

To: Members of the Planning Committee      Date: 6 December 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, 14 DECEMBER 2016** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST (Pages 9 - 10)**

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

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

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

### **4 MINUTES (Pages 11 - 18)**

To confirm the accuracy of the minutes of the Planning Committee meeting held on 16 November 2016 (copy attached).

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 10) -**

**5 APPLICATION NO. 03/2016/0300/PF - LAND OFF VICARAGE ROAD, LLANGOLLEN** (Pages 19 - 52)

To consider an application for the erection of 95 dwellings, together with associated roads, open space and related works at land off Vicarage Road, Llangollen (copy attached).

**6 APPLICATION NO. 03/2016/0845/LB - PEN Y BEDW COTTAGE, BIRCH HILL, LLANGOLLEN** (Pages 53 - 70)

To consider a Listed Building Application for replacing existing roof structure on rear conservatory to a glazed roof; reinstate square pyramid roof structure to rear, form new natural slate colour zinc clad roof covering above store to rear and replace guttering and downpipes to cast iron at Pen Y Bedw Cottage, Birch Hill, Llangollen (copy attached).

**7 APPLICATION NO. 23/2016/0875/PF - CLOCAENOG FOREST, SARON, DENBIGH** (Pages 71 - 98)

To consider an application for erection of a 132kV electrical substation and associated works (amended application) at Clocaenog Forest, Saron, Denbigh (copy attached).

**8 APPLICATION NO. 43/2016/0432/PF - PARC DYFFRYN INDUSTRIAL ESTATE, FFRODD PENDYFFRYN, PRESTATYN** (Pages 99 - 124)

To consider an application for demolition of existing buildings and erection of foodstore (Class A1), car parking and service areas, vehicular and pedestrian accesses and associated works at Parc Dyffryn Industrial Estate, Ffordd Pendyffryn, Prestatyn (copy attached).

**9 APPLICATION NO. 45/2016/0740/PF - PAVILION THEATRE AND SUN CENTRE AND ADJOINING LAND/CAR AND COACH PARKS, EAST PARADE, RHYL** (Pages 125 - 150)

To consider an application for re-development of 4.25ha of land incorporating the following hybrid (Full/Outline) elements :- Demolition of the former "Sun Centre" and the external refurbishment of the adjoining Pavilion Theatre incorporating over-cladding. (Full)- Erection of 4,000sq.m Class D2 Exhibition/Events Centre as extension to Pavilion Theatre (Outline)- Erection of 2,825sq.m detached 73 bedroom Class C1 hotel. (Full)- Erection of 2 no. Class A3 Family Restaurants (Outline)- Retention and re-use of existing retail kiosk and land train shed building for retail/leisure/community use (Full)- New and reconfigured car/coach parking (Full)- Improvements and alterations to existing vehicular access and turning areas. (Full)- Hard and soft landscaping details (Full/Outline) at the Pavilion Theatre, Sun Centre and adjoining land/car and coach parks, East Parade, Rhyl (copy attached).

**10 APPLICATION NO. 47/2016/0997/PF - GROESFFORDD TREMEIRCHION**  
(Pages 151 - 162)

To consider an application for an increase in height of front boundary wall at Groesffordd, Tremeirchion (copy attached).

**11 CONFIRMATION OF TWO DENBIGHSHIRE COUNTY COUNCIL TREE PRESERVATION ORDERS IN RELATION TO LAND IN THE MELIDEN AREA** (Pages 163 - 214)

To consider a report confirming Denbighshire County Council Tree Preservation Order Number 03/2016 relating to land at Ffordd Hendre, Meliden and Denbighshire County Council Tree Preservation Order Number 04/2016 relating to land at Maes Meurig, Meliden.

**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  
Alan James  
Alice Jones  
Pat Jones  
Barry Mellor  
Bob Murray  
Dewi Owens

Merfyn Parry  
Pete Prendergast  
Arwel Roberts  
Anton Sampson  
Gareth Sandilands  
David Simmons  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Huw Williams  
Mark Young

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

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

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

#### **General introduction**

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

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

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

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

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

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

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

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

### **CONSIDERING PLANNING APPLICATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **The voting procedure**

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

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

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

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

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

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

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

# PLANNING COMMITTEE

## VOTING PROCEDURE

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

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

On the voting keyboard press the

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

Or in the case of Enforcement items:

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

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## LOCAL GOVERNMENT ACT 2000

### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a \*member/co-opted member of

*(\*please delete as appropriate)*

**Denbighshire County Council**

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

*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

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

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## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 16 November 2016 at 9.30 am.

### PRESENT

Councillors Raymond Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie (Vice-Chair), Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Pat Jones, Barry Mellor, Bob Murray, Pete Prendergast, Anton Sampson, Gareth Sandilands, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams, Huw Williams and Mark Young

**The Leader** – Councillor Hugh Evans for item 8

**Lead Member for Public Realm** – Councillor David Smith for items 9, 10 and 11

**Ward Member** – Councillor Colin Hughes for items 5 and 6

**Observers** – Councillors Gwyneth Kensler, Win Mullen-James and Alan James

### ALSO PRESENT

Head of Planning & Public Protection (GB), Team Leader – Places (SC), Development Manager (PM), Strategic Planning & Housing Manager (AL), Principal Planning Officer (IW), Senior Planning Officer (LG), Policy Planning Officer (LD), and Committee Administrator (SLW).

#### 1 APOLOGIES

Apologies for absence were received from Councillors Brian Blakeley, Alice Jones, Dewi Owens, Merfyn Parry and Arwel Roberts

#### 2 DECLARATIONS OF INTEREST

Councillor Raymond Bartley – Personal Interest – Agenda Items 5,6 & 7

Councillors Meirick Lloyd Davies and Mark Young – Personal Interest – Agenda Items 5 & 6

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

No urgent matters had been raised.

#### 4 MINUTES

The minutes of the Planning Committee meeting held on 12 October 2016 were submitted.

*RESOLVED that the minutes of the Planning Committee meeting held on 12 October 2016 be approved as a correct record.*

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

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets).

### **5 APPLICATION NO. 01/2014/1330/PF - FORMER NORTH WALES HOSPITAL, DENBIGH**

[Councillors Raymond Bartley and Mark Young declared a personal interest because they were members of the Denbigh Town Council.]

[Councillor Meirick Lloyd Davies declared a personal interest because he worked at the hospital previously.]

An application was submitted for conversion, restoration, part demolition and adaptation of main range of listed buildings to residential use (34 dwellings), and development of land within the hospital grounds for mixed uses as enabling development, including up to 200 no. residential units and up to 1114 square metres of business units, access and associated works at the former North Wales Hospital, Denbigh.

**General Debate** – The Planning Officer (IW) provided some background information touching on the history of the site, including closure in 1995 and the listed status of the buildings, which were considered by CADW to be the best example of their type in Wales. Planning policies had been developed which allowed for enabling development to help generate capital to assist with the restoration of the buildings. The application was similar in nature to one granted permission in 2006.

It was confirmed that the current owner of the site was Freemont (Denbigh) Ltd., but the applicant for the planning application was the Prince's Regeneration Trust (PRT) acting on behalf of the North Wales Building Preservation Trust (NWBPT). The Compulsory Purchase Order (CPO) had been confirmed, but a General Vesting Declaration (GVD) remained to be served, which would require authorisation from Planning Committee. On execution of the GVD and the passing of the vesting date, then the title would pass to the council. Once the council had taken ownership of the site, they would pass it on immediately to the NWBPT. The Trust had been set up to deal with complicated and large Listed Buildings throughout the UK. Once the ownership was transferred to NWBPT they may be able to access various grant aid to assist with the development.

There was no affordable housing provision as part of the application, although there would be opportunity for a Housing Association to purchase some of the land to build homes.

Highways officers had no objection to the application subject to inclusion of standard conditions requiring approval of full details of highway works, internal

estate roads and associated infrastructure, construction method statement(s), and improvement of cycle and pedestrian links with the town.

The development proposals involved the restoration of the main Listed Building. Some buildings on the site would be demolished. There were no specific proposals in the application in relation to the Nurses Home, the Chapel, Mortuary or Aled Ward buildings which were indicated as “buildings which could be retained if a suitable end use was found and viability allowed”.

The Head of Planning and Public Protection confirmed that at this stage the costings were essentially a ‘paper exercise’ as when the land was purchased and houses were built and started to sell, there would be more confidence in the housing market and prices may increase. If expectations were exceeded, the Trust would allocate the finance to save other buildings within the site.

In relation to the issue of bats, it was confirmed that mitigation measures would be implemented to address impacts on European protected species.

Councillor Colin Hughes, (Ward Member) offered his support for the development of the site and stated its importance to the town of Denbigh. Councillor Hughes urged Planning Committee to vote in favour of the planning application. At this juncture, he expressed his gratitude to all the councillors, officers and the Prince’s Regeneration Trust who had been involved with the project over a number of years.

Officers confirmed that proposals for the promotion / enhancement of the Welsh language as part of the development would be included within the legal agreement related to the planning permission. As this was a large development site, it was confirmed that risks were to be monitored and reports would continue to be presented to Planning Committee. The current owners were still able to sell the site until the GVD had been served. The charitable Trust wanted to save the listed buildings and not make a profit.

**VOTE:**

GRANT – 21  
ABSTAIN – 0  
REFUSE – 0

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

At this juncture, the Chair, Councillor Raymond Bartley expressed his gratitude to all officers, Phil Ebbrell who has since retired and the late Jane Kennedy, Senior Solicitor for all their work on the project.

**6 APPLICATION NO. 01/2014/1331/LB - FORMER NORTH WALES HOSPITAL, DENBIGH**

[Councillors Raymond Bartley and Mark Young declared a personal interest because they were members of the Denbigh Town Council.]

[Councillor Meirick Lloyd Davies declared a personal interest because he worked at the hospital previously.]

An application was submitted for proposed works on main range buildings including partial demolition and reconstruction, and demolition of buildings to rear and north of main range (Listed Building Application) at the former North Wales Hospital, Denbigh.

Councillor Colin Hughes (Ward Member) – confirmed he had been fully re-assured that as many buildings as possible were to be retained. There would be the loss of some buildings which had deteriorated beyond repair and some which were not relevant to future development. Again he encouraged the Planning Committee to vote in favour of the Listed Building application.

The Lead Member for the Public Realm, Councillor David Smith also expressed his agreement with the proposals and stated that these were a way forward for the hospital site.

**Proposal** – Councillor Meirick Lloyd Davies proposed the officer recommendation to approve the Listed Building application, seconded by Huw Hilditch-Roberts.

**VOTE:**

FOR – 21

ABSTAIN – 0

AGAINST – 0

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

**7 APPLICATION NO. 01/2016/0924/PR - LAND REAR OF 4 LON WYNNE BETWEEN 39 & 41 FFORDD CELYN, DENBIGH**

[Councillor Raymond Bartley declared a personal interest because he is a member of Denbigh Town Council.]

An application was submitted for details of appearance and landscaping submitted in accordance with condition number 1 of outline planning permission 01/2013/0969 (reserved matters application) at land rear of 4 Lon Wynne between 39 and 41 Ffordd Celyn, Denbigh.

**Proposal** - Councillor Mark Young proposed the officer recommendation to approve the application, seconded by Councillor Bill Cowie.

**VOTE:**

FOR – 22

ABSTAIN – 0

AGAINST – 0

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

**8 APPLICATION NO. 10/2015/0936/PS - LAND ADJACENT TO TYN-Y-BEDW, BRYNEGLWYS, CORWEN**

An application was submitted for variation of condition nos. 2 and 3 of outline planning permission code no. 10/2012/0610 to allow extension of time for submission of reserved matters and date of commencement at land adjacent to Tyn-y-Bedw, Bryneglwys, Corwen.

Councillor Hugh Evans (Ward Member) – expressed concerns regarding public transport links as these were in decline and needed to be addressed. Also he expressed concern regarding Dwr Cymru Welsh Water who had objected to the development as they advised it would overload the waste water treatment works and no improvements were planned within their Capital Investment Programme.

Councillor Hugh Evans confirmed his support of the officer recommendation to enable development of the site to progress.

**General Debate** - it had been suggested that the condition “the development hereby permitted shall be begun either before the expiration of five years from the date of this permission ..... “ be changed to three years to progress development of the site sooner. It was clarified by Planning Officers that shortening of the period would not improve the speed of the development. Discussions were taking place with Dwr Cymru Welsh Water to encourage them to address their Capital Investment Programme.

**Proposal** - Councillor Joe Welch proposed the officer recommendation to grant the application, seconded by Councillor Bill Cowie.

**VOTE:**

FOR – 22

ABSTAIN – 0

AGAINST – 0

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

**At this juncture (10.50 a.m.) there was a 20 minute break.**

**Meeting reconvened at 11.10 a.m.**

**9 DRAFT SITE DEVELOPMENT BRIEF: UPPER DENBIGH SITES**

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Site Development Brief: Upper Denbigh Sites, as a basis for public consultation. Councillor Smith reminded members of the different stages in the process before final adoption of the Site Development Brief by the Planning Committee.

The Senior Planning Officer confirmed that the consultation period would be for 9 weeks due to the Christmas period and would be carried out from 5 December 2016 until 3 February 2017.

Councillor Colin Hughes (Ward Member) expressed his gratitude to the Senior Planning Officer and the rest of the team for their work on the Draft Site Development Brief.

**Proposal** - Councillor Meirick Lloyd Davies proposed the officer recommendation for the Draft Site Development Brief be approved for public consultation, seconded by Councillor Mark Young.

**VOTE:**

FOR – 22

ABSTAIN – 0

AGAINST – 0

**RESOLVED** that Members agree the Draft Site Development Brief – Upper Denbigh Sites as attached at Appendix 1 to the report, for public consultation.

**10 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: PLANNING OBLIGATIONS - ADOPTION OF FINAL DOCUMENT**

Councillor David Smith, Lead Member for Public Realm submitted a report recommending adoption of the draft Supplementary Planning Guidance (SPG): Planning Obligations. He reminded Members of the different stages in the process before final adoption of SPG document by the Planning Committee.

Following an eight week consultation period, a number of amendments had been proposed in response to representations received which had been highlighted in the final document and detailed in the consultation report.

The Strategic Planning and Housing Manager drew Members attention to the main changed proposed.

The SPG: Planning Obligations was a new document, although it did repeat elements of existing adopted guidance, such as Affordable Housing and Planning and the Welsh Language. If adopted, the new guidance note would supplement LDP Policy BSC3 “Securing Infrastructure Contributions from Developments”.

Discussion took place and following some Members expressing their concern regarding the costs element of the document, it was suggested by Councillor Huw Hilditch-Roberts that on page 248 Section 14.1 following the wording “..... wide ranging” there should be a full stop and the remainder of the sentence deleted together with the six bullet points. Therefore, the paragraph would read as follows:

“14.1 Denbighshire enjoys a rich and diverse environment and there is a need to protect and enhance the character of the countryside, landscape and built environment. There are many elements that can fall into the term ‘environment’ so contributions under this area can be wide ranging”.



The Strategic Planning and Housing Manager confirmed the proposed amendment would be feasible.

**Proposal** - Councillor Barry Mellor proposed Members adopt the SPG including the amendment as stated above, seconded by Councillor Joan Butterfield.

**VOTE:**

FOR – 21

ABSTAIN – 0

AGAINST – 0

**RESOLVED** that Members adopt the draft Supplementary Planning Guidance Note: Planning Obligations attached as Appendix 1, with recommended amendments together with the amendment proposed and agreed today, for use in the determination of planning applications.

**11 DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: RECREATIONAL PUBLIC OPEN SPACE - CONSULTATION DOCUMENT**

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the Draft Supplementary Planning Guidance Note: Recreational Public Open Space, as a basis for public consultation. Councillor Smith reminded members of the different stages in the process before final adoption of the by the Planning Committee.

The Strategic Planning and Housing Manager confirmed that the consultation period would be for 9 weeks due to the Christmas period and would be carried out from 5 December 2016 until 3 February 2017.

General discussion took place Councillor David Smith thanked the Planning Policy Officer for such an indepth piece of work for open spaces to be utilised by youngsters and people of all ages.

Councillor Smith also encouraged Members to raise any issues with the document before it came back to Planning Committee for adoption.

**Proposal** - Councillor Joan Butterfield proposed that Members approved the draft Supplementary Planning Guidance document: Recreational Open Space, attached at Appendix 1, to be the subject of public consultation over a minimum of 9 weeks.

**VOTE:**

FOR – 21

ABSTAIN – 0

AGAINST – 0

**RESOLVED** that Members approved the Draft Supplementary Planning Guidance document: Recreational Open Space, attached as Appendix 1 to go out to public consultation over a minimum of 9 weeks.

**The meeting concluded at 11.58 a.m.**

# Agenda Item 5

**WARD :** Llangollen

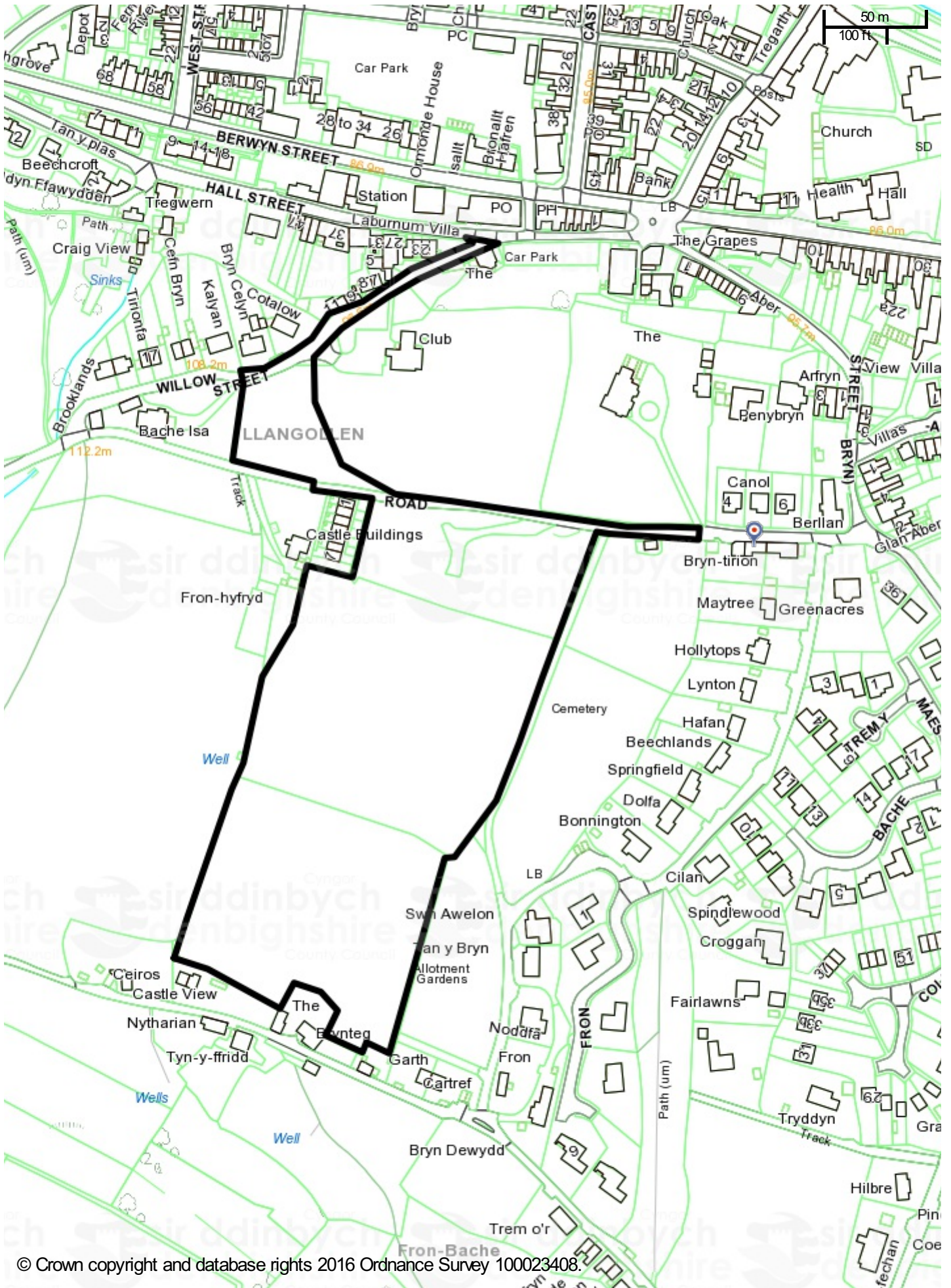
**WARD MEMBERS:** Councillors Rhys Hughes (c ) and Stuart Davies (c )

**APPLICATION NO:** 03/2016/0300/ PF

**PROPOSAL:** Erection of 95 no. dwellings, together with associated roads, open space and related works

**LOCATION:** Land Off Vicarage Road Llangollen

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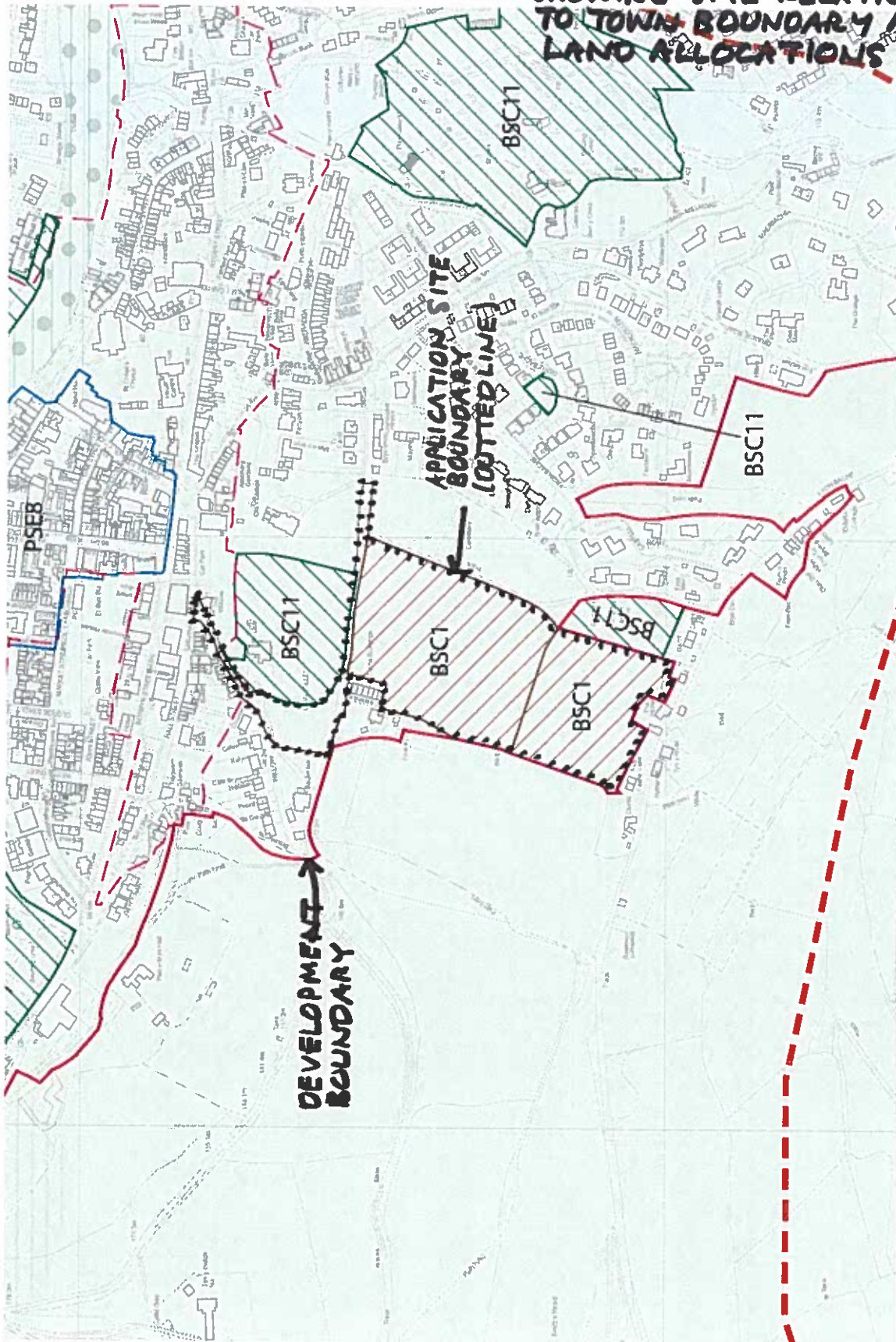
03/2016/0300/PF

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**EXTRACT FROM LOCAL  
DEVELOPMENT PLAN  
PROPOSALS MAP  
SHOWING SITE RELATIVE  
TO TOWN BOUNDARY AND  
LAND ALLOCATIONS**







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# EXTENT OF APPLICATION SITE

**Axis Architectural Services Ltd.**  
 Riverdale, Severn Lane, Welshpool, Powys, SY21 7BB.  
 T: 01938 555318 M: 07790 506633 E: timjones@post.com

Location:  
 Land at: Vicarage Road, Llangollen, Denbighshire, LL20 8HG.

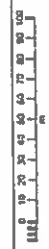
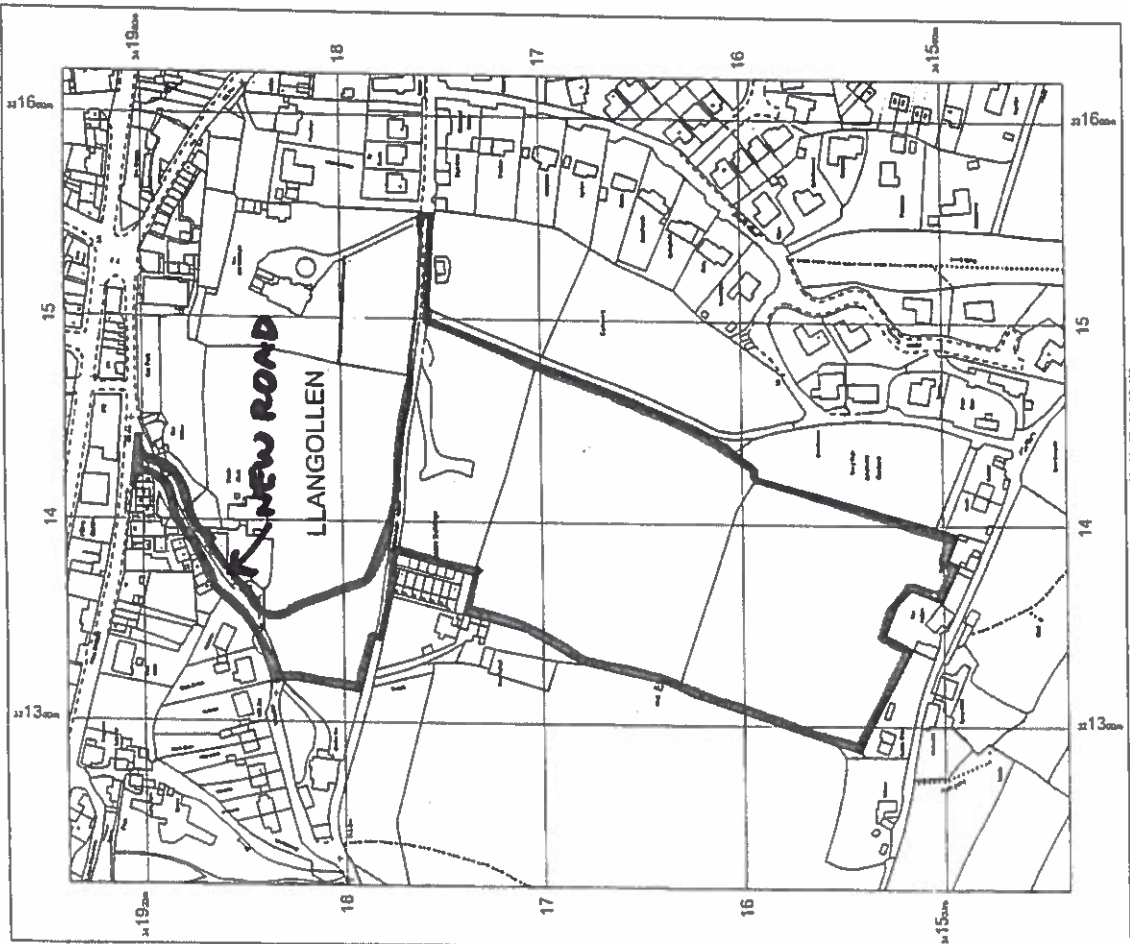
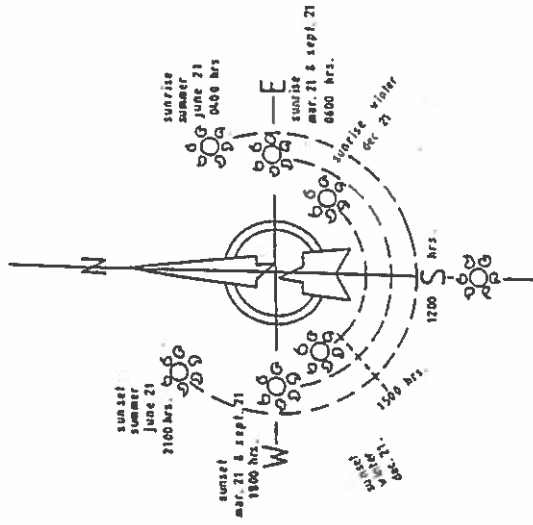
Job/Project:  
 Proposed Residential Development.

Client:  
 Castlemead Group Limited.

Drawing Title:  
 Location Plan.

Scale:  
 1:2500 (A3 size) CGL4/TMJ-01 A

Revision: Drawn by: T.M.J. Date: Nov. 2015.



OS MasterMap 1:2500/10000 scale  
 13 November 2015, (D) HMIC-00479310  
 www.themapcentre.com

1:2500 scale print at A4, Centre: 321420 E, 341680 N  
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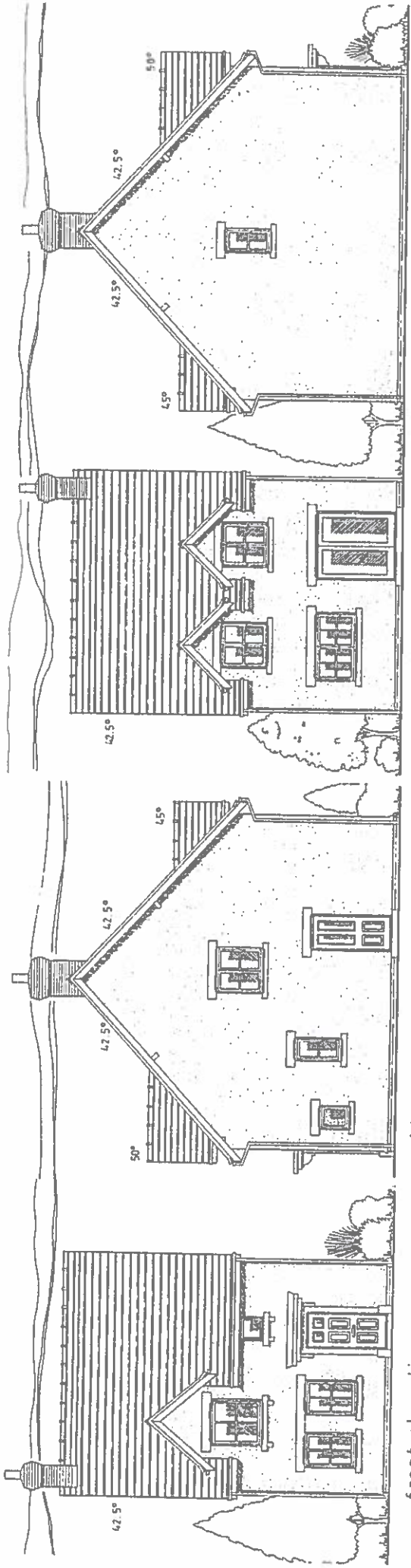








# EXAMPLES OF HOUSE TYPES

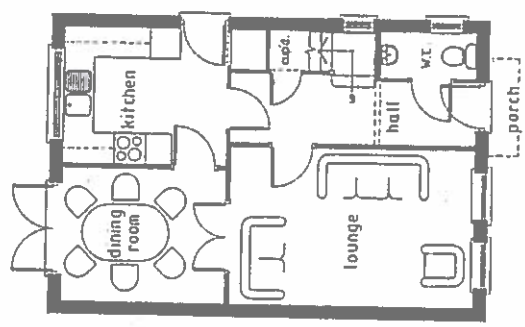


front elevation.  
'B' type. low eaves  
render version.

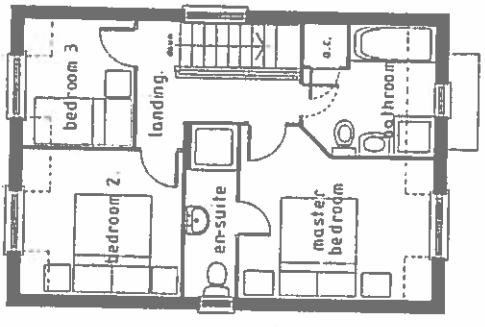
side elevation.  
'B' type. low eaves  
render version.

rear elevation  
'B' type. low eaves  
render version.

side elevation.  
'B' type. low eaves.  
render version.



ground floor plan.  
'B' type low eaves  
render version.



first floor plan.  
'B' type. low eaves.  
render version.

## EXTERNAL MATERIALS SCHEDULE - All rendered version house types.

(Revision: 'A' - Dec. 2013)

- 1: White, cream and grey shades of coloured textured render external wall finishes to all elevations throughout.
- 2: Red multi facing brick below render drip line and damp proof course level.
- 3: Buff coloured reconstituted stone to all window heads and sills.
- 4: Buff coloured reconstituted stone to all chimney stacks.
- 5: Buff coloured reconstituted stone to all front door pilasters and door head surround.
- 6: Natural slate grey or dark bay river faced 450mm by 200mm natural mineral slate roof tiles (or similar approved manufacturer) to be of a colour, size and thickness similar to surrounding properties and to be laid in diminishing courses.
- 7: Red coloured angular profiles abutting clay ridge tiles.
- 8: Lime/sand mortar mix to gable roof verges.
- 9: Secret mixed lead hips to all external bay roofs.

- 10: All planed softwood fascia boards, soffits boards and barge spars to be finished and painted in white.
- 11: Exposed softwood porches and wall plates to be planed and painted in white to all gable elevations.
- 12: Code 4 lead flashing between roof and wall abutments.
- 13: Code 4 lead valley's to dormer and gable roofs.
- 14: Code 5 lead finish to flat roofed porch canopy.
- 15: Floor porch to comprise of planed softwood flat rooked canopy overhanging supported on gablet brackets and finished and painted in white.
- 16: Red coloured clay round chimney pots to all chimney stacks.
- 17: Softwood planed & painted white Victorian style mock sash window frames to all elevations throughout.
- 18: Hardwood, planed & painted white door frames throughout.
- 19: Hardwood, planed & painted front, side & rear external doors throughout.
- 20: All soil & vent pipes and rainwater downpipes and gutters finished in black u.p.v.c.

## Axis Architectural Services Ltd.

Rivendale, Severn Lane, Welshpool, Powys, SY21 7BB.  
T: 01938 555318 M: 07790 506633 E: timjones@post.com

Location:  
Job/Project:  
Land at: Vicarage Road, Liangollen, Denbighshire, LL20 8HG.

Proposed Residential Development.

Client:  
Castlemead Group Limited.

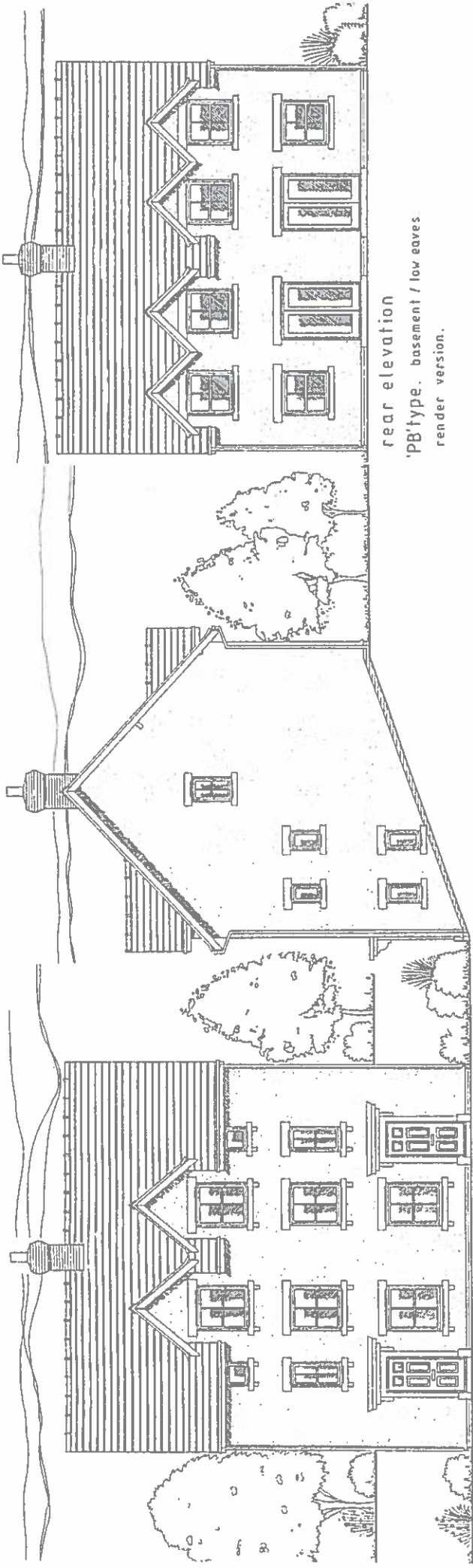
Drawing Title: Floor Plans & Elevations (render version - low eaves):  
'B' House Type- 3 bed detached dwelling.

Plot: 34 only.

Scale: 1:100 (A3 size) CGL-4/TMJ-30 'A'  
Drawing No: Revision: Drawn by: Date:  
T.M.J. Aug. 2015.

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front elevation.  
'PB' type. basement / low eaves.  
render version.

side elevation.  
'PB' type. basement / low eaves.  
render version.

rear elevation  
'PB' type. basement / low eaves.  
render version.

- EXTERNAL MATERIALS SCHEDULE**
- All render is to be 3.5 storey basement render type. (Benchmark: 'B' - Sept.16)
  - 1: All external walls to be finished with external wall render to all elevations throughout.
  - 2: All roof tiles to be of chimney stacks.
  - 3: All multi facing brick better render drip line and render roof course level.
  - 4: All external masonry to be finished with external wall render to all elevations and all.
  - 5: All external masonry to be finished with external wall render to all elevations and all.
  - 6: External stone or stone like render to be finished with external wall render to all elevations and all.
  - 7: All external masonry to be finished with external wall render to all elevations and all.
  - 8: All external masonry to be finished with external wall render to all elevations and all.
  - 9: All external masonry to be finished with external wall render to all elevations and all.
  - 10: All external masonry to be finished with external wall render to all elevations and all.
  - 11: All external masonry to be finished with external wall render to all elevations and all.

- 11: Escaped rendered walls and all parts to be paved and painted to white to all elevations.
- 12: One 4 bed housing between roof and wall abutments.
- 13: One 4 bed valley's and chert to chimney and gable ends.
- 14: One 5 bed valley to flat roof porch canopy.
- 15: Frame parts to comprise of painted perforated flat metal canopy structure supported on gable brackets and finished and painted in white.
- 16: All external clay roof chimney pots to all chimney stacks.
- 17: Sill level painted & painted white Victorian style metal rain water pipes to all elevations throughout.
- 18: Handmade, painted & painted white door frames throughout.
- 19: Handmade, painted & painted white, side & rear external doors throughout.
- 20: All of 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.
- 11: "Concealer" type black metal rooflights to all elevations.

**Axis Architectural Services Ltd.**  
 Riverdale, Severn Lane, Welshpool, Powys, SY21 7BB.  
 T: 01938 555318 M: 07790 506633 E: timjones@post.com

Location:  
 Land at: Vicarage Road, Llangollen, Denbighshire, LL20 8HG.  
 Proposed Residential Development.

Client:  
**Castlemead Group Limited.**

Drawing Title: Elevations (render version - 2.5 storey, basement/low eaves):  
 'PB' House Type - 2 bed semi-detached dwelling.  
 Plots: 73 & 74.  
 Scale: 1:100 (A3 size) CGL-4/TMJ-60

Revision: Drawn by: Date:  
 T.M.J. Sept. 2016.

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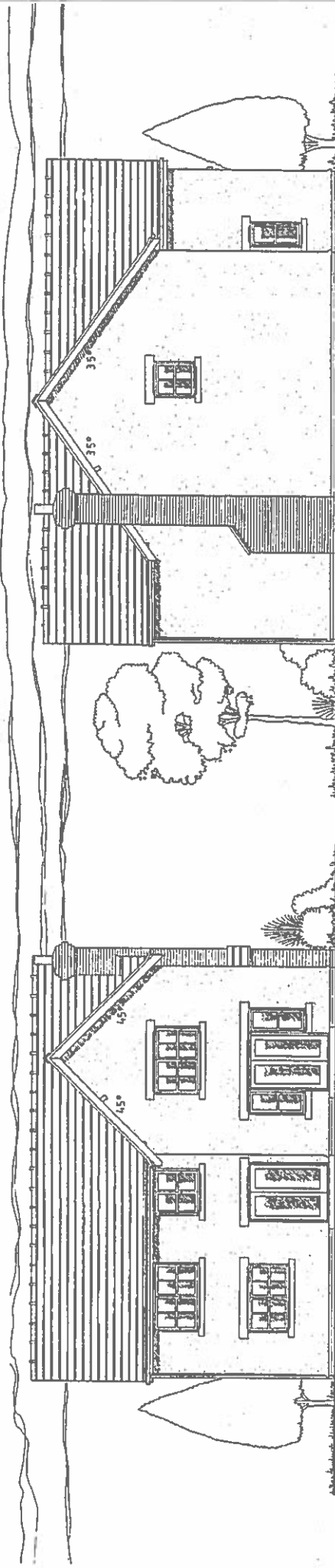






front elevation.  
'ED' type.  
render version.

side elevation.  
'ED' type



rear elevation.  
'ED' type

side elevation.  
'ED' type

**Axis Architectural Services Ltd.**

Riverdale, Severn Lane, Welshpool, Powys, SY21 7BB.

T: 01938 555318 M: 07790 506633 E: timjones@post.com

Location:

Land at Vicarage Road, Llangoollen, Denbighshire, LL20 8HG.

Job/Project:

Proposed Residential Development.

Client:

Castlemead Group Limited.

Drawing Title: Elevations (render version - standard eaves):

'ED' House Type- 5 bed detached dwelling.

Plots: 17 & 81.

Scale: 1:100 (A3 size) CGL-4/TMJ-58 'A'

Revision: Drawn by: Date: T.M.J. Aug. 2015.

**EXTERNAL MATERIALS SCHEDULE - All rendered surfaces have type:**  
(Revision: 'A' - Dec. 2013)

- 1: White, cream and grey shades of cultured textured exterior vitreous wall finishes to all elevations throughout.
- 2: Red multi facing brick to all chimney stacks.
- 3: Red multi facing brick below render and above roof course level.
- 4: Red cultured reconstituted stone to all window heads and sills.
- 5: Red cultured reconstituted stone to all front door pilasters and door head surround.
- 6: Natural stone grey or dark blue (max 450mm by 200mm natural finished slate roof tiles (or similar approved manufacturer) to be of a colour, size and finish type similar to surrounding properties and to be laid in alternating courses.
- 7: Red cultured angular profiled abutting clay ridge tiles.
- 8: Unfinished mortar mix to gable end eaves.
- 9: Secret ended half log to all external bay roofs.
- 10: All glazed openings (front doors, side doors and garage doors) to be finished and painted in white.

- 11: Exposed rafters/purline and roof joists to be painted and primed in white to all gable elevations.
- 12: Gable end facing between roof and wall cladding.
- 13: Gable end facing to be painted and primed in white.
- 14: Gable end facing to be painted and primed in white.
- 15: Front porch to comprise of painted supported flat metal canopy structure supported on galvanized brackets and finished and primed in white.
- 16: Red cultured stone to all chimney stacks.
- 17: Cultured stone to all chimney stacks.
- 18: Mortar, painted & pointed white over frame throughout.
- 19: Mortar, painted & pointed red, side & rear external doors throughout.
- 20: All set & used steps and nosing throughout and painted finished in black & V.V.

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David Roberts

**WARD :** Llangollen

**WARD MEMBERS:** Councillors Rhys Hughes (c ) and Stuart Davies (c )

**APPLICATION NO:** 03/2016/0300/ PF

**PROPOSAL:** Erection of 95 no. dwellings, together with associated roads, open space and related works

**LOCATION:** Land Off Vicarage Road Llangollen

**APPLICANT:** Castlemead Group Ltd.

**CONSTRAINTS:** World Heritage Site Buffer  
C2 Flood Zone  
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**

- Town Council Objection
- More than 4 individual objections with a recommendation to grant

**CONSULTATION RESPONSES:**

LLANGOLLEN TOWN COUNCIL

'Members of the Planning Committee consider the above at their May meeting and wish to object to the application.

The Planning Committee are cognisant of the requirement to provide adequate housing for the future demands of the area. However this requirement must be balanced against the capacity of the existing infrastructure within the town, and its setting within an Area of Outstanding Natural Beauty and a designated World Heritage Site.

The objection is based on the departure from the specific elements of the following Local Development Plan policies:

RD 1 - Sustainable development and good standard design;  
VOE 2 - Area of Outstanding Natural Beauty and  
VOE 3 – Pontcysyllte Aqueduct and Canal World Heritage Site.

*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;*

The proposed development does not respect the site and surroundings. The extension of the site beyond the extant planning permission is an unacceptable increase in the intensity and use of the land. There are also elements of the design which are inappropriate and not in keeping with the style and nature of existing dwellings. The scattering of the townhouse style units throughout the development is not in keeping with the vernacular. Three-storey developments in the town are in clusters at right angles to the main valley floor.

*iii) Protects and where possible enhances the local natural and historic environment; and  
v) Does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside;*

The proposed development will not enhance the local environment, the extension of the site further up the hillside will make the development clearly visible from other areas of the town. The development will have an adverse effect on prominent views across the settlement and from adjoin areas of open countryside. The Town Council take the view that smaller developments in keeping with the environment are more appropriate.

*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.*

The proposed development will affect the amenity of local residents who live in close proximity to the site particularly during the construction phase. The existing interrelationship of properties will mean that considerable disruption will be caused to adjacent properties.

*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.*

There is concern that the proposed development will have an adverse effect on access within the area for a considerable period of time. The suggested phasing of the development will result in inadequate access provision until the 31st dwelling is occupied and subsequently whilst the new access road is developed. This will cause problems of access to residential care homes within the area, limiting access to emergency vehicles and doctor visits.

The proposed development will have an unacceptable effect on the local highway network. The road network is already narrow and congested, even more so at peak times, with limited parking provision. This situation will not be alleviated by the proposed phasing. The first phase construction vehicles will cause unnecessary congestion disruption and will have an unacceptable effect on the local highway network.

*ix) Has regard to the adequacy of existing public facilities and services.*

The proposed development will have an adverse effect on existing public facilities and services. In particular there is a concern over the capacity of the local primary schools to accommodate an increase in pupil numbers that could be created by this development.

*xi) Satisfies physical or natural environmental considerations relating to land stability, drainage and liability to flooding, water supply and water abstraction from natural watercourse;*

*xiv) Has regard to the generation, treatment and disposal of waste.*

The extant application specified requirements regarding the disposal of surface water and sewage waste. Despite assurances that sewage provision was on-site Members are aware that no such connection has been found. Therefore there is no evidence that adequate provision for waste disposal can be provided for this development.

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

*In determining development proposals within or affecting the Area of Outstanding Natural Beauty (AONB) and Area of Outstanding Beauty (AOB), development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted.*

**Policy VOE 3 – Pontcysyllte Aqueduct and Canal World Heritage Site.**

*Development which would harm the attributes which justified the designation of the Pontcysyllte Aqueduct and Canal as a World Heritage Site and the site's Outstanding Universal Value will not be permitted. The following are considered to be key material considerations:*

*ii) The setting of the World Heritage Site and attributes important to the Outstanding Universal Value of the site present within the Buffer Zone.*

The proposed development will not enhance the local environment, the extension of the site further up the hillside will make the development clearly visible from other areas of the town. This will have an adverse effect on the character and appearance of the landscape of the Area of Outstanding Natural Beauty and will harm the attributes which justified the designation of the Pontcysyllte Aqueduct and Canal as a World Heritage Site.'

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

"The Joint Committee notes that the land is allocated for residential development in the adopted LDP and that there is an extant planning permission for the development of 54 dwellings on the lower part of the site. The upper part of the site was allocated at a later stage of the plan making process to address the Inspectors' perception of an under supply of housing land in the LDP, and the committee accepts that the principle of residential development has been established.

The site will be visible from a number of popular vantage points in the AONB, notably the higher ground of Castell Dinas Bran and the Offa's Dyke National Trail to the north. It is largely open in character but partly broken up with existing mature trees and hedgerows which, together with surrounding existing vegetation, obscure some views of parts of the site. The site is also bounded by development to the north, south and further to the east and will read as an extension of the existing built-up area of the town.

Whilst the principle of development is acknowledged, the Joint Committee would make the following comments on matters of detail:

- Density – the dense form and layout of the development, particularly as it approaches the higher part of the site to the south, does not reflect the more loosely grained nature of existing development in this area and does not allow for a more gradual transition from built-up area to open countryside. Similar considerations apply to the western edge of the development site which abuts open countryside.
- Landscaping - The intention to protect and retain existing mature trees and hedgerows is welcomed, and will help integrate the development into its rural setting. The additional planting of local native trees and hedges to help enclose and further break up the site is also supported to mitigate landscape impact. However, the Joint Committee considers the siting of a number of dwellings too close to the western site boundary will undermine this objective and would suggest that additional space is required for denser planting along this boundary, which should include groups of semi-mature trees. The committee would also recommend that agreement be sought to secure advance structural planting of trees and hedgerows across the entire site at the earliest opportunity, which should be protected as the development proceeds.
- Design/Materials – Three storey dwellings should be restricted to the lower part of the site. The proposed palette of wall materials (red facing brick or render) reflects local building materials, but the final selection of materials and their disposition across the site will require further consideration. The committee would also suggest that the introduction of some traditionally finished natural local stone units and walling would enhance the character and appearance of the development. It is not clear whether roofs will be covered in slate coloured

tiles or natural slate, but the Joint Committee would recommend that natural mineral blue/grey slate should be specified for the development. No details of lighting have been provided at this stage and it is recommended that full details of the lighting design (highway and external dwelling lights) should be provided with a view to minimising light pollution to maintain the tranquil nature of the AONB.

- Affordable Housing – The committee is very concerned that only 6 affordable units are proposed, which falls far short of the minimum 10% required by LDP policy. It is noted that no analysis of local need has been submitted with the application, and the committee would suggest that no decision can be taken on this matter until an objective assessment of need has been made which should then form the basis of further negotiations with the applicant to secure the best possible outcome for local people in housing need.
- Conservation Area – Much of the proposed highway improvements to Willow Street are within the Conservation Area and should be sensitively designed to reflect and if possible enhance the historic character of the area. In this context, the committee would recommend that the new highway retaining structures and boundaries should be faced in traditionally finished natural local stone. Stone from the existing retaining walls could be re-used for the purpose.
- The DAS accompanying the application is deficient in that it fails to recognise that the site is within the AONB, the applicability of LDP policy VOE2 and how the application addresses this issue. In addition, the committee does not accept the premise in the LVIA that as the site is allocated in the LDP there is no requirement to assess in detail or consider impacts on the AONB.”

#### NATURAL RESOURCES WALES

No objection subject to conditions.

Request conditions requiring detailing of access road to be submitted and to demonstrate that no unacceptable run-off would be caused in relation to adjacent premises. Request additional landscaping. Suggest lower density would lessen the impact on the character of area and the landscape. Lighting scheme should be submitted to ensure acceptable impact on bats.

#### CADW

The proposed development will not have an impact on the Outstanding Universal Value of the World Heritage Site.

#### DWR CYMRU / WELSH WATER

No objection. Suggest drainage details are secured by condition.

#### WELSH GOVERNMENT HIGHWAYS AUTHORITY

No objection.

#### CLWYD POWYS ARCHAEOLOGICAL TRUST

Suggest photographic survey and watching brief

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES

Highways Officer

No objection subject to conditions securing appropriate details and requiring construction of the new access road to take place prior to the construction of the dwellings.

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

##### In objection

Representations received from:

Janet Bailey, Fron Wen, Fron Bache, Llangollen

Ceinwen Ellis, Brow Farm, Llangollen

Barbara Horspool, 196 Camden Road, London

Stewart Horspool, C/ Marques de Monistrol

Mrs C Harnden & Mr A Lombos, 6 Castle Bgs, Vicarage Rd., Llangollen

Mr. & Mrs. G. Phillips, The Hollies, Fron Bache, Llangollen

S. Woodhall, Bache Isa, Willow Street, Llangollen

Mr. Terry Jones & Miss S. Brown, Garth, Fron Bache, Llangollen  
 Christopher Lund, Allensmere, Grange Road, Llangollen  
 Chris & Jenny Potter, Bryn Celyn Willow Street, Llangollen  
 Mrs. Jones, Noddfa, Fron Bache, Llangollen  
 Arthur D Roberts, Cotalow, Llangollen  
 R V Swetman, 5 Berwyn Street, Llangollen  
 Iain Hope, 23 Hall Street, Llangollen  
 Miss R. Watkins, Ellis, 1 Tan-y-Bryn, Alma Road, Froncysyllte  
 David and Martina Roberts, 9 Willow Street, Llangollen  
 Chris and Jenny Potter, Bryn Celyn, Willow Street, Llangollen  
 R V Swetman, 5 Berwyn Street, Llangollen  
 Miss S Jefford, 3 Castle Buildings, Vicarage Road, Llangollen  
 Mrs C Harnden & Mr A Lombos, 6 Castle Buildings, Vicarage Road  
 Andrew Barker, Bryntirion, Vicarage Road, Llangollen  
 Mrs Ruth Stevens, Hafan, Fron Bache, Llangollen  
 Mr John Williams, Bryn Collen, Fron Bache, Llangollen  
 Sue Hargreaves, The Armoury Conservation Trust  
 D. Gardiner - 28 Maes Collen - Llangollen  
 Mrs Vanora Eurwen Roberts - Swn Awelon, Llangollen  
 S. C. Campton - 1 Waverley Villas, Llangollen  
 P. Devlin, Brynteg, Fron Bache  
 Ms Sam Rex-Edwards, Aber Adda, Hill Street, Llangollen  
 Carlton Boyce, Geufron Hall, Llangollen  
 Mr D Jones, Penybryn, Vicarage Road, Llangollen  
 Margaret Browning, 18 Mes Bache, Llangollen  
 T G Browning, 18 Maes Bache, Llangollen  
 Beth Boyce, Geufron Hall, Llangollen  
 Mr Evans, Drws y Deri, Maes Bache, Llangollen  
 Sandie Page, 8 Aberadda, Hill Street, Llangollen  
 Warren Davies, Haylaur, Regent Street, Llangollen  
 Mr R B Hughes, 61 Maes Collen, Llangollen  
 Mrs D Smith, 9 Maes Bache, Llangollen  
 J & G Evans, Swn y Coed, Grange Road, Llangollen  
 Miss E B Roberts, 93 Pengwern, Llangollen  
 Alan C Bodicoat, 5 Maes Bache, Llangollen  
 Mrs M Millward-Hopkins, 3 Castle Buildings, Vicarage Rd, Llangollen  
 Mr M J Law, 3 Fron Castell, Fron Bache, Llangollen  
 Ken Skates (AM)  
 Jon Gorman, The Malthouse, Regent Street, Llangollen  
 Kane Tetley, 4 Castle Buildings, Vicarage Road, Llangollen  
 Nicola Galton, 16 Maes Collen, Llangollen  
 Peter and Margaret Jones, 2 Fron Castell, Llangollen  
 Glyn & Gill Thomas, 6 Maes Bache, Llangollen  
 Dr Alfred Brameller, Tryddyn, Off Grange Road, Llangollen  
 John & Dawn Marjoram, 1 Fron Castell, Llangollen  
 Marianne Burrell & James Pearce, Cartref, Fron Bache, Llangollen  
 Dr Ann Evans & Dr Tony Downes, Spindlewood, Fron Bache, Llangollen  
 D.T.Maybury, 40 Pengwern, Llangollen  
 Mrs Margaret Pilgrim, 24 Pengwern, Llangollen  
 Mr DA & L Jones, 31 Maes Collen, Llangollen  
 Jean Owen, 3 Maes Bache, Llangollen  
 David Jones, 7 Hill Street, Llangollen  
 P E Jones, 16 Maes Bache, Llangollen  
 Paul and Jessica Evans, 10 Gerddi y Bache, Llangollen  
 Richard Harris & Julie Goodburn, Sunnyside, Willow St, Llangollen  
 Steve and D Smith, 12 Dee Mill Place, Llangollen  
 Sharon Tyler, 1 Avondale, Grange Road, Llangollen  
 Mr S Slater, 3 Castle Buildings, Vicarage Road, Llangollen  
 Helen McGreary, 61 Maes Pengwern, Llangollen  
 Mike Gleed, Glandeg, 11 Regent Street, Llangollen

Chris and Gill Smith, Fairview, 6 Fron Castell, Llangollen  
Frank Williams, Whitegate, Grange Road, Llangollen  
Sarah Marshall, Highfield, Hill Street, Llangollen  
Sharon Jones, Springfield, Fron Bache, Llangollen  
Dawn Beech, 5 Hill Street, Llangollen  
Philip Jones, Glen Garreg, Tyn Dwr, Llangollen  
Del Roberts - Jones, Craig View, Hill Street, Llangollen  
Mr Morley & Ms Cawthray, Dalmore, Abbey Road, Llangollen  
Mr and Mrs Cawthray, 65 Maes Collen, Llangollen  
Robert Lawrence, Can-y-Gwynt, Tower Road, Llangollen  
Alex Armitage, 19 Maes Collen, Llangollen  
Mrs S Griffiths, 7 Erw Deg, Pengwen, Llangollen  
David Bland-Roberts, Bella Vista, Aber Adda, Llangollen  
Sam Rex-Edwards, Mulberry House, Aber Adda, Llangollen  
Cllr Melvyn Mile, 42 Church Street, Llangollen  
Miss S Jefford, 3 Castle Buildings, Llangollen  
Michael Edwards, 5 Trem y Creigiau, Llangollen  
Jane Palombella, Nytharian, Fron Bache, Llangollen  
Elisabeth Anne Potter, 12 Gerddi Y Bache, Llangollen  
Justin Langford, Hillandale, 4 Bodwen Villas, Hill Street, Llangollen  
Anita Jones, Glen Garreg, Tyndwr, Llangollen  
Hana McGreary, 1 Castle Buildings, Vicarage Road, Llangollen  
Lucy Evans, 5, Church Street, Chirk  
Bethan Jones, c/o Glen Garreg, Ty'n Dwr, Llangollen  
Jean Cash, Godre Berwyn, Willow Street, Llangollen  
Anna Bland-Roberts, 36 Church Street, Llangollen  
Joanne Mash, 2 Bryntirion Terrace, Llangollen  
Emma Langford-Hughes, Gerllan, Queen St., Llangollen  
Neil Page, Briarfield, Aber Adda, Hill St., Llangollen  
Teresa Page, Briarfield, Aber Adda, Llangollen  
Max Ellson, 80 Pengwern, Llangollen

Summary of planning based representations in objection:

- Principle - No housing need, insufficient infrastructure to deal with additional dwellings, healthcare provision insufficient.
- Highways impact - Number of dwellings excessive for roads in the locality, impact on pedestrian safety, level of traffic detrimental to tourism.
- Education - Schools at capacity and additional pressure would be unacceptable.
- Drainage - Capacity of system.
- Housing Mix - large dwellings affecting affordability.
- Residential amenity - loss of light, increased noise and disturbance, loss of privacy, overshadowing, pollution.
- Visual Amenity - Development out of character with the locality, impact on the setting of listed buildings.
- Impact on Welsh language - Development will dilute Welsh language.
- Ecology - Impact on ecological interests.
- Affordable Housing - insufficient provision.

In Support

Representations received from:

John Perry, Maes-y-Bryn, Vicarage Road, Llangollen

Comments without objection or support

Representations received from:

Mr F V Wilson, 8 Willow Street, Llangollen

J E Connor, 18 Hemitage, Llangollen

Mr M W Roberts, The Chantry, Aberadda Off Hill St

Summary of planning based representations in support:



Consideration needs to be given to highways impact

**EXPIRY DATE OF APPLICATION: 18/11/2016**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of 95 dwellings on 3.7 hectares of land to the south of Vicarage Road. The site incorporates land originally granted planning permission in the late 1990's which has an extant planning permission for 50 dwellings.
- 1.1.2 The scheme proposes a mix of terraced, semi-detached and detached dwellings. The mix of dwellings would be as follows;
- 17 x 2 bedroom
  - 42 x 3 bedroom
  - 31 x 4 bedroom
  - 5 x 5 bedroom
- 1.1.3 The overall density of development would be some 26 dwellings per hectare.
- 1.1.4 13 separate dwelling types are proposed. The palette of materials proposed comprises red multi facing brick or cream or grey render for walls, natural slate grey or dark blue riven faced natural mineral slate with red or slate grey/blue ridge tiles for roofs and painted wood for windows and doors.
- 1.1.5 The proposal includes upgrading of an existing access road to the site (Willow Street). This upgrade is proposed to take place prior to the construction of any dwellings. Separate parking spaces are proposed to be provided within the site for 7 adjacent dwellings (1-7 Castle Buildings). It is proposed that the site will be accessible from both Willow Street and Hill Street.
- 1.1.6 A drainage report has been submitted as part of the application. The report states that foul sewage will be dealt with through connection to mains sewers. The report concludes that soakaways are a feasible option for surface water drainage. It identifies that further percolation tests will be required in order to specify what size soakaways will be required at various locations on the site due to variable results in previous tests.
- 1.1.7 Where proposed contributions relate to 45 of the 95 dwellings on the basis that there is an extant permission for 50 dwellings (see relevant planning history for further details).
- 1.1.8 A sum of £172,000 is proposed in relation to contribution to education provision.
- 1.1.9 4 affordable housing units are proposed within the development with an additional payment of £47,074.50 proposed towards off site provision.
- 1.1.10 An open space area extending to 2395 sq. m to include an equipped formal play space is proposed within the development site (see plan at front of the report). The management responsibilities are proposed to lie with the developer/landowner and are to be secured by legal agreement. An additional £1818.28 is proposed as a contribution to off-site provision. An Oak tree protected by virtue of a Tree Preservation Order (TPO) is located within the proposed open space area on site.
- 1.1.11 A landscaping scheme has been submitted. The scheme includes retention of existing features, new mature trees, new ornamental trees and new species rich hedgerows.

## 1.2 Description of site and surroundings

- 1.2.1 The existing site comprises of two field parcels located towards to south of the town of Llangollen.
- 1.2.2 The site adjoins a number of residential properties, a cemetery, an allotment and a youth club.
- 1.2.3 The site slopes upwards from north to south.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies entirely within the development boundary of Llangollen, as identified in the adopted Local Development Plan..
- 1.3.2 The site is allocated for housing under Policy BSC 1.
- 1.3.3 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).
- 1.3.4 The site lies within the Vale of Llangollen and Eglwyseg Historic Landscape.
- 1.3.5 The site lies within the Pontcysyllte Aqueduct and Canal World Heritage Site Buffer Zone.
- 1.3.6 A TPO protected Oak Tree lies within the development site.
- 1.3.7 There are a number of listed buildings close to the site application boundary. This includes a listed dwelling near the south western boundary and a number of buildings close to the junction of Willow Street and Hall Street.
- 1.3.8 Part of the application site, specifically part of the access road on Willow Street, lies within the Llangollen Town Conservation Area.

## 1.4 Relevant planning history

- 1.4.1 There are extant permissions in place for the construction of 50 dwellings on the site, arising from 2 separate planning permissions.
- 1.4.2 The relevant planning permissions relate to one application for 47 dwellings and one for 3 dwellings. The Council has previously accepted that works were undertaken that constituted commencement. It is on this basis that those permissions are considered extant.
- 1.4.3 The legal agreement accompanying the main planning permission requires road improvements to be undertaken prior to the construction of any dwellings.

## 1.5 Developments/changes since the original submission

- 1.5.1 Agreement has been reached that the access road from Willow Street would be upgraded prior to the construction of any dwellings.
- 1.5.2 Agreement has been reached in relation to education contributions.
- 1.5.3 The layout has been amended to provide a larger, more centralised area of open space rather than a number of areas spread across the site.
- 1.5.4 Highways Officers have undertaken additional surveys in order to assist in the assessment process. The additional surveys resulted in Highways Officers requesting that the improvements to the Willow Street access were undertaken prior to the commencement of construction of any dwellings.
- 1.5.5 Part of the application site has been removed from the application. The area of the site is a parcel of land at the north eastern corner of the site. The parcel of land

benefits from an extant planning permission to develop 4 dwellings (ref: 03/2010/1054). It has been advised that it is the applicants intention to undertake this development under the extant permission and on that basis this part of the site has been removed from the current application.

- 1.5.6 A re-consultation exercise has been undertaken outlining the amended position of the applicant in relation to the road construction, infrastructure contributions, amendments to the layout of the scheme and new house types.

#### 1.6 Other relevant background information

- 1.6.1 Members will appreciate that the development of an allocated site within the adopted development boundary for Llangollen would assist the delivery of the Local Development Plan's identified housing needs for the County to 2021, identified in Policy BSC 1.

## 2. DETAILS OF PLANNING HISTORY:

03/1997/0740 - Permission granted for 47 dwellings. Previously confirmed by the Council as formally commenced. Permission extant.

03/1997/0846 - Permission granted for 3 dwellings. Previously confirmed by the Council as formally commenced. Permission extant.

03/2010/1054 - Permission granted for 4 dwellings on 28/12/2011. Permission still within 5 year expiry. Permission extant.

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

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

**Policy RD5** – The Welsh language and the social and cultural fabric of communities

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC4** – Affordable Housing

**Policy BSC11** – Recreation and open space

**Policy VOE1** – Key Areas of Importance

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

**Policy VOE 3** – Pontcysyllte Aqueduct and Canal World Heritage Site

**Policy VOE5** – Conservation of natural resources

**Policy VOE 5** – Water Management

**Policy ASA1** – New transport infrastructure

**Policy ASA3** – Parking standards

### 3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Access for All

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Affordable Housing in New Developments

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Nature and Protected Species

### 3.2 Government Policy / Guidance

Planning Policy Wales Edition 9

Technical Advice Notes

TAN 1: Joint Housing Land Availability Studies

TAN 5 Nature Conservation and Planning

TAN 12: Design

#### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9 (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 3.1.3).

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 Affordable Housing
- 4.1.4 Open Space
- 4.1.5 Education
- 4.1.6 Healthcare
- 4.1.7 Visual / landscape impact (including on AONB and WHS Buffer Zone)
- 4.1.8 Residential Amenities
- 4.1.9 Ecology
- 4.1.10 Drainage (including flooding)
- 4.1.11 Highways (including access and parking)
- 4.1.12 Impact on Welsh Language and Social and Cultural Fabric

Other matters

Well-being of Future Generations (Wales) Act 2015

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site is within the development boundary of Llangollen, as approved as part of the Local Development Plan. It is the subject of Policy BSC 1, which states that new housing within the County is required to meet the needs of local communities and to meet projected population changes. In order to meet these needs, the Local Development Plan has made provision for approximately 7,500 homes up to 2021.

The proposed development would provide 99 dwellings and contribute to the housing need total.

The proposal would contribute to providing housing that has been identified as required in the county and is therefore acceptable in principle.

4.2.2 Density of Development

Policy RD1 test ii) states that a minimum density of 35 dwellings per hectare (d/ha) should be achieved in order to ensure the most efficient use of land, and that these minimum standards should be achieved unless there are local circumstances that dictate a lower density.

For allocated housing sites, Policy BSC 1 provides indicative figures in a table for how many dwellings each site is expected to provide. The figures are referred to as broadly identifying the distribution of dwellings. The indicative total for the two sites which are referred to in the table is 88 dwellings. The allocation identified as 'Vicarage Road' is the northern field parcel and is identified as providing 47 dwellings. The southern field parcel is identified as 'Rear of Castle View and the Hollies' and is identified as providing 41 dwellings. If the site were to be developed at the Policy RD1 density of 35d/ha, this would mean a total of 137 dwellings.

The proposal is for the erection of 95 dwellings on 3.7 hectares. This represents a density of 26 d/ha which falls between the figure which would arise from applying the Policy RD1 figure of 35 d/ha and what the sites are 'broadly' identified as providing in Policy BSC1. Having regard to location and topography (relatively low density housing development / a visually prominent and steeply sloping site), in this instance, Officers do not consider it would be appropriate to seek a higher density than that actually proposed, as this would be out of character with the nature of existing development and the locality. Having regard to the above it is considered that the density of development proposed is not unacceptable.

#### 4.2.3 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure that all developments of 3 or more residential units provide 10% affordable housing. Developments of 10 or more are expected to make on site provision and development of less than 10 residential are expected to make provision by way of financial contribution.

The applicant proposes to make a contribution towards affordable housing on the basis of the 45 dwellings that are not subject to extant planning permissions. This contribution would be 4 dwellings provided on site and a commuted sum of £47,074.50 to contribute to off-site provision. It is proposed that the provision would be secured through a legal agreement.

Officers consider that significant weight must be afforded to the extant permissions that the site benefits from. On that basis it is considered that the proposed contribution is acceptable. The level of provision for the 45 additional dwellings is in accordance with the required contribution for this number of dwellings, i.e. 4 units on the site and payment for the remaining 'proportion' of 0.5 of a dwelling. The proposal is therefore considered acceptable in relation to affordable housing provision.

#### 4.2.4 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new development to make a contribution to recreation and open space. It is specified that open space should always be provided on site. Commuted sums in lieu of open space will only be accepted where the full requirement for open space would mean that the proposed development was financially unviable or it is impractical to provide the full requirement for open space on site.

Following negotiations, a larger more centralised public open space has been proposed to serve the proposed development. An open space area extending to 2395 sq. m to include an equipped formal play space is now proposed (see plan at front of the report). The management responsibilities are proposed to lie with the developer/landowner and would be secured by legal agreement. An additional £1818.28 is proposed as a contribution to off-site provision.

It is considered that the provision of larger central public open space on site in combination with the proposed financial contribution towards provision in the locality means that the proposals are acceptable in relation to the provision of recreation and open space.

#### 4.2.5 Education

Objective 12 of Chapter 4 of the Local Development Plan identifies that the Plan will ensure that an adequate level of community infrastructure (including schools) will be provided alongside new developments. Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development.

Current pupil numbers for the two primary schools serving Llangollen (Ysgol Gwernant and Bryn Collen) indicate both are at capacity. A financial contribution relating to the 45 dwellings not currently benefitting from an extant permission is proposed. The amount of provision calculated as being required in accordance with the Planning Obligations Supplementary Planning Guidance Note is £172,800. The applicant has agreed to this level of contribution and it is proposed to secure this through a legal agreement.

Having regard to the extant permissions on the site and the proposed financial contribution it is considered that the proposals are compliant with the Supplementary Planning guidance.

#### 4.2.6 Healthcare

LDP objective 12 aims to ensure adequate level of physical and community infrastructure will be provided alongside new developments, e.g. water supply, primary care facilities, schools, roads, community facilities. The Planning Obligations SPG specifies that the Council will be justified in seeking a contribution towards either building more facilities or improving existing facilities.

A new health centre has recently been built in Llangollen. Concerns have been raised by residents in relation to how the proposal would affect existing healthcare provision.

As stated above the SPG on obligations specifies that contributions can be sought for contributing to the provision of new or improvement of existing facilities. There is no evidence presented to suggest that the development as proposed would lead to a requirement to build additional healthcare facilities or improve the newly built health centre. On this basis no contributions have been sought from the developer.

#### 4.2.7 Visual / landscape impact (including on AONB and WHS Buffer Zone)

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications.

Criteria i) of 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. Policy VOE 1 looks to protect sites of built heritage and historic landscapes, parks and gardens 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. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation. Policy VOE 3 states that development which would harm the attributes which justified the designation of the World Heritage Site (WHS) and its Outstanding Universal Value (OUV) will not be permitted.

Concerns have been raised about the visual and landscape impact of the development by some consultees and local residents. The Town Council and AONB Committee express reservations over detailed elements of the proposals. CADW do not consider the proposed development will have an impact on the Outstanding Universal Value of the World Heritage Site.

The site is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, and within the Vale of Llangollen and Eglwyseg Historic Landscape and the Pontcysyllte World Heritage Site Buffer Zone. The site is in an elevated position to the south of the town centre.

In relation to the wider landscape impact of the proposals, officers acknowledge that the site is within a sensitive and important landscape area (as demonstrated by the various designations) and due to its elevated position in relation to the town would be

visible from more distant views. However the development must be considered in relation to the pattern of development in the town, and the fact there is a clear precedent for development on elevated land. Officers consider that when viewed in the context of existing development to the east of the site that the development would appear as a logical extension to the settlement. On this basis it is not considered that the development of the site would have an unacceptable impact in visual and landscape impact terms, including on the AONB and World Heritage Site Buffer Zone designations.

In respecting the comments on the details of the development, having regard to the specifics of the design, siting, scale, massing, materials and landscaping of the proposed development in relation to the existing site and surroundings, it is considered that the proposals would not have an unacceptable visual / landscape impact, including on the AONB, the WHS Buffer Zone, nearby listed buildings and the Llangollen Town Conservation Area.

#### 4.2.8 Residential Amenity

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.

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

Concerns have been raised in relation to how the development would impact on the residential amenity of existing neighbouring properties.

A development of this scale will inevitably lead to increased levels of noise and disruption for occupiers of neighbouring properties. However, having regard to the scale, location, separation distances and design of the proposed development in relation to the existing site and neighbouring properties, it is not considered that the proposals would be so unreasonable in terms of impacts on residential amenity to justify refusal of permission. Assessment of the size of dwellings, the amount and location of amenity space and separation between dwellings within the development, indicates the development would provide satisfactory levels of amenity to proposed future occupiers. The proposals are therefore considered to comply with the policies and guidance listed above.

#### 4.2.9 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 NRW have raised no objections subject to the recommendations being followed and that external lighting is controlled by condition.

The proposals are therefore considered acceptable in relation to impact on ecology subject to condition.

#### 4.2.10 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.

There are individual representations expressing concerns over the capacity of the system.

Foul sewage is proposed to be dealt with via main sewers. Surface water is proposed to be dealt with by soakaway. A drainage strategy has been submitted indicating that soakaways are a realistic option on the site. It is stated that where there are areas of the site that soakaways are less effective than larger soakaways can be used elsewhere on the site to achieve acceptable management of surface water. NRW and DCWW have raised no objection in relation to drainage or flood risk subject to details of the drainage being secured by condition.

Officers consider that sufficient information has been submitted to demonstrate that foul and surface water can be acceptably managed. The exact size and location of proposed soakaways have not been established however it is considered that this detail can reasonably be controlled through condition. Having regard to the above, and subject to conditions requiring the submission of further details, it is considered that the proposals are acceptable in relation to drainage and flood risk.

#### 4.2.11 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.

Various concerns have been raised in relation to the impact of the development in relation to the local highway network and highway safety. Specific concerns are raised in relation to the proposed delay in the construction of the new/improved access from Willow Street.

Assessments in the form of video surveys have been undertaken by the Highways Section. Based on the submission and the collation of additional information the Highways Officers considered that it was necessary that the new access road be completed prior to the construction of any dwellings, to allow construction traffic relating to the dwellings to use this as a route into the site. Following negotiations, the applicant has agreed to this requirement. The Highways Officer has therefore raised no objection subject to conditions requiring appropriate detailing, timing of works, timing of construction of the new road and the submission of a construction traffic management plan to assist in ensuring the impacts of the construction phase on the local highway network are minimised. Welsh Government Highways have not raised an objection in relation to the impact of the development on the A5.

Having regard to the technical consultee responses, the detailing of the proposed access and parking arrangements, the design of junctions, the location of the site and scale of the development, it is not considered that the development would have an unacceptable impact on the local highways network in terms of traffic generation or safety of users, subject to imposition of relevant conditions.

#### 4.2.12 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 Linguistic Statement submitted with the application concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language.

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.

#### **Other matters**

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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

5.1 The report sets out the main planning issues which appear relevant to the consideration of the application and concludes that the proposal is acceptable in relation to policies and guidance.

5.2 It is therefore recommended that Members resolve to grant permission subject to :

1. Completion of a Section 106 Obligation to secure affordable housing, education and open space contributions as detailed in the report.

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

2. Compliance with the following Conditions:

The Certificate of Decision would not be released until the completion of the Section 106 Obligation.

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

1. The development to which this permission relates shall be begun no later than 14th December 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.

Location plan (Drawing No. TMJ-01 revision A) received 26 August 2016  
Proposed elevations and floor plans of all house and garage types (Drawing No's TMJ-11 - TMJ-79 inclusive)  
1:1250 Proposed site plan (Drawing No: TMJ-04 revision J)  
1:500 Proposed site plan (Drawing No: TMJ-05 revision J)

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the first unit. Any trees or plants which within a period of 5 years from the completion 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, unless the local planning authority gives written approval to any variation
4. 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.
5. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority
6. **PRE-COMMENCEMENT CONDITION**  
No development shall take place until a fully detailed 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 occupation of the first dwelling.
7. 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.
8. The development hereby approved shall be undertaken in accordance with the proposed mitigation, compensation and enhancement set out in section 5 of the submitted ecological assessment.
9. Prior to the commencement of the construction of any of the dwellings hereby approved, the highway works related to the improvement and realignment of Vicarage Road and Willow Street shall be completed in accordance with the approved plans up to and including base course level and shall be available for public use.
10. The facilities for the parking and turning of vehicles within the site shall be completed in accordance with the approved plan before the dwelling to which they relate is first brought into use, and shall be retained as approved at all times thereafter.
11. **PRE-COMMENCEMENT CONDITION**  
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:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - h) the hours of site works and deliveries.
12. The approved Statement shall be adhered to throughout the construction period.  
**PRE-COMMENCEMENT CONDITION**  
No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to all of the following:

The detailing of the proposed access/highway works, including the design of the roads and footways, drainage, street lighting, and planting or fencing adjacent to the footway; The works shall be completed in accordance with the approved details before the development to which they relate is first brought into use, and shall be retained as approved at all times thereafter.

13. Prior to the occupation of the first dwelling, details shall be submitted to provide a schedule for the provision of roads and footways, the roads and footways shall be constructed in accordance with the approved schedule to adoption standard in accordance with the approved schedule or as otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of visual and residential amenity.
4. In the interest of visual amenity.
5. In the interest of visual amenity.
6. In the interest of the management of flood risk.
7. In the interest of maintaining the favourable conservation status of protected species.
8. In the interest of preserving ecological interests.
9. In the interest of the safe and free flow of traffic.
10. To ensure the development is served by a safe and satisfactory access and parking/turning facilities, and in the interests of the free and safe movement of traffic on the adjacent highway.
11. To ensure suitable arrangements are in place to control construction stage works, in the interests of residential amenity and highway safety.
12. To ensure the development is served by a safe and satisfactory access, and in the interests of the free and safe movement of traffic on the adjacent highway.
13. To ensure the development is served by a safe and satisfactory highway arrangements.

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# Agenda Item 6

**WARD :** Llangollen

**WARD MEMBERS:** Councillors Rhys Hughes (c )

**APPLICATION NO:** 03/2016/0845/ LB

**PROPOSAL:** Listed Building Application for replacing existing roof structure on rear conservatory to a glazed roof; re-instate square pyramid roof structure to rear; form new natural slate colour zinc clad roof covering above store to rear and replace guttering and downpipes to Cast Iron

**LOCATION:** Pen Y Bedw Cottage Birch Hill Llangollen

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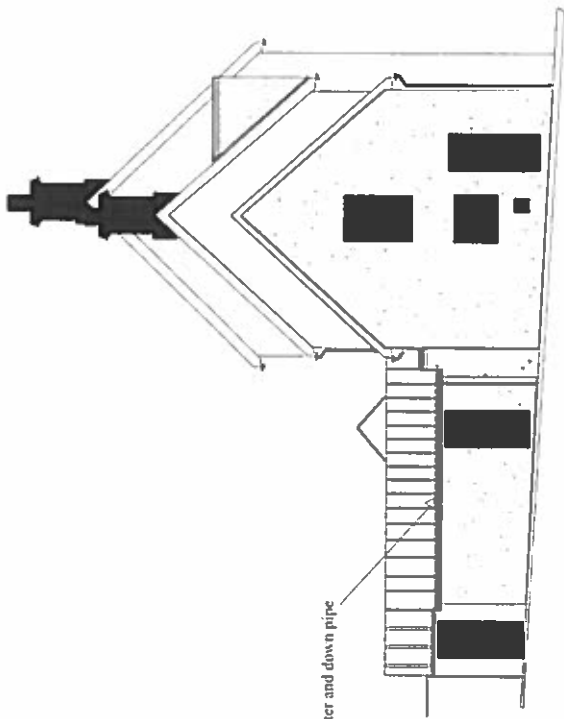
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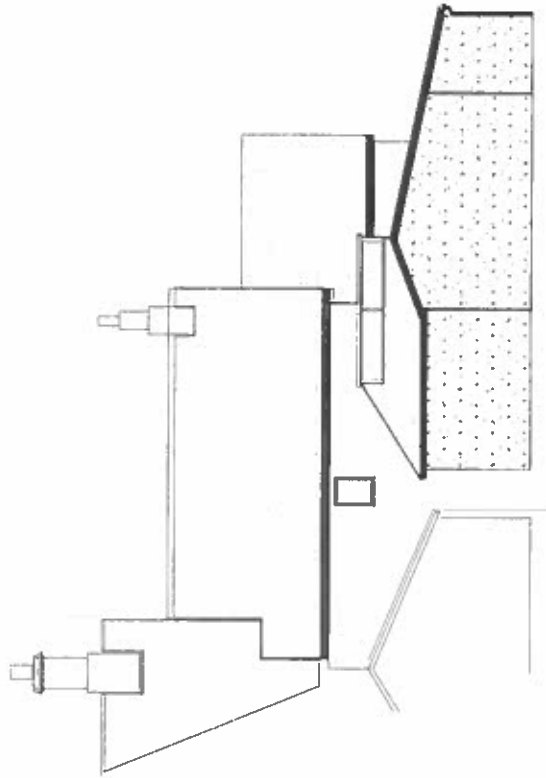
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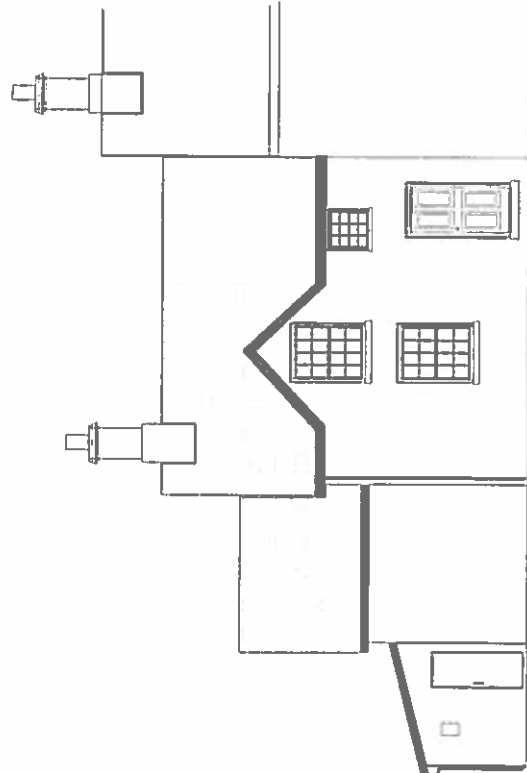




West Elevation



North Elevation

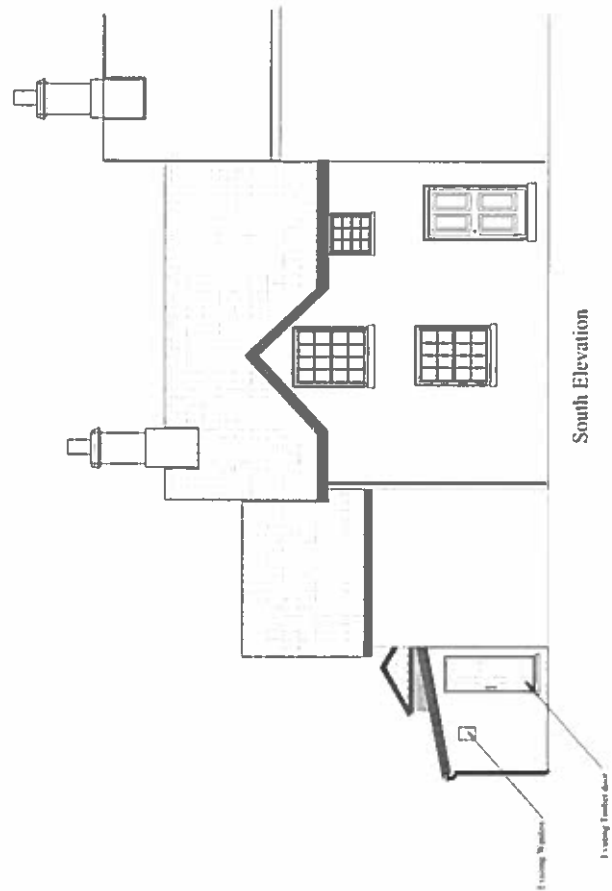
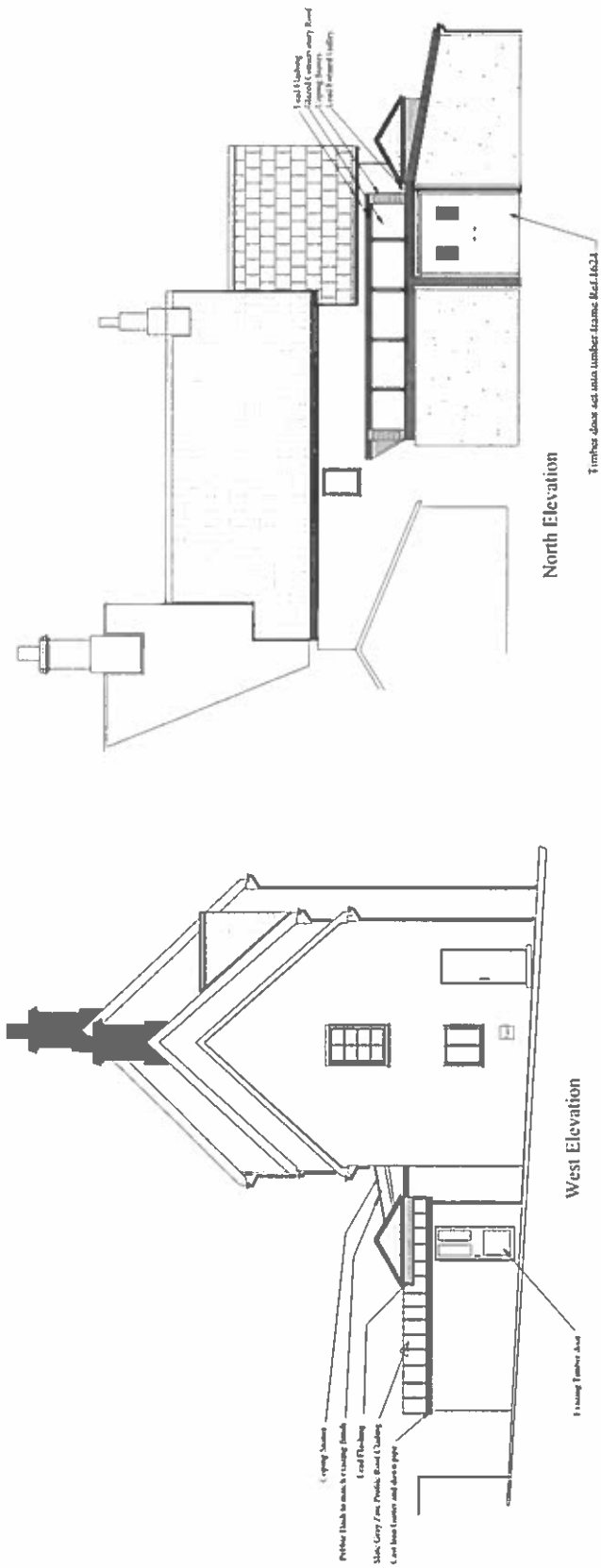


South Elevation

Existing Plan  
 DRG No: 1605-01 / B  
 05/09/2016  
 Scale 1-100 @ A3

Pen y Bedw  
 Birch Hill  
 Llansgollen  
 LL20 8LN

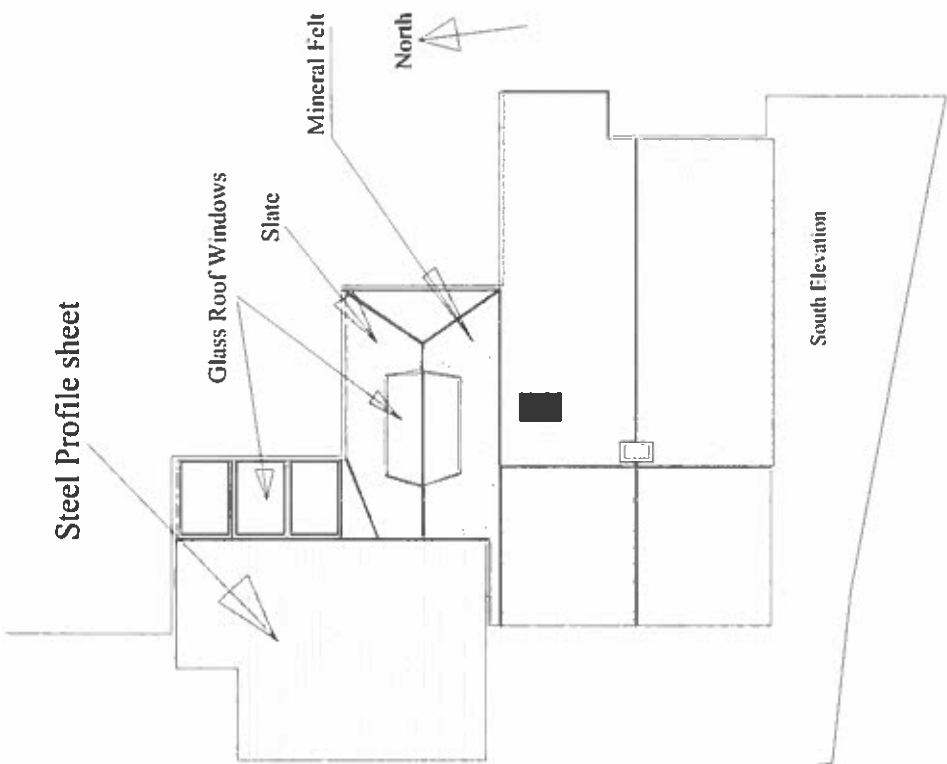




Proposed Plan  
 DRG No: 1607-03 / B  
 05/09/2016  
 Scale 1-100 @ A3

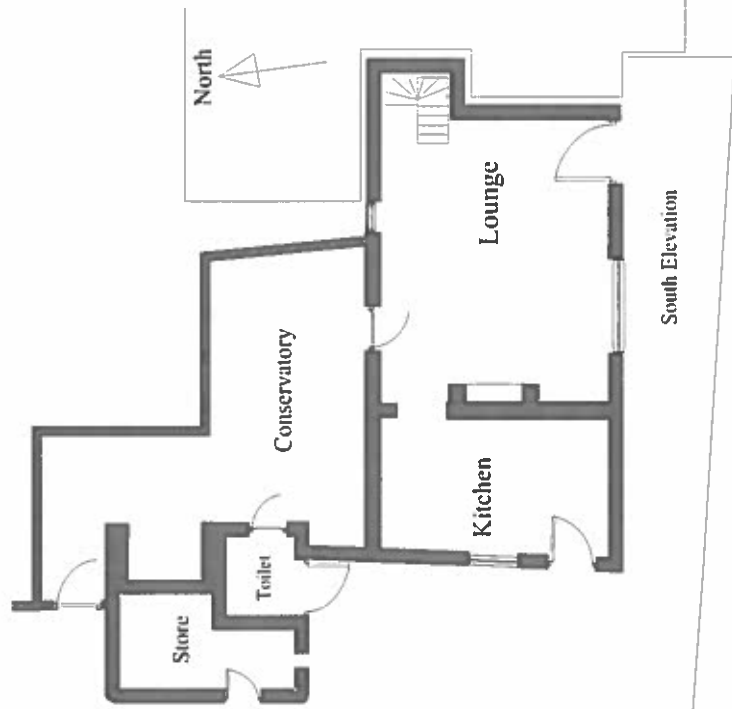
Pen y Bedw  
 Birch Hill  
 Llangollen  
 LL20 8LN





Existing Plan  
 DRG No: 1605-01 / A  
 05/09/2016  
 Scale 1-100 @ A3

Pen y Bedw  
 Birch Hill  
 Liangollen  
 LL20 8LN



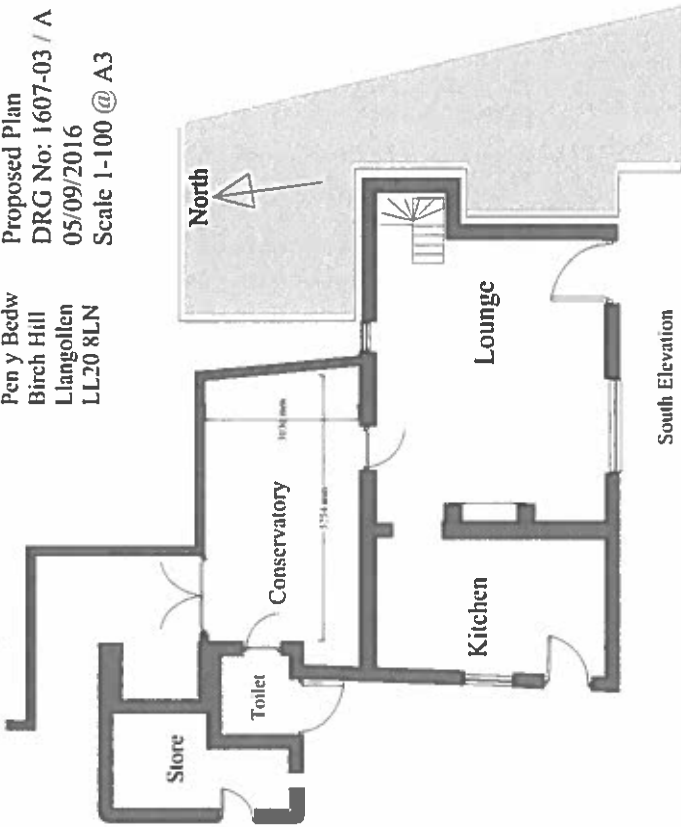
Floor Plan:

Pen y Bedw  
 Birch Hill  
 Liangollen  
 LL20 8LN



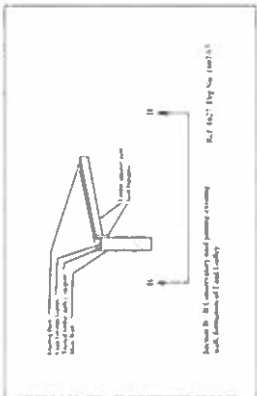
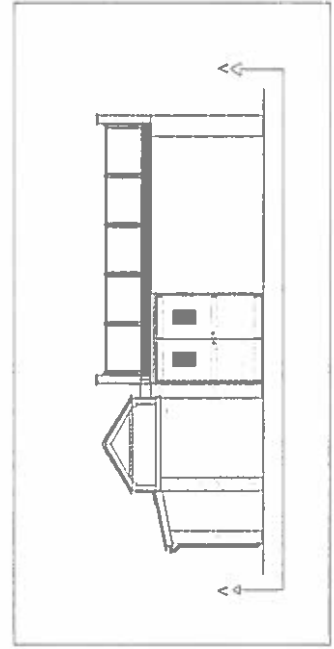
Proposed Plan  
 DRG No: 1607-03 / A  
 05/09/2016  
 Scale 1-100 @ A3

Pen y Bedw  
 Birch Hill  
 Liangollen  
 LL20 8LN



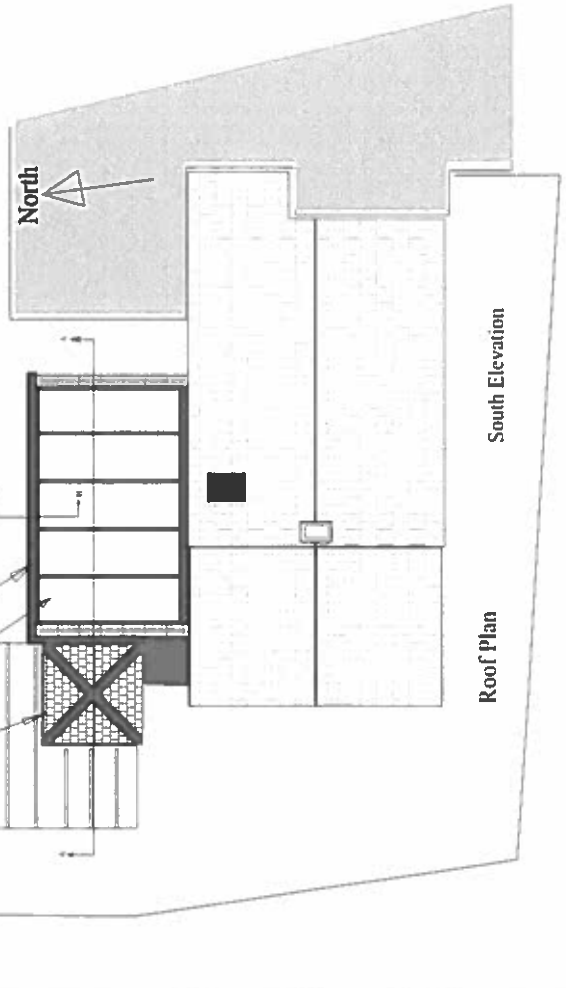
South Elevation

Floor Plan:



Low pitched Natural Slate Colour Zinc clad roof Ref: 1622  
 Reinstated rectangle slate pitched pyramid roof Ref: 1621  
 Double glazed Glass panels set in timber frame Ref: 1623

Lead Flashing and gutter



South Elevation

Roof Plan





**WARD :** Llangollen

**WARD MEMBERS:** Councillors Rhys Hughes (c )

**APPLICATION NO:** 03/2016/0845/ LB

**PROPOSAL:** Listed Building Application for replacing existing roof structure on rear conservatory to a glazed roof; re-instate square pyramid roof structure to rear; form new natural slate colour zinc clad roof covering above store to rear and replace guttering and downpipes to Cast Iron

**LOCATION:** Pen Y Bedw Cottage Birch Hill Llangollen

**APPLICANT:** Mr Richard Bowyer Structure & Design Ltd.

**CONSTRAINTS:** World Heritage Site Buffer  
Listed Building  
AONB

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Town council objection; Officer recommendation to grant permission

**CONSULTATION RESPONSES:**

LLANGOLLEN TOWN COUNCIL –

“Members of the Town Council consider the above and considered that the application is not acceptable in planning terms.

It was therefore resolved to object to the application on the following grounds. Whilst the reinstatement of the pyramid roof feature and potential improvement to the rear of the site are welcomed, there are concerns over the proposed alterations to this listed building. Any new extension to the rear should be subservient to the pyramid roof and be mindful of the character of this vernacular cottage. The height, design and materials proposed do not meet these requirements. The proposed new conservatory is higher than the pyramid roof but should be lower, and the proposed use of coping stones does not reflect the style and features of the cottage. The double doors and amount of roof glazing introduce completely modern and inappropriate features to the rear of the property, and when combined with the increased size of the conservatory completely alter the rear elevation of the property, creating a visual intrusion, dominating the rear elevation and changing the look of it from a vernacular cottage to a modern building as well as taking the eye away from the original building, whereas the smaller scale outbuildings currently in situ do not do this.

Whilst part of the roof is tin sheeting, this does not mean that it is appropriate to replace it with a modern metal roofing material. If the tin sheeting is to be replaced, then it should be replaced with slate to match the rest of the building. Using a modern material such as zinc is not appropriate on a listed building and will take the eye away from the key feature of the pyramid roof.

The current application is lacking in detail and the existing plans are inaccurate and do not correctly show the rear wing. In addition to this, insufficient evidence of the historic layout, development of the site over time, significance and justification for the alterations has been provided in order to fully assess the application.

In summary, there is no objection in principle to the creation of an altered conservatory, the current proposal is considered to be completely inappropriate for this listed building for the reasons set out above and should be refused as it currently stands. A far better and simpler scheme could be achieved which takes into account the character of this listed vernacular cottage.”

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

No objections

CADW – World Heritage Site Buffer Zone consultation

No response.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Conservation Architect –

“I believe the proposals are acceptable for this listed building as the original pyramid and sheeted roofed buildings to the side which are visible from public highway are being maintained in their original form. The pyramid roof is being roofed in slate and the sheeted section of roof having a zinc replacement. Zinc is an acceptable material to be used on a listed building to replace the metal sheeting as a slate roof is not possible in this situation as the pitch is too shallow for slate.

The proposed conservatory is acceptable in my opinion as it is on the rear elevation not visible from the public highway and the glazing will be screened to both side elevations by parapet walls. This building will be replacing a very poor previous extension of little architectural merit. Again as the roof pitch is below the recommended pitch for slate therefore an alternative material is required in this situation and it will have a timber roof structure to support the glazing.”

**RESPONSE TO PUBLICITY: None**

**EXPIRY DATE OF APPLICATION: 2/11/16**

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

- delay in receipt of key consultation response(s)

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 Listed building consent is sought for alterations to the dwelling, Pen Y Bedw Cottage.
- 1.1.2 The alterations comprise replacing the existing roof structure on a rear conservatory with a glazed roof; the re-instatement of a square pyramid roof structure to the rear, a new natural slate colour zinc clad roof covering above a rear store and the provision of replacement cast iron guttering and downpipes.
- 1.1.3 The existing and proposed plans are included at the front of the report.

**1.2 Description of site and surroundings**

- 1.2.1 Pen Y Bedw Cottage is a Grade II Listed building, listed alongside the main dwelling, Pen Y Bedw. The building is located on Birch Hill in the eastern outskirts of Llangollen, within a residential street.
- 1.2.2 The buildings surrounding the site are of mixed ages and designs reflective of the historic development of the area.
- 1.2.3 The list description for the property focuses primarily on the design of the main house, but notes Pen Y Bedw Cottage has a small sash window over the 4 panel door, that

the cottage retains its rubble front garden wall, with an iron gate. It further notes the windows are modern.

- 1.2.4 The listing description indicates Pen y Bedw Cottage is considered to have group value along with Highcroft, Birch Villa, Croes y Beddau and Llwyn Aeron.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the World Heritage Site Buffer Zone and the 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 The application has been submitted following an enforcement investigation by the Conservation officer, and dialogue over the detailing of the proposals.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 None

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Government Policy / Guidance

- Planning Policy Wales Edition 9 November 2016  
WO Circular 61/96  
Development Management Manual 2016

There is general guidance on matters relevant to consideration of proposals impacting on listed buildings in the Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

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

**Policy VOE1** - Key areas of importance

And in Supplementary Planning Guidance relating to Conservation Areas and Listed Buildings.

**4. MAIN PLANNING CONSIDERATIONS:**

Planning Policy Wales 9, Section 6 refers to general principles to be applied in considering applications for listed building consent. 6.5.10 confirms that there is no statutory requirement to have regard to the provisions of the Development Plan in making a decision on listed building consent applications. PPW reaffirms the general presumption in favour of preservation of a listed building and its setting, and that the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Welsh Government's 2016 Development Management Manual also provides general guidance on considerations to be given to applications for listed building consent.

Welsh Office Circular 61/96 has previously provided advice on the considerations to be applied by Local Planning Authorities when dealing with demolition, alterations and extensions to listed buildings. Paras 93-99 providing guidance on considerations to be given to proposals to alter or extend.

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

The acceptability of the proposals having regard to the tests of PPW 2016, Welsh Office Circular 61/96, and the Development Management Manual.

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

- 4.1.1 Principle
- 4.1.2 Impact on Listed Building

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
Advice contained in W/O Circular 61/96 emphasises the requirement for Local Planning Authorities to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

W/O Circular 61/96 also suggests that consideration should be given to the importance of the building (including any inherent architectural or historic merit), particular physical features of the building (such as building features specifically referred to in the list description), the setting of the building (including its contribution to the local scene, and, any substantial benefits (economic for example) which the works may bring to the community.

The Circular, PPW and the Development Management Manual reflect the contents of Policy VOE1 of the Local Development Plan which allows for alterations to listed buildings where it is demonstrated that the architectural or historic character of the building will not be detrimentally harmed

It is considered therefore, that subject to due consideration of the impacts of a particular proposal, the principle of altering and extending a listed building is acceptable.

- 4.2.2 Impact on Listed Building  
Pen y Bedw Cottage is a Grade II listed building, listed for its special interest as part of a group of buildings along Birch hill including High Croft and Birch Villa.

The proposed alterations would involve the removal of what are understood to be unauthorised works and the reinstatement of an original feature in the form of the pyramidal roof.

The comments of the Town Council are duly noted, and need to be considered alongside the assessment of the Conservation Officer.

In respecting the views expressed by the Town Council, it is considered that the proposed alterations are actually positive in addressing unauthorised and inappropriate previous alterations. The use of materials such as zinc on historic buildings can add an interesting contrast with more traditional materials on listed buildings. Further, the list description makes it clear that Pen Y Bedw has already been altered in a modern way, and so it is reasoned that this proposal, in line with circular 61/96, would preserve the existing character of the building, and not harm it.

Significantly, in this case, It is not considered that the proposal would unacceptably affect the historic character of the building – the main element of which is the front façade and group value with Pen Y Bedw, Highcroft, Birch Villa, Croes y Beddau and Llwyn Aeron. It is suggested that the reinstatement of the pyramidal roof would enhance the character of the building, and the conservatory section, given other

previous alterations, would not cause further harm to the character or historic fabric of the building.

The proposal is therefore considered acceptable in terms of the requirements of PPW and WO Circular 61/96 and is recommended for grant.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal seeks to undo and make good unauthorised alterations. The design is the result of lengthy negotiations with the Council's Conservation officers.

5.2 Having regard to the requirements of Welsh Government Circular 61/96, and Planning Policy Wales 9 it is considered that the proposals meet the aims of protecting the character of the listed building.

5.3 It is recommended that consent be granted, and that the application be granted subject to CADW authorisation.

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

1. The works hereby permitted shall be begun before of 14th December 2021.
2. Unless specified by other conditions attached to this permission, the development hereby permitted shall be carried out strictly in accordance with the following plans and documents:
  - (i) Existing Elevations (Dwg. No. 1605-01/B) received 8 September 2016
  - (ii) Proposed Elevations (Dwg. No. 1607-03/B) received 8 September 2016
  - (iii) Existing Floor & Roof Plan (Dwg. No. 1605-01/A) received 8 September 2016
  - (iv) Proposed Floor & Roof Plan (Dwg. No. 1607-03/A) received 8 September 2016
  - (v) Proposed Elevations & Roof Details (Dwg. No. 1605-02/B) received 8 September 2016
  - (vi) Proposed Floor & Roof Details (Dwg. No. 1605-02/A) received 8 September 2016
  - (vii) Section Detail - Roof (Dwg. No. 1607-03/A) received 8 September 2016
  - (viii) Section Detail - Door (Dwg. No. 1607-03/D) received 8 September 2016
  - (ix) Section Detail - Roof (Dwg. No. 1607-03/E) received 8 September 2016

The reasons for the conditions are:-

1. To comply with the provisions for the 1990 Listed Buildings Act.
2. For the avoidance of doubt.

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# Agenda Item 7

**WARD :** Llanrhaeadr Yng Nghinmeirch

**WARD MEMBER:** Councillor Joseph Welch (c )

**APPLICATION NO:** 23/2016/0875/ PF

**PROPOSAL:** Erection of a 132kV electrical substation and associated works  
(amended application)

**LOCATION:** Clocaenog Forest Saron Denbigh

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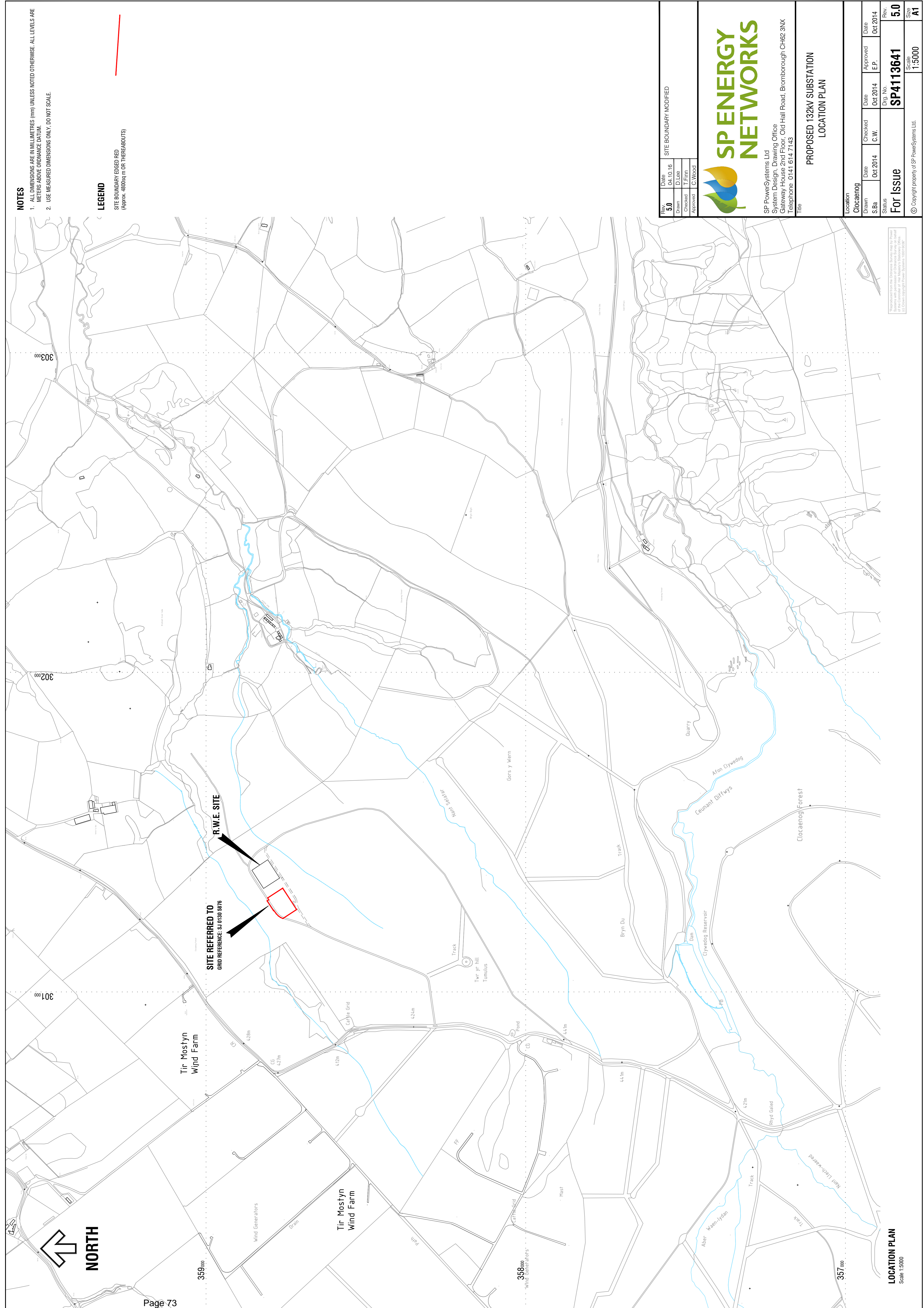


**NOTES**

1. ALL DIMENSIONS ARE IN MILLIMETRES (mm) UNLESS NOTED OTHERWISE. ALL LEVELS ARE METERS ABOVE ORDNANCE DATUM.
2. USE MEASURED DIMENSIONS ONLY, DO NOT SCALE.

**LEGEND**

SITE BOUNDARY EDGED RED  
(Approx. 4800sq m OR THEREABOUTS)



Rev.		Date		SITE BOUNDARY MODIFIED	
5.0	04.10.16	Drawn	D. Lee	Checked	T. Firm
		Approved	C. Wood		



SP PowerSystems Ltd  
System Design, Drawing Office  
Gateway House 2nd Floor, Old Hall Road, Bromborough CH62 3NX  
Telephone 0141 614 7143

**PROPOSED 132KV SUBSTATION  
LOCATION PLAN**

Location		Date		Date		Date	
Clocaenog		Drawn		Checked		Approved	
S.Ba		06/2014		C.W.		E.P.	

Status	For Issue	Rev.	Scale	Size
	SP4113641	5.0	1:5000	A1

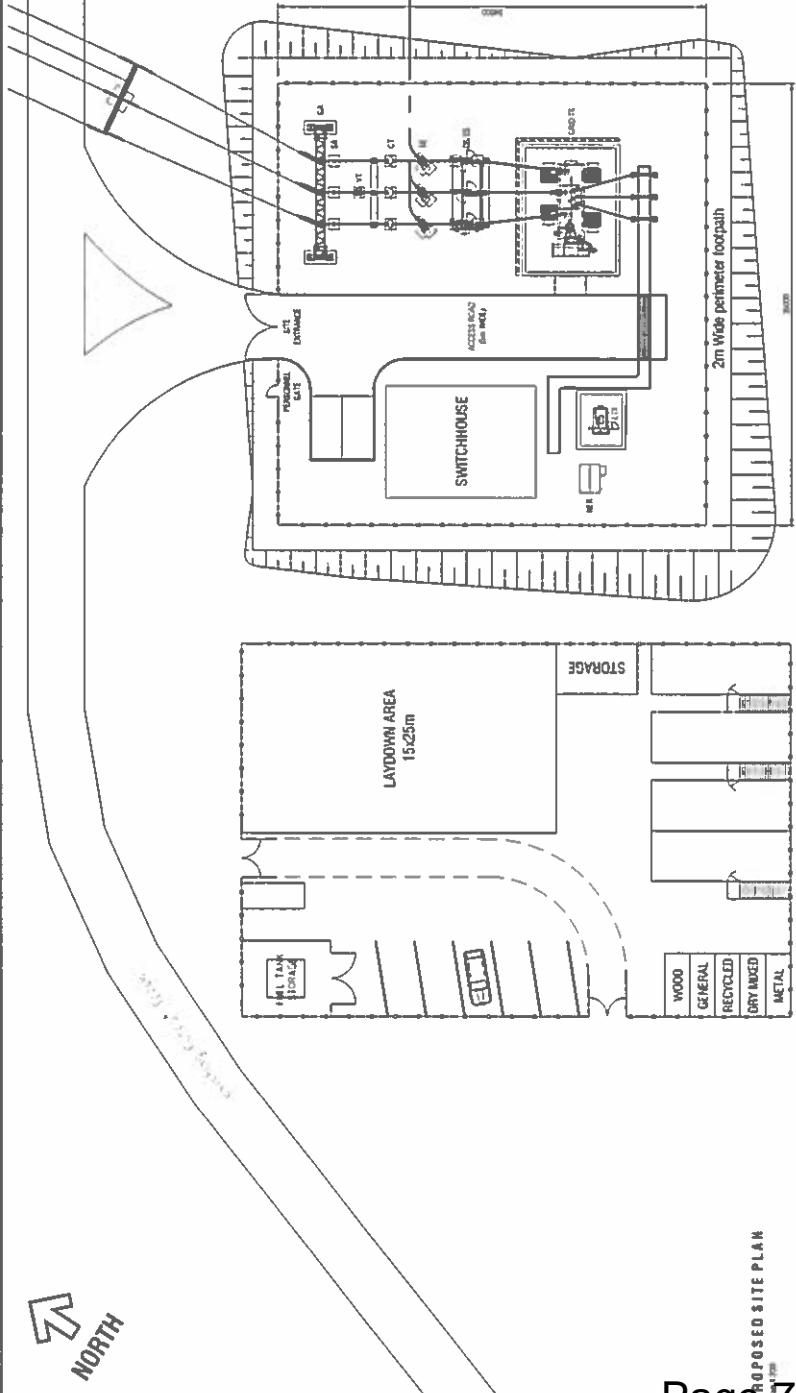
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Existing Forest Track

PROPOSED RWE COMPOUND

HV CABLE



PROPOSED SITE PLAN

CURRENT PROPOSAL

FOR INFORMATION

Issue	1	11.09.18	Overall footprint reduced
Checked	C.L.K.		
Approved	T.P.		

**SP ENERGY NETWORKS**

SP Power Systems Ltd  
 System Design, Drawing Office  
 Gateway House 2nd Floor, Old Hall Road, Broomborough OX4C 3JZ  
 Telephone: 01461 614 7143

PROPOSED 132KV SUB-STATION AT CLOACAENG  
 PLANNING APPLICATION  
 SITE SECTIONS

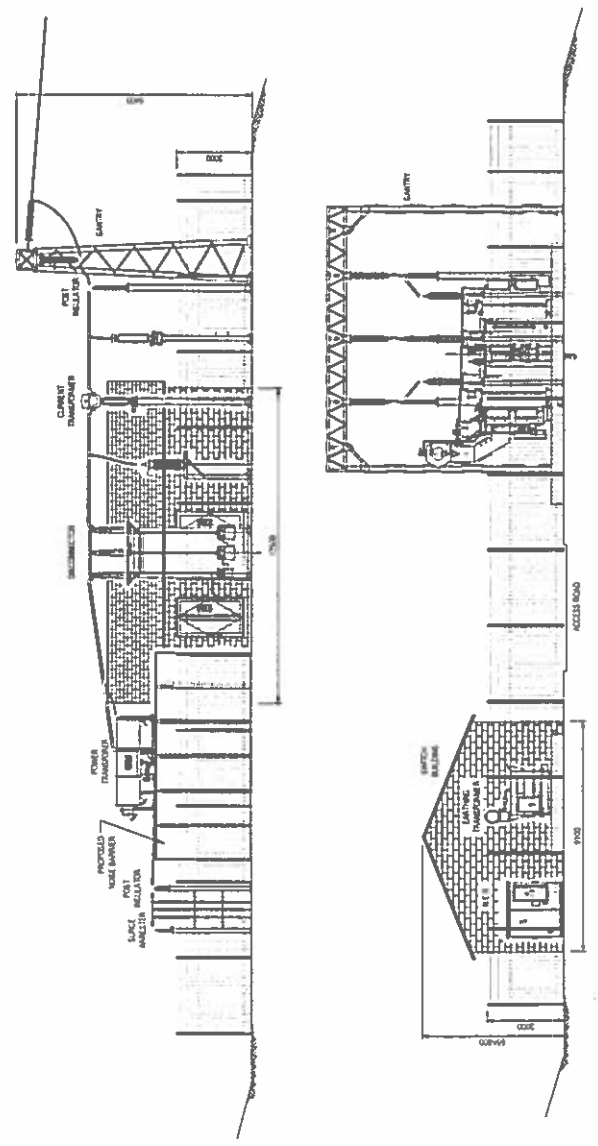
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Issue	1.0	Case No	14/00003	Date	14/09/2018
Issue	1.0	Case No	14/00003	Date	14/09/2018
Issue	1.0	Case No	14/00003	Date	14/09/2018

For ISSUE **SP4113643** Rev: **6.0**

Scale: AS SHOWN

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SITE PLAN AND SECTION DETAIL



VIEW FROM NORTH EAST

VIEW FROM SOUTH EAST



# CURRENT PROPOSAL SUBSTATION BUILDING



SP PowerSystems Ltd  
 2000 Highway 101, Suite 100  
 Cambridge, Ontario N1R 5X6  
 Telephone: 519.822.7143

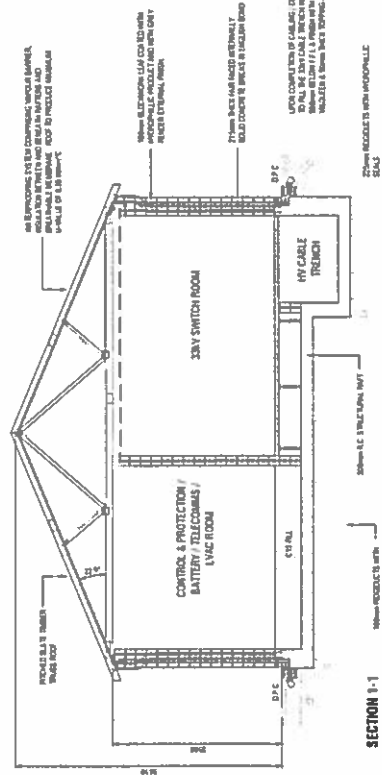
PROPOSED 132KV SUBSTATION  
 CONTROL BUILDING  
 PLANNING APPLICATION

Project No.	132KV	Client	SP Energy
Issue No.	1	Issue Date	Dec 2014
Drawn	J. Smith	Checked	J. Smith
Scale	1:50	Project No.	SP4113182
Author	J. Smith	Scale	1:50
Issue Date	Dec 2014	Project Name	132KV Substation
Project Name	132KV Substation	Project Location	Cambridge, Ontario
Project Description	Control Building	Project Status	Preliminary
Project Manager	J. Smith	Project Engineer	J. Smith
Project Designer	J. Smith	Project Checker	J. Smith
Project Drafter	J. Smith	Project Approver	J. Smith
Project Date	Dec 2014	Project Version	1.0
Project Status	Preliminary	Project Reference	SP4113182
Project Scale	1:50	Project Notes	

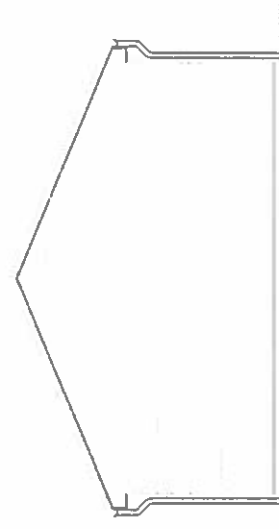
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  - USE UNFINISHED DIMENSIONS ONLY ON EXTERIOR WALLS.

**PLANNING NOTES**

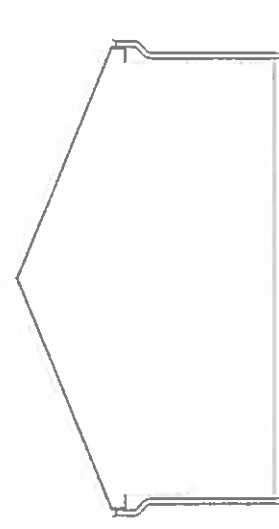
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 ROOF PITCH: 12/12  
 ROOF FINISH: ASPHALT/FLY ASH  
 ROOF DRAINAGE: TO EXTERIOR
- WALLS:**  
 WALL TYPE: CMU  
 WALL FINISH: INTERIOR PLASTER AND PAINT  
 EXTERIOR BRICK
- DOORS:**  
 DOOR TYPE: SWING  
 DOOR FINISH: INTERIOR PLASTER AND PAINT  
 EXTERIOR BRICK



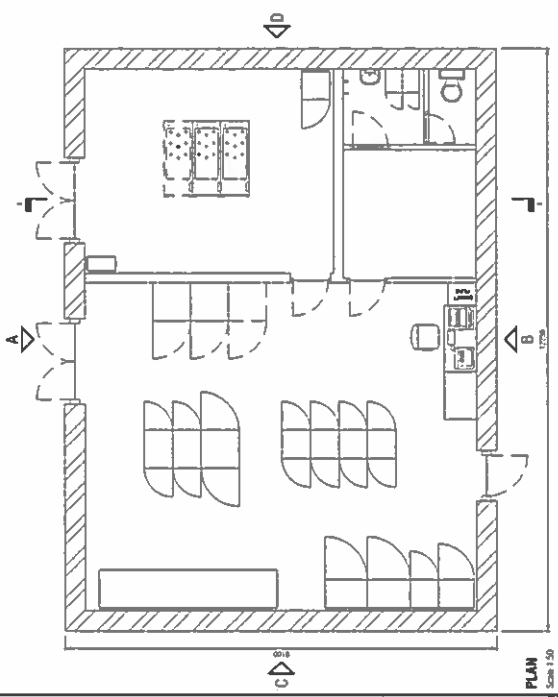
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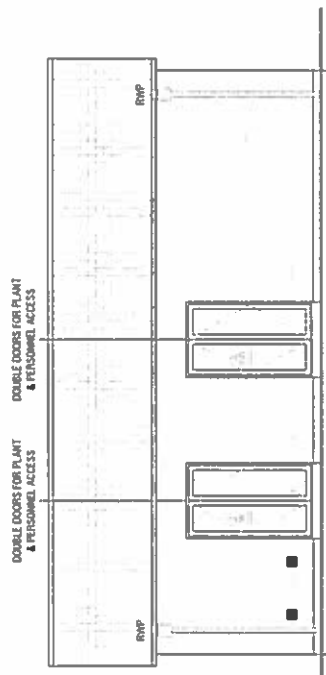
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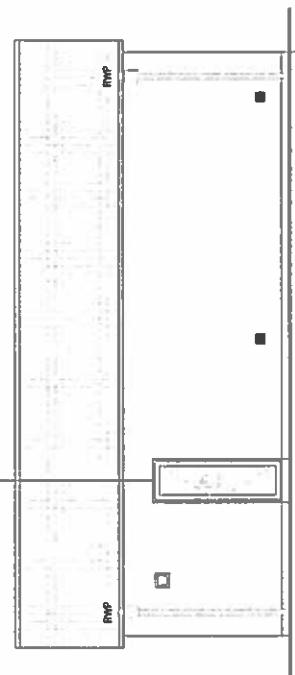
ELEVATION D  
 Scale 1:50



PLAN  
 Scale 1:50



ELEVATION H  
 Scale 1:50



ELEVATION S  
 Scale 1:50



**PREVIOUS APPROVED  
SCHEME (ON APPEAL)  
(23/2014/1420)  
SITE PLAN AND  
SECTION DETAILS**

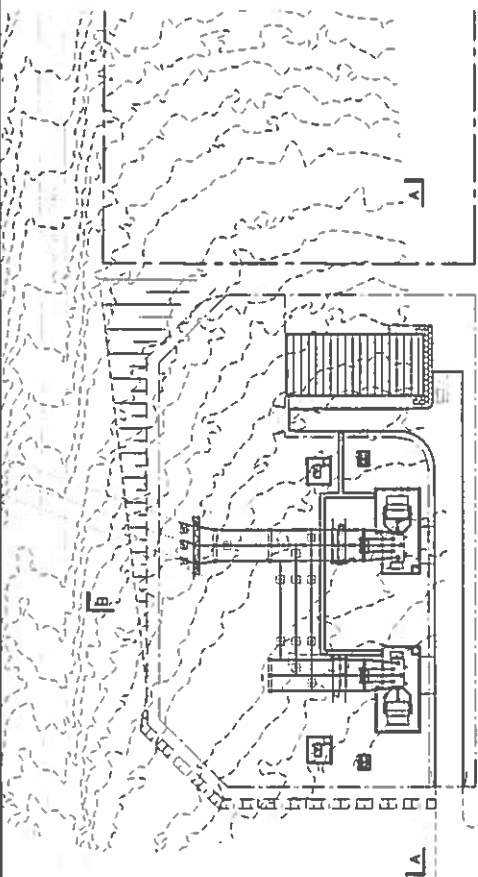


SP Power Systems Ltd  
System Design, Drawing Office  
100 Hill Road, Bournemouth Christchurch, Dorset, BH23 3JG  
Tel: 01420 411111 Fax: 01420 411113

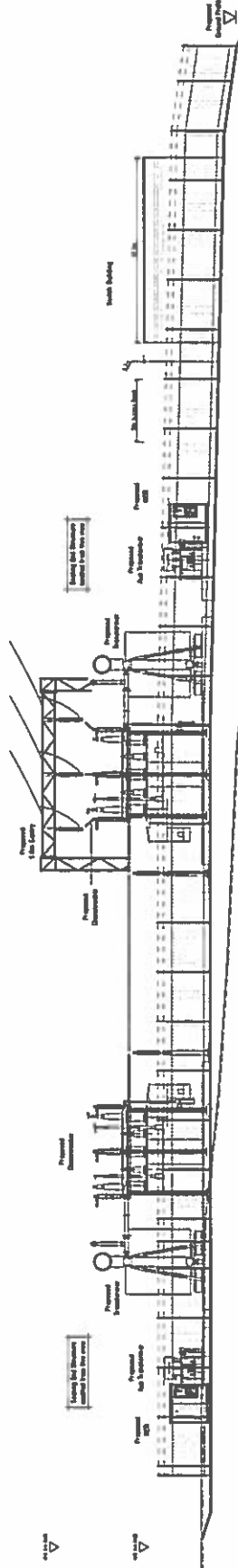
**PROPOSED 120KV SUB-STATION AT CLOUGH  
PLANNING APPLICATION  
SITE SECTIONS**

Drawing Area/Sheet	
Use	C 2014
Date	15/04/14
Drawn	J. BA
Checked	C. W
Approved	E. P

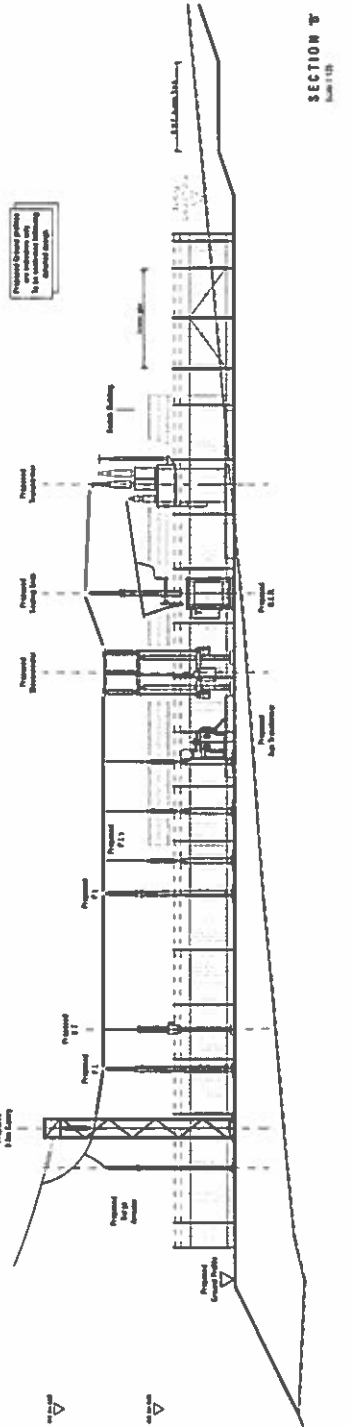
Drawing		Location	
Date	15/04/14	Client	SP Power Systems Ltd
Drawn	J. BA	Project	120KV Substation at Clough
Checked	C. W	Scale	As Shown
Approved	E. P	Sheet	SP4113463
For Issue		Issue	2.0
		Drawn	J. BA
		Checked	C. W
		Approved	E. P



**PROPOSED SITE PLAN**  
Scale 1:500



**SECTION 'A'**  
Scale 1:10



**SECTION 'B'**  
Scale 1:10





- NOTES**
1. TO BE CHECKED BY THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION. ALL NOTES ARE TO BE CHECKED BY THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION.
  2. USE UNFINISHED WALLS ONLY. DO NOT SEAL.

**PLANNING NOTES**

1. ALL WALLS TO BE CONCRETE WITH INSULATION OVER A 100mm HIGH TIE. ALL INTERIORS TO BE FINISHED WITH UNFINISHED WALLS ONLY. DO NOT SEAL.
2. ALL WALLS TO BE CONCRETE WITH INSULATION OVER A 100mm HIGH TIE. ALL INTERIORS TO BE FINISHED WITH UNFINISHED WALLS ONLY. DO NOT SEAL.

**WALLS**

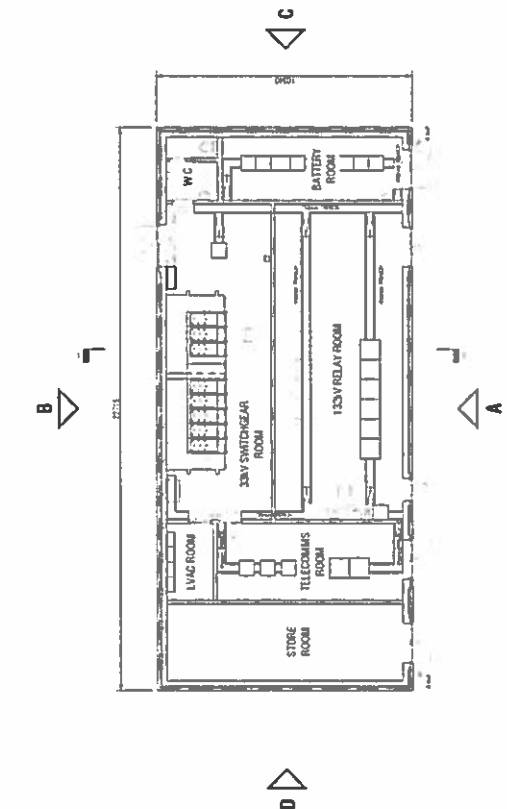
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2. ALL WALLS TO BE CONCRETE WITH INSULATION OVER A 100mm HIGH TIE. ALL INTERIORS TO BE FINISHED WITH UNFINISHED WALLS ONLY. DO NOT SEAL.

**RAINFALL**

1. ALL WALLS TO BE CONCRETE WITH INSULATION OVER A 100mm HIGH TIE. ALL INTERIORS TO BE FINISHED WITH UNFINISHED WALLS ONLY. DO NOT SEAL.
2. ALL WALLS TO BE CONCRETE WITH INSULATION OVER A 100mm HIGH TIE. ALL INTERIORS TO BE FINISHED WITH UNFINISHED WALLS ONLY. DO NOT SEAL.

**DOORS**

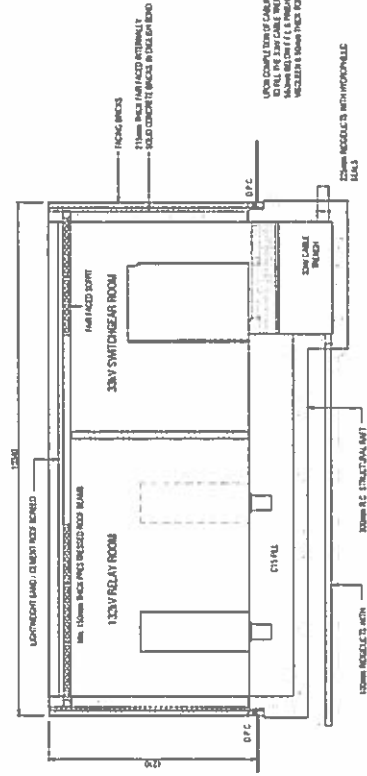
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2. ALL WALLS TO BE CONCRETE WITH INSULATION OVER A 100mm HIGH TIE. ALL INTERIORS TO BE FINISHED WITH UNFINISHED WALLS ONLY. DO NOT SEAL.



**CONTROL BUILDING LAYOUT**  
Scale 1:100

1. ALL WALLS TO BE CONCRETE WITH INSULATION OVER A 100mm HIGH TIE. ALL INTERIORS TO BE FINISHED WITH UNFINISHED WALLS ONLY. DO NOT SEAL.

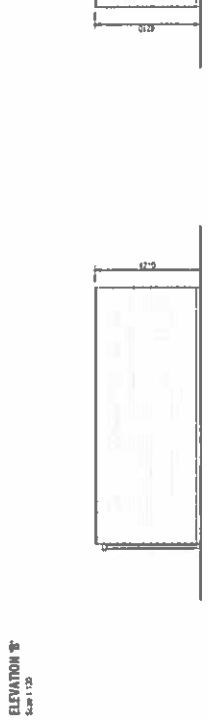
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**SECTION 1-1**  
Scale 1:50



**ELEVATION 'A'**  
Scale 1:100



**ELEVATION 'B'**  
Scale 1:100



**ELEVATION 'C'**  
Scale 1:100

**ELEVATION 'D'**  
Scale 1:100

**PREVIOUS APPROVED SCHEME - SUBSTATION BUILDING NETWORKS**



SP Energy Systems Ltd  
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**PROPOSED 132KV SUBSTATION CONTROL BUILDING**  
PLANNING APPLICATION

Location		Date		Scale		Sheet	
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**WARD :** Llanrhaeadr Yng Nghinmeirch

**WARD MEMBER:** Councillor Joseph Welch (c )

**APPLICATION NO:** 23/2016/0875/ PF

**PROPOSAL:** Erection of a 132kV electrical substation and associated works (amended application)

**LOCATION:** Clocaenog Forest Saron Denbigh

**APPLICANT:** SP Manweb Plc

**CONSTRAINTS:** TAN 8 Strategic Search Area

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

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

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

**CONSULTATION RESPONSES:**

**LLANRHAEDR YNG NGHINMEIRCH COMMUNITY COUNCIL –**

“Llanrhaedr yng Nghinmeirch Community Council object to the proposed development.

The proposed site is very close to several residential properties scattered around the area as well as being close to Saron. We fear the affect it could have on resident's health.

Saron already have two existing wind farms, two consented large scale wind farms that have not yet been constructed and pylon route tearing through the community. Having the proposed substation as well is too much for this beautiful area

We fear the construction and permanent location of the proposed development would have a negative impact on ecology visual landscape.”

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

“The Joint Committee notes that the proposals have been scaled back from that previously refused but subsequently granted on appeal (Code No. 23/2014/1440), and has no observations to make on the application.”

**NATURAL RESOURCES WALES –**

No objection subject to planning conditions being applied

Protected species (bats, red squirrel & dormice) –

Protected species surveys have been carried out to an acceptable standard - planning conditions are advised to protect bats and red squirrel. Dormice could also be present and NRW note a licence has been submitted to NRW with respect to displacement of dormice. No specific conditions relating to dormice are requested and an ecological compliance audit is also recommended.

Ecological Compliance Audit –

Planning conditions should be applied to ensure an Ecological Compliance Audit is submitted and approved.

Biosecurity –

Biosecurity Risk Assessment submitted should be adhered to.

Flood Risk and Surface Water –

Within Zone A Flood Risk Zone. Recommend a condition is imposed to ensure a scheme to dispose of surface water is submitted to and approved in writing.

Landscapes –

Proposal is near to a Landscape of Special Historic Interest. This is not a statutory designation, advise consideration is given to impact on any local / regional landscape interests.

Environment Management –

Construction Management Plan is submitted as part of the amended application. General guidance is provided with regards to Pollution Prevention Guidelines.

Addendum comments (received 20/11/2016) –

Satisfied that the Ecological Management and Mitigation Scheme could be complied with. The ecological compliance audit and the light spillage scheme should be submitted and approved pre-commencement.

**CLWYD POWYS ARCHAEOLOGICAL TRUST** –

CPAT Contracts and Field Services have been commissioned to undertake a scheme of archaeological mitigation along the line of the proposed grid connection and at the site of the substation and an approved written scheme of investigation document is included with the application details. Request work is completed in accordance with the written scheme of investigation and the archaeological condition attached to the previous application. A copy of the resulting report should be submitted to CPAT for approval and a final copy sent to the Historic Environment Record at CPAT

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES** –

Head of Highways and Infrastructure  
Highways Officer –  
Final comments awaited.

Pollution Control Officer –

Request the conditions specified in the previous Appeal Decision with respect to noise are added to any permission granted.

Also requests that the hours of working are not 7 days per week as proposed, but instead a condition is applied to require any Sunday / bank holiday working to only be permitted on request.

Archaeologist –

An archaeological Written Scheme of Investigation (WSI) is submitted. This highlights the presence of a scheduled (SAM) barrow close to the area. The WSI notes that the SAM will be fenced off and also an archaeological watching brief will take place while the initial ground disturbance associated with the work is undertaken. The watching brief is designed to record any previously unknown archaeology which comes to light. Provided that the WSI is thoroughly adhered to, and enforced by condition, No objections to this application.

**RESPONSE TO PUBLICITY:** None

**EXPIRY DATE OF APPLICATION:** 07/12/2016 (Extension to 14/12/2016 agreed to allow time to present report to Planning Committee)

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

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The proposed development is for the construction and operation of a new 33 kilovolt /132 kilovolt (kV) collector substation within Clocaenog Forest in the location shown on the plan at the front of the report. The purpose of the substation is to 'step-up' the voltage of the electricity generated by the consented Clocaenog and Brenig windfarms to a level suitable for transmission along the 132kV overhead lines granted development consent by the Secretary of State.
- 1.1.2 The current proposal involves alterations to a previously approved substation development on the application site. The permission was granted on appeal in June 2016. The revised design reduces the overall site area, the size of the substation and reduces the requirement for earthworks. The revised design also moves the position of the control building and relocates the access to an existing track rather than creating a new site access.
- 1.1.3 The proposals comprise:
- A new compound approximately 0.12 hectares (ha) enclosed by a 3 metre high palisade security fence;
  - A 5m wide internal access road with parking for two vehicles;
  - A new single storey control building approximately 9.1m wide by 12.3m long by 5.6m high, which will house ancillary equipment, telecommunication and protection systems;
  - A 2m wide perimeter footpath around the compound surfaced in grey limestone chippings;
  - One 33kV/132kV 90 MVA transformer as well as a smaller earthing/auxiliary transformer;
  - A high voltage sealing end where the underground cables from the wind farm will enter the substation;
  - A 9.4m high terminal gantry to support the conductors as they leave the overhead line terminal pole and connect to the substation busbars; and
  - Other external electrical equipment including support structures, post insulators, surge arrestors and busbars.

The components and layout of the substation are shown on the plan at the front of the report.

In addition to the revised plans, the applicant has also submitted a number of additional supporting documents which were the subject of pre-commencement conditions on the extant permission. These include:

- Environmental Report and Addendum Report;
- Details of external finish and materials for control building, perimeter fencing details, earthworks details and access track details;
- Temporary compound area fencing and lighting details;
- Details of proposed remedial works to the public highway along the power transformer access route;
- Archaeological Written Scheme of investigation and details of archaeologist appointments;
- Ecological Management and Mitigation Scheme;
- Construction Management Plan;
- Traffic Management Plan; and
- Water Management Plan.

## 1.2 Description of site and surroundings

- 1.2.1 The site is approximately 2.4km to the south-west of Saron in an area of conifer plantation which is managed as upland rotational forest.
- 1.2.2 The nearest dwellings are Hafodty Du and Hafod Olyga, approximately 550m to the north-east.
- 1.2.3 The operational Tir Mostyn windfarm is approximately 1km to the west, the consented Brenig windfarm is approximately 2km to the southwest and the consented Clocaenog Forest windfarm is immediately to the south.
- 1.2.4 The proposed collector substation would be immediately adjacent to the consented Clocaenog Forest windfarm substation, which is also annotated on the plan at the front of the report.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of any development boundaries as defined in the Local Development Plan but within the Clocaenog Forest Strategic Search Area, which is designated in Welsh Government Technical Advice Note 8 for large scale windfarm development.

## 1.4 Relevant planning history

- 1.4.1 Planning permission for the erection of a 132kV substation and associated works at the site was refused by Planning Committee in July 2015 due to concerns relating to detrimental visual impact in this rural location and cumulative noise effects.
- 1.4.2 The subsequent appeal was allowed. With regards to visual amenity, the Inspector concluded that the proposed substation would not have a significant effect on the character of the landscape or visual amenity when either viewed individually or cumulatively. With regards to residential amenity, the Inspector concluded that he did not disagree with the findings of the Cumulative Noise Assessment submitted by the applicant, or the Council's confirmation at the hearing that the setting of a 30dB limit on noise generated from the proposed substation, inclusive of any potential tonal penalty, would protect the properties from excessive noise levels. The Appeal was subsequently called in by Welsh Ministers, who subsequently granted planning permission in June 2016.
- 1.4.3 The Brenig windfarm (consented April 2009) and the Clocaenog Forest windfarm (consented September 2014) will connect into the proposed substation.
- 1.4.4 The Clocaenog Forest windfarm substation, which is immediately adjacent to the proposed site for the collector substation, was consented as part of the Clocaenog Forest windfarm Development Consent Order.
- 1.4.5 The Secretary of State granted development consent for the overhead lines connecting to the substation and the North Wales Wind Farms Connection Order 2016 was made in July 2016.

## 1.5 Developments/changes since the original submission

- 1.5.1 None.

## 1.6 Other relevant background information

- 1.6.1 Derwydd Bach windfarm and Nant Bach windfarm will no longer be connecting to the proposed substation (Derwydd Bach windfarm permission has been implemented but it is understood the windfarm is not being built out at present. Nant Bach windfarm has been formally abandoned by the developer).

1.6.2 Legal challenge to the North Wales Wind Farms Connection Order 2016 is currently lodged with the High Court. At the time of writing the report, the Court has not issued any decision on the challenge.

1.6.3 The Legal Officer has advised that the North Wales Wind Farms Connection Order 2016 remains valid until such time it is quashed by the Courts and the legal challenge should not therefore prevent the local planning authority from making decisions on related applications..

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

### **2.1 25/2007/0565 Brenig windfarm:**

Construction and operation of a wind farm comprising of sixteen wind turbines with a maximum tip height not exceeding 100m, along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operational infrastructure (max capacity will not exceed 50MW). Brenig, Nantglyn. Granted 06/04/2009. Status: Under construction; applicant in process of discharging outstanding conditions.

### **2.2 Clocaenog Forest Wind Farm Order 2014:**

Statutory Instrument 2014 No.2441 made by the Secretary of State, 11 September 2014. Status: development not yet stated; applicant in process of submitting detail to local planning authorities for approval.

### **2.3 25/2015/0636 Brenig windfarm tip height extension:**

Construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565). Permission has not been implemented at the time of writing Report.

### **2.4 23/2014/1440. Erection of a 132kV electrical substation and associated works.**

Refused by Planning Committee 15/07/2015. Subsequent Planning Appeal was recovered by Welsh Ministers for their determination (Appeal ref: APP/R6830/A.15/3134331) and Welsh Ministers resolved to grant planning permission on 1 June 2016.

### **2.5 The North Wales Wind Farms Connection Order 2016:**

Statutory Instrument 2016 No. 818 made by Secretary of State on 28 July 2016. Status: development not yet started; applicant in process of submitting detail to local planning authorities for approval.

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

The main planning policies and guidance are considered to be:

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

**Policy VOE1** - Key areas of importance

**Policy VOE5** – Conservation of natural resources

**Policy VOE9** – On-shore wind energy

**Policy VOE 10** – Renewable energy technologies

### **3.2 Supplementary Planning Guidance**

Renewable Energy SPG

### **3.3 Government Policy / Guidance**

Planning Policy Wales Edition 9 2016

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 8 Planning for Renewable Energy (2005)

TAN 11 Noise (1997)

WELSH GOVERNMENT PRACTICE GUIDANCE  
Planning Implications of Renewable and Low Carbon Energy (Practice Guidance 2011)

3.4 Other material considerations:

Denbighshire Landscape Strategy (2003) / LANDMAP  
Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development, Final Report May 2013  
ESTU R 97 and 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG)

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9 (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 3.1.3).

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

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

- 4.1.1 Principle
- 4.1.2 Landscape and visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology

Other matters

Well-being of Future Generations (Wales) Act 2015

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. With regards to grid connections required to connect windfarm development within Strategic Search Areas to the electricity grid, Planning Policy Wales paragraph 12.8.14 states "*An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate proposals come forward whether or not the wind farms are to be connected are located within their authorities*".

As detailed in section 1.4.1 above, Welsh Ministers granted planning permission for a substation at the application site in June 2016 following the Council's refusal to grant planning permission. This permission remains extant and should be afforded significant weight.

In acknowledging the Planning Committee's decision to refuse the previous application, Officers would note the reasons for refusal centred on issues relating to visual and residential amenity and there was no question of acceptability of principle.



Officers therefore consider the principle of a substation development in this location has been clearly established. An assessment of localised impacts to be considered is set out below in the following sections of the report.

#### 4.2.2 Landscape and visual amenity

The number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on landscape character and visual amenity is therefore a relevant test on planning applications.

PPW Paragraph 12.8.14 states “*Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government’s aspirations for energy in Wales*”. TAN 8 Annex D states “*within (and immediately adjacent) to the SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development.*”

There are no specific policies in the adopted Denbighshire LDP relating to the landscape and design of this type of proposal hence the general considerations outlined in PPW and TAN8 need to be applied.

Llanrhaeadr Community Council has objected to the proposal and consider the construction and permanent location of the proposed development would have a negative impact on ecology and visual landscape.

Natural Resources Wales has noted the site is near a Landscape of Special Historic Interest, however as this site is not within a statutory designation, NRW have not made any comment with regards to the landscape impact of the proposal.

Whilst the proposal would have a visual impact and would be industrial in appearance, it is significant that the site is within the SSA and the proposed development is essential infrastructure to enable consented windfarms to connect to the electricity grid. PPW and TAN8 accept that significant landscape change will occur within SSAs as a result of windfarm and grid connection development. The site is not within a protected landscape and the visual effects of the proposal on visual receptors is not considered likely to be significant.

Planning permission was granted on appeal for a larger substation at the application site in June 2016. The Inspector considered that the proposed substation and associated works would not result in any significant harm to the character of the landscape or to visual amenity in the locality. Consequently the Inspector did not consider the proposed development would be detrimental to the character and appearance of the area, and therefore concluded the proposal was in accordance with national policy relating to renewable energy development as stated within PPW, advice within TAN 8 and policy VOE9 of the LDP, which collectively seek to prevent unacceptable landscape or visual impacts. Welsh Ministers agreed with the Inspectors conclusions.

The current proposal constitutes minor alterations to the previously approved scheme and the site area has been reduced from 1 hectare to 0.49 hectares. The revised design reduces the size of the substation and reduces the requirement for earthworks, moves the position of the control building and relocates the access to an existing track rather than creating a new access. The laydown area is also smaller than previously proposed, so overall the design and layout of the revised scheme appears to be more compact, and the overall scale and massing has been reduced which would lessen the visual impact.

Officers would note that, if Members are minded to refuse the application, the fallback position in this instance would be the extant permission would instead be

implemented, which would result in a larger substation than currently proposed being constructed at the site.

In conclusion, Officers would conclude that the proposal would not result in an unacceptable impact on landscape character or visual amenity and the proposal is therefore considered to be in general compliance with Welsh Government guidance and the planning policies listed above.

#### 4.2.3 Residential amenity

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

The nearest residential properties are Hafod Ty Ddu and Hafod Olygfa, approx. 550m from the proposed site. Brynbach and Brynbach bungalow that are approximately 730m away.

A cumulative noise assessment has been submitted with the application.

The noise from the Clocaenog windfarm substation is limited to 30dB at the nearest residential property. The submitted cumulative noise assessment assumes Clocaenog substation will be generating noise at this level, and standard levels have been applied for the transformers, coolers and other plant and equipment that would be installed at the proposed Collector substation site.

When the previous application was considered, Planning Committee raised concerns regarding noise, and the application was subsequently refused due to concerns relating to cumulative noise effects. At the Planning Appeal for that scheme, the Council accepted at the hearing that the setting of a 30dB noise limit via a planning condition, would protect the identified properties from excessive noise levels and the Inspector had no reason to take a different view. The results of the Cumulative Noise Assessment (CNA) indicated that when in operation, the proposed substation would meet the 30dB limit. In light of the submission of the CNA the Inspector confirmed that he did not have any substantive reason to disagree with either its conclusions, or the Council's view as accepted at the hearing, that the setting of a 30dB limit on noise generated from the proposed substation would protect the properties from excessive noise levels whether as originally submitted or as revised. Welsh Ministers agreed the Inspector's recommendations and a suite of conditions were applied to the consented scheme to limit noise from the substation.

With regards to the current application, the cumulative noise assessment has been re-submitted and the Environmental Report Addendum states that the changes to the proposed development will not affect the ability of the substation development to achieve the consented limit of 30dB inclusive of tonal penalty.

The Council's Public Protection Officer has requested that, should planning permission be granted for the revised scheme, the noise conditions attached to the extant permission should be re-applied in the interests of protecting amenity of neighbours.

In terms of construction disturbance, a Construction Management Plan has been submitted. The Public Protection Officer has not raised any particular concern with the proposed measures for pollution, prevention and control however Public Protection Officers have requested that the hours of working are not 7 days per week as proposed, but hours of operation should be restricted to weekdays and Saturday

mornings, and any extended weekend or Bank Holiday working would only be permitted with prior approval of the local planning authority. This is in order to protect the amenity of neighbours should prolonged weekend working be required to complete the development.

Officers are satisfied that residential amenity could adequately be protected through the application of necessary planning conditions, and therefore the proposed development would not have an unacceptable impact on residential amenity.

#### 4.2.4 Ecology

The general requirements to consider the impact of development on biodiversity interests are set out in PPW Chapter 5, TAN5, and LDP policy VOE 5. 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). Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity and mitigation proposals. With this proposal is not in itself a renewable energy scheme, it is however infrastructure to serve windfarm development and therefore policy VOE 9 is considered to be material.

Llanrhaeadr Community Council has objected to the proposal and consider the construction and permanent location of the proposed development would have a negative impact on ecology and visual landscape.

Chapter 5 of the Environmental Report submitted with the application states a Desk Study and an Extended Phase 1 Habitat Survey and Arboricultural Survey have been carried out. The revised application is also accompanied by an addendum to the Environmental Report and an Ecological Management and Mitigation Scheme.

Chapter 5 of the Environmental Report assesses the impact of the Proposed Development on ecology, that being plant and animal species, in the area. Furthermore, it assesses the effect of the proposed development on habitats, defined as the environment where a group of species lives.

The Environmental Report Addendum states that, as the site boundary for the revised design substation covers a smaller area than the previously submitted substation application, the conclusions of the Environmental Report which were that, subject to mitigation measures, the Proposed Development is not considered likely to have any adverse impacts on ecological interests, are still considered applicable.

The extant permission was subject to a pre-commencement planning condition requiring the submission of an Ecological Management and Mitigation Scheme to address concerns previously raised by NRW and Biodiversity Officer.

The current application is supported by an Ecological Management and Mitigation Scheme which sets out the ecological management measures to be implemented during the construction and operational works for the sub-station, including site preparation works, construction and commissioning

NRW have advised they are satisfied with the detail within the Ecological Management and Mitigation Scheme, however further details regarding a light spillage scheme to mitigate impact to bats and evidence that the Ecological Compliance Scheme has been carried out are required to be submitted, and should be secured by condition.

With respect to the concerns of the Community Council, subject to planning conditions being applied to ensure the measures advised by NRW are addressed, the development is not considered likely to have any adverse impacts on ecological interests.

#### 4.2.5 Drainage (including 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.

In the Environmental Report that has been submitted with the application, Chapter 8 includes an assessment of water quality and flood risk, which concludes that, during the construction phase, the adoption of good proactive mitigation measures would ensure the risk of flooding is negligible and there is no significant flood risk arising from the development during the operational phase from surface water or groundwater flood sources.

The site is within a Zone A flood risk zone, which is defined in Welsh Government Technical Advice Note (TAN) 15 as areas of land which is considered to be at little or no risk of fluvial or tidal / coastal flooding. Chapter 8 of the Environmental Report refers to flood risks arising from the development and 620sq.m of impermeable area is proposed which will be directed to designated soakaways.

A Water Management Plan has been submitted with the application which indicates soakaway drainage is the preferred method of surface water disposal.

NRW have advised that the Water Management Plan does not yet show the proposed soakaway is technically feasible.

As the Water Management Plan has not satisfactorily dealt with the issue of surface water drainage, a planning condition could be imposed requiring the technical specification of the proposed soakaway drainage, or other scheme to dispose of surface water before commencement of development. Subject to the imposition of such a condition, Officers would therefore consider the proposal would not lead to adverse flood risk or drainage impact.

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

Material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of the means of access is therefore a standard test on most planning applications.

Policy ASA 3 of the LDP 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.

Appendix C to the Environment Report assesses the impact of the proposal on traffic and transport for the entire project, including the construction of the proposed overhead line granted development consent by the Secretary of State.

The construction phase is expected to last 16 months, and HGV and other traffic movements would be required on a daily basis throughout the construction phase. Construction vehicles would access the site via the local highway network and then via existing forestry tracks. However, due to some steep / sharp inclines, pinch points and narrow lanes, at some points construction vehicles would need to have full occupation of the road to safely access the site and police escorts would therefore be required. Some minor highways improvements may also be required.

A number of temporary construction compounds and laydown areas are referred to which are outside of the red line boundary, however these have been included within

the application for development consent which has been granted by the Secretary of State.

Chapter 10 to the Environmental Report submitted with the application deals with Traffic and Transport. Appendix C includes a Traffic and Transport Assessment and Appendix D assesses the feasibility of transporting a 90MVA Power Transformer to the site. The Environmental Report was submitted in support of the previous application. Highways Officers previously raised no objection to the application, but advised a Traffic Management Plan would be required and details of improvements to the public highway to facilitate Abnormal Indivisible Loads (AILs) should be specified.

In addition to the Environmental Report, the current application is also supported by an Addendum Environmental Report and a Traffic Management Plan. Details of the improvements to the public highway required to transport the transformer to site has also been provided, together with details of the access track.

The Addendum Environmental Report confirms the conclusions of the assessment contained in the Environmental Report are still applicable as the changes in design would actually result in a slight decrease in the required construction traffic compared to that assessed.

At the time of writing the report, whilst Highways Officers have not formally responded, as the revised scheme does not materially alter the previous traffic assessment carried out, Highways comments on the previous application remain of relevance, and it is concluded the current proposal would also not adversely impact on highway safety.

In the absence of an objection from Highways with respect to the Traffic Management Plan, improvements to the public highway and access track detail, Officers would conclude detail submitted is acceptable.

It is therefore suggested that subject to the inclusion of a planning condition relating to the Traffic Management Plan, provided improvements to the public highway and access track details are adhered to, together with a condition to ensure onsite facilities for turning and parking are retained during the operational phase, the proposal should not give rise to any unacceptable impact on highway safety.

#### 4.2.7 Archaeology

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 provides basic advice on the handling of archaeological matters in the planning process.

An archaeological Written Scheme of Investigation (WSI) has been submitted. This highlights the presence of a scheduled (SAM) barrow close to the area. The WSI notes that the SAM will be fenced off, and also that an archaeological watching brief will take place while the initial ground disturbance associated with the work is undertaken. The County Archaeologist has requested planning conditions are applied to ensure the WSI is thoroughly adhered.

CPAT have also requested work is completed in accordance with the written scheme of investigation and the archaeological condition with respect to the Scheduled 0Ancient Monument attached to the previous application is re-applied.

CPAT and the County Archaeologist have not objected to the planning application subject to the application of planning conditions to ensure measures are put in place to protect the scheduled ancient monument and to ensure an archaeological watching brief is carried out. Therefore, subject to the application of necessary planning

conditions, it is not considered the proposal would have an adverse impact on archaeological interests.

**Other matters**

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

**5. SUMMARY AND CONCLUSIONS:**

- 5.1 The site is within the Clocaenog Forest Strategic Search Area and the proposal is for necessary electrical infrastructure to connect consented windfarms to the electricity grid.
- 5.2 The overhead lines which would connect to the proposed substation to transmit the electricity generated by the windfarms have been granted development consent by the Secretary of State.
- 5.3 Planning permission was granted by Welsh Ministers following an Appeal for a substation at the application site in June 2016 and this permission remains extant. The current application is an amendment to the consented scheme. The current application is essentially for a smaller scheme, and the principle of the development is therefore considered to be well established.
- 5.4 The application is supported by detailed supporting information to address site specific issues including design and layout, ecological impacts, noise impacts, construction impacts and highways issues which are detailed in the report. Subject to the imposition of necessary planning conditions, Officers would conclude the proposal would be acceptable and is recommended for Grant.

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

1. The development to which this permission relates shall be begun no later than 14th December 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) Location plan (Drawing No. SP4113641) received 13 October 2016
  - (ii) Block plan (Drawing No. SP4113642) received 13 October 2016
  - (iii) Site sections (Drawing No. SP4113643) received 13 October 2016
  - (iv) Control building (Drawing No. SP4113182) received 13 October 2016
  - (v) Environmental Report and appendices (dated December 2014) received 13 October 2016
  - (vi) Environmental Report Addendum (dated September 2016) received 13 October 2016
  - (vii) Protection and Control Building Plan and elevations (Drawing No. 1A1y-2-17HS-DA-IECEC-0001) received 13 October 2016

- (viii) Protection and Control Building Roof Construction Details (Drawing No. 1A1Y-2-17HS-DA-IECEC-0008) received 13 October 2016
  - (ix) Fencing layout plan (Drawing No. 1A1Y-2-10HF-DA-IECEC-2001) received 13 October 2016
  - (x) Fencing standard plan details (Drawing No. 1A1Y-2-10HF-DO-IECEC-2001) received 13 October 2016
  - (xi) Earthworks layout and sections plan (Drawing No. 1A1Y-2-10HD-DA-IECEC-1001) received 13 October 2016
  - (xii) Access road and platform construction details (Drawing No. 1A1Y-2-10HD-DO-IECEC-1001) received 13 October 2016
  - (xiii) Temporary Compound Area Chainlink Fencing and Lighting detail (1A1Y-2-10HF-DA-IECEC-2022 REV00A) received 13 October 2016
  - (xiv) Proposed remedial works for the Power Transformer delivery access route detail received 13 October 2016
  - (xv) Archaeological Mitigation Written Scheme of Investigation & details of Archaeologist appointments and expertise received 13 October 2016
  - (xvi) Ecological Management and Mitigation Scheme received 13 October 2016
  - (xvii) Construction Management Plan (1A1Y-2-PA-IECM-0002) received 13 October 2016
  - (xviii) Traffic Management Plan (1A1Y-2-PA-IECM-0003) received 13 October 2016
  - (xix) Water Management Plan (1A1Y-2-PA-IECM-0001) received 13 October 2016
3. The development shall be carried out in strict accordance with the Archaeological Written Scheme of investigation. A copy of the archaeological watching brief report shall be submitted to the Local Planning Authority and to the Historic Environment Record at Clwyd Powys Archaeological Trust within two months of the archaeological fieldwork being completed.
  4. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of construction works, the Scheduled Ancient Monument (SAM DE088) shall be clearly demarcated on the ground using unique and readily visible materials. Fencing around the monument, and appropriate signage shall be erected prior to the commencement of construction so as to avoid accidental damage. The extent of the area to be demarcated shall be agreed in writing with the Local Planning Authority beforehand. The fencing shall remain in place until the transformer is operational and thereafter the fencing shall be removed.
  5. **PRE-COMMENCEMENT CONDITION**  
The development shall be carried out strictly in accordance with the approved Ecological Management and Mitigation Scheme (dated October 2016). Notwithstanding the approved detail, no development shall commence until further details of a light spillage scheme to minimise impact on bat habitat and an evidence to demonstrate the Ecological Compliance Audit has been carried out have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved detail.
  6. The development shall be carried out strictly in accordance with the approved Construction Management Plan (dated 07/10/2016) unless otherwise agreed in writing by the local planning authority. Notwithstanding the approved detail, working hours shall be restricted to between 07.00 hrs to 19.00 hrs Monday to Friday, 08.00hrs to 13.00 hrs Saturday, except for bank holidays. No additional weekend, bank holiday or extended working hours shall be permitted without the prior written approval of the local planning authority. Requests for additional weekend, bank holiday and extended hours of working shall be submitted in writing to the local planning authority no later than 48 hours in advance, and requests shall specify the construction activities proposed to be carried out.
  7. The development hereby permitted shall be carried out strictly in accordance with the approved Traffic Management Plan, unless otherwise agreed in writing by the Local Planning Authority.
  8. The power transformer or any component part required in connection with the development hereby permitted shall not be delivery to the site until the improvement works to the public highway shown on the approved Proposed remedial works for the Power Transformer delivery access route detail have be implemented to the satisfaction of the local highway authority.
  9. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plans and detail, and shall be completed prior to the proposed development being brought into use.

10. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development hereby permitted, the technical specification for the proposed soakaway drainage, or other scheme to dispose of surface water during construction and operation of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
11. Noise from the substation development hereby permitted together with any noise from the substation permitted under the Clocaenog Forest Wind Farm Order 2014 (No.2441) when measured in free field conditions shall not exceed the noise level of 30dB LAeq,10min at the following residential dwellings: Hafod Ty Ddu; Hafod Olygfa; Brynbach; and, Brynbach Bungalow.  
The measured noise levels are to be inclusive of tonal penalty, with the magnitude of tonal penalty to be applied based on the methodology provided in BS 4142:2014.
12. If complaints of noise nuisance are received by the Local Planning Authority, the developer shall be notified in writing and the developer shall employ a suitably qualified acoustic consultant to complete a noise assessment within 1 month of notification to ensure that the maximum noise levels specified in condition 9 are being complied with. Such noise assessment shall include noise measurements from the substation hereby permitted and the substation permitted under the Clocaenog Forest Wind Farm Order 2014 (No.2441) operating simultaneously and independently. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the developer fails to undertake a noise assessment within 1 month of notification, the Local Planning Authority shall undertake an independent noise assessment and the Developer shall be required to cover the cost incurred by the Local Planning Authority.
13. If the operation of the substation hereby permitted is found to exceed the noise limits specified in condition 9, the substation shall cease operation and mitigation measures that will ensure compliance with the conditions to which this permission relates shall be agreed in writing with the Local Planning Authority. The substation shall not re-commence operation until the agreed mitigation measures are implemented.
14. Prior to the development hereby permitted being first brought into use, a scheme for the reinstatement of the site the subject of the temporary construction compound and storage areas to their pre-existing condition shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented prior to the substation being brought into operation, unless otherwise agreed in writing with the Local Planning Authority.
15. On or prior to the decommissioning of either a 132kV overhead electric line permitted by The - North Wales Wind Farms Connection Order or any other electric line permitted by any other consent or authorisation connecting to the development hereby approved (as the case may be) a decommissioning and restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - a) A timetable for the implementation and completion of the decommissioning and restoration works;
  - b) The requirement to remove the control building, above ground apparatus and boundary treatments;
  - c) The reinstatement of the land to an agreed standard;
  - d) An agreed methodology for the ecological management of sensitive habitats during the decommissioning and restoration works; and
  - e) An agreed methodology for the management of traffic during the decommissioning and restoration works.
 The decommissioning and restoration works shall be implemented in accordance with the approved details and completed within the approved timeframe.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of preservation of archaeological remains.
4. In the interest of preservation of archaeological remains.
5. In the interests of protection, conservation and enhancement of ecological interests.



6. In the interests of public, prevention control and in the interests of protecting residential and public amenity.
7. In the interests of highways safety.
8. In the interests of highway safety.
9. To provide for the loading, unloading and parking of vehicles clear of the highway and to ensure that reversing vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
10. To ensure effective management of surface water run-off in the interests of flood risk management.
11. In the interests of safeguarding the amenity of occupiers of residential property in the locality from unacceptable noise.
12. To ensure adequate measures are in place to monitor and assess noise from the development in the event of complaints and in the interests of protecting the amenity of occupiers of residential property in the locality.
13. To allow the local planning authority to retain control over the development and in the interests of protecting the amenity of occupiers of residential property in the locality.
14. To ensure the long term reinstatement of land in the interests of visual amenity.
15. To ensure the long term reinstatement of the land.

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# Agenda Item 8

**WARD :** Prestatyn Central

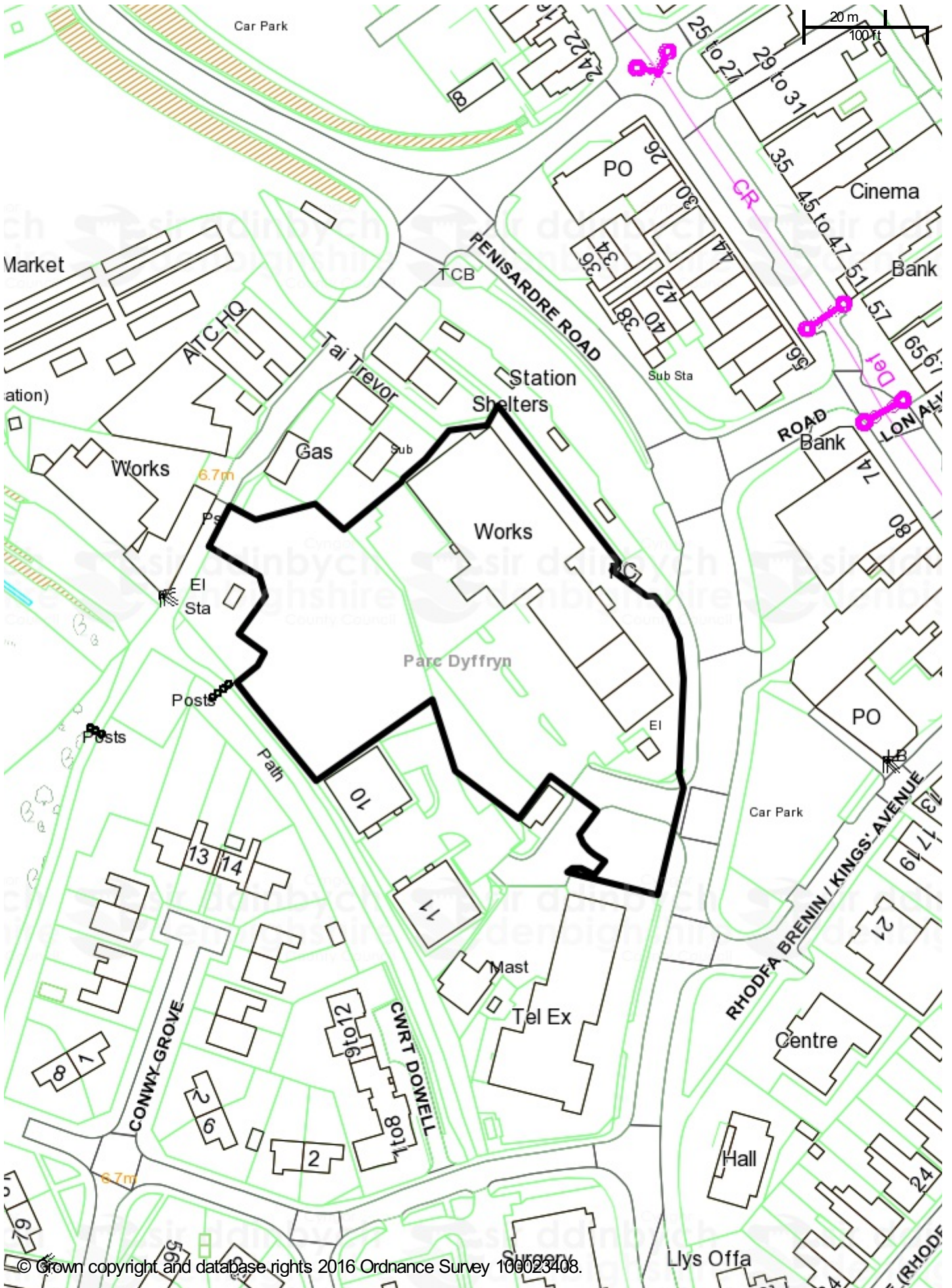
**WARD MEMBER(S):** Cllr Peter Duffy  
Cllr Hugh Irving

**APPLICATION NO:** 43/2016/0432/ PF

**PROPOSAL:** Demolition of existing buildings and erection of foodstore (Class A1), car parking and service areas, vehicular and pedestrian accesses and associated works

**LOCATION:** Land at Parc Dyffryn Industrial Estate Ffordd Pedyffryn  
Prestatyn

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43/2016/0432/PF

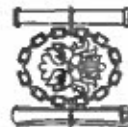
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Printed on: 25/11/2016 at 13:32 PM



# SITE PLAN

## ONE DESIGN ARCHITECTURAL SERVICES



One Design Architectural Services, Inc.  
 Chartered Architects of  
 Architecture and  
 Registered Practice  
 One Design Architectural Services, Inc.  
 Suite 3, 28 Wellington Bulbin, Sydney  
 Bradfield, NSW 1588  
 0 2 7 7 4 3 9 1 8 8 8  
 www.onedesignarch.com  
 MCL 8 0100202301001001

**STATUS: PLANNING**

**Client**  
 LIDL UK GUMMINGCORN WAY US

**Project**  
 PENANGADE ROAD, PRESHYTH

**Title**  
 PROPOSED SITE PLAN

**Job No.** 15005

**Drawing No.** AD 110 REV 4

**Drawn by** CJP

**Checked by** JWP

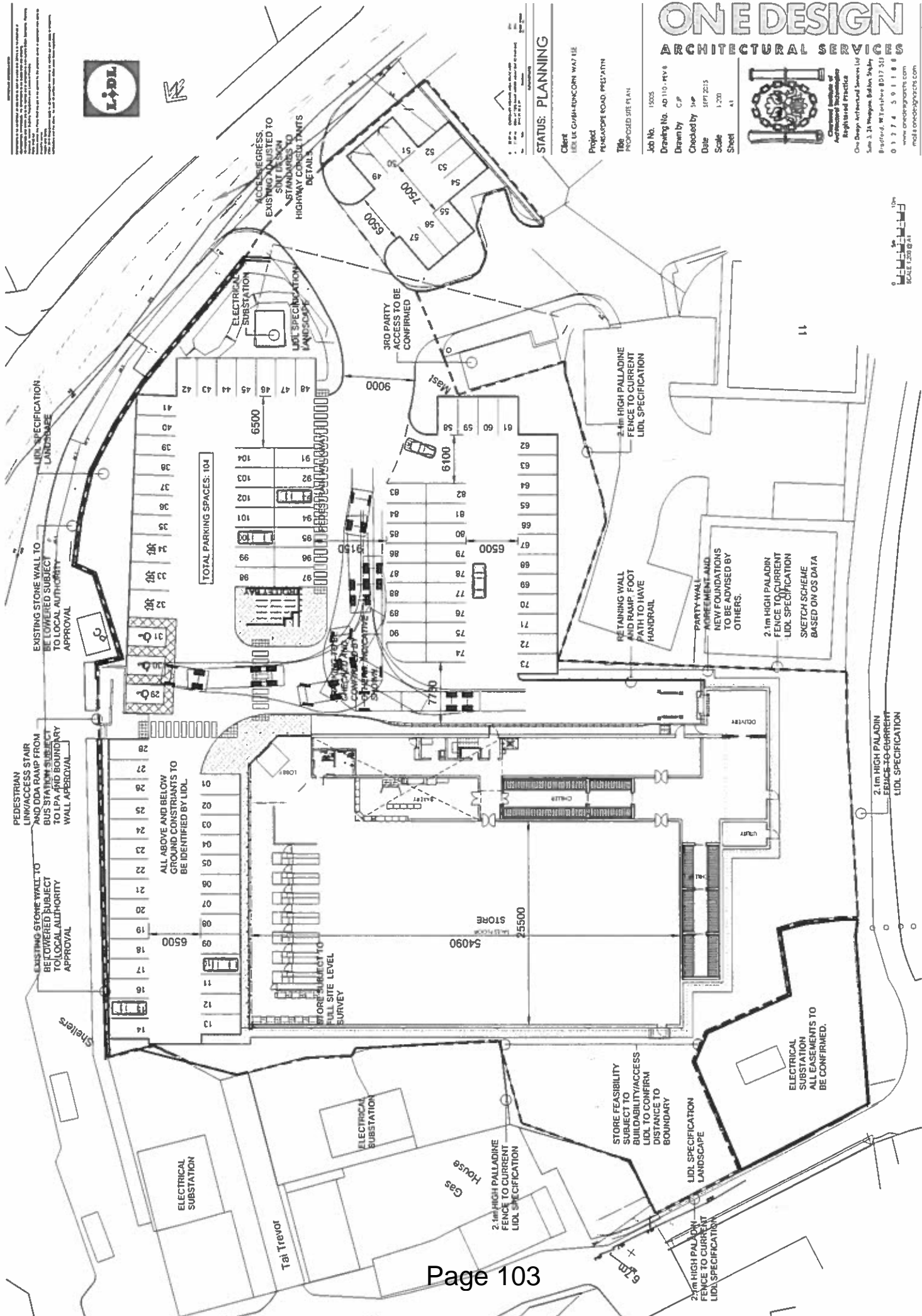
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**Scale** 1:200

**Sheet** A1



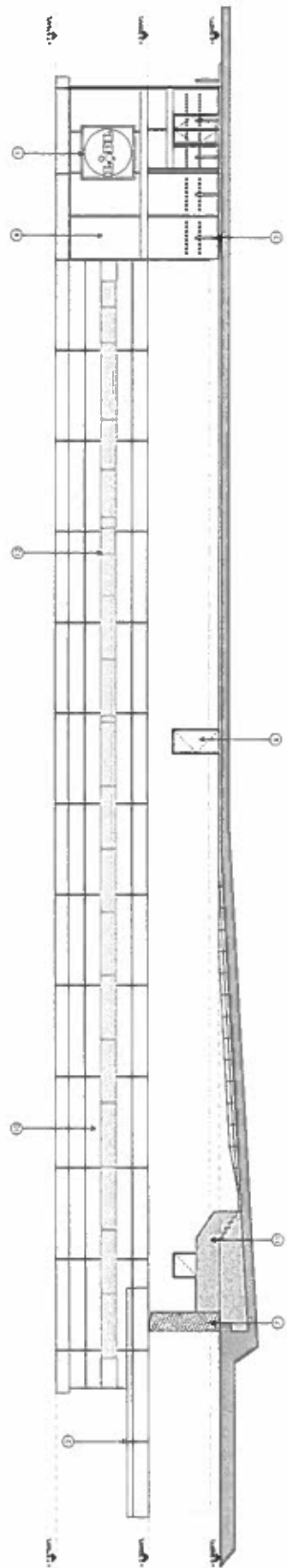
SCALE 1:200 @ A1



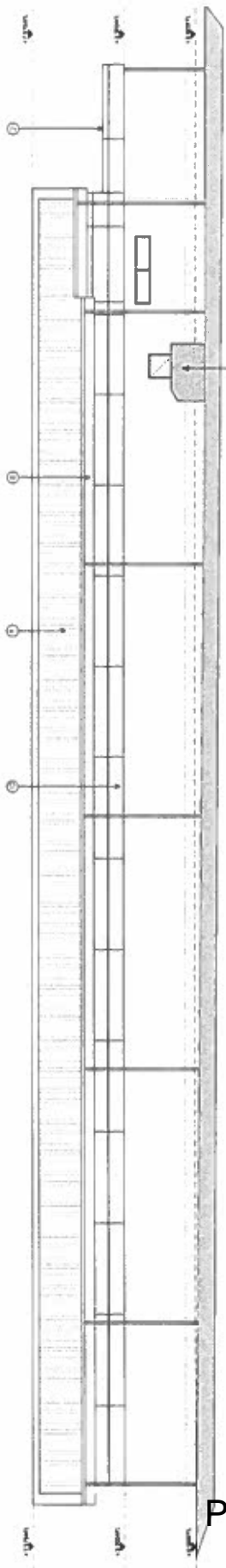




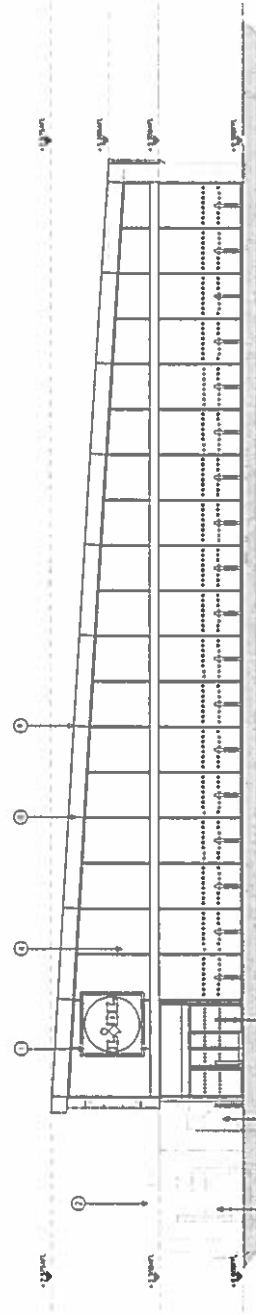
1. All dimensions are in millimeters unless otherwise stated.  
 2. All elevations are shown in elevation unless otherwise stated.  
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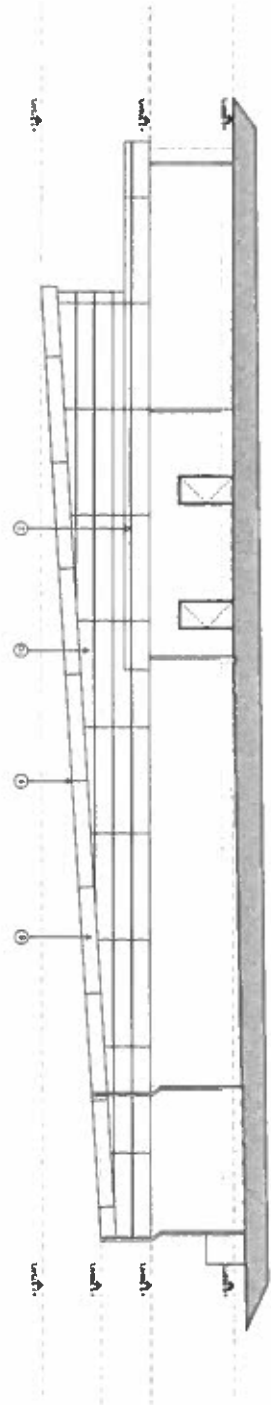
FRONT ELEVATION (SOUTH EAST)



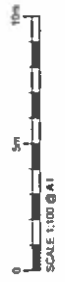
REAR ELEVATION (NORTH WEST)



SIDE ELEVATION (NORTH EAST)



SIDE ELEVATION (SOUTH WEST)



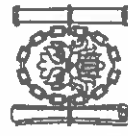
**STATUS: PLANNING**  
 Client: IED UK GAMBACORPI, WAJ 15E  
 Project: PHSASORE ROAD, PERSIATH  
 Title: PROPOSED ELEVATIONS

Job No. 15005  
 Drawing No. AD 113  
 Drawn by CP  
 Checked by SWP  
 Date APR 2015  
 Scale 1:100  
 Sheet A1

# ELEVATION PLANS

## ONE DESIGN

### ARCHITECTURAL SERVICES



One Design Architectural Services Ltd  
 Suite 1, 71 Wiggins Road, Sydney  
 01274 591888  
 www.onedesignarch.com  
 mail@onedesignarch.com

Approved as required and shown on the plans.

**REVISIONS**

No.	Description
1	Issue for approval
2	Issue for approval
3	Issue for approval
4	Issue for approval
5	Issue for approval
6	Issue for approval
7	Issue for approval
8	Issue for approval
9	Issue for approval
10	Issue for approval

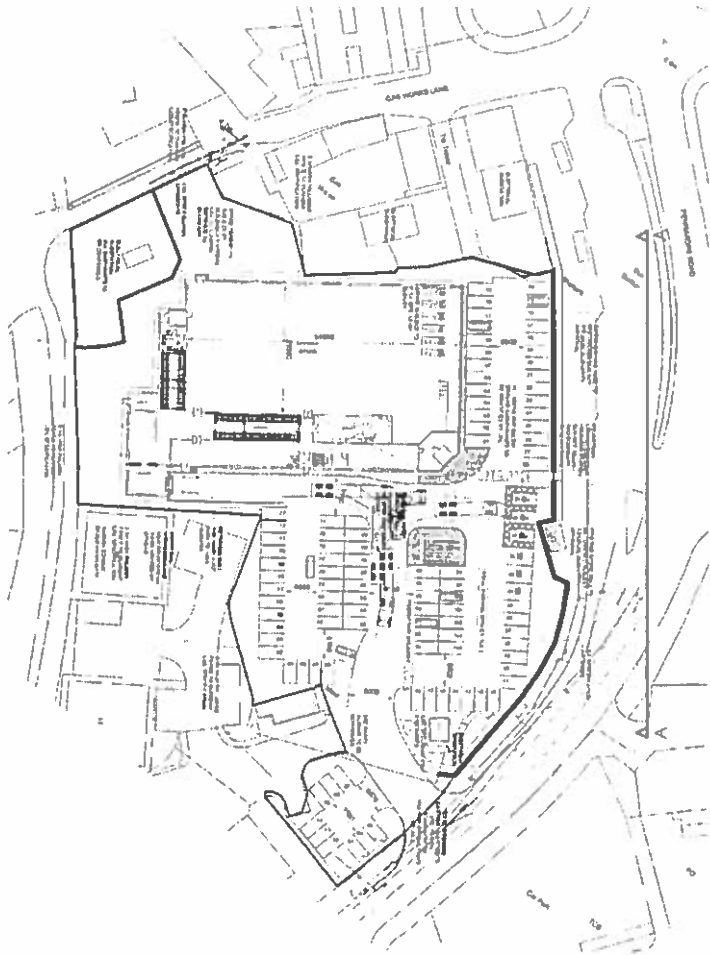






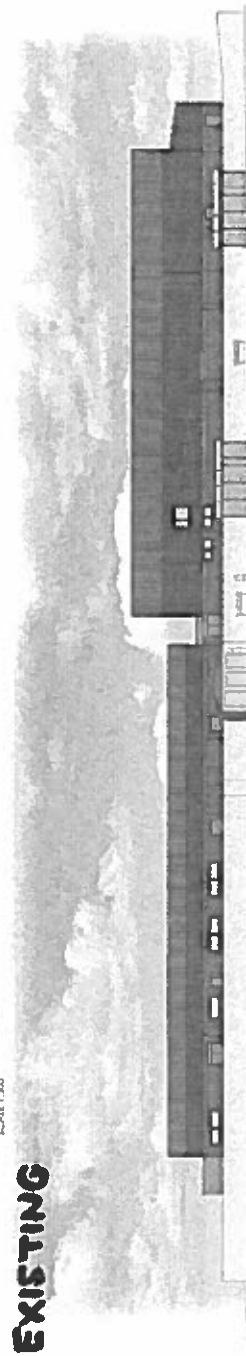
# STREET SCENE PLANS

**UNLAWFUL DEVELOPMENT**  
 This drawing is prepared for the use of the client and is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any construction or other work done in reliance on this drawing. The architect is not responsible for any damage or injury to any person or property resulting from the use of this drawing. The architect is not responsible for any cost or expense incurred by any person in reliance on this drawing. The architect is not responsible for any delay or interruption of work resulting from the use of this drawing. The architect is not responsible for any loss or damage to any person or property resulting from the use of this drawing. The architect is not responsible for any other matter arising out of the use of this drawing.



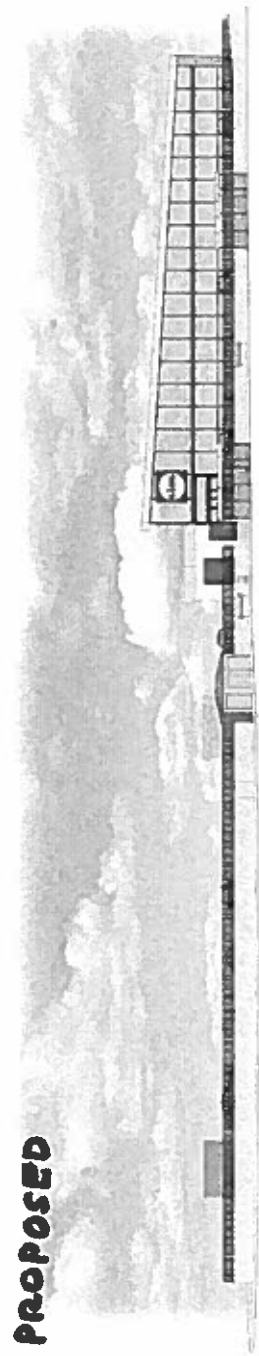
PROPOSED SITE LAYOUT  
 SCALE 1:300

**EXISTING**



EXISTING STREET SCENE  
 SCALE 1:200

**PROPOSED**



PROPOSED STREET SCENE  
 SCALE 1:200

**STATUS: PLANNING**

**Client**  
 LEE, LE, GAMB, RUPICORH, WAJ DE

**Project**  
 FIVESTARVE ROAD, PRESTON

**Title**  
 EXISTING & PROPOSED STREET SCENES

**Job No.** 13303

**Drawing No.** AD 118

**Drawn by** EA

**Checked by** SP

**Date** FEB 20 16

**Scale** 1:200 & 1:200

**Sheet** A1

**ONE DESIGN**  
 ARCHITECTURAL SERVICES

Chartered Institute of  
 Architectural Technicians  
 Registered Practitioner

One Design Architectural Services Ltd  
 Suite 3, 14 Margaret Road, Sydney  
 Bradford, WY 1, Levens 1017 541  
 0 1 7 7 4 3 9 1 1 8 8  
 www.onedesignarchitect.com  
 info@onedesignarchitect.com

Registered in England and Wales, Co No. 0866483



**WARD :** Prestatyn Central

**WARD MEMBER(S):** Cllr Peter Duffy  
Cllr Hugh Irving

**APPLICATION NO:** 43/2016/0432/ PF

**PROPOSAL:** Demolition of existing buildings and erection of foodstore (Class A1), car parking and service areas, vehicular and pedestrian accesses and associated works

**LOCATION:** Land at Parc Dyffryn Industrial Estate Ffordd Pendyffryn Prestatyn

**APPLICANT:** Mr E Whalley Lidl UK GmbH And Merbuild Developments Limited

**CONSTRAINTS:** Article 4 Direction

**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

**CONSULTATION RESPONSES:**

**PRESTATYN TOWN COUNCIL**

“Observation, further details of recent traffic survey and County Highways assessment should be provided.”

**NATURAL RESOURCES WALES**

No objection subject to conditions relating to contamination, environmental management and bats/light spillage.

**DWR CYMRU / WELSH WATER**

No objection. Request drainage details are secured by condition.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

Consultant Arboriculturist

No objection subject to a landscaping condition.

**Highways Officer**

Following discussions with the LIDL Highways Consultants over the detailing of the access arrangements, the Highways Officer requested additional information. On the basis of the additional information, the Highways Officer has raised no objection to the scheme, and requests conditions be imposed requiring relevant details of access / junction arrangements, Construction method and Delivery Management systems.

**Senior Technical Officer Environmental Health**

No objection, subject to conditions relating to opening hours, delivery times and noise levels.

Strategic Planning and Housing Team  
No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Cristhian Darlington, Unit B, Morfa Unit, Prestatyn (O)  
Bob Paterson, 120 Ffordd ty Newydd, Meliden, Prestatyn (O)  
Ms Jacqueline Rowe, Gas House, Gas Works Lane, Prestatyn (O)  
Ian Scott, 97 Fforddisa, Prestatyn (O)  
Sure Christou, 2 Nant Drive, Prestatyn (O)  
David Bramwell, 4 Bosworth Grove, Prestatyn (O)  
Stan Jones, 31 St James Drive, Prestatyn (C)  
Mr and Mrs Ewing, 10 Bryn Llys, Meliden (O)

Summary of planning based representations in objection:

Highways -

Access unacceptable, no capacity in local highway network, risk to pedestrians.

Need-

Prestatyn already well served by supermarkets.

Amenity-

Concerns over impacts on adjacent occupiers, light, noise, disturbance.

In support

Representations received from:

Tracy Evans, 58 Fforddisa, Prestatyn (S)  
Emma Jones, 26 Plastirion Avenue, Prestatyn (S)  
Elizabeth Butt, 35 Alexandra Drive, Prestatyn (S)  
Jayne Parry, 42 Ffordd Parc Bodnant, Prestatyn (S)  
Gerard Huby, 28 The Meadows, Prestatyn (S)  
Alison Roberts, 34 Salisbury Drive, Prestatyn (S)  
Marian Watkin-Jones, 134 Beverley Drive, Prestatyn (S)  
Mandy Higgs, 9 Morgan Road, Prestatyn (S)  
Anthony Jackson and Richard Rowlands, 16 Gordon Avenue, Prestatyn (S)  
Jill Lloyd, 46 Highbury Avenue, Prestatyn (S)  
John Marden, 22 The Mall, Prestatyn (S)  
Mr and Mrs Connor, 1 Sandiway, Prestatyn (S)  
Mr and Mrs Mellor, 14 Coed Mor Drive, Prestatyn (S)  
Pauline Quinn, 21 Llandaff Drive, Prestatyn (S)  
Veronica Ball, 2 St Chads Way, Prestatyn (S)  
Christine Smith, 123 Victoria Road West, Prestatyn (S)  
Joan Kendrick, 5 Bangor Crescent, Prestatyn (S)  
Peter Kendrick, 5 Bangor Crescent, Prestatyn (S)  
Gary Alexander, 14 Lon Eirlys, Prestatyn (S)  
Nicholas Lloyd, 5 Plastirion Avenue, Prestatyn (S)  
Adam Graham, 26 Broadway, Prestatyn (S)

Summary of planning based representations in support:

Employment-

Proposal will bring employment opportunities.

Retail offer-

Proposal will improve choice for retailers.

Visual amenity-

Proposal will improve eyesore site.

**EXPIRY DATE OF APPLICATION: Extension of time agreed until 14/12/2016**



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

- additional information required from applicant

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission to erect a use Class A1 foodstore with associated access, parking, servicing and landscaping on land at Parc Dyffryn Industrial Estate off Ffordd Pendyffryn in Prestatyn.
- 1.1.2 The foodstore operator is identified in the submission as Lidl.
- 1.1.3 The application site is indicated as some 0.78 hectares (1.94 acres) in extent and comprises of vacant warehouse units and related hardstanding.
- 1.1.4 The main elements of the scheme are:
- The erection of a use Class A1 foodstore to be located at the north western end of the site (see plans at the front of the report). This would be a mono-pitched roof building. The elevation detailing shows a mix of render and cladding with glazing and an entrance canopy on the north/south east corner. The elevation facing north east to the bus depot would be almost fully glazed. The roof detailing is silver standing seam cladding.
  - The foodstore would have a gross internal floorspace of 2454 sq metres, with a sales area of 1435 sq metres. It would have a first floor area for staff welfare facilities, including a meeting room and offices.
  - The main vehicular access would remain as existing from Parc Dyffryn off Pendyffryn Road, with improvements proposed. The access would serve the store and a customer parking area with 104 parking spaces (including 3 disabled spaces, 3 parent /child spaces, and cycle spaces).
  - Pedestrian access is also proposed on the north east boundary of the site to the bus station.
  - Associated landscaping / planting proposals, including new planting around the access and along the boundary with Pendyffryn Road.
  - The application forms refer to the number of full time equivalent jobs created as 25.
  - Hours of opening stated on the forms are 0700-2200 Monday to Saturday and 1000-1700 on Sunday.
- 1.1.5 The application contains a range of documents in addition to the standard forms and plans. These include:
- Design and Access Statement  
This outlines the design approach to the scheme and the policy context.
- Planning Statement (including Retail Impact Study and Community Linguistic Assessment).  
This is a general document that argues the proposal is compliant with policy, there will be no unacceptable retail impact / impact on vitality and viability of town centre and the access proposals and highway network are acceptable to accommodate development. The CLA concludes that the application would not impact on the Welsh language.

#### Transport Assessment

Considers the existing and proposed traffic flows and how this modelling has informed the design of the access arrangements.

#### Flood Consequence Assessment

This explores issues of floodrisk and drainage on the site, and advises that neither issue would be problematic.

#### Statement of Community Consultation

This sets out what work was undertaken in relation to pre-application engagement with the local community.

#### Land Contamination Report

This deals with the issues of the previous land use on the site.

#### Noise Survey

A noise survey has been carried out of the existing noise levels representative of the closest residential properties to the proposed food store. The document makes recommendations based on the potential noise associated with the proposed development.

### 1.2 Description of site and surroundings

- 1.2.1 The site is located off Pendyffryn Road, to the east of Prestatyn Town Centre.
- 1.2.2 The town centre bus station abuts the east of the site and Parc Dyffryn Business Park is located to the south. The west of the site is bounded partially by a public footpath, linking to the Prestatyn Dyserth Walkway along the former railway line and the GMS Auto Centre. The north of the site is bounded by some residential and commercial uses fronting Gas Works Lane and an electricity substation compound to the north.
- 1.2.3 The site has roughly 100 metres of stone retaining wall along the frontage with the bus station which is proposed to be reduced as part of the application to redevelop the site.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Prestatyn as shown on the Local Development Plan proposals map.
- 1.3.2 The site also has a specific allocation as a Brownfield Development Priority Area, BSC 2 allocation, in the plan.

### 1.4 Relevant planning history

- 1.4.1 It is understood that the site was redeveloped in the early 1980's by the former Welsh Development Agency in collaboration with the former Rhuddlan Borough Council, to provide small business units.
- 1.4.2 The units were subsequently taken over by a single operator of optical equipment who left the site in the early 2000's following a merger with Qioptic in St Asaph.
- 1.4.3 Tesco acquired the site in 2007 in order to facilitate the relocation of an existing business in Prestatyn Town Centre to enable the development of their store. However the site has been predominantly vacant since as the business proposed to be re-sited here failed.
- 1.4.4 It is understood that despite marketing by commercial agents in local and regional press and online, limited interest was expressed in its use for employment purposes.

### 1.1 Developments/changes since the original submission

1.1.1 The application has been amended since the original submission on the advice of Denbighshire's Highways Officer relating to Highways and accessibility matters.

1.2 Other background information

1.2.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 No recent planning history of any specific relevance to the current proposals.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4th June 2013)  
Policy RD1 – Sustainable development and good standard design  
Policy RD5 – The Welsh language and the social and cultural fabric of communities  
Policy BSC1 – Growth Strategy for Denbighshire  
Policy BSC2 – Brownfield development priority  
Policy PSE6 – Retail economy  
Policy PSE7 – Proposals for new retail development  
Policy VOE1 - Key areas of importance  
Policy VOE5 – Conservation of natural resources  
Policy VOE6 – Water management  
Policy ASA3 – Parking standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Technical Advice Notes

TAN 4 : Retail and Commercial Development

TAN 18: Transport

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, December 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 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, towards the aim of sustainability, and be fairly and reasonably related to the development concerned.

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 Drainage (including flooding)

4.1.5 Highways (including access and parking)

4.1.6 Impact on Welsh Language and Social and Cultural Fabric

Other matters.

Well-being of Future Generations (Wales) Act 2015

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 1 Sustainable development and good standard design sets basic tests to be applied to proposals on sites within development boundaries.

The site has been designated as 'brownfield development priority' BSC 2 area in recognition of the potential to contribute towards economic growth and sustainable regeneration of Prestatyn.

PSE 9 Out of Centre Retail Development is applicable to proposed retail development. The policy states that proposals for small scale retail uses will be permitted provided that they: (1) are less than 500sqm gross area; (2) serve the local area; (3) do not form part of an industrial estate; and (4) do not jeopardise the viability and vitality of town or district centres. Where the size of any retail unit proposed exceeds 500sqm gross area, regard needs to be given to criteria outlined in Planning Policy Wales alongside guidance in Technical Advice Note 4.

Both PPW and TAN 4 have been updated since the submission of this planning application, but both retain the underlying requirement for applications for retail developments in this type of location to address a range of tests including demonstrating a need, applying a sequential test for justifying the location, as well as supporting the objectives of the development plan, being accessible and enhancing the existing vibrancy and attractiveness of the existing retail centre.

As noted previously, the application proposes the erection of a 2454 sq metre store with a net retail floor space of 1,435 sq metres. Owing to the location of the site approximately 50 metres from the defined district centre boundary and the size of the site, a Retail Assessment has been submitted in support of the application. The Retail Assessment demonstrates there is a need for the proposed development; argues that the proposal passes the sequential test; and that owing to its location in close proximity to the High Street it is expected that there will be a positive impact on the vibrancy of the town centre. The Council's 2013 Retail Capacity exercise infers that there is sufficient capacity in the short term to support the convenience floorspace within the proposed Lidl store. The Strategic Planning Policy and Housing Team have raised no objection to the proposal on the basis of the retail assessment.

The site is located within the development boundary, on a brownfield development priority site. Retail provision on such site would not be contrary to local or national policy subject to a demonstration of need. On the basis of the information submitted in support of the application, including the retail assessment, and with regard to consultation responses, Officers consider the proposal is acceptable in principle. The detailed impacts are considered below.

#### 4.2.2 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of 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. Policy VOE 1 identifies a number of areas which will be protected from development which adversely affects them. The listed sites include sites of built heritage.

The application site currently houses vacant industrial units. The proposal is to erect a building of modern design with a mono-pitch roof. There is a mix of development in the locality including the modern library opposite the site on Kings Avenue and some older brick buildings off Gas Works Lane. No objections have been raised on grounds of visual amenity.

Having regard to the design, siting, scale, massing and materials of the proposed development in relation to the existing site and surroundings, it is considered that the proposals would be acceptable in terms of visual impact and are in accordance with the requirements of the policies and guidance referred to.

#### 4.2.3 Residential Amenity

Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest, and as 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. Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

Concerns have been raised over the amenity impacts of the development from the occupiers of Gas House.

The nearest dwelling to the site is Gas House, which is approximately 27 metres from the existing building on the site. On the opposite side of the Walkway to the south west there are also dwellings sited off Conwy Grove, which are some 80m from the existing main building.

Measured from the submitted plans, the proposed foodstore building would be some 25m from Gas House, and would extend further to the south east than the existing buildings. The rear of the foodstore would be some 28m from the nearest dwelling on Conwy Grove.

Whilst accepting the siting of the store would have some impact on the outlook from Gas House in particular, in the context of existing development on the site, the relationship between the properties, the actual detailing of the building and the town location, the development would not appear overpowering or so overbearing to justify refusal of the application.

Noise mitigation has been included as part of the development and can be conditioned as per the Public Protection Officer's suggestion, to address concerns over disturbance to occupiers of nearby dwellings.

Having regard to the nature of the existing and proposed development in relation to neighbouring properties, and to the proposed noise mitigation measures, it is considered that the proposal would not have an unacceptable impact on these aspects of residential amenity. The proposals are therefore considered to comply with the policies and guidance listed above.

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

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

There are representations raising highway concerns, in terms of the acceptability of the access and the road network. The Highways Officer has been in dialogue with the applicant's highway consultants, and on consideration of the revised details submitted, raises no objections. Conditions are suggested requiring submission of further details of revisions to the site access, associated junction arrangements, construction and Delivery management plans.

For clarity, to facilitate the development, off site highway works are proposed which include; widening of Ffordd Pendyffryn immediately to the south of the site access, retaining the full length of the right turn lane into Pen isa'r dre Road, creating a 10m long right turn "pocket" into the site, and creating a build out on the south-east corner of the junction of Ffordd Pendyffryn / Pen isa'r dre Road to reduce the crossing distances for pedestrians. The access arrangements have been designed using

comparative traffic modelling and Highway's Officers are satisfied it will accommodate the traffic volumes without impacting significantly on flows on the surrounding road network. Officers are satisfied that full consideration has been given to the highway implications of the development, and in acknowledging local reservations, the proposals are considered acceptable in relation to highway safety and parking provision, and are compliant with the relevant planning policies and guidance, subject to inclusion of conditions requested by the Highway Officer.

#### 4.2.5 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.

The site is not located within a flood risk zone or area designated as sensitive from the point of view of flooding or drainage.

Natural Resources Wales have been consulted on the application and Flood Consequences Assessment and have no objection to the proposals. Dwr Cymru have confirmed that the drainage strategy proposed is acceptable subject to necessary controls being imposed.

Having regard to the advice of NRW and Dwr Cymru, who are the relevant experts in relation to floodrisk and drainage in relation to development, it is considered that the proposals are acceptable in relation to these considerations and are therefore considered to be compliant with the policies listed above.

#### 4.2.6 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 brief Community Linguistic Statement submitted with the application concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language.

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

#### **Other matters**

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed

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

5.1 It is the opinion of Officers that the proposal is acceptable having regard to the relevant planning policies and material considerations, and is therefore recommended for grant, subject to conditions.

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

1. The development to which this permission relates shall be begun no later than 14th December 2021.
2. The development hereby permitted shall be carried out in accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Proposed elevations (Drawing No. AD 113 rev A) received 24 October 2016
  - (ii) Proposed floor plan (Drawing No. AD 111 rev A) received 26 September 2016
  - (iii) Existing and proposed street scenes (Drawing No. AD 118) received 5 May 2016
  - (iv) Proposed roof plan (Drawing No. AD 112) received 5 May 2016
  - (v) Proposed site finishes (Drawing No. AD 115) received 5 May 2016
  - (vi) Proposed boundary treatment (Drawing No. AD 114) received 5 May 2016
  - (vii) Proposed planting specification plan (Drawing No. AD 117 Rev A) received 26 July 2016
  - (viii) Proposed landscaping scheme (Drawing No. AD 116 rev B) received 26 July 2016
  - (ix) Existing and proposed tree layout (Drawing No. AD 119) received 26 July 2016
  - (x) Topographical survey (Drawing No. 17195-1) received 5 May 2016
  - (xi) Existing site plan (Drawing No. AD 101) received 5 May 2016
  - (xii) Proposed site plan (Drawing No. AD 110 rev C) received 24 October 2016
  - (xiii) Proposed levels plan (Drawing No. SK01) received 6 June 2016
  - (xiv) Location plan received 5 May 2016
3. **PRE-COMMENCEMENT CONDITION**  
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 roof water) in connection with the development. The development shall proceed in accordance with the submitted details which shall include details of the timing of implementation.
4. **PRE-COMMENCEMENT CONDITION**  
Notwithstanding the approved plans, no development shall take place until the written approval of the Local Planning Authority has been obtained to a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) Proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of implementing the planting;
  - (b) Proposed materials to be used on any access roads, paths and other hard surfaced areas;
  - (c) Proposed earthworks, grading and mounding of land and changes in levels, retaining structures, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform, and water features;
  - (d) Proposed positions, design, materials and type of boundary treatment, including screen walls and fences, and the timing of implementing the treatment;
  - (e) Any minor artefacts and structures, including furniture, play equipment, refuse and other storage equipment, signs,
  - (f) The timing of the carrying out of the planting, landscaping, erection of screen walls and fences relative to the different elements of the development
  - (g) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.
5. All planting, seeding or turfing, and fencing, and boundary treatment comprised in the approved details of landscaping shall be completed in the first planting season following the completion of the development. Any trees or plants which within a period of 5 years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All screen walls and fences shall be maintained and retained as approved unless the Local Planning Authority gives written approval to any variation.

6. The total gross internal floorspace of the store hereby permitted shall not exceed 2454 sq m including, for the avoidance of doubt, any mezzanine floorspace.
7. The total retail sales area of the store hereby permitted (excluding checkouts, lobbies, concessions, cafe, customer toilets and walkways behind the checkouts as per the definition given by the Competition Commission) shall not exceed 1435 sq m, including, for the avoidance of doubt, any mezzanine floorspace.
8. The total retail sales area devoted to the sale and display of convenience goods shall not exceed 1148sq m, including, for the avoidance of doubt, any mezzanine floorspace.
9. The total retail sales area devoted to the sale and display of comparison goods shall not exceed 287sq m including, for the avoidance of doubt, any mezzanine floorspace.
10. The foodstore shall not be open for customers outside the hours of 0700 - 2200 Monday to Saturday and 1000-1700 on Sundays.
11. Deliveries to the store and the handling and collection of waste and other activity within the service area shall not be permitted outside the hours of 0600 - 2200 on any day, and any waste arising from the facing up of the store in the evening shall be stored within the store for removal the following morning.
12. Notwithstanding the submitted proposals, no external lighting of the car park, service yard, foodstore building or any part of the application site shall be permitted until the written approval of the Local Planning Authority has been obtained to the detailing of all lighting columns and lights, their position, height, design, the means and intensity of illumination, hooding, hours of operation, and proposals for reduced intensity outside store operating hours, and emergency/security lighting. The development shall be carried out strictly in accordance with the details approved under this condition.
13. There shall be no external storage of goods, crates, waste, or any items relating to the delivery or collection of goods from the foodstore, at any time, other than within the service area.
14. No external sound amplification systems or the playing of music shall be permitted at any time outside the foodstore.
15. There shall be no restrictions placed on the use of the foodstore car park (including length of stay and charging) other than with the prior written approval of the Local Planning Authority.
16. The proposed customer car park shall not be brought into operation until the written approval of the Local Planning Authority has been obtained to the detailing of a suitable gate/barrier to prevent access by motor vehicles outside store opening hours. The approved gate/barrier shall be installed prior to the first opening of the store and shall be operated daily in association with the opening and closing of the store.
17. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  1. A preliminary risk assessment which has identified; all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
    - a. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
18. **PRE-COMMENCEMENT CONDITION**  
Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also



- include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
19. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
  20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
  21. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
  22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
  23. The noise levels from the site shall be in strict accordance with the levels stated in the noise report produced by Noise Assess ref 11652.01.v2 dated April 2016.
  24. In the event of complaints to the Local Planning Authority over noise attributable to the operation of the business, and after they have been initially investigated by the Authority to assess that there is a potential for breach of condition 23:
    - a. The Authority shall notify the applicants in writing of the complaint;
    - b. Within one month of notification by the Authority, the applicants shall organise, at their own expense, a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, to establish whether the terms of Condition 23 are being met, to identify the source of any noise which may be giving rise to complaint, and to put forward measures for addressing/mitigating noise so that the levels set in Condition 23 are met, including the timing of implementation of the measures;
    - c. A copy of the noise assessment undertaken in accordance with b. shall be submitted to the Authority no later than two months from the date of notification in a.
  25. In the event that a noise assessment carried out in accordance with Condition 24 identifies noise exceeding the levels set in Condition 23:
    - a. Specific mitigation measures as set out in the assessment, or such other alternative means of addressing the source(s) of noise as are submitted for the consideration and approval of the Local Planning Authority, shall be implemented in accordance with a timescale to be agreed in writing with the Authority;
    - b. The applicants shall organise, at their own expense, a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, of noise levels at an agreed noise sensitive facade for a period to be agreed with the Authority, once the approved mitigation measures have been implemented, to determine whether the requirements of Condition 23 are being met;
    - c. A copy of the findings of the further noise monitoring undertaken in accordance with b. shall be submitted to the Authority within 7 days of completion
  26. In the event that the noise monitoring required by Conditions 24 and 25 of this permission confirms that noise levels remain in excess of those set in Condition 22, the item(s) of plant, equipment, activities, etc. identified as giving rise to the problems shall not be permitted to continue to operate until alternative mitigation measures are approved in writing by the Local Planning Authority, the measures as approved are implemented, the same noise monitoring arrangements as set out in Conditions 24 and 25 are undertaken, and the written approval of the Authority is obtained to the continued operation of the particular plant, equipment, activities, etc.
  27. Full details of the alterations to the existing vehicular access, the reconfiguration of the signalled controllers, the revalidation of the Mova system at the Pen isa'r dre Road/bus

station entrance junction and Bridge Road/gas Works lane junction and associated highway works including the detailed design, layout, construction, street lighting and drainage shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the works shall be completed in accordance with the approved plans before the development is brought into use.

28. PRE-COMMENCEMENT CONDITION

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction of works.
- delivery vehicle routes to and from the site from major highway links.

29. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

30. PRE-COMMENCEMENT CONDITION

No development shall take place until a Delivery Management Plan has been submitted to and approved by the Local Planning Authority, the details shall include delivery times, vehicle routes to the site and the means of ensuring Lidl HGVs turn left into the site and left out from and onto Ffordd Pendyffryn.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure the development is served by a satisfactory drainage system.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. In order that the Local Planning Authority retains control over the floorspace and subdivision of the foodstore, to protect the viability and vitality of the town centre.
7. In order that the Local Planning Authority retains control over the floorspace and subdivision of the foodstore, to protect the viability and vitality of the town centre.
8. In order that the Local Planning Authority retains control over the floorspace and subdivision of the foodstore, to protect the viability and vitality of the town centre.
9. In order that the Local Planning Authority retains control over the floorspace and subdivision of the foodstore, to protect the viability and vitality of the town centre.
10. In the interests of residential amenity.
11. In the interests of residential amenity.
12. In the interests of residential amenity.
13. In the interests of visual and residential amenity.
14. In the interests of residential amenity.
15. To ensure the development allows for the possibility of visitors carrying out linked trips to the town centre, in the interests of the vitality and viability of the centre.
16. In the interests of residential amenity and to deter antisocial behaviour.
17. Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity as the site sits on a Secondary A aquifer and groundwater is likely to flow to the Prestatyn Gutter; and contamination is suspected from the historic use of the site as a gasworks.

18. To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
19. To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
20. It is possible that there may be unidentified areas of contamination at the site resulting from the past industrial uses of the site that could pose a risk to controlled waters if they are not remediated
21. There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
22. There is an increased potential for pollution of controlled waters from inappropriate methods of piling. An appropriate scheme to address the contamination at the site will be required.
23. In the interests of the amenities of occupiers / users of nearby properties.
24. In order that appropriate steps are put in place to investigate and mitigate noise complaints, in the interests of the amenities of occupiers / users of nearby properties.
25. In order that appropriate steps are put in place to investigate and mitigate noise complaints, in the interests of the amenities of occupiers / users of nearby properties.
26. In order that appropriate steps are put in place to investigate and mitigate noise complaints, in the interests of the amenities of occupiers / users of nearby properties.
27. 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.
28. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
29. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.
30. In the interests of highway safety.

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# Agenda Item 9

**WARD :** Rhyl East

**WARD MEMBER(S):** Cllr Barry Mellor (c)  
Cllr David Simmons (c)

**APPLICATION NO:** 45/2016/0740/ PF

**PROPOSAL:** Re-development of 4.25ha of land incorporating the following hybrid (Full/Outline) elements :- Demolition of the former "Sun Centre" and the external refurbishment of the adjoining Pavilion Theatre incorporating over-cladding. (Full)- Erection of 4,000sq.m Class D2 Exhibition/Events Centre as extension to Pavilion Theatre (Outline)- Erection of 2,825sq.m detached 73 bedroom Class C1 hotel. (Full)- Erection of 2 no. Class A3 Family Restaurants (Outline)- Retention and re-use of existing retail kiosk and land train shed building for retail/leisure/community use (Full)- New and reconfigured car/coach parking (Full)- Improvements and alterations to existing vehicular access and turning areas. (Full)- Hard and soft landscaping details (Full/Outline)

**LOCATION:** Site of Pavilion Theatre and Sun Centre, and adjoining land/car and coach parks East Parade Rhyl

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Sand



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45/2016/0740/PF

Scale: 1:2500

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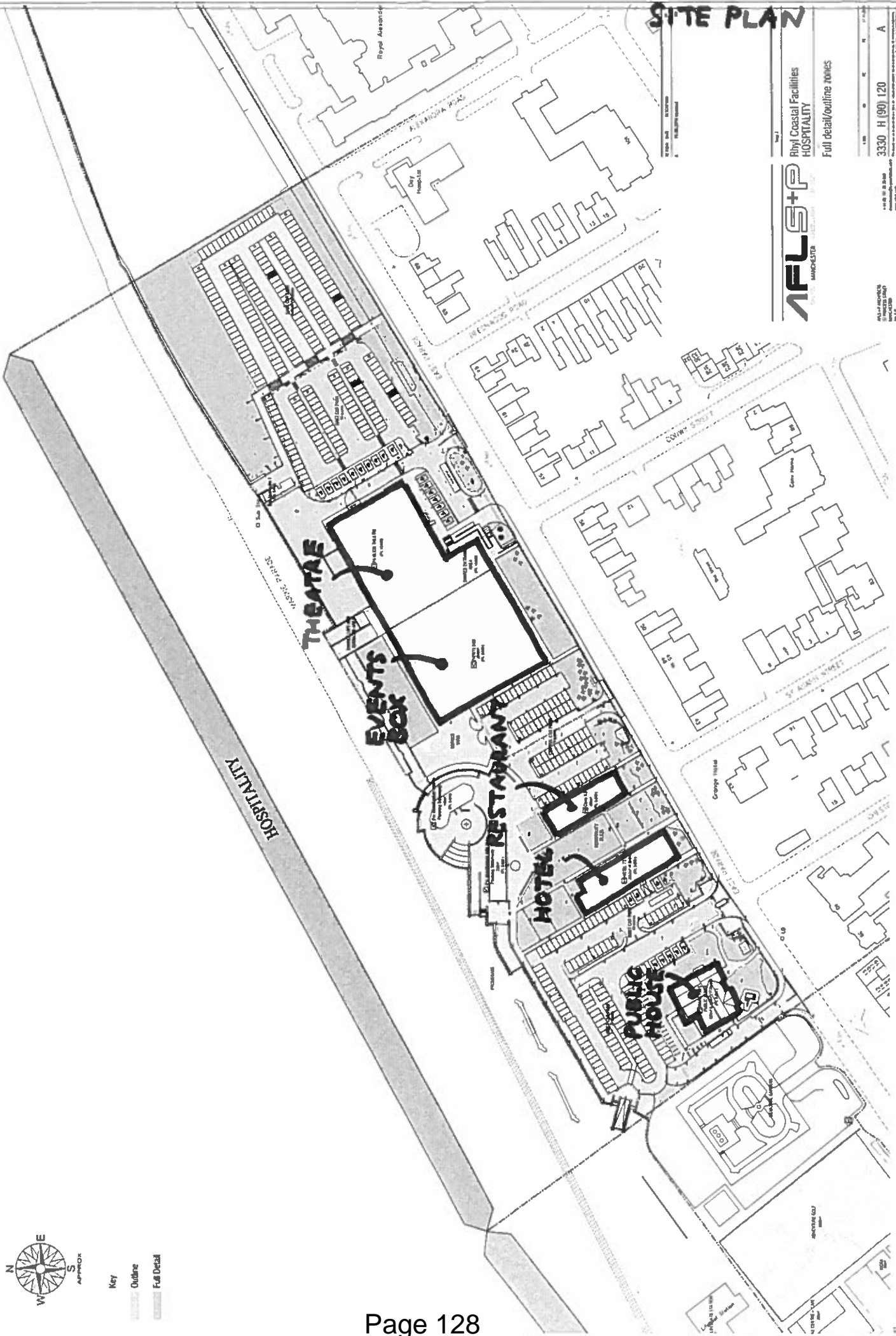
# SITE PLAN

Royal Coastal Facilities  
**HOSPITALITY**  
 Full detail/outline zones



3330 H (90) 120  
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ALL RIGHTS RESERVED  
 10/15/2014  
 10/15/2014



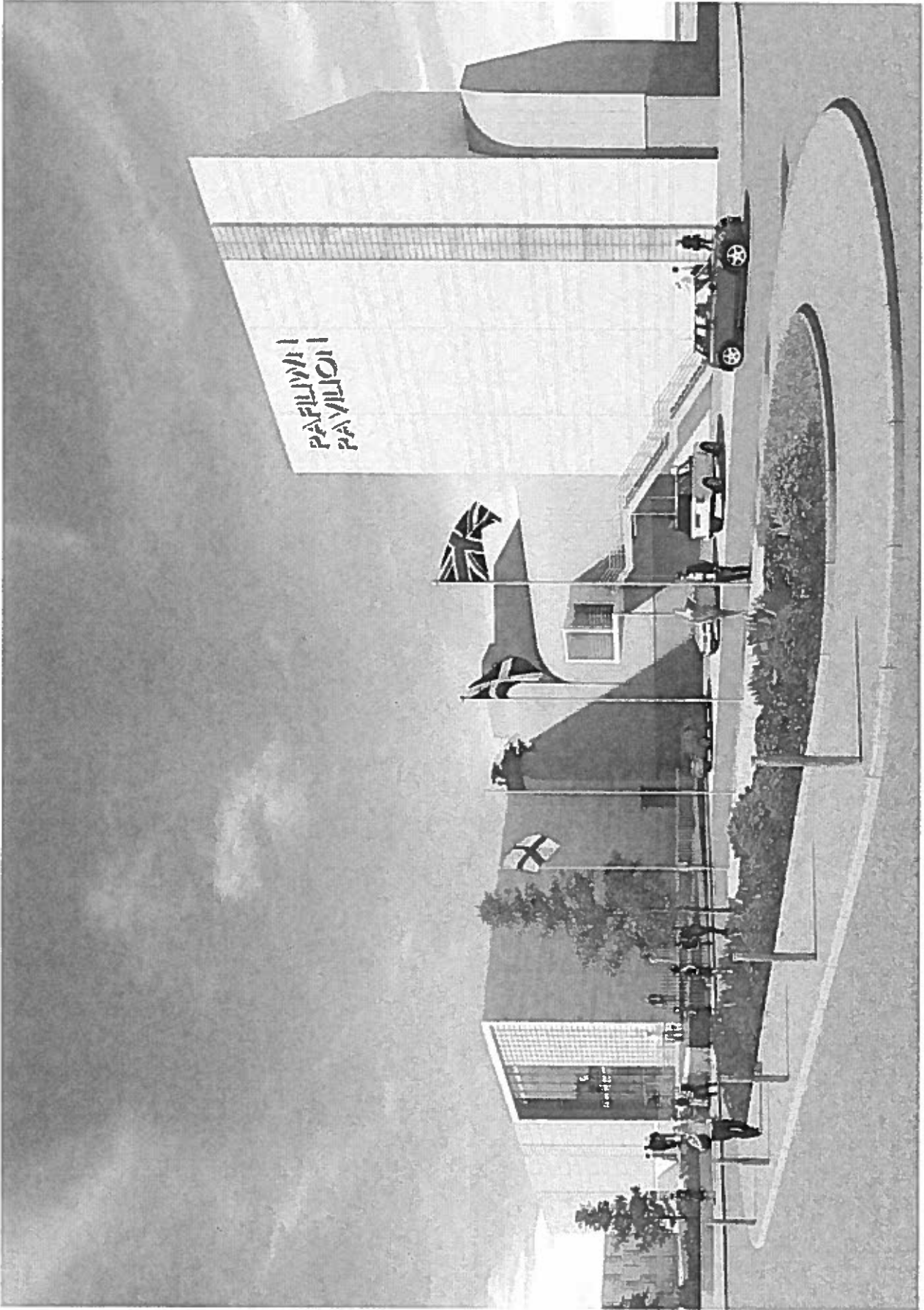
- Key
- Outline
- Full Detail

10/15/2014 10/15/2014





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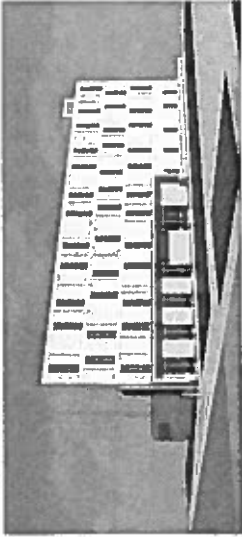


Rhyl Coastal Facilities- Artist impression rev A



Drawing supersedes H4(03)004

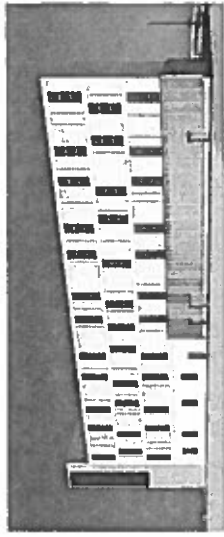
East Visual



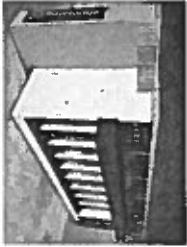
South Visual



West Visual



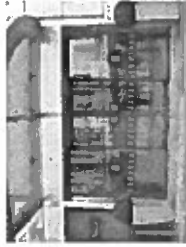
1. Tough coloured render (similar or approved)



2. UPVC Dk grey double glazed windows (similar or approved)



3. Aluminium entrance glazed screen (similar or approved)



4. Acrypa screen (similar or approved)



5. Equitone panels (similar or approved)



6. Powdercoated aluminium capping (similar or approved)



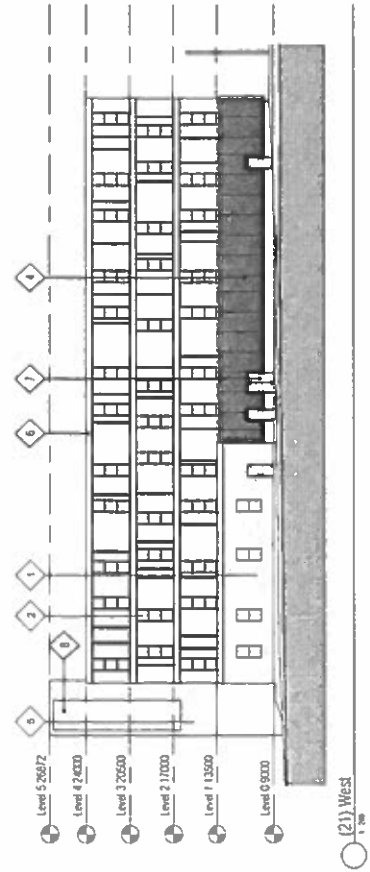
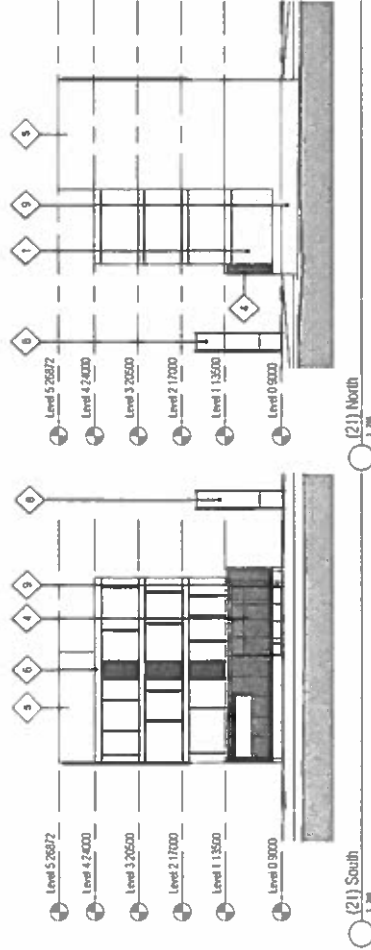
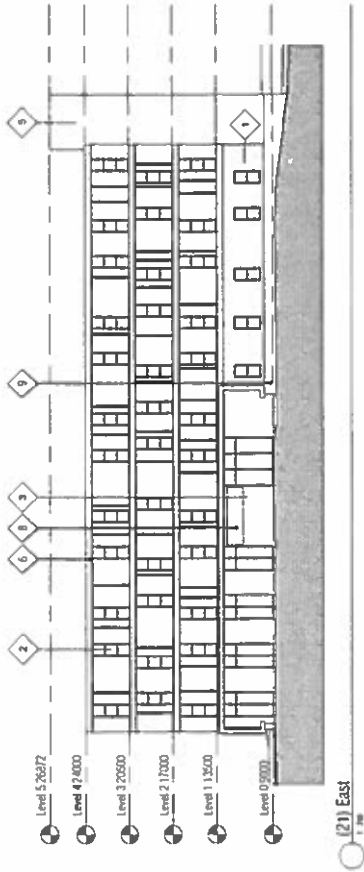
7. Steel faced doors (similar or approved)



8. Signs



9. Exposed concrete wall (similar or approved)



**AFLS+P**  
 LONDON MANCHESTER BIRMINGHAM GLASGOW

ALL PROJECTS:  
 1. 100% 3D CAD  
 2. 100% 2D CAD  
 3. 100% 4D CAD  
 4. 100% 5D CAD

Phyl Coastal Facilities  
 Hospitality 4  
 Proposed Elevations

3330 H4(2)001







<b>WARD :</b>	Rhyl East
<b>WARD MEMBER(S):</b>	Cllr Barry Mellor (c) Cllr David Simmons (c)
<b>APPLICATION NO:</b>	45/2016/0740/ PF
<b>PROPOSAL:</b>	Re-development of 4.25ha of land incorporating the following hybrid (Full/Outline) elements :- Demolition of the former "Sun Centre" and the external refurbishment of the adjoining Pavilion Theatre incorporating over-cladding. (Full)- Erection of 4,000sq.m Class D2 Exhibition/Events Centre as extension to Pavilion Theatre (Outline)- Erection of 2,825sq.m detached 73 bedroom Class C1 hotel. (Full)- Erection of 2 no. Class A3 Family Restaurants (Outline)- Retention and re-use of existing retail kiosk and land train shed building for retail/leisure/community use (Full)- New and reconfigured car/coach parking (Full)- Improvements and alterations to existing vehicular access and turning areas. (Full)- Hard and soft landscaping details (Full/Outline)
<b>LOCATION:</b>	Site of Pavilion Theatre and Sun Centre, and adjoining land/car and coach parks East Parade Rhyl
<b>APPLICANT:</b>	Neptune Developments Ltd.
<b>CONSTRAINTS:</b>	Article 4 Direction
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

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

- 4 or more objections – recommendation to grant

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
"No objection".

**NATURAL RESOURCES WALES**

Floodrisk- No objection subject to conditions requiring adherence to FCA recommendations.  
Environmental Management- No objection, Recommend all site works are carried out in accordance with government guidance.  
Protected Species- No objection, proposal will not impact on bats.

**DWR CYMRU / WELSH WATER**

No objection, subject to conditions relating to implementation of the permission and drainage details.

**WALES AND WEST UTILITIES**

No objection, draw attention to utilities apparatus in the area.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Archaeologist  
No objection, subject to watching brief condition.



Biodiversity Officer

No objection, subject to conditions relating to house sparrow mitigation and landscaping enhancements.

Consultant Arboriculturist

No objection in principle, recommends landscaping condition and careful consideration of the soft landscaping to enhance the development and integrate it better with its surroundings.

Economic Development Officer

No objection, the Council's Tourism Growth Plan aims to improve the contribution Tourism makes to the local economy and has identified working with investors to refresh the coastal offer as a key part of this, improving quality and extending the season.

Head of Highways and Infrastructure

- Highways Officer

No objection, subject to conditions.

Pollution Control Officer

No objection, subject to conditions covering the next phases of development and construction management.

Planning Policy

No objection, proposal is broadly in line with local and national policy.

Flood Risk Manager

Concurs with the suggestion regarding a Flood Warning and Evacuation Plan, which should be a condition for the development.

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

##### In objection

Representations received from:

Robert Wardle, 13 Glendower Court, Rhyl

Elizabeth Pike, 13 Glendower Court, Rhyl

Mr G.E. Methurst, 19 Glendower Court, Rhyl

Mrs Anna Elizabeth Jones, 15 Glendower Court, Rhyl

Mrs S Herbert and Mr BJ, 18 Glendower Court, Rhyl

Mrs Janet Doherty, 12 Glendower Court, Rhyl

Thelma Walker, 5 Glendower Court, Rhyl

P.Walker, 5 Glendower Court, Rhyl

John Penrhyn Jones, 9 Glendower Court, Rhyl

Mr and Mrs Whitehead, 1 Glendower Court, Rhyl

K.J. Forrester & LJ Blood-Forrester, 17 Glendower Court, Rhyl

Summary of planning based representations in objection:

Residential Amenity- concerns over the amenity impacts of the development (in particular the A3 public house).

Visual Amenity- concerns over appearance of development, and views from surrounding properties.

Highways Impacts-proposal would increase traffic in the area.

**EXPIRY DATE OF APPLICATION: 17/11/2016**

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

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

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The 'hybrid' (part full and part outline) planning application proposes a mixed-use tourism / leisure focused redevelopment scheme around the former Sun Centre and Pavilion Theatre on East Parade in Rhyl.
- 1.1.2 The development is presented as Phase One of the Rhyl Coastal Facilities Project, which is a joint venture partnership between Neptune Developments and Denbighshire County Council aimed at regenerating the Rhyl seafront.
- 1.1.3 The application comprises of the following elements:
- Demolition of the former 'Sun Centre' building.
  - Retention of the existing theatre and its refurbishment, by over-cladding of the existing theatre.
  - Retention of both the existing retail 'kiosk' building and land train shed to be used for any combination of Class A1, Class A3 uses.
  - Retention of the Kite Surf Centre and public toilets.
  - Erection of a 73 bedroom Hotel.
  - Car parking to include reconfiguration of the existing car parks (resulting in 313 spaces overall).
  - Minor reconfiguration of existing site accesses and car / coach parking / vehicle manoeuvring areas.
  - Hard and soft landscaping, including the creation of a public space (between the hotel and Class A3 outline unit)

The 'outline' components of the application are;

- Erection of a Class D2 Exhibition Centre of 4,000 square metres floorspace as an extension to the existing Pavilion theatre.
- Erection of a Class A3 family eatery / restaurant of 455 square metres floorspace.
- Erection of a Class A3 family public house / restaurant of 645 square metres floorspace.

Members are referred to the plans at the front of the report which provide an illustration of the elements of the scheme including an indication of the scale / dimensions of buildings.

- 1.1.4 The application is accompanied by a range of supporting documents. These include:
- Design and Access Statement  
This explains the design process having regard to the site constraints and planning policies. It is stated that the overall aim of the wider development is to re-establish / reinforce the town's waterfront as a focus for leisure activities, serving both the local population and a much broader visitor catchment on a year round basis. It looks to build on the best of the town's existing uses and natural assets by introducing a range of sustainable new attractions that will appeal to the local residential community as well proving attractive to people from all over North Wales and Northern England.
  - Transport Plan  
This seeks to demonstrate how the public (including staff) would be encouraged to choose alternative transport modes to the site over single occupancy car use.
  - Transport Statement  
The Transport Statement concludes that the site has been shown to be highly accessible by sustainable transport modes with excellent levels of walking, cycling and public transport infrastructure servicing the surrounding area of the site. The forecasted traffic associated with the development has been demonstrated to be low level in nature for the proposed hotel and

bar/restaurant uses. The proposed Events Box / exhibition centre is likely for the most part to have similar arrival and departure profiles as the former Sun Centre facility. During times when the Events Box is hosting a significant event in terms of scale of people, it is anticipated that the arrival of people will be dispersed over a prolonged period and the departure of visitors will be unlikely to coincide with peak traffic periods on the surrounding road network. Further, the propensity for linked trips to occur is a significant factor, particularly during seasonal holiday periods across the year. The development adheres and aims to promote the relevant local, regional and national policies from both the Welsh Government and also the UK Government policies.

- Statement of Community Engagement  
This sets out the pre-application publicity undertaken for the site and summarises the responses provided.
- Community and Linguistic Impact Assessment  
- This scores the proposal against a range of cultural and language criteria. The impact on 'Social and Cultural Aspects' are scored as positive in overall terms.
- Flood Risk Assessment and Drainage Strategy  
This demonstrates the development would not result in significant risks in the event of flooding and outlines the plans proposed in relation to drainage.
- Planning Statement  
This sets out the policy position in relation to the development and concludes that the application proposal is compliant with relevant policies and will deliver a range of much needed regeneration benefits and be sustainable development.

#### 1.2 Description of site and surroundings

- 1.2.1 The application site is along the sea front of Rhyl on East Parade, and comprises of a total site area of 4.25 hectares, with a substantial part occupied by the Pavilion Theatre, former Sun Centre and its car park.
- 1.2.2 To the west of the site, the area is more open with some small buildings currently on the north western end including a retail / toilet kiosk, the former land train shed, an open tourist-related amenity area, the coach / car park, and further car park to the east with open grass land beyond.
- 1.2.3 There are residential properties opposite the site on the south side of East Parade, along with care homes and senior citizens flats. The dwellings range from two storey semis to larger four storey terraces.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl as shown on the Local Development Plan proposals map.
- 1.3.2 The site is also within the larger area allocated under Policy PSE13 as a Tourism Coastal Protection Zone.

#### 1.4 Relevant planning history

- 1.4.1 An application was submitted by Denbighshire County Council to demolish the Sun Centre and create a new entrance and façade in April 2016.
- 1.4.2 This application was granted planning permission in June 2016 and the Sun Centre buildings have been demolished. The façade works have not been undertaken to date.

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

1.5.1 Additional information in the form of an updated Flood Consequences Assessment and Evacuation Plans have been submitted in support of the application following the original consultation response from NRW.

1.5.2 A request from neighbours was made to the Agent to re-site the A3 public House. In response to this request the Agent has advised the location is appropriate in terms of the character of the area, flood risk and delivery/servicing arrangements.

#### 1.6 Other relevant background information

1.6.1 Additional information has been forwarded by the Project Manager in the Business Improvement and Modernisation section which explains more of the Council's Rhyl Regeneration aspirations, and where this proposal sits as part of the wider Neptune proposals and town regeneration:

'The Hospitality Zone Planning Application is an important milestone for the overall development of the Rhyl Waterfront. Developments and improvements in this area of the town, it is anticipated, will benefit Rhyl's economy through increased footfall from visitors, creating something to be enjoyed by residents of Rhyl, Denbighshire and the wider North Wales communities.

The Waterfront development forms part of a wider phased Rhyl Regeneration programme as set out below:

##### Hospitality Zone

- Demolition of the Sun Centre and new western façade to the Pavilion Theatre
- Internal refurbishment of the Pavilion Theatre 1<sup>st</sup> floor (Restaurant and bar)
- Improvement and extension of the current Pavilion Theatre car park
- External recladding of the Pavilion Theatre
- Development of a 73 bed hotel and family pub/restaurant
- Event box
- Third commercial unit

##### Family Entertainment zone

- Improvements to the Children's Village underground car park (*subject to a separate planning application*)
- Enhancement of the Sky Tower (*subject to a separate planning application*)
- New pedestrian access to the beach/promenade off the Children's Village.
- Demolition of Unit D on the Children's Village
- Creation of a Town Plaza incorporating a selection of restaurants

##### Aquatic Centre zone

- Development of a new Aquatic Centre with indoor and outdoor splash offer and other USP elements - (*subject to a separate planning application, due for submission pending approval to proceed from January 31<sup>st</sup> Full Council*)

##### Active Leisure zone

- Creation of new commercial outdoor activities in the area between Memorial Garden and the outdoor Events Arena

Work is also underway looking at a Town Centre Masterplan as part of this over all programme.'

## 2. DETAILS OF PLANNING HISTORY:

2.1 45/2016/0366 Demolition of Sun Centre and provision of new entrance and facade to exposed side of the Pavilion Theatre. Granted 15<sup>th</sup> September 2016.

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

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

**Policy RD5** – The Welsh language and the social and cultural fabric of communities

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC12** – Community facilities

**Policy PSE11** – Major new tourism developments

**Policy PSE13** – Coastal tourism protection zones

**Policy ASA2** – Provision of sustainable transport facilities

**Policy ASA3** – Parking standards

### 3.1 Supplementary Planning Guidance

Nature Conservation and Species Protection

Parking

### 3.2 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Technical Advice Notes

TAN 5: Nature Conservation and Planning

TAN 15: Development and Flood Risk

TAN 18: Transport

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, December 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 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, towards the aim of sustainability, and be fairly and reasonably related to the development concerned.

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 Drainage (including flooding)

4.1.6 Highways (including access and parking)

4.1.7 Archaeology

4.1.8 Impact on Welsh Language and Social and Cultural Fabric

Other matters

Well – being of Future Generations (Wales) Act 2015

### 4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl, as identified within the **Local Development Plan**. Within development boundaries, new development will, in principle be supported provided that it meets with the criteria of other policies in the Local plan and material planning considerations. This assists in working towards a sustainable pattern of development by directing most development to existing settlements thereby making the most effective use of existing infrastructure, facilities and services by reducing the need to travel.

Other relevant LDP policies are;

Policy RD 1 Sustainable development and good standard design, which sets basic tests to be applied to proposals on sites within development boundaries.

Policy RD5 Welsh language and the social and cultural fabric of communities, which states the location, scale and side of development should not cause significant harm to the character and language balance of a community.

Policy BSC12 Community facilities, which supports proposals for the provision of community facilities and their retention and improvement within development boundaries as access to community facilities is an essential element of sustainable and inclusive communities.

Policy PSE11 Major new tourism developments, which supports new forms of tourism development subject to the proposal being appropriate to its setting and within the capacity of the local environment; within the capacity of the local infrastructure; accessible to all potential users; supporting and extending the range of facilities on offer within the County; assisting in the regeneration and biodiversity objectives of Denbighshire and will utilise local labour where possible.

Policy PSE13 Coastal tourism protection zones, which acknowledges the importance of the coastal areas of Rhyl and Prestatyn to the visitor economy of the area. An integral part of the regeneration of the coastal area is to reposition the resorts to attract new and higher spending visitors with quality attractions, activities, accommodation and environment. Restricting land uses in the coastal tourism protection areas to those relating to the visitor economy is complementary to the regeneration aims for the area.

Policy ASA3 Parking standards, which seeks to ensure, in line with standards set within supplementary guidance, adequate on-site parking is provided for cars, motorcycles and cycles. In addition requisite disabled facilities are also required.

**Planning Policy Wales** provides the overarching national framework and land use policies for development management in Wales. A number of chapters are of relevance to this application;

Chapter 4 states that the planning system provides for a presumption in favour of sustainable development, para. 4.1.1 confirms the goal of the sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies that they must carry out sustainable development.

Chapter 7 which concentrates on the economy advises that it is essential that the planning system considers and makes provision for the needs of the future economy and refers to tourism as an economic land use (para 7.1.1). It goes on to say that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development, the key factors include the number and types of jobs expected to be created and retained on site, whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment, and a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

Chapter 10 advises on the considerations to take into account when determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre.

Chapter 11 acknowledges that tourism is vital to economic prosperity and job creation in Wales and advises on the importance of well located, good quality leisure development.

Regarding the principle of the development in relation to the above policies and guidance, the redevelopment proposals submitted are considered acceptable. Members may concede that Rhyl has historically struggled to respond to changes in the visitor market and for this reason, amongst other complex factors, parts of the town - which for a long time was heavily reliant on tourism - has fallen into decline. The coastal strip between Rhyl and Prestatyn has been identified as a tourism protection zone in the LDP and the purpose of the allocation is to encourage alternative tourism and leisure provision. It is considered that the proposal fits comfortably with what may be appropriate in this allocation by providing a purpose built event space, with hotel and ancillary food and drink uses. These type of uses are likely to attract short term visitors on a more regular basis.

As confirmed and supported by the Council's Economic Development Officers, the development would inevitably bring economic advantages, both directly through employment (up to 91 full time jobs would be created), and through an increase in visitors to the town.

It is considered that the development offers the potential to make a significant contribution to the regeneration and upgrade of a prominent area in Rhyl, and would assist as a catalyst for future regeneration and subsequent developments in the Rhyl Coastal Facilities Masterplan area.

#### 4.2.2 Visual amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of 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.

There are individual representations expressing concerns over the visual impact of the development.

The site occupies a prominent location on the sea front off East Parade in Rhyl. The application is made in hybrid form, meaning some matters are reserved for future approval. Plans have been submitted for the theatre, hotel, parking areas and some landscaping and buildings proposed to be retained including the kiosk and land train shelter which would remain as existing. Plans for the exhibition centre, the restaurant and public house are all in outline form, with details reserved for future approval. The existing Theatre would undergo a substantial external refurbishment. The main entrance would remain as existing, albeit improved and the building would be over clad with a range of materials to give a more modern appearance. The four storey hotel would be sited parallel to the events box. It would also be finished in a range of modern materials, some of which would complement the theatre.

In respecting local concerns over the detailing, overall it is considered that the proposals by virtue of their scale, appearance and layout would make a positive visual contribution to this part of Rhyl. Whilst a modern design approach is proposed in what is essentially a Victorian seaside resort, for a development of the nature it is considered acceptable. Officers feel that a 'pastiche' approach to development would be inappropriate on this scale.

In relation to specific detailing, Officers have reservations over the ground floor of the western elevation, which it is considered requires reassessment, but this can be dealt with by a suitable planning condition. The visual amenity aspects of the general layout of the site and parking areas raise no significant issues. The incorporation of some

public space alongside the development is welcomed, however as the quality and appearance of the public realm on a major redevelopment scheme such as this site is critical to its success on a broader scale, for this reason additional hard and soft landscaping details should be conditioned.

Overall it is concluded that the development would provide a range of quality, contemporary buildings which will help regenerate the surrounding areas and these would not have a negative visual impact on the area. The proposals are therefore considered acceptable in relation to the policies and guidance listed above.

#### 4.2.3 Residential amenity

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. Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

As noted, there are residential properties, care homes and flats opposite the site on East Parade. The dwellings range from two storey semis to larger four storey terraces. A number of representations have been received from residents at Glendower Court, a four storey flat roof apartment block to the west of the site. The occupiers are primarily concerned with the closest part of the development to them, i.e. the A3 public house.

In respect of noise and disturbance, it is acknowledged that the scheme may increase activity in the area, particularly compared to the use of the complex in recent years, when attendances have fallen significantly from former levels. However, Officers would question whether the uses proposed and the level of activity likely to arise from them in what is a busy seafront location would be so harmful and unreasonable to the occupiers of adjacent properties and the general public in the area, to warrant refusal of the scheme.

In terms of the acceptability of the design detailing and the physical impact of the development on occupiers of nearby properties, it is relevant to consider what has been present on the site and the fact it is in a prime position in a long established seaside town which is undergoing significant regeneration. Existing residential properties are all located on the opposite side of East Parade. Scaled from the plans, the proposed public house would be some 40m from the nearest properties at 39 and 40 Chester Street; the Restaurant would be some 28m from the nearest dwelling at 43 East Parade, and the Events Box would be some 30m from the nearest dwellings at 52 – 56 East Parade. These are considered reasonable distances taking into account the site is separated from residential property by East Parade, a busy coastal road. The design detailing of the elements of the scheme which are fully detailed are considered wholly acceptable and appropriate for this area. Full consideration would need to be given to the detailing of the 'reserved matters' elements and the detailing of the exhibition centre, restaurant and public house. Controls over the uses of buildings close to residential properties can be conditioned.

Overall it is not considered that the residential amenities of occupiers of residential property in the locality would be unacceptably affected by the development.

#### 4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm



to such interests. This reflects policy and guidance in Planning Policy Wales, current legislation and SPG Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The site comprises existing buildings, parking and hardstanding areas. Prior to the Sun Centre site being cleared, ecological work was carried out to ensure protected species issues were considered when buildings were demolished. There are no objections in relation to ecological issues. As mentioned above, an improved landscaping scheme would be required to ensure appropriate tree planting and wildlife features are incorporated into the on-site landscaping, ensuring no invasive non- natural species are used.

#### 4.2.5 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 site lies almost entirely within Zone A as defined by Welsh Government's Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk. A Flood Consequences Assessment (FCA) has been submitted to demonstrate the potential consequences of a flooding event and has considered the effects of wave action during tidal flood conditions and shows that there could be a risk to structures on the site and to users of the development. As a result, the FCA makes a number of recommendations including the introduction of a minimum floor level for all new buildings on the site. Natural Resources Wales (NRW) raised concerns over access and egress at the site in extreme flooding conditions and as a result additional information was requested to demonstrate means of escape and awareness of the issue. In relation to drainage, the application proposes to connect foul sewage to the existing mains sewer and the connect drainage to the existing drainage system. NRW have been reconsulted on the application and FCA, and have confirmed no objection in principle to the latest proposals. Dwr Cymru have confirmed that the drainage strategy proposed is acceptable subject to necessary controls being imposed, including a condition relating to the timing of the development.

Having regard to the advice of NRW and Dwr Cymru, who are the relevant experts in relation to floodrisk and development, it is considered that the proposals are acceptable in relation to flood risk and drainage, subject to conditions, and are therefore considered to be compliant with the policies and guidance. Specific matters which will need to be addressed through submission of additional details include proposals for a detailed Flood Risk Management Plan.

#### 4.2.6 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.

There are local objections in respect of the additional traffic likely to be generated by the development.

The application proposes minor alterations to the existing access points on the site. Re-modelling and extension of the existing carparks is proposed around the development. In total, 374 parking spaces would be available across the site for day-to-day use in connection with the proposed development. It is acknowledged that the number of spaces falls short of the maximum level set out in the Supplementary planning Guidance when calculated from the different elements of the scheme if calculated as standalone developments (a total of 631 spaces). The Applicants argue that the SPG does not reflect the requirements of mixed-use schemes where parking provision may be shared between uses with varying peak demands.

The Highways Officer has been consulted on the application and has raised no objection to the principle of the proposal, and would need to assess the precise layout and detailing of the parking as part of the subsequent reserved matters application(s). Whilst the SPG maximum parking requirements would not be met, the justification for a reduced amount of parking is acceptable in Officers' opinion on the basis of the accessible location of the site close to the town centre, where there are alternative transport options. There are also alternative public car parks nearby, including at the underground car-park at West Parade. In Officers' opinion there are no reasonable highway grounds to oppose the development of the application site.

#### 4.2.7 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.

The Council's Archaeologist has advised that the site is located close to an area of archaeological significance at Splash Point, where there are remains of woodland and peat deposits dating from 8000 years ago, and a prehistoric antler mattock was found on site. There is also evidence that at that time the coast line was further out into the sea as close to the site a Neolithic axe head and a Bronze Age spearhead have been found on the foreshore. Although the site has been disturbed by later development there is still the potential for features to be preserved, therefore a condition is proposed to ensure any items of archaeological significance on the site are preserved and/or recorded. Subject to the imposition of a watching brief condition it is considered that the proposal is acceptable in terms of the relevant archaeological policies.

#### 4.2.8 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 Linguistic Statement submitted with the application concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language and cultural fabric of the area.

In Officers' opinion the proposal would not give rise to significant harm to the character and language balance of the community.

#### **Other matters**

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## 5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposals are compliant with Local Development Plan Policies and guidance in PPW and Technical Advice Notes. It is considered the development would have a positive impact on the town and is worthy of support.

5.2 In recommending the grant of permission, Officers are suggesting the imposition of a range of conditions, and recognise that due consideration would need to be given to the detailing of reserved matters proposals in terms of local impacts.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Approval of the details of the appearance, layout, and scale (hereinafter called "the reserved matters") of the outline elements of the application (namely the D2 Exhibition Centre, the A3 Restaurant and the A3 Public House) shall be submitted to and approved in writing by the Local Planning Authority before development on each of these elements begins, and the development shall be carried out as approved.
3. 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. M(90)002 Rev. C) received 21 September 2016
  - (ii) Proposed site plan (Drawing No. M(90)003 Rev. E) received 21 September 2016
  - (iii) Full detail/outline zones (Drawing No. H(90)120 Rev. A) received 21 September 2016
  - (iv) Existing site plan Demolition (Drawing No. H(05)001 Rev. B) received 21 September 2016
  - (v) Existing site sections Sheet 1 AA, BB and CC (Drawing No. H(22)002) received 29 July 2016
  - (vi) Existing site sections Sheet 2 DD, EE and FF (Drawing No. H(22)003) received 29 July 2016
  - (vii) Proposed site sections Sheet 1 AA, BB and CC (Drawing No. H(22)012) received 29 July 2016
  - (viii) Proposed site sections Sheet 2 DD, EE and FF (Drawing No. H(22)013) received 29 July 2016
  - (ix) Site plan as existing (Drawing No. H(90)010 Rev. C) received 29 July 2016
  - (x) Existing site plan with new buildings indicated (Drawing No. H(90)011 Rev. A) received 29 July 2016
  - (xi) Site plan proposed (Drawing No. H(90)110 Rev. N) received 21 September 2016
  - (xii) Site plan proposed west car park (Drawing No. H(90)111 Rev. F) received 21 September 2016
  - (xiii) Site plan Events Box/Pavilion Theatre (Drawing No. H(90)112 Rev. B) received 21 September 2016
  - (xiv) East car park option 2 (Drawing No. H(90)115 Rev. D) received 21 September 2016
  - (xv) Existing theatre ground floor plan (Drawing No. H1(03)001) received 29 July 2016
  - (xvi) Existing theatre first floor plan (Drawing No. H1(03)002) received 29 July 2016
  - (xvii) Pavilion Theatre - Elevations North, East and West (Drawing No. H1(03)010 Rev. F) received 21 September 2016
  - (xviii) Pavilion Theatre existing - Elevations North, East and West (Drawing No. (21)001) received 29 July 2016
  - (xix) Hospitality 4 - Ground floor plan (Drawing No. H4(03)002 Rev. C) received 29 July 2016

- (xx) Hospitality 4 - First, second and third floor plan (Drawing No. H4(03)003 Rev. B) received 29 July 2016
- (xxi) Hospitality 4 - Proposed elevations (Drawing No. H4(21)001) received 21 September 2016
- (xxii) Pavilion Theatre CGI Rev. A received 21 September 2016
4. Development on the site shall only proceed in strict accordance with a phasing strategy to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.
  5. All groundworks shall be undertaken in the presence of a qualified archaeological contractor so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute for Archaeologists. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670 within two months of the fieldwork being completed.
  6. No buildings on the application site shall be brought into beneficial use earlier than March 2018, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.
  7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
  8. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to full details of house sparrow mitigation measures, including the details of location and number of boxes suitable for this species.
  9. The development shall be carried out in accordance with the recommendations contained in the revised Flood Consequences Assessment (FCA) (JBA, 2015s3504 Former Sun Centre Site Rhyl FCA - Report v3.2, 09/09/2016) and additional information relating to Evacuation (Area Plan, Plan and LPA Letter 19th November).
  10. None of the buildings hereby permitted shall be occupied until the written approval of the Local Planning Authority has been obtained to a fully detailed Flood Risk Management Plan containing arrangements for the management of a flooding event, including advance warning measures, on site features to assist / facilitate evacuation, and detailed arrangements for the evacuation and safe movement of users of the site, having regard to the potential depth and velocity of water in an extreme flooding event. The approved Flood Risk Management Plan shall be made known to those responsible for the management of each of the facilities / businesses on the site and the Regional Emergency Planning Service (or their successors), and shall be implemented strictly as approved in a flood event, and shall remain in place at all times unless otherwise agreed in writing by the Local Planning Authority.
  11. No development shall take place until the written approval of the Local Planning Authority has been obtained to a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
    - (a) Proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of implementing the planting;
    - (b) Proposed materials to be used on any access roads, paths and other hard surfaced areas;
    - (c) Proposed earthworks, grading and mounding of land and changes in levels, retaining structures, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform, and water features;
    - (d) Proposed positions, design, materials and type of boundary treatment, including screen walls and fences, and the timing of implementing the treatment;
    - (e) Any minor artefacts and structures, including furniture, play equipment, refuse and other storage equipment, signs,
    - (f) The timing of the carrying out of the planting, landscaping, erection of screen walls and fences relative to the different elements of the development
    - (g) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

12. Notwithstanding the submitted details, the proposed use of external materials on the walls of the Hotel shall not be as shown, and no development shall be permitted to commence on the external faces of the walls of the Hotel until the written approval of the Local Planning Authority has been obtained to the details of all the materials and finishes it is proposed to use thereon, including, where relevant, the texture, type and colour of the finish. The development shall be carried out strictly in accordance with the details approved under this condition.
13. No sound amplification systems including the playing of music shall be permitted outside the buildings at any time, other than with the prior written approval of the Local Planning Authority.
14. No external lighting shall be installed without the formal written approval of the local planning authority to the detailing of the proposed lighting, including emergency/security lighting. The details shall include the design of the lighting and associated columns / means of fixture to buildings, their position, height, the means and intensity of illumination, hooding, the extent of illumination and the anticipated spread of light, the hours of operation of the lights, and any proposals for use of reduced intensity outside hours of operation of the business. The approved scheme shall be implemented strictly in accordance with the approved details.
15. No development shall be permitted to commence on the Box element of the scheme until the finalised building plans have been developed and a noise assessment undertaken (to ensure that any noise generated within the structure does not affect the amenity of nearby residents) and the formal written approval of the Local Planning Authority has been obtained. The development shall be carried out strictly in accordance with the details approved under this condition.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction of works.
  - delivery vehicle routes to and from the site from major highway links.

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 91 of the Town and Country Planning Act 1990
3. For the avoidance of doubt and to ensure a satisfactory standard of development.
4. In order to ensure development is progressed within a reasonable time frame having regard to various constraints.
5. In the interests of investigation and recording of historic/listed buildings.
6. To prevent overloading of the Waste Water Treatment Works and pollution of the environment.
7. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
8. To protect ecological interests.
9. To ensure relevant measures are undertaken to limit any risks arising from flooding.
10. In order to ensure suitable arrangements are in place at all times for the evacuation of the buildings / land in the event of an extreme flooding event.
11. In the interests of visual amenity.

12. In the interests of visual amenity.
13. In the interests of the amenities of occupiers / users of nearby properties.
14. In the interests of visual and residential amenity.
15. In the interests of the amenities of occupiers / users of nearby properties.
16. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.

# Agenda Item 10

**WARD :** Tremerchion, Cwm and Waen

**WARD MEMBERS:** Councillor Barbara Smith

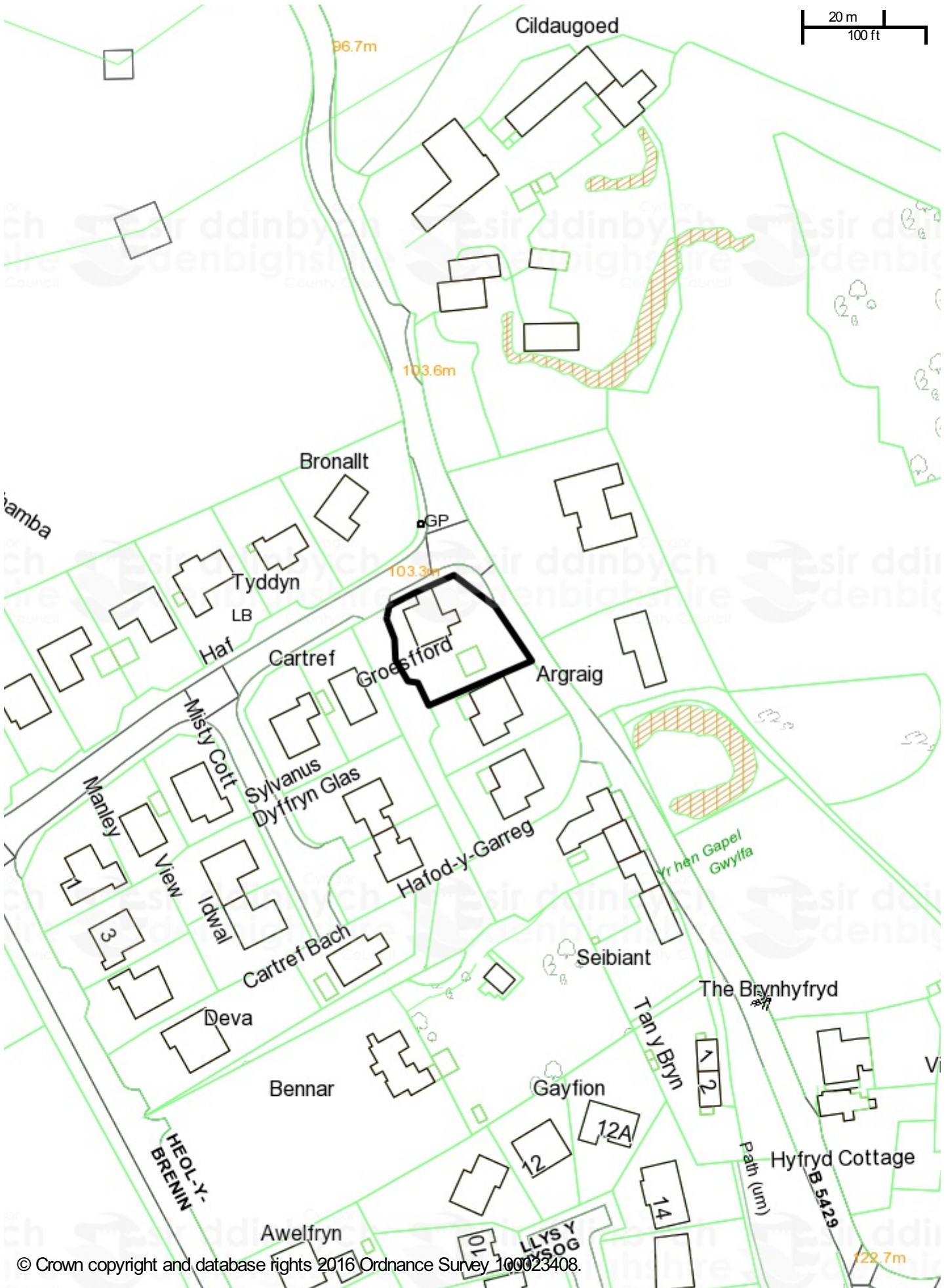
**APPLICATION NO:** 47/2016/0997/ PF

**PROPOSAL:** Increase in height of front boundary wall

**LOCATION:** Groesffordd Tremerchion St Asaph

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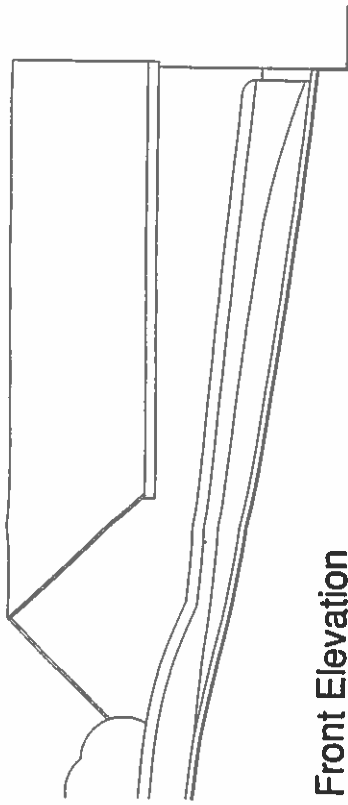
© Crown copyright and database rights 2016 Ordnance Survey 100023408.

47/2016/0997/PF

Scale: 1:1250

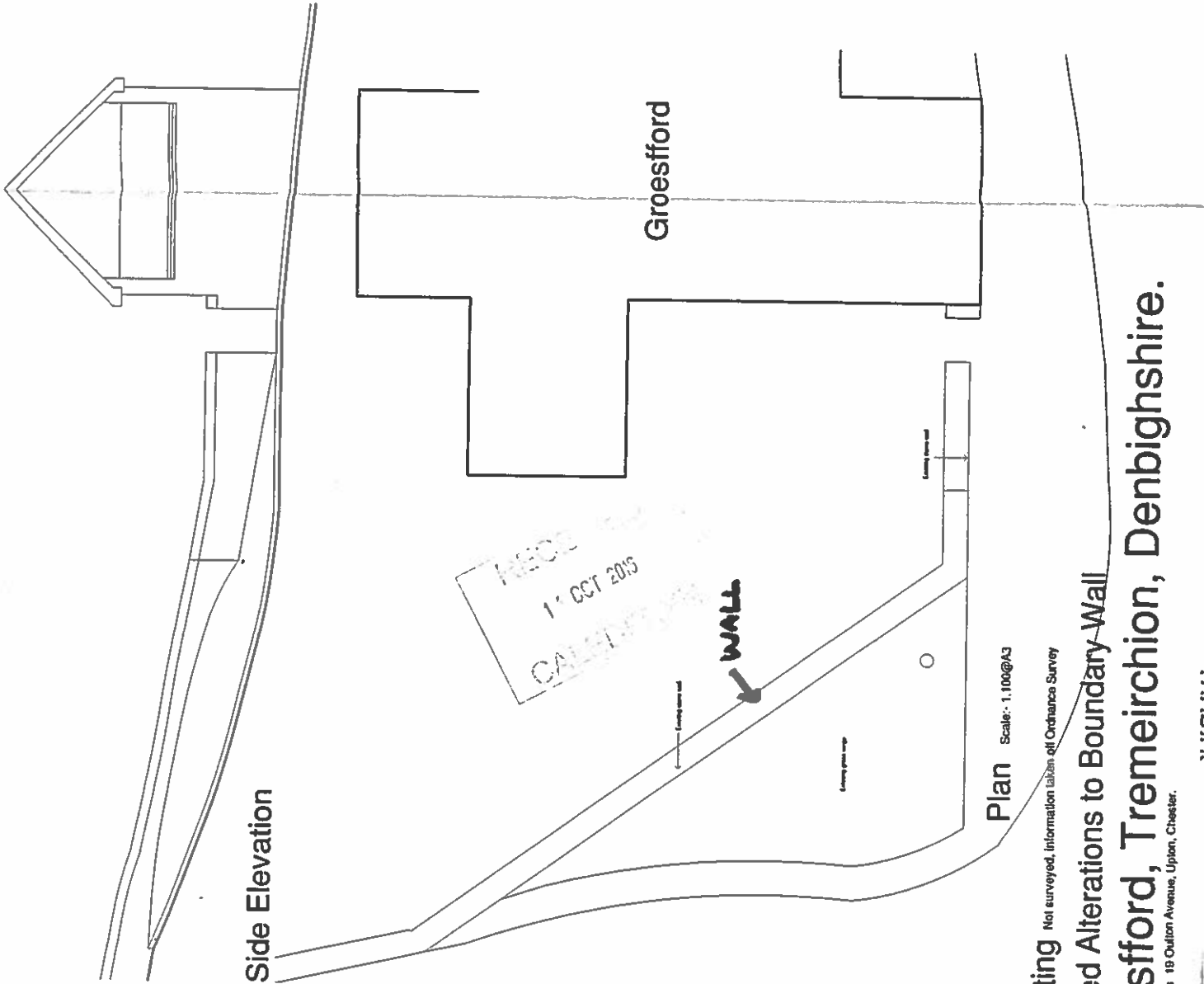
Printed on: 25/11/2016 at 13:23 PM





Front Elevation

AS EXISTING



Side Elevation

Groesfford

Plan Scale: 1:100@A3

As Existing Not surveyed, information taken off Ordnance Survey

Proposed Alterations to Boundary Wall

Groesfford, Tremeirchion, Denbighshire.

TR Design Services 18 Oulton Avenue, Upton, Chester.







**WARD :** Tremerchion, Cwm and Waen  
**WARD MEMBERS:** Councillor Barbara Smith  
**APPLICATION NO:** 47/2016/0997/ PF  
**PROPOSAL:** Increase in height of front boundary wall  
**LOCATION:** Groesffordd Tremeirchion St Asaph  
**APPLICANT:** Mr G Eccleston  
**CONSTRAINTS:** None  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

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

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

**CONSULTATION RESPONSES:**

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL –  
“Concern as planning application had not been sent from DCC planning department to the Temp. Clerk. Unable to read from the Web Application the increased height of wall requested. Members would like this wall to be in STONE and built from new. One meter high on roadside and a limit height should be 2 meters from ground level as the land in question is on an incline”

For clarification, the Clerk to the Community Council was contacted with respect to the response above, and in consultation with the Chairman of TCWCC, has confirmed the Community Council would like to **object** to the height of the wall in question.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Head of Highways and Infrastructure  
- Highways Officer  
Response awaited.

**RESPONSE TO PUBLICITY:** None.

**EXPIRY DATE OF APPLICATION:** 05/12/2016

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

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The proposal is to increase the height of an existing stone wall to the front and side of an existing residential property and the installation of a new wrought iron gate with oak panels into an existing opening in the wall. The location and proposed elevations are shown on the plans at the front of this report.

- 1.1.2 The existing wall is of stone construction and forms the boundary with the public highway and is adjacent to a grassed road-side verge and public footway. The applicants indicate that due to the difference in levels, the existing boundary wall varies in height between 300mm and 750mm.
- 1.1.3 The proposal is to extend the existing wall to a new height in random stone to match the existing with lime/sand cement render.
- 1.1.4 The site is on sloping ground, and therefore ground levels vary, however the wall as proposed would range from approximately 1.4 metres to 2.5 metres above ground level.
- 1.1.5 The applicants have advised that the property suffers from being adjacent to the main road and a pavement, which allows pedestrians to look directly into the garden. The purpose is to raise the height of the wall to a level where the privacy of the residents would be protected. It is highlighted that the visibility splays for traffic entering and leaving the adjacent estate road would not be affected.

#### 1.2 Description of site and surroundings

- 1.2.1 The property is situated on along the road junction between the B5429 and the minor road from Summer Hill Road opposite Ty Seren to Pont Llanerech, in Tremeirchion.
- 1.2.2 A public footpath runs adjacent to the road and there is a grass verge at the junction. The existing wall is adjacent to the grass verge along the B5429 and adjacent to the footpath along the minor road.
- 1.2.3 The vehicular access to the property is from the minor road, and is not affected by the proposal.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Tremeirchion.

#### 1.4 Relevant planning history

- 1.4.1 None relevant to the application.

#### 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 2/TRE/0313/88/P. Convert Outhouse to living accommodation, utility room and vehicular access to C46. Granted 10/11/1988

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

The main planning policies and guidance are considered to be:

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

- Policy RD 1 - Sustainable Development and Good Standard Design
- Policy RD 3 - Extensions and Alterations to Dwellings

#### 3.2 Supplementary Planning Guidance

- Residential Development SPG (2016)
- Residential Space Standards SPG

#### 3.3 Government Policy / Guidance

- Planning Policy Wales Edition 9 2016



### 3.4 Other material considerations

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9 (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 3.1.3).

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 Highways

### 4.2 In relation to the main planning considerations:

- 4.2.1 Principle

Policy RD 3 advises that the extension or alterations to existing dwellings will be supported subject to compliance with detailed criteria. Extensions and alterations to existing dwellings and the developments within the residential curtilage are therefore considered acceptable in principle.
- 4.2.2 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications.

Criteria i) of 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.

Members will appreciate from the plans at the front of the report that the dwelling is in a 'corner plot' location adjacent to a junction with the B5429 and a minor road in the village of Tremeirchion. The property is therefore in a prominent location.

The existing boundary wall is a traditional stone wall, and varies in height from 300mm to 750mm. The proposal is to extend the height of the wall and the plans show the extended section would be constructed from stone to match the existing wall, with lime/sand cement pointing. A new wrought iron gate with oak panels is also proposed. As noted previously, due to the sloping nature of the ground, the wall would vary in height above ground level, but would range from between 1.4 metres to 2.5 metres above ground level.

The Community Council has requested the wall should be built from new from stone, and should be 1 metre high on the roadside with a limit height of 2m from ground level as the land in question is on an incline.

In respecting the comments of the Community Council, Officers do not consider in the context of the site and its relationship to its surroundings that the dimensions of the wall as proposed would be visually unacceptable. The topography of the site and the

land around it are such that the wall would not appear to be out of character with the area or the existing dwelling.

Consequently, having regard to the design, siting, scale, massing and materials of the proposed wall extension, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would be in compliance with the tests of the policies listed above.

#### 4.2.3 Highways

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

The proposal is to increase the height of an existing wall which bounds the highway at a junction between the B5429 and the minor road from Summer Hill Road opposite Ty Seren to Pont Llanerech, in Tremeirchion.

Whilst the wall is at the road junction, it is situated behind the public footpath and the grass verge, and has no impact on visibility for users of the highway. The proposed increase in height would not hamper motorists or pedestrians.

### 5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal to increase the height of the existing stone wall is not considered likely to have an adverse impact on visual amenity or highway safety, and is therefore recommended for grant.

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

1. The development to which this permission relates shall be begun no later than 14th December 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) As existing received 11 October 2016
  - (ii) As proposed received 11 October 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.

**Report To:** Planning Committee

**Date of Meeting:** 14th December 2016

**Lead Member / Officer:** Cllr David Smith  
[Lead Member for Environment and Public Realm]

**Report Author:** Karsten Brußk [Planning Officer]

**Title:** Confirmation of two Denbighshire County Council Tree Preservation Orders in relation to land in the Meliden area

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## 1. What is the report about?

- 1.1 This report is about Denbighshire County Council Tree Preservation Order Number 03/2016 relating to land at Ffordd Hendre, Meliden (Appendix I) and Denbighshire County Council Tree Preservation Order Number 04/2016 relating to land at Maes Meurig, Meliden (Appendix II).

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

- 2.1 The Council made use of powers laid out in Town and Country Planning Act 1990, section 201 (provisional Tree Preservation Orders) on the 9th of August 2016. A decision is required on the Council's intention to confirm above Tree Preservation Orders (TPOs), before the respective provisional TPOs expire at the beginning of February 2017.

## 3. What are the Recommendations?

- 3.1 Members confirm Denbighshire County Council Tree Preservation Order Number 03/2016 relating to land at Ffordd Hendre, Meliden and Denbighshire County Council Tree Preservation Order Number 04/2016 relating to land at Maes Meurig, Meliden.

## 4. Report details

- 4.1 Tree Preservation Orders (TPOs) generally aim at protecting individual trees or a group of trees that contribute towards the characteristic of the landscape, provide amenity for the enjoyment of the public, provide habitat for local wildlife, or because of their intrinsic beauty. In legal terms they make it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the local planning authority's permission.
- 4.2 TPOs take no effect unless confirmed by the local planning authority. The Town and Country Planning Act 1990 section 201 allows for provisional Tree Preservation Orders to be made if the concerned trees are under great risk of being subject to damaging works or the imminent threat of being felled. However, section 201 stipulates that those provisional TPOs shall only have effect until the expiration of a

period of six months beginning with the date on which the order was made or the TPO has been confirmed by the local planning authority.

- 4.3 The Council made use of the powers laid out in the Town and Country Planning Act 1990, section 201 on the 9th August 2016. That means that both provisional TPOs in relation to Denbighshire County Council (DCC) TPO number 03/2016 and 04/2016 lose their force on the 9th of February 2017. If Members do not confirm any TPO before the expiration of the six month period, the trees included in both provisional TPOs will not benefit from any future protection, unless a new Tree Preservation Order is being made by the local planning authority.
- 4.4 Notification and publication is a fundamental step in the procedure for making TPOs. The Council was obliged by legislation to allow members of the public, including affected landowners and local residents, to submit representations and objections for a period of 28 days. This period expired on the 14th September 2017.
- 4.5 The Council received a total of 12 representations. They did either refer to a single or to both TPOs. Appendix III contains a summary. Full copies can be viewed by contacting Strategic Planning & Housing in Denbigh by phone [01824 706916] or by email [ldp@denbighshire.gov.uk]. The table below provides a brief statistical analysis:

	Support	Objection
TPO 03/2016 (Ffordd Hendre, Meliden)	5	1
TPO 04/2016 (Maes Meurig, Meliden)	11	1

- 4.6 Both objections were contained in a single representation submitted on behalf of an effected landowner. The objection is primarily based on two trees contained in TPO 04/2016 relating to land at Maes Meurig, Meliden. These are the trees marked with T11 and T12 on the map in Appendix II.
- 4.7 The two grounds of objection were the visual amenity value and potential problems with future site access. It has been established that amenity can refer to the contributions that a tree makes towards the local environment and enjoyment by the public. They should also be from a public place, such as a road or footpath.
- 4.8 Local residents attach some amenity value to these trees as expressed in their support of TPO number 04/2016 and in contacting the Council regarding the urgent need to protect them from wilful damage and removal in autumn 2015. Both trees can be seen from footpath no. 22 which is recorded on the Council's Definitive Map of Public Rights of Way.
- 4.9 If not carefully managed and maintained both trees may potentially limit access to the piece of land in question. It should however be kept in mind that TPOs do not prohibit the cutting down, uprooting, etc. provided that prior consent was sought from the local planning authority. Should there be a need to remove either of the trees to accommodate development in the future, this can be part of reviewing DCC TPO number 04/2016 and/ or be considered in relation to a detailed planning proposal.
- 4.10 The Council may confirm both TPOs either without modification or subject to such modifications as it considers expedient. Officers are of the view that Members should

be aware of the possibility to make pertinent modification to DCC TPO number 04/2016, i.e. removing trees with reference T11 and T12.

- 4.11 Compensation is not payable to an effected party for the making of a TPO. Compensation may be payable for loss or damage caused or incurred in consequence of it refusing any consent under an Order; granting a consent subject to conditions; or refusing any consent, agreement or approval required under a condition for a period of up to 12 months after the date of the Council's decision. If the Council is minded to confirm both TPOs, with or without modification, it can only be challenged on the basis of procedural errors by an objector in the High Court.

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

- 5.1 Whilst the decision does not directly contribute towards any of the Council's Corporate Priorities, it can be linked to 'ensuring access to good quality housing' in providing an amenity and recreational value for future residents in the Meliden area. It will support the enjoyment of walking or cycle along footpathno.22 and the wildlife habitat in adjacent fields.

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

- 6.1 There are no costs for confirming both Tree Preservation Orders. If confirmed, both TPOs will be a material planning condition and consent must be sought to carry out any works from the Planning / Development Management team.

## **7. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the website and should be attached as an appendix to the report**

- 7.1 Retention of a small number of trees will positively contribute towards the amenity value for future residents and the natural environment in the area. The full report is attached in Appendix IV.

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

- 8.1 The Council was obliged by legislation to allow members of the public, including affected land owners and local residents, to submit representations and objections for a period of 28 days. A summary of the representations received can be found in Appendix III.

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

- 9.1 The Council will not incur any additional costs if it confirms the 2 Tree Preservation Orders at Maes Meurig, Meliden, unless of course the decision is challenged on the basis of procedural errors by an objector in the High Court. Equally there is the small risk of being faced with a claim for compensation due to refusal of any consent required under the Order but this risk will be mitigated if the process is well managed by the Council.

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

- 10.1 The Council could be challenged on the basis of procedural errors in the High Court, in line with legislative provision.
- 10.2 Just like any other Tree Preservation Order, there is the small risk of being faced with a claim for compensation due to refusal of any consent required under the Order (see TPO Model Order Article 9).
- 10.3 If Members do not make a decision on provisional DCC TPO number 03/2016 and provisional DCC TPO number 04/2016, both will lose its force on the 9th February 2017. This will leave all included trees without any protection.

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

- Town and Country Planning Act 1990;
- Town and Country Planning (Trees) Regulations 1999

### Rhybudd Rheoliad 3

#### **PWYSIG: GALL Y DDOGFEN GYFATHREBU HON FOD YN BERTHNASOL I CHI**

#### **DEDDF CYNLLUNIO GWLAD A THREF 1990**

#### **RHEOLIADAU CYNLLUNIO GWLAD A THREF (COED) 1999**

#### **GORCHYMYN CYNGOR SIR DDINBYCH**

#### **Enw'r Gorchymyn: GORCHYMYN CADW COED CYNGOR SIR DDINBYCH RHIF 3/2016 YN YMWNEUD Â THIR YN Ffordd Hendre Gallt Melyd Sir Ddinbych**

MAE HWN YN HYSBYSIAD FFURFIOL i roi gwybod i chi y bydd Cyngor Sir Ddinbych ("y Cyngor") yn gwneud y gorchymyn cadw coed uchod ar 9 Awst 2016.

Mae copi o'r gorchymyn wedi ei amgáu. Yn syml, nid chaiff unrhyw un dorri na thocio unrhyw un o'r coed a ddisgrifir yn yr Atodlen Gyntaf ac a ddangosir ar fap y gorchymyn heb ein caniatâd ni.

Ceir rhywfaint o wybodaeth am orchmynion cadw coed yn y daflen amgaeedig, Coed wedi'u Gwarchod: Canllaw i'r Drefn Cadw Coed gan Lywodraeth Cymru.

Mae'r Cyngor wedi gwneud y gorchymyn i atal coed amwynder gweledol pwysig rhag cael eu torri neu eu tocio cyn penderfynu ar gais.

Daeth y gorchymyn i rym, dros dro, ar 9 Awst 2016 a bydd yn parhau mewn grym am chwe mis. Yn ystod y cyfnod hwn byddwn yn penderfynu a ddylai'r gorchymyn gael statws parhaol.

Mae gan y bobl yr effeithir arnynt gan y gorchymyn yr hawl i wrthwynebu neu wneud sylwadau ar unrhyw un o'r coed neu goetiroedd a nodir yn y gorchymyn cyn i ni benderfynu a ddylai'r gorchymyn gael ei wneud yn barhaol.

Os hoffech chi wrthwynebu neu wneud sylw, gwnewch hynny'n ysgrifenedig gan sicrhau ein bod ni'n derbyn eich llythyr erbyn **14 Medi 2016**. Mae'n rhaid i'ch sylwadau gadw at reoliad 4 Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999 (amgaeir copi). Anfonwch eich sylwadau at Karsten Brussk, Adran Gynllunio, Cyngor Sir Ddinbych, Caledfryn, Swyddfeydd y Cyngor, Ffordd y Ffair, Dinbych, Sir Ddinbych, LL16 3RJ. Byddwn yn ystyried pob gwrthwynebiad a sylw yn ofalus cyn penderfynu a ddylid gwneud y gorchymyn yn un parhaol.

Byddwn yn ysgrifennu atoch chi eto pan rydym ni wedi gwneud ein penderfyniad. Yn y cyfamser, os hoffech chi ragor o wybodaeth neu os oes gennych chi unrhyw gwestiwn am y llythyr hwn, cysylltwch â Karsten Brussk, Adran Gynllunio, Cyngor Sir Ddinbych, Caledfryn, Swyddfeydd y Cyngor, Ffordd y Ffair, Dinbych, Sir Ddinbych, LL16 3RJ. Rhif ffôn: 01824 706914.

Cyfeiriad e-bost: [karsten.brussk@sirddinbych.gov.uk](mailto:karsten.brussk@sirddinbych.gov.uk).

Dyddiad: 9 Awst 2016

Llofnodwyd:

Gary Williams,

Pennaeth Gwasanaethau'r Gyfraith, Adnoddau Dynol a Democrataidd

Cyngor Sir Ddinbych, Neuadd y Sir,

Ffordd Wynnstay, Rhuthun, Sir Ddinbych, LL15 1YN

## RHEOLIAD 4 RHEOLIADAU CYNLLUNIO GWLAD A THREF (COED) 1999

Gwrthwynebiadau a sylwadau

4(1) Yn ddarostyngedig i baragraff (2), dylid cyflwyno gwrthwynebiadau a sylwadau;

*(a) yn ysgrifenedig a'u:*

- (i) Cyflwyno i'r awdurdod heb fod yn hwyrach na'r dyddiad a bennir ganddynt dan reoliad 3(2)(c); neu*
- (ii) Eu hanfon at yr awdurdod mewn amlen ragdaledig i'r cyfeiriad cywir gan sicrhau, yn nhrefn arferol y post, y byddant yn cyrraedd erbyn y dyddiad a nodir;*

*(b) Gan nodi'r coed penodol, y grwpiau o goed neu'r coetiroedd (yn ôl y digwydd) y mae'ch gwrthwynebiadau neu sylwadau yn ymwneud â hwy; ac*

*(c) Yn achos gwrthwynebiad, nodi'r rhesymau dros wrthwynebu.*

4(2) Caiff yr awdurdod ystyried gwrthwynebiadau a sylwadau a gyflwynwyd mewn pryd nad ydynt yn bodloni gofynion paragraff (1) os, mewn achos arbennig, ydynt yn fodlon nad yw cydymffurfio â'r gofynion hynny'n rhesymol.



Regulation 3 Notice

**IMPORTANT THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

**DENBIGHSHIRE COUNTY COUNCIL**

**Name of Order: DENBIGHSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER NUMBER 3/2016 RELATING TO LAND AT FFORDD HENDRE MELIDEN IN THE COUNTY OF DENBIGHSHIRE**

THIS IS A FORMAL NOTICE to let you know that on 9<sup>th</sup> August 2016 Denbighshire County Council ("the Council") made the above tree preservation order.

A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top or lop without our permission any of the trees described in the First Schedule of the order and shown on the map.

Some information about tree preservation orders is in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Procedures produced by the Welsh Assembly government.

The Council has made the order because there is risk of visually important amenity trees being cut down or pruned in advance of application being determined.

The order came into force, on a temporary basis, on 9<sup>th</sup> August 2016 and will remain in force for six months. During this time we will decide whether the order should be given permanent status.

People affected by the order have a right to object or make comments on any of the trees or woodlands covered before we decide whether the order should be made permanent.

If you would like to make any objections or comments, please make sure we receive them in writing by **14<sup>th</sup> September 2016**. Your comments must meet regulation 4 of the Town and Country Planning (Trees) Regulations 1999 (a copy is attached). Please send your comments to Kirsten Brussk, Planning Department, Denbighshire County Council, Caledfryn, Council Offices, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ. We will carefully consider all objections and comments before deciding whether to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would like any more information or have any questions about this letter, please contact Karsten Brussk, Planning Department, Denbighshire County Council, Caledfryn, Council Offices, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ. Telephone: 01824 706914. Email address: [karsten.brussk@denbighshire.gov.uk](mailto:karsten.brussk@denbighshire.gov.uk).

Dated: 9<sup>th</sup> August 2016

Signed:

  
Gary Williams,

Head of Legal, HR and Democratic Services

Denbighshire County Council, County Hall,

Wynnstay Road, Ruthin, Denbighshire, LL15 1YN

## COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

### Objections and representations

4(1) Subject to paragraph (2), objections and representations;

*(a) Shall be made in writing and:*

*(i) Delivered to the authority not later than the date specified by them under regulation 3(2)(c); or*

*(ii) Sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

*(b) Shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and*

*(c) In the case of an objection, shall state the reasons for the objection.*

4(2) the authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Town and Country Planning Act 1990

DENBIGHSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER  
NUMBER 3/2016  
RELATING TO LAND AT Ffordd Hendre, Meliden  
IN THE COUNTY OF DENBIGHSHIRE

Denbighshire County Council, in exercise of the powers conferred on them by sections 198, 200 and 203 of the Town and Country Planning Act 1990 hereby make the following Order-

CITATION

1. This Order may be cited as The Denbighshire County Council Tree Preservation Order Number 3/2016 relating to land at Ffordd Hendre, Meliden in the County of Denbighshire

INTERPRETATION

2. In this Order "the authority" means the Denbighshire County Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

APPLICATION OF SECTION 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 9<sup>th</sup> August 2016.

PROHIBITED ACTS IN RELATION TO TREES

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) [or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

## EXEMPTIONS

5. - (1) Nothing in article 4 shall prevent –

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary –
  - (i) in the interests of that business or trade;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in

accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

- (2) In paragraph (1), "statutory undertaker" means any of the following – a person authorised by an enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power, a relevant airport operator (within the meaning of Part V of the Airports Act 1986), the holder of a licence under section 6 of the Electricity Act 1989, a public gas transport, the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied, a water or sewerage undertaker, the Civil Aviation Authority or a body acting on behalf of that Authority, the Post Office.

....

#### APPLICATION OF PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990

7.- (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

#### DIRECTIONS AS TO REPLANTING

8.- (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

- (3) a direction under paragraph (1) may include requirements as to-
- (a) species;
  - (b) number of trees per hectare;
  - (c) the preparation of the relevant land prior to the replanting; and
  - (d) the erection of fencing necessary for the protection of the newly planted trees.

## COMPENSATION

- 9.- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of –
- (a) the refusal of any consent required under this Order; or
  - (b) the grant of any such consent subject to conditions, he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article-
- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
  - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person-
- (a) for loss of development value or other diminution in the value of the land;
  - (b) for loss or damage, which having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
  - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
  - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of


Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

- (6) In this article -  
"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and  
"Owner" has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 9<sup>th</sup> day of August 2016

The Common Seal of the DENBIGHSHIRE COUNTY COUNCIL

Was hereunto affixed in the presence of:-

Authorised Officer. 



SCHEDULE 1

SPECIFICATION OF TREES

**Trees specified individually**  
(encircled black on the map)

Reference on Map	Description	Situation
T1 -	Pendunculate	
	Oak - 305414 ,	
	380848	
T2 -	Sycamore -	
	305514 , 380943	
T3 -	Pendunculate	
	Oak - 305528 ,	
	380946	
T4 -	Common	
	Ash - 305550 ,	
	380956	
T5 -	Common	
	Ash - 305622 ,	
	380985	

**TREES specified by reference to an area**  
(within a dotted black line on the map)

Reference on Map	Description	Situation
NONE	NONE	NONE

**Group of Trees**  
(within a broken line on the map)

Reference on Map	Description (including number of trees in the group)	Situation
NONE	NONE	NONE

**Woodlands**  
(within a continuous black line on the map)

Reference on Map	Description	Situation
NONE	NONE	NONE



SCHEDULE 2  
PART I

Provisions of the Town and Country Planning Act 1990 applied  
with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaption or Modification
Section 69 (registers)	<p>(a) In subsection (1) –</p> <p style="text-align: center;">(i) omit- ",in such manner as may be prescribed by a development order," "such" in the second place where it appears, and "as may be so prescribed"; and</p> <p>) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".</p> <p style="text-align: center;">(b) In subsection (2)- "contain" insert ", as regards each such order"; and</p> <p style="text-align: center;">(ii) for paragraphs (a) and (b) substitute- ) details of every application under the order and of the authority's decision (if any) in relation to each such application, and</p> <p style="text-align: center;">(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.".  subsections (3) and (4) (as required by section 198(4)).</p>
Provision of the Town and Country Planning Act 1990	Adaption or Modification
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)-</p> <p style="text-align: center;">(i) substitute- "Subject to subsections (1A) and (1B), where "for "Where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p style="text-align: center;">(ii) after "think fit", insert - "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p>

	<p>(iii) omit "subject to sections 91 and 92",</p> <p>(b) After subsection (1) insert-</p> <p>"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).".</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute-</p> <p>(i) "Any" for the words from "Without" to "any";</p> <p>(ii) "consent under a tree preservation order" for "planning permission to develop land";</p> <p>(iii) "the consent" for "the permission"; and</p> <p>(iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute-</p> <p>(i) "the authority" for "a local planning authority";</p> <p>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</p> <p>(iii) "consent under such an order" for "planning permission" in the second place where those words appear;</p> <p>(iv) for paragraph (c) substitute-</p> <p>"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority,".</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute-</p> <p>"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-</p> <p>(a) in respect of a matter mentioned in any of</p>

	<p>paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant".</p> <p>(d) For subsection (4), substitute – “(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)”</p> <p>(e) For subsection (5) substitute- “(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question”.</p>
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<p>Provision of the Town and Country Planning Act 1990</p>	
<p>Section 79 (determination of appeals)</p>	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute-</p> <p>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";</p> <p>(ii) "consent under a tree preservation order" for "planning permission"; and</p> <p>(iii)"the authority". for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71.".</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after "section 78".</p>

Part II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,  
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order-

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order-

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application related to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

## Section 75

Any grant consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....

## Section 78

(1) Where the authority-

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

**Section 79**

- (1) On an appeal under section 78 the Secretary of State may-
  - (a) allow or dismiss the appeal, or
  - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

- (4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.
- (5) The decision of the Secretary of State on such an appeal shall be final.

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- (7) Schedule 6 applies to appeals under section 78.

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### Rhybudd Rheoliad 3

#### **PWYSIG: GALL Y DDOGFEN GYFATHREBU HON FOD YN BERTHNASOL I CHI**

#### **DEDDF CYNLLUNIO GWLAD A THREF 1990**

#### **RHEOLIADAU CYNLLUNIO GWLAD A THREF (COED) 1999**

#### **GORCHYMYN CYNGOR SIR DDINBYCH**

#### **Enw'r Gorchymyn: GORCHYMYN CADW COED CYNGOR SIR DDINBYCH RHIF 4/2016 YN YMWNEUD Â THIR YM MAES MEURIG GALLT MELYD SIR DDINBYCH**

MAE HWN YN HYSBYSIAD FFURFIOL i roi gwybod i chi y bydd Cyngor Sir Ddinbych ("y Cyngor") yn gwneud y gorchymyn cadw coed uchod ar 9 Awst 2016.

Mae copi o'r gorchymyn wedi ei amgáu. Yn syml, nid chaiff unrhyw un dorri na thocio unrhyw un o'r coed a ddisgrifir yn yr Atodlen Gyntaf ac a ddangosir ar fap y gorchymyn heb ein caniatâd ni.

Ceir rhywfaint o wybodaeth am orchmynion cadw coed yn y daflen amgaeedig, Coed wedi'u Gwarchod: Canllaw i'r Drefn Cadw Coed gan Lywodraeth Cymru.

Mae'r Cyngor wedi gwneud y gorchymyn i atal coed amwynder gweledol pwysig rhag cael eu torri neu eu tocio cyn penderfynu ar gais.

Daeth y gorchymyn i rym, dros dro, ar 9 Awst 2016 a bydd yn parhau mewn grym am chwe mis. Yn ystod y cyfnod hwn byddwn yn penderfynu a ddylai'r gorchymyn gael statws parhaol.

Mae gan y bobl yr effeithir arnynt gan y gorchymyn yr hawl i wrthwynebu neu wneud sylwadau ar unrhyw un o'r coed neu goetiroedd a nodir yn y gorchymyn cyn i ni benderfynu a ddylai'r gorchymyn gael ei wneud yn barhaol.

Os hoffech chi wrthwynebu neu wneud sylw, gwnewch hynny'n ysgrifenedig gan sicrhau ein bod ni'n derbyn eich llythyr erbyn **14 Medi 2016**. Mae'n rhaid i'ch sylwadau gadw at reoliad 4 Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999 (amgaeir copi). Anfonwch eich sylwadau at Karsten Brussk, Adran Gynllunio, Cyngor Sir Ddinbych, Caledfryn, Swyddfeydd y Cyngor, Ffordd y Ffair, Dinbych, Sir Ddinbych, LL16 3RJ. Byddwn yn ystyried pob gwrthwynebiad a sylw yn ofalus cyn penderfynu a ddylid gwneud y gorchymyn yn un parhaol.

Byddwn yn ysgrifennu atoch chi eto pan rydym ni wedi gwneud ein penderfyniad. Yn y cyfamser, os hoffech chi ragor o wybodaeth neu os oes gennych chi unrhyw gwestiwn am y llythyr hwn, cysylltwch â Karsten Brussk, Adran Gynllunio, Cyngor Sir Ddinbych, Caledfryn, Swyddfeydd y Cyngor, Ffordd y Ffair, Dinbych, Sir Ddinbych, LL16 3RJ. Rhif ffôn: 01824 706914.

Cyfeiriad e-bost: [karsten.brussk@sirddinbych.gov.uk](mailto:karsten.brussk@sirddinbych.gov.uk).

Dyddiad: 9 Awst 2016

Llofnodwyd:

Gary Williams,

Pennaeth Gwasanaethau'r Gyfraith, Adnoddau Dynol a Democrataidd

Cyngor Sir Ddinbych, Neuadd y Sir,

Ffordd Wynnstay, Rhuthun, Sir Ddinbych, LL15 1YN

## RHEOLIAD 4 RHEOLIADAU CYNLLUNIO GWLAD A THREF (COED) 1999

Gwrthwynebiadau a sylwadau

4(1) Yn ddarostyngedig i baragraff (2), dylid cyflwyno gwrthwynebiadau a sylwadau;

(a) *Yn ysgrifenedig a'u:*

- (i) *Cyflwyno i'r awdurdod heb fod yn hwyrach na'r dyddiad a bennir ganddynt dan reoliad 3(2)(c); neu*
- (ii) *Eu hanfon at yr awdurdod mewn amlen ragdaledig i'r cyfeiriad cywir gan sicrhau, yn nhrefn arferol y post, y byddant yn cyrraedd erbyn y dyddiad a nodir;*

(b) *Gan nodi'r coed penodol, y grwpiau o goed neu goetiroedd (yn ôl y digwydd) y mae'ch gwrthwynebiadau neu sylwadau yn ymwneud â hwy; ac*

(c) *Yn achos gwrthwynebiad, nodi'r rhesymau dros wrthwynebu.*

4(2) Caiff yr awdurdod drin gwrthwynebiadau a sylwadau a gyflwynwyd mewn pryd nad ydynt yn bodloni gofynion paragraff (1) os, mewn achos arbennig, ydynt yn fodlon nad yw cydymffurfio â'r gofynion hynny yn rhesymol.

Regulation 3 Notice

IMPORTANT THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

DENBIGHSHIRE COUNTY COUNCIL

Name of Order: DENBIGHSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER  
NUMBER 4/2016 RELATING TO LAND AT MAES MEURIG MELIDEN IN THE COUNTY  
OF DENBIGHSHIRE

THIS IS A FORMAL NOTICE to let you know that on 9<sup>th</sup> August 2016 Denbighshire County Council ("the Council") made the above tree preservation order.

A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top or lop without our permission any of the trees described in the First Schedule of the order and shown on the map.

Some information about tree preservation orders is in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Procedures produced by the Welsh Assembly government.

The Council has made the order because there is risk of visually important amenity trees being cut down or pruned in advance of application being determined.

The order came into force, on a temporary basis, on 9<sup>th</sup> August 2016 and will remain in force for six months. During this time we will decide whether the order should be given permanent status.


People affected by the order have a right to object or make comments on any of the trees or woodlands covered before we decide whether the order should be made permanent.

If you would like to made any objections or comments, please make sure we receive them in writing by **14<sup>th</sup> September 2016**. Your comments must meet regulation 4 of the Town and Country Planning (Trees) Regulations 1999 (a copy is attached). Please send your comments to Kirsten Brussk, Planning Department, Denbighshire County Council, Caledfryn, Council Offices, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ. We will carefully consider all objections and comments before deciding whether to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would like any more information or have any questions about this letter, please contact Karsten Brussk, Planning Department, Denbighshire County Council, Caledfryn, Council Offices, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ. Telephone: 01824 706914. Email address: [karsten.brussk@denbighshire.gov.uk](mailto:karsten.brussk@denbighshire.gov.uk) .

Dated: 9<sup>th</sup> August 2016

Signed:



Gary Williams,

Head of Legal, HR and Democratic Services

Denbighshire County Council, County Hall,

Wynnstay Road, Ruthin, Denbighshire, LL15 1YN

## COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

### Objections and representations

4(1) Subject to paragraph (2), objections and representations;

*(a) Shall be made in writing and:*

*(i) Delivered to the authority not later than the date specified by them under regulation 3(2)(c); or*

*(ii) Sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

*(b) Shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and*

*(c) In the case of an objection, shall state the reasons for the objection.*

4(2) the authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Town and Country Planning Act 1990

DENBIGHSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER  
NUMBER 4/2016  
RELATING TO LAND AT MAES MEURIG, MELIDEN  
IN THE COUNTY OF DENBIGHSHIRE

Denbighshire County Council, in exercise of the powers conferred on them by sections 198, 200 and 203 of the Town and Country Planning Act 1990 hereby make the following Order-

CITATION

1. This Order may be cited as The Denbighshire County Council Tree Preservation Order Number 4/2016 relating to land at Maes Meurig, Meliden in the County of Denbighshire

INTERPRETATION

2. In this Order "the authority" means the Denbighshire County Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

APPLICATION OF SECTION 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 9<sup>th</sup> August 2016

PROHIBITED ACTS IN RELATION TO TREES

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) [or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

## EXEMPTIONS

5. - (1) Nothing in article 4 shall prevent –

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary –
  - (i) in the interests of that business or trade;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in

accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

- (2) In paragraph (1), "statutory undertaker" means any of the following – a person authorised by an enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power, a relevant airport operator (within the meaning of Part V of the Airports Act 1986), the holder of a licence under section 6 of the Electricity Act 1989, a public gas transport, the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied, a water or sewerage undertaker, the Civil Aviation Authority or a body acting on behalf of that Authority, the Post Office.

....

#### APPLICATION OF PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990

7.- (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

#### DIRECTIONS AS TO REPLANTING

8.- (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

- (3) a direction under paragraph (1) may include requirements as to-
- (a) species;
  - (b) number of trees per hectare;
  - (c) the preparation of the relevant land prior to the replanting; and
  - (d) the erection of fencing necessary for the protection of the newly planted trees.

## COMPENSATION

- 9.- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of –
- (a) the refusal of any consent required under this Order; or
  - (b) the grant of any such consent subject to conditions, he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article-
- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
  - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person-
- (a) for loss of development value or other diminution in the value of the land;
  - (b) for loss or damage, which having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
  - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
  - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of



Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

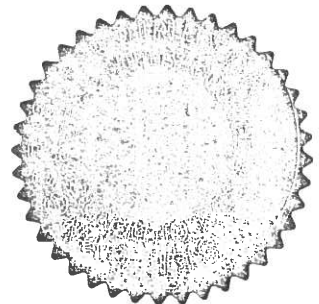
(6) In this article -  
"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and  
"Owner" has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 9<sup>th</sup> day of August 2016

The Common Seal of the DENBIGHSHIRE COUNTY COUNCIL

Was hereunto affixed in the presence of:-

Authorised Officer.....



SCHEDULE 1

SPECIFICATION OF TREES

**Trees specified individually**  
(encircled black on the map)

Reference on Map	Description	Situation
T6 - Pendunculate Oak - 305853 , 381025		
T7 - Pendunculate Oak - 305859 , 381039		
T8 - Pendunculate Oak - 305866 , 381035		
T9 - Common Ash - 305904 , 381112		
T10 - Pendunculate Oak - 305869 , 381047		
T11 - Pendunculate Oak - 305891 , 381065		
T12 - Sycamore - 305923 , 381092		

**TREES specified by reference to an area**  
(within a dotted black line on the map)

Reference on Map	Description	Situation
NONE	NONE	NONE

**Group of Trees**  
(within a broken line on the map)

Reference on Map	Description (including number of trees in the group)	Situation
NONE	NONE	NONE

**Woodlands**  
(within a continuous black line on the map)

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE	NONE	NONE

SCHEDULE 2  
PART I

Provisions of the Town and Country Planning Act 1990 applied  
with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaption or Modification
Section 69 (registers)	<p>(a) In subsection (1) –</p> <p style="text-align: center;">(i) omit- ",in such manner as may be prescribed by a development order," "such" in the second place where it appears, and "as may be so prescribed"; and</p> <p>) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".</p> <p style="text-align: center;">(b) In subsection (2)- "contain" insert ", as regards each such order"; and</p> <p style="text-align: center;">(ii) for paragraphs (a) and (b) substitute- ) details of every application under the order and of the authority's decision (if any) in relation to each such application, and</p> <p style="text-align: center;">(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it." subsections (3) and (4) (as required by section 198(4)).</p>

Provision of the Town and Country Planning Act 1990	Adaption or Modification
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)-</p> <p style="text-align: center;">(i) substitute- "Subject to subsections (1A) and (1B), where "for "Where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p style="text-align: center;">(ii) after "think fit", insert - "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p>

	<p>(iii) omit "subject to sections 91 and 92",</p> <p>(b) After subsection (1) insert-</p> <p>"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).".</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute-</p> <p>(i) "Any" for the words from "Without" to "any";</p> <p>(ii) "consent under a tree preservation order" for "planning permission to develop land";</p> <p>(iii) "the consent" for "the permission"; and</p> <p>(iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute-</p> <p>(i) "the authority" for "a local planning authority";</p> <p>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</p> <p>(iii) "consent under such an order" for "planning permission" in the second place where those words appear;</p> <p>(iv) for paragraph (c) substitute-</p> <p>"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority,".</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute-</p> <p>"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-</p> <p>(a) in respect of a matter mentioned in any of</p>

	<p>paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant".</p> <p>(d) For subsection (4), substitute – “(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)”</p> <p>(e) For subsection (5) substitute- “(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question”.</p>
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Provision of the Town and Country Planning Act 1990	
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute-</p> <p>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";</p> <p>(ii) "consent under a tree preservation order" for "planning permission"; and</p> <p>(iii)"the authority". for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71.".</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after "section 78".</p>

Part II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,  
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order-

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order-

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application related to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**

Any grant consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....

**Section 78**

(1) Where the authority-

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.



**Section 79**

- (1) On an appeal under section 78 the Secretary of State may-
  - (a) allow or dismiss the appeal, or
  - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

- (4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.
- (5) The decision of the Secretary of State on such an appeal shall be final.

.....

- (7) Schedule 6 applies to appeals under section 78.

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Sunnybrook



The Cottage

T12

Cartref Gwenyn

Gwynle

T11

T10

T9

T8

T7

T6

MAES MEURIG

MAES MEURIG

Path (unp)

Page 202



Graddfa / Scale 1: 750

Reference Number	Name, Organisation	Summary of Representation	Council's response
4644	C Hampson, Meliden Resident's Action Group (MRAG)	MRAG fully support Tree Preservation Orders (TPOs) 03/2016 and 04/2016; action is not only supported in the interest of the environment but also taking into account the time trees take to develop maturity	Support welcomed.
4687	J Wilson	TPO no. 04/2016 to become permanent.	Comment noted.
4688	K Evans	Support for introducing a TPO in relation for developments at Maes Meurig (TPO 04/2016) and Ffordd Hendre (TPO 03/2016)	Support welcomed. The Council has already introduced the TPOs, and is looking to confirm them.
n/a	D Anderson	Fully supports Denbighshire County Council's plan to put in place these two TPOs.	Support welcomed. The Council has already introduced the TPOs, and is looking to confirm them.
n/a	G and R L Gilliams	Encouraged to see TPO no. 04/2016 on trees bordering the field directly below Maes Meurig	Comment noted.
4689	C A Pollitt	Would like to see the TPOs to be made permanent; Is there scope to extend the whole area, including the ancient public footpath and the field allocated for residential development in the LDP as 'Maes Meurig'?	Support welcomed. Council Officers inspected all trees on the outskirts of the two proposed development sites, which have been included in the TPO. At present, there is no intention to extend the TPO.
4643	M G and K J Bailey	Would urge Denbighshire County Council to make permanent both TPOs	Support welcomed.
n/a	A McIntyre	Would urge Denbighshire County Council to make permanent TPO no. 04/2016 regarding Maes Meurig	Support welcomed.
n/a	V and R A Hughes	Would urge Denbighshire County Council to make permanent TPO no. 04/2016 regarding Maes Meurig	Support welcomed.
4580	S McCardell and R Hamilton	Would urge Denbighshire County Council to make permanent TPO no. 04/2016 regarding Maes Meurig	Support welcomed.
n/a	A Glasgow	Would urge Denbighshire County Council to make permanent TPO no. 04/2016 regarding Maes Meurig	Support welcomed.
n/a	S Vaughan Williams on behalf of The	Objects to both TPOs (03/2016 and 04/2016) because trees T11 and T12 in TPO 04/2016 are not considered	Comment noted. No change proposed. Both trees (T11, T12) are visible from footpath no. 22 which is

Reference Number	Name, Organisation	Summary of Representation	Council's response
	Representative Body of the Church of Wales (CoW)	to be worthy of protection; amenity value - queries the visually amenity of these two trees: they are not situated in a prominent location, T12 is out of public sight, and can therefore not be visually important to the area; access – being prevented from cutting or pruning these trees makes access to land in client's ownership difficult and means that it cannot be managed or used; if the land would not be accessible objector may seek legal advice regarding compensation	recorded on the Council's Definitive Map of Public Rights of Way. They have an amenity value for local residents as shown in the representations received in support of TPO 04/2016. A Tree Preservation Order does not prohibit any work, including removal, to these trees, subject to prior consent of the local planning authority (LPA). If a planning application were to be submitted to the LPA, any necessary work to T11 and T12 would be assessed in light of the prevailing tree condition and the submitted proposal. Technical Advice Note 10, paragraph A47 on compensation: 'A TPO may make provision for the payment of compensation by an authority in respect of loss or damage resulting from the refusal of consent or the grant of consent subject to conditions. The Model Order makes such provision in Article 9.' Comment noted. No change proposed.

# TPO Confirmation Meliden

## Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	114
Brief description:	Confirmation of Denbighshire County Council Tree Preservation Order Number 03/2016 relating to land at Ffordd Hendre, Meliden and Denbighshire County Council Tree Preservation Order Number 04/2016 relating to land at Maes Meurig, Meliden.
Date Completed:	24/11/2016 14:05:20 Version: 1
Completed By:	Karsten Brußk
Responsible Service:	Planning & Public Protection
Localities affected by the proposal:	Prestatyn,

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

Could you do more to make your approach more sustainable?

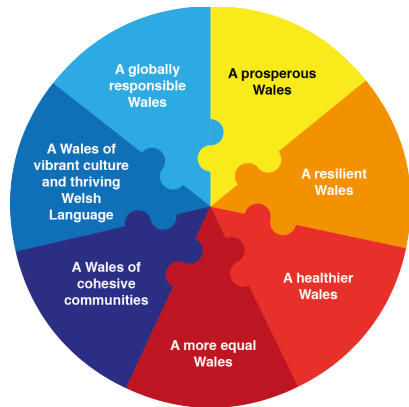
(2 out of 4 stars)



Actual score: 15/ 24.

## Summary of impact

Wellbeing Goals



A prosperous Denbighshire	Neutral
A resilient Denbighshire	Positive
A healthier Denbighshire	Positive
A more equal Denbighshire	Neutral
A Denbighshire of cohesive communities	Neutral
A Denbighshire of vibrant culture and thriving Welsh language	Neutral
A globally responsible Denbighshire	Neutral

## Main conclusions

Retention of a small number of trees will positively contribute towards the amenity value for future residents and the natural environment in the area.

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

Overall Impact:	Neutral
Justification for Impact:	TPO confirmation is not related to any of the mentioned matters.

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

## A resilient Denbighshire

Overall Impact:	Positive
Justification for Impact:	Retention of a small number of trees will positively contribute towards the amenity value for future residents in the area.

### **Positive consequences identified:**

Retention of a small number of trees supports the natural environment locally.

Retention of a small number of trees will positively contribute towards the amenity value for future residents in the area.

Local residents raised alarm regarding the potential loss of trees, and recognised the amenity value of them.

### **Unintended negative consequences identified:**

### **Mitigating actions:**



## A healthier Denbighshire

Overall Impact:	Positive
Justification for Impact:	Retention of a small number of trees will positively contribute towards the amenity value for future residents in the area.

### **Positive consequences identified:**

Retention of a small number of trees will positively contribute towards the amenity value for future residents in the area.

Retention of a small number of trees will positively contribute towards the amenity value for future residents in the area.

### **Unintended negative consequences identified:**

### **Mitigating actions:**

## A more equal Denbighshire

Overall Impact:	Neutral
Justification for Impact:	TPO confirmation does not relate to any of the above matters.

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

## A Denbighshire of cohesive communities

Overall Impact:	Neutral
Justification for Impact:	TPO confirmation does not relate to any of the above matters.

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

## A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact:	Neutral
Justification for Impact:	TPO confirmation does not relate to any of the above matters.

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

## A globally responsible Denbighshire

Overall Impact:	Neutral
Justification for Impact:	TPO confirmation does not relate to any of the above matters.

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

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