

To: Members of the Planning Committee Date: 18 July 2016
Direct Dial: 01824 712568
e-mail: democratic@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, 27 JULY 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

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 11 - 18)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 22 June 2016 (copy attached).

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

5 APPLICATION NO.08/2016/0487 - TYN Y WERN, CORWEN (Pages 19 - 32)

To consider an application for re-roofing and installation of roof lights to outbuilding at Tyn Y Wern, Corwen (copy attached).

6 APPLICATION NO. 16/2016/0545 - LLANBEDR HALL, LLANBEDR DYFFRYN CLWYD, RUTHIN (Pages 33 - 50)

To consider an application for the demolition of Llanbedr Hall and erection of 11 dwellings at Llanbedr Hall, Llanbedr Dyffryn Clwyd (copy attached).

7 APPLICATION NO. 18/2016/0400 - LAND ADJACENT TO MAES LLAN, LLANDYRNOG, DENBIGH (Pages 51 - 70)

To consider an application for the development of 1.74ha of land by the erection of 40 no. dwellings and associated works (outline application including access and layout) at land adjacent to Maes Llan, Llandyrnog (copy attached).

8 APPLICATION NO. 18/2016/0599 - HIGHFIELD PARK, LLANGWYFAN (Pages 71 - 86)

To consider an application for the variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow accesses 'C' and 'D' to remain open subject to mitigation measures at Highfield Park, Llangwyfan, Denbigh (copy attached).

9 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: TREES AND LANDSCAPING (Pages 87 - 122)

To consider a report recommending that Members approve the draft Supplementary Planning Guidance "Trees and Landscaping" for use in the determination of planning applications (copy attached).

10 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE - CONSERVATION AND ENHANCEMENT OF BIODIVERSITY (Pages 123 - 164)

To consider a report recommending that Members approve the draft Supplementary Planning Guidance "Conservation and Enhancement of Biodiversity" for use in the determination of planning applications (copy attached).

MEMBERSHIP

Councillors

Councillor Raymond Bartley (Chair)

Councillor Bill Cowie (Vice-Chair)

Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Meirick Davies
Stuart Davies
Peter Evans
Huw Hilditch-Roberts
Rhys Hughes
Alice Jones

Merfyn Parry
Pete Prendergast
Arwel Roberts
Anton Sampson
Gareth Sandilands
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch

Pat Jones
Barry Mellor
Bob Murray
Dewi Owens

Cefyn Williams
Cheryl Williams
Huw Williams
Mark Young

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All Councillors for information
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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

General introduction

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

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

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

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

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

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

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

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

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The voting procedure

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

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

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

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

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

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

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

PLANNING COMMITTEE

VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

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

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 22 June 2016 at 9.30 am.

PRESENT

Councillors Raymond Bartley (Chair), Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie (Vice-Chair), Meirick Davies, Rhys Hughes, Barry Mellor, Bob Murray, Dewi Owens, Merfyn Parry, Arwel Roberts, Anton Sampson, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams and Cheryl Williams

Councillor Barbara Smith attended for items 8 & 11

Councillor Ann Davies attended for item 9

Councillor David Smith attended for items 12 & 13

Observers: Councillors Gareth Sandilands and Mark Young

ALSO PRESENT

Head of Planning and Public Protection (GB), Principal Solicitor – Planning and Highways (SC), Senior Engineer (MP), Principal Planning Officer (IW), Senior Planning Officer (LG), Development Control Officer (PG), and Committee Administration (SLW).

1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Stuart Davies, Huw Hilditch-Roberts, Alice Jones, Pat Jones, Pete Prendergast and Huw Williams

2 DECLARATIONS OF INTEREST

No declaration 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 18 May 2016 were submitted.

Page 17 – Item 11 – Application No. 45/2016/0201 – 14 Gareth Close, Rhyl. Councillor Meirick Lloyd Davies stated that the record of the vote had not been included in this item. The result of the vote had been:

GRANT – 15
ABSTAIN – 1
REFUSE – 2

***RESOLVED** that subject to the above, the minutes of the meeting held on 18 May, 2016 be approved as a correct record.*

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 11)

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

5 APPLICATION NO. 03/20160063 - ROSS NEWYDD, ABBEY ROAD, LLANGOLLEN

An application was submitted for the erection of a first floor rear extension at Ross Newydd, Abbey Road, Llangollen.

Public Speakers –

Mr Edward De Groote (**Against**) – detailed his objections to the application due to the proposed extension of the neighbouring property being just 4-6 inches from his wall which contained a stained glass window. The extension would cause loss of light through the window, Mr De Groote being unable to open the window, and no possibility of being able to carry out maintenance to the area of his property due to the close proximity of the extension.

Mr Chris Roberts (**For**) – detailed the reasons for the requirement of the application for an extension to the property. Advice had been obtained from a representative of Real Planning, Wrexham who had many years' experience in this field. The applicant was willing to include a maintenance contract to appease the neighbour. The applicant also advised Members that the neighbour had been aware of the proposed extension prior to moving into the property.

General Debate - The Local Member, Councillor Rhys Hughes, confirmed that he had attended a site inspection at the properties concerned together with Councillors Raymond Bartley, Bill Cowie, Town Councillor Bob Lube and the Planning Officer Paul Griffin. The reason for the site visit had been to assess the impact of the proposal on the amenities of occupiers of the neighbouring property. Councillor Hughes expressed thanks to Mr De Groote for allowing the site panel to access his home to assess the window and corridor concerned.

Discussion took place and it was confirmed that legislation was in place for access to maintain properties but this was outside the Planning Committee remit.

Proposal - Councillor Rhys Hughes proposed the application be granted contrary to Officer recommendation due to the fact the window affected served an uninhabited space of the property. Seconded by Councillor Arwel Roberts.

VOTE:

GRANT – 7

ABSTAIN – 1

REFUSE – 11

RESOLVED that the application be **REFUSED** in accordance with the officer recommendation as detailed within the report.

6 APPLICATION NO. 09/2016/0205 - EFAIL Y WAEN, BODFARI

An application was submitted for the erection of an agricultural building at land adjacent to Efail Y Waen, Bodfari, Denbigh.

Public Speaker –

Huw Evans (**For**) – explained to Members that the applicant had asked Mr Evans to give assurances regarding the intended use of the agricultural building. This was due to mis-information being distributed during the consultation. The applicant intended using the building for agricultural use only. The size and construction of the building would be in keeping with other buildings and keep in character with the surrounding area.

General Debate - The Principal Planning Officer confirmed that on page 54 of the report, paragraph 1.6.1, the statement was incorrect. Looking at the presentation photographs, the land on the north side of the hedge had been sold to the applicant. The land on the south side had been subject to offer, but remained in the ownership of Denbighshire.

Proposal – Councillor Merfyn Parry proposed the Officer recommendation to grant the application, seconded by Councillor Rhys Hughes.

VOTE:

GRANT – 19

ABSTAIN – 0

REFUSE – 0

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

7 APPLICATION NO. 41/2015/1229 - THE WARREN, MOLD ROAD, BODFARI

An application was submitted for the variation of condition number 2(a) of planning permission 41/2010/1177/PF restricting woodland based education and training centre use to a maximum of 300 days in any calendar year at Warren Woods Ltd., The Warren, Mold Road, Bodfari, Denbigh.

Public Speaker – Rod Waterfield (For) – detailed the merits of the application. He explained currently the planning permission allowed 200 days in any calendar year and because of this they were turning away work due to the restriction. Therefore, they were asking for an increase to 300 days in any calendar year, to make proper use of the facility.

General Debate – Lead Member for Modernisation & Housing, Councillor Barbara Smith, offered apologies from Mrs Elena Fowler, the neighbour who had spoken at the previous meeting against another application submitted by Warren Woods Ltd. Councillor Smith confirmed Mr Waterfield had agreed to grow the hedge on the bund to increase the privacy for Mrs Fowler’s property. It had been agreed to move the passing place which was due to be added outside Mrs Fowler’s entrance to her property.

The Principal Planning Officer confirmed that the condition regarding passing places had been amended to take into account concerns of the neighbour. The condition to use the site 300 days would require the applicant to maintain a register of the number of days training was held so that a control was in place to monitor the days of opening.

Proposal – Councillor Meirick Lloyd Davies proposed the application be granted in accordance with Officer recommendation as detailed within the report, seconded by Councillor Rhys Hughes.

VOTE:

GRANT – 19

ABSTAIN – 0

REFUSE – 0

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

8 APPLICATION NO. 44/2016/0200 - LAND AT MARSH ROAD, RHUDDLAN

An application was submitted for the erection of foodstore (Class A1) at (Rhuddlan Triangle) Land at Marsh Road, Rhuddlan, Rhyl.

Public Speaker –

Bryn Richards, Aldi Property Director for mid and north Wales (**For**) – detailed the merits of the application. The store would provide much needed jobs for local people, taking pressure off the Rhyl & Prestatyn stores and reducing customer travel times. The developer had agreed to put in place a traffic management system to assist with traffic concerns.

General Debate – Local Member, Councillor Arwel Roberts, confirmed that he had received a number of messages from local residents in support of the development. A large number of elderly people resided in Rhuddlan and the development would ease the pressure of them travelling to Rhyl or Prestatyn for their shopping.

Local Member, Councillor Ann Davies, also confirmed she had received letters of support from local residents for the development. The site was in need of development and a good opportunity to create jobs and encourage investment to the village.

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

VOTE:

GRANT – 19

ABSTAIN – 0

REFUSE – 0

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

9 APPLICATION NO. 46/2016/0198 - TALARDY PARK HOTEL, THE ROE, ST. ASAPH

An application was submitted for the felling of 1no. Horse Chestnut Tree annexed to the Talardy Hotel, Tree Preservation Order 1975 ref A1.

Public Speaker –

Colin Hardy (**Against**) – explained to Members he was a local resident and also a City Councillor. He detailed the merits of retaining the tree. A private independent tree expert had been employed on behalf of the City Council. Whilst there had been some minor damage to the tree, the expert recommended with a 50% height reduction and a canopy spread reduction back to the main stem resulting in an overall pollarding of the tree, regeneration was almost guaranteed.

General Debate – discussion took place and Councillor Bill Cowie informed Members that a tree on the site had previously been felled in 2015 and a replacement tree was yet to be planted. Referring to the Independent Tree Consultant report, it was confirmed that there was no signs of rot, fungal growth, water starvation or disease. There was an abundance of epicormic growth on the stems of the tree which would remain, suggesting that regeneration was almost guaranteed. The removal of weight and leverage would leave a healthy, sustainable tree in a safer condition.

Councillors Julian Thompson Hill and Meirick Lloyd Davies expressed their support to save the tree and to refuse the application.

Proposal – Councillor Bill Cowie proposed the application be refused, against Officer recommendation, seconded by Councillor Dewi Owens.

VOTE:

GRANT – 5

ABSTAIN – 1

REFUSE – 13

RESOLVED that permission be **REFUSED** contrary to Officer recommendation for the reason of the amenity value of the tree and the proposal not justified to remove the tree.

10 APPLICATION NO. 47/2016/0186 - CASTELL, WAEN, ST. ASAPH

An application was submitted for alterations to the existing vehicular access at Castell Waen, St. Asaph.

Public Speaker –

Mrs Day (**For**) – detailed the merits of the application due to the dangers of the narrow track which was struggling to cope with the large vehicles and delivery vehicles which blocked the road. The neighbouring properties would still have full access and the applicant would follow instructions from Denbighshire County Council Planning Department.

General Debate – Local Member, Councillor Barbara Smith confirmed the access to Castell was very dangerous and the planning documents clearly detailed the issues involved. The loss of agricultural land was small and safety was paramount.

Proposal – Councillor Meirick Lloyd Davies proposed the officer recommendation to grant the application, seconded by Councillor Merfyn Parry.

VOTE:

GRANT – 17

ABSTAIN – 0

REFUSE – 0

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

At this juncture (11.00 a.m.) there was a break.

Meeting re-convened at 11.15 a.m.

11 APPLICATION NO. 01/2016/0239 - WM MORRISON SUPERMARKETS PLC., DENBIGH

An application was submitted for the variation of condition number 10 of planning permission ref 01/867/97 to read “The delivery of goods to the store shall be restricted to hours between 05:00 – 23:00 daily and delivery of goods to the petrol filling station and kiosk shall be restricted to hours between 06:30 and 22:00 daily” at WM Morrison Supermarkets Plc., Smithfield Road, Denbigh.

Proposal – Councillor Meirick Lloyd Davies proposed the Officer recommendation to grant the application, seconded by Councillor Merfyn Parry.

VOTE:

GRANT – 19

ABSTAIN – 0

REFUSE – 0

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

12 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: RESIDENTIAL DEVELOPMENT - CONSULTATION DOCUMENT

Councillor David Smith, Lead Member for Public Realm, submitted a report presenting the draft Supplementary Planning Guidance (SPG) on Residential Development 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 Lloyd Davies proposed the Officer recommendation, seconded by Councillor Bob Murray.

VOTE:

FOR – 18

ABSTAIN – 0

AGAINST – 0

RESOLVED that Members agree the draft Supplementary Planning Guidance on Residential Development, as attached at Appendix 1 to the report, for public consultation over a minimum of eight weeks.

13 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: PLANNING OBLIGATIONS - CONSULTATION DOCUMENT

Councillor David Smith, Lead Member for Public Realm, submitted a report presenting the draft Supplementary Planning Guidance (SPG) on Planning Obligations 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 Merfyn Parry proposed the Officer recommendation, seconded by Councillor Julian Thompson Hill.

VOTE:

FOR – 19

ABSTAIN – 0

AGAINST – 0

RESOLVED that Members agree the draft Supplementary Planning Guidance on Planning Obligations, as attached at Appendix 1 to the report, for public consultation over a minimum of eight weeks.

At this juncture, Councillor David Smith confirmed that the next LDP Steering Group would be held at 10.00 a.m. on 20 July in Ruthin.

The meeting concluded at 11.30 a.m.

Agenda Item 5

WARD : Cynwyd

WARD MEMBER(S): Cllr Cefyn Williams (c)

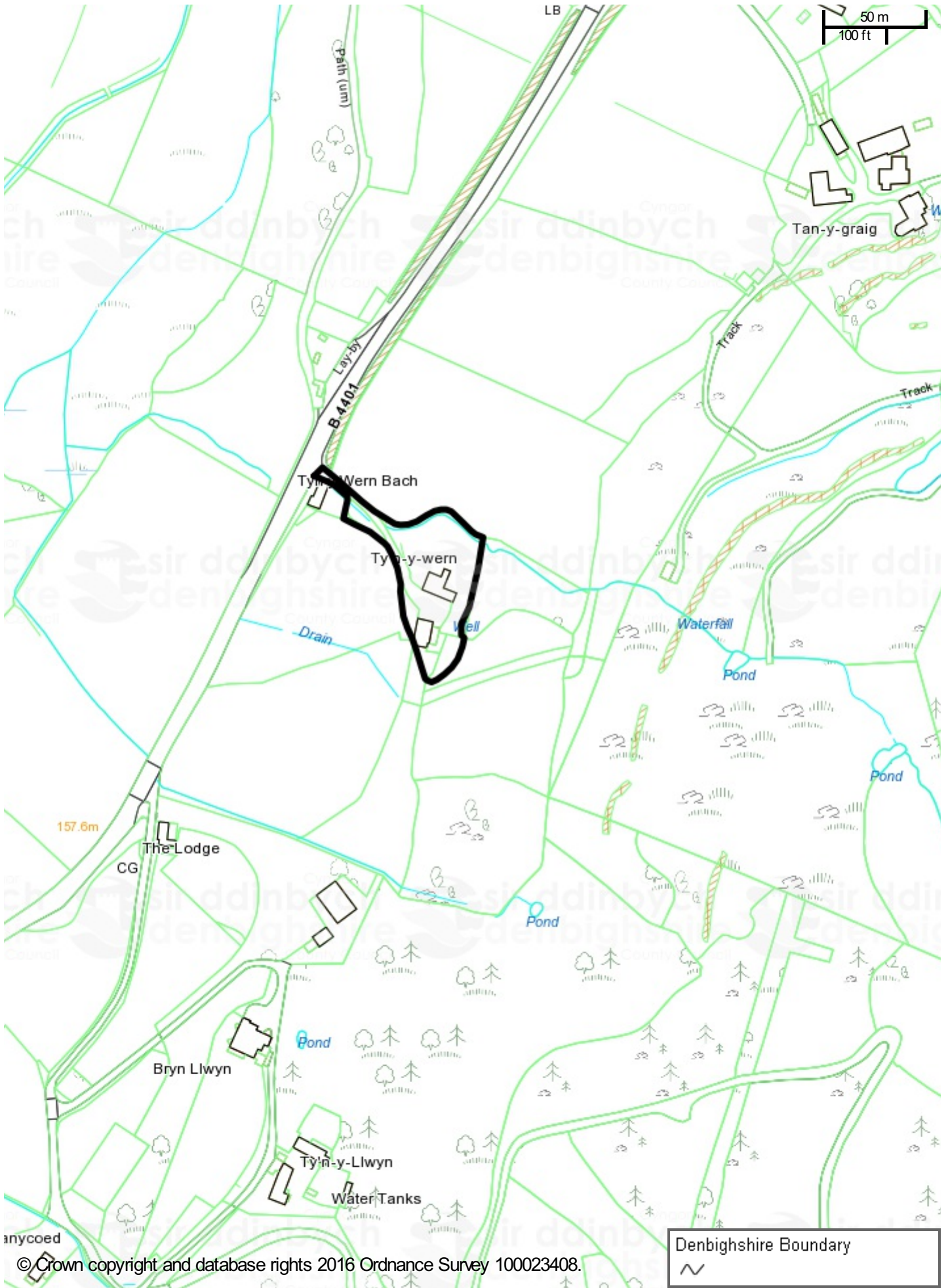
APPLICATION NO: 08/2016/0487/ PF

PROPOSAL: Re-roofing and installation of roof lights to outbuilding

LOCATION: Tyn Y Wern Corwen

APPLICANT: Mr Cefyn Henry Williams

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08/2016/0487

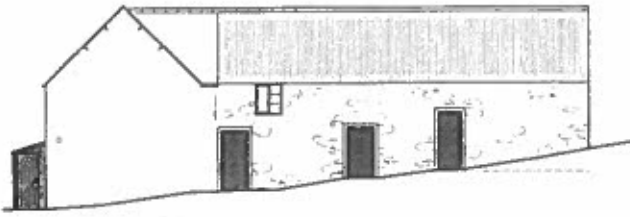
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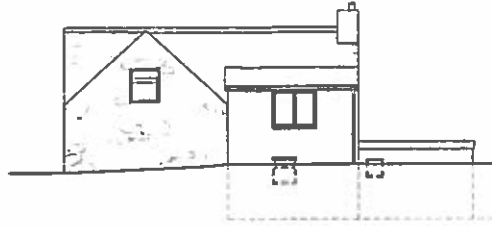
ELEVATION PLANS

• AS EXISTING

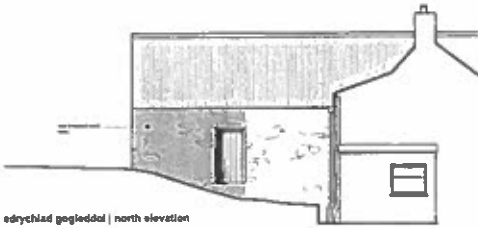
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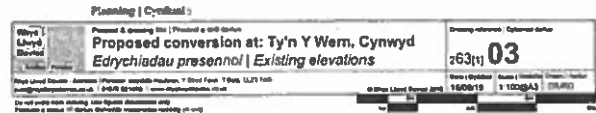


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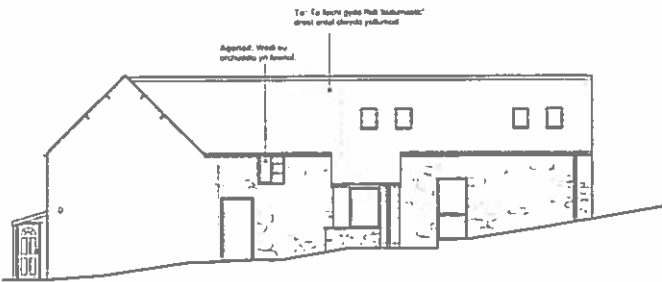
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18 MAY 2016

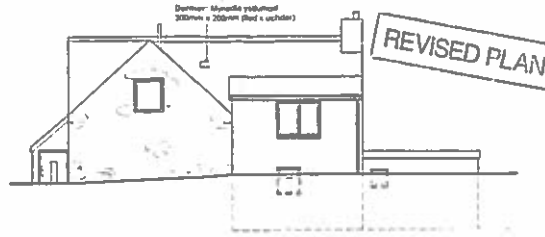


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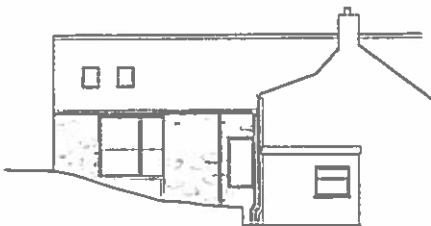
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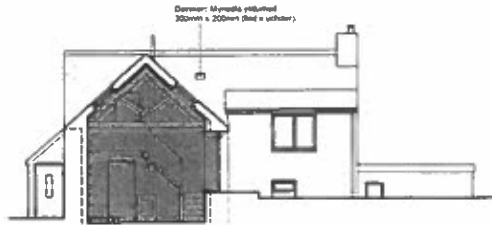
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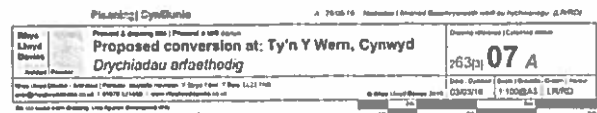


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30 JUN 2016



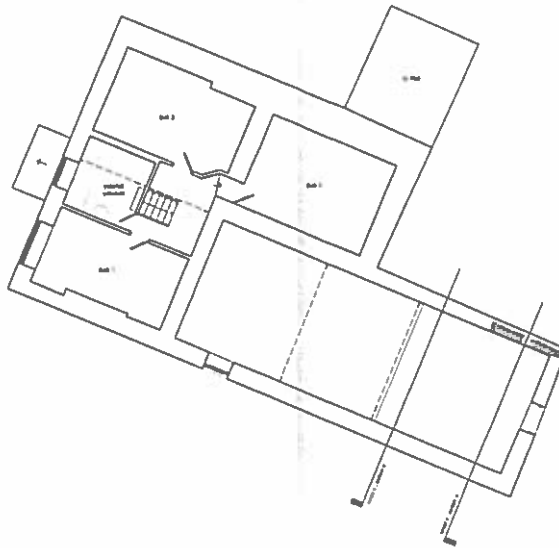
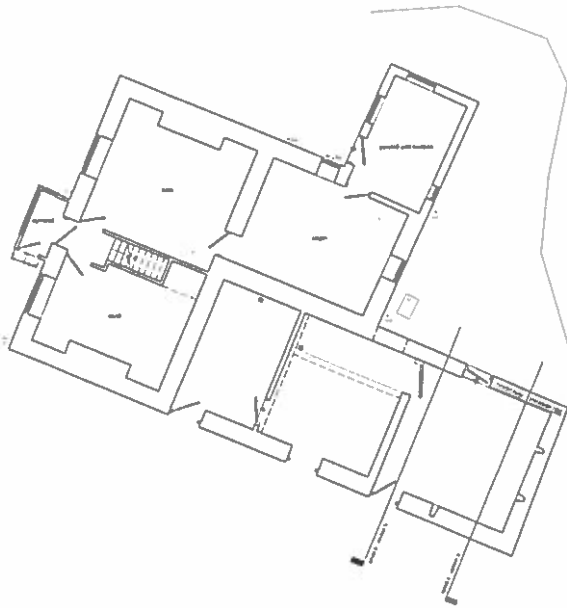
FLOOR PLANS

• AS EXISTING

09 2 016 / 0487 / P P

cynllun prif lawr | ground floor plan

cynllun llawr cyntaf | first floor plan



18 MAY 2016

Planning | Cynllunio

Proposed & drawing title / Prosiect a tystiwrdd
Proposed conversion at: Ty'n Y Wern, Cynwyd
Cynlluniau Lawr Presennol | Existing floor plans

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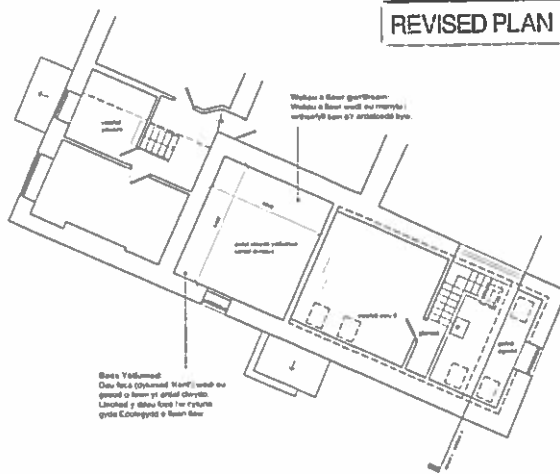
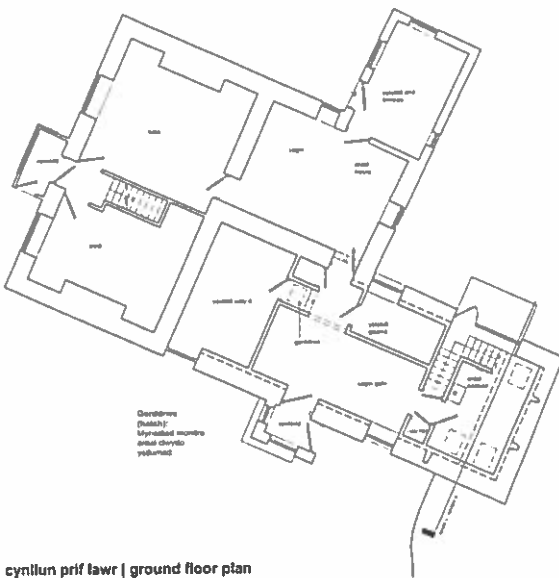
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• AS PROPOSED

08 2 016 / 0487 / P F

REVISED PLAN



cynllun prif lawr | ground floor plan

cynllun llawr cyntaf | first floor plan

30 JUN 2016

Planning | Cynllunio

Proposed & drawing title / Prosiect a tystiwrdd
Proposed conversion at: Ty'n Y Wern, Cynwyd
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WARD : Cynwyd

WARD MEMBER(S): Cllr Cefyn Williams (c)

APPLICATION NO: 08/2016/0487/ PF

PROPOSAL: Re-roofing and installation of roof lights to outbuilding

LOCATION: Tyn Y Wern Corwen

APPLICANT: Mr Cefyn Henry Williams

CONSTRAINTS: AONB

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

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

- Application submitted by / on behalf of County Councillor

CONSULTATION RESPONSES:

CYNWYD COMMUNITY COUNCIL:
No response at time of writing

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

“The Joint Committee has no objection to this application and welcomes the intention to reinstate a natural blue/grey slate roof to match the adjoining dwelling. It is recommended that the roof lights should be conservation style units”

NATURAL RESOURCES WALES – no objections

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 19/7/16

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the reroofing of an existing outbuilding which would enable its conversion to form an annexe to the main dwelling ‘Tyn Y Wern’
- 1.1.2 The building in question is already in residential use, its agricultural use having ceased many years ago. It is currently used to store paraphernalia associated with the dwelling – garden implements etc. In essence, its current use is akin to a typical domestic garage.

1.2 Description of site and surroundings

1.2.1 The outbuilding is joined to the east elevation of the farmhouse and there are other outbuildings on the south side of the farmyard.

1.2.2 The property is located approximately 1km north east of the village of Cynwyd, to the east of the Afon Dyfrdwy and adjacent to the B4401.

1.2.3 There are no immediate neighbours.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the Clwydian and Dee Valley Area of Outstanding Natural Beauty.

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 are considered to be:

3.1 Denbighshire Local Development Plan (June 2013)

Policy RD 1 – Sustainable Development and Good Standard of Design

Policy RD 3 – Extensions and Alterations to Dwellings

VOE 1 – Key areas of importance

VOE 2 – Area of Outstanding Natural Beauty

VOE 5- Conservation of Natural Resources

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

TAN 5 – Nature and conservation

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

4.1.4 Protected species

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales 8, 2016 (PPW) confirms the general 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).

In relation to the principle of the development, the relevant planning policy relating to alterations to dwellings in the Local Development Plan is Policy RD 3 . Policy RD3 sets out tests to ensure proposals have an acceptable impact on the amenity and appearance of the original dwelling.

In relation to other material planning considerations, paragraphs 3.1.3 and 3.1.4 of PPW set the basic parameters that these must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably related to the development concerned. In terms of matters specific to the assessment of an individual application, PPW 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. Residential and visual amenity impacts are therefore standard tests on most planning applications.

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 i) of Policy RD 3 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. Policy VOE 2 seeks to ensure that development within the AONB does not harm the features or appearance of the area that justify its designation as an AONB.

The proposal fundamentally involves the reroofing of the outbuilding. Other than internal works and the insertion of new window casements and there would be minimal alterations to the building.

The building in question is attached to the main dwelling, and the proposed works would in essence 'tidy' up its appearance. With minimal alteration to the overall shape and form of the structure, it is not considered that the proposals would result in an unacceptable impact upon the appearance of the site, or the wider Area of Outstanding Natural Beauty.

4.2.3 Residential amenity

Planning Policy Wales 8 states that planning applications should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Paragraphs 3.1.3 and 3.1.4 state that material planning considerations must be relevant to the regulation of the development and use of land in the public interest. Material considerations must be fairly and reasonably related to the development concerned. It is therefore a well established principle that the protection of residential amenity from issues such as overlooking and loss of natural light is a proper function of the development control system. SPG 1 and SPG 24 offer guidance and suggest acceptable separation distances and siting guidelines etc, to ensure residential amenity does not suffer as a result of the proposed development. Test iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site, to ensure that sufficient external

amenity space is retained. SPG 7 requires that 40m² of private external amenity space is provided.

Given the location of the building, and distances to other properties and orientation of windows it is not considered that the proposal would impact unacceptably on the amenity of neighbouring properties. It is also considered that sufficient garden area would remain for the benefits of the occupants of the dwelling.

It is considered that the proposals would comply with the requirements of the policies listed above, and therefore the impact on residential amenity would be acceptable.

4.2.4 Protected species

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, and it is possible that the barn hosts a bat roost. The proposal has included a range of mitigation measures to address the potential impacts. Natural Resources Wales have not raised an objection to the proposal.

In considering the grant of planning permission the Local Planning Authority must consider whether the disturbance of a protected species is required for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment.” This proposal, being for improved residential accommodation and would provide work for local contractors, is considered to accord with justification of overriding public interest of an economic nature.

It is noted that adequate mitigation methods have been proposed and agreed with NRW, so that if development were permitted, it would not be detrimental to the maintenance of the population species concerned.

Given the advice from NRW, it is considered the proposal meets the Habitat Regulations 3 tests. It is considered that these issues would be suitably controlled through condition along with a note to applicant stressing the importance of obtaining a licence from WAG is proposed.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered the proposal complies with adopted planning policies.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 26th July 2021
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing elevations (Drawing No. 3) received 18 May 2016
 - (ii) Existing floor plans (Drawing No. 2) received 18 May 2016
 - (iii) Proposed elevations (Drawing No. 7A) received 30 June 2016

- (iv) Proposed floor plans (Drawing No. 6A) received 30 June 2016
- (v) Location plan (Drawing No. 1A) received 25 May 2016
- 3. The development shall proceed strictly in accordance with the recommendations set out in the submitted ecological survey prepared by Cartmel Ecology (dated March 2016)

The reasons for the conditions are:-

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. For the avoidance of doubt and to ensure a satisfactory standard of development.
- 3. The development shall proceed strictly in accordance with the recommendations set out in the submitted ecological survey prepared by Cartmel Ecology (dated March 2016)

NOTES TO APPLICANT:

WELSH WATER Note to Applicant:

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

You are advised that the works will need to be carried out under EPS licence which will need to be obtained prior to works commencing.

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Agenda Item 6

WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw O Williams (c)

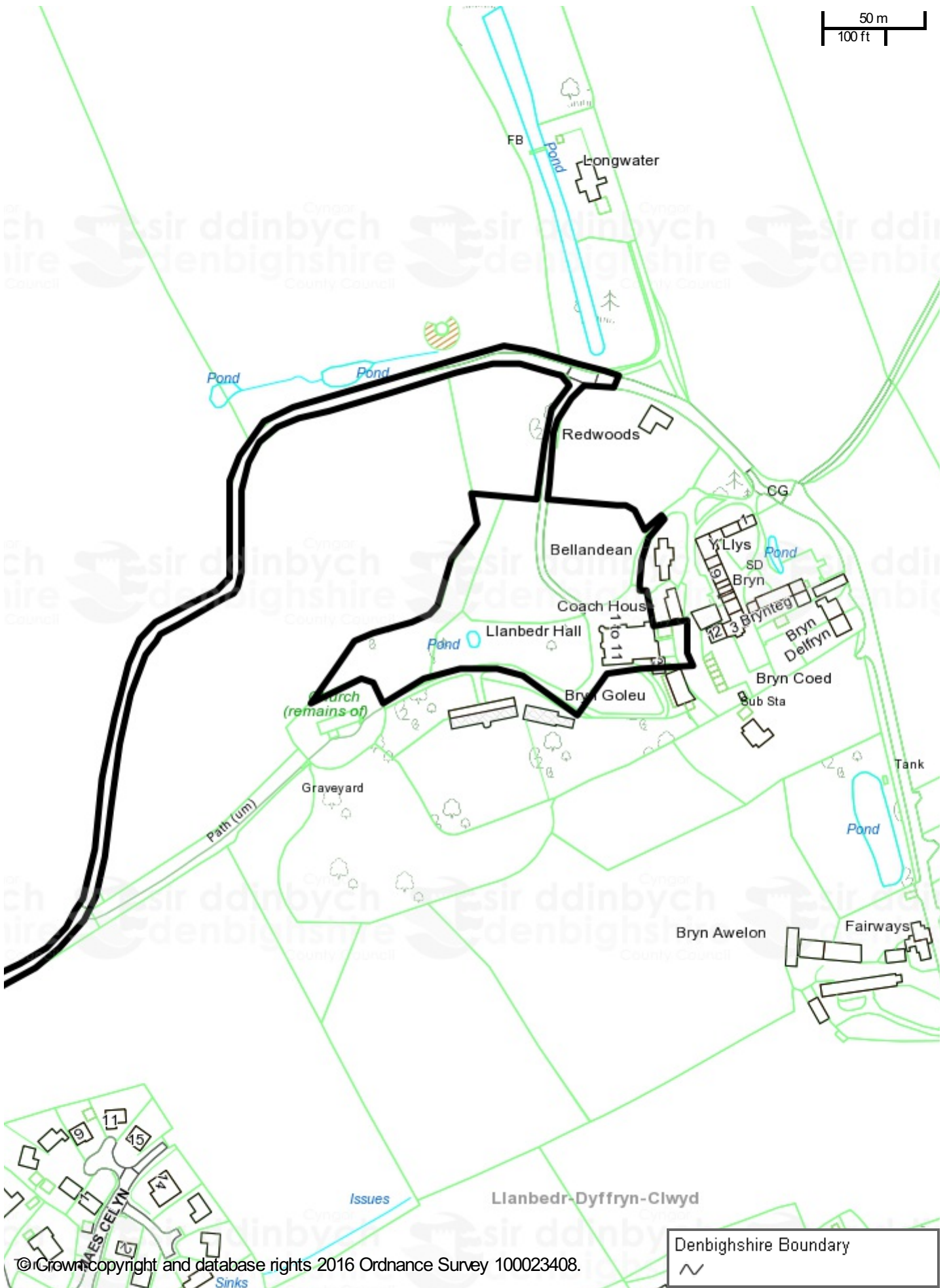
APPLICATION NO: 16/2016/0545/ PF

PROPOSAL: Demolition of Llanbedr Hall and erection of 11 dwellings

LOCATION: Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

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50 m
100 ft



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16/2016/0545
Scale: 1:2500

Printed on: 13/7/2016 at 11:40 AM

Denbighshire Boundary
~



© Denbighshire County Council

SITE LAYOUT

162016/0545/P.F

31 MAY 2016

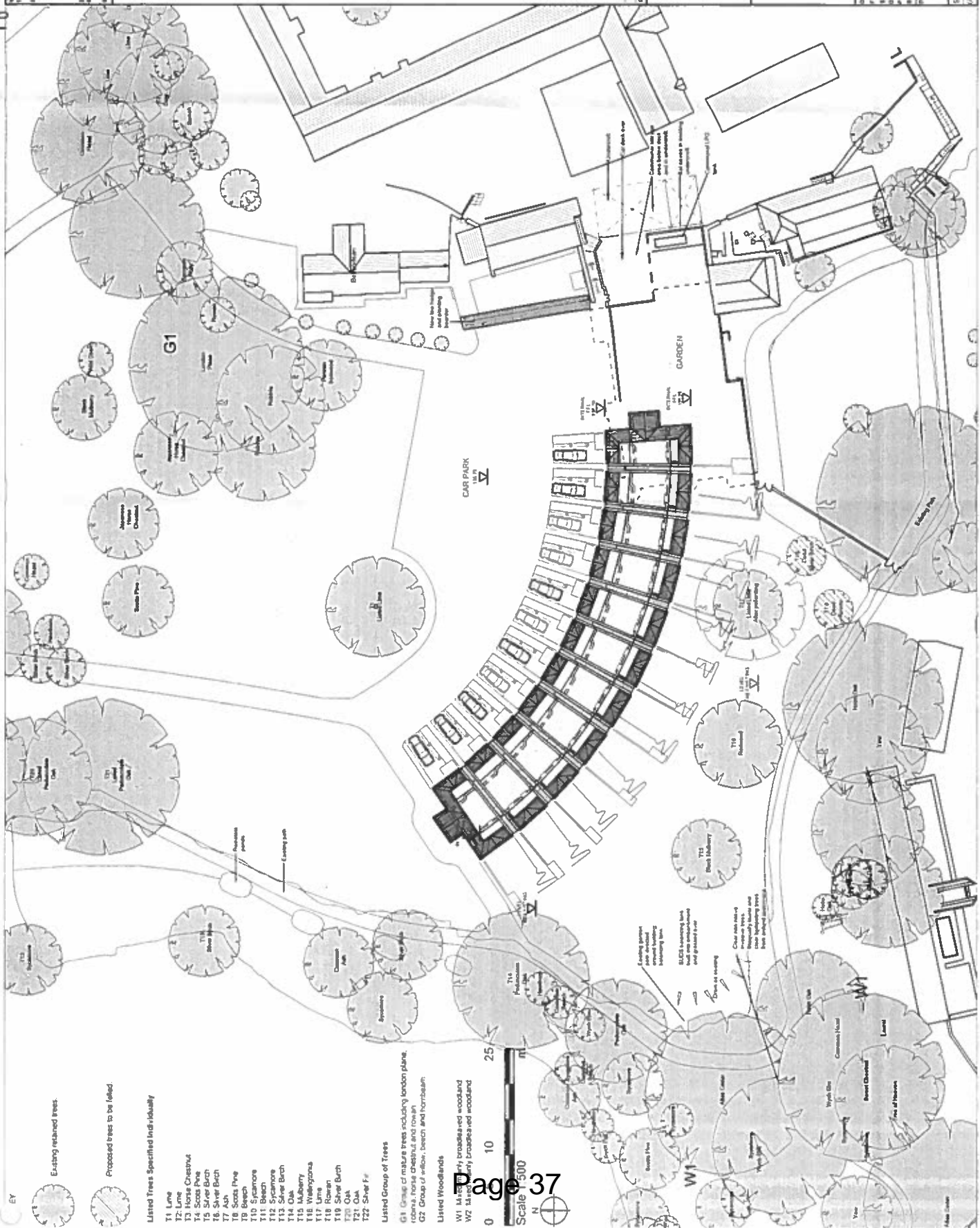
Donald Insall Associates
Chartered Architects and Planning Consultants

Bridgegate House, 5 Bridge Place, Chester CH1 1EA
T: +44 (0)1244 200 000 www.donaldinsall.co.uk

LLANBEDR HALL

SITE PLAN
AS PROPOSED

Client: Llanbedr Hall	Project: Llanbedr Hall
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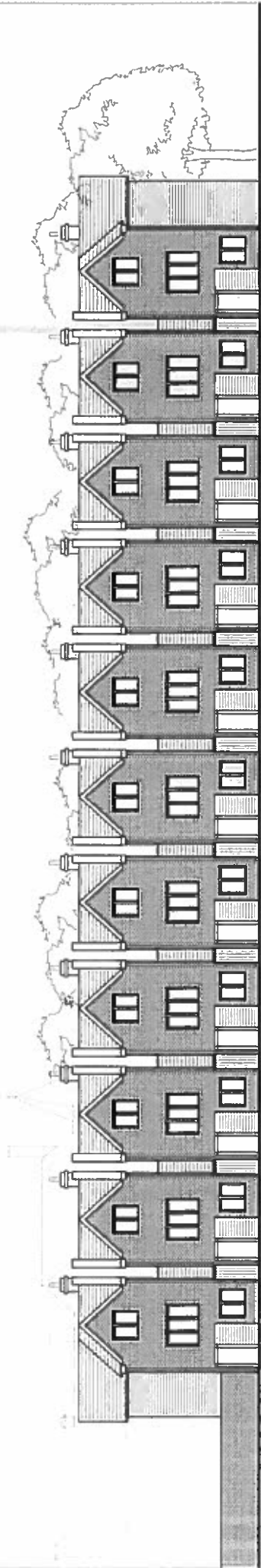


- Existing retained trees.**
- Proposed trees to be felled.**
- Listed Trees Specified Individually**
- T1 Lime
 - T2 Lime
 - T3 Chestnut
 - T4 Scots Pine
 - T5 Silver Birch
 - T6 Silver Birch
 - T7 Ash
 - T8 Scots Pine
 - T9 Birch
 - T10 Birch
 - T11 Birch
 - T12 Sycamore
 - T13 Silver Birch
 - T14 Oak
 - T15 Mulberry
 - T16 Hawthorn
 - T17 Hawthorn
 - T18 Rowan
 - T19 Silver Birch
 - T20 Oak
 - T21 Oak
 - T22 Silver Fir
- Listed Group of Trees**
- G1 Group of mature trees including London plane, robins, horse chestnut and rowan
 - G2 Group of willow, birch and hornbeam
- Listed Woodlands**
- W1 Mature broadleaved woodland
 - W2 Mature broadleaved woodland



MAIN ELEVATIONS

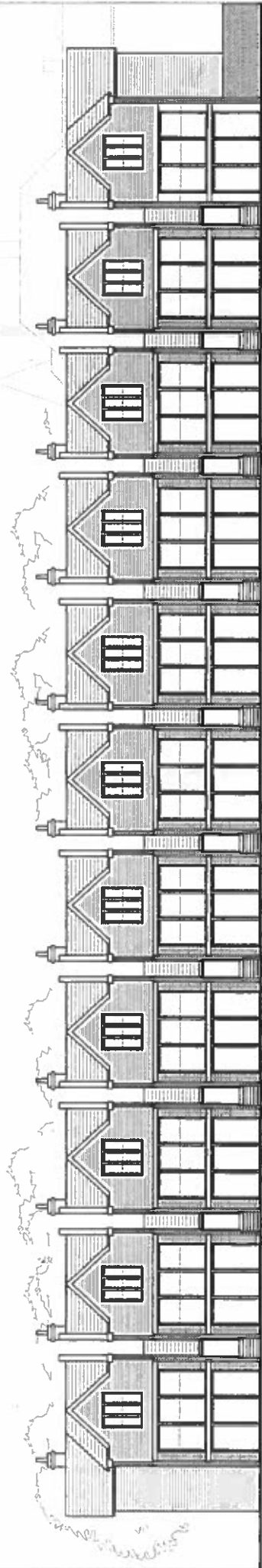
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NORTHERN ELEVATION - INNER CURVE

MATERIALS
 Chimney - Dark red brown brick.
 Roof - Slate.
 Porch and garden shed roofs - Matt grey metal.
 Walls - Dark red brown brick.
 - Natural stained timber boards.
 Windows - Grey metal frames clear glass.
 Doors - Grey metal frames clear glass.
 Porches and sheds - natural stained timber boards.

Ridge height Lamber Hall - 11 m
 Ridge height Houses - 9.4 m



SOUTHERN ELEVATION - OUTER CURVE

3 1 MAY 2016

<p>LLAMBEDR HALL 11 HOUSES</p> <p>NORTH AND SOUTH ELEVATIONS AS PROPOSED</p>		<p>Donald Inshall Associates Chartered Architects and Interior Designers Registered No. 615, 5 Ridge Place, Chichester, Chichester, PO19 1SA T: (01243) 34350 (053) www.donaldinshall.co.uk</p> <p>Project: LHR.12 No: 2201 Scale: (A3) 1:200 P</p>	
<p>Drawing Status: F: Feasibility S: Sketch Design D: Design P: Planning M: Materiality/Construction T: Tender C: Commencement E: Handover</p>		<p>No: 1 Date: / / Drawn: / / Rev: /</p> <p>No: 2 Date: / / Drawn: / / Rev: /</p> <p>No: 3 Date: / / Drawn: / / Rev: /</p> <p>No: 4 Date: / / Drawn: / / Rev: /</p> <p>No: 5 Date: / / Drawn: / / Rev: /</p> <p>No: 6 Date: / / Drawn: / / Rev: /</p> <p>No: 7 Date: / / Drawn: / / Rev: /</p> <p>No: 8 Date: / / Drawn: / / Rev: /</p> <p>No: 9 Date: / / Drawn: / / Rev: /</p> <p>No: 10 Date: / / Drawn: / / Rev: /</p> <p>No: 11 Date: / / Drawn: / / Rev: /</p>	
<p>Notes: 1. All drawings are subject to the usual conditions of sale and contract. 2. All dimensions are to be indicated on site by the contractor. 3. All dimensions are to be indicated on site by the contractor. 4. All dimensions are to be indicated on site by the contractor. 5. All dimensions are to be indicated on site by the contractor. 6. All dimensions are to be indicated on site by the contractor. 7. All dimensions are to be indicated on site by the contractor. 8. All dimensions are to be indicated on site by the contractor. 9. All dimensions are to be indicated on site by the contractor. 10. All dimensions are to be indicated on site by the contractor. 11. All dimensions are to be indicated on site by the contractor.</p>		<p>© 2016 DONALD INSHALL ASSOCIATES LTD</p>	

GROUND FLOOR PLAN

31 MAY 2016

162 016 / 0545 / P F

Notes:
 1. Any other relevant drawings to be read only in conjunction with and as part of this drawing.
 2. All dimensions are to be checked on site by the contractor. Scaling is not permitted.
 3. Utility structures indicated, all dimensions are in millimetres.
 4. All dimensions are to be taken from the finished ground level unless otherwise stated.
 5. The proposed building is to be constructed in accordance with the Building Regulations and all other applicable codes of practice.
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CAR PARK

Communal garden machinery store

Garden Sheds

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Donald Inshall Associates
 Chartered Architects and Interior Building Consultants

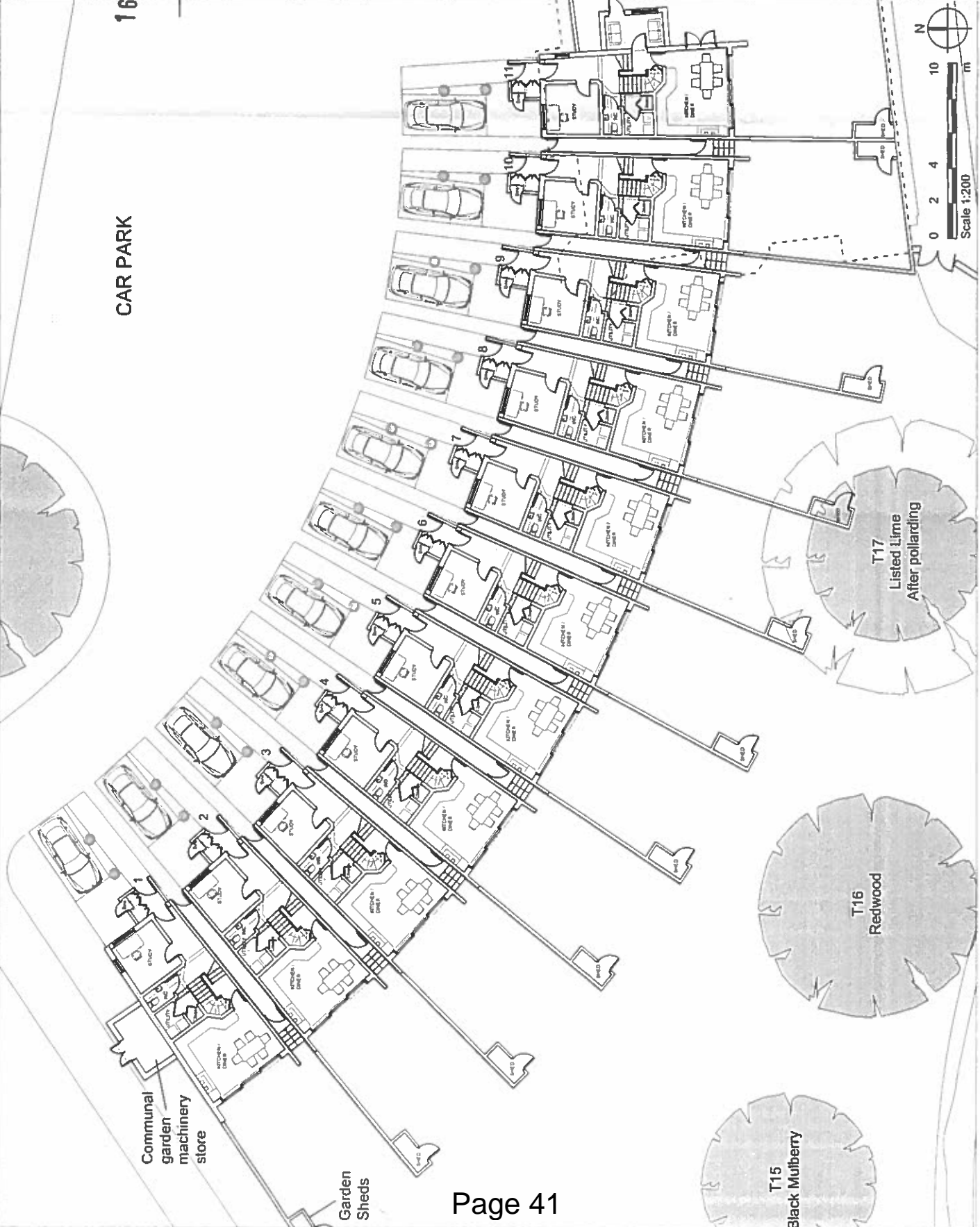
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LLANBEDR HALL
 11 HOUSES

GROUND FLOOR
 PLAN AS PROPOSED

Drawing Status:
 W Working Drawing
 A Approval
 D Design
 P Planning
 S Building Control
 R Record

Project	No
Scale	LHR.12
Year	2001
Status	Rev
Author	1: 2 1 0 0
Checked	P



WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw O Williams (c)

APPLICATION NO: 16/2016/0545/ PF

PROPOSAL: Demolition of Llanbedr Hall and erection of 11 dwellings

LOCATION: Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr Rod Cox

CONSTRAINTS: Tree Preservation Order
AONB

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

REASON APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Referral by Development Manager

CONSULTATION RESPONSES:

LLANBEDR DC COMMUNITY COUNCIL

'Please be informed that Llanbedr Dyffryn Clwyd Community Council has the following observations to the above planning application as following:-

1. The proposed site would cause disruption caused by construction traffic and increased traffic on Lon Y Mynydd and Lon Cae Glas during and following construction.
2. Concerns that the drains at Llanbedr Hall and whether the current system would be able to cope with the new housing and increased pressure.
3. The application site is outside the Local Development Plan for new buildings in Llanbedr Dyffryn Clwyd.
4. The building application is not on the current footprint, which it should be.
5. The application mentions many times about the new height lower than the existing hall, but the new application is actually 3 foot higher than the previous application for 9 houses that was given permission. When you see the image with the new hall superimposed on the old hall you also see how it will have a large expanse across the garden area.
6. The Design and Access statements have some misleading statements.
7. There should be provision for affordable housing as part of the planning application.'

NATURAL RESOURCES WALES

No objection subject to conditions.

DWR CYMRU / WELSH WATER

No objection. Suggest conditions.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Suggest photographic survey and watching brief

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
Highways Officer
No objection subject to condition

Ecologist
No objection. Suggest conditions.

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Theresa Burling, 4 Bryn Coed, Llanbedr Hall, Llanbedr
R.G.Houghton, 4 Y Llys, Llanbedr DC

Summary of planning based representations in objection:
Principle - Lack of local services to support the development
Visual impact - Urbanisation of rural setting, impact on landscape, impact on AONB
Residential amenity - Increased noise and disturbance due to the number of residents
Highways safety - suitability of the local highways network

EXPIRY DATE OF APPLICATION: 25/07/2016

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the replacement of Llandedr Hall with a terrace of 11 dwellings.
- 1.1.2 The terrace would form a crescent of 3 storey dwellings immediately to the west of the current position of the hall.
- 1.1.3 Car parking for the dwellings is shown as one space to the front of each unit along with a larger central parking area to the north of the block. Access to the new units will utilise the existing driveways to the north west and north east.
- 1.1.4 In addition to the submitted plans, the application is accompanied by the following supporting documents:

Design and Access Statement
Historical Appraisal
Tree Report
Ecological Survey
Design, Landscape and Heritage Impact Assessment
Structural Inspection

1.2 Description of site and surroundings

- 1.2.1 Llanbedr Hall is a late Victorian building set in landscaped grounds. The front part of the hall is constructed in buff brick with red brick detailing and a steeply hipped slate roof, and incorporates a corner tower along with gabled and dormer features.
- 1.2.2 The rear part of the hall is a predominantly two storey rendered structure with slate pitched roof. The hall benefits from substantial formal landscape gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the back drive to the main hall.
- 1.2.3 The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Tree Preservation Order.

1.2.4 To the south-west of the main hall is a walled garden area containing a former boiler room and glass house which has recently gained permission to be converted into a dwelling (see planning history).

1.2.5 There are public footpaths which run through and adjoin the site, including one which runs past the listed building of the remains of St Peter's Church which lies to the west of the hall.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies outside of the development boundary for the village of Llanbedr DC and is set within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the Vale of Clwyd Historic Landscape, but without any other specific designation in the Local Development Plan.

1.3.2 Public Footpaths 14 and 37 run through and abut the site.

1.4 Relevant planning history

1.4.1 There is a lengthy planning history on the site. The most relevant planning history for the assessment of this application is the extant permission for the erection of 9 dwellings as replacement for Llanbedr Hall under reference number 16/2014/1020, granted at Planning Committee in January 2015.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 Covered in the report.

2. DETAILS OF PLANNING HISTORY:

16/2004/1450/PF – Change of use from restaurant to 2 self-contained dwellings: Granted by Committee on 26 January 2005.

16/2006/0872/PF – Conversion and alterations of existing flats and restaurant to 20 self-contained flats and construction of associated parking areas: Granted by Committee on 10 October 2006.

Appeal 2042164/WF – Against Conditions 6 and 9 on the above permission: Allowed on 30 July 2007.

16/2007/1363/PO – Demolition of main hall (11 flats) and development of 0.33 ha of land by the erection of replacement building containing 11 flats and erection of 6 dwellings within grounds and alterations to existing vehicular access (outline – all matters reserved for further approval): Refused on 15 February 2012.

16/2011/0691 – Conversion and extension of the former garages into 1 dwelling with a designated bat roost in the roof void: Granted by Committee on 28 September 2011.

16/2009/0941/PF – Demolition of Llanbedr Hall and its replacement with 9 detached family houses set into the gardens, and the refurbishment, extension and change of use of the adjacent garages to provide 1 dwelling: Refused 15 February 2012.

16/2014/1020/PF - Demolition of Llanbedr Hall and erection of 9 three-storey dwellings, and associated works - Granted in 21 January 2015

16/2015/0271/PS - Removal of condition requiring provision of affordable housing - Allowed at appeal 21 December 2015

16/2015/1047 - Demolition of Llanbedr Hall and erection of 13 three-storey dwellings, and associated works - Refused 9 March 2016 (Currently subject of an appeal to the Planning Inspectorate)

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4 June 2013)

Policy RD4 – Replacement of existing dwellings

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy VOE1 – Key areas of importance

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

Policy VOE5 – Conservation of natural resources

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

3.1 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, 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 Ecology
- 4.1.5 Highways (including access and parking)
- 4.1.6 Archaeology
- 4.1.7 Affordable Housing
- 4.1.8 Drainage (including flooding)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of the demolition of Llanbedr Hall and replaced by a terrace of dwellings has been established through the January 2015 permission, which is extant. This matter of principle cannot be re-visited. However the matter of principle in hand is whether 11 dwellings can be accepted. The previous permission allowed 9 dwellings on the basis of the compliance with Policy RD 4 - Replacement Dwellings.

It has been established within previous appeal proceedings that it is agreed that the existing hall has a lawful use for 11 dwellings.

It is therefore considered that the proposals to provide 11 units are in principle acceptable as replacements in accordance with Policy RD 4, having regard to the site history.

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

The proposed development has the same footprint as the 2015 extant permission. The proposed ridge height of the terrace would be increased by 0.9m from the extant permission. There are objections based on the urbanisation of the rural setting.

Having regard to the extant permission it is not considered that the proposal would have an unacceptable visual impact in relation to the locality or the wider landscape, including the designated AONB, on top of that permitted by the 2015 permission.

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.

There are objections to the potential for increased noise and disturbance due to the number of residents.

Having regard to the extant permission and the relationship with nearby properties, it is not considered that the proposed development would give rise to additional impacts that would be unacceptable in relation to residential amenity.

4.2.4 Ecology

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.

A protected species survey has been submitted and the biodiversity officer has raised no objections subject to the recommendations being followed.

The proposals are therefore considered acceptable in relation to impact on ecology subject to condition appropriate mitigation is provided.

4.2.5 Highways (including access and parking)

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

The Highways Officer has raised no objection. There are individual concerns over the suitability of the local highway network.

Having regards to the design, scale and location of the proposals, and having regard to the extant permission, it is considered that proposals would not have an

unacceptable impact on the local highway network, on top of that considered appropriate in granting the permission in 2015.

4.2.6 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96.

CPAT have identified the site as being of potential significance in relation to archaeological remains and have suggested a watching brief condition.

Providing an appropriate watching brief is completed it is considered that the proposal would not have an unacceptable impact in relation to archaeology.

4.2.7 Affordable Housing

No affordable housing is proposed by the submission. An appeal decision in December 2015 relating to this confirmed that affordable housing cannot be required in relation to policy RD 4 - Replacement of Existing Dwellings. Officers would recommend strongly against seeking to impose an affordable housing requirement.

4.2.8 Drainage (including 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 along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

The Community Council have advised that they are concerned about the suitability of drains to serve the development. Dwr Cymru/Welsh Water have not objected to the proposals on the basis of the existing system having insufficient capacity. In situations where the existing sewers network has insufficient capacity to deal with the additional output from a development, an objection would be raised. The site is not located within a flood zone.

Having regard to the above it is not considered that the proposal would be unacceptable in terms of drainage. It is proposed to control the final details of drainage through condition to ensure satisfactory surface water management measures are put in place.

5. SUMMARY AND CONCLUSIONS:

- 5.1 It is considered that the development is acceptable in principle having regard to the clear steer from previous appeal decisions over the number of lawful residential units in the existing hall. Having regard to the extant permission it is not considered that the proposed development would have any unacceptable impacts on top of which would arise from the implementation of the 2015 permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 26th July 2021.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Proposed north and south elevations (Drawing No. 2201) received 31 May 2016
 - (ii) Proposed east and west elevations (Drawing No. 2202) received 31 May 2016

- (iii) Proposed roof plan (Drawing No. 2005) received 31 May 2016
- (iv) Proposed sections (Drawing No. 2101) received 31 May 2016
- (v) Proposed ground floor plan (Drawing No. 2001) received 31 May 2016
- (vi) Proposed first floor plan (Drawing No. 2002) received 31 May 2016
- (vii) Proposed second floor plan (Drawing No. 2003) received 31 May 2016
- (viii) Proposed third floor plan (Drawing No. 2004) received 31 May 2016
- (ix) Proposed garden sheds (Drawing No. P3800) received 31 May 2016
- (x) Site plan as existing (Drawing No. P4003) received 31 May 2016
- (xi) Site plan as proposed (Drawing No. 4000) received 31 May 2016
- (xii) Topographical survey (Drawing No. 13591-5) received 31 May 2016
- (xiii) Proposed drainage site plan (Drawing No. P4004) received 31 May 2016
- (xiv) Existing location plan (Drawing No. P4000) received 31 May 2016
- (xv) Location plan (Drawing No. 4001) received 31 May 2016
- (xv) Review of ecological survey work dated 14 August 2014

3. PRE-COMMENCEMENT CONDITION

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

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.

5. 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 next planting and seeding season 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.

6. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

7. PRE-COMMENCEMENT CONDITION

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the buildings are first occupied.

8. PRE-COMMENCEMENT CONDITION

Prior to the installation of any lighting an external lighting/internal light spillage scheme shall be submitted to and approved in writing by the Local Planning Authority and all lighting installed shall be in accordance with the approved details

9. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details at all times.

10. All groundworks shall be undertaken in the presence of a qualified archaeological contractor so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute for Archaeologists. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670 within two months of the fieldwork being completed.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of investigation and recording of historic/listed buildings
4. In the interest of visual amenity.
5. In the interest of visual amenity.
6. In the interest of visual amenity.
7. In the interest of the management of flood risk.
8. In the interest of maintaining the favourable conservation status of protected species.
9. In the interest of the management of biosecurity risks.
10. In the interest of preservation of archaeological remains.

NOTES TO APPLICANT:

None

Agenda Item 7

WARD : Llandyrnog

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

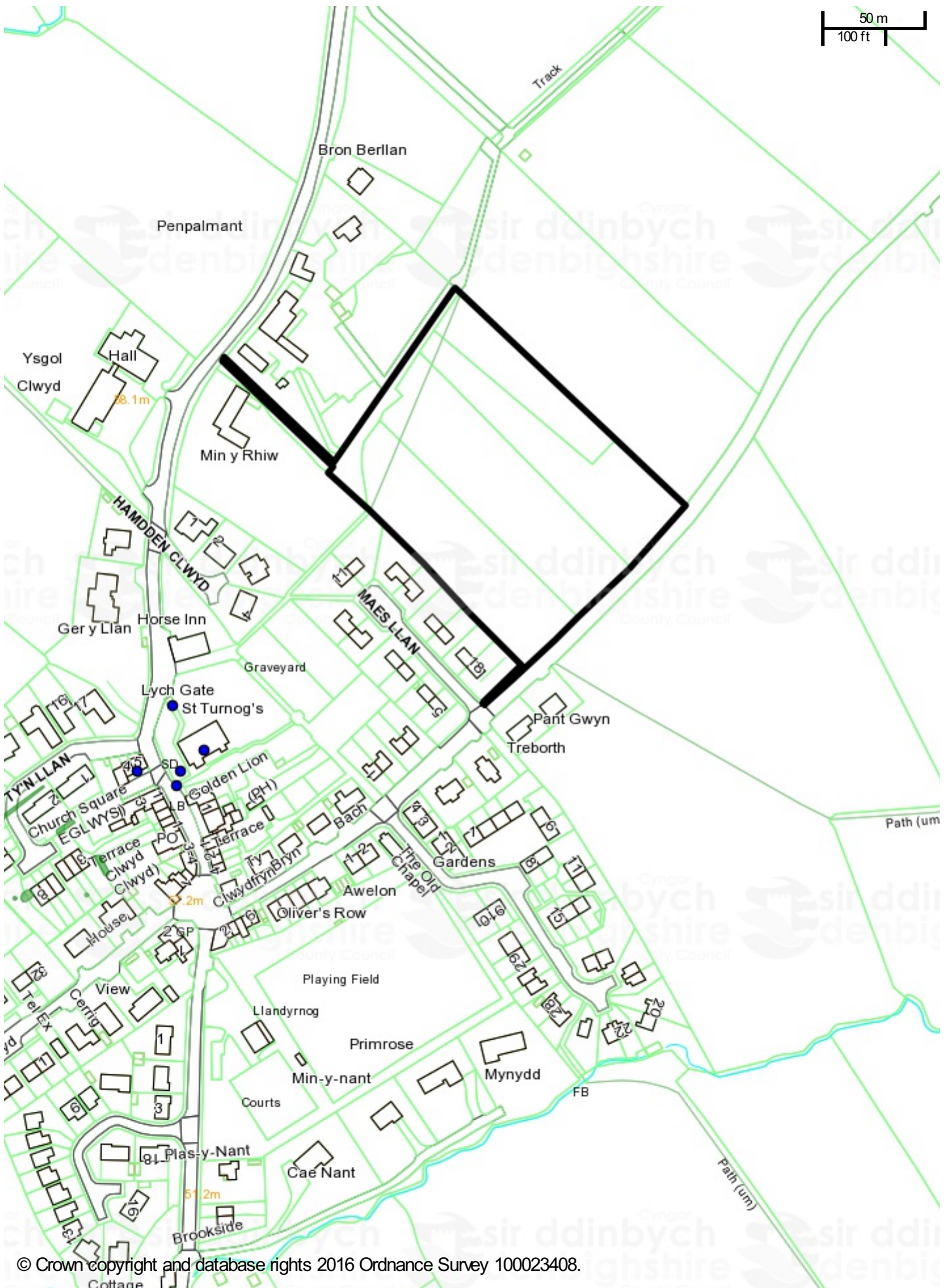
APPLICATION NO: 18/2016/0400/ PO

PROPOSAL: Development of 1.74ha of land by the erection of 40 no. dwellings and associated works (outline application including access and layout)

LOCATION: Land adjacent to Maes Llan Llandyrnog Denbigh

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50 m
100 ft



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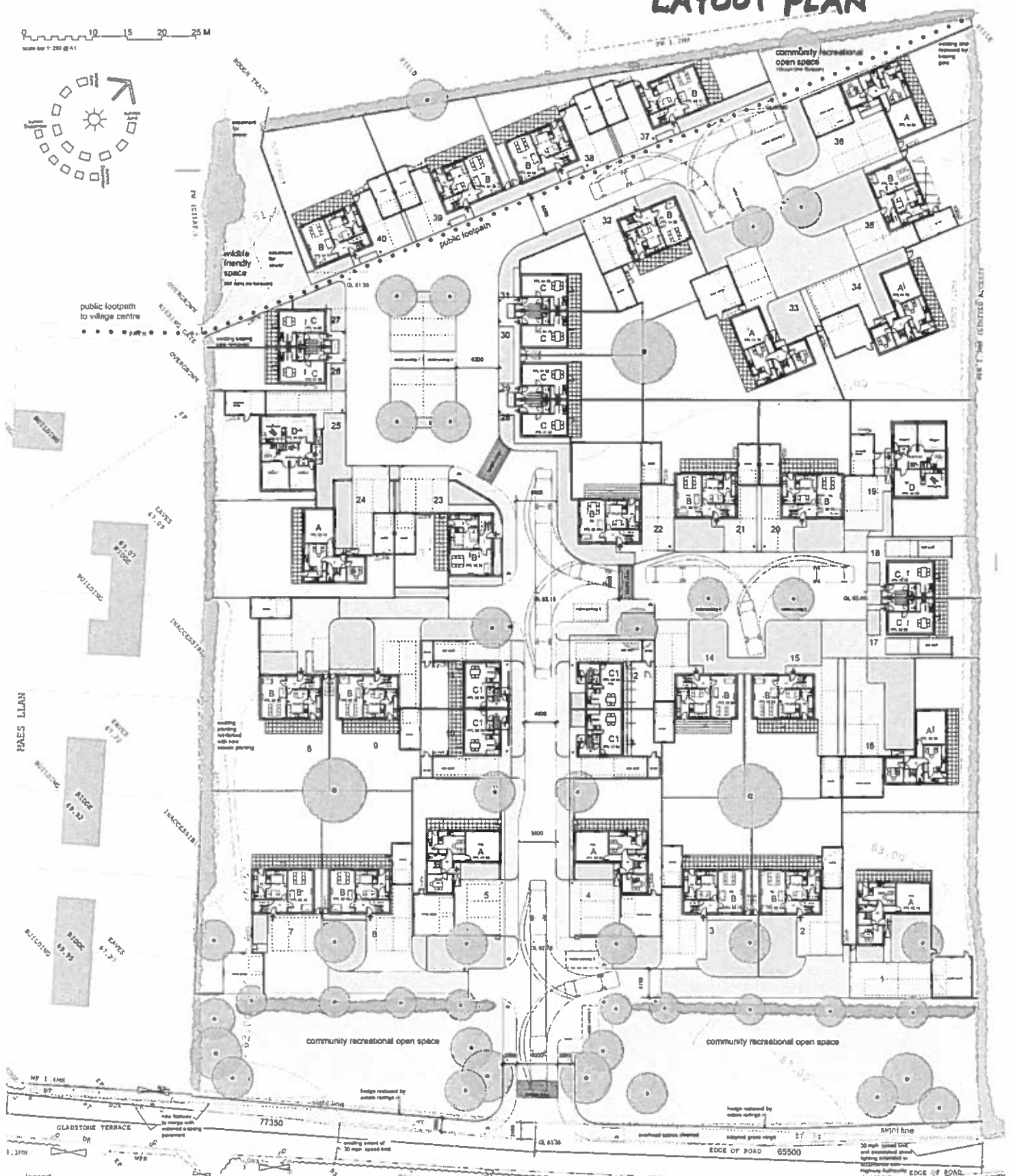
18/2016/0400

Scale: 1:2500

Printed on: 12/7/2016 at 14:37 PM

LAYOUT PLAN

Scale for 1:250 @ A1
0 10 15 20 25 M



- Legend**
- permeable paving shared surface for adoption by highway authority
 - permeable paving - private drives parking areas
 - permeable paving shared drive
 - permeable surfaced landscaped area
 - permeable surfaced private amenity area
 - permeable surfaced CROCS
 - pedestrian kerbed footpath for adoption by highway authority
 - parking space 4.8m x 2.4m min
 - feature native tree planting
 - existing hedgerows retained and reinforced with new native species planting as required and managed
 - new hedgerow of native species
 - new garden walls
 - new screen fencing
 - new estate railings
 - dropped kerbs with tactile paving
 - herbicide collection point for refuse collection within 30m of bin store
 - bin storage for 1 x 240L, 1 x 180L, 1 x 140L wheeled bins
 - existing public footpath
 - 1 indicates plot number
 - A indicates house type
 - - - - - indicates finished ground floor level
 - - - - - indicates new ground level
 - 2m wide kerbside step in pavement provided to all pavements of adopted roads
 - 3 part parking for standard refuse vehicle

Illustrated House Mix

2 Nr Type D wheelchair accessible 2 bedroom bungalows
 8 Nr Type C 2 bedroom semi detached houses
 4 Nr Type C1 2 bedroom semi detached houses
 18 Nr Type B 3 bedroom detached houses
 8 Nr Type A 4 bedroom detached houses

40 Nr Houses in Total

Schedule of building sizes

House Type	Max Length m	Max Width m	Max Height m	Max Floor Area m ²	Max Floor Area m ² to ridge above FFL (over eaves)	Rooms	Proposed Car parking Provision
A	11.0 to 10.7	10.8 to 8.2	17.2 to 7.4	120.12	120.12	4	1
B	19.8 to 9.1	16.7 to 6.6	10.0 to 7.7	191.36	191.36	3	1
C	15.8 to 5.3	7.1 to 6.9	10.3 to 8.8	84.6	84.6	3	1
C1	7.3 to 6.9	10.8 to 9.2	10.3 to 8.8	66.3	66.3	3	1
D	11.3 to 11	10.2 to 7.6	6 to 5.7	80.25	80.25	2	1
Garage							
Double	8.15 to 8.14	11.5 to 8.8	15.3 to 13.2				
Access	8.15 to 8.14	11.5 to 8.8	15.3 to 13.2				
Store	8.15 to 8.14	11.5 to 8.8	15.3 to 13.2				

Adrian Jones Associates

12500 @ A1

Proposed Housing Development
 Pen-y-falmat, Llanymorog

Site Layout

21512

AL(p)03

WARD : Llandyrnog

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

APPLICATION NO: 18/2016/0400/ PO

PROPOSAL: Development of 1.74ha of land by the erection of 40 no. dwellings and associated works (outline application including access and layout)

LOCATION: Land adjacent to Maes Llan Llandyrnog Denbigh

APPLICANT: M Hughes

CONSTRAINTS: None

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

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

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

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

“Whilst the Community Council accept that following a thorough consultation process this land has been earmarked for development within the LDP, the same LDP confirms on page 25 that the number of dwellings on this land should not exceed 25 – there are forty shown on the current application and the Community Council are unable to support the application as it has been presented because of the following reasons:

- Number of houses shown on the application far exceeds the aspirations of the Local Development Plan
- Open space as shown too near the main road and should be repositioned nearer the centre of any development
- No details provided of what commuted sums would be offered to upgrade existing play areas provided in the village
- The land has been earmarked for development – that is a matter of fact - however would the eventual developer consider phasing the development?
- There are concerns about traffic management during construction period however it is accepted that the matter can be dealt with by not starting any work until a traffic management plan has been approved”.

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

“The Joint Committee notes that this site is allocated for residential development in the LDP and therefore has no observations to make on the principle of development. Although approximately 1km outside the AONB the site is visible from the higher ground of the Clwydian Range to the east, and the committee would emphasise the need to ensure that the development blends into the Vale of Clwyd landscape.

The retention of existing trees and boundary hedges and supplementary planting of new native trees and hedges to enclose the site will assist in breaking up views of the site and help integrate the development into its rural setting. However, the committee is concerned that

existing tree group G.7 has not been plotted on the layout plan and may be detrimentally affected by the development. In addition, it is recommended that additional semi-mature native tree planting is undertaken along the AONB facing north-eastern boundary to supplement the existing hedge. This would better reflect the characteristic landscape of the Vale of Clwyd, which comprises hedges interspersed with hedgerow trees and small woodlands. In this context, the high density layout with dwellings very close to this boundary undermines such an approach, and the committee would suggest that a greater separation distance than that shown on the proposed layout between dwellings and the boundary hedge/trees is called for. The loss of a significant length of roadside hedgerow to facilitate highway visibility is regretted, and it is suggested that as much of this as possible is retained and a new native hedge and hedgerow trees planted behind the minimum required splay to maintain continuity of this landscape feature.

Finally, the Joint Committee supports the positive statements in the DAS and Community Linguistic Assessment relating to the provision of affordable housing for local people and the phasing of development in relation to local demand.”

NATURAL RESOURCES WALES

No objection subject to the inclusion of a condition requiring surface water details and light spillage details.

DWR CYMRU / WELSH WATER

No objection subject to the inclusion of a condition requiring a detailed drainage strategy

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection

FIRE AND RESCUE SERVICE

No objection

UTILITIES

Wales and West Utilities

No objection

Scottish Power

No objection

HEALTH BOARD

No objection

TREE CONSULTANT

No objection, a detailed landscaping and appropriate management scheme will be required at detailed stage.

CPRW

Express concerns relating to the loss of agricultural land

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of standard conditions including a construction method statement and highway details including lighting and drainage details.

Archaeologist

No objection, there are no known archaeological sites in the vicinity.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

John McQuire, Bodlondeb, Denbigh
David Childs, 5 Oliver's Row, Llandyrnog
Kathryn Morris, 5 Oliver's Row, Llandyrnog
Mrs J Standing, 7 Nant Glyd, Llandyrnog
Mr W Humphreys, 11 Maes Llan, Llandyrnog
Rachel Davies, 14 Maes Llan, Llandyrnog
Paul Davies, 14 Maes Llan, Llandyrnog
Dave Benton, 18 Maes Llan, Llandyrnog
Mrs Glenna Benton, 18 Maes Llan, Llandyrnog
Denise Buckland, 14 Nant Glyd, Llandyrnog
John Newcombe, 5 Nant Glyd, Llandyrnog
G.I Humphreys, 17 Maes Llan, Llandyrnog
Mrs Wilson, Monfa, Llandyrnog
G Jones, 11 Nant Glyd, Llandyrnog
Mark Humphreys, 10 Maes Llan, Llandyrnog
Carys Ward, 10 Nant Glyd, Llandyrnog
Liz Bennett, 9 Nant Glyd, Llandyrnog
John Ashton, 2 Hamdden Clwyd, Llandyrnog
P Chapman and R Jones, 1 Hamdden Clwyd, Llandyrnog
Michael Mitchell, 3 Bron Dyffryn Terrace, Llandyrnog
Mr and Mrs Harrison, 5 Gladstone Terrace, Llandyrnog
C Jones, 2 Nant Glyd, Llandyrnog
Vera Jones, 13 Nant Glyd, Llandyrnog
Emma Whelan, 1 Ty Nant Gardens, Llandyrnog
Mr and Mrs Murphy, Hideaway, 22 Church Street, Northwich
Mr and Mrs Cuddy, 1 Bryn Awelon, Llandyrnog
Sarah Vaughan, Dolerw, Llandyrnog
Carol Richards, 4 Olivers Row, Llandyrnog
Patricia Masters, 2 Olivers Row, Llandyrnog
Glesni Mair Edwards, Ty Gerddi, Llandyrnog
Mrs Griffiths, 8 Nant Glyd, Llandyrnog
LE Lookin, 2 Bryn Awelon, Llandyrnog
P. Williams, Bryn Siriol, Llandyrnog
E Padmore, 3 Maes Llan, Llandyrnog
J S Foulkes, 6 Gladstone Terrace, Llandyrnog
J Jones, 6 Nant Glyd, Llandyrnog
Sian Ifan, Fronhyfryd, Llandyrnog

Summary of planning based representations in objection:

Principle/Density: The density is too high a number in the region of 15 to 20 would be more suited; loss of green field;

Highways: The access would be better on the Pen Palmant side; the level of traffic generated will be too much; access has insufficient sight lines; footpath through the site should be protected;

Landscape/Ecology: Loss of hedge along the frontage will result in loss of birds; impact on area of outstanding natural beauty

Scale/appearance: Fewer houses, single storey would be better;

General Comments: The same points in a letter signed by a number of residents

Object on a number of grounds including:

The local development plan was not inclusive and truly representative of the local community.
The impact of the development on health and wellbeing

The impact of the development on the local community
The impact of the development on the Welsh language
The justification of the development is weak in relation to housing needs in the village
The environmental effects on the local community
The unsustainable infrastructure
The impact the development will have on an area of outstanding natural beauty
Loss of green field site
Increase of traffic through the village

EXPIRY DATE OF APPLICATION: 17/8/2016

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks outline planning permission for a residential development of 40 units on 1.74 hectares of land, including approval of the means of access and the layout. All other matters, including the appearance, landscaping, and scale of development would be the subject of a future detailed application.

1.1.2 The site is included within the development boundary of Llandyrnog village in the Local Development Plan, and lies to the north east of dwellings on the Maes Llan development, fronting the road to Llangwyfan.

1.1.3 The application documents include a proposed Site Plan illustrating –

- The layout of 40 dwellings consisting of 2no. 2 bed accessible bungalows, 12no 2 bed houses, 18no 3 bed houses and 8no 4 bed houses.
- Associated open space 3840sq m in total. The proposal illustrates 2363sqm of Community Recreational Open Space (CROS) to be located on site along the road frontage of the site and an area to the rear of the site with the balance proposed as a commuted sum.
- A 'Wildlife Friendly' space to be located to the rear of the site.
- The siting of an access to be located centrally along the site frontage of the village road to Llangwyfan
- The intention to remove the hedgerow along the highway frontage, other than at the point of the new access the intention to locate railings
- Retention of the public footpath through the site

The site plan is attached at the front of the report along with illustrative plans.

1.1.4 The application is accompanied by supporting documents which include:

- A Design and Access Statement
- A Community and Linguistic Impact Assessment
- An Ecological Appraisal
- An Arboricultural Assessment
- A Water Conservation Statement

The main points of relevance to the proposals in the supporting documents are –

In the Design and Access Statement

The site is allocated for housing in the Local Development Plan

It is currently grazing land in connection with the livery stables at Pen y Palmant.

The site topography has a general fall of about 1 in 60 from the south-easterly corner to the north-western corner with an average elevation of approx. 62m AOD.

The south eastern boundary of the site has a frontage of some 116m onto the unclassified road to Llangwyfan.

A footpath crosses the northern end of the site, this forms part of the 'Llwybr Tyrnog'.

The north-eastern boundary of the site is defined by stock fencing and mature hedgerows. The south-eastern boundary is defined by mature hedges, fences and walls to the rear gardens of the dwellings on Maes Llan

A development of 40 dwellings equates to a density of 23 dwellings to the hectare, which is considered a more efficient and sustainable use of the land than the 25 dwellings suggested in the Development plan (14 dwellings per hectare).

In relation to the open space, its siting has been designed to ensure that it is an *integral and positive part of the development and not just as an 'add on'*. It will be a positive part of the spatial form of the whole village, not just the development itself and will be an accessible and inclusive facility for the wider community. It is considered the siting of the CROS at the front of the site also ensures a rural aspect and character of the road is less effected. Siting dwellings closer to the road with individual accesses, front gardens and driveways would create a suburban ribbon development appearance to the detriment to the character of the area.

In relation to Planning policy and guidance:

In preparing the proposal, the policies of the development plan have been fully considered and taken into account.

The layout illustrates that the requirements of DCC's Residential Space Standards SPG can be achieved alongside the Parking Standards SPG.

In the Phase 1 habitat Survey

The site is considered to be of limited ecological interest

In the Arboricultural Assessment

This is a survey of all the trees within the site as well as those on the neighbouring properties that could potentially be affected by the development. This amounts to 7 trees, groups and hedges.

In the Community Linguistic Statement

The statement concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language. The submitted assessment suggests a number of 'language and community measures' relating to the marketing of the development be carried out through local agents; bilingual sales media and staff coupled with local advertising and the placing of affordable housing with local housing associations; working closely with the local community council and other interested groups to develop distinctive identity in the design of the site, a suitable local name for the development.

In the Water Conservation Statement

The strategy for Water Management at this stage is that foul drainage from the site would be connected to the main gravity sewer serving the settlement. DCWW have confirmed that a potable water supply can be provided to the site from their existing water main system in the vicinity. The use of permeable paving for road and hard standings together with the use of soakaways will ensure that surface water run-off from the site will not exceed the existing rate.

1.2 Description of site and surroundings

- 1.2.1 The application site consists of 1.74ha of grazing land on the north east side of the village of Llandyrnog.
- 1.2.2 The site has a road frontage with the main village road running east to Llangwyfan.
- 1.2.3 It has a hedgerow running along the entire road frontage, with other hedgerows and fencing bounding the site.
- 1.2.4 To the south western boundary is the cul de sac 'Maes Llan' which consists of 2 storey semi detached properties. Along the northern boundary of the site is Pen y Palmant. The land is currently used for grazing in connection with the livery stables at Pen y Palmant.
- 1.2.5 The site is relatively flat grazing land.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Llandyrnog, which is identified as a village for the purposes of the Local Development Plan. It is annotated as a Housing Allocation on the Proposals Map, and under Policy BSC1 of the LDP, is referred to as 'Adj Maes Llan' with an indicative number of 25 dwellings in the table summarising table listing housing commitment and new allocations in villages.
- 1.3.2 Llandyrnog is within the Historic landscape of the Vale of Clwyd.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The agent has submitted a brief note responding to some of the points raised by consultees.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None of relevance other than the inclusion of the site within the development boundary of the village in the Local Development Plan.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
 - Policy 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 VOE 5 Conservation of natural resources
Policy VOE 6 Water Management
Policy ASA 2 Provision of sustainable transport facilities
Policy ASA 3 Parking Standards

- 3.2 Supplementary Planning Guidance
SPG Recreational Public Open Space
SPG Affordable Housing in New Developments
SPG Residential Development Design Guide
SPG Nature Conservation and Species Protection

3.3 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016
TAN 1 Joint Housing Land Availability Studies (2006)
TAN 5 Nature Conservation and Planning (2009)
TAN 12: Design (2016)
TAN 20: The Welsh language – Unitary Development Plans and Planning Control (2013)

4. MAIN PLANNING CONSIDERATIONS:

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

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

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

- 4.1.1 Principle
- 4.1.2 Density of development
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Impact on Welsh Language and Social and Cultural Fabric

- 4.2 In relation to the main planning considerations :

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the 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 Llandyrnog, which is designated as a village in the adopted Local Development Plan, and it is allocated as a housing site on the proposals map accompanying the Plan.

In relation to the loss of agricultural land raised by CPRW, the site is allocated within the adopted Local Development Plan for residential purposes and therefore this issue has already been considered at a strategic level during the preparation and adoption of the LDP. It would be considered inappropriate to question this at this stage.

The principle of residential development in this location is consistent with the Council's adopted plan, and this is now a significant consideration in relation to the application. Given this background, Officers would respectfully suggest the acceptability of the particular proposals therefore should rest on the specific impact assessments detailed in the following sections of the report.

4.2.2 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 a number of representations raising concerns over the number of dwellings proposed, drawing attention to the table in the Local Development Plan indicating a number of 25 for the site. The Community Council have also raised this issue, referring to the number of 25 units within the LDP.

Applying the density figure of 35dph referred to in Policy RD1 to the site area of 1.74ha would give a total of 60 dwellings. 40 dwellings are proposed, this would represent a density of 23 dwellings per hectare, well below the average figure in the policy.

The table in the Local Development Plan referring to 25 dwellings provides purely an indicative number for allocated sites and takes no account of detailed considerations to be applied to individual sites. In respecting local concerns, it is to be noted that the existing Maes Llan site immediately adjoining the site and has a density in the order of 21.5 dwellings to the hectare. Consequently, Officers do not believe the proposed density is inappropriate for a site on the edge of the village or that there is conflict with test ii) of the policy.

4.2.3 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 objections to the proposal based on potential visual impacts arising from the density of development on the edge of the village.

Officers accept that there will inevitably be some visual amenity impact from housing development in this location, but in respecting the concerns expressed, it is not considered reasonable to oppose the application on this basis, given the recent allocation of the site for residential development. Whilst it is not possible to assess the detailed visual impact of the dwellings at this stage as the application is in outline form with no approval sought for details of appearance etc., it is not considered that the development proposed would give rise to visual impacts sufficient to merit a refusal of outline permission.

4.2.4 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 potential for loss of privacy, etc. from new development on the site.

The application contains an illustrative layout indicating a possible format for a development and there are some illustrative images of the development. However there are no detailed elevation details to allow assessment of the impact on adjacent properties and this would be a matter for assessment as part of any detailed reserved matters application.

In the absence of full details of the dwelling types, it is not possible or appropriate to consider specific residential amenity issues at this point. These would normally be dealt with at reserved matters stage, when the full impact of development, and proximity to existing property can be fully assessed.

4.2.5 Ecology

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

There are no objections expressed over the potential impact on ecology as a result of development. An Ecological Appraisal has been undertaken which concludes the site has low ecological value. It is intended to integrate wildlife friendly features in to final design of the site such as planting of native hedges, the provision of food sources, nesting and roosting opportunities for birds, bats and other wild animals in planting schemes within gardens.

Subject to the inclusion of suitable conditions on any permission, it is suggested ecological interests can be suitably protected in relation to a development on this site.

4.2.6 Drainage

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

Natural Resources Wales and Dwr Cymru Welsh Water have not raised any objections to the proposal subject to the inclusion of suitable conditions being imposed if planning permission is granted.

Given the comments of the technical consultees, it is considered that it is

reasonable to assume that an acceptable drainage scheme can be achieved on the site. It is considered appropriate to secure the provision of an appropriate drainage scheme through condition. The proposals are therefore considered acceptable in relation to drainage.

4.2.7 Highways (including access and parking)

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

The means of access to the site is included for approval as part of this outline application.

There are objections raised by local residents in relation to highway safety in terms of the siting of the access and increased traffic in the village. The Highways Officer has no objections to the proposal and has no concerns in respect of the adequacy of the local highway network, subject to conditions.

It is not considered, with respect to objections raised, that there are any strong highway grounds to refuse permission here. The Highways Officer is satisfied at the proposals, including the position of the 30 mph restriction. In relation to the comments of the Community Council, appropriate controls over traffic management during the construction period can be included through planning conditions.

4.2.8 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.

The Council's Strategic Planning and Housing section has advised there is a significant identified need for affordable housing in the area. The application specifies that the proposal will meet the Council's Affordable Housing policy, the number and tenure of which would be agreed with the Council.

In accordance with current planning policy, it is now accepted practice on outline planning applications to use a 'standard' form of planning condition to require further approval of the arrangements for provision of Affordable Housing prior to the commencement of development. Officers suggest this approach to be appropriate in this instance.

4.2.9 Open Space

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

The Council's Open Space requirement for a development of 40 dwellings requires a total of 2208sqm comprising of 1472sqm of Community Recreation Open Space (CROS) and 736sqm of Children's Play Areas (CPA).

There are comments from local residents and the Community Council in relation to the location of the open space area and a question over the payment of a

commuted sum to upgrade play areas on the village.

The proposal is to site 2 areas of CROS on either side of the access to the site totalling approx. 1500sqm, and a small area is also shown to the rear of the site. The small area to the rear would be discounted as open space on site as it would not be considered to be a useable space with any natural surveillance.

Overall the approach to open space is considered acceptable. The amount of CROS exceeds the policy requirement and is to be provided on site in a location that is considered acceptable, which would not just benefit the development itself but will also be an accessible and inclusive facility for the wider community. It is also considered that this approach would ensure a rural feature and the character of the road is less affected. Given the proximity of the existing playground and recreation site, the offer of a commuted sum is considered acceptable in this instance and this can be covered by imposition of a planning condition requiring agreement to the mechanism for compliance with the open space requirement.

4.2.10 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 Impact Assessment concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language. The Strategic Planning and Housing section are satisfied that the assessment has been undertaken to a satisfactory standard. The submitted assessment suggests a number of 'language and community measures' and these measures can reasonably be secured by the imposition of a planning condition..

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

4.2.11 Other matters

In relation to the query of the Community Council with regards the possibility of phasing the development, a condition is suggested requiring the submission of a phasing plan.

In relation to the concerns of some local residents with regards the amount of single storey properties compared to two storey properties, it is not considered appropriate to impose a condition in this respect however a note to applicant is suggested which seeks further consideration be given to providing a different mix of dwelling types.

SUMMARY AND CONCLUSIONS:

- 5.1 The site has been included as a housing allocation within the development boundary of Llandyrnog as part of the adopted Denbighshire Local Development Plan. This establishes the Council's acceptance of the principle of the development.
- 5.2 The report sets out the main planning issues which appear relevant to the consideration of the application. There are concerns raised over highway and density issues, but the proposals have been scrutinised by the Highways Officer, and it is not considered that there are any substantive grounds to resist the grant of outline permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the appearance of the building(s), landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 27th July 2019.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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) Location plan (Drawing No. L.1287/2) received 26 October 2015
 - (ii) Extended phase one survey and planning application assessment (Job no. 0870) received 26 October 2015
 - (iii) Planning, Design and Access Statement: Section 4 - Community and Linguistic Impact Assessment received 26 October 2015

5. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:

- 1) Site compound location
- 2) Traffic management scheme
- 3) The parking of vehicles of site operatives and visitors;
- 4) Loading and unloading of plant and materials;
- 5) Storage of plant and materials used in constructing the development;
- 6) The management and operation of construction vehicles and the construction vehicle routes
- 7) wheel washing facilities;
- 8) Measures to control the emission of dust and dirt during construction;

The approved Statement shall be adhered to throughout the construction period.

6. No development shall be permitted to commence until the detailed layout, design, street lighting, signing, drainage and construction of the internal estate road, access to the site, footway adjacent to the existing highway and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.
7. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 0.6 metres above the level of the adjoining carriageway.
8. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
9. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Affordable Housing. The development shall proceed strictly in accordance with the approved arrangements.
10. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the details of proposals for the disposal of foul drainage and surface water drainage (including roofwater) in connection with the development. The scheme shall include details of the timing of implementation and the works shall be carried out strictly in accordance with the approved details.
11. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Open Space. The development shall proceed strictly in accordance with the approved arrangements.
12. All signage within the site shall be in both Welsh and English.

13. No development shall be permitted to commence until details of a light spillage scheme to ensure bats are not adversely affected shall be submitted to and approved in writing by the Local Planning authority. The development shall proceed in accordance with such approved details.
14. No development shall be permitted to commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.
5. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.
8. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. To ensure the development is in compliance with the Council's adopted affordable housing policies and guidance.
10. To ensure the development is served by a satisfactory drainage system.
11. To ensure the development is in compliance with the Council's adopted Open Space policies and guidance.
12. In the interest of protection of the Welsh language.
13. In the interests of nature conservation.
14. To enable the Local Planning Authority to control the level of development in the area.

NOTES TO APPLICANT:

DCWW Advisory Notes

You 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

You are 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.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com

Environmental Management

If during any construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

HIGHWAYS

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

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

Your attention is drawn to the attached County Council's specification for road construction, highway lighting installations, and traffic signs and road markings.

You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of building works.

There is no diminution in the width of the right of way available for use by members of the public.

No building materials are stored on the right of way.

No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.

Vehicle movements are arranged so as not to interfere with the public's use of the way.

No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.

No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right or allowed to interfere with the right of way.

The safety of members of the public using the right of way is ensured at all times.

If the applicant wishes to temporarily close the Path, he/she will need to apply for a temporary closure at least 6 weeks prior to the event. Please contact Paul Owen or Tania Evans on 01824 706872/2963 for further details.

The Local Planning Authority requires further consideration be given to providing a different mix of housing types, such as providing more single storey properties within the development.

Agenda Item 8

WARD : Llandyrnog

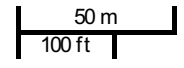
WARD MEMBER(S): Cllr Mervyn Parry

APPLICATION NO: 18/2016/0599/PS

PROPOSAL: Variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow accesses 'C' and 'D' to remain open subject to mitigation measures

LOCATION: Highfield Park Llangwyfan Denbigh

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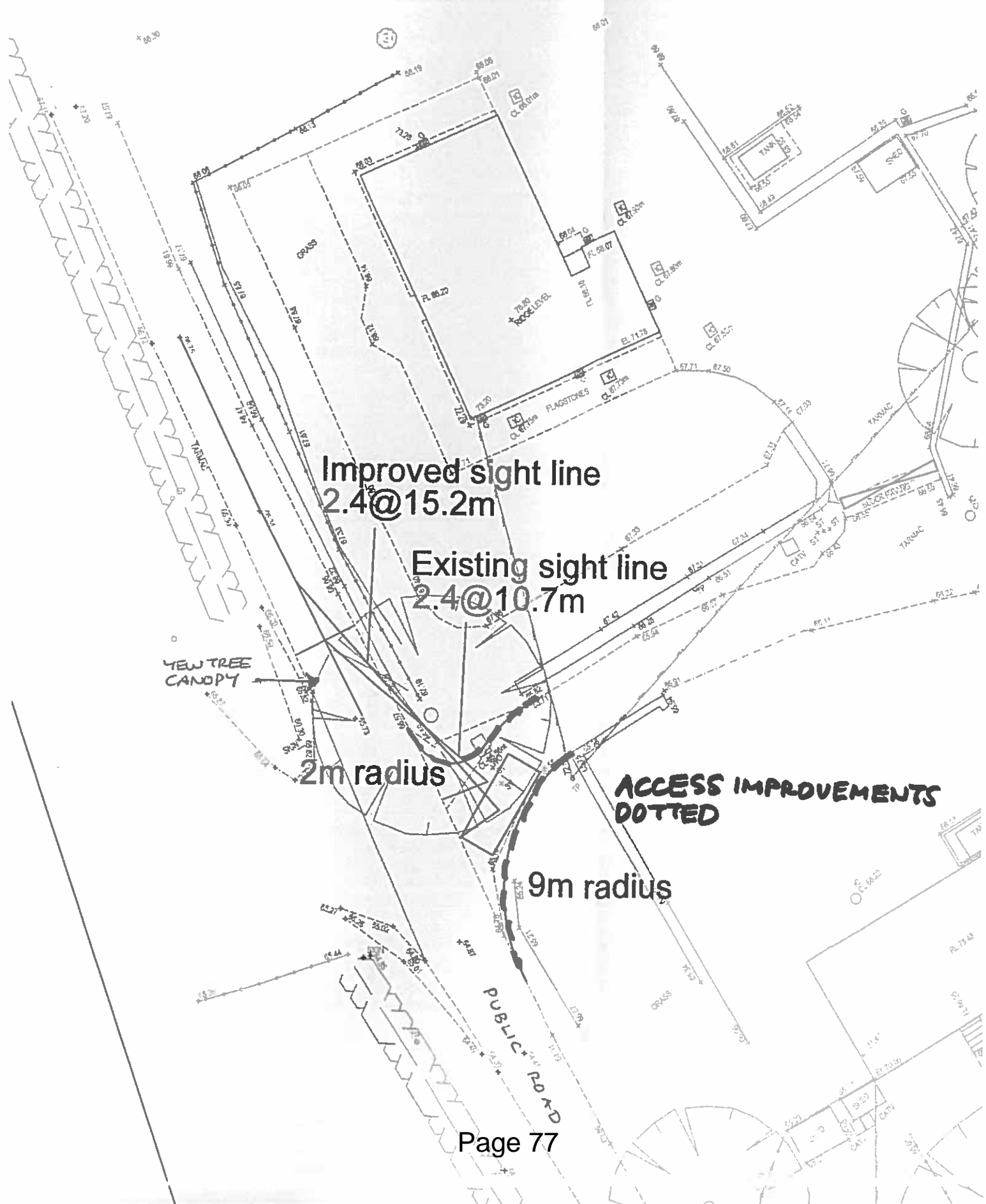
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IMPROVEMENTS TO ACCESS 'C'



WARD : Llandyrnog

WARD MEMBER(S): Cllr Mervyn Parry

APPLICATION NO: 18/2016/0599/PS

PROPOSAL: Variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow accesses 'C' and 'D' to remain open subject to mitigation measures

LOCATION: Highfield Park Llangwyfan Denbigh

APPLICANT: MHC Highfield Park Ltd.

CONSTRAINTS: AONB

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

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

- Referral by Development Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL
Response awaited

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer
Advises that there are no objections to the proposals.

RESPONSE TO PUBLICITY:

Representations received from:
R., G., J., H., and A. Ashcroft, Fron Yw Manor, Llangwyfan

Main points in objection to the application:

Highway safety concerns

Single track road cannot be used safely by existing users and a business operating 24 hours a day, 7 days a week / dangers from speed of traffic, blind corners, one pull in not adequate / accident has occurred recently / danger to pedestrians, cyclists, horse riders / popular tourist route / existing main access to Highfield Park is more than able to take all the traffic

EXPIRY DATE OF APPLICATION: 17/08/2016

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application relates to a condition imposed on a 2013 planning permission for the development of additional accommodation units and a car park at Highfield Park,

which set out restrictions on the use of two of the four access points onto the public highway from the complex.

- 1.1.2 There have been two previous applications seeking to vary the terms of condition 12, one refused at Planning Committee in September 2015, and a second was withdrawn before consideration in February 2016.
- 1.1.3 The applicants have lodged an appeal against the refusal decision and this is due to be dealt with at a Public Inquiry in September 2016.
- 1.1.4 Without prejudice to the respective cases in the event of the Inquiry taking place, the applicants and officers have engaged in dialogue over alternative ideas to mitigate local concerns over the access arrangements. This has resulted in the submission of the current application.
- 1.1.5 Factually, the planning permission granted under code no. 18/2012/1595/PF contained a number of conditions, including ones relating to parking, access and highway matters. Condition 12 imposed on the permission was worded as follows :

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.

The reason for the condition was:

In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.

- 1.1.6 Condition 12 was imposed on the 2013 permission on the recommendation of the County Council's Highway Officer, having regard to the contents of the submission and representations from the local Community Council and private individuals.
- 1.1.7 The current application is accompanied by a Planning Statement and a Transport Statement explaining the basis of the proposed variation to Condition 12, including additional mitigation measures. Reference should be made to the plan at the front of the report which annotates the access points referred to and the location of buildings, parking etc within the site.

The Planning Statement sets out the history of developments at the site and explains the detailed proposals attempt to address previous concerns from the Council and local residents. The application seeks to permit:

- the use of access C for the purpose of providing access and egress to staff / visitors / deliveries etc. to Rose Cottage and Pine Cottage together with emergency access / egress; and

- the use of access D for maintenance/estate vehicles together with emergency access / egress.

The following additional measures are proposed to further improve the operational efficiency of the Site:-

- additional directional signage for visitors to the Site, to alert users of Satellite Navigation systems to follow signs for Highfield Park, and to separately sign Rose and Pine Cottage;

- an additional sign near access C indicating it is to provide access/parking for Pine Cottage and Rose Cottage;

Details of the above are contained in the transport statement submitted with the

Application.

- minor revisions to the configuration of access C. This will entail some minor resurfacing, minor reconfiguration of the highway verge to the left of the access and some directional painting on the access.

Details are set out in a drawing accompanying the Application. The purpose of these minor improvements is to encourage vehicles exiting access C to position themselves turning left thereby improving their visibility. It is stated that should the Application be approved, these minor improvements would supersede the previous improvements proposed to access C in the Appeal scheme which would involve the removal of the yew tree and the demolition and reconfiguring of the stone wall adjacent to the access.

As part of the Application, a plan has been submitted indicating possible areas on the Site available for overspill parking at peak times. This is contained in the transport statement. The purpose of this plan is to demonstrate that additional overspill parking is available for 31 vehicles at times of peak demand thereby demonstrating that there will be less pressure for the parking at Rose Cottage and Pine Cottage to be used for this overspill parking.

- 1.1.8 In terms of the other accesses into the site, Access A would remain as the Main Estate Access, to provide access/egress for the majority of the Highfield Park Estate, and Access B is shown as 'generally egress for Alexander House and Beech'.

1.2 Description of site and surroundings

- 1.2.1 Highfield Park has been run for many years as a residential support and mental care facility. Historically, it has been in use as a T.B. Hospital (known as Llangwyfan Hospital) and subsequently as a sanatorium until closure in the early 1980's, when it was acquired by Mental Health Care Limited.
- 1.2.2 The site is located in open countryside, within the Clwydian Range and Dee Valley AONB, some 2km from the village of Llandyrnog, and 9km from the town of Denbigh, which lies to the west.
- 1.2.3 The site is accessed primarily from the west via a classified road running from Llandyrnog village through the Clwydian hills to Nannerch. Vehicles seeking to enter Highfield Park have to turn north off this road onto a country lane which serves the four access points into the site, and is the sole public highway serving Llangwyfan Farm, nos. 1-4 Tan y Ffordd Cottages, St Gwyfan's Church, the cottages at Fron Yw and Fron Yw itself.
- 1.2.4 The plan at the front of the report shows the relationship of Highfield Park to surrounding development, and identifies the four access points into the site referred to in the application documents. Access A is used as the main vehicular entrance to the site. It is understood Access B is used in connection with Alexander House (the main Admin. Block); Access C has been used in connection with Pine Cottage and Rose House, and Access D has been used by maintenance vehicles in connection with workshops in that area.
- 1.2.5 The public highway providing access to entrance A is capable of allowing two vehicles to pass, but beyond that point it is of single vehicle width with passing places. There is no pedestrian footway along the highway.
- 1.2.6 The highway has high grass verges and hedgerows along much of its length along the site boundary beyond Access A, and there are a number of significant trees close to the road both within the grounds of Highfield Park and on the south western side

abutting agricultural land.

1.2.7 There is a network of public footpaths in the immediate vicinity of the appeal site.

1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside, outside of any development boundary identified in 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 The detailed history of relevance to the current application is listed in section 2 of the report.

1.4.2 The main applications concerning the use of the accesses onto the lane running along the western boundary of the site are the one granted permission in June 2013 for the 3 units of accommodation and the main car park (which contained condition 12, the subject of the variation application), and the two subsequent applications to vary the condition, in 2014 and 2015.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The 2013 permission for the additional units of accommodation and the main car park has been implemented and construction work on these developments has been completed.

2. DETAILS OF PLANNING HISTORY:

Recent history

18/2006/0784

Demolition of existing 'Sycamore' building, erection of 3 no. eight bedded 'bungalow style' buildings and construction of associated car parks

Granted 08/11/2006

Permission not taken up.

18/2012/1595

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

Granted 19/06/2013

Permission implemented.

Condition 12 reads as follows:

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.

Reason: In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.

18/2014/1164

Variation of Condition 12 of planning permission code no. 18/2012/1595 to allow 2no. access points to remain open (including layout changes to Access C)

The original submission included a proposal to create an additional passing place between access C and D, but the application was revised in February 2015, to exclude this feature.

Refused 08/10/2015

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.

18/2015/1146

Variation of Condition 12 of planning permission code no. 18/2012/1595 to allow 2no. access points to remain open (including layout changes to Access C)

This was a resubmission of application 18/2014/1164, but was withdrawn by the applicants before consideration at Planning Committee in February 2016.

18/2016/0237

Details for permanently closing off the 2 no. northern access points, submitted in accordance with condition number 12 of planning permission code no. 18/2012/1595/PF

Approved 26/04/2016

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy PSE 5 Rural Economy
Policy VOE 2 Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy ASA 3 Parking Standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 8, January 2016.
Technical Advice Note 18 - Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8 (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 Highways (including access and parking)
- 4.1.2 Visual Amenity

4.2 In relation to the main planning considerations:

4.2.1 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 Sections 3.1.3 and 3.1.4 and Chapter 8 – Transport, and TAN 18 – Transport, in support of sustainable development.

There is a relevant recent history of applications in relation to the use of the accesses into Highfield Park.

The 2013 permission is the key starting point as it permitted the development of additional accommodation units and a significant central car park within Highfield Park, and established that the use of Access points A and B were acceptable to serve the majority of the complex. The requirement to permanently close off access C and D in condition 12 was considered necessary at that time, having regard to the proposals in front of the Council, to prevent use of those access points in the interests of the free flow and safety of traffic on the adjacent highway.

The 2014 application to vary Condition 12 included for the provision of additional passing bays along the highway and sought the use of access C for use by Rose House and Pine Cottages, and for emergency access and egress; and the use of access D by maintenance and service vehicles, and for emergency access and egress. The application was recommended for approval by officers, but was refused at Committee on highway safety and visual amenity grounds. This is the subject of the current appeal and Public Inquiry.

The current application for the variation of condition 12 includes for a number of additional measures, set out in section 1.1.7 of the report, as an attempt to address local concerns over the use of accesses C and D. This includes additional directional signage at access A for visitors to the Site, an additional sign near access C indicating it is to provide access/parking for Pine Cottage and Rose Cottage, revisions to the configuration of access C (minor resurfacing and reconfiguration of the highway verge to the left of the access, and some directional painting on the access, avoiding the need to remove the Yew tree and extensive visibility works), and additional overspill parking for 31 vehicles at times of peak demand, to demonstrate that there will be less pressure for the parking at Rose Cottage and Pine Cottage to be used for this overspill parking.

There are objections from local residents at the latest proposals, which repeat previous concerns over the use of the highway network beyond the main access into Highfield Park (Access A). The Highways Officer has assessed the application and all the information contained within the updated Highways Statement submitted by the

applicant and with regard to the specific details, has no objection to the proposals to allow access C and D to remain open, subject to the proposed mitigation measures being implemented.

In acknowledging the background history and local reservations, Officers are of the view that the use of accesses C and D as proposed are acceptable having regard to the mitigation now proposed and the likely nature and scale of use. The use of access C would be limited to vehicles associated with Pine Cottage and Rose Cottage and allow for emergency access. Access D would be used (as it has been historically) by maintenance vehicles and for emergencies. Access A would operate as the main access in and out of the site for the majority of traffic associated with the Highfield Park complex. It is considered that the revised proposals contained in the application to vary condition 12 are reasonable on highway grounds.

4.2.2 Visual Amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. 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 previous concerns over the visual impact of the proposal to vary condition 12 are addressed in the current submission as the proposals no longer involve the removal of a Yew tree close to the highway at access C, and extensive ground works to improve visibility. Local residents had previously raised concerns relating to the loss of the tree in order to facilitate improvements to access C.

5. SUMMARY AND CONCLUSIONS:

5.1 In Officers' opinion, the revised proposals to vary condition 12 address issues which led to the refusal of the previous application. It is not considered that the variation would give rise to adverse impact on highway safety or visual amenity, and it is recommended that the application is approved.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. The approved plans and documents are
 - (i) Sight line and access (Drawing No. J305/sight line/Fig1) received 23 June 2016
 - (ii) Highfield Park Access / Egress Strategy plan ref 13-130-16A received 23 June 2016
 - (iii) Location plan (Drawing No. 13-130-100) received 23 June 2016
 - (iv) Planning Statement received 23 June 2016
 - (v) Transport Statement received 23 June 2016
2. The signage and access C reconfiguration measures outlined in the application documents shall be implemented no later than the 31st December 2016 and shall be retained at all times.
3. No overspill parking areas shall be permitted to be developed until the written approval of the Local Planning authority has been obtained to the detailing thereof, and the areas shall be laid out strictly in accordance with the approved details.

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

1. For the avoidance of doubt
2. In the interests of all users of the highway.
3. To ensure the location and detailing of the parking areas are acceptable.

NOTES TO APPLICANT:

You should contact the Highway Section of the Council prior to the carrying out of the improvements to access C to clarify the need for formal consent for works on or adjacent to the highway.

Report To: Planning Committee

Date of Meeting: 27th July 2016

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

Report Author: Lara Griffiths, Senior Planning Officer

Title: Trees and Landscaping Supplementary Planning
Guidance – Adoption of final document

1. What is the report about?

- 1.1. The report summarises responses from the recent consultation on the draft Supplementary Planning Guidance (SPG) Trees and Landscaping and recommends adoption with modifications enabling the guidance to be used in the determination of planning applications.

2. What is the reason for making this report?

- 2.1. Following the adoption of the Denbighshire Local Development Plan (LDP), a revised SPG on Trees and Landscaping is required in order to provide further guidance for developers, Officers and Members. A final copy of the SPG is attached to this report. Appendix A

3. What are the recommendations?

- 3.1. That Members adopt the final SPG on Trees and Landscaping for use in the determination of planning applications.

4. Report details

- 4.1. Following the adoption of the LDP on 4th June 2013, Council agreed to carry forward the existing series of SPGs, including SPG 2 – Landscaping in new Developments and SPG 6 Trees and Development. The SPG has subsequently been revised to update guidance in view of the introduction of a new British Standard, made clearer and to provide better illustrative material. When adopted, the SPG will be a material planning consideration when assessing planning applications.
- 4.2. The SPG supplements the national policies and regulations in relation to trees and landscaping and Policy RD1 of the LDP by providing further detail and guidance on the level of information appropriate to various types of applications including tree surveys, planting plans and tree protection measures.

- 4.3. The SPG was subject to public consultation for 8 weeks between 3rd May 2016 and 30th June 2016. A consultation report detailing the results of the consultation and responses received is attached as Appendix B to this report. No major issues were raised but minor changes to include additional references to the AONB are proposed. Proposed changes are shown as **highlighted** or ~~striketrough~~ text in the revised SPG attached as Appendix A. The results of the consultation were reported to the LDP Members Steering Group on 20th July 2016.

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

- 5.1. The SPG does not directly contribute to the corporate priorities but will be used in ensuring developments are well designed and provide enhanced amenity for residents and visitors to Denbighshire, contributing to the well-being initiatives of the Council.

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

- 6.1. Agreeing the SPG for adoption is not anticipated to create any additional cost.

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

- 7.1. An EqIA is not considered necessary for this decision. The principle of requiring assessment of impact of development on Trees and Landscaping has been established through adoption of the LDP. The SPG provides further guidance on this. The LDP underwent a full EqIA in May 2011.

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

- 8.1. No formal consultation has been carried out, but internal consultation has been carried out with the LDP Members Steering Group and officers in the Development Management Section.
- 8.2. Input on the content of the SPG has also been provided through a workshop session held with the LDP Members Steering Group. The draft document was also consulted on with a range of stakeholders including all City, Town and Community Councils, and the general public as detailed in the consultation report at Appendix B.

9. Chief Finance Officer Statement

- 9.1. Agreeing the SPG for adoption is not anticipated to create any additional cost. If any arise these will need to be contained within existing service revenue budgets.

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

- 10.1 In the absence of up-to-date guidance there is a risk that developers may come forward with inappropriate schemes which will be harmful to the streetscape and amenity of future users of developments.

11. Power to make the Decision

- 11.1 Planning & Compulsory Purchase Act (2004).

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Supplementary Planning Guidance Note

Trees & Landscaping



Strategic Planning and Housing

DATE: ~~March~~ July 2016

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Appendix 1	Planning for Trees on Development Sites – Flow Diagram
Appendix 2	Tree Protection Plan Example
Appendix 3	Additional Information

This document is also available in Welsh

1. Introduction

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

2. Status and Stages in preparation

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was approved for consultation formally adopted by Denbighshire County Council's Planning Committee on 16th March 2016. 27th July 2016.
- 2.2 This document has been prepared in accordance with planning policy contained in Planning Policy Wales (Edition 8), Local Development Plans Wales (2015); and Welsh Government Technical Advice Notes.

3. Background

- 3.1 Trees and hedgerows form an important part of our environment and in the delivery of sustainable development, the retention and the planting of new trees and hedges is crucial.

Trees contribute considerably to the amenity of the landscape and streetscene, add maturity to new developments, make places more attractive, and help soften the built environment by enhancing pleasant views, by breaking up view lines and by screening unattractive buildings and undesirable views. They can mitigate landscape impacts, notably in relation to developments in or within the setting of protected landscapes such as the Clwydian Range and Dee Valley AONB and the Pontcysyllte Aqueduct and Canal World Heritage Site. They contribute to people's quality of life and sense of wellbeing and produce oxygen, store carbon, intercept and absorb rainfall thereby reducing flood risk, absorb pollutants which help in reducing the causes of respiratory illnesses, filter noise, provide shelter and shade and provide habitat for wildlife.

4. Planning Policy and Regulations

- 4.1 Planning Policy Wales makes it clear that *“Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. 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. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage”* (PPW Edition 8, para 5.2.9).



- 4.2 Technical Advice Note (TAN) 10: Tree Preservation Orders 1997 provides more detailed advice to local authorities on the making of TPOs and the mechanism for carrying out works to protected trees.

- 4.3 Policy RD1 of the adopted Denbighshire Local Development Plan (LDP) sets out the requirement that existing landscape features be incorporated into new developments and that suitable landscaping be included in all new developments.

5. **Guidance**

- 5.1 The following principles are relevant:

General

Development which would result in damage and/or inappropriate felling of significant trees (i.e. British Standard (BS) 5837: Category A & B trees) and hedgerows will not normally be permitted. Planning conditions and Tree Preservation Orders will be used to safeguard trees in appropriate cases.

Development proposed near to existing trees, woodlands or hedgerows must be in accordance with the design and protection principles set out in this Local Planning Guidance Note and BS 5837: 2012 "Trees in relation to design, demolition and construction - Recommendations" (or any subsequent revisions). The British Standard provides a flow chart that details the necessary steps to be taken at each stage of the development process. The chart can be found in Appendix 1 of this Guidance Note.

The type and level of arboricultural information to be submitted with your application (✓) and where additional information (*) may be required will depend on the scale and type of development proposed. (This is summarised in the table below).

i) For **householder applications** (e.g. all works to a single dwelling, except house construction) all trees (stems and canopy spreads) and hedges on site or within influencing distance should be accurately plotted on a block plan. Include details of which trees are to be retained, removed and pruned.

ii) For **small scale applications** (e.g. four dwellings or less, floor space of less than

1000 m2, or outline applications of less than 0.5 Ha) where trees are on or within influencing distance of the proposed development site, a land survey, a BS 5837 Tree Survey and a Tree Protection Plan will be required. Include details of which trees are to be retained, removed and pruned

iii) For **large scale applications** (e.g. five dwellings or more, floor space greater than 1000 m2, or outline applications of more than 0.5 Ha and mineral workings and waste development proposals) where trees are on or within influencing distance of the proposed development site, a land survey, a BS 5837 tree survey, a Tree Protection Plan an Arboricultural Implication Assessment, and an Arboricultural Method Statement should be submitted with your application.

iv) Where significant trees (BS 5837 Category A & B trees) are present on or adjacent to small scale and householder application sites and these could be affected by the proposed development, additional information, such as a BS5837 tree survey and an Arboricultural Implication Assessment, may be required.

v) An arboricultural consultant will be able to advise you further on the above requirements.

5.2

	Householder Applications	Small Scale Applications	Large Scale Applications
Trees & Hedges Plotted on Block Plan	✓	*	*
Land Survey	*	✓	✓
BS 5837 Tree Survey	*	✓	✓
Arboricultural Implication Assessment (AIA)	*	*	✓

Tree Protection Plan (TPP)	*	✓	✓
Arboricultural Method Statement (AMS)	*	*	✓

Table 1: Arboricultural Information Required by Scale of Development

6. Design

6.1

The planting of new trees, including the choice of species, planting locations and future maintenance needs and the integration of good quality existing trees and hedgerows is an integral part of the design process. Plant stock should normally comprise native local species, which should ideally be locally grown to ensure continuity of the local gene pool and reduce plant failures. Development must be planned around significant trees and hedgerows and where appropriate, to increase tree cover with new planting, thereby enhancing local amenity. For example, trees and hedgerows of considerable age, visual amenity, and ecological or historical value are not easily replaced and should be retained and safeguarded.

Where development results in the loss of trees and hedgerows, new planting of at least an equal number or canopy cover to those lost will usually be required to mitigate for the loss.



6.2

Where space permits, the use of large canopy trees will be required in order to provide structure to the development and surrounding landscape and streetscene.

The use of mature planting to provide immediate screening and landscaping should be used whenever possible. On large development sites the use of advance structural planting should be considered to provide appropriate screening.

- 6.3 Development design must ensure that retained and planted trees do not cause unreasonable nuisance or inconvenience. Proposals which would result in trees causing excessive shading or being overly dominant or oppressive, and/ or unduly encroach upon private amenity space or over residential properties, will not normally be permitted. Replacement of any trees to be removed with those of a more appropriate size or species should be incorporated into any landscaping proposals for a site.
- 6.4 New utility services should be located far enough away from existing and proposed trees to prevent damage to the trees from installation and maintenance and to avert possible damage to the apparatus. Where possible, all utility apparatus should be ducted and laid "in corridors". Where underground services must be positioned within tree root protection areas, the installation and maintenance should be undertaken in accordance with industry best practice, National Joint Utilities Group (NJUG) Volume 4 (See Appendix 3). Thrust boring or the use of air spades for the installation of underground services should be considered, as these methods will limit potential damage to roots.

6.5 Tree Protection

- 6.6 The type and level of protection required for retained trees and for areas to be planted will depend upon the scale and type of development. In the vast majority of cases, retained trees should be protected by well braced weld-mesh e.g.Herras or close boarded fencing. Further details can be found in BS5837.



- 6.7 The Construction Exclusion Zone for significant ancient, veteran and/ or historic champion trees (BS 5837 Category A3 trees) should be based on an area with a radius which is 15 times the diameter of the tree's stem (measured at 1.5 metres from ground level) or at a distance of 2 metres beyond the crown spread, whichever is the greater.

6.8 Planting

- 6.9 Appropriate new tree and hedgerow planting, amongst other landscaping proposals, will be required on development sites to enhance amenity and to mitigate for any loss of canopy cover from tree felling. Development should provide for tree planting along principal frontages and access routes. For residential development of ten properties or more, avenue tree planting will usually be required on principal routes within the site and individual street tree planting will be required on other internal roads. Where the loss of trees cannot be adequately mitigated for by new planting within the scheme, the Council will expect developers to provide for adequate new planting off-site, through the use of Section 106 agreements.



- 6.10 The choice of trees to be planted should take into account the layout and design of the site, future use, soil and climatic conditions, local landscape character and contextual surroundings and sufficient space must be planned within the layout to allow trees to reach their mature size.
- 6.11 Planted trees should be of a species that at maturity achieve a size and form compatible with the scale and structure of the development.
- 6.12 Where tree planting is proposed within hard surfaced areas (e.g. parking areas and footpaths) the size of planting pits should be sufficient to provide an adequate volume of soil to support the eventual size of the planted tree(s) (Further advice on tree rooting volumes can be found in the titles marked * in Appendix 3).

7. Processes and Information

7.1 The Survey Stage

For most types of application where trees are present on or adjacent to proposed development sites, both land and tree surveys will be required.

- 7.2 **Land Survey** - recording the locations of all trees (with a stem diameter of 75 mm or more), including their stems and canopy spreads and any significant shrubs and hedges within the site and trees on adjacent land which are within influencing distance of the development site (refer to BS 5837 section 4.1). Where development

does not impinge upon wooded areas, only the edge trees need be recorded. Trees within influencing distance include those at or within a distance equal to 12 times their stem diameter (measured at 1.5 m from ground level), those where the canopies overhang the development site boundary, and/or that cast excessive levels of shade on proposed residential properties and gardens.

7.3 **Tree Survey** - indicating the attributes, quality and value of all trees on site and those within influencing distance e.g. ref. number, species, height, stem diameter, age, condition, estimated lifespan, etc (refer to BS 5837 section 4.4.2.5 & Table 1), those proposed for removal and retention and containing a schedule of recommended works. The tree survey should be undertaken, independently of, and preferably, prior to design proposals being drawn up.

7.4 It will also be necessary to carry out further surveys where features on or adjoining the site are favourable to protected species. Trees can contain roosting and breeding sites for bats, a European protected species, and birds, whilst, hedgerows and lines of trees can provide an important wildlife corridor function. Contact the Council's Ecologist or Natural Resources Wales for advice on this matter.



7.5 Native hedgerows are afforded protection under the Hedgerow Regulations 1997 and should be assessed to determine whether they are 'important' within the meaning of Regulations. Further guidance on this can be found in the DETR published guidance booklet "The Hedgerow Regulations 1997: A guide to the law and good practice".

7.6 **The Design Stage**

- 7.7 Development design should take into account the constraints and opportunities posed by existing quality trees, woodland and hedgerows and provide adequate space for new planting.
- 7.8 Where appropriate the following information will be required in order to assess the impact of the proposed development on trees and hedgerows:
- 7.9 **Arboricultural Implication Assessment (AIA)** comprehensively identifying and evaluating the direct and indirect impacts of development on trees and advising on subsequent mitigation measures (e.g. special engineering and tree protection measures and replanting details where tree loss is unavoidable). The assessment should comprehensively include tree survey schedule data, a tree survey plan, a tree retention/ removal plan, a tree protection plan, and where necessary proposals for replacement planting, shading analysis and an indicative Arboricultural Method Statements.
- 7.10 **Tree Protection Plan (TPP)** - indicates tree protection measures and illustrates:
- i) **Root Protection Area (RPA)** - an area around a tree that is indicative of the **minimum** rooting volume (root spread and soil) which the tree requires to survive and which must be protected during development. This is determined by the diameter of the tree's trunk e.g. for single stemmed trees the diameter (at 1.5 metres from ground level) is multiplied by 12, for category A3 trees the stem diameter is multiplied by 15. For multi-stemmed trees refer to BS 5837:2012 section 4.6.1. a & b. These figures are then converted by an arboriculturist into an area (in m²) around each tree, taking into account any constraints to root growth such as foundations, roads, etc.
 - ii) **Construction Exclusion Zone (CEZ)** - an area around retained trees which must be protected during development, including ground level changes, demolition and construction. This is based on a tree's Root Protection Area (in m²) and canopy spread, with the Construction Exclusion Zone extending to the edge of the tree's canopy or Root Protection Area, depending on whichever is bigger.

For significant ancient, veteran and historic champion trees the Council will expect the Construction Exclusion Zone to be increased in accordance with section 6.7 of this guidance note.



7.11 **The Tree Protection Plan** should also show all trees, hedgerows and large significant shrubs to be retained and removed, the location of protective fencing and ground protection measures, including specifications, and areas for proposed tree planting (see Appendix 2).

8. **The Construction/Aftercare Stage**

8.1 Planning permission may include conditions relating to:

8.2 **Arboricultural Method Statement (AMS)** - specifies working practices relating to any operations in close proximity to retained trees and should include details of tree surgery works, the erection of tree protection measures, works within tree Root Protection Areas and Construction Exclusion Zones, arboricultural supervision, contingency plans, proposed landscaping in proximity to retained trees and contact details.

8.3 **Tree and Hedgerow Works** - in accordance with an approved tree survey works

schedule and carried out in accordance with British Standard Tree Work: 3998: 2010.



- 8.4 **Tree and soft landscaping protection measures** - in accordance with the tree protection plan, measures should be installed before all development works (including demolition, soil stripping and/ or ground re- grading works) commence. The type of tree protection fencing used will depend upon the scale and type of development. Protection measures should be inspected following installation and thereafter on a regular basis until the development is completed satisfactorily.
- 8.5 **Landscape scheme** - clarifies the location, type and standards to which planting works will be undertaken to and should include a planting specification and plan. The planting specification should include plant species, stock type and size, the need for stakes/ underground guying, water/aeration tubes, tree shelters/ rabbit guards/ strimmer guards, tree pit dimensions and preparation and any requirements for fertilisers /soil amelioration.
- 8.6 **Maintenance period** - where development includes tree planting, a maintenance schedule for a minimum period of five years will be required. Maintenance of planted trees, including watering, weed control, checking and adjusting trees ties regularly and

the removal of tree stakes and ties after 2- 3 years will be required to be undertaken to ensure successful establishment.

8.7 **Arboricultural supervision** - regular inspections by an arboriculturist of:

- i) Tree and hedge protection measures (fencing and ground protection).
- ii) Works within tree Root Protection Areas and/or Construction Exclusion Zones.

9. **Statutory Protection**

9.1 Trees on or adjacent to development and allocated sites may be protected by planning conditions, or because they are located within Conservation Areas or because they are subject to Tree Preservation Orders, with all three being administered by the Council. All trees in Conservation Areas with a stem diameter of 75 mm or more (measured at 1.5 metres from ground level) have the same level of protection as a Tree Preservation Order. It is an offence, subject to certain exemptions, to prune or fell a tree protected by a Tree Preservation Order or Conservation Area status without planning permission. Additionally, Natural Resources Wales has a statutory duty to regulate tree felling through the issue of felling licences. Where trees and hedgerows contain protected species (e.g. bats, dormice) tree works require the grant of a licence also from Natural Resources Wales.

9.2 The Council will exercise its enforcement powers where development is not undertaken in accordance with approved plans or where planning conditions are not adhered to. Where breaches of Tree Preservation Orders and/ or Conservation Area tree legislation occurs, the Council will normally instigate prosecution proceedings, when protected trees are damaged or destroyed.

10. **Contacts**

Contacts:

Denbighshire County Council
Development Management Team
Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

Tel.: 01824 706727

Email: planning@denbighshire.gov.uk

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

Tel.: 01824 706916

Email: ldp@denbighshire.gov.uk

Arboricultural Association (AA)

The Malthouse,
Stroud Green,
Standish,
Stonehouse,
Gloucestershire.
G40 3DL

Tel: 0 1242 522152

E-mail: admin@trees.org.uk

Web: www.trees.org.uk

Advice on trees and produces an annual directory of AA registered arboriculturists (Tree Consultants) and contractors (Tree Surgeons).

Natural Resources Wales

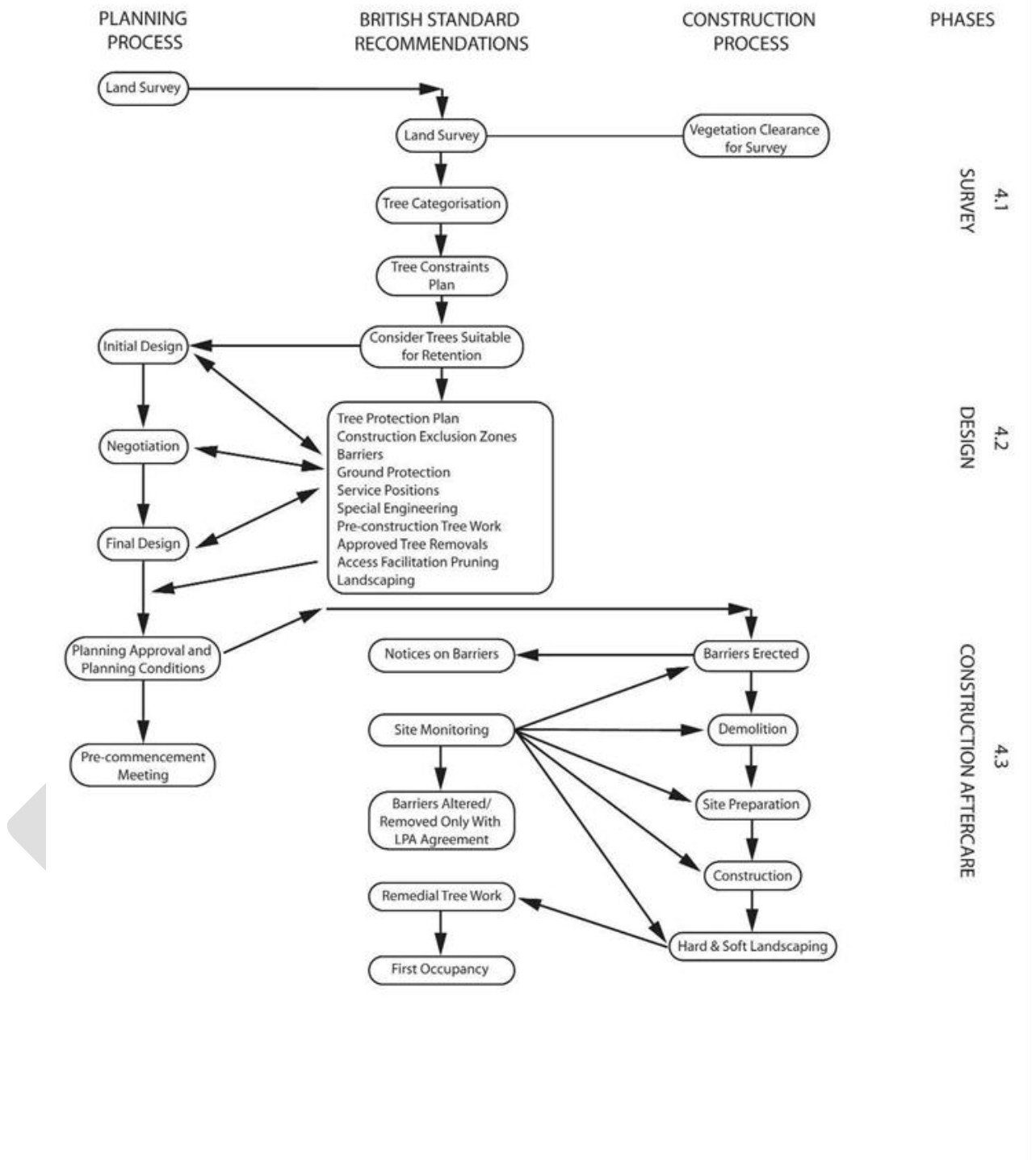
Natural Resources Wales
c/o Customer Care Centre
Ty Cambria
29 Newport Rd
Cardiff
CF24 0TP

Tel: 0300 065 3000

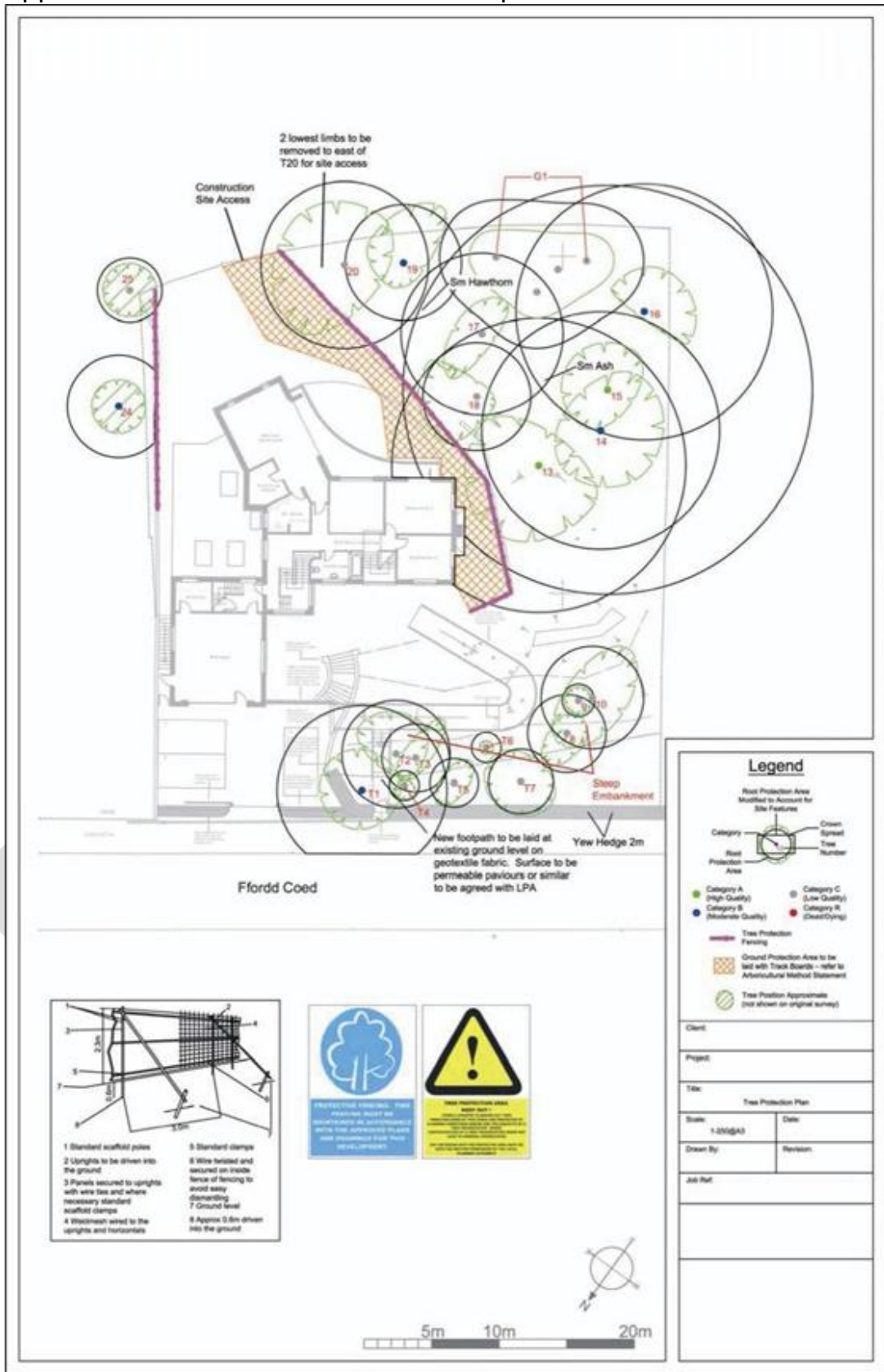
Email:

enquiries@naturalresourceswales.gov.uk

Appendix 1: Planning For Trees on Development Sites - Flow Diagram



Appendix 2 – Tree Protection Plan Example



Consultancy

Appendix 3 – Additional Information

The following British Standards, guidance notes and books offer further guidance on development and trees.

- British Standard 5837: (2012):
Trees in Relation to design, demolition and construction -
Recommendations.
- British Standard 1192: Part 4: (1984): Construction Drawing Practice
- Recommendations for Landscape Drawings.
- British Standard 3882 (2007): Specification for Topsoil and requirements
for use.
- British Standard 3936: (1992): Specification for Nursery Stock.
- British Standard 3998:(2010): Tree Work.- Recommendations
- British Standard 4043:
(1989): Transplanting Root-Balled Trees.
- British Standard 4428:
(1989): Code of Practice for General
Landscape Operations.

British Standards available from www.bsi-global.com

- Building Research Establishment (BRE) - Low-Rise Building
Foundations:
The Influence of Trees on Clay Soils (1999). Available from
www.brebookshop.com
- Ancient Tree Guides No. 3: Trees and Development.
Available from www.woodlandtrust.org.uk
- Department of Environment and
transport (DETR) - Hedgerow Regulations
1997: A Guide to the Law and Good Practice. Available from
www.hedgeline.org.uk
- Department for Communities and Local Government (DCLG) -Tree
Roots in the Built Environment (2006). Available from most book
stores.

- National Joint Utilities Group (NJUG) Volume 4 - Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (2007). Available from www.njug.org.uk

- National House Building Council (NHBC) Standards - Building Near Trees: Chapter 4.2 (Amended 2003). Available from www.nhbc.co.uk or by phoning: 0844 633 1000.

- * Trees in the Urban Landscape - Site Assessment, Design and Installation (Wiley) (2004). Available from most book stores.

- * Up by Roots - Healthy Soils and Trees in the Built Environment (ISA) (2008). Available from www.isaarboriculture.org

DRAFT

Denbighshire County Council

Draft Supplementary Planning Guidance: Trees and Landscaping

Consultation Report

DRAFT SUPPLEMENTARY PLANNING GUIDANCE: Trees and Landscaping

CONSULTATION REPORT July 2016

1. CONSULTATION UNDERTAKEN

1.1 Consultation on the draft supplementary planning guidance: Trees and Landscaping ran for 8 weeks up to 30th June 2016. This was a public consultation and was open for anyone to respond. The consultation included the following:

- Letters / emails were sent to contacts on the LDP database; public bodies; statutory consultees; local, regional and national organisations with an interest in the LDP; plus agents /developers, registered social landlords, statutory consultees (eg NRW, WG), relevant landowners and others with an interest in the site.
- All County Councillors notified
- All Denbighshire City, Town & Community Councils notified, together with neighbouring Counties, Town & Community Councils
- Council libraries and One-Stop-Shops also received hard copies of the consultation documents and response forms
- The draft supplementary planning guidance was published on the Council's website, with electronic versions of the response form available to download
- A press release was issued before and during the consultation period

1.2 5 organisations and 4 individuals responded to the consultation. Detailed consultation responses are included in Table A

Organisation	Comment (summary)	Council's response	Changes proposed
Canal & River Trust	Production of document is welcomed and supported as they broadly encourage policies which protect and safeguard the environment against inappropriate development.	Support welcomed, no change required.	None
AONB Interim Joint Advisory Committee	Trees and hedges are important landscape features which are integral to the character of much of the AONB. The Joint Committee welcomes recognition of their importance by the planning authority, and fully supports the adoption of an SPG to provide further advice and guidance in this regard.	Support welcomed, no change required.	
	The background section (para 3.1) describing the role of trees and landscaping should also include reference to their function in mitigating adverse landscape impacts, notably in relation to development in or within the setting of the nationally protected landscape of the AONB.	Agreed Para 3.1 to be amended.	<p>Amended para 3.1 Trees and hedgerows form an important part of our environment and in the delivery of sustainable development, the retention and the planting of new trees and hedges is crucial.</p> <p>Trees contribute considerably to the amenity of the landscape and streetscene, add maturity to new developments, make places more attractive, and help soften the built environment by enhancing pleasant views, by breaking up view lines and by screening unattractive buildings and undesirable views. They can mitigate landscape impacts, notably in relation to developments in or within the setting of protected landscapes such as the Clwydian Range and Dee Valley AONB and the Pontcysyllte Aqueduct and Canal World Heritage Site.</p>
	The document should emphasise that tree,	Agreed para 6.1 to be amended.	Amended para 6.1

Organisation	Comment (summary)	Council's response	Changes proposed
	hedge and landscape plant stock should normally comprise native local species, which should ideally be locally grown to ensure continuity of the local gene pool and reduce plant failures.		The planting of new trees, including the choice of species, planting locations and future maintenance needs and the integration of good quality existing trees and hedgerows is an integral part of the design process. Plant stock should normally comprise native local species, which should ideally be locally grown to ensure continuity of the local gene pool and reduce plant failures.
	The advantages of using semi-mature tree stock where appropriate to secure more rapid integration into the landscape should also be referred to, along with the need for advance structural planting on larger sites which will be developed over a number of years.	Agreed para 6.2 to be amended.	Para 6.2 refers to the use of mature planting. Additional text added to include reference to advance structural planting. Where space permits, the use of large canopy trees will be required in order to provide structure to the development and surrounding landscape and streetscene. The use of mature planting to provide immediate screening and landscaping should be used whenever possible. On large development sites the use of advance structural planting should be considered to provide appropriate screening.
Council for the Protection of Rural Wales (CPRW)	No Comment	Noted	None
National Grid	No Comment	Noted	None
Network Rail	No Comment	Noted	None

Organisation	Comment (summary)	Council's response	Changes proposed
Mr & Mrs Evans Faenol Bropor, Bodelwyddan (2 responses)	Ystyried anghenion lleol ardaloedd. Oes angen y cynllun yn y lie cyntaf?	Nid yw'r egwyddor o ddatblygu ar safleoedd yn destun ymgynghoriad hwn a gafodd ei gyfyngu i'r CCA ar Goed a Thirlunio. Dim newid arfaethedig.	Ddim
	Gwarchod Coed a Gwrychoedd hanesyddol a chynefinoedd creaduriaid ac adar.	Y CCA yn cyfeirio at y ddeddfwriaeth a'r canllawiau sy'n bodoli i ddiogelu asedau tirwedd a bioamrywiaeth gwerthfawr. Mae adrannau 4 a 9 o Goed a Thirlunio CCA. Dim newid angenrheidiol.	Ddim
	Goruchwyliaeth fanwl ar safleoedd datblygu lie mae Coed Henafol, gwarchod ei gwreiddiau er mwyn i'r goeden ffynnu ar ol y datblygiad.		
	Ffiniau newydd i'r safleoedd o blanhigion brodorol	Mae paragraffau 6.1 a 6.2 wedi cael eu diwygio i bwysleisio y defnydd o rywogaethau brodorol a gwerth plannu strwythurol ymlaen llaw.	Para diwygiedig 6.1 Mae plannu coed newydd, gan gynnwys y dewis o rywogaethau, lleoliadau plannu ac anghenion cynnal a chadw yn y dyfodol ac integreiddio coed a gwrychoedd presennol o ansawdd da yn rhan annatod o'r broses ddylunio. Fel arfer, dylai stoc planhigion gynnwys rhywogaethau lleol cynhenid, a dylai yn ddelfrydol eu tyfu yn lleol er mwyn sicrhau parhad y gronfa genynnau yn lleol a lleihau methiannau planhigion. Para 6.2 yn cyfeirio at y defnydd o blannu aeddfed. Lle mae gofod yn caniatáu, bydd

Organisation	Comment (summary)	Council's response	Changes proposed
			yn ofynnol defnyddio coed canopi mawr er mwyn darparu strwythur i'r datblygiad a'r dirwedd o amgylch a strydwedd. Dylid plannu coed aeddfed i ddarparu sgrinio uniongyrchol a thirweddau pryd bynnag y bo modd. Ar safleoedd datblygu mawr, dylid ystyried defnyddio plannu strwythurol o flaen llaw er mwyn darparu sgrinio priodol.
	Cyn ystyried datblygu ar safleoedd hanesyddol mae angen ymchwil drwyadl. Gwarchod Hen Fwyngloddia/Siafftau, dim ei llenwi yn ddiystyriol a chreu llifogydd i'r dyfodol,	Mae perygl llifogydd yn cael ei hystyried ar yr holl safleoedd datblygu. Gwnewch sylw nad ydynt yn berthnasol i Goed a Thirlunio CCA. Dim newidiadau gofynnol.	Ddim
	Mae angen ymchwil drwyadl cyn ystyried adeiladu ar safleoedd hanesyddol.	Mae'r amgylchedd hanesyddol yn cael ei ystyried ar bob safle datblygu. Gwnewch sylw nad ydynt yn berthnasol i Goed a Thirlunio CCA. Dim newidiadau gofynnol.	Ddim
	Ni ddiliau'r un cynllun gael ei ystyried os oes hanes lleol am lifogydd o unrhyw fath. Talu sylw i sylwadau bobl leol, mae gwybodaeth lleol wedi ei gadw o genhedlaeth genhedlaeth.	Mae perygl llifogydd yn cael ei hystyried ar yr holl safleoedd datblygu. Gwnewch sylw nad ydynt yn berthnasol i Goed a Thirlunio CCA. Dim newidiadau gofynnol.	Ddim
Mr & Mrs Williams 2, Rhodfa Canolblas, Bodelwyddan (2 responses)	Mae yn holl bwysig I anghrnon lleol ardaloedd cael in gymryd I ystyriaeth. Oes angen y cynllun yn y lle cyntaf?	Nid yw'r egwyddor o ddatblygu ar safleoedd yn destun ymgynghoriad hwn a gafodd ei gyfyngu i'r CCA ar Goed a Thirlunio.	Ddim

Organisation	Comment (summary)	Council's response	Changes proposed
	<p>Coed a Gwrychoedd hanesyddol gael eu gwarchod. Goruchwyliaeth fanwl ar y safle gan arbenigwyr cynllunio. Gwarchod gwreiddiau coedfel bod y goeden yn ffynnu ar ol y datblygiad a dim yn rhoi cyfle i'w dymchwel ar ol gorffen y cynllun, fel sydd wedi digwydd mewn ambelle yn y gorffennol.</p>	<p>Dim newid arfaethedig.</p> <p>Y CCA yn cyfeirio at y ddeddfwriaeth a'r canllawiau sy'n bodoli i ddiogelu asedau tirwedd a bioamrywiaeth gwerthfawr. Mae adrannau 4 a 9 o Goed a Thirlunio CCA.</p> <p>Dim newid angenrheidiol.</p>	<p>Ddim</p>
	<p>Morol bod ffiniau newydd i'r safleoedd o blanhigion brodorol.</p>	<p>Mae paragraffau 6.1 a 6.2 wedi cael eu diwygio i bwysleisio y defnydd o rywogaethau brodorol a gwerth plannu strwythurol ymlaen llaw.</p>	<p>Para diwygiedig 6.1 Mae plannu coed newydd, gan gynnwys y dewis o rywogaethau, lleoliadau plannu ac anghenion cynnal a chadw yn y dyfodol ac integreiddio coed a gwrychoedd presennol o ansawdd da yn rhan annatod o'r broses ddylunio. Fel arfer, dylai stoc planhigion gynnwys rhywogaethau lleol cynhenid, a ddylai yn ddelfrydol eu tyfu yn lleol er mwyn sicrhau parhad y gronfa genynnau yn lleol a lleihau methiannau planhigion.</p> <p>Para 6.2 yn cyfeirio at y defnydd o blannu aeddfed. Lle mae gofod yn caniatáu, bydd yn ofynnol defnyddio coed canopi mawr er mwyn darparu strwythur i'r datblygiad a'r dirwedd o amgylch a strydwedd. Dylid plannu coed aeddfed i ddarparu sgrinio uniongyrchol a thirweddau prydd</p>

Organisation	Comment (summary)	Council's response	Changes proposed
			bynag y bo modd. Ar safleoedd datblygu mawr, dylid ystyried defnyddio plannu strwythurol o flaen llaw er mwyn darparu sgrinio priodol.
	Gwarchod Hen Fwyngloddia/Siafftau, oherwydd mae amryw ohonyntyn rhoi draenio naturiol I diroedd ac wrth ymyrryd e.e. llewni gelli'r codi problemau enfawr ardaloedd (llifogydd ac ati)	Mae perygl llifogydd yn cael ei hystyried ar yr holl safleoedd datblygu. Gwnewch sylw nad ydynt yn berthnasol i Goed a Thirlunio CCA. Dim newidiadau gofynnol.	Ddim
	Cyn ystyried datblygu ar safleoedd hanesyddol mae angen ymchwil drwyadl. Gwarchod Hen Fwyngloddia/Siafftau, dim ei llenwi yn ddiystyriol a chreu llifogydd i'r dyfodol,	Mae perygl llifogydd yn cael ei hystyried ar yr holl safleoedd datblygu. Gwnewch sylw nad ydynt yn berthnasol i Goed a Thirlunio CCA. Dim newidiadau gofynnol.	Ddim
	Mae angen ymchwil drwyadl cyn ystyried adeiladu ar safleoedd hanesyddol.	Mae'r amgylchedd hanesyddol yn cael ei ystyried ar bob safle datblygu. Gwnewch sylw nad ydynt yn berthnasol i Goed a Thirlunio CCA. Dim newidiadau gofynnol.	Ddim
	Ni ddiliau un safle gael ai hystyried os oes hanes lleol am lifogyddhanesyddol mewn ardal, boed hynny flwyddyn neu gan mlynedd yn ol.	Mae perygl llifogydd yn cael ei hystyried ar yr holl safleoedd datblygu. Gwnewch sylw nad ydynt yn berthnasol i Goed a Thirlunio CCA. Dim newidiadau gofynnol.	Ddim

Trees and Landscaping Supplementary
Planning Guidance adoption
27/07/2016

Equality Impact Assessment

Trees and Landscaping Supplementary Planning Guidance - consultation draft

Contact: Angela Loftus

Updated: 27/07/2016

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

A new or revised policy

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

The proposal is to adopt a revised Supplementary Planning Guidance (SPG) relating to trees and landscaping.

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

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

No

The proposal is to to adopt revised planning guidance relating to trees and landscaping. The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying policy.

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

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

The Denbighshire Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqIA in 2009.

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-

reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?
(Please refer to section 1 in the toolkit for a description of the protected characteristics)

No

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

No

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

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

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

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

Action(s)	Owner	By when?

9. Declaration

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

Review Date:	
---------------------	--

Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	27/07/2016

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

Report To: Planning Committee

Date of Meeting: 27th July 2016

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

Report Author: Karsten Brußk, Planning Officer

Title: **Conservation & Enhancement of Biodiversity
Supplementary Planning Guidance – adoption of final
document**

1. What is the report about?

- 1.1 The report informs Members of outcomes from the 8 week public consultation exercise on the draft Supplementary Planning Guidance (SPG) note: 'Conservation and Enhancement of Biodiversity', and recommends adoption in line with proposed document amendments.

2. What is the reason for making this report?

- 2.1 Strategic Planning & Housing carried out an 8 week public consultation between the beginning of May 2016 and the end of June 2016. Representations and comments received on the draft document were reported to the LDP Members Steering Group meeting on 20th July 2016. Hence, a decision is required on the proposal to adopt the draft SPG.

3. What are the Recommendations?

- 3.1 That Members adopt the draft SPG document 'Conservation and Enhancement of Biodiversity' attached as Appendix 1, in line with proposed amendments as outlined in the Consultation Report, attached as Appendix 2.

4. Report details

- 4.1 When the Denbighshire Local Development Plan 2006 -2021 (LDP) was adopted in June 2013, the Council resolved to carry forward all adopted SPGs for use as planning guidance in relation to the LDP policies. It was also agreed that a review of every SPG would be carried out as soon as practicable following Plan adoption. If adopted, the new guidance note will supplement LDP Policy VOE 5 'Conservation of natural resources' and replaces the previous Denbighshire Unitary Development Plan 1996 - 2011 document no.18 'Nature Conservation and Species Protection' from 2003.
- 4.2 Biodiversity is a material consideration in the formal planning system, irrespective of whether the affected habitats or species benefits from any statutory protection.

Planning permission could be refused if significant harm resulting from the development cannot be avoided, adequately mitigated or compensated for. The failure to supply requested information and ecological surveys to the Council, which are required to determine the planning application, will result in refusal of planning permission.

- 4.3 The proposed SPG outlines the Council's expectations with regard to the biodiversity information to be submitted with a planning application, scope and standards of submitted ecological surveys; and briefly points out potential additional legal duties on developers as a result of obtaining planning consent. Prospective applicants are supported by outlining all required documentation from the outset, rather than asking for them at a later stage in the decision-making process.
- 4.4 The SPG was subject to public consultation for 8 weeks between 3rd May 2016 and 30th June 2016. A consultation report detailing the results of the consultation and responses received is attached as Appendix II to this report.
- 4.5 The Council received 8 representations in total from interest bodies, e.g. Campaign for the Protection of Rural Wales (CPRW) and AONB) and members of the public. No changes were proposed to the document but clarification was sought with regard to draft SPG Appendix 5 paragraph 5.6 on the meaning of high/ poor quality farmland.
- 4.6 Officers discussed consultation responses with Members of the LDP Steering Group on 20th July 2016.

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

- 5.1 Corporate Priorities 2012 – 17. The site development brief will contribute positively to the following corporate priorities:
 - Modernising the Council to deliver efficiencies and improve services for our customers by ensuring that planning guidance documents are up to date.

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

- 6.1 Adopting the SPG document is not anticipated to create any additional costs. The Development Management team will benefit from document adoption in supplying our customers with all necessary information on biodiversity compliance prior to applying for planning permission, and, hence, improving the determination process.

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

- 7.1 The content of the draft Site Development Brief was screened for likely adverse effects on the eight protected characteristics and the screening report was attached to the report to Planning Committee 17th June 2015. Since all proposed changes to the draft SPG are of minor factual or editorial character, it is not considered to be necessary to conduct a full EqIA for this document. An updated version of the EqIA is attached as Appendix 3.

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

- 8.1 Consultation with Scrutiny was not required at this stage but officers from the Planning Policy, Development Management and the County Ecologists were involved in drafting the SPG document. Workshop sessions were held with members of the LDP Steering Group in October 2015 and in March 2016.
- 8.2. The Council consulted with statutory consultees, including all City, Town and Community Councils and members of the public on the draft document for a period of 8 weeks between 3rd May 2016 and 30th June 2016.

9. Chief Finance Officer Statement

Adopting the SPG document is not anticipated to create any additional cost. If any arise these will need to be contained within existing service revenue budgets

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

- 10.1 In the absence of up-to-date guidance there is a risk that the Council will be unable to provide accurate planning advice to its customers regarding development proposals likely to adversely affect the natural environment.

11. Power to make the Decision

- 11.1 Planning & Compulsory Purchase Act (2004).

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DRAFT Supplementary Planning
Guidance Note

Conservation and Enhancement of Biodiversity



Content

Key Considerations for prospective applicants

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Please note that this document is also available in Welsh.
Cover Photo: Barn Owl (©Keith Offord)

Key Messages for prospective applicants

Biodiversity is a material planning consideration. Planning applications have to be accompanied by sufficient information to assess the ecological effect of the proposed development.

The presence of protected species, habitats or designated sites on or in the vicinity of the application site is unlikely to prevent development as long as adequate measures are in place to prevent adverse effects on them.

It is the responsibility of the applicant to check land/ buildings for the presence of protected species and their habitat and to take them into account at the design stage of a development and before planning permission is sought.

Applicants are obliged to provide all required information to allow the local planning authority to assess the impact of the proposed development on biodiversity. Planning applications may be delayed in registration ('validation') due to missing ecological surveys or assessment works.

Ecological surveys and assessments must be carried out by an independently trained ecologist. The submitted documents should not only present results but clearly show how the development proposal was informed by the outcomes and recommendations of ecological reports.

Should protected species be affected by the development proposal there may be a need for protected species licence prior to commencement of development. The licensing body is Natural Resources Wales.

1. Document status and stages in preparation

- 1.1 This document is one of a series of Supplementary Planning Guidance (SPG) notes amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies in a format which aims to guide the process, design and quality of new development. The Council's SPG notes are not part of the adopted LDP.
- 1.2 The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) document adoption, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the WG determine planning applications and appeals.
- 1.3 The purpose of this document is to provide detailed guidance and advice to assist members of the public and the Council, prospective applicants and Officers in discussions prior to the submission of and, consequently, in determination of future planning applications. ~~It was formally approved for public consultation by Denbighshire County Council's Planning Committee on 16th April 2016.~~ This SPG was formally adopted by Denbighshire County Council's Planning Committee on XXX.
- 1.4 This document was produced in line with planning policy and guidance laid out Planning Policy Wales and Technical Advice Note (TAN) 5: Nature Conservation and Planning, the British Standards Institute publication BS42040:2013: Biodiversity – Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI).
- 1.5 The following sections do not replace policy or expertise from professional ecologist. It is a best practice guidance document. The document commonly refers to planning permission but the guidance will also apply to applications seeking listed building consent, works affecting conservation areas or works to trees covered by a Tree Preservation Order (TPO).

2. Introduction

- 2.1 The planning system plays a crucial role in nature conservation. Rising demand for development land and changes to land management practices have led to an increased loss and fragmentation of habitats, disturbance of species, hydrological changes and an increased

pressure on the natural environment.

- 2.2 Biodiversity is a material consideration in the formal planning system, irrespective of the fact that the affected habitats or species benefits from any statutory protection. Planning permission could be refused if significant harm resulting from the development cannot be avoided, adequately mitigated or compensated for. It must be noted that the failure to supply requested information and ecological surveys to the Council, which are required to determine the planning application, will also result in refusal of planning permission.
- 2.3 This document outlines the Council's expectations with regard to the biodiversity information to be submitted with a planning application, scope and standards of submitted ecological surveys; and briefly points out potential additional legal duties on developers as a result of obtaining planning consent.
- 2.4 The level of work and information required to assess a proposal's compliance with nature conservation legislation will depend on the type and scale of development. For example; a planning application seeking to modify roof space is likely to require less survey work and ecological details than an application for a new housing estate in light of the same legal responsibilities.

3. Planning Policy and other relevant legislation

- 3.1 Planning Policy Wales, paragraph 2.1.2, states that planning applications have to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Denbighshire's LDP was adopted in June 2013, and contains local policies applicable to development proposals that are likely to require consideration of effects on biodiversity and the natural environment.
- 3.2 PPW subsequently stresses that material considerations must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. It also states that material considerations must be fairly and reasonably related to the development concerned. For example, material considerations could include noise, pollution or disturbance of species present on or adjacent to the application site.
- 3.3 LDP Objective 16 'Areas of Protection' identifies the protection and enhancement of the natural environment in Denbighshire as a key

objective of the Plan. It is supported by LDP theme 'Valuing Our Environment' (VOE), and three principal policies: RD 1 'Sustainable Development and good standard design', VOE 1 'Key areas of importance' and VOE 5 'Conservation of natural resources'. A copy of all three policies is included in Appendix 1 to this document.

- 3.4 Besides planning legislation, the LPA is also bound to consider biodiversity as part of the determination process by obligations derived from other international and national legislation on nature conservation. Applicants must be aware that their proposals have also to comply with this legislation and that further duties may arise for them as a result of obtaining planning permission. For example;
- Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC);
 - Regulation 61 and 62 of 'The Conservation of Habitats and Species Regulations 2010';
 - Section 28G of the Wildlife and Countryside Act 1981;
 - Section 11 of the Countryside Act 1986;
- 3.5 Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (the GDPO) grants planning permission for certain types of development without submitting an application to the local planning authority. If developers wish to make use of these powers, they should be aware that compliance with nature conservation legislation outside the planning regime will still apply.
- 3.6 Where a breach of planning consent and/ or nature conservation legislation has been observed, the Council will make use of enforcement powers under planning legislation and wildlife crime under Section 25(2) of the Wildlife and Countryside Act 1981 (as amended), and report to the relevant regulatory body.
- 3.7 Appendix 3 provides a summary of legislative provisions afforded to designated sites and protected species in Denbighshire.

4. **Pre-application**

- 4.1 Ecological surveys and assessment work should be carried out at the early stages of project management to be able to amend the proposal's design, layout or plan in line with results and recommendations. The identification of biodiversity constraints at a later stage in the planning process could have significant cost and time implications.

4.2 Prospective applicants may wish to familiarise themselves with the 'Five Point Approach' developed by Tyldesley, D for the RTPi (see box below) when gathering ecological information in preparation of submitting a planning application, and, hence, support the decision-making at a later stage in the process. It provides a systematic approach to planning decisions that would help to contribute to biodiversity conservation.

4.3 (1) *Adequate information*

Is sufficient information provided to assess the development's impact on biodiversity? Will the impact on individual biodiversity features be significant, and what will be the effects? Are there alternative sources of information available to support the assessment?

(2) *Avoidance of harm*

Have all adverse effects on habitats and species been avoided wherever and whenever possible?

(3) *Mitigation to minimise unavoidable harm*

Should adverse effects on biodiversity features be unavoidable, would the application of planning conditions and/ or planning obligations contribute towards mitigation measures that seek to reduce or compensate for them?

(4) *Compensation to offset residual harm*

Where avoidance or mitigation measures cannot reduce further any residual harm, can the harm be offset by any compensation measures; which are always the last resort? Can the implementation of compensation measures be secured by planning conditions and/ or planning obligations, and are they enforceable?

(5) *Enforcement/ New Benefits*

Besides assessing adverse effects on biodiversity, have all opportunities been explored with regard to the proposal's contribution to biodiversity enhancement, for example, through habitat creation? Can proposed enhancement measures be secured through planning conditions and/ or planning obligations?

4.4 Whilst not every type and scale of development requires a pre-application discussion, prospective applicants may wish to seek professional advice from a qualified ecologist regarding the proposed development and potential biodiversity constraints and enhancement opportunities.

- 4.5 Before submitting a planning application, the prospective applicant should be able to:
- determine whether and how the proposed development is likely to affect biodiversity;
 - establish what information needs to be submitted with their application to ensure the LPA has sufficient information to make a determination; and
 - (where required) amend the project and accompanying plans to include the proposed mitigation measures identified in any ecological report or study.

5. Planning application registration

5.1 If the proposed development has the potential to affect biodiversity conservation interest, the planning application should be accompanied by environmental information to allow the local planning authority to assess the impact. Ecological information is required for proposals having the potential to affect:

- Internationally and nationally designated statutory sites;
- European and nationally protected species;
- Non-statutory designated sites, or priority habitats and species.

5.2 The following types of development proposal will almost certainly be accompanied by ecological information. The list is however not exhaustive:

- Conversion of barns and buildings;
- Demolition of buildings/ structures (including walls) and removal of roofs;
- Felling of trees (including woodland) hedgerows and other vegetation including the clearance of scrub land;
- Refurbishment of unoccupied dwellings;
- Alterations to roofs, including residential extensions;
- Affecting watercourses and ponds
- Infrastructure construction – roads, drainage schemes, electricity and telecommunications installations;
- Habitat creation or enhancement.

5.3 If it is found that the planning application is accompanied by inadequate or insufficient ecological information to make a decision, it will not be registered ('validated') with the local planning authority.

6. Planning application determination

6.1 Prospective applicants are reminded to have regard to the Council's

biodiversity aspirations for the conservation, restoration and enhancement of habitats and species; as laid out in the Denbighshire Local Biodiversity Action Plan, the relevant Management Plan for proposals in or in the vicinity of a European site (see Joint Nature Conservation Committee's [JNCC] website, www.jncc.defra.gov.uk), or information provided by Denbighshire Countryside Services for local wildlife sites or nature reserves.

6.2 All documentation will be looked at with regard to professional competence and applied methodologies, an assessment of the likely impacts on biodiversity, and, crucially, how recommendations and proposed actions have been addressed in design, layout, plan or management of the development. If the prospective applicant is of the opinion that the proposed development would not have an impact on biodiversity, for example, due to the nature of the proposal or location, this needs also to be explained in the biodiversity statement.

6.3 Ecological reports and documents should include as a minimum the following information:

- A brief description of the development proposal;
- Information on the application site: size, location, existing land use and structures;
- A description of how the biodiversity could be affected by the proposed development and the measures proposed to ensure adverse effects are addressed and that opportunities for enhancement are maximised;
- A summary of the results and findings of all submitted ecological surveys and other data gathering exercises; and
- Acknowledgement of how the recommendations of any ecological reports have been incorporated into the development proposal; if recommendations have not been taken forward this should be explained.

6.4 Further information on ecological surveys and reports, survey times, protected species and sites can be found in the Appendices.

6.5 After a planning application has been registered, the Council will make all submitted documents available to members of the public, statutory consultees, and other Council services for a period of 21 days. If ecological information has been submitted, the Council's Ecology and Biodiversity Officer and Natural Resources Wales are invited to comment at minimum. Responses could also be received from other

nature conservation interest groups depending on the habitat or species, for example The North Wales Wildlife Trust and the Royal Society for the Protection of Birds.

- 6.6 All development proposals will be assessed against planning policy and other relevant legislation (see Appendices 1 and 3).
- 6.7 The principal objective of determining a planning application is to test the development proposal's compliance with policy and other applicable statutory obligations. As part of the process it becomes crucial to scrutinise the evidence base, including supplied ecological information. The following issues will be examined:
- whether biodiversity is likely to be affected and whether all potential impacts are described adequately;
 - the proposal is based on adequate and up-to-date ecological field data that substantiate clearly the conclusions reached and recommendations made;
 - that the ecological methods are in accordance with good practice guidance, and departures are made clear, are valid, and can be justified;
 - with regard to proposed mitigation measures whether they are likely to be effective, appropriate to the identified adverse effects, technically feasible, certainty over deliverability, and the appropriateness of using planning conditions and / or planning obligations.
- 6.8 Planning permission may be refused where ecological information is found to be inadequate or insufficient.
- 6.9 If the local planning authority decides to grant planning consent, there are likely to be planning conditions or planning obligations contained in the decision note. They are required to ensure that the identified measures to conserve and/ or enhance biodiversity on or in the vicinity of the site are delivered and, where necessary, incorporated into the development. This could include, for example:
- seeking approval of further details or licenses as the scheme implementation progresses, perhaps in consultation with Natural Resources Wales;
 - required works to be carried out to proceed in line with prescribed working methods;
 - the production of an environmental management plan;
 - avoidance of harm, for example, noise, to the environment during the construction period;

- requiring the treatment of invasive species on the application site;
- installation of a monitoring systems with the potential need to adjust the development in line with newly obtained ecological data; or
- the creation and maintenance of any compensatory areas required.

6.10 In certain circumstances on sites with, or close to known populations of great crested newts, it may not be feasible to provide adequate compensation on site. In such cases, off-site compensation will be considered, which could be in form of a commuted sum. Further details on developments affecting Great Crested Newts and their habitats can be found in Appendix 5.

7. Planning application implementation

7.1 Before implementing a planning permission, it must be ensured that all pre-commencement conditions listed in the decision note are complied with. If the proposal is likely to affect a protected species, for example disturbance or capture, a species licence must be obtained from Natural Resources Wales or Welsh Government prior to carrying out works. Failure to have the licence in place may result in criminal proceedings.

7.2 Where a breach of planning consent and/ or nature conservation legislation has been observed, the Council will make use of enforcement powers under planning legislation and wildlife crime under Section 25(2) of the Wildlife and Countryside Act 1981 (as amended), and report to the relevant regulatory body.

8. Environmental Impact Assessment and Habitat Regulations Assessments

8.1 Environmental Impact Assessment (EIA) is a process intended to identify and assess the likely significant environmental effects of a proposed development to inform decision-making. The local planning authority is duty-bound by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

8.2 EIA will only apply to a small proportion of projects applying for planning permission. Under the EIA Regulations, developments fall into different categories: all development proposals that can be classed as 'Schedule 1' development must be subject to an EIA, whereas 'Schedule 2' development needs to be screened for likely significant

environmental effects. It is however at the Council's discretion to request an EIA with planning application for 'Schedule 2' development. An EIA screening opinion of the proposed development is available on request from the Council.

- 8.3 Habitat Regulations Assessment is a process to ensure there is no harm to sites of international importance as a result of plans and projects. Local planning authorities are under obligation to assess whether a development proposal is likely to have an adverse effect on the qualifying features of a European site, i.e. Special Protection Area (SPA) or Special Area of Conservation (SAC), in line with the requirements of Regulation 61 and 62 of 'The Conservation of Habitats and Species Regulations 2010'. Ramsar sites, designated under the Ramsar Convention on Wetlands 1971, are required to be assessed in the same way.
- 8.4 The Council undertook a Habitats Regulations Appraisal for the Local Development Plan. The document does not only screen all allocated sites in the Plan but contains useful information on European protected sites and species, including conservation objectives, in or in the vicinity of Denbighshire. However, this does not negate the need for planning proposals to be subject to HRA separately.

9. Contacts

Denbighshire County Council
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Development Management
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Smithfield Road Denbigh
LL16 3RJ
Tel: 01824 706727
Email: planning@denbighshire.gov.uk

Natural Resources Wales
Llwyn Brain, Ffordd Penlan
Parc Menai
Bangor, Gwynedd
LL57 4DE
Tel: 03000653000
Email: enquiries@naturalresourceswales.gov.uk

Royal Society for the Protection of Birds
North Wales Office
Uned 14, Llys Castan
Ffordd Y Parc, Parc Menai
Bangor
Gwynedd

Denbighshire County Council
County Ecologist
Denbighshire Countryside Service
Loggerheads Country Park
NR Mold
CH7 5LH
Tel: 01352 811029
Email: countryside@denbighshire.gov.uk

North Wales Wildlife Trust
Head Office
376 High Street
Bangor, Gwynedd
LL57 1YE
Tel: 01248 351541
Email: nwt@wildlifetrustswales.org

Appendix 1 – Local planning policies

A1.1 Denbighshire Local Development Plan 2006 – 2021 (LDP) contains the following policies that contain criteria explicitly referring to natural environment and/ or biodiversity considerations.

A1.2 Policy RD 1 - Sustainable development and good standard design

Development proposals will be supported within development boundaries provided that all the following criteria are met:

- i) Respects the site and surroundings in terms of the siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings; and
- ii) Makes most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare for residential development (unless there are local circumstances that dictate a lower density).
- iii) Protects and where possible enhances the local natural and historic environment; and
- iv) Does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; and
- v) Incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines; and
- vi) Does not unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution etc., and provides satisfactory amenity standards itself; and
- vii) Provides safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate parking, services and manoeuvring space. Proposals should also consider impacts on the wider Rights of Way network surrounding the site; and
- viii) Does not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate. A transport assessment and travel plan will be

- required where appropriate; and
- ix) Has regard to the adequacy of existing public facilities and services; and
 - x) Does not prejudice land or buildings safeguarded for other uses, or impair the development and use of adjoining land; and
 - xi) Satisfies physical or natural environmental considerations relating to land stability, drainage and liability to flooding, water supply and water abstraction from natural watercourse; and
 - xii) Takes account of personal and community safety and security in the design and layout of development and public/private spaces and has regard to implications for crime and disorder; and
 - xiii) Incorporates suitable landscaping measures, including where appropriate hard and soft landscaping treatment, the creation and/or protection of green and blue corridors, mature landscaping, and arrangements for subsequent maintenance. Landscaping should create a visually pleasant, sustainable and biodiversity rich environment that protects and enhances existing landscape features and also creates new features and areas of open space that reflect local character and sense of place; and
 - xiv) Has regard to the generation, treatment and disposal of waste.

A1.3

Policy VOE 1 – Key Areas of importance

The following areas will be protected from development that would adversely affect them. Development proposals should maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire:

- Statutory designated sites for nature conservation;
- Local areas designated or identified because of their natural landscape or biodiversity value;
- Sites of built heritage; and
- Historic Landscape, Parks and Gardens.

A1.4

Policy VOE 5 – Conservation of natural resources.

Development proposals that may have an impact on protected species or designated sites of nature conservation will be required to be supported by a biodiversity statement which must have regard to the County biodiversity aspiration for conservation, enhancement and restoration of habitats and species.

Where the overall benefits of a development outweigh the conservation interest of a locally protected nature site, mitigation and enhancement measures in or adjacent to these sites should be an integral part of the scheme.

If necessary, measures required to mitigate likely adverse effects on the qualifying features of statutory designated sites should be put in place prior to the commencement of development. Measures required to offset any likely adverse effects will be secured by planning conditions and/ or planning obligations.

Planning permission will not be granted for development proposals that are likely to cause significant harm to the qualifying features of internationally and nationally designated sites of nature conservation, priority habitats, priority species, regionally important geodiversity sites, or to species that are under threat.

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Appendix 2 – Ecological reports and survey

- A2.1 Ecological reports should be prepared in line with guidance laid out in the Chartered Institute of Ecology and Environmental Management (CIEEM) Technical Guidance Series ‘Guidelines for Ecological Report Writing (2015)’.
- A2.2 The type and the scope of any ecological survey will depend on the development proposal and the ecological features likely to be present on the application site and in the surrounding area. If prospective applicants are in doubt whether a desktop analysis or a field survey is adequate to address biodiversity, they are advised to contact a professional ecologist or wildlife interest group.
- A2.3 Field surveys should be carried out at an appropriate time of year. A guidance calendar showing optimal survey times is included in Appendix 4. The Council provides a list of competent ecological consultants on its webpage. You are not required to choose anyone from this list, however any ecological consultant employed needs to be suitably qualified, hold the required protected species licences (where applicable) and follow industry standards. Link to consultants:
<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/biodiversity.aspx>
- A2.4 Survey data gathered in support of the planning application should be made available to Cofnod – The North Wales Environmental Information Service, which is the local record centre in North Wales. The not-for-profit organisation collects biodiversity information in a centralised database and provides them to interested parties on request (www.cofnod.org.uk).
- A2.5 Ecological survey information and reports should include
- A non-technical summary of findings;
 - Introduction describing the proposal with a scale plan or map including grid reference;
 - Purpose and objectives of preliminary ecological appraisal or detailed full-scale surveys;
 - Qualifications and competence of surveyor;
 - Date(s) when survey(s) were carried out and when the survey

- report was prepared;
- Exact areas of land and buildings covered by the survey on a plan;
 - Results of desk-top data trawl, including Cofnod data search where required, and application of these data to survey and assessment;
 - Field survey methods based on published good practice guidelines;
 - Survey results with details of habitat, species and features present (including non-native invasive species), showing current condition, distribution and abundance;
 - Analysis and interpretation of results;
 - Identification of any further survey work needed;
 - Recommendations and details for all avoidance, mitigation, compensation and enhancement measures;
 - Demonstration of compliance with, or deviation from, relevant development policies and statutory obligations;
 - Post-development site safeguards, such as long-term habitat/site monitoring, management and maintenance where necessary;
 - Identification of mechanisms for securing commitment and delivery;
 - Timetable and details of proposed work and their alignment with biodiversity measures.

Adapted from Annex H to BS 42042:2013

A2.6 To protect local habitat and species, ecological reports must contain information of any evidence found, including an explanation of the implications for the survey, that one of the following activities has taken place on the application site before or shortly after the field survey to support the development proposal has been carried out:

- Removal or management of vegetation, including tree;
- Alteration or loss of other biodiversity features, such as hedgerows, ponds, ditches or buildings and features of value to protected species;
- Control of weeds or other species;
- Cessation or reintroduction of grazing or mowing.

A2.7 The presence of non-native or invasive species (plants and animals) must be recorded in the ecological survey. If an invasive non-native species is present on a site, identify whether removing it will be important, based on the impact it is having and the trade-off between resources and effectiveness. Legal provisions are provided

in the Wildlife and Countryside Act 1981, as amended, and the Environmental Protection Act 1990, as amended. Some plants, such as, Japanese Knotweed, must be disposed of at licensed landfill sites. Biosecurity should also be considered.

- A2.8 The application of avoidance, mitigation or compensation measures to offset adverse effects on biodiversity has to be tested on a step by step basis – it is a sequential approach. Despite the fact that the principle aim is to avoid any adverse effects on biodiversity, prospective applicants may wish to consider the implementation of mitigation measures and how the implementation can be secured through the planning system. Compensation measures are the last resort to offset any residual harm derived from the proposed development.
- A2.9 If the prospective applicant is proposing the application of compensation measures, ecological information in support of the application should explicate why avoidance and mitigation measures aren't feasible and what the overriding reasons are for accepting residual harm to occur on the application site.
- A2.10 Content, scale and location of compensation measures to be provided will depend on the extent and scale of damage caused on the concerned biodiversity feature. All measures should be in place and operational before any expected adverse impacts take place. It is advisable to discuss details with the Council Ecology and Biodiversity Officer or, where required, Nature Resources Wales prior to submitting the planning application.
- A2.11 In certain circumstances on sites with, or close to known populations of great crested newts, it may not be feasible to provide adequate compensation on site. In such cases, off-site compensation will be considered, which could be in form of a commuted sum. Further details on developments affecting Great Crested Newts and their habitats can be found in Appendix 5.
- A2.12 Biodiversity enhancement measures should be sought from the beginning and throughout the project management and implementation stage.

Appendix 3 – Protected Sites and Species in Denbighshire

A3.1 The following table summarises the protected sites wholly or partly within Denbighshire and the relevant legislation covering them.

Protection	Designation	Importance	Key Legislation	Sites
Statutory	Special Areas of Conservation (SAC)	International	Conservation of Habitats and Species Regulations (2010) transposes the EU Habitats and Birds Directive into UK law	Alyn Valley Woods
				Berwyn and South Clwyd Mountains
				Dee Estuary
	Elwy Valley Woods			
Special Protection Area (SPA)	Llwyn			
	River Dee and Bala Lake			
Ramsar Site	International	Ramsar Convention on Wetlands of International Importance	Berwyn	
			Liverpool Bay	
Statutory	Sites of Special Scientific Interest (SSSI)	National	Wildlife and Countryside Act 1981 (as amended)	The Dee Estuary
				Berwyn
				Bryn Alyn
				Caeau Pen y Coed
				Cefn Rofft
				Chwarel Pant Glas
				Cil-y-Groeslwyd Woods, Eyarth Woods and Rocks and Craigddwy-wynt
				Clogau Quarry
				Coed Nant Mawr
				Coedydd ac Ogofau Elwy a Meirchion
				Coedydd Dyffryn
				Alwen
				Crest Mawr Wood
				Cynwyd Forest Quarry
				Dee Estuary
Dinas Bran				
Ffynnon Bueno and Cae Gwyn Caves				

Protection	Designation	Importance	Key Legislation	Sites
				Graig Fawr
Statutory	Sites of Special Scientific Interest (SSSI)	National	Wildlife and Countryside Act 1981 (as amended)	Graig Quarry
				Graig, Llanarmon-yn-Ial
				Gronant Dunes and Talacre Warren
				Hendre Bach
				Llandegla Moor
				Llwyn
				Maes Hiraddug
				Moel Hiraddug and Gop Hill
				Mwyngloddfa Pennant
				Mynydd Hiraethog
				Penarth Quarry
				Prestatyn Hillside
Statutory	National Nature Reserve (NNR)	National	National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981	Y Berwyn
				Hafod Elwy Moor
Statutory	Local Nature Reserve (LNR)	Local	National Parks and Access to the Countryside Act 1949)	Moel Findeg
				Gronant Dunes
				Brickfields Pond
Non-statutory	County Wildlife Site	Local	Not applicable	There are 248 sites in Denbighshire. Please contact the County Ecology and Biodiversity Officer or Cofnod for more details.

A3.2 The following table summarises the main protected species found in Denbighshire and the relevant legislation covering them. Further information on priority habitats and species can be found in the

Denbighshire Local Biodiversity Action Plan, which is available on the Biodiversity Action Reporting System at: ukbars.defra.gov.uk; further information is also available from Denbighshire Countryside Council's website: www.denbighshirecountryside.org.uk/biodiversity

Protection	Species	Importance	Key legislation	
Statutory	Great crested newt	International	EC Habitats Directive; The Conservation of Habitats and Species Regulations 2010; The Wildlife and Countryside Act 1981 (as amended)	
	Bats (all species)			
	Otter			
	Dormouse			
	Sand lizard			
	Natterjack toad			
	Floating-leaved water plantain (<i>Luronium natans</i>)			
	Dolphins (all species)			
	Porpoises (all species)			
Statutory	Water vole	National	Wildlife and Countryside Act 1981 (as amended)	
	Red squirrel			
	Pine marten			
	All reptiles (slow worm, adder, common lizard, grass snake)			
	All amphibians (sale only banned) (common frog, common toad, palmate newt, smooth newt)			
	Barn owl			
	All nesting birds			
	Badger			Protection of Badgers Act 1992
	Deer			Deer Act 1991
	Seals			Conservation of Seals Act 1970
Non-statutory	Species of principle importance for conservation (Section 42 List) - there are over 1,000. The full list can be viewed on the Wales Biodiversity Partnership website	National	Natural Environment and Rural Communities (NERC) Act 2006	
	Local Biodiversity Action Plan (LBAP) local priority species – see ukbars.defra.gov.uk	Local	Not applicable	

Appendix 4 - Guidance on optimum survey times for selected habitats and species

Habitats/ Regulations	January	February	March	April	May	June	July	August	September	October	November	December		
Habitats/ Vegetation	Optimal Survey Period			Limited Survey Period						Optimal Survey Period				
Badgers	Optimal Survey Period	Limited Survey Period			Optimal Survey Period				Limited Survey Period		Optimal Survey Period			
Bats	Limited Survey Period			Optimal Survey Period	Limited Survey Period						Optimal Survey Period			
Birds	Limited Survey Period						Optimal Survey Period		Limited Survey Period					
Dormice	Optimal Survey Period			Limited Survey Period										
Great Crested Newts	No Survey			Limited Survey Period				Optimal Survey Period				No Survey		
Fish	Limited Survey Period													
Natterjack Toad	No Survey				Limited Survey Period								No Survey	
Otters	Limited Survey Period													
Pine Martins	Limited Survey Period													
Red Squirrel	Limited Survey Period													
Reptiles	No Survey			Limited Survey Period				Optimal Survey Period		Limited Survey Period	Optimal Survey Period		No Survey	
Water Voles	No Survey		Optimal Survey Period	Limited Survey Period							Optimal Survey Period		No Survey	
Freshwater Pearl Mussel	No Survey				Limited Survey Period								No Survey	

Key to colours:	No Survey	Limited Survey Period	Optimal Survey Period
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Adapted from Biodiversity Planning Toolkit (www.biodiversityplanningtoolkit.com, accessed 12.08.2015)

Appendix 5 – Developments affecting great crested newts and their habitats

Background

A5.1 Great crested newts are found in large parts of the County, particularly in the north. The animals themselves, as well as their breeding and resting places, are legally protected. On sites where great crested newts are identified or likely to be present, planning permission will only be granted if it can be demonstrated that the ‘Favourable Conservation Status’ of the local population will not be adversely affected. This means that applicants must be able to show that their development proposals will have an overall neutral or positive impact on great crested newts.

Avoidance, mitigation and compensation

A5.2 As described in the main document; paragraphs 4.5, 6.3; and Appendix 2 paragraph A2.8 avoidance, mitigation or compensation measures to offset adverse effects on biodiversity should be applied on a step by step basis.

A5.3 If developments affect a known breeding or resting site then appropriate new habitat will have to be created prior to the destruction of the original aquatic or terrestrial habitat under licence from Natural Resources Wales.

A5.4 Where developments do not affect known great crested newt sites, but rather habitats of varying quality adjacent or in proximity to known sites, a different approach may be required. The likelihood of a site being a known terrestrial great crested newt site is based on habitat quality and its proximity to a breeding pond. In certain circumstances it may not be possible or satisfactory to offset adverse effects on great crested newts on the development site. In such cases, a commuted sum for off-site provision of compensation habitat for great crested newts is an option.

Development Impact	Major Development	Minor Development
	Outline/Approved Matters/ Mineral & Waste/ etc.	Up to 10 dwellings Extension/ Conservatory/ Garage
Directly affects known GCN breeding/resting site	Need to provide like-for-like replacement habitat to fulfil the same purpose prior to destruction of existing habitat, e.g. breeding pond. This is to ensure that the ‘favourable conservation status’ of the population is maintained.	
Within 250m of known GCN breeding ponds	Mitigate for loss of habitat type on a like-for-like basis - <i>Refer to table of management costs</i>	Undertake Reasonable Avoidance Measures to prevent harm to GCN. This depends on suitability of site if poor e.g. hardstanding / amenity grassland

		then a note to applicant might suffice.
C1 - 250-500m <i>Refer to local knowledge, Cofnod and "liklihood maps"</i>	Mitigation relevant to loss of habitat type on a like for like/ 50% basis - <i>Refer to table of management costs</i>	Note to applicant will generally suffice
D1 - over 500m	Mitigation generally not required unless key connecting habitats affected	n/a

Commuted Sum for Off-Site Compensation and/or Habitat Management

A5.5 A commuted sum will be secured through a Section 106 Agreement. The value will be agreed between the Council and the developer. Please note that the tables below present indicative figures only. They have been included for illustrative purposes to provide guidance for developers.

A5.6 **STANDARD COSTS** Excluding preparation of licences, reasonable avoidance measures, compliance audit etc.*; Ongoing costs are "in perpetuity", defined as 25 years

* - Source: TEP Hafod Land Tribunal 2006 costs with built in interest for long term management and up to date management costs from Denbighshire Countryside Service

Component	One-off	Ongoing	Cost £/ha	Notes
1. Land Acquisition	✓		£3750 poor quality farmland £7500 high quality farmland	Land classification in line with Department for Environment, Food & Rural Affairs' categories
2. Habitat Creation	✓		£2500 (with liner) – two per hectare	(£1250 with liner TEP) (2 per ha)
2.1. Ponds 10x10m minimum size				
2.2. Planting	✓		£1.50 per plant (=£300/ha) +£100/day	Includes stake and maintenance (max 25% per ha = 200 plants) 200 planted per day
2.3. Grassland/ meadow planting	✓		£1000/ha £250/day	Wildflower seeds (not always appropriate) Tractor seeding/scarifying etc
2.4 Hibernaculum (50m ²)	✓		£100	1 per pond Reduced costs if materials available.
2.5 New Fencing	✓		£7/m	400m/ha (£2800)
3. Management		✓		£45/yr/pond – TEP
3.1 Pond management			£100/yr/pond	5 year cycle management of pond and pond edge (5m) eg scrub control.
3.2 Planted trees/shrubs		✓	£600/yr/ha	NRW maintenance costs is £1000/ha for years 2 and 3 only.
3.3 Grassland – mowing once per		✓	£480/yr	

annum				
3.4 Fence maintenance		✓	£1.30/m/yr or £112/yr	400m/ha – fencing replaced on 12-15 year cycle.
4. Monitoring & Surveillance		✓	£200/site/	2 visits per year
5. Wardening		✓	£150/day	1-4 days/month (depending on size/requirements of site). Includes overheads/vehicle/maintenance.
6. Contingency		✓	£2500/pond Cost as 2.1	Lump sum based on repeat pond construction and fish removal.

Long-term management options

Option	Type	Benefits	Drawbacks
1	Transfer land and resources to 3rd Sector (NWWT, NEWW, ARC)	Local or specialist expertise. Estate management skills.	Possible resource issue if adequate provision isn't provided.
2	Transfer land and resources to LA e.g. Countryside Service	Local or specialist expertise. Estate management skills.	Possible resource issue if adequate provision isn't provided. Risk of questioned regulation. Perceived dual funding (council tax and service charge).
3	Land retained by landowner (With resources?)	Estate management skills	May lack specialist skills. Risk of inappropriate management. No local accountability.
4	Transfer land to Commercial land manager with resources collected annually.	Estate management skills	May lack specialist skills. Risk of inappropriate management. No local accountability. Need to engage or third sector organisations and/or contractors in management.
5	Transfer resources (and land) to Independent Trust	Development of strategic conservation action.	Establishment of Independent Trustees. Need to engage or third sector organisations and/or contractors in management.

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Denbighshire County Council

Draft Supplementary Planning
Guidance:
Conservation and Enhancement
of Biodiversity

Consultation report, including summaries of
representations received and the Council's
responses

Content

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1. Background

- 1.1 This report accompanies the draft Supplementary Planning Guidance: Enhancement and Conservation of Biodiversity which will be submitted to Denbighshire County Council (DCC) Planning Committee when considering adoption of the draft Site Development Brief (draft document) on 27 July 2016.
- 1.2 Supplementary Planning Guidance and Site Development Briefs should only be adopted by a local planning authority and, hence, regarded as a material consideration if they have been subject to comprehensive public consultation. Accordingly, this report also aims at compliance with Welsh Government LDP Manual 2, paragraph 7.3.1 and Planning Policy Wales (PPW) Edition 8, paragraph 2.4.4.

2. Consultation undertaken

- 2.1 This public consultation run from 3rd May 2016 to 30th June 2016 for a period of 8 weeks. The draft document was available at the Council's website (www.denbighshire.gov.uk) and the Local Development Plan website for interested parties to view. Hardcopies were also available at Council libraries and one-stop-shops. Comments as part of the public consultation could be made by letter, email or comments form to the Strategic Planning & Housing team by the 30th June 2016.
- 2.2 All City, Town and Community Councils were consulted along with key stakeholders and people registered on the LDP database.

3. Consultation responses

- 3.1 The Council received 8 representations from interest groups and members of the Public.
- 3.2 No changes were proposed to the document but clarification was sought with regard to draft SPG Appendix 5 paragraph 5.6 on the meaning of high/ poor quality farmland.

4. Changes proposed to the draft document

- 4.1 Planning Officers propose a single change in response to the representation that was made by the Campaign for the Protection of Rural Wales, see paragraph 3.2.

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Table 1: Proposed changes to draft document

Reference number	Name, Organisation	Summary of Representation	Council's response	Changes proposed to draft document
3121	M W Moriarty, Campaign for the Protection of Rural Wales (CPRW) Clwyd Branch	Appendix 5, paragraph A5.6: Clarification is required as to the meaning of 'high quality' and 'poor quality' farmland – are the two categories based on Defra's classification system?	Council agrees to provide further clarification on the meaning of high/ poor quality farmland in paragraph A5.6	Appendix 5, paragraph A5.6 table column 5 'Note' - Land classification in line with Department for Environment, Food & Rural Affairs' categories
706	Robert Deanwood, National Grid	National Grid has no comments to make in response to the draft document consultation	Comment noted.	No change proposed.
1155	Diane Clarke, Network Rail	Network Rail has no comments	Comment noted.	No change proposed.
4650	Tim Bettany-Simmons, Canal & River Trust	Canal & River Trust have no specific comments to make on the draft document	Comment noted.	No change proposed.
320, 305, 250, 269	Mr & Mrs Evans; Mr & Mrs Williams	Ystyried anghenion lleol ardaloedd. Oes angen y cynllun yn y lie cyntaf?	Nodwyd y sylw	Dim newid yn arfaethedig
		Gwarchod Coed a Gwrychoedd hanesyddol a chynefinoedd creaduriaid ac adar.	Nodwyd y sylw	Dim newid yn arfaethedig
		Goruchwyliaeth fanwl ar safleoedd datblygu lie mae Coed Henafol, gwarchod ei gwreiddiau er mwyn i'r goeden ffynnu ar ol y datblygiad.	Nodwyd y sylw	Dim newid yn arfaethedig
		Ffiniau newydd i'r safleoedd o blanhigion brodorol	Nodwyd y sylw	Dim newid yn arfaethedig
		Cyn ystyried datblygu ar safleoedd	Nodwyd y sylw	Dim newid yn arfaethedig

	hanesyddol mae angen ymchwil drwyadl. Gwarchod Hen Fwyngloddia/Siafftau, dim ei llenwi yn ddiystyriol a chreu llifogydd i'r dyfodol.		
	Mae angen ymchwil drwyadl cyn ystyried adeiladu ar safleoedd hanesyddol.	Nodwyd y sylw	Dim newid yn arfaethedig
	Ni ddiliau'r un cynllun gael ei ystyried os oes hanes lleol am lifogydd o unrhyw fath. Talu sylw i sylwadau bobl leol, mae gwybodaeth lleol wedi ei gadw o genhedlaeth genhedlaeth.	Nodwyd y sylw	Dim newid yn arfaethedig

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Draft Supplementary Planning Guidance
'Conservation and Enhancement of
Biodiversity'
18th March 2016

Equality Impact Assessment screening

Draft Supplementary Planning Guidance Note 'Conservation and Enhancement of Biodiversity'

Contact: Karsten Brußk

Updated: 12.07.2016

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

Other

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

The proposed SPG outlines the Council's expectations with regard to the biodiversity information to be submitted with a planning application, scope and standards of submitted ecological surveys; and briefly points out potential additional legal duties on developers as a result of obtaining planning consent.

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

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

NO!	<p>Supplementary Planning Guidance (SPGs) notes amplify Denbighshire Local Development Plan 2006 – 2021 (LDP) policies in a clear and concise format with the aim of improving the process, design, and quality of new development. They do not set out any new policies or prescribe action programme.</p> <p>This draft SPG is linked to LDP Policy VOE5 'Conservation of natural resources', which was assessed as part of the LDP document production – see Denbighshire LDP 'Equality Impact Assessment Report (May 2011)'. It was concluded in table2: 'Screening of the Denbighshire Local Development Plan policies' that this policy is likely to 'Promote equality</p>
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	of opportunity by increasing people’s opportunity to enjoy and experience nature.’; and no EqIA is required because ‘this policy is considered to have positive impacts on all groups’.
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4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

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

Guidance documents provided by the Council; Equality Impact Assessment carried out as part of the Denbighshire Local Development Plan 2006 – 2021 Plan-making process.
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5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

(Please refer to section 1 in the toolkit for a description of the protected characteristics)

None envisaged.

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

None envisaged.

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

No.	No impacts have been identified.
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8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

No.	
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Action(s)	Owner	By when?
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9. Declaration

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

Review Date:	n/a
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Name of Lead Officer for Equality Impact Assessment	Date
Karsten Brußk	12/07/2016

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