

To: Chair and Members of the Planning Committee

Date: 12 May 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, 18 MAY 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 11 - 12)**

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

### **3 APPOINTMENT OF CHAIR**

To appoint a Chair of the Planning Committee for the 2016/17 municipal year.

### **4 APPOINTMENT OF VICE-CHAIR**

To appoint a Vice-Chair of the Planning Committee for the 2016/17 municipal year.

### **5 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.

**6 MINUTES (Pages 13 - 20)**

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 20 April 2016 (copy attached).

**APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 7 - 13) -**

**7 APPLICATION NO. 09/2016/0346 - YSGUBOR ISAF, BODFARI (Pages 21 - 36)**

To consider an application for erection of extension to side and rear of dwelling (re-submission) at Ysgubor Isaf, Bodfari, Denbigh (copy attached).

**8 APPLICATION NO. 15/2016/0009 - PEN Y COED, ERYRYS, MOLD (Pages 37 - 56)**

To consider an application for erection of replacement dwelling at Pen y Coed, Eryrys, Mold (copy attached).

**9 APPLICATION NO. 41/2015/1229 - THE WARREN, MOLD, BODFARI (Pages 57 - 66)**

To consider an application for removal of condition number 2(a) of planning permission 41/2010/1177/PF restricting woodland based education and training centre use to a maximum of 200 days in any calendar year Warren Woods Ltd. The Warren, Mold Road, Bodfari (copy attached).

**10 APPLICATION NO. 41/2016/0027 - THE WARREN, MOLD ROAD, BODFARI (Pages 67 - 80)**

To consider an application for erection of classroom, store, wc and creation of passing places at The Warren, Mold Road, Bodfari (copy attached).

**11 APPLICATION NO. 45/2016/0201 - 14 GARETH CLOSE, RHYL (Pages 81 - 90)**

To consider an application for retention of raised decking area at rear of 14 Gareth Close, Rhyl (copy attached).

**12 APPLICATION NO. 45/2016/0208 - HAFOD WEN AND HAILWOOD, BRYN CWNIN ROAD, RHYL (Pages 91 - 100)**

To consider an application for felling of 3 no. Oak trees T1 T2 & T3 and crown reduction of 1no. Oak tree T4 subject of a Tree Preservation Order at Hafod Wen and Hailwood, Bryn Cwnin Road, Rhyl (copy attached).

**13 APPLICATION NO. 46/2016/0198 - TALARDY PARK HOTEL, THE ROE, ST. ASAPH (Pages 101 - 116)**

To consider an application for felling of 1 No. Horse Chestnut tree annexed to the Talardy Hotel Tree Preservation Order 1975 ref A1 (copy attached).

**14 APPLICATION NO. 43/2015/0315 - SITE AT SANDY LANE, PRESTATYN**  
(Pages 117 - 158)

To consider a report by the Head of Planning and Public Protection (copy attached) to seek a resolution on conditions to be attached to Planning Permission 43/2015/0315/PF – Site at Sandy Lane, Prestatyn.

**15 SCHEME OF DELEGATION REVIEW** (Pages 159 - 172)

To consider a report by the Head of Planning and Public Protection (copy attached) to seek Members approval of a revised Scheme of Delegation.

**16 HIGHFIELD PARK, LLANGWYFAN APPEAL** (Pages 173 - 174)

To consider a report by the Head of Planning and Public Protection (copy attached) to provide Members with information on the Appeal regarding Highfield Park, Llangwyfan.

**MEMBERSHIP**

**Councillors**

Councillor Raymond Bartley (Chair)

Ian Armstrong  
Brian Blakeley  
Joan Butterfield  
Jeanette Chamberlain-Jones  
Bill Cowie  
Meirick Davies  
Stuart Davies  
Peter Evans  
Huw Hilditch-Roberts  
Rhys Hughes  
Alice Jones  
Pat Jones  
Barry Mellor  
Win Mullen James

Bob Murray  
Dewi Owens  
Merfyn Parry  
Pete Prendergast  
Arwel Roberts  
Anton Sampson  
David Simmons  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Huw Williams

**COPIES TO:**

All Councillors for information  
Press and Libraries  
Town and Community Councils

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

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

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

#### **General introduction**

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

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

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

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

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

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

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

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

### **CONSIDERING PLANNING APPLICATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **The voting procedure**

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

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

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

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

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

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

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

# PLANNING COMMITTEE

## VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

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

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, (name)

a \*member/co-opted member of

(\*please delete as appropriate)

Denbighshire County Council

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

(\*please delete as appropriate)

Date of Disclosure:

Committee (please specify):

Agenda Item No.

Subject Matter:

Nature of Interest:

(See the note below)\*

Signed

Date

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

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## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 20 April 2016 at 9.30 am.

### PRESENT

Councillors Ray Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Barry Mellor, Dewi Owens, Pete Prendergast, Arwel Roberts, Anton Sampson, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams and Cheryl Williams

Local Member – Councillor Jason McLellan attended for agenda item 6

Councillor David Smith, Lead Member for Public Realm attended for agenda items 9 & 10

### ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principle Planning Officer (IW); Strategic Planning and Housing Manager (AL); Planning Policy Officer (KB) and Committee Administrator (KEJ)

### TRIBUTE - COUNCILLOR RICHARD DAVIES

The Chair paid tribute to Councillor Richard Davies who sadly passed away on 22 March and would be sorely missed. Members and officers stood in silent tribute.

#### 1 APOLOGIES

Councillors Ian Armstrong, Brian Blakeley, Alice Jones, Pat Jones, Win Mullen-James, Bob Murray, Merfyn Parry and Huw Williams

#### 2 DECLARATIONS OF INTEREST

No declarations of personal or prejudicial interest had been raised.

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

No urgent matters had been raised.

#### 4 MINUTES

The minutes of the Planning Committee's meeting held on 16 March 2016 were submitted.

Councillor Meirick Davies advised that the page numbers in the Welsh and English minutes did not run concurrently.

**RESOLVED** that the minutes of the meeting held on 16 March 2016 be approved as a correct record.

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

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

### **5 APPLICATION NO. 43/2015/0315/PF - SITE AT SANDY LANE, PRESTATYN**

An application was submitted for demolition of existing structures and erection of retirement living housing, communal facilities, landscaping and car parking at site at Sandy Lane, Prestatyn.

#### **Public Speaker –**

Mr. C. Butt (McCarthy & Stone Ltd) (**For**) – detailed the merits of the application in providing much needed specialist retirement accommodation in the area. All criteria had been met with the exception of access and evacuation during extreme flood risk events as detailed in Technical Advice Note (TAN) 15 which had been based on certain assumptions. Mitigation measures would be put in place including a flood plan and appropriate site management during flood alerts.

**General Debate** – The Planning Officer (IW) introduced the application confirming general support for the positive factors arising from the proposal. However, flood risk was a significant issue and he elaborated upon the reasons behind officers' recommendation to refuse the application given that the 'Acceptability criteria for flooding consequences' in TAN 15 could not be met because escape/evacuation routes would not be operational under all conditions.

Councillor Jason McLellan (Local Member) advised of local support for the development and he spoke in favour of the application reiterating the positive benefits in terms of the economy, development of a derelict site and receipt of a commuted sum payment. He argued that the unmet criteria in TAN 15 had been based on 1:1000 chance of occurrence and formed a narrow interpretation which had not been applied to other more recent developments. Councillor Julian Thompson-Hill also recognised the scheme's benefits. Whilst acknowledging officers' concerns he highlighted the need to be realistic given the likelihood of such an extreme event ever taking place.

During the ensuing detailed debate members noted the merits of the application and positive outcomes and considered whether those benefits outweighed the flood risk concerns arising from the failure to meet the acceptability criteria in TAN 15 in terms of flooding consequences in an extreme flood event and whether that risk could be further mitigated by the imposition of additional conditions. Many members considered that such an extreme flooding event was highly unlikely as the reality would leave much of Rhyl and Prestatyn underwater. Given the lack of flood

history of the application site, its distance from the sea and additional flood evacuation measures there was much support for granting the application. It was also suggested that the proposed development would allow for greater drainage of the site and lessen flood risk in the area. Members noted that other developments near the application site and in flood risk areas in Rhyl and Prestatyn had been granted previously. Councillor Stuart Davies commended the development and management of a similar retirement living scheme by the Applicant in Llangollen advising that further assurances could be taken from that. Councillor Huw Hilditch-Roberts urged caution when determining the application and referred to the Glasdir Estate flooding in November 2012 which had been granted planning permission following flood risk calculations. He sought further information and assurances regarding the flood modelling and assessment process in this case. Members also asked whether additional conditions could be imposed in order to meet the outstanding acceptability criteria of TAN 15 and whether other tidal studies had been taken into account during the assessment process together with any potential strengthening of flood defences.

Planning Officers responded to members' questions and comments as follows –

- other developments such as Bodnant School, Prestatyn Shopping Park, Nova and Rhyl Waterfront had been flood risk assessed under different development categorisations – this development had been categorised as highly vulnerable
- it was accepted that other residential developments had been approved in the past and Nant y Mor Extra Care Housing, Prestatyn was a similar development. Advice from Natural Resources Wales (NRW) changed over time and it was important to consider the latest technical data when determining the application
- elaborated upon the technical guidance provided in TAN 15 in terms of flood zone areas and whether those areas had flood risk defences and explained the roles and perspective of both NRW and the Emergency Planning Unit (EPU) with regard to planning applications
- highlighted the difficulties comparing the current application to the flooding at Glasdir given the different parts of the county and flood risk from the river as opposed to the sea but assurances were provided that NRW was continually working on their flood modelling and officers had considered the latest technical information available when reaching a recommendation
- provided assurances that all the relevant flood related studies and documentation had been considered and a meeting had taken place with NRW and the EPU to further discuss flood risk
- confirmed that during the flood modelling assumptions had been made that there would be no improvement to flood defences over the next 100 years
- if the application was granted officers would need to report back to the committee on any additional controls in terms of conditions to impose which would involve further consideration of the evacuation plan and other flood management issues.

The Head of Planning and Public Protection summarised the debate and material planning factors to consider in this case. He highlighted the need for members to balance the positive factors arising from the development against the flood risk issue. Officers acknowledged the difficult decision to be made but drew members' attention to the reasons behind the refusal recommendation given the technical

information provided that the maximum depths of flooding and velocity of floodwaters in extreme floods events would give rise to unacceptable danger and did not meet the standards required in TAN 15.

**Proposal** – Councillor Butterfield felt that as the risk of an extreme flooding event was minimal and that acceptable mitigation measures in relation to the evacuation of the premises had been and could be incorporated into the final Flood Risk Management Plan, that refusal of permission was not justified in relation to concerns over the safety of access and egress routes; and that there were clear regeneration and other benefits from the development which merit support for the application. She proposed, seconded by Councillor Anton Sampson that the application be granted, contrary to officer recommendation.

**VOTE:**

GRANT – 16

REFUSE – 2

ABSTAIN – 1

**RESOLVED** that permission be **GRANTED** contrary to officer recommendation, for the reasons that the risk of an extreme flooding event was minimal and that acceptable mitigation measures in relation to the evacuation of the premises had been and could be incorporated into the final Flood Risk Management Plan, that refusal of permission was not justified in relation to concerns over the safety of access and egress routes; and that there were clear regeneration and other benefits from the development which merit support for the application.

**6 APPLICATION NO. 11/2014/1188/PF - LAND TO REAR OF GLANDWR, CLOCAENOG, RUTHIN**

An application was submitted for erection of 2 no. detached dwellings at land to rear of Glandwr, Clocaenog, Ruthin.

**General Debate** – In response to questions from Councillor Meirick Davies officers explained that the comments submitted by Clocaenog Community Council had been judged as an objection to the application. Consequently the application had been submitted to the committee for determination. It was agreed that Councillor Davies discuss the procedure directly with officers outside of the meeting.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

**7 APPLICATION NO. 43/2016/0106/TP - 113 MELIDEN ROAD, PRESTATYN**

An application was submitted for removal of branches from Horse Chestnut tree (T2), felling of 1 no. sycamore tree and pollarding of 1 no. Cherry tree (Group G1) subject to Tree Preservation Order No. 3, 1985 at 113 Meliden Road, Prestatyn.

**General Debate** – Councillor Peter Evans (Local Member) acknowledged that the postal address for Meliden Road was Prestatyn but asked that, for clarity, future reports refer to those locations in the Meliden ward as ‘Meliden, Prestatyn’ as opposed to Meliden Road, Prestatyn. The Planning Officer agreed to take the matter up with the Mapping Team.

**Proposal** – Councillor Peter Evans advised that he had visited the site and was happy to propose the officer recommendation to grant the application which was seconded by Councillor Arwel Roberts.

**VOTE:**

GRANT – 17

REFUSE – 1

ABSTAIN – 0

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

**8 APPLICATION NO. 44/2016/0180/PF - 43 HEOL HENDRE, RHUDDLAN**

An application was submitted for erection of covered outdoor kitchen to side of dwelling at 43 Heol Hendre, Rhuddlan.

**General Debate** – Councillor Arwel Roberts (Local Member) noted the comments submitted by Rhuddlan Town Council and advised that he had taken no part in that debate. Having visited the site he had no objection to the application.

**Proposal** – Councillor Arwel Roberts proposed the officer recommendation to grant the application, seconded by Councillor Cefyn Williams.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

**9 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: CONSERVATION AND ENHANCEMENT OF BIODIVERSITY - CONSULTATION DOCUMENT**

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance (SPG) on Conservation and Enhancement of Biodiversity as a basis for public consultation. Councillor Smith reminded members of the different stages in the process before final adoption of SPG documents by the Planning Committee.

**Proposal** – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Huw Hilditch-Roberts.

**VOTE:**

FOR – 17

AGAINST – 1

ABSTAIN – 0

**RESOLVED** that members agree the draft Supplementary Planning Guidance on Conservation and Enhancement of Biodiversity, as attached at Appendix 1 to the report, for public consultation over a minimum of eight weeks.

**10 RENEWABLE ENERGY SUPPLEMENTARY PLANNING GUIDANCE - FOR ADOPTION**

Councillor David Smith, Lead Member for Public Realm submitted a report recommending adoption of the final Supplementary Planning Guidance (SPG) on Renewable Energy for use in the determination of planning applications.

An eight week consultation period had been carried out and a summary of the representations received together with the Council's response had been included as an appendix to the report. In responding to those representations a number of amendments had been proposed which had been highlighted in the final document.

During debate Councillor Joe Welch raised the following issues –

- referred to the Conwy & Denbighshire Landscape Sensitivity and Capacity Assessment (May 2013) which did not include details of the latest turbine consents – officers confirmed that the document had been included as an appendix for background information and that separate records were kept of all the consents and turbines that had been constructed
- thanked officers for taking into account the views of the Community Councils at paragraph 6.4.4 in terms of preferences for underground cables and where there was to be an overhead cable line further discussion should take place
- sought clarity within paragraph 6.7.1 regarding the decommissioning of redundant development – officers advised that each case would need to be considered on its own merits taking into account what was considered reasonable in the circumstances.

Councillor David Smith thanked the officers involved in the development of the SPG documents for all their hard work.

**Proposal** – Councillor Julian Thompson-Hill proposed the officer recommendations as detailed within the report, seconded by Councillor Joan Butterfield.

**VOTE:**

FOR – 16

AGAINST – 1

ABSTAIN – 1



***RESOLVED*** that members adopt the final Supplementary Planning Guidance on Renewable Energy attached as Appendix 1 to the report, with recommended changes, for use by applicants for planning submissions and for officers and members in the determination of planning applications.

Prior to the close of the meeting the Chair thanked members for their co-operation during the past council year and officers for their support. He also conveyed his best wishes to the Vice-Chair, Councillor Win Mullen-James for a speedy recovery.

The meeting concluded at 10.45 a.m.

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# Agenda Item 7

**WARD :** Aberwheeler

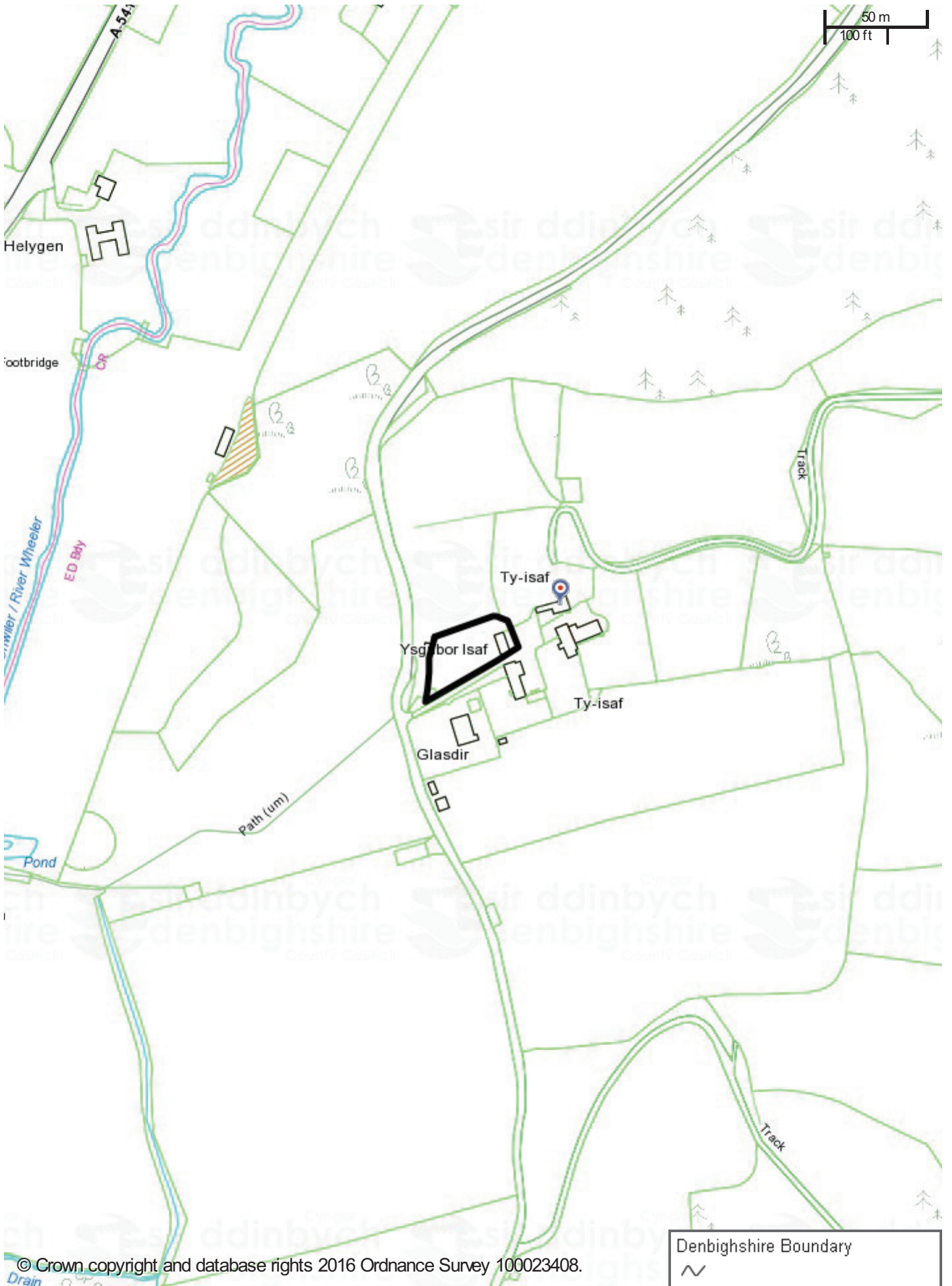
**WARD MEMBER(S):** Cllr Merfyn Parry

**APPLICATION NO:** 09/2016/0346/PF

**PROPOSAL:** Erection of extension to side and rear of dwelling (re-submission)

**LOCATION:** Ysgubor Isaf Bodfari Denbigh

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09/2016/0346

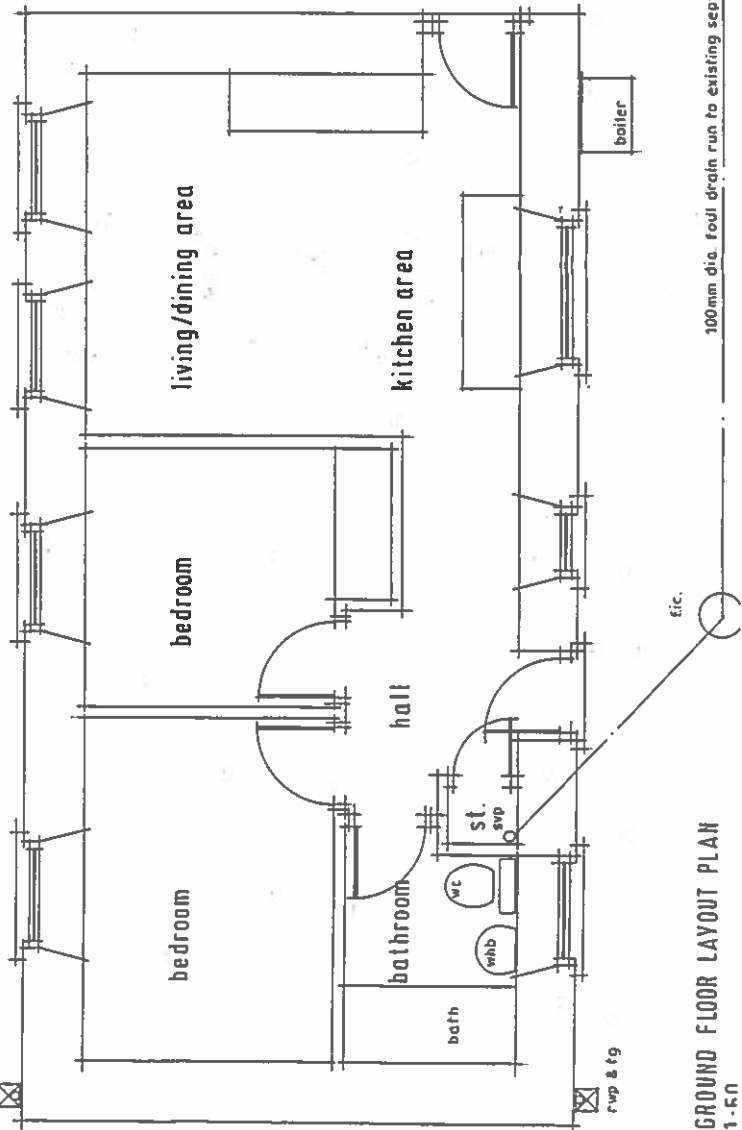
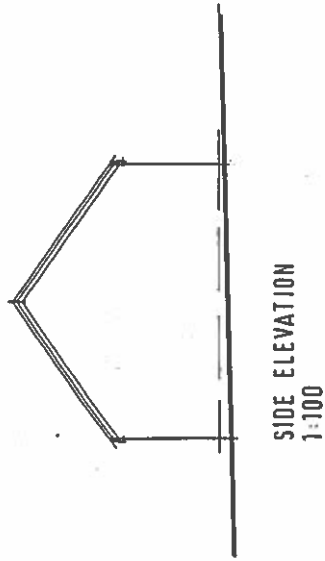
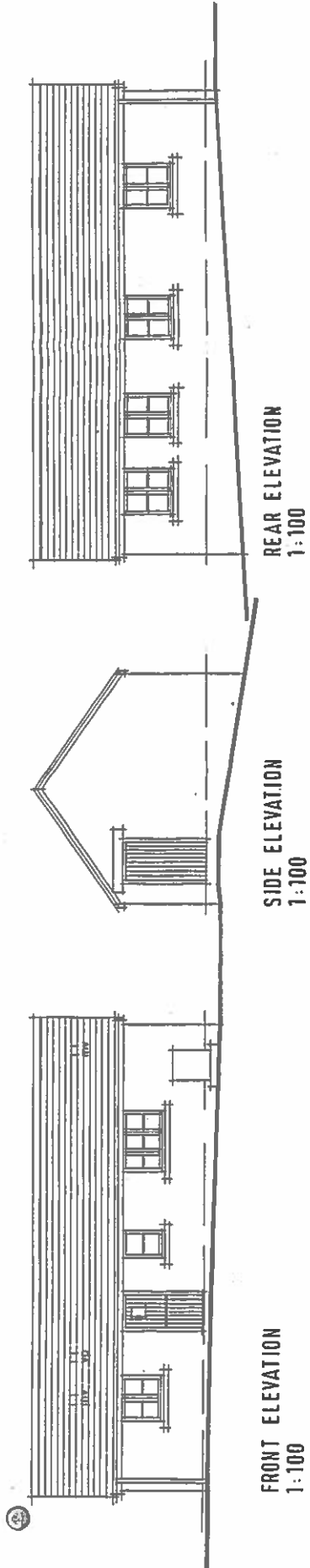
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Denbighshire Boundary  




# EXISTING PLAN & ELEVATIONS



RECEIVED  
- 7 APR 2016

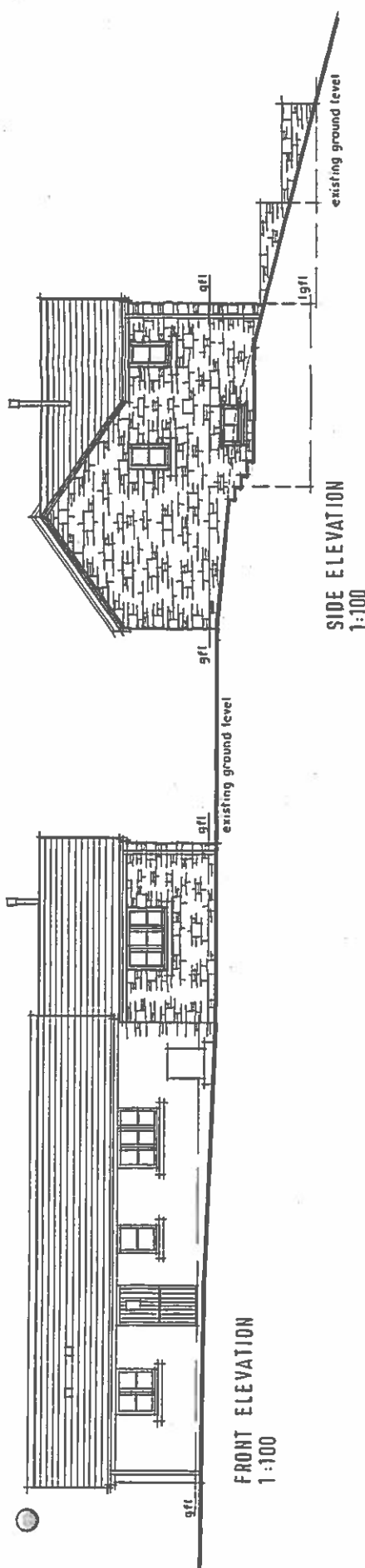
© COPYRIGHT ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.

<b>MATISCHOK &amp; ROSS</b> architectural services	
project title	VSCUBOR ISAF, BODFARI.
drawing title	Existing Floor Plan & Elevations
project no.	0575
drawing no.	5
revision	
date	12:01:16
scale	1:50, 1:100
drawn by	PM
Birch House, Hen Lea Parcway, Ruffin, Deepingchire, L115 1NA t: 01824 703 232 & 01824 707 171 e: mat@matischokross.co.uk w: www.matischokross.co.uk	

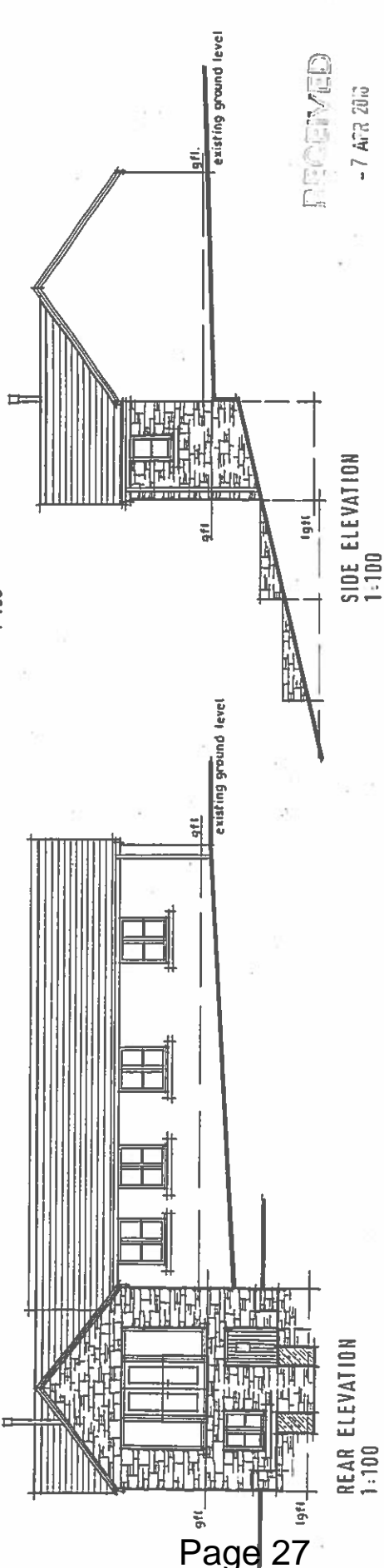




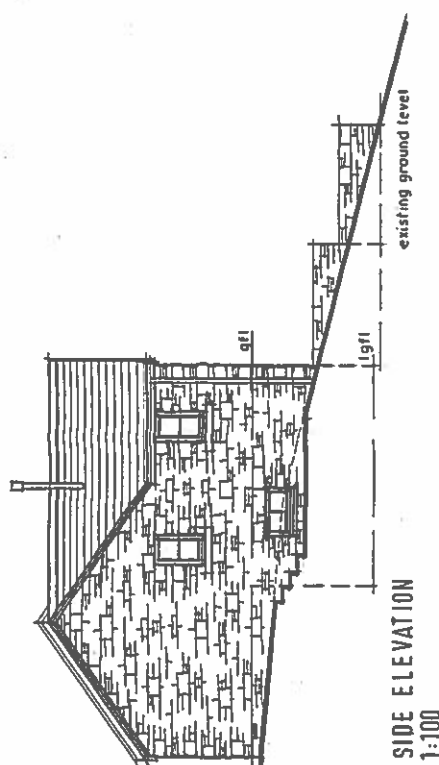
09 / 2016 // 0346 // P E



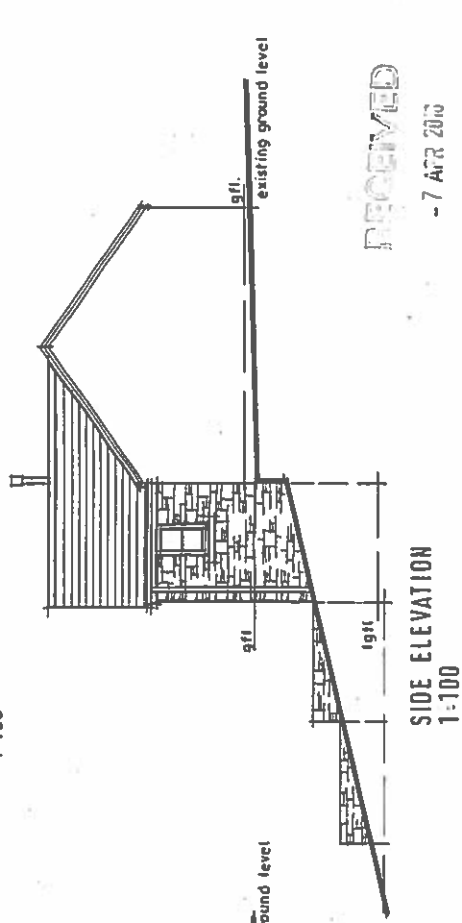
FRONT ELEVATION  
1:100



REAR ELEVATION  
1:100



SIDE ELEVATION  
1:100



SIDE ELEVATION  
1:100

**EXTERNAL MATERIALS - to match existing cladding**  
 Roof :: Natural blue/gray mineral slates with blue/gray clay angle ridge tiles.  
 Walls :: Natural local stone facing to all elevations.  
 Windows/External Doors :: Painted timber windows and external doors.  
 Fascia & Barge Boards :: Painted timber fascia & barge boards.  
 Rainwater Goods :: Black upvc gutters and down pipes.

RECEIVED  
- 7 APR 2016

# PROPOSED ELEVATIONS

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

**MATISCHOK & ROSS**  
architectural services

project title  
**VS GUBOR ISAF, BODFARI, DENBIGH.**

drawing title  
**Proposed Elevations.**

project no.	0575	revision	
drawing no.	11	scale	1:100
date	06:04:16	drawn by	PM

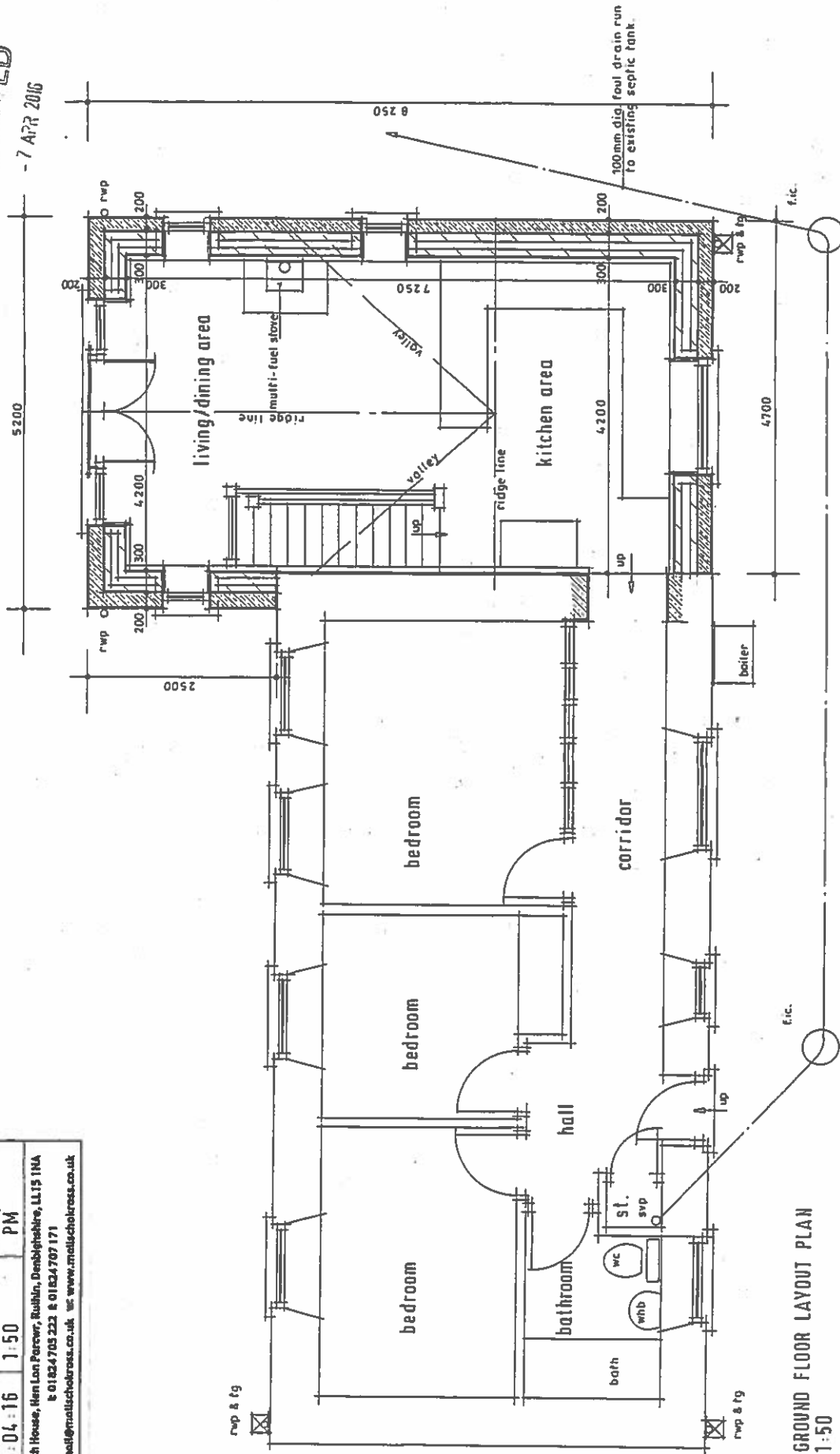
Branch House, Hen Lon Parcwr, Rubble, Denbighshire, LL15 1MA  
 t 01824 705 222 & 01824 707 171  
 e mail@matischokross.co.uk w www.matischokross.co.uk



# PROPOSED FLOOR PLAN

09/2016 #0346/PFF

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- 7 APR 2016



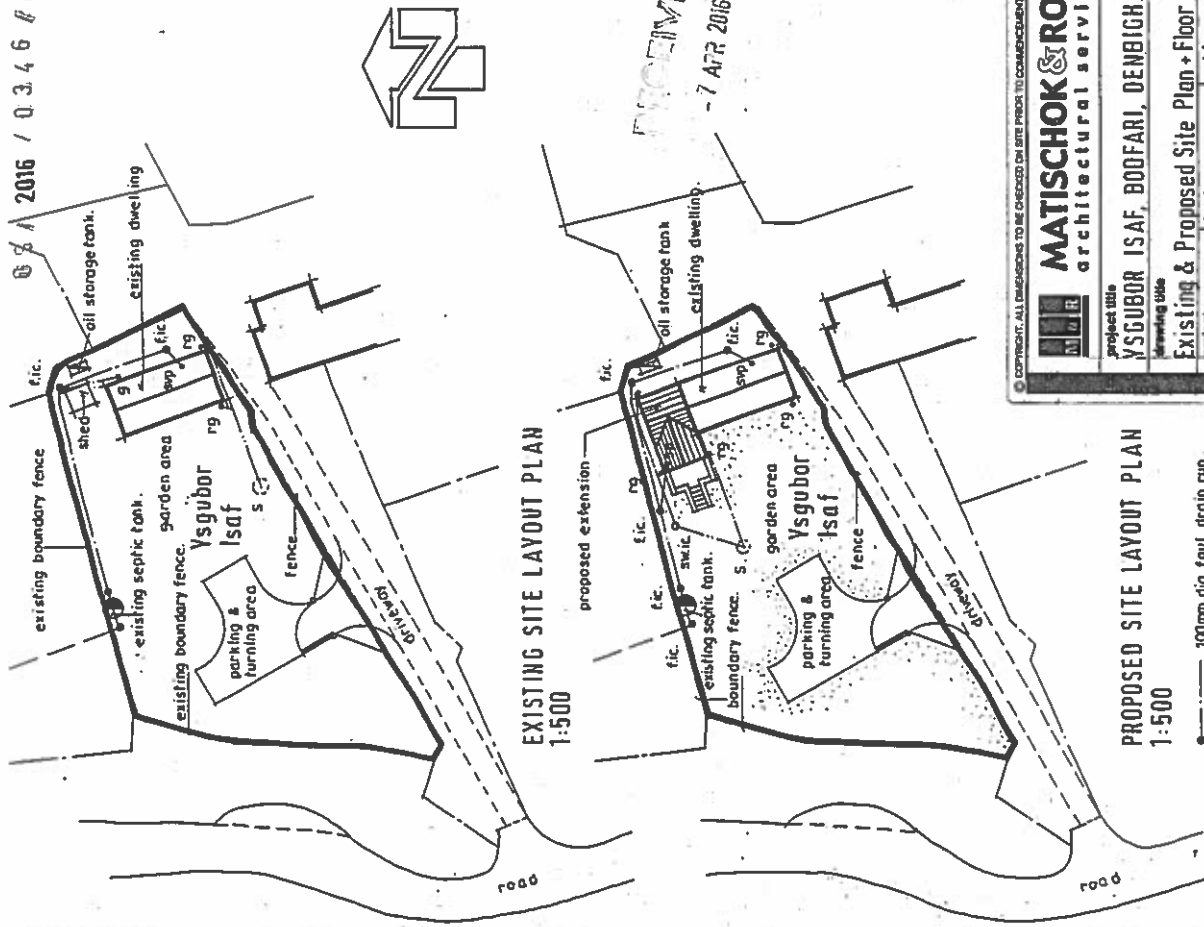
GROUND FLOOR LAYOUT PLAN  
1:50

<p><b>MATISCHOK &amp; ROSS</b> architectural services</p>			
<p>Project title <b>YSGUBOR ISAF, BODFARI.</b></p>			
<p>Drawing title <b>Proposed Floor Plan.</b></p>			
Project no.	Drawing no.	Revision	
0575	9		
Date	Scale	Drawn by	
05.04.16	1:50	PM	
<p>Birch House, Hen Lon Parcwr, Ruithin, Denbighshire, LL15 1NA t 01824 705 222 &amp; 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk</p>			



# SITE PLAN

08/04/2016 / 0.3.4.6 P P F



**MATISCHOK & ROSS**  
architectural services

Project title  
**YSGUBOR ISAF, BOOFARI, DENBIGH.**

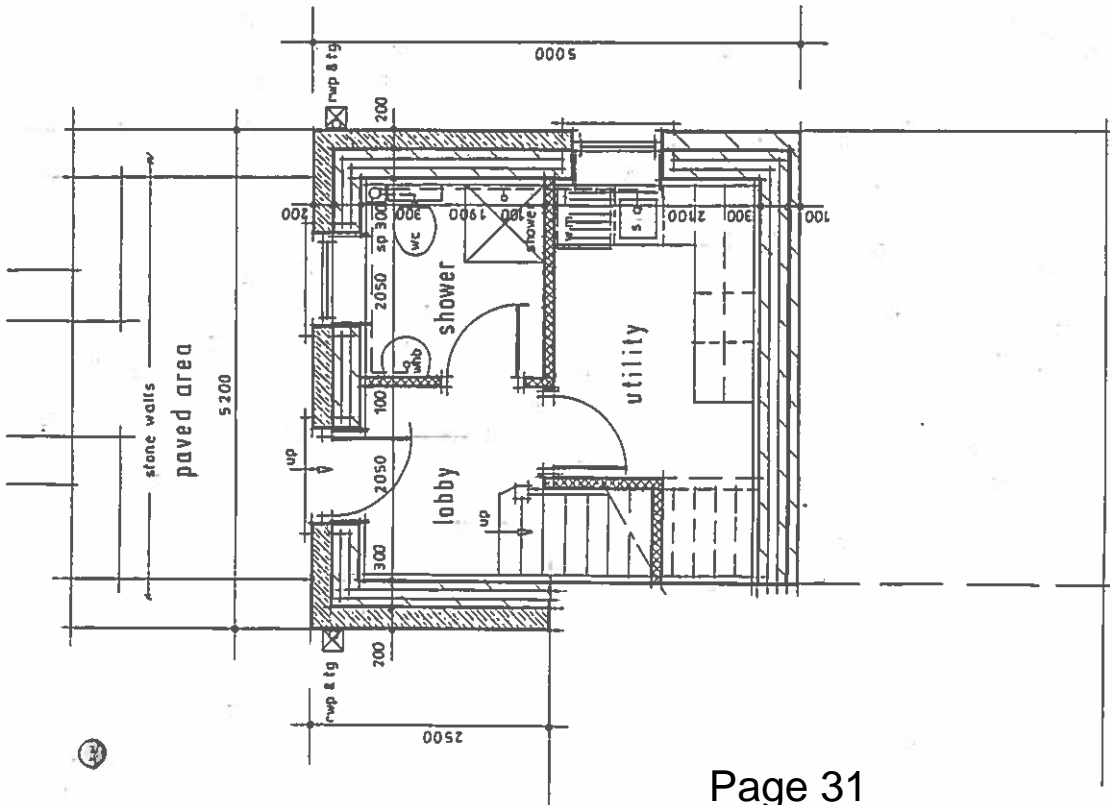
Drawing title  
**Existing & Proposed Site Plan + Floor Plan.**

Project no.	0575
Revision	10
Date	05/04/16
Scale	1:500, 1:50
Drawn by	PM

Arch House, Ilen Lon Parcwr, Ruthin, Denbighshire, LL15 1MA  
t 01824 705 233 e 01824 707 171  
m mail@matischokross.co.uk w www.matischokross.co.uk

PROPOSED SITE LAYOUT PLAN  
1:500

- 100mm dia. foul drain run.
- 100mm dia. surface water drain.
- ⊙ Sod & way construction.



LOWER GROUND FLOOR LAYOUT PLAN  
1:50



**WARD :** Aberwheeler

**WARD MEMBER(S):** Cllr Merfyn Parry

**APPLICATION NO:** 09/2016/0346/ PF

**PROPOSAL:** Erection of extension to side and rear of dwelling (re-submission)

**LOCATION:** Ysgubor Isaf Bodfari Denbigh

**APPLICANT:** Mr.Brian Jones

**CONSTRAINTS:** PROW  
AONB

**PUBLICITY UNDERTAKEN:** Site Notice - NoPress Notice - NoNeighbour letters - Yes

**CONSULTATION RESPONSES:**

ABERWHEELER COMMUNITY COUNCIL: No reply received at time of writing report.

CLWYDIAN RANGE AND DEE VALLEY AONB JAC: No reply received at time of writing report.

**RESPONSE TO PUBLICITY:** None.

**EXPIRY DATE OF APPLICATION:** 01/06/2016

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of an extension to a dwelling Ysgubor Isaf in Bodfari.
- 1.1.2 The extension is proposed on the northern side of the dwelling. It would project 4.7m to the north of the existing building and extend to some 8.25m in length (2.5m of which would be forward of the existing building line).
- 1.1.3 Although the existing dwelling is a single storey building, the proposed extension would be two storey, as the site would be excavated to accommodate a lower storey projecting forward of the existing building.
- 1.1.4 The extension would comprise of a kitchen and living area on the ground floor with a utility, shower and lobby/hall below.
- 1.1.5 As a result of the extension, the footprint of the dwelling will appear as an L shape (see plans on the front of the report).

1.2 Description of site and surroundings

- 1.2.1 The dwelling is located in the open countryside to the east of the village of Bodfari.
- 1.2.2 The dwelling is sited on the northern side of a small group of 5 houses accessed off a lane which runs between Aberwheeler and the A541 Mold Road.
- 1.2.3 The land slopes eastwards from the road up towards the dwelling.

1.2.4 Ysgubor Isaf is a single storey former outbuilding (it is believed to have been converted in the last couple of years). It is a very simple stone structure with a slate roof.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside the Development Boundary as defined by the Local Development Plan.

1.3.2 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

1.4 Relevant planning history

1.4.1 This application follows a previous refusal of permission in March 2016 for extensions. The main change is the reduction in size of the extension and the simplification of the fenestration pattern.

1.4.2 Planning permission was originally granted in February 2008 for the conversion of the outbuilding to a one bedroom residential unit.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 Cllr Merfyn Parry has requested this application be considered at Committee.

**2. DETAILS OF PLANNING HISTORY:**

2.1 09/2007/1056 Conversion of redundant outbuilding to dwelling. Granted 20 Feb 2008

2.2 09/2016/0064 Erection of extensions to side and rear of dwelling. Refused 09 March 2016 for the following reason:

*"It is the opinion of the Local Planning Authority that the proposed extension would, by virtue of its design, scale and location have an adverse impact on the character and appearance of the existing dwelling and the surrounding open countryside and AONB. Therefore the proposal is considered to be in conflict with criteria i) and criteria ii) of policy RD3 and VOE2 of the Denbighshire County Council Local Development Plan and advice contained within Planning Policy Wales paragraph 4.11.9 and Denbighshire SPG 1 - Extensions to Dwellings and SPG 24 - Householder Development Design Guide".*

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy RD 1 - Sustainable Development and Good Standard Design

Policy RD 3 - Extensions and Alterations to Dwellings

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

3.2 Supplementary Planning Guidance

Extensions to Dwellings

Householder Development Design Guide

3.3 Government Policy / Guidance

Planning Policy Wales Edition 8 (PPW)

**4. MAIN PLANNING CONSIDERATIONS:**

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



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

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

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

- 4.1.1 Principle
- 4.1.2 Visual Amenity and impact on the AONB
- 4.1.3 Impact on Residential Amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. SPG 1 and SPG 24 offer basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following sections.

4.2.2 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Local Development Plan Policy RD 3 requires that the scale and form of the proposed extension or alteration is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building. Local Development Plan Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation. SPG Extensions to Dwellings states that the scale and form of an extension is particularly important in the case of small rural properties with limited floorspace where proposals may come forward for large extensions which could dwarf the original. The SPG also states that extensions should not normally project excessively in front of the existing building. The Householder Design Guide SPG states that extensions should have windows and doors that are similar to the house in size, shape, design and proportion. Front extensions will not normally be acceptable except in special circumstances and should not dominate the house.

The extension is proposed to project by 2.5m in front of the original principal elevation and would have a lower floor level beneath the existing level of the dwelling. The extension will incorporate substantial glazing and a Juliet balcony to the front elevation and a stone terrace below. Owing to the site levels and the dwelling siting to the front of the group of houses, the dwelling is prominent within the group of when viewed from the road.

Although this is a revision to a previously refused scheme, Officers retain reservations about the design and detailing of this proposal, and have advised prospective

purchasers that it would be difficult to extend such a small unit of accommodation, when it was for sale previously. It is considered that there are still policy issues pertaining to the proposal, and that the design of the proposal, by virtue of the introduction of a new gable with lower floor, projecting forward of the principal elevation with French doors and a Juliet balcony would not respect the character and appearance of the existing dwelling. It is considered that the two storey scale and location of the proposed extension mean that the proposed extensions would be over-dominant and not subservient to the existing dwelling. The proposals in turn would have an unacceptable impact on the existing dwelling, and the site and surroundings. It is therefore considered that the proposal is contrary to the requirements of criteria i) and criteria ii) of Policy RD3, VOE 2 and advice contained within paragraph 4.11.9 of PPW and guidance set out in SPG 1 and SPG 24.

#### 4.2.3 Residential Amenity

Paragraph 3.1.7 of PPW 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. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity of the adjacent occupiers. The proposals therefore comply with the policies and guidance listed above relating to amenity.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1.1 Whilst Officers note that the existing building is small and acknowledge the applicants concerns that it does not meet their family requirements, the proposals have to be considered on their planning merits. It is the opinion of Officers that the proposal fails to comply with the relevant Local Development Plan policies and guidance relating to extensions and the AONB, it is therefore recommended for refusal.

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

The reason is :-

1. It is the opinion of the Local Planning Authority that the proposed extension would, by virtue of its design, scale and location have an adverse impact on the character and appearance of the existing dwelling and the surrounding open countryside and AONB. The proposal is considered to be in conflict with criteria i) and criteria ii) of policy RD3 and VOE2 of the Denbighshire County Council Local Development Plan, and advice contained within Planning Policy Wales paragraph 4.11.9 and Denbighshire SPG Extensions to Dwellings and SPG Householder Development Design Guide.

## NOTES TO APPLICANT:

None

# Agenda Item 8

**WARD :** Llanarmon yn Ial

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

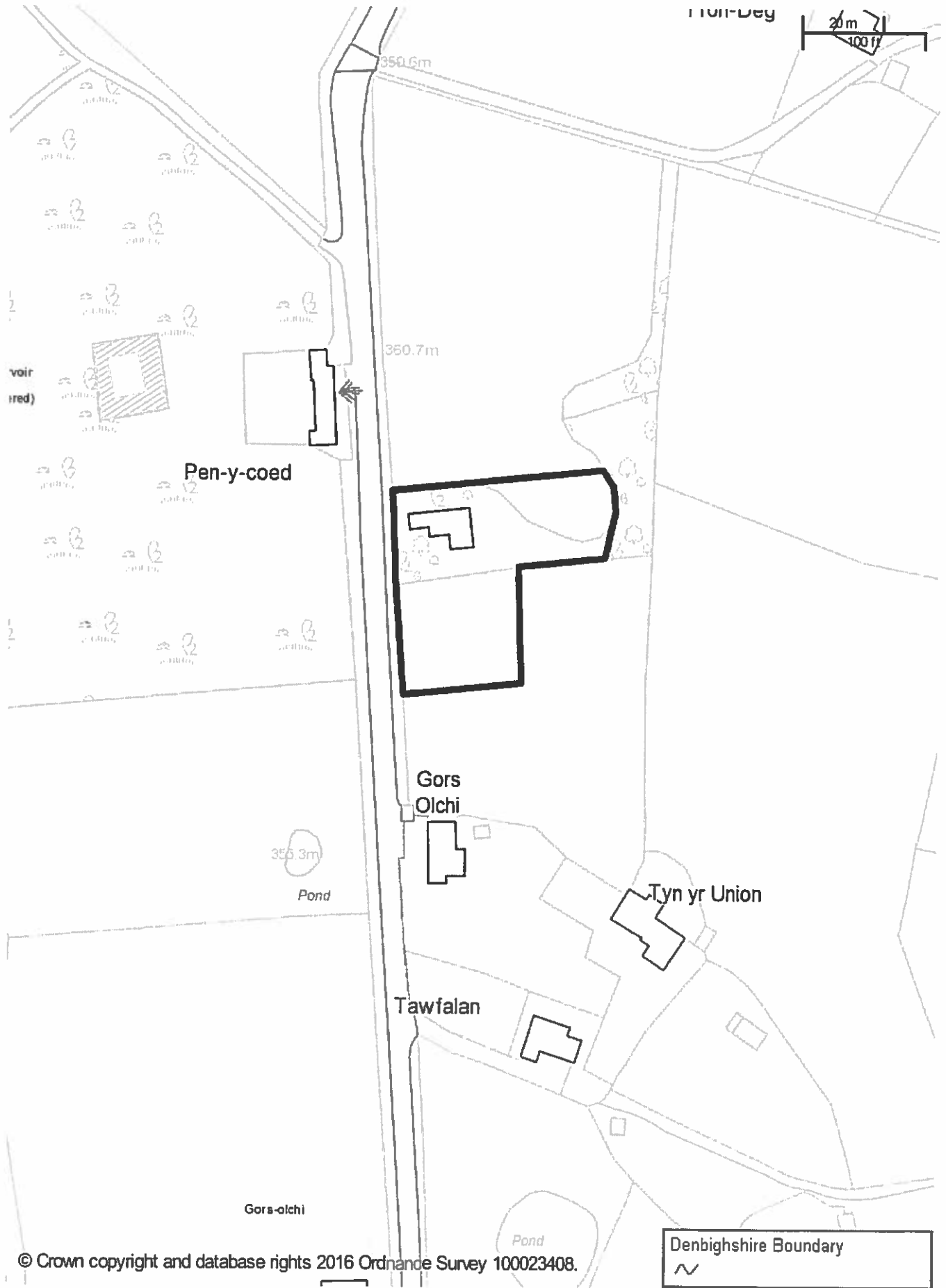
**APPLICATION NO:** 15/2016/0009/PF

**PROPOSAL:** Erection of replacement dwelling

**LOCATION:** Pen Y Coed Eryrys Mold

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15/2016/0009

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Denbighshire Boundary  
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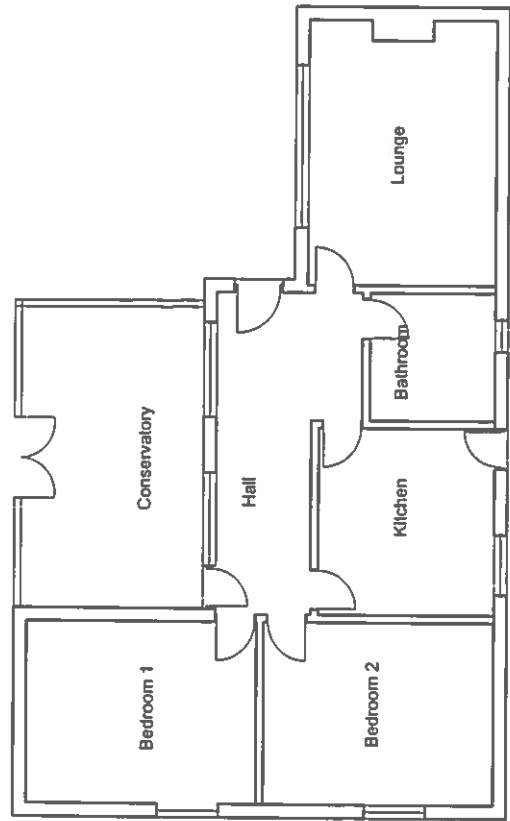
# EXISTING PLAN & ELEVATIONS

PROJECT & CLIENT  
 REPLACEMENT DWELLING @ PEN Y COED  
 ERYRYS FOR SHARON ROBINSON

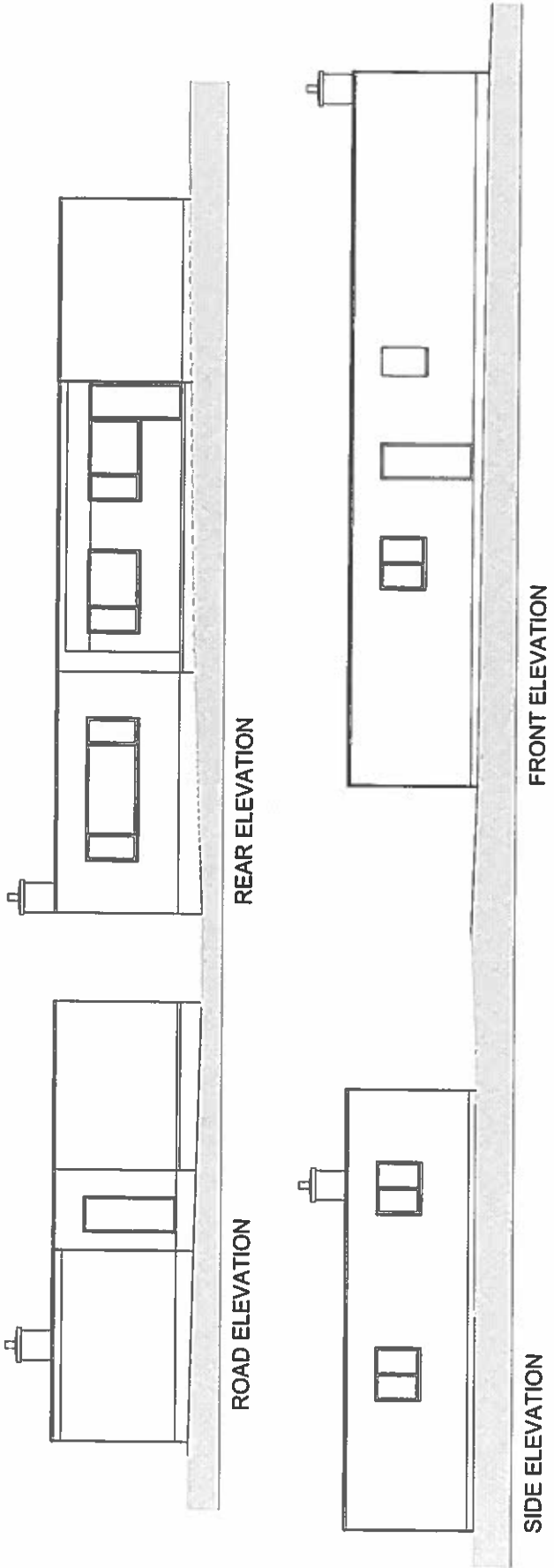


DWC TITLE EXISTING DWELLING PLANS AND ELEVATIONS		DWC No. 004	DATE 07-2015	REV -	SCALE 1/100
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Brian Lewis MCIAT  
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 Ruŷin, Denbighshire, LL15 2YL  
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EXISTING PLAN

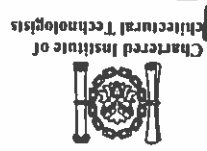






# PROPOSED ELEVATIONS

REPLACEMENT DWELLING @ PEN Y COED  
ERRYS FOR SHARON ROBINSON



Chartered Institute of  
Architectural Technologists

DWG. TITLE:  
PROPOSED ELEVATIONS

DWG. No: 003  
DATE: 07-2015  
REV: C  
SCALE: 1/100

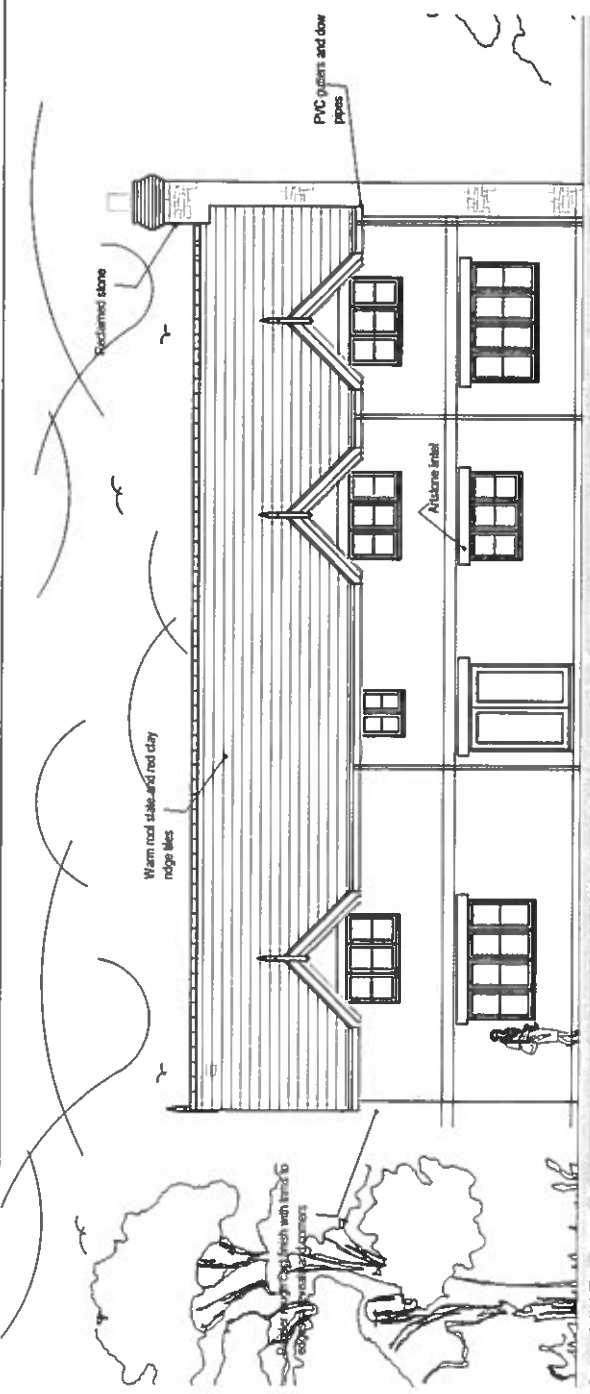
Brian Lewis MCIAT  
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PROJECT & CLIENT

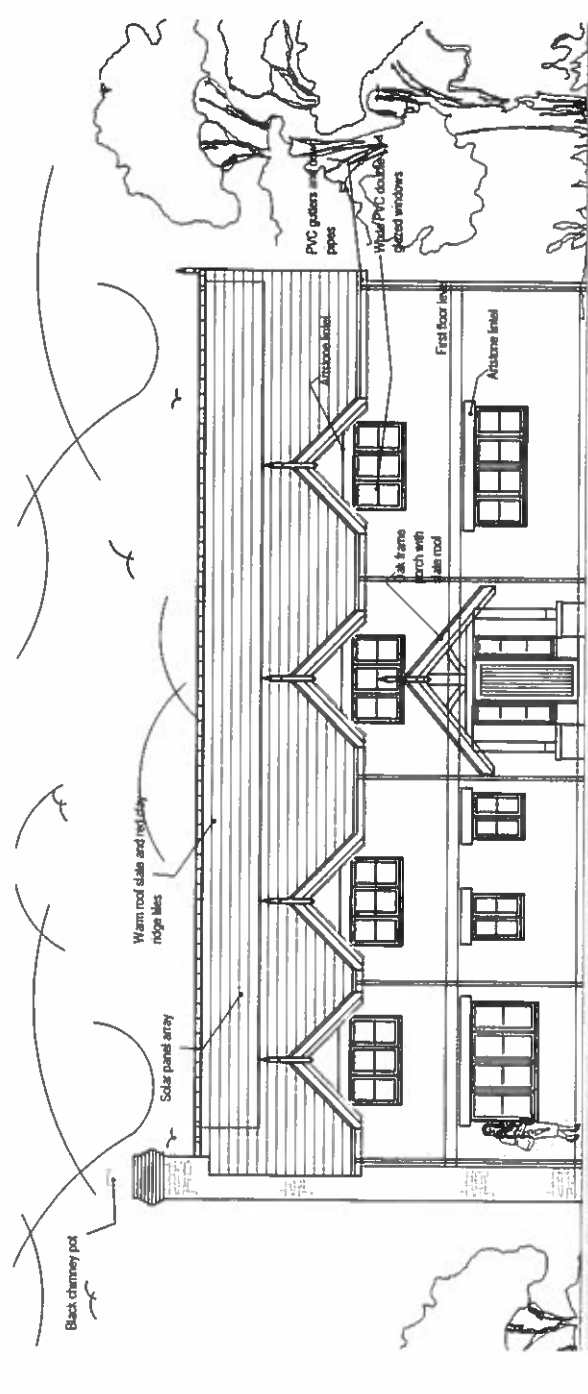
10/03/16 Rev.C  
After discussion with Planning officer :-  
Floor plan area reduced, ridge height reduced  
Brick arches over openings changed to stone lintels  
Dwelling relocated and rotated to face road on site



REAR ELEVATION



FRONT ELEVATION





# PROPOSED FLOOR PLANS

REPLACEMENT DWELLING @ PEN Y COED  
 ERYRYS FOR SHARON ROBINSON

Chartered Institute of  
 Architectural Technologists



DWG. TITLE:  
 FLOOR PLANS

DWG. No.: 001  
 DATE: 07-2015  
 REV: G  
 SCALE: 1/100

Brian Lewis MCIAT  
 Architectural Services

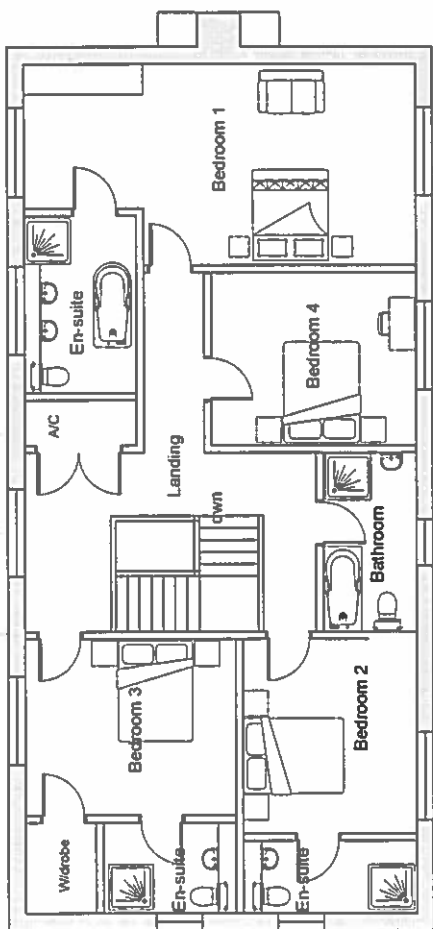
10 Parc y Lan, Lantfair DC,  
 Ruthin, Denbighshire, LL15 2YL  
 Tel. 01824 704725  
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PROJECT & CLIENT

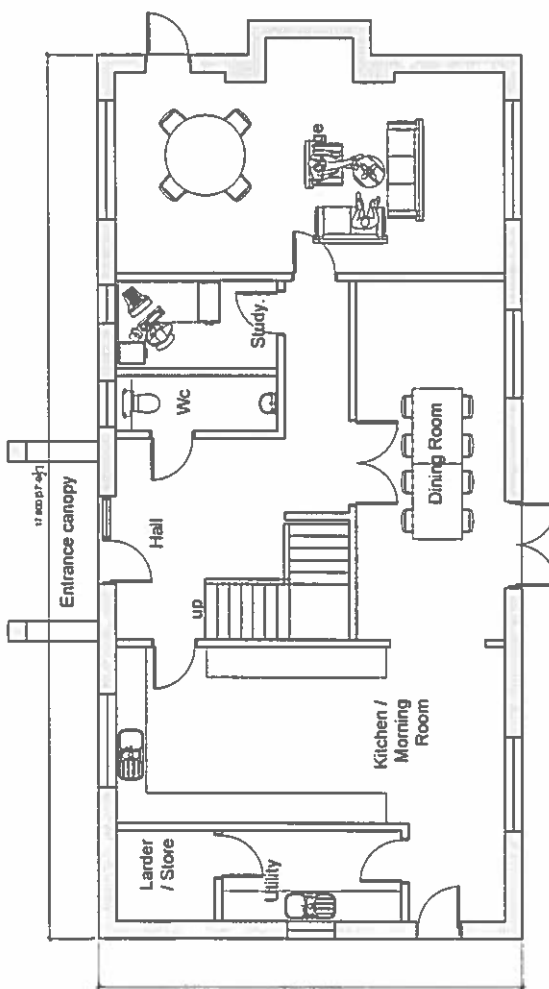
10/03/16 Rev. G  
 After discussion with Planning officer :-  
 Floor plan area reduced, ridge height reduced  
 Brick arches over openings changed to stone lintels  
 Dwelling relocated and rotated to face road on site



FIRST FLOOR PLAN



GROUND FLOOR PLAN





# SITE PLAN

REPLACEMENT DWELLING @ PEN Y COED  
ERRAYS FOR SHARON ROBINSON



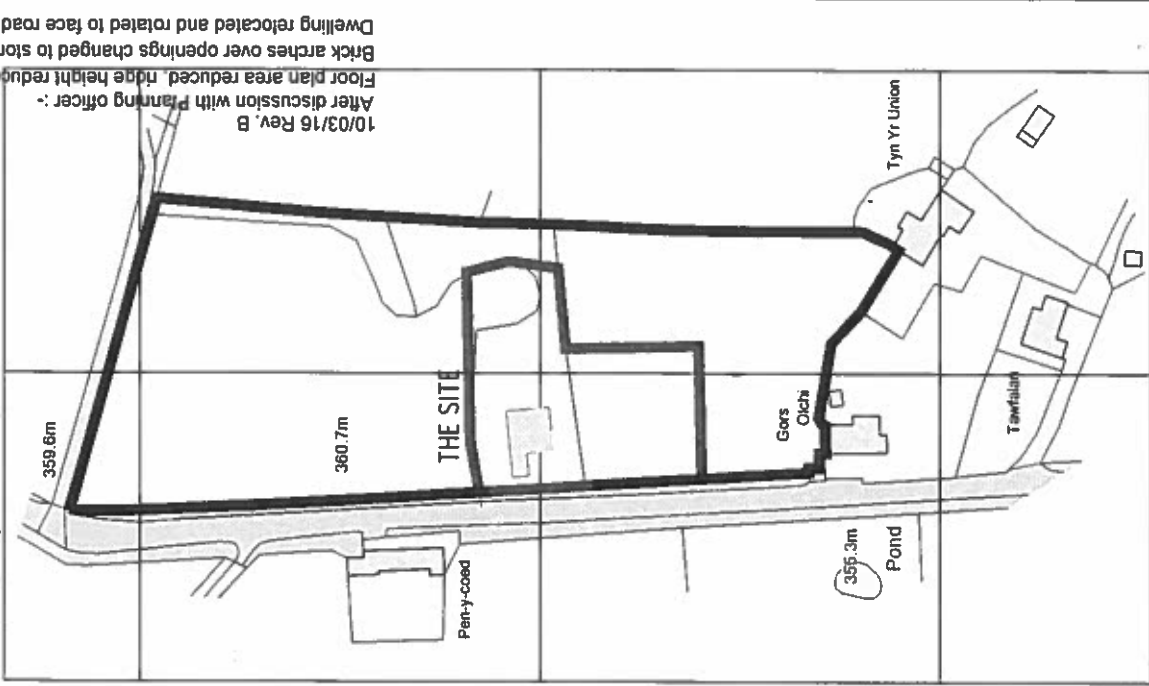
Chartered Institute of  
Architectural Technologists

DWG No: 005  
SITE AND LOCATION PLAN

DATE: 07-2015  
REV: B  
SCALE: 1/1250

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**AS EXISTING**

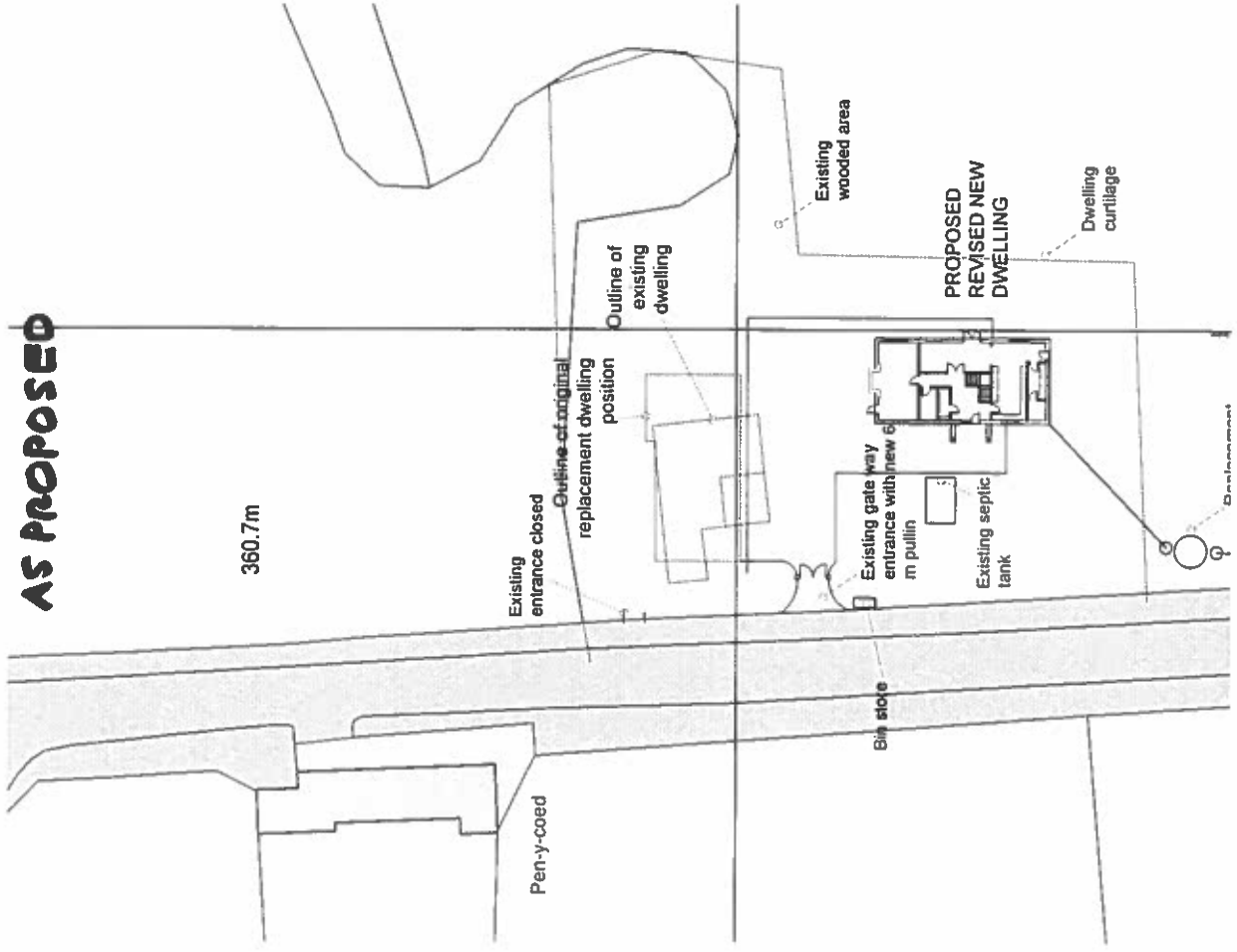


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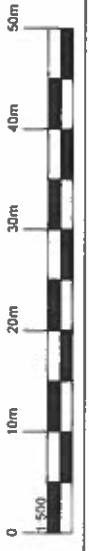
EXISTING LOCATION PLAN  
SCALE 1/1250



**AS PROPOSED**



PROPOSED SITE PLAN  
SCALE 1/500





**WARD :** Llanarmon yn Ial  
**WARD MEMBER(S):** Cllr Martyn Holland  
**APPLICATION NO:** 15/2016/0009/PF  
**PROPOSAL:** Erection of replacement dwelling  
**LOCATION:** Pen Y Coed Eryrys Mold  
**APPLICANT:** Mrs Sharon Robinson  
**CONSTRAINTS:** AONB  
**PUBLICITY UNDERTAKEN:** Site Notice – No  
Press Notice – No  
Neighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**LLANARMON YN IAL COMMUNITY COUNCIL:**

Response to initial consultation:

“Council felt the development was more than 50% bigger than original dwelling, and it contravened the regulations of not allowing gable end facing developments on the road side – as other properties have had to adhere to only 100 yards away. This site was originally two fields, and then hedges and boundaries were removed to form one site for development, before planning permission was asked for. This means the plot is now far bigger than the foot-print of the original plot. Not Supported.”

Response to re-consultation:

“Following our council meeting last 14th April, Llanarmon yn Ial Community Council, voted that they do not support the planning application 15/2016/0009 erection of replacement dwelling at Pen y Coed. Reasons given were:

The house has now been moved. This site was two fields - then just before planning was applied for all the hedges were ripped out to make one bit field- is this allowed? The new house is far bigger than 50% of the old - which has been demolished - before planning was even applied for. The good soil has already been scrapped away from a good growing field to now be a building site. The septic tank is too close to the road.”

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

““The committee accepts that following the grant of a certificate of lawfulness for the existing dwelling there is no objection in principle to replacing this substandard single-storey structure with a new dwelling or to the modestly defined residential curtilage. However, the committee is concerned about the scale, siting and design of the currently proposed replacement, which will have a much greater visual impact than the existing building. To mitigate impact the committee would suggest that a 1½ storey structure would be more appropriate in this setting. In addition, re-siting the dwelling further to the south would lower the ground floor level thus reducing the skyline impact on views from the both the north and south of the site. This would require a condition requiring demolition of the existing structure prior to occupation of the new dwelling.

The design and appearance could be further improved if the most prominent elevations were wholly faced in traditionally finished natural local stone in addition to the proposed stone chimney feature. Landscaping will also be important in mitigating impact, and the committee would suggest that a landscaping scheme incorporating the planting of new hedgerow boundaries with traditional native local species and gapping up existing hedges should be conditioned. This could include selective planting of indigenous native trees in the new hedgerow boundaries. Details of the treatment of the new access are also required, and the committee would suggest that any access splay walls should be traditionally finished natural local stone.

It is noted that no garage or other outbuildings are currently proposed, and the committee would recommend that a condition restricting permitted development rights should be imposed to control potential future overdevelopment of the site.”

#### NATURAL RESOURCES WALES

No objections, provided the measures detailed in the submitted ecological report are adhered to, there is unlikely to be an adverse impact upon the nearby SSSI, protected species or the environment.

#### DWR CYMRU / WELSH WATER

No objections

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer:

No objections subject to the imposition of conditions relating to the creation of the access and the laying out of the parking and turning area.

#### Ecologist

No objections, provided the suggested best practice mitigation measures relating to biodiversity are incorporated.

### **RESPONSE TO PUBLICITY:**

#### In objection

Representations received from:

Darren Pollard, Y Nyth, Bryn Awelon, Eryrys

Summary of planning based representations in objection:

Scale of proposals excessive. Orientation of dwelling is not acceptable.

#### Other comment

Representations received from:

Martin Boyett - Ty'n-yr-Union, Eryrys

Summary of planning based representations in support:

No objections, but brings attention to the presence of toads in the area.

### **EXPIRY DATE OF APPLICATION:**

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

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



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

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a replacement dwelling at Pen Y Coed, Eryrys.
- 1.1.2 The proposed dwelling would have a footprint of 17metres by 8 metres. The dwelling would be two storey with a ridge height of 7.5 metres. It is proposed to incorporate dormers to the front and rear elevations, and solar panels to the front elevation. The front elevation would feature an open oak porch with pitched roof.
- 1.1.3 The external walls would be finished with rough cast render, and the roof would be slate with red clay ridge tiles. Windows would be white upvc double glazing, and water goods would be upvc.
- 1.1.4 The proposed dwelling would be located approximately 10 metres south of the existing dwelling (which is to be demolished) and 40 metres north of the neighbouring dwelling, Gors Olchi. It would be set back from the highway by 17 metres.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located in open countryside, approximately 800 metres north of Eryrys on an unclassified road.
- 1.2.2 The dwelling proposed to be demolished is located at the northern end of the site, set back from the highway by approximately 4 metres. It is single storey in design, with a flat roof and a footprint of approximately 120m<sup>2</sup>. The dwelling is in a state of structural disrepair.
- 1.2.3 Existing development in the area is predominantly residential, and well dispersed along the road.
- 1.2.4 The site is generally flat along the roadside, with the rear of the site starting to gently rise up. The site was, until recently, grazing land, with overgrown scrub in some parts. However, the applicants have begun some site clearance.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 1.3.2 To the west of the site, the land is designated as a Site of Special Scientific Interest (SSSI).

#### 1.4 Relevant planning history

- 1.4.1 The use of the existing building as a dwelling was confirmed through the granting of a certificate of lawfulness for the existing use in 2014.

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

- 1.5.1 Following the initial objection of the Community Council, and the comments of the AONB Committee, the applicants have amended the site layout to locate the dwelling nearer existing development, and they have re-orientated the siting to face the dwelling onto the road, and reduced the scale of the proposal.

#### 1.6 Other relevant background information

1.6.1 None

## 2. DETAILS OF PLANNING HISTORY:

2.1 15/2014/1228/LE – Application for Certificate of Lawfulness for existing use as a dwelling.  
GRANTED 15/12/2014

## 3. RELEVANT POLICIES AND GUIDANCE:

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

**Policy RD4** – Replacement of existing dwellings  
**Policy VOE1** - Key areas of importance  
**Policy VOE2** – Area of Outstanding Natural Beauty  
**Policy ASA3** – Parking standards

3.1 Supplementary Planning Guidance  
**SPG 7 – Residential Space Standards**

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

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, 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 Use of building
- 4.1.3 Failings of existing dwelling: structural soundness/existing design/energy efficiency
- 4.1.4 Visual amenity/Impact upon AONB
- 4.1.5 Residential amenity
- 4.1.6 Highways (including access and parking)
- 4.1.7 Ecology

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
The scheme is for a replacement dwelling in the open countryside. LDP Policy RD4, Replacement of existing dwellings, allows for such replacements where it can be demonstrated that i) the building has legal use rights as a dwelling; and ii) the dwelling is not of local historical importance or makes a valuable contribution to the character of an area; and iii) the dwelling is structurally unsound, of a poor design, and inefficient in terms of energy and water.

It is considered that a proposal of this nature would be acceptable in principle subject to assessment of its impacts and compliance with the specific criteria of Policy RD4. These are set out in the following paragraphs.

#### 4.2.2 Use of building

The dwelling has not been lived in for a number of years, since the last occupant passed away. However, with regard to the 4 tests of abandonment, there is no evidence of a change of use, the building still has services and is in reasonable functional condition, there is no evidence of the intention to suggest the use has ceased. Based on these considerations, a certificate of Lawfulness for the existing use of the building as a dwelling was granted in 2014. The proposal therefore complies with test i) of Policy RD 4.

#### 4.2.3 Failings of existing dwelling: structural soundness/existing design/energy efficiency Policy RD 4 requires proposals for replacement dwellings to demonstrate that the existing dwelling is structurally unsound, of poor design, and inefficient in terms of energy consumption etc.

The current application includes a structural report which identifies a number of failings within the existing structure. A case has been constructed to suggest that the work required to correct the failings identified in the structural report would be tantamount to demolition and rebuild. In addition the application includes information on the quality of the shell of the dwelling in terms of energy efficiency. It concludes that the dwelling as currently stands is largely inefficient in terms of energy and water given the lack of insulation and cavity walls etc. The submitted design and access statement also details the functional and design shortcomings of the existing.

On the basis of the submitted details, and in the absence of any clear contradictory reports it is considered that the dwelling is sufficiently unsound, limited in design and inefficient in terms of water and energy to justify its demolition and replacement.

#### 4.2.4 Visual Amenity (including assessment of existing dwelling)

Policy RD4 allows the replacement of dwellings in the open countryside where the existing dwelling does not make a valuable contribution to the character of the area and is not of local historical importance. As the site is within an Area of Outstanding Natural Beauty (AONB), policy VOE 2 is also of relevance. Policy VOE 2 seeks to protect the AONB from development that would unacceptably harm the character and appearance of the landscape and the reasons for the designation as an AONB.

The proposed dwelling would have a footprint of 17metres by 8 metres. The dwelling would be two storey with a ridge height of 7.5 metres. It is proposed to incorporate dormers to the front and rear elevations, and solar panels to the front elevation. The front elevation would feature an open oak porch with pitched roof. The external walls of the dwelling would be finished with rough cast render, and the roof would be slate with red clay ridge tiles. Windows would be white upvc double glazing, and water goods would be upvc.

The existing building is of an unusual low single storey flat roof design. It is not considered that the existing building makes a valuable contribution to the character of the area, is not of local historical importance and is of a poor design.

The comments of the Community Council relating to the increase in scale and size of the replacement dwelling are respectfully acknowledged. The AONB committee have not raised an objection, although some recommendations were made in the initial response, including re-siting the dwelling to achieve a lower floor level. Some of these recommendations have been incorporated.

In considering the overall size and scale of the proposed dwelling, it is relevant that Policy RD 4 does not include criteria which requires replacement dwelling proposals to be similar in size, scale or appearance to the existing dwelling. Proposals for

replacement dwellings should therefore be assessed on whether the proposed design / detailing in itself would be harmful to the character and appearance of the area.

Having regard to the character of other development within the vicinity and the comments of the AONB committee, it is not considered that the proposal would appear out of character with the area, or detrimental to the Area of Outstanding Natural Beauty. The development would be further assimilated into the area through a scheme of suitable landscaping. It is considered reasonable to condition the submission and implementation of a landscaping plan. The proposed replacement is not considered likely to result in harm to the visual amenity of the area and is unlikely to undermine the intentions of the AONB designation. In Officers opinion, the proposal complies with adopted planning policies relating to visual amenity and replacement dwellings.

#### 4.2.5 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 site is in an isolated location with no immediate neighbours. The dwelling would be set within a large curtilage. The internal space of the dwelling more than adequately meets the requirements of SPG 7 (residential space standards).

In terms of residential amenity impacts, it is considered the proposal is acceptable.

#### 4.2.6 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 proposal utilises a new access and the closing of the original access, and includes parking and turning areas within the site. Accordingly, there are no objections from the Highway Officers. The proposal is considered acceptable in terms of highway impacts and access.

#### 4.2.7 Biodiversity / Ecology / Nature Conservation

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 been surveyed for the presence of protected species, including bats, badgers and newts. No evidence of any protected species was found. It has therefore been recommended in the biodiversity report that the development may proceed following best practice. NRW and the Council's biodiversity officer have not raised objection to the proposal.

It is considered that the proposal meets the requirements of VOE 1 and TAN 5.

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

5.1 It is considered with respect to the comments on the application that it complies with current planning policy, and merits support.

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

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. **PRE-COMMENCEMENT CONDITION**  
The access shall be laid out and constructed as shown on the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.
4. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
  - (f) proposed positions and designs of Great Crested Newt refugia.
5. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. 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 in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

5. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.

**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 9

**WARD :** Tremeirchion

**WARD MEMBER(S):** Cllr Barbara Smith

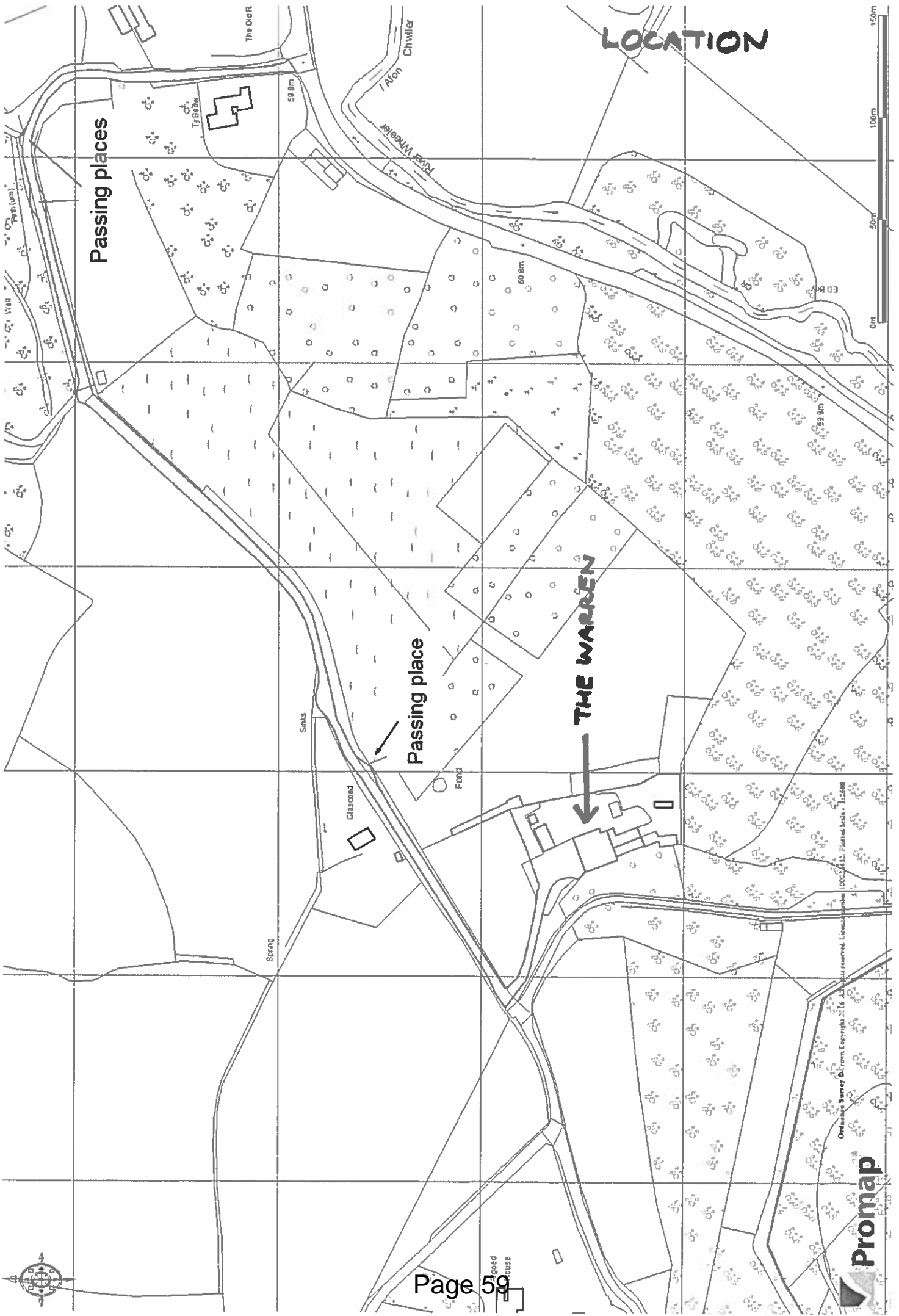
**APPLICATION NO:** 41/2015/1229/ PS

**PROPOSAL:** Removal of condition number 2(a) of planning permission 41/2010/1177/PF restricting woodland based education and training centre use to a maximum of 200 days in any calendar year

**LOCATION:** Warren Woods Ltd. The Warren Mold Road Bodfari Denbigh

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# LOCATION

Passing places

Passing place

THE WARREN



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**WARD :** Tremeirchion

**WARD MEMBER(S):** Cllr Barbara Smith

**APPLICATION NO:** 41/2015/1229/ PS

**PROPOSAL:** Removal of condition number 2(a) of planning permission 41/2010/1177/PF restricting woodland based education and training centre use to a maximum of 200 days in any calendar year

**LOCATION:** Warren Woods Ltd. The Warren Mold Road Bodfari Denbigh

**APPLICANT:** Mr Rod Waterfield Warren Woods Limited

**CONSTRAINTS:** AONB

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

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**BODFARI COMMUNITY COUNCIL**

“Bodfari Community Council recommend approval but note that as the original condition was set to allow the local authority to control highway safety and residential amenity, there remain unaddressed issues and that conditions should therefore still set a limit to the number of days and address these significant highway safety issue.”

**NATURAL RESOURCES WALES**

No objection.

**DWR CYMRU / WELSH WATER**

No objection.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

- Highways Officer

The case officer has indicated verbally that there are no objections. Planning conditions will be required to control access matters. These will be reported on the late information sheets.

Pollution Control Officer

No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

S. Rathbone, Argoed, Mold Road, Bodfari

Mr Dai Watkins, Lodge Farm, Bodfari

Michael R Berry, Ty Newydd Sodom, Bodfari

Elena Fowler - Glas Coed, off Mold Road, Bodfari

Councillor Gwladys Edwards - Ardugout, Tremeirchion Road, Bodfari

Anne a Medwyn Roberts, Swn yr Afon, Ffordd y Wyddgrug, Bodfari  
)Mr. & Mrs. Collins, 5, Llys Cerrig, St. Asaph  
L P Morton, 39, Oakthorne Grove, Heydock

Summary of planning based representations in objection:  
Highways safety- increased use of access onto B road unsafe, surrounding highway network poor/ narrow approach road, no need for passing places.  
Residential amenity- increased activity owing to increase in use of site.  
Visual impact- negative effect on the area and the AONB.

**EXPIRY DATE OF APPLICATION: 10/03/2016**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application proposes developments associated with an existing woodland business at Warren Woods, in Bodfari.
- 1.1.2 The proposal is for the removal of condition number 2(a) of planning permission 41/2010/1177/PF which restricts the use of the site for woodland based education and training centre to a maximum of 200 days in any calendar year.
- 1.1.3 Condition 2(a) reads:  
*No. 2 In relation to the woodland based education and training centre use:*  
*a. The use shall only be permitted to take place up to a maximum of 200 days in any calendar year.*  
The reason for this condition was:  
*In order that the local planning authority is able to retain control over the use of the woodland based education and training centre in the interest of highway safety and residential amenity.*
- 1.1.4 The application also includes plans showing the installation of three passing places on the minor road that links the site to the A541 road.
- 1.1.5 The Agent has advised that the removal of the condition would enable the use to expand from the existing 2 weekend and 2 weekday level.
- 1.1.6 The education and training centre is used by a range of people from school children to families, more recently the centre has been used by groups under the guise of 'social forestry', health and wellbeing courses in a woodland setting.
- 1.1.7 The application is supported by the following documents:
- Design and Access Statement, which refers to the relevant planning policies, site context and constraints, environmental sustainability, character, movement, community safety and access.
  - A Traffic Management Document which includes details of the Applicants intentions in relation to Highways improvement, the installation of the passing places and details of the Applicants intentions to carry out 'tree and hedge work' at the junction with A541.

**1.2 Description of site and surroundings**

- 1.2.1 Warren Woods is located in the open countryside some 1.5km to the north east of the village of Bodfari. Access is via a Class C minor county road which links to the A541

from two junctions 0.5 km apart (see plan at the front of the report).

- 1.2.2 The site comprises an open area of land to the north which is used as a caravan club site, and a group of buildings to the south, adjacent to woodland to the east. The site has been partly hard-cored and there is an earth bund on the lower northern side. There is some landscaping around the boundaries of the site and to the north of the group of buildings.
- 1.2.3 The nearest properties to the site are Glascoed to the north, Argoed House to the north west, and Warren House to the south (see plan).
- 1.2.4 In planning terms the use of site is mixed, comprising land used for woodland based education and training, forestry and a landscape contractors business.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, in the Clwydian Range and Dee Valley AONB.

### 1.4 Relevant planning history

- 1.4.1 The original planning permission for the site was granted at Planning Committee in 2003. This permission was for the use of the land for production of charcoal using a twin unit kiln and for associated bagging and storing of charcoal; for the cutting, bagging and storage of fuel wood (e.g. logs, kinder); production of coppice craft goods, retention of the earth bund, erection of a polytunnel (involving engineering operations to level sloping ground). The application also referred to using the land as a tree nursery and providing woodland education services and a landscape contractors business.
- 1.4.2 As the use of the site developed a subsequent planning permission was made in 2010 for a more formal training space. Planning Committee granted permission for the erection of a classroom, installation of new septic tank, continuation of use for woodland based education and training centre for up to 200 days per year and the retention of 2 'forest school' structures in the woodland. It is understood that this use of this building started on completion of the build in 2013.
- 1.4.3 There is currently another application being considered (at this Committee) for an additional classroom building on the site (application 41/2016/0027). That application also shows the creation of the three passing places on the minor road.

### 1.1 Developments/changes since the original submission

- 1.1.1 Following concerns raised by Highways Officers, the application has been amended to include the creation of the passing places on the minor road serving the site.

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

- 2.1 41/2002/0808 - Retention of hardstanding, and earth bund and continued use of land for mixed forestry-related uses incorporating storage of machinery/materials in connection with Landscape Contractor's business, timber storage, cutting, bagging & storage of fuelwood, charcoal production, tree nursery, coppice crafts, and woodland-based education and training. Erection of polytunnel. (Retrospective application). GRANTED 23/04/2003
- 2.2 41/2010/ Erection of a detached building to provide classroom, office, kitchen and WC and installation of new septic tank; and retention of use for woodland based education and training centre for up to 200 days per year and 2 no. forest school structures in woodland known as The Warren. GRANTED 16/06/2011

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

The main planning policies and guidance are considered to be:

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

**Policy PSE5** – Rural economy

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

**Policy ASA3** – Parking standards

### 3.1 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities

## 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 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site lies outside any development boundary. Local Development Plan 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.

Welsh Government Guidance in TAN6 encourages the development of appropriate scale woodland-based enterprise that adds to rural diversification. Section 7.3 of Planning Policy Wales seeks to promote diversification in the rural economy, and offers in principle support for suitable small scale enterprises, and the expansion of existing businesses located in the open Countryside provided there are no unacceptable impacts on local amenity.

The proposal is for the removal of condition number 2(a) of planning permission 41/2010/1177/PF which restricts the use of the site for woodland based education and training centre to a maximum of 200 days in any calendar year. The reason this condition was attached related to highways safety and amenity impacts. The highway and amenity issues are reviewed in the following sections of the report.

4.2.2 Residential amenity

Paragraph 3.1.7 of PPW 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. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The documentation submitted with the application states that the removal of the condition is sought to allow for the expansion of the “social forestry” element of the use. Courses are proposed to be run every day between the hours of 08.00 and 17.00. The nearest dwellings are Glascoed to the north of the site on the opposite side of the minor Road, and Argoed House to the north west. There is some screening along the boundary and two bunds partially obscure views to the buildings on site.

Public Protection Officers have raised no objection to the proposal as there are conditions on the original planning permission relating to noise which are still in place. Concerns have been raised by neighbours and the Community Council over increased activity on the site.

With respect to the concerns from the Community Council and private individuals, owing to the separation distances and nature of the use, it is not considered that the removal of the condition would give rise to significant impacts on the amenity of adjacent occupiers. With the existing noise controls in place it would be difficult to justify opposing the proposal based solely on noise issues. It is considered there would be no policy conflicts as a result of the development.

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

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 relating to consideration of highways safety and transport implications of development proposals.

Access to the site would be from the existing entrance and driveway from the minor road. Three passing places are proposed to be created on the minor road to improve access. There is onsite parking for 13 cars (including one disabled space) and a minibus. The applicant has also provided details of his intentions to carry out tree work at the A541 junction.

Concerns have been raised by the Community Council, AONB JAC and neighbours over the highways safety implications of the removal of the condition. The woodland based education and training centre has been operating since 2010 (when the Social Enterprise was created).

Highways Officers in their assessment of the application and having checked records, there have been no reported highway related problems arising from the Woodland Skills Centre, and no reported accidents at the Junction with the A541 Mold Road. Based on the vehicle movements indicated and the improvements proposed to the highway network leading to the site, Highway Officers have raised no objection to the proposal, subject to suitable conditions. Hence it is not considered that the proposal conflicts with the highways considerations of Policy ASA 3 or PPW.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 Although there are local concerns over this proposal and further developments on the site, Officers' view is that the proposal does not raise significant policy issues, and therefore. Therefore it is recommended for grant, subject to suitable conditions.

**RECOMMENDATION: Grant deletion of Condition 2 (a) of 41/2010/1177**

### NOTES TO APPLICANT:

**Planning Conditions/History:**

You are reminded that this decision relates solely to the deletion of condition 2a of planning permission 41/2010/1177 and that the conditions on this permission and relevant previous consents still apply at the site.



# Agenda Item 10

**WARD :** Tremeirchion

**WARD MEMBER(S):** Cllr Barbara Smith

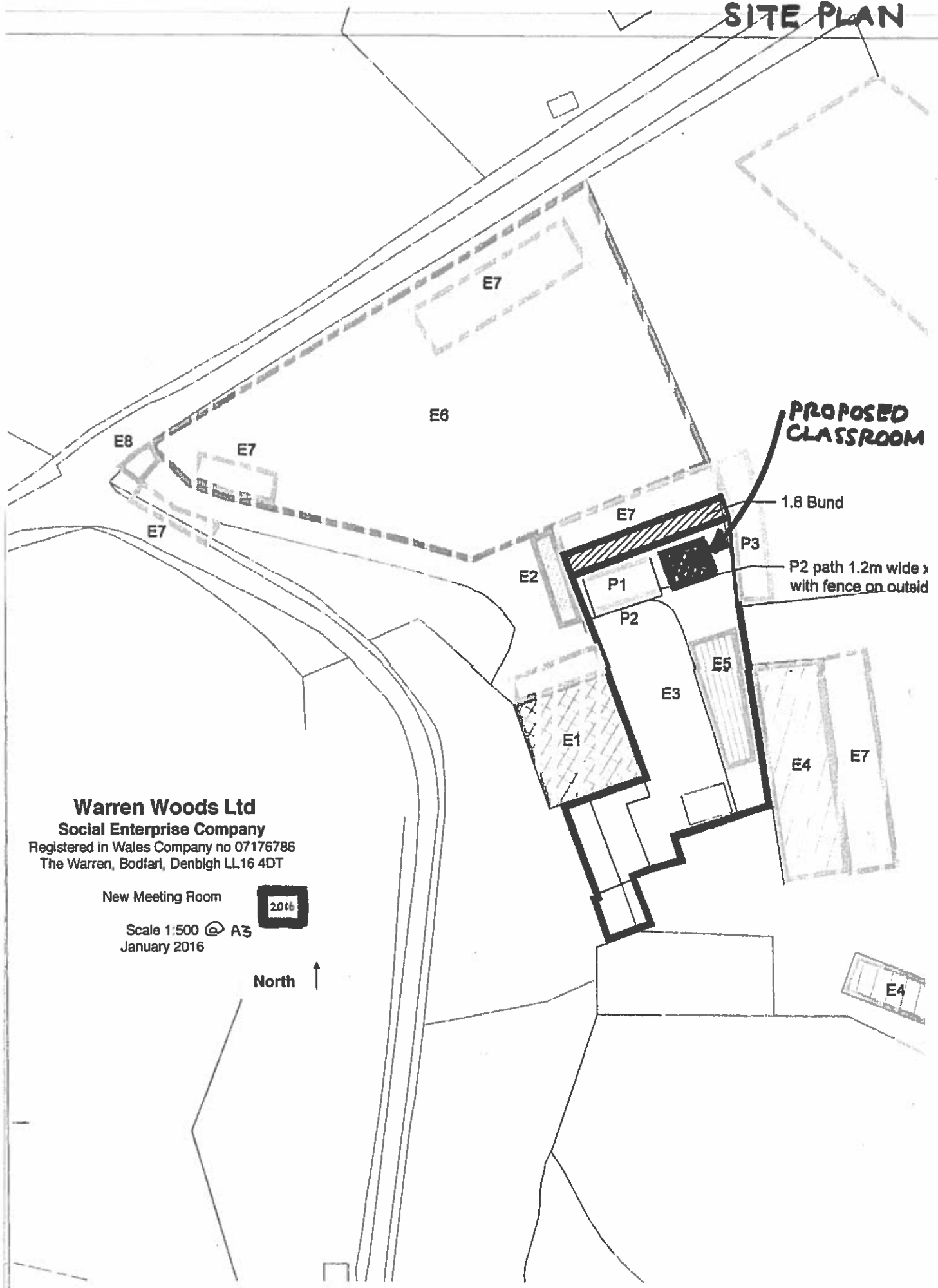
**APPLICATION NO:** 41/2016/0027/ PF

**PROPOSAL:** Erection of classroom, store, wc and creation of passing places

**LOCATION:** The Warren Mold Road Bodfari Denbigh

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# SITE PLAN



**PROPOSED CLASSROOM**

1.8 Bund

P2 path 1.2m wide with fence on outside

**Warren Woods Ltd**  
**Social Enterprise Company**  
Registered in Wales Company no 07176786  
The Warren, Bodfari, Denbigh LL16 4DT

New Meeting Room



Scale 1:500 @ A3  
January 2016

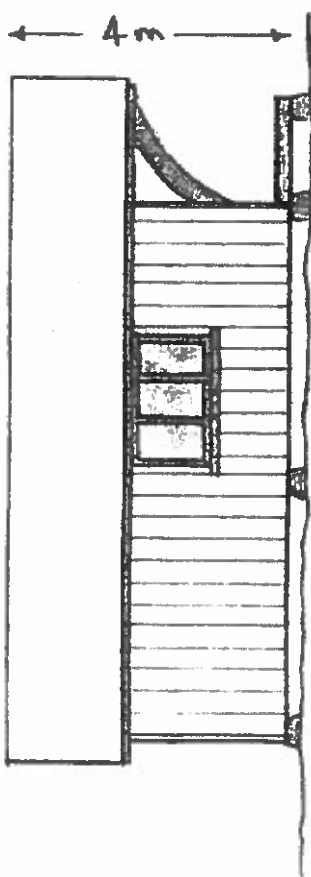
North ↑

Proposed Site Plan

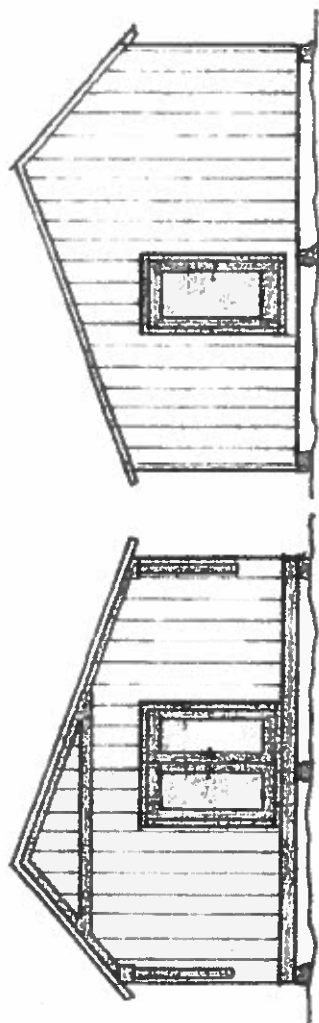


PROPOSED NEW CLASSROOM  
 AT: THE WARREN, BODFARI.  
 NOVEMBER 2015

**RON SMITH**  
 Traditional Oak Buildings  
 Rhewl Fach, Ffrion, Denbigh LL16 4TS

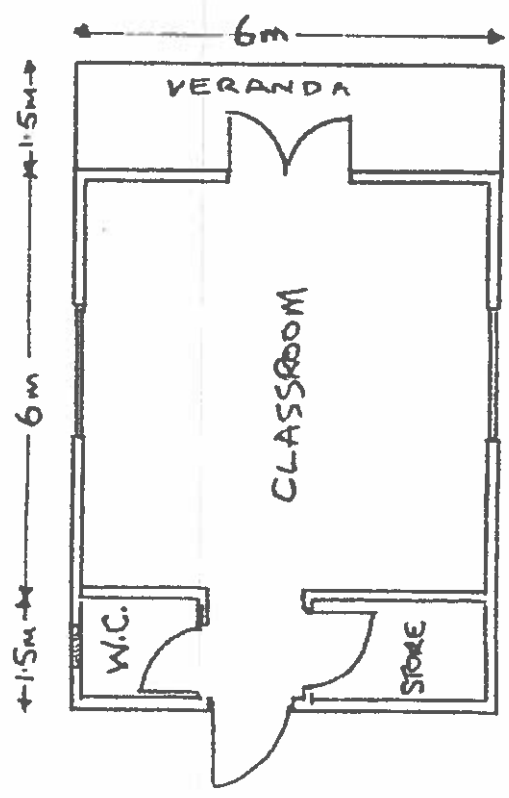


FRONT ELEVATION

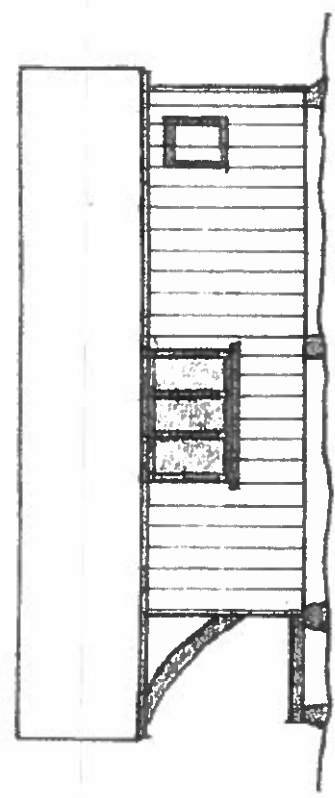


END ELEVATION

END ELEVATION



PLAN



REAR ELEVATION

SCALE 1:150

PLANS & ELEVATIONS



**WARD :** Tremeirchion

**WARD MEMBER(S):** Cllr Barbara Smith

**APPLICATION NO:** 41/2016/0027/ PF

**PROPOSAL:** Erection of classroom, store, wc and creation of passing places

**LOCATION:** The Warren Mold Road Bodfari Denbigh

**APPLICANT:** Mr Rod WaterfieldWarren Woods Limited

**CONSTRAINTS:** AONB

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

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**BODFARI COMMUNITY COUNCIL**

“Bodfari Community Council recommend refusal of this application as there remain unaddressed significant highway safety and residential amenity issues, and there is also concern at the continuing proliferation of buildings on this site in an AONB”.

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY**

**JOINT ADVISORY COMMITTEE**

“The Joint Committee supports the work of Warren Woods Ltd to develop traditional woodland skills, promote positive woodland management and to enhance woodland access for disadvantaged groups.

The siting, design and proposed materials for the new building will present the appearance of a modest extension to the existing classroom and, in this context, will not have a significantly greater visual impact than the existing complex of buildings and structures on the site. However, given the sensitivity of the site and its limited capacity to accommodate additional development, the committee is of the opinion that any future proposals to intensify the use or further expand the building complex should be looked at very critically. In addition, the committee would recommend a condition requiring the building to be removed and the land reinstated to its original state should the educational use cease.

The committee has previously expressed concerns about the appropriateness of the surrounding highway network to support a large scale operation at this site. Supporting information submitted with the current planning application and the associated application (Code No 41/2015/1229) to remove the 200 day restriction on operations states that the majority of users will access the site via mini-bus which will minimise additional traffic. On this basis, and subject to the Highway Authority being satisfied with the access arrangements, the Joint Committee has no objection to the proposals. However, it is suggested that a traffic management plan should be prepared to assist in managing access to and from the site.”

NATURAL RESOURCES WALES  
No reply received at time of report writing.

DWR CYMRU / WELSH WATER  
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Head of Highways and Infrastructure  
- Highways Officer  
The case officer has indicated verbally that there are no objections. Planning conditions will be required to control access matters. These will be reported on the late information sheet.

Pollution Control Officer  
No objection.

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

##### In objection

Representations received from:

Jill Ainsworth, The Rose Gardens, Bodfari  
Mr & Mrs Collins - 5 Llys Cerrig, St Asaph  
Mr & Mrs G. McKee, Waen Rodyn House, Bodfari  
D. Watkins, Lodge Farm, Off Mold Road, Bodfari  
Dr. A. Fowler, Glas Coed, Bodfari  
E. Fowler, Glas Coed, off Mold Road, Bodfari  
Mrs Gwladys Edwards, Ardugout, Tremeirchion Road, Bodfari  
Jill Ainsworth, The Rose Gardens, Bodfari  
Mr & Mrs Collins, 5 Llys Cerrig

Summary of planning based representations in objection:  
Highways safety- increased use of access onto B road unsafe, surrounding highway network poor/ narrow approach road, no need for passing places.  
Residential amenity- increased activity owing to increase in use of site.  
Visual impact- negative effect on the area and the AONB.

**EXPIRY DATE OF APPLICATION: 10/03/2016**

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

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

#### **PLANNING ASSESSMENT:**

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

###### 1.1 Summary of proposals

- 1.1.1 The application proposes developments associated with an existing woodland business at Warren Woods, in Bodfari.
- 1.1.2 The proposal is for the erection of a building (which includes a classroom/teaching space, store and WC) and the creation of passing places on the adjacent highway.
- 1.1.3 The classroom building would be sited to the east of the existing classroom (there would be 1.2 metres between the two buildings). Measuring 7.5 metres by 6 metres, it would have an overall height of 4 metres. It would be a timber frame construction, clad in Larch with a box profile sheet roof.



- 1.1.4 The application also includes the creation of 3 passing places on the minor road between Warren Woods and the A541, and access improvements at the access of the centre off the minor road.
- 1.1.5 The Agent has advised that the classroom would enhance the existing woodland based education and training element of the use. The education and training centre is used by a range of people from school children to families. More recently the centre has been used by groups under the guise of 'social forestry', health and wellbeing courses in a woodland setting.
- 1.1.6 The application is supported by the following documents:
- Design and Access Statement, which refers to the relevant planning policies, site context and constraints, environmental sustainability, character, movement, community safety and access.
  - A Traffic Management Document which includes details of the Applicant's intentions in relation to Highways improvements, the installation of the passing places and details of the Applicant's intentions to carry out 'tree and hedge work' at the junction with A541.
  - Letters of support from two Denbighshire Social Services Officers stating they support the proposals and they utilise the services of the Woodland School.

## 1.2 Description of site and surroundings

- 1.2.1 Warren Woods is located in the open countryside some 1.5km to the north east of the village of Bodfari. Access is via a Class C minor county road which links to the A541 from two junctions 0.5 km apart (see plan at the front of the report).
- 1.2.2 The site comprises an open area of land to the north which is used as a caravan club site, and a group of buildings to the south, adjacent to woodland to the east. The site has been partly hard-cored and there is an earth bund on the lower northern side. There is some landscaping around the boundaries of the site and to the north of the group of buildings.
- 1.2.3 The nearest properties to the site are Glascoed to the north, Argoed House to the north west, and Warren House to the south (see plan).
- 1.2.4 In planning terms the use of site is mixed, comprising land used for woodland based education and training, forestry and a landscape contractors business.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, in the Clwydian Range and Dee Valley AONB.

## 1.4 Relevant planning history

- 1.4.1 The original planning permission for the site was granted at Planning Committee in 2003. This permission was for the use of the land for production of charcoal using a twin unit kiln and for associated bagging and storing of charcoal; for the cutting, bagging and storage of fuel wood (e.g. logs, kinder); production of coppice craft goods, retention of the earth bund, erection of a polytunnel (involving engineering operations to level sloping ground). The application also referred to using the land as a tree nursery and providing woodland education services and a landscape contractors business.

1.4.2 As the use of the site developed, a subsequent planning permission was made in 2010 for a more formal training space. Planning Committee granted permission for the erection of a classroom, installation of new septic tank, continuation of use for woodland based education and training centre for up to 200 days per year and the retention of 2 'forest school' structures in the woodland. It is understood that this use of this building started on completion of the building in 2013.

1.4.3 There is currently another application being considered (at this Committee) to remove the condition attached to the 2010 application which limited the number of days woodland based training courses could run on the site.

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

1.5.1 Following concerns raised by Highways Officers, the application was amended to include the creation of the passing places on the minor road serving the site.

#### 1.6 Other relevant background information

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

2.1 41/2002/0808 - Retention of hardstanding, and earth bund and continued use of land for mixed forestry-related uses incorporating storage of machinery/materials in connection with Landscape Contractor's business, timber storage, cutting, bagging & storage of fuelwood, charcoal production, tree nursery, coppice crafts, and woodland-based education and training. Erection of polytunnel. (Retrospective application). GRANTED 23/04/2003

2.2 41/2010/ Erection of a detached building to provide classroom, office, kitchen and WC and installation of new septic tank; and retention of use for woodland based education and training centre for up to 200 days per year and 2 no. forest school structures in woodland known as The Warren. GRANTED 16/06/2011

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

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

**Policy PSE5** – Rural economy

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

**Policy ASA3** – Parking standards

#### 3.1 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities

### 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)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site lies outside any development boundary. Local Development Plan 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.

Welsh Government Guidance in TAN6 encourages the development of appropriate scale woodland-based enterprise that adds to rural diversification. Section 7.3 of Planning Policy Wales seeks to promote diversification in the rural economy, and offers in principle support for suitable small scale enterprises, and the expansion of existing businesses located in the open Countryside provided there are no unacceptable impacts on local amenity.

The application proposes further development of the woodland enterprise element of the use at Warren Woods, and includes a classroom building and associated road improvements. The supporting information aims to justify the development in this location, and provide some background relating to the need for the building. The proposed building would be of a small scale and well related to the existing built development.

It is considered that the principle of the proposal is acceptable in relation to policy, subject to assessment of the detailed impacts set out below.

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. Policy VOE 2 requires that development must not cause unacceptable harm to the character and appearance of the AONB.

The site is located off a minor road. There is an existing group of buildings on the site that are relatively well contained and screened to the west by woodland, and to the north by established landscaping. The design and materials of the classroom building would be similar to the existing classroom building on the site (albeit with a different roof material). Additional landscaping is proposed to the east of the building. The AONB JAC have raised no objection to the design and detailing of the proposed building and consider it would appear to form a logical extension to the existing classroom. Concerns have been raised by the Community Council and local residents over the visual impact of the proposal.

In acknowledging the comments of the Community Council and local concerns, having regard to the scale of the proposal, the design of the building and the nature of the use, it is not considered that the development would adversely impact upon the visual amenities of the site and surroundings and therefore it is not considered that the proposal conflicts with Policy GEN 6, EMP 11 of ENV 2.

#### 4.2.3 Residential amenity

Paragraph 3.1.7 of PPW 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. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The documentation submitted with the application states that there would be no intensification of the existing use in terms of traffic movements. Courses run currently four days a week between the hours of 08.00 and 17.00 (although this would increase to daily if the removal of condition application is permitted). The nearest dwellings are Glascoed to the north of the site on the opposite side of the minor Road, and Argoed House to the north west. There is some screening along the boundary and two bunds partially obscure views to the buildings on site. Public Protection Officers have raised no objection to the proposal as there are conditions on the original planning permission relating to noise which are still in place on the site. Concerns have been raised by neighbours and the Community Council over increased activity at the site.

With respect to the concerns from the Community Council and private individuals, owing to the separation distances and nature of the use, it is not considered that the proposed building or the development of the passing places would impact significantly on the amenity of the adjacent occupiers. It is considered there would be no policy conflicts as a result of the development.

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

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 relating to consideration of highways safety and transport implications of development proposals.

Access to the site would be from the existing entrance and driveway from the minor road. Improvements are proposed to the access point to improve visibility. Three passing places are proposed to be created on the minor road to improve access. There is onsite parking for 13 cars (including one disabled space) and a minibus. The applicant has also provided details of his intentions to carry out tree work at the A541 junction to improve visibility.

Concerns have been raised by the Community Council, AONB JAC and neighbours over the highways safety implications of the development.

Highways Officers in their assessment of the application and have checked records, and there have been no reported highway related problems arising from the Woodland Skills Centre, and no reported accidents at the Junction with the A541 Mold Road. Based on the vehicle movements indicated and the improvements proposed to the highway network leading to the site, Highway Officers have raised no objection to the proposal, subject to suitable conditions. Hence it is not considered that the proposal conflicts with the highways considerations of Policy ASA 3 or PPW.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 Although there are local concerns over this proposal and further developments on the site, Officer's view is that the proposal is unlikely to give rise to significant local impacts,, and therefore it is recommended for grant, subject to suitable conditions.

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

1. 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) Proposed elevations and floor plan received 11 January 2016
  - (ii) Existing site plan (Drawing No. 0170-a002 Rev. P1) received 11 January 2016
  - (iii) Proposed site plan received 11 January 2016
  - (iv) Location plan received 15 January 2016
  - (v) Proposed passing places received 7 April 2016
2. The development to which this permission relates shall be begun no later than the 18<sup>th</sup> May 2016
3. Should the woodland based education and training centre use cease, the building shall be removed from the site and land restored to its former condition within 6 months of the cessation of the use.

Reasons for the conditions:

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
3. The classroom building has been granted planning permission on the basis of need for the building.

**NOTES TO APPLICANT:**

**Planning Conditions/History:**

You are reminded that the conditions on previous consents still apply at the site and that you need to ensure compliance with conditions relating to the nature of the use, noise and parking.

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# Agenda Item 11

**WARD :** Rhyl South

**WARD MEMBER(S):** Cllr Jeanette Chamberlain Jones (c)  
Cllr Cheryl Williams (c)

**APPLICATION NO:** 45/2016/0201/ PC

**PROPOSAL:** Retention of raised decking area at rear

**LOCATION:** 14 Gareth Close Rhyl

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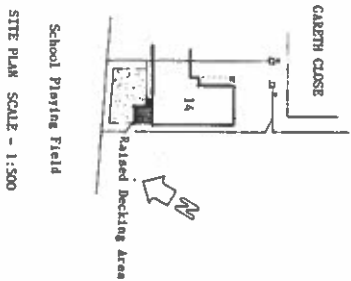
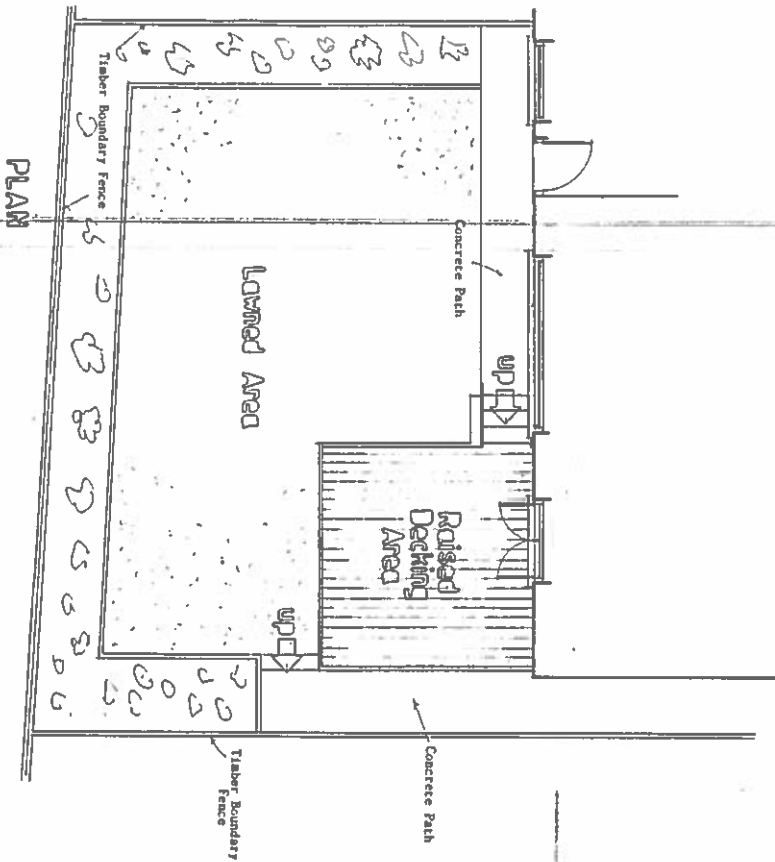
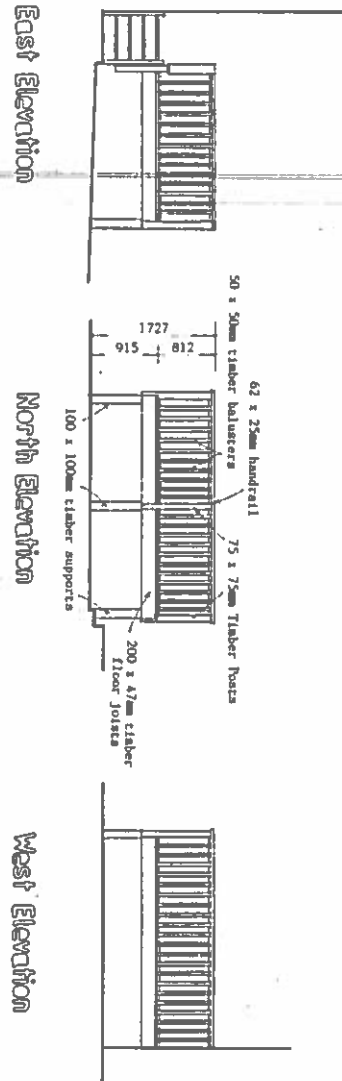
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# PROPOSED SITE PLAN + ELEVATIONS



RECEIVED  
2012 FEB 02  
CALEDFRYN



PROPOSED RAISED DECKING AREA AT REAR OF 14 GARETH CLOSE, RHYL.  
SCALE - 1:50

452016/0201/PC

PLAN No. 21671/FEB/16

BRIAN E. BRIDSON, ARCH. (MRBIO),  
Planning & Design Services,  
32 Clwyd Avenue, Shotton,  
Rhy1, Denbighshire, LL18 2HW.  
Tel: 01745 501188 Mobile: 07946 537229  
e-mail: brian@obolsoft.com  
A Member of the Guild of Master Craftsmen



**WARD :** Rhyl South

**WARD MEMBER(S):** Cllr Jeanette Chamberlain Jones (c)  
Cllr Cheryl Williams (c)

**APPLICATION NO:** 45/2016/0201/ PC

**PROPOSAL:** Retention of raised decking area at rear

**LOCATION:** 14 Gareth Close Rhyl

**APPLICANT:** Mr Andrew Brett

**CONSTRAINTS:** Article 4 Direction

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

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

- Recommendation to grant / approve – Town Council objection

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

“Objection on the grounds of loss of amenity to adjoining property owners being overlooked by the decking area.”

**RESPONSE TO PUBLICITY:** None.

**EXPIRY DATE OF APPLICATION:** 24/04/2015

**REASONS FOR DELAY IN DECISION:**

- Awaiting Committee determination.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 Planning permission is sought for retrospective permission for alterations at 14 Gareth Close in Rhyl.
- 1.1.2 The alterations comprise of the installation of a raised decking area at the rear of the dwelling.
- 1.1.3 The decking area is a timber structure measuring 3 metres by 3.2 metres. It is 0.9 metre in height above ground level. It is surrounded by railings which measure a further 0.8 metres in height.
- 1.1.4 The decking is accessed off french doors at the rear of the dwelling.
- 1.1.5 The proposal is illustrated on the plans at the front of the report.

**1.2 Description of site and surroundings**

- 1.2.1 The semi-detached bungalow is sited at the end of a cul de sac of similar properties, which are staggered various distances from the road frontage.

- 1.2.2 The rear of the site is bounded by the grounds of Ysgol Mair.
- 1.2.3 The dwelling is located in a primarily residential area located to the south of Rhyl town centre.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 None.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

- Policy RD 1 – Sustainable Development and Good Standard of Design
- Policy RD 3 – Extensions and alterations to dwellings

3.2 Supplementary Planning Guidance

- SPG Extensions to Dwellings
- SPG Householder Development Design Guide

3.3 Government Policy / Guidance

- Planning Policy Wales Edition 8

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, 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

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
The principle of extensions and alterations to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 permits extensions and alterations subject to the acceptability of

scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. Policy RD1 contains tests requiring development not to have an unacceptable impact on the amenity and appearance of the locality. Extensions SPG offer basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following sections.

#### 4.2.2 Visual amenity

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria ii) of Policy RD 3 requires that a proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The application proposes to retain a decking area to the rear of the dwelling.

Owing to the scale and appearance of the decking and to its location to the rear of the dwelling it is considered that the proposal would comply with tests i) and ii) of Policy RD 3 and advice within the supplementary planning guidance.

#### 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 application proposes a decking area to the rear of the dwelling. It is set off the boundary with the attached house by 6 metres and from the boundary from the house to the east by 1 metre. The decking is 0.9 metres off the ground level within the garden and is surrounded by a timber railing of 0.8 metre in height. There is a boundary fence of at least 1 metres surrounding the garden of the dwelling. To the rear of the site is the playing field of the adjacent school. Concerns have been raised by the Town Council relating to overlooking of neighbouring properties from the decking area.

Officers acknowledge the concerns of the Town Council relating to the impacts of the decking on the amenity of the adjacent occupiers, in particular the attached dwelling at no. 16 Gareth Close however it is noted that the outlook across the rear of the dwellings in the existing garden areas is already very open. Officers accept that the decking area facilitates overlook the garden areas of neighbouring gardens from an elevated position, however this could be mitigated by the installation of screens to the sides of the decking area. This would reduce the amount of overlooking to the sides and retain the outlook to the rear. As there is a solution to the concerns raised by the Town Councils, Officers consider that it would be difficult to refuse the application on amenity grounds. Therefore subject to the imposition of a condition relating to screening the proposal is considered to comply with test iii) of Policy RD 3.

## 5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposal complies with the relevant planning policies and with respect to the comments of the Town Council, Officers do not consider there are grounds to justify a refusal of permission in this instance subject to the imposition of a condition.

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

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

1. Within one month of the date of this permission privacy screening for the east and west sides of the raised decking area hereby approved shall be installed. The privacy screening shall be opaque and at least 1.8 metres in height. The screening details shall be submitted to and approved by the Local Planning Authority prior to their installation. The privacy screening shall be retained and maintained as approved as long as the raised decking area is in use.

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

1. In the interests of the amenity of the adjacent occupiers.

**NOTES TO APPLICANT:**

None



# Agenda Item 12

**WARD :** Rhyl South

**WARD MEMBER(S):** Cllr Jeanette Chamberlain Jones (c)  
Cllr Cheryl Williams (c)

**APPLICATION NO:** 45/2016/0208/ TP

**PROPOSAL:** Felling of 3 no. Oak trees T1 T2 & T3 and crown reduction of  
1no. Oak tree T4 subject of a Tree Preservation Order

**LOCATION:** Hafod Wen and Hailwood Bryn Cwnin Road Rhyl

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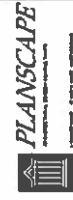
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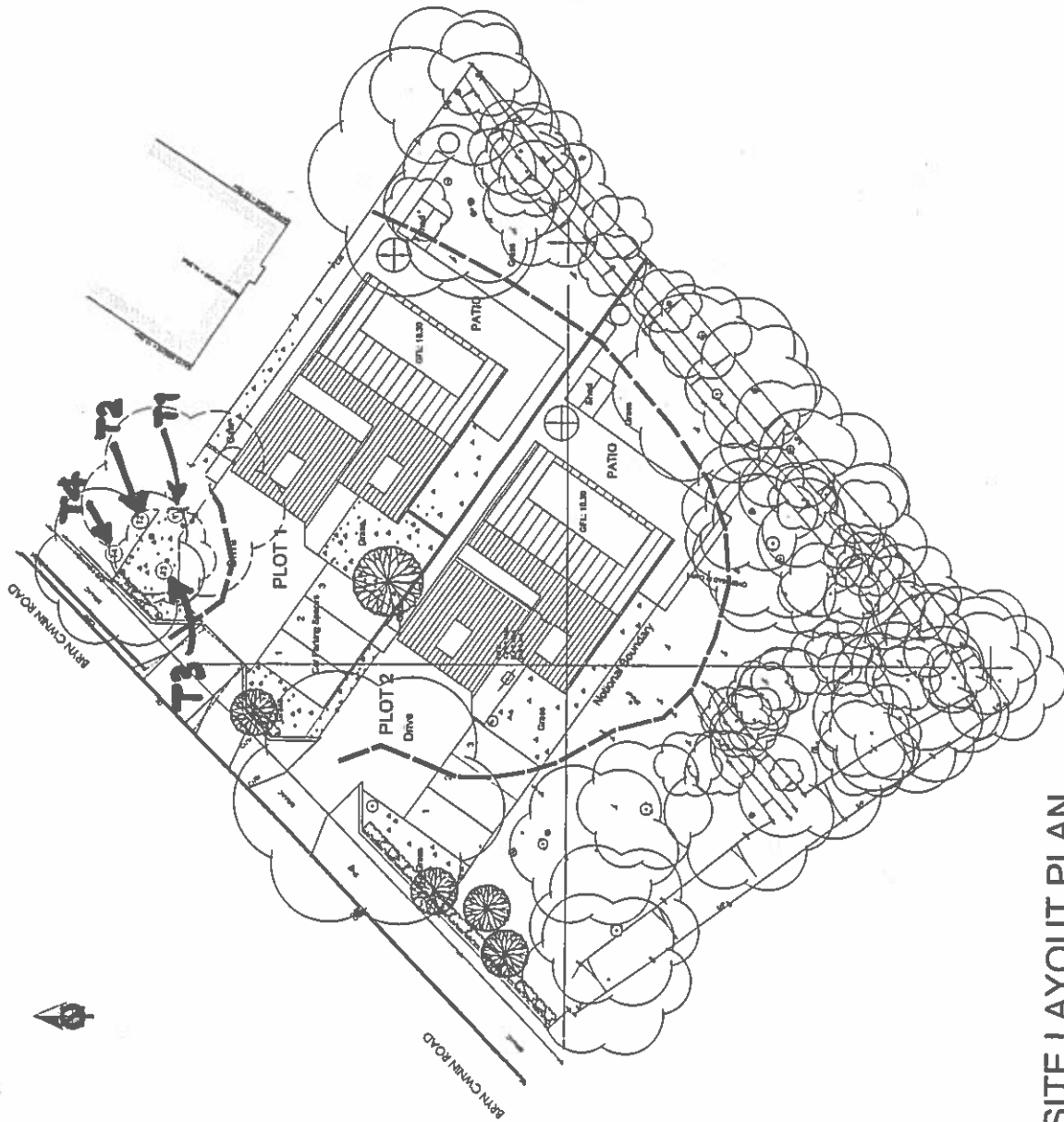
# SITE PLAN

45-2-016-102-00-1A

25 FEB 2016



At: Philip Webster  
Proposed Work in Trees T1, T2, T3  
and T4.  
Hobbit Hole  
Bryn Cwmn Road, Rhyl.  
1:250 22 Feb. 2016  
W.1364/2



SITE LAYOUT PLAN

**WARD :** Rhyl South

**WARD MEMBER(S):** Cllr Jeanette Chamberlain Jones (c)  
Cllr Cheryl Williams (c)

**APPLICATION NO:** 45/2016/0208/ TP

**PROPOSAL:** Felling of 3 no. Oak trees T1 T2 & T3 and crown reduction of  
1no. Oak tree T4 subject of a Tree Preservation Order

**LOCATION:** Hafod Wen and Hailwood Bryn Cwnin Road Rhyl

**APPLICANT:** Mr P Walker

**CONSTRAINTS:** Tree Preservation Order

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

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL:**

“Object, The Council believe that the trees (T1 – T4) should be retained but crown reduced by 20% by a profession Tree Surgeon – Second Option identified within the Visual Tree Assessment. The County Council are also requested to investigate the damage caused to Tree T1 from recent poor pruning as identified within the Visual Tree Assessment and take appropriate action”.

**ARBORICULTURIST CONSULTANT:**

Considers that the submitted Arboriculture Report is a fair and reasonable assessment of the situation and implications of the works carried out on site. T1 has poor form, is modest in size and immediately adjacent to the front elevation of the dwelling. T2 and T3 are semi mature specimens with a diameter of only 150mm at breast height. The pruning to the oak T4 will enable this tree to be kept as a specimen tree and will improve the crown's shape.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:  
Mr Stone, 28 Bryn Cwnin Road.

Summary of planning based representations in objection:

The trees are protected by a TPO and should not be felled.

The Developer is trying to remove the trees by stealth having built too close to them.

**EXPIRY DATE OF APPLICATION:** 21/04/2016

**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 Consent is sought for the felling of 3 no. Oak trees and crown reduction of 1 no. Oak tree. The trees are the subject of a tree preservation order.

1.1.2 The applicants supporting statement outlines concerns about the safety and stability of the trees and their general condition.

1.2 Description of site and surroundings

- 1.2.1 The trees subject to the proposal are situated at the front of a new dwelling currently being constructed on Bryn Cwnin Road and comprise of four oaks.
- 1.2.2 It is proposed to fell three of the oaks including T1, a multi-stemmed specimen. The two other oaks to fell also form part of the group to the front. They are semi mature specimens with a diameter of only 150mm at breast height. T4 is proposed to be pruned to improve the trees shape.
- 1.2.3 The trees are prominently sited within the street scene on the eastern side of Bryn Cwnin Road, where two modern dwellings are currently being developed.
- 1.2.4 The western and northern sides of Bryn Cwnin Road (opposite the site) is characterised by uniform residential properties, close to the highway, with small front gardens and ornamental planting.

1.3 Relevant planning constraints/considerations

- 1.3.1 Borough of Rhuddlan (Hafod Wen, Bryn Cwnin Road) Tree Preservation Order No. 1, 1988.

1.4 Relevant planning history

- 1.4.1 There have been various applications for tree works granted on the site, the last was in 2013.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 This application is being reported to the Planning Committee as there is an objection from the Town Council.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 45/20012/0668 Demolition of existing dwelling and erection of 2 No. detached dwellings, alterations to existing vehicular access and formation of new vehicular access. Granted November 2012.
- 2.2 There have been various applications for tree works granted on the site, the last was in 2013.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013):
  - RD1 – Sustainable development and good standard design
  - VOE 1 – Key Areas of Importance
  - SPG 6 – Trees and Development

3.2 Government Policy/Guidance:

- Planning Policy Wales 8, January 2016
- TAN 10 – Tree Preservation Orders (1997)
- WO Circular 64/78

**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 Amenity value of the trees
- 4.1.3 Is the proposal justified?

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy VOE 1 seeks to protect sites of from development that would adversely affect their biodiversity/landscape value. Policy RD 1 includes criteria which seek to protect the visual amenity of the area.

Planning Policy Wales (Section 5) states that trees, woodlands and hedgerows are of great importance as both wildlife habitats and in terms of their contribution to landscape character and beauty. Trees, woodlands and hedgerows also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. PPW 8 further advises that Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

Tree Preservation Orders are made on the basis of an assessment of the amenity value of the trees. Therefore, in determining applications for consent for felling or carrying out works to protected trees, current advice to planning authorities is as follows:

- i) to assess the amenity value of the tree or woodland, and the likely impact of the proposal on the amenity of the area, and in the light of their assessment at i) above,
- ii) to consider whether or not the proposal is justified, having regard to the reason put forward in support of it.

A proposal to carry out works on protected trees is therefore considered acceptable in principle subject to consideration of the above tests.

4.2.2 Test i) - Amenity value of the trees:

The trees subject to the proposal are situated at the front of a new dwelling currently being constructed on Bryn Cwnin Road and comprise of four oaks.

It is proposed to fell three of the oaks including T1, a multi-stemmed specimen. This tree has poor form, is modest in size and immediately adjacent to the front elevation of the dwelling.

The two other oaks to fell also form part of the group to the front. They are semi mature specimens with a diameter of only 150mm at breast height. The pruning to the oak T4 will enable this tree to be kept as a specimen tree and will improve the crown's shape.

The trees are prominent within the street scene and clearly afford a degree of 'pleasantness' to the area, and their loss would have some impact on the area. However, the Tree Consultant notes that T1 has poor form and would be better sited elsewhere in the front garden. He suggests T2 and T3 provide minimal amenity value and could be replaced with new planting which would be effective within a few years. Finally, he suggests the pruning to the oak T4 will enable this tree to be kept as a specimen tree and will improve the crown's shape.

In Officers opinion, in respect of the amenity considerations, considered that the



falling should be consented. It is suggested that suitable replacement trees be conditioned to mitigate for the loss of the trees.

4.2.3 Test ii) - Is the proposal justified?

The applicant's case is that the trees are not particularly significant specimens with limited amenity value. Health and safety concerns are also cited for their removal.

To assess the submitted justification the Council has employed its own qualified Arboricultural Consultant. The Consultant considers that the submitted Arboricultural Report is a fair and reasonable assessment of the situation and implications of the works carried out on site.

**5. SUMMARY AND CONCLUSIONS:**

5.1 With respect to the comments of Rhyl Town Council Officers consider the proposal meets the tests for removal, and conditions can be attached relating to replacement trees. Hence it is the opinion of Officers that the proposal should be granted.

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

1. The work shall be completed within 24 months of the date of consent unless the Local Planning Authority agrees to an extension of this period in writing.
2. All tree pruning shall be carried out in strict accordance with the British Standard BS3998 (2010) Recommendations for Tree Work.
3. Within the first available planting season (November to March inclusive) following the felling or substantial felling of the trees, three replacement trees shall be planted in the front garden of Coed Derw. The replacement trees shall comprise of two Pedunculate Oaks (*Quercus robur*) and one Scots pine (*Pinus sylvestris*). The two oaks shall be root balled or bare root 'heavy standards' (12-14cm in girth) and a minimum height of 3.0m. The Scots pine shall be a containerised specimen supplied in a 30 litre minimum pot size and not less than 120cm in height. The replacement trees shall be planted in a triangular grouping in the front southerly corner of the garden not closer than 3m of the road or side boundaries. The trees shall not be planted within 5m of each other to ensure that they have space to grow. The replacement trees shall be supplied, planted and maintained for 5 years in accordance with BS8545 2014. Any variation to this condition must be agreed in writing with the Local Planning Authority.

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

1. To ensure the work is carried out within a reasonable period.
2. To ensure the work is carried out to a satisfactory arboricultural standard that safeguards the amenity afforded by the trees.
3. To provide replacement amenity.

**NOTES TO APPLICANT:**

None

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# Agenda Item 13

**WARD :** St Asaph West

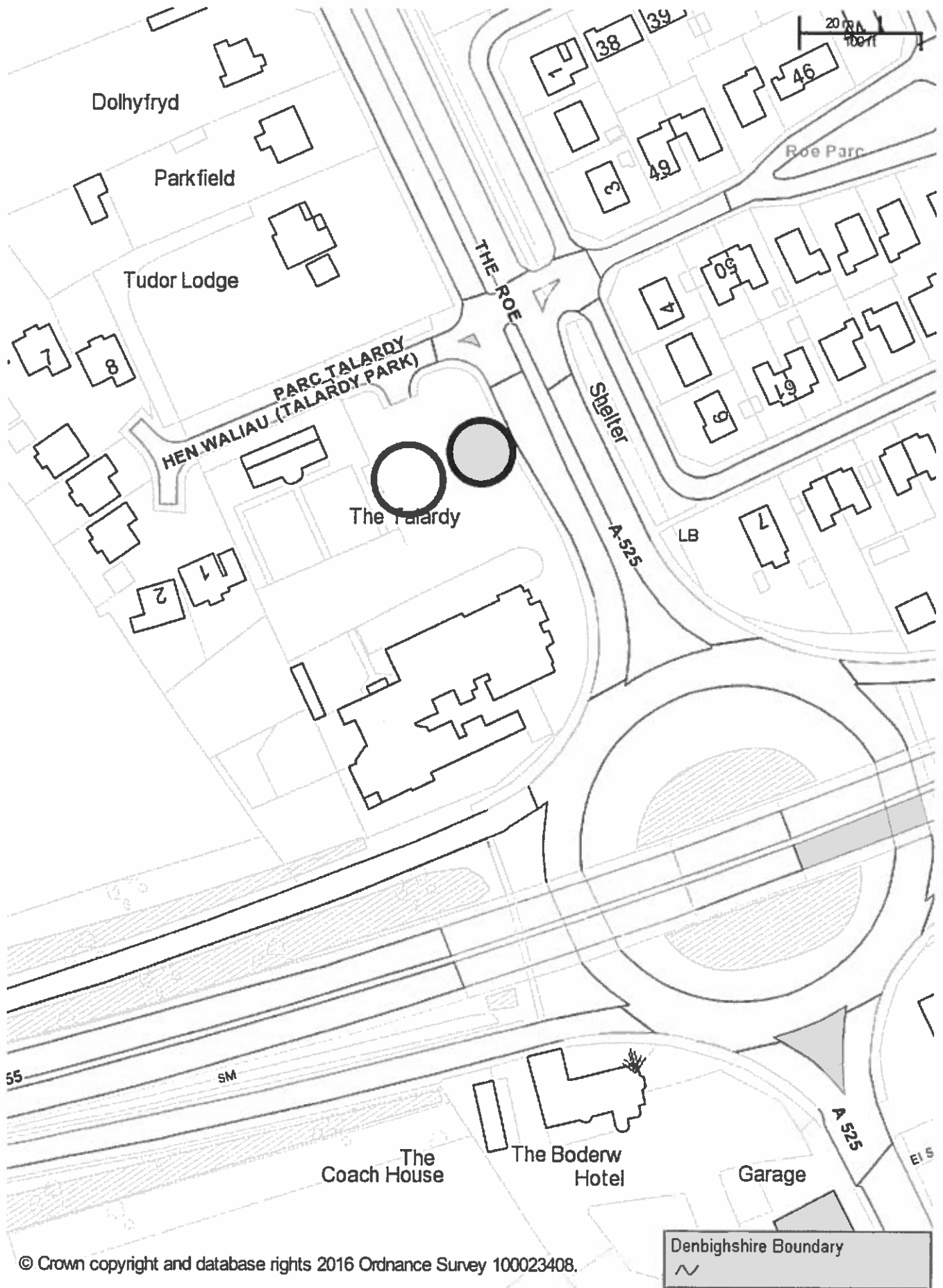
**WARD MEMBER(S):** Cllr Bill Cowie (c)

**APPLICATION NO:** 46/2016/0198/ TP

**PROPOSAL:** Felling of 1 No. Horse Chestnut tree annexed to the Talardy Hotel Tree Preservation Order 1975 ref A1

**LOCATION:** Talardy Park Hotel The Roe St Asaph

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46/2016/0198

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T1 = Horse Chestnut which recently lost a limb  
T2 = Horse Chestnut showing signs of poor health  
Blue circle shows site for replacent tree

# SITE PLAN

5













**WARD :** St Asaph West

**WARD MEMBER(S):** Cllr Bill Cowie (c)

**APPLICATION NO:** 46/2016/0198/ TP

**PROPOSAL:** Felling of 1 No. Horse Chestnut tree annexed to the Talardy Hotel Tree Preservation Order 1975 ref A1

**LOCATION:** Talardy Park Hotel The Roe St Asaph

**APPLICANT:** Marstons Brewery

**CONSTRAINTS:** C2 Flood Zone  
Tree Preservation Order

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

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

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

ST ASAPH CITY COUNCIL:

Original response to consultation:

“Chestnut tree on the grounds that it has no sight of any independent evidence that both trees need to be removed. Pollarding and crown reduction may be a more suitable for such fine specimens. Unless the DCCC tree officer is saying that both have to be felled then every effort should be made to retain them.

Second response following receipt of Councils Tree Consultants report:

“Regret that the tree needs to be cut down and would like options to retain the tree to be considered more seriously. The City Council is not convinced or assured by the report provided from a company outside of the area, particularly in regard to any replacement if the existing tree is removed. The replacement tree needs to be indigenous to North Wales rather than a Red Wood which is indigenous to California. The City council requests a site visit with DCC Tree Officer to look at available options before any permission is given by DCC for its removal.”

Meeting took place on the 25<sup>th</sup> April with Councils Tree Consultant and a subsequent response was received from the Local Member:

“7 members of the City Council met with tree person whom county had arranged to meet us to discuss a Horse Chestnut tree in the car park.

The owners of the Hotel had actually used the tree expert as their consultant and it was his recommendation to remove the tree and plant a replacement.

The majority of the members present felt that all should be done to preserve as much of the tree as possible and that it should be assessed as to how much lopping and possible tying in of limbs needs to be done to achieve this.

I am sure that the city clerk will be putting in a report to you once the tree expert has informed her of the outcome of the meeting.”

ARBORICULTURE CONSULTANT:

“The horse chestnut is a large mature specimen in the car park that due to its size and the open landscape is a prominent and previously attractive feature within the hotel grounds and wider landscape. The tree’s Diameter at Breast Height is 1400mm indicating that it is of significant age and was planted in the early to mid-19th century.

The application to fell the tree has been made following the tearing out of a large branch into the car park on the tree’s northern side. The loss of the branch has led to a significant proportion of the crown being shed leaving an asymmetrical specimen that has a poor unbalanced appearance. The torn out branch has resulted in a socket at 2m above ground level that is approximately 1m wide and 2m high. Examination of the fork shows an area of included bark at the top of the tear which would have created a weakness. This structural weakness was probably made worse by the presence of extensive decay in a stub branch (+400mm diameter) near the top of the tear to the west. The bark in the weak fork, that is now exposed, also has sporophores of a decay fungus, *Kretzschmaria deusta* which can cause wood to become brittle. Evidently, these factors have led to the failure of the branch.

The loss of the branch has not only compromised the tree’s aesthetic appearance but has structurally undermined it. Exposed wood of horse chestnut is prone to decaying rapidly and will, over time, make it structurally weak. Taking into account the large injury to the trunk and colonisation by a decay fungi I am of the opinion that felling the tree, as proposed in the application, is acceptable. The other option would be to reduce or pollard the tree to balance the crown in expectation of progressing decay. Even if the crown of the tree is reduced, as opposed to pollarding, it will have the effect of very significantly diminishing the tree’s aesthetic appearance when compared to its form prior to the branch failure.

Granting consent to fell the tree will allow a condition to be imposed requiring a replacement tree to be planted. The appended condition requires a giant redwood (*Sequoiadendron giganteum*) to be planted. This is a species of tree that was introduced to Great Britain from North America in 1853 and was commonly planted as a specimen tree in the grounds of properties of that period. The species is therefore contemporaneous with the Victorian glasshouse and walled garden in the hotel grounds. Horse chestnut is unsuitable as a replacement because it is prone to several diseases that undermine their suitability as a specimen tree.”

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Angela Gregory, 5 Hen Walaiu, St Asaph.

Summary of planning based representations in objection:

Visual amenity- The tree has been part of the Talardy Park for years providing conkers to local children and adding character to the local area.

Justification/Need to fell- Too many trees are disappearing. The application does not state any reason why it should be removed, let alone a valid one.

**EXPIRY DATE OF APPLICATION:** 20/04/2016

**REASONS FOR DELAY IN DECISION:**

- Negotiations ongoing with City Council

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 Consent is sought for the felling a Horse Chestnut tree at the Talardy Hotel in St Asaph. The tree is the subject of a tree preservation order.

1.1.2 The applicants supporting statement outlines concerns about the safety and stability of the tree and its general condition.

1.2 Description of site and surroundings

- 1.2.1 The horse chestnut is a large mature specimen in the north western corner of the car park.
- 1.2.2 The tree is believed to be of a significant age and according to the Councils Tree Consultant was probably planted in the early to mid-19th century
- 1.2.3 The Talardy Hotel is a Grade II Listed Building, within the ground there is a Glass House which is the subject of its own listing.
- 1.2.4 The application site is located on the northern side of junction 27 of the A55. It is bounded to the south by the A55 slip road and to the north by the residential estate of Hen Waliau. To the east is the A525 and to the west is agricultural land.
- 1.3 Relevant planning constraints/considerations
  - 1.3.1 The original TPO order for the site is the Talardy Hotel Tree Preservation Order 1975 Annex 1.
- 1.4 Relevant planning history
  - 1.4.1 Consent to fell a decaying lime in the car park was granted in 2015 and it has now been removed. There is a condition requiring a replacement tree to be planted in the car park which is outstanding.
- 1.5 Developments/changes since the original submission
  - 1.5.1 None.
- 1.6 Other relevant background information
  - 1.6.1 This application is being reported to the Planning Committee as concerns have been raised in relation to the felling by the City Council.
  - 1.6.2 Members will see from the City Council's consultation responses above that Officers have engaged with the City Council regarding this issue.
  - 1.6.3 Following a request from St Asaph City Council, the Councils Tree Consultant met with representatives of the City Council and the Local Member on the 25<sup>th</sup> April. At the meeting it was agreed to request that Applicants consider managing the tree's decline by pruning it back in stages in response to decay and dieback, as opposed to felling the tree. The merits and disadvantages of this option have been explored by the Applicants and their arboricultural contractor, however the application has not been amended and the proposal to fell tree remains to be determined.

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

- 2.1 There have been various applications for tree works granted on the site, the last of which was in 2015.

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

The main planning policies and guidance are considered to be:

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

- RD1 – Sustainable development and good standard design
- VOE 1 – Key Areas of Importance
- SPG 6 – Trees and Development

### 3.2 Government Policy/Guidance:

- Planning Policy Wales 8, January 2016
- TAN 10 – Tree Preservation Orders (1997)
- WO Circular 64/78

#### 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 Amenity value of the trees
- 4.1.3 Is the proposal justified?

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy VOE 1 seeks to protect sites from development that would adversely affect their biodiversity/landscape value. Policy RD 1 includes criteria which seek to protect the visual amenity of the area.

Planning Policy Wales (Section 5) states that trees, woodlands and hedgerows are of great importance as both wildlife habitats and in terms of their contribution to landscape character and beauty. Trees, woodlands and hedgerows also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. PPW 8 further advises that Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

Tree Preservation Orders are made on the basis of an assessment of the amenity value of the trees. Therefore, in determining applications for consent for felling or carrying out works to protected trees, current advice to planning authorities is as follows:

- i) to assess the amenity value of the tree or woodland, and the likely impact of the proposal on the amenity of the area, and
- ii) in the light of their assessment at i) above, to consider whether or not the proposal is justified, having regard to the reason put forward in support of it.

A proposal to carry out works on protected trees is therefore considered acceptable in principle subject to consideration of the above tests.

4.2.2 Test i) - Amenity value of the trees:

The tree subject to the proposal is situated in the car park of the Talardy Hotel in St Asaph. The Tree is a Horse Chestnut Tree.

The application to fell the tree has been made following the tearing out of a large branch into the car park on the tree's northern side.

The tree is in a prominent within the street scene and clearly affords a degree of 'pleasantness' to the area and the setting of the Talardy Hotel Listed Building, and its loss would have some impact on the area. However, the Tree Consultant notes that the loss of the branch on the northern side of the tree has had a significant effect on the balance of the tree, and there are signs of decay fungus on the tree.

In Officers opinion, in respect of the amenity considerations, it is considered that the



falling should be consented. It is suggested that suitable replacement tree be conditioned to mitigate for the loss of the Horse Chestnut. Regarding the choice of replacement, the Tree Officer has suggest that a giant redwood be planted in lieu of the Horse Chestnut. Whilst the City Council raised some concerns over the choice of tree, the Council's Tree Consultant has advised that this is a species of tree that was introduced to Great Britain from North America in 1853 and was commonly planted as a specimen tree in the grounds of properties of that period. The species is therefore contemporaneous with the Victorian glasshouse and walled garden in the Listed Talardy Hotel grounds.

4.2.3 Test ii) - Is the proposal justified?

The applicant's case is that the tree is in a poor condition following the loss of the branch on its north western side. The Council's Tree Consultant has advised that the loss of the branch has not only compromised the tree's aesthetic appearance but has structurally undermined it. Exposed wood of horse chestnut is prone to decaying rapidly and will, over time, make it structurally weak. Therefore the felling is considered to be justified.

The City Council's preference to retain the tree and reduce or pollard it to balance the crown in expectation of progressing decay would have the effect of very significantly diminishing the tree's aesthetic appearance when compared to its form prior to the branch failure. This would only enable the decline of the tree to be managed for a short period of time.

To assess the submitted justification, the Council has employed its own qualified Arboricultural Consultant. The Consultant considers that the submitted Arboricultural Report is a fair and reasonable assessment of the situation and implications of the works carried out on site.

**5. SUMMARY AND CONCLUSIONS:**

5.1 With respect to the comments of St Asaph City Council, Officers believe the proposal has been given serious consideration and that the case for removal of the tree meets the relevant tests. A condition can be attached relating to a replacement tree.

5.2 It is the opinion of Officers that the proposal should be granted.

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

1. The work shall be completed within 24 months of the date of consent unless the Local Planning Authority agrees to an extension of this period in writing.
2. Within the first available planting season (November to March inclusive) following the felling or substantial felling of the horse chestnut (T1) a replacement tree shall be planted in the area proposed in the application. The replacement tree shall be planted at least 1.5m from the brick garden wall to centre stem. The tree shall comprise of a containerised Giant Redwood (*Sequoiadendron giganteum*) minimum height of 2m. The replacement tree shall be supplied, planted and maintained for 5 years in accordance with BS8545 2014. Any variation to this condition must be agreed in writing with the Local Planning Authority.

The reasons for the conditions are:-

1. To ensure the work is carried out within a reasonable period.
2. To provide replacement amenity.

**NOTES TO APPLICANT:**

Consent was granted to fell a mature lime to the north of the horse chestnut (T1) in the car park under planning application 43/2015/0577. It appears that the replacement tree has not been planted and formal compliance with the condition is requested.

## **REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

### **REPORT TO SEEK A RESOLUTION ON CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION 43/2015/0315/PF**

#### **Demolition of existing structures and erection of retirement living housing, communal facilities, landscaping and car parking**

##### **Sandy Lane, Prestatyn**

#### **PURPOSE OF REPORT**

- 1.1. The report seeks Members resolution on conditions to be attached to the planning permission for a redevelopment scheme at Sandy Lane, Prestatyn, which Planning Committee resolved to grant at the 20<sup>th</sup> April 2016 meeting.

#### **2. BACKGROUND**

- 2.1. The matter is being brought before Members as the grant of permission was contrary to the Planning Officer recommendation, and there were no conditions before Members for consideration at the April Committee.
- 2.2. The merits of the decision to grant permission are not for debate, solely the suitability or otherwise of the conditions to be attached to the permission, and in this case, suggested Heads of Terms for a Section 106 Obligation to deal with the affordable housing / open space commuted sum payment.

#### **3. SUGGESTED CONDITIONS**

- 3.1. For reference, the Officer report to the April Committee and the late information sheets for that meeting are appended to this item. The main report and the late information sheets refer to consultation responses which are relevant to the drafting of certain conditions.
- 3.2. The list of conditions at the end of this report contains requirements arising from consultation responses, and in particular suggested conditions from Natural Resources Wales to mitigate potential flooding and contamination impacts. It includes standard controls over the use of materials on the buildings, landscaping, construction stage operations, and a condition requiring agreement to soundproofing measures for those apartments facing the railway. Condition 18 requires submission of a revised Flood Risk Management Plan to address issues over the management of evacuation in an extreme flooding event.
- 3.3. The Officer recommendation therefore is to grant permission subject to :

- A)** The Completion of a Section 106 Obligation to secure the payment of a commuted sum of £140,000 to the Council in lieu of the provision of affordable housing and open space within the site.

The precise wording of the Section 106 would be a matter for the legal officer to finalise in negotiation with the applicant's representatives.

In the event of failure to complete the Section 106 agreement within 12 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

**B)** Compliance with the following conditions:

1. 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) Site location and context plan (Drawing No. 014187(2026)\_1\_01 Rev. A) received 27 October 2015
- (ii) Site plan (Drawing No. 014187(2026)\_1\_02 Rev. A) received 27 October 2015
- (iii) 3D views sheet 1 of 2 (Drawing No. 014187(2026)\_1\_03 Rev. A) received 27 October 2015
- (iv) 3D views sheet 2 of 2 (Drawing No. 014187(2026)\_1\_04 Rev. A) received 27 October 2015
- (v) Context elevations sheet 1 of 2 (Drawing No. 014187(2026)\_1\_05 Rev. A) received 27 October 2015
- (vi) Context elevations sheet 2 of 2 (Drawing No. 014187(2026)\_1\_06) Rev. A received 27 October 2015
- (vii) Detail elevations sheet 1 of 2 (Drawing No. 014187(2026)\_1\_07 Rev. A) received 27 October 2015
- (viii) Detail elevations sheet 2 of 2 (Drawing No. 014187(2026)\_1\_08 Rev. A) received 27 October 2015
- (ix) Floor plans (Drawing No. 014187(2026)\_1\_09) received 24 March 2015
- (x) Planting proposal (Drawing No. 2157.01) received 24 March 2015
- (xi) Site survey (Drawing No. 290714JC-01) received 24 March 2015
- (xii) Tree constraints plan (Drawing No. 8539/01) received 24 March 2015
- (xiii) Tree protection plan (Drawing No. 8539/02) received 24 March 2015.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

2. The development to which this permission relates shall be begun no later than **(Date to be inserted - 5 years from the date of the completion of the Section 106 Obligation)**

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

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

Reason: In the interests of visual amenity.

4. The landscaping scheme shall be carried out prior to the first occupation of any of the apartments. Any trees or plants which, within a period of five years of being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity

5. PRE-COMMENCEMENT CONDITION

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

Reason: In the interests of the amenities of residents and highway safety.

6. No apartments shall be occupied until the vehicular access and parking spaces, and the scooter store have been laid out/constructed in accordance with the approved plans.

Reason: To ensure the development is served by adequate parking and access arrangements.

7. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8. No works shall be permitted to commence on the construction of the apartment building or any other buildings approved as part of the development until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of any of the apartments and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

9. No development shall be permitted to commence on the apartment block until the written approval of the Local Planning Authority has been obtained to proposals in the design detailing of the units for the mitigation of noise arising from the railway to the south of the site. The proposals should have regard to advice in BS8233:2014. The development shall only proceed in

accordance with the detailing approved in relation to this condition.

Reason : To safeguard the amenity of occupiers of the flats.

10. The development shall be carried out strictly in accordance with the Recommendations in Section 7 of the Environmental Services report, May and June 2015, but should bats be discovered at any stage during the works, all work shall be stopped immediately and Natural Resources Wales shall be contacted for further advice. No further works shall be carried out until the permission of Natural Resources Wales has been obtained.

Reason: In order to protect ecological interests.

11. No external lighting shall be permitted to be installed and used until the the written approval of the local Planning Authority has been obtained to the detailing thereof. The development shall only proceed in accordance with the detailing approved in relation to this condition.

Reason: In order to protect ecological interests.

12. The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Consequences Assessment (FCA) (LK Consult Limited, FRA 14 1046a 02 - version 2, February 2016) and the following mitigation measures detailed within the FCA:

- Flood residence measures as detailed in section 6.1.3
- Finished Floor Levels are set no lower than 6.10m above Ordnance Datum (AOD).
- Car Park Levels are set at a level of 5.54m AOD.
- Flood storage voids are to be provided beneath the building, and shall not be converted or used for unauthorised uses over the lifetime of the development.
- The soffit of the suspended floor slab is to be set no lower than 5.66m AOD and finished ground level beneath the building shall be set no higher than 5.0m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason : To reduce the risk of flooding to the proposed development and future occupants, and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

13. No development shall be permitted to commence on ground disturbance work involved in the removal of existing buildings on the site, on drainage works, changes in the levels of the site, and on any excavations / foundation works on any new buildings until the written approval of the Local Planning Authority has been obtained to the following components of a scheme to deal with the risks associated with contamination of the site:

1. A preliminary risk assessment which has identified:

\* all previous uses

\* potential contaminants associated with those uses

\* a conceptual model of the site indicating sources, pathways and receptors

\* potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason : Natural Resources Wales considers that the controlled waters at this site are environmentally sensitive and contamination is known/strongly suspected at the site due to historic use of the site.

14. No ground disturbance work involved in the removal of existing buildings on the site, excavation works involved on drainage systems, changes in the levels of the site, or any excavations / foundation works on any new buildings shall be permitted to commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason : To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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

Reason : To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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

Reason : Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason : There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

18. Notwithstanding the details in the submitted Flood Risk Management Plan, no development shall be permitted to take place on the construction of the apartment building and associated buildings until the written approval of the Local Planning Authority has been obtained to a fully detailed Flood Risk Management Plan containing arrangements for the management of a flooding event

including advance warning measures, on site features to assist / facilitate evacuation, and detailed arrangements for the evacuation and safe movement of residents, having regard to the potential depth and velocity of water in an extreme flooding event. The approved Flood Risk Management Plan shall be made known to all residents and the Regional Emergency Planning Service (or their successors), shall be implemented strictly as approved in a flood event, and shall remain in place at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason : In order to ensure suitable arrangements are in place at all times for the evacuation of the apartments in the event of an extreme flooding event.

19. The arrangements for the loading/unloading, parking and turning of vehicles shall be completed before the development is brought into use.

Reason: To provide for the loading/unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of highway safety.

20. The proposed access shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and / or the Highway Authority, and there shall be no obstruction in excess of 1.05m in height within the visibility splay.

Reason : To ensure that adequate visibility is provided at the point of access to the highway.

21. The detailed layout, design and construction of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority before any works of construction commence on site, and the access shall be completed in accordance with the approved details before the apartments are first occupied. The approved arrangements shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason :To ensure the formation of a safe and satisfactory access in the interest of highway safety.

22. No works shall be permitted to commence on the erection of any buildings until the written approval of the Local Planning Authority has been obtained to the details of suitable bat and bird boxes to be incorporated into the development. The boxes shall be provided in accordance with the approved details prior to occupation of any of the apartments and shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable measures are taken to enhance local biodiversity interests.

## **NOTES TO APPLICANT**

1. Your attention is drawn to the attached advisory notes from Dwr Cymru Welsh Water:

### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer



under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development. The developer should contact us at the above address or on telephone 0800 9172652 for further information on this matter.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The contact telephone number is 0800 917 2652 and the email address is [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

2. Your attention is drawn to the attached response from Natural Resources Wales setting out a range of matters you need to be aware of in relation to the implementation of the permission, in particular in respect of contaminated land. Natural Resources Wales also provide guidance on the principles of Sustainable Drainage schemes which you should be aware of in designing the systems for the development. Your particular attention is drawn to the Natural resources Wales Infomatives and Advice with respect to the submitted Groundwater Investigation Report, which refer to :

- The phase 2 ground investigation report submitted is lacking in a number of aspects, for example: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) Page 8 of 9
- There is little justification in relation to the sampling strategy i.e. is it targeted, random, grid?
- Leachate analysis and groundwater sampling is limited having been tested for metals only and being low in the sampling frequency. We therefore don't have a good understanding of whether groundwater is impacted.
- There is no reference to whether any visual or olfactory evidence of contamination was encountered during intrusive work across site
- There is little effort to infer and or understand the hydrogeological setting of the site
- We note that ground investigation works were limited due to a large proportion of the site being occupied by former buildings. We therefore welcome proposals to further investigate the site following demolition and site clearance.
- With future submissions and the supplementary investigation proposed, Natural Resources Wales strongly recommends that developers should:

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

Refer to Environment Agency Wales document 'Development of Land Affected by Contamination: A Guide for Developers' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

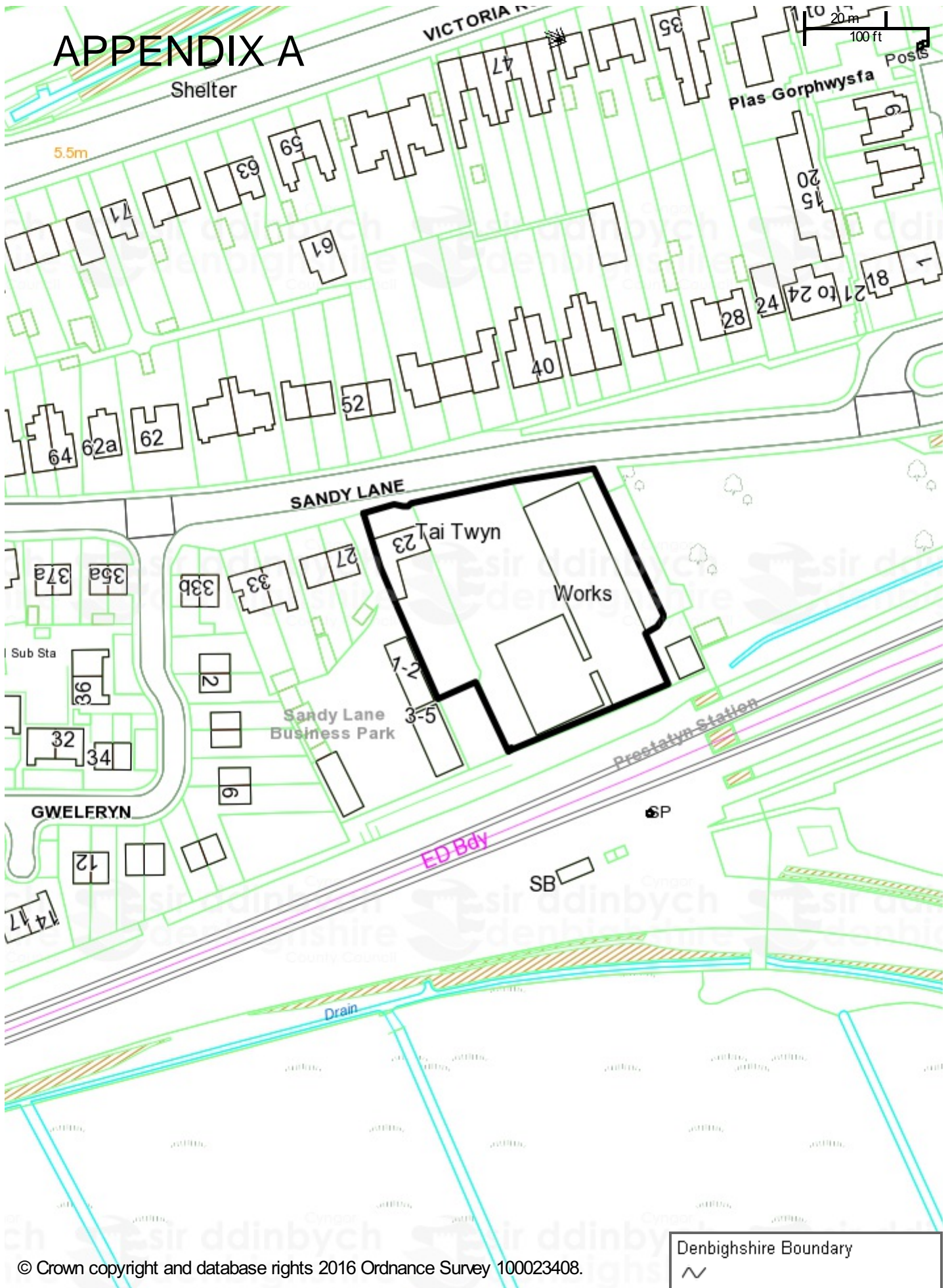
Refer to Groundwater protection: Principles and practice (GP3).  
Refer to British Standard Investigation of Potentially Contaminated Sites. Code of Practice (BS10175:2011).

3. In relation to Protected Species, Natural Resources Wales draw attention to the fact that Bats are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).  
A bat survey has been undertaken (Environmental services, May and June 2015).  
The report states that the buildings or trees showed no evidence, past or present of roosting bats.  
The recommendations proposed within the report: Section 7. Recommendations of the report should be adhered to so as to avoid adverse impacts on bats. However, the applicant should be advised that should bats be discovered at any stage during the works, all work should stop immediately and NRW contacted for further advice.  
Care should also be taken in the type and location of any external lighting within the new development, to ensure that the hedgerows and trees identified on the site are not illuminated and that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.
  
4. In relation to condition 18, you are advised to contact the Regional Emergency Planning Service to discuss the approach to the contents of the Flood Risk Management Plan, prior to formal submission. Without prejudice to the final comments of the Service on the Plan, their original response made reference to removal of references to the Emergency Planning Service instructing evacuation, as per page 9 as this responsibility lies solely with North Wales Police, the Local Authority role is to support that evacuation with a welfare response i.e. provide a rest centre. The Service is not aware that anyone has the power to 'instruct' evacuation of a dwelling in a forecast or actual flood event, as per page 9 and suggest the terminology here and the covenant proposed for the lease could therefore possibly cause a legal issue for the developer to consider.
  
5. Your attention is drawn to the following Highway Supplementary Notes:
  - (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
  - (ii) New Roads and Street Works Act 1991 – Part N Notice.
  - (iii) Highways Act 1980 Section 184 Consent to Construct a Vehicular Crossing over a Footway.

GRAHAM H.BOASE

HEAD OF PLANNING AND PUBLIC PROTECTION

# APPENDIX A



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43/2015/0315/PF

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Printed on: 4/4/2016 at 11:23 AM





# PROPOSED ELEVATIONS

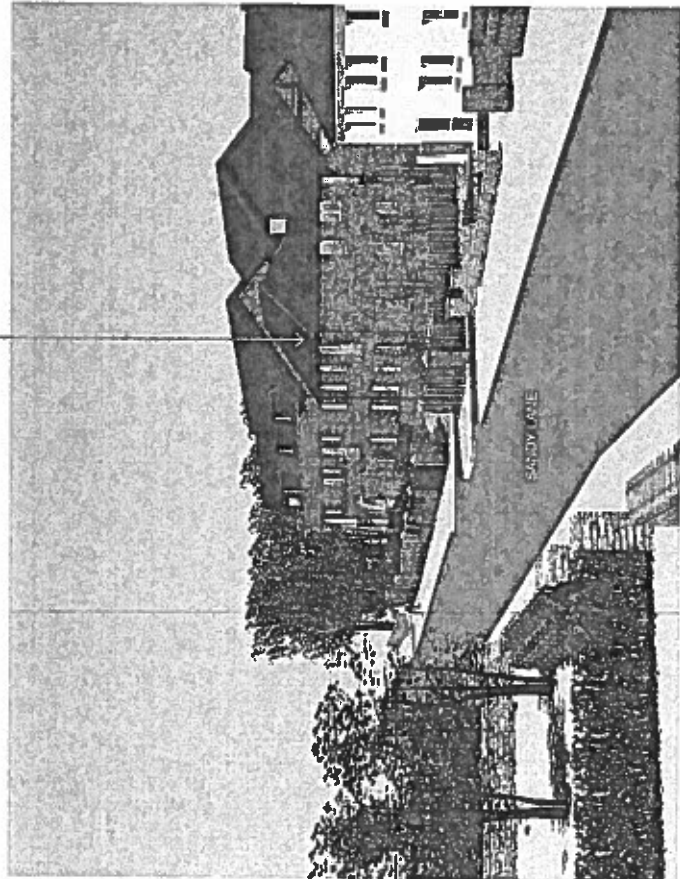
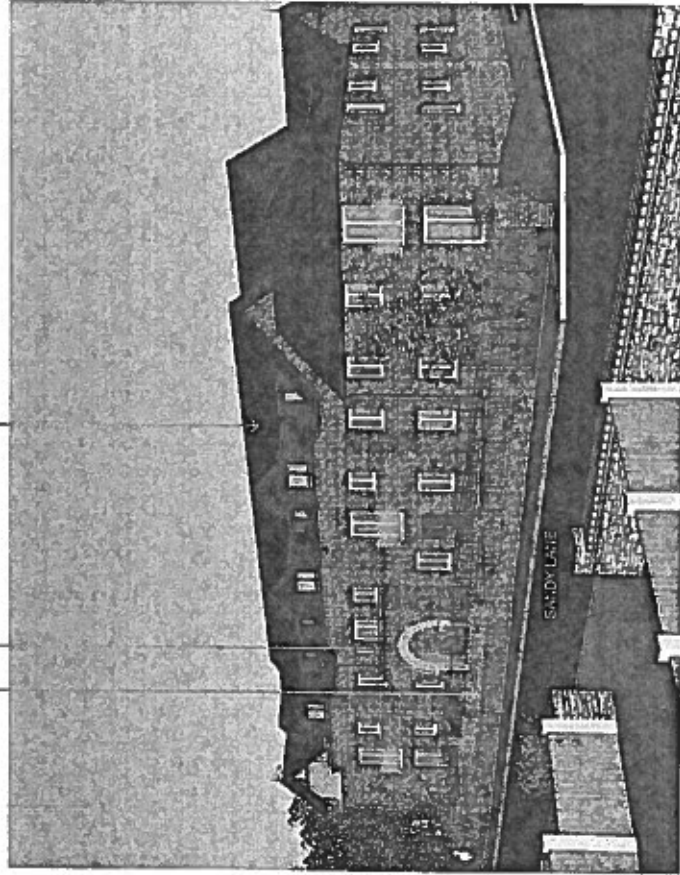
## 4.4 Form and Massing

Variety of roof forms to replicate existing streetscene

Main entrance with shelter

Ramp and stair up to main entrance

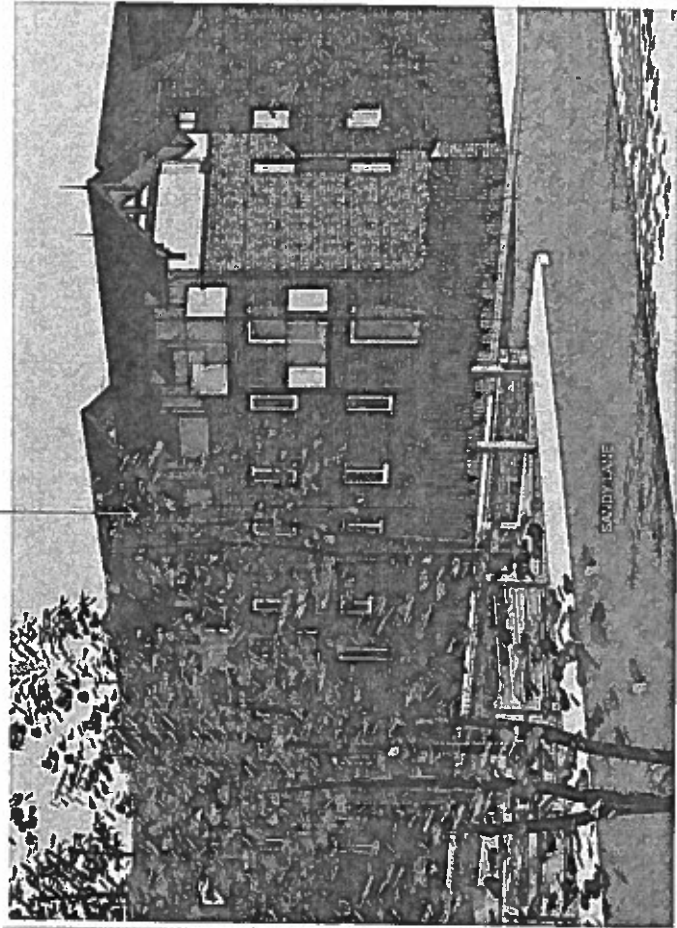
Building height reduces to two storey adjacent to neighbouring dwelling



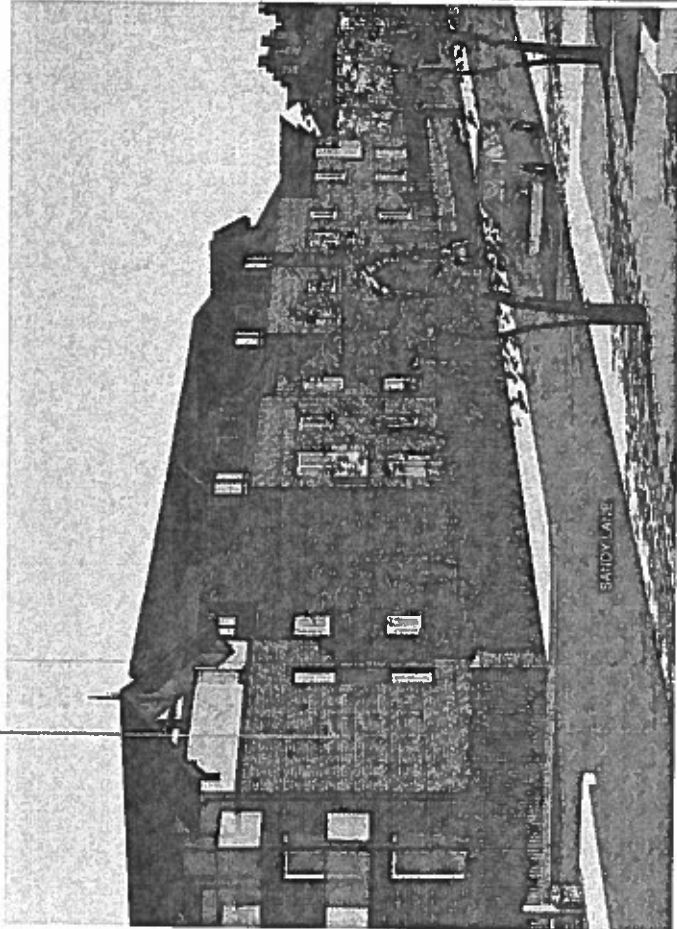


# PROPOSED ELEVATIONS

Variety of roof forms  
to replicate existing  
streetscene



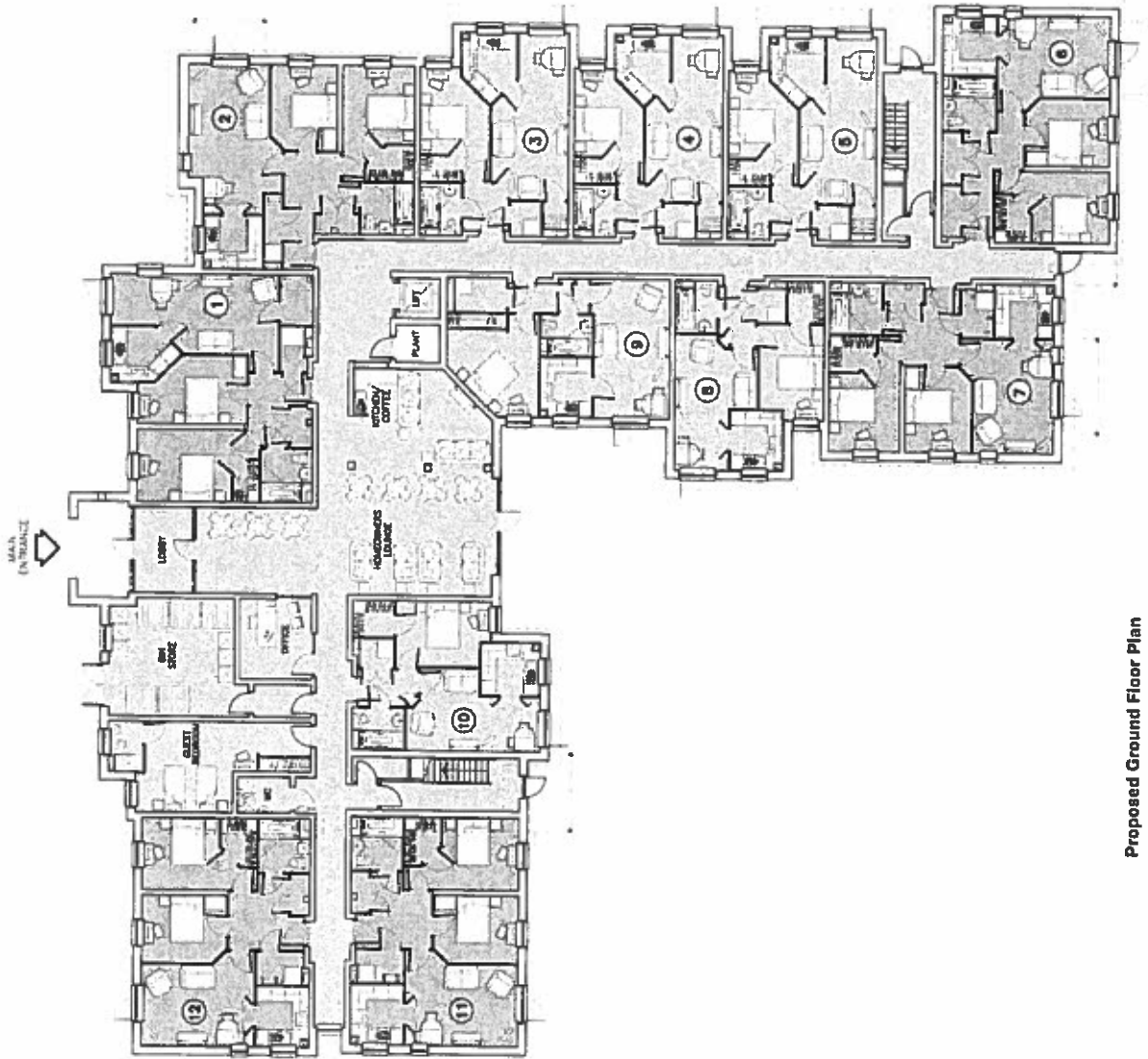
Use of brick and  
renders to replicate  
existing streetscape







# TYPICAL FLOOR PLAN



## 4.2 Proposed Floor Plans

### Summary of units provided :-

23 No 1 bed units

16 No 2 bed units

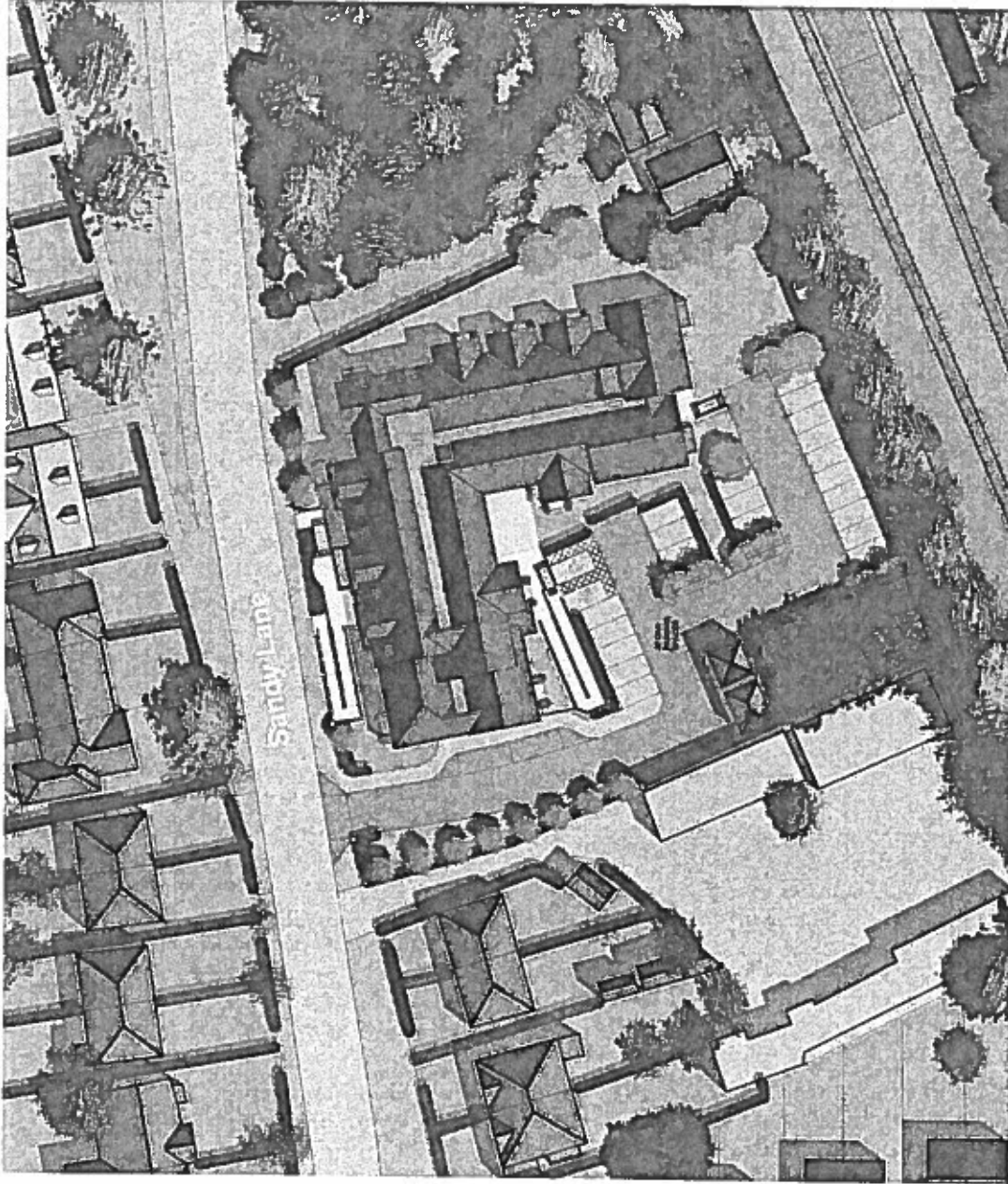
**Totalling 39 No units**

**Proposed Ground Floor Plan**

**FFL 6.1 AOD**



# PROPOSED SITE LAYOUT



## 4.0 Proposals

### 4.1 Proposed Site Plan

- Building is positioned to northern boundary with generous strip of garden in line with established character of Sandy Lane.
- Building alignment allows for required forward visibility when leaving the site by car.
- 'L' shaped footprint responds positively to the streetscape and offers amenity space with a southern aspect to the rear block.
- Use of double parallel pitched roofs to minimise ridge heights.
- Variety of gable and hipped roof configurations to break-up long runs of pitched roof.
- Two storey hipped element to respond appropriately to neighbouring properties.
- Three storey only where no issues of privacy or overlooking of neighbouring residential properties exist.
- Boundary planting supplemented to avoid any overlooking of existing properties / gardens from proposed first floor apartments.
- Supplementary screen planting to boundary where neighbouring non-residential buildings back onto the site.
- FFL of ground floor set at 6.1 AOD for flood risk purposes. Railing with hedge planting to West, North and East boundaries to prevent fast water run of around site. Site landscape designed to achieve level changes from street level to FFL through use of banking, ramps and steps.



<b>WARD :</b>	Prestatyn North
<b>WARD MEMBERS:</b>	Councillors Carys Guy-Davies, Jason McLellan, and Paul Penlington (c)
<b>APPLICATION NO:</b>	43/2015/0315/ PF
<b>PROPOSAL:</b>	Demolition of existing structures and erection of retirement living housing, communal facilities, landscaping and car parking
<b>LOCATION:</b>	Site at Sandy Lane Prestatyn
<b>APPLICANT:</b>	McCarthy And Stone Retirement Lifestyles Ltd.
<b>CONSTRAINTS:</b>	C1 Flood Zone
<b>PUBLICITY UNDERTAKEN:</b>	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:**

**PRESTATYN TOWN COUNCIL**

"No Objections. Parking to be sufficient for development. Construction traffic should be controlled to minimise impact upon neighbours. Sub-letting of retirement living housing to be strictly controlled".

**NATURAL RESOURCES WALES**

In summary, do not object to the proposal, subject to the imposition of conditions, as it is not likely to adversely affect matters of interest to them.

The response goes into considerable detail on flood risk, groundwater and contaminated land, and protected species issues.

In relation to flood risk, NRW have considered the Assessments provided by the applicants in February 2016, and agree with the proposals for incorporating flood resilience and flood void storage measures into the development, which would need to be secured through planning condition. On the detailing of the emergency access, egress and flood warning measures, NRW suggest referral to the Emergency Planning Team as the appropriate body to advise on the proposals, particularly in view of the likely vulnerability of the users of the development (elderly with potential reduced mobility); however, NRW advise that the 'tolerable limits' as set out in the tables in TAN15 will be exceeded and that these risks will need to be considered in determination of the application.

In relation to groundwater and contaminated land, NRW recommend a number of conditions should be imposed on any permission setting requirements for a scheme to deal with the risks of contamination, a verification report, long term monitoring, provision for dealing with unsuspected contamination, and piling works.

In relation to protected species, NRW advise that the recommendations in the bat survey report should be adhered to and that details of any lighting scheme should be agreed with the Council.

**REGIONAL EMERGENCY PLANNING SERVICE – NORTH WALES COUNCILS**

Is supportive of the fact that a Flood Risk Management Plan has been drafted for the development, although the Emergency Planning service would not be in a position to deem it

acceptable or otherwise. Requests that revisions are made to the contents of the Flood Risk Management Plan :

1) Removal of references to the Emergency Planning Service instructing evacuation, as per page 9. This responsibility lies solely with North Wales Police, the Local Authority role is to support that evacuation with a welfare response i.e. provide a rest centre.

2) It is questioned whether anyone has the power to 'instruct' evacuation of a dwelling in a forecast or actual flood event, as per page 9. The terminology here and the covenant proposed for the lease could therefore possibly cause a legal issue for the developer to consider. Suggests the terminology should be reconsidered to that of advice or recommendation.

(Officers have requested clarification of the Emergency Planning Service comments and any further advice will be reported in the late information sheets)

#### DWR CYMRU / WELSH WATER

Request imposition of conditions if planning permission is granted, to prevent surface water and land drainage from being connected to the public sewerage network.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

Has advised that the access arrangements are acceptable.

Land Drainage Section

No response at the time of drafting the report

Biodiversity Officer

Advises that information in relation to bats and nesting birds is satisfactory and suggests conditions will be required for details of bat and bird boxes to be installed, and any lighting scheme. Notes the removal of the non-native species from the native species planting.

Development Plan and Policy

The Housing Officer confirms that there is housing need demonstrated in the area, and incomes in the area have been declining as demonstrated by available data and lack of affordability. The town is considered to be somewhat of a retirement community, indicated through age profile statistics. Households in the Prestatyn market area are geared towards smaller sizes, with 2 person households being the most prevalent, along with one person households, being a reflection of private rented accommodation in the area. The affordable housing commuted sum according to policies would be £339,223.

Economic and Business Development Officer

Considers that the loss of the site would not prejudice the ability of the Prestatyn area to meet a range of local employment needs given the availability of larger employment sites for development in the town's Warren Drive.

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

In support

Representations received from:

D . Smart - 57 The Avenue, Prestatyn (S)

Mr John Butterworth - 28 Rhodfa Wyn, Prestatyn (S)

Mrs Glennis Butterworth - 28 Rhodfa Wyn, Prestatyn (S)

Mrs Maureen Williams, 8 Russell Drive, Prestatyn (S)

Linda & Martin Parry, 33 Sandy Lane Prestatyn (S)

Stephen, Gillian & James Cairns, 48 Sandy Lane, Prestatyn (S)

Owner, 28 Gwelfryn, Prestatyn (S)

Mr & Mrs McConville, 58 Beverley Drive, Prestatyn (S)

John Usher, 5 Queens Court, Prestatyn (S)

Summary of planning based representations in support:

Principle

Any redevelopment improving the area is welcome / there is a need for this type of accommodation / local support for the provision of this type of accommodation in a convenient location close to amenities / well presented consultation meeting / site is an eyesore / high quality development would fit in with the area

**EXPIRY DATE OF APPLICATION:**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1. Summary of proposals

1.1.1. The application seeks full planning permission for the demolition of two existing single storey workshop units and the redevelopment of the site by way of 39 one and two bedroom apartments, with associated access and parking.

1.1.2. The site is approximately 0.38 hectares in extent and has been occupied by industrial / employment buildings and a dwellinghouse for many years.

1.1.3. The application is submitted by agents acting on behalf of McCarthy and Stone. The submitted documents indicate the development involves Category II type Later Living retirement housing for the elderly. The applicant company are a national retirement accommodation provider, and typically offer self contained apartments with communal facilities.

1.1.4. The proposals are illustrated on the plans at the front of the report. They involve:

- The demolition of all the existing buildings on the site
- The erection of a single 'L' shaped, 2.5 / 3 storey block located close to the northern (Sandy Lane) boundary and the eastern (woodland area) boundary. The block would contain 39 apartments (12 on both the ground and second floors, and 15 on the first floor; 23 one bed units averaging 49.9 square metres floorspace, 16 two bed units averaging 68.6 square metres floorspace), and there is a communal residents lounge. The documents indicate the proposal is to use a combination of predominantly red brick and red tile hangings with buff coloured render on the external walls, with red roof tiles; and variations including bay windows, feature brickwork, balconies and timber detailing.
- A single vehicular and pedestrian access off Sandy Lane in the north west corner of the site
- A parking area within the site with a total of 27 spaces.
- A single storey substation and a scooter store adjacent to the parking area
- Associated amenity space, landscaping and planting

1.1.5. The application was originally submitted in March 2015 and has been supplemented by additional information, in particular in relation to flooding matters. It is accompanied by a number of plans including the layout for the site, the apartment block detailing and

contextual plans, a Planning Statement, a Design, Access, and Sustainability Statement, a Flood Risk Assessment and additional Flood Risk Management Plan, a Noise Assessment, a Transport Statement, Ecological Reports, an Affordable Housing and Planning Obligation statement, a Statement of Community Involvement, a Ground Investigation Report, and a Community and Linguistic Assessment.

1.1.6. The Planning Statement and the Design and Access Statement provide useful background information in relation to the proposals. The Executive Summary in the Planning Statement refers to the following :

“This planning statement sets out the planning policy considerations which support the provision of Retirement Living apartments for older people on the application site. The development will ensure that residents maintain their independence via a range of communal facilities and a House Manager, allowing them to remain in their own home as frailty increases through later life. This is a very specialised form of accommodation that is currently very limited within Prestatyn, the development of which promotes downsizing and more efficient use of the existing housing stock.

The proposal provides the opportunity to achieve a high quality development that would positively contribute to meeting demonstrable local housing needs in accordance with the Planning Policy Wales (Edition 7, July 2014), Denbighshire Local Development Plan 2006 – 2021 (adopted June 2013), and The Denbighshire ‘Strategy for Older People Development Plan 2004-2005’. In short, this scheme provides numerous wide ranging social and planning benefits, both for potential residents and the community as a whole. In summary, these are:

*Sustainability Benefits*

- A highly sustainable form of development that reuses previously developed land within the urban area effectively and efficiently.*
- The provision of much-needed accommodation for older people that helps address the demographic imperative of an ageing population and a housing stock that is ill equipped to deal with its needs.*
- An accessible location and form of development that will lead to less reliance on the private motorcar.*
- A development that serves to underpin local facilities, including the retail functions of the shops close to the site.*
- A land use, which is entirely passive and a “good neighbour”.*
- A building that provides substantial energy efficiency advantages over most open market schemes.*

*Balanced View of Policy and Other Material Considerations*

- Specialised housing for older people provides significant planning and social benefits.*
- Sustainable form of development.*
- Optimises use of scarce residential land.*
- Net environmental benefit in streetscene, character and landscape terms.*
- Reduced demand on public sector resources and health services. Residents manage better and spend fewer nights in hospital, reducing the impact on NHS resources.*
- Most residents have family and friends in the locality and are able to remain an important part of the local community.*
- Increases availability of much needed family housing in areas of shortage boosting the supply in the local housing market.*
- Helps underpin local facilities.*

This proposal represents an ideal opportunity for the redevelopment of this site within the built-up area of Prestatyn, in accordance with the Government’s housing and sustainable development policies. It would provide for much needed specialised accommodation for older people within a central location, freeing up existing under-occupied stock.



This specialised form of accommodation also provides older people with a better housing choice, and provides residents with safety, security and companionship whilst removing the heavy burden of property maintenance. Therefore, it reduces the anxieties and worries experienced by many older people living in accommodation that does not best suit their needs.

This proposal is located in an accessible location with good links to Prestatyn Town Centre and is within easy reach of the shops, public transport facilities and other essential services located therein, which all benefit residents in maintaining an independent lifestyle. This specialised form of housing generates extremely low levels of traffic; and the convenience of the location close to public transport opportunities would further reduce the need for car use, not least because purchasers of such housing accommodation generally no longer need or wish to have the 'burden' of car ownership (please see the Transport Statement submitted alongside this planning application).

The proposed development successfully achieves a balance between the potentially competing objectives of development and the conservation of the environment, and thereby satisfies the goal of "sustainability".

This proposal will:

- Accord with Welsh national planning guidance in relation to sustainable development and meeting local housing needs;
- Accord with the relevant and material provisions of the development plan including its housing objectives
- Achieve a high quality design which will enhance both the character and appearance of the locality; and
- Respond positively to the character of the area and the street scene."

## 1.2. Description of site and surroundings

1.2.1. The site is located between Sandy Lane and the main north Wales railway line on the west side of Prestatyn.

1.2.2. The surrounding area north of the railway is mainly in residential use, with a mixture of housing types including 2 and 3 storey units. Land immediately to the eastern boundary is a mature woodland.

1.2.3. The site has been occupied by a range of buildings including two larger structures and a number of prefab units along the eastern boundary, and an old dwelling in the south western side. There is a large expanse of tarmac used for parking purposes. The last known use of the larger buildings as referred to in the documents was a commercial printer. The site is in generally poor condition and parts have become overgrown.

1.2.4. Land levels are relatively flat in this area.

## 1.3. Relevant planning constraints/considerations

1.3.1. The site is within the development boundary of Prestatyn in the Local Development Plan, but has no specific use designation.

1.3.2. There is an old Article 4 Direction applying to the area, which relates to the holding of markets, etc., so is of no direct relevance to the application.

## 1.4. Relevant planning history

1.4.1. The site has been the subject of a number of planning applications. The majority are of limited relevance to the current application, being related to the industrial / workshop use, but there have been previous proposals for residential development, which provide a background to the current proposals.

1.4.2. Of interest are:

- A 1974 outline permission for the erection of OAP flats
- A 1981 outline permission for residential development
- A 1983 permission for sheltered accommodation

- A 1984 refusal for 23 dwellings (intensification of development, inadequate parking, precedent)
- A 1990 refusal for 30 apartments (layout , density, parking)
- A 2006 permission for a general industrial building

1.4.3. None of the permissions for residential development have been taken up.

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 issues relating to flooding and means of escape for residents in a flood event. Additional information has been provided, including a Coastal Breach Assessment dealing with the extent of flooding at extreme flood events, and a Flood Risk Management Plan setting out evacuation measures in the event of a flood. The details have been the subject of reconsultation.

1.5.2. The agent has requested that the application be presented to the April 2016 meeting of the Committee as there is pressure on the client to progress.

1.6. Other relevant background information

1.6.1. None of specific relevance to this application.

**2. DETAILS OF PLANNING HISTORY:**

Selected applications of relevance to current application.

2/PRE/59/74

Outline application for the erection of approximately 37 old persons flats

Granted 15/08/1974

2/PRE/332/81

Outline residential development

Granted 17/06/1981

2/PRE/52/83

Erection of sheltered accommodation

Granted 28/04/1983

2/PRE/284/84

Erection of 23 no 2 bed houses & 1no. 1 bed flat, drainage and external works

Refused 07/11/1984

2/PRE/458/84

Erection of 19 no 2 bed houses & 1no. 1 bed flat, drainage and external works

Granted 19/02/1985

2/PRE/0452/89

Erection of 30 apartments

Refused 22/02/1990

43/2006/0588

Development of 0.35 ha of land by the demolition of existing buildings/dwelling; erection of 1208sqm general industrial building

Granted 26/07/2006

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy RD 1 Sustainable Development and good standard design

Policy RD 5 The Welsh language and the Social and cultural fabric of communities

Policy BSC 1 Growth Strategy for Denbighshire

Policy BSC 4 Affordable Housing

Policy BSC 11 Recreation and Open Space  
Policy PSE 3 Protection of employment land and buildings  
Policy ASA 3 Parking Standards

### 3.1. Supplementary Planning Guidance

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

### 3.2. Government Policy / Guidance

Planning Policy Wales Edition 8 2016  
TAN 1 Joint Housing Land Availability Studies  
TAN 2 Affordable Housing  
TAN 5 Nature Conservation and Planning  
TAN 12 Design  
TAN 15 Development and Flood Risk

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, 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. Protection of employment land and buildings
- 4.1.3. Affordable housing
- 4.1.4. Drainage / flooding
- 4.1.5. Visual amenity
- 4.1.6. Residential amenity
- 4.1.7. Ecology
- 4.1.8. Highways (including access and parking)
- 4.1.9. Open Space
- 4.1.10. Contaminated land
- 4.1.11. Density of development
- 4.1.12. Inclusive design
- 4.1.13. Impact on Welsh Language and Social and Cultural Fabric

4.2. In relation to the main planning considerations :

#### 4.2.1. Principle

The report deals in detail with a number of issues of principle and detail in the following paragraphs.

In brief, in relation to the principle of what is involved in this application:

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

and villages. The site is located within the development boundary of Prestatyn, which is designated as a 'lower growth town' in the adopted Local Development Plan. Whilst the site is not allocated for a specific purpose in the LDP, residential development would not be inconsistent with the strategy of the Plan. The applicants also suggest the development offers an opportunity to make a contribution to the Council's five year housing supply situation.

There is a separate policy in the Local Development Plan which seeks to protect employment land and buildings. PSE 3 sets specific tests for the consideration of applications involving the loss of employment sites, which also need to be addressed to determine the acceptability of the principle of demolishing the workshop buildings and changing the use of the site to residential. Compatibility of the development with PSE 3 is a matter to be weighed in the consideration of the application, and is addressed in section 4.2.3 of the report.

TAN 15 outlines tests of principle to be reviewed in relation to the acceptability of development of land in flood areas. These are the subject of assessment in section 4.2.4 of the report.

#### 4.2.2. Protection of employment land and buildings

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.

The supporting text to PSE 3 confirms that all employment sites are covered by the policy, and refers to potential concerns in relation to pressure on the Council to allow alternative and higher value land uses on employment land, which if uncontrolled, will reduce the scale, range and type of employment land in the County.

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.

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

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

The supporting documents refer to retirement living housing having a very particular set of locational criteria when selecting a site, and that in accordance with the 5 criteria, no other suitable sites are available within Prestatyn.

*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*

The supporting documents refer to up to date evidence of marketing of the site from Richard Baddeley and Company, which confirms the site has been marketed since November 2012, with no conditional or unconditional offers having been made. The agents suggest the site has been vacant for a number of years and has no reasonable prospect of being used for employment purposes.

*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.*

The supporting documents suggest the provision of the 39 apartments in the town centre of Prestatyn will greatly enhance the vitality and viability of local shops and services. They refer to research on the value of the type of development to the viability of local businesses and employment in town centres. The submission argues that retirement living housing is considered a 'passive' land use and a 'good neighbour' and is arguably a more suitable land use for the site than a B2 employment use. It also suggests the proposal will generate employment opportunities including a house manager, day to day servicing staff, and at construction stage. The Economic and Business Development Officer has commented that the loss of the site would not prejudice the ability of the Prestatyn area to meet a range of local employment needs given the availability of larger employment sites for development in the town's Warren Drive.

On the basis of the information provided, Officers would suggest the proposals are not in conflict with PSE 3.

#### 4.2.3. Affordable Housing

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

The Development Plan and Strategy Officers have confirmed there is housing need demonstrated in the area, and that households in the Prestatyn market area are geared towards smaller sizes, with 2 person households being the most prevalent, along with one person households, being a reflection of private rented accommodation in the area. The calculated affordable housing commuted sum is £339,223.

The original planning application contained a detailed Planning Obligations and Affordable Housing Statement which reviewed national and local planning policy in relation to provision of affordable housing. The Statement set out the context for the developer's conclusion that the scheme could not make any contribution to the provision of affordable housing or any other planning contributions. It drew attention to advice in TAN 2 which sets a requirement for Local Planning Authorities to balance the need for affordable housing against site viability and to take account of the feasibility of delivering affordable housing. This refers to the possibility of exceptional circumstances where affordable housing may be provided off site or through a financial contribution in lieu of on site provision. As the provision of affordable housing is normally administered through a Planning Obligation, the Statement also refers to the tests to be applied to the use of Obligations in Welsh Office Circular 13/97. It acknowledges the Local Development Plan policies and Supplementary Planning Guidance in relation to affordable housing, and that there is recognition that there may be circumstances where on site provision would be unsuitable and payment of a financial contribution in lieu may be acceptable.

The Affordable Housing Statement provides detailed information on the nature and operation of retirement housing and why it was considered there are difficulties likely to arise from mixing different types and forms of housing alongside private sheltered housing.

There are interesting matters to consider in relation to affordable housing provision. Initially, it is worth recognising that the development would provide 39 one and two bedroom apartments in a town where there appears to be a clear demand for such small units, and in particular for elderly persons. The development would also contribute positively to the Council's 5 year housing supply figures.

In relation to the applicants' outline of the nature of the elderly persons accommodation, Officers take the view that a privately run retirement living complex in a single building is not compatible with the provision of affordable units, so it is not considered unreasonable to accept a commuted sum approach in lieu of on-site provision. This is in accord with the planning policy and Supplementary Planning Guidance.

Officers have discussed the issue of affordable housing with the applicants in light of the policies of the Local Development Plan and Supplementary guidance, as the Council continues to attach a high priority to the provision of affordable housing in association with new developments. It is pleasing to report that the negotiations have resulted in an offer of £140,000 as a commuted sum payment, for use in connection with affordable housing and open space, the split to be determined by the Council. Whilst the offer falls short of the calculated affordable housing commuted sum of £339,233, in the context of the applicant's viability assessment, and the other positive factors from the provision of small apartments, Officers consider this to be a reasonable 'gain' from the development, being a substantial sum to put towards suitable affordable provision elsewhere in the town.

#### 4.2.4. Drainage / flooding

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 is supplemented by TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed, and includes specific 'justification' and 'acceptability' criteria to be applied to development proposals for residential development.

In terms of consultation responses, following the submission of additional information in February 2016, NRW have commented at length on the flooding issues arising in relation to the proposals, as the site is in a C1 Flood Zone, identified on Welsh Government's Development Advice map referred to in TAN 15. In respect of :

##### Flood risk

NRW have considered the contents of additional information provided by the applicants in early 2016, in the form of a Flood Consequences Assessment, informed by a Coastal Breach Assessment. Their conclusion is that the proposals, including raising the finished floor levels above the breach tolerance for a tidal breach generally satisfy the matters in section A1.14 of TAN 15 (guidance relating to frequency thresholds for different types of development). NRW recommend imposition of a condition to ensure the development is carried out in accordance with the Flood Consequences Assessment.

##### Emergency Access and Egress

NRW have assessed the projected levels of inundation of the principal Access and Egress routes to and from the site under flood conditions, as considered in the Flood Consequences Assessment, in relation to the tolerances set out in section A1.15 of TAN 15. They conclude that flood depths along these routes (Sandy Lane in particular) are likely to exceed the tolerances, and the flood hazard at the two 'extreme flood event' scenarios modelled would be significant / extreme which would be dangerous to most / all people including emergency services. They refer to recent Welsh Government advice stating escape / evacuation routes should be operational under all conditions, and that this matter is a material consideration in determination of the application. As NRW state they are not the appropriate body to advise on

the appropriateness of the flood evacuation measures or the safe access / egress aspects of a development proposal, they advise that consultation with the Emergency Planning Service is essential.

Officers have duly consulted with the Regional Emergency Planning Service. The Service's response was received immediately before the deadline for completion of the report for the April Committee. It welcomes the submission of the Flood Risk Management Plan, but indicates the Service are not in a position to deem it acceptable or otherwise, and they have challenged the wording of sections of the Plan. Officers have advised the agents of the response and have sought further advice from the Service in clarification of their position, so any developments will be reported in the late information sheets for consideration prior to any debate on the application.

The flooding issues require careful assessment in relation to the general advice in PPW and the detailed contents of TAN15, all in the context of the information provided by the applicants and responses from NRW and the Regional Emergency Planning Service.

#### TAN 15

It is not challenged that the site is located within a C1 flood zone. In terms of the Development Categories in TAN 15, the existing industrial use falls within the 'less vulnerable development' category and the proposed use (as all residential premises) is in the 'highly vulnerable development' category.

#### - Justification criteria

Section 6 of TAN 15 sets out specific planning considerations to be given to new development in C1 flood zones and states that this should only be permitted if it is determined by the Local Planning Authority to be justified in that 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.

#### - Acceptability criteria

In summary, the criteria to be met in order for development to be considered acceptable are:

- Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).
- The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with the Environment Agency (now Natural Resources Wales).
- The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.
- Effective flood warnings are provided at the site
- Escape/evacuation routes are shown by the developer to be operational under all

- conditions
- Flood emergency plans and procedures produced by the developer must be in place.
  - The development is designed by the developer to allow the occupier the facility for rapid movement of goods/possessions to areas away from floodwaters.
  - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.
  - No flooding elsewhere.
- Developer is required to demonstrate that the site is designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.
  - In respect of the residual risk to the development it should be designed so that over its lifetime (A1.5) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3 m/second on access roads and 0.15m/second in properties, and the maximum rate of rise of floodwater would not exceed 0.1m/hour (

Having regard to the **justification criteria** in paragraph 6.2 of TAN15, Officers' view is that :

- the proposals comply with test i. in that the provision of 39 apartments would assist the Growth Strategy for the County in Local Development Plan Policy BSC1, which is to provide new housing to meet the needs of local communities and population changes, and it would contribute to expanding the range of accommodation in the town.
- Housing development in existing settlements concurs with the aims of Planning Policy Wales, and the site meets with the definition of 'previously developed land' in PPW, hence the proposals comply with test iii.
- The potential consequences of a flooding event for the particular type of development have been considered, and are reviewed below under the 'acceptability' criteria heading.

Officers' conclusion is that the proposals meet the justification criteria in section 6 of TAN 15

Having regard to the **acceptability criteria** in TAN 15, Considerations outlined in Section 7 and Appendix 1 of TAN 15 in relation to the assessment of flooding consequences have been addressed by key technical consultees in the form of NRW and the Regional Emergency Planning Service.

In informing the Council on the acceptability of the proposals in terms of justification criteria iv. , NRW's position on flood risk is clear in stating the proposals generally satisfy the matters in section A1.14 of TAN 15, which is guidance relating to frequency thresholds for different types of development. NRW recommend imposition of a condition to ensure the development is carried out in accordance with the Flood Consequences Assessment.

The main issue of concern in relation to test iv. appears to be the acceptability of the proposals in respect of Emergency Access and Egress. This consideration is the one of the 'acceptability criteria for flooding consequences' set out in section A1.12 of TAN 15 , which indicates a site should only be considered for development if a number of conditions can be satisfied. The one of relevance is ;

'...- escape / evacuation routes are shown by the developer to be operational under all conditions.'

,A1.15 contains a table with indicative guidance on what are considered tolerable conditions for different types of development in respect of maximums for depth of flooding, rate of rise of floodwaters, speed of inundation and velocity of floodwaters. The explanatory



text repeats that the figures are indicative and reflect conditions in which, given the presence of adequate warnings and preparation, appropriately equipped personnel could undertake emergency activities. It suggests each site must be considered individually and a judgement taken in the context of the particular circumstances which could prevail at a site.

The basis of TAN 15 advice in respect of the residual risk to residential development is that it should be designed so that over its lifetime (A1.5) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3 m/second on access roads and 0.15m/second in properties, and the maximum rate of rise of floodwater would not exceed 0.1 m/hour (table in A1.15).

The applicant's submitted Coastal Breach Assessment provides information on potential flood hazards at the post development site in a 0.5% and 0.1% (200 to 1 and 1000 to 1 chance in any year event) during a tidal breach and overtopping event, including allowance for climate change. In the 0.5% scenario, the Assessment refers to the entire site and surrounding area experiencing severe flooding with depths up to 1.1metre, and a flood hazard rating for the site classified as 'Danger for Most', with velocities up to 1m/s contributing to flood risk. In the 0.1% scenario, the Assessment indicates maximum flood depths across the site increase to around 1.7metres, and the flood hazard rating for the majority of the site area is 'Danger for All', albeit the portion where the majority of the development is proposed is lower and considered 'Danger for Most'. It states velocities of 1.4m/s contribute to flood risk across the site.

NRW comment on the TAN 15 A1.15 tolerances in terms of projected levels of inundation of the principal Access and Egress routes to and from the site under flood conditions, as considered in the applicant's Assessment. NRW note the contents of the Assessment, and advise that flood depths along the key access routes and egress routes will exceed the 'tolerable limits' in A1.15. They strongly recommend consultation with the Emergency Planning Service so they can comment on the issues, including the adequacy of the developer's flood evacuation measures and safe access / egress aspects of the proposals particularly given the likely vulnerability of the users of the development (i.e. elderly with potential reduced mobility). NRW remind the Council that the risks identified need to be considered in the determination of the application, and they refer to advice from Welsh Government to all Chief Planning Officers (January 2014) which restates advice in TAN 15 A1.12 that to satisfy the acceptability criteria for flooding consequences, escape / evacuation routes should be 'operational under all conditions', and are a material consideration.

As noted, the Regional Emergency Planning Service response welcomes the Flood Risk Management Plan and suggests revisions are necessary to the contents. The Service have stated they would not be in a position to deem the Plan acceptable or otherwise.

Having regard to the flood information in the submission and the responses to hand at the time of completing this report from NRW and the Regional Emergency Planning Service, Officers consider there is a significant question over the acceptability of the proposals in terms of the emergency access and egress in times of extreme flood events. The guidance in TAN 15 A1.15 on maximum depth of flooding is 0.6m, and maximum velocity of floodwaters is 0.15m/s inside a property and 0.3m/s on access roads. The modelled information for the relevant 'extreme' events indicate maximum depths of flooding of 1.1m and 1.7m and maximum velocities of 1m/s and 1.4m/s. These are figures considerably in excess of the guidance, and suggest a high level of hazard for residents and emergency services.

Officers recognise that contingency measures may be incorporated into a Flood Management Plan to show how residents may be warned and evacuated in the event of a flood event. However, given the extent to which the 'tolerances' in TAN 15 A1.15 would be exceeded in an extreme flood event, it is difficult to see how the proposals demonstrate one

of the key 'Acceptability criteria for flooding consequences' in TAN 15 that escape / evacuation routes would be 'operational under all conditions'. In a situation where NRW note the hazard on Sandy Lane is categorised as a "Danger for all", representing an extreme flood hazard that would be dangerous to all, including the Emergency Services, there is clearly a potential risk to life which is difficult to overlook. This risk is a significant negative factor to weigh in the consideration of the application.

Any additional information received from the Regional Emergency Planning Service and the agents will be reported to Committee in the late information sheets.

#### 4.2.5. Visual amenity

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

There are no consultee responses raising comment on visual amenity issues. Private individuals supporting the application express the view that the development would improve the area and that high quality development would fit in with the area.

Officers' view is that the proposals offer an opportunity to significantly improve the quality of the environment in this area. The site is an eyesore with limited prospects for improvement without redevelopment. With regard to the design detailing and the layout, it is considered that some care has been taken to develop a scheme which respects the character of the locality. The proposed main block contains interesting design features, and the landscaping / planting would be of a high standard.

#### 4.2.6. Residential amenity

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

There are no local concerns expressed over the impact of the development on the residential amenities of occupiers of adjacent properties.

Having due regard to the detailing of the main block and distances to existing dwellings to the west and north along Sandy Lane, Officers view is that there would be no unacceptable impact on the amenities of occupiers in the form of overlooking and loss of privacy, or through the development being overpowering. The presence of the railway immediately to the south of the site raises issues of noise for occupiers of units closest to the main line, but this is reviewed in the Noise Assessment and proposals for suitable enhanced glazing can be delivered through a suitable planning condition.

#### 4.2.7. 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.

Natural Resources Wales and the Biodiversity Officer raise no objections to the ecological implications of the development. Additional information was submitted following requests for reptile and other surveys, and the consultees suggest the imposition of conditions to ensure the implementation of the recommendations in the bat report, and to control external lighting.

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

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

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

This is a full planning application showing details of the proposed access and parking arrangements for the site. There are no concerns from consultees or private individuals to the highway implications on the road network, to the scale of development or to the detailing of the scheme. The Highways Officer has no objections to the proposals.

Officers consider the proposals are acceptable in terms of highway considerations. The site has been in employment use for many years and the accesses have been subject to varying scales and intensity of use. This is a near town centre location and the nature of the development is such that car ownership would be relatively low, hence there would be limited demand for parking spaces. The 27 spaces shown on the layout plan, with provision in a store building for battery / mobility vehicles, is considered adequate to accommodate the likely number of vehicles of residents, staff and visitors.

#### 4.2.9. Open Space

Policy BSC 11 requires proposals for all new residential development to make provision for recreation and open space either through provision on site, or through a commuted sum payment where this approach may be justified, for example where it is demonstrated that that development would not be financially viable should the full requirement for open space be provided on site or where it is impractical to provide the full requirement on site. If applied to a development of 39 units, the current Open Space calculator accompanying Supplementary Planning Guidance on Open Space sets out a standard of 1435 sq.m Community Recreational Open Space and 717 sq.m Children's play space; or a commuted sum payment of £48,251.42.

There are no representations in relation to the issue of open space / amenity space provision within the site.

The submission sets out the rationale for the provision of amenity / open space in connection with of this type of specialised accommodation. It highlights that residents of this form of housing tend to spend considerable time in their apartments, hence attention is paid to providing pleasant views / scenery from all rooms. The proposal is to provide some 1579 square metres of landscaped amenity green space for the enjoyment of residents, which is considered appropriate for this form of development.

In factual terms the proposals are not seeking to provide on-site Community Recreation Open Space and Children's play space, and there is an offer of a commuted sum payment to the Council to be split as the Council determines for Affordable Housing and open space. The applicants are arguing special circumstances apply here and that the specialist nature of the development is a relevant consideration in relation to the application of planning policy. Taking all these matters into account, Officers would concur that strict adherence to the open space standards for provision of on-site community recreation open space and childrens' / equipped play space would be inappropriate in relation to a retirement living scheme, and the provision of 1575sq.m of landscaped amenity space around the apartment block is considered a reasonable and acceptable approach. As mentioned in section 4.2.3 in relation to affordable housing, the applicants have made a 'without prejudice' offer of £140,000 as a commuted sum payment and have advised that the allocation within this sum for affordable housing and open space would be a matter for the Council to determine.

#### 4.2.10. Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Chapter 13 of Planning Policy Wales, which requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council must require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. Otherwise, if contamination cannot be overcome satisfactorily, permission should be refused.

Natural Resources Wales have no objections to the proposals but having regard to the submissions, the history and location of the site, they have recommended that permission should only be granted if a number of conditions are imposed. These are standard conditions requiring suitable investigation, risk assessment, mitigation and monitoring in connection with the development. There are no other representations on the application in respect of contamination issues.

In light of the NRW comments, Officers suggest it would be necessary to condition any permission to attach the suggested conditions to address contamination issues.

#### 4.2.11. Density of development

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

There are no representations in relation to the number of apartments proposed or the density of development.

The total site area is indicated as 0.38 hectares on the application form. The proposal for 39 apartments would represent a density of just over 100 units per hectare, which is a relatively high figure in the County, but given the central location in a town and the actual detailing of the development, Officers would not consider that this is in any way inappropriate or contrary to the guidance in RD1.

#### 4.2.12. Inclusive design

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

The submission indicates that a range of measures will be implemented to achieve relevant levels of accessibility for residents of the retirement apartments. This includes provision of access ramps, dropped kerbs, level thresholds, lifts, wide corridors and door widths. Due regard will be had to the requirements of Building Regulation legislation in the further development of the detailed plans.

Officers' view on the issue is that the site is relatively flat and that the units will be easily accessible.

#### 4.2.13. Impact on Welsh Language and Social and Cultural Fabric

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

The Community and Linguistic Statement submitted with the application concludes that the proposed development will have a positive impact, not only on the use of the Welsh language within Prestatyn, but also further safeguard the future of Prestatyn as a thriving community that responds to the needs of its entire population.

There are no representations expressing views on the potential impact of the development on the needs and interests of the Welsh language.

In Officers' opinion, the proposed development on this site would not by virtue of its size, scale, and location cause significant harm to the character and language balance of the community.

## 5. SUMMARY AND CONCLUSIONS:

5.1. The proposals raise a number of planning policy issues and it is clear from assessment of these and other material considerations that the determination of the application requires the weighing up of positive and negative factors.

5.2. The recognisable positive aspects of the application are –

- The site is within the development boundary of Prestatyn, where the principle of residential development is consistent with the housing strategy policies of the Local Development Plan.
- The provision of apartments would meet a recognisable local demand for 1 and 2 bedroom accommodation in Prestatyn and would make a positive contribution to the Council's 5 year housing supply position.
- The site is an eyesore with buildings in poor condition and with no realistic prospect of adaptation to continued employment use. The proposals offer recognisable regeneration benefits, with high quality built development.
- An offer of a £140,000 commuted sum payment for use by the Council for affordable housing and open space.
- There are no concerns raised over the highways, ecological, or contaminated land implications, subject to the inclusion of conditions.

5.3. The main negative aspects of the development are :

- The proposals fall short of meeting the commuted sum requirements for a 39 apartment development in terms of affordable housing and open space, although there are viability arguments to support underprovision
- The questions over the acceptability of the proposals in terms of the emergency access and egress in times of extreme flood events. The projected maximum depth of flooding and the maximum velocity of floodwaters are considerably in excess of the guidance in TAN 15, and suggest a high level of hazard for residents and emergency services.

5.4. In concluding the report, Officers recognise there are clear benefits from the development, but in balancing the different considerations, on the basis of the information in front of the Council, it is respectfully suggested that the flooding implications are of such significance that they have to be accorded considerable weight here.

5.5. Ultimately therefore, the recommendation is to refuse permission. It is concluded that the proposals fail to demonstrate one of the key 'Acceptability criteria for flooding consequences' in TAN 15 can be met, which requires that escape / evacuation routes should be 'operational under all conditions', as the information provides suggests the depth of flooding and velocity of floodwaters would be significantly above the indicative figures in TAN 15 A1.15 and would give rise to a level of hazard to all, including Emergency Services on Sandy Lane, which would be unacceptable.

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

The reasons is :-

1. It is the opinion of the Local Planning Authority that the proposal fails to demonstrate that a key 'Acceptability criteria for flooding consequences' in TAN 15 Development and Flood Risk can be met in that that escape / evacuation routes would not be operational under all conditions . The information submitted with the application indicates the maximum depths of flooding and maximum velocity of floodwaters in extreme flood events on Sandy Lane would be significantly above the indicative figures in TAN 15 A1.15 and would give rise to unacceptable danger and hazards for all, including emergency services. The proposal would be contrary to the requirements of criterion xi) of Policy RD 1 of the Denbighshire Local Development Plan, and to principles and advice contained within Planning Policy Wales Edition 8 and Technical Advice Note 15: Development and Flood Risk, in relation to the assessment of flooding consequences.

**NOTES TO APPLICANT:**

None

# APPENDIX B

PLANNING COMMITTEE  
Date - 20<sup>th</sup> April 2016

## ADDENDUM REPORT BY HEAD OF PLANNING AND PUBLIC PROTECTION

### AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair, and they provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

#### AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST (Pages 9 – 10)
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 11 - 18)

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT  
(Item numbers 5 – 8)

#### ORDER OF APPLICATIONS

##### PART 1

Public Speaker items	Application no.	Location	Page
6	43/2015/0315	Site at Sandy Lane, Prestatyn	39
Other items			
5	11/2014/1188	Glandwr , Clocaenog, Ruthin	19
7	43/2016/0106	113, Meliden Road, Prestatyn	69
8	44/2016/0180	43, Heol Hendre, Rhuddlan, Rhyl	79

## PUBLIC SPEAKER ITEM

<b>ITEM 6</b> Page 39 Code no. 43/2015/0315	<b>Site at Sandy Lane, Prestatyn</b> Demolition of existing structures and erection of retirement living housing, communal facilities, landscaping and car parking
<p><b>LOCAL MEMBERS:</b> Councillors Carys Guy-Davies, Jason McLellan, and Paul Penlington</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: Against -</b> <b>Public Speaker: For - Chris Butt (agent)</b></p> <hr/> <p><b>LATE REPRESENTATIONS</b> <b>Consultees:</b></p> <p>Regional Emergency Planning Service "This is supplementary to my original response to the proposal for Sandy Lane, Prestatyn (43/2015/0315).</p> <p>Just to confirm, I have reviewed the submitted Flood Consequences Assessment information, the Coastal Breach Assessment, the applicant's proposals for a Flood Risk Management Plan, and the legal advice to the Planning Bureau on the contents of covenants on tenants' leases relating to evacuation in the event of an evacuation order. I have considered the TAN15 acceptability criteria. I would clarify the position of the Regional Emergency Planning Service as follows.</p> <p>The proposal does not satisfactorily meet the TAN15 criteria as it does not show completely safe access and egress routes during extreme events i.e. escape/evacuation routes should be operational under all circumstances. As stated in the Flood Consequences Assessment submitted as part of the application, in relation to the proposed development, the flood consequences in relation to tidal flooding are "considered to be significant over the lifetime of the property"</p> <p>Despite the fact that a lead-in of several hours is predicted for an extreme event, as I noted in my previous correspondence, I cannot see how an evacuation could be forced upon the residents of the development, and therefore the mitigation measures proposed via a Flood Risk Management Plan cannot adequately address the hazard. This could then present significant welfare issues for any residents who choose to remain in the development during a flood event, and has the potential to create an added burden on the emergency services response should a rescue and evacuation of residents be required.</p> <p>Therefore, the Emergency Planning Service cannot support the application for this development."</p> <p>Denbighshire County Council consultees: Highway Officer No objection subject to the inclusion of conditions to deal with arrangements for parking and turning, visibility splays at the access onto sandy lane, and the design detailing of the access.</p> <p><b>Private individuals:</b> In support, from: Dr. James Davies, M.P., House of Commons, London SW1A0AA</p> <p>Summary of representations: Dr. Davies wishes to record support for the application. He has concerns that the guidance in TAN 15 and associated Welsh Government documents is overly restrictive and risks severely harming the economic prosperity of Prestatyn and Rhyl as well as opportunities for regeneration. He has approached Welsh</p>	



Ministers for clarification of the interpretation of TAN 15 given the circumstances applying at the site, and more widely in terms of development in the town, given the nature / extent of the risk involved. With specific regard to the application, it is suggested that the tiny threat posed by significant flooding at the site must surely be weighed up against the risks with not proceeding with the development, and it is argued that the safe and supportive community it will form and the removal of potentially dangerous buildings currently on the site will bring about a reduction in non-flood related risks, and that these risks alone almost certainly outweigh those risks highlighted in TAN 15. The fear is that if TAN 15 is being correctly interpreted, it risks not only leaving the site in a long term derelict state and denying the community of a quality residential development, but sterilizing large swathes of land in this area with respect to sensible development, and bringing about significant planning blight.

Councillor Hugh Irvine

Councillor Irvine has asked for his comments to be conveyed to Committee. The main points are that:

- The town has a high percentage of older residents and badly needs this development to allow residents to downsize at an appropriate time in their lives and at the same time release larger under occupied properties back onto the housing market.
- The site itself is an eyesore brownfield site occupied by a derelict industrial building adjacent to the railway station and main Chester to Holyhead Railway line and this development would prove an asset to the street scene in that area.
- The suggestion that the development proposal should be refused on flood risk grounds is illogical as the site is situated, not just beside the railway station, but close to the main road to Rhyl and hundreds of neighbouring residential properties none of which have ever suffered flooding.
- If the refusal is adopted, a precedent would be set not just for this part of Prestatyn but the entire coastal strip North of the railway line, including Rhyl Sea front where we have just granted consents for housing as part of the West Rhyl Housing project and a hotel development. We are also looking for residential proposals for the former Grange Hotel site and a Suncentre redevelopment which all risk rejection on the grounds of flood risk if this policy is adopted.
- Had the policy been in force in recent times we would not have redeveloped the Nova Centre nor allowed the construction of housing on neighbouring sites such as Tower Gardens where hundreds of new properties have been built literally just behind the sea wall. The site of the new Prestatyn retail park and the new Bodnant school could have similarly been recommended for refusal. This site is approximately a mile inland from the sea defences none of which were breached during recent storms.
- It is understood that the flood risk recommendations are not mandatory but to be taken into account when considering applications and it is requested that the committee rule that the risk for this site and the neighbouring area is so low that it does not justify refusing the application.

M. Parry, 33 Sandy Lane, Prestatyn

Strongly support this development.

Scheme would provide much needed retirement properties on Sandy Lane, Prestatyn, which would release properties in the town for the younger generations

Site is unsightly, unused and derelict. attracting only youths and vagrants

As a firefighter in the town for 15 years, has never been called to Sandy lane to attend flooding

Refusal recommendation is based on grounds of "what if". Recent flooding has not affected Sandy Lane but has impacted on other areas where planning permission has been granted for development. Planning was granted because somebody used previous data and common sense when assessing the risks of flooding.

J. and G Butterworth, 28 Rhoddfa Wyn, Tower Gardens, Prestatyn

Apartments are urgently required in Prestatyn.

Questions over officer recommendation, given permissions have been granted for other developments in the town.

## **INFORMATION FROM THE APPLICANT'S AGENTS**

The agents have asked the following information to be put before the Committee:

" We have held extensive discussions with Natural Resources Wales and they are now happy that our proposals are acceptable and safe. The emergency planning service considers that the proposals may place undue pressure on the emergency services if residents do not evacuate the premises if there is a risk of severe flooding. We believe that the concerns expressed by the emergency planning service are unfounded for the following reasons. The only scenario where the proposals do not meet the TAN15 guidelines is an extreme situation when flood defences are not improved for 100 years and there is a breach in the sand dunes combined with a 1:1000 year

flood event. Clearly this will first affect a large part of Prestatyn, including other dwellings that have been developed nearer the beachside.

Unlike other new housing developments, this will be a managed form of accommodation. McCarthy & Stone is highly experienced in the management of sites at risk of flooding and have many properties in the UK where a flood risk management plan is in force such as at this site. A house manager will be on site during working hours and there will be a 24hr emergency call centre available at all times. A manager will be on site if any flood warnings are issued. The emergency plan can be put into action following receipt of a warning and there will be a lead in time of around 15hrs to evacuate the building. Residents are required under the terms of their leases to follow any instruction to evacuate. In any event there is a safe refuge on higher floors. The building will remain safe under all circumstances.

In summary

- The site and accommodation is safe under all conditions even allowing for 100 years of climate change where defences are not improved over this period.
- If defences are not improved then many houses in Prestatyn will be flooded with increasing frequency and depth before this site is affected.
- A flood plan will be in place and 24hr management will be provided.
- There is about 15hrs of warning of flood after over topping or breach of defences.
- There is a safe refuge on higher floors.
- Residents are required to evacuate if instructed.
- McCarthy & Stone manage many properties with flood plans and all the residents have fully complied with instructions given by the flood manager during flood events.
- The site is an eyesore and the scheme will bring about considerable benefits to the area and will provide much needed specialised and safe accommodation for older people. “

#### **OFFICER NOTES**

Officers will provide a short introduction to the item prior to the Chair opening it to debate.

There is reference in the agent's additional submissions above to discussions with Natural Resources Wales and a comment that NRW are 'now happy that our proposals are acceptable and safe'. Simply for the record, the agents are referring to the NRW response received by the Council in February 2016, which is summarised in the Consultation Responses section of the main report and referred to at length within the assessment of the flooding issues in section 4.2.4. It is understood that there has been no recent communication between the agents and NRW and no change in the comments of NRW in respect of the emergency access and egress situation.

## **OTHER ITEMS**

**ITEM 5**  
Page 19  
Code no. 11/2014/1188

**Glandwr, , Clocaenog, Ruthin**  
Erection of 2 no. detached dwellings

**LOCAL MEMBER:** Councillor Eryl Williams

**OFFICER RECOMMENDATION IS TO GRANT**

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**No late information**

<b>ITEM 7</b> Page 69 Code no. 43/2016/0106	<b>113, Meliden Road, Prestatyn</b> Removal of branches from Horse Chestnut tree (T2), felling of 1 no. sycamore tree and pollarding of 1 no. sycamore tree (Group G1) subject to Tree Preservation Order No. 3, 1985
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**LOCAL MEMBER: Councillor Peter Evans (c )**

**OFFICER RECOMMENDATION IS TO GRANT**

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**No late information**

<b>ITEM 8</b> Page 79 Code no. 44/2016/0180	<b>43, Heol Hendre, Rhuddlan, Rhyl</b> Erection of covered outdoor kitchen to side of dwelling
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**LOCAL MEMBERS:** Councillors Arwel Roberts (c ) and Ann Davies

**OFFICER RECOMMENDATION IS TO GRANT**

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**No late information**

## **SPECIAL REPORTS**

**ITEM 9**  
**DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE:**  
**CONSERVATION AND ENHANCEMENT OF BIODIVERSITY -**  
**CONSULTATION DOCUMENT (Pages 89 - 122)**

To consider a report recommending members agree the draft Supplementary Planning Guidance on Conservation and Enhancement of Biodiversity as a basis for public consultation.

**ITEM 10**  
**RENEWABLE ENERGY SUPPLEMENTARY PLANNING GUIDANCE - FOR**  
**ADOPTION (Pages 123 – 172 with appendix)**

To consider a report recommending adoption of the final Supplementary Planning Guidance on Renewable Energy for use in the determination of planning applications .

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## REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

### ITEM FOR PLANNING COMMITTEE UPDATED SCHEME OF DELEGATION – VERSION 7

#### 1. PURPOSE OF REPORT

To seek Members approval of a revised Scheme of Delegation.

#### 2. BACKGROUND

The Scheme of Delegation is the document that sets out a range of matters to be dealt with at officer level without formal authorisation from Members through Planning Committee, and those which have to be referred to Planning Committee for resolution / determination.

The Scheme of Delegation is reviewed once a year.

The trigger for this review has been input from Members, the changes introduced in Welsh Government's Development Management Procedure Order in March 2016, and the introduction of new application processes.

Officers have therefore attempted to simplify the structure of the document to clarify the types of application and matters which may be dealt with by Officers and Planning Committee. It includes a schedule of types of application, notifications, consultations, pre – application enquiries and enforcement matters which are dealt with by the Development Management Section.

The updated proposed Scheme of Delegation is included as Document 1 with this report. The current version is attached as Document 2.

Officers will talk Members through the proposed Scheme of Delegation and will be happy to take questions.

#### 3. RECOMMENDATION

That Members approve the revised Scheme of Delegation in Document1.

**GRAHAM H. BOASE**

**HEAD OF PLANNING AND PUBLIC PROTECTION**

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## PLANNING AND PUBLIC PROTECTION

### DEVELOPMENT MANAGEMENT AND COMPLIANCE SECTION SCHEME OF DELEGATION

The Scheme of Delegation enables Officers within the Development Management & Planning Compliance Section of the Service to deal with a range of applications, notifications, consultations, enquiries and enforcement matters without formal authorisation from Members through Planning Committee.

The Scheme of Delegation seeks to strike an appropriate balance in ensuring an efficient, customer focussed approach whilst maintaining the necessary democratic checks which Planning Committee provides.

#### 1. PART 1 – OFFICER LEVEL DECISIONS

**Subject to the provisions in Part 2 of the Scheme of Delegation, Part 1 authorises the Head of Planning and Public Protection, Development Management & Planning Compliance Manager and any Officer within the Development Management & Planning Compliance Section so authorised by them to determine the range of applications, notifications, consultations, pre-application enquiries, general enquiries and enforcement actions listed in Columns 1 and 2 of Appendix A.**

**In relation to the following, the scheme authorises the above Officers to: -**

##### 1.1. Determine Planning or other Applications:-

- 1.1.1. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval where 3 or less individual written objections have been received from different properties\* raising material planning objections.
- 1.1.2. All types of applications listed in Column 1 of Appendix A on which Officers are recommending refusal.
- 1.1.3. All types of applications, notifications, consultations, pre-application enquiries, general enquiries and enforcement matters listed in Column 2 of Appendix A.

## **1.2. Determine Pre-Application Enquiries and General Enquiries**

- 1.2.1 All types of pre-application and general enquiries requiring a written response from the Local Planning Authority

## **1.3. Deal with Compliance Issues:-**

- 1.3.1. Cases which have been investigated by a Planning Compliance Officer and require no further action.
- 1.3.2. Cases which require the serving of a planning related enforcement notice as listed in Column 2 of Appendix A.
- 1.3.3. Legal action in association with breaches of Notices served under the provisions contained in paragraph 1.3.2 above and any other appropriate \*\*legal action not associated with such notices.

## **1.4. Deal with Miscellaneous Issues:-**

- 1.4.1. To decide the type of planning appeal process to be adopted, subject to consultation with the Local Ward Member(s), and to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 1.4.2. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms have not been significantly altered, subject to informal consultation with the Local Ward Member(s).
- 1.4.3. Minor amendments to the wording of planning conditions / reasons for refusal/notes to applicants on applications determined at Planning Committee, including minor amendments to Committee authorised enforcement notices where the substance of the suggested condition /reason for refusal /note to applicant / notice is not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 1.4.4. To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:
- Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation
  - Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC)
  - Responding to the IPC's consultation on the adequacy of the developer's pre-application consultations
- 1.4.8 To make and serve Tree Preservation Order Notices. To deal with applications for works to Trees in Conservation Areas.
- 1.4.9 To respond to all EIA screening and scoping requests.



## 2. PART 2 – COMMITTEE LEVEL DECISIONS

2.1. **The scheme requires referral of the following to Planning Committee for formal determination. This means that the following would not fall within Part 1 of this scheme:-**

### **Planning or other applications**

- 2.1.1. All types of application listed in Column 1 of Appendix A on which Officers are recommending approval where 4 or more individual written objections have been received from different properties raising material planning objections.
- 2.1.2. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval where a relevant material planning objection has been received from a City/Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.1.3. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee.

### **Departures**

- 2.1.4. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.

### **Member Call-In**

- 2.1.5. Any application not already determined under Part 1 above which the Ward Member for the Ward, in which the site is located, has submitted a written request, based on valid planning grounds, that application be referred to Planning Committee. The adjoining Ward Member(s) may request referral to Committee where it can be justified that there would be material planning impact on that area. Requests for referral to Committee must be made in writing to the Head of Planning and Public Protection and/or the Development Management & Planning Compliance.

### **Officer Call-In**

- 2.1.6 Any other application, notification, consultation, enquiry and enforcement matter listed in Column 1 and 2 of Appendix A which the Head of Service or Development Management & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.

### **Applicant**

- 2.1.6. All types of applications listed in Column 1 of Appendix A submitted by, on behalf of, or on land in the ownership of:

A County Councillor,

Member of the Senior Leadership Team (SLT)

Member of staff of Planning and Public Protection

A close relative of any of the above

### **Legal Modifications**

2.1.7. Any application to vary or modify any fundamental terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.

### **Major Infrastructure Projects**

2.1.8. Any formal pre-application (Section 42) consultation on Infrastructure Planning Commission (IPC) schemes along with the formal application made to the IPC (Local Impact Report) and any other formal representations at examination stage.

### **Referral Back To Committee**

2.1.9. Any application which has been determined contrary to Officer recommendation at Planning Committee but which, in the opinion of the Head of Planning and Public Protection in consultation with the Monitoring Officer, could involve one of the following:

- a) A significant departure from the adopted Development Plan.
- b) A significant risk of costs being awarded against the Council at any subsequent planning appeal, legal challenge, possible Welsh Government call-in or Ombudsman investigation.

2.1.10. The returning report will, in all circumstances, be referred back to Planning Committee in order to protect the interests of the Council and will contain additional information pertaining to the two areas a) and/or b) above.

<b>Column 1 – Types of applications</b>	<b>Column 2 – Notifications/Consultations/Enforcement Actions</b>
AC - Approval of planning Conditions	AA – Agricultural Prior Notification (Roads, tanks, other)
AD - Advert Applications	AG - Agricultural Prior Notification (Buildings)
CA – Conservation Area Consent	CT - Certificate of Appropriate Alternative Development
LB – Listed Building Consent	DA – Demolition Prior Approval
	DM – Demolition Notification – Dwellings
MA – Minerals Application	EL – Electricity Line
OB – Modification/Discharge of obligation (Section 106)	FA - Forestry Prior Approval
PC – Retrospective Applications	FE – Forestry Notification
PF – Full Planning Permission	GD – Government Department
PO – Outline Planning Permission	HE – Notification to remove Hedgerow
PR – Reserved Matters	HR – Hedgerow Retention Notice
PS – Section 73 Variation/Removal of planning condition	HS – Hazardous Substances Consent
TP – Works on trees with Tree Preservation Orders	LE – Certificate of Lawfulness for Existing Use/Development
WA – Waste	LP - Certificate of Lawfulness for Proposed Use/Development
	NA – Neighbouring Authority Consultation
	NMA – Non Material Amendment
	TA – Telecommunications Prior Approval
	TB – Telecommunications Notification
	TC – Work on trees in Conservation Areas
	ENQ – All pre-application and general enquiries
	ENF - Stop Notices, Temporary Stop Notices, Enforcement Notices, Listed Building Enforcement Notices, Urgent Works Notices, Repairs Notices, Discontinuance Notices (Adverts), S215 Untidy Land Notices, Breach of Condition Notice. Any relevant Requisition for Information Notice and any Rights of Entry Notice.

## INTERPRETATION

### FOR CLARITY REGARDING THE DEVELOPMENT MANAGEMENT & PLANNING COMPLIANCE SCHEME OF DELEGATION:

#### Valid Representations

Representations will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they are signed and contain a full postal address. For the purposes of the Scheme \* “different” properties means they should have a different postal address point.

Electronic representations will only be accepted by e-mail. They will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individual’s name and a full postal address. Anonymous letters and e-mails without a name and full postal address will not be taken into account.

Petitions containing names and signatures along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as one single representation.

#### Definitions

“Close relative” is defined as spouses/partners, parents, children, brothers and sisters.

“Significant Departure” is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the adopted Local Development Plan.

For “Bodies required to be consulted under Procedure Order” please refer to latest Procedure Order

\*\*For the purposes of this any other appropriate legal action shall include Injunctions.

For the purposes of this scheme all planning applications will include those made by or on behalf of the Council.

Author : Paul Mead	Date adopted at Planning Committee : 18 <sup>th</sup> May 2016
Contact : Judith Williams	Version : 7
	Date to be reviewed : 01/05/2017

## PLANNING AND PUBLIC PROTECTION

### DEVELOPMENT MANAGEMENT AND COMPLIANCE SECTION SCHEME OF DELEGATION

The delegation scheme enables Officers within the Development Management & Planning Compliance Section of the Service to deal with certain defined determinations without authorisation from Members.

The purpose of having such a Scheme of Delegation is to ensure an efficient, customer focussed approach whilst maintaining the necessary democratic checks and balances which Planning Committee provides.

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#### **Part 1 – Officer Level Decisions**

#### **Part 2 – Committee Level Decisions**

### **1. PART 1 – OFFICER LEVEL DECISIONS**

**1.1. The scheme will allow the Head of Planning and Public Protection, Development Management & Planning Compliance Manager and any Officer within the Development Management & Planning Compliance Section so authorised by them to determine the following types of applications, prior determinations, notifications, approval of conditions, ancillary decisions, amendments and compliance case under the relevant Planning legislation:**

#### **1.2. Planning or other Applications**

- 1.2.1. All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 1.2.2. All types of planning or other application on which Officers are recommending refusal.
- 1.2.3. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments (screening and scoping opinions) and other notifications.

### **1.3. Compliance Issues**

- 1.3.1. Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 1.3.2. Compliance cases which require the serving of a planning related enforcement notice.\*
- 1.3.3. Legal action in association with breaches of Notices served under the provisions contained in paragraph 1.3.2 above. Legal action will be taken only if agreed by the relevant Legal Officer.

### **1.4. Miscellaneous**

- 1.4.1. Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 1.4.2. To submit observations on behalf of the Council on external consultations or draft documents.
- 1.4.3. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 1.4.4. Minor amendments to the wording of planning conditions / notes to applicants on applications approved at Planning Committee, including minor amendments to Committee authorised enforcement notices where the substance of the suggested condition / note to applicant / notice has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 1.4.5. To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:
  - Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation
  - Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC)
  - Responding to the IPC's consultation on the adequacy of the developer's pre-application consultation
- 1.4.6. To make and serve Tree Preservation Order Notices and deal with applications for works to trees having a Preservation Order or works to Trees in Conservation Areas.

## 2. PART 2 – COMMITTEE LEVEL DECISIONS

### 2.1. The following sets out the types of applications which will need to be reported to Planning Committee for formal determination and as such do not fall within Part 1 of this scheme:-

- 2.1.1. All types of planning or other applications on which Officers are recommending approval where 4 or more individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.1.2. All types of planning or other applications on which Officers are recommending approval where a relevant material planning objection has been received from a City/Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.1.3. All applications on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.
- 2.1.4. Any application not already determined under Part 1 above which the Ward Member, for the Ward in which the application is located, has submitted a written request based on valid planning grounds that application be heard at Planning Committee. The request should be made as soon as possible by the Ward Member to the Head of Planning and Public Protection and/or the Development Management & Planning Compliance Manager.
- 2.1.5. Any application submitted by, on behalf of, or on land in the ownership of:
  - A County Councillor,
  - Member of the Senior Leadership Team (SLT)
  - Member of staff of Planning and Public Protection
  - A close relative of any of the above
- 2.1.6. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee.
- 2.1.7. Any application to vary or modify any fundamental terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.
- 2.1.8. Any other application, compliance case or determination which the Head of Service or Development Management & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.
- 2.1.9. Any formal pre-application (Section 42) consultation on Infrastructure

Planning Commission (IPC) schemes along with the formal application made to the IPC (Local Impact Report) and any other formal representations at examination stage.

- 2.1.10. Any application which has been determined contrary to Officer recommendation at Planning Committee previously but which, in the opinion of the Head of Planning and Public Protection in consultation with the Monitoring Officer, could represent one of the following:
- a) The decision at Planning Committee represents a significant departure from the adopted Development Plan.
  - b) The decision at Planning Committee represents a significant risk of costs awarded against the Council at any subsequent planning appeal, legal challenge, possible Welsh Government call-in or Ombudsman investigation.
- 2.1.11. The returning report will, in all circumstances, be reported back to the next available Planning Committee in order to protect the interests of the Council and will contain additional information pertaining to the two areas a) and/or b) above.



**FOR CLARITY REGARDING THE DEVELOPMENT MANAGEMENT & PLANNING COMPLIANCE SCHEME OF DELEGATION:**

For the purposes of this scheme all planning applications will include those made by or on behalf of the Council.

Letters of representation will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they are signed and addressed.

Anonymous letters of representation will not be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing names/signatures only will be counted as one single representation for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing clearly written names and signatures along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as if each name was a separate representation.

All electronic submissions will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individuals name and associated address.

**“Close relative”** is defined as spouses/partners, parents, children, brothers and sisters.

**“Significant Departure”** is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the adopted Local Development Plan.

**For “Bodies required to be consulted under Procedure Order” please refer to latest Procedure Order**

\*For the purposes of this scheme “Any Planning Related Enforcement Notice” includes Stop Notices, Temporary Stop Notices, Injunctions, Enforcement Notices, Listed Building Enforcement Notices, Urgent Works Notices, Repairs Notices, Discontinuance Notices (Adverts), S215 Untidy Land Notices, Breach of Condition Notice. Any relevant Requisition for Information Notice and any Rights of Entry Notice

Author : Paul Mead	Approved by Head of Service 30/07/14 :
Contact : Judith Williams	Version : 6
	Date to be reviewed : 01/06/15

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## REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

### PLANNING APPEAL

**Variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow 2 no. access points to remain open**

**Highfield Park, Llangwyfan, Denbigh**

**APPLICATION NO. 18/2014/1164/PS**

#### 1. PURPOSE OF REPORT

- 1.1 This report relates to a refusal decision of the Planning Committee against which a formal appeal has subsequently been lodged. The Planning Inspectorate have confirmed that the appeal will be dealt with by way of a Public Inquiry.
- 1.2 The report will provide Members with the relevant background information and request that members appoint two representatives to give evidence at the hearing in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol.

#### 2. BACKGROUND

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to approve an application to vary a condition imposed on planning permission 18/2012/1595, which was granted in June 2013 for the demolition of existing 'Sycamore' building, gardeners store and maintenance building, erection of 3 no. eight bed roomed residential health care facilities and construction of associated car park at Highfield Park, Llangwyfan.
- 2.2 The condition in question was no. 12 which states as follows :

*12. Vehicular access/egress to the adjoining highway shall be limited to the existing main entrance and access adjacent to Alexandra House, as shown on the approved plan. The existing 2 access points to the north of the site shall be permanently closed in accordance with details to be submitted to an approved in writing by the Local Planning Authority before the development is brought into use. The development shall proceed strictly in accordance with such approved details.*
- 2.3 The application for permission to vary the wording of Condition 12 was submitted under code no. 18/2014/1164, and sought to allow two access points to remain open. The application was finally determined by the Committee in September 2015. The Officer recommendation was to GRANT the variation proposed, but the Committee resolved to REFUSE consent for the

following reasons:

1. It is the opinion of the Local Planning Authority that the continuation of the use of Access C and Access D would have an adverse impact on the safe and free flow of traffic on nearby County roads. This is considered to be directly linked to the increased intensity of use of the accesses associated with the development allowed by planning permission 18/2012/1595.

2. It is the opinion of the Local Planning Authority that the works proposed in association with the continuation of the use of the accesses, including increased visibility splays and the loss of a mature Yew Tree, would lead to an urbanisation of the locality and in turn have an adverse impact on the character and appearance of the locality. The proposals are therefore contrary to advice contained within chapter 3 of Planning Policy Wales Edition 7.

- 2.4 The resolution to refuse permission was proposed by Councillor Joseph Welch and was seconded by Councillor Dewi Owen.
- 2.5 The formal Certificate of Decision was dated 8<sup>th</sup> October 2015.
- 2.6 The Planning Inspectorate have notified the Council of the appeal and have indicated they propose to hold an Inquiry, opening on Wednesday 7<sup>th</sup> September, 2016, and that the Inquiry will last 2 days.
- 2.7 The Council's Statement on the appeal, and any further comments by third parties have to be sent to the Planning Inspectorate by the 6<sup>th</sup> June, 2016.

### **3. DECISION SOUGHT**

- 3.1 As the refusal decision was contrary to officer recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement.

Paragraph 9.3 states:

"Members of the Planning Committee will be required to give evidence at inquiry or informal hearing in appeals where an officer recommendation has been reversed. The Planning Committee shall appoint representatives to give evidence at the hearing/inquiry (normally the proposer and the seconder of the proposal)"

### **4. RECOMMENDATION**

- 4.1 That the Planning Committee appoints two representatives to give evidence at the Hearing.

**GRAHAM H. BOASE  
HEAD OF PLANNING & PUBLIC PROTECTION**