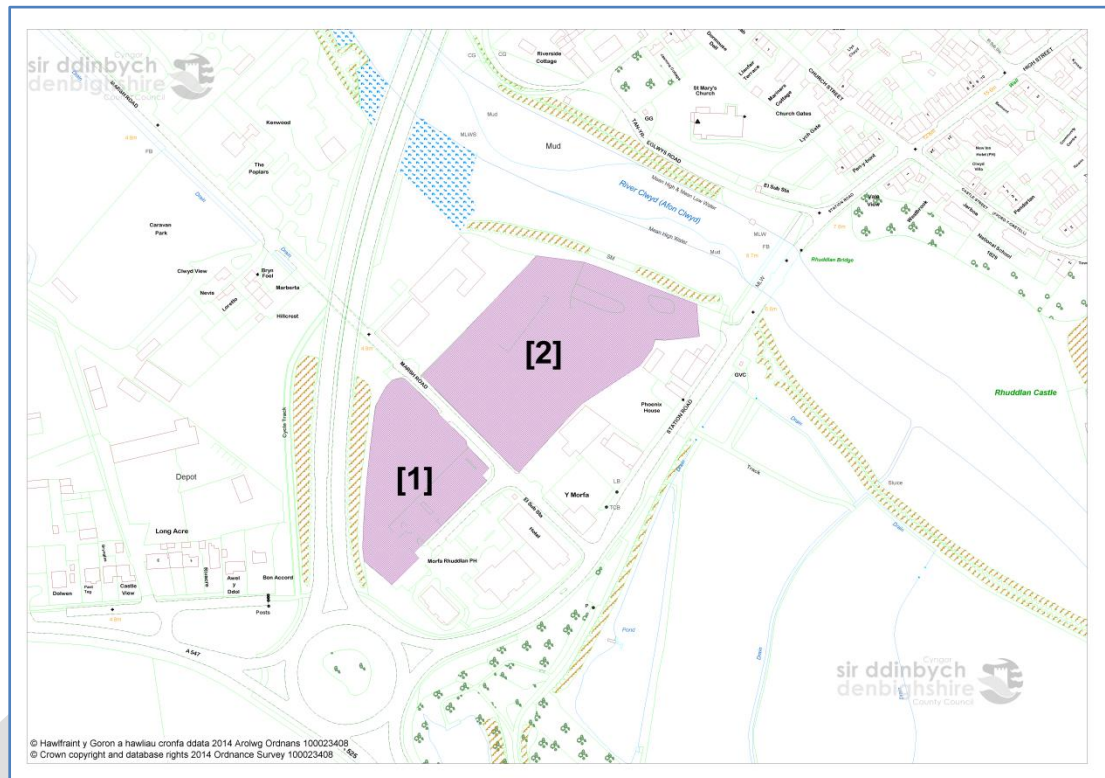
5.8 Raising individual land levels on site is not an acceptable option to address the maximum of depth of flooding due to the potential to displace flood waters and cause adverse flood risk impacts on adjoining landowners. (See TAN 15 paragraph 1.5)

## **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 Figure 4: Key areas for future development



6.2 Opportunities may arise for redevelopment of other parcels of land within the site. Proposals for redevelopment, conversions and design improvements to advance attractiveness and appearance would be encouraged.

6.3 Area 1: The area is about 0.7ha 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.

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



- 6.5 The present planning permission is due to expire in November 2014, unless development starts on site. The Council would be prepared 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).

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





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. 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.

## 7. Access and Movement

7.1 Photo 7 View along Marsh Road from T-junction with Station Road



7.2 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.

- 7.3 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.

- 7.4 Photo 8 View along Marsh Road towards Station Road



- 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.

- 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

## 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.
- 8.3 *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.

8.4 *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).

## 9. Contacts

9.1	Denbighshire County Council Planning and Public Protection Development Management Caledfryn Smithfield Road Denbigh LL16 3RJ	Denbighshire County Council Planning and Public Protection Development Planning & Policy Caledfryn Smithfield Road Denbigh LL16 3RJ
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Tel.: 01824 706727

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

Tel.: 01824 706727

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

9.2	Denbighshire County Council Housing and Community Development Economic and Business Development Caledfryn Smithfield Road Denbigh LL16 3RJ	Denbighshire County Council Highways & Environmental Services Highways and Transportation Department Caledfryn Smithfield Road Denbigh LL16 3RJ
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Tel.: 01824 706860

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

Tel.: 01824 706882

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

DRAFT

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## **Appendix II: 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"> <li>▪ special natural characteristics or cultural heritage.</li> <li>▪ exceeded environmental quality standards or limit values.</li> <li>▪ intensive land-use.</li> </ul>	<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.

ADraft Site Development Brief:  
Rhuddlan Triangle  
7<sup>th</sup> October 2014

Equality Impact Assessment

# Draft Site Development Brief: Rhuddlan Triangle

Contact: Angela Loftus

Updated: 07/10/14

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

A new or revised policy

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

The proposal is to carry out a public consultation on the Draft Site Development Brief for the Rhuddlan 'Triangle' site. The Site Development Brief supports the planning policies contained within the Denbighshire Local Development Plan and sets out the principles of development for the site in order to guide future proposals. If adopted, following consultation, the Site Development Brief will be used in determining applications for planning permission on the site.

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

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

No

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

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

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

The Denbighshire LDP is the overarching policy document under which all Development Brief sit and this underwent an EqlA prior to adoption by Council.

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

No

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

No

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

No	Not required
----	--------------

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

No	Not required
----	--------------

Action(s)	Owner	By when?

**9. Declaration**

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

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

<b>Name of Lead Officer for Equality Impact Assessment</b>	<b>Date</b>
--	-------------

Angela Loftus	07/10/14
---------------	----------

**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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# Agenda Item 9

**WARD :** Ruthin

**WARD MEMBER(S):** Cllr Huw Hitditch Roberts (c)  
Cllr David Smith  
Cllr Bobby Feeley

**APPLICATION NO:** 02/2014/0990/ PF

**PROPOSAL:** Siting of 1 no. temporary classroom unit (retrospective application)

**LOCATION:** Ruthin School Mold Road Ruthin



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Heading:

REFERENCE NO. 02/2014/0990/PF

RUTHIN SCHOOL

BRYN GOODMAN, RUTHIN

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

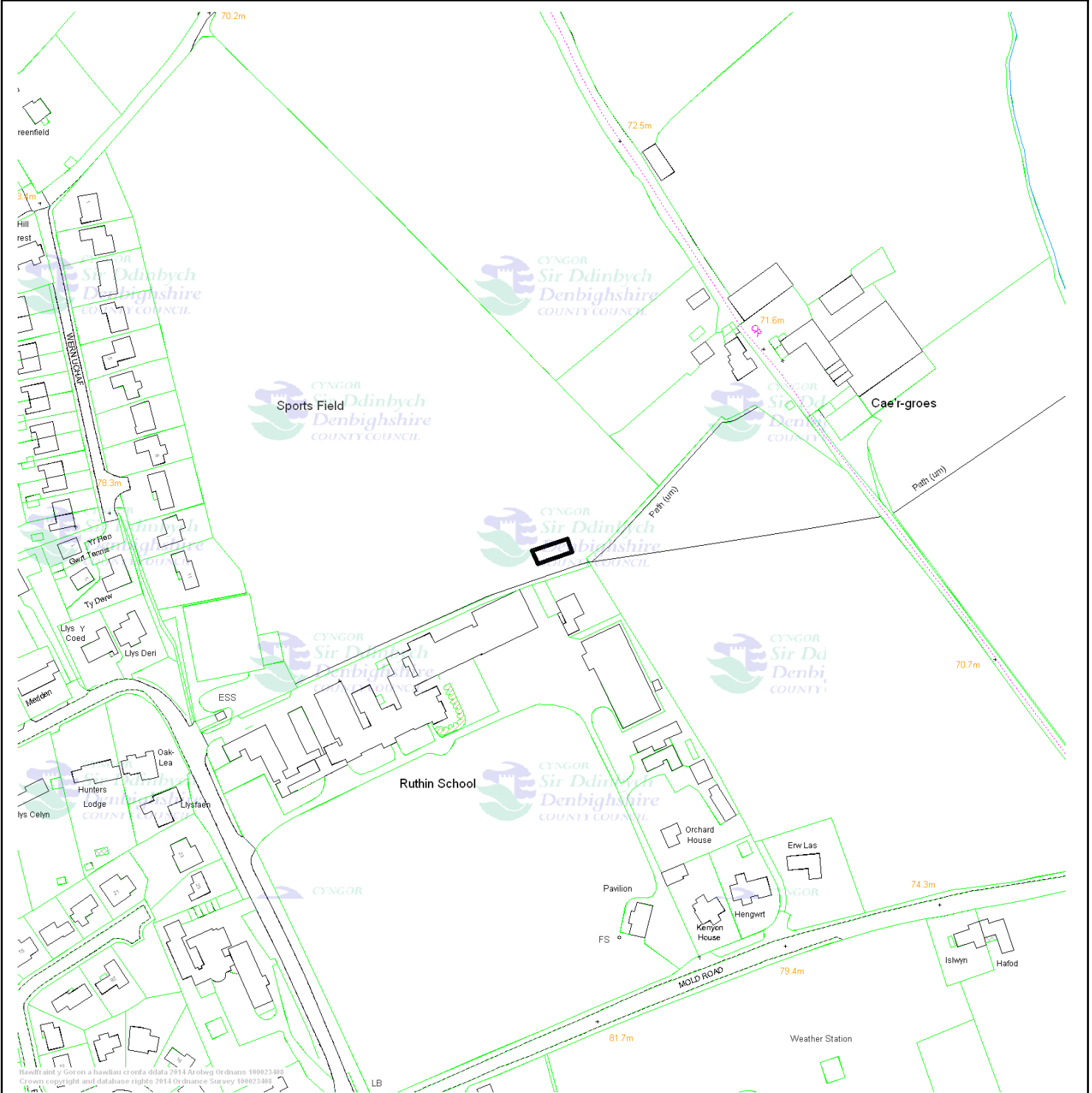


Date 28/10/2014

Scale 1/2500

Centre = 313178 E 358643 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.





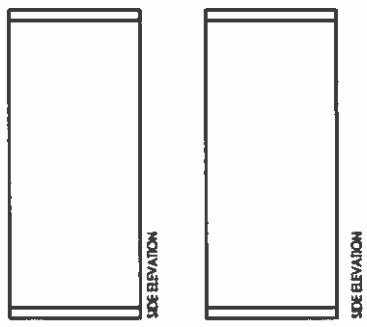
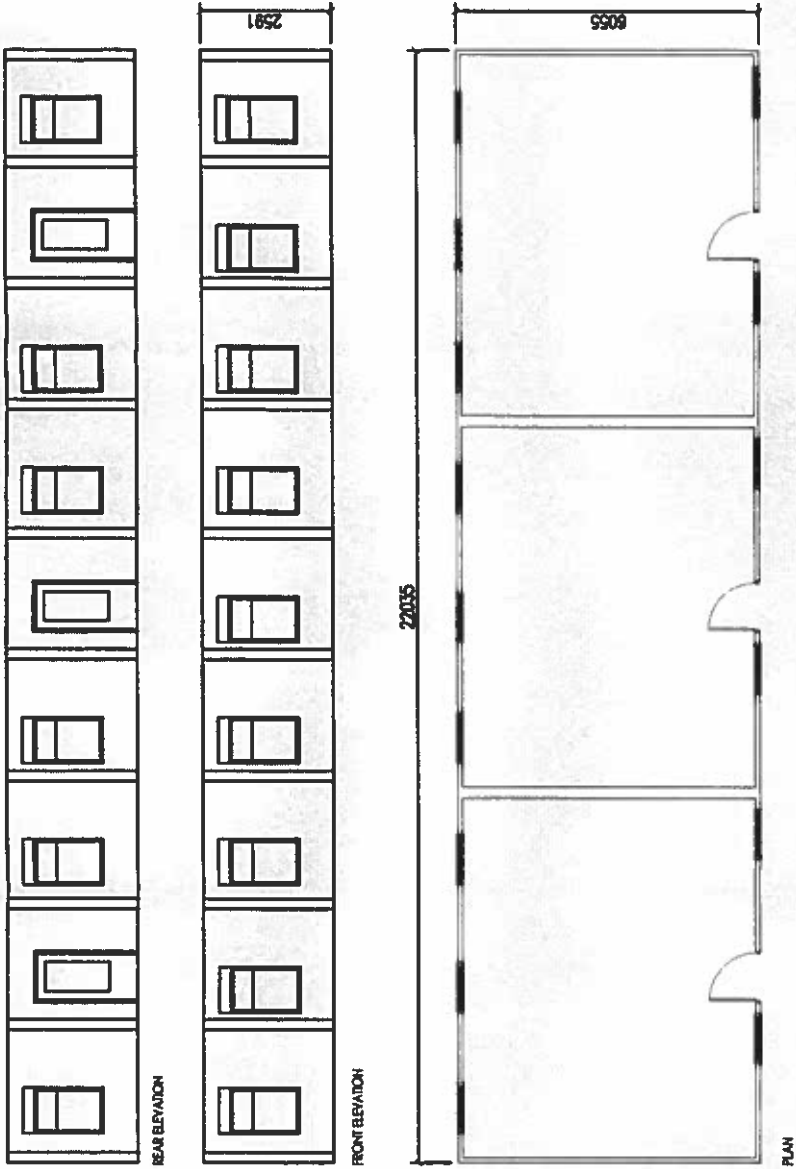
02 2014/009N/PF

# DETAILS OF CLASSROOM

*COPIES*

Rujithin School  
Plans & Elevations

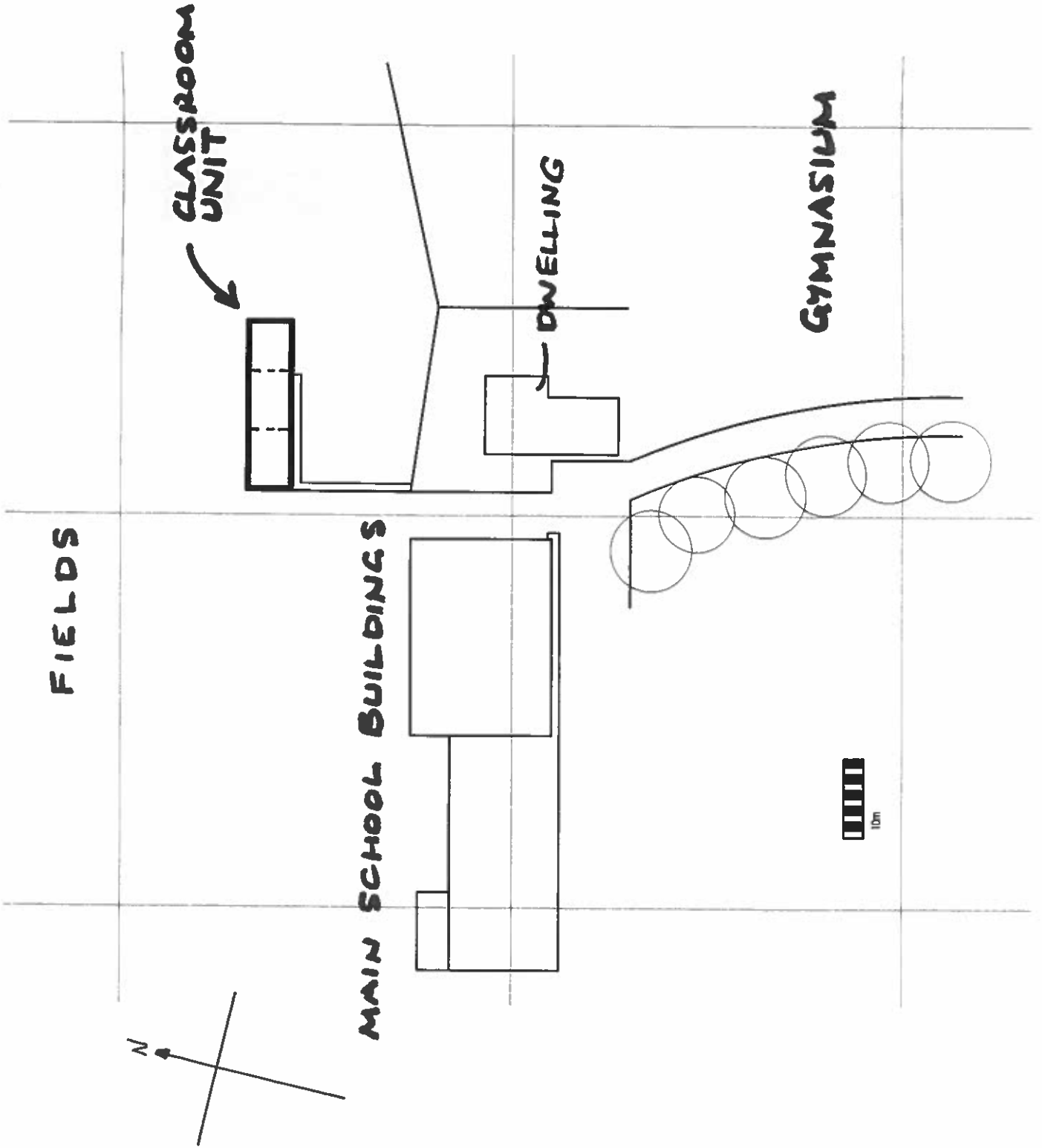
Scale of 1:100



2

28 AUG 2014

1. 2011-2012  
2. 2012-2013  
3. 2013-2014  
4. 2014-2015  
5. 2015-2016  
6. 2016-2017  
7. 2017-2018  
8. 2018-2019  
9. 2019-2020  
10. 2020-2021



Ruifhin School Site Plan	
Scale of	1:500

1944-1945

1944-1945

1944-1945

1944-1945

1944-1945

**WARD :** Ruthin

**WARD MEMBER(S):** Cllr Huw Hitditch Roberts (c)  
Cllr David Smith  
Cllr Bobby Feeley

**APPLICATION NO:** 02/2014/0990/ PF

**PROPOSAL:** Siting of 1 no. temporary classroom unit (retrospective application)

**LOCATION:** Ruthin School Mold Road Ruthin

**APPLICANT:** Ruthin School

**CONSTRAINTS:** None

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

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

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

**CONSULTATION RESPONSES:**  
RUTHIN TOWN COUNCIL  
“No objection”

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Robin Wilson, Llys Deri, Bryn Goodman, Ruthin  
D.C. Jones, Hafan Deg, Wern Uchaf, Ruthin  
K. Clayton, Springfield, 8, Wern Uchaf, Ruthin  
Huw a Bethan Williams, 11 Wern Uchaf, Rhuthun  
Marion Hughes, 6 Wern Uchaf, Rhuthun  
Alan & Susan Kilday, Bryn Awel, Ruthin

Summary of planning based representations in objection:

Principle - Located outside of development boundary/located on designated recreation and open space land

Visual impact - impact on AONB and wider landscape

**EXPIRY DATE OF APPLICATION: 22/10/2014**

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

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The proposal is for the retention of a temporary classroom on land to the north of a dwelling next to the modern gymnasium building at Ruthin School.



- 1.1.2 The structure measures 22m in length, 6.1m in width and 2.6m in height.
- 1.1.3 The submitted documents indicate the portable classroom is intended to be on site for between 52 and 104 weeks. It is required to house a department which is due to be relocated from a building to be demolished and rebuilt to modern standards.

**1.2 Description of site and surroundings**

- 1.2.1 The site is an existing independent school comprising of a number of buildings/structures of various scales and designs.
- 1.2.2 The site is located on the eastern edge of the town of Ruthin.

**1.3 Relevant planning constraints/considerations**

- 1.3.1 The site is located outside of the development boundary and within designated BSC11 - Recreation and Open Space land as defined by the Local Development Plan.
- 1.3.2 The main school building is Grade II listed.
- 1.3.3 The site is located within the Vale of Clwyd Historic Landscape and 1km to the west of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).
- 1.3.4 A Public Right of Way (PROW) runs to the south of the application site.

**1.4 Relevant planning history**

- 1.4.1 Permission was granted in 2009 for the 2no portakabin buildings granted permission for a temporary 2 year period.

**1.5 Developments/changes since the original submission**

- 1.5.1 None.

**1.6 Other relevant background information**

- 1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 02/2009/1034 - Erection of 2 No. Portakabin buildings for use as classrooms whilst refurbishment works are taking place GRANTED on 28/09/2009.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)
  - Policy RD1 - Sustainable Development and Good Standard Design
  - Policy BSC11 - Recreation and Open Space
  - Policy BSC12 - Community Facilities
  - Policy ASA3 - Parking Standards
- 3.2 Supplementary Planning Guidance
  - SPG 2 - Landscaping in New Developments
  - SPG 4 - Recreational Open Space
  - SPG 6 - Trees and Development
  - SPG 21: Parking Standards
- 3.3 Government Policy / Guidance
  - Planning Policy Wales Edition 7 (PPW)
  - Technical Advice Notes
  - TAN 12 - Design
  - TAN 15 - Development and Flood Risk

#### 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 of the development
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

The main Local Development Plan Policies relevant to the principle of the development are Policies BSC 11 and BSC 12. Policy BSC 11 relates to recreation and open space and protects existing recreation, public open space, allotments and amenity greenspace and states that it should be retained and where possible it should be enhanced. Policy BSC 11 advises that loss of designated land will only be permitted where alternative provision is made or greater community benefit is provided. Policy BSC 12 relates to Community Facilities and supports the provision of community facilities within development boundaries and encourages the retention and improvement of community facilities which provide an essential facility to support the sustainability of Denbighshire's communities.

The proposal relates to an existing school site with associated open space and recreation facilities. The proposal is for the erection of temporary classroom facilities associated with proposals to redevelop the existing school site. The structure is located on designated recreation and open space.

Having regard to the temporary nature of the proposals and the intended improvements to the school site it is considered that the proposal are acceptable in principle and is supported by Policy BSC 12. The temporary loss of allocated BSC 11 land is limited and not considered unacceptable in this instance due to the wider associated benefits of the redevelopment of the school site.

##### 4.2.2 Visual Amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and

AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The proposal is for the retention of a temporary classroom. Submitted supporting information states that the classroom will be required for a maximum of 2 years. The main school building is grade II listed. The site is located approximately 1 km from the boundary of the AONB and is within the Vale of Clwyd Historic Landscape. The structure is located adjacent to the existing school site. A PROW runs between the rear of the school site and the structure.

Having regard to the scale, design and location of the structure in relation to the existing site and the wider landscape, and having regard to the temporary nature of the development, it is not considered that the unit has an unacceptable impact on the locality or the wider landscape. The proposals are therefore considered acceptable in relation to visual amenity and the requirements of the policies listed above.

#### 4.2.3 Residential Amenity

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

Having regard to the location, existing use of the site and separation distances from existing properties it is not considered that the proposal would have unacceptable impact on residential amenity.

### 5. SUMMARY AND CONCLUSIONS:

In Officers' opinion, the principle of the proposal is considered acceptable, and it is not considered there are significant adverse local impacts. The proposal is for the temporary siting of the classroom.

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

1. The mobile unit hereby permitted shall be removed, and the land restored to its former condition no later than 2 years from the date of this permission unless otherwise agreed in writing by the Local Planning Authority

The reason for the condition is:-

1. In the interest of visual and landscape amenity.

### NOTES TO APPLICANT:

None

# Agenda Item 10

**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER(S):** Cllr Martyn Holland

**APPLICATION NO:** 15/2014/0969/ PF

**PROPOSAL:** Conversion of existing terraced house to form two separate one bedroom terraced houses and associated works

**LOCATION:** Llys Armon Llanarmon Yn Ial Mold

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Heading:

REFERENCE NO. 15/2014/0969/PF

LLYS ARMON

LLANARMON YN IAL

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 28/10/2014

Scale 1/1250

Centre = 319015 E 356202 N

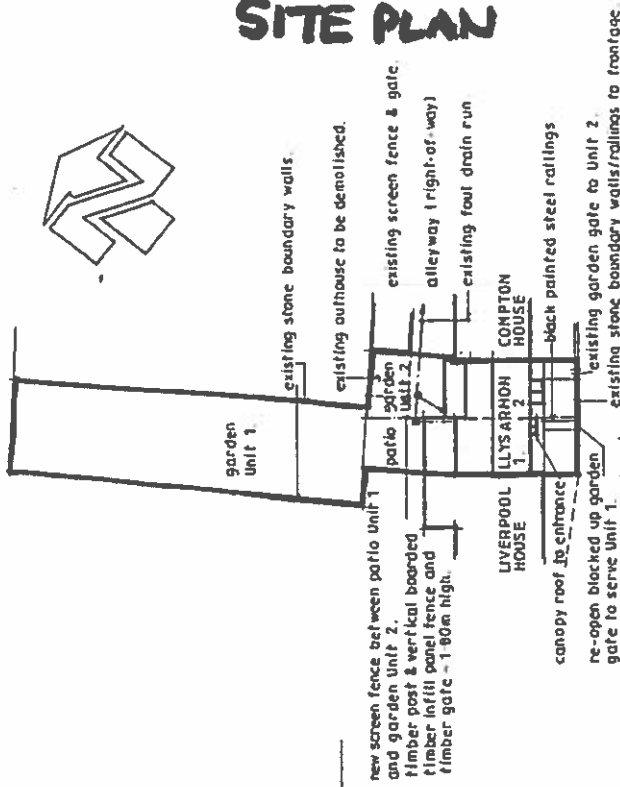
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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



# SITE PLAN



SITE LAYOUT PLAN  
1:500

# PROPOSED FIRST FLOOR PLAN

© COPYRIGHT. ALL DESIGNS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.

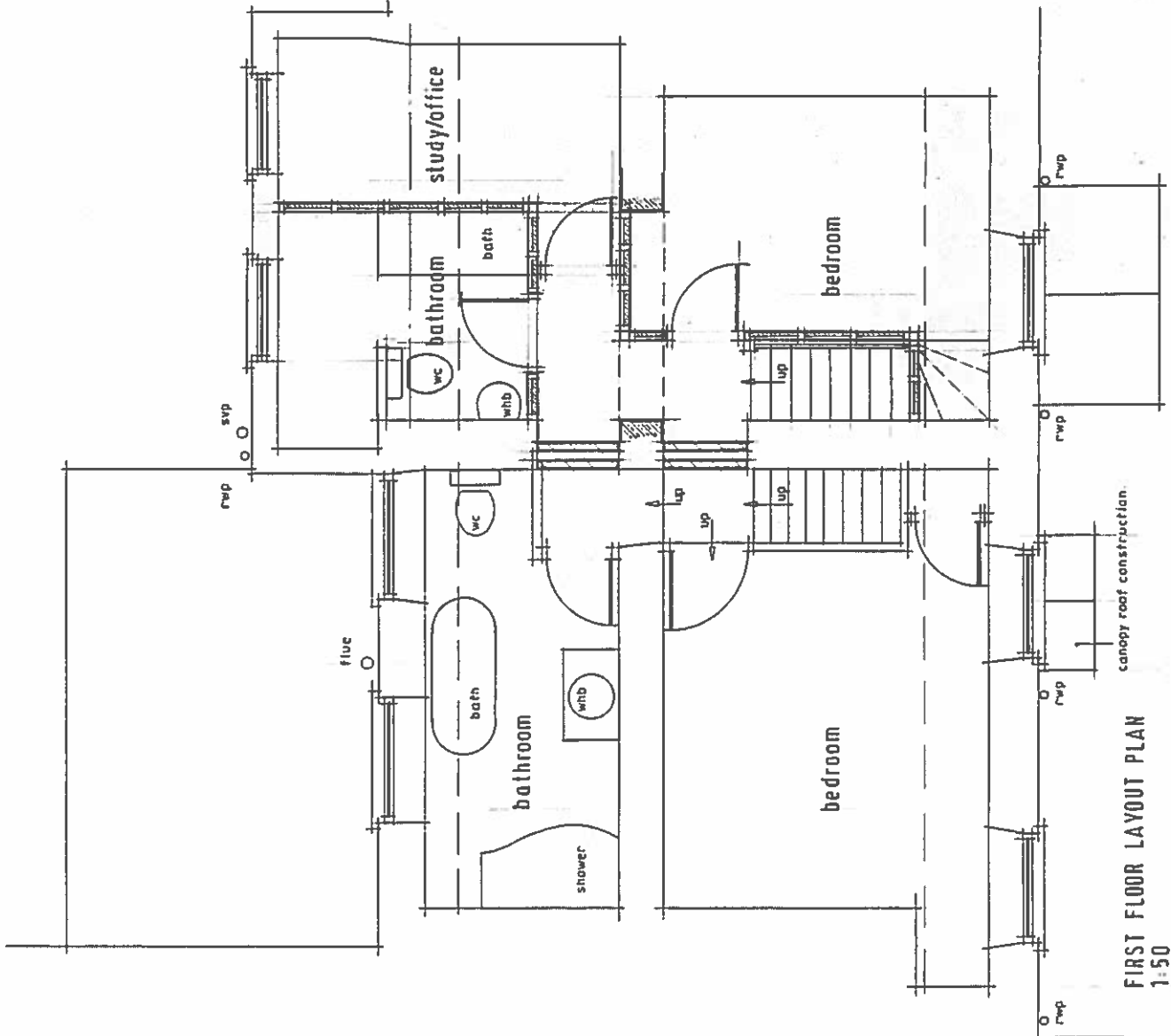
**MATISCHOK & ROSS**  
architectural services

Project title  
LLYS ARMON, MILL LANE, LLANARMON-YN-IAL

Proposed Floor Plan & Site Plan

project no.	0574	drawing no.	4	revision	
date	13-08-14	scale	1:50, 1:500	drawn by	PM

Arch House, Iken Lon Parcwr, Rulhin, Denbighshire, LL15 1NA  
t 01824 705 222 f 01824 707 171  
e mail@matischokross.co.uk w www.matischokross.co.uk





1987-1988

1987-1988  
1987-1988  
1987-1988

15 2014 / 0969 / PF

# PROPOSED ELEVATION PLAN

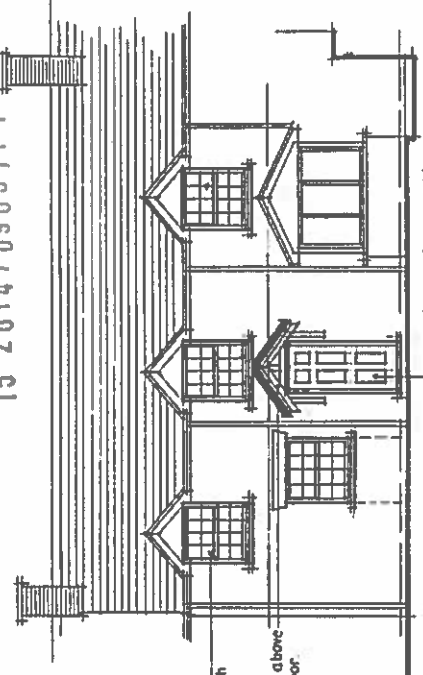
**MATISCHOK & ROSS**  
architectural services

Project title  
LLYS ARMON, MILL LANE, LLANARMON-YN-IAL

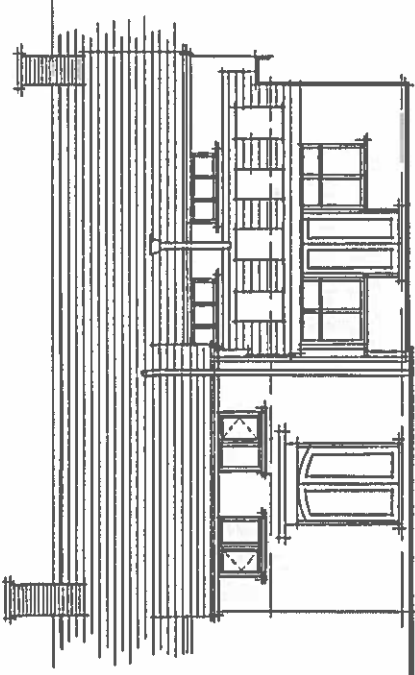
Proposed Floor Plan & Elevations

project no.	D574	drawing no.	3	scale	1:50, 1:100	drawn by	PM
date	13:08:14	revision					

Arch House, Hen Lan Parcwr, Rubbia, Deppbigshire, LL15 1NA  
t: 01824 705 222 f: 01824 707 171  
e: mat@matischokross.co.uk w: www.matischokross.co.uk

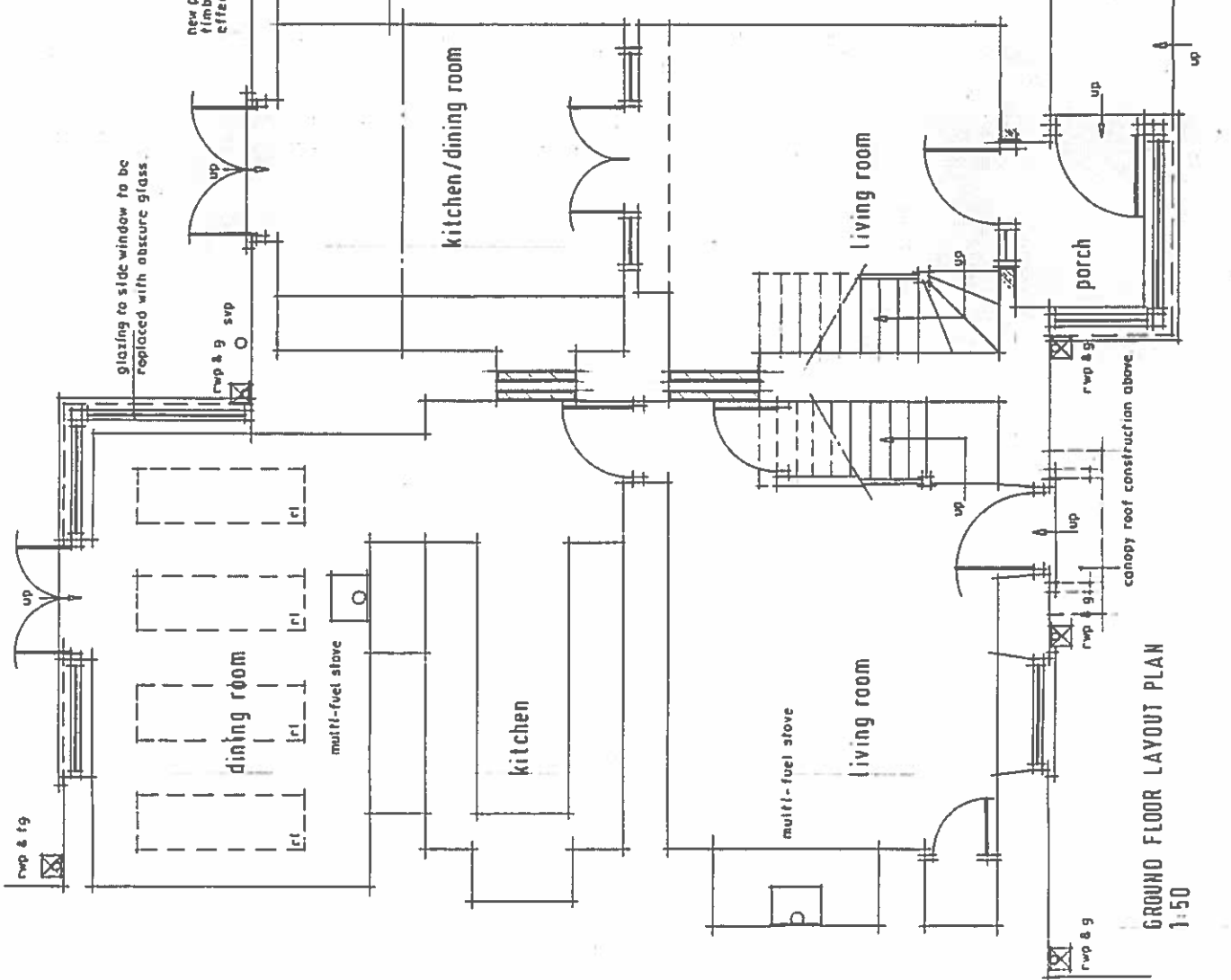


FRONT ELEVATION  
1:100



REAR ELEVATION  
1:100

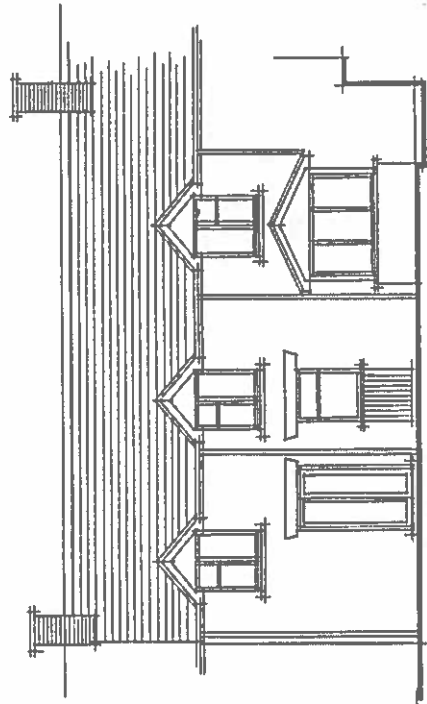
# PROPOSED GROUND FLOOR PLAN



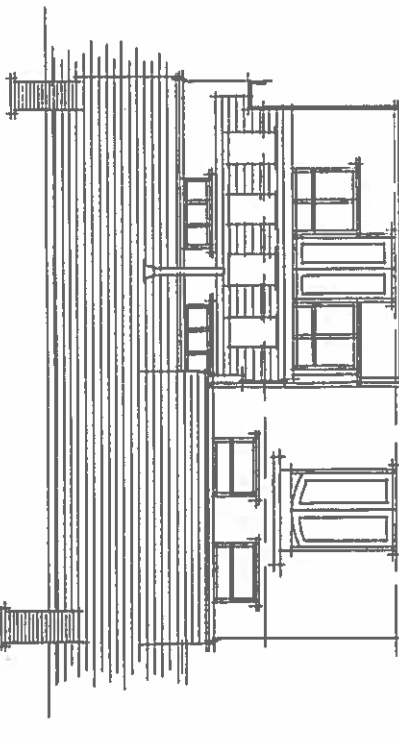
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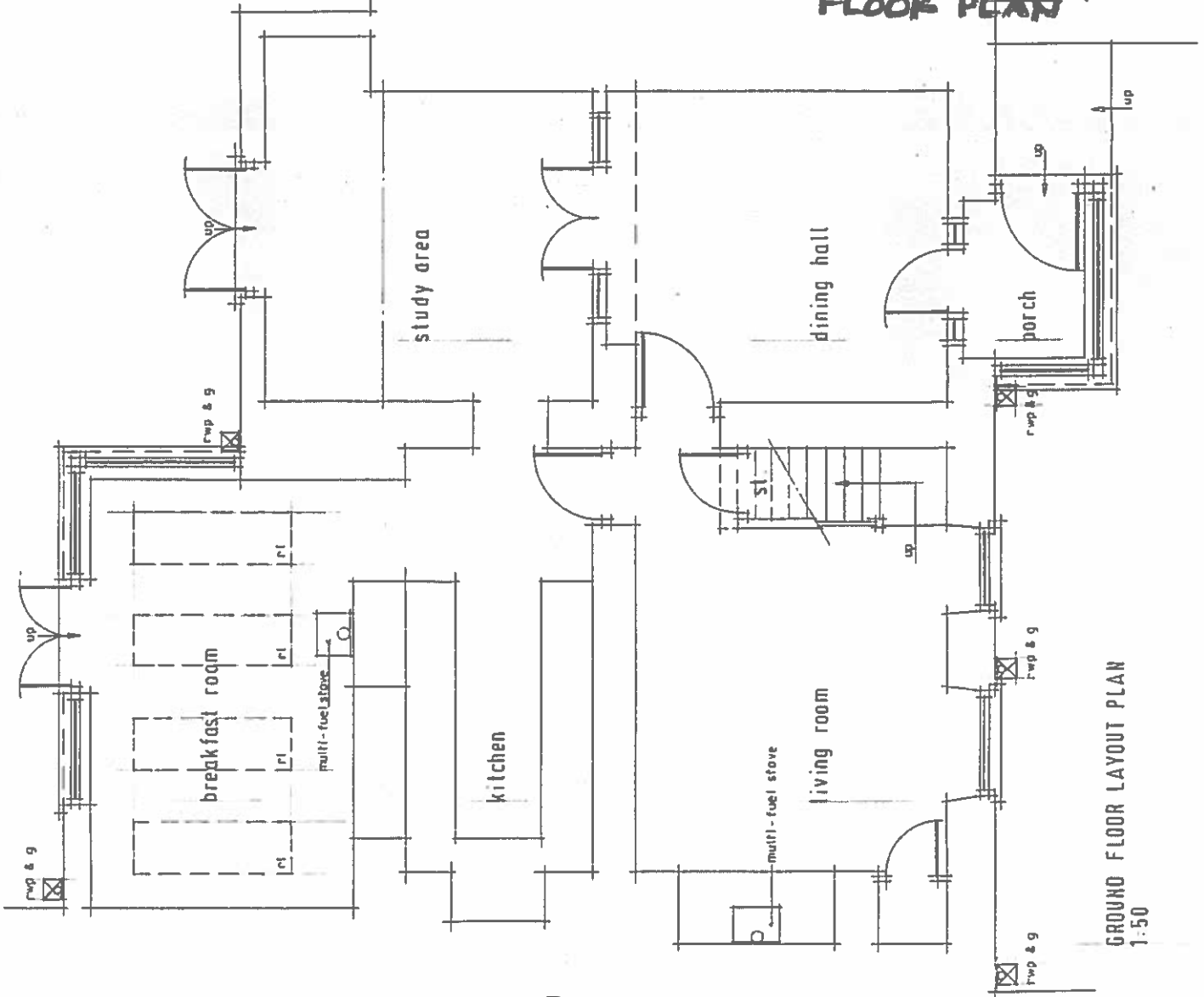


FRONT ELEVATION  
1:100



REAR ELEVATION  
1:100

EXISTING GROUND FLOOR PLAN



GROUND FLOOR LAYOUT PLAN  
1:50

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**MATISCHOK & ROSS**  
architectural services

project 0304  
LLYS ARMON, MILL LAKE, LLANARMON-YN-IAL

working title  
Existing Floor Plan & Elevations.

project no.	0574	drawing no.	1	revision	
date	12-08-14	scale	1:50, 1:100	drawn by	PM

Birch House, Iken Lan Parcwr, Ruchin, Denbighshire, LL15 1NA  
t 01824 705 222 & 01824 707 171  
e mail@matischokross.co.uk w www.matischokross.co.uk

RECEIVED  
20 AUG 2014  
CALEDONIAN SERVICES



**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER(S):** Cllr Martyn Holland

**APPLICATION NO:** 15/2014/0969/ PF

**PROPOSAL:** Conversion of existing terraced house to form two separate one bedroom terraced houses and associated works

**LOCATION:** Llys Armon Llanarmon Yn Ial Mold

**APPLICANT:** Mrs Patti Colquhoun

**CONSTRAINTS:** Conservation Area  
AONB

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

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

- Recommendation to grant – Community Council objection

**CONSULTATION RESPONSES:**

LLANARMON YN IAL COMMUNITY COUNCIL

“This would cause parking issues in the centre of the village as there is no place for parking now. So increased houses will increase the shortage of parking issues.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Head of Highways and Infrastructure  
Highways Officer

No objection. Maximum parking standards are the same for 2no. 1 bed units as 1no. 3 bed unit.

**RESPONSE TO PUBLICITY:** None

**EXPIRY DATE OF APPLICATION:** 14/10/2014

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

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The proposal is for the subdivision of an existing 3 bedroom terraced dwelling to 2no. 1 bedroom dwellings.

1.1.2 Some minor external physical alterations are proposed as part to assist with the facilitation of the subdivision. These include alterations to fenestration and doors.

**1.2 Description of site and surroundings**

1.2.1 The existing property is a terraced property located in the centre of the village of Llanarmon Yn Ial.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of the village of Llanarmon Yn Ial, The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and the Llanarmon Yn Ial Conservation Area.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 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 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy VOE 1** – Key Areas of Importance

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

**Policy BSC11** – Recreation and open space

**Policy ASA3** – Parking standards

3.1 Supplementary Planning Guidance

Residential Space Standards

Parking Requirement in New Developments

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

**4. MAIN PLANNING CONSIDERATIONS:**

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

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

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

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Open Space

4.1.5 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.

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

#### 4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. 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. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

It is considered that the proposed alterations would have a minimal visual impact in relation to the building itself and the locality. It is therefore considered that the proposals would comply with the requirements of the policies listed above, and would have an acceptable impact on visual amenity.

#### 4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc. SPG 7 states that the minimum floor space required for 3 bed units should be 80 m<sup>2</sup>, 2 bed units it should be 65m<sup>2</sup> and for 1 bed units it should be 50m<sup>2</sup>. SPG 7 also states that a minimum of 50 m<sup>2</sup> of external amenity space should be provided for flats with an additional 10 m<sup>2</sup> for each additional unit. Local Development.

The proposed development would comply with the space standards as set out in SPG 7.

As the development meets the required standards set out in SPG 7 it is considered that the proposed development would provide an acceptable level of amenity for proposed occupiers. Having regard to the policy considerations outlined above and to the character of uses in the locality and the nature of the existing use, it is not considered that the proposed development would have an unacceptable impact on the amenity standards of local residents, by way of unreasonable noise and disturbance. In respecting the concerns expressed, the property has been used previously as a residential home and offices, with associated levels of activity.

#### 4.2.4 Open Space



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

The proposal is for the subdivision of 1no. 3 bedroom unit to 2no. 1 bedroom units.

Having regard to the net loss of bedrooms associated with the development it is not considered reasonable in this instance to require a contribution to the provision of recreation and open space.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces 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. SPG 21 sets a maximum requirement for parking to be 3 car spaces for 3 bed units, 2 car spaces per 2 bed units and 1.5 spaces per 1 bed unit. This is a maximum requirement and mitigating circumstances such as access to off site parking and provision of public transport will be taken into account.

The Highways Officer advises that the proposals do not meet the maximum standards but raises no objection as the maximum parking standards for 2no. 1 bedroom units is 3 spaces and the maximum parking standards for 1no. 3 bedroom unit is also 3 spaces. The Community Council have raised concerns over the impact of the proposed development on parking in the village centre.

The concerns of the Community Council are duly noted, however as there is no change in the parking standards requirements associated with the proposed development, it is not considered that the proposals would be unacceptable in relation to the impact on the local highway network.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposed units of accommodation meet adopted space standards and although maximum parking standards are not met it is considered that this is acceptable having regard to the existing situation. The proposals are 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.

**NOTES TO APPLICANT:**

None

# Agenda Item 11

**WARD :** Trefnant

**WARD MEMBER(S):** Cllr Meirick Lloyd Davies

**APPLICATION NO:** 31/2013/1079/PFHY

**PROPOSAL:** Installation of micro hydro electric scheme

**LOCATION:** Land at Elwy Meadows Lower Denbigh Road St  
Asaph



Heading:

REFERENCE NO. 31/2013/1079/PFHY  
LAND AT ELWY MEADOWS  
LOWER DENBIGH ROAD, ST ASAPH

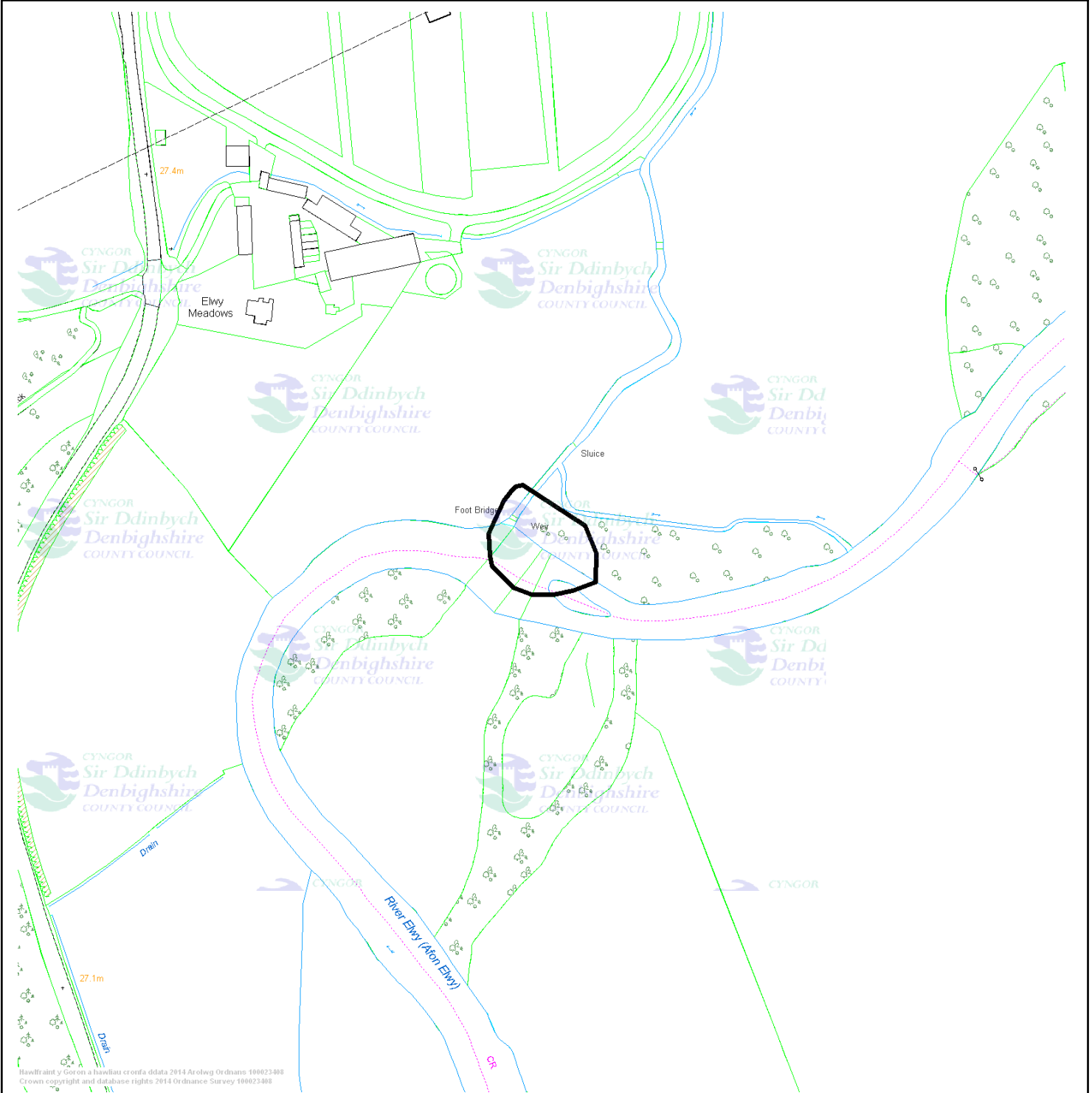
Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ  
Tel: 01824 706800 Fax: 01824 706709



Date 25/9/2014  
Centre = 303891 E 372442 N

Scale 1/2500

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





# LOCATION

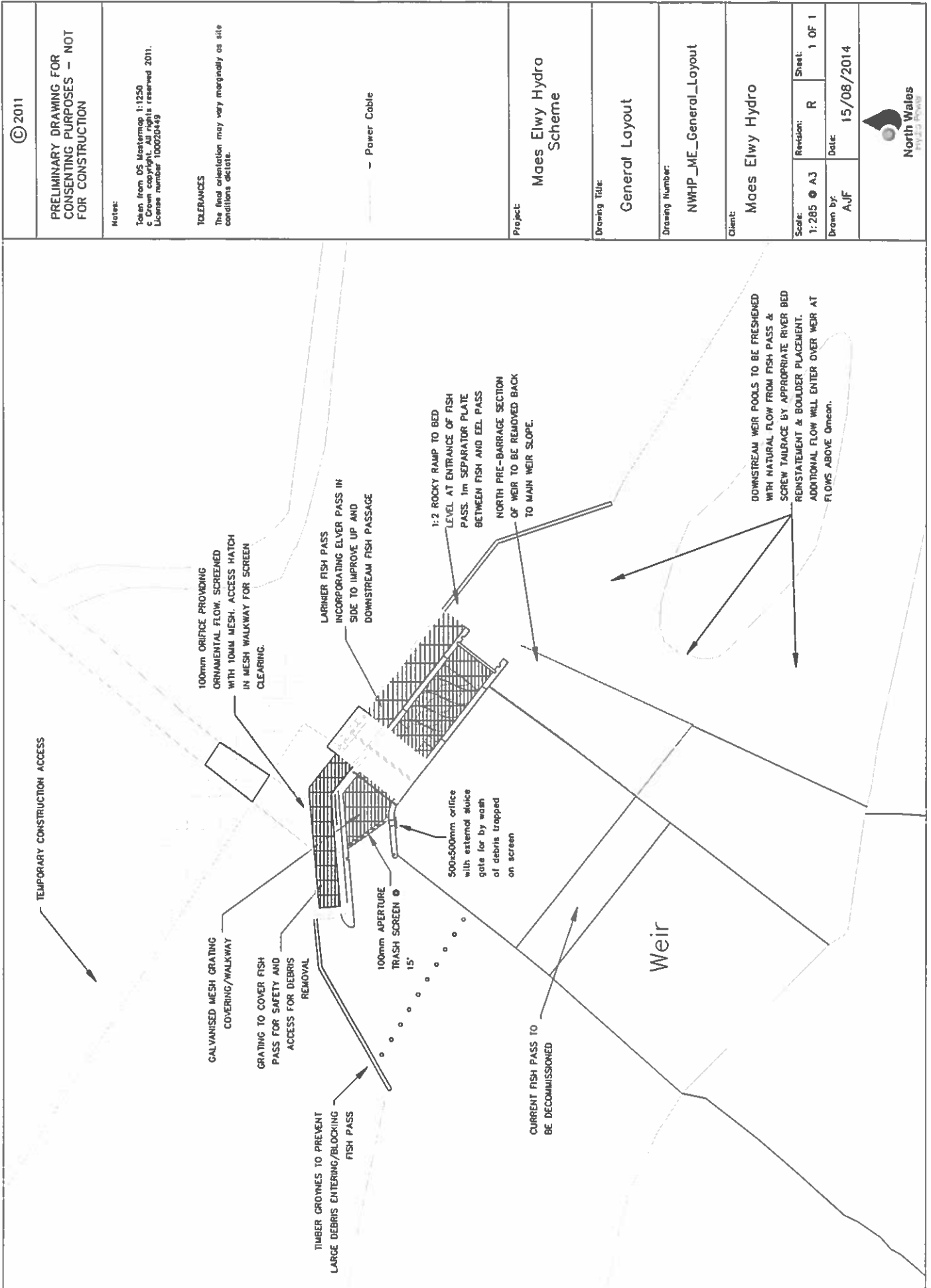


**Approximate Peg Coordinates:**  
Intake: SJ 03878 72454  
Turbine House: SJ 03885 72455  
Outfall: SJ 03897 72439

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



2020-2021





TU 2004

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PRELIMINARY DRAWING FOR  
CONSENTING PURPOSES - NOT  
FOR CONSTRUCTION

Notes:

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License number 100020449

CONSTRUCTION NOTES

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

Basinhouse:

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

Intake:

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

TOLERANCES

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

Project:

Maes Elwy Hydro Scheme

Drawing Title:

General Arrangement

Drawing Number:

NWHP\_ME\_General\_Arrangement

Client:

MAES ELWY HYDRO

Scale:

1:200 @ A3

Revision:

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Sheet:

1 of 2

Drawn by:

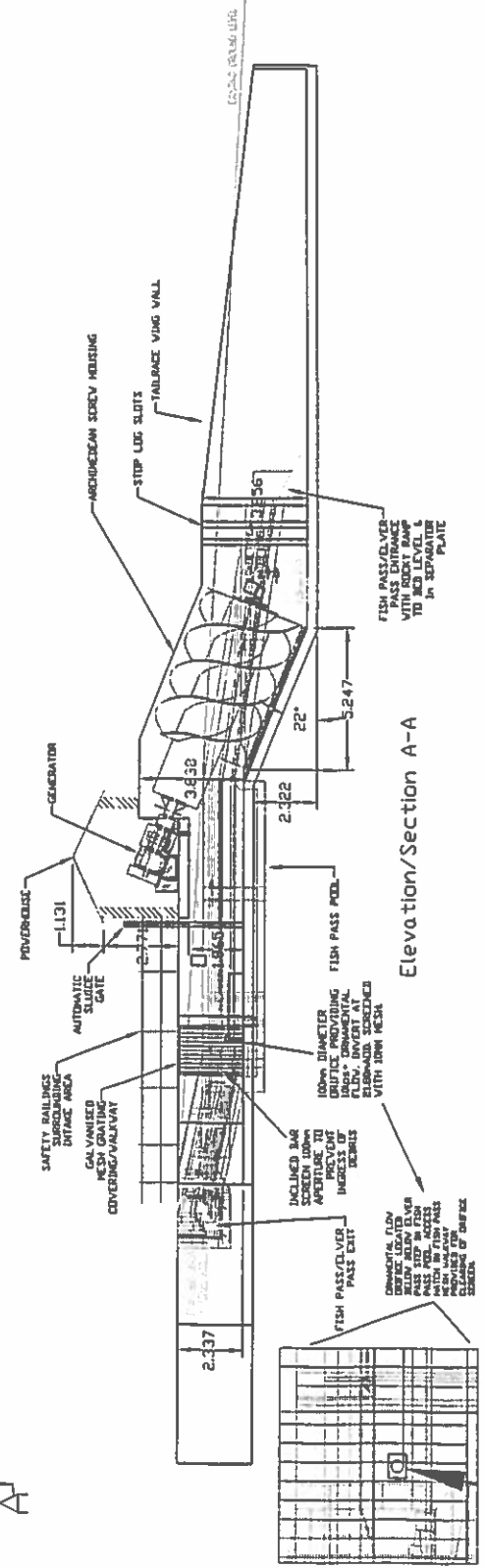
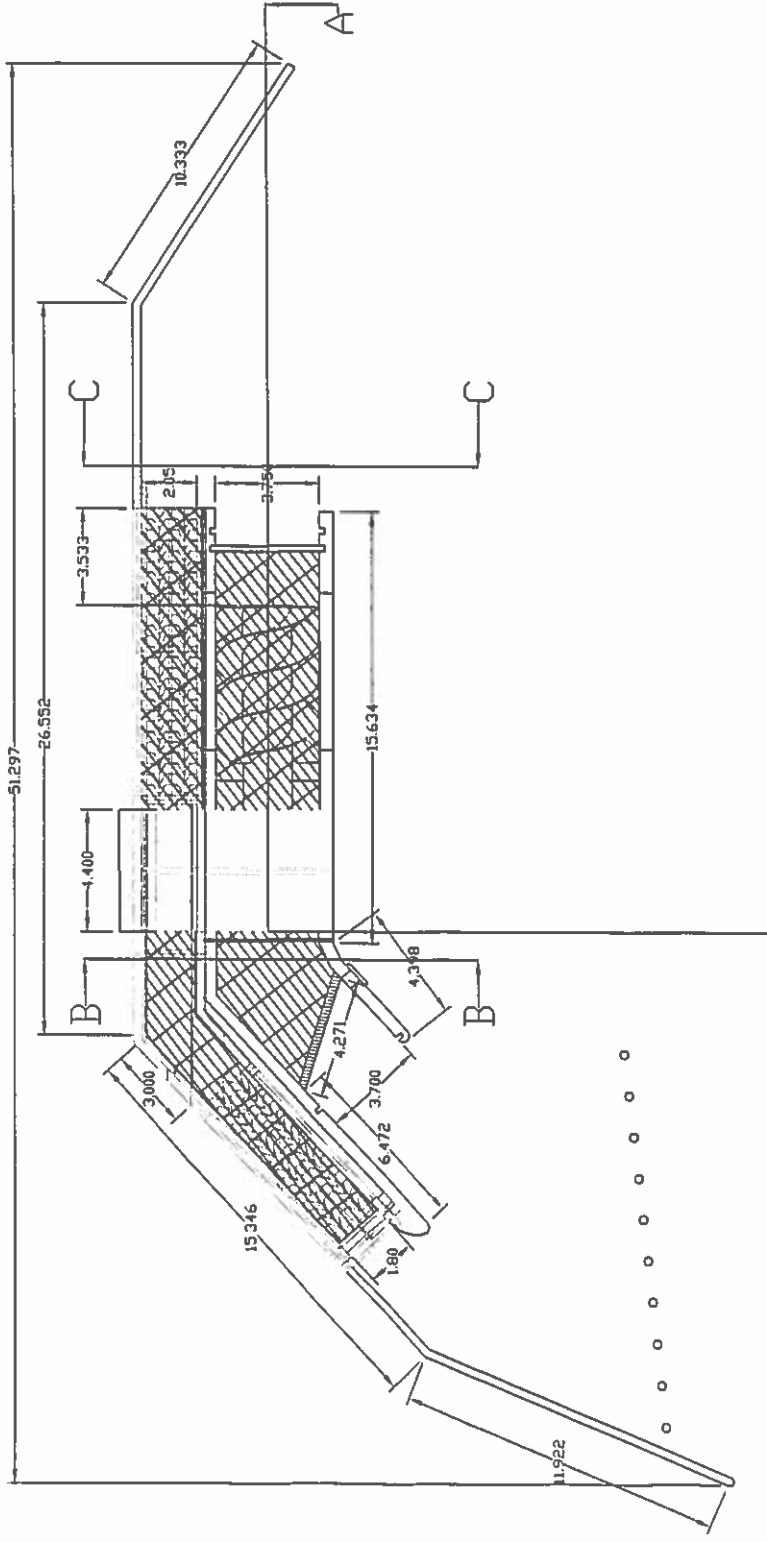
AJF

Date:

26/08/2014

**DETAIL**

PLAN VIEW





Emer O'Connor

**WARD :** Trefnant

**WARD MEMBER(S):** Cllr Meirick Lloyd Davies

**APPLICATION NO:** 31/2013/1079/PFH Y

**PROPOSAL:** Installation of micro hydro electric scheme

**LOCATION:** Land at Elwy Meadows Lower Denbigh Road St Asaph

**APPLICANT:** Mr Richard Rees  
North Wales Hydro Power Ltd

**CONSTRAINTS:** C2 Flood Zone  
Main River

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

**CONSULTATION RESPONSES:**

CEFN MEIRIADOG COMMUNITY COUNCIL –

“Cefn Meiriadog Community Council have no objections, they fully support this application”

ST ASAPH CITY COUNCIL –

“Following a meeting on Monday 27th October with Mr Richard Rees from Welsh Hydro Power Ltd., St. Asaph City Council have no objections to the Hydro System per se, we would insist on a maintenance programme being included and that the weir be fit for purpose prior to the installation of the Hydro System. We ask for assurance from Planning that these conditions are in place prior to approval of the planning.”

TREFNANT COMMUNITY COUNCIL -  
Comments awaited

NATURAL RESOURCES WALES (NRW)

In relation to the amended proposals –

NRW have no objection to the application.

- ENVIRONMENTAL PERMITTING (ABSTRACTION / IMPOUNDMENT LICENSING)
- NRW confirm they have no objection in principle to the proposals and are able to issue an abstraction licence.
- FLOOD RISK – NRW have reviewed the revised Flood Consequences Assessment and confirm the contents are generally commensurate to the type, nature, and scale of the development. Welcome proposals to incorporate flood proofing measures within the turbine house.
- FLOOD DEFENCE CONSENT – In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of Natural Resources Wales has been granted for the works and structures located in, under, over or within 7 metres of the bank top of the Afon Elwy, designated "main river" (Consent NE2013LD125B). Temporary in- channel works require separate Flood Defence Consent from NRW.
- POLLUTION CONTROL AND WASTE MANAGEMENT – NRW outline measures required to minimise impacts on the watercourse, to accommodate any oil storage facilities and disposal of waste excavation or building materials

- PROTECTED SPECIES – NRW consider the surveys and assessment in respect of statutory protected species to have been completed to a satisfactory standard for the purpose of informing the decision making process
- NRW had previously commented on the following:
- FISHERIES – NRW have received and approved the Fish Pass Details.
- ENVIRONMENTAL MANAGEMENT – There must be no adverse impact on water quality. The applicant should comply with NRW PPG5: Works and maintenance in or near water. Waste should be disposed of in accordance with Section 34 of Environmental Protection Act 1990. The activity of importing waste into the site must be registered as a permitted activity under the Environmental Permitting Regulations 2007.

#### CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

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

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES – BIODIVERSITY OFFICER –

No additional comments on amended submission. Ecologist had previously expressed satisfaction that the ecological surveys undertaken are suitable and commensurate with the development and agreed with the conclusions within the report.

#### TREE CONSULTANT

Has assessed the submission and is aware of the basis of objections. Advises that 11 trees are proposed to be removed; of these, the best specimen is a mature ash which is of very minor importance as an amenity feature in the landscape because there are numerous other trees at this location. Other trees to be felled are either not particularly good, or poor specimens. Confirms there is confusion over reference to Black Poplars – as the specimens in the area are not Native Black Poplars, but hybrids which are not rare or important. Suggests any consent obliges replanting, details of protective barriers, and work being carried out in accordance with the Tree Protection Plan.

#### RESPONSE TO PUBLICITY:

Chris White (by email no address provided)

John Lewis, Mill Brook, The Mill Yard, Lavister, Wrexham

Andrew Kelton, Fish Legal, Leominster, Herefordshire (on behalf of Rhyl and St Asaph Angling Association)

Stephen Barlow, Nefydd House, Llanefydd

David Jones, Federation of Clwyd Angling Clubs, Panorama, Rhuallt

John Morris, 39 Orme View Drive, Prestatyn

David Roberts, 11 Park Drive, Carmel, Holywell

Paul King, 17 Llys Y Tywysog, Tremeirchion

Eugene Grube, 28 Rhodfa Glenys, St Asaph

Robert Hall, 6 Breezehill Park, Neston, Cheshire

Graham Whalley, 25 Grasmere Close, Prestatyn

Allan Cuthbert, 25 Ceg y Ffordd, Prestatyn (on behalf of Campaign for the Protection of Welsh Fisheries)

Ian Macdonald, Secretary, Rhyl and St Asaph Angling Association, 20 Y Maes, Denbigh

John Davidson, Bryn Rhedyn, Windmill, Pentre Halkyn, Holywell, Flintshire

Tim Mainland, Wigfair Fach, Wigfair Isa, Lower Denbigh Road, St Asaph

David Gartside, 34 Compton Way, Abergele

#### Summary of representations :

Impacts on the river and river environment

Concerns over effects on migratory fish river (salmon and sea trout up and downstream migratory paths, breeding) / impacts on salmonoids / questions over fish pass suitability at a low head hydro scheme/ impact on river Elwy, maintenance/blockage of fish pass, silt and build-up of debris likely to

occur/ existing schemes at Penmachno and Cefn should be monitored and negative impacts considered / concerns over decommissioning and reinstatement of weir/ changes to plans of additional concern as they involve relocation of fish pass to the north side of the turbine, which would redirect the river to the left hand bank around the weir, devastating the fishery on the upstream right hand bank and by passing the existing downstream pool; would make it impossible to monitor fish passage and respond to problems/ there would be downstream alterations to the bed of the river affecting flow and resting conditions for salmonids/ confusing and inadequate level of detail on plans to fully understand effects, including reference to 'ornamental flow', amount of water to be diverted, and impact on fishing pool upstream/ simple alternatives to modify the existing fish pass would obviate need for a new one /no mention of the state or structural integrity of the weir, heightening concerns over consequences of its disintegration/ additional concerns over construction period in dry summer months when migratory fish make their return to the river

#### Flood risk-

Potential impact on river flows/ potential for blockages through build up and release of debris and silting are not addressed, along with downstream consequences / document suggesting the limited risk from flooding and no increase in risk from the development is disingenuous given recent history, as the development will concentrate flow on the northern bank and the installation will constitute an additional obstruction to accumulate debris and increase flood risk beyond the site.

#### Impact on local economy

Significant impacts arising from degrading of fishing facility, including loss of salmon stock / would deprive local community of more money than it would return.

#### Biodiversity impacts-

Proposal will have negative biodiversity impacts / insufficient number of species surveyed/ evidence of otter holt adjacent to site, voles and badgers are a common sight, mink are understood to be present in the area / habitat survey was undertaken in June so could not establish if salmon or sea trout spawn in the area / risk of breaches of legislation in relation to a range of species must be assessed

#### Visual amenity

Concern over loss of trees in particular loss of Black Poplars / no good reason to remove trees.

#### Noise impacts .

Concern over impact of noise in relation to turbine / potential noise from Archimedean screw on migration of salmon and sea trout

#### Planning policy conflicts

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

#### Other matters

Inadequate summary of representations / not all objectors included in original report

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

Fishing rights affected- impact on viability of long established and well known sea trout and salmon fishery/ significant impact on Members of Rhyl & St Asaph Angling Association and permit holders.

Carbon reduction figures and efficiency figures queried / actual savings would be minor.

Consideration should be given to securing an undertaking / bond from the applicants in relation to the construction, implementation, and maintenance of the development, and to cover contingencies if something goes wrong

Concerns over the neutrality of the NRW in the process / independent advice should be obtained, including a structural survey of the weir as this has suffered from structural failure and could cause a surge in floodwater with downstream impacts/ poor communication by NRW with fishing associations

Inadequate awareness / regard by NRW to impact of hydro scheme at Cefn

**EXPIRY DATE OF APPLICATION: 17/10/2013**

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

- Additional information sought.
- Additional consultations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 Consideration of the application was deferred at the October 2014 meeting of the Planning Committee to allow additional consultations to be carried out with neighbouring Community Councils and private individuals. Representations received at the time of completing this report are referred to in previous sections, and any received up to the day before Planning Committee will be reported in the late information sheets.

1.1.2 The proposal involves the development of an 81kW micro hydroelectric generating scheme on the River Elwy, in a location 150 metres to the south east of the property Elwy Meadows, some 2 kilometres south of the A525 bridge over the river in the centre of St Asaph.

1.1.3 The main elements of the development are –

- an intake immediately upstream of an existing weir, intercepting the original mill leat
- a new fish pass
- a debris screen and sluice gate (timber groynes, a finer bar screen, and a sluice gate)
- a 3.8m X 6.3m turbine house building with larch clad external walls and a local slate roof, containing a generator linked to an Archimedean Screw
- a tailrace, walled on the northern bank, directing flow back to the River Elwy

The plans at the front of the report give an indication of the proposed scheme.

1.1.4 The planning application is supported by a Design and Access Statement, a Flood Consequences Assessment, an Extended Phase 1 Habitat Survey, a Tree Survey, a Technical Summary, and a Construction Method Statement.

The Design and Access Statement provides an overview of the proposals, including commentary on the development of the scheme, its key elements, and general environmental and planning issues. Relevant points in the document include –

- The applicants are North Wales Hydro Power Ltd.
- The scheme has been developed taking account of a number of factors, based around causing the least environmental impact whilst generating as much renewable electricity as possible

- Relevant Wildlife and Tree surveys and a Flood Consequences Assessment have been undertaken. There is a Technical Summary and Construction Method Statement in the submission.
- It is stated that the scheme has been designed to minimise impacts on ecological interests with suitable mitigation proposals; pollution risks at construction stage would be minimised in accordance with the Construction Method Statement ; the consequences of any flooding have been managed down to a level which is acceptable for the nature of development proposed, including suitable flood protection measures, and there would be no material increased flood risk elsewhere; noise mitigation measures will be included in the design of the turbine house and there will be no operational noise impact; 11 trees will need to be removed to facilitate the development, the site area having been kept down to a minimum to limit the number of trees to be felled;
- There is a separate authorisation process in relation to the detailing of Hydro electric schemes, administered by Natural Resources Wales. This includes an Abstraction Licence for water to be removed from the stream, Flood Defence Consent for carrying out works in –river or close to it, and Fish Pass Approval. NRW are therefore responsible for control over many elements of the proposals, including flow associated with the hydro scheme.
- There are renewable energy benefits arising from hydro schemes, recognised in Planning Policy and guidance at local and Welsh Government level.

#### 1.2 Description of site and surroundings

- 1.2.1 The proposed hydro scheme would be within the River Elwy at an existing weir approximately 2 kilometers south of St Asaph, in a location to the south east of the property Elwy Meadows. The B5381 (Lower Denbigh Road) runs approximately 200 metres to the west.
- 1.2.2 It is stated in the Technical Summary that the existing weir was built to provide flow for a now defunct mill, and creates an impoundment of the River Elwy.
- 1.2.3 The area is characterised by a wide river profile with low banks, riverside and field boundary trees and hedgerows.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, and is within a C2 Flood Zone as shown on the Development Advice Maps produced in association with TAN 15.

#### 1.4 Relevant planning history

- 1.4.1 None.

#### 1.5 Developments / changes since the original submission

- 1.5.1 Clarification was sought from the applicant in relation to the detail of the fish pass, in relation to comments raised by objectors and NRW. Revised details were submitted in mid September 2014, and were the subject of a reconsultation exercise.
- 1.5.2 As noted above, further consultations were carried out in mid October 2014 following requests for notification to adjacent Community Councils and private properties.

#### 1.6 Other relevant background information

- 1.6.1 A Member briefing was organised in mid October to run through the detailing of the proposals and the issues arising.

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

- 2.1 None.

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

The main planning policies and guidance are considered to be:

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



Policy VOE 1 – Key Areas of importance  
Policy VOE5 – Conservation of natural resources  
Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance  
SPG 18 – Nature Conservation and Species Protection

3.3 Government Policy / Guidance  
Planning Policy Wales Edition 7, 2014  
Technical Advice Notes:  
TAN5 – Nature conservation and planning  
TAN8 – Renewable energy  
TAN15 – Development and Flood Risk  
Circular 60/96 Planning and the Historic Environment

#### 4. MAIN PLANNING CONSIDERATIONS:

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

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

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

- 4.1.1 Principle
- 4.1.2 Landscape / visual impact
- 4.1.3 Residential Amenity including noise
- 4.1.4 Ecology
- 4.1.5 Flooding and water quality
- 4.1.6 Archaeology
- 4.1.7 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

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

<b>Scale of development</b>	<b>Threshold (Electricity and heat)</b>
Strategic	Over 25 MW for onshore wind and over 50 MW for all other technologies

Local Authority – Wide	Between 5MW and 25 MW for onshore wind and between 5 MW and 50MW for all other technologies
<b>Sub local authority</b>	<b>Between 50kW and 5MW</b>
Micro	Below 50kW

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

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

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

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

Officers’ view is that as the proposal is for a sub local authority scale Hydro project, the principle of this development is acceptable in general policy terms. The Council has consented to a number of hydro schemes in recent years. The key issues in this instance are considered to be the local impacts of the development, which are reviewed in the following sections of the report.

#### 4.2.2 Landscape/ visual impact

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

The site is not located in an area with statutory landscape designations. The turbine would be sited on a weir on an existing river. The powerhouse is the largest above ground element of the development and would measure 3.8 metres by 6.3 metres, with an overall height of 3.8 metres, and would comprise a larch clad building with a slate roof. Concerns have been raised that the development would have an impact on the visual amenity of the area, including the loss of trees. It is suggested that NRW have shown no awareness of the smaller hydro scheme at Cefn and that the impact of the proposed development would be more significant than that one. The Council’s Tree Consultant has no objections to the proposals and has confirmed there are no Native Black Poplars affected.

In accepting that the turbine house would be visible on the river bank, considering the size and detailing of the building, it is not considered that its visual impact and that of the other elements of the scheme would be unacceptable when completed, and following the reinstatement of the surrounding land. The design of the turbine house would be in keeping with traditional buildings in the area. Whilst there are proposals to remove trees as part of the scheme, the extent of loss is limited and is of no concern to the Tree Consultant. Officers’ opinion is that the proposal would not have unacceptable impact on landscape or visual amenity, and is not in conflict with national and local planning policy.

#### 4.2.3 Residential Amenity including noise

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

The turbine equipment to be located in the turbine house has the potential to generate noise. Information submitted with the application states that this can be minimised via design, and given the nearest dwelling would be 130 metres to the north west of the site, there will be no operational noise issues.

Having regard to the location of residential properties adjacent to the field where the proposed turbine house is to be located, Officers' opinion is that the imposition of a condition to ensure sound attenuation is put in place would provide adequate safeguards for occupiers of these properties. In combination with controls over construction phase operations, this would ensure the tests in the relevant planning policy, VOE 10 are met.

#### 4.2.4 Ecology

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

A Phase 1 Habitat Survey has been undertaken to cover amphibians, badgers, bats, birds and reptiles. The survey includes recommendations for mitigation and enhancements. A tree survey, tree constraints plan and tree protection plan has been submitted with the application. Eleven individual trees have been identified for removal to facilitate the development. The Council's Biodiversity Officer has considered the details and has advised that she is satisfied that the ecological surveys undertaken are suitable and commensurate with the development, and agrees with the conclusions, offering no objection, provided the recommended mitigation and enhancement measures are conditioned and followed. NRW have expressed a similar view. A felling licence has been obtained for the tree felling from NRW. As noted above, there are no objections from the Council's Tree Consultant. A number of concerns have been raised by private individuals over the adequacy of the ecological information with the application, and the potential impact on the fish population from the detailing of the proposals, including comments on the potential for noise from the turbine mechanism on migrating fish.

Officers' opinion, informed by the responses of consultees, is that there is adequate information on ecological interests to assess the impacts of the development. These indicate there are appropriate reasonable avoidance measures and mitigation proposed in relation to statutory protected species, which can be secured through the use of planning conditions. Providing the development works are undertaken in strict accordance with the recommendations, mitigation and avoidance measures identified in the Habitat Survey and Tree Survey, it is not considered there would be any unacceptable ecological impacts.

In relation to impacts on fishing interests, Officers understanding is that points raised by objectors in relation to salmon and sea trout movement and migration, breeding and river invertebrates, are considerations properly dealt with by NRW as part of their environmental permitting processes outside planning legislation, which include fish pass approval and abstraction licencing. Consequently, whilst respecting the concerns voiced over potential impacts on fish populations and fishing rights, in this context, it is not considered appropriate to attach significant weight to these matters as a factor in the determination of the planning application.

#### 4.2.5 Flooding and water quality

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

The site is within a C2 flood risk zone, located within the 1 in 1000 year flood outlines on the NRW indicative Flood Map. A Flood Consequences Assessment (FCA) has been submitted

in support of the planning application. This acknowledges that the turbine house may be susceptible to flooding and indicates this will be built with flood resistant construction methods and techniques. NRW have confirmed that the contents of the FCA are generally commensurate to the type, nature and scale of the development and welcome the applicant's intention to incorporate flood proofing measures within the turbine house. NRW have also confirmed that Flood Defence Consent is required for the development as it is within 7 metres of the bank top of a main river, and an application for Flood Defence Consent has been granted for the development. NRW require that there is no adverse impact to water quality as a result of this proposal. Members will note from the summary of representations that there are considerable objections lodged at the potential implications of the proposals on the River Elwy, in particular in respect of river flow, and flooding.

In considering an application involving a range of detailed 'technical' elements, many of which are subject to controls/ licencing under legislation outside planning control, Members may understand that Officers take the view that due account has to be taken of advice from statutory consultees in concluding on the merits of a proposal. In acknowledging objectors concerns over many aspects of the development, Natural Resources Wales are a key statutory consultee with specific regulatory and legal responsibilities in relation to proposals for a hydro electric scheme, and Officers consider it is wholly reasonable for the Local Planning Authority to rely on the conclusions of NRW in respect of matters relevant to the determination of this planning application. Having regard to the background specific to this application, Officers are satisfied that the applicants submissions have been fully considered by NRW in respect of environmental permitting, flood risk, flood defence consent and pollution control, and waste management, and significantly, NRW have confirmed they accept that the details and risks associated with these elements of the development can be sufficiently managed and controlled by conditions on any planning permission and through their own licencing processes, to deem the development acceptable. They offer no objection to the planning application.

On the basis of the NRW responses, Officers believe the flooding matters relevant to the determination of the planning application have been given due consideration and that subject to imposition of suitable conditions relevant to the land use planning aspects of the proposals, there are no reasonable flood risk grounds to resist the grant of planning permission in this instance. In concluding on this matter, it has to be recognised that NRW have separate controls over the detailing of the hydro scheme, including the construction and in-river arrangements impacting on water flow, which are matters dealt with under legislation outside the control of the Local Planning Authority.

#### 4.2.6 Archaeology

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

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

Subject to the inclusion of a pre-commencement condition requiring a pre development survey, it is not considered there would be any adverse impact on archaeological features or cultural heritage.

#### Other matters

Members will appreciate that representations received raise a number of issues. The main land use planning ones are considered above.

Concerns over the adequacy of the summary of representations and the absence of reference to individuals in the list of objectors is noted. Officers have gone through the application file to ensure the list of objectors is accurate at the time of drafting the report. Any additional representations received between the completion of the report and the Committee meeting will be noted and summarised in the late information sheets. It is adopted practice to summarise representations and not to attach letters of representation to Committee reports. Officers believe the summary of representations in the redrafted report provides a fair outline of the main points raised in relation to the proposals.

In terms of land ownership the Applicants have advised that they have served notice on the land owner and are satisfied that that no further notices are required in connection with the planning application.

In relation to the maintenance, management and long term plans for the scheme, the Agents have advised that once the project is installed then it would not be decommissioned for the foreseeable future. North Wales Hydro Power would be ultimately responsible for the on-going maintenance of the scheme. There would be a webcam located on the side of the turbine house so as to allow the monitoring of debris build up and to monitor the operation of the fish pass and the hydroelectric scheme. If debris collects on the debris screen, which is inevitable, then it will be removed as appropriate depending on the size of the debris. The debris screen is before both the fish pass and the hydro turbine and therefore should debris collect the turbine will be impacted on first as the fish pass has priority over the turbine for water flow. It is therefore considered that there is no more incentive required for removal of debris as the build-up of debris will mean the output of the turbine is reduced and the scheme is effectively losing revenue.

The potential impact of a development on fish stocks and the migration of fish, affecting the operation of the fishing rights are matters for Natural Resources Wales to consider as part of their licencing / approval processes in relation to the detailing of the fish pass and associated intake and discharge arrangements.

There will always be challenges to claims over Carbon reduction figures and efficiency figures on renewables schemes. Respectfully, this is not a determinant factor in the assessment of an application on this scale as there is general support for the contribution such schemes can make to the Government's renewables targets.

There are a number of comments on the need for safeguards such as a bond in relation to the construction, implementation, and future maintenance of the development, and a plea for a planning condition requiring approval of a maintenance programme in connection with the development from St Asaph City Council.

With due respect to the matters raised, Officers advice is that these are beyond the remit of the local planning authority. In relation to the bond issue, Officers' opinion is that in the context of controls exercisable by NRW, who impose conditions within their licencing / consents for a hydro development, it is not reasonable or necessary to impose such a requirement on the developer to cover contingencies if something goes wrong. In noting the City Council's comments, whilst accepting the County Council has the power to impose planning conditions on a development, it is understood that the NRW Abstraction Licence requires the licence holder to maintain the hydropower scheme, and the whole weir structure is integral to the hydropower scheme. Having regard to the consultation responses of NRW, it is considered that the integrity and maintenance of the weir will not have any material impact on the potential for flooding of St Asaph, and that by virtue of its size, the weir is simply not of significant enough scale to create any flooding issues whether it was present or not, or if for some reason it became degraded/damaged in the future.

There are a number of concerns over the neutrality / role of the NRW in the process, and requests that independent advice should be obtained, including a structural survey of the weir. In response, Officers have outlined in the report that due regard has to be given to the significant legal responsibilities and powers NRW have in the regulatory process involved in

the approval and operation of hydro schemes such as this. NRW are the Government's main environmental agency involved in the planning process, and a key statutory consultee for all planning authorities, with levels of expertise on highly technical matters, and it is not considered either appropriate or necessary for the Local Planning Authority to challenge their competence in respect of matters raised in relation to the current application. With regard to the current and future structural condition of the weir, this is a matter for consideration by NRW.

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

- 5.1 The application proposes a small hydro electric scheme on the River Elwy in a location to the south of St Asaph.
- 5.2 The proposals have given rise to considerable local reaction and a range of issues have been raised. The report attempts to address these matters to assist Members deliberations.
- 5.3 The report concludes that the principle of the development is acceptable in relation to current planning policies and guidance, and that having regard to objections and consultee responses, the impact of the scheme would not be unacceptable, subject to suitable controls through planning conditions.
- 5.4 The type of development proposed is heavily regulated by legislation outside the Council's control, administered by Natural Resources Wales. A number of detailed matters raised by objectors are considerations to be applied by NRW as part of their consenting processes.
- 5.5 Officers' conclusion, with respect to local concerns, is that the proposal meets the relevant policy requirements and that subject to controls would not have unacceptable local impacts.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The development shall be carried out in accordance with the details set out in the Extended Phase 1 Habitat Survey and the Reasonable Avoid Measures set out in the 'Conclusions and Recommendations' section of the report shall be implemented.
4. If protected species are found to be present at the site during construction, no further development shall be carried out until appropriate protection and mitigation measures are submitted and approved in writing by the Local Planning Authority, in consultation with Nature Resources Wales.
5. If nesting birds are found to be present during construction, no further development shall be carried out during the bird breeding season until secondary surveys have been carried out, and the results of the surveys together with reasonable avoidance measures to deal with the presence of nesting birds during the construction phase have been submitted to and approved in writing by the local planning authority.
6. The development shall be implemented in accordance with the approved construction method statement and any deviation from the method referred to in this statement shall be approved in writing by the Local Planning Authority.
7. **PRE--COMMENCEMENT**  
No development shall be permitted to commence on the turbine house until the written approval of the Local Planning Authority has been obtained to the detailing of the sound attenuation measures to limit internally generated noise to an agreed level at the façade of any noise sensitive properties in the locality.

8. All electricity cables from the turbine house to the grid connection point shall be laid underground and no additional ancillary equipment such as substations or equipment cabinets shall be permitted without the prior written approval of the local planning authority.
9. If the development hereby permitted ceases to operate for a continuous period of not less than 12 months, within 6 months of that time, the turbine house and all other structures on or above the ground shall be dismantled, the materials removed from the site and the site restored to the satisfaction of the local planning authority.
10. **PRE-COMMENCEMENT CONDITION**  
No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the archaeological curator for the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the standards laid down by the Institute for Archaeologists and MoRPHE (2006). On completion appropriate reports and an archive assessment will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

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

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

#### **NOTES TO APPLICANT:**

You are advised that the grant of planning permission does not permit the development to proceed without the relevant permits / approvals from NATURAL RESOURCES WALES, and you should ensure all consents are obtained from NRW prior to the commencement of works on site.

NATURAL RESOURCES WALES advice:

River Elwy is a Main River. Under Water Resources Act 1991 and Land Drainage Byelaws, prior written consent from NRW is required for any proposed works or structures, in, under, over or within 7m of the top of the bank of a Main River.

The works should comply with the guidance contained in NRW PPG5: Works and maintenance in or near water: <http://publications.environment-agency.gov.uk/PDF/PMHO1107BNKG-E-E.pdf>

Any excavation material or building waste generated must be disposed of in accordance with section 34 of the Environmental Protection Act 1990.

Any activity of importing waste into the site must be registered as a permitted activity under the Environmental Permitting Regulations 2007.

**WARD NO:** Rhyl West

**WARD MEMBER(S):** Cllr Ian Armstrong  
Cllr Joan Butterfield

**APPLICATION NO:** 45/2013/1510/ PO

**PROPOSAL:** Development of 5.3 hectares of land for mixed-use re-development to include provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping (outline application including access - all other matters reserved)

**LOCATION:** Ocean Beach Site, Wellington Road, Rhyl



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Heading:

REFERENCE NO. 45/2013/1510/PO  
OCEAN BEACH SITE  
WELLINGTON ROAD, RHYL

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

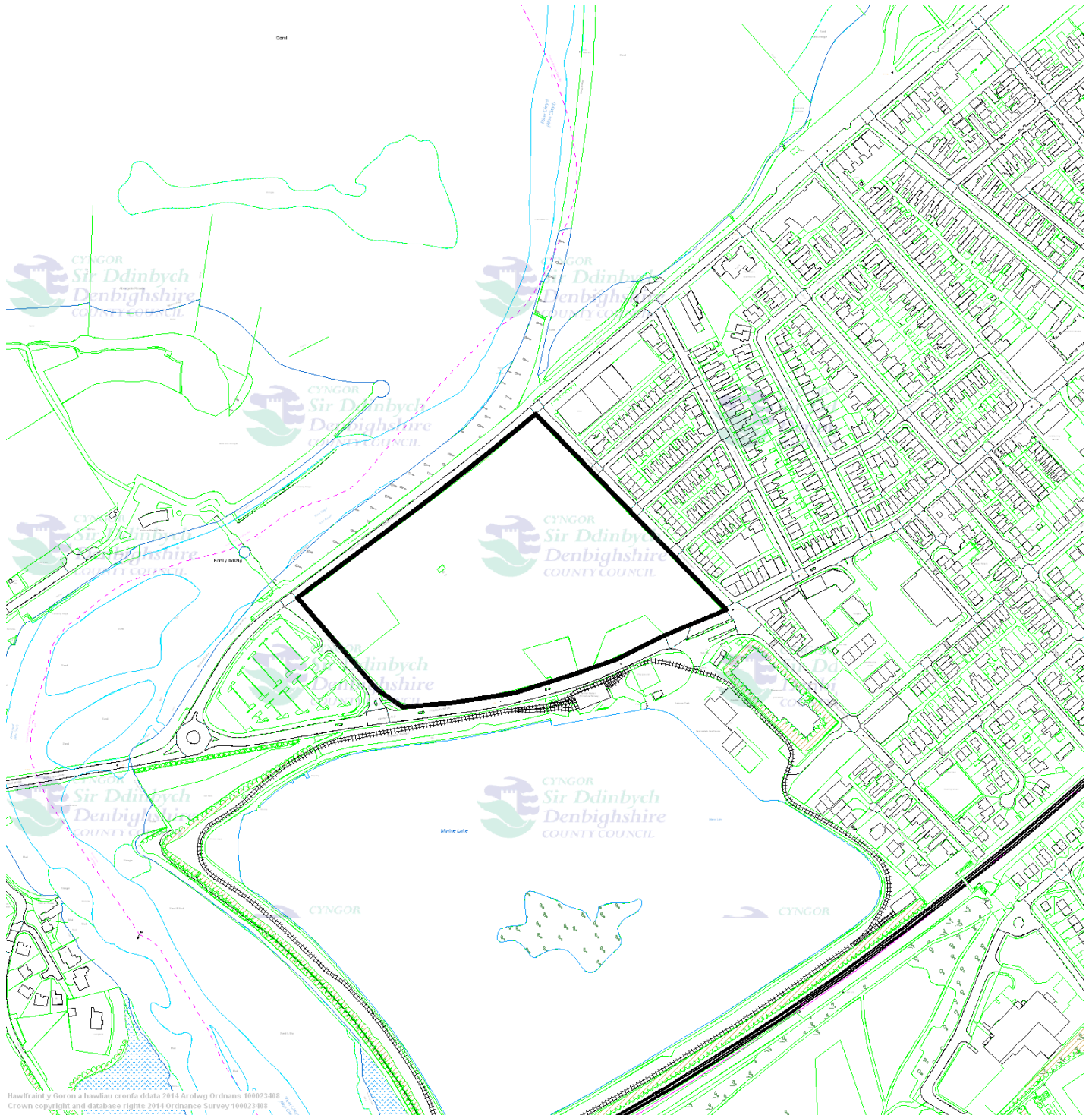


Date 28/10/2014

Scale 1/5000

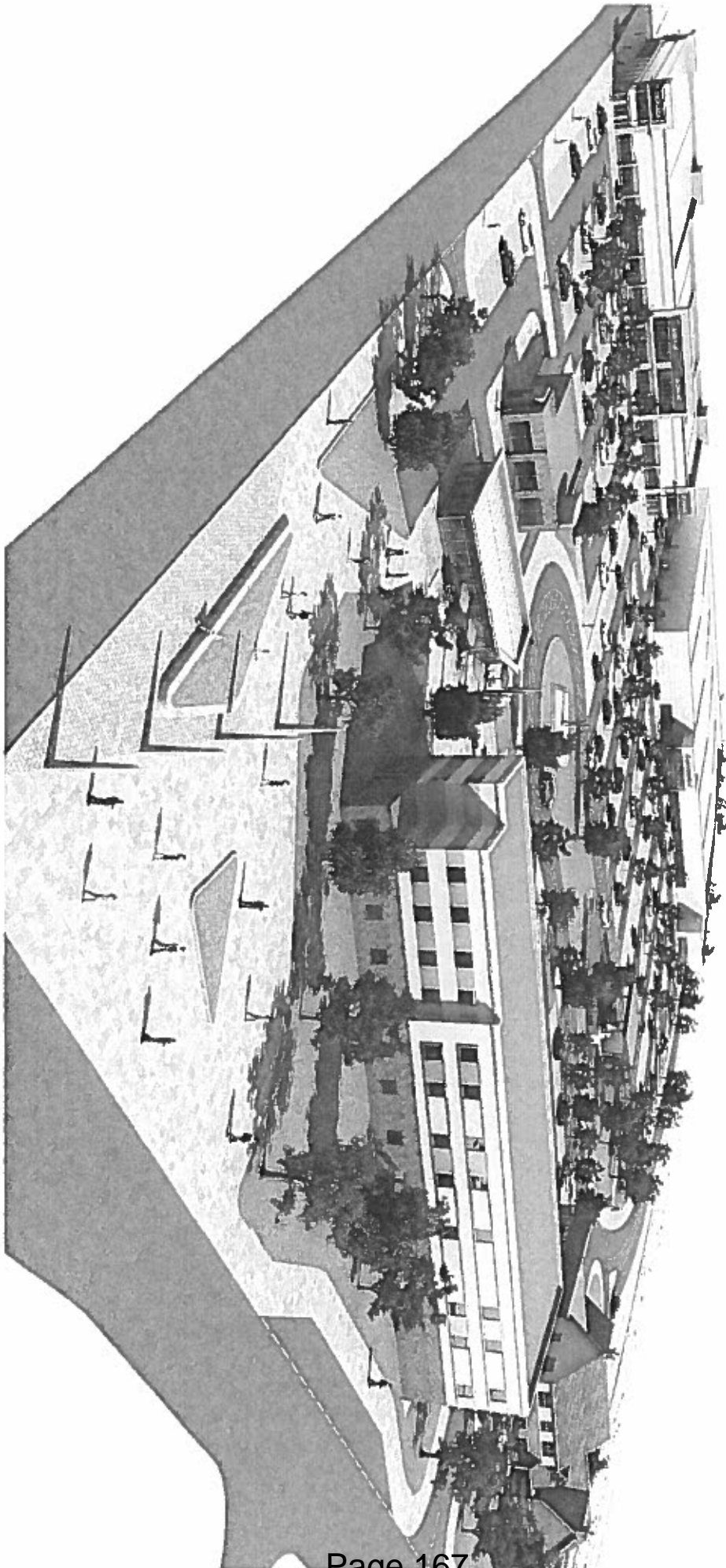
Centre = 299905 E 380821 N

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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NW-ARCHITECTS

10000 North Central Expressway, Suite 1000  
 Dallas, Texas 75243-1000  
 www.nw-architects.co.uk

Project:  
 Ocean Plaza Rlyl

Image 1

Project No.  
 RS

Issue Date  
 31.10.13

Project Name  
 08215 - P280



**NOTES**

1. This plan shows the proposed site layout and is not to be used for construction purposes. It is a preliminary plan and is subject to change without notice. It is not to be used for any other purpose without the written consent of the architect.

2. The site is shown in its existing state and is not to be used for any other purpose without the written consent of the architect.

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10. The site is shown in its existing state and is not to be used for any other purpose without the written consent of the architect.



# PROPOSED SITE PLAN

NO.	DESCRIPTION	DATE	BY	CHKD.
1	Issue for client approval	10/10/11	AW	AW
2	Issue for planning application	10/10/11	AW	AW
3	Issue for construction	10/10/11	AW	AW



Scarborough  
Development Group

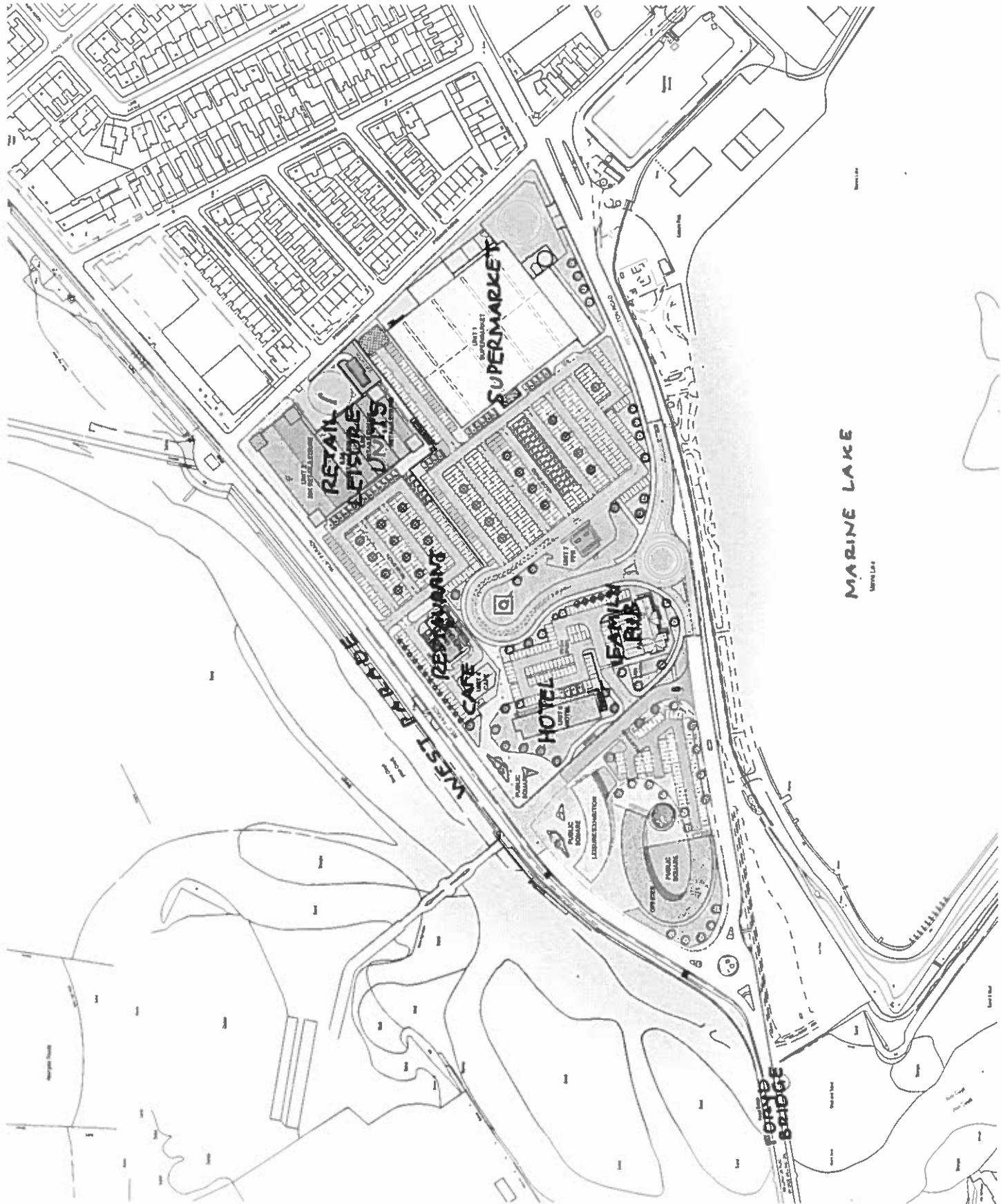


NW ARCHITECTS  
27 West View, Lanes, LS10 1RU  
www.nw-architects.co.uk

Project:  
Ocean Plaza, Wellington Road  
Rhyl

Site Plan Proposed  
Masterplan - Colour

Scale:	1:1000 @ A1
Drawn by:	AW
Checked by:	AW
Date:	10/10/11
Project No.:	08215-P203
Revision:	B













**WARD NO:** Rhyl West

**WARD MEMBER(S):** Cllr Ian Armstrong  
Cllr Joan Butterfield

**APPLICATION NO:** 45/2013/1510/ PO

**PROPOSAL:** Development of 5.3 hectares of land for mixed-use re-development to include provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping (outline application including access - all other matters reserved)

**LOCATION:** Ocean Beach Site, Wellington Road, Rhyl

**APPLICANT:** Scarborough Development Group

**CONSTRAINTS:** C1 Flood Zone

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

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

- At request of Development Manager – major proposal

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

“The Town Council Planning Committee is concerned that the development site is key for the long term future well-being of the Town of Rhyl and its community.

It is the Planning Committees view that in the past the applicant has demonstrated a lack of commitment/ability to undertake their responsibilities specified in conditions attached to previously granted planning consents in respect of this site. (as evidenced by the current appearance of the site).

In light of this past experience the Town Council does not have confidence that any safeguards applied to any new planning approval by way of condition will be subsequently implemented by the applicant to the detriment of the well-being of the wider town community.

As such the Rhyl Town Council Planning Committee is declining to make any response to the current application.”

**CONWY CBC**

No objection and note the reduced size of food store in terms of possible impacts upon existing Asda in Kinmel Bay.

**NATURAL RESOURCES WALES**

No objection subject to confirmation of a surface water regulation system which will be controlled through condition.

**DWR CYMRU / WELSH WATER**

No objection subject to an integrated drainage scheme dealing with foul, surface and ground water being provided by the developer.

**SUSTRANS**

Awaiting further response on revised plans and information.

**EMERGENCY PLANNING UNIT**

No objection subject to compliance with actions set out within the most up to date Flood Consequences Assessment.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

Highways Officer

Awaiting further response on revised plans and information

Planning Policy Section

Concerns over the impact of the amount of comparison retail proposed on the viability of Rhyl Town Centre. Whilst the existing planning position at the site is relevant there appears to be certain flaws in the current retail argument. The overall regeneration benefits of this scheme have to be weighed against this potential negative impact on the shopping offer in the town centre.

Economic and Business Development Officer

Introduction of leisure offer is welcomed. Concern about the impact of the development on the retail offer in the town centre.

Senior Engineer Flood Risk Management

Awaiting further response to revised plans and information.

**RESPONSE TO PUBLICITY:**

In objection:-

Gabrielle Lloyd, La Duvet, 18 Sussex Street, Rhyl

Michael Harris, 11 Russell Road, Rhyl

Simon Townsend, 10 Cilnant, Mold (Secretary of Rhyl Steam Preservation trust and operator of Marine Lake Minature Railway)

Elizabeth Smith, 95 Ffordd Derwen, Rhyl

In Support/Neutral:

Robert Patterson, Flat 6, 1 St.Asaph Street, Rhyl

**Comments in objection:-**

- negative visual impact as you enter Rhyl
- Lack of greenery in scheme
- negative impact upon the retail offer in the town centre
- will draw people away from an already struggling High Street
- poor pedestrian/cycle links to the Marine Lake

**Comments in support:-**

- will provide a much needed regeneration boost to the area.

**EXPIRY DATE OF APPLICATION: 26/1/14**

**REASONS FOR DELAY IN DECISION:**

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

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### **1.1 Summary of proposals**

1.1.1 The proposal seeks outline planning permission for the redevelopment of the former fun fair site. The current scheme indicates a phased development incorporating 4 elements as follows:-

- Proposed 62 bed hotel (3 storey) and family pub
- Food retail (supermarket) and petrol filling station
- Retail/Leisure use block
- Proposed new café and restaurant

In addition the proposal includes a sub-station, new vehicular, pedestrian and cycle access routes and landscaping. The key elements of the scheme will be described and assessed in more detail below. The application is in outline form with only the means of access into the site included at this stage for approval. Further reserved matters applications would need to be made to seek approval for the final siting, design and appearance of the buildings proposed as well as overall site landscaping. Key information pertaining to the 4 scheme elements are given below:-

#### **Hotel and Pub**

Indicatively these buildings are shown to be located to the north-west part of the site and will be constructed adjacent to a new public square. The hotel would be 3 storey containing no bedrooms on the ground floor. The family pub would be some 752 sq.m in size with associated parking.

#### **Supermarket**

Indicatively the food store is shown to the south-east of the site towards the Sydenham Avenue side of the site. This was the location of the previously proposed food store. The food store has been reduced in size from the permitted one going from circa 90,000sq ft previously to around 76,000sq.ft. The store is shown to be accessed off Wellington Road with a linked petrol filling station and over 400 parking spaces. The submitted Planning Statement makes reference to the food store being split between 65% convenience goods (foods) and 35% comparison goods (clothes etc) as with most of the popular super markets. The statement also goes on to suggest one of the “big four” operators will locate in this store.

#### **Retail/Leisure block**

Indicatively this block of units is shown to be located to the north-east side of the site abutting West Parade and Sydenham Avenue. The units could provide up to 3,725 sq.m of gross internal area and have the flexibility to be split into up to 4 units. The applicants suggest that the main uses will be for non-food retail (comparison goods) although they have agreed to ring fence a certain proportion of this block for leisure uses. If a large leisure operator wanted to take the whole block then this would be possible. End users, however, will only be known once a marketing exercise has been undertaken.

#### **Restaurant and Café**

Indicatively shown to front onto West Parade to the north of the site. The units would be detached and enjoy sea views being approximately 203sq.m for the café and 332sq.m for the restaurant. These uses are shown to link well with the proposed public square area adjacent enticing people from the new cycle bridge opposite.

1.1.2 The scheme indicates 3 main vehicular access points into the site as shown on the layout plan at the front of this report. These include a main roundabout access off the existing Wellington Road to serve the new supermarket and petrol station. An access off West Parade to serve the new retail/leisure block as well as the proposed

detached café/restaurant units. A pedestrian/cycle crossing point will be provided on West Parade to link the opposite side of the promenade with the new access point into the site. A final access is proposed off Quay Street to serve the proposed hotel and family pub. Some 700 car parking spaces are indicated to be provided within the application site.

1.1.3 The application is supported by a number of documents which include the following:

A Design and Access Statement (DAS) – The report outlines the vision for the site. It covers all the necessary design and access statement headings. It highlights each element of the scheme referring to relevant planning policies.

A Planning Statement: - This supplements the design and access statement providing some background information to the proposal. It describes the public consultation undertaken and goes through the benefits of this scheme.

A Transport Statement and Travel Plan - This document highlights the adequacy of the local highway network to deal with the development. It emphasises how the site would be sustainable in terms of accessibility by pedestrians and cyclists as well as vehicle users. It also emphasises that the site is served well by public transport. The statement highlights some vehicle, pedestrian and cycle improvements that will be delivered as part of the scheme including better crossing points and dedicated cycle routes through the site.

A Retail Assessment – This document seeks to highlight that the proposed scheme is acceptable in retail impact terms. The document highlights the existing consent on the site for food and non-food retailing. It goes on to emphasise that there is an identified quantitative need for additional convenience goods floor space within the catchment and that there are no sequentially preferable sites closer to the town centre of Rhyl.

A Flood Consequences Assessment – This document highlights the extensive work undertaken over the last couple of years with Natural Resources Wales to ensure flood risks are adequately managed on the site.

1.2 Description of site and surroundings

The current application site consists of some 5.3ha of land formerly used as the Rhyl Fun Fair. The site has stood empty for some 7 years and has been hoarded off around its perimeter. (See site plan at front of report)

The application site **does not** now include the former Quay Street Car Park (in Council ownership) as it has done in previously approved schemes.

The site sits on two levels. The higher part of the site fronts onto West Parade to the north. The lower end has Wellington Road to the south with the Marine Lake beyond. To the east of the site is Sydenham Avenue which contains a mix of dwellings and businesses. To the west is Quay Street which still contains a Council run car park.

To the promenade side of the site much regeneration work has taken place within the harbour area including a new cycle bridge, coastal defence works and a café.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Rhyl. The site is within the North Wales Coast Strategic Regeneration Area and is identified as a Brownfield Regeneration Priority site. It is also sited within a C1 flood zone. The planning policy considerations will be explained later in the report.

1.4 Relevant planning history

- 1.4.1 Planning permission was granted in November 2007 for a major mixed use scheme incorporating 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations. This scheme was subject to a s.106 legal agreement.
- 1.4.2 Planning permission was granted in December 2013 for a variation of condition on the above scheme which gave a further 2 years for the scheme to be commenced. This was effectively an extension to the original scheme. This too was subject to a s.106 legal agreement. To date the original scheme has not been commenced. The applicant has attempted to explain the delays in commencing the original scheme. The main reasons given are around the economic downturn in 2008 making the original scheme unviable to progress as well as flood risks associated with putting residential uses on this vulnerable site.

#### 1.5 Developments/changes since the original submission

- 1.5.1 The scheme has been revised during the assessment process. Firstly, further work was needed on flood risk to ensure uses, finished floor levels and emergency planning arrangements were satisfactory for NRW and the Emergency Planning Unit. Secondly, the applicant has attempted to develop more acceptable arrangements in terms of vehicular and cycle access routes into and through the site. These were done as a result of feedback from the Council's Highway Engineers as well as Sustrans (the body responsible for the National Cycle Network). Finally, the scheme has been amended to include the provision of possible leisure use floor space within the non-food retail block. This was an attempt to provide wider regeneration benefits to the scheme and to minimise any potential retail impacts on the centre of Rhyl.

#### 1.6 Other relevant background information

- 1.6.1 It should be noted that the scheme has been presented to the Rhyl Member Area Group and the applicants have addressed Rhyl Town Council previously. The existing extant planning permission for the original scheme contains a number of planning conditions. One of these conditions required the owner of the site to have a scheme of site maintenance and landscaping approved by the Council. This was an attempt by the Council to ensure the appearance of the hoarded off site be dealt with as soon as possible after the December 2013 permission. The Council have not approved such a scheme to date and a Breach of Condition Notice has been served on the owners.
- 1.6.2 The appearance of the site, however, and the non-compliance with the previously imposed condition **cannot** be used as a reason to refuse this current planning application.

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

2.1 45/2006/1200/PF - Demolition and redevelopment of 7.625 hectares of land to provide a mixed use development comprising 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations – GRANTED by Committee 27<sup>th</sup> November 2007. **This permission included planning conditions and a s.106 legal agreement. The main elements of the s.106 legal agreement are as below:-**

- financial contribution by the developer into a "regeneration pot" in lieu of affordable housing and open space provision on site. Secured through a bond.
- CCTV links provided by the developer
- Provision of public open space by the developer
- For the developer to address the relocation of the Asda store in Kinmel Bay to the development site by putting in a planning proposal to Conwy CBC.
- For the developer to carry out flood mitigation works.
- For the developer to carry out landscaping works
- For the developer to ensure BREEAM very good ratings.

45/2012/1236/PS - Variation of Condition No. 1 of planning permission Code No. 45/2006/1200/PF (for demolition and redevelopment of 7.625 hectares of land for mixed-use development) to allow the grant of planning permission for a further 2 years – GRANTED by Committee 9<sup>th</sup> December 2013. **This permission included the s.106 obligations as set out above and relevant planning conditions, including one to address the appearance of the site.**

45/2104/0165/AC - Details of site landscaping / maintenance submitted in accordance with Condition No. 33 on planning permission Code No. 45/2012/1236/PS – REFUSED under delegated powers 6<sup>th</sup> March 2014. The reason for refusal was as follows:-

*“It is the opinion of the Local Planning Authority that the contents of the letter submitted by Zerum dated 12th February 2014 provides insufficient detail to comply with the requirements of the condition. In particular the submitted letter fails to provide details on hoarding maintenance, landscaping of the site, removal of debris and means of dust suppression. The failure to submit an adequate scheme to address the condition of the site is considered contrary to Policy RD1 of the adopted Local Development Plan (criteria i, iv, v, vi, xii, xiii).”*

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

3.1 The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
Policy BSC 2: Brownfield Development Priority Allocation  
Policy PSE 1: North Wales Coast Strategic Regeneration Area.  
Policy PSE 6: Retail Economy  
Policy PSE 9: Out of Centre Retail Development  
Policy VOE 6: Water Management  
Policy ASA 3: Parking Standards

#### 3.2 Supplementary Planning Guidance

SPG – Landscaping  
SPG - Access for All  
SPG – Parking Standards

#### 3.3 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014  
Technical Advice Notes (TAN's)  
TAN 4 – Retailing and Town Centres  
TAN 5 – Nature Conservation  
TAN 11 – Noise  
TAN 12 – Design  
TAN 13 – Tourism  
TAN 14 – Coastal Planning  
TAN 15 – Development and Flood Risk  
TAN 18 – Transport  
TAN 22 – Sustainable Buildings

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

4.1 In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the

Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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

- 4.2.1 Principle and General Policy Considerations
- 4.2.2 Visual amenity
- 4.2.3 Residential Amenity
- 4.2.4 Ecological issues
- 4.2.5 Flood Risk and drainage
- 4.2.6 Highways (including access and parking)
- 4.2.7 Access for all

4.3 In relation to the main planning considerations:

4.3.1 Principle

The site is located within the development boundary of Rhyl. The site also holds an extant permission for a major mixed use development which incorporates many of the scheme elements now proposed. Whilst this current planning application must be assessed on its merits having regard to our adopted planning policies and guidance, the planning history of the site is an important material consideration in this regard.

General Planning Policy Context

The main policies in the Local Development Plan (LDP) which are relevant to the principle of the development are:

**Policy BSC 2** – The Ocean Plaza site is allocated as a Brownfield Development Priority in the adopted Local Development Plan. Policy BSC 2 seeks to ensure that development proposals in lower growth towns such as Rhyl are directed towards previously developed land. The Ocean Plaza site is identified as having the potential to contribute towards sustainable town regeneration and economic growth. In this sense, the planning proposal would benefit from support with the site being allocated as a Brownfield Development Priority.

**Policy PSE 1** - Policy PSE 1 of the LDP seeks to ensure that the Council will support proposals which may address existing problems of deprivation in a manner consistent with sustainable development. The Ocean Plaza site occupies a key gateway location into Rhyl, and in this respect, the proposed development would help to address problems of deprivation in the identified Strategic Regeneration Area. The regeneration of this site in the manner proposed will bring jobs and opportunities for the local area. This is compliant with the intentions of the Policy.

**Policy PSE 6** – This Policy reinforces Welsh Government Policy aiming to direct new retail development towards town centres in the first instance. The application site is located outside the defined town centre of Rhyl. However, one must have careful regard to the extant permission for food and non-food retailing on the site. In addition the applicant has submitted a detailed retail impact assessment to support the current proposal. This assessment identifies a need for additional retail and stresses that there are no available sequentially preferable sites in or closer to the town centre.

**Policy PSE 9** – This Policy helps to support Policy PSE 6 above by restricting any out of town centre retail development. The proposed retail offer on the application site is well over the 500 sq.m which the Policy may allow for out of centres. However, the retail assessment undertaken highlights the regeneration benefits offered by this food store led development. It stresses that the proposal would not give rise to any significant adverse impacts upon the trade or turnover of any surrounding centre.

**Policy VOE 6 – Water Management** – This Policy seeks to ensure major developments reduce surface water run-off rates and require the developer to make reference to water management in their submission. The applicant has submitted a



drainage plan which indicates the intention to produce a sustainable, integrated drainage system for the site. Welsh Water and NRW have no objection to the proposals.

**Policy ASA 3 – Parking Standards** – This Policy seeks to ensure, in line with standards set within supplementary guidance, adequate on-site parking is provided for cars, motorcycles and cycles. In addition requisite disabled facilities are also required. Highway engineers are satisfied that the amount of car parking/disabled parking proposed to be provided on the site meets the relevant standards for a development of this type. The precise layout and detailing of the parking would be agreed in any subsequent reserved matters approval.

#### 4.3.2 Visual amenity

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

The application has been made in outline form with only the access points into the site assessed in detail at this stage. The size, scale, design and layout of the buildings within the scheme will all be subject to further planning applications (reserved matters) along with the detailed landscaping around the site. Having regard to this it is difficult to assess the visual impact of the development. However, the principle of the redevelopment of the site with large format retail buildings along with a hotel and public house has been established and still exists. The site is currently vacant, derelict and hoarded off. Any development would be an improvement on the current visual amenity provided at this gateway site. It is considered that with careful controls over the precise layout and design of buildings on the site visual impacts can be managed to greatly enhance this prominent location.

#### 4.3.3 Residential amenity

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

Again, as an outline application impacts on residential amenity are difficult to assess at this stage. However, it is accepted that permission exists on the site for very similar development to that which is now proposed. Controls over the proximity of buildings to dwellings on Sydenham Avenue will minimise impacts of physical structures on residential amenity. Access points into the site are generally away from Sydenham Avenue and so the means of access being assessed at this stage is considered to be acceptable. The regeneration of this large, prominent site can only improve the existing levels of residential amenity being afforded to those dwellings which have had to live next door to a hoarded off site for the past 7 years.

#### 4.3.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that

permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The site is currently hoarded off and derelict. Prior to the site being cleared ecological work was carried out to ensure bat species were considered when buildings were demolished. Conditions will be imposed on this scheme to ensure that bat enhancement features can be incorporated into any built development. Furthermore, it is considered appropriate to ensure tree planting and wildlife features are incorporated into the on-site landscaping ensuring no invasive species are used.

#### 4.3.5 Flood Risk and Drainage

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

The scheme differs to the extant one in so much as no residential uses are proposed. This is largely to do with the identified flood risks at the site. Extensive work has been carried out by the developer in liaison with NRW to ensure the proposed uses and their locations on the site are acceptable from a flood risk perspective. NRW are keen to ensure conditions are imposed which address the management of flood risk. This will include ensuring certain uses are located at certain parts of the site and sustainable surface water systems are in place to deal with run-off.

#### 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.

Highway Officers have assessed the proposed access points into the site as acceptable to serve this type of mixed use development. In Officers' opinion there are no highway grounds to oppose the development of the application site. Conditions will control precise details and the provision of pedestrian and cycle routes.

#### Access for all

Local Development Plan RD 1 test (vii) obliges consideration be given to safe and convenient access for disabled people within developments. It is considered that the access points into the site can be designed to ensure safe and convenient access for pedestrians, cyclists and wheelchair users. As no details of the design of buildings are being assessed at this stage (this will come within future reserved matters applications) impacts on disabled persons cannot be fully assessed. Such matters will be dealt with at that stage. However, based on the submitted information within the design and access statement the developers appreciate the relevant legal requirements in this regard.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The site is located within the development boundary of Rhyl and holds an extant planning permission for a mixed use development similar to the one now proposed.

The main differences to the extant permission are the lack of housing within this scheme (due to flood risk concerns), the reduced super market (food) floor space but the increased comparison goods floor space. Comparison retail is described as goods which are not food, drinks, tobacco, magazines (things normally sold in super markets). Comparison goods are normally sold within defined town centres.

The application has been made in outline form with only the means of access and the principle of the types of uses being assessed at this stage. As such, given our Highway Officers are content with the access arrangements for this development the issues to be considered are whether the scheme elements comply with the planning policies in the adopted LDP.

The site is allocated as a Brownfield Development Priority (Policy BSC2) which means it has the potential to contribute towards regeneration of the town and economic growth. Whilst concerns have been raised as to the potential retail impact of the development on the existing town centre of Rhyl it is felt that conditions can be imposed which seek to limit the comparison goods floor space and to promote more leisure use. This would serve to enhance the overall regeneration benefits of the scheme and to minimise any negative impacts on the already vulnerable town centre.

Having regard to the above it is felt that this application warrants Officer support.

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

1. Approval of the details of the appearance, landscaping, layout and scale of the buildings on the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The interim landscaping works indicated on plan 08215-P303 shall be fully implemented on or before 30th June 2015 to the satisfaction of the Local Planning Authority and maintained as such thereafter.
5. Development on the site (excluding that covered by condition 4) shall only proceed in strict accordance with a phasing strategy to be submitted to and approved in writing by the Local Planning Authority.
6. There shall be no occupation of buildings permitted in each phase of the development until the following services and infrastructure are completed for those buildings in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed for each phase of development shall be implemented thereafter.
  - \* The vehicular, cycle and pedestrian access and parking facilities including internal estate road layout and junctions.
  - \* Integrated foul, surface and ground water drainage infrastructure.
  - \* Flood works as set out the approved FCA
7. Prior to the commencement of each phase of development, including demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority for that phase. Construction/demolition in each phase shall not be carried out otherwise than in accordance with the approved CEMP unless amendments have been agreed in writing by the LPA. The CEMP shall include the following details:-

- \* Measures for construction/site traffic management to include the access, parking, turning, loading and unloading of all vehicles using the construction site.
  - \* Measures for construction/site management to include the access, parking, turning, loading and unloading of all vehicles using neighbouring sites via any shared access.
  - \* Piling techniques if necessary
  - \* Storage of plant and machinery
  - \* Provision of site security to include hoarding and lighting
  - \* Protection of trees, hedgerows and other natural features
  - \* Proposed means of dust suppression and noise mitigation
  - \* Measures to deal with any mud from vehicles on shared access roads or on nearby County roads during construction
  - \* All construction/demolition working and operational times
  - \* Details of the outside storage of spoil or other excavated material including location and height of storage.
8. The development hereby permitted shall be carried out in accordance with the approved Flood Consequences Assessment (FCA) (Waterco Limited, w1216140529-FCA) and the mitigation measures contained therein. The mitigation measures shall be fully implemented prior to the occupation of any building on site or as shall be further agreed in writing with the Local Planning Authority.
  9. The development hereby permitted (excluding that covered by condition 4) shall not be commenced until such time as a surface water drainage scheme based on sustainable drainage principles with an assessment of the hydrological and hydro geological context of the site, has been submitted to and approved in writing by the LPA. Only those details subsequently agreed shall be implemented thereafter.
  10. The development hereby permitted (excluding that covered by condition 4) shall not be commenced until such time as a scheme for the management of overland flow associated with the exceedance of the surface water drainage system and wave splash-over from the coastal flood defences has been submitted to and approved in writing by the LPA. Only those details subsequently approved shall be implemented thereafter.
  11. A maximum of \_\_\_\_sq.m of comparison retail floor space will be provided across the development site.
  12. A minimum of \_\_\_\_sq.m of Class D2 leisure floor space will be provided across the development site.
  13. Notwithstanding the submitted plans there shall be no direct vehicular access or egress into/from the site from Quay Street.
  14. Prior to the commencement of each phase of the development hereby permitted (excluding that covered by condition 4) a scheme for the parking, turning, loading and unloading of vehicles along with a car park management strategy shall be submitted to and approved in writing by the LPA. The car park management strategy shall include any barrier details, CCTV arrangements and ticketing/enforcement arrangements. Any subsequently approved details shall be implemented and maintained in full thereafter unless otherwise agreed in writing by the LPA.
  15. Prior to the commencement of each phase of development hereby permitted (excluding that covered by condition 4) a scheme indicating how pedestrians and cyclists shall enter and leave the site shall be submitted to and approved in writing by the LPA. Only those details subsequently approved shall be implemented and maintained thereafter.

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

1. In order to comply with the provisions of section 92 of the Town and Country Planning Act 1990.
2. In order to comply with the provisions of section 92 of the Town and Country Planning Act 1990.
3. In order to comply with the provisions of section 92 of the Town and Country Planning Act 1990.
4. In the interests of visual amenity and to ensure the appearance of the site is addressed as soon as reasonably possible.

5. In order to ensure development is progressed within a reasonable time frame having regard to various constraints.
6. In order to ensure a good standard of development for each phase having regard to various constraints.
7. In order to ensure development proceeds in a safe and satisfactory manner.
8. In order to manage the risk of flooding.
9. In order to manage the risk of flooding and to apply sustainable principles to water management.
10. In order to manage the risk of flooding and to apply sustainable principles to water management.
11. In the interests of the vitality and viability of the town centre of Rhyl.
12. In the interests of the vitality and viability of the town centre of Rhyl.
13. In the interests of the safe movement of pedestrians and cyclists.
14. In the interests of highway safety.
15. In the interests of highway safety.

#### **NOTES TO APPLICANT:**

Your attention is drawn to the following advice and information on protection from flooding on the following websites:-

ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties' on the Planning Portal website:

<http://www.planningportal.gov.uk>

<http://www.environment-agency.gov.uk/static/documents/Research/AdvisoryCommentsfz2.pdf>

To secure a supply of mains water it will be necessary for a service pipe to be laid by, or at the expense of, the developer. Where any part of the service pipe is to be laid in a street only Dwr Cymru Welsh Water may undertake that portion of the work.

The developer will need to discuss the provision of a water supply and should contact the Distribution Manager, Allt y Ffynnon, Alltami Road, Mold, Flintshire CH7 6HD.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. The Highway Authority advise that there will be a need for a Section 278 Agreement under the Highways Act to be entered into prior to the commencement of the development. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

# Agenda Item 13

**WARD :** Rhyl West

**WARD MEMBER(S):** Cllr Ian Armstrong (c)  
Cllr Joan Butterfield (c)

**APPLICATION NO:** 45/2014/1079/ PF

**PROPOSAL:** Demolition of No's 10-24 Abbey Street and 3-29  
Gronant Street and erection of 11 2-bed houses and 9  
3-bed houses with associated gardens, parking and  
hard landscaping

**LOCATION:** 10 - 24 Abbey Street and 3 - 29 Gronant Street Rhyl

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Heading:

REFERENCE NO. 45/2014/1079/PF  
10-27 ABBEY ST & 3-39 GRONANT ST  
RHYL

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

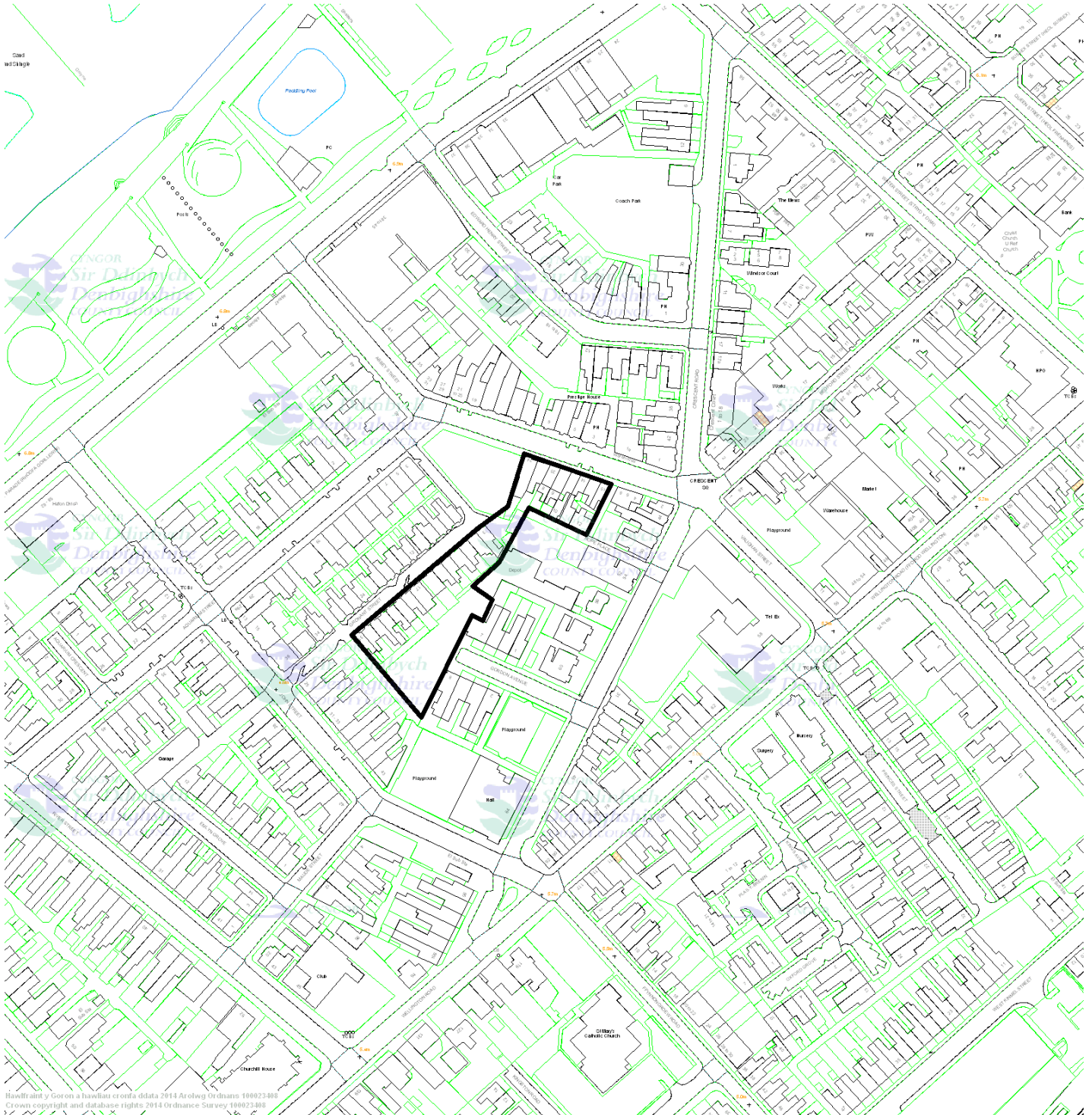
 Application Site



Date 28/10/2014  
Centre = 300490 E 381245 N

Scale 1/2500

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



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# LAYOUT PLAN

Drawing No. G2566(03)113

SCALE: 1:500 @ A2

Date: Sept 2014

Drawn: RWJ

Checked:

**powell-dobson**  
ARCHITECTS

Contract: Pennar Housing Association  
West Rhyll Regeneration  
Proposed Site Plan

PRELIMINARY	<input type="checkbox"/>
PLANNING	<input checked="" type="checkbox"/>
DESIGN	<input type="checkbox"/>
TENDER	<input type="checkbox"/>
CONSTRUCTION	<input type="checkbox"/>

Key:

Site Boundary

THIS DRAWING MUST NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF POWELL DOBSON ARCHITECTS.

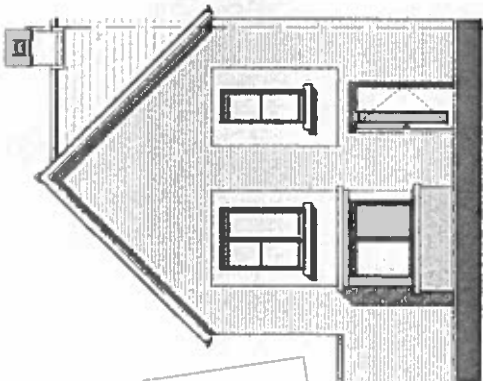
Registered Office: Powell Dobson Ltd, Chwitehouse, Links Business Park, St Melons, Cardiff CF3 0 1. Powell Dobson is a trading name of Powell Dobson Ltd a company registered in England and Wales no 3973902.

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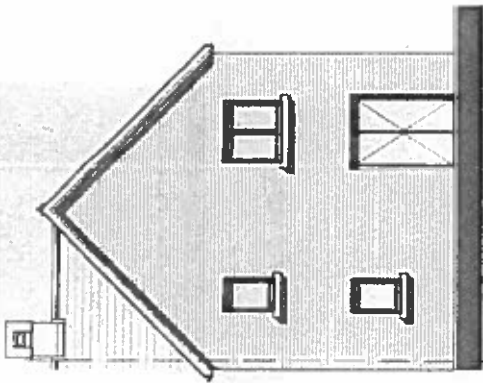


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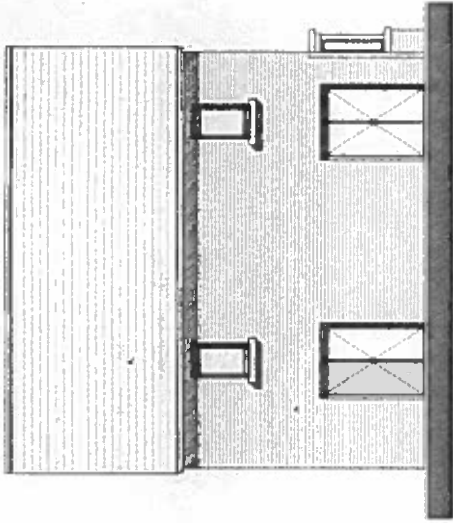
# TYPICAL ELEVATIONS - GRONANT STREET (1)



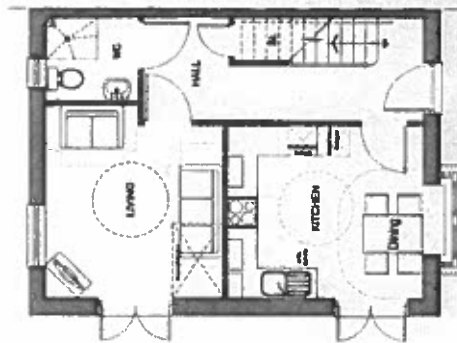
FRONT ELEVATION



REAR ELEVATION



GABLE END ELEVATION



GROUND FLOOR LAYOUT



FIRST FLOOR LAYOUT

**Materials Note:**

- Grey Roofing Tiles
- Facing Brickwork
- UPVC Windows - Colour Grey
- UPVC Rainwater Pipes & Gutters - Colour Black
- Reconstituted Stone Window Sills
- Reconstituted Stone Door Surrounds



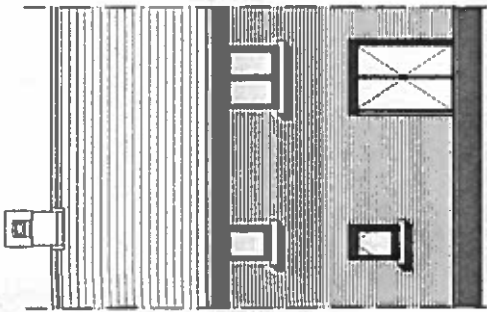
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<p><b>powellidobson</b> ARCHITECTS</p> <p>145 DUNDAS IS COMPTON @ Registered Office: Powell Dobson Ltd, Charterhouse, Unit Business Park, St Helens, Croyft CF3 8LT. Powell Dobson is a trading name of Powell Dobson Ltd a company registered in England and Wales No 3022982.</p>		<p>Drawing No: 45/</p> <p>Client (Ref): 110</p>
<p>Project: Pernaif Housing Association West Rhyl Regeneration</p>	<p>Scale: 1:1000(A)</p> <p>Date: Mar 2014</p>	<p>Drawn: ALP</p> <p>Checked:</p>
<p>Project: Pernaif Housing Association West Rhyl Regeneration</p>	<p>Project: Pernaif Housing Association West Rhyl Regeneration</p>	<p>Project: Pernaif Housing Association West Rhyl Regeneration</p>
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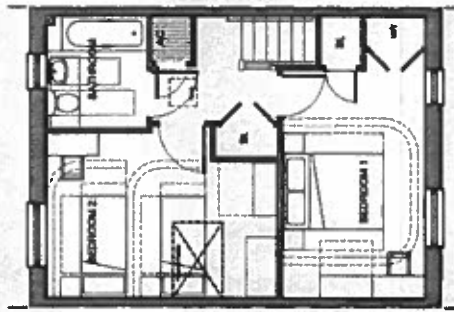
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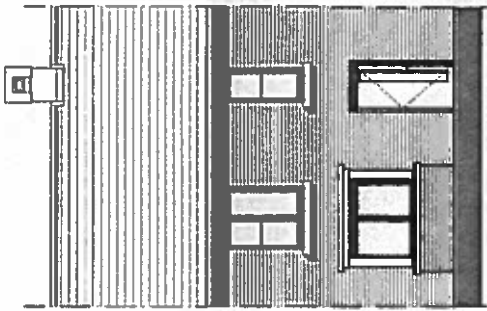
# TYPICAL ELEVATIONS - GRONANT STREET (2)



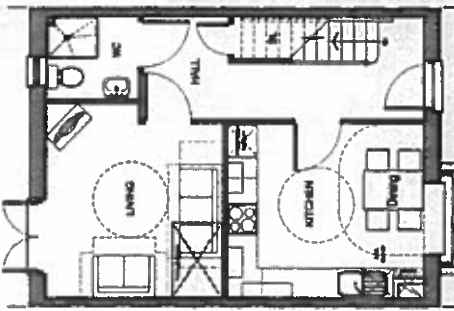
REAR ELEVATION



FIRST FLOOR LAYOUT



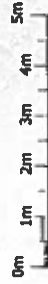
FRONT ELEVATION



GROUND FLOOR LAYOUT

**Materials Note:**

- Grey Roofing Tiles
- Facing Brickwork
- UPVC Windows - Colour Grey
- UPVC Rainwater Pipes & Gutters - Colour Black
- Reconstituted Stone Window Sills
- Reconstituted Stone Door Surrounds



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ARCHITECTS

Drawing No. 10000  
Scale: 1:1000  
Date: Sept 2014  
Client: Penwal Housing Association  
West Rhyl Regeneration  
Title: 284P Gronant Street Plans/ Elevations

PRELIMINARY	
PLANNING	<input checked="" type="checkbox"/>
DESIGN	
TENDER	
CONSTRUCTION	

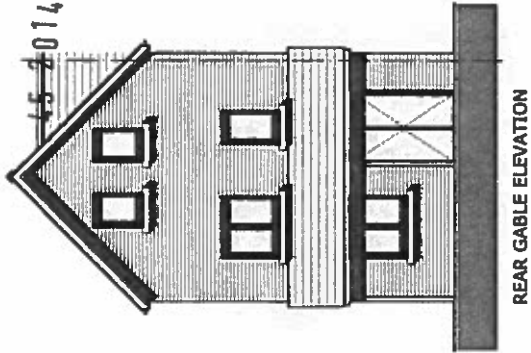
This drawing shall be used for the purposes stated and shall not be used for any other purpose without the written consent of the architect.

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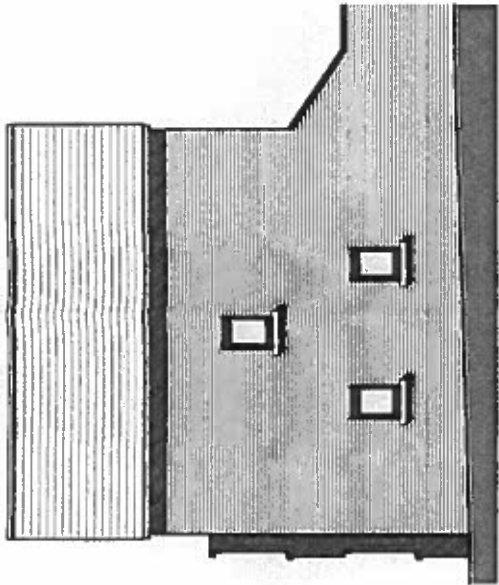


# TYPICAL ELEVATIONS - ABBEY STREET

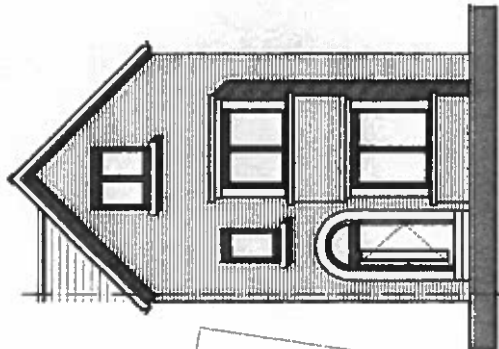
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REAR GABLE ELEVATION

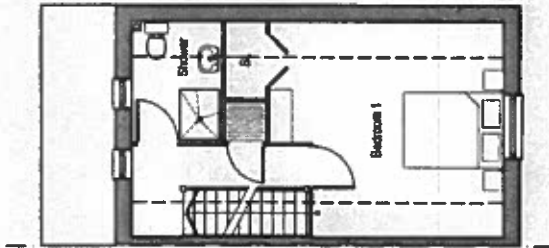


SIDE ELEVATION

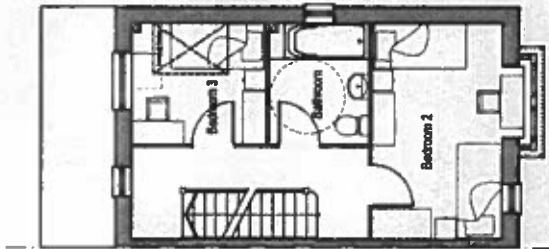


FRONT GABLE ELEVATION

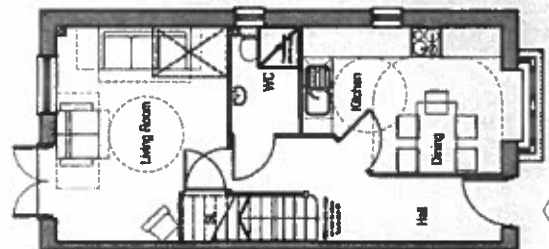
- Materials Note:
- Grey Roofing Tiles
  - Facing Brickwork
  - UPVC Windows - Colour Grey
  - UPVC Rainwater Pipes & Gutters - Colour Black
  - Reconstituted Stone Window Sills
  - Reconstituted Stone Door Surrounds



SECOND FLOOR LAYOUT



FIRST FLOOR LAYOUT



GROUND FLOOR LAYOUT

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PRELIMINARY	
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DESIGN	
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 Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

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 DATE: 20/09/2014  
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 CHECKED: [Name]

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**WARD :** Rhyl West

**WARD MEMBER(S):** Cllr Ian Armstrong (c)  
Cllr Joan Butterfield (c)

**APPLICATION NO:** 45/2014/1079/ PF

**PROPOSAL:** Demolition of No's 10-24 Abbey Street and 3-29 Gronant Street and erection of 11 2-bed houses and 9 3-bed houses with associated gardens, parking and hard landscaping

**LOCATION:** 10 - 24 Abbey Street and 3 - 29 Gronant Street Rhyl

**APPLICANT:** Pennaf Housing Group

**CONSTRAINTS:** None

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

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

- Key housing scheme in West Rhyl Regeneration Area
- Local Objections

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
"No objection"

**NATURAL RESOURCES WALES**

*Flood Risk*

No objection, subject to the inclusion of a condition ensuring the development is undertaken in accordance with the Flood Consequences Assessment and mitigation measures specified within it.

*Protected Species*

The proposed Reasonable Avoidance Measures proposed within the protected species reports should be strictly adhered to which includes details of the timing of work and removal of the roof.

**DWR CYMRU / WELSH WATER**

No objection subject to the inclusion of standard notes

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Transport and Infrastructure

Highways Officer

No objection subject to the inclusion of a condition ensuring provision of parking and turning facilities.

Economic and Business Development Manager

Overwhelming support for the proposal. The existing properties are far less suited to modern day living and despite extensive refurbishment, the configuration to suit family accommodation would only ever be a compromise. The new properties will be targeted at the part buy part rent market and by this very nature aimed at first time buyers with limited resources, the cost of heating homes is a very important factor and why new, energy efficient homes built to Code 4 should be supported.

Biodiversity Officer

Awaiting response at time of writing report

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

L. Roberts, 7 Gordon Avenue, Rhyl

G.M Griffiths, 43 John Street, Rhyl

N. Macauley, 37 John Street, Rhyl

Resident of 8, Gordon Avenue, Rhyl

Resident of 39, John Street, Rhyl

Summary of planning based representations in objection:

General concerns:

Concerns relating to structural damage to nearby properties; loss of trees; residents of John Street do not wish to have public access to the backs of their properties as it would encourage crime and vandalism.

Amenity Considerations

Concerns over vehicles parking close to adjoining properties which would cause an unacceptable level of noise and disturbance/object to vehicular access from alleyway behind John Street as it would endanger residents who have a right of way on the alleyway/object to gates being installed to rear of 37 John Street as two way traffic would cause noise and nuisance of gates being opened and closed at all hours;

**EXPIRY DATE OF APPLICATION: 18/11/2014**

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

1.1.1 The application seeks full planning permission for the demolition of existing dwellings at 10-24 Abbey Street and the erection of 3 – 29 Gronant Street and erect 11no. 2 bed houses and 9no. 3 bed houses with associated amenity space, parking and landscaping.

1.1.2 The application documents include a detailed Design and Access Statement. This sets out how the scheme has developed and explains the details of the proposal.

\* Redevelopment of the Abbey Street site by the erection of 7 new dwellings, comprising 5no. 2 bed properties and 2no. 3 bed properties

The new dwellings would comprise a terrace of 7 properties, with each end property comprising a 3 storey 3bed property (floor area 90 square metres) with the 5 dwellings in between comprising 2 storey 2 bed properties (floor area 82 square metres). The properties would be provided with rear gardens and secure off street parking space. The new dwellings would be designed to code for sustainable homes level 3 plus, Lifetime Homes and Design Quality Requirement standards.

\* Redevelopment of the Gronant Street site by the erection 13 new dwellings.

comprising 6no. 2 bed properties and 7no. 3 bed properties

The new dwellings would comprise a terrace of 13 properties, comprising 6 no. 2 bed properties (floor area 85 square metres) and 7no. 3 bed properties (95 square metres), all of which would be 2 storey development. The properties would be provided with rear gardens and secure off street parking space. The new dwellings would be designed to code for sustainable homes level 3 plus, Lifetime Homes and Design Quality Requirement standards.

- 1.1.3 In relation to the design and external appearance of the proposed building, the Design and Access Statement explains the following:-
- \*The layout reflects the existing streetscape and a strong building line
  - \* Sensitivity to the context of the Conservation Area
  - \* Creation of family gardens with strong boundary treatment
  - \* Safer wider vehicle access to rear
  - \* Providing a mix of 2 and 3 bed homes
  - \* Contemporary layouts that respond to the pattern of family living
  - \* Improved environmental performance to Code for Sustainable Homes level 3+
  - \* Improved Flood Defences
  - \* Appropriate scale to reflect surrounding context
  - \* Gabled end terraces create 'bookends' and reflect local character
  - \* 2 storey bays for vertical emphasis and rhythm
- 1.1.4 The Clients Vision for the proposal is to:
- \* Create a transformational sense of place with an open space at its core which serves as a valuable community asset.
  - \* Develop new housing designed to meet the highest standards of energy efficiency and provide a wider range of housing tenures to ensure a sustainable neighbourhood
  - \* Stimulate new employment uses which support the visitor and retail economy and provide local jobs
  - \*Deliver an improved public realm which provides a safer, more accessible environment
  - \* Provide homes for Rhyl/Denbighshire residents
  - \* Build homes that are a 'pull' factor to the area
  - \* Appeal to economically active families
  - \* Keep homes affordable
- 1.1.5 The viability of regenerating the existing properties has been thoroughly explored with serious consideration given to the choice between refurbishment or new build. The applicant considered the 'pros' and 'cons' with the following 'cons' to the refurbishment option identified:
- \* Limited mix of dwelling types
  - \* Existing building layout less practical
  - \* Economical viability questionable
  - \* Unable to fully comply with SPG 27
  - \* Dwelling layout compromised by existing internal layout

Members are referred to the plans at front of the report which show the basic details.

1.2 Description of site and surroundings

- 1.2.1 The application site comprises areas of existing residential development on Abbey Street and Gronant Street within West Rhyl. A number of properties on Gronant Street have already been demolished and proposals to develop a green space are under way.
- 1.2.2 The Abbey Street site currently comprises 3 storey terraces, 2 and a half storey town houses and a cleared area of land formerly occupied by a retail unit. Many of these properties have outriggers or outbuildings to the rear with very little amenity space.

Parking is available on street. Most properties have been vacated.

1.2.3 The Gronant Street site comprises a terrace of 2 storey dwellings which overlook the green space currently being created. Many of the properties have large rear outriggers with limited amenity space. Parking is available on street. Most properties have been vacated.

1.2.4 The site is located within a predominantly residential area with few functioning commercial units remaining.

1.3 Relevant planning constraints/considerations

1.3.1 The application site is located within the development boundary of Rhyl.

1.3.2 The Abbey Street site is located opposite but outside the Rhyl Central Conservation Area boundary.

1.3.3 The site is located within a C1 flood zone as shown in the development advice maps that accompany TAN 15: Development and Flood Risk.

1.4 Relevant planning history

1.4.1 None relevant to this proposal

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

2.1 None

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

**Policy RD1** – Sustainable development and good standard design

**Policy PSE1** – North Wales Coast Strategic Regeneration Area

**Policy ASA3** – Parking standards

3.1 Supplementary Planning Guidance:

SPG Landscaping New Developments

SPG Parking

SPG West Rhyl Regeneration Area

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes

TAN 12: Design

TAN 15: Development and Flood Risk

TAN 18: Transport

**4. MAIN PLANNING CONSIDERATIONS**

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

- 4.1.1 Principle
- 4.1.1 Visual amenity
- 4.1.2 Residential amenity
- 4.1.3 Highways (including access and parking)
- 4.1.4 Flood Risk
- 4.1.5 Nature Conservation
- 4.1.6 Fear of Crime

4.2 In relation to the main planning considerations:

4.2.1 Principle

Within development boundaries, new development will, in principle be supported provided that it meets with the criteria of other policies in the Local Development Plan and material planning considerations. This assists in working towards a sustainable pattern of development by directing most development to existing settlements thereby making the most effective use of existing infrastructure, facilities and services by reducing the need to travel.

Policy PSE 1 in the Local Development Plan relates to the North Wales Coast Strategic Regeneration Area and supports proposals which retain and develop a mix of employment generating uses in town centres; or provide new family residential accommodation; or enable the retention, enhancement and development of tourism related facilities; or address existing problems of deprivation in a manner which is consistent with the principles of sustainable development.

Further guidance is available within the West Rhyl Regeneration SPG. In terms of the regeneration context, Denbighshire and its delivery partners are focused on a comprehensive plan for West Rhyl based on the area's strategic needs. Key seafront development sites offer an opportunity for private sector investment and a funded programme of public sector investment has been put in to place to tackle the key housing and green space needs. The area has the potential to create a step change in its economic performance and long term sustainability and the SPG provides key land use and design principles to guide this investment. The SPG identifies a 'Vision' for West Rhyl, which is to "*Create a transformational sense of place with an open space at its core which serves as a valuable community asset. Develop new housing designed to meet the highest standards of energy efficiency and provide a wider range of housing tenures to ensure a sustainable neighbourhood. Stimulate new employment uses which support the visitor and retail economy and provide local jobs. Deliver an improved public realm which provides a safer, more accessible environment*".

The SPG sets out a number of objectives which are aimed at delivering this 'Vision' which are as follows:

1. *Create a transformational sense of place through the development of new community green space which enhances the image of the area*
2. *Generate new employment uses to support the retail strength of the town centre, attract visitors and enhance existing tourism uses*
3. *Encourage a more balanced range of housing tenures including new homes for families to retain existing residents and attract new residents to the area*
4. *Reduce Multiple Occupancy Housing through conversion and new development which provides a more balanced range of tenures and better space standards*

5. Retain the use of listed buildings and respect and enhance the conservation character of the area through sensitive design of new development
6. Ensure a pedestrian and cycle friendly area with well managed parking and an enhanced public realm environment
7. Promote sustainable development through the use of energy efficient design and use of renewable energy sources

An illustrative development framework within the SPG identifies key land uses for the West Rhyl area and the application site area is shown to be existing buildings to be 'modified internally and/or externally' with the development principles to convert and refurbish the properties to improve internal space standards, externally remodel the properties to introduce off street parking and gardens and provide waste storage within the curtilage and also introduce energy efficiency measures and renewable energy technology.

In relation to the above policies and guidance, the redevelopment proposals do not specifically 'fit' the illustrative development framework set out in the SPG as these areas of housing were identified as dwellings to be refurbished. However, it is recognised that the applicant has fully explored the refurbishment option and in addition to the economic viability of the refurbishment option being questionable, it would also result in a limited mix of dwelling types with practical difficulties on site in achieving modern, energy efficient and high quality family accommodation. Significantly, the SPG does recognise that not all proposals within the development framework will be achieved but states that applicants will need to have regard to the SPG and demonstrate how a proposal will contribute to the regeneration objectives of West Rhyl. It is considered that the applicant has addressed this and demonstrated the proposal would contribute to the regeneration objectives of West Rhyl and in principle the application is considered acceptable.

#### 4.2.2 Visual amenity

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

No objections have been raised in relation to the visual impacts of the proposal. Local residents have concerns relating to the loss of some trees to rear of Gordon Avenue and John Street.

The Gronant Street part of the proposal is sited opposite the green space currently being created and the new development would overlook this area. The dwellings on Abbey Street are located opposite traditional properties located within a Conservation Area. There are a mix of dwelling designs and use of materials within the area and therefore having regards to the streetscape, height, design and detailing of nearby and adjoining buildings along with the overall context of the site, the proposed development is considered acceptable in visual amenity terms.

Overall, it is considered that the proposal would make a positive contribution to this part of Rhyl. The development would provide a sensitive, high quality, energy efficient housing development. It would not have a negative visual impact on the area. It is therefore considered acceptable in relation to the policies and guidance in relation to visual impact.

In respecting concerns relating to the loss of some trees, the proposal is to undertake new landscaping appropriate for the area. Landscaping information is relatively limited

and therefore it is considered that a condition would need to be imposed requiring submission of full details in due course.

#### 4.2.3 Residential amenity

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

Local residents have raised concerns in relation to the siting of car parking and gates to the rear of John Street and the opening up the alleyway to facilitate access to the parking and rear of the properties fronting Gronant Street, as they consider it would result in noise and disturbance. Residents on Gordon Avenue have also raised issues relating to the structural stability of a boundary wall and a garage.

The footprint of the proposed dwellings is almost identical to the siting of the existing dwellings, however the overall density of residential units would be reduced. The scale and height of the proposed dwellings is no greater than existing development. It is not considered that the proposal would have an overbearing impact on nearby occupiers or would adversely impact on the privacy of nearby occupiers. In terms of the concerns raised by residents regarding the use of the alleyway and the proximity of the car parking area, the closest car parking space is 15m from the rear of existing dwellings. The comings and goings associated with the proposed dwellings would be limited for 13 dwellings and it is not considered that the proposal would have a significant adverse impact on the residential amenity of occupiers of the properties on John Street.

In respect of the structural concerns raised, the applicant has discussed the matters directly with the resident concerned with input from a Structural Engineer. There are some boundary treatments which need careful consideration, a major issue identified is that a garage has been built on insufficient foundations and there is a drainage outlet pipe going in to a drain within the boundary of the application site. There will be a requirement to involve a party wall surveyor and this will be a private matter between the applicant and resident on Gordon Avenue.

In terms of the level of amenity afforded to occupiers of the proposed dwellings, the size of the units exceeds the minimum floor space standards in the Council's SPG. Each property is afforded a private rear amenity area and off street parking facilities. It is considered that a sufficient level of amenity would be afforded to occupiers of the proposed dwellings.

In respecting concerns, is not considered that the proposal would adversely impact upon the residential amenities of nearby residents, and would provide an acceptable standard of amenity for occupiers of the proposed dwellings.

#### 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.

The proposal is to access the properties as existing, off Gronant Street and Abbey



Street. There are concerns from residents over potential dangers from the vehicular access to an alleyway behind John Street.

Highway Officers have assessed the proposed development as acceptable. The proposal is to provide off street parking to the rear of all new properties which is a considerable improvement to the current situation as none of the dwellings have any off street parking facilities and rely on spaces on street. With regards to the use of the alleyway to the rear of John Street, Officers are not of the view that there would be any significant concerns arising from the proposal given the scale of development proposed.

#### 4.2.5 Flood Risk

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

Natural Resources Wales (NRW) have raised no objection to the redevelopment proposals. As identified within the submitted Flood Consequences Assessment and the recently updated Strategic Flood Consequences Assessment undertaken by the Council, it is apparent that the wider West Rhyl Strategic Regeneration Area is at considerable flood risk, and the risks are likely to increase over the next 100 years with climate change. Although full compliance with TAN 15 is unlikely to be achieved for the redevelopment, it is recognised that the proposals form part of a significant Local Authority regeneration initiative for West Rhyl. It is also recognised that the redevelopment proposals will result in some flood risk betterment compared to the existing situation and that this is one of the aims of the regeneration initiative. The main flood risk improvements include a reduction in number and density of properties, incorporation of flood proofing measures and the development of individual flood plans for inhabitants of the properties, and therefore no objections have been raised to the proposal subject to the inclusion of a condition ensuring the development is undertaken in accordance with the Flood Consequences Assessment and mitigation measures specified within it.

On the basis of NRW's comments, it is considered that the proposal would result in a flood risk betterment compared to the existing situation in this part of Rhyl and therefore it is suggested that there are no strong flood risk grounds to refuse planning permission.

#### 4.2.6 Nature Conservation

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

Ecological surveys of the site have been undertaken which confirm the buildings showed no signs of past or present roosting bats, but they do identify that the buildings offer moderate potential for roosting bats. NRW have not raised any objections to the proposal subject to the proposed Reasonable Avoidance Measures recommended within the protected species reports being strictly adhered to, which includes details of the timing of work and removal of the roof.

In Officers' opinion, the consultation responses suggest there are no ecology concerns in relation to the development of the application site.

#### **4.2.7 Fear of Crime**

Local Development Plan Policy RD 1 test (xii) requires account to be taken of personal and community safety and security in the design and layout of development and public and private spaces, and to have regard to implications for crime and disorder. This reflects general advice in Planning Policy Wales (Section 3.1), the Crime and Disorder Act 1998 and subsequent good practice guide that the effects of a development on crime is a potential material consideration a planning authority should consider when exercising its functions.

To the rear of existing properties on John Street, it is proposed to form an access to a private parking area for the proposed dwellings on Gronant Street. It is proposed that the car park is gated with access only by occupiers of the proposed new dwellings.

Within the Design and Access Statement it is stated that consultation will take place with North Wales Police Crime Prevention Design Advisor for the West Rhyl area and that comments from the advisor will be incorporated into the design. The following key principles have already been considered: designing the buildings to achieve a sense of place, public and private routes are well defined with spaces and entrances that provide convenient movement, gates will be installed to the vehicle entries off rear lanes and parking courts, external rear gardens are well overlooked, public pedestrian routes are clear, legible, overlooked and well lit, front and rear boundaries have been designed in accordance with the advice from the Crime Prevention Design Advisor, all pathways are to be lit to the minimum standards set out by Secure by Design and physical security measures such as entrance doors, opening windows and locking systems will be carefully considered and incorporated into the scheme.

In relation to the comments received from residents on John Street with regards the proposal to form an access a private car parking area for the new dwellings proposed on Gronant Street, having regard to the above information, to the fact that Crime Prevention considerations have already been taken into account and that further consultation with the North Wales Police Crime Prevention Design Advisor for the West Rhyl area will be undertaken, it is not considered that the proposal would lead to unacceptable risks for crime and vandalism.

#### **4 SUMMARY AND CONCLUSIONS:**

- 4.2 The principle and detailing of development is considered acceptable, with limited adverse impact anticipated on visual and residential amenity. It is not considered that there are any highway safety or parking concerns. In flood risk terms, there is betterment from the inclusion of modern flood proofing measures and related mitigation in the event of problems.

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

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. The development shall be carried out in accordance with the approved Flood Consequences Assessment (ExCAL Limited, 217-02-02-R2, September 2014) and the following mitigation measures detailed within the report:

\* Flood proofing measures incorporated into all properties as detailed in Section 5 and

as recommended in the RIBA publication "Improving the Flood Performance of New Buildings, Flood Resilient Construction" (May 2007)

\* No sleeping accommodation is to be provided on the ground floor level of the properties

\* Individual flood plan shall be prepared for, and provided to, the owners/tenants of the properties and appropriate training provided to ensure effective implementation of the plan.

The mitigation measures shall be fully implemented prior to the occupation of any dwellings and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

4. The development shall be carried out in accordance with the mitigation measures set out within the Protected Species Surveys undertaken dated 2nd September, 2014 and 10/26th September, 2014 by Stephen Cutmore.
5. PRE-COMMENCEMENT CONDITION  
Construction of the new dwellings hereby permitted shall not be permitted to commence on site until a detailed site investigation to establish the ground conditions has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.
6. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and which shall be completed prior to the proposed development being brought into use.
7. PRE-COMMENCEMENT CONDITION  
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
8. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. Prior to the commencement of any site works in proximity to 7 Gordon Avenue, further details in relation to the existing boundary wall and proposed boundary treatments along the boundary of the application site with this property shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To reduce the risk of flooding to the properties and future inhabitants.
4. In the interest of nature conservation.
5. In the interests of land stability and safety

6. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. In the interests of residential and visual amenity

**NOTES TO APPLICANT:**

Note from Natural Resources Wales

In relation to flood proofing, the Flood Consequences Assessment makes a commitment to install flood proofing measures within the development to improve the resiliency of the re-placement dwellings to flooding. Although this is generally to be welcomed, given the potential depths of flooding during extreme flood events, their benefits could be limited. We would also recommend that you consult other professional bodies in relation to measures that may be required to address potential structural damage to the dwellings caused by flood water. It would therefore be advisable for the dwellings to be appropriately designed to withstand and be resilient to hydrostatic pressures resulting from a breach/overtopping of the tidal flood defences.

Highway Note

Please be advised that a Stopping Up Order under Section 116 of the Highways Act 1980 will be required for land fronting properties on Abbey Street and Gronant Street and there may also be a requirement for a Section 38 Agreement under Highways Act 1980 for Hope Place. It is advisable to contact the Highway Authority to discuss further at any early stage.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

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