

At: Aelodau'r Pwyllgor Cynllunio

Dyddiad: 14 Hydref 2014

Rhif Union: 01824 712568

ebost: dcc_admin@denbighshire.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod arbennig y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 22 HYDREF 2014** am **2.30 PM** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN**

Yn gywir iawn

G Williams
Pennaeth Gwasanaethau Cyfreithiol a Democrataidd

AGENDA

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD (Tudalennau 5 - 6)

Aelodau i ddatgan unrhyw gysylltiadau personol neu niweidiol mewn unrhyw fusnes a nodwyd i'w ystyried yn y cyfarfod hwn

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhybudd o eitemau y dylid ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel mater o frys yn unol ag Adran 100B (4) Deddf Llywodraeth Leol, 1972

4 CANLLAW CYNLLUNIO ATODOL HYSBYSEBION – DRAFFT YMGYNGHOROL (Tudalennau 7 - 20)

Ystyried adroddiad gan y Rheolwr Cynllun Datblygu a Pholisi (copi ynghlwm) i gytuno ar y CCA ar hysbysebion fel sail ar gyfer ymgynghoriad cyhoeddus

**5 CANLLAWIAU CYNLLUNIO ATODOL ADEILADAU RHESTREDIG –
DRAFFT YMGYNGHORI** (Tudalennau 21 - 42)

Ystyried adroddiad gan y Swyddog Prosiect Cadwraeth (copi ynghlwm) i gytuno ar y CCA drafft ar adeiladau rhestredig fel sail ar gyfer ymgynghoriad cyhoeddus.

**6 CANLLAW CYNLLUNIO ATODOL ARDALOEDD CADWRAETH –
YMGYNGHORI DRAFFT** (Tudalennau 43 - 64)

Ystyried adroddiad gan y Swyddog Prosiect Cadwraeth (copi ynghlwm) i gytuno ar y CCA Ardaloedd Cadwraeth drafft fel sail ar gyfer ymgynghoriad cyhoeddus.

7 BRIFF DATBLYGU SAFLE DRAFFT: TRIONGL RHUDDLAN (Tudalennau 65 - 100)

Ystyried adroddiad gan y Swyddog Cynllunio (copi ynghlwm) i gytuno ar y Briff Datblygu Safle drafft ar gyfer safle 'Triongl Rhuddlan' a'r ddogfen sgrinio Asesiad Amgylcheddol Strategol (AAS) sy'n dod gydag o ar gyfer ymgynghoriad cyhoeddus

AELODAETH

Y Cynghorwyr

Ray Bartley (Cadeirydd)

Win Mullen-James (Is-Gadeirydd)

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
William Cowie
Ann Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Arnold Evans
Huw Hilditch-Roberts
Colin Hughes
Rhys Hughes
Alice Jones
Pat Jones

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

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth
Y Wasg a'r Llyfrgelloedd
Cynghorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

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'.

Adroddiad i'r:	Pwyllgor Cynllunio Polisi
Dyddiad y Cyfarfod:	22 Hydref 2014
Aelod/Swyddog Arweiniol:	Y Cyng. David Smith, Parth Cyhoeddus Angela Loftus, Rheolwr Cynllun Datblygu a Pholisi
Awdur yr Adroddiad:	Lara Griffiths, Swyddog Cynllunio
Teitl:	Canllaw Cynllunio Atodol Hysbysebion – Drafft Ymgynghorol

1. Am beth mae'r adroddiad yn sôn?

- 1.1. Mae'r adroddiad hwn yn cyd-fynd â dogfen Canllawiau Cynllunio Atodol (CCA) drafft ar hysbysebion, a fydd os caiff ei mabwysiadu, yn cael ei defnyddio wrth benderfynu ar geisiadau cynllunio.

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1. Ar ôl mabwysiadu Cynllun Datblygu Lleol (CDLI) Sir Ddinbych, mae angen CCA wedi'u diweddarau ar hysbysebion er mwyn cynnig arweiniad pellach i ddatblygwyr, Swyddogion ac Aelodau. Mae CCA drafft ar gyfer ymgynghoriad cyhoeddus ynghlwm i'r adroddiad hwn.

3. Beth yw'r argymhellion?

- 3.1. Bod yr Aelodau'n cytuno ar y CCA ar hysbysebion fel sail ar gyfer ymgynghoriad cyhoeddus.

4. Manylion am yr adroddiad

- 4.1. Ar ôl mabwysiadu'r CDLI ar 4 Mehefin, 2013, cytunodd y Cyngor i ddwyn ymlaen y gyfres bresennol o CCA, gan gynnwys CCA 17 – Hysbysebion. Yn dilyn hyn mae'r CCA wedi cael ei ddiwygio i wneud canllawiau'n gliriach a darparu deunydd enghreifftiol gwell. Pan gaiff ei fabwysiadu, bydd y CCA yn ystyriaeth cynllunio perthnasol wrth asesu ceisiadau cynllunio.
- 4.2. Mae'r CCA yn ategu polisiâu a rheoliadau cenedlaethol mewn perthynas â hysbysebion a Pholisi DG1 o'r CDLI trwy ddarparu manylion ac arweiniad pellach ar y gwahanol fathau o hysbysebion sydd angen caniatâd ac agweddau i'w hystyried fel arwyddion dwyieithog a goleuadau priodol.
- 4.3. Byddai'r cyfnod ymgynghori cyhoeddus am o leiaf 8 wythnos a disgwylir iddo ddechrau yn wythnos gyntaf Tachwedd 2014. Ymgynghorir â phob Cyngor Cymuned, Dinas a Thref ynghyd â phobl sydd wedi'u cofrestru ar y gronfa ddata CDLI. Bydd copïau caled o'r dogfennau ar gael ym mhob llyfrgell a

siopau un stop yn ogystal ag ar wefan Sir Ddinbych. Bydd canlyniadau'r ymgynghoriad yn cael eu hadrodd yn ôl i'r Pwyllgor Cynllunio gyda CCA terfynol ar gyfer mabwysiadu.

5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

5.1. Blaenoriaethau Corfforaethol 2012-17. Bydd y CCA yn cyfrannu'n gadarnhaol at y flaenoriaeth gorfforaethol arfaethedig a ganlyn:

- Datblygu'r economi leol - Gall darparu canllawiau pellach ar ddylunio arwyddion helpu busnesau i wella eu golwg a chreu busnes ychwanegol.
- Strydoedd glân a thaclus - gall cyngor mewn perthynas â gosod arwyddion palmant helpu i sicrhau bod strydoedd yn rhydd o rwystrau.

6. Beth fydd yn ei gostio a sut bydd yn effeithiol ar wasanaethau eraill?

6.1. Ni ragwelir y bydd cytuno ar y CCA ar gyfer ymgynghori yn creu unrhyw gost ychwanegol.

7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Gydraddoldeb a gynhaliwyd ar y penderfyniad? Dylid atodi Asesiad o Effaith ar Gydraddoldeb wedi ei gwblhau fel atodiad i'r adroddiad hwn.

7.1 Ni chredir bod angen Asesiad o Effaith ar Gydraddoldeb ar gyfer yr adroddiad gwybodaeth hwn. Mae'r egwyddor o ganiatâd hysbysebu wedi ei sefydlu trwy bolisiâu cenedlaethol a mabwysiadu'r CDLI. Cynhaliwyd Asesiad o Effaith ar Gydraddoldeb llawn ar y CDLI ym Mai 2011.

8. Pa ymgynghori a wnaed gyda'r Pwyllgor Archwilio ac eraill?

8.1 Ni chynhaliwyd unrhyw ymgynghoriad ffurfiol, ond cynhaliwyd ymgynghoriad mewnol gyda Grŵp Llywio Aelodau'r CDLI, swyddogion yn yr Adain Rheoli Datblygu, Swyddog Cadwraeth y Sir, a gwnaed newidiadau.

9. Datganiad y Prif Swyddog Cyllid

9.1 Dylai unrhyw gostau sy'n gysylltiedig â'r canllawiau hyn gael eu cynnwys o fewn cyllidebau presennol ac felly nid oes unrhyw oblygiadau ariannol amlwg yn yr adroddiad.

10. Pa risgiau sydd, ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?

10.1 Yn absenoldeb canllawiau cyfoes, mae perygl y gall busnesau ddod ymlaen â chynlluniau amhriodol a fydd yn niweidiol i ganol ein trefi llewyrchus a bywiog.

11. Pŵer i wneud y Penderfyniad

11.1 Deddf Cynllunio a Phrynu Gorfodol (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 Regulations¹, deemed consent is granted for the following displays of an advertisement falling within classes 1 to 14 listed in Schedule 3 (subject to any specified conditions and limitations and also to the standard conditions).

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

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

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

Appendix B – Standard Conditions

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

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

Mae tudalen hwn yn fwriadol wag

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.

Review Date:	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.

Adroddiad i'r:	Pwyllgor Cynllunio
Dyddiad y Cyfarfod:	22 Hydref 2014
Aelod Arweiniol / Swyddog:	Y Cyng. David Smith, Parth Cyhoeddus Angela Loftus, Rheolwr Cynllun Datblygu a Pholisi
Awdur yr Adroddiad:	Kirsty Henderson, Swyddog Prosiect Cadwraeth
Teitl:	Canllawiau Cynllunio Atodol Adeiladau Rhestredig – Drafft Ymgynghori

1. Am beth mae'r adroddiad yn sôn?

- 1.1. Mae'r adroddiad hwn yn cyd-fynd â'r ddogfen Canllawiau Cynllunio Atodol drafft (CCA) ar adeiladau rhestredig a fydd, o'i fabwysiadu, yn cael eu defnyddio wrth benderfynu ar geisiadau Cydsyniad Adeilad Rhestredig a cheisiadau cynllunio sy'n effeithio ar leoliad adeiladau rhestredig.

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1. Ar ôl mabwysiadu Cynllun Datblygu Lleol (CDLI) Sir Ddinbych, a diweddariad y canllawiau cenedlaethol, mae angen CCA wedi'i ddiweddarau ar adeiladau rhestredig er mwyn cynnig arweiniad pellach i ddatblygwyr, Swyddogion ac Aelodau. Mae CCA drafft ar gyfer ymgynghoriad cyhoeddus ynghlwm i'r adroddiad hwn (Atodiad 1).

3. Beth yw'r Argymhellion?

- 3.1. Bod yr Aelodau'n cytuno ar y CCA drafft ar adeiladau rhestredig fel sail ar gyfer ymgynghoriad cyhoeddus.

4. Manylion am yr adroddiad

- 4.1. Ar ôl mabwysiadu'r CDLI ar 4 Mehefin 2013, cytunodd y Cyngor i ddwyn ymlaen y gyfres bresennol o CCA, gan gynnwys CCA 14 – Adeiladau Rhestredig. Mae adeiladau rhestredig wedi'u rhestru oherwydd eu diddordeb

pensaernïol neu hanesyddol arbennig. Mae diogelu'r adeiladau hyn yn cynnwys unrhyw iardiau adeiladau neu strwythurau, a'u lleoliad ehangach. Mae canllawiau cenedlaethol wedi'u diweddarau ers mabwysiadu'r CCA gwreiddiol (yn 2003), yn bennaf dogfen bolisi Cadw *Egwyddorion, Polisiâu a Chanllawiau Cadwraeth ar gyfer Rheolaeth Gynaliadwy'r Amgylchedd Hanesyddol yng Nghymru* a gyhoeddwyd yn 2011 a TAN 12 – Dylunio (2014). Mae English Heritage wedi cynhyrchu canllaw hefyd *The Setting of Heritage Assets* (2011). Dylid nodi bod dogfen English Heritage yn berthnasol i Loegr yn unig a bydd rhai o'r rheolau a rheoliadau'n wahanol yng Nghymru ond mae'n cynnwys egwyddorion i'w hystyried sy'n rhai cyffredinol ar gyfer adeiladau rhestredig. Mae gwahaniaethau hefyd rhwng y Cynllun Datblygu Unedig blaenorol a pholisïau'r CDLI, allai gael effaith ar geisiadau cynllunio sy'n effeithio ar adeiladau rhestredig a strwythurau, ynghyd â'u lleoliad.

- 4.2 Mae'r Llysoedd wedi derbyn nad oes gofyniad statudol i ystyried darpariaethau'r cynllun datblygu lleol ar gyfer cydsyniad adeilad rhestredig, ac nid yw Adran 54A o Ddeddf Cynllunio Gwlad a Thref 1990 (a ddisodlwyd gan Adran 38 (6) o Deddf Cynllunio a Phrynu Gorfodol 2004) yn berthnasol. Fodd bynnag, mae'n hanfodol cynhyrchu CCA wedi'i ddiweddarau ar y testun hwn. Os caiff ei fabwysiadu, bydd y CCA yn ystyriaeth cynllunio perthnasol wrth asesu ceisiadau cydsyniad adeilad rhestredig a cheisiadau cynllunio sy'n effeithio ar adeiladau rhestredig a'u lleoliad.
- 4.3. Mae gan Gyngor Sir Ddinbych dros 1800 o adeiladau rhestredig. Maent yn bodoli yng nghanol trefi ac ardaloedd gwledig ac mae math a natur pob adeilad rhestredig a'r rheswm dros eu rhestru yn wahanol. Bydd darparu canllawiau positif ac eglur ynglŷn â'r newidiadau a defnyddiau arfaethedig adeiladau rhestredig mewn CCA yn ategu at bolisiâu CDLI lleol ynglŷn â pharchu nodweddion unigryw, datblygu cynaliadwy, hybu economi gynaliadwy a gwerthfawrogi ein hamgylchedd.
- 4.3. Byddai'r cyfnod ymgynghori cyhoeddus yn para o leiaf 8 wythnos a disgwylir iddo ddechrau yng nghanol mis Tachwedd 2014. Bydd canlyniadau'r ymgynghoriad yn cael eu hadrodd yn ôl i'r Pwyllgor Cynllunio gyda CCA terfynol i'w fabwysiadu.

5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

- 5.1. Mae'r CCA yn darparu canllawiau ar adeiladau rhestredig a beth i'w gyflwyno ar gyfer cais cydsyniad adeilad rhestredig. Mae rheolaeth bositif adeiladau rhestredig a gyflwynir yn y broses gynllunio'n gysylltiedig â dau bolisi corfforaethol - 'Datblygu'r economi leol' a 'Strydoedd glân a thaclus'.

5.2 Mae lleoliad ffisegol a nifer yr adeiladau rhestredig mewn trefi megis Dinbych (235); Llangollen (224); y Rhyl (101) a Rhuthun (212), a Chorwen (79) yn ystyriaeth allweddol er mwyn sicrhau bod adeiladau rhestredig yn cael eu haddasu neu eu newid mewn modd positif, gan gadw eu cymeriad sy'n golygu bod trefi ac ardaloedd gwledig Sir Ddinbych yn unigryw. Mae rheoli'r adeiladau hyn yn briodol yn berthnasol yn uniongyrchol i Flaenoriaethau Corfforaethol - 'Strydoedd Glân a Thaclus' a 'Datblygu'r Economi Leol'. Mae 'Strydoedd Glân a Thaclus' yn nodi bod –“Sir Ddinbych yn elwa o dirwedd ddeniadol a chroesawgar, ynghyd ag amrywiaeth o drefi a phentrefi hanesyddol a diwylliannol. Mae ansawdd y gofod cyhoeddus hwn yn allweddol i annog pobl i symud i'r sir, ynghyd â denu twristiaid sy'n cynorthwyo i gefnogi'r economi leol”.

6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

6.1. Bydd unrhyw gost sy'n gysylltiedig â chytuno ar CCA i'w ymgynghori yn cael ei gynnwys yn y cyllidebau cyfredol a ni fydd yn effeithio ar wasanaethau eraill.

7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Gydraddoldeb a gynhaliwyd ar y penderfyniad? Dylid atodi Asesiad o Effaith ar Gydraddoldeb wedi ei gwblhau fel atodiad i'r adroddiad hwn.

7.1 Ni chredir fod angen Asesiad o Effaith ar Gydraddoldeb ar gyfer y penderfyniad hwn. Mae egwyddorion rheoli adeiladau rhestredig yn briodol yn ddeddfwriaeth genedlaethol, ac yn cael ei gefnogi drwy fabwysiadu'r CDLI. Mae'r CCA yn rhoi arweiniad pellach ar hyn. Cynhaliwyd asesiad llawn o effaith y CDLI ar gydraddoldeb ym mis Mai 2011.

8. Pa ymgynghori a wnaed gyda'r Pwyllgor Archwilio ac eraill?

8.1 Ni chynhaliwyd unrhyw ymgynghoriad ffurfiol, ond cafwyd ymgynghoriad anffurfiol gyda swyddogion y Tîm Rheoli Datblygu.

8.2 Mae safbwynt yr Aelodau ynglŷn â chynnwys y CCA wedi'i ddarparu drwy Grŵp Llywio CDLI yr Aelodau hefyd.

9. Datganiad y Prif Swyddog Cyllid

- 9.1 Dylai unrhyw gostau sy'n gysylltiedig â'r canllawiau fod wedi eu cynnwys o fewn y cyllidebau presennol ac felly nid oes unrhyw oblygiadau ariannol amlwg yn yr adroddiad.

10. Pa risgiau sy'n bodoli, ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?

- 10.1 Heb ganllawiau cyfredol, mae perygl na fyddai'r Cyngor yn gallu gweithredu polisiau'r CDLI yn effeithiol. Mae CCA adeiladau rhestredig yn darparu canllaw clir a chryno yn seiliedig ar bolisi cenedlaethol wedi'i ddiweddarau. Bydd cyflwyno gwybodaeth ar gyfer ceisiadau i gael cydsyniad adeilad rhestredig a cheisiadau cynllunio sy'n effeithio ar adeiladau rhestredig a'u lleoliad yn gwella'r broses o lunio penderfyniadau o ran cyflymder ac ansawdd canlyniadau.

11. Pŵer i wneud y Penderfyniad

- 11.1 Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990
- 11.2 Deddf Cynllunio a Phrynu Gorfodol (2004).

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 15th 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 20th 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



Photo courtesy of Gareth Parry

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 16th 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 th 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 16th / early 17th 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)

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

The Georgian Group
 6 Fitzroy Square
 London W1T 5DX
 Tel: 020 7387 1720
 Email: info@georgiangroup.org.uk

www.georgiangroup.org.uk

The Society for the Protection of Ancient Buildings
37 Spital Square
London E1 6DY
Tel; 0207377 1644
Email: info@spab.org.uk
Email: conservation@rics.org.uk
www.spab.org.uk

The Victorian Society
1 Priory Gardens
Bedford Park
London W4 1TT
Tel: 020 8994 1019
Email: admin@victorian-society.org.uk
www.victorian-society.org.uk

Royal Institution of Chartered Surveyors
RICS
Parliament Square
London
SW1P 3AD
UK
Tel: 0870 333 1600
Email: contactrics@rics.org
www.rics.org.uk

The Royal Town Planning Institute
41 Botolph Lane
London EC3R 8DL
Tel: 020 7929 9494
www.rtpi.org.uk

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

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 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.

Review Date:	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.

Adroddiad i'r:	Pwyllgor Cynllunio
Dyddiad y Cyfarfod:	22 Hydref 2014
Aelod/Swyddog Arweiniol:	Y Cyng. David Smith, Parth Cyhoeddus Angela Loftus, Rheolwr Cynllun Datblygu a Pholisi
Awdur yr Adroddiad:	Kirsty Henderson, Swyddog Prosiect Cadwraeth
Teitl:	Canllaw Cynllunio Atodol Ardaloedd Cadwraeth – Ymgynghori drafft

1. Am beth mae'r adroddiad yn sôn?

- 1.1. Mae'r adroddiad hwn yn cyd-fynd â Chanllaw Cynllunio Atodol (CCA) Ardaloedd Cadwraeth drafft a fydd, o'i fabwysiadu, yn cael ei ddefnyddio i helpu i reoli ardaloedd cadwraeth yn rhagweithiol a phenderfynu ar geisiadau cynllunio sy'n effeithio ar ardaloedd cadwraeth.

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1. Yn dilyn mabwysiadu Cynllun Datblygu Lleol (CDLI) Sir Ddinbych, a diweddarau canllawiau cenedlaethol, mae angen diweddarau'r CCA Ardaloedd Cadwraeth er mwyn cynnig arweiniad pellach i ddatblygwyr, Swyddogion ac Aelodau. Mae CCA drafft ar gyfer ymgynghoriad cyhoeddus ynghlwm wrth yr adroddiad hwn (Atodiad 1).

3. Beth yw'r Argymhellion?

- 3.1. Bod yr Aelodau'n cytuno ar y CCA Ardaloedd Cadwraeth drafft fel sail ar gyfer ymgynghoriad cyhoeddus.

4. Manylion am yr adroddiad

- 4.1. Yn dilyn mabwysiadu'r CDLI ar 4 Mehefin 2013, cytunodd y Cyngor i gario'r gyfres bresennol o CCAu, gan gynnwys CCA 13 - Ardaloedd Cadwraeth, ymlaen. Mae Ardaloedd Cadwraeth yn ardaloedd o ddiddordeb pensaernïol neu hanesyddol arbennig, y mae'n ddymunol cadw neu wella eu cymeriad

neu eu hymddangosiad. Mae'r canllawiau cenedlaethol wedi eu diweddarau ers i'r CCA gwreiddiol cael ei fabwysiadu yn 2003, mae'r rheiny'n cynnwys Polisi Cynllunio Cymru (2014); dogfen bolisi Egwyddorion, Polisiâu a Chanllawiau Cadwraeth ar gyfer Rheoli Amgylchedd Hanesyddol Cymru mewn ffordd Gynaliadwy (2011) Cadw a TAN 12. Mae English Heritage hefyd wedi cynhyrchu canllawiau ar Reoli Ardal Gadwraeth: 'Understanding Place: Conservation Area Designation, Appraisal and Management' (2011). Dylid nodi bod dogfen English Heritage yn unig yn berthnasol i Loegr yn unig a bod rhai o'r rheolau a'r rheoliadau yn wahanol yng Nghymru. Fodd bynnag, mae'n cynnwys egwyddorion sy'n gyffredin i reoli ardal gadwraeth. Mae yna wahaniaethau hefyd rhwng polisiâu blaenorol y Cynllun Datblygu Unedol (CDU) a'r CDLI, a all effeithio ar geisiadau cynllunio sy'n effeithio ar ardaloedd cadwraeth. Mae'n rhaid cynhyrchu CCA wedi ei ddiweddarau ar gyfer y maes yma. Os caiff ei fabwysiadu, bydd y CCA yn ystyriaeth gynllunio berthnasol wrth asesu ceisiadau sy'n effeithio ar ardaloedd cadwraeth.

- 4.2. Mae gan Gyngor Sir Ddinbych 33 o ardaloedd cadwraeth. Maent yn bodoli yng nghanol trefi ac mewn ardaloedd gwledig ac mae'r nodweddion pensaernïol a hanesyddol pob ardal gadwraeth yn wahanol ac yn unigryw. Bydd darparu arweiniad cadarnhaol a chllir mewn CCA yn ategu polisiâu perthnasol y CDLI ar barchu natur unigryw, datblygu cynaliadwy, hybu economi gynaliadwy a gwerthfawrogi ein hamgylchedd.
- 4.3. Byddai'r cyfnod ymgynghori cyhoeddus yn o leiaf 8 wythnos, yn dechrau o ganol fis Tachwedd 2014. Bydd canlyniadau'r ymgynghoriad yn cael eu hadrodd yn ôl i'r Pwyllgor Cynllunio gyda'r CCA terfynol ar gyfer ei fabwysiadu.

5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

- 5.1. Mae'r CCA yn rhoi arweiniad ar ardaloedd cadwraeth. Mae rheoli ardaloedd cadwraeth mewn modd cadarnhaol trwy'r broses gynllunio yn ymwneud â dau bolisi corfforaethol - 'Datblygu'r economi leol', a 'Strydoedd glân a thaclus'.
- 5.2. Mae lleoliad a nifer yr ardaloedd cadwraeth yng nghanol trefi'r sir ac yn y rhan fwyaf o bentrefi'r sir, yn ystyriaeth allweddol ar gyfer sicrhau bod cynigion datblygu mewn ardaloedd cadwraeth yn cael eu rheoli mewn ffordd gadarnhaol yn unol â pholisiâu defnydd tir eraill, er mwyn cadw eu cymeriad a'u hedrychiad arbennig sy'n gwneud trefi ac ardaloedd gwledig Sir Ddinbych yn unigryw. Mae rheolaeth briodol o'r adeiladau hyn yn uniongyrchol berthnasol i'r Blaenoriaethau Corfforaethol - 'Strydoedd Glân a Thaclus' a 'Datblygu'r Economi Lleol'. Mae blaenoriaeth 'Strydoedd Glân a Thaclus' yn datgan bod Sir Ddinbych yn elwa ar gael tirwedd ddeniadol yn ogystal ag

amrediad o drefi a phentrefi hanesyddol a diwylliannol. Mae ansawdd y lle cyhoeddus hwn yn allweddol i annog pobl i symud i mewn i'r sir, yn ogystal â denu twristiaid sy'n helpu i gefnogi'r economi leol. "

6. Faint fydd yn costio a sut bydd yn effeithio ar wasanaethau eraill?

- 6.1. Bydd unrhyw gost sy'n gysylltiedig â chytuno ar fwrw ymlaen â'r ymgynghoriad ar y CCA yn cael ei gynnwys o fewn cyllidebau presennol ac ni fydd yn effeithio ar wasanaethau eraill.

7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Gydraddoldeb a gynhaliwyd ar y penderfyniad? Dylid atodi Asesiad o Effaith ar Gydraddoldeb wedi ei gwblhau fel atodiad i'r adroddiad hwn.

- 7.1 Ni chredir bod angen Asesiad o Effaith ar Gydraddoldeb ar gyfer yr adroddiad gwybodaeth hwn. Mae'r egwyddor o reoli newid priodol mewn ardaloedd cadwraeth wedi ei chynnwys yn y ddeddfwriaeth genedlaethol a'i chefnogi drwy fabwysiadu'r CDLI. Mae'r CCA yn rhoi arweiniad pellach ar hyn. Cynhaliwyd Asesiad o Effaith ar Gydraddoldeb llawn ar y CDLI ym Mai 2011.

8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Archwilio ac eraill?

- 8.1 Ni chynhaliwyd unrhyw ymgynghoriad ffurfiol, ond mae ymgynghori anffurfiol wedi ei gynnal gyda swyddogion yn y Tîm Rheoli Datblygu.
- 8.2 Mae mewnbwn Aelodau ar gynnwys y CCA hefyd wedi cael ei ddarparu trwy Grŵp Llywio Aelodau'r CDLI.

9. Datganiad y Prif Swyddog Cyllid

- 9.1 Dylai unrhyw gostau sy'n gysylltiedig â'r canllawiau fod wedi eu cynnwys o fewn y cyllidebau presennol ac fe id oes unrhyw oblygiadau ariannol amlwg yn yr adroddiad.

10.1 Pa risgiau sydd, ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?

Heb ganllawiau cyfredol mae yna risg na fyddai'r Cyngor yn gallu gweithredu polisiau'r CDLI yn effeithiol. Mae CCA Ardaloedd Cadwraeth yn rhoi arweiniad clir a chryno yn seiliedig ar y polisi cenedlaethol cyfredol. Bydd cyflwyno ceisiadau cynllunio gwybodus, mewn perthynas â datblygiad sy'n effeithio ar ardaloedd cadwraeth, yn gwella'r broses wneud penderfyniadau o ran cyflymder ac ansawdd canlyniadau.

11. Pŵer i wneud y Penderfyniad

11.1 Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990

11.2 Deddf Cynllunio a Phrynu Gorfodol (2004).

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)

CADW : Welsh Historic Monuments

Crown Building, Cathays Park, Cardiff, CF1 3NQ. Telephone : Cardiff (02920) 500200.

The Victorian Society

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The Georgian Group

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www.victorian-society.org.uk

Royal Institution of Chartered Surveyors

RICS

Parliament Square

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Email: contactrics@rics.org

www.rics.org.uk

The Royal Town Planning Institute

41 Botolph Lane

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Tel: 020 7929 9494

www.rtpi.org.uk

The Royal Institute of British Architects (RIBA)

RIBA Headquarters, 66 Portland Place

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Tel: 0207 580 5533

www.architecture.com

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

No	Not required
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Action(s)	Owner	By when?

9. Declaration

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

Review Date:	10 2015
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Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	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.

Adroddiad i'r:	Pwyllgor Cynllunio
Dyddiad y Cyfarfod:	22 Hydref 2014
Aelod Arweiniol / Swyddog:	Cyng. David Smith, Parth y Cyhoedd Angela Loftus, Rheolwr Cynllun Datblygu a Pholisi
Awdur yr Adroddiad:	Karsten Brußk, Swyddog Cynllunio
Teitl:	Briff Datblygu Safle Drafft: Triongl Rhuddlan

1. Am beth mae'r adroddiad yn sôn?

- 1.1 Mae'r adroddiad hwn yn cyflwyno'r Briff Datblygu Safle drafft ar gyfer safle 'Triongl Rhuddlan' ar gyrion Rhuddlan. Mae'n cynnwys y Briff Datblygu Safle drafft, Atodiad I, y ddogfen sgrinio Asesiad Amgylcheddol Strategol, Atodiad II, a'r ddogfen sgrinio Asesiad o'r Effaith ar Gydraddoldeb, Atodiad III.

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1 Gofyn am gymeradwyaeth yr Aelodau i gynnal ymgynghoriad ar y Briff Datblygu Safle drafft (Prif Ddogfen) a'r Asesiad Amgylcheddol Strategol cysylltiedig gyda chyrrff statudol a'r cyhoedd. Os caiff ei gymeradwyo, bydd y Briff Datblygu Safle yn cael ei ddefnyddio wrth benderfynu ar unrhyw gais cynllunio ar y safle.

3. Beth yw'r Argymhellion?

- 3.1 Bod yr Aelodau'n cytuno ar y Briff Datblygu Safle drafft ar gyfer safle 'Triongl Rhuddlan' a'r ddogfen sgrinio Asesiad Amgylcheddol Strategol (AAS) sy'n dod gydag o ar gyfer ymgynghoriad cyhoeddus.

4. Manylion am yr adroddiad.

- 4.1 Y briff datblygu safle hwn yw un o gyfres o nodiadau Canllawiau Cynllunio Atodol (CCA) sy'n ymhelaethu ar bolisiâu neu egwyddorion datblygu Cynllun Datblygu Lleol (CDLI) Sir Ddinbych 2006-2021 ar gyfer dyraniadau safle unigol mewn fformat sy'n ceisio arwain y broses, dyluniad ac ansawdd datblygiadau newydd.
- 4.2 Nid yw nodiadau CCA y Cyngor yn rhan o'r cynllun datblygu a fabwysiadwyd. Mae Llywodraeth Cymru (LIC) wedi cadarnhau, yn dilyn ymgynghoriad cyhoeddus a chymeradwyaeth dilynol gan yr Awdurdod Cynllunio Lleol (ACLI), y gellir trin CCA fel ystyriaethau cynllunio perthnasol pan fydd Awdurdodau Cynllunio Lleol, Arolygwyr Cynllunio a Llywodraeth Cymru yn penderfynu ar geisiadau cynllunio ac apeliadau.

- 4.3 Mae'r term 'Triongl Rhuddlan' yn cyfeirio at tua 4.5ha o dir sydd wedi ei leoli i'r de-orllewin o'r afon Clwyd, rhwng canol tref hanesyddol Rhuddlan a chyffordd cylchfan yr A525 a'r A547. Mae'n cael ei ffinio gan yr afon Clwyd i'r gogledd-ddwyrain, gan Ffordd yr Orsaf (A547) sy'n cysylltu'r gyffordd cylchfan â chanol y dref yn y dwyrain, a chan y ffordd ddeuol A525 sy'n arwain o'r gyffordd cylchfan i mewn i'r Rhyl (a elwir yn Ffordd Osgoi Rhuddlan) i'r gorllewin.
- 4.4 Mae hwn yn safle porth allweddol i'r dref sydd yn weladwy iawn o'r A525, Eglwys y Santes Fair a Chastell Rhuddlan. Mae rhannau helaeth ohono yn gymysgedd o dir diffaith a thir heb ei ddatblygu. Byddai'r Cyngor yn hoffi gweld tir yn cael defnydd economaidd eto, gwella ymddangosiad gweledol y safle a gwella pa mor ddeniadol yw'r lle ar gyfer busnesau newydd posibl.
- 4.5 Mae'r safle o fewn Parth Risg Llifogydd C1 Map Cyngor Datblygu Llywodraeth Cymru y cyfeirir ato yn Nodyn Cyngor Technegol 15: Datblygu a Risg Llifogydd. Mae Parth C1 yn dynodi ardaloedd gorlifdir sydd wedi eu datblygu gydag isadeiledd sylweddol, yn cynnwys gwahanol fathau o amddiffynfeydd rhag llifogydd. O ganlyniad, gallai datblygu ddigwydd ond bydd yn amodol ar ganlyniadau'r prawf cyfiawnhad a derbynioldeb y canlyniadau ar gyfer mathau penodol.
- 4.6 Prif elfennau'r ddogfen yw: lleoliad a disgrifiad o'r safle, polisiâu cynllunio lleol, dau faes allweddol wedi'u hamlygu i'w datblygu, perygl llifogydd, ac ystyriaethau priffyrdd. Mae pynciau unigol wedi'u hategu trwy fapiau, ffigurau a lluniau. Y nod yw rhoi arweiniad ar ddefnydd derbyniol posibl ar y safle.
- 4.7 Byddai'r cyfnod ymgynghori cyhoeddus am o leiaf 8 wythnos a rhagwelir y bydd yn dechrau ganol i ddiwedd Tachwedd 2014. Ymgynghorir gyda holl Gynghorau Dinas, Tref a Chymuned ynghyd â budd-ddeiliaid allweddol a phobl sydd wedi cofrestru ar y gronfa ddata CDLI. Bydd copïau caled o'r dogfennau hyn ar gael ym mhob llyfrgell a siop un alwad yn ogystal ag ar wefan Sir Ddinbych. Bydd canlyniadau'r ymgynghoriad yn cael eu hadrodd yn ôl i'r Pwyllgor Cynllunio gyda chais tebygol i fabwysiadu'r ddogfen gyda newidiadau arfaethedig o ganlyniad i'r ymarfer ymgynghori cyhoeddus.
- 4.8 Bydd swyddogion yn cynnal digwyddiad arddangosfa yn Llyfrgell Rhuddlan (bydd manylion yn cael eu cyhoeddi mor fuan â phosibl) yn ogystal â'r prif elfennau o gynnal ymgynghoriad cyhoeddus gyda'r cyhoedd ac ymgynghoreion statudol.
- 4.9 Mae'r ddogfen ddrafft yn cynnwys Aseiad Amgylcheddol Strategol, Atodiad II, a fydd yn destun ymgynghori gydag ymgynghoreion statudol dros yr un cyfnod o amser.
- 5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**
- 5.1 Blaenoriaethau Corfforaethol 2012-17. Bydd y CCA yn cyfrannu'n gadarnhaol tuag at y flaenoriaeth gorfforaethol arfaethedig canlynol:

- Moderneiddio'r Cyngor i gyflawni effeithlonrwydd a gwella gwasanaethau ar gyfer ein cwsmeriaid drwy sicrhau bod dogfennau canllawiau cynllunio yn gyfredol

6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

- 6.1 Ni ragwelir y bydd cymeradwyo'r brif ddogfen Briff Datblygu Safle drafft ar gyfer ymgynghori gyda chyrff statudol a'r cyhoedd yn creu unrhyw gostau ychwanegol.
- 6.2 Bydd cael BDS wedi'i fabwysiadu yn amlinellu cyfleoedd datblygu posibl, sy'n cydymffurfio â deddfwriaeth cynllunio yn amodol ar fanylion, yn cynorthwyo'r tîm Busnes a Datblygu Economaidd wrth ddenu busnesau ar y safle a chefnogi'r camau gweithredu a nodwyd yng Nghynllun Tref Rhuddlan 2012 – 2020.

7. Beth yw prif gasgliadau'r Aseiad o Effaith ar Gydraddoldeb a gynhaliwyd ar y penderfyniad? Dylid atodi Aseiad o Effaith ar Gydraddoldeb wedi ei gwblhau fel atodiad i'r adroddiad hwn.

- 7.1 Y bwriad yw cynnal ymgynghoriad cyhoeddus ar y canllawiau sy'n ymwneud â datblygiad ar safle Triongl Rhuddlan. Nid yw cynnwys y Briff Datblygu yn gosod polisi ond mae'n atgyfnerthu, ac yn rhoi canllawiau penodol i safle ar, y polisiâu CDLI perthnasol. Mae'r Cynllun Datblygu Lleol, gan gynnwys pob polisi, wedi cael AEC llawn cyn ei fabwysiadu.

8. Pa ymgynghori a wnaed gyda'r Pwyllgor Archwilio ac eraill?

- 8.1 Trafodwyd cynnwys ac egwyddorion datblygu yng nghyfarfod y Grŵp Llywio Aelodau Cynllun Datblygu Lleol Sir Ddinbych 2006 – 2021 (CDLI) ar 19 Medi 2014. Gofynnwyd am gyfraniadau hefyd oddi wrth Gynghorwyr Sir Rhuddlan, a chydweithwyr o'r Gwasanaethau Busnes a Datblygu Economaidd, Rheoli Datblygu ac Eiddo.

9. Datganiad y Prif Swyddog Cyllid

- 9.1 Dylai unrhyw gostau sy'n gysylltiedig â'r canllawiau terfynol gael eu cynnwys o fewn y cyllidebau presennol ac felly nid oes unrhyw oblygiadau ariannol amlwg wedi'u cynnwys yn yr adroddiad.

10. Pa risgiau sy'n bodoli, ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?

- 10.1 Mae hwn yn safle porth allweddol i'r dref a'r Arfordir sydd yn weladwy iawn o'r A525, Eglwys y Santes Fair a Chastell Rhuddlan. Mae rhannau helaeth ohono yn gymysgedd o dir diffaith a thir heb ei ddatblygu. Byddai'r Cyngor yn hoffi gweld tir yn cael defnydd economaidd eto, gwella ymddangosiad gweledol y safle a gwella pa mor ddeniadol yw'r lle ar gyfer busnesau newydd posibl.

11. Pŵer i wneud y Penderfyniad

11.1 Deddf Cynllunio a Phrynu Gorfodol (2004).

Draft Site Development Brief:

Rhuddlan Triangle

Main Document



Development Planning and Policy Team
October 2014

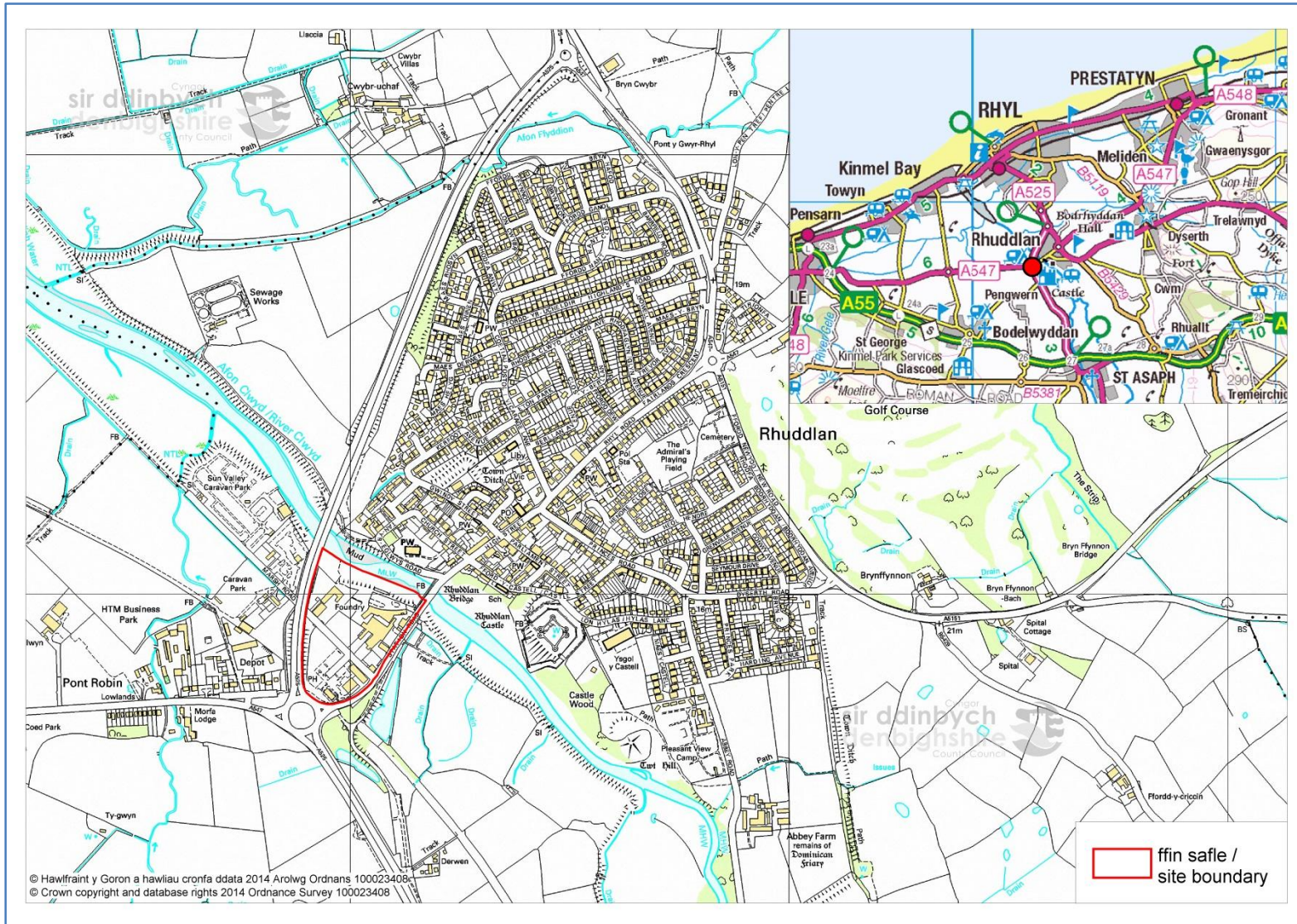
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Cover Photo: 'Rhuddlan Triangle' (Aerial View, 2009)

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Figure 1: Location of 'Rhuddlan Triangle'



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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.

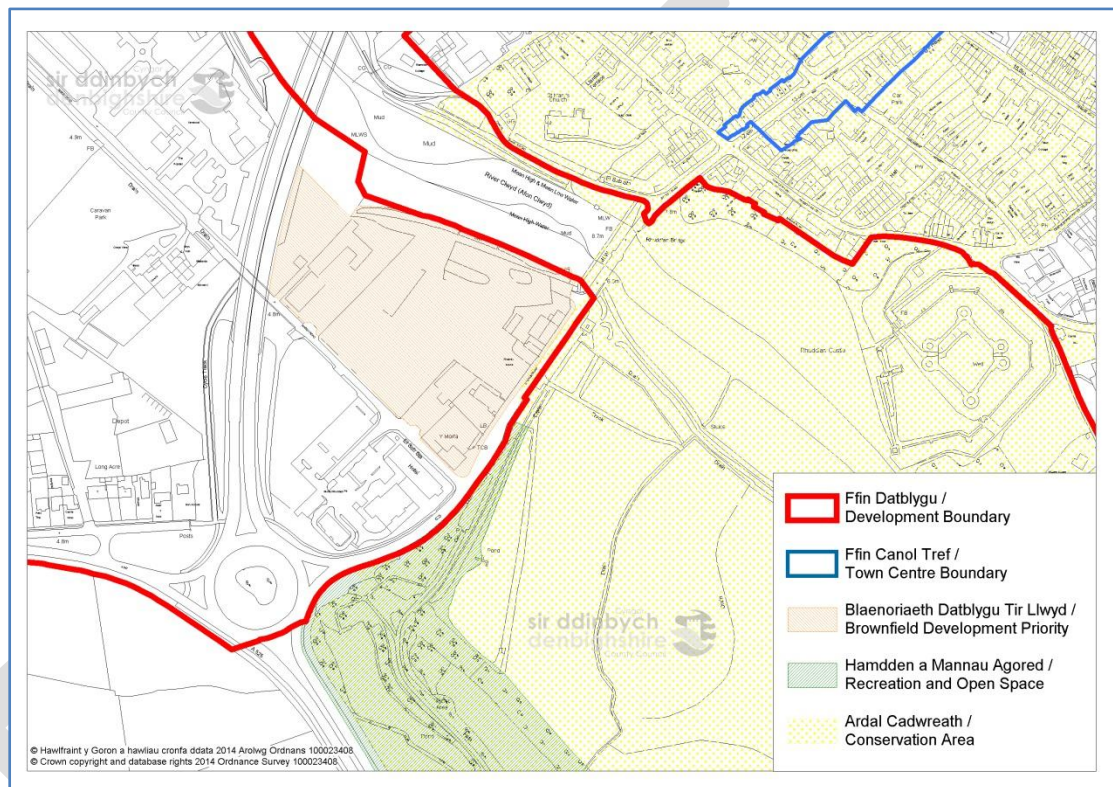


- 3.6 Marsh Road bisects the site; running parallel to the river Clwyd and providing the only access off Station Road to a number of commercial premises on site, a caravan park and individual residential premises located on adjacent land. There are frequent bus services along Station Road throughout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

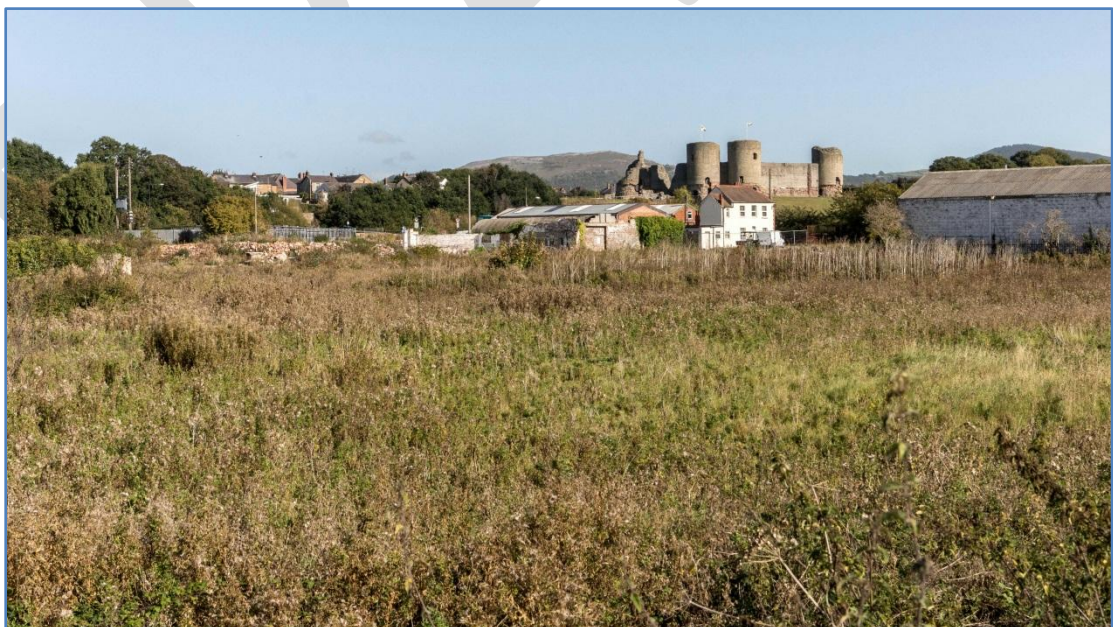
conservation and biodiversity objectives, flood risk, previous appeal decisions and planning inquiry reports, or research work carried out to support planning proposals.

- 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.

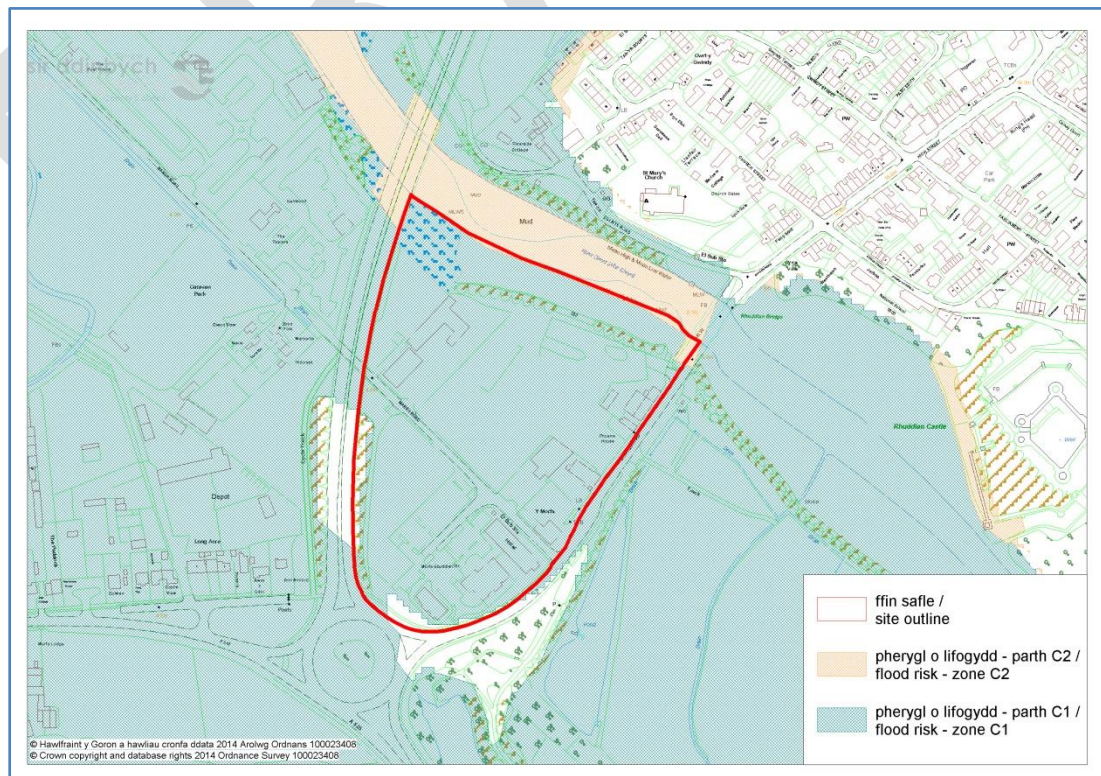
- 4.12 (4) Town Centre Boundary – LDP Policy PSE 8 / PSE 9: Rhuddlan's town centre is about 500m to the north-east, and comprises predominantly of a hotel, a hairdresser, a restaurant, a hot food takeaway, and a small proportion of traditional high street uses such as an optician, a pharmacy, a newsagent 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). 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.

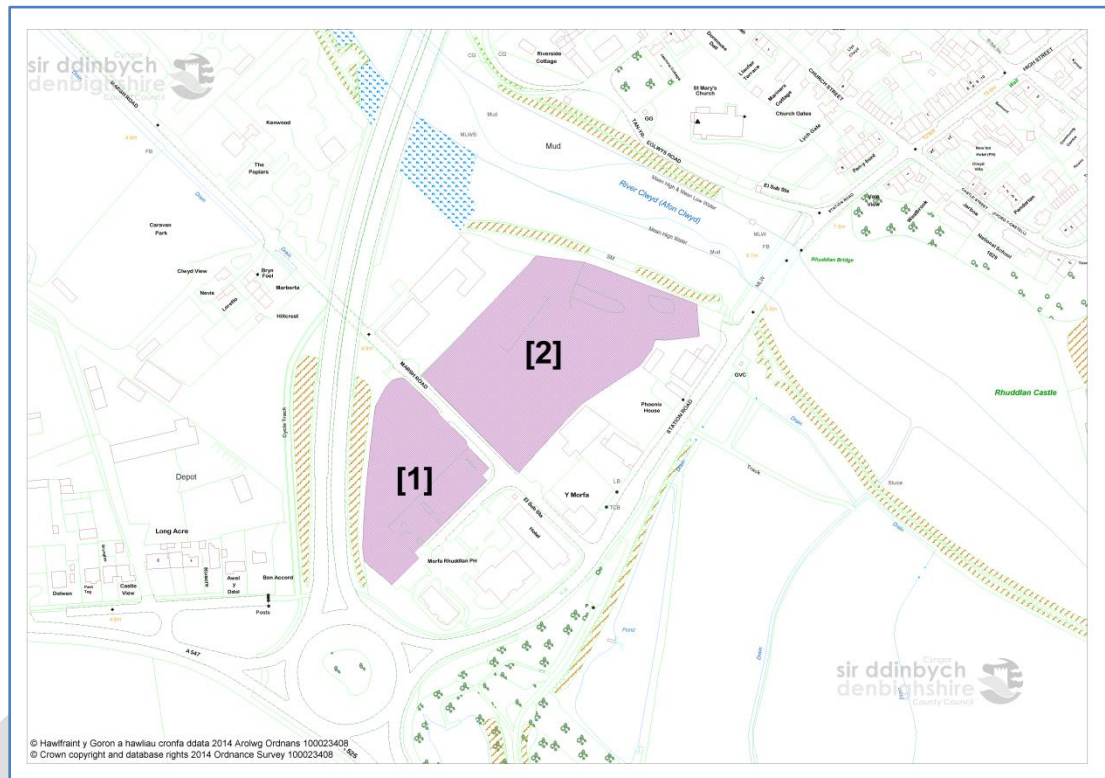
5.8 Raising individual land levels on site is not an acceptable option to address the maximum of depth of flooding due to the potential to displace flood waters and cause adverse flood risk impacts on adjoining landowners. (See TAN 15 paragraph 1.5)

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

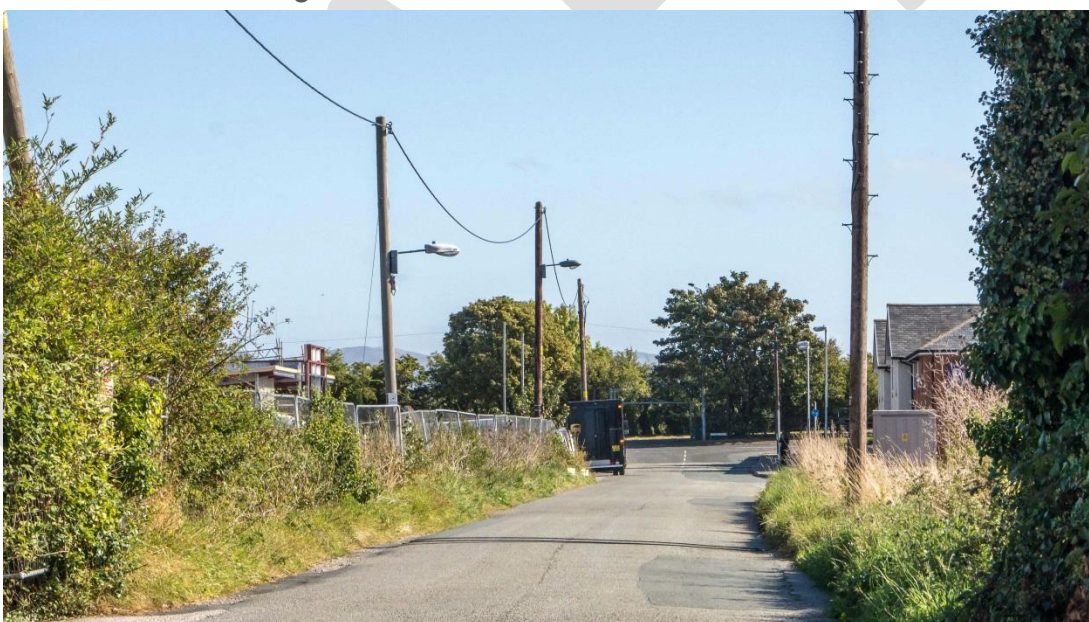


7.2 Vehicular access should be gained from the A547, using Marsh Road as the

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

Tel.: 01824 706727

Email: ldp@denbighshire.gov.uk

9.2	Denbighshire County Council Housing and Community Development Economic and Business Development Caledfryn Smithfield Road Denbigh LL16 3RJ	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

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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

Mae tudalen hwn yn fwriadol wag

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"> ▪ special natural characteristics or cultural heritage. ▪ exceeded environmental quality standards or limit values. ▪ intensive land-use. 	<p>The SDB area is near the Rhuddlan conservation area, and a number of listed buildings (including Rhuddlan Castle - Listed Building: Grade I and St Mary's Church - Listed Building: Grade II*).</p> <p>However, the SDB highlights the importance of any redevelopment proposal preserving and enhancing the setting and character of the conservation area, listed buildings and monuments near the site.</p> <p>The SDB area does not include any environmentally related designations but abuts a wildlife site. The SPD acknowledges that the River Clwyd (which abuts the site) connects to the Liverpool Bay SPA which is approximately 4km to the north. Therefore, the SDB seeks to ensure no changes to the water quality and quantity of the river. The SDB would improve environmental quality standards by re-developing a brownfield derelict site to high environmental standards.</p> <p>The site is a brownfield site that was previously used for industrial purposes. It is not considered any potential redevelopment and subsequent use of the site would lead to a more intensive land use of the site.</p>	No.
2g) The effects on areas or	The area affected by	No.

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

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

ADraft Site Development Brief:
Rhuddlan Triangle
7th 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
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8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

No	Not required
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Action(s)	Owner	By when?

9. Declaration

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

Review Date:	February 2015
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Name of Lead Officer for Equality Impact Assessment	Date
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Angela Loftus	07/10/14
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Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.
