

To: Chair and Members of the Planning Committee

Date: 14 January 2016

Direct Dial: 01824 712568

e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 20 JANUARY 2016** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 9 - 10)

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 11 - 20)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 9 December 2015 (copy attached).

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

5 APPLICATION NO. 09/2015/1121/PF - OUTBUILDINGS AT EFAL Y WAEN, BODFARI, DENBIGH (Pages 21 - 36)

To consider an application for conversion of redundant agricultural building to form 3 holiday let accommodation units, demolition of steel portal farm building and installation of a package treatment plant at Outbuildings at Efail y Waen, Bodfari, Denbigh (copy attached).

6 APPLICATION NO. 18/2015/0887/PF - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH (Pages 37 - 66)

To consider an application for change of use of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard and use of paddock as overspill parking area (partly in retrospect) at Pentre Mawr Country House Hotel, Llandyrnog, Denbigh (copy attached).

7 APPLICATION NO. 18/2015/0888/LB - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH (Pages 67 - 88)

To consider a listed building application for conversion of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard at Pentre Mawr Country House Hotel, Llandyrnog, Denbigh (copy attached).

8 APPLICATION NO. 18/2015/0327/PS - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH (Pages 89 - 102)

To consider an application for variation of condition no. 12 of planning permission code no. 18/2014/0793 to permit use of part of courtyard for wedding functions at Pentre Mawr Country House Hotel, Llandyrnog, Denbigh (copy attached).

9 APPLICATION NO. 23/2015/0889/PF - LAND AT BRYN GLAS DEPOT, SARON, DENBIGH (Pages 103 - 118)

To consider an application for highway improvement works on B4501 at land at Bryn Glas Depot, Saron, Denbigh (copy attached).

10 APPLICATION NO. 45/2015/0468/PO - FORMER THORPE ENGINEERING AND DESIGN SITE, FFORDD DERWEN, RHYL (Pages 119 - 138)

To consider an application for development of 0.29ha of land by the demolition of redundant factory unit and construction of a church and community centre (outline application including access) at Former Thorpe Engineering and Design Site, Ffordd Derwen, Rhyl (copy attached).

11 APPLICATION NO. 45/2015/0780/PR - OCEAN BEACH SITE, WELLINGTON ROAD, RHYL (Pages 139 - 164)

To consider an application for details of appearance, landscaping, layout and scale of phase 1 of mixed-use redevelopment scheme incorporating the development of 2 no. blocks containing retail uses (bulky goods, food and non-food) and leisure uses; a detached 54 bed hotel, 2 no. substations, car parking and other ancillary works submitted in accordance with condition number 1 of outline planning permission 45/2013/1510 (Reserved Matters Application) at Ocean Beach Site, Wellington Road, Rhyl (copy attached).

12 APPLICATION NO. 46/2015/0969/PF - FORMER PILKINGTON SPECIAL GLASS SITE, GLASCOED ROAD, ST. ASAPH (Pages 165 - 176)

To consider an application for construction of a new access and alterations to existing access at Former Pilkington Special Glass Site, Glascoed Road, St. Asaph (copy attached).

MEMBERSHIP

Councillors

Raymond Bartley (Chair)

Win Mullen-James (Vice-Chair)

Ian Armstrong

Bob Murray

Brian Blakeley

Peter Owen

Joan Butterfield

Dewi Owens

Jeanette Chamberlain-Jones

Merfyn Parry

Bill Cowie

Pete Prendergast

Meirick Davies

Arwel Roberts

Richard Davies

Anton Sampson

Stuart Davies

David Simmons

Peter Evans

Bill Tasker

Huw Hilditch-Roberts

Julian Thompson-Hill

Rhys Hughes

Joe Welch

Alice Jones

Cefyn Williams

Pat Jones

Cheryl Williams

Barry Mellor

Huw Williams

COPIES TO:

All Councillors for information

Press and Libraries

Town and Community Councils

This page is intentionally left blank

WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

General introduction

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

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

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

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

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

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

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

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

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The voting procedure

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

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

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

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

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

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

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

PLANNING COMMITTEE

VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

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

This page is intentionally left blank

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

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

Denbighshire County Council

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

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

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

This page is intentionally left blank

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 9 December 2015 at 9.30 am.

PRESENT

Councillors Raymond Bartley (Chair), Brian Blakeley, Jeanette Chamberlain-Jones, Bill Cowie, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Win Mullen-James (Vice-Chair), Bob Murray, Dewi Owens, Pete Prendergast, Arwel Roberts, Anton Sampson, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

ALSO PRESENT

Head of Legal, HR and Democratic Services (GW), Conservation Architect (PE), Head of Planning and Public Protection (GB), Development Manager (PM), Principal Planning Officer (IW), Planning Officer (DAR), Senior Engineer, Highways (MP), Development Planning & Policy Manager (AL), and Committee Administrator (SLW).

1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Joan Butterfield, Peter Owen and Merfyn Parry.

At this juncture, best wishes were sent to both Councillors Ian Armstrong and Peter Owen.

The Chair welcomed everyone to the Planning Committee meeting, and announced with great pleasure that Denbighshire County Council had been recently commended by the Royal Town Planning Institute (RTPI) at the 2015 Wales Planning Awards. The commendation had been in recognition of the regeneration of Grade II Listed Buildings, Plas Penddeuglawdd at 37-39 Pendyffryn Road, Rhyl. The buildings, one of which was believed to be the oldest building in Rhyl, dated from the first half of the 17th Century. Both were listed in a poor condition with no. 37 in a partially derelict state. Located in a suburban residential street and an eyesore for many years, the buildings were on the Council Corporate "Eyesore Sites" list, the Council's "Listed Buildings at Risk" Register and Empty Homes Register.

The Chair expressed thanks to all the officers involved with the excellent scheme and congratulated everyone.

The Head of Planning and Public Protection accepted the Certificate and introduced Phil Ebbrell, the Council's Conservation Architect.

Phil Ebbrell informed Members that negotiations with the owner of 37-39 Pendyffryn Road, Rhyl first took place in the late 1990's as it was empty and the building had been deteriorating. Eventually, the property was sold to a local developer. North Wales

Housing were involved and identified a funding package to assist with the project. Six two-bedroom properties on the site were created. Three are in the listed buildings, with three new bungalows meeting lifetime homes standards, and wheelchair friendly dwellings in the grounds. Rhyl has one of the highest areas of housing need in Denbighshire and this crucial development provided much needed, high quality 2 bedroom affordable housing for local people with a local connection.

The project had resulted in a productive use of a formerly derelict listed building which meets local needs for affordable and specialist housing and had promoted a sense of civic pride.

Councillors Pat Jones and Meirick Lloyd Davies congratulated all involved with the project as it had made a great difference to the area.

2 DECLARATIONS OF INTEREST

Councillor Huw Williams – Personal Interest – Agenda Item 7

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee meeting held on 11 November 2015 were submitted.

At this juncture, Councillor Huw Hilditch-Roberts stated he felt all Members should be attributed to discussions within the meeting. This comment was noted.

***RESOLVED** that the minutes of the meeting held on 11 November, 2015, be approved as a correct record.*

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 12)

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

5 APPLICATION NO. 25/2015/0636/ PFWF - LAND EAST OF LLYN BRENIG, NANTGLYN

To consider an application for the construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565) at land east of Llyn Brenig, Nantglyn.

Mr G Bibby – **(Against)** – spoke on behalf of local residents and referred to previous planning history and objections based on landscape, visual impact and wellbeing.

Mr J Woodruff – **For** – confirmed the scheme had commenced under previous consent and local contractors used. Argued the impact of the proposal to increase the turbine tip height from 100 to 110 metres would be imperceptible.

General Debate – The Planning Officer (IW) summarised the report highlighting the volume of information and representations received. He advised that the report sought the resolution of the Planning Committee, on the above planning application considered at the Committee on 11 November 2015, when Members resolved to refuse permission contrary to Officer recommendation.

The application had been referred back to Committee by the Head of Planning and Public Protection in accordance with the current Scheme of Delegation, as following detailed assessment, it was considered the grounds of refusal put forward would give rise to a significant risk of costs being awarded against the Council at any subsequent appeal.

The Council had previously sought independent technical advice on landscape and noise which Officers considered gave no grounds for refusal.

The report provided Members with the relevant background information and the reason why Officers were requesting the reconsideration of the application.

Councillor Joe Welch (Local Member) spoke against the application and proposed the application be refused on the increase on detrimental impact of visual amenity, seconded by Councillor Stuart Davies.

Members discussed the application and planning consideration further and expressed serious concerns over the additional impacts of the proposal over and above those created by the existing permission. Many members felt unable to support the application given the further detrimental impact on the community as a result. Members were not reassured that the proposed development would result in acceptable noise levels and further concerns were raised regarding the impact of the proposed development on health and wellbeing.

In response to debate Officers asked Members, as at the previous Planning meeting, to consider that the main difference to the existing planning consent would be an increase in the turbine dimensions involving a tip height increase of 10 metres. It was likely that a refusal would need to be defended at a public enquiry.

Proposal – Councillor Joe Welch proposed that the application be refused, contrary to Officer recommendation, on the grounds of increased detrimental impact on visual amenity. Councillor Stuart Davies seconded the proposal.

VOTE:
FOR – 3
AGAINST – 20
ABSTAIN – 1

RESOLVED that permission be **REFUSED**, contrary to Officer recommendation, on the ground of increase on detrimental impact of visual amenity.

At this juncture, the Head of Planning and Public Protection requested two Committee members who would be willing to represent the Committee if the matter were to be brought to appeal - Councillor Joe Welch and Stuart Davies agreed.

At this juncture (10.35 a.m.) there was a break.

Meeting reconvened at 10.50 a.m.

The following item had been brought forward on the Agenda at the request of the Local Member, Councillor Cefyn Williams, as he would need to leave prior to the conclusion of the meeting.

6 REPORT TO SEEK A RESOLUTION ON CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION 07/2015/0414/PFT - TYFOS, LLANDRILLO, CORWEN

A report was submitted to seek Members resolution on conditions to be attached to the Planning Permission for a single wind turbine at Tyfos, which had been granted at the November 2015 meeting of the Planning Committee.

The matter had been brought before Members at the request of Committee in November 2015, as the grant of permission was contrary to the Planning Officer recommendation, and there were no conditions before Members to consider.

The merits of the decision were not for debate, solely the suitability or otherwise of the conditions to be attached to the permission.

The Planning Officer confirmed the conditions were standard conditions similar to those imposed on previously granted single turbine permissions.

Proposal – Councillor Cefyn Williams proposed that the conditions within the report be accepted. Seconded by Councillor Rhys Hughes.

VOTE:
For – 25
Against – 0
Abstain – 0

RESOLVED that Members agree to the imposition of conditions on planning permission 07/2015/0414 as drafted, and that the Certificate of Decision be released.

7 APPLICATION NO. 12/2015/0656/PFT - LAND ADJACENT TO CLOCAENOG FOREST, WEST OF TAN Y CREIGIAU, CLAWDDNEWYDD, RUTHIN

To consider an application for the installation of single wind turbine with associated access track, foundation, crane hard standing and equipment housing cabinet at land adjacent to Clocaenog Forest west of Tan y Creigiau, Clawddnewydd, Ruthin.

Mr P Fusco – **(For)** – explained he worked as a Planner for Constantine Wind Energy. The wind turbine would be 15 metres shorter than originally approved which meant significant decrease in noise omissions. Mr Fusco explained the benefits of the single wind turbine on the site.

Proposal - Councillor Rhys Hughes proposed the application be granted. Councillor Hugh Williams seconded the proposal.

VOTE:

For – 24

Against – 1

Abstain – 0

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

8 APPLICATION NO. 40/2015/0199/PF - LAND AT BODELWYDDAN CASTLE, ENGINE HILL, BODELWYDDAN, RHYL

[Councillor Huw Williams declared a personal interest as he was friends on facebook with Mr Eyton Jones].

To consider an application for the construction of replica WW1 trenches at land at Bodelwyddan Castle, Engine Hill, Bodelwyddan, Rhyl.

Mr P Eyton Jones **(For)** – explained the background of the application. The proposal had been developed following receipt of a capital grant from the Ministry of Defence Community Covenant Grant Fund. Mr Eyton Jones expressed his disappointment at condition 3 relating to an archaeological watching brief to be included as, in his opinion, this was unnecessary.

General Debate – The project would commemorate the 100 year anniversary of the First World War. The trenches would also be open for the Armed Forces Day for North Wales which would take place in June 2016.

Councillor Alice Jones (Local Member) spoke in favour of the application including condition 3, seconded by Councillor Meirick Lloyd Davies.

Members discussed the application and conditions further. Councillor Stuart Davies proposed that condition 3 be removed as a condition to the application and the County Archivist to be involved with the trenches. Seconded by Councillor Rhys Hughes.

The Head of Legal, HR and Democratic Services clarified that a vote would need to take place regarding the proposed amendment which was to remove condition 3.

VOTE:

For – 10

Against – 15

Abstain – 0

The Head of Legal, HR and Democratic Services confirmed that a majority of Members had voted to include the original Condition 3 for the application.

Proposal – Councillor Alice Jones proposed that the application be accepted. Seconded by Councillor Meirick Lloyd Davies.

VOTE:

For – 23

Against – 1

Abstain – 1

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

9 APPLICATION NO. 42/2015/0237/PF - FORMER ANGLIA BUILDER'S YARD & ADJACENT CAR PARKS, NEWMARKET ROAD, DYSERTH, RHYL

To consider an application for the conversion of offices/workshops to provide (i) 19 self-contained apartments (ii) Erection of block of 6 self-contained apartments (including 2 affordable units) (iii) Erection of 13 employment starter units and (iv) Provision of Associated Car Parking, amenity and recreation space at the former Anglia Builder's Yard & Adjacent Car Parks, Newmarket Road, Dyserth, Rhyl.

Mr K Prydderch - **(Against)** – spoke on behalf of the “Don't Destroy Dyserth Group” and referred to flood defences. Concern was raised over climate change and the amount of rainfall which could have the capability of causing floods. Flood Assessment Infiltration tests were requested.

Mr G Kenyon – **(For)** – explained he worked for Kenyon Planning in Manchester and had been acting for Walsh Investments in this matter. The site had been for sale for the past five years with no interest and, therefore, the development would have significant public benefits as was a Brown Field Site.

General Debate – The Planning Officer (IW) summarised the report highlighting the information and representations received.

Councillor Hugh Irving confirmed he had attended the site meeting on behalf of Councillor Peter Owen who supported the development. Members raised concerns regarding the safety of the A5151 (Newmarket Road). The Senior Engineer, Highways, confirmed that there had been one recorded accident and a speed survey had been carried out and conditions had been suggested to improve junction visibility.

Proposal – Councillor Julian Thompson- Hill proposed that the application be granted. Councillor Barry Mellor seconded the proposal.

VOTE:

For – 20

Against – 4

Abstain – 0

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

10 APPLICATION NO. 46/2015/0765/PF - LAND AT BOD ERW HOTEL, THE ROE, ST. ASAPH

To consider an application for the change of use of land for the siting of secure storage units at Land at Bod Erw Hotel, The Roe, St. Asaph.

Mr Anthony Davies – **(For)** – explained the application would be temporary for 3 years for secure storage units. The location of the siting of the storage units together with the size and description were confirmed. Access times to the units would be from 8 a.m. – 7 p.m. Mr Davies confirmed he would be happy to work with Planning Officers if the application were successful.

General Debate - Councillor Bill Cowie (Local Member) requested if the application were to be granted he be consulted on the conditions to be added.

Proposal – Councillor Huw Hilditch-Roberts proposed that the application be granted, contrary to officer recommendation, as the location was in Policy RD1 and only for a 3 year period. Councillor Peter Evans seconded the proposal.

VOTE:

For – 20

Against – 3

Abstain – 0

RESOLVED that the application be **GRANTED** contrary to Officer Recommendation as the application would be temporary for a three year period. Officers to draft conditions to be attached to the permission.

11 APPLICATION NO. 43/2014/1371/ PF - PLAS DEVA CARAVAN PARK, FFORDD TALARGOCH, MELIDEN, PRESTATYN

Application withdrawn.

12 APPLICATION NO. 43/2015/0985/PF - 96 HIGH STREET, PRESTATYN

To consider an application for change of use of ground floor to use class A3 restaurant and conversion of upper floors to 2 self-contained flats at 96 High Street, Prestatyn.

General Debate – Councillor Hugh Irving (Local Member) supported the application, especially as the property had been standing empty and the building was deteriorating. Councillor Julian Thompson-Hill proposed granting the application. Councillor Anton Sampson agreed but requested condition be included that the property remained as class A3, this was supported by Councillor Bob Murray.

The Head of Legal, HR and Democratic Services clarified to Members that the amendment would be voted on to restrict the application to restaurant use only.

VOTE:

For (to add restriction) – 11

Against (for blanket A3 only) – 13

Proposal – Councillor Julian Thompson-Hill proposed the grant the application. Councillor Anton Sampson seconded the proposal.

VOTE:

For – 18

Against – 5

Abstain - 1

RESOLVED that permission be **GRANTED** with the blanket Class A3 use, in accordance with officer recommendations as detailed within the report.

13 APPLICATION NO. 45/2015/0359/PF - LAND ADJOINING 53 BRIGHTON ROAD, RHYL

To consider an application for the erection of 8 apartments, alterations to existing access arrangements and removal of 7 trees subject to a Tree Preservation Order at Land adjoining 53 Brighton Road, Rhyl.

General Debate: Councillor Barry Mellor (Local Member) informed Members that he was in favour of the proposed development, but was not happy with the design of the façade which faced the road. Councillor Win Mullen James expressed her agreement with Councillor Mellor.

Proposal - Councillor Barry Mellor proposed that the application be refused, contrary to Officer recommendation, on the grounds that the development proposed did not respect the form, character and design of adjacent buildings and the local historic environment. Councillor Jeanette Chamberlain Jones seconded the proposal.

VOTE:

For – 9

Against – 13

Abstain – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on the grounds that the development proposed did not respect the form, character and design of adjacent buildings and the local historic environment.

14 S106 LEGAL AGREEMENT TERMS AND UPDATE PLANNING CONDITIONS FOR OUTLINE PLANNING APPLICATION 40/2013/1585/PO, LAND EAST OF BODELWYDDAN

The Development Manager introduced the report and provided Members with details of the Heads of Terms for the proposed S.106 Legal Agreement for the Bodelwyddan Key Strategic Sites (KSS). He sought Members agreement to allow Officers to finalise and complete the S.106 Legal Agreement on the basis of the terms presented, enabling the relevant Outline Planning Permission and conditions to be issued.

The Chair, Councillor Raymond Bartley, thanked the Development Manager for all the information provided and the pre-Committee briefing which had taken place on 30 November 2015.

Councillor Alice Jones (Local Member) explained that she could not support the recommendation in its current form and would request an amendment. The Local Member confirmed she would put her case in full following debate by Members.

It was confirmed that conditions would be imposed on the outline planning permission for the development. Community facilities were to be provided as stated within the report, and confirmed that a contribution of £50,000 would be paid towards improvements to the existing Community Centre.

Regarding serviced employment land, the development would provide 26 hectares of employment land, categorised as B1, B2 and B8 uses which would include:

- micro office units for new start-up businesses to attract and retain Companies in Denbighshire
- self-contained offices
- hi-tech / workshop / warehouse units with a high ancillary office content and specification, and
- warehousing / B8 uses.

The Development Planning & Policy Manager confirmed that Bodelwyddan Town Council had been involved throughout the whole process and Members had previously agreed the draft Brief following the consultation process.

A lengthy discussion took place as the Local Member scrutinised the report provided. The Head of Planning and Public Protection confirmed to members that 12 months negotiation had taken place and officers had negotiated the best development and the best deal.

Proposal – Councillor Alice Jones (Local Member) proposed that the recommendation be agreed but an additional condition be included. Councillor Brian Blakeley seconded the proposal.

VOTE:

For – 18

Against – 0

Abstain – 0

RESOLVED that:

- *Members agree to the proposed heads of terms for the S.106 Legal Agreement as set out in the table which are in line with the previous resolution of the Planning Committee (save for the substitution of the Community Facility Contribution in place of the Abergele Greenway Contribution). Members are further requested to delegate the finalisation (with any minor changes) and thereafter the completion of the agreement to the Head of Planning and Public Protection. In addition that Members allow the release of the Outline Planning Consent (with the relevant updated conditions) on the final completion of the S.106 Legal Agreement.*
- *That a “Community Planning in Progress Group” be set up to jointly work with Denbighshire County Council to draw up a Bodelwyddan Policy akin to an Area Action Plan which could guide development across the existing settlement as well as the urban extension allocation of the KSS, to monitor and evaluate and influence the spend of money already committee and seek alternative funding to establish the aspirations of the local community and enhance the benefit already negotiated and to work with the community to deliver the expectations of residents for the benefit of the Health and Well Being of all resident in the town.*

Meeting concluded at 1.30 p.m.

Agenda Item 5

WARD : Llandyrnog

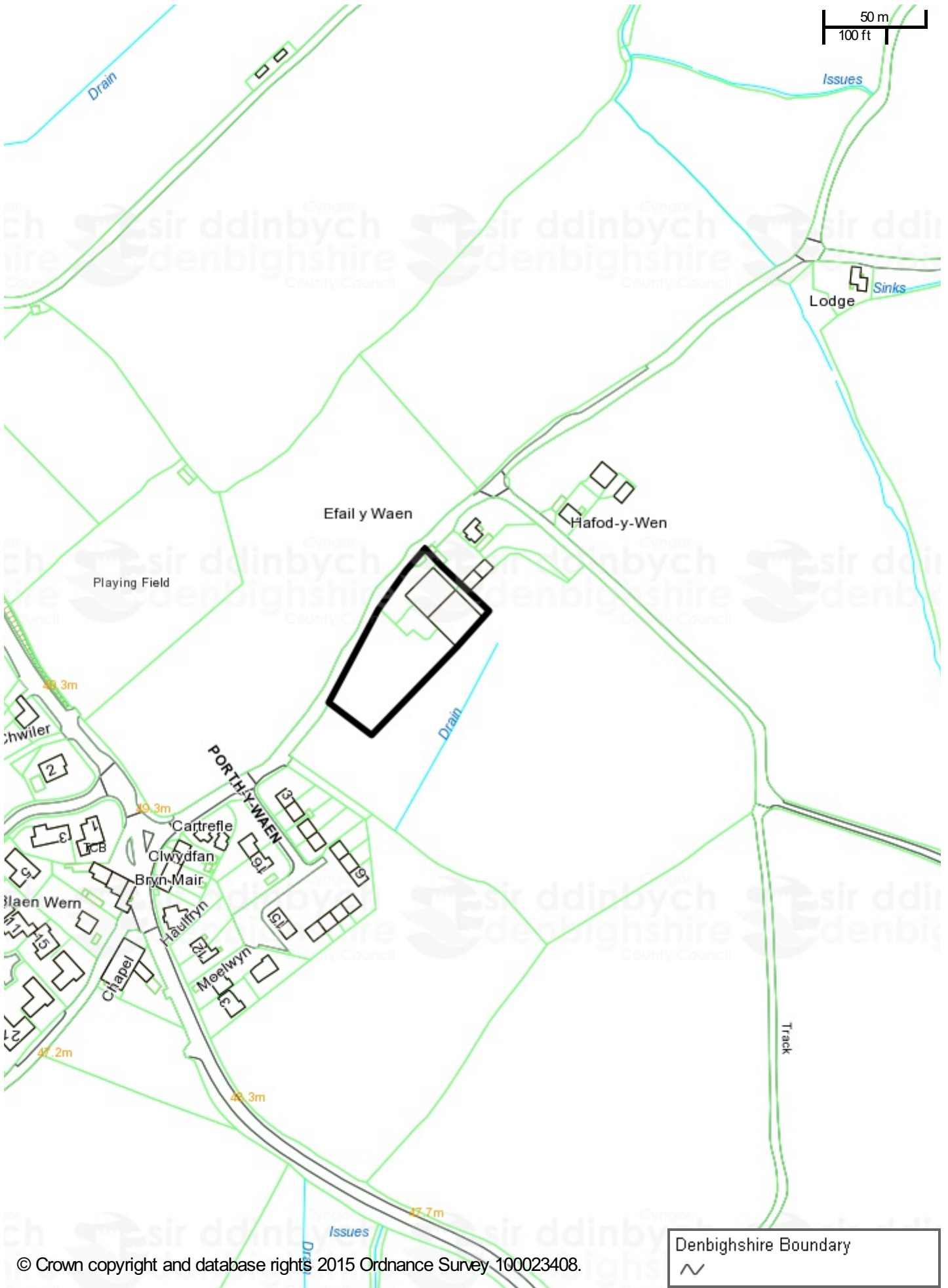
WARD MEMBER: Councillor Merfyn Parry

APPLICATION NO: 09/2015/1121/PF

PROPOSAL: Conversion of redundant agricultural building to form 3 holiday let accommodation units, demolition of steel portal farm building and installation of a package treatment plant

LOCATION: Outbuildings at Efail Y Waen Bodfari Denbigh

This page is intentionally left blank



© Crown copyright and database rights 2015 Ordnance Survey 100023408.

Denbighshire Boundary

LAYOUT PLAN

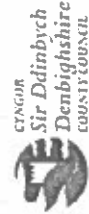
002015111211PF

NOTES

DO NOT SCALE OFF DRAWING

RECEIVED
10 NOV 2015

Rev No	Date	Description	By



Dyfeirddio a Chaeysau Sir Ddinbych
Denbighshire Design & Development

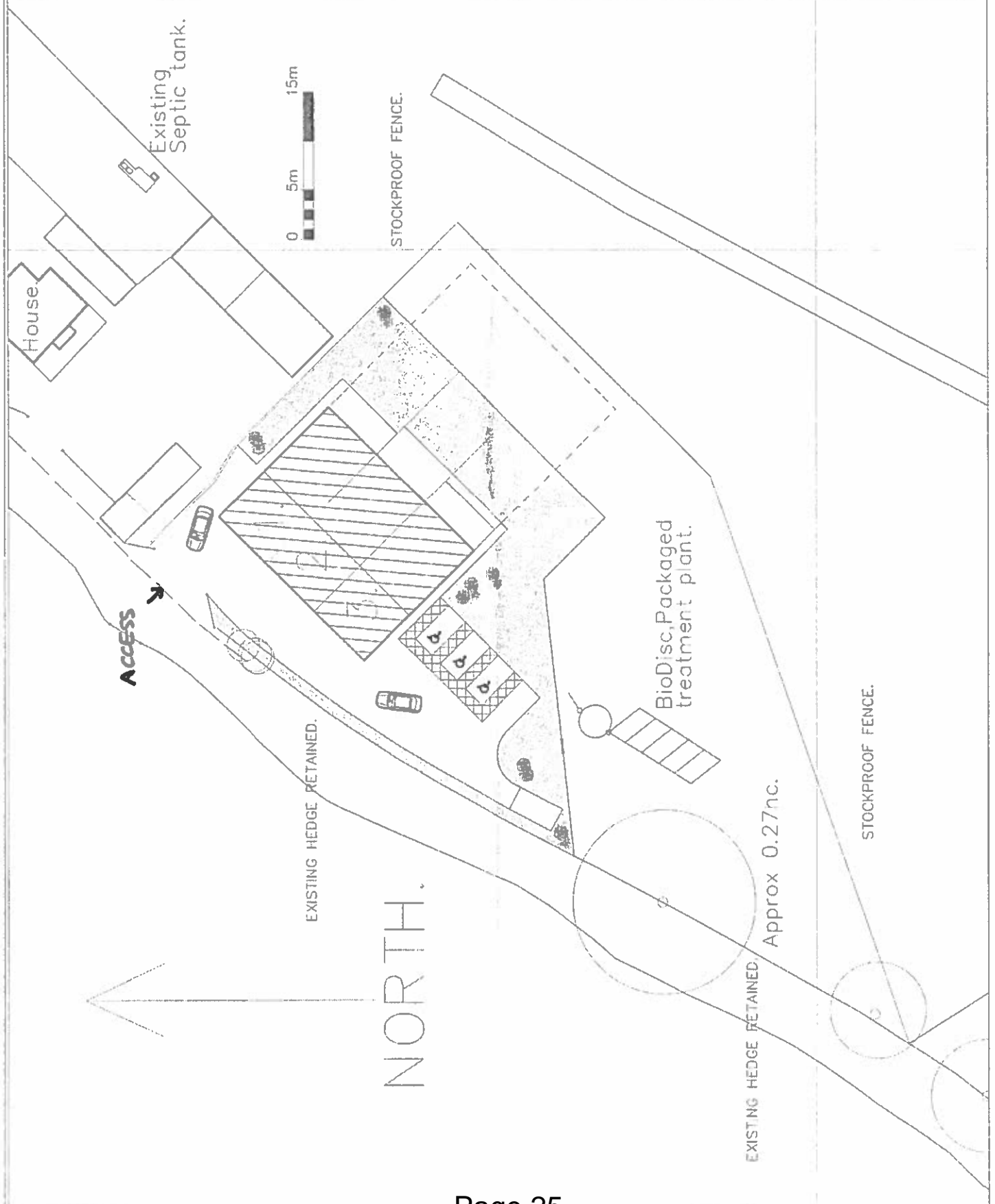
Project Name:
**EFAIL Y WAEN,
BODFARI.**

Project Number:

Drawn by:	N.H.
Check:	15.10.2015
Scale:	1:250

PROPOSED GARDEN
EXTERNAL WORKS.

22.



002015/1717PF

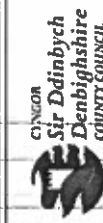
PROPOSED ELEVATIONS

NOTES

DO NOT SCALE OFF DRAWING

RECEIVED
10 MAY 2015

Rev No	Date	Amendment	Initials



Dyfurio a Ddiwybu Sir Ddinbych
Denbighshire Design & Development

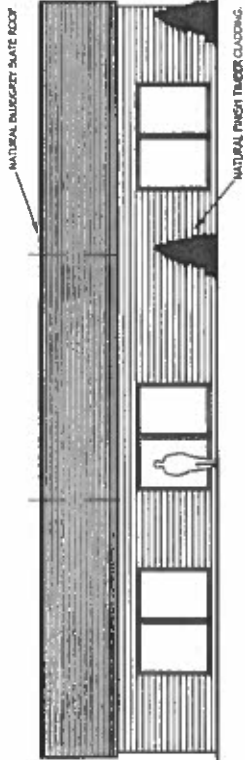
Project Name
**EFAIL Y WAEN,
BODFARI.**

Project Number

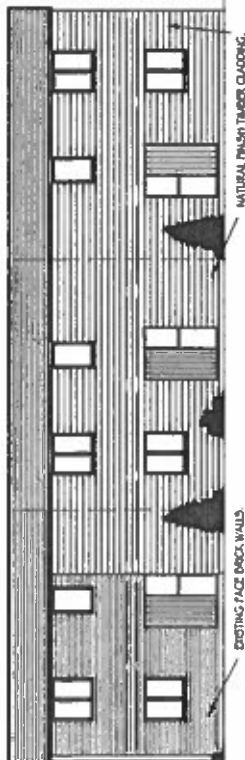
Drawn By	Checked By	Scale
	N.H.	1:100.
Date	Date	
16.7.2015		

**ELEVATIONS AS
PROPOSED.**

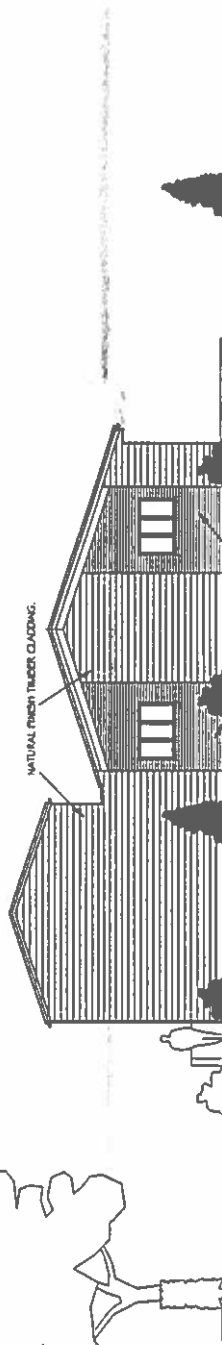
Drawing Number
7



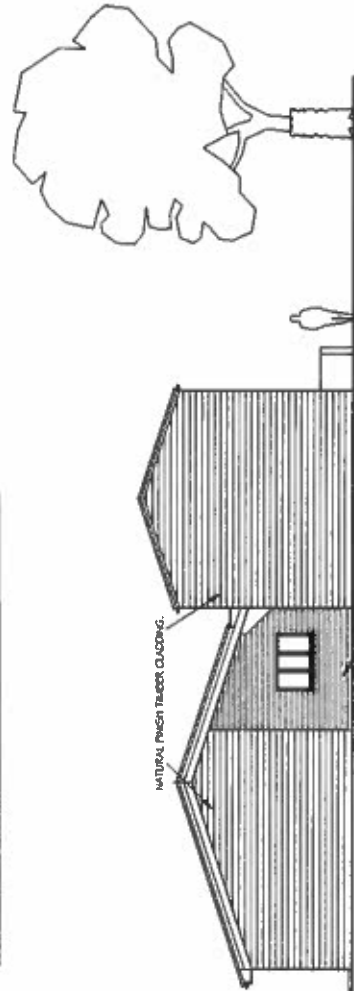
ELEVATION FACING SOUTH EAST.



ELEVATION FACING NORTH WEST.



SIDE ELEVATION FACING SOUTH WEST.



SIDE ELEVATION FACING NORTH EAST.

UP 2015/171/P

NOTES

DO NOT SCALE OFF DRAWING

RECEIVED
10 NOV 2015

Rev. No.	Date	Amendment	Initial

EXISTING ELEVATIONS



Dyluno a Ddiwybu Sir Ddinbych
Denbighshire Design & Development

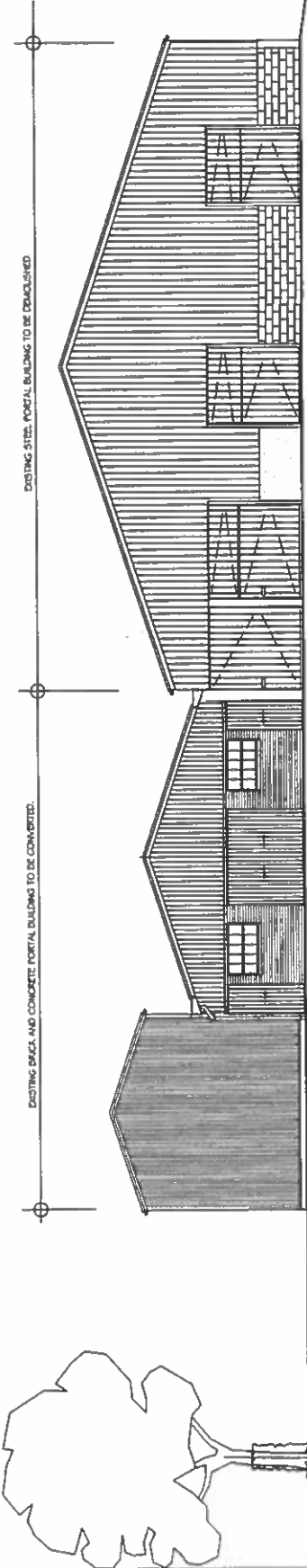
Project Name
**EFAIL Y WAEN,
BODFARI.**

Project Number

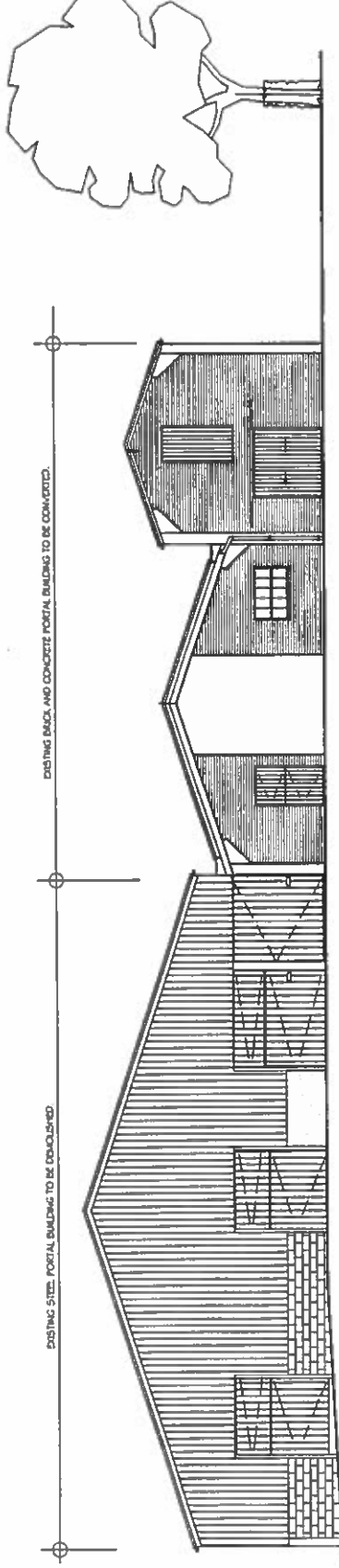
Drawn By	Checked By	Scale
N.H.	N.H.	1:100.
Date		
16.7.2015		

Drawings Name
**ELEVATIONS AS
EXISTING.**

Drawn By	Checked By
N.H.	N.H.
Date	
16.7.2015	
Drawn By	Checked By
N.H.	N.H.
Date	
16.7.2015	
Drawn By	Checked By
N.H.	N.H.
Date	
16.7.2015	
Drawn By	Checked By
N.H.	N.H.
Date	
16.7.2015	



SIDE ELEVATION FACING SOUTH WEST.



SIDE ELEVATION FACING NORTH EAST.

WARD : Llandyrnog

WARD MEMBER: Councillor Merfyn Parry

APPLICATION NO: 09/2015/1121/PF

PROPOSAL: Conversion of redundant agricultural building to form 3 holiday let accommodation units, demolition of steel portal farm building and installation of a package treatment plant

LOCATION: Outbuildings at Efail Y Waen Bodfari Denbigh

APPLICANT: Denbighshire County Council

CONSTRAINTS: None

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

CONSULTATION RESPONSES:

ABERWHEELER COMMUNITY COUNCIL –

“Members have no objection to this planning application as long as the development does not expand further. It appears Aberwheeler has a large number of holiday lets that has very little use e.g. the recent development at Grove Hall”.

WELSH WATER –

No objections - standard comments relating to water discharge and sewerage.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Biodiversity Officer –

No objection subject to the development being carried out in strict compliance with the recommendations in the Protected Species Survey and Visual Tree Inspection report in respect of measures to mitigate potential impacts on European protected species and other sensitive receptors.

Highway Officer –

No objection subject to the inclusion of a condition requiring the provision of parking and turning facilities.

RESPONSE TO PUBLICITY:

Neutral representation received from:

- i) Mr J Arthur Jones, Hafoty-Wen, Bodfari

Summary of planning based representations:

- i) No objection as long as the plans are followed in respect of materials and structure;
- ii) The visibility from the access is poor coming out of the site;
- iii) Dwellings for the local community would be more beneficial than holiday lets.

EXPIRY DATE OF APPLICATION: 04/01/2016

REASONS FOR DELAY IN DECISION:

- Awaiting determination by Committee

REASON APPLICATION REPORTED TO COMMITTEE

- Scheme of Delegation 2.2.7

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The scheme proposes to demolish one of a series of three connected buildings at the site and to convert the remaining two attached buildings into use as three units for holiday let accommodation.
- 1.1.2 The conversion buildings are comprised of a barn to the front (north west) with two attached built structures to the rear (south east), the rearmost one of which is to be demolished. The barn is open fronted but otherwise the structures are of brick construction with pitched roofs over.
- 1.1.3 The development proposes to block up the pen side of the barn using natural timber cladding on a new block wall with a front door and three windows added per unit. The boarding is then continued round the other three sides of the two remaining buildings to form a uniform appearance, with the roofs being replaced with natural slate to again produce a co-ordinated conversion.
- 1.1.4 Each unit will contain an open plan lounge/dining room/kitchen to the front with an en-suite bedroom on the ground floor along with a wc and store, with stairs then leading up to three further bedrooms with another bathroom.
- 1.1.5 Externally, access will be taken via the existing entrance off the road and the plans show parking for three cars located adjacent to the south western side of the buildings, with small garden areas formed at the rear. A new Biodisc treatment plant is proposed to be located south west of the car parking area within an open field, to serve the three units.
- 1.1.6 The application is accompanied by a Design and Access Statement which suggests that the development will help the County Council Farm Estate remain productive and therefore secure employment. A Protected Species Report and Visual Tree Assessment is also provided which found no evidence of bats in the building and that no trees are required to be removed for the development but suggesting that some remedial works are undertaken to improve the health of the specimens.
- 1.1.7 The plans at the front of the report show the relevant details of the application.
- 1.1.8 The buildings and land form part of the Council's Agricultural Estate. The Design and Access Statement explains that to help ensure the future viability of the Estate and provide future employment for the tenant and his family, it has been agreed to dispose of the buildings.

1.2 Description of site and surroundings

- 1.2.1 The site lies on the eastern side of the road running out from the village at Aberwheeler to Grove Hall, south of Bodfari.
- 1.2.2 The outbuildings are to the south of the farmhouse and agricultural buildings which are arranged around the farm yard. Open fields lie to the rear and side of the application site, with further fields across the road, which is bounded by hedgerows to each side.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site stands outside of the development boundary and in an area without any specific designation in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 Records show a previous consent for an agricultural building on the site in 2001.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 09/2001/0754 – Erection of agricultural building for the housing of livestock: Granted 31/10/2001.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE 4 – Re-use and adaptation of rural buildings in open countryside

Policy PSE 5 – Rural Economy

Policy PSE 14 – Outdoor Activity Tourism

3.1 Supplementary Planning Guidance

SPG – Re-use and Adaptation of Rural Buildings

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Circulars

TAN 6 – Planning for Sustainable Communities

TAN 12 – Design

TAN 13 – Tourism

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Highways (including access and parking)

4.1.5 Biodiversity

4.2 In relation to the main planning considerations:

4.2.1 Principle of the Conversion

The proposal is for the conversion of a building in the open countryside to holiday use. Local Development Plan Policy PSE 4, Re-use and adaptation of rural buildings in open countryside, allows for such conversions where the scheme of conversion makes a positive contribution to the landscape, any architectural features of merit are retained, and where the proposal is for conversion to residential use, it is demonstrated that an employment use is not viable, and the resulting dwelling is

affordable for local needs. In this instance the proposal is for holiday accommodation rather than straight residential use.

Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

Policy PSE 14 is also applicable as it encourages development proposals which expand or reinforce the tourism offer of the County and such schemes will be supported with the emphasis of the conversion of suitable buildings.

Overall, the scheme is considered to be acceptable in principle as the proposed conversion is for a holiday use, rather than for a conversion for a permanent residential use, which would need to comply with much stricter criteria.

4.2.2 Visual amenity

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

Policy PSE 4 and the SPG require the re-use of rural buildings to be undertaken in a sympathetic manner and recognise that proposals to convert such buildings in a sensitive and well-designed manner can have a positive effect on the environment and ensures that these historic/traditional buildings are restored and serve a practical purpose into the future

The scheme involves a number of changes to the external appearance of the two retained adjoining buildings, particularly the front of the barn which is presently open in nature, and proposes to clad the buildings in a uniform wooden boarding as described earlier. Other than the changes to the façade, the development proposes a slate roof over the buildings and the net result will be a series of three holiday lets which are of a coherent design and make beneficial use of the currently vacant structures.

On this basis, as the overall character of the buildings will be retained, it is considered that the scheme is appropriate in respect of visual amenity impacts.

4.2.3 Residential amenity

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

The only nearby property is the existing farmhouse to the north which appeared to be vacant at the time of the case officer site visit in November 2015. This lies to the north of outbuildings which are not the subject of this application, and has its own access further up the road.

It is not considered that the proposals would give rise to adverse impacts on the residential amenities of the occupiers of the farmhouse, and the scheme itself would provide adequate levels of amenity for occupiers of the holiday units.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The access arrangements into the site remain as existing and with respect to the representation made, it is not considered that the level of use which will result from the holiday units would lead to a harm to highway safety. The layout proposed for the scheme only depicts parking for three disabled bays with seemingly no specific parking annotated for the three 4-bedroom holiday lets. As there is ample space around the development to provide further parking, it is suggested that a condition can be imposed to ensure that adequate parking and turning facilities are provided within the site.

4.2.5 Biodiversity

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

The comments offered by the Biodiversity Officer are noted, and the scheme is recommended to be conditioned to be undertaken in accordance with the submitted report.

5 **SUMMARY AND CONCLUSIONS:**

5.1 Whilst there are significant works proposed to the open fronted barn, the application is considered to present more benefits than negatives and is recommended to be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Elevations as existing (Drawing No. 4) received 10 November 2015
 - (ii) Elevations as existing (Drawing No. 5) received 10 November 2015
 - (iii) Floor plan as existing (Drawing No. 3) received 10 November 2015
 - (iv) Elevations as proposed (Drawing No. 7) received 10 November 2015
 - (v) Proposed ground floor plan (Drawing No. 9) received 10 November 2015
 - (vi) Proposed first floor plan (Drawing No. 10) received 10 November 2015
 - (vii) Proposed section (Drawing No. 6) received 10 November 2015
 - (viii) Existing block plan (Drawing No. 1)

- received 10 November 2015 (ix) Proposed block plan (Drawing No. 22) received 10 November 2015 (x) Location plan (Drawing No. 8) received 10 November 2015
3. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the proposed external materials to be used on the buildings. The development shall be completed in accordance with the details approved under this condition.
 4. Notwithstanding the submitted details, the parking and turning arrangements shall not be as shown, and none of the units shall be permitted to be brought into use until the written approval of the Local Planning Authority has been obtained to alternative proposals, and those details as approved have been completed. The facilities approved under this condition shall be retained at all times for use in connection with the units.
 5. All development shall take place in accordance with the recommendations of the submitted Protected Species Survey and Visual Tree Assessment.
 6. The development hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.
 7. An up to date register shall be kept of all persons occupying the accommodation, including the names of all the occupiers, their main home addresses, and the date of their arrival and departure from the site. The register shall be made available for inspection on request by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of visual amenity.
4. In the interests of highway safety.
5. In the interests of nature conservation.
6. The planning permission has only been granted on the basis of policies relating to tourist development and residential use would be contrary to local and national policy.
7. In order that the Local Planning Authority can monitor the use and ensure the terms of the planning permission are met.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Agenda Item 6

WARD : Llandyrnog

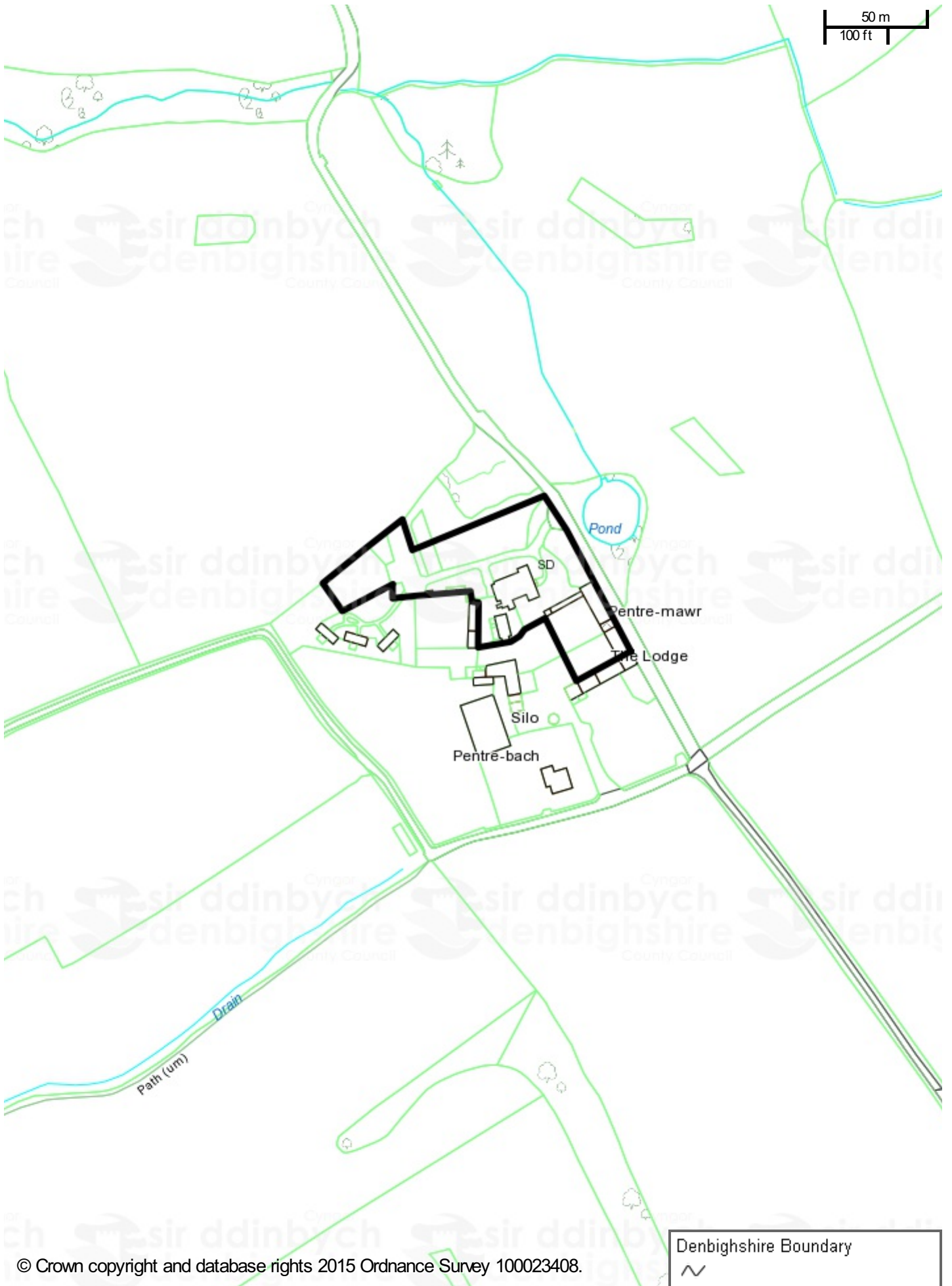
WARD MEMBERS: Councillor Merfyn Parry

APPLICATION NO: 18/2015/0887/ PF

PROPOSAL: Change of use of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard and use of paddock as overspill parking area (partly in retrospect)

LOCATION: Pentre Mawr Country House Hotel Llandyrnog
Denbigh

This page is intentionally left blank




© Crown copyright and database rights 2015 Ordnance Survey 100023408.

18/2015/0887

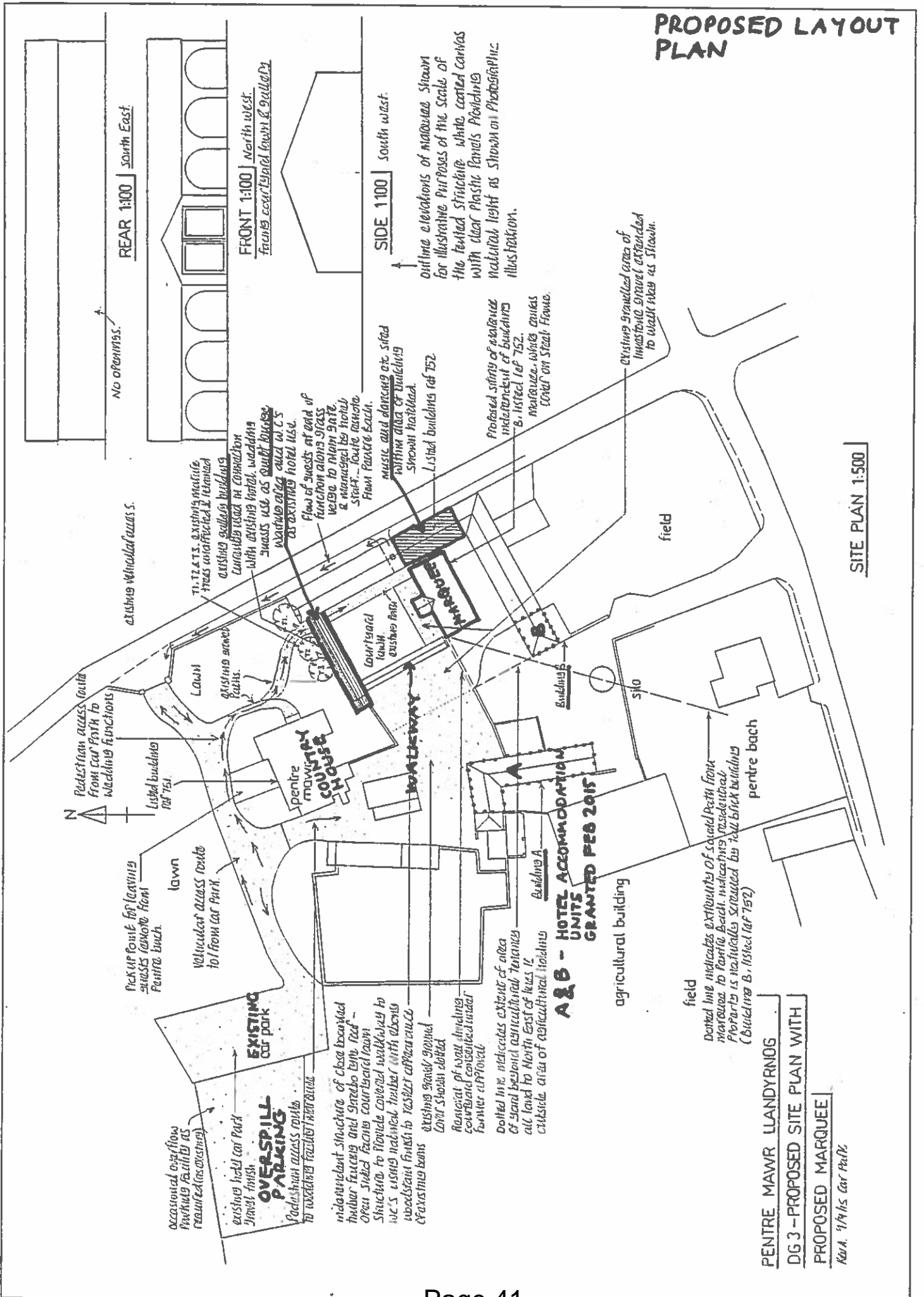
Scale: 1:2500

Printed on: 4/1/2016 at 12:36 PM

Denbighshire Boundary




PROPOSED LAYOUT PLAN

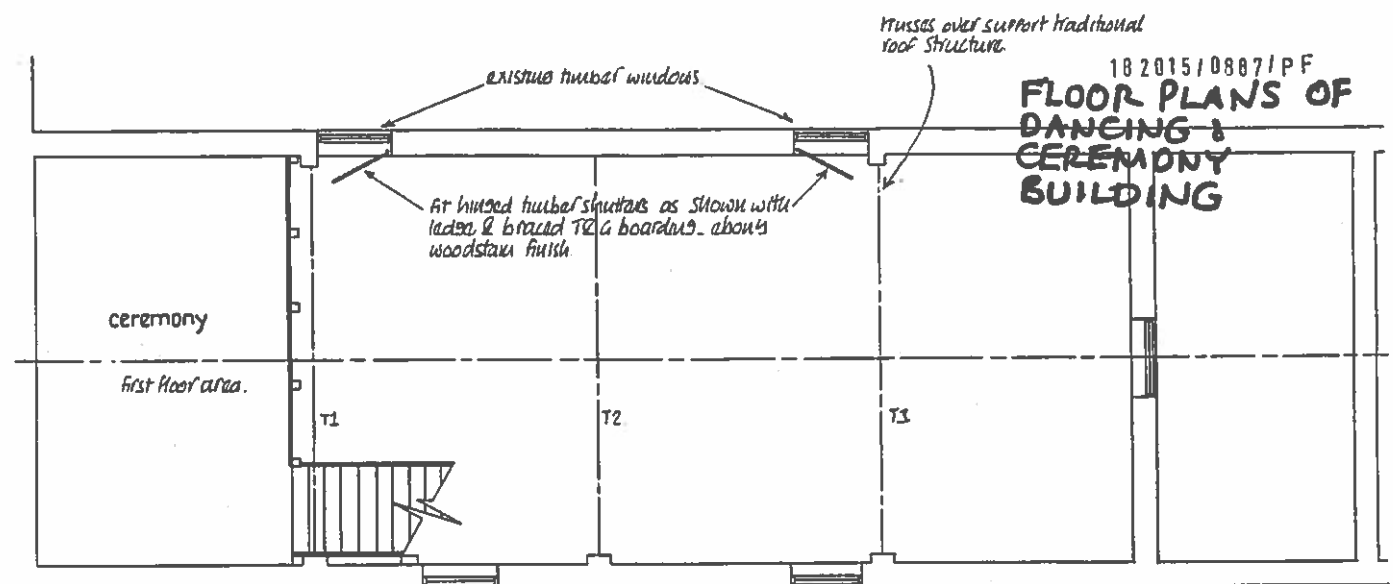


SITE PLAN 1:500

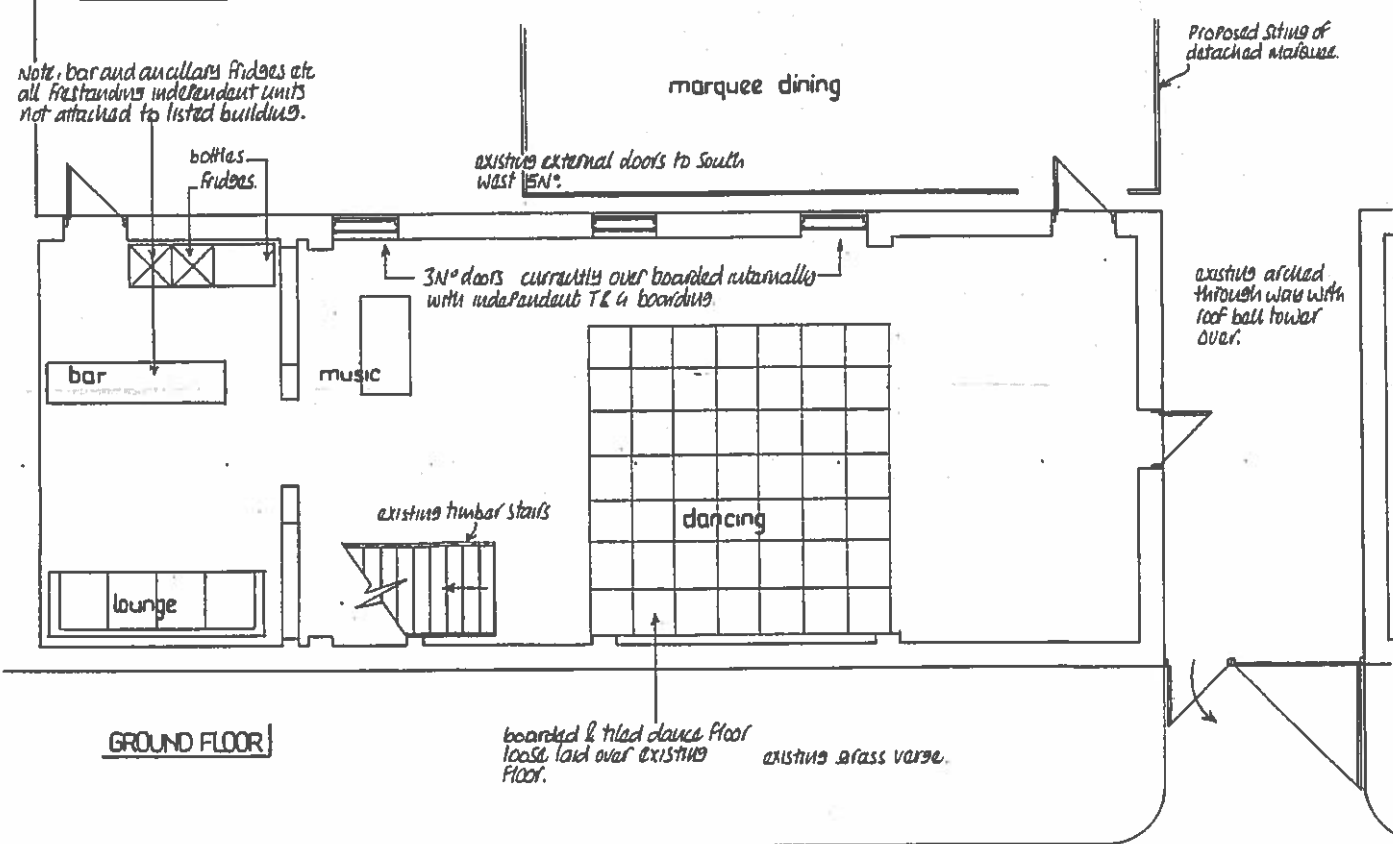
PENTRE MAWR LLANDYRNOG
 DG 3 - PROPOSED SITE PLAN WITH

PROPOSED MARQUEE
 MAR. 1/19/15 Car Park

18 2015/0887/PF
**FLOOR PLANS OF
 DANCING &
 CEREMONY
 BUILDING**



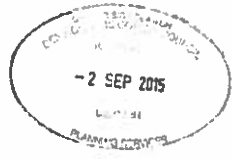
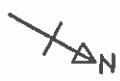
FIRST FLOOR



GROUND FLOOR

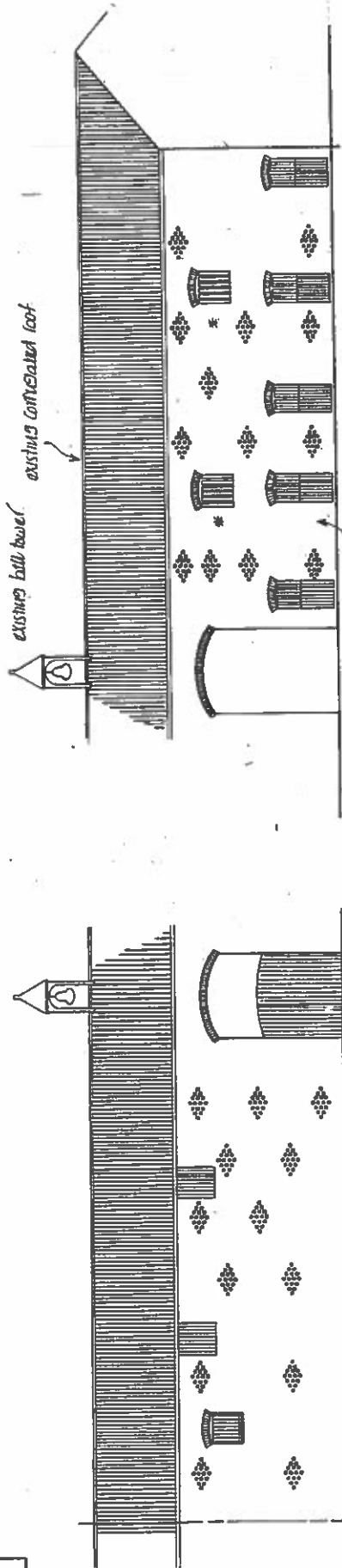
highway.

PROPOSED
PENTRE MAWR
 DG7 1:50



ELEVATION PLANS OF DANCING & CEREMONY BUILDING

PENITRE MAWR
DG 6 1:100
EXISTING



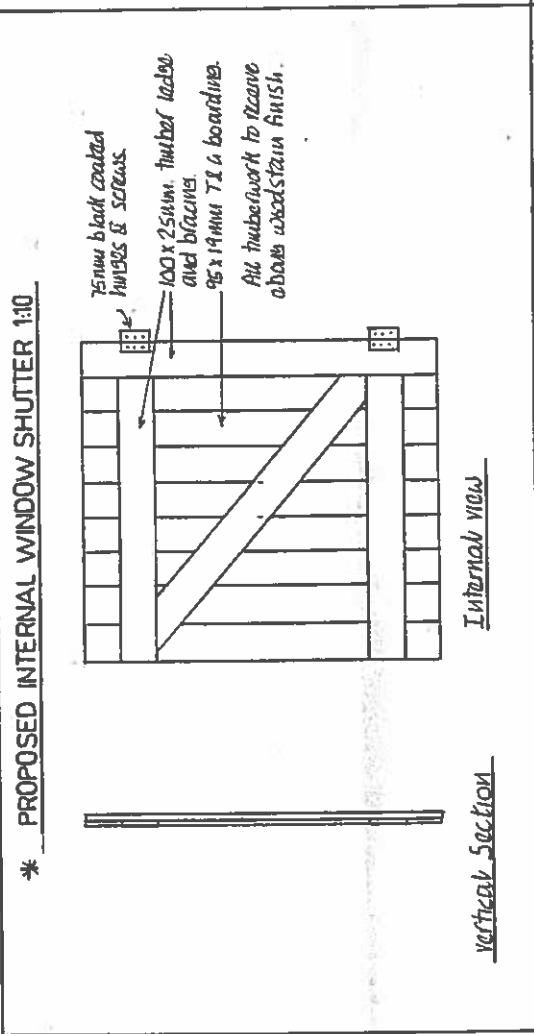
NORTH EAST

SOUTH WEST

existing ball bowl
existing conical roof

existing timber floors and windows

* denotes windows to be filled with new internal shutters as shown below.



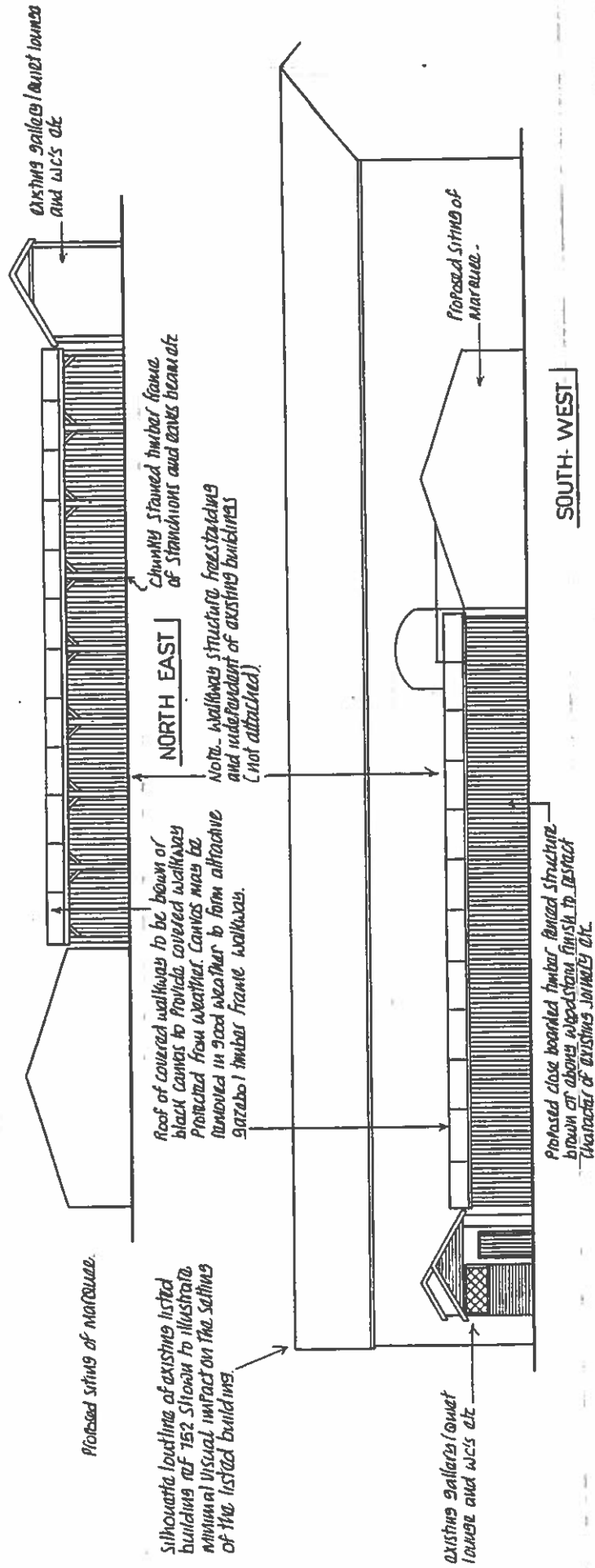
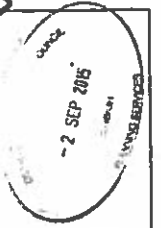
* PROPOSED INTERNAL WINDOW SHUTTER 1:10

Internal view

vertical section

PENTRE MAWR LLANDYRNOG DG4 1:100
PROPOSED COVERED WALKWAY

PROPOSED COVERED WALKWAY



Proposed siting of MARBLE.

Silhouette building of existing listed building ref 752 shown to illustrate minimal visual impact on the settings of the listed buildings

Roof of covered walkway to be brown or black canvas to provide covered walkway protected from weather. Canvas may be painted in good weather to form attractive gazebo! timber frame walkways.

NORTH EAST

CHIMNEY STAINED TIMBER FRAME OF STANCHIONS AND BEAMS BEARING
Note. Walkways structure free-standing and independent of existing buildings (not attached).

Existing gables/louvers and w/c's etc

SOUTH - WEST

Proposed close boarded timber framed structure brown or along aluminium finish to match character of existing journey etc.

Proposed siting of MARBLE.

WARD : Llandyrnog

WARD MEMBERS: Councillor Merfyn Parry

APPLICATION NO: 18/2015/0887/ PF

PROPOSAL: Change of use of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard and use of paddock as overspill parking area (partly in retrospect)

LOCATION: Pentre Mawr Country House Hotel Llandyrnog Denbigh

APPLICANT: Mr Graham Carrington-Sykes

CONSTRAINTS: Listed Building

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

“There were no observations or objections.... supported.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

Refers to previous concerns over the proposals in relation to the local highway network to the site being narrow with limited passing places and the likely traffic generated for a wedding function for 140-200 guests, and to requests for provision to be made for passing places along the approach road leading from the south towards Llandyrnog, and related measures along the B5429 in order to support the application. States that none of these issues has been addressed, and that if planning permission is to be considered then conditions should be attached to address them (passing places along the lane, availability of overspill parking area at all times, and scheme of signage to discourage use of minor road east to the B5429).

- Pollution Control Officer
Does not object, but has concerns over noise levels and suggests if permission is granted then strong conditions be applied to ensure that nearby residential amenity is protected. Lists a number of conditions for consideration.

- Conservation Architect
No objection to the proposals. In conclusion, considers these are not detrimental to the historical character of the listed buildings and do not affect the essential setting of the listed buildings. The proposals will allow the business to develop and grow, which can only be beneficial to the long term maintenance and condition of all the buildings within the group.

RESPONSE TO PUBLICITY:

Representations received from:

In objection

Aaron and Partners, Solicitors, on behalf of Mr and Mrs Edwards, Pentre Bach, Llandyrnog
Mrs S. Edwards, Pentre Bach, Llandyrnog

Summary of planning based representations in objection:

Noise and disturbance

Occupiers of dwelling need peace and quiet to rest, including children during term time / existing use of hotel has caused considerable noise nuisance to occupiers of Pentre Bach, and has been under investigation by environmental health department / sources of noise and disturbance are music from hotel functions, singing and chanting encouraged by DJ's running discos; shouting, singing and swearing from guests leaving in the early morning; cars screeching along the lane late at night and taxi horns alerting guests they have arrived; inappropriate activities in hot tubs / use has been allowed to continue for two summers / submissions recognise noise is an issue but do not provide technical information to support this assertion or inform the local planning authority of the effect that attenuation by the masonry structure may provide, and there is no background noise level against which noise from the development should be assessed, and no acoustic report submitted in support of the application / it is suggested specific measures be considered to reduce noise at the point of generation, to provide sound insulation or other containment measures, to design the layout of the space between the noise source and noise sensitive building, and limiting the operating time of the noise source and setting an acceptable noise limit.

Council should not determine application until a proper noise assessment report is produced by the applicants to allow assessment of the impact of noise generated by the development.

Conflict with planning policies and guidance

Noise is a planning consideration contained in planning policies in the Local Development Plan, Welsh Government's Technical Advice Note 11

Other matters

Land ownership issues

Notification of the planning application has not been served on the agricultural tenant / owner occupier of Pentre Bach farms land at Pentre Mawr and Ty Bracia in partnership with his father and brother and the father is the agricultural tenant of the yard and listed building included in the application / owners of Pentre Mawr have unlawfully fenced off the yard and building the subject of the application / there is a legal dispute regarding the farming tenancy

Objections to issue of separate licence for functions and concerns over process relating to licence / seem to be getting minimal consideration from neighbours and the Council / concerns over statements made in submissions over neighbours actions

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application relates to developments in connection with the staging of weddings and other functions, associated with the existing Country House Hotel enterprise at Pentre Mawr, Llandyrnog. It follows the withdrawal of a previous application of different detailing in September 2015.
- 1.1.2 The application should be read in conjunction with the listed building consent application forming the subject of the following item on the agenda, code no. 18/2015/0888.
- 1.1.3 The proposed site layout is shown on the plan at the front of the report. The main elements are:
- The siting of a marquee within the courtyard area to the south east of the main Pentre Mawr Country Hotel building. The marquee is indicated on the submitted plans as a white canvas cover on a steel frame.
 - The use of two sections of existing outbuildings forming the courtyard in connection with the functions use :
 - The Gallery Building, for use by wedding guests as a quiet lounge waiting area and WC's
 - A 15m x 7m section of one of the range of outbuildings on the eastern side of the courtyard, for music and dancing
 - The erection of a timber structure running from the gallery building to the marquee, to enclose a lawn area
 - The erection of an acoustic fence on the south west side of the marquee

- The provision of an overflow parking area in a paddock area immediately to the west of the existing parking area to the west of the Pentre Mawr Country Hotel.
 - Suggested pedestrian circulation patterns for functions.
- 1.1.4 The application is in part retrospective, as the marquee has already been sited on the land forming the garden area of Pentre Mawr, and the two buildings shown on the plan for use as a lounge area and music and dancing have been used for functions in 2015.
- 1.1.5 The plans at the front of the report also show the relationship of the buildings and the complex to the nearest dwelling in separate ownership at Pentre Bach to the south, and the location of outbuildings buildings granted permission for conversion to accommodation units in connection with Pentre Mawr in February 2015.
- 1.1.6 The application is accompanied by a Design and Access Statement incorporating a Listed Building Justification Statement, a property Structural Condition report, and was supplemented in November 2015 by an Acoustic Report by Cheshire Environmental Services.
- 1.1.7 The Design and Access Statement refers to the 5 star hotel and tourism business at Pentre Mawr, offering high quality accommodation and dining facilities. It states the hotel has identified wedding functions as a suitable additional facility that would enhance the business and provide maintenance funding for the substantial range of listed buildings. The use of a marquee has been suggested to provide the necessary space and it is suggested this would be erected for the relevant periods when functions are booked, and that it would be a temporary structure stored away for the remainder of the year.
- 1.1.8 It is stated in the Design and Access Statement that the hoteliers have recognised that functions may lead to noise disturbance (from music and dancing) to the nearby dwelling and have identified the existing barn as a suitable location to accommodate the music and dancing, as siting it within a dense masonry structure will limit noise emanating to an acceptable level, assisted by the 'L' shape of the building which would provide a screening effect. It is further stated that to ensure there is no damage to residential amenity at the dwelling, noise monitoring is undertaken and a noise limiter will be fitted to the sound system to ensure noise levels are strictly and automatically controlled. The Statement also mentions the position of the marquee has been chosen to ensure the masonry structures adjacent provide a natural buffer and screen for noise to protect the residential amenity at Pentre Bach.
- 1.1.9 In relation to the listed buildings, it is stated in the Design and Access Statement that the setting of the marquee within the courtyard of largely redundant buildings will not really have any adverse impact on the listed buildings, being a temporary structure erected for a limited period within the courtyard, then being returned to its open appearance when it is stored away while not in use. It is suggested that the proposed use of part of the listed barn building for music and dancing does not have any impact on the listed

building, the only works being the provision of temporary shutters to the upper windows to provide additional noise limitation, which it is stated does not impact on the character of the listed structure.

1.1.10 The Acoustic Report provides a site survey identifying site features, an assessment to show the impact of amplified sound and people noise on the nearest residential dwelling, and recommends noise mitigation measures to ensure noise from the venue does not have an adverse effect on the dwelling. The contents are referred to in more detail in section 4.2.3 of the report.

1.1.11 The applicants have submitted supporting information explaining the development of the Country House business and the commercial considerations leading to the diversification into wedding functions in 2013 and 2014. They have forwarded a number of letters from local businesses and suppliers in support of the application. They have also provided commentary on the noise issues arising from the functions use and efforts made to address them following complaints, and investigation by officers of the Public Protection Section.

1.1.12 Pentre Mawr and its main outbuildings are Grade II Listed Buildings

1.2 Description of site and surroundings

1.2.1 The Pentre Mawr complex of buildings is located approximately 2km north of Llandyrnog village.

1.2.2 It is accessed off minor roads from the B5429. The vehicular access serving the Country House is a driveway off the minor road. The drive runs past the front of the main house to the parking area to the west.

1.2.3 The building complex consists of an historic Manor House (as noted, a Grade II listed building) and a range of outbuildings, most of which are also listed buildings. There are also more modern agricultural buildings including a silo and a portal frame building in the south / south west part of the complex.

1.2.4 The main building at Pentre Mawr is in use as a bed and breakfast business with dining facilities and there are a number of 'tented bedrooms' on land immediately to the west of the main house. The parking area for visitors is located 40 metres to the north west of the main house at Pentre Mawr, and has a capacity of up to approximately 15 spaces. It is understood that a grassed paddock area immediately to the west of this is used as overspill parking when the need arises.

1.2.5 An area of the courtyard immediately to the south of the main house has been in use in connection with the bed and breakfast business and owners private accommodation. Its extent has been defined by a substantial stone wall which until recently divided the area enclosed by the range of outbuildings. Land and buildings to the south side of the wall has been in use in connection with an agricultural business, which is referred to in Section 1.6 of the report.

- 1.2.6 There is a dwelling in separate ownership to the south west of the outbuildings, at Pentre Bach. The relative location and proximity of Pentre Bach to the application site can be seen from the plans at the front of the report.
- 1.3 Relevant planning constraints/considerations
- 1.3.1 The site is located in the open countryside.
- 1.3.2 Pentre Mawr and its outbuildings are Grade II Listed Buildings.
- 1.4 Relevant planning history
- 1.4.1 The bed and breakfast use at Pentre Mawr has developed gradually over time from an incidental use to the dwelling. The owners obtained planning consent to use the 'Manor' house as a bed and breakfast facility / Country House Hotel in October 2013, involving use of 3 out of 5 bedrooms as guest accommodation. Planning permission was granted for the retention of 6 'tented bedrooms' used in connection with the facilities in the main house, in June 2014. Permission was granted in February 2015 for the conversion of two of the agricultural buildings into accommodation units for use in connection with Pentre Mawr. The 2015 permission has not been commenced at the time of drafting this report.
- 1.4.2 The Council was made aware during 2014 of the introduction of a marquee in the garden area of the property, used in connection with the staging of functions, including weddings. This was the subject of separate enforcement investigation and led to the submission of planning and listed building applications in March 2015 to retain the marquee, to use the Gallery building and part of the courtyard in connection with the functions. Following receipt of responses and in particular concerns over the noise arising during functions, these applications were withdrawn in September 2015 on submission of the current planning and listed building applications.
- 1.4.3 The listed building application submitted is being handled under application code no. 18/2015/0888/LB, and forms the subject of the following report on the agenda.
- 1.4.4 There is a separate application dealing with a variation of one of the conditions imposed on the February 2015 permission for the conversion of the 2 outbuildings to self contained living accommodation. This application, code no. 18/2015/0327 forms the subject of the report following the one on the listed building consent application.
- 1.5 Developments/changes since the original submission
- 1.5.1 As noted in 1.1.3, the application is submitted in retrospect as the marquee has been erected and events have been held in it and the outbuildings which are now the subject of the application.
- 1.5.2 In terms of planning matters the carrying out of uses and development in anticipation of the grant of permission is not to be condoned, and this has led to repeated concerns from the neighbours over noise and disturbance. There has been investigation of complaints over noise nuisance, and Officers in the Public Protection Section have offered 'without prejudice' advice on potential measures to mitigate impacts and on matters of concern in relation to the playing of music and the noise break out from the marquee, including that due to 'people noise'. To this extent, the holding of

events has allowed opportunity for the Public Protection Officers to undertake noise monitoring which has provided useful information on the impact of the use and has assisted with assessment of the acceptability of the proposals.

- 1.5.3 The Public Protection Officer requested submission of an independent Noise Assessment to assist consideration of the application. This was forwarded in November 2015, and the objectors and their representatives have been offered opportunity to comment on the contents.

1.6 Other relevant background information

- 1.6.1 Members will note reference in the Response to Publicity Section of the report to matters relating to land ownership. These also arose in the course of progressing the applications relating to the conversion of outbuildings to additional hotel accommodation, submitted in late 2014.
- 1.6.2 The applicant's agent is aware of representations and has confirmed in December 2015 that on the basis of information provided by his clients and solicitors that the correct certificate of ownership has been submitted with the applications.
- 1.6.3 Members may appreciate that the Local Planning Authority can not become involved in any civil dispute over claims to ownership and it is considered appropriate to move to determine the application. In the circumstances, it would be normal to include a note to applicant on a Certificate of Decision advising the applicants of the challenge to legal statements on ownership.

2. DETAILS OF PLANNING HISTORY:

- 2.1 18/2008/0289 - Construction of 6 no. chalets, landscaping and pedestrian access routes. GRANTED 18/06/2014
- 2.2 18/2013/0981 - Mixed use of premises as dwelling and bed and breakfast facility (retrospective application). Granted 16/10/2013
- 2.3 18/2014/0793/PF - Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works. GRANTED 18/02/2015
- 2.4 18/2014/0794/LB - Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works (Listed Building application). GRANTED 20/04/2015
- 2.5 18/2015/0325 – Change of use of existing gallery building and part of courtyard for wedding and other functions associated with existing hotel business and including erection of detached marquee within courtyard area. WITHDRAWN 08/09/2015.
- 2.6 18/2015/ 0326 - 18/2015/0325 – Change of use of existing gallery building and part of courtyard for wedding and other functions associated with existing hotel business and including erection of detached marquee within courtyard area. WITHDRAWN 08/09/2015

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

Policy ASA3 – Parking standards

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

3.2 Government Policy / Guidance
Planning Policy Wales Edition 8 January 2016

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

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Landscape

4.1.4 Residential amenity (including noise) impacts

4.1.5 Ecology

4.1.6 Drainage

4.1.7 Highways (including access and parking)

4.1.8 Inclusive design

4.1.9 Impact on Listed Building

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

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

Having regard to the elements of the proposals in relation to policy PSE 5:

- The scale and nature of the proposals are considered appropriate to the location (subject to due regard to the specific impacts dealt with in subsequent paragraphs)
- The development involves use of existing buildings (The Gallery and part of the main Listed Building), a use of land (the marquee), and limited 'new build' in the form of a timber shelter to enclose a lawned area.
- Given the limited relevance of the timber shelter to the scheme, it is not considered relevant that this extent of new build development should have to be justified by a business case
- The site is not in any statutory designated landscape or World Heritage site

It is suggested therefore that the general principle of the proposals are acceptable in relation to the policy. The key issues are considered to be the localised impact of the proposals, which are reviewed in the following sections of the report.

4.2.2 Visual amenity / design

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

There are no adverse representations raised in relation to the visual impact of the proposals. The Conservation Officer has no objections to the siting of the

marquee and the detailing of the works on the Gallery or main range listed building.

In Officers' opinion, in terms purely of the design detailing, the plans in relation to the Gallery and the listed building demonstrate a sensitive approach to the task of adaptation to the intended use. The marquee is only partially visible from the Pentre Bach direction, and the combination of this and the proposed acoustic / boundary fencing would mean the development would have not have an unreasonable effect in terms of visual impact to the extent that it would be unacceptable.

4.2.3 Landscape impact

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

There are no representations raising issues relating to the landscape impact of the proposals.

Officers' view is that the development would not have unacceptable effect on the Vale of Clwyd Historic Landscape Area. The marquee, Gallery building, and the main range listed building are not visible from wider viewpoints and the proposals do not involve significant changes which would have an impact in wider landscape terms.

4.2.4 Residential amenity

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

Objections have been received from and on behalf of the owner / occupiers of Pentre Bach expressing concerns at the impact of the proposals in terms of noise and disturbance. The basis of the concerns are that events held already have reduced the enjoyment of the property, creating unacceptable disturbance to a silent environment. They acknowledge efforts being made to mitigate noise experienced previously, but have concerns over the impact of the thump from music played and the 'people noise' from voices and dining during evenings, along with laughter and singing, including at unsocial hours. It is suggested that sleep is being disturbed.

The submission includes a number of details geared at mitigating noise and managing the circulation of people attending functions within the complex.

Some of these are in response to points raised in objection, and 'without prejudice' suggestions from the Public Protection Officers to tackle noise and disturbance arising in relation to Pentre Bach from events staged. These measures are referred to in an Acoustic Assessment submitted in November 2015 which states the owners are aware guests voices may give rise to noise from the site and have taken a proactive approach to control noise by incorporating the measures outlined:

locating the marquee as near as possible to the second barn building to take advantage of the building to act as a noise barrier.

- using the 8 metre height of the second barn building as a noise barrier
- locating the marquee 20 metres from the end of the second barn building line so that the building acts as a barrier to noise at the Farm House
- construction of a 2.61 metre high acoustic timber fence to separate the marquee from Pentre Bach Farm House
- construction of a second timber fence 1.84 metres high the whole width of the courtyard from the marquee to the original library building, This fence will contain the movement of guests to within the marquee courtyard area.
- constructing an arched door to separate the music barn building from the courtyard. Guests will have to leave the site after events via the site entrance along the country road.

The implications of the staging of functions in the marquee and the use of the Gallery and part of the main listed building have been the subject of detailed assessment by the Public Protection Officer, including monitoring of events at Pentre Bach. The contents of the submitted Noise Assessment and the representations from and on behalf of the occupiers of Pentre Bach have been carefully scrutinised. The impacts of the activity in the building accommodating music / dancing, the marquee and lawned area, the issue of 'people noise', and the practicality of managing the movement of guests involved in functions have been taken into account. As with every application, consideration has to be given to the possibility of attaching conditions which may address matters of concern and make the development acceptable to a point where it may be reasonable to recommend grant of permission.

In the context of the above, the response of the Public Protection Officer is considered to be significant to the progression of the application. The Officer does not object but has concerns over noise levels and suggests the inclusion of strong conditions if permission is granted, to ensure that nearby residential amenity is protected. A list of conditions is suggested covering the hours of use and deliveries, and measures to mitigate noise (e.g. restricting playing of amplified music to the one building, the fixing of a noise limiter to equipment, setting a limit on noise levels, requirements for noise monitoring).

The Pollution Control Officer's comments reflect Officers unease over the potential impact of the functions use on occupiers of nearby property, but fall short of an objection as it is considered possible to mitigate impacts through the imposition of a number of conditions to control the functions use and to address the noise and disturbance arising from music and amplified sound and from 'people noise', which appear to be the main areas of concern relative to the occupiers of nearby property. Whilst the range of controls considered necessary is extensive, suggesting the acceptability of the use is

marginal through reliance on additional measures and strict management of events, in the absence of formal objections from the Pollution Control Officer, it is concluded that it may be reasonable to consider a permission subject to attaching strict conditions.

4.2.5 Ecology

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

There are no objections to the proposals in respect of ecological impacts.

Work has already been carried out within the listed buildings to accommodate the proposed uses. Additional impacts on ecological interests are unlikely from the proposed walkway structure and any other acoustic fencing recommended in the Noise Consultant's report.

4.2.6 Drainage

Drainage issues are a normal consideration on planning applications. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed, where this is relevant to a development.

There are no representations expressing concerns over potential impact on land drainage or existing foul drainage systems at Pentre Mawr. The site is not in a flood zone.

There are no drainage issues considered likely to arise from the proposals.

4.2.7 Highways (including access and parking)

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

given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highway Officer's response draws attention to previous concerns over the proposals in relation to the local highway network to the site being narrow with limited passing places and the likely traffic generated for a wedding function for 140-200 guests, and to requests to the applicants for provision to be made for passing places along the approach road leading from the south of Llandyrnog, and measures along the B5429 in order to support the application. The concerns reflect previous comments from Llandyrnog Community Council on proposals for additional developments at Pentre Mawr. The Highway Officer recommendation is that if planning permission is to be granted then consideration should be given to including conditions to ensure the concerns are addressed.

Having regard to the above, Officers share the opinion of the Highway Officer in that the approach roads to the site are narrow with few passing places, and the potential scale of the functions use is such that measures are necessary to accommodate the level of traffic which could be involved. As noted, this reflects previously expressed views from the Community Council. It is therefore suggested that if Members are to consider the grant of planning permission, that this should only be on the basis that this includes provision in conditions for the provision of passing places on the main approach road to the B5429, along with suitable signage to discourage use of the narrow public road running east to the B road, and to the proper surfacing of the overspill car park within a specified period.

4.2.8

Impact on listed buildings and the historic environment

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them, which requires assessment, where relevant, of impacts on archaeological, landscape and listed building interests. The context for assessment of applications involving alterations, extensions, and demolition of listed buildings which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which also stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses. These are matters dealt with in detail in the following report on the agenda, in respect of the listed building consent application.

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

Officers would suggest the proposals do not raise any significant issues in relation to the character or appearance of the listed buildings or their setting.

4.2.9 Inclusive design

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

The details with the submission indicate the Gallery, the part of the building proposed for music and dancing, and the marquee would be fully accessible for persons with disability.

5 SUMMARY AND CONCLUSIONS:

- 5.1 The application relates to the running of functions in connection with the Country House Hotel at Pentre Mawr. It involves the siting of a marquee, the use of two existing buildings, a timber structure to enclose a lawned area, and an additional parking area. This is a development of the existing business at Pentre Mawr.
- 5.2 The case advanced in support of the application is that the proposals are an essential development of an existing high quality business and are in accord with local and national policy encouraging suitable business / tourist related schemes. The submission argues the proposals are sympathetic to the character and appearance or setting of the listed buildings at Pentre Mawr, and that measures have been taken to limit noise and disturbance impacts in relation to Pentre Bach.
- 5.3 There are neighbour concerns over noise and disturbance from the functions, which have been staged more frequently in 2015. The Community Council support the application. The Pollution Control Officer has had regard to the noise study submitted in November 2015, has undertaken noise monitoring, and has listed detailed conditions which should be attached to mitigate impacts, if a permission is granted. The Highway Officer considers it necessary to ensure additional passing bays are created along the approach road, along with new signage to direct vehicles, and surfacing of the proposed overspill parking area.
- 5.4 Officers' conclusions are that the principle of developing an existing business is encouraged in current planning policy and guidance. It is the detailed impacts which are of particular relevance to the acceptability of the proposals.
- 5.5 As will be evident from the report, the issue of noise and disturbance affecting the residential amenities of the occupiers of Pentre Bach has been given detailed consideration. Pollution Control Officers have spent considerable time monitoring the use, assessing the impacts, and deliberating on whether these can be adequately mitigated through measures proposed by the applicants or through additional requirements, and they have concluded by suggesting that there are a range of conditions which may be able to secure adequate controls.
- 5.6 Ultimately it is considered this is a finely balanced case and is one where Officers retain reservations over the amount of controls necessary to mitigate the impacts

of the functions use and the reliance on the management of activities. However, in balancing the considerations, due account has to be taken of the policy support for business / tourist related development and the possibility of imposing suitable conditions on the development to address noise and related concerns. Ultimately, in the absence of formal objections from the 'technical' consultees, it is concluded that it may be reasonable to consider a permission subject to attaching strict conditions as outlined in the recommendation following.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Unless specified by other conditions attached to this permission, the development hereby permitted shall be carried out strictly in accordance with the following plans and documents:

- (i) Existing elevations and proposed internal window shutter (Drawing No. 6) received 2 September 2015
- (ii) Existing floor plans (Drawing No. 5) received 2 September 2015
- (iii) Proposed floor plans (Drawing No. 7) received 2 September 2015
- (iv) Existing gallery (Drawing No. 1) received 2 September 2015
- (v) Proposed covered walkway (Drawing No. 4) received 2 September 2015
- (vi) Existing site plan (Drawing No. 2 Rev. A) received 8 September 2015
- (vii) Proposed site plan and marquee (Drawing No. 3 Rev. A) received 8 September 2015
- (viii) Location plan received 8 September 2015

2. Notwithstanding the details shown on the submitted plans, no functions shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to all of the following, and the implementation of the approved details:

- a) The treatment of the courtyard area around the marquee and associated covered walkway, including the hard and soft landscaping of the area, the extent of removal of the stone wall and treatment of the retained section of the wall
- b) The signage and management arrangements to organise the circulation of persons attending Pentre Mawr Country House, guests attending functions, users of the tented accommodation units, users of the two additional units of hotel accommodation, and delivery vehicles for the hotel and functions use.
- c) The means of preventing guests attending functions from accessing the courtyard area of Pentre Mawr which lies to the west of the gallery building, the proposed covered walkway, and the marquee.
- d) The means of preventing access for any vehicles associated with the functions use to or from the private track running south past Pentre Bach.
- e) The 2.61m high acoustic timber fence between barn building 2 and the retained section of the stone wall as recommended in the Acoustic Assessment
- f) The 1.84m high acoustic timber fence proposed between the marquee and the Gallery building, as recommended in the Acoustic Assessment
- g) The provision of lobby entrances around all external doorways of the dancing / functions building

The development shall be carried out strictly in accordance with the approved details and the arrangements shall be retained as approved at all times the functions use is in operation.

3. Vehicular access to the property in association with functions staged in the marquee and outbuildings shall be obtained solely from the existing main access serving Pentre Mawr off the public highway, and the private track which runs off the highway to the parking areas to the north west of the main house, and there shall be no vehicular access from the track off the public highway running alongside the eastern boundary with Pentre Bach at any time.

4. The parking of vehicles of guests attending, or vehicles dropping off or picking up guests attending functions at the property shall be limited to the existing parking area and the overspill parking area to the north west of the main house.

5. The overspill parking area as shown on the approved site plan drawing shall be kept available for that purpose at all times, and shall be hard surfaced within 6 months of the date of this permission

in accordance with such details as are approved in writing by the Local Planning Authority.

6. Passing places shall be provided along the approach road leading from Llandyrnog to the site in accordance with a scheme to be agreed in writing by the Local Planning Authority, and shall be completed within 6 months of the date of this permission.

7. No functions shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to a scheme of highway signage to discourage the use of the public highway running from the east of the site to the B5429 by the vehicles of guests attending functions.

The signs shall be retained at all times that the functions use at Pentre Mawr is in operation.

8. No functions shall be permitted to be held outside the hours of 1200 - 0000 (midnight) on any day.

9. No live music, playing of recorded music, or use of sound amplification equipment shall be permitted other than within the dancing / ceremonies building, and shall only be permitted between the hours of 1200 and 0000 (midnight) on any day.

10. At all times when live or recorded music is being played, or sound amplification equipment is being used within the dancing / ceremonies building, the timber shutters within the first floor level window openings, as shown on plans DG6 and DG7, shall remain closed.

11. No functions shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to the detailing of a noise limiter to be fitted to amplification equipment to be used in the dancing / ceremonies building. No functions shall be permitted to run without the agreed equipment being fitted.

12. Deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity associated with any function , outside the hours of 0800 - 2200 on any day.

13. All external lighting within the site shall conform with the recommendations in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, for Environmental Zone E1.

14. Noise levels from functions held at the premises shall not exceed 37dBLAeq,5min when measured freefield on the boundary adjacent to Pentre Bach Farm House.

15. If complaints of noise nuisance are received by the Local Planning Authority, the applicant shall be notified in writing and the applicant shall employ a suitably qualified acoustic consultant to undertake a noise assessment in accordance with arrangements to be agreed in writing with the Local Planning Authority within 1 month of notification, to ensure that condition 14 is being complied with. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the Applicant fails to undertake a noise assessment within the time period agreed with the Authority, the Local Planning Authority shall undertake an independent noise assessment and the Applicant shall be required to cover the cost incurred by the Local Planning Authority.

16. If the function noise is found to exceed the noise limits specified in condition 14 above, then no further functions shall be permitted to be held until the written approval of the Local Planning Authority has been obtained to mitigation measures that will ensure compliance with condition 14. The mitigation measures as approved shall be implemented prior to the recommencement of the functions use, and shall be retained at all times thereafter.

17. A record of the functions held and numbers attending shall be logged in a format that can be made available for inspection, when requested in writing, by the Local Planning Authority.

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

1. For the avoidance of doubt.
2. In order to mitigate noise and disturbance in the interests of the occupiers of the nearby dwelling.
3. In the interests of highway safety and the users of the approach roads.
4. In the interests of highway safety, the users of the approach roads, and the amenities of occupiers of nearby residential property.
5. To provide for the parking of vehicles clear of the highway.
6. In the interest of traffic safety.
7. In the interest of highway safety.
8. In the interests of the residential amenities of occupiers of nearby property.
9. In order to mitigate noise and disturbance in the interests of the occupiers of the nearby dwelling.
10. In order to mitigate noise and disturbance in the interests of the occupiers of the nearby dwelling.
11. In order to mitigate noise and disturbance in the interests of the occupiers of the nearby dwelling.
12. In the interests of the residential amenities of occupiers of nearby property.
13. In the interests of the residential amenities of occupiers of nearby property.
14. In the interests the amenity of occupiers of residential property in the locality.
15. To ensure adequate measures are in place to monitor and assess noise from the venue in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality
16. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.
17. To aid noise complaint investigations.

NOTES TO APPLICANT:

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

The Council's attention has been drawn to the use of land and buildings affected by the application, by an agricultural tenant.

You should be aware that the grant of planning permission does not override any civil law restrictions which may prevent the implementation of the planning consent.

You are advised that the holding of functions is subject to separate licencing regulations which fall outside the remit of the planning function. You should ensure all relevant permists are obtained prior to the staging of events.

You are advised to check with the Council's Built Environment section with regard to the need for Building Regulation consent for works and the use of the buildings for public functions.

You are advised to contact the Development Management Section and Public Protection Section Case Officer to discuss the requirements of the conditions of this permission in advance of the submission of the relevant details.

In relation to the noise limitation conditions on this permission, you are advised that meeting the levels stated does not preclude the possibility of a statutory nuisance arising from functions at the site and you should be aware that strict management arrangements will need to be maintained over activities to ensure impacts are mitigated given the proximity to nearby residential property.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

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

Agenda Item 7

WARD : Llandyrnog

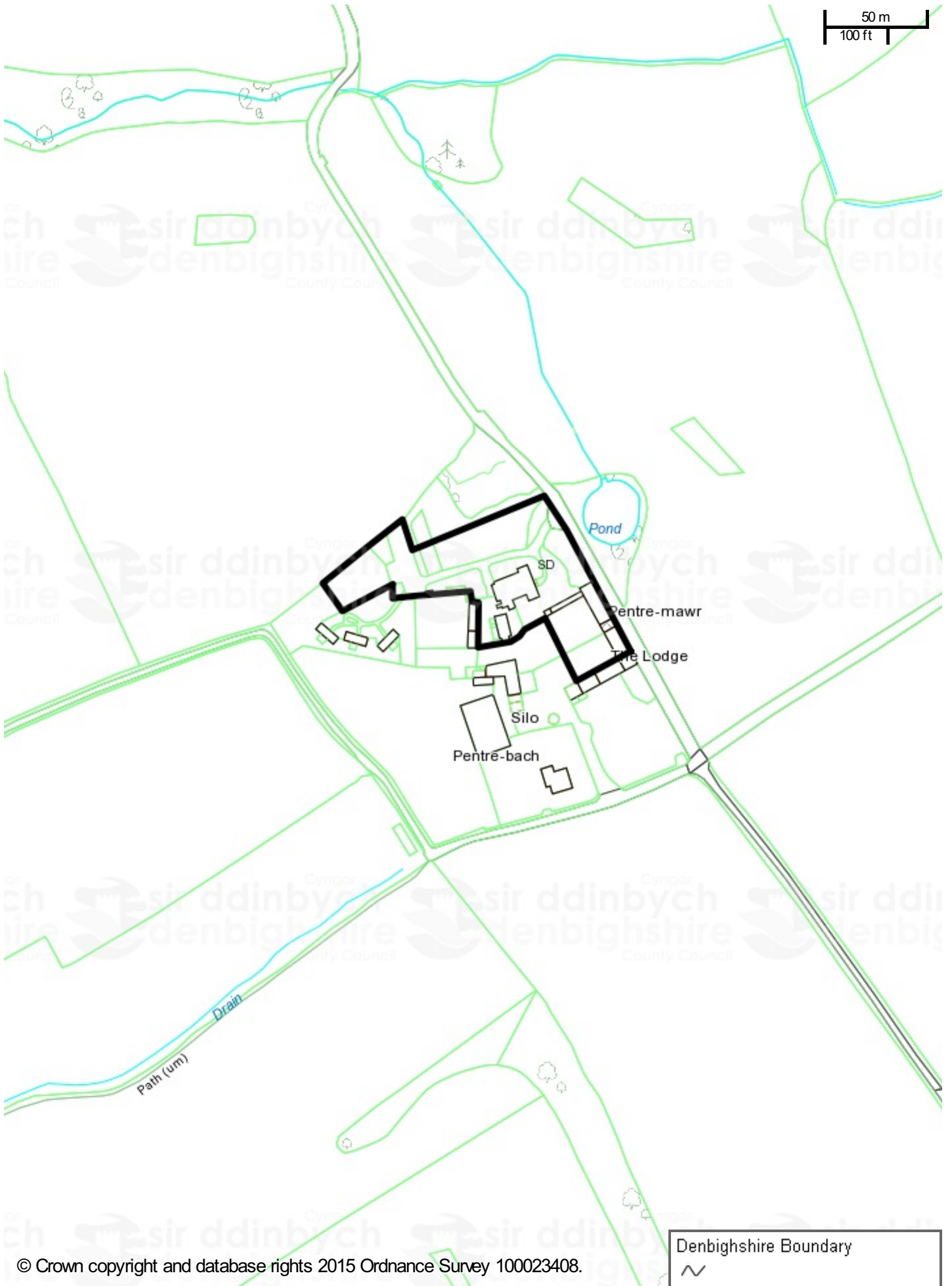
WARD MEMBER: Councillor Merfyn Parry

APPLICATION NO: 18/2015/0888/LB


PROPOSAL: Conversion of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard (Listed Building application)

LOCATION: Pentre Mawr Country House Hotel Llandyrnog
Denbigh

This page is intentionally left blank



© Crown copyright and database rights 2015 Ordnance Survey 100023408.

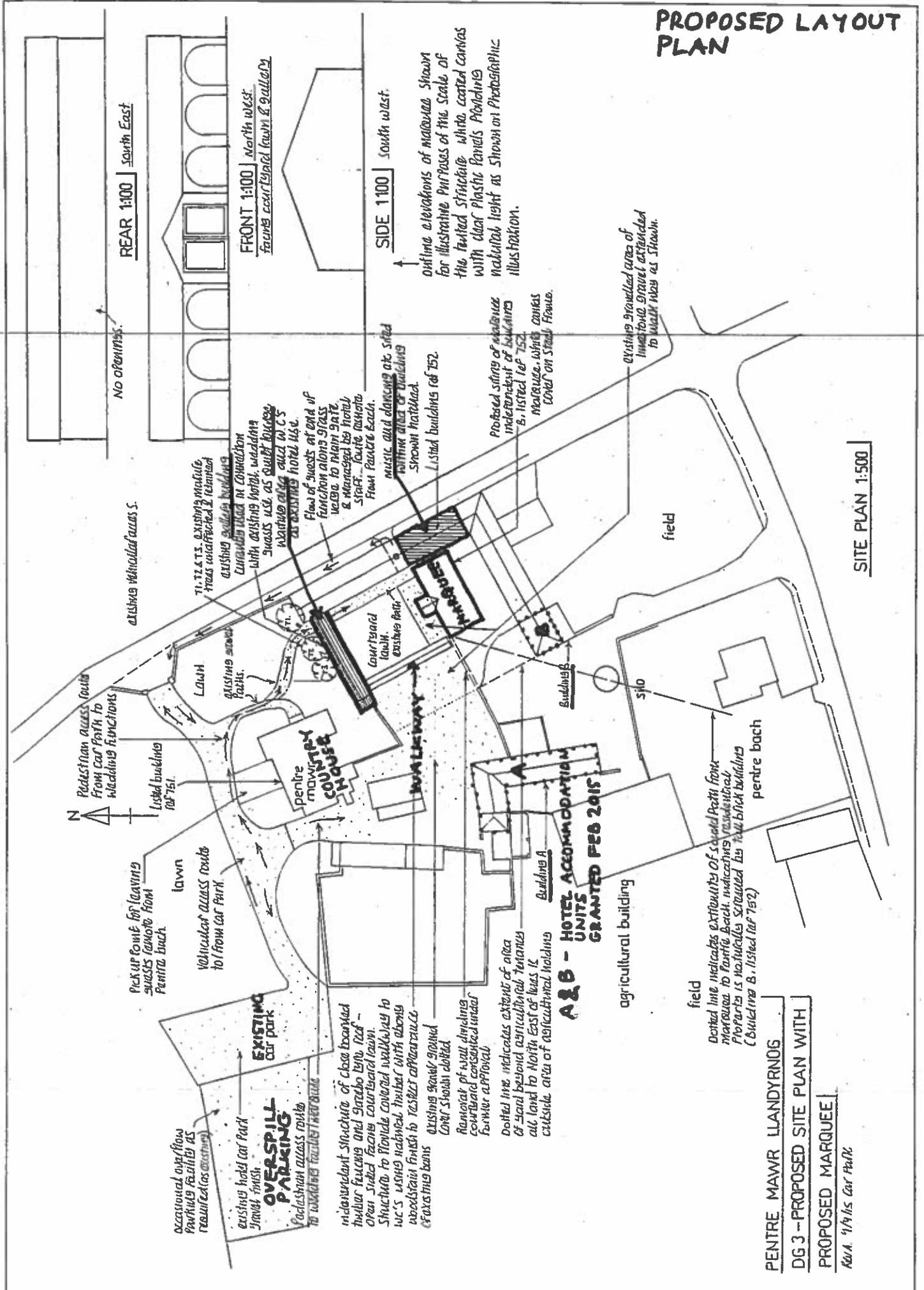
Denbighshire Boundary


18/2015/0888

Scale: 1:2500

Printed on: 4/1/2016 at 12:37 PM

PROPOSED LAYOUT PLAN



SITE PLAN 1:500

PENTRE MAWR LLANDYRNOG

DG 3 - PROPOSED SITE PLAN WITH

PROPOSED MARQUEE

NOV. 1/14/15 Car Park

18 2015/0887/PF
**FLOOR PLANS OF
 DANCING &
 CEREMONY
 BUILDING**

TRUSSES OVER SUPPORT traditional
 roof structure.

EXISTING timber windows.

As hinged timber shutters as shown with
 ledges & braced T&G boarding above
 woodstain finish.

ceremony

first floor area.

T1

T2

T3

FIRST FLOOR

Note, bar and ancillary fixtures etc
 all freestanding independent units
 not attached to listed building.

marquee dining

Proposed siting of
 detached marquee.

bottles
 fridges

existing external doors to south
 west 15N°

3N° doors currently over boarded internally
 with independent T&G boarding.

existing arched
 through way with
 roof ball tower
 over.

bar

music

dancing

existing timber stairs

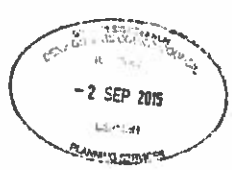
lounge

GROUND FLOOR

boarded & tiled dance floor
 loose laid over existing
 floor. existing brass verge.

highway.

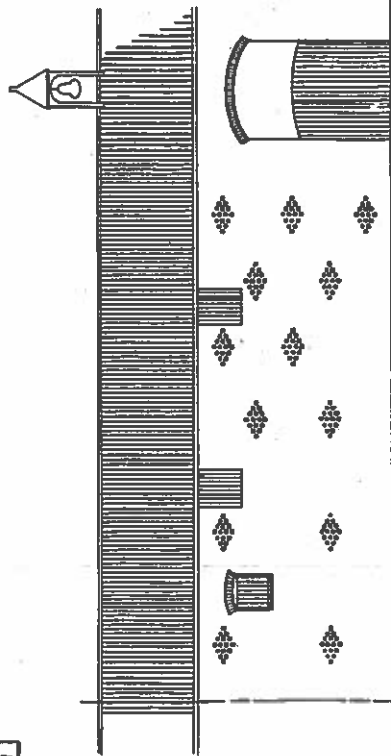
PROPOSED
PENTRE MAWR
DG7 1:50



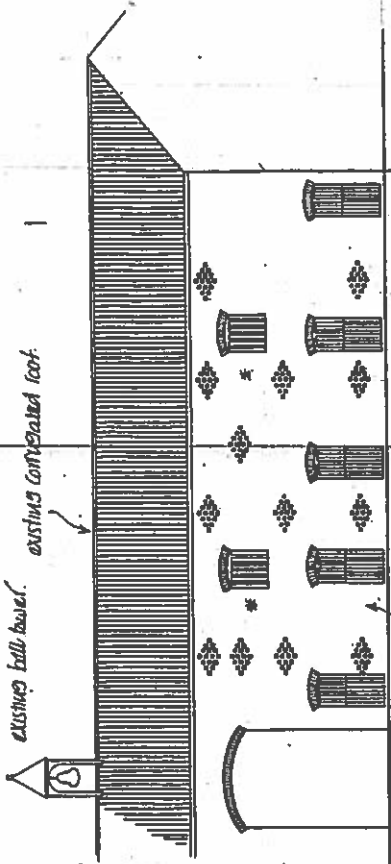
ELEVATION PLANS OF DANCING & CEREMONY BUILDING

18 2015 / 0807 / P F

PENTRE MAWR
 DG 6 1:100
 EXISTING



NORTH EAST



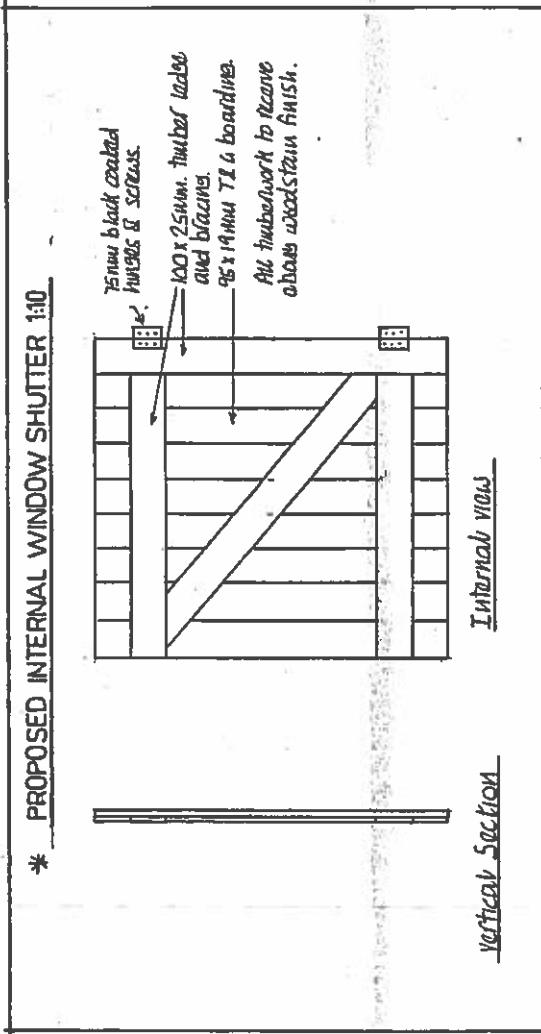
SOUTH WEST

existing ball tower.
 existing completed roof

existing three brick
 entrance doors.

existing timber
 floors and windows

* denotes windows to be filled with
 new internal shutters as shown
 below.



* PROPOSED INTERNAL WINDOW SHUTTER 1:10

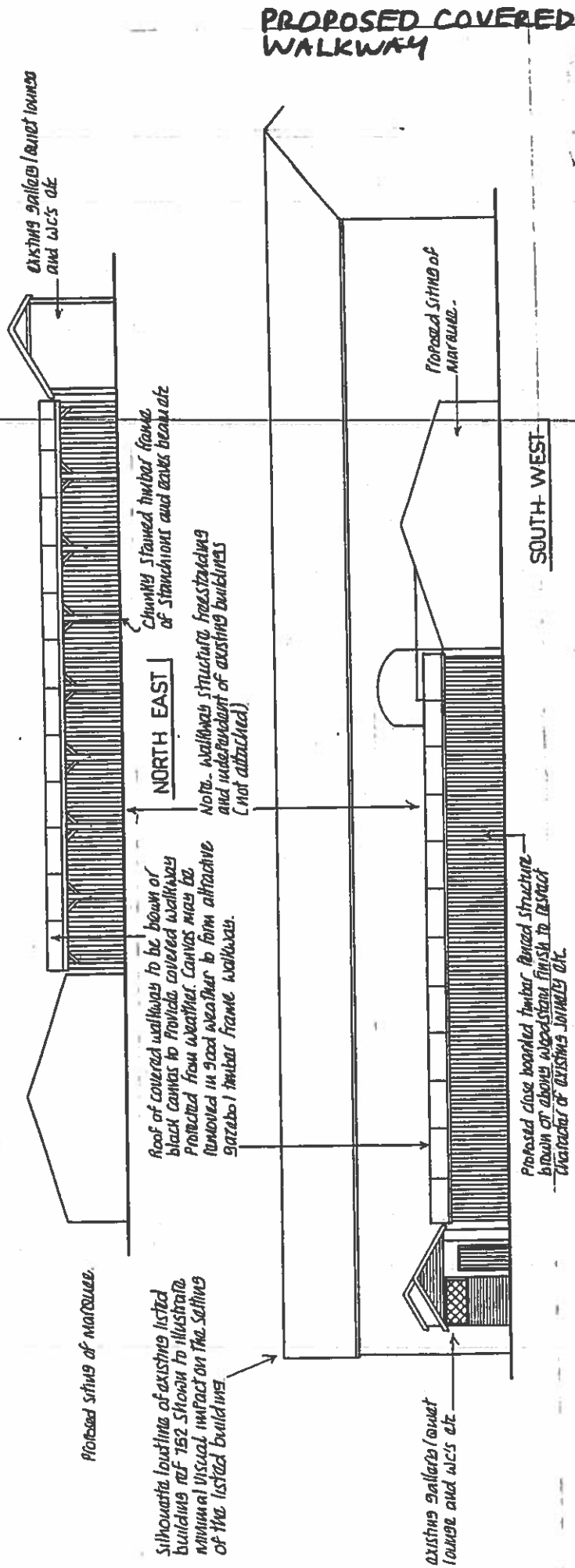
75mm black coated
 timbers or screws.
 100 x 25mm timber lathes
 and braces.
 95 x 14mm T & G boarding.
 All timberwork to receive
 opaque woodstain finish.

Internal view

Vertical Section

PENTRE MAWR LANDYRNOG DG4 1:100

PROPOSED COVERED WALKWAY



WARD : Llandyrnog

WARD MEMBER: Councillor Merfyn Parry

APPLICATION NO: 18/2015/0888/LB

PROPOSAL: Conversion of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard (Listed Building application)

LOCATION: Pentre Mawr Country House Hotel Llandyrnog Denbigh

APPLICANT: Mr Graham Carrington-Sykes

CONSTRAINTS: Listed Building

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL
No comments received

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Conservation Architect

No objection to the proposals. In conclusion, considers these are not detrimental to the historical character of the listed buildings and do not affect the essential setting of the listed buildings. The proposals will allow the business to develop and grow, which can only be beneficial to the long term maintenance and condition of all the buildings within the group.

RESPONSE TO PUBLICITY:

Representations received from:

In objection

Representations received from:

Aaron and partners, Solicitors, on behalf of Mr and Mrs Edwards, Pentre Bach, Llandyrnog
Mrs S. Edwards, Pentre Bach, Llandyrnog

Summary of planning based representations in objection:

Noise and disturbance

Occupiers of dwelling need peace and quiet to rest, including children during term time / existing use of hotel has caused considerable noise nuisance to occupiers of Pentre Bach, and has been under investigation by environmental health department / sources of noise and disturbance are music from hotel functions, singing and chanting encouraged by DJ's running discos; shouting, singing and swearing from guests leaving in the early morning; cars screeching along the lane late at night and taxi horns alerting guests they have arrived; inappropriate activities in hot tubs / use has been allowed to continue for two summers / submissions recognise noise is an issue but do not provide technical information to support this assertion or inform the local planning authority of the effect that attenuation by the masonry structure may provide, and there is no background noise level against which noise from the development should be assessed, and no acoustic report submitted in support of the application / it is suggested specific measures be considered to reduce noise at the point of generation, to provide sound insulation or other containment measures, to design the layout of the space between the noise source and noise sensitive building, and limiting the operating time of the noise source and setting an acceptable noise limit.

Council should not determine application until a proper noise assessment report is produced by the applicants to allow assessment of the impact of noise generated by the development.

Conflict with planning policies and guidance

Noise is a planning consideration contained in planning policies in the Local Development Plan, Welsh Government's Technical Advice Note 11

Other matters

Land ownership issues

Notification of the planning application has not been served on the agricultural tenant / owner occupier of Pentre Bach farms land at Pentre Mawr and Ty Bracia in partnership with his father and brother and the father is the agricultural tenant of the yard and listed building included in the application / owners of Pentre Mawr have unlawfully fenced off the yard and building the subject of the application/ there is a legal dispute regarding the farming tenancy

Objections to issue of separate licence for functions and concerns over process relating to licence / seem to be getting minimal consideration from neighbours and the Council / concerns over statements made in submissions over neighbours actions

EXPIRY DATE OF APPLICATION: 08/11/2015

REASONS FOR DELAY IN DECISION (where applicable):

- information required from applicant
- protracted negotiations resulting in amended plans

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks listed building consent for developments in connection with the staging of weddings and other functions, associated with the existing Country House Hotel enterprise at Pentre Mawr, Llandyrnog. It follows the withdrawal of a previous listed building application involving different detailing in September 2015.

1.1.2 The application should be read in conjunction with the planning application forming the subject of the previous item on the agenda, code no. 18/2015/0887.

1.1.3 The proposed site layout showing the different elements of the scheme is at the front of the report. The parts relevant to the listed building consent application are:

- The siting of a marquee within the courtyard area to the south east of the main Pentre Mawr Country Hotel building. The marquee is indicated on the submitted plans as a white canvas cover on a steel frame.
- The use of two sections of existing outbuildings forming the courtyard in connection with the functions use :
 - o The Gallery Building, for use by wedding guests as a quiet lounge waiting area and WC's
 - o A 15m x 7m section of one of the range of outbuildings on the eastern side of the courtyard, for music and dancing
- The erection of a timber walkway structure running from the gallery building to the marquee, to enclose a lawn area
- The erection of an acoustic fence on the south west side of the marquee

1.1.4 The application is in part retrospective, as the marquee has already been sited on the land forming the garden area of Pentre Mawr, and the two buildings shown on the plan for use as a lounge area and for music and dancing have been used for functions in 2015.

1.1.5 The plans at the front of the report also show the relationship of the buildings and the complex to the nearest dwelling in separate ownership at Pentre Bach, to the south, and the location of outbuildings buildings granted permission for conversion to accommodation units in connection with Pentre Mawr in February 2015.

1.1.6 The application is accompanied by a Design and Access Statement incorporating a Listed Building Justification Statement, and a property Structural Condition report.

1.1.7 The Design and Access Statement refers to the 5 star hotel and tourism business at Pentre Mawr, offering high quality accommodation and dining facilities. It states the hotel has identified wedding functions as a suitable additional facility that would enhance the business and provide maintenance funding for the substantial range of listed buildings. The use of a marquee has been suggested to provide the necessary space and it is suggested this would be erected for the relevant periods when functions are booked, and that it would be a temporary structure stored away for the remainder of the year.

1.1.8 In relation to the listed buildings, it is stated in the Design and Access Statement that the setting of the marquee within the courtyard of largely redundant buildings will not really have any adverse impact on the listed buildings, being a temporary structure erected for a limited period within the courtyard, then being returned to its open appearance when it is stored away while not in use. It is suggested that the proposed use of part of the listed barn building for music and dancing does not have any impact on the listed building, the only works being the provision of temporary shutters to the upper windows to provide additional noise limitation, which it is stated does not impact on the character of the listed structure.

1.1.9 Pentre Mawr and its main outbuildings are Grade II Listed Buildings.

1.2 Description of site and surroundings

1.2.1 The Pentre Mawr complex of buildings is located approximately 2km north of Llandyrnog village.

1.2.2 It is accessed off minor roads from the B5429. The vehicular access serving the Country House is a driveway off the minor road. The drive runs past the front of the main house to the parking area to the west.

1.2.3 The building complex consists of an historic Manor House (as noted, a Grade II listed building) and a range of outbuildings, most of which are also listed buildings. There are also more modern agricultural buildings including a silo and a portal frame building in the south / south west part of the complex.

1.2.4 The main building at Pentre Mawr is in use as a bed and breakfast business with dining facilities and there are a number of 'tented bedrooms' on land immediately to the west of the main house.

1.2.5 An area of the courtyard immediately to the south of the main house has been in use in connection with the bed and breakfast business and owners private accommodation. Its extent has been defined by a substantial stone wall which until recently divided the area enclosed by the range of outbuildings. Land and buildings to the south side of the wall has been in use in connection with an agricultural business, which is referred to in Section 1.6 of the report.

1.2.6 There is a dwelling in separate ownership to the south west of the outbuildings, at Pentre Bach. The relative location and proximity of Pentre Bach to the application site can be seen from the plans at the front of the report.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside.

1.3.2 Pentre Mawr and its outbuildings are Grade II Listed Buildings.

1.4 Relevant planning history

- 1.4.1 The bed and breakfast use at Pentre Mawr has developed gradually over time from an incidental use to the dwelling. The owners obtained planning consent to use the 'Manor' house as a bed and breakfast facility / Country House Hotel in October 2013, involving use of 3 out of 5 bedrooms as guest accommodation. Planning permission was granted for the retention of 6 'tented bedrooms' used in connection with the facilities in the main house, in June 2014. Planning permission was granted in February 2015 for the conversion of two of the agricultural buildings in the complex into accommodation units for use in connection with Pentre Mawr, and listed building consent for this development was granted in April 2015. The 2015 consents have not been commenced at the time of drafting this report.
- 1.4.2 The Council was made aware during 2014 of the introduction of a marquee in the garden area of the property, used in connection with the staging of functions, including weddings. This was the subject of separate enforcement investigation and led to the submission of planning and listed building applications in March 2015 to retain the marquee, to use the Gallery building and part of the courtyard in connection with the functions. Following receipt of responses and in particular concerns over the noise arising during functions, these applications were withdrawn in September 2015 on submission of the current planning and listed building applications.
- 1.4.3 The planning application submitted is being handled under application code no. 18/2015/0887/LB, and forms the subject of the preceding report on the agenda.
- 1.4.4 There is a separate application dealing with a variation of one of the conditions imposed on the February 2015 permission for the conversion of the 2 outbuildings to self contained living accommodation. This application, code no. 18/2015/0327 forms the subject of the report immediately following this one on the listed building consent application.
- 1.5 Developments/changes since the original submission
- 1.5.1 None of specific relevance to this listed building consent application.
- 1.6 Other relevant background information
- 1.6.1 Members will note reference in the Response to Publicity Section of the report to matters relating to land ownership. These also arose in the course of progressing the applications relating to the conversion of outbuildings to additional hotel accommodation, submitted in late 2014.
- 1.6.2 The applicant's agent is aware of representations and has confirmed in December 2015 that on the basis of information provided by his clients and solicitors that the correct certificate of ownership has been submitted with the applications.
- 1.6.3 Members may appreciate that the Local Planning Authority can not become involved in any civil dispute over claims to ownership and it is considered appropriate to move to determine the application. In the circumstances, it would be normal to include a note to applicant on a Certificate of Decision advising the applicants of the challenge to legal statements on ownership.

2. DETAILS OF PLANNING HISTORY:

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

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

2.3 18/2014/0793/PF - Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works. GRANTED 18/02/2015

2.4 18/2014/0794/LB - Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works (Listed Building application). GRANTED 20/04/2015

2.5 18/2015/0325 – Change of use of existing gallery building and part of courtyard for wedding and other functions associated with existing hotel business and including erection of detached marquee within courtyard area. WITHDRAWN 08/09/2015.

2.6 18/2015/ 0326 - 18/2015/0325 – Change of use of existing gallery building and part of courtyard for wedding and other functions associated with existing hotel business and including erection of detached marquee within courtyard area. WITHDRAWN 08/09/2015

3. RELEVANT POLICIES AND GUIDANCE:

Government Policy / Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 8, 2016.

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

4. MAIN PLANNING CONSIDERATIONS:

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

Planning Policy Wales 8, 2016 Section 6.5.7 – 6.5.15 refers to general principles to be applied in considering applications for listed building consent. It confirms that there is no statutory requirement to have regard to the provisions of the Development Plan in making a decision on listed building consent applications. It reaffirms the general presumption in favour of preservation, whilst recognising the need for

flexibility where new uses have to be considered to secure a building's survival. It sets out the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Applicants are expected to justify their proposals to show why alteration or demolition is desirable or necessary.

Welsh Office Circular 61/96, Paragraphs 93-99 provide specific advice on the considerations to be applied by Local Planning Authorities when dealing with proposals to alter or extend listed buildings.

4.1 The main issues to address in relation to the application are therefore considered to be:

4.1.1 The acceptability of the proposals having regard to the tests of PPW 2014 and Welsh Office Circular 61/96

The report outlines the case advanced in the application documents in support of the grant of listed building consent, setting out arguments that the proposals would assist in securing the future of the buildings, without adversely affecting the character and appearance of the listed buildings or materially harming their setting.

In terms of consultation responses, the Conservation Officer is supportive of the proposals.

The works on the listed buildings themselves are minimal in this instance, involving the installation of new internal timber shutters within the window openings of the 2 storey brick built outbuildings, and mainly renovation / internal decoration and repairs within that building. The Gallery building has been in use for some time in connection with the Country House Hotel, The new timber walkway and acoustic fences, and the marquee are freestanding structures with no attachment to any of the listed buildings.

Having regard to what is actually involved here, the basis of PPW advice and the tests of Welsh Office Circular 61/96, Officers' consider due regard has been given to the viability and impacts of the new use proposed for the buildings in formulating the proposals, in terms of effects on the special interest of the listed buildings, and it is not concluded that accommodating the music and dance area in one building and the use of the Gallery as a quiet room in connection with functions in the adjacent marquee in the courtyard are in any respects potentially damaging uses;

Due regard has been taken of the physical impacts of the proposals on the character and appearance of the listed buildings, and their setting; It is suggested the buildings have a capacity for accommodating change without loss of special interest;

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

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

The internal detailing of both buildings is of limited interest and these have been adapted to previous storage / incidental uses to Pentre Mawr. The main interest is the external detailing which is not affected by the proposals.

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

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report provides details of the proposals to adapt two buildings in the complex for use in connection with a marquee staging functions at the Pentre Mawr Country House Hotel.
- 5.2 The applicants argue the proposals are sympathetic to the character and appearance of the buildings and the setting of the listed buildings at Pentre Mawr, and are seen as a further step in the regeneration of the remainder of the historic buildings in the complex.
- 5.3 The Conservation Officer is supportive of the proposals.
- 5.4 Officers' conclusions are that there is a justifiable case to support the proposals, as they present an opportunity to secure the long term future of buildings within the complex, and will have no adverse impact on the character and appearance of the buildings involved, or on the setting of the Pentre Mawr complex.
- 5.5 The recommendation following is subject to referral of the listed building consent application to CADW for consideration, and authorisation from CADW that consent can be issued by Local Planning Authority.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. Unless specified by other conditions attached to this consent, the development hereby permitted shall be carried out strictly in accordance with the following plans and documents:
 - (i) Existing elevations and proposed internal window shutter (Drawing No. 6) received 2 September 2015
 - (ii) Existing floor plans (Drawing No. 5) received 2 September 2015
 - (iii) Proposed floor plans (Drawing No. 7) received 2 September 2015
 - (iv) Existing gallery (Drawing No. 1) received 2 September 2015
 - (v) Proposed covered walkway (Drawing No. 4) received 2 September 2015

- (vi) Existing site plan (Drawing No. 2 Rev. A) received 8 September 2015
- (vii) Proposed site plan and marquee (Drawing No. 3 Rev. A) received 8 September 2015
- (viii) Location plan received 8 September 2015

3. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved by, the local planning authority. The resulting digital photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

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

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. For the avoidance of doubt.
- 3. To ensure a suitable photographic record is made of the buildings.

NOTES TO APPLICANT:

In connection with Condition 3 of the consent, you are referred to the attached CPAT Photographic Guidance Note for Applicants

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

This page is intentionally left blank

Agenda Item 8

WARD : Llandyrnog

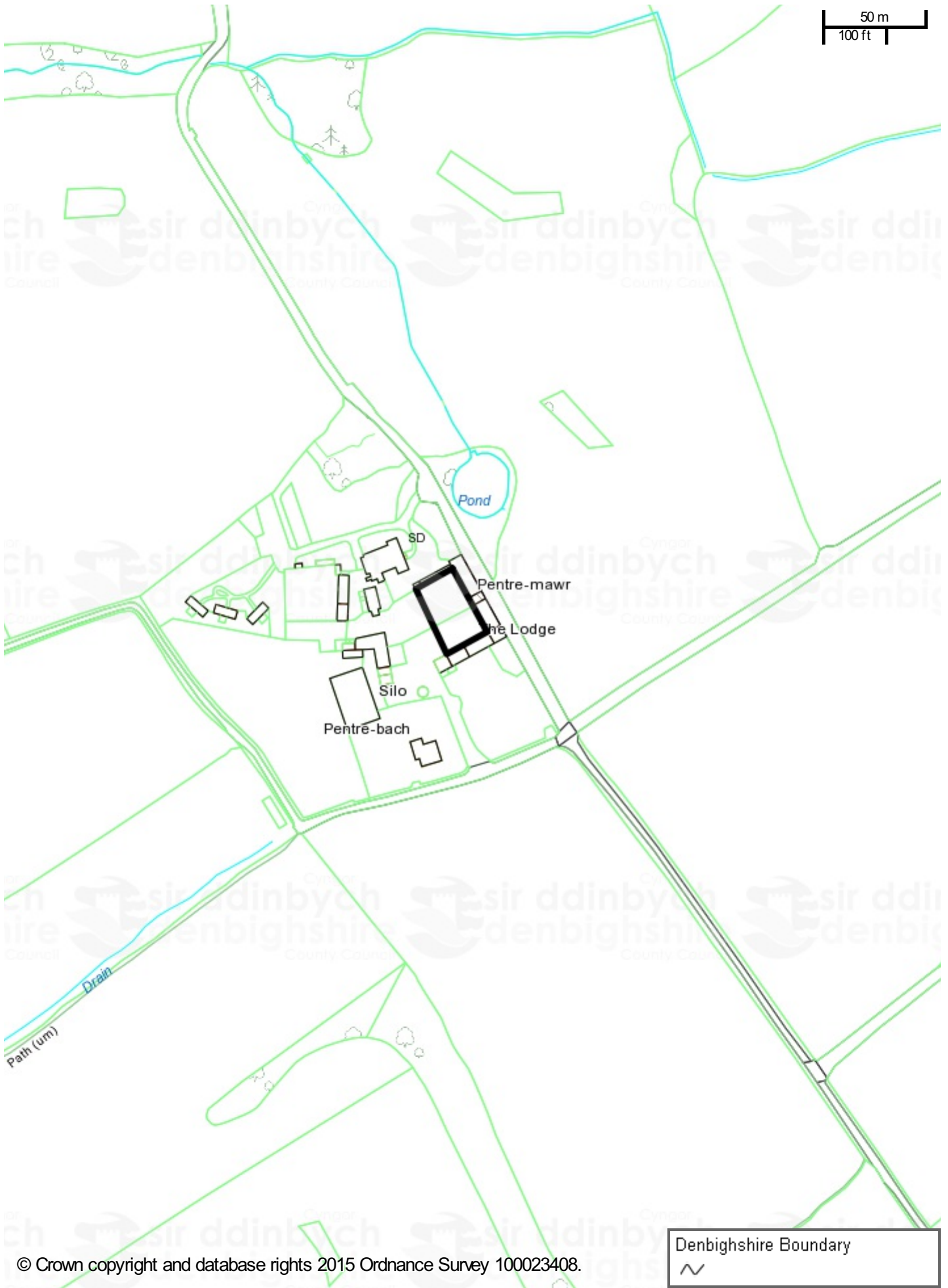
WARD MEMBER: Councillor Merfyn Parry

APPLICATION NO: 18/2015/0327/ PS

PROPOSAL: Variation of condition no. 12 of planning permission code no. 18/2014/0793 to permit use of part of courtyard for wedding functions

LOCATION: Pentre Mawr Country House Hotel Llandyrnog
Denbigh

This page is intentionally left blank



50 m
100 ft

© Crown copyright and database rights 2015 Ordnance Survey 100023408.

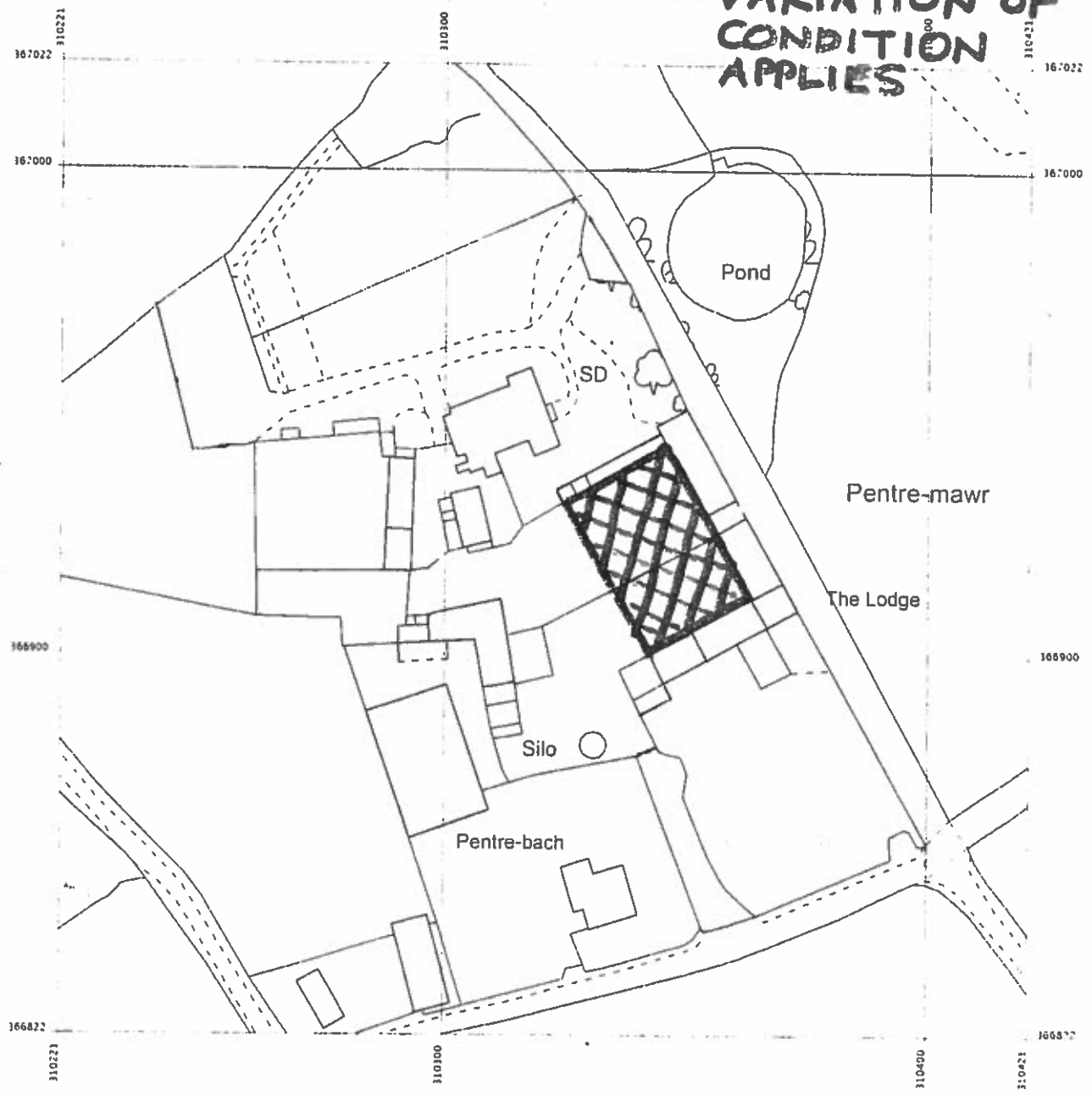
18/2015/0327
Scale: 1:2500
Printed on: 4/1/2016 at 12:27 PM

Denbighshire Boundary
~

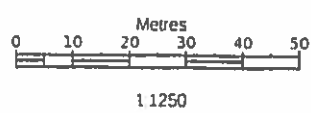
RECEIVED
30 MAR 2015
CALEDONIAN



AREA TO WHICH
VARIATION OF
CONDITION
APPLIES



Produced 14 Feb 2014 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown Copyright 2014.



PENTRE MAWR
DENBIGH
LL16 4LA

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

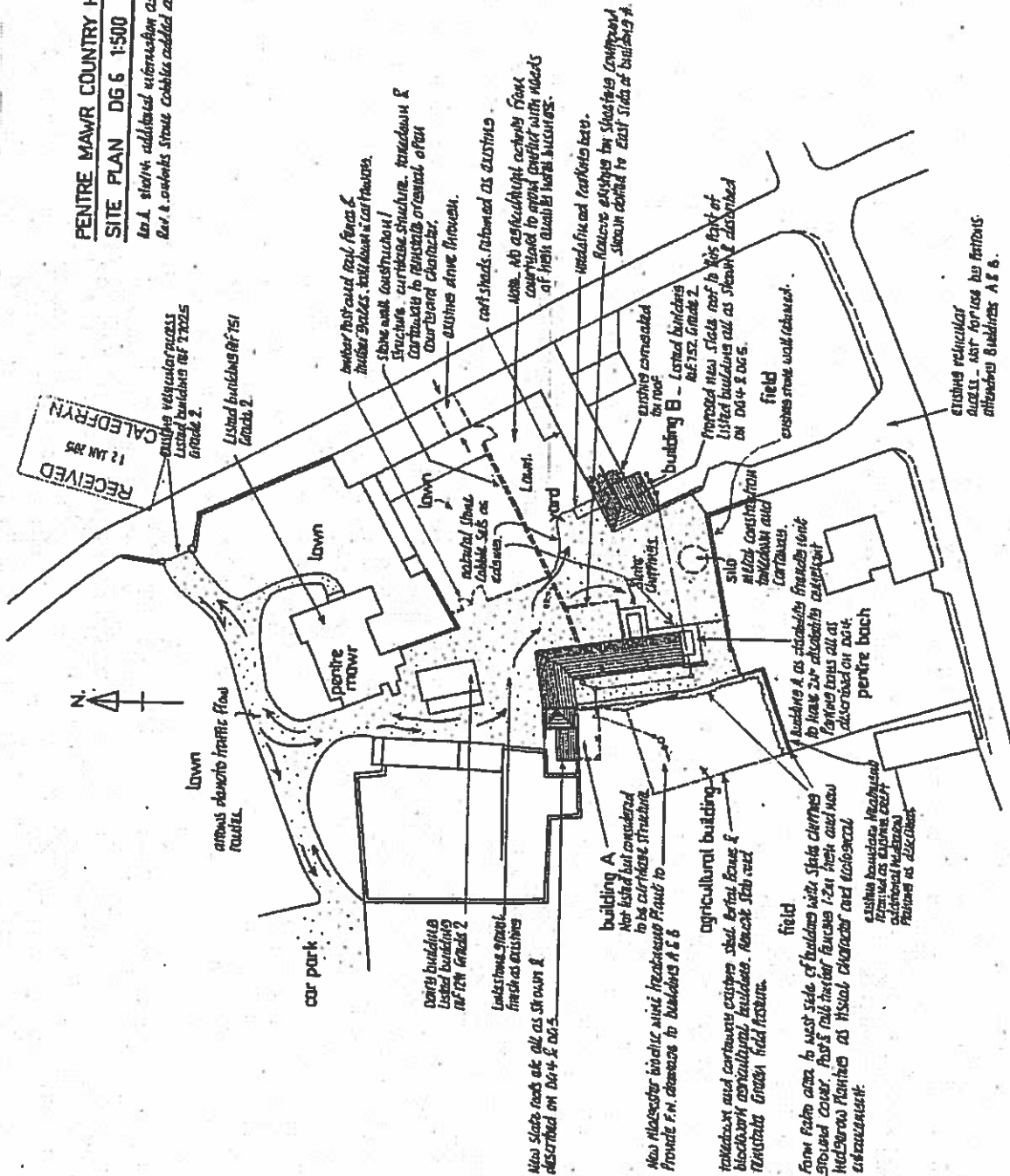
Supplied by: Blue Fox
Reference: Q1676322
Centre coordinates: 310321 366922

APPROVED LAYOUT
PLAN FROM
18/2014/0793

PERMISSION FOR ADDITIONAL
HOTEL ACCOMMODATION
UNITS

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

to A. show additional information as to
the 1. units street cables added as shown



WARD : Llandyrnog

WARD MEMBER: Councillor Merfyn Parry

APPLICATION NO: 18/2015/0327/ PS

PROPOSAL: Variation of condition no. 12 of planning permission code no. 18/2014/0793 to permit use of part of courtyard for wedding functions

LOCATION: Pentre Mawr Country House Hotel Llandyrnog Denbigh

APPLICANT: Mrs Bre Carrington-Sykes

CONSTRAINTS: Listed Building

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

“Community Council support the application with a condition strictly limiting the timing of the events and conditions to control noise levels to protect amenity of adjoining property”

RESPONSE TO PUBLICITY:

Representations received from:

In objection

Representations received from:

Aaron and Partners, Solicitors, on behalf of Mr and Mrs Edwards, Pentre Bach, Llandyrnog
Mrs S. Edwards, Pentre Bach, Llandyrnog

Summary of planning based representations in objection:

Noise and disturbance

Occupiers of dwelling need peace and quiet to rest, including children during term time / existing use of hotel has caused considerable noise nuisance to occupiers of Pentre Bach, and has been under investigation by environmental health department / sources of noise and disturbance are music from hotel functions, singing and chanting encouraged by DJ's running discos; shouting, singing and swearing from guests leaving in the early morning; cars screeching along the lane late at night and taxi horns alerting guests they have arrived; inappropriate activities in hot tubs / use has been allowed to continue for two summers / submissions recognise noise is an issue but do not provide technical information to support this assertion or inform the local planning authority of the effect that attenuation by the masonry structure may provide, and there is no background noise level against which noise from the development should be assessed, and no acoustic report submitted in support of the application / it is suggested specific measures be considered to reduce noise at the point of generation, to provide sound insulation or other containment measures, to design the layout of the space between the noise source and noise sensitive building, and limiting the operating time of the noise source and setting an acceptable noise limit.

Council should not determine application until a proper noise assessment report is produced by the applicants to allow assessment of the impact of noise generated by the development.

Conflict with planning policies and guidance

Noise is a planning consideration contained in planning policies in the Local Development Plan, Welsh Government's Technical Advice Note 11

Other matters

Land ownership issues

Notification of the planning application has not been served on the agricultural tenant / owner occupier of Pentre Bach farms land at Pentre Mawr and Ty Bracia in partnership with his father and brother and the father is the agricultural tenant of the yard and listed building included in the application / owners of Pentre Mawr have unlawfully fenced off the yard and building the subject of the application/ there is a legal dispute regarding the farming tenancy

Objections to issue of separate licence for functions and concerns over process relating to licence / seem to be getting minimal consideration from neighbours and the Council / concerns over statements made in submissions over neighbours actions

EXPIRY DATE OF APPLICATION: 25/05/2015

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans for associated developments involving functions use in the courtyard and buildings at Pentre Mawr
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks the Council's agreement to the variation of a condition imposed on a planning permission granted at Planning Committee in February 2015, involving the change of use of two outbuildings in the Pentre Mawr complex to self contained suites of hotel letting accommodation. The permission was granted under Code No.18/2014/0793/PF. Work on the implementation of the permission has not commenced at the time of drafting this report.

1.1.2 The condition in question is No 12, which as worded on planning permission 18/2014/0793 is as follows:

"12. The use of the courtyard area between the accommodation units and Pentre Mawr indicated on the approved site plan as a lawn, yard and slate chippings, shall be limited to occupiers of the new accommodation units, guest accommodation at Pentre Mawr Country House, and the owner/occupiers of Pentre Mawr, their family and friends, and staff involved in the running of the business. "

The reason for the condition was :-

" In the interests of the residential amenities of occupiers of Pentre Bach."

1.1.3 The variation seeks the addition of the following sentence at the end of the condition as worded above:

"This condition is applicable to all areas of the courtyard areas etc. except the area hatched green on the attached location plan".

The plan submitted with the application is attached at the front of the report, and is annotated to show the area the applicants are now asking the Council to remove from the restrictions imposed by condition 12.

1.1.4 The application is submitted by an agent acting on behalf of the Pentre Mawr business. It contains a short Design and Access Statement which explains the background and the reason for the variation sought:

- "Condition 12 stipulates restrictions for the use of the whole of the courtyard area between outbuildings A, B, and Pentre Mawr as illustrated on the approved application
- The application for variation of condition is to reduce the area protected by condition 12 to allow use of part of the courtyard (at its eastern end away from Pentre Bach) for wedding functions
- The area of courtyard proposed for that purpose is remote from Pentre Bach and so will not be detrimental to the residential amenity of that property."

The Statement goes on to explain that the variation is sought in conjunction with proposals for the erection of a marquee within the courtyard for staging functions at Pentre Mawr. This is now the subject of application 18/2015/0887/PF, which is an earlier item on the agenda for this Committee. The Statement argues that the removal of the area hatched green will not impact on the character of the listed buildings or their setting, or the residential amenity of Pentre Bach.

- 1.1.5 Officers' interpretation of the above is that the applicants are seeking to ensure there is no conflict between the permission for the accommodation units as granted in February 2015, and the permission sought for the functions use which is the subject of application 18/2015/0887 and is one of the preceding items on the agenda. The variation sought would allow the use of the courtyard area as defined on the plan by persons attending / involved in functions at Pentre Mawr. If application 18/2015/0887 is refused permission or consideration is deferred at Committee, Officers will request consideration of this application is deferred as there would effectively be no purpose in proceeding with it as there would be no consented functions use in place to necessitate the variation of the condition.

1.2 Description of site and surroundings

- 1.2.1 The Pentre Mawr complex of buildings, containing the two outbuildings which were the subject of application 18/2014/0793 is located approximately 2km north of Llandyrnog village.
- 1.2.2 It is accessed off minor roads from the B5429. The vehicular access serving the Country House is a driveway off the minor road which runs past the front of the main house to the parking area to the west.
- 1.2.3 The building complex consists of an historic Manor House (a Grade II listed building) and a range of outbuildings, most of which are also listed buildings. There are also more modern agricultural buildings including a silo and a portal frame building in the south / south west part of the complex.
- 1.2.4 The main building at Pentre Mawr is in use as a bed and breakfast business with dining facilities and there are a number of 'tented bedrooms' on land immediately to the west of the main house. The main parking area for visitors is located 40 metres to the north west of the main house at Pentre Mawr.
- 1.2.5 An area of the courtyard immediately to the south of the main house has been in use in connection with the bed and breakfast business and owners private accommodation. Its extent has been defined by a substantial stone wall which until recently divided the area enclosed by the range of outbuildings. Land and buildings to the south side of the wall has been in use in connection with an agricultural business.
- 1.2.6 There is a dwelling in separate ownership to the south west of the outbuildings at Pentre Bach.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside.
- 1.3.2 Pentre Mawr and its outbuildings are Grade II Listed Buildings.

1.4 Relevant planning history

- 1.4.1 The bed and breakfast use at Pentre Mawr has developed gradually over time from an incidental use to the dwelling. The owners obtained planning consent to use the 'Manor' house as a bed and breakfast facility / Country House Hotel in October 2013, involving use of 3 out of 5 bedrooms as guest accommodation. Planning permission was granted for the retention of 6 'tented bedrooms' used in connection with the facilities in the main house, in June 2014.
- 1.4.2 Of specific relevance to the current application is a permission granted in February 2015 for the conversion of two of the agricultural buildings into accommodation units for use in connection with Pentre Mawr. It contained condition 12 quoted in 1.1.2 above, restricting the use of the courtyard area to occupiers of new accommodation units and patrons of Pentre Mawr Country House and those involved in that business. The condition was imposed in order to protect the interests of the occupiers of Pentre Bach to the south west.
- 1.4.3 The Council was made aware during 2014 of the introduction of a marquee in the garden area of the property, used in connection with the staging of functions, including weddings. This was the subject of separate enforcement investigation and led to the submission of separate applications seeking to establish the functions use in a marquee, associated buildings and a courtyard. This process has spanned several months and revisions to plans, ending with the submission of application 18/2015/0887, which is dealt with in an earlier report on the agenda.
- 1.4.4 For information, application 18/2015/0887/PF seeks permission for :
- The siting of a marquee within the courtyard area to the south east of the main Pentre Mawr Country Hotel building. The marquee is indicated on the submitted plans as a white canvas cover on a steel frame.
 - The use of two sections of existing outbuildings forming the courtyard in connection with the functions use :
 - The Gallery Building, for use by wedding guests as a quiet lounge waiting area and WC's
 - A 15m x 7m section of one of the range of outbuildings on the eastern side of the courtyard, for music and dancing
 - The erection of a timber structure running from the gallery building to the marquee, to enclose a lawn area
 - The provision of an overflow parking area in a paddock area immediately to the west of the existing parking area to the west of the Pentre Mawr Country Hotel.
 - Suggested pedestrian circulation patterns for functions.

1.5 Developments/changes since the original submission

- 1.5.1 Officers have assessed the merits of the variation application in parallel with the planning applications for the marquee in the courtyard area, as issues of impact on the residential amenities of occupiers of Pentre Bach are relevant to both. This has involved noise monitoring from Pentre Bach in the course of functions to assess the impact and to assist conclusions on the acceptability of the proposals.
- 1.5.2 As a result of the monitoring exercises, plans for the functions use have been revised to include specific proposals to mitigate noise.

1.6 Other relevant background information

- 1.6.1 Members will note reference in the Response to Publicity Section of the report to matters relating to land ownership. These also arose in the course of progressing the applications relating to the conversion of outbuildings to additional hotel accommodation, submitted in late 2014.
- 1.6.2 The applicant's agent is aware of representations and has confirmed in December 2015 that on the basis of information provided by his clients and solicitors that the correct certificate of ownership was submitted at the time of lodging the application.

1.6.3 Members may appreciate that the Local Planning Authority can not become involved in any civil dispute over claims to ownership and it is considered appropriate to move to determine the application. In the circumstances, it would be normal to include a note to applicant on a Certificate of Decision advising the applicants of the challenge to legal statements on ownership.

2. DETAILS OF PLANNING HISTORY:

2.1 18/2014/0793/PF - Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works. GRANTED 18/02/2015
The permission contains a number of conditions including No.12 which is the subject of this application.

3. RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:

Government Policy / Guidance
Planning Policy Wales Edition 8, 2016

3.2 Other material considerations:

The overarching advice for Local Planning Authorities on the use of conditions in planning permissions is now contained in Welsh Government Circular 016/2014 – ‘The use of conditions for development management’ . The Circular sets out the six main tests to be applied to the imposition of planning conditions, which are that they are:

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development;
- (iv) enforcement;
- (v) precise; and
- (vi) reasonable

3.3 In relation to the variation of conditions, Circular 016/2014 states:
‘Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.’

4. MAIN PLANNING CONSIDERATIONS:

In the context of the above, the following paragraphs in Section 4 of the report therefore refer to matters considered to be of relevance to the application.

4.1 As noted previously, Condition 12 as worded on the planning permission for the two additional units of hotel accommodation states as follows:-

“12. The use of the courtyard area between the accommodation units and Pentre Mawr indicated on the approved site plan as a lawn, yard and slate chippings, shall be limited to occupiers of the new accommodation units, guest accommodation at Pentre Mawr Country House, and the owner/occupiers of Pentre Mawr, their family and friends, and staff involved in the running of the business. “

The variation sought in the application is to add the sentence :-

“This condition is applicable to all areas of the courtyard areas etc. except the area hatched green on the attached location plan”.

- 4.2 Condition 12 was imposed on the permission for the accommodation units to protect the interests of occupiers of the dwelling Pentre Bach, in particular from noise and disturbance.
- 4.3 There are representations from and on behalf of the occupiers of the nearby dwelling, Pentre Bach, which have been submitted as general objections to the applications relating to developments at Pentre Mawr. These set out concerns primarily over the noise from the functions use and matters relating to land ownership. The Community Council have not objected but suggest restrictions on the timing of events.
- 4.4 In respecting the representations, the merits of the functions use are dealt with in detail in the preceding reports on the agenda. The variation of condition application concerns solely the wording of the condition imposed on the permission for the two hotel accommodation units and the determination should be purely on the reasonableness of the request to limit the restriction in Condition 12 to use of the courtyard area *outside* the land proposed for use for the functions.
- 4.5 If the Committee resolve to grant the planning permission for the functions use – application 18/2015/0887 – then this will have been on the basis that noise and disturbance from that use can be mitigated and controlled to limit the impacts on Pentre Bach to an acceptable level (these being matters of concern to the neighbours and the Community Council). In the event that Committee do grant the functions use, Officers suggest it would be reasonable to support the variation to the condition relating to the additional accommodation units, as this would simply respect the fact the functions use can take place as approved within part of the Pentre Mawr courtyard.

5. SUMMARY AND CONCLUSION

- 5.1 Having regard to the details, Officers recommend that it would be reasonable to support a variation to Condition 12, with the suggestion that it be reworded as below to remove any ambiguity from inclusion of the word 'etc.', which is considered imprecise and unenforceable.

RECOMMENDATION: APPROVE variation of Condition 12 .

The Condition shall be reworded as follows -

12. With the exception of the area hatched green on the plan submitted with the application, the use of the remainder of the courtyard area between the accommodation units and Pentre Mawr indicated on the approved site plan as a lawn, yard and slate chippings, shall be limited to occupiers of the new accommodation units, guest accommodation at Pentre Mawr Country House, and the owner/occupiers of Pentre Mawr, their family and friends, and staff involved in the running of the business. “

NOTES TO APPLICANT:

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

Agenda Item 9

WARD: Llanrhaeadr Yng Nghinmeirch

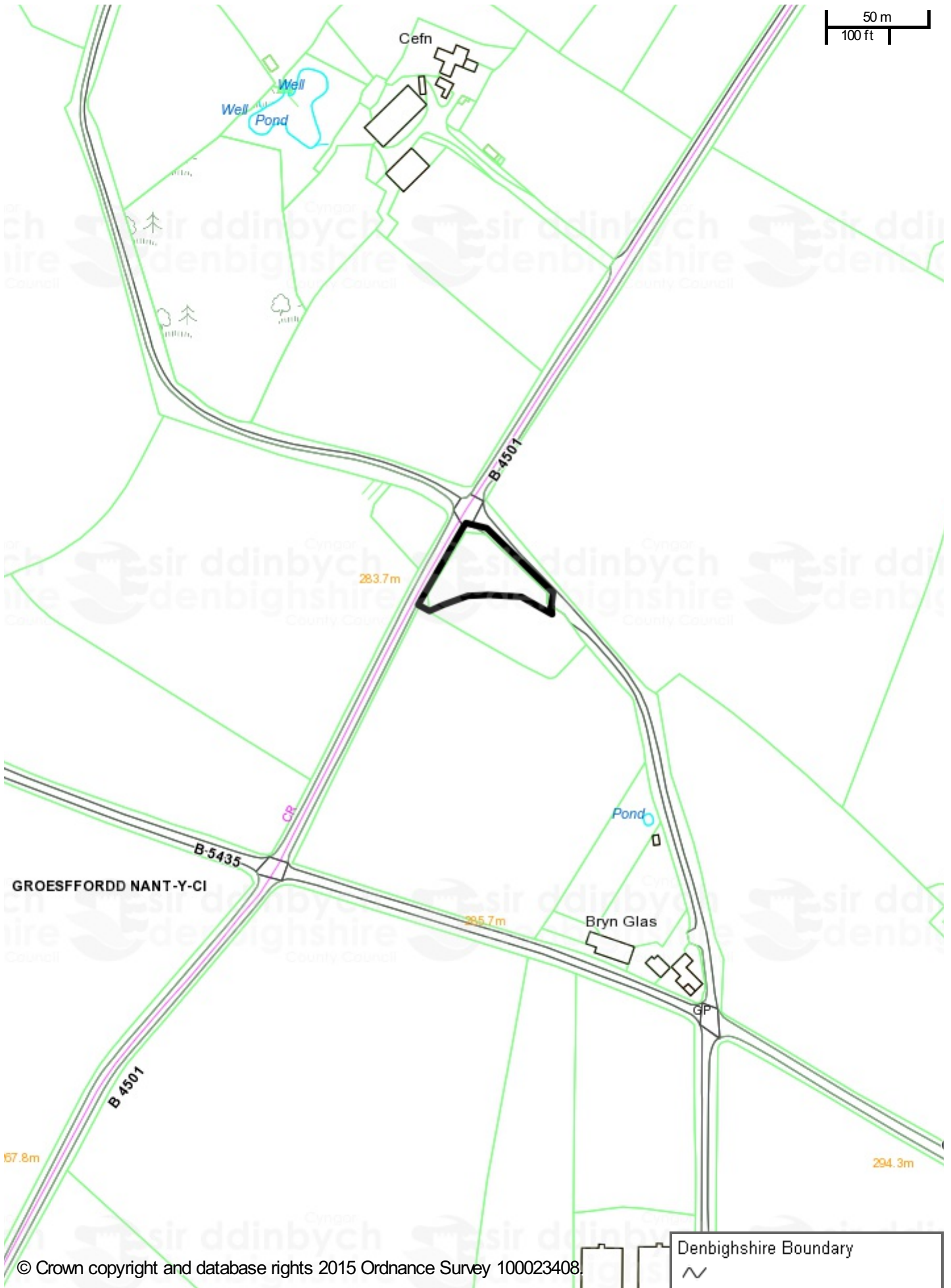
WARD MEMBER: Councillor Joseph Welch

APPLICATION NO: 23/2015/0889/PF

PROPOSAL: Highway improvement works on B4501

LOCATION: Land at Bryn Glas Depot Saron Denbigh

This page is intentionally left blank

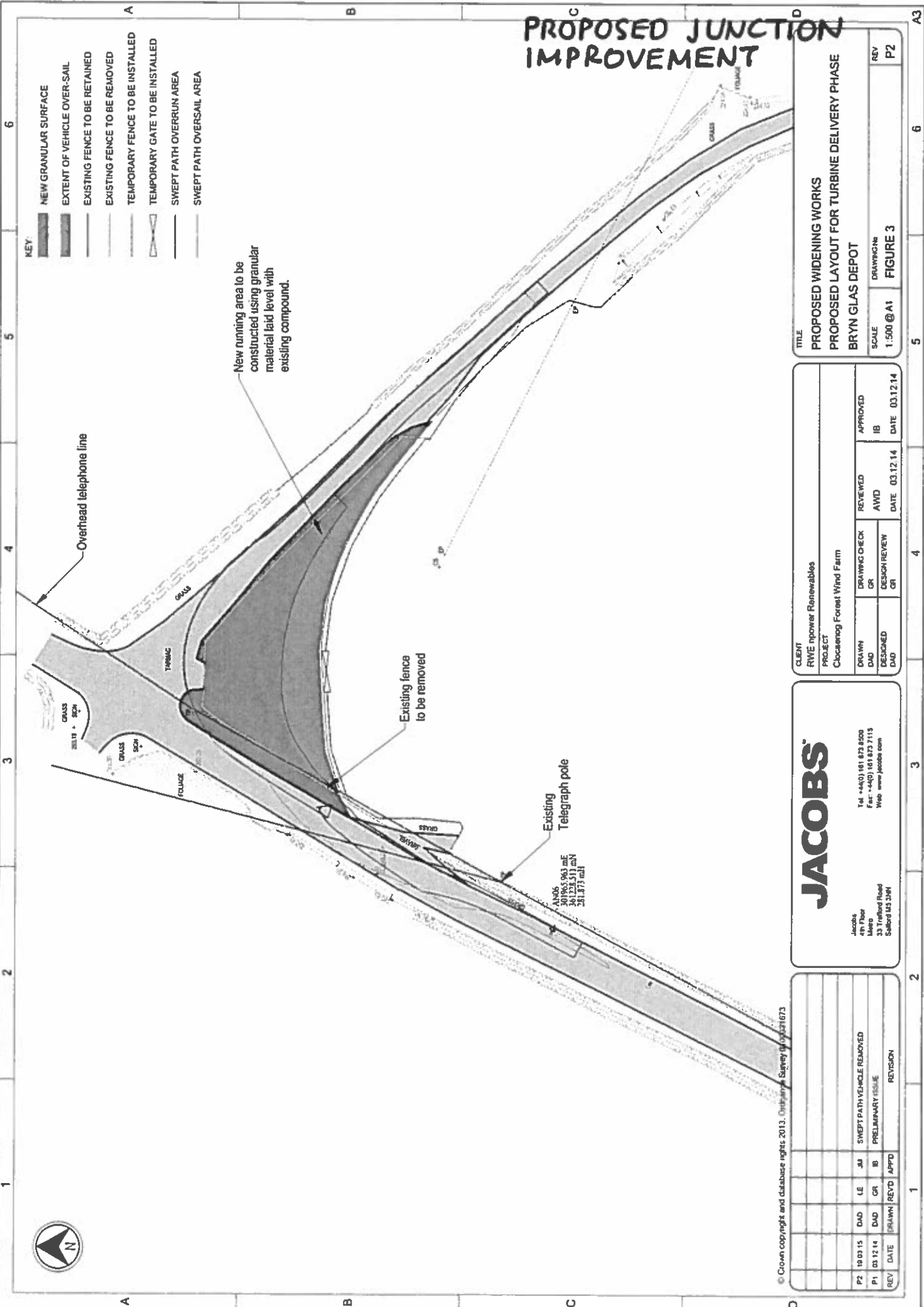


© Crown copyright and database rights 2015 Ordnance Survey 100023408.

23/2015/0889

Scale: 1:2500

Printed on: 4/1/2016 at 12:49 PM



PROPOSED JUNCTION IMPROVEMENT

TITLE
PROPOSED WIDENING WORKS
PROPOSED LAYOUT FOR TURBINE DELIVERY PHASE
BRYN GLAS DEPOT

SCALE 1:500 @ A1
 DRAWINGS FIGURE 3

REV P2

CLIENT RWE npower Renewables		APPROVED	
PROJECT Clocanog Forest Wind Farm		IB	
DRAWN DAD	DRAWING CHECK CR	REVIEWED AWD	DATE 03.12.14
DESIGNED DAD	DESIGN REVIEW CR	DATE 03.12.14	DATE 03.12.14

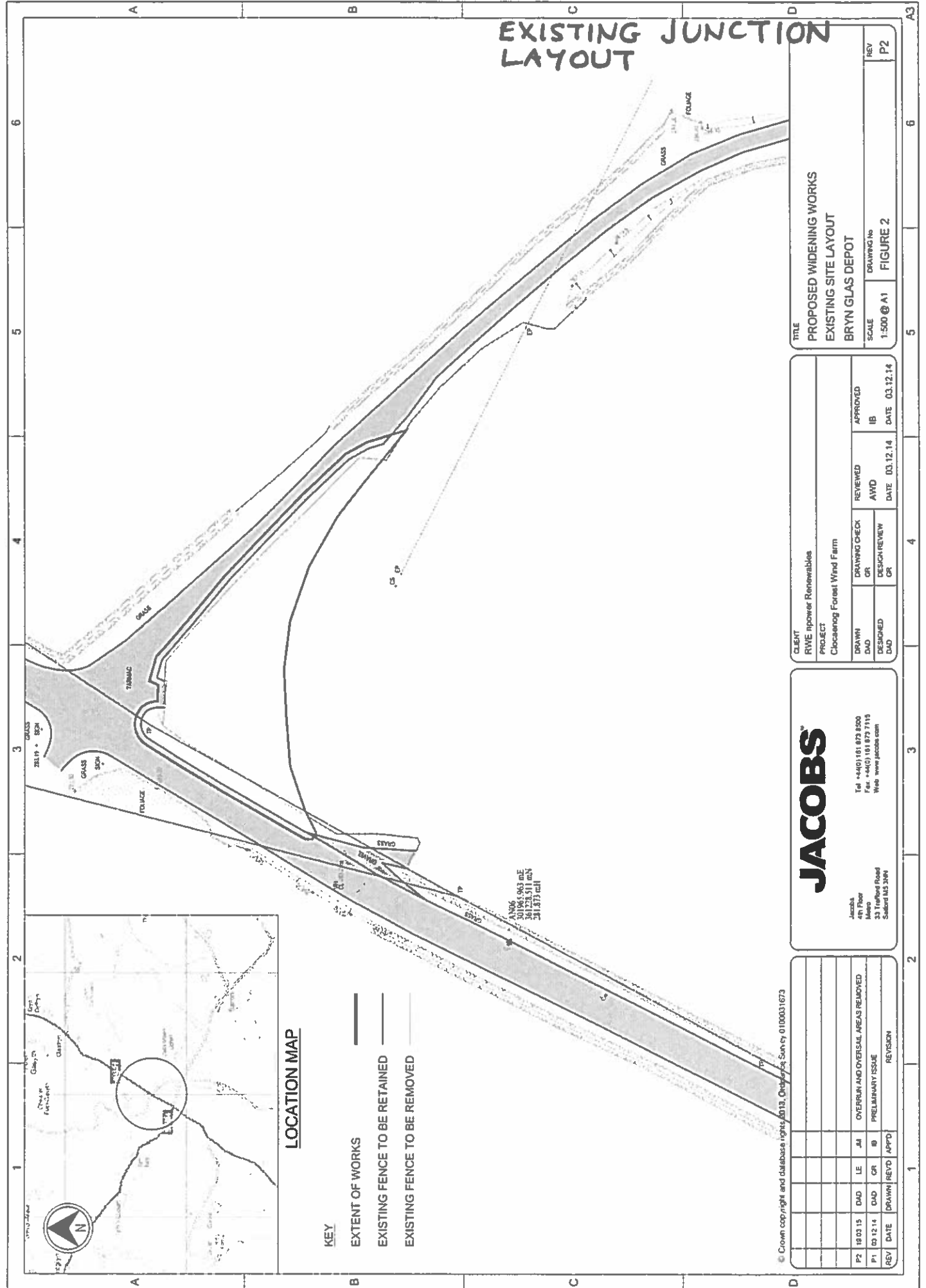
JACOBS

Jacobs
 4th Floor
 Metro
 33 Trafford Road
 Salford M6 3JW

Tel: +44(0) 161 873 8200
 Fax: +44(0) 161 823 7115
 Web: www.jacobs.com

REV	DATE	DRAWN	REVD	APPD	REVISION
P2	19.07.15	DAD	LE	JM	SWEEP PATH VEHICLE REMOVED
P1	03.12.14	DAD	CR	IB	PRELIMINARY ISSUE

© Crown copyright and database rights 2013. Ordnance Survey (060021673)



EXISTING JUNCTION LAYOUT

TITLE
**PROPOSED WIDENING WORKS
 EXISTING SITE LAYOUT
 BRYN GLAS DEPOT**

SCALE 1:500 @ A1
 DRAWING NO. **FIGURE 2**
 REV P2

CLIENT RWE Inpower Renewables		APPROVED IB	
PROJECT Clooseog Forest Wind Farm		DATE 03.12.14	
DRAWN DAD	DRAWING CHECK CR	REVIEWED AWD	DATE 03.12.14
DESIGNED DAD	DESIGN REVIEW CR	DATE 03.12.14	DATE 03.12.14

JACOBS

JACOBS
 4th Floor
 Metro
 33 Trenchard Road
 Salford M3 3JW

Tel: +44(0)161 873 8500
 Fax: +44(0)161 873 7115
 Web: www.jacobs.com

REV	DATE	DRAWN	REV'D	APP'D	REVISION
P2	18.03.15	DAD	LE	JL	OVERLAIN AND OVERSAIL AREAS REMOVED
P1	03.12.14	DAD	CR	IB	PRELIMINARY ISSUE

LOCATION MAP

- KEY**
- EXTENT OF WORKS
 - EXISTING FENCE TO BE RETAINED
 - EXISTING FENCE TO BE REMOVED

© Crown copyright and database right 2013, Ordnance Survey, 0100031673

WARD: Llanrhaeadr Yng Nghinmeirch

WARD MEMBER: Councillor Joseph Welch

APPLICATION NO: 23/2015/0889/PF

PROPOSAL: Highway improvement works on B4501

LOCATION: Land at Bryn Glas Depot Saron Denbigh

APPLICANT: Mr Martin Cole

CONSTRAINTS: None

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

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

- Recommendation to grant – Community Council objection

CONSULTATION RESPONSES:

LLANRHAEADR YNG NGHINMEIRCH COMMUNITY COUNCIL –
Object for the following reasons.

“Scottish Power intend to carry enormous vehicles on unclassified roads which are already identified as being unsuitable for heavy goods vehicles. Although unclassified roads, the route chosen by Scottish Power is extremely busy. The route chosen is also a route for the school bus and school taxi service as well as being a busy route for tourists on their way to Saron and Llyn Brenig. Commuters also use this road travelling to Denbigh or towards Cerrigydrudion as do local residents.

Saron village has two caravan and camping sites and these roads are often used by walkers who are drawn to the area because of its beauty and tranquillity. Local residents walking club also pass this way. The cumulative impact of heavy traffic would significantly affect these other road users.

Residential houses such as Bryn Glas, Bryn Golau and Bryn Golau Farm are extremely close to the roadside. There are serious concerns about the damage to these properties as the heavy goods vehicles are enormous and will undoubtedly be disruptive to local residents. We have serious concerns about resident's well-being and the damage these vehicles could cause to the buildings. The above named houses are also long established businesses where it is essential that access to them is not disrupted. Bryn Glas Caravan Park is a registered Caravan Club site and we have grave concerns over the negative impact upon this business.

The vast amount of heavy goods vehicles which could travel so near the village of Saron is unacceptable. During the construction of Tir Mostyn and Foel Goch wind farms, a more direct route was used and there was no inconvenience or concerns to local residents and businesses. This should not be a concern during the construction of the North Wales Wind Farms connection either.

As local residents and businesses already have the pylon route for the NWWF Connection project, as well as the cumulative effects of the existing Tir Mostyn and Foel Goch wind farms and the three wind farms associated with Clocaenog, we feel that having the transport route through the ward of Llanrhaeadr yng Nghinmeirch is far too much. An alternative route should be chosen.”

NATURAL RESOURCES WALES –
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
HIGHWAY OFFICER –

No objection subject to conditions requiring approval of details of construction method statement, and works to the depot access.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

- i) Mervyn Wynne, Bryn Glas, Saron

Summary of planning based representations in objection:

- i) Impact on water supply under the highway;
- ii) Proximity of passing vehicles to the property.

EXPIRY DATE OF APPLICATION: 08/12/2015

REASONS FOR DELAY IN DECISION

- Awaiting consideration by Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission to undertake minor highway improvements at an existing crossroads junction to the north west of Saron, as part of the works necessary to allow passage of specific vehicles involved in the transport of turbine parts required in connection with the construction of the consented Clocaenog Forest Wind Farm.
- 1.1.2 The plans show a junction improvement at the Council's Bryn Glas depot, involving the realignment of the radius splay on the south side of what is an existing junction of a minor road running south east off the B5401, using land forming part of the entrance to the depot. The works include a widening of the tarmac surface and provision of an additional 10 metres of surfaced area for vehicle 'over-sail' as the loads make their turn.
- 1.1.3 The existing fence along the edge of the depot will be removed and replaced with a new post and wire fence along the curved radii of the realigned junction along with a new gate for access to the remaining area of the depot.
- 1.1.4 The development is proposed for a temporary period during the construction of the wind farm only, with the land proposed to be reinstated to its current form once this has been completed.
- 1.1.5 A separate application ref 25/2015/0890/PF involving changes to the width of the highway near Ty'n y ffynnon, around 500 metres to the south west of the subject site, has been approved under delegated powers, with no objections having been received in response to consultation.
- 1.1.6 It is relevant to the consideration of the application in the context of the Community Council's comments, that the application does not seek consent for the routing of construction traffic in association with the development of the Clocaenog Forest Windfarm, which has already been considered and approved by the Planning Inspectorate in the granting of the Development Consent Order for that scheme. The applicants have provided a detailed outline of what is involved, and what has already

been approved as part of the Development Consent Order, and this is attached in section 1.6 of the report to help address points raised by the Community Council.

1.2 Description of site and surroundings

1.2.1 The site is at a crossroads / junction of the B4501 and a minor road running south east towards Bryn Glas, a dwelling around 200 metres to the south east.

1.2.2 The primarily hardsurfaced depot is immediately to the south with fields/woodlands to the other three sides of the junction.

1.3 Relevant planning constraints/considerations

1.3.1 The site stands outside of any development boundary in an area without any specific designation in the Local Development Plan.

1.4 Relevant planning history

1.4.1 Permission for the Clocaenog Forest wind farm itself was granted by the Secretary of State in September 2014. The relevant contents of the Development Consent Order are referred to in section 1.6 below.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application is accompanied by a Design and Access Statement, a Planning Report and a Scoping Opinion, with the latter concluding that the proposed works do not trigger the requirement to undertake an EIA on the basis that the development has the potential impacts typical of any minor highway works and as such the development has no significant effects.

1.6.2 With respect to the comments of the Community Council and the private individual, the applicants have provided detailed background information to clarify their proposals in relation to construction traffic arrangements, which should give some assurance over impacts on the local road network and private property:

“From the consultation responses, it is important to emphasise that the Bryn Glas Depot application is not seeking to gain consent for the delivery of construction materials to the wind farm, but to enable the movement of Abnormal Indivisible Loads (AILs) for turbine components. The access route has been assessed and approved as part of the Clocaenog Forest Wind Farm (CFWF) Development Consent Order (DCO) process, with consideration of all formal consultation responses at that time, including those of Denbighshire County Council, local community councils and local residents (see CFWF DCO Consultation Report, Annex U, AppDoc09).

It should be noted that the road improvements at Bryn Glas Depot will not, as has been suggested in recent consultation responses, be used by vehicles transporting cement, gravel and other construction materials. The road improvements subject to this planning application are necessary for AILs only. The proposed route for other construction vehicles, such as HGVs, will be via the unclassified road from the cross road junction of the B4501 and B5435.

CFWF received a DCO from the Secretary of State, under the Planning Act 2008, in September 2014. In Wales, associated developments, such as highway works and grid connection while assessed, cannot be included in the DCO itself, so are subject to separate planning applications- RWE has already obtained consent for the other required road improvements along the access route, and now requires the same at Bryn Glas Depot for Abnormal Indivisible Loads (AILs).

During pre-application studies for the CFWF DCO, RWE identified four possible routes for AILs to access the CFWF, and conducted an access route options

appraisal of these, which was included in the CFWF DCO application (ES Annex 2.2 Access Route Options Appraisal – see link below). The route options included a route along Llyn Brenig's eastern shore, a route across the consented Brenig wind farm, a route across the operating Tir Mostyn wind farm and a route following the existing public road network. The appraisal concluded that the preferred AIL delivery route was by the existing public road network along the B4501, and then the unclassified roads leading in to Clocaenog Forest.

The environmental effects of general construction HGVs and AIL deliveries were assessed along the preferred route within the environmental impact assessment accompanying the CFWF DCO application, and found to be within accepted limits set by 'Guidelines for the Environmental Assessment of Road Traffic' (EART), published by the Institute of Environmental Assessment (IEA) (ES 12.8.1.12). For the purposes of the traffic assessment, a worst-case was assumed that all stone will be imported from local quarries, however it is likely that a significant proportion of stone aggregate will be sourced from borrow pits located within the site boundary, which will result in a significant reduction in anticipated HGV traffic on the local highway network, to that assessed.

As part of the CFWF environmental assessment of possible impacts resulting from construction traffic, several mitigation measures were proposed to reduce the residual effect of the development on all road users, affected residents and local businesses. Primarily these measures are to be included within a Construction Traffic Management Plan (CTMP) which will include measures to ensure the highway is maintained and remains safe during the construction period, to maintain dialogue with the local community to minimise delays to other road users, to ensure local businesses are updated with the construction activities to enable them to plan around any potential disruptions and to ensure that construction vehicles conform to the agreed routing strategy and avoid key sensitive receptors such as schools during arrival / departure times and busy towns during hours of peak background traffic activity.

The effects of vibration from construction vehicles were assessed along the preferred route in the environmental impact assessment accompanying the CFWF DCO application (ES 11.3.3.1), which concluded that construction traffic would not cause structural or cosmetic damage to buildings, as this occurs at much higher levels; they would not be sufficient to constitute a risk of significant impacts based on guidance set out in BS 5228 part 2.

The Examining Authority (ExA) recommended consent for the Clocaenog Forest Wind Farm, including the preferred access route past Bryn Glas Depot, noting this in the ExA's Recommendation Report to the Secretary of State (Para 2.22) and that, where necessary, offsite highways works would be subject to separate planning application (Para 2.23 22) The ExA concluded that she was satisfied that there are no outstanding issues relating to traffic and highways (8.36), public access, recreation or tourism (8.37)

As requested by the resident at Bryn Glas property during pre-application consultation for the CFWF DCO, RWE has already proposed to route HGVs separately from AILs past Bryn Glas property (ES 12.7.7.2.). Subsequent to CFWF receiving consent, RWE has met with the resident at Bryn Glas property to discuss his remaining concerns. In addition to the before and after highway condition surveys along the access route, agreed with DCC & CCBC to be included in the CTMP (ES 12.7.10.12.), RWE has exceptionally agreed to a pre-delivery structural survey of Bryn Glas property."

Extracts from the Examining Authority's Recommendation Report to the Secretary of State are referenced below to confirm the conclusions on the construction traffic issue:

“2.22 The preferred access route to the site would be from just beyond the crossroads with the B5435 at the Bryn Glas Depot on the B4501, entering the northern boundary of the application site on an unclassified road which lies to the east of Llyn Brenig.

2.23 Some off site works would be required to provide a route for the delivery of the turbines as Abnormal Indivisible Loads (AIL). The North Wales Trunk Road Agency (NWTRA) and CCBC have requested that works to the strategic highway should be permanent so that future wind farm development can make use of the same access route. Where necessary, off site highway works would be subject to separate planning applications.

8.28 There would be change to the quality of the experience of the forest for visitors but little physical effect on access for walkers and cyclists. Horse riders may be constrained if riding horses which are likely to be sensitive to the sight or sound of wind turbines, but there would be alternative routes and other parts of the forest which would be further from the turbines and available for horse riders to use. The impact on public access and recreation would not be so significant as to weigh against the project [paras 4.165 to 4.173].

8.36 Having regard to the requirements listed in the draft DCO which I deal with in Section 7, I am satisfied that there are no outstanding issues relating to traffic and highways which should weigh against the project [para 4.278–4.286].

8.37 There is no evidence to indicate that the project would have a harmful impact on tourism. Measures would be put in place to encourage the use of local suppliers and to recruit employees for the construction phase locally; and there would be no significant impact on linguistic balance or human health [paras 4.287 to 4.303].”

2. DETAILS OF PLANNING HISTORY:

2.1 23/2015/0360 – Request for screening opinion: Issued 15 June 2015.

2.2 25/2015/0890/PF – Highways improvement works land north east of Tyn Y Ffynnon:

GRANTED under delegated powers December 2015.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy VOE9 – On-shore wind energy

Policy VOE10 – Renewable energy technologies

Policy ASA1 – New transport infrastructure

3.1 Supplementary Planning Guidance

None

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Notes

Circulars

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in

the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

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

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy VOE 9 is aimed primarily at new on-shore energy projects, but includes the need for impacts, including cumulative impact on the surrounding area and community e.g. landscape/visual, noise, biodiversity, transport, health impacts, to be taken into account.

Policy VOE 10 of the LDP provides a general presumption in favour of renewable energy technologies subject to no unacceptable impacts upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Given that the junction works and running area is focused mainly on the existing depot land rather than encroaching onto open fields, it is considered that the scheme is acceptable in principle subject to consideration of visual/amenity impacts and highways issues.

4.2.2 Visual amenity

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

The widening of the highway as proposed in this location is not considered likely to cause any significant harm to the visual amenity of the area as it relates to works primarily within an existing highways depot and the proposal is to reinstate the land once the wind farm development has been completed.

4.2.3 Residential amenity

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

The nearest property to the development is the dwelling at Bryn Glas which lies around 200 metres away. Whilst the comments made by the occupier of this

property are duly noted, the potential for damage to water pipes by vehicles using a public highway is not a matter of relevance to determination of a planning application. The developers would need to liaise with the owners of the property to record road conditions and agree a mechanism for reinstatement if there were to be damage to private supply pipes. Disturbance by construction vehicles is a relevant matter but as will be evident from the information in section 1.6, the routing of vehicles has already been considered as part of the Development Consent Order process and this can not now be revisited or used as a ground for refusal of the minor works actually proposed in the current application. The proposal to improve a junction layout is not considered likely to give rise to harm to residential amenity.

4.2.4 Highways

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Policy ASA 1 of the LDP allows for improvements to existing infrastructure facilities and states these will be supported providing that the following criteria are met:

- i) there is a need and justification for the proposal on economic and/ or social grounds; and
- ii) there are no unacceptable effects on the natural and built environment; and
- iii) provision is made for safe access by all.

With respect to the Community Council's comments on the application, the routing of construction traffic for the Clocaenog Forest windfarm has already been agreed as part of the Development Consent Order for the Clocaenog Forest Windfarm, and should not be a consideration on the merits of this application. The proposals to be determined are solely to improve an existing road junction, and involve minor works which will be in place for the length of time construction works on the wind farm continue. The Highway Officer has considered the proposals in this context and raises no objections on technical grounds to the works proposed, subject to appropriate conditions.

The application is considered to be acceptable on technical highway grounds and is in compliance with Policy ASA 1.

5 SUMMARY AND CONCLUSIONS:

5.1 The application proposes minor highway improvements at a road junction for a temporary period, in connection with the construction phase of the consented Clocaenog Forest wind farm.

5.2 Construction traffic routes in relation to the Clocaenog Forest wind farm have already been considered and agreed as part of the Development Consent Order granted in 2014, and are not for consideration in connection with this application. The junction improvements are intended solely to allow access by vehicles involved in the transportation of turbine components.

5.3 The application should be determined on its own merits in terms of the land use planning considerations covered in the report. Officers suggest there are no reasonable planning grounds to oppose the grant of permission. For the reasons outlined previously, it is not considered appropriate to frustrate the construction of a major development project through refusing a simple road junction improvement, which is technically acceptable and is therefore recommended to be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing site layout (Figure 2 rev P2) received 17 August 2015
 - (ii) Proposed layout for turbine delivery phase (Figure 3 rev P2) received 17 August 2015
 - (iii) Proposed layout following reinstatement (Figure 4 rev P2) received 17 August 2015
 - (iv) Location plan (Figure 1 rev P1) received 17 August 2015
3. No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicles routes, and the works shall be carried out strictly in accordance with the approved details.
4. Full details of the alterations and proposed reinstatement works required to the Bryn Glas Depot access and the adjacent highway shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details shall include detailed design, drainage and construction and the works shall be completed in accordance with the approved details before the development commences.
5. Within two months of the development of Clocaenog Forest wind farm being completed, the land which is the subject of the highway improvements shall be reinstated in accordance with the details on the submitted plans, or such additional details as may be approved in connection with other conditions of this permission.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. To ensure the formation of a safe and satisfactory access in the interest of traffic safety.
5. In the interests of visual amenity.

NOTES TO APPLICANT:

None

Agenda Item 10

WARD : Rhyl South West

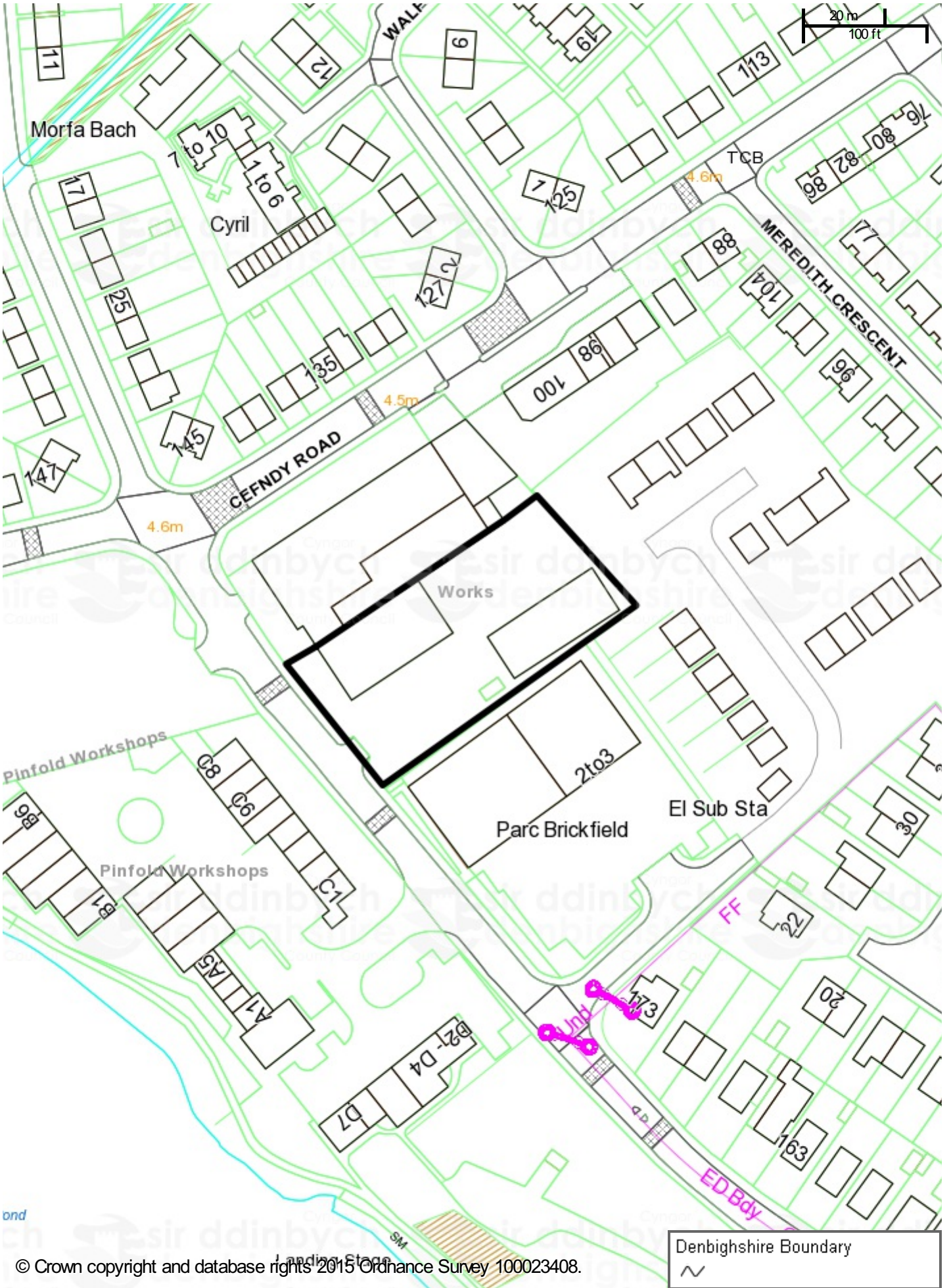
WARD MEMBERS: Cllr Pat Jones (c)
Cllr Pete Prendergast (c)

APPLICATION NO: 45/2015/0468/PO

PROPOSAL: Development of 0.29ha of land by the demolition of redundant factory unit and construction of a church and community centre (outline application including access)

LOCATION: Former Thorpe Engineering and Design Site Ffordd Derwen Rhyl

This page is intentionally left blank



© Crown copyright and database rights 2015 Ordnance Survey 100023408.

45/2015/0468

Scale: 1:1250

Printed on: 4/1/2016 at 13:50 PM

4.50m
cefnidy road

ffordd derwen

c5.43m

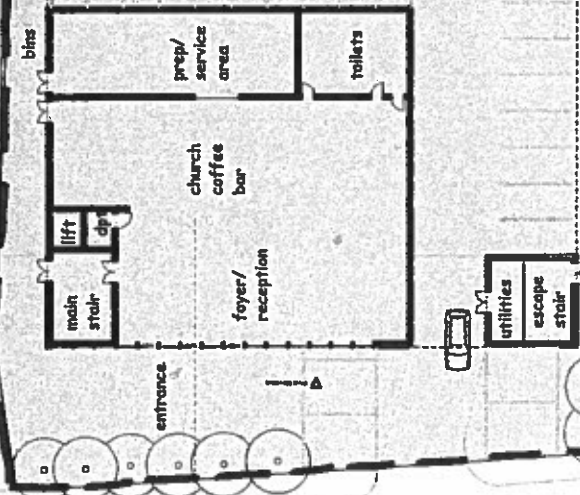
↑
ACCESS

LAYOUT
PLAN

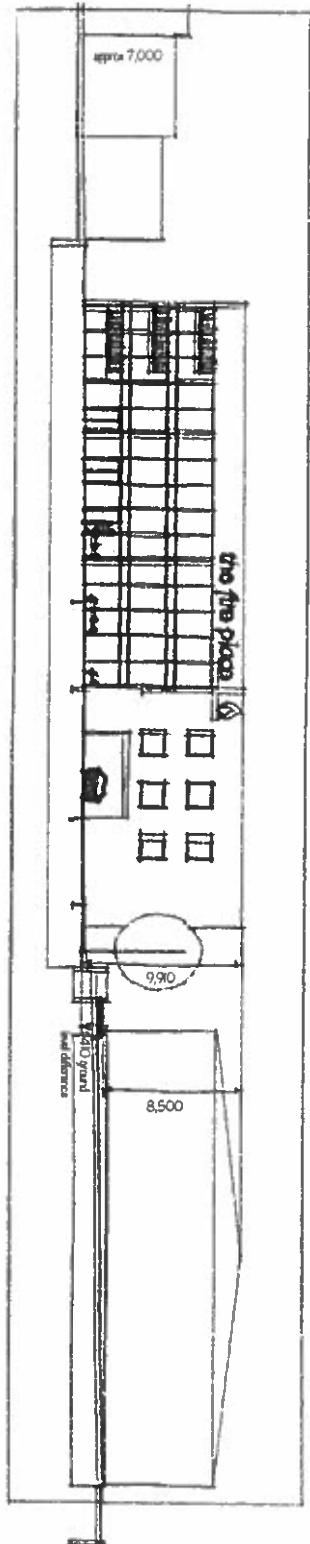
6.55m TOP OF FLOOD DEFENCE WALL

4.97m FACTORY FLOOR

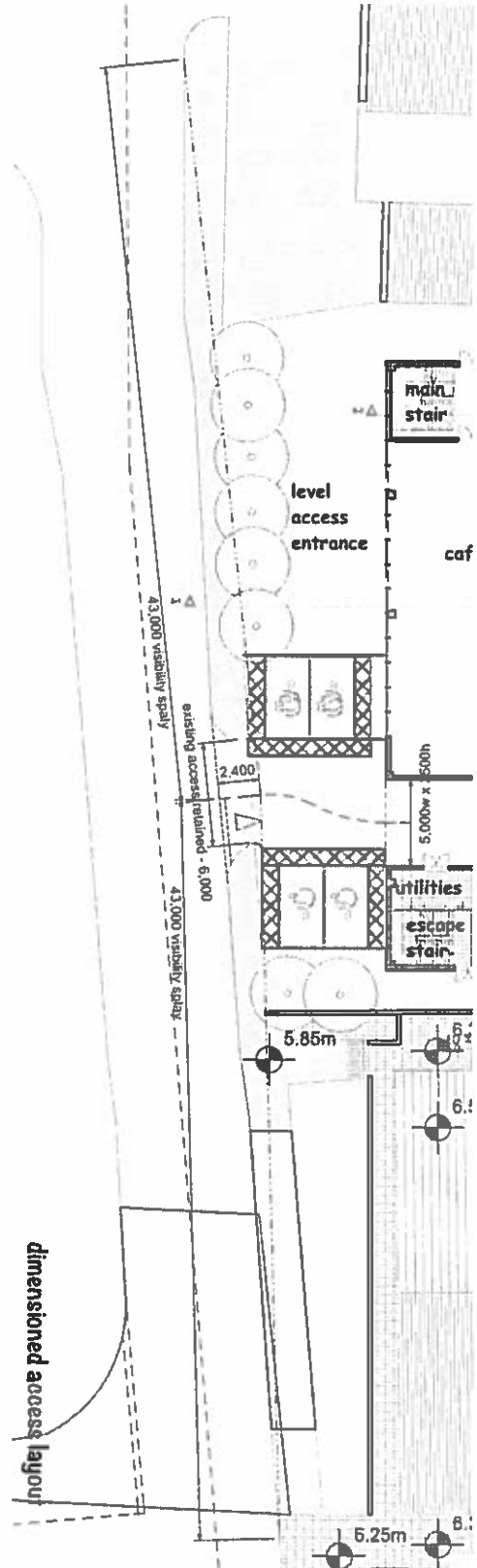
87 parking spaces (inc 4 disabled), 3 motorcycle spaces, 16 cycle spaces.



ILLUSTRATIONS



sketch elevation

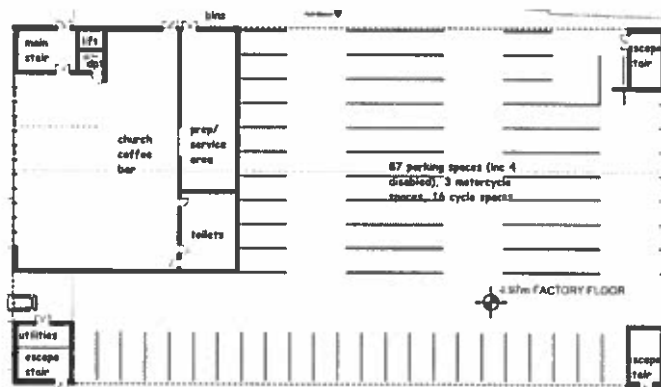
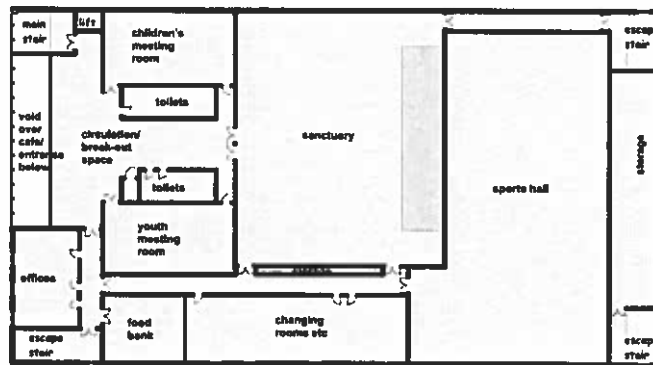
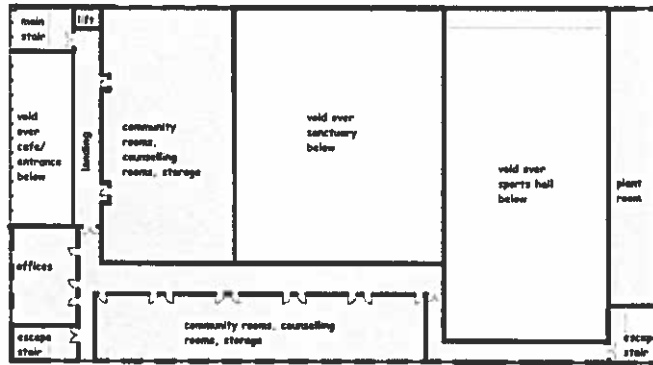


dimensioned access layout

Project Name	Albion Chambers
Client	Albion Wharf
Address	19 Albion Street, Manchester, M1 5LN
Architect	cad architecture
Scale	1:500
Date	14/03/2014
Drawn by	cad
Checked by	cad
Approved by	cad
Project No.	14030001
Revision	1
Drawn	cad
Checked	cad
Approved	cad
Scale	1:500
Date	14/03/2014
Drawn by	cad
Checked by	cad
Approved by	cad
Project No.	14030001
Revision	1
Drawn	cad
Checked	cad
Approved	cad



ILLUSTRATIVE FLOOR PLAN



WARD : Rhyl South West

WARD MEMBERS: Cllr Pat Jones (c)
Cllr Pete Prendergast (c)

APPLICATION NO: 45/2015/0468/PO

PROPOSAL: Development of 0.29ha of land by the demolition of redundant factory unit and construction of a church and community centre (outline application including access)

LOCATION: Former Thorpe Engineering and Design Site Ffordd Derwen Rhyl

APPLICANT: Rev Mike Bettaney Wellspring Christian Centre

CONSTRAINTS: C1 Flood Zone (revision)
EA Floodmap Zone 3
EA Floodmap Zone 2

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

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

- Recommendation to refuse – 201 name petition in favour received.

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL –
“No objection.”

WELSH WATER –
No objections .Standard comments relating to water discharge and sewerage.

NATURAL RESOURCES WALES –
Raised initial objections to the proposal as the submission was made without a Flood Consequences Assessment (FCA). However, once an FCA was produced Natural Resources Wales provided further comments :
“the developer proposes to locate car parking, a reception area, coffee bar and toilets at ground floor level. All other (“highly vulnerable”) facilities will be located at first floor level and above. The first and second floors would be used as an emergency “refuge” in the event of sudden and extreme flooding in this community. Whilst your Authority should note that there are numerous Planning Inspector Reports that clearly state that the provision of emergency refuges within developments should not be used as a means of justifying new development in flood risk areas, we accept that the provision of first and second floors would provide some flood risk “betterment” when compared with the existing site/conditions. Having reviewed the contents of the limited FCA, it is our view that the contents of the FCA are generally commensurate to the scale and nature of development and we have no overall flood risk objections to the proposals.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
HIGHWAY OFFICER –
No objection subject to a condition relating to parking and turning provision.

PLANNING POLICY OFFICER –

Objects to the proposal which is considered contrary to Policy PSE3 of the Local Development Plan as it fails to comply with the second criteria requiring the continuous marketing of the site for not less than one year.

RESPONSE TO PUBLICITY:

A petition containing 201 names has been lodged in support of the development. This refers to the demolition of both the unsightly and steel buildings on the site, and the construction of a purpose built church complex to serve the needs of Rhyl, which is supported by the Town Council and local politicians.

A representation from the adjacent commercial occupier (Kwikweld) confirms that interest was expressed in renting the application site to allow for expansion but that no contract was forthcoming, and suggests that this provides evidence of the demand for the site to continue in traditional employment use.

EXPIRY DATE OF APPLICATION: 22/07/2015

REASONS FOR DELAY IN DECISION (where applicable): Extensive discussions with the agent.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The scheme seeks consent to demolish the existing vacant buildings at the site and to construct a new building to be utilised as a church and community centre, with associated car parking. The existing access into the site would be used without any alterations.
- 1.1.2 The application is submitted in outline form seeking approval only of the access, with the matters of appearance, landscaping, layout and scale all reserved for future approval.
- 1.1.3 The indicative layout and appearance plans submitted are produced at the front of the report and show the main building to the front (west) of the site with the car parking to the rear all provided on the ground floor, with the development then having two upper floors over the top of the majority of the site area. The plans indicate a sports hall on the first floor along with a sanctuary and toilets etc, with the second floor containing two voids over the sports hall and sanctuary with community rooms, storage, etc.
- 1.1.4 The scale and appearance of the building to the road is indicated as having a flat roof up to a height of 9.9 metres to be in line with the adjacent Howdens building to the south and taller than the industrial building to the north, which is indicated as being approximately 7 metres in height.
- 1.1.5 The layout shows parking for 87 cars which includes 4 disabled bays along with 3 motorbike spaces and cycle parking for 16 bikes.
- 1.1.6 The application form suggests that the existing buildings at the site have an area of 836 sqm, which will be replaced with the new building containing 3400 sqm. It is further stated that employment for 11 full-time jobs and 13 part-time jobs will be created, the equivalent of 18 full-time positions. The hours of use are not stated.
- 1.1.7 The scheme is accompanied by a Design and Access Statement which suggests that:
 - The proposal is for a major new church and community facility development which will be of significant benefit to Rhyl as a whole, but in particular to the western area of Rhyl where some of the most serious social problems are experienced.
 - Despite concerted attempts to look at all suitable alternative opportunities, there are no alternative sites available now, or in the foreseeable future, where this development might be located.

- Although the site is the subject of a policy protection in favour of employment uses, the policy is, nevertheless, capable of being outweighed by other material considerations; in this case the desirability of establishing the proposed church and community facility is a factor which would outweigh any policy objection.
- However, notwithstanding the above, it is clear that the proposal will itself generate significant paid employment and, therefore, far from offending the policy, the proposal is entirely consistent with its objectives.

1.2 Description of site and surroundings

- 1.2.1 At present, the site is occupied by two Class B1 units which have housed the former 'Thorpe Engineering & Design' business. The building located to the front of the site is an older building, of brick construction and is physically attached to the unit sited on the corner of Ffordd Derwen with Cefndy Road.
- 1.2.2 The site fronts Ffordd Derwen and is abutted by existing employment units to the north and south and across the road to the west, with a residential development under construction on land to the rear (east). The perimeter of the site is formed by fencing and mesh at a height of around 2 metres.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl in an area designated as an Employment Area under Policy PSE 2 of the Local Development Plan.
- 1.3.2 The land is within a Flood Zone C1, as indicated on current Development Advice Maps.

1.4 Relevant planning history

- 1.4.1 The site has an extensive history of extensions and alterations to the buildings in employment use at the site.
- 1.4.2 Members may recall dealing with a similar application to that currently proposed, under ref 45/2013/0566 in July 2013. Permission was refused as it was not considered the submission demonstrated that there were no other suitable sites available for the proposed use or that a continuous marketing process of 1 year had been undertaken to demonstrate that the site or premises was no longer capable of providing an acceptable standard of accommodation for employment purposes. In relation to the planning policy tests, it was considered that the loss of the site or premises would prejudice the ability of the area to meet a range of local employment needs.

1.5 Developments/changes since the original submission

- 1.5.1 Discussions with the agent have been ongoing since submission of the current application, in particular in respect of the lack of marketing of the property. The agent has sought to address this matter by suggesting that the scheme will create a total of 24 jobs comprised of 13 full-time positions and 11 part-time posts. In addition, a Flood Consequences Assessment was submitted in August 2015.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF RELEVANT PLANNING HISTORY:

- 2.1 45/2013/0566/PO - Development of 0.29ha of land by the demolition of redundant factory unit and construction of a church and community centre to include church coffee shop, sports hall, day centre for the elderly and children's youth facility (outline application including access and layout):

Refused at Planning Committee.

Refusal dated 24 July 2013 - Reason:

"It is the opinion of the Local Planning Authority that the proposal is in direct conflict with Policies PSE 2 and PSE 3 of the Denbighshire Local Development Plan. It is not considered the submission demonstrates that there are no other suitable sites available for the proposed use or that a continuous marketing process of 1 year has been undertaken to demonstrate that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes. Having regard to the policy, therefore, it is considered that the loss of the site or premises would prejudice the ability of the area to meet a range of local employment needs."

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy PSE 2 – Land for Employment Uses
Policy PSE 3 – Protection of Employment Land and buildings
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance SPG 21 – Parking

3.2 Government Policy / Guidance Planning Policy Wales Edition 8, January 2016 Technical Advice Note 15 – Development and Flood Risk (2004) Technical Advice Note 23 - Economic Development (2014)

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

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

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
At Welsh Government level, there is general advice in TAN 23 paragraph 1.1.6 that the traditional land use classes B1 to B8 must continue to be planned for in a sustainable way as these form the basis for development plan policies. Paragraph 4.6.8 of TAN 23 stresses the need for local planning authorities to avoid releasing land for other uses where there is strong evidence of likely future demand for B1 to B8 uses, and that in some areas older lower-cost employment areas may be required especially for small and new firms who cannot afford newer and more prestigious accommodation. The same paragraph of TAN 23 concludes that the loss of such areas may cause harm to local economies and should be avoided.

Policy PSE 2 of the Local Development Plan supports development of existing employment sites on the proposals maps, by way of uses within Class B1 (Business Use), B2 (General Industrial and Waste Management facilities) and B8 (Warehousing and Distribution). This is a more detailed policy complimenting the 'in principle' support for retention and promotion of a mix of employment generating uses in Policy PSE 1 relating to the North Wales Coast Strategic Regeneration Area.

The proposal is for a Class D use as described in the Use Classes Order, and, therefore is not supported by Policy PSE 2. Whilst it is noted the development may provide for a number of jobs in the locality due to the running and maintenance of the Church and Community Centre, the proposed use of land cannot be considered as a defined employment land use.

Policy PSE 3 of the Local Development Plan looks to protect employment land or buildings from development which would result in their loss, which will only be supported provided that:

- i) there are no other suitable sites available for this development; and
- ii) a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes; and
- iii) the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

An assessment of the three criteria of Policy PSE 3 follows:

- i) *There are no other suitable sites available for this development*

The Design and Access Statement contains an appendix that provides information on the search for alternative sites and provides information on land agents/surveyors involved in the search. It lists eight possible locations in the vicinity of the application sites, and outlines reasons why these are unsuitable. The information provided indicates there are no other suitable sites available for this development, although Officers assessment is that the submitted report is not particularly comprehensive.

- ii) *a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes*

There is no information contained in the application regarding any marketing exercise carried out to demonstrate whether the site is no longer capable of use for employment purposes. This seems an essential requirement to comply with the policy and is relevant to policy criteria iii) below to show that the loss of the site would not prejudice the ability of the area to meet a range of local employment needs. The Development Plan Officer objects to the application on the basis of conflict with this policy.

- iii) *the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.*

It is explained in the Design and Access Statement that the Wellspring Church requires a new location because they would like to considerably expand the service they provide for the community at the moment. It is argued that the current site is not suitable because the Wellspring Church wishes to expand its community offer. In respecting the motives, Officers suggest this is a different matter from relocating a non-conforming use.

As referred to earlier in this report, a response from an adjacent land owner has also been submitted indicating an interest was expressed in leasing the site to allow for their expansion. This adds further credence to the demand for the continued use of the land for traditional B1 to B8 use classes.

It is therefore concluded that the proposal fails to comply with LDP Policy PSE 3 as a robust marketing exercise has not been undertaken for at least one year to show that the site is not capable of remaining in employment use, and insufficient information has been provided to demonstrate that the loss of employment land and buildings is justified in line with LDP Policy PSE 2. The development is also contrary to the advice of TAN 23 in regard to the release of land in established employment areas for non-B class uses.

4.2.2 Visual amenity

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

The final appearance of the proposed development would be subject to consideration at reserved matters stage. Given that the area is primarily in employment use, other than the new residential development to the rear, it is not considered that there is any basis for opposing the application based on visual amenity at outline stage.

4.2.3 Residential amenity

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

The site abuts employment uses to the north and south, and has further such uses across the road to the west. However the land is adjacent to a residential development to the east and due consideration needs to be given to potential impacts on residents.

It is relevant in this context that the designation for the land on which the site stands is for employment use and therefore new commercial development would be appropriate in principle, which could involve large-scale buildings and employment generating uses. It is not considered that the use proposed would be likely to give rise to a level of noise and disturbance over and above that which could arise from such an employment use. A refusal based on impact on residential amenity could not therefore be justified.

4.2.4 Highways (including access and parking)

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

general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highway Officers raise no objection to the application subject to imposition of conditions. It is not considered that the scheme as proposed would be harmful to highway safety as the development would be served by the existing access point, and the development appears to provide a satisfactory number of parking spaces. Full details would be subject to closer scrutiny at a reserved matters stage where the exact site layout and floor space information would need to be provided.

4.2.5 Flood risk

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

The site is located within a C1 flood zone, with the existing industrial use being in the low vulnerability category and the proposed use being considered a ‘highly vulnerable’ use. Natural Resources Wales have revised their comments following the submission of the Flood Consequences Assessment, advising that the contents of the FCA are generally commensurate to the scale and nature of development and they have no overall flood risk objections to the proposals, although it is relevant to note they consider the provision of emergency refuges within developments should not be used as a means of justifying new development in flood risk areas, albeit that they accept that the provision of first and second floors would provide some flood risk “betterment” when compared with the existing site/conditions.

Technical Advice Note 15 provides detailed advice to Local Planning Authorities on the assessment of flood risk in relation to new development. It sets out specific planning considerations to be given to proposals in C1 flood zones, and in relation to applications involving ‘highly vulnerable’ development (e.g. a public building) states that new development should only be permitted if it is determined by the Local Planning Authority to be justified in the location. The relevant section (6.2) states that development can only be justified if it can be demonstrated that :

*i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or,***

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Having regard to the tests in paragraph 6.2 of TAN15, Officers would question whether the development proposed is ‘justified’ in relation to the wording of (i) or (ii), and whilst it involves previously developed land (test (iii)), and the consequences of flooding have been considered (test (iv)), NRW express doubts over the provision of emergency refuges within developments as a means of justifying new development in flood risk areas. Overall it is concluded that the proposals do not demonstrate that the justification tests of TAN 15 are met.

5 SUMMARY AND CONCLUSIONS:

5.1 Whilst respecting the desire of the applicants to improve and expand the service to the local community, Officers conclusion remains as in July 2013 when the previous application was refused by the Committee, that the proposals are clearly contrary to current planning policy as they fail to address the issue of the loss of employment land. Additionally, having regard to the comments of Natural resources Wales and the advice in TAN15, it is considered that the proposals do not meet the justification tests for development in a C1 flood zone.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons are:-

1. It is the opinion of the Local Planning Authority that the proposal is in conflict with Policies PSE 2 and PSE 3 of the Denbighshire Local Development Plan and the advice in Technical Advice Note 23 'Economic Development'. It is not considered the submission shows that a continuous marketing process of one year has been undertaken to demonstrate that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes, and having regard to the policy, it is considered that the loss of the site or premises to the proposed use would prejudice the ability of the area to meet a range of local employment needs.
2. It is the opinion of the Local Planning Authority that the proposal does not meet the justification tests set out in Section 6.2 of Technical Advice Note 15 - Development and Flood Risk (2004) in relation to highly vulnerable development in a C1 flood zone, and that it would be inappropriate to permit development which could give rise to unacceptable risks in a flood event.

NOTES TO APPLICANT:

None

WARD : Rhyl West

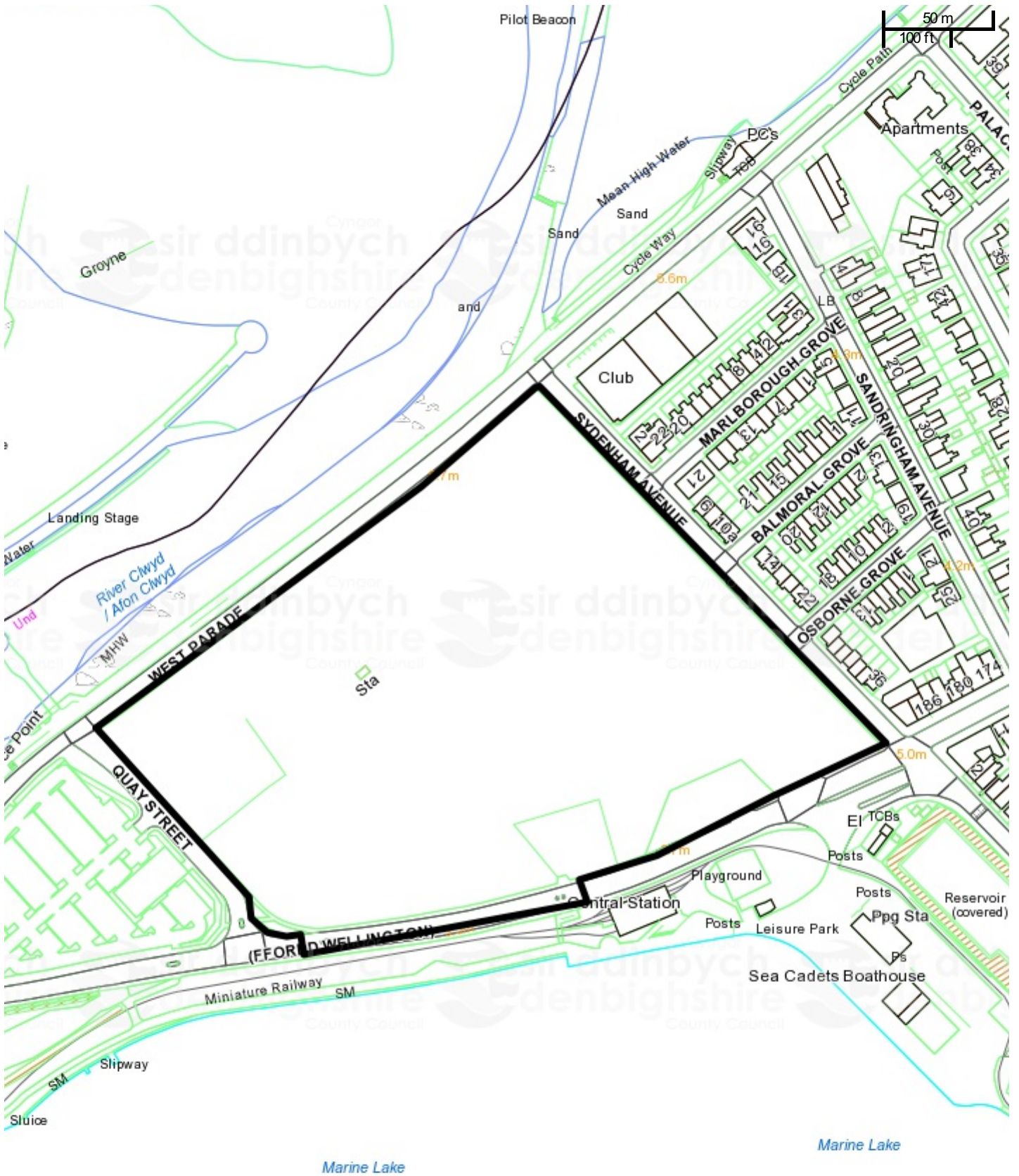
WARD MEMBER(S): Cllr Ian Armstrong (c)
Cllr Joan Butterfield (c)

APPLICATION NO: 45/2015/0780/ PR

PROPOSAL: Details of appearance, landscaping, layout and scale of phase 1 of mixed-use redevelopment scheme incorporating the development of 2 no. blocks containing retail uses (bulky goods, food and non-food) and leisure uses; a detached 54 bed hotel, 2 no. substations, car parking and other ancillary works submitted in accordance with condition number 1 of outline planning permission 45/2013/1510 (Reserved Matters Application)

LOCATION: Ocean Beach Site Wellington Road Rhyl

This page is intentionally left blank




© Crown copyright and database rights 2015 Ordnance Survey 100023408.

45/2015/0780

Scale: 1:2500

Printed on: 4/1/2016 at 13:55 PM

Denbighshire Boundary




LAYOUT - PHASE 1

NOTES:
 1. This site plan shows the layout of the proposed development.
 2. The site plan is based on the information provided by the client.
 3. The site plan is subject to the approval of the local planning authority.
 4. The site plan is subject to the approval of the relevant statutory authorities.
 5. The site plan is subject to the approval of the relevant statutory authorities.
 6. The site plan is subject to the approval of the relevant statutory authorities.
 7. The site plan is subject to the approval of the relevant statutory authorities.
 8. The site plan is subject to the approval of the relevant statutory authorities.
 9. The site plan is subject to the approval of the relevant statutory authorities.
 10. The site plan is subject to the approval of the relevant statutory authorities.

LEGEND

1	Proposed Buildings
2	Proposed Car Parking
3	Proposed Cycle Parking
4	Proposed Landscaping
5	Proposed Fencing
6	Proposed Access
7	Proposed Driveway
8	Proposed Footpath
9	Proposed Boundary
10	Proposed Boundary

NW-ARCHITECTS

27 The Pavilions, Leamington Spa, CV32 5JF
 Registered in England No. 02068881
 www.nw-architects.co.uk

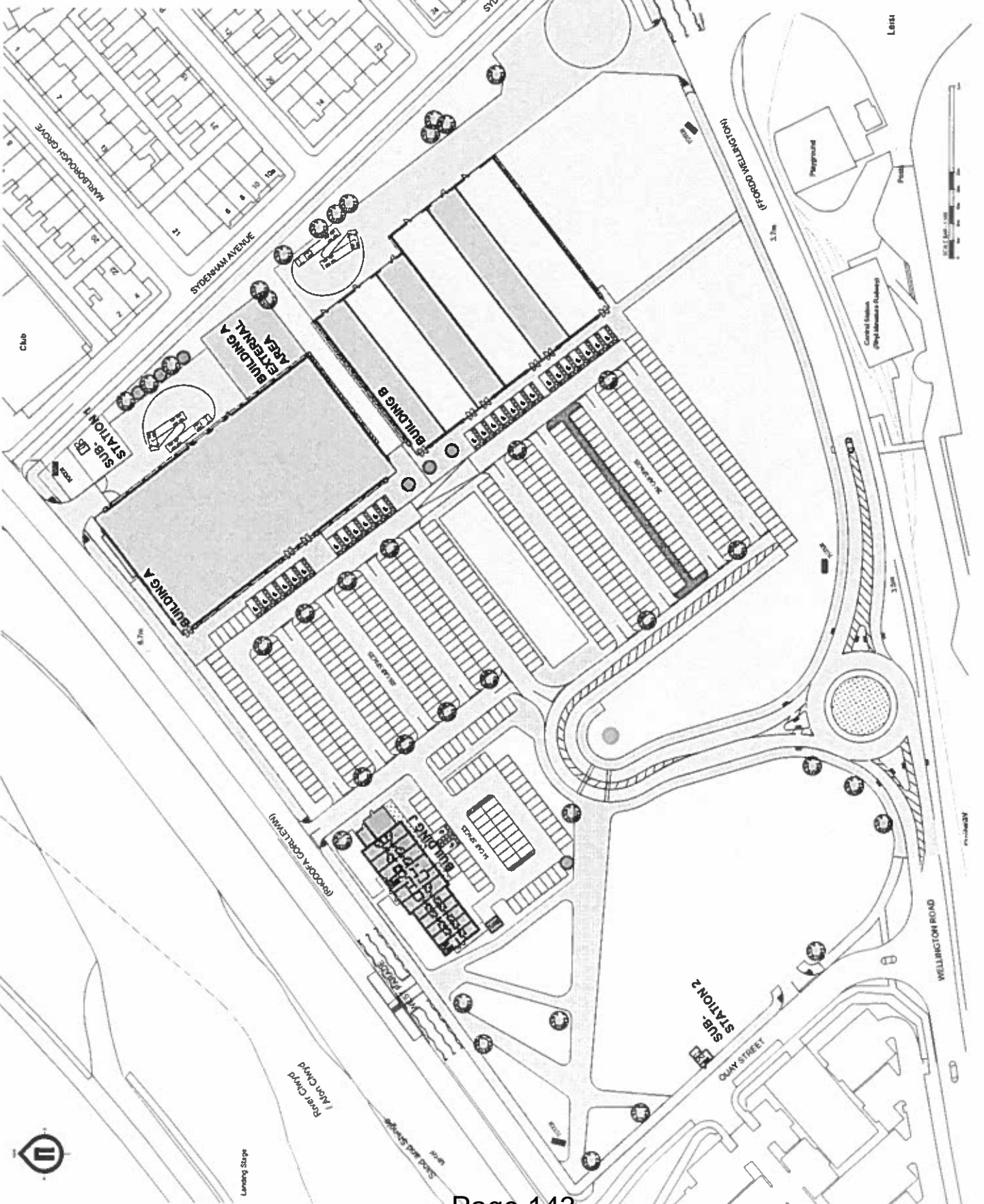
Client: **SDG (Rby) Ltd**

Project: **Manna Quay Rhyll**

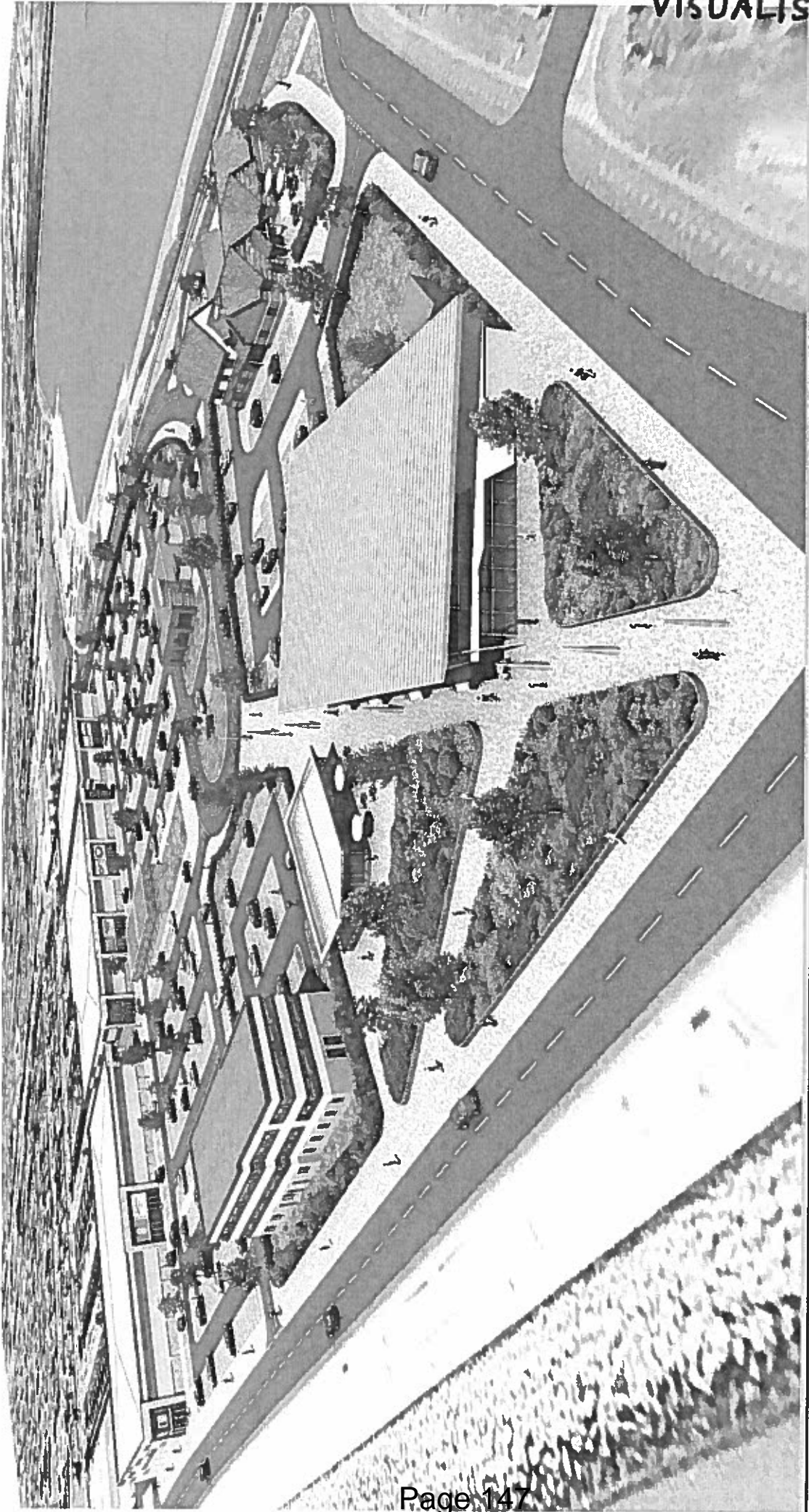
Site Plan Phase 1

Scale: **1:500 @ A1**

Project No: **15036-P102**



VISUALISATION



PROJECT Marna Quay, Rhyl	DRAWN BY PS	DATE DRAWN 08-07-2015
CLIENT TITLE Visual 1	CUSTOMER NUMBER 15036-P300	

NW-ARCHITECTS
27 York Place, Leeds, LS2 2EY
leeds@nw-architects.co.uk Tel: 0113 260 0516 Fax: 0113 260 0511
www.nw-architects.co.uk

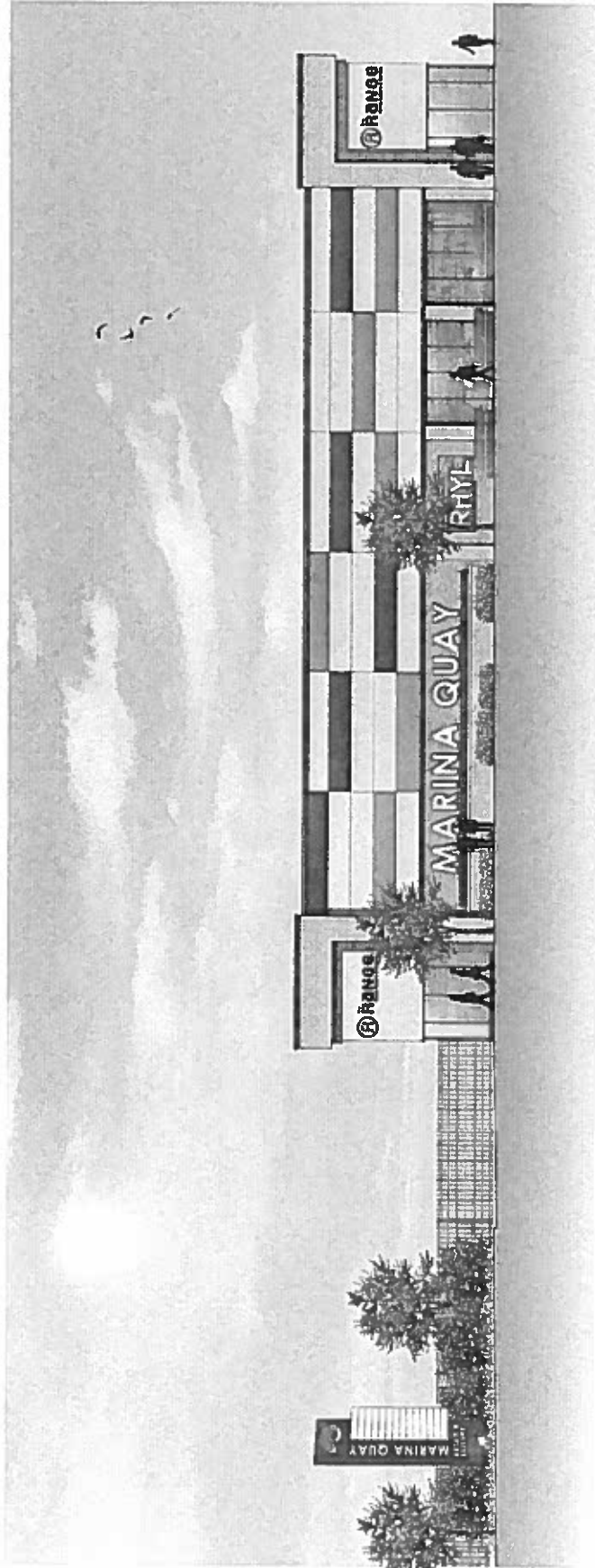
This drawing is indicative only. This drawing is copyright and must not be reproduced without the consent of NW Architects Limited.

NOTES

1. All work shall be done in accordance with the latest British Standards.
 2. All work shall be done in accordance with the latest Building Regulations.
 3. All work shall be done in accordance with the latest Building Regulations.
 4. All work shall be done in accordance with the latest Building Regulations.
 5. All work shall be done in accordance with the latest Building Regulations.
 6. All work shall be done in accordance with the latest Building Regulations.
 7. All work shall be done in accordance with the latest Building Regulations.
 8. All work shall be done in accordance with the latest Building Regulations.
 9. All work shall be done in accordance with the latest Building Regulations.
 10. All work shall be done in accordance with the latest Building Regulations.

DRAWING DATA

1. Project Name: Marina Quay
 2. Project Location: Marina Quay
 3. Project Date: 15/10/15
 4. Project Status: Approved
 5. Project Reference: 15036-P302



NORTH WEST ELEVATION

BUILDING A

NO.	DESCRIPTION	DATE	BY

NW-ARCHITECTS

27 York Place, Leeds, LS1 2BT
 Leeds, West Yorkshire, LS1 2BT
 WWW.NW-ARCHITECTS.CO.UK

Client: SDG (Rhyf) Ltd

Project: Marina Quay
 Rhyf

Building A
 Coloured Elevations

Scale:	1:100 @ A1
Date:	15/10/15
Drawn by:	
Checked by:	

Reference: 15036-P302

NOTES

1. This drawing is for the building only. General Contractor to be responsible for the building structure, including the foundation, walls, roof, and floor slabs. The architect is responsible for the building's appearance, including the exterior walls, windows, doors, and roofline. The architect is also responsible for the building's mechanical, electrical, and plumbing systems. The architect is not responsible for the building's structural integrity or the building's compliance with local building codes. The architect is not responsible for the building's performance or the building's energy efficiency. The architect is not responsible for the building's safety or the building's security. The architect is not responsible for the building's maintenance or the building's repair. The architect is not responsible for the building's insurance or the building's liability. The architect is not responsible for the building's financing or the building's ownership. The architect is not responsible for the building's construction or the building's completion. The architect is not responsible for the building's occupancy or the building's use. The architect is not responsible for the building's future or the building's legacy. The architect is not responsible for the building's history or the building's heritage. The architect is not responsible for the building's identity or the building's reputation. The architect is not responsible for the building's success or the building's failure. The architect is not responsible for the building's fate or the building's destiny. The architect is not responsible for the building's fate or the building's destiny.

DATE: 10/15/2014

PROJECT: SDG (Rhyll) Ltd

SCALE: AS SHOWN

1. Foundation
2. Structure
3. Mechanical
4. Electrical
5. Plumbing
6. Interior Finishes
7. Landscaping
8. Site Work
9. Construction

BUILDING B ELEVATIONS

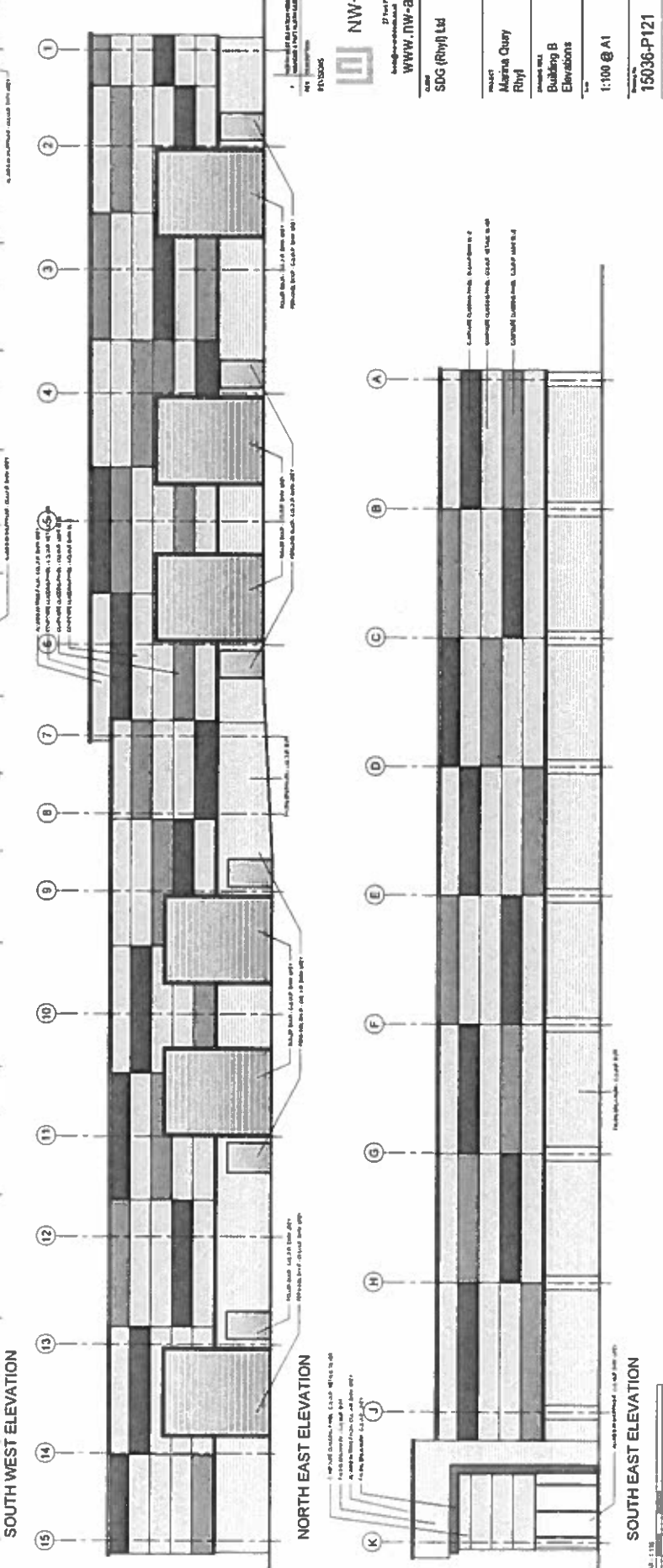
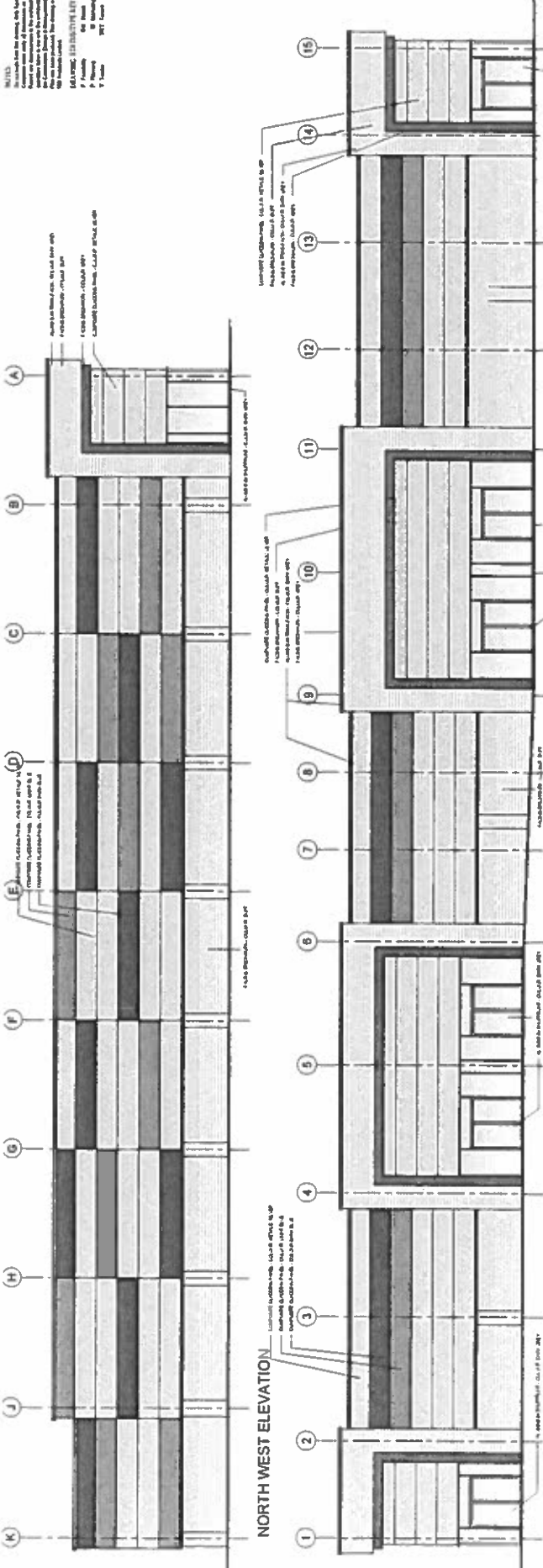
FOOD/WORK/LEISURE

FOOD/RETAIL/

NW-ARCHITECT
 27 York Street, Suite 101, St. John's, NL A1B 1X6
 WWW.NW-ARCHITECT.COM

SDG (Rhyll) Ltd

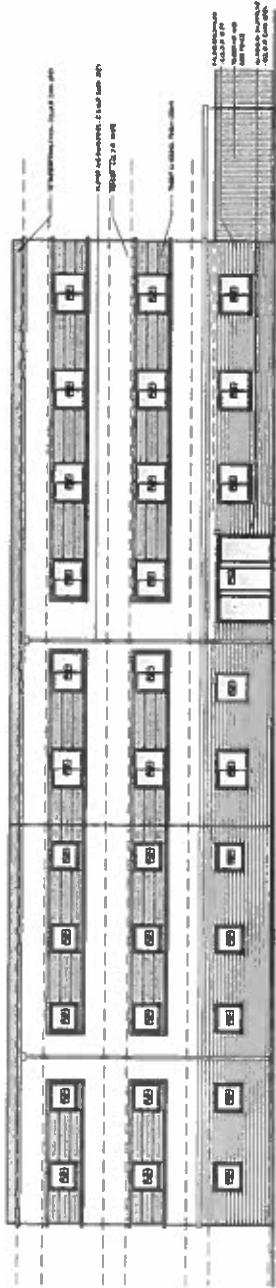
PROJECT: Marina Quay Rhyll
 ADDRESS: Building B Elevations
 SCALE: 1:100 @ A1
 DRAWING NO: 15036-P121



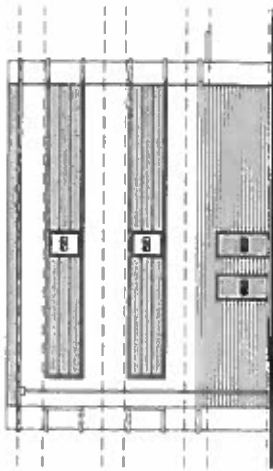
NOTES

1. Refer to the General Notes for information on the use of the drawings.
 2. All dimensions are in millimeters unless otherwise indicated.
 3. All elevations are shown in elevation unless otherwise indicated.
 4. All elevations are shown in elevation unless otherwise indicated.
 5. All elevations are shown in elevation unless otherwise indicated.
 6. All elevations are shown in elevation unless otherwise indicated.
 7. All elevations are shown in elevation unless otherwise indicated.
 8. All elevations are shown in elevation unless otherwise indicated.
 9. All elevations are shown in elevation unless otherwise indicated.
 10. All elevations are shown in elevation unless otherwise indicated.

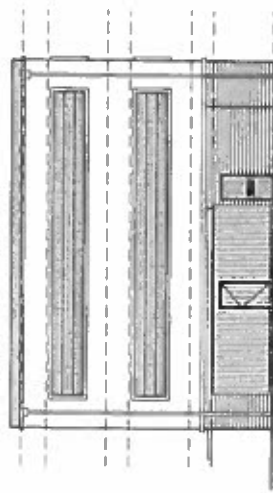
CONTRACT INFORMATION
 1. Name: [Redacted]
 2. Address: [Redacted]
 3. City: [Redacted]
 4. State: [Redacted]
 5. Zip: [Redacted]



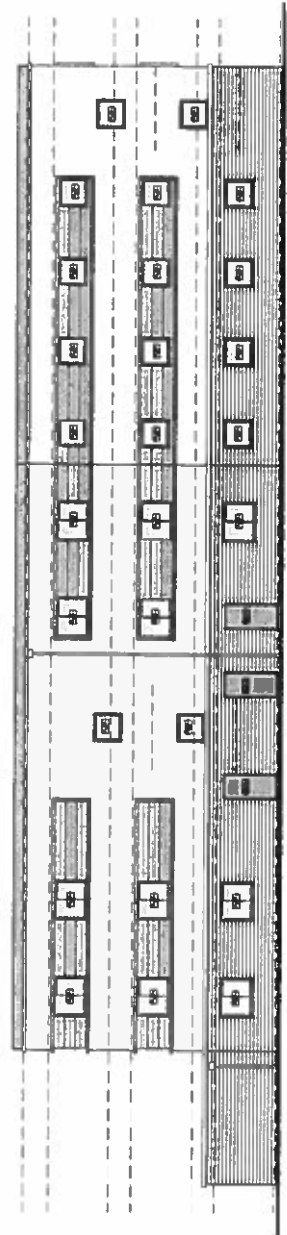
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	10/15/11	AW	AW
2	ISSUED FOR CONSTRUCTION	10/15/11	AW	AW
3	ISSUED FOR RECORDS	10/15/11	AW	AW

NW-ARCHITECTS
 2714 Pine Lane, Suite 1312 E
 Greenwood, WA 98022
 WWW.NW-ARCHITECTS.CO

BUILDING J ELEVATIONS
HOTEL
 PROJECT: Marina Quay Rhy
 BUILDING: Building J Elevations
 SCALE: 1:100 @ A1
 SHEET: 15036-P191

WARD : Rhyl West

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

APPLICATION NO: 45/2015/0780/ PR

PROPOSAL: Details of appearance, landscaping, layout and scale of phase 1 of mixed-use redevelopment scheme incorporating the development of 2 no. blocks containing retail uses (bulky goods, food and non-food) and leisure uses; a detached 54 bed hotel, 2 no. substations, car parking and other ancillary works submitted in accordance with condition number 1 of outline planning permission 45/2013/1510 (Reserved Matters Application)

LOCATION: Ocean Beach Site Wellington Road Rhyl

APPLICANT: Scarborough Development Group (Rhyl) Ltd.

CONSTRAINTS: C1 Flood Zone

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

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

- Referral by Head of Planning / Development Manager

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

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

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

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

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

CONWY COUNTY BOROUGH COUNCIL

No objection

NATURAL RESOURCES WALES

No flood risk objections

DWR CYMRU / WELSH WATER

Reminds the applicant of the need to comply with drainage conditions from the Outline consent.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

County Ecologist

Recommends an amended landscape proposal which would support local biodiversity. Conditions suggested to deal with this.

RESPONSE TO PUBLICITY:

Betty Smith, 95 Ffordd Derwen, Rhyl

- Raises some issues over the proposed landscaping and impacts on bats and birds.

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Details of appearance, landscaping, layout and scale of new buildings (Reserved Matters) have been submitted for phase 1 of the "Marina Quay" development on the site of the former Fun Fair in Rhyl. The details show 2no. detached blocks to the north-east of the site containing a mix of food, non-food retail and leisure uses. In addition, details of a 54 bed detached hotel building to the north of the site. Details of 2no. small sub-station buildings are also shown, one to the north-east side and one to the west of the site.
- 1.1.2 Outline Consent for the redevelopment of the whole site was granted in February 2015. The redevelopment proposal incorporated 5.3ha of land for the following elements:
 - Foodstore
 - Petrol Filling Station
 - Non-Food retail units
 - Hotel
 - Public House
 - Café/Restaurants
- 1.1.3 The Outline Consent included details of the means of access to the site but all other matters were reserved for further approval. The Consent was the subject of a number of planning conditions some of which sought to control minimum and maximum floor spaces for certain uses (Leisure/retail).
- 1.1.4 Plans of the proposed food/non-food retail/leisure blocks and detached hotel are shown at the front of this report.
- 1.1.5 Building A shows a detached retail/leisure block of some 3,455 sq.m incorporating an external garden centre area. The building is shown with a maximum height of some 8.7m

- constructed from buff facing brick and coloured composite panels/glazing. The building is to be located to the north-east of the site backing onto the Sydenham Avenue boundary.
- 1.1.6 Building B shows a detached food, non-food retail and leisure block of some 3,805 sq.m. The building matches Building A in terms of height and materials and again backs onto Sydenham Avenue.
- 1.1.7 Building J is the detached hotel unit shown set back from the West Parade frontage to the north of the site. The flat roofed structure is 1,605 sq.m and shown at a maximum height of 10.5m in buff facing brick, timber cladding and white render. Some 54 car parking spaces are shown to the rear of the hotel building.
- 1.1.8 The sub-station buildings are 27 sq.m and 50 sq.m respectively with the smaller of the two located to the north-east of the site close to the Sydenham Avenue junction. The buildings have a maximum height of 3m.
- 1.1.9 A hard and soft landscaping scheme has also been submitted with the application. Areas outside of the Phase 1 development are shown to be grassed in anticipation of future phases. Tree, shrub and other planted areas are shown around the main new buildings and parking areas with some public art and seating areas also shown along the West Parade area.
- 1.1.10 The application has been submitted with an updated Flood Consequences Assessment

1.2 Description of site and surroundings

- 1.2.1 The site sits on two levels. The higher part of the site fronts onto West Parade to the north. The lower end has Wellington Road to the south with the Marine Lake beyond. To the east of the site is Sydenham Avenue which contains a mix of dwellings and businesses. To the west is Quay Street which still contains a Council run car park.
- 1.2.2 To the promenade side of the site much regeneration work has taken place within the harbour area including a new cycle bridge, coastal defence works and a café.
- 1.2.3 More recently on the Marina Quay site, and in compliance with previously imposed planning conditions, a frontage landscaping scheme was implemented which took down old hoardings and grassed an area along West Parade.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Rhyl. The site is within the North Wales Coast Strategic Regeneration Area and is identified as a Brownfield Regeneration Priority site. It is also sited partly within a C1 flood zone.

1.4 Relevant planning history

- 1.4.1 Planning permission was granted in November 2007 for a major mixed use scheme incorporating 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations. This scheme was subject to a s.106 legal agreement.
- 1.4.2 Planning permission was granted in December 2013 for a variation of condition on the above scheme which gave a further 2 years for the scheme to be commenced. This was

effectively an extension to the original scheme. This too was subject to a s.106 legal agreement.

1.4.3 In February 2015 Outline Planning permission was granted for a further mixed use scheme, similar to the original, but removing the residential element. The Consent was again subject to a legal agreement which secured a financial contribution towards improvement to town centre links. A condition was imposed on this scheme which required interim landscaping works to be undertaken to the West parade frontage.

1.5 Developments/changes since the original submission

1.5.1 The application was amended to provide a landscape proposal. At this time additional plans were submitted which amended the appearance of the Building A elevations in order to enhance the West Parade frontage.

1.5.2 Further information on flood risk was also submitted during the application assessment in order to clarify possible impacts on off-site areas.

1.6 Other relevant background information

1.6.1 Members will recall that an interim landscaping scheme has been implemented to the West Parade frontage following the removal of a works compound associated with the completion of the Rhyl Sea Defences. A presentation was given to the Rhyl Member Area Group in November 2015 at which the applicants explained their Phase 1 proposals. They explained that they are also seeking to discharge other relevant conditions imposed on the Outline Consent before making a lawful commencement of the February 2015 consent.

2. **DETAILS OF PLANNING HISTORY:**

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

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

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

45/2013/1510/PQ – Development of 5.3ha of land for mixed-use redevelopment to include provision of a foodstore (Class A1), large format non-food retail units (Class A1), café/restaurant

units (Class A3), hotel (Class C1), Public House (Class A3), petrol filling station (sui generis) with associated access, car parking, infrastructure (including sub-station) and landscaping (Outline application including access – all other matters reserved) – GRANTED by Committee on 12th November 2014. Certificate issued 24th February 2015 on signing of s.106 legal agreement.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy BSC 2: Brownfield Development Priority Allocation

Policy PSE 1: North Wales Coast Strategic Regeneration Area.

Policy PSE 6: Retail Economy

Policy PSE 9: Out of Centre Retail Development

Policy VOE 6: Water Management

Policy ASA 3: Parking Standards

3.1 Supplementary Planning Guidance

SPG – Landscaping

SPG - Access for All

SPG – Parking Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8, January 2016
Technical Advice Notes

TAN 4 – Retailing and Town Centres

TAN 5 – Nature Conservation

TAN 11 – Noise

TAN 12 – Design

TAN 13 – Tourism

TAN 14 – Coastal Planning

TAN 15 – Development and Flood Risk

TAN 18 – Transport

TAN 22 – Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that

material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

- 4.1.1 Principle and General Planning Considerations
- 4.1.2 Compliance with Outline Consent
- 4.1.3 Impact on visual amenity
- 4.1.4 Impact on residential amenity
- 4.1.5 Impact on Ecology

4.2 In relation to the main planning considerations:

General Planning Policy Context

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

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

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

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

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

Policy VOE 6 – Water Management – This Policy seeks to ensure major developments reduce surface water run-off rates and require the developer to make reference to water management in their submission. The applicant has submitted a drainage plan which indicates the intention to produce a sustainable, integrated drainage system for the site. Welsh Water and NRW have no objection to the proposals.

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

Compliance with Outline Consent

4.2.2 The governing Outline planning permission imposed a number of controls on the development of the site through the imposition of planning conditions. Firstly, the land uses were specified within the description of the proposal. Some of these land uses were then further controlled by conditions which sought to control the maximum and minimum floor space therein.

In particular, the permission specified that there should be a minimum amount of leisure based use in the scheme and a maximum amount of non-food retail use in the scheme. This element was imposed to try to minimise any potential impacts on the Town Centre of Rhyl.

The phase 1 scheme, as shown, contains a proposed 54 bed hotel use and two blocks of mixed food and non-food retailing along with leisure space. The floor spaces shown generally comply with the governing conditions mentioned above with only a small part of the external garden centre area exceeding the non-food retailing space restriction.

In conjunction with the phase 1 details shown in this application there will be a number of separate Outline planning condition details which will be assessed. These will need to be discharged prior to the scheme progressing but are not being assessed as part of this Reserved Matters proposal.

4.2.3 Impact on Visual Amenity

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

The current application, which gives full design details of the proposed hotel and two retail/leisure blocks, must also be considered having regard to previous detailed consents on this site and historic uses. Firstly, when the site operated as a fun fair there were some large structures which would have set a visual context for the surrounding area. In 2007 a major mixed use scheme was approved at the site which incorporated new built development of the same scale, layout and height of that now proposed. The site has

remained in a derelict state for some years now and the visual impact of any new structures has to be assessed in the context of the historic position.

It is considered that the scale, height, design and materials of the new buildings are acceptable from a visual perspective. The proposed landscaping will serve to soften the impact of the new buildings and further assimilate the structures into the surrounding area.

4.2.4 Impact on Residential Amenity

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

Unfortunately, for many local residents and land users in the vicinity of the site they have had to live with dereliction and inactivity for some years. To this end, any redevelopment proposals could be seen to improve the residential amenity of those living nearby.

That said, it remains important to ensure that the closest dwellings to the development site, on Sydenham Avenue, are reasonably protected in terms of the proximity of new buildings and activity.

The rear elevation of Buildings A and B to the north-east of the site will be over 30m from the nearest dwellings on Sydenham Avenue with only the open external garden centre area on Building A within 22m of the closest dwelling.

Given the previous fun fair use and the levels of noise and activity associated with that, it is not considered that the new buildings and activities to the north-east of the development site will result in any significant loss of amenity to nearby residents.

4.2.5 Impact on Ecology

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

The site has previously been cleared of structures and buildings and this was done having regard to the impacts on birds and bats. It was always envisaged that any redevelopment scheme will also need to consider these species and, where possible, enhance biodiversity.

The applicant has acknowledged the comments received from the Council's Ecologist and accepts that conditions need to be imposed which will seek further details on planting types and numbers in order to create a better and more connected environment for bats and birds.

5. SUMMARY AND CONCLUSIONS:

5.1.1 The proposed new buildings on the site, having regard to the previous land use and state of the site in recent years, are acceptable in terms of scale, layout, appearance and landscaping. The external finishes of the two retail/leisure blocks, as well as the detached hotel, are acceptable in this location. The redevelopment of the site has been awaited for some years and it is considered that the regeneration benefits of the scheme outweigh any concerns.

RECOMMENDATION: Approve Reserved Matters subject to the following conditions:-

1. Notwithstanding the submitted details the landscaping for the site (including the matrix planting and the amenity grassland) shall not be as shown on the submitted plans but shall be as further agreed within a scheme to be submitted within 1 month of the date of this approval. Those details should contain the location, number and species of trees and plants to be planted which themselves should be endemic to the UK and of local provenance along with details of a long term management plan for the landscaping.

The reason(s) for the condition is:-

1. In the interests of the visual appearance of the site and surroundings and in the interests of biodiversity.

This page is intentionally left blank

Agenda Item 12

WARD : St Asaph

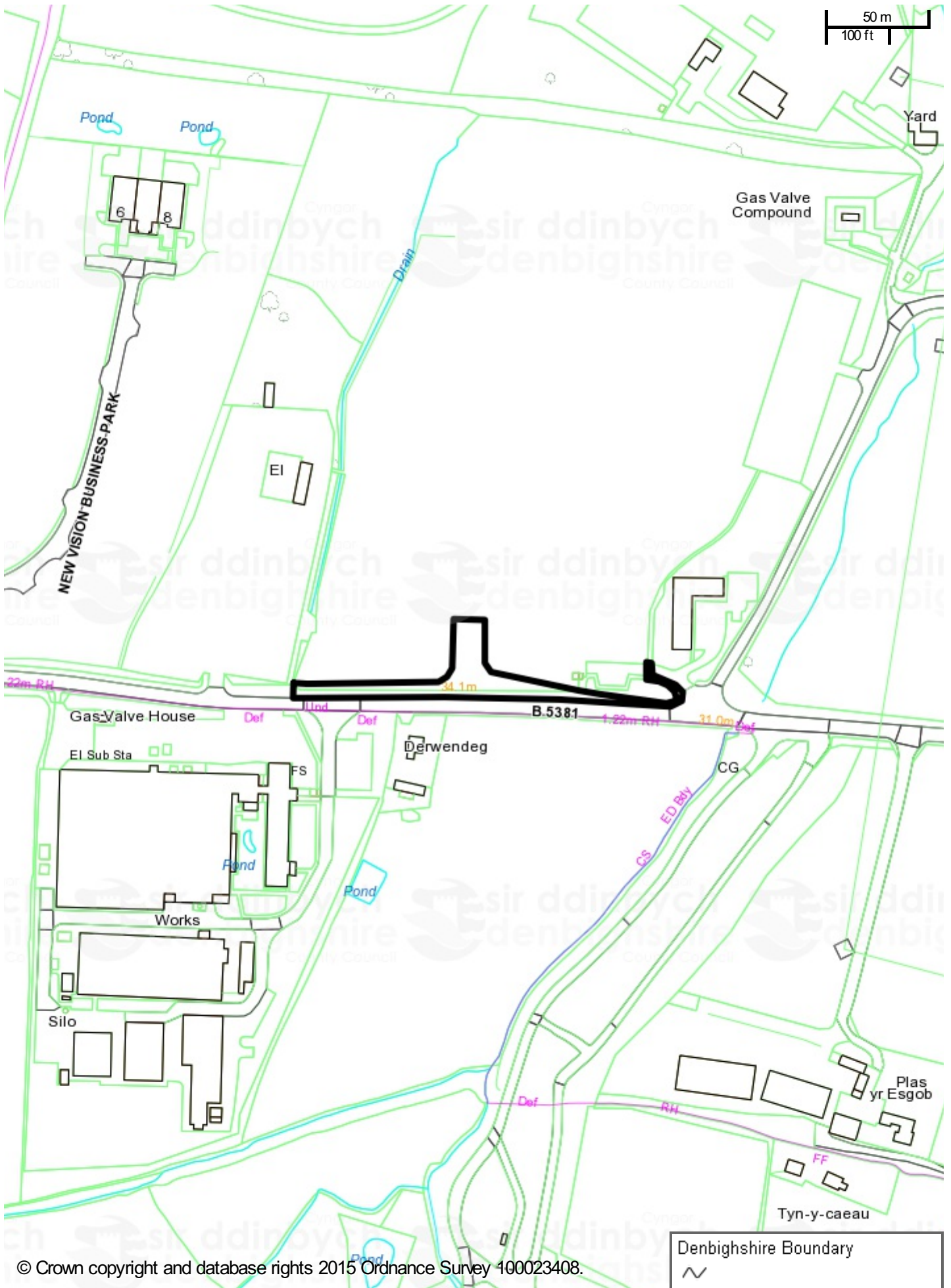
WARD MEMBER(S): Councillor Bill Cowie (c)

APPLICATION NO: 46/2015/0969/ PF

PROPOSAL: Construction of a new access and alterations to existing access

LOCATION: Former Pilkington Special Glass Site Glascoed Road
St Asaph

This page is intentionally left blank



© Crown copyright and database rights 2015 Ordnance Survey 100023408.

46/2015/0969

Scale: 1:2500

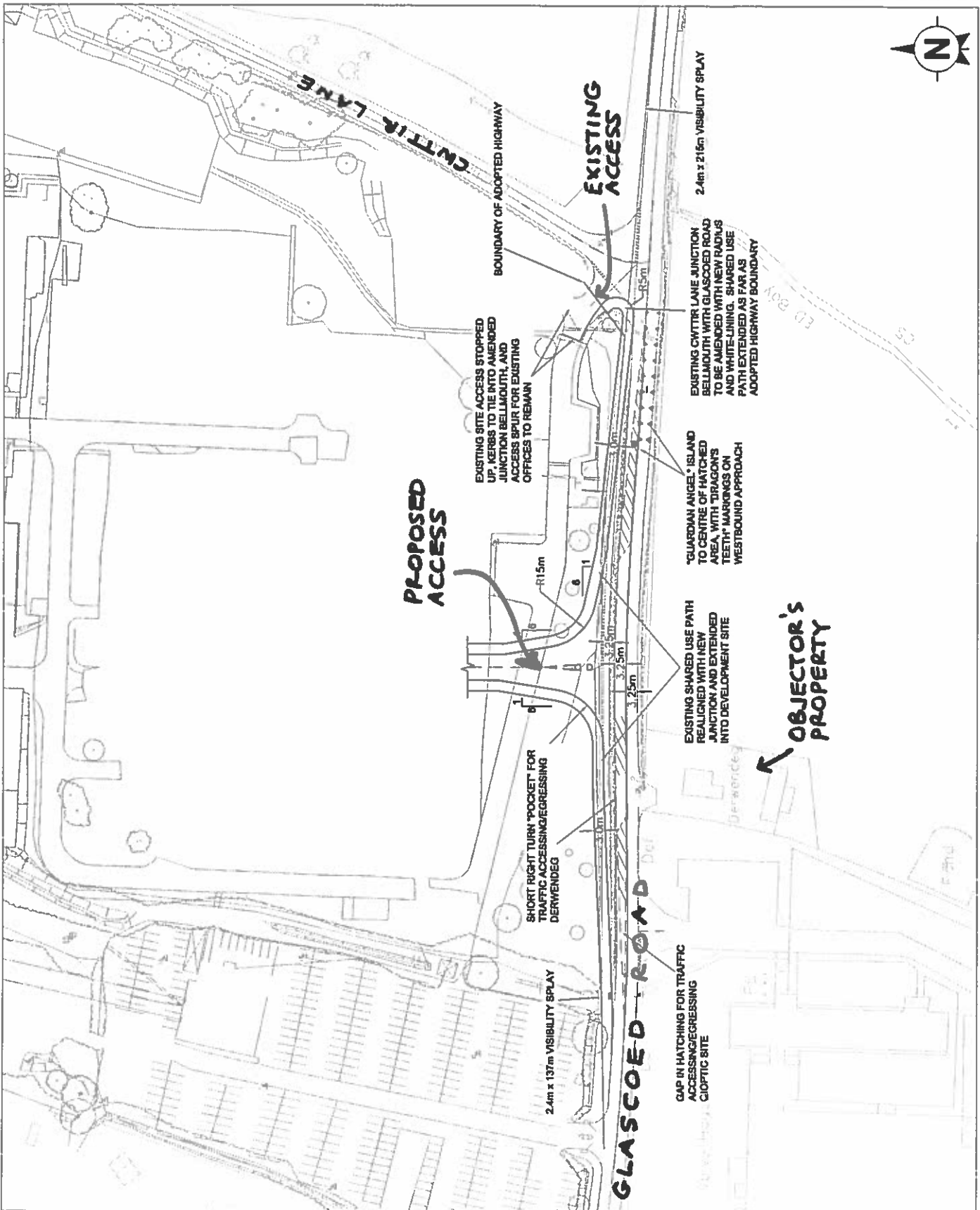
Printed on: 4/1/2016 at 14:00 PM

DETAILS OF ACCESS

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

Client	City of Christchurch
Project	Christchurch Airport
Drawn by	[Name]
Checked by	[Name]
Date	[Date]

Project	City of Christchurch
Client	City of Christchurch
Project	Christchurch Airport
Drawn by	[Name]
Checked by	[Name]
Date	[Date]



WARD : St Asaph

WARD MEMBER(S): Councillor Bill Cowie (c)

APPLICATION NO: 46/2015/0969/ PF

PROPOSAL: Construction of a new access and alterations to existing access

LOCATION: Former Pilkington Special Glass Site Glascoed Road St Asaph

APPLICANT: Mr Tom Anwyl Glascoed Business Park Ltd.

CONSTRAINTS: None.

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

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL: "No objection".

CEFN MEIRIADOG COMMUNITY COUNCIL (neighbouring CC):

Original response "Cefn Meiriadog community council are concerned about the effect of this new entrance on the residents of Derwen Deg".

Second response "At their council meeting last night the Councillors revisited the application and would like it to be refused for the following reasons;

1. The effect of noise of vehicles entering and exiting the site on Glascoed Road on the Glascoed Road by a domestic dwelling.
2. The vehicle lights would be shining on a domestic property.
3. There would be more dust.
4. There are already 5 entrances on the north side of Glascoed Road and 4 entrances on the south side entering this road.
5. The proposed entrance is on the brow of a hill.
6. The existing entrance to the site has been used for 50 years so why change it.
7. The disturbance of the domestic enjoyment of the property.

CLWYD POWYS ARCHAEOLOGICAL TRUST: No objections. Recommend conditions including a watching brief.

WALES AND WEST UTILITIES: No objections. Draw applicant's attention to utilities apparatus in the area.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Biodiversity Officer

No objection subject to conditions relating to the need Great Crested Newts.

Highways Officer

No objection subject to conditions relating to the detailing of the access.

RESPONSE TO PUBLICITY:

Representation received (in objection) from:

Eryl Davies, Derwen Deg, Glascoed Road, St Asaph.

Summary of representation:

Need- there is an existing access to the site.

Highway safety- alterations to access will create access issues for Derwen Deg. Access would be close to brow of hill and unsafe. Access would be too close to existing access points.
Levels- there is a difference of ground levels between site and the road.
Residential amenity- access would be opposite the dwelling, Derwen Deg.

EXPIRY DATE OF APPLICATION: 19/11/2015

REASONS FOR DELAY IN DECISION: Request to consult neighbouring Community Council.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the construction of an access off the B5381 Glascoed Road and onto the former Pilkington's Glass factory site.
- 1.1.2 The access would serve the former factory site, which it is proposed to redevelop in line with the employment allocation on the business park.
- 1.1.3 The proposed access would be approximately 85m to the west of the existing access at Cwttir Lane.
- 1.1.4 The proposals incorporate a 'ghost island' right turn lane junction with Glascoed Road, with a bellmouth arrangement.
- 1.1.5 The existing footpath and cycleway at the frontage of the site will be retained, and the layout includes a pedestrian refuge island.
- 1.1.6 The existing access will be stopped up.
- 1.1.7 The plan at the front of the report shows details of the proposals.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the northern side of Glascoed Road on the eastern approach to the Business Park.
- 1.2.2 The site is currently vacant, having formally been occupied by the Pilkington's Glass Factory. The factory closed in 2008 and was demolished in 2009.
- 1.2.3 The existing vehicular access to the land is at the south east corner of the site and enters Glascoed Road at an acute angle onto a splay area which forms the junction with Cwttir Lane.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the PSE 2 St Asaph Business Park allocation within the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 There is no recent relevant planning history on the site, or applications relating to access arrangements.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The application submission includes the plans attached to this report, a DAS and a Technical Note prepared by Highways Consultants in support of the application.
- 1.6.2 The DAS sets out why the access is proposed. It states that the Applicants wish is to promote the site for suitable employment uses, however the existing access is unsuitable to safely and efficiently cater for the level and nature of vehicular traffic

associated with such a use. For this reason a purpose built access is being sought.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
RD1 Sustainable Development and good standard design
PSE 2 Land for Employment Uses
VOE 5 Conservation of natural resources

SPG Nature Conservation and Species Protection

Government Policy / Guidance

Planning Policy Wales Edition 8, January 2016

TAN 18 Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

- 4.1.1 Principle
- 4.1.2 Residential amenity
- 4.1.3 Highway Safety
- 4.1.4 Biodiversity
- 4.1.5 Archaeology

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the allocated St Asaph Business Park, a PSE 2 allocation within the Local Development Plan. To facilitate access to the employment land would not raise any in principle policy issues.

Related to this are the concerns raised in representations over the 'need' for the proposed access. The number of accesses on Glascoed Road and the existence of the original access to this site off Cwttir Lane have been referred to in correspondence. In relation to this issue Officers suggest that planning policy does not require a need be demonstrated for this type of development, i.e. an access to serve employment land. However, the applicants have explained in the submission that a suitable access is necessary to serve the large area of employment land involved and to address inadequacies of the existing access.

The principle of the proposal is considered acceptable, and the detailed impacts are considered below:

4.2.2 Residential Amenity

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

The application proposes to create an improved access onto existing employment land. The site lies opposite the dwelling Derwen Deg. Concerns have been raised by the neighbouring occupiers and Cefn Meiriadog CC over the amenity impacts of the access.

With respect to the comments of the objector and Community Council, it is suggested relevant to take into account the fact that this is an existing employment site located off a B road serving an established Business Park, where there is already an access some 90m to the east of the dwelling as existing. The proposed access is unlikely to change the level of activity and noise and disturbance on the former factory site itself. Also it is noted that the proposed access is not directly opposite Derwen Deg, it is sited slightly to the east of the dwelling. Whilst there may be some impacts on the occupiers of the dwelling, considering the location of Derwen Deg in close proximity to an existing employment allocation Officers consider it would be difficult to argue that the impacts of the creation of the access on an individual neighbour would be so adverse to warrant refusal of planning permission. As such the amenity impacts of the proposal are not considered unacceptable.

4.2.3 Highway Safety

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

The application involves the creation of an access onto a B Road serving the business park. The proposal includes a right turn waiting lane and a ghost island within the road and alterations to the footpath and cycleway. Highways Officers have considered the proposal and raise no objection to the access. Concerns have been raised by the neighbouring occupier over the highways safety issues relating to the scheme.

Whilst noting the comments of the objector, in considering a technical application of this nature Officers are bound to take into account the advice of key consultees. The Highways Officers have undertaken relevant safety assessment of the details. They have accepted that the details and risks associated with the development can be sufficiently managed and controlled by condition and deem the development acceptable. Officers consider that the relevant policy and guidance in relation to highways policies is met.

4.2.4 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development.

Clwyd Powys Archaeological Trust have advised that the application site is located off a historic route, a roman road. Hence they have suggested if the Council are minded to grant permission a condition is attached to ensure any items of archaeological significance on the site are preserved and/or recorded.

Subject to the imposition of a watching brief condition it is considered that the proposal is acceptable in terms of the relevant archaeological policies.

4.2.5 Biodiversity

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

Although the application only proposes the creation of an access off a B road where there is an established level of activity, as there are records of Great Crested Newts close to the application site the Biodiversity Officer has suggested precautionary conditions are attached.

Subject to the imposition of the biodiversity conditions it is considered that the proposal is acceptable in terms of the relevant policies.

4 **SUMMARY AND CONCLUSIONS:**

5.1 In respecting the comments received on the application, the proposed access is considered acceptable under the relevant policies and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
(i) General arrangement (Drawing No. 1572-01-02) received 25 September 2015(ii) Site location plan (Figure 1) received 25 September 2015(iii) Statutory plan (Drawing No. 1572-01-01) received 25 September 2015
3. Full details of the vehicular access and associated highway works including the detailed design, layout, construction, visibility splays, traffic calming, drainage, street lighting and highway retaining works shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of any site works and the access shall be completed in accordance with the approved plans.
4. In relation to the carrying out of the works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, vehicle wheel washing facilities, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes, the works shall be carried out strictly in accordance with the approved details.
5. All groundworks shall be undertaken in the presence of a qualified archaeological contractor so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute for Archaeologists. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670 within two months of the fieldwork being completed.
6. No works shall commence on the site until such time as the site has have been surveyed by a suitable qualified Ecologist for the presence of Great Crested Newts, and the results of the survey together with reasonable avoidance measures to deal with the presence of GCN's

including details of a derogation license from Natural Resources Wales has been submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
5. In the interests of archaeological investigation and recording.
6. To protect ecological interests.