

To: Members of the Planning Committee Date: 7 March 2018
Direct Dial: 01824 712589
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 MARCH 2018** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 11 - 20)

To confirm the accuracy of the minutes of the Planning Committee meeting held on 14 February 2018 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 11) -

5 APPLICATION NO. 02/2018/0065/PF - LAND AT TAN Y GERDDI, MWROG STREET, RUTHIN (Pages 21 - 40)

To consider an application for erection of a detached dwelling, alterations to the existing vehicular access and associated works (amended scheme to that previously approved under application code no. 02/2015/09-5) at land at Tan Y Gerddi (part garden of) Mwrog Street, Ruthin (copy attached).

6 APPLICATION NO. 05/2016/0115/PF - TY COED, COED DYFRDWY AND COED HIR, GLYNDYFRDWY, CORWEN (Pages 41 - 74)

To consider an application for One Planet Development including dwellinghouse, earth sheltered greenhouse, drying barn, stable, animal shelter and temporary structures at Ty Coed, Coed Dyfrdwy and Coed Hir, Glyndyfrdwy, Corwen (copy attached).

7 APPLICATION NO. 09/2018/0019/PF - YSGUBOR ISAF, BODFARI (Pages 75 - 98)

To consider an application for erection of extension to dwelling and associated works at Ysgubor Isaf, Bodfari (copy attached).

8 APPLICATION NO. 18/2017/1225/PO - GLAN Y WERN FARM, WHITCHURCH ROAD, LLANDYRNOG (Pages 99 - 118)

To consider an application for development of 0.09 ha of land by the erection of a rural enterprise dwelling, installation of a new septic tank and associated works (outline application including access) at Glan y Wern Farm, Whitchurch Road, Llandyrnog (copy attached).

9 APPLICATION NO. 43/2017/1212/PF - 8 BIRCH GROVE, PRESTATYN (Pages 119 - 136)

To consider an application for the erection of a first floor extension to the rear of the dwelling at 8 Birch Grove, Prestatyn (copy attached).

10 APPLICATION NO. 44/2018/0028/PF - LAND ADJACENT TO CASTLE HILL, HYLAS LANE, RHUDDLAN (Pages 137 - 156)

To consider an application for the erection of 1 no. dwelling and detached garaged and construction of new vehicular access (amended details to previously approved under planning permission reference 44/2017/0072) at land adjacent to Castle Hill, Hylas Lane, Rhuddlan (copy attached).

11 APPLICATION NO. 47/2017/0839/PF - BRYNTIRION FARM, RHUALLT, ST. ASAPH (Pages 157 - 172)

To consider an application for the erection of an agricultural building for lambing at Bryntirion Farm, Rhualt (copy attached).

12 INFORMATION REPORT - PLANNING APPEALS UPDATE (Pages 173 - 182)

To receive information report on recent planning appeal decisions September 2017 to date (copy attached).

MEMBERSHIP

Councillors

Councillor Joe Welch (Chair)

Councillor Alan James (Vice-Chair)

Ellie Chard
Ann Davies
Meirick Davies
Peter Evans
Brian Jones
Huw Jones
Pat Jones
Tina Jones
Gwyneth Kensler

Christine Marston
Bob Murray
Merfyn Parry
Peter Scott
Tony Thomas
Julian Thompson-Hill
Emrys Wynne
Mark Young

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All Councillors for information
Press and Libraries
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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 21 elected Members. In accordance with protocol, 11 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

ELECTRONIC VOTING PROCEDURE

Members are reminded of the procedure when using the electronic voting system to cast their vote.

Unless otherwise advised by the Chair or Officers, 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:

When voting on **applications**, on the voting keyboard, press

- 1** - to **GRANT / APPROVE** the application
- 2** – to **ABSTAIN** from voting on the application
- 3** – to **REFUSE** the application

When voting on **special reports and enforcement items**, on the voting keyboard, press

- 1** - to **ACCEPT THE OFFICER RECOMMENDATION**
- 2** - to **ABSTAIN** from voting on the recommendation
- 3** - to **NOT ACCEPT THE OFFICER RECOMMENDATION**

In the event of problems with the electronic voting system, the Chair or Officers will advise on the procedures to be followed.

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of

*(*please delete as appropriate)*

Denbighshire County Council

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

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

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

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 14 February 2018 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Meirick Davies, Alan James (Vice Chair), Peter Evans, Brian Jones, Huw Jones, Pat Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Bob Murray, Merfyn Parry, Peter Scott, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Observers – Councillors Hugh Evans, Tony Flynn, Rachel Flynn, Richard Mainon, Andrew Thomas and Rhys Thomas

ALSO PRESENT

Head of Planning and Public Protection (EJ); Head of Legal, HR and Democratic Services (GW); Development Manager (PM); Principal Planning Officer (IW); Senior Engineer – Highways (MP); Planning Officer (PG), and Committee Administrator (KEJ)

1 APOLOGIES

Councillor Pat Jones

2 DECLARATIONS OF INTEREST

Councillor Joe Welch – Personal Interest – Agenda Item 5
Councillor Emrys Wynne – Personal Interest – Agenda Item 10

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 17 January 2018 were submitted.

Accuracy – Page 11, Item 4 Minutes – the date in the resolution should read 13 December 2017.

RESOLVED that, subject to the above, the minutes of the meeting held on 17 January 2018 be approved as a correct record.

APPLICATIONS FOR PERMISSIONS FOR DEVELOPMENT (ITEMS 5 - 11) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary

information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 01/2015/1240/PO - LAND BETWEEN OLD AND NEW RUTHIN ROAD, DENBIGH

[Councillor Joe Welch declared a personal interest in this item because some of the owners of the field were known to him and his family]

An application was submitted for development of 2.1 ha of land for residential purposes (outline application including details of access) at land between Old and New Ruthin Road, Denbigh.

Public Speaker –

Mr. N. Davies (agent) (**For**) – referred to discussions regarding layout to ensure the most suitable submission with notional reference to density, affordable housing, wildlife corridor and specific regard to access design. Additional information had been provided in response to the Design Development Brief. Site owners encouraged developer engagement with the local community at an early stage.

General Debate – Councillor Mark Young (Local Member) considered the current Local Development Plan (LDP) to be flawed in terms of housing land allocation. He queried references to the Cae Topyn site within the report given that each application should be considered on its own merits and highlighted local community concerns with particular regard to flooding and drainage issues. Councillor Rhys Thomas (Local Member) also voiced concerns regarding allocation of this particular site for housing by the Planning Inspectorate against the wishes of the community. Whilst some reassurance had been taken from the concessions referred to by the agent in his submissions, residents' lives and the environment would be dramatically changed by the proposed development. Councillor Thomas read out a statement on behalf of local residents and, in the event that the application was granted, sought agreement for them to be consulted at an early stage with regard to the proposed plans put forward by the developer with a view to resolving concerns, particularly in relation to surface water accumulation; effect of the development on the septic tanks; proximity of new housing to existing properties; siting of the wildlife corridor, and siting of entrance/exit points and pavement provision.

The Development Manager provided some background to the site and its allocation in the LDP and clarified that the application site itself had no specific planning history. However, reference had been made to the Cae Topyn site because it had been part of that land allocation for housing and had been through a planning process relatively recently with direction given by the Planning Inspectorate on the acceptability or otherwise of development in that location. The issues raised by local residents had been considered during the planning application process and had been included as appropriate in the main report. In response to calls from local residents for further consultation if the application was approved, the detail of the development would be subject to a public consultation exercise.

During subsequent debate the importance of education provision and ensuring appropriate capacity within local schools to accommodate any new development was highlighted and assurances were sought in that regard. Further reference was also made to issues with the LDP and land banking although it was accepted that the issue would be better dealt with as part of the forthcoming LDP review and the application needed to be considered based on existing policies and plans. The main issue raised related to drainage/flooding with concerns regarding ongoing problems with flooding in the area which needed to be addressed and the subsequent impact of future development. Assurances were sought regarding the implementation of appropriate and robust measures to address those issues and the need for future safeguards in the event of systems failure was also highlighted, particularly given the concerns over the proposed use of soakaways to deal with surface water. It was suggested that a bond may be an appropriate means of safeguarding the Council against future problems.

Officers responded to the matters raised as follows –

- Education – an assessment had identified limited capacity within the nearest schools to accommodate additional pupils. Condition 23 referred to the need to ensure the development was in compliance with the Council's Education Provision policies and guidance and a further assessment and calculation would be undertaken when the final number of dwellings for the site had been approved in order to calculate the precise final contribution to be sought.
- Drainage (including flooding) – members were reminded of the process when allocating land for housing in the LDP and assessments as to whether the land was appropriate for development at that stage. The land would not have been allocated for housing if a significant risk of flooding or drainage issues had been identified. Following examination of the outline application officers considered sufficient information had been submitted to demonstrate that foul and surface water could be acceptably managed subject to appropriate conditions being imposed. It was standard practice to reserve the detailed drainage design and future maintenance proposals for consideration at the detailed plan stage. Condition 14 specified that no development could commence until the Council was satisfied with the scheme to deal with the disposal of foul and surface water which included subsequent management and maintenance arrangements. It was highlighted that Natural Resources Wales and Dwr Cymru had no objection to the proposed means of dealing with surface water drainage. Consequently officers did not consider a bond to be justified at this stage.

Officers reiterated that the application was for outline planning permission with other reserved matters to be submitted for consideration at a later date. If members considered drainage to be a serious concern that particular issue could be brought back before the committee.

Councillor Mark Young had no confidence in the proposed measures to manage and address flooding and drainage issues given that the existing problems in the area had yet to be resolved. Officers explained that the cause of the current highway flooding had been identified as a blocked highway drain and highway officers were working to address that issue but it was unrelated to the current

application. Details were provided of the proposed scheme for the application site which included the use of soakaways and investigations had indicated that the systems would work. The intention was for the Highway Authority to enter into an agreement with the developer to adopt the soakaway and to pay for its future maintenance via a commuted sum payment from the developer. However detail of the plans and agreement would need to be further agreed.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Brian Jones.

VOTE:

GRANT – 14

REFUSE – 2

ABSTAIN – 2

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

6 APPLICATION NO. 09/2017/1153/PS - 2 TY CLWYD, CHAPEL LANE, BODFARI, DENBIGH

An application was submitted for variation of condition 5 of planning permission code no. 09/2017/9887 to allow vehicles to reverse into the parking space and associated signage at 2 Ty Clwyd, Chapel Lane, Bodfari, Denbigh.

Public Speaker –

Mr. S. Emery (**For**) – referred to the operation of the business and parking arrangements and proposed measures to ensure vehicles did not reverse onto the road when exiting the site. No objection had been raised by the Highway Officer.

General Debate – Councillor Merfyn Parry (Local Member) explained that a retrospective application for change of use for a holiday let had been approved by the committee in November 2017 subject to a condition requiring provision of a vehicle turning space within the site in response to highways concerns raised by the Community Council. The Community Council had also objected to the application to vary that condition maintaining their concerns over highway safety with vehicles reversing onto the road. Councillor Parry believed that if the application was granted it would be difficult to enforce compliance within existing resources.

Officers submitted that there was no evidence to suggest there would be an impact on highway safety and no compelling case to insist on the provision of a turning area within the site on those grounds. It was recommended that the variation be granted subject to a condition requiring a sign to be displayed advising drivers to reverse off the highway into the dedicated parking space and officers were satisfied that the condition could be enforced.

Proposal – Councillor Ellie Chard proposed the officer recommendation to grant the application, seconded by Councillor Ann Davies.

VOTE:

GRANT – 15

REFUSE – 2

ABSTAIN – 1

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

7 APPLICATION NO. 19/2015/1228/PO - LAND ADJACENT TO BRYN YSGUBORIAU, LLANELIDAN, RUTHIN

An application was submitted for erection of agricultural dwelling at land adjacent to Bryn Ysguboriau, Llanelidan, Ruthin.

Public Speaker –

Mr. Huw Evans (agent) (**For**) – disputed that TAN 6 tests had not been met and suggested sufficient weight could be given to other considerations to grant the application without compromising guidance and policy documents.

General Debate – Councillor Hugh Evans (Local Member) spoke in favour of the application which would support a local family and business and impact positively on the community. Technical Advice Note 6 (TAN 6) set out the considerations to be given to applications for agricultural workers dwelling applications, particularly in relation to key tests to be met, and he challenged and clarified the findings of the independent consultant's report as set out within the main report as follows –

- the report stated that the current dwelling was likely to be sold on the open market on retirement of the applicant's father – this was not the policy of Nant Clwyd Estate who had not sold land for over forty years; the land would either be discussed with the existing tenant or let
- functional test – the method of calculating the requirements did not consider all eventualities and realities of farming and did not provide a true reflection of how farmers conducted their business with no account given as to peaks and troughs, the father's reducing input into the business, or the fact that the applicant also undertook contract shearing work to supplement the business
- financial test – no consideration had been given to the applicant's supplementary contract shearing work or his wife's salary which was at odds with general practice; the method for calculating affordability was flawed, particularly when considering that 88% of farmers' income was supplemented from outside income. Assurance as to the viability of the business could also be taken from the supporting statement provided by the family's accountants (included in the late supplementary papers)
- other suitable and available accommodation – reference was made to the lack of new and affordable housing in the area.

Councillor Evans highlighted that TAN 6 provided guidance and was open to interpretation. He argued that insufficient weight had been given to other considerations in the test criteria with flaws identified in calculating affordability and labour requirements. No objection had been received and there was support for the

application from the Community Council and local community. Finally reference was made to the Council's corporate priorities and granting the application would help with the ambition to support young people to live and work in the county.

Members were keen to support local families and businesses and further reference was made to the corporate priorities and the importance of the proposal to the local rural community and way of life which was a key theme of the Wellbeing of Future Generations Act. In terms of the TAN 6 tests members agreed that the calculation methods did not fully take into account all considerations and realities of farming or income available to the applicant when assessing the future viability of the business. Questions were raised regarding the imposition of conditions should the application be granted and the Development Manager confirmed the usual practice of agreeing a set of planning conditions and controls with the Local Member should members go against officer recommendation. Members were reminded that officers were governed by the wording within the documentation and sought the expertise of independent consultants on such cases.

Proposal – Councillor Gwyneth Kensler proposed, seconded by Councillor Merfyn Parry, that the application be granted, contrary to officer recommendation, on the grounds that there were interpretations within TAN 6, as the relevant guidance on this particular issue of agricultural workers dwellings, for which weight should be given in the functional, financial and local needs assessment that in this case can be interpreted as accepting a dwelling in this location.

VOTE:

GRANT – 17

REFUSE – 1

ABSTAIN – 0

RESOLVED that permission be **GRANTED**, contrary to officer recommendation, on the grounds that there were interpretations within TAN 6, as the relevant guidance on this particular issue of agricultural workers dwellings, for which weight should be given in the functional, financial and local needs assessment that in this case can be interpreted as accepting a dwelling in this location.

8 APPLICATION NO. 43/2017/1100/PR - LAND ADJACENT TO MAGISTRATES COURT, VICTORIA ROAD, PRESTATYN

[Councillor Emrys Wynne declared a personal interest in this item because he was a Justice of the Peace]

An application was submitted for details of access, appearance, landscaping, layout and scale of 20 no. residential units submitted in accordance with condition 1 on outline planning permission ref 43/2015/1241/PO (Phase 1 reserved matters application); details of the range of house sizes and types submitted in accordance with condition 10 and details of finished floor levels of 20 no. dwellings submitted partly in accordance with condition 11 at land adjacent to Magistrates Court, Victoria Road, Prestatyn.

Public Speaker –

Mr. W. Gill (**For**) – explained a condition imposed on the outline permission on site density equated to twenty residential units and details of the type and size of those units were provided. The apartments' height had since been lowered to two storey. The developer had made a significant financial contribution in lieu of providing on-site open space. Highlighted additional technical requirements due to the site being in a flood zone.

General Debate – Councillor Tony Flynn (Local Member) highlighted two areas of concern (1) flats out of keeping with area, and (2) loss of green open space. Whilst appreciating the desire to maximise the value of the site for residential development Councillor Flynn stressed the value of the existing green open space for children to play and he appealed for steps to be taken to retain that provision. Councillor Rachel Flynn (Local Member) raised concerns regarding infrastructure and impact on local schools and doctors surgeries. She also queried whether the commuted sum payment provided in lieu of open space could be used for children's facilities and sought assurances that the wellbeing of residents would be safeguarded against the disruption caused by the development.

In response to the issues raised the Development Manager –

- advised that the outline permission established the acceptability of the development, including the residential density element, and the current application involved details of access, appearance, landscaping, layout and scale
- emphasised that the green open space referred to had not been designated as such in the Local Development Plan and a financial contribution to public open space in the area would be forthcoming and ring fenced to benefit local facilities
- explained that the issue of infrastructure had already been examined when assessing the principle of the development
- advised that a construction and environmental management plan was required, to be agreed with the Local Member, which would enable the development to be undertaken with minimum disruption and disturbance to residents
- referred to the type of housing and layout, vehicular access and parking, and the scale of the development which had been lowered to two storey, which was in keeping with other two storey properties in the area.

Councillor Bob Murray queried whether the commuted sum payment in lieu of open space could be used to purchase part of the site for that purpose which had previously been identified for retail use. Concerns were also raised regarding the ridge heights of the development in comparison with other properties in the area and assurances were sought regarding ensuring compliance with quality standards and design specifications. In response members were advised that –

- there would be another reserved matters application coming forward in terms of the retail units element approved as part of the original outline consent
- it would not be possible to use the commuted sum payment to purchase land as there was strict criteria in terms of how that payment could be spent. It was suggested that discussions between members and Property Services could be held outside of the meeting in terms of land acquisition but it would not be part

of this planning process and it would be unrealistic to expect land with outline consent for retail development to be an affordable acquisition for open space

- it was not possible to confirm the precise pitches on the roofs of the dwellings but revisions had been made and the height had been reduced in response to concerns raised – a measurement in terms of the actual ground floor to the ridge height had been provided which officers considered acceptable given the surrounding design of properties in the locality and the delivery of housing in a potential flood risk area
- assurances were provided that the design quality standards in terms of the size of the units would be strictly controlled to ensure they would be met.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Peter Scott.

VOTE:

GRANT – 16

REFUSE – 1

ABSTAIN – 0

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

At this juncture (11.20 a.m.) the meeting adjourned for a refreshment break.

9 APPLICATION NO. 18/2017/1000/PC - LAND AT SUNNYCROFT, LLANDYRNOG, DENBIGH

The application submitted for change of use of land and the erection of a building for the purpose of facilitating the construction of vehicular trailers (retrospective application) at land at Sunnycroft, Llandyrnog, Denbigh had been withdrawn by the applicant's agent.

10 APPLICATION NO. 40/2017/1133/PF - REAL PETFOOD COMPANY, UNIT 2, ROYAL WELCH AVENUE, BODELWYDDAN

An application was submitted for erection of extension to existing factory to provide additional office accommodation at Real Petfood Company, Unit 2, Royal Welch Avenue, Bodelwyddan.

Councillor Richard Mainon (Local Member) spoke in favour of deferral of the application pending the resolution of the odour nuisance associated with the use, which it was understood would be the subject of a future planning application.

Proposal – Councillor Brian Jones proposed, seconded by Councillor Peter Evans that the application be deferred pending resolution of the odour nuisance.

VOTE:

FOR DEFERRAL – 17

AGAINST DEFERRAL – 0

ABSTAIN – 0

***RESOLVED** that the application be **DEFERRED** pending resolution of the odour nuisance.*

11 APPLICATION NO. 45/2017/1087/PF - 90 HIGH STREET, RHYL

An application was submitted for change of use of existing retail shop to coffee lounge with ancillary takeaway facility at 90 High Street, Rhyl.

General Debate – Councillor Alan James (Local Member) explained Rhyl Town Council's objection to the application was based on the desire to retain A1 retail in the town as referenced within their local town plan. However, trading in the High Street had changed significantly since production of the town plan and it was necessary to balance the desire to retain the shop for retail use against another empty premises and the opportunity to increase footfall within the town. On that basis and given that the premises could revert back to A1 retail if the coffee lounge business was unsuccessful, Councillor James supported the application.

There was general support for the change of use given that the premises were currently unoccupied but questions were raised regarding the future potential for conversion into a hot food takeaway premises if the coffee lounge proved unsuccessful and whether a mixed use of the premises would better suit. Officers referred to the nature of A3 use and advised there was no indication from the floor plans and information submitted that the applicant was looking to undertake retail sales which would warrant mixed use. If the application was granted there would be future potential for the premises to operate as a hot food takeaway but there must be valid planning reasons if members were minded to impose restrictions on that basis. Hot food takeaway premises were also subject to a separate licensing process and other controls around its operation and opening hours.

Proposal – Councillor Alan James proposed the officer recommendations to grant the application, seconded by Councillor Bob Murray.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

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

12 INFORMATION REPORT: PLANNING APPEAL DECISION - PANT Y MAEN WINDFARM, LLYN BRAN, BYLCHAU, DENBIGH

An information report was submitted on the planning appeal decision received from Welsh Government on a proposed windfarm development on land south west of Nantglyn. The Cabinet Secretary for Energy, Planning and Rural Affairs had disagreed with the recommendations of the Appeal Inspector and had allowed the appeal and granted planning permission for the proposed windfarm development.

The Chair (Local Member) expressed his disappointment and concern over the outcome in this case which he considered contrary to the democratic process. The report had been submitted to the committee for information only and it was agreed to discuss the matter further with officers outside of the meeting.

RESOLVED that the information report be received.

The meeting concluded at 11.56 a.m.

Agenda Item 5

WARD : Ruthin

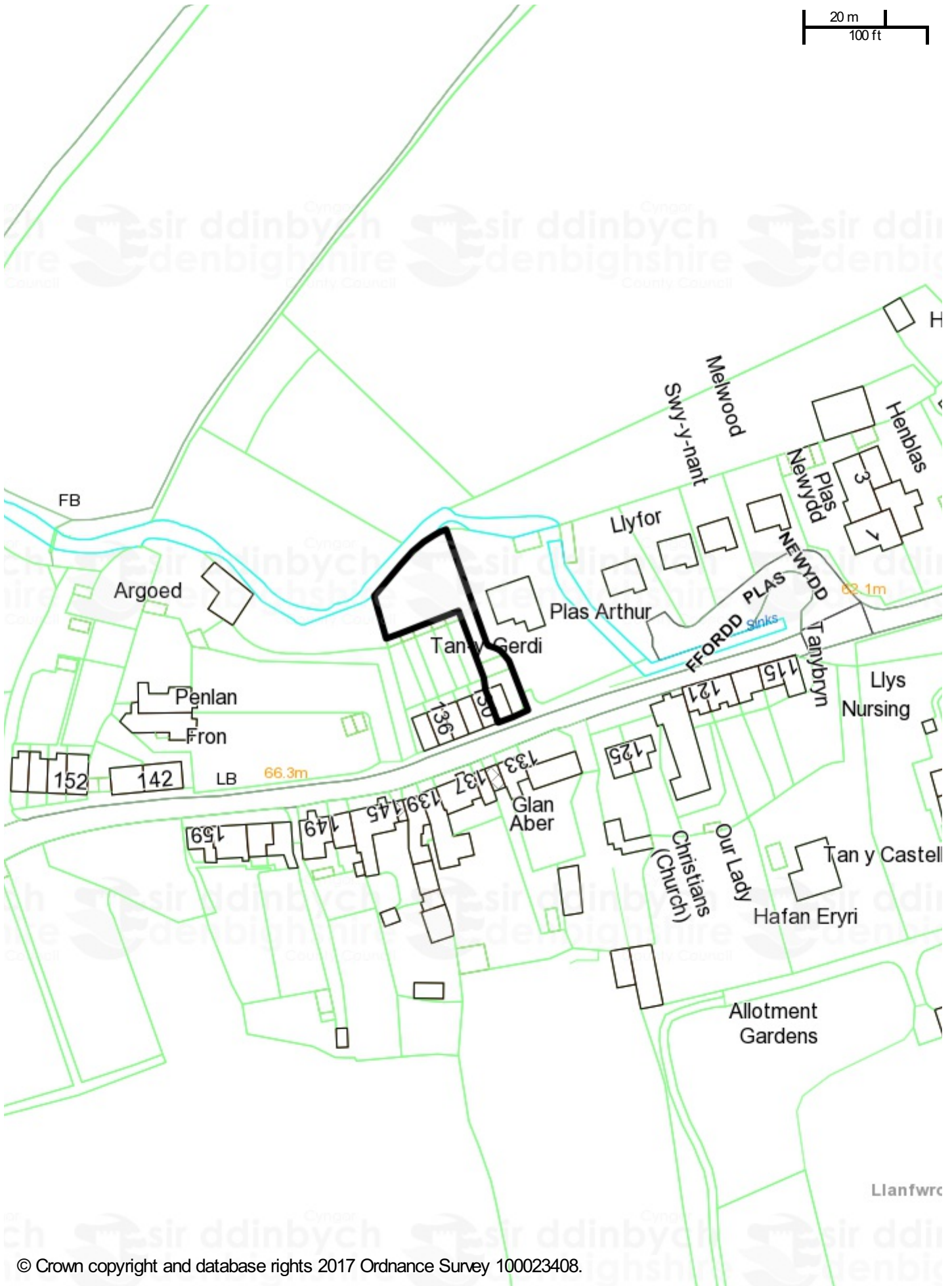
WARD MEMBER(S): Cllr Bobby Feeley
Cllr Huw Hilditch-Roberts
Cllr Emrys Wynne (c)

APPLICATION NO: 02/2018/0065/ PF

PROPOSAL: Erection of a detached dwelling, alterations to the existing vehicular access and associated works (amended scheme to that previously approved under application code no. 02/2015/0995)

LOCATION: Land at (part garden of) Tan Y Gerddi Mwrog Street Ruthin

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02/2018/0065

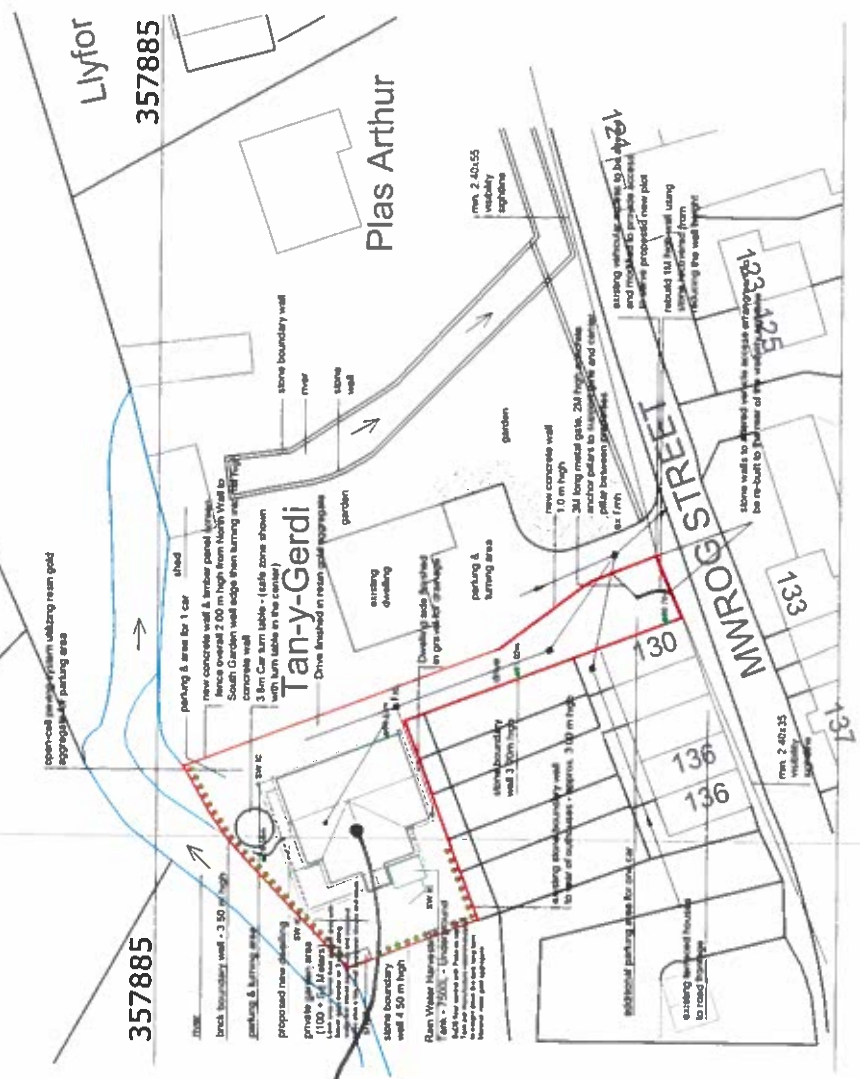
Scale: 1:1250

Printed on: 27/2/2018 at 8:56 AM

SITE PLAN

Plot@Tan-Y-Gerddi, Ruthin LL15 1LG
PROPOSED SITE PLAN
 Land Plot
 AREA 90m x 90m
 SCALE 1:500 on A3
 CENTRE COORDINATES 311513, 357885

311513



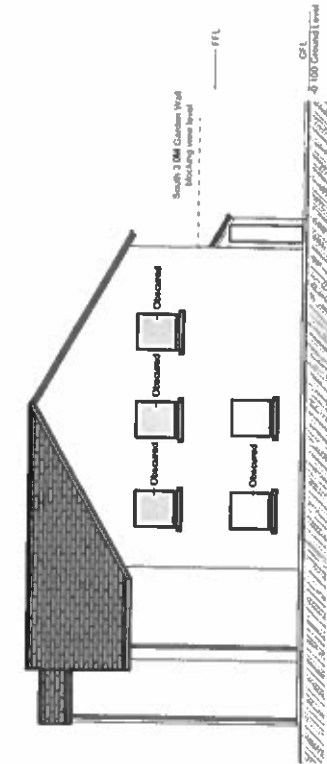
PROPOSED DWELLING

N PROPOSED SITE LAYOUT PLAN
 SCALE 1:500

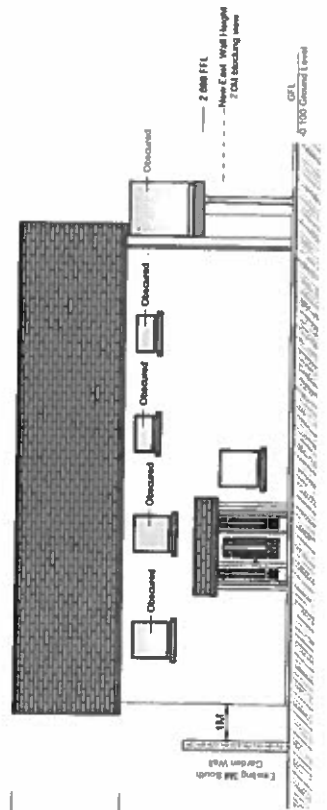
- 100mm dia four drain run
- 100mm dia surface water drain run
- Green line 800 x 100mm kerb height

ELEVATION PLANS

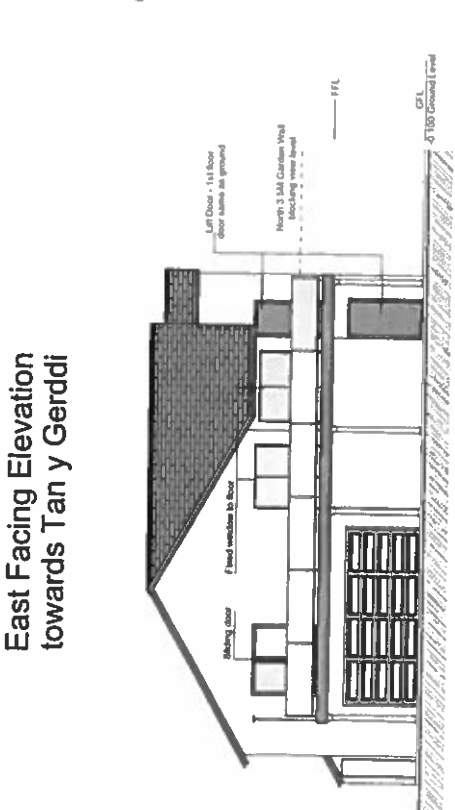
DRAWINGS PROVIDED BY: Mark Braxton		DATE: 15/01/18	SCALE: 1:100	SHEET: A-2
PROJECT DESCRIPTION: Plot@Tan y Gerddi, Mwrog St. Ruthin LL15 1LG		SHEET TITLE: Planning Submission		
NO.	DESCRIPTION	BY	DATE	



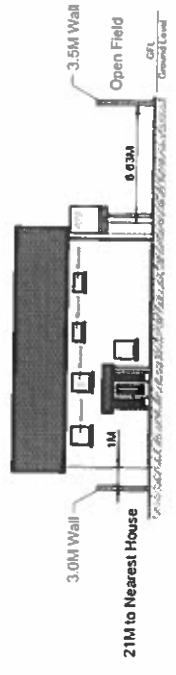
East Facing Elevation towards Tan y Gerddi



West Facing Elevation toward 4.5M Wall



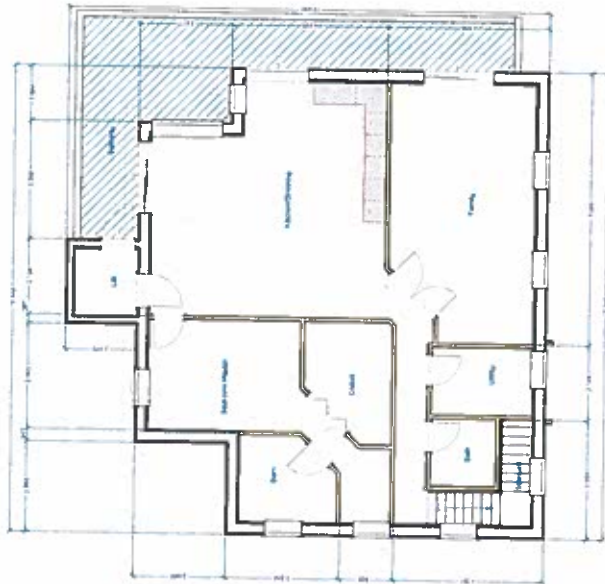
North Facing Elevation towards Farmer's Field



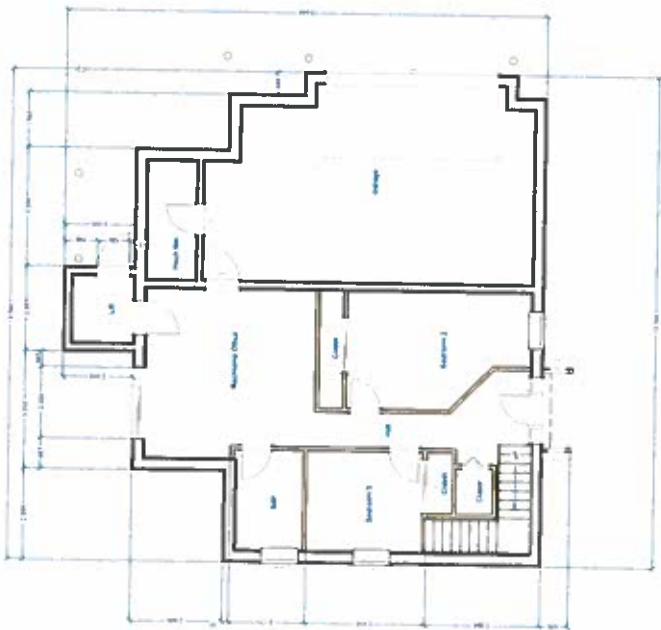
Typical Site Section Detail 1:200

- External Materials**
- Roof:** New Slate Roof Tiles - Welsh Dark Blue/Grey
- Walls:** Grey self colored silicone render (waterproof)
- Windows & Doors:** Power Coated Aluminium dark grey doors & trimmed windows
- Rain Water Goods:** Stainless Steel
- Balcony:** Stainless Steel with transparent glass
- Line:** garden wall blocking view in front of dwelling (foreground)
- All dwelling height measurement are from GFL**
- All windows are fixed except bedroom windows for use in case of fire**

FLOOR PLANS



1st Floor



Ground Floor

WARD : Ruthin

WARD MEMBER(S): Cllr Bobby Feeley
Cllr Huw Hilditch-Roberts
Cllr Emrys Wynne (c)

APPLICATION NO: 02/2018/0065/ PF

PROPOSAL: Erection of a detached dwelling, alterations to the existing vehicular access and associated works (amended scheme to that previously approved under application code no. 02/2015/0995)

LOCATION: Land at (part garden of) Tan Y Gerddi Mwrog Street Ruthin

APPLICANT: Mr Mark Braxton

CONSTRAINTS: C2 Flood Zone

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

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

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

“Wishes to confirm there is a strong objection to the application due to the siting, scale, design and massing of the building. The proposed plan is larger than the dwelling granted permission in 2015, especially the massing at first floor level. Members remain of the opinion that the scale and massing of the proposed building would constitute overdevelopment of the site, and would have an adverse impact on neighbouring properties in the Conservation Area”.

NATURAL RESOURCES WALES

No objection

DWR CYMRU / WELSH WATER

No objection

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection, suggest archaeological watching brief condition

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to a standard condition to ensure the access is constructed in accordance with the submitted plan and completed prior to use.

Conservation Officer

No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Catherine Cordova, 130 Mwrog Street, Ruthin
Oliver and Clare Beardwood, 132 Mwrog Street, Ruthin
Catrin Phillips, Penlan, Mwrog Street, Ruthin
Arnold and Diana Highes, Argoed, Wrog Street, Ruthin
Caeri Roberts, 123 Mwrog Street, Ruthin

Summary of planning based representations in objection:

Visual Impact and Character of Conservation Area – the proposal is out of keeping with the area; the building is too large and oversized.

Residential Amenity – the proposal would overlook neighbouring properties; would impact on the view of neighbouring properties; balcony would overlook neighbouring properties causing an invasion of privacy;

Highway Safety – already a busy road and cannot facilitate more vehicles turning and entering on to it.

EXPIRY DATE OF APPLICATION: 01/04/2018

REASONS FOR DELAY IN DECISION (where applicable): N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a detached dwelling, alterations to the existing vehicular access and associated works (amended scheme to that previously approved under application code no. 02/2015/0995) on land at Tan y Gerddi, Mwrog Street, Ruthin.
- 1.1.2 The proposed property would be accessed from a widened access from Mwrog Street, which would also serve the existing property Tan y Gerddi. An existing outbuilding to the front of the site has been removed to allow for the improvements to the access.
- 1.1.3 The dwelling proposed is a 2 storey dwelling consisting of an integral garage, an office, 2 bedrooms and bathroom at ground floor level with a living room, kitchen/diner, bedroom and bathroom/en-suites at first floor level.
- 1.1.4 Externally, the eaves height of the property would be 4.8m and 7.8m to the ridge. It is proposed to render the property in grey and the roof would be clad in slate. Windows are shown to be powder coated aluminium in dark grey. On the north elevation and wrapping around partly to the western elevation it is proposed to erect a balcony and also on the western elevation it is proposed to locate solar panels on the roof slope.
- 1.1.5 At the access point on the Mwrog Street it is proposed to re-build a stone wall which would be curved with a black powder coated metal gate located approximately. 4m back from the road.
- 1.1.6 The application has been submitted as a 'self build' project by the applicant and it has been stated that 'Lifetime Home' Standards are to be incorporated, with solar panels

and a rainwater harvesting system; SuDS drainage and many other sustainable building principles.

1.1.7 The plans are at the front of the report.

1.2 Description of site and surroundings

1.2.1 The site lies to the rear side of Tan Y Gerddi which is a single storey property. The application site has been part of the garden area of Tan y Gerddi, which is set within a tall walled garden. The wall is 3m high, is constructed of brick and stone and surrounds the application site on 3 sides.

1.2.2 The site also lies to the rear of a row of 2 storey terraced houses fronting Mwrog Street, with the 3m high wall forming the boundary between the terrace and the application site. To the north is open land, to the east is Tan y Gerddi and to the west is 'Argoed' which is located approximately 35m from the boundary of the site with its curtilage abutting the application site.

1.2.3 Within this area of Mwrog Street there are different types of properties ranging from traditional stone terraces with slate roofs to modern bungalow properties constructed of buff brick and pebble dashed finishes with red and brown roof tiles.

1.2.4 The site is accessed off Mwrog Street which has residential properties fronting the road on both sides.

1.3 Relevant planning constraints/considerations

1.3.1 The site stands within the development boundary of Ruthin and is in the Conservation Area.

1.4 Relevant planning history

1.4.1 Planning permission for a dwelling has previously been granted in 2015 and a permission was refused in 2017 on the basis of the submitted details (see section 2.1 below)

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The applicant has been in dialogue with Planning and Conservation Officers following the 2017 refusal.

2. DETAILS OF PLANNING HISTORY:

2.1 02/2015/0995/PF Erection of a detached dwelling and alterations to the existing vehicular access GRANTED under delegated powers on 30th November 2015.

02/2017/0431/PF Erection of a detached dwelling REFUSED under delegated powers on 17th July, 2017 for the following reason:-

"It is the opinion of the Local Planning Authority that the proposal does not respect the site and surroundings by virtue of its siting, scale, design and massing and would therefore have an adverse impact upon the visual amenity of the area and fail to enhance or preserve the character of the Conservation Area. As such the proposal is in conflict with Local Development Plan Policies RD 1 and VOE 1, advice as contained in SPG Residential Development, SPG Conservation Areas and Planning Policy Wales (Edition 9) 2016."

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC 11 – Recreation and Open Space

Policy VOE1 - Key areas of importance

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance: Residential Development

Supplementary Planning Guidance: Access for All

Supplementary Planning Guidance: Parking Standards in New Development

Supplementary Planning Guidance: Conservation Areas

Supplementary Planning Guidance: Open Space

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Technical Advice Note 24: The Historic Environment

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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' (PPW 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, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that 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 (DMM section 9.4).

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

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

4.1.1 Principle

4.1.2 Visual amenity including Impact on Conservation Area

4.1.3 Residential amenity

4.1.4 Open Space

4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development

in towns is BSC1 which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries. Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. The site has the benefit of planning permission for a dwelling granted in 2015 which established the principle of residential development. The proposals are considered acceptable in terms of the general principles of these policies.

4.2.2 Visual amenity including Impact on Conservation Area

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

There are local representations raising visual amenity impacts and general comments relating to the character of the Conservation Area.

As noted, Mwrog Street is characterised by a mix of dwelling types. In close proximity to the site to the south is a terrace of 2 storey stone properties with slate roofs, to the east are modern detached dwellings finished with pebble dash and buff brick with red/brown roof tiles, and directly opposite on Mwrog Street are 2 storey dwellings finished with brick, stone and pebble dash.

It is acknowledged that the proposed dwelling would be larger than the properties that immediately surround the site. However, it is relevant that the site is set back from the road and is surrounded on 3 sides by a 3m high brick/stone wall. The proposed dwelling would only be visible in part from the dwelling to the south, from a section of highway on approach to the site and the gap between Tan Y Gerddi and 130 Mwrog Street. The dwelling would be rendered with a slate roof and the roof height and its design has been modified to reduce the size and height, so when viewed from the east, it would have a traditional roof pitch sloping away from Tan y Gerddi.

The proposed dwelling would have an eaves height of 4.8m and 7.8m height to the ridge. The height, materials and roof configuration of the proposed dwelling have been amended following the previous refusal and whilst it is acknowledged that the design is somewhat unconventional, having regard to the location of the site set back off the road, the 3m high wall surrounding the site, the mix of property designs and detailing within the area and overall design approach, overall the proposal is considered acceptable. Notwithstanding this, whilst changes have been made to window detailing it is still considered this element is capable of improvement and if a permission is granted, a planning condition is suggested requiring amended window treatment.

In officers' opinion, having regard to the scale, form and character of the dwelling and development in the locality, on balance it is considered that the proposal is acceptable and overall having regard to all factors would respect the site and surroundings and comply with Policy RD 1 and VOE 1.

4.2.3 Residential amenity

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

fumes, litter, drainage, light pollution, etc. Supplementary Planning Guidance Note Residential Development offers guidance as to what separation distances between dwelling, windows, amenity spaces etc are considered acceptable.

There are local representations raising residential amenity impacts, with reference to overlooking and loss of privacy.

There are dwellings located to the south and east of the site. 'Argoed' is located approximately 35m away to the west.

The proposed plans show that there would be windows within the first floor of the property facing Mwrog Street, Argoed and Tan y Gerddi.

In relation to the dwelling located to the south on Mwrog Street; there would be a bedroom window, bathroom and hallway window at first floor level which are all shown to be obscurely glazed, so there is no overlooking potential from these windows. This elevation is located approximately 21m away from the rear elevation of properties in the terrace, which would be in accordance with SPG guidance and having regard to distance, scale and location of windows, it is not considered there would be any overbearing impact on the residents of these properties. It is suggested that the windows be retained with obscure glazing to avoid any overlooking of private garden space.

In relation to the dwelling located to the west ('Argoed'), this property is located approximately 35m away from the application site boundary. On the west elevation of the proposed dwelling there is a small part of the balcony and a bedroom window however due to the distance in between 'Argoed' and the proposed dwelling it is not considered that there would be any significant adverse effect on the amenities of this property. The boundary brick walls also act as a very effective screen and it is also proposed to landscape the west, north and part of the south boundary.

In relation to the dwelling to the east at 'Tan y Gerddi' this is a single storey property and is the property located closest to the application site. The dwelling has been orientated with its entrance on the east elevation fronting Tan y Gerddi and it is proposed to insert windows at first floor level within this elevation which would serve a stairway, utility room and the living room. The plans indicate all these windows to be obscurely glazed; in relation to the stairway and utility room which are non-habitable rooms this is considered acceptable as they only serve to provide light. In relation to the living/family room, the windows have been included to add interest and are understood to be for visual purposes only as the glazing on the north elevation is the main source of light and aspect for the property and its main living space. Tan y Gerddi does have windows within its western elevation facing the application site, but as the windows at first floor level are intended to be obscurely glazed it is not considered that there would be any loss of privacy for this property. A 2m high fence (1m high closer towards the highway) would be erected in between the 2 properties which would act as a solid boundary and effective screen in between the properties.

The balcony on the north elevation would overlook open fields and would have obscurely glazed panels on the eastern corner to ensure there is no loss of privacy for the residents at Tan y Gerddi and therefore would not result in an unacceptable level of overlooking owing to its siting and the screen on the corner.

With regard to window to window relationships, SPG Residential Development advises a minimum of 21 metres separation distances. The submitted plans indicate that this distance would be achieved and in relation to overlooking of private gardens, it is advised that the relevant first floor windows serve mainly non-habitable rooms and the applicant has indicated they are all to be obscurely glazed.

In acknowledging the comments of the objectors, there is no right to a view and given the location, detailing, design and orientation of the proposed dwelling it is not

considered that it would cause significant harm by an overbearing impact or loss of privacy which would justify a refusal of planning permission.

4.2.4 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

It is considered that the proposal would be acceptable in relation to open space policy subject to the requisite contribution being secured. It is considered that this could be done through an appropriately worded condition.

The development is therefore considered to be able to comply with the requirements of Policies BSC 3 and BSC 11 via a suitable condition.

4.2.5 Highways (including access and parking)

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

A comment has been submitted by a local resident with regards to the additional use of Mwrog Street which is already a busy road.

The scheme will utilise the existing access point onto Mwrog Street which currently serves the existing dwelling, with the access widened and improved to allow for it to serve an additional property. It is proposed to erect a curved stone wall at the access point with gates set back.

The property would be served by a driveway and there is space to the rear for vehicles to enter and manoeuvre however a car turn table is also proposed to the rear to ease access in to the integral garage should this be required by the applicant in future.

Highways Officers have been consulted and raise no objection to the proposal subject to a standard condition to ensure the access is constructed in accordance with the submitted plan and completed prior to use.

The scheme is therefore considered to be in accordance with Policies RD 1 and ASA 3.

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 detailing of the development is considered acceptable. It is not considered that there would be any unacceptable impacts subject to the imposition of conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 14th March 2023.
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) Design and Access Statement - Received 5 February 2018
 - (ii) Supporting Document - Received 5 February 2018
 - (iii) Solar Panel Specification - Received 5 February 2018
 - (iv) Motorised Turntable Specification - Received 5 February 2018
 - (v) Proposed Site Plan - Received 5 February 2018
 - (vi) Proposed Access Plan - Received 5 February 2018
 - (vii) Proposed Access Elevations - Received 5 February 2018
 - (viii) Proposed Floor Plans - Received 5 February 2018
 - (ix) Proposed Elevations - Received 5 February 2018
3. The dwelling hereby approved shall not be occupied until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's policies and Supplementary Planning Guidance in relation to the provision of Open Space.
4. Notwithstanding the submitted plans, the detailing of the proposed windows shall not be as shown, but shall be in accordance with such details as may be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.
5. The first floor windows shown on the proposed south and east elevations shall be fitted with obscure glazing, and shall be retained with obscure glazing at all times.
6. The dwelling shall not be occupied until the written approval of the Local Planning Authority has been obtained to details of a full landscaping scheme including details of all hard surfaces, boundary treatments and planting specifications. The approved details shall be implemented in full no later than 6 months following the first occupation of the dwelling.
7. The access shall be laid out and constructed in accordance with the submitted plan before the dwelling is first occupied and shall be retained at all times thereafter.

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 compliance with adopted open space policies.
4. In the interest of visual amenity and character of the Conservation Area.
5. For the avoidance of doubt and in the interests of protecting residential amenity.
6. To ensure a satisfactory standard of development and to protect the visual amenity of the area
7. To ensure the formation of a safe and satisfactory access in the interest of highway safety.

NOTES TO APPLICANT:

In relation to Condition 3 you are advised that a commuted sum payment of £1237.22 is required towards the provision of Open Space in accordance with Policy BSC 11 in the Denbighshire Local Development Plan. Please note the amount payable is correct at the time of issuing this planning permission however it may change. For further information please refer to the Local Development Plan and Open Space Calculator which is available on our website at www.denbghshire.gov.uk

Highways Notes

Suggest the following matters be drawn to the applicant's attention as Advisory Notes.

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991 - Part N Notice.
- (iii) Highways Act 1980 Section 184 Consent to Construct/Alter a Vehicular Crossing Over a Footway.

Please be advised that separate consent will be required under Section 184 of the Highways Act 1980 for the widening of the existing access, please contact Gail McEvoy to discuss on 01824 706882.

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Agenda Item 6

WARD : Corwen

WARD MEMBERS: Cllr Huw Jones (c)

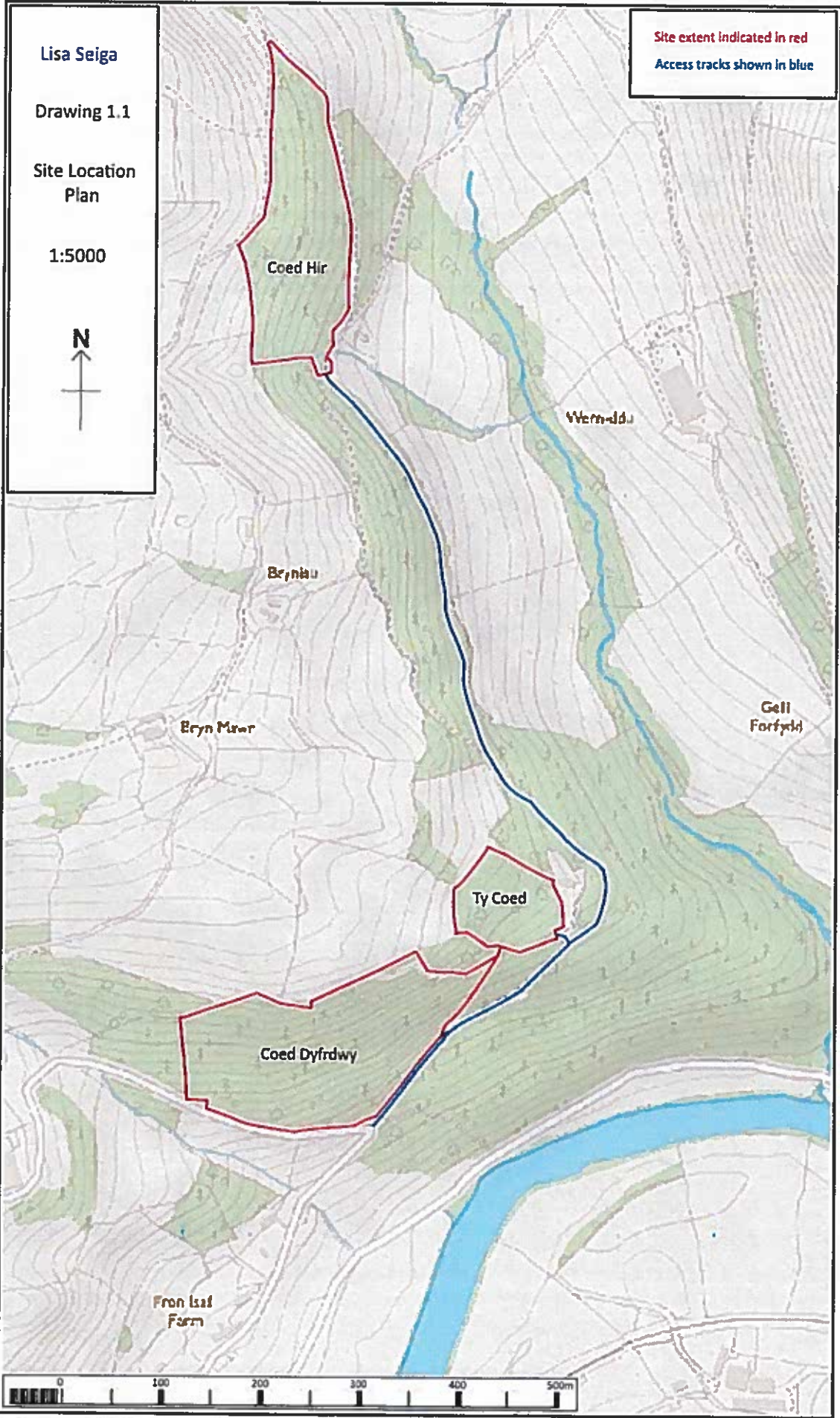
APPLICATION NO: 05/2016/0115/ PF

PROPOSAL: One Planet Development including dwellinghouse, earth sheltered greenhouse, drying barn, stable, animal shelter and temporary structures

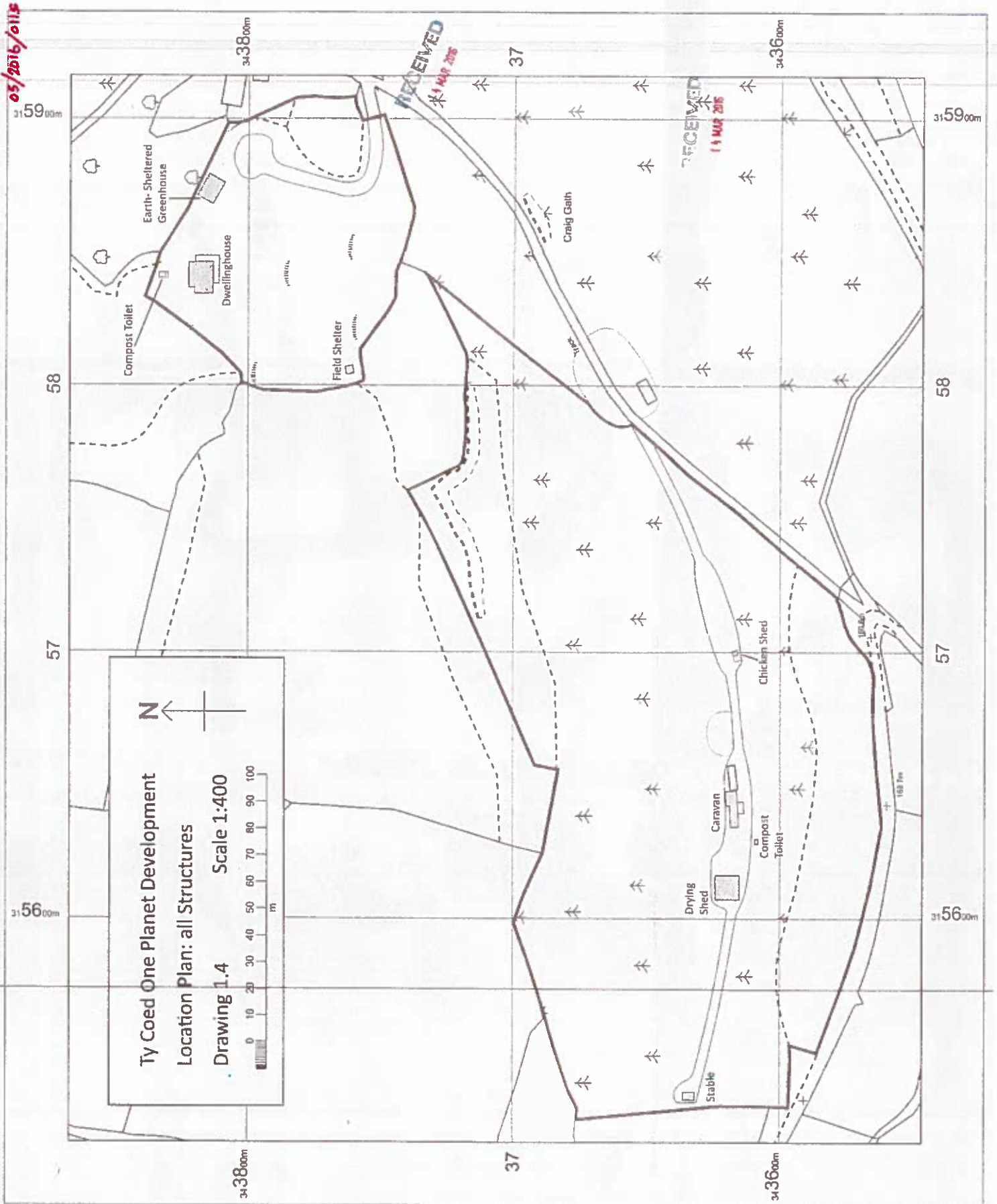
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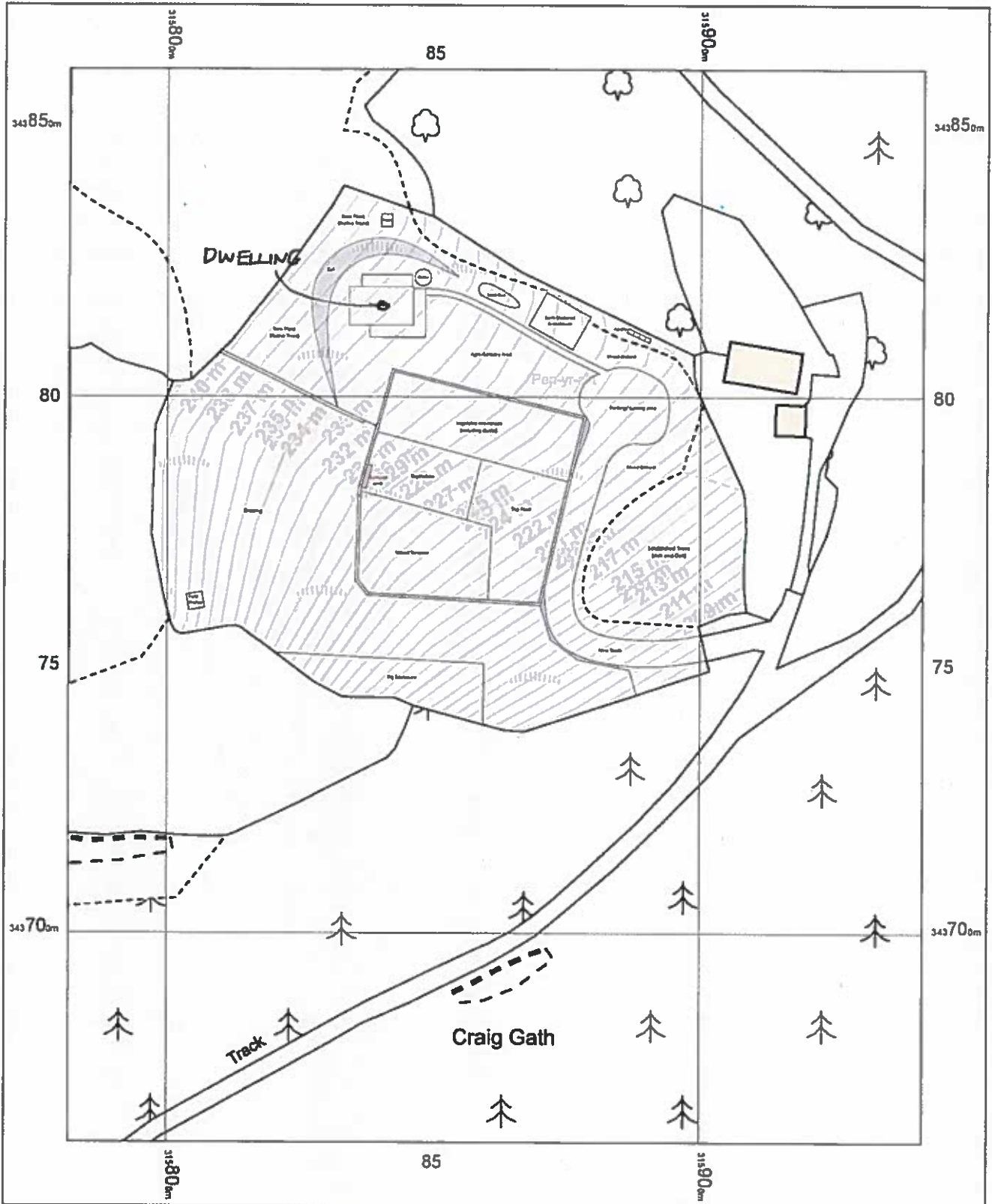
EXTENT OF SITE



PROPOSALS AT COED DYFRDWY



PROPOSALS AT TY COED



Lisa Seiga
 Ty Coed
 Glyndyfrdwy
 LL21 9BS

OS MasterMap 1250/2500/10000 scale
 29 November 2015, ID: BW1-00483434
 maps.blackwell.co.uk

1:1000 scale print at A4, Centre: 315882 E, 343761 N

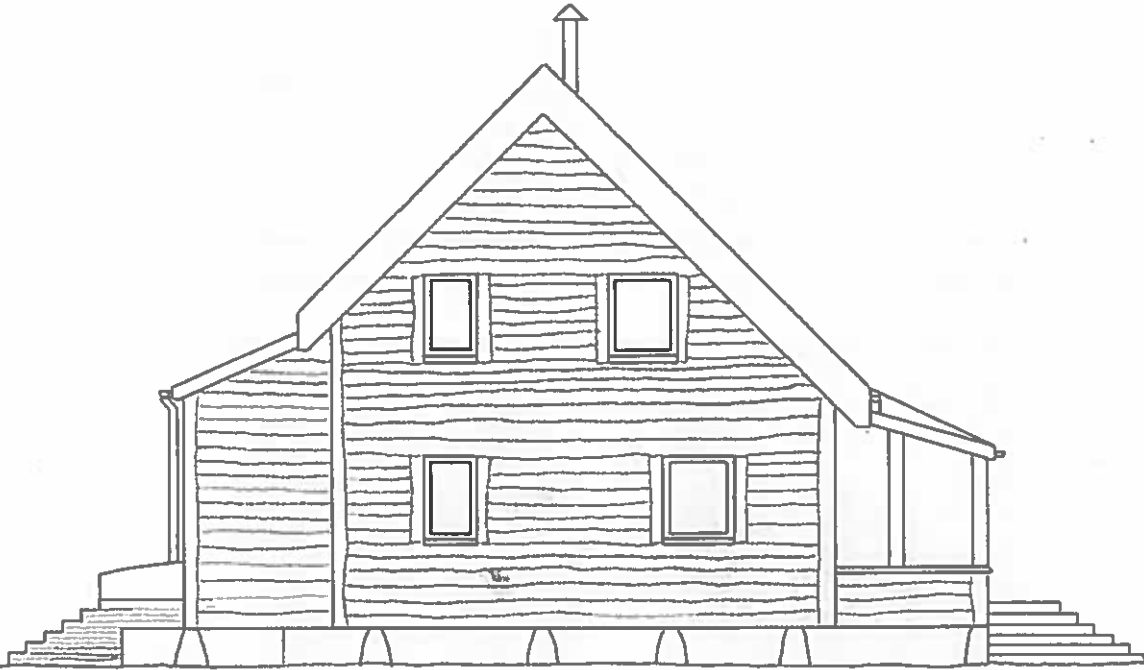
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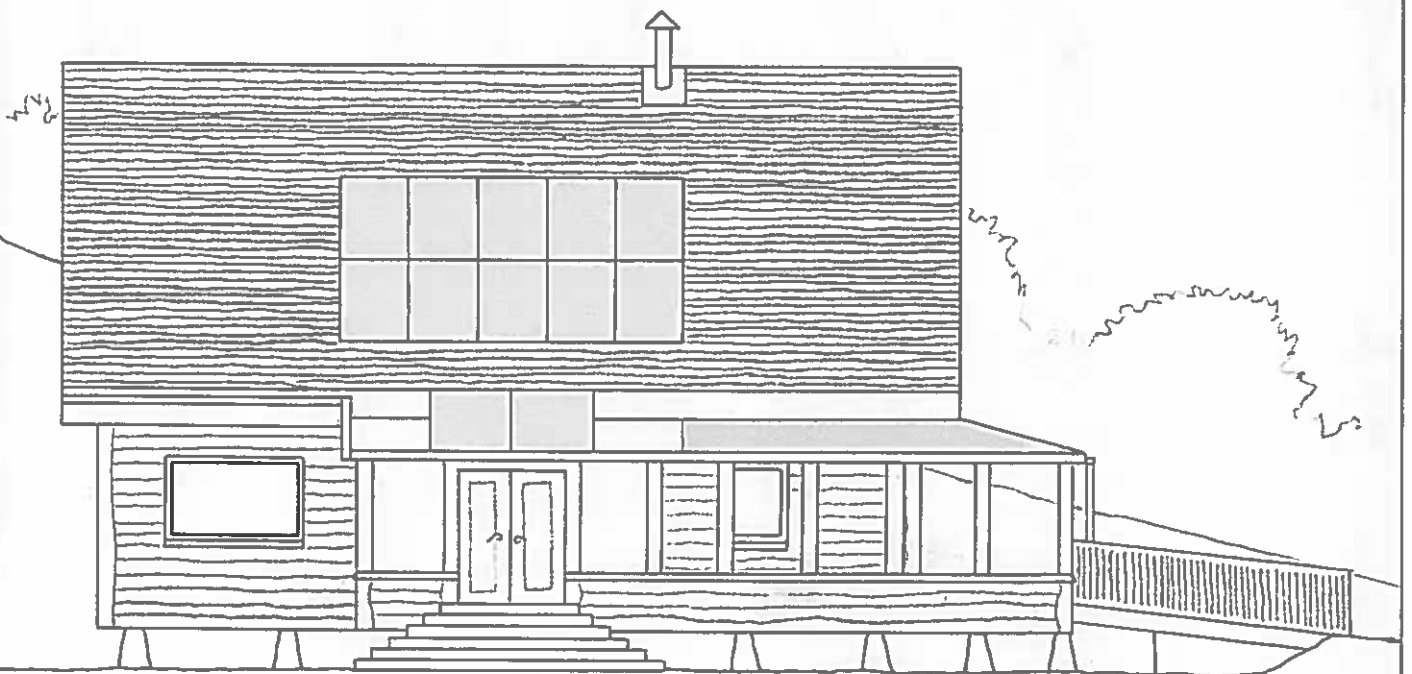
BLACKWELL'S
 www.blackwellmapping.co.uk

TEL: 0113 245 2623
 comments@maps.blackwell.co.uk

DETAILS OF DWELLING (1/2)



West Elevation



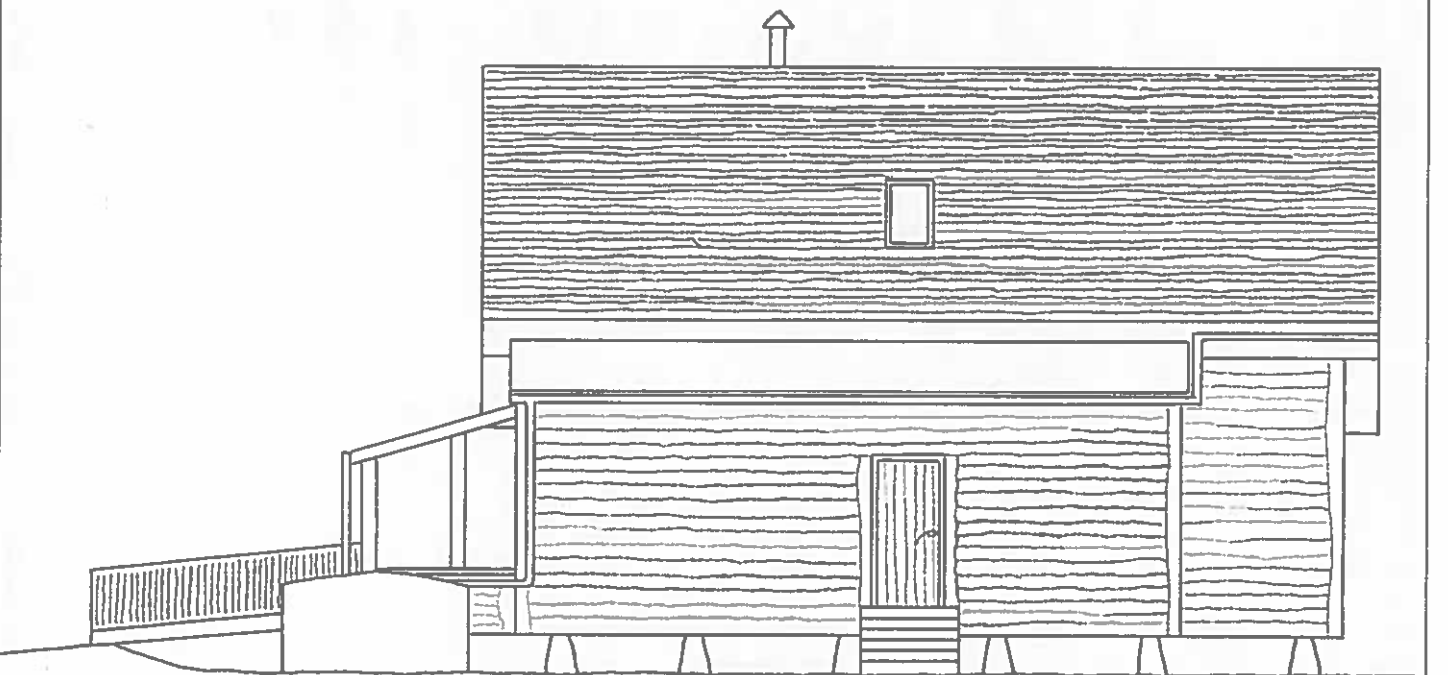
South Elevation

Lisa Seiga
Drawing 2.5
Dwellinghouse Elevations
1:100





East Elevation

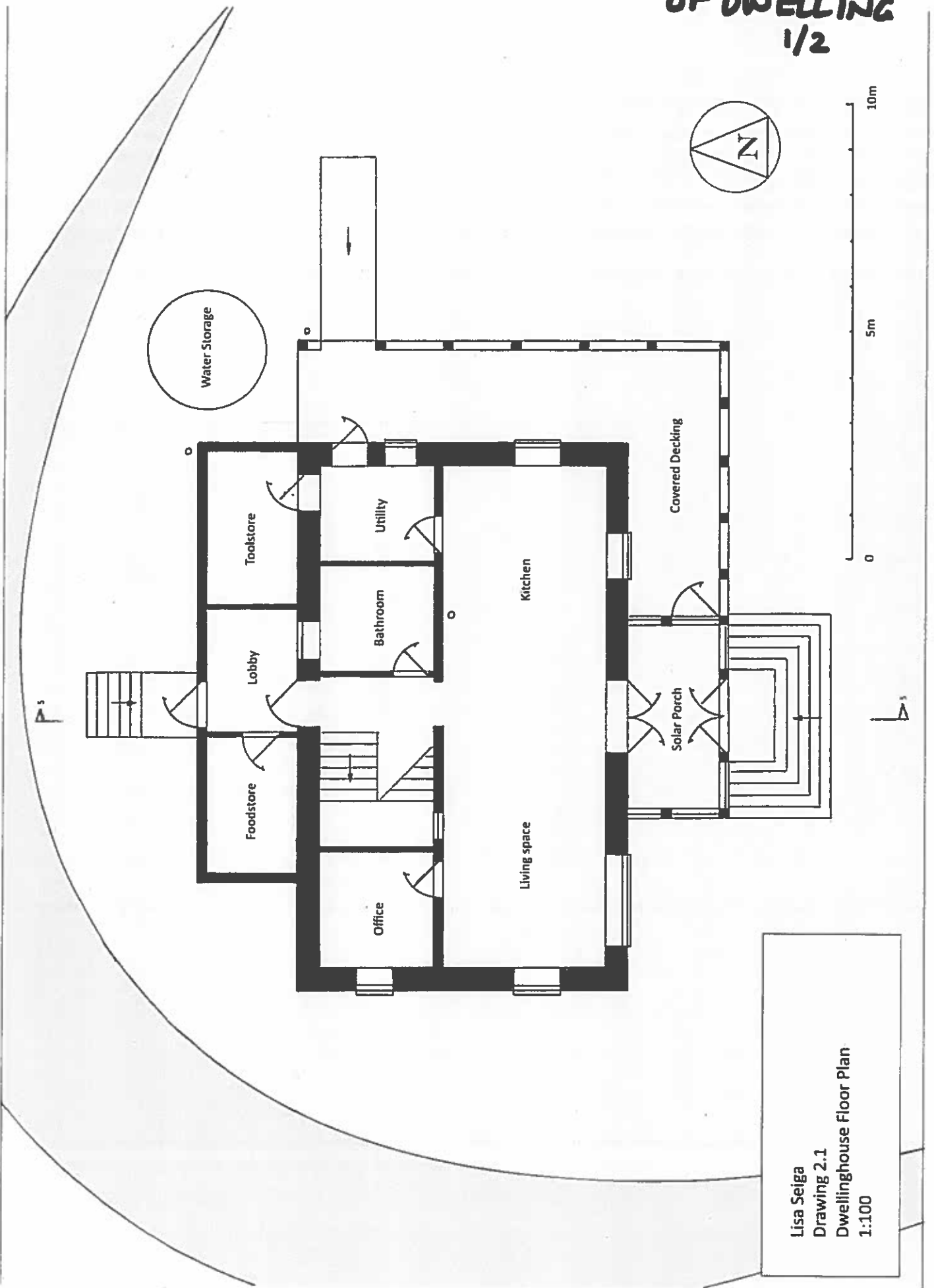


North Elevation

Lisa Seiga
Drawing 2.4
Dwellinghouse Elevations
1:100

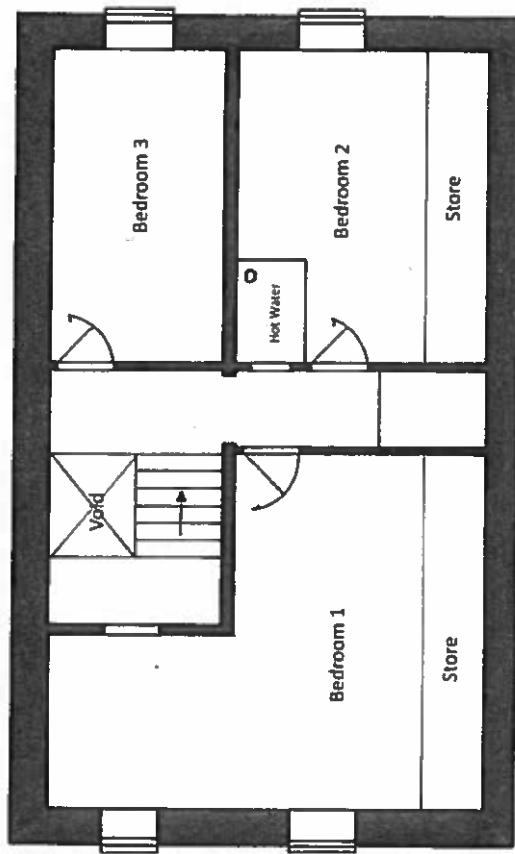
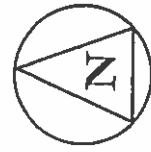


FLOOR PLANS OF DWELLING 1/2

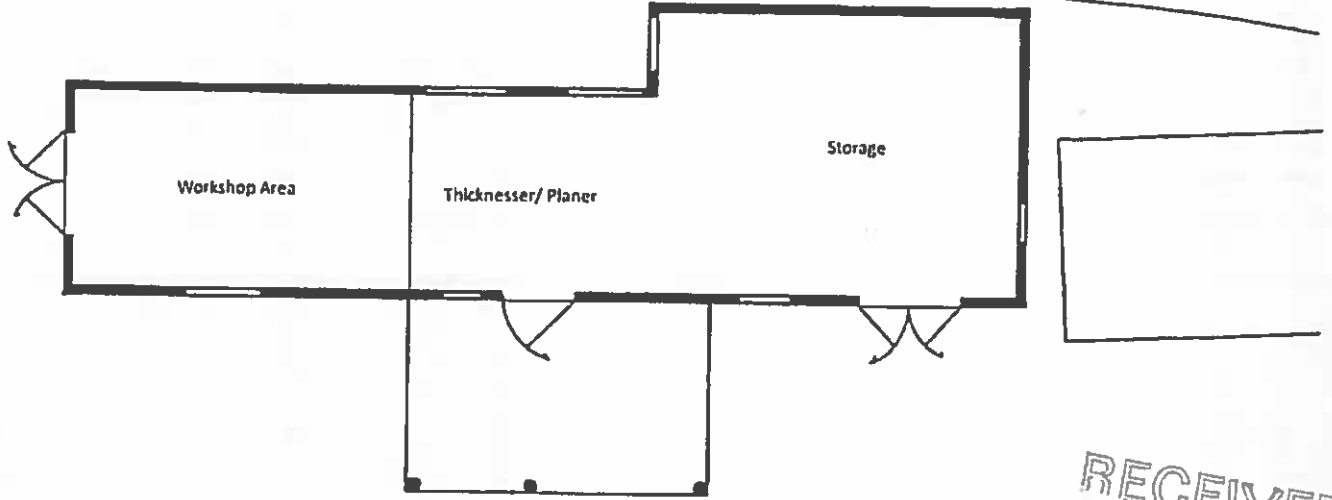


Lisa Seiga
Drawing 2.1
Dwellinghouse Floor Plan
1:100

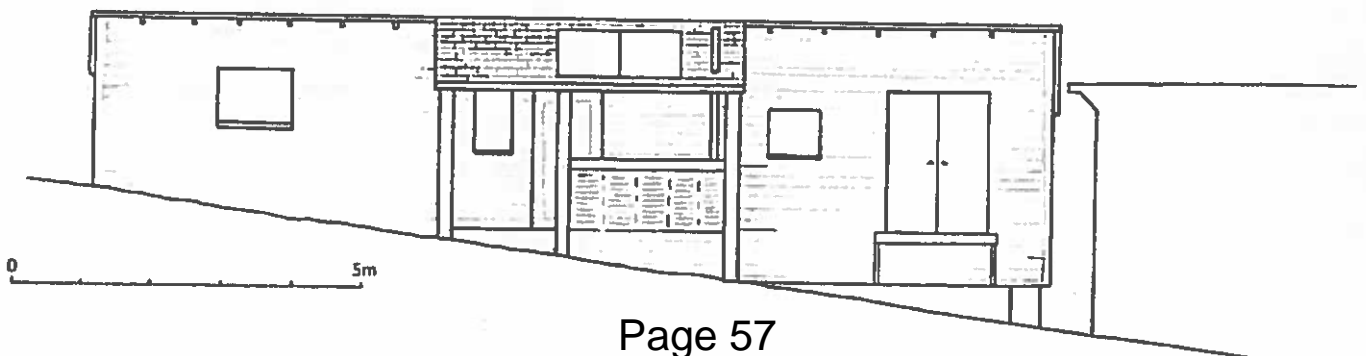
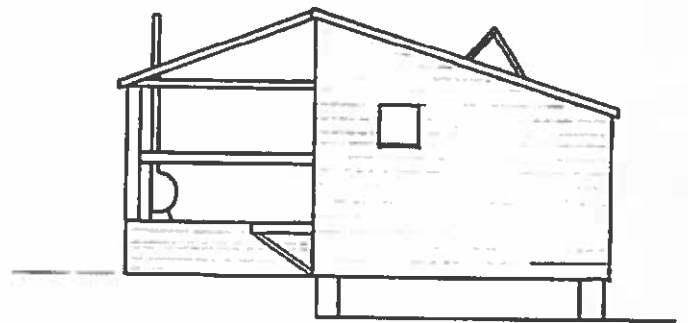
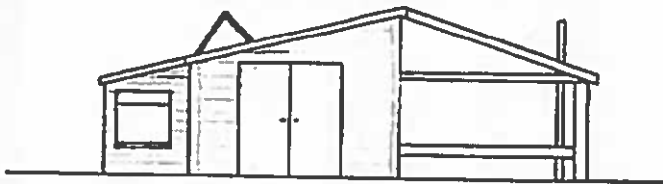
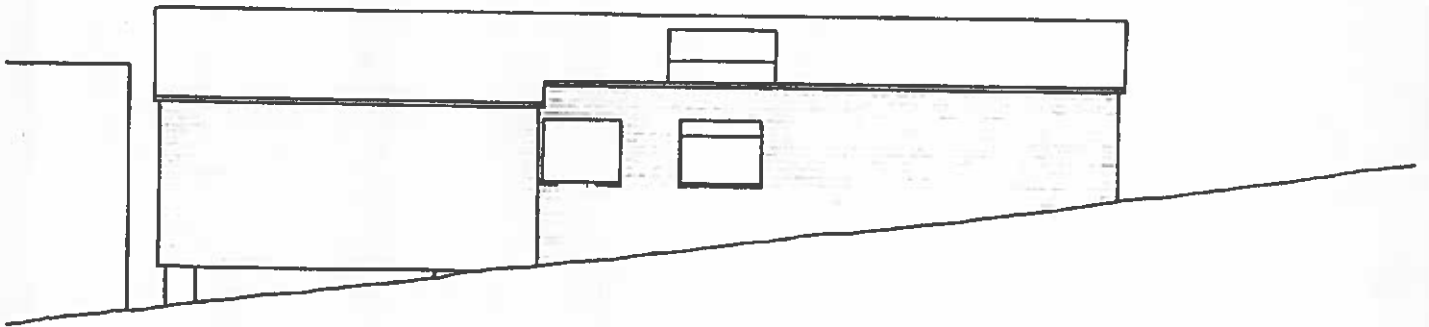
FLOOR PLANS OF DWELLING 2/2



Lisa Seiga
Drawing 2.2
Dwellinghouse First Floor Plan
1:100



RECEIVED
14 MAR 2016



WARD : Corwen

WARD MEMBERS: Cllr Huw Jones (c)

APPLICATION NO: 05/2016/0115/ PF

PROPOSAL: One Planet Development including dwellinghouse, earth sheltered greenhouse, drying barn, stable, animal shelter and temporary structures

LOCATION: Ty Coed, Coed Dyfrdwy and Coed Hir, Glyndyfrdwy Corwen

APPLICANT: Ms Lisa Seiga

CONSTRAINTS: SSSI
Special Area of Conservation
PROW
AONB
Ancient, Semi Natural Woodland

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

CORWEN TOWN COUNCIL

“Corwen Town Council have concerns regarding the location of the application, and also the access.”

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

“One Planet Developments are a rare and unusual form of development, and the Joint Committee has serious concerns about the potential for such proposals to subvert the long standing and well established presumption against new housing in the countryside and the precedent that may be set by allowing such development.

However, the committee is aware that national policy (Planning Policy Wales and TAN 6) allows for such development subject to the proposal meeting stringent tests and criteria to justify the grant of permission as an exception to national and local planning policies . The Management Plan and other documentation accompanying the application suggests that there is a genuine motivation to create a low impact development which can meet many of these tests, but the Joint Committee is not in a position to verify the accuracy of the data or assumptions made in the calculations.

The committee welcomes the intention to bring the woodland blocks under active and positive management, particularly the conversion of existing conifer plantations into more natural broadleaf woodland with consequent landscape and biodiversity benefits.

The LVIA accompanying the application acknowledges that there will be some visual impact arising from the development. Of particular concern to the Joint Committee is the more open Ty Coed site where the dwelling and main structures are located. Although partly screened by

existing woodland, the site is visible from the A5 and higher ground of the AONB to the south and east. Seasonal effects and the reduction in surrounding tree cover as over-mature and windblown conifers are removed will potentially open up the site still further. Should permission be granted, it is therefore important to ensure the long term continuity of the existing tree screen and to strengthen this with additional native local planting to break up views of the site from the south and east. In addition, the colour and reflectivity of external finishes of the dwelling (including the solar panels) and other structures must be recessive to help the development blend into the landscape. The existing light coloured tepees and polytunnel on the site demonstrates the need for control in this regard. This part of the AONB enjoys particularly dark skies, and any external lighting should also be subject to strict control.

The applicant's willingness to accept specific land based occupancy and site reinstatement conditions (and associated S.106 agreement) should the venture not succeed is commended, and should form part of any permission.

Should the application be refused, the Joint Committee would suggest that those structures on the site which are not permitted development should be removed and the land reinstated."

NATURAL RESOURCES WALES

No objection.

READING AGRICULTURAL CONSULTANTS (RAC):

RAC have reservations about the productive capacity and sustainability of the OPD proposal at Ty Coed. However it is considered that these reservations might be addressed within the timescale of a five-year approval of the planning application. The applicants will be aware that activities at the site will be closely monitored through a comprehensive annual report of consumption and production at the site, which is set against the baseline and expectations identified in the Management Plan.

Gross divergence from the Management Plan would conclude that the site is unsustainable and would prompt the exit strategy to be implemented. In order to prevent catastrophic failure of the development, it is recommended that the performance of food crops in particular at the site is monitored frequently and reported with the annual report.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection.

Ecologist

No objection, subject to conditions.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 08/05/2016

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 planning permission for a 'One Planet Development' (OPD) in woodland in Glyndyfrdwy.
- 1.1.2 For Members information, the concept of OPD was introduced in 2012 by Welsh Government. Planning Policy Wales and Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities are the sources of policy for OPD. It is specifically designed for developments in the open countryside with a focus towards sustainable

living and reductions of carbon footprints. OPD is defined at paragraph 4.15.1 of TAN 6 as:

“development that through its low impact either enhances or does not significantly diminish environmental quality. One Planet Development is potentially an exemplar type of sustainable development. One Planet Developments should initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectare target over time.”

- 1.1.3 The application site is spread over three parcels of woodland; Ty Coed extends to 0.79ha (1.96 acres), Coed Hir 2.8ha (7 acres) and Coed Dyfrdwy 3.2ha (8 acres). Coed Hir and Coed Dyfrdwy are located to the north and south of Ty Coed. The three parcels of land are linked by a private track. The respective locations of the parcels of land are shown in the plans at the front of the report, along with the different elements of the scheme.
 - 1.1.4 The proposal is to construct a dwelling at Ty Coed where the Applicants would live and manage a Land Based Enterprise OPD, and involves a number of related elements detailed in the description of the application and elsewhere in the report.
 - 1.1.5 The proposed dwelling would be a log cabin type structure, extending to 140m² floorspace spread over two floors. The dwelling would comprise of living accommodation on the ground floor and three bedrooms above.
 - 1.1.6 Other proposed permanent structures are; an earth-sheltered greenhouse, a drying barn, a stable, a field shelter for livestock. Some temporary structures are also proposed including the retention of an existing caravan.
 - 1.1.7 At Ty Coed where the dwelling is proposed, there is an open area of land which was formerly covered in bracken. The Applicants have cleared the area for fruit and vegetable growing area and grazing for livestock. There is also a fenced allotment here and it is the intention is to increase this growing area if the proposed OPD is approved. Further land has been terraced for raised planting beds.
 - 1.1.8 The woodlands are primarily planted with conifer species (Hemlock). The southernmost section of Coed Dyfrdwy comprises broadleaf woodland. It is the Applicant's intention to fell the mature coniferous trees and replace them with broadleaved species, utilising the harvested timber to create a range of wood products for sale locally.
 - 1.1.9 The site is not connected to mains water or electricity. Although a connection to the national grid is proposed should excess energy be generated at the site to capitalise on the 'feed in tariff'. It is proposed that future electricity would be supplied by solar panels and water would be harvested from the roofs of the buildings. Drinking water would be UV treated and filtered.
- 1.1 Description of site and surroundings
- 1.1.1 The site is located in the open countryside, north of the River Dee, approximately one mile north-east of the village of Glyndyfrdwy and some four miles north-west of Llangollen.
 - 1.1.2 The surrounding land use is predominantly rough grazing land and woodland on steeper slopes.
- 1.2 Relevant planning constraints/considerations
- 1.2.1 The site is located in the open countryside outside any defined development boundary.
 - 1.2.2 It is within the Clwydian Range and Dee Valley AONB.

1.2.3 Coed Dyfrdwy and a small section of Ty Coed are situated within Berwyn and South Clwyd Mountains Special Area of Conservation (SAC).

1.3 Relevant planning history

1.3.1 Under permitted development allowances the Applicants obtained approval in 2010 for a barn/tool store and a welfare shelter (caravan) both of which are sited in the southern woodland (Coed Dyfrdwy).

1.4 Developments/changes since the original submission

1.4.1 The application was originally submitted in March 2016. It has been the subject of lengthy exchanges geared towards ensuring adequate technical information was provided in order to assess the merits of, what is, the first application of this type to be determined in the County.

1.5 Other relevant background information

1.5.1 It is understood the Applicants have lived in the adapted welfare caravan on the site with their two children since August 2014.

1.5.2 When the application was submitted, it included details of the animals kept on the holding as well as details of the intended expansion. It is planned to grow a range of fruit and vegetables in the garden alongside some fruit trees in a new orchard. Surplus produce would be sold locally.

1.5.3 The Applicants produce milled timber products from the site, logs, and charcoal, furniture and chainsaw sculptures. The milled timber products include garden sheds, fencing and shepherd's huts.

1.5.4 Lisa Seiga is also a Counsellor in Chester. The application documents indicate it is proposed to introduce 'ecotherapy' to the site as an income stream and enable her to work closer to home.

2. DETAILS OF PLANNING HISTORY:

05/2010/1264 Prior Notification - Erection of timber barn for drying and air-curing milled timber and storage of tools. Approved 12/10/2010

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC1 – Growth Strategy for Denbighshire

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

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

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water Management

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Technical Advice Note 6 Planning for Sustainable Rural Communities
One Planet Development TAN 6 Practice Guidance

Development Control Manual November 2016

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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' (PPW 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, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that 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 (DMM section 9.4).

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

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

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

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located in the open countryside where rural restraints policies to control development apply. However the application has been submitted as a "One Planet Development" proposal for which Planning Policy Wales and Technical Advice Note (TAN) 6 applies.

The key issues in Officers' opinion are inevitably ones relating to the principle of this particular type of development in an open countryside location. The report therefore attempts to provide members with a comprehensive summary of issues. The report highlights the considerations to be applied from Welsh Government's policy and guidance along with the assessment provided by the Council's Independent Agricultural consultant. These key considerations will assist Members in concluding on the merits of this proposal.

Planning Policy Wales 9.3.11 refers to One Planet Development as "development that through its low impact either enhances or does not significantly diminish environmental quality. One Planet Developments should initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectares over time".

Planning Policy Wales 9.3.12 goes on to note that "land based One Planet Development in the open countryside should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than five years from the commencement of work on the site.

TAN 6 Planning for Sustainable Rural Communities provides detailed content on matters relevant to consideration of One Planet Developments (paragraphs 4.15 to 4.23). This is supported by Practice Guidance on One Planet Development, produced by Welsh Government in October 2012. The TAN states that land based OPD located in the open countryside should, over a reasonable length of time (no more than 5 years), provide for the minimum needs of the inhabitants' in terms of income, food, energy and waste assimilation. Where this cannot be demonstrated, they should be considered against policies which seek to control development in the open countryside.

The practice guidance provides useful detail on the level and type of information required to be submitted with an OPD application, namely how applicants must justify the need to live on the land, and how the applicant's requirements in terms of income, food, energy, and waste assimilation can be obtained directly from their land. This has to be communicated through a Management Plan, the purpose of the first Management Plan for the site being to describe the condition of the site now, the proposed site strategy/design and how it will be implemented. In this case the Management Plan originally submitted in 2016 has been supplemented with some additional information. The requirement is that the Management Plan must be formally reviewed every 5 years with interim annual monitoring taking place.

The Management Plan must comprise of and meet minimum criteria in relation to:

- A Summary
- A Baseline
- The Design/Strategy
- A 'Business and Improvement' Plan. This is further subdivided into:
 - Land based activity
 - Land Management
 - Energy and Water
 - Waste
 - Zero Carbon Buildings
 - Community Impact Assessment
 - Transport Assessment and Travel Plan

Other information requirements relate to:

- Ecological Footprint Analysis
- Exit Strategy

In relation to the detailed aspects of the Management Plan for Ty Coed:

▪ Summary

The Summary gives some background to the Applicants case. It provides an overview of what the management plan is intending to achieve for the site, and a synopsis of the contents of the management plan. It is for information purposes.

▪ Baseline

To set the context of the development OPD proposals need to identify the site's characteristics to provide a benchmark against which to judge whether the development benefits the land over time. Applicants are required to undertake an audit to cover the physical character, biodiversity, cultural heritage, existing structures, landscape features, past and present land uses, statutory designations both on site and in the immediate vicinity, existing transport generated by the site and its transport connections.

The baseline information provided in the application submitted in 2016 referred to 2014 as the base year. Subsequent information has been provided, updating some of that information.

The application is supported by reports on the soil capacity of the site, soil classification information and landmap data. The Council's Agricultural Consultant has reviewed this and had some reservations over the proposal, owing to the soil environment. This said, the most recent crop yields show a good range of produce provided in 2016-2017.

Officers concur with the reservations of the independent consultant in so far as there are some doubts over the appropriateness of the site for the intended purpose. It is suggested, however, that some of these reservations can only be tested upon an approval of the planning application. Annual monitoring and provision of a report to the Council will identify failings or shortfalls against any assertions made in the five-year management plan.

A Phase 1 habitat survey has been submitted which provides an analysis of the three land blocks. As present the sites have poor biodiversity value, therefore there is potential for significant improvement under the proposed management regime.

A cultural analysis has been provided with a LANDMAP printout. There are no cultural heritage features on the site, although there are some Listed Buildings in the wider locality. There is no separate assessment of cultural heritage in the management plan, but given that there are no identified issues in the LANDMAP and Sureline reports, this is considered satisfactory. The essential criterion for cultural heritage is that “All cultural heritage features (e.g. archaeology) on the site are conserved and enhanced through appropriate management.”

Owing to the absence of relevant features, this criterion is considered met.

In relation to the landscape criteria, the main landscape constraint is the location of the site within an Area of Outstanding Natural Beauty (AONB). In the original submission a landscape analysis was provided within a LANDMAP printout. This was supplemented by a Visual Impact Assessment submitted later. The VIA notes that the site is in an elevated position and largely surrounded by coniferous plantation on most sides. However, the proposals involve the gradual felling of the coniferous plantation (Coed Hir) to the north of the site and replacing with slower growing broadleaved trees. There would also be selective single tree felling at Coed Dyfrdwy to the south of the site.

The proposed dwelling, greenhouse, field shelter, allotment and track are however at least 120m from the felling areas and so unlikely to impact upon the views into the site. Concerns raised over the amount of equipment and machinery on the site, have been addressed by clarification provided by the applicants that most of the vehicles will be sold under the proposal, which will minimise the number of vehicles stored on the site.

The OPD would introduce new features in an open field, where a public footpath passes some 70m east of the proposed dwelling and the proposed greenhouse and track are 35m and 20m distant respectively from the footpath. There is also a dwelling to the east of the proposed dwelling.

The essential test in relation to landscape impact is that “the landscape of the site is enhanced by the addition and traditional management of characteristics, or once characteristic, local landscape features that, amongst other things, may be used to screen and filter views to built elements of the proposals and to provide shelter and screening to horticultural areas. Buildings and other structures and access tracks are located where they can be recessed into the landscape and do not stand out in views from public vantage points.”

Clearly, the elevated AONB location and proximity to the public footpath and adjacent dwelling means it may be difficult to achieve this criteria entirely, therefore should permission be granted Officers suggest that as per the AONB response, conditions relating to supplementary hedge planting would be appropriate, and owing to the scale of the dwelling, hard and soft landscaping as well as site levels would need to be approved.

- **Design Strategy**

The design/strategy section is intended to demonstrate the overall layout of land uses and activities on the site, and how they link and interrelate. It should identify the number of households to be accommodated, the ability of the site to accommodate them, and the need for them to work the site, and the outline programme for the development of the site.

The proposal is for a single household. The site is naturally divided into the three woodland sectors, with the area around Ty Coed designed on permaculture principles. Whilst the strategy section of the Management Plan is brief, the principles are considered to be both an efficient and sustainable use of the land in line with the practice guidance.

- **Business and Improvement Plan**

The Practice Guidance states that this element of the Plan is essentially the fundamental justification for the development, where it should describe how people on the land are able to reduce their environmental impact by meeting their everyday needs from the site, whilst also enhancing the environmental benefits of the site through their activities.

This is assessed using the following components;

- Land based activity

For an OPD, food and income have to be derived from the land based resources of the site, which must be the results of the labours of the occupant of the site and not of hired hands. The land based activities on the site must, therefore, be capable of generating an income that would be sufficient to meet both the minimum income needs and minimum food needs of the occupant within five years of first habitation on the site. Unearned income (property, investments and pensions), other income derived from the site (rents), or income unrelated to land based activities cannot be included. The Welsh Government have recognised that it would not be feasible to produce 100% of all of the food needs of an occupant. Therefore Applicants are expected to be able to meet 65% of their basic food needs from the land, by producing no less than 30% from the land and the remaining 35% (or less) using income derived from the sale/barter of produce grown and reared on their site.

Additional information was sought in relation to the food production and crop yields on the site. This was provided at the end of the 2016-2017 planting season, it appears the site is likely to be providing in excess of 30% of its diet for the OPD occupants. Therefore at present, the criteria appears to be met.

The principal income source identified for the site relates to woodland activities. The Council's Advisor states that turnover and costs appear plausible. However, there were some queries raised over the sustainability of the business model after 7-10 years owing to the nature of the activity. However the Applicants acknowledge this and state that over time the small scale nature of their enterprise will enable them to be flexible and respond to market opportunities as they arise. Furthermore using other land based activities will supplement their primary income stream. There will be an opportunity to update the management plan should the situation change in the future, and worst case scenario the exit strategy would have to be implemented should the business model fail.

An OPD needs to be financially self-sustaining and thus a calculation of annual household expenditure is required. In this case, no five-year projection has been provided. However, the yearly Monitoring Plan would be required to monitor annual yearly income to ensure that the OPD is proceeding as planned. From the submitted information, in the short term, it is demonstrated that the applicants would be able to meet their own basic needs from income derived solely from the site.

- Land Management

One Planet Developments in the open countryside should have the objective of conserving, managing and, where possible, enhancing environmental quality. The baseline already discussed earlier forms the starting point for this. Objectives for biodiversity, cultural heritage and landscape should be an integral part of a land management system which provides food and produce, and benefits the environment.

It is considered that the land management proposals are acceptable.

- Energy and Water

The TAN 6 Practice Guidance requires that the energy needs of the site must be minimised and met from sources of renewable energy on site. Small amounts of non-renewable fuel is allowed for purposes such as bottled gas for cooking in warmer

months where wood stoves are not lit, or for running agricultural machinery and equipment. These uses would be accounted for in the ecological footprint.

The Applicants' Management Plan states that the estimated domestic electricity use would be 730kWhr/annum (2kWhr/day), which compares very favourably to the Welsh average annual household electricity use of 3,875kWh³. It is intended to install 10 PV panels on the proposed dwelling with an estimated generating capacity of 2,157kWh. Surplus production would be exported to the National Grid, although there is no existing connection. Heating and cooking would be provided by a Rayburn utilising biomass and wood offcuts in the winter. In the summer hot water would be generated from solar thermal panels and an LPG cooker and charcoal would be used for cooking.

Of some concern is energy consumption for the business associated with the OPD which generates the income for the household. However, the applicants have stated that the tractor use will be phased out over time as the large log work will decrease with the move from harvested softwood to coppice work and the larger cutting equipment will become obsolete. Therefore subject to the phasing out of the use of the fossil fuelled machinery over the next five years which will be detailed in the annual monitoring and management plan, it may be considered that the proposal would meet the energy criteria.

- Water

OPD Practice Guidance states that the minimisation of water use should be a target for each development. The residents of the holding currently use approximately 500 litres of water/week. Roof water is stored in three 1,000 litre containers and pumped using electricity supplied by a generator.

Under the proposal there would be a part buried 13,000 litre storage tank for water collected off the proposed dwelling roof and five 1,000 litre containers would store water off the greenhouse roof for use in the garden. All water would be pumped by PV-generated electricity and the potable supply would be filtered and UV treated using renewable electricity. In the event of an exceptionally dry period water could be extracted from the pond at Coed Hir.

The proposal accords with the guidance, however if water is abstracted from the Coed Hir pond under severe weather conditions there is a significant chance of causing environmental harm, which would be problematic. However, the applicants advise that rainfall would provide some 50,000 litres of harvested water and so there should be adequate water for the needs of the holding.

- Waste

TAN 6 requires quantification of how OPD inhabitants' requirements for waste assimilation can be achieved within the site. The amount of waste should be minimised through reduction in the amount of disposed material, reuse of any of that material and the recycling of as much waste as possible.

The residents currently compost some domestic food waste, with waste meat fed to the dog and cat. It is suggested that some of the raw kitchen waste (fruit and vegetables) will be fed to the pigs, which is considered acceptable and is capable of reducing purchased feed marginally.

A compost toilet is in use, which minimises water use in this area. The treatment system proposed for grey water is via a reedbed system which is a satisfactory technical method of treating it.

The Practice Guidance states that essential criteria for waste are that: "All biodegradable waste produced on site is assimilated on site in environmentally sustainable ways". Baseline data have been provided for ongoing comparative

purposes in terms of all wastes likely to be produced on the holding, as required by OPD guidelines. The essential criteria are considered to be satisfied.

- Zero Carbon Buildings

The application involves the construction of a number of buildings, including the dwelling. The size of the dwelling is mentioned previously, a two storey timber dwelling designed in a manner to maximise environmental performance.

Paragraph 3.86 of the practice guidance states: "... *The use of renewable natural materials for the main elements of One Planet Development, including insulation, should be prioritised.*" The materials used will be reclaimed or locally sourced as described in the Sureline assessment. All five of the building elements of the dwelling have achieved A+ ratings and so accord with the Practice Guidance. All energy used within the proposed dwelling would be from renewable sources apart from a small amount of LPG which is allowable under the Practice Guidance. The export of electricity to the National Grid is also advantageous. It is considered that the proposed dwelling would achieve zero carbon in construction and use.

- Community Impact Assessment

TAN 6 policy requires the identification of possible impacts of the OPD upon the surrounding community together with any mitigation measures for adverse impacts.

It is clear from the management plan that the Applicant's proposals centre on and around the site, including most of their social network. The only detraction, as highlighted in the plan is the current travel to Chester for the Applicant, although in 2014 she advised that she is likely to give up her work in Chester in the near future in favour of more local work. It is not known if she has done this to date.

The essential criteria for community impacts are that: "*there is a thorough assessment of all impacts of the proposals on neighbouring communities. One Planet Development in the open countryside should not impact negatively on neighbouring communities. Any negative impacts are mitigated.*"

In officers' view, these criteria are considered satisfied.

- Transport and Travel Plan

The site is one mile from the village of Glyndyfrdwy and some four miles north-west of the outskirts of Llangollen. There is a bus stop in Glyndyfrdwy which services Corwen, Wrexham and Barmouth on a regular basis.

The transport plan splits the vehicle use into domestic and non-domestic journeys. For an OPD there are more vehicles than would be expected under the conventional understanding of minimising the use of non-renewable resources. Two domestic vehicles are itemised: a car and a motorhome; and a Land Rover and two tractors for use relating to land-based work. The Applicant advised that they use a horse and cart to travel locally and make some deliveries.

For monitoring purposes each vehicle journey would need to be logged, accompanied by details and justification of the journey. This would then help to identify where reductions might be made in the future when analysing the annual data.

It is indicated that the number of vehicles on the development is likely to be reduced over time and the Applicant anticipates finishing work in Chester (11,500 miles/year) which will significantly reduce travel within the household and accords with OPD principles.

Other OPD Policy Requirements:

- **Ecological Footprint Analysis**

The Ecological Footprint Analysis (EFA) is the tool by which the Ecological Footprint of the occupants on the site is assessed both at the outset and as part of on-going monitoring of the management plan. Paragraph 4.15.1 of TAN 6 states

"One Planet Development is potentially an exemplar type of sustainable development. One Planet Developments should initially achieve an ecological

footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectare target over time.”

The Practice Guidance states in the introduction at paragraph 1.5 that an ecological footprint of 1.88gha per person is “*a very challenging but necessary target.*”

The Applicants have calculated that they have an ecological footprint of 1.43gha per person already (excluding the 11,500 miles travelling to Chester), with a suggestion that this will decrease to 1.28gha per person after five years. EFA methodology only takes into account domestic consumption, but clearly in order to produce an income from the site there is a need for non-domestic activities to be undertaken as part of an OPD. Whilst large, the dwelling would be almost entirely run on renewable energy sources, although there are substantial non-renewable energy sources associated with the woodland work. In as much as the EFA relates solely to domestic consumption, the requirements of the Practice Guidance are satisfied.

- **Phasing, Monitoring and Exit Strategy**

Although slightly out of date, the phasing of the project has been identified and appears logical. Updated information was requested from the Applicants in relation to the annual monitoring however they declined to provide this as despite living on the site they have not fully implemented the OPD project. Going forward, the management plan enables the occupants to monitor progress against the early targets in the annual report that might be produced in the future.

The monitoring strategy clearly identifies that the occupants are aware of the commitment to detailed record keeping of all activities on the holding. Although some baselines were not provided and so the current position will be acknowledged rather than progress being monitored against the current position in their absence. The exit strategy also acknowledges the actions which need to be taken in the event of a failure of the OPD and details the means of disposal of all the various components of the proposed dwelling.

In conclusion, whilst there are some areas for concern raised by the Council's Agricultural Advisor and Officers, it is considered that overall the applicant has put forward a sufficiently detailed Management Plan, which has covered the criteria set out in the TAN 6 Practice Guidance. Having regard to the details, it would be difficult for Officers to argue against the application based on the planning policy requirements. The balancing of the case needs to be on consideration the evaluation of the principles set out in this section of the report and the other material considerations set out in the following sections.

4.2.2 **Visual amenity, impact on AONB**

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

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.

The AONB Joint Committee have asked for careful attention to use of materials and to consideration of controls over external lighting.

The various elements of the scheme would be spread over woodland above Glyndyfrdwy within the AONB, including a dwelling and a range or temporary and permanent structures of varying scales. As discussed previously, the landscape and

visual impacts are not anticipated to be significant, although it would be appropriate to consider attaching conditions to control external materials lighting and to oblige improvements to boundary treatments.

It is therefore considered that subject to suitable controls, the OPD in this location would not be unacceptable in respect of visual and landscape impacts, and as such the proposal would not be out of accord with the policies and guidance referred to.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

There are no representations on the application raising residential amenity issues.

Officers are satisfied that the proposal would not unacceptably impact on residential amenity or residential visual amenity.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

The application includes details of access and it is proposed that a new access to serve the property would be created as a spur off the existing private drive leading to the main farmhouse.

Corwen Town Council have expressed concerns over the access.

Highways Officers have raised no objection to the proposed access arrangements.

In noting the comments of the Town Council, Officers do not consider there are significant issues over access to this site. The Highway Officers have no objections. Having regard to the size of the site, it is reasonable to assume that sufficient parking provision can be provided within the curtilage.

Officers would therefore conclude the proposal would not adversely impact on highway safety and the proposal is considered to be in compliance with the policies and guidance.

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 This is the first application of its kind to be submitted in Denbighshire. The report attempts to outline the complex considerations to be applied to One Planet Developments, which are very different to those familiar to members in assessing traditional 'rural enterprise dwellings'.
- 5.2 Officers have taken advice from Reading Agricultural Consultants on the OPD proposal as they have advised local planning authorities on similar schemes across Wales. They have concluded that the submission has correctly identified all the aspects of an OPD and a sufficient level of detail has been provided in most areas to assist in the understanding of the operation.
- 5.3 Members will note that Reading have raised some questions in relation to the scheme, which have been answered by the Applicants, although it is acknowledged that some uncertainties remain, arising primarily from the nature of the land based activity associated with the use and some of the long term aspirations of the Applicants.
- 5.4 It has to be recognised that there is a high level of risk associated with an OPD as the applicants have only a 5 year period to prove they are operating under the approved Management Plan and meeting the targets set. Annual monitoring is also required, obliging the Applicants to submit a significant amount of data to the local planning authority ranging in detail from use of resources to car journeys. Should the OPD fail, the applicants are required to implement an 'exit strategy', which would essentially mean dismantling the dwelling and ceasing residential use of the site.
- 5.5 In conclusion, as the Applicants are willing to take a significant risk in developing the OPD and the dwelling, and there is a clear onus on them to conduct an ongoing monitoring process to prove the ongoing viability of the OPD, with the requirement for an 'exit strategy' after 5 years if the enterprise fails, Officers conclusion is that it would be reasonable to adopt the principle in TAN 6 and the Guidance to give any 'benefit of the doubt' to the Applicants and to offer a positive recommendation.
- 5.6 The recommendation is therefore subject to the imposition of planning conditions that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 14th March 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed north and east elevations (dwelling) (Drawing No. 2.4) received 5 February 2016
 - (ii) Proposed south and west elevations (dwelling) (Drawing No. 2.5) received 5 February 2016
 - (iii) Proposed roof plan (dwelling) (Drawing No. 2.3) received 5 February 2016
 - (iv) Proposed ground floor plan (dwelling) (Drawing No. 2.1) received 5 February 2016
 - (v) Proposed first floor plan (dwelling) (Drawing No. 2.2) received 5 February 2016
 - (vi) Proposed section (dwelling) (Drawing No. 2.6) received 5 February 2016
 - (vii) Proposed elevations and floor plan (earth sheltered greenhouse) (Drawing No. 3.2) received 5 February 2016
 - (viii) Proposed elevations (drying shed) (Drawing No. 3.3) received 5 February 2016
 - (ix) Proposed floor plan (drying shed) (Drawing No. 3.4) received 5 February 2016
 - (x) Proposed elevations and floor plan

3. The use of the site shall be carried out in accordance with the management objectives set out in the Ty Coed One Planet Development Management Plan 2016 and subsequent information submitted to the Local Planning Authority in support of the application on 7th October 2017, including monitoring requirements and exit strategy provisions should the One Planet Development objectives not be achieved.
4. For the avoidance of doubt the phased requirements for monitoring and information required shall be:
 - a) an annual monitoring report, to be submitted on or before the 15th March each year, reporting on the criteria being monitored. Within the annual monitoring report, there shall be a short commentary on changes made since the previous year that are likely to increase or decrease the Ecological Footprint of the OPD household and other footprints, equivalent to a short EFA progress report. In the event that the report identifies that any objective has not been met a supplementary report setting out corrective or mitigating measures shall be submitted to the local planning authority no later than the 15th June of that year. Those measures shall be implemented in accordance with the supplementary report.
 - b) a re-run of the Ecological Footprint Analysis in year three (15th March 2021) to assess whether the Ecological Footprint of the site is on course to meet the identified target of 2.4 global hectares per person (gha) by year five.
 - c) a resubmission of the Management Plan in year five (15th March 2023) accompanied by a separate EFA that identifies if the target of 2.4 gha has been achieved.

Thereafter the sequence shall be retained with (a) an annual monitoring report and accompanying EFA progress report; (b) a full EFA in the third year (36 months) after the last management plan; and (c) a revised management plan and accompanying EFA at year 5 (60 months since submission of the last management plan). In each case the EFA should indicate an Ecological Footprint below 2.4 global hectares per person.

5. For the avoidance of doubt, in the event that the One Planet Development fails to achieve one or more of the essential characteristics of One Planet Development specified in the Management Plan at the end of the first period of review (five years), the exit strategy shall be implemented, which will result in the dismantling of the dwelling and the cessation of the residential use at the site.
6. The occupation of the dwelling shall be limited to the persons identified in the Ty Coed One Planet Development Management Plan as undertaking the land-based activities on the land associated with that dwelling and to any resident dependants. The dwelling shall be the sole residence of its occupants.
7. Notwithstanding the approved plans, no development shall be permitted to take place on the OPD dwelling until the written approval of the local planning authority has been obtained to the details of site levels and sections. The development shall be carried out in accordance with the approved details.
8. Notwithstanding the approved plans, no development shall be permitted to take place on the OPD dwelling until the written approval of the local planning authority has been obtained to a scheme of hard and soft landscaping specifically aimed at enhancing boundary screening for the Ty Coed plot from neighbouring occupiers and wider views. The landscaping plan shall be implemented in the first planting season following the occupation of the dwelling and shall be maintained thereafter.
9. No development shall be permitted to commence on the external faces of the walls and roof of the dwelling 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.
10. No external lighting shall be installed on the site until the written approval of the Local Planning Authority has been obtained to the detailing thereof. The lighting shall be installed in accordance with the details approved under this condition.
11. Notwithstanding the provisions of schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission.

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. To ensure the development is implemented in compliance with the One Planet Development Policy.
4. To ensure the development is implemented in compliance with the One Planet Development Policy.
5. In the interests of clarity and to ensure the development is implemented in compliance with the One Planet Development Policy.
6. To ensure the development is implemented in compliance with the One Planet Development Policy.
7. In the interest of visual amenity and the sensitive location of the site in the AONB.
8. In the interest of visual amenity and the sensitive location of the site in the AONB.
9. In the interest of visual amenity and the sensitive location of the site in the AONB.
10. In the interest of visual amenity and the sensitive location of the site in the AONB.
11. To protect the character and appearance of the dwelling and its setting and the amenity and appearance of the AONB.

NOTES TO APPLICANT:

None

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Agenda Item 7

WARD : Llandyrnog

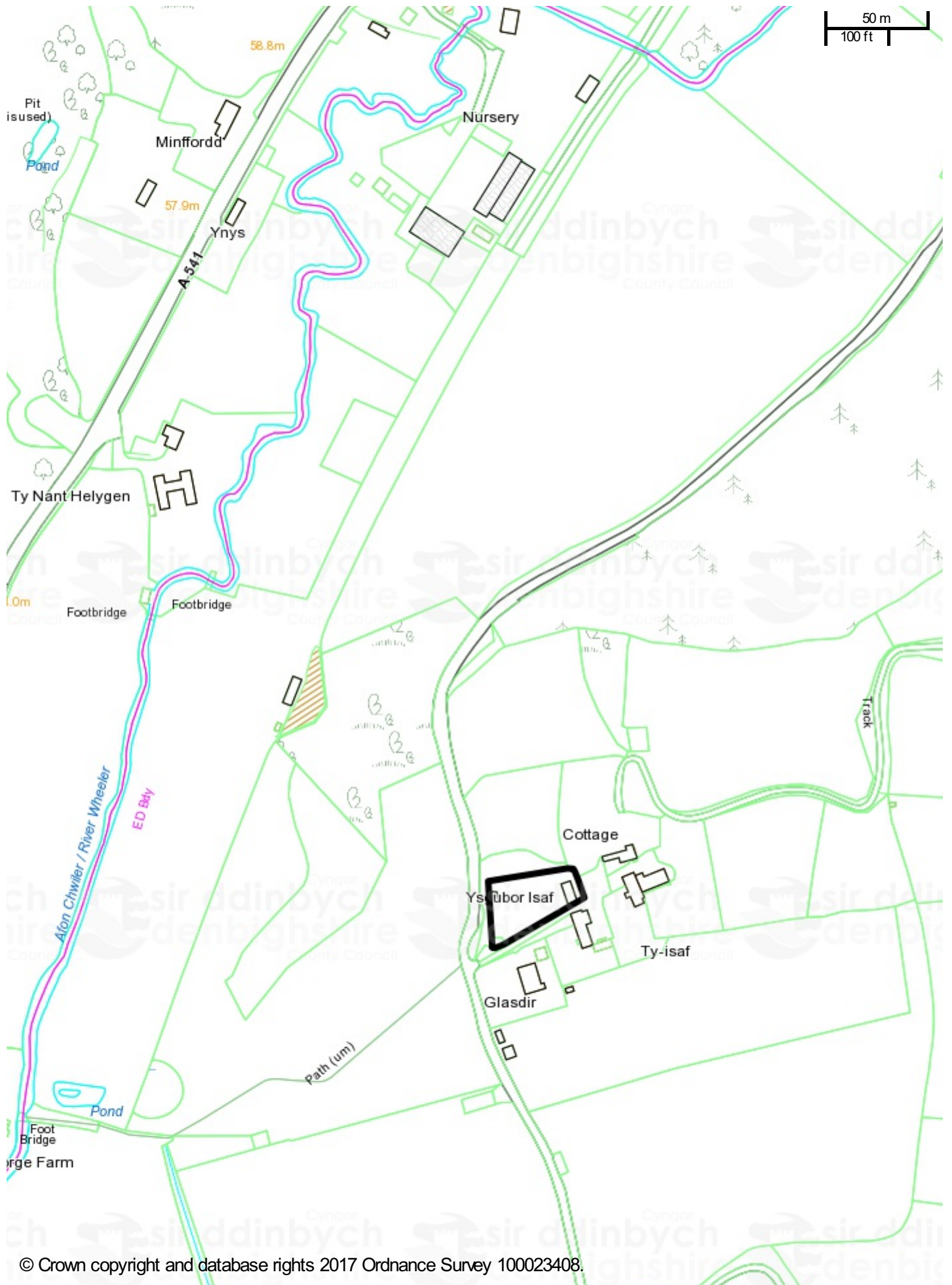
WARD MEMBER: Cllr Merfyn Parry (c)

APPLICATION NO: 09/2018/0019/ PF

PROPOSAL: Erection of extension to dwelling and associated works

LOCATION: Ysgubor Isaf Bodfari Denbigh

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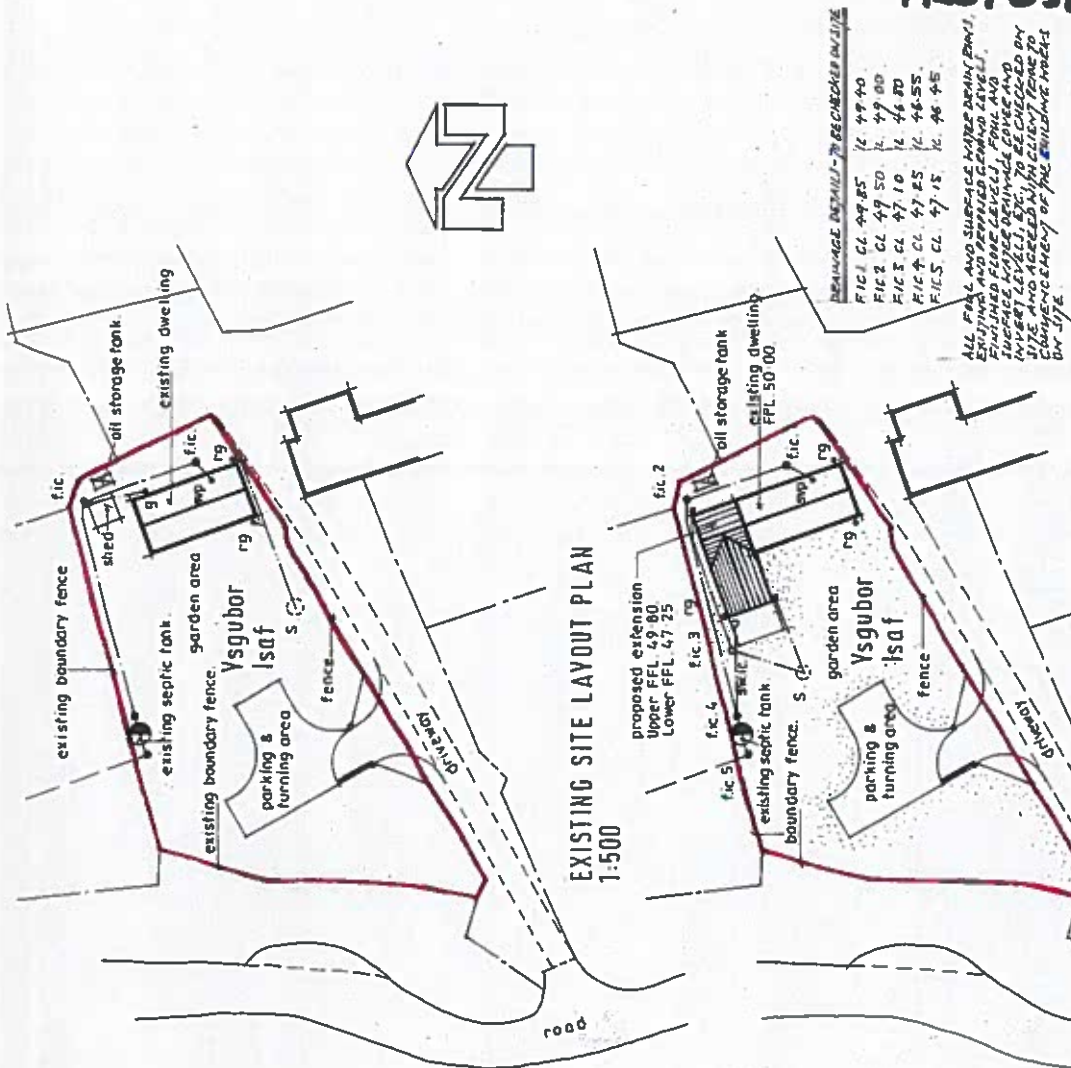
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09/2018/0019

Scale: 1:2500

Printed on: 27/2/2018 at 9:13 AM

PROPOSED LAYOUT PLAN



ALL F.F.L. AND SURFACE WATER DRAIN (S.W.D.), EXISTING AND PROPOSED, LEVELS, FINISHED FLOOR LEVELS, F.F.L. AND INVERT LEVELS, ETC., TO BE CHECKED BY SITE AND AGREED WITH CLIENT PRIOR TO COMMENCEMENT OF THE BUILDING WORKS BY J.Y.E.

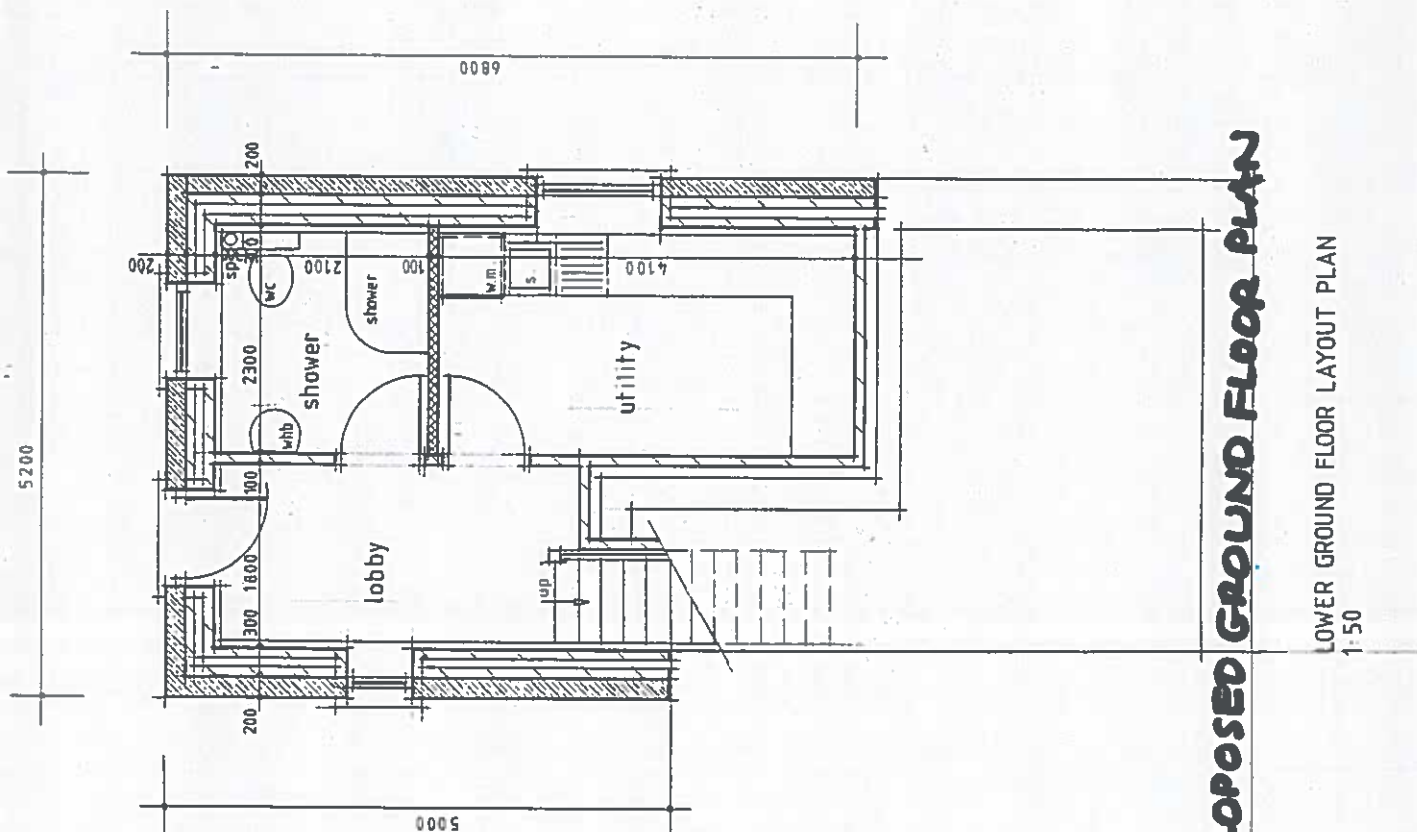
BEVERAGE DETAILS - TO BE CHECKED ON J.Y.E.

F.I.C. 1 CL. 49.85 I.L. 49.40
 F.I.C. 2 CL. 49.50 I.L. 49.00
 F.I.C. 3 CL. 47.10 I.L. 46.80
 F.I.C. 4 CL. 47.25 I.L. 46.55
 F.I.C. 5 CL. 47.15 I.L. 46.45

MATISCHOK & ROSS architectural services	
Project title	YSGUBOR ISAF, BODFARI, DENBIGH.
Drawing title	Existing & Proposed Site Plan & Floor Plan
Project no.	0575
Drawing no.	16
Scale	1:500, 1:50
Drawn by	PM
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA t 01824 705 223 & 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk	

PROPOSED SITE LAYOUT PLAN
1:500

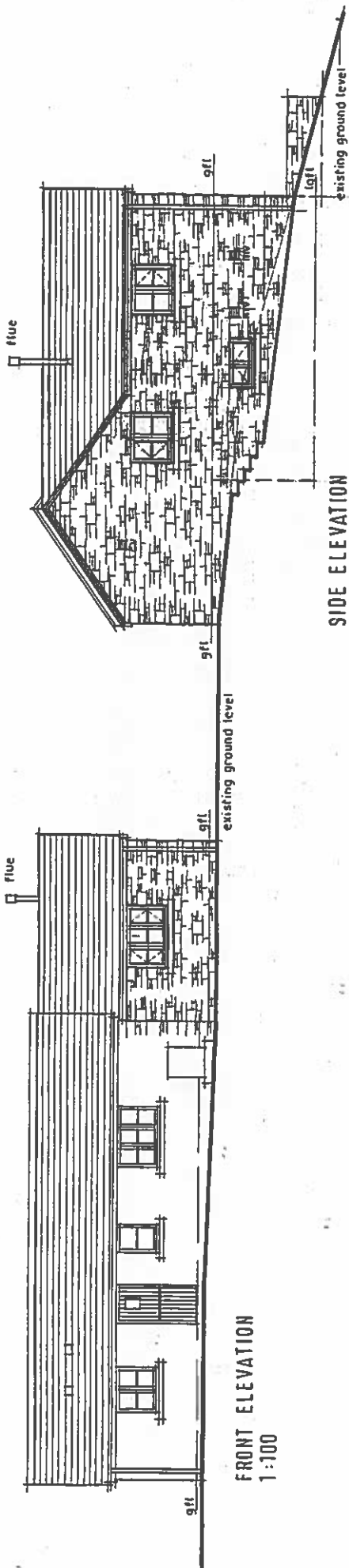
- 100mm dia. foul drain run.
- 100mm dia. surface water drain.
- Soakaway construction.



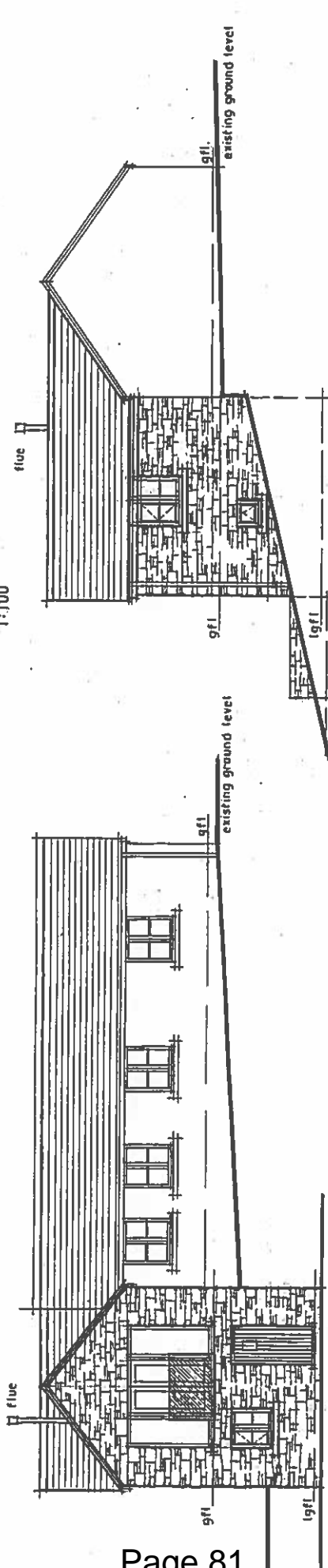
PROPOSED GROUND FLOOR PLAN
LOWER GROUND FLOOR LAYOUT PLAN
1:50

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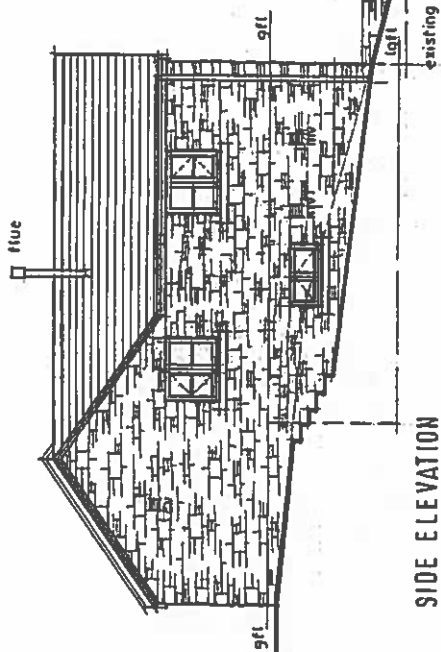
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Drawing title Proposed Elevations	
Project no. 0575	drawing no. 17
revision	
Date 03:01:18	scale 1:100
drawn by PM	
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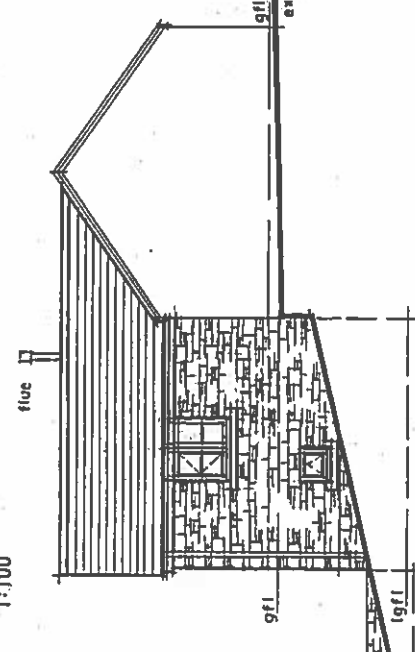
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REAR ELEVATION
1:100



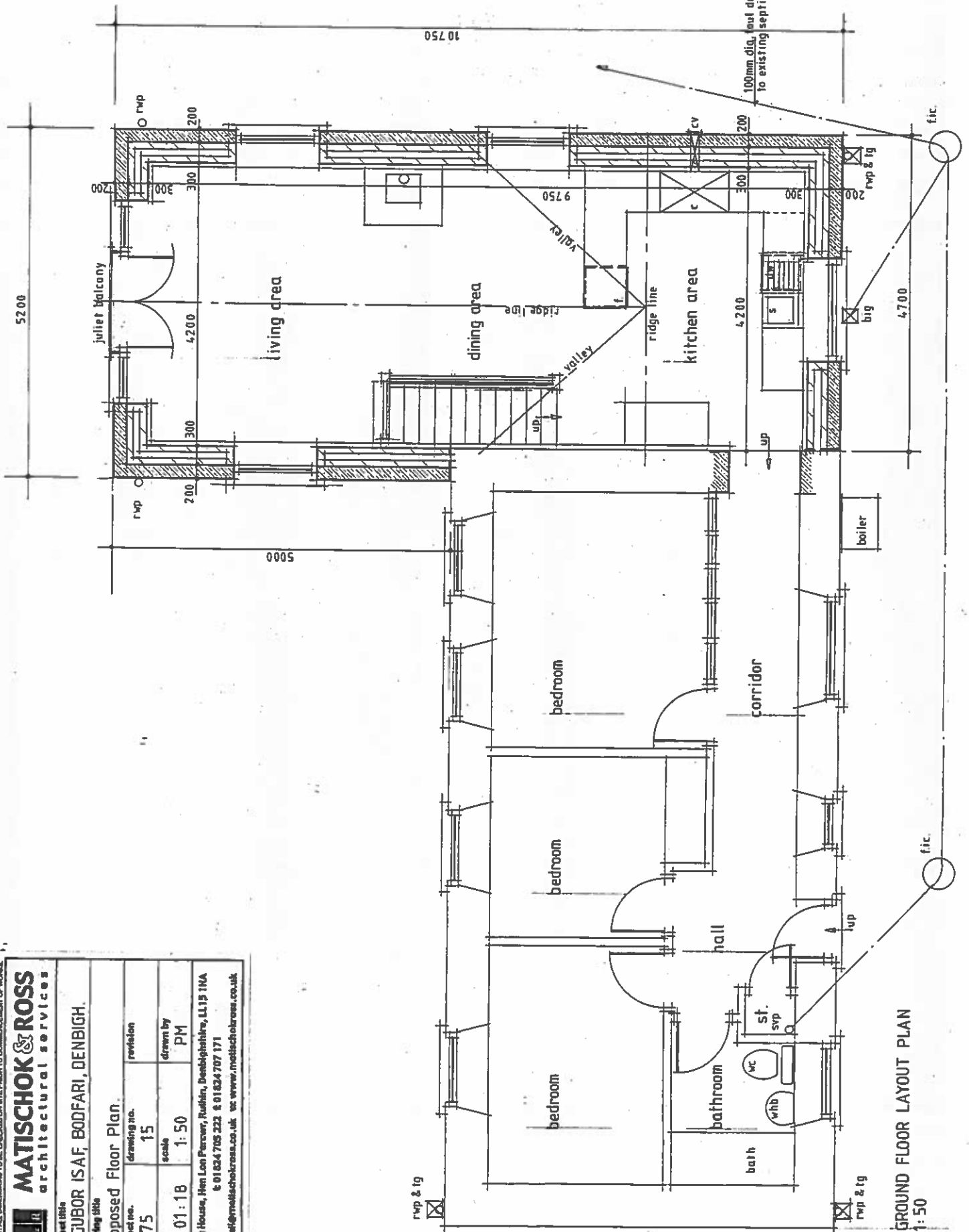
SIDE ELEVATION
1:100



SIDE ELEVATION
1:100

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

PROPOSED GROUND FLOOR PLAN



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drawing title	Proposed Floor Plan.
project no.	0575
drawing no.	15
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drawn by	PM
Matt House, Hen Lon Pencer, Ruckin, Denbighshire, LL15 1NA t 01824 705 223 f 01824 707 171 m mat@matischokross.co.uk w www.matischokross.co.uk	

GROUND FLOOR LAYOUT PLAN
1:50

**CONSENTED 2016
SCHEM**

09/2016/
0346

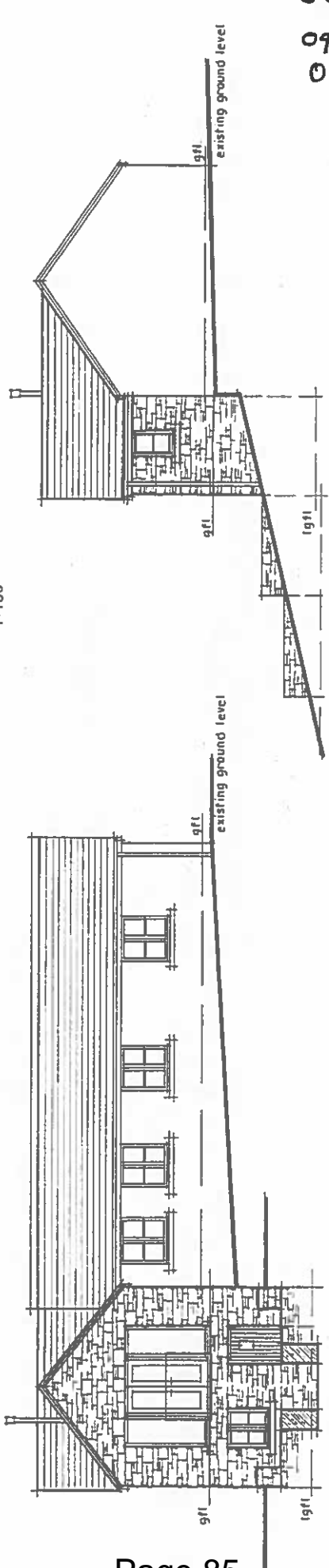
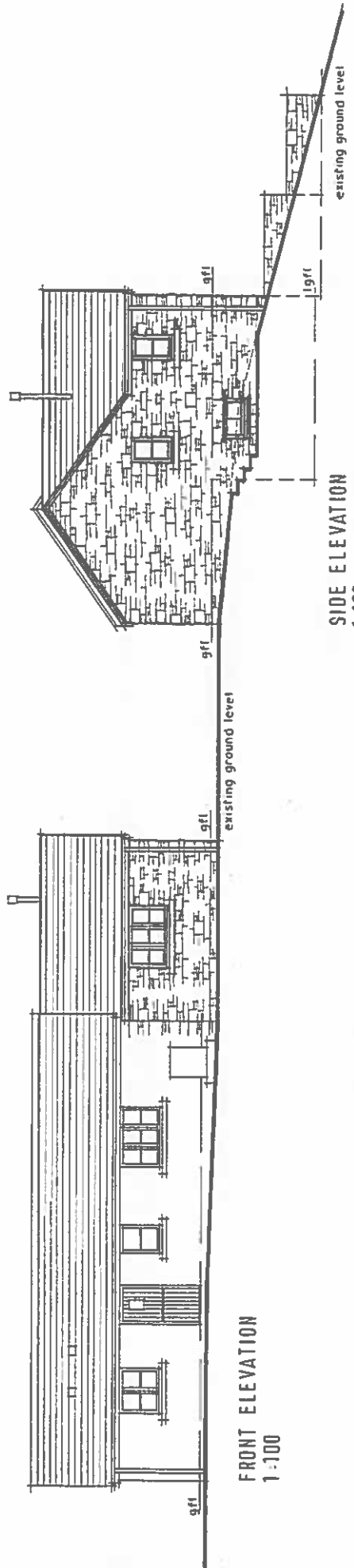
MATISCHOK & ROSS
architectural services

Project title
VSUBOR ISAF, BOOFARI, DENBIGH.

Proposed Elevations.

Project no.	0575	drawing no.	11	revision	
date	06.04.16	scale	1:100	drawn by	PM

Birch House, Hen Lon Fawar, Ruffh, Denbighshire, LL15 1NA
t 01824 705 222 f 01824 707 171
e. mail@matischokross.co.uk see www.matischokross.co.uk

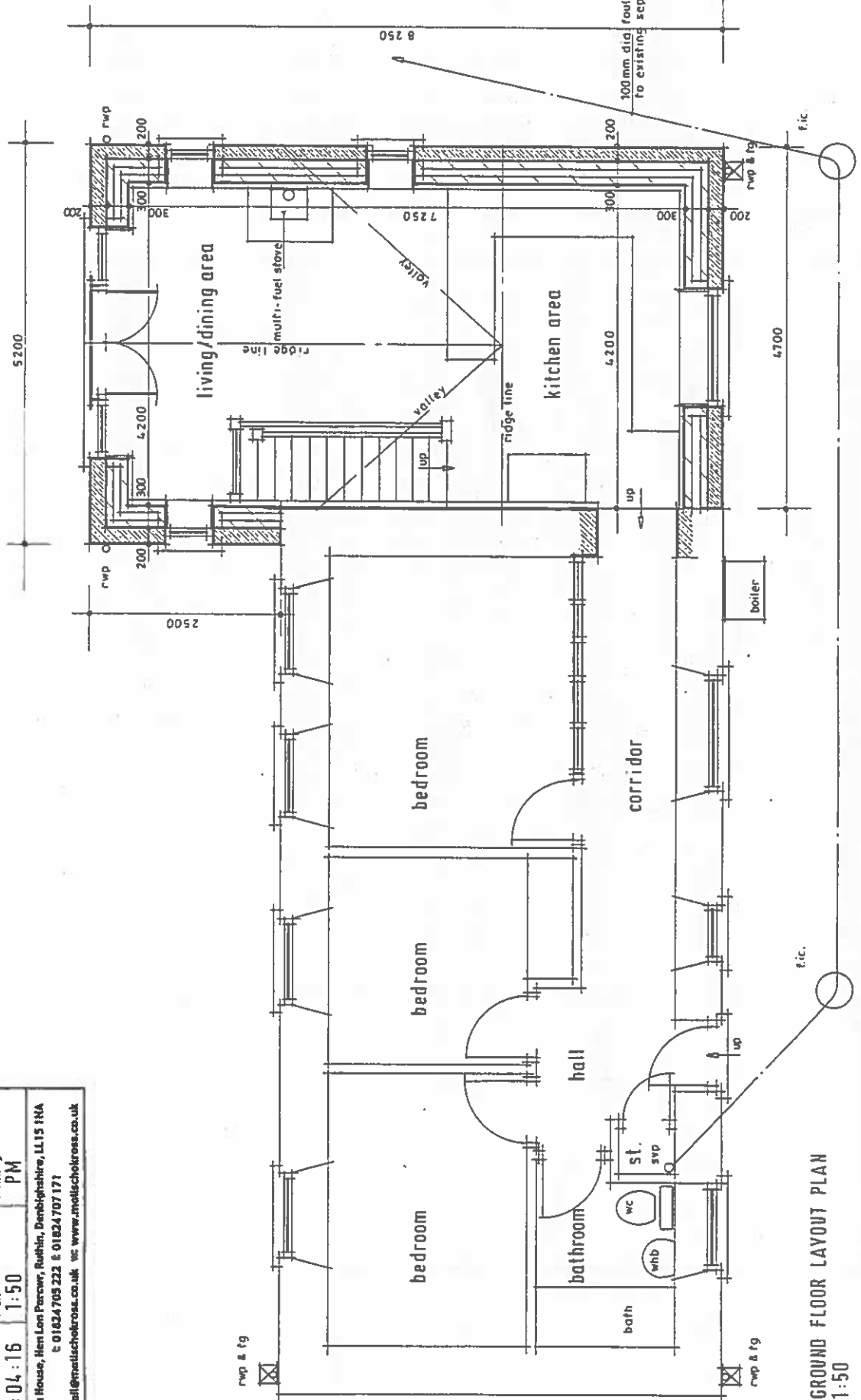


**SIDE ELEVATION
1:100**

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

**CONSENTED 2016
SCHEME**

09/2016/0346



**GROUND FLOOR LAYOUT PLAN
1:50**

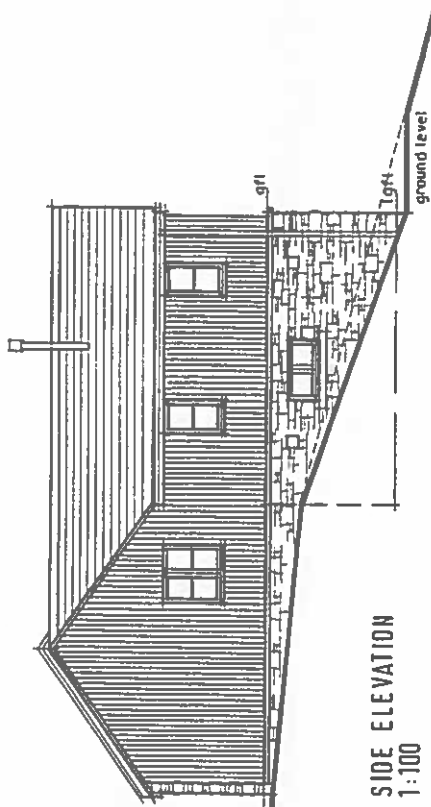
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M & R MATSCHOK & ROSS
architectural services

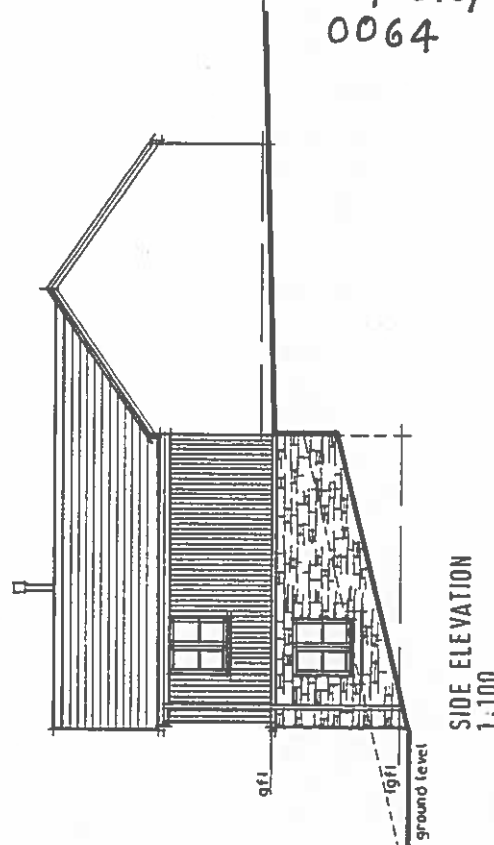
project title	
YSGUBOR ISAF, BOOFARI.	
drawing title	
Proposed Floor Plan.	
project no.	revision
0575	9
date	scale
05:04:16	1:50
drawn by	
PM	
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1HA	
t 01824 705 222 & 01824 707 171	
e mail@matschokross.co.uk w www.matschokross.co.uk	

REFUSED 2016 SCHEME

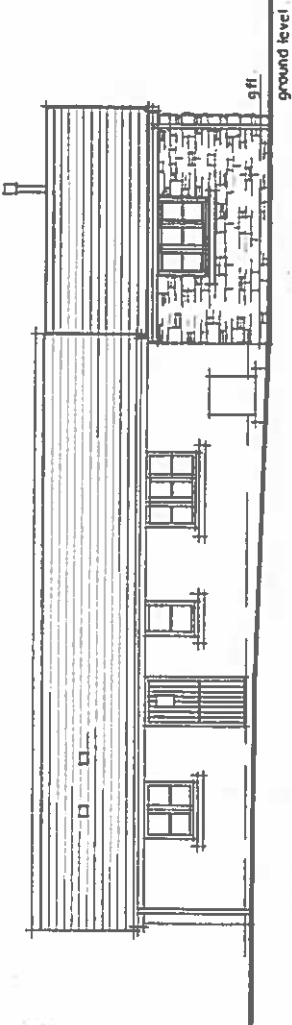
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0064



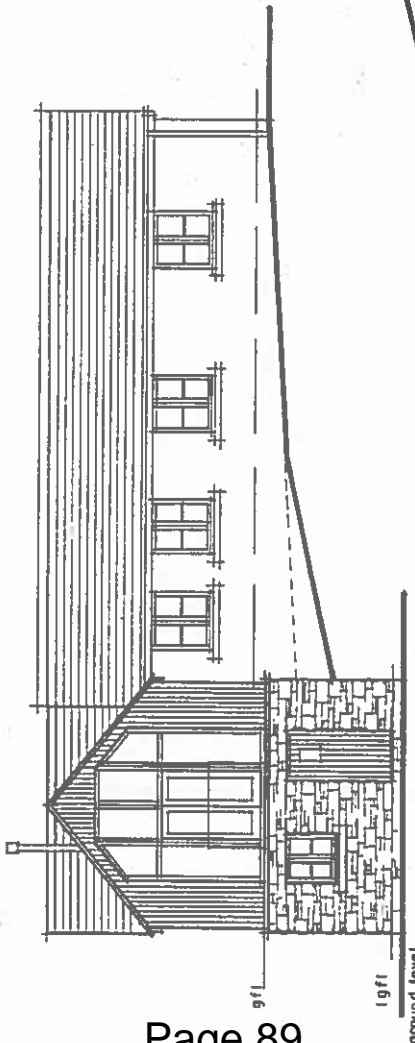
FRONT ELEVATION
1:100



SIDE ELEVATION
1:100



REAR ELEVATION
1:100



ground level

EXTERNAL MATERIALS

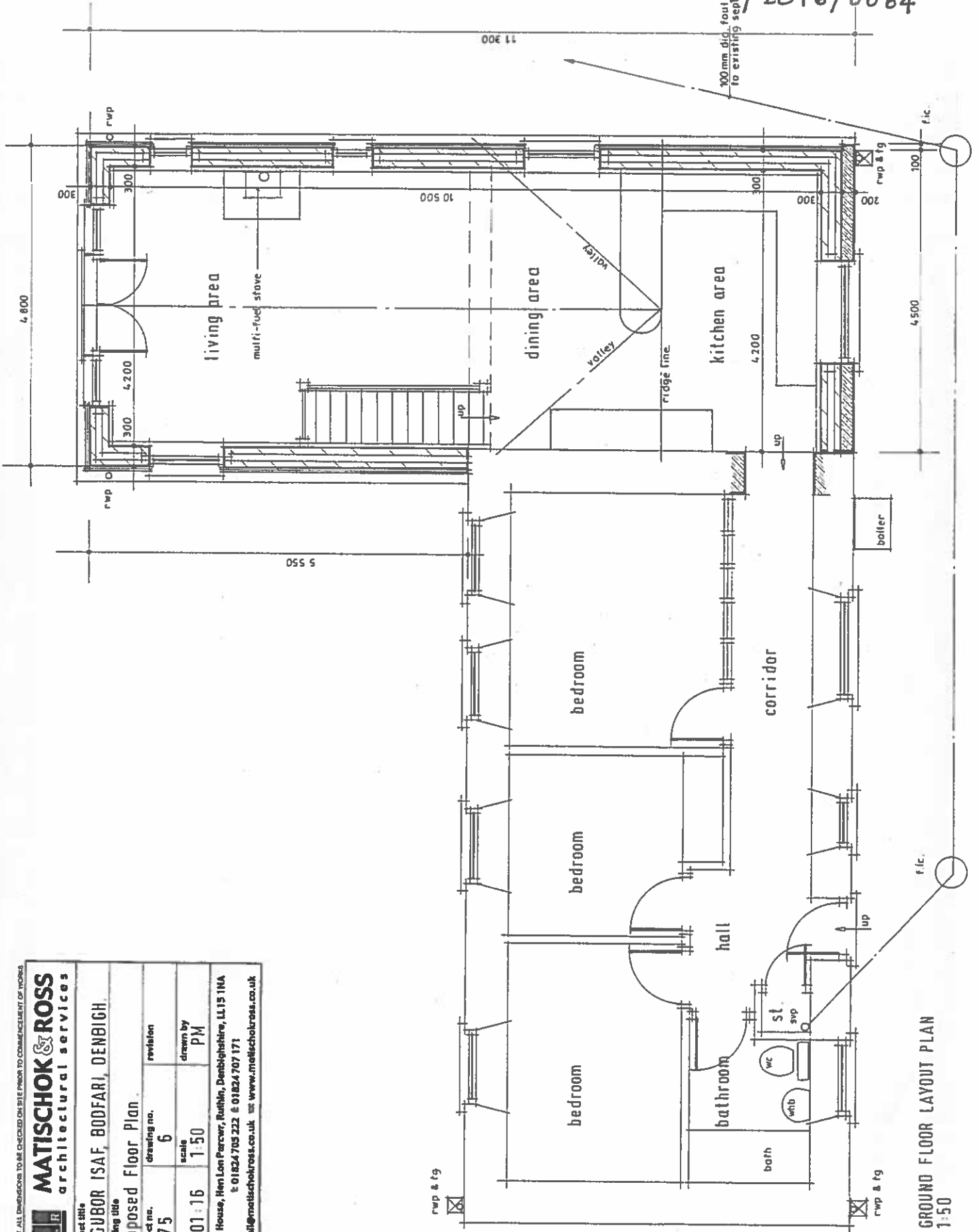
- Roof - Natural blue/grey mineral slates with blue/grey clay single ridge tiles.
- Walls - Natural local stone facing to elevations where shown on drawings.
- Natural cedar or larch vertical timber boarding to elevations where shown on drawings.
- Windows/External Doors - Painted timber windows and external doors.
- Fascia & Barge Boards - Painted timber fascia & barge boards.
- Rainwater Goods - Black upvc gutters and down pipes.

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MATISCHOK & ROSS architectural services	
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Drawing title	Proposed Elevations.
Project no.	0575
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drawing no.	7
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revision	
drawn by	PM
Birch House, Hen Lon Parcwr, Ruitin, Denbighshire, LL15 1NA t 01824 705 222 e 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk	

REFUSED 2016
SCHEME

05/2016/0064



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MATISCHOK & ROSS architectural services	
project title	YSGUBOR ISAF, BODFARI, DENBIGH.
drawing title	Proposed Floor Plan
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drawing no.	6
revision	
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GROUND FLOOR LAYOUT PLAN
1:50

WARD : Llandyrnog

WARD MEMBER: Cllr Merfyn Parry (c)

APPLICATION NO: 09/2018/0019/ PF

PROPOSAL: Erection of extension to dwelling and associated works

LOCATION: Ysgubor Isaf Bodfari Denbigh

APPLICANT: Mr & Mrs Brian And Karen Jones

CONSTRAINTS: AONB

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

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

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

“The Joint Committee is concerned that there is no substantive difference in the scale and form of this extension to that which was refused permission in 2016 (Code No: 9/2016/0064) on the grounds of excessive scale and inappropriate design. Permission was subsequently granted for a more modestly sized extension to this small converted former agricultural outbuilding (Code No: 9/2016/0346), which is extant. In addition, the committee maintains its position that the site should be enclosed by a traditional hedge and selected hedgerow trees comprising native local species to ensure that the development is better integrated into its rural setting.”

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 08/03/2018

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 application proposes the erection of an extension to a dwelling Ysgubor Isaf in Bodfari.
- 1.1.2 The extension is proposed on the northern side of the dwelling. The stated dimensions on the proposed layout plan indicates it would project 4.7m to the north of the existing building and extend to some 10.75m in length (5m of which would be forward of the existing building line). The details can be seen on the plans at the front of the report.

- 1.1.3 The existing dwelling is a single storey building. The proposed extension would be two storey, as the site would be excavated to accommodate a lower storey projecting forward of the existing building.
 - 1.1.4 The extension would comprise of a kitchen, dining and living area on the ground floor with a utility, shower and lobby/hall at the lower level.
 - 1.1.5 As a result of the extension, the footprint of the dwelling will appear as an L shape (see plans on the front of the report).
- 1.2 Description of site and surroundings
- 1.2.1 The dwelling is located in the open countryside to the east of the village of Bodfari.
 - 1.2.2 It is sited on the northern side of a small group of 5 houses accessed off a lane which runs between Aberwheeler and the A541 Mold Road.
 - 1.2.3 The land slopes eastwards from the road up towards the dwelling.
 - 1.2.4 Ysgubor Isaf is a single storey former outbuilding which Officers understand has been converted in the last couple of years following the grant of permission in 2008. It is a very simple stone structure with a slate roof.
 - 1.2.5 Planning permission was granted in 2016 for a smaller extension to the dwelling, which is currently under construction.
- 1.3 Relevant planning constraints/considerations
- 1.3.1 The site is located outside any Development Boundary as defined in the Local Development Plan.
 - 1.3.2 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 1.4 Relevant planning history
- 1.4.1 Planning permission was originally granted in February 2008 for the conversion of the outbuilding to a one bedroom residential unit.
 - 1.4.2 An application for an extension of similar form and footprint to that now proposed was refused in March 2016 (09/2006/0064). The reason for refusal was based on the design, scale and location, which it was considered would have an adverse impact on the character and appearance of the existing dwelling and the surrounding open countryside and AONB. The refused plans are included at the front of the report
 - 1.4.3 A revised application was subsequently submitted for a smaller extension with simplified window detailing (09/2016/0346), which was subsequently granted by Planning Committee in May 2016 contrary to officer recommendation. This extension is currently under construction. The details are also at the front of the report.
- 1.5 Developments/changes since the original submission
- 1.5.1 None.
- 1.6 Other relevant background information
- 1.6.1 Cllr Merfyn Parry has requested this application be considered at Committee, to allow assessment of visual impact issues.
 - 1.6.2 The proposed extension has very similar dimensions to the refused 2016 scheme.
 - 1.6.3 The currently proposed extension projects some 2.5m further forward than the consented 2016 scheme

2. DETAILS OF PLANNING HISTORY:

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

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

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

2.3 09/2016/0346. Erection of extension to side and rear of dwelling (re-submission). Granted 24 May 2016 following consideration at Planning Committee on 18 May 2016 were Committee resolved that permission be granted contrary to officer recommendation for the reason that the extension would not have any adverse impact on the neighbouring properties or the environment.

As noted above, the proposed elevation and ground floor plans for both the refused 2016 and consented 2016 schemes are provided are the front of this report for comparison.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD3 – Extensions and alterations to existing dwellings

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

3.2 Supplementary Planning Guidance
Residential Development SPG

3.3 Government Policy / Guidance
Planning Policy Wales (Edition 9) November 2016
Development Control Manual November 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, 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' (PPW 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, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that 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 (DMM section 9.4).

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

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

4.1.1 Principle

4.1.2 Visual amenity and impact on the AONB

4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 of the Local Development Plan relates specifically to proposals for the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met. The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.

4.2.2 Visual amenity and impact on AONB

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be 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 a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building. Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan. Local Development Plan Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The Residential Development SPG states extensions should take into account the size, form and style of the original dwelling and, in the case of small rural properties with limited floorspace, proposals may come forward for large extensions which could dwarf the original.

The AONB Joint Committee consider there is no substantive difference in the scale and form of this extension to that which was refused permission in 2016 (Code No: 9/2016/0064) on the grounds of excessive scale and inappropriate design. In addition, the AONB committee maintains its position that the site should be enclosed by a traditional hedge and selected hedgerow trees comprising native local species to ensure that the development is better integrated into its rural setting.

No landscaping scheme has been included with the application, however Officers consider this could be adequately addressed through planning conditions, similar to those imposed on 2016 consent.

The original building is a small, single storey converted former agricultural outbuilding. Permission was granted for a modest extension in May 2016, which projects some 2.5m forward of the building line, and Officers therefore acknowledge the acceptability of an extension which projects forward of the building line has already been established through the grant of that permission.

However, the extension currently proposed would project some 5m forward of the building line, which is double the projection of the consented scheme, and as a result, Officers consider the extension would appear to over dominate the existing dwelling, in particular when viewed from the side as illustrated on the proposed side elevation plans.

Officers therefore consider that due to the scale of the proposed two storey extension, projecting 5m forward of the building line (some 2.5m further forward than the consented scheme), and due to the location of the proposed extension which would be clearly visible from the highway to the west, that the proposed extension would appear an over-dominant feature and could not be considered to be sympathetic or

subservient to the existing dwelling or the original building.. The proposals in turn would have an unacceptable impact on the site and surroundings. It is therefore considered that the scheme is contrary to the requirements of criteria i) and criteria ii) of Policy RD3, VOE 2 and advice contained the Residential Development SPG.

4.2.3 Residential amenity

Local Development Plan Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation
There are no representations raising residential amenity issues.

No representations have been received raising concerns regarding the residential amenity impacts.

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

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 proposal fails to comply with the relevant Local Development Plan policies and guidance relating to extensions and the AONB, it is therefore recommended for refusal

RECOMMENDATION: REFUSE- for the following reason:-

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

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Agenda Item 8

WARD : Llandyrnog

WARD MEMBER: Councillor Merfyn Parry (c)

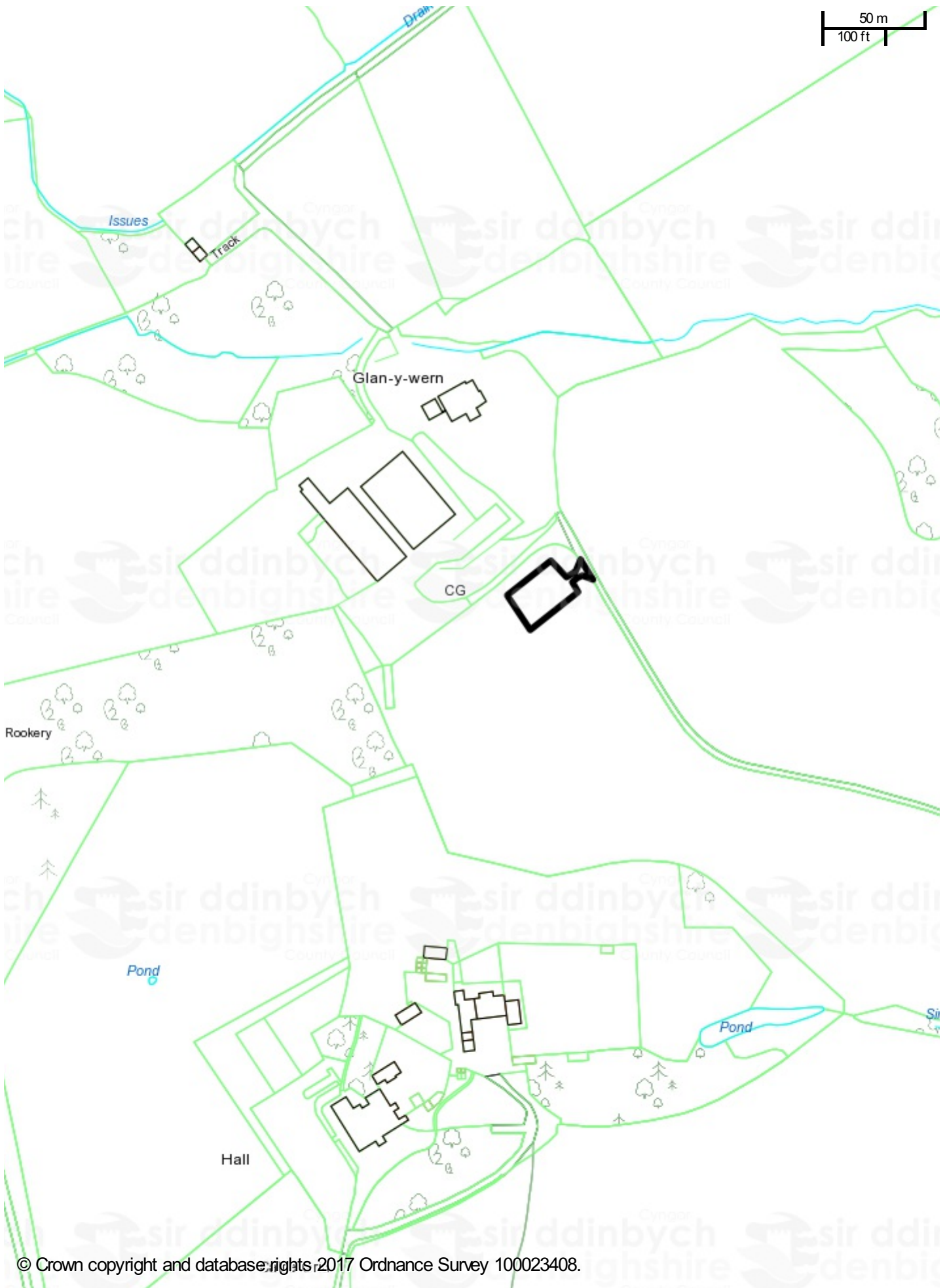
APPLICATION NO: 18/2017/1225/ PO

PROPOSAL: Development of 0.09 ha of land by the erection of a rural enterprise dwelling, installation of a new septic tank and associated works (outline application including access)

LOCATION: Glan Y Wern Farm Whitchurch Road Llandyrnog Denbigh

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50 m
100 ft



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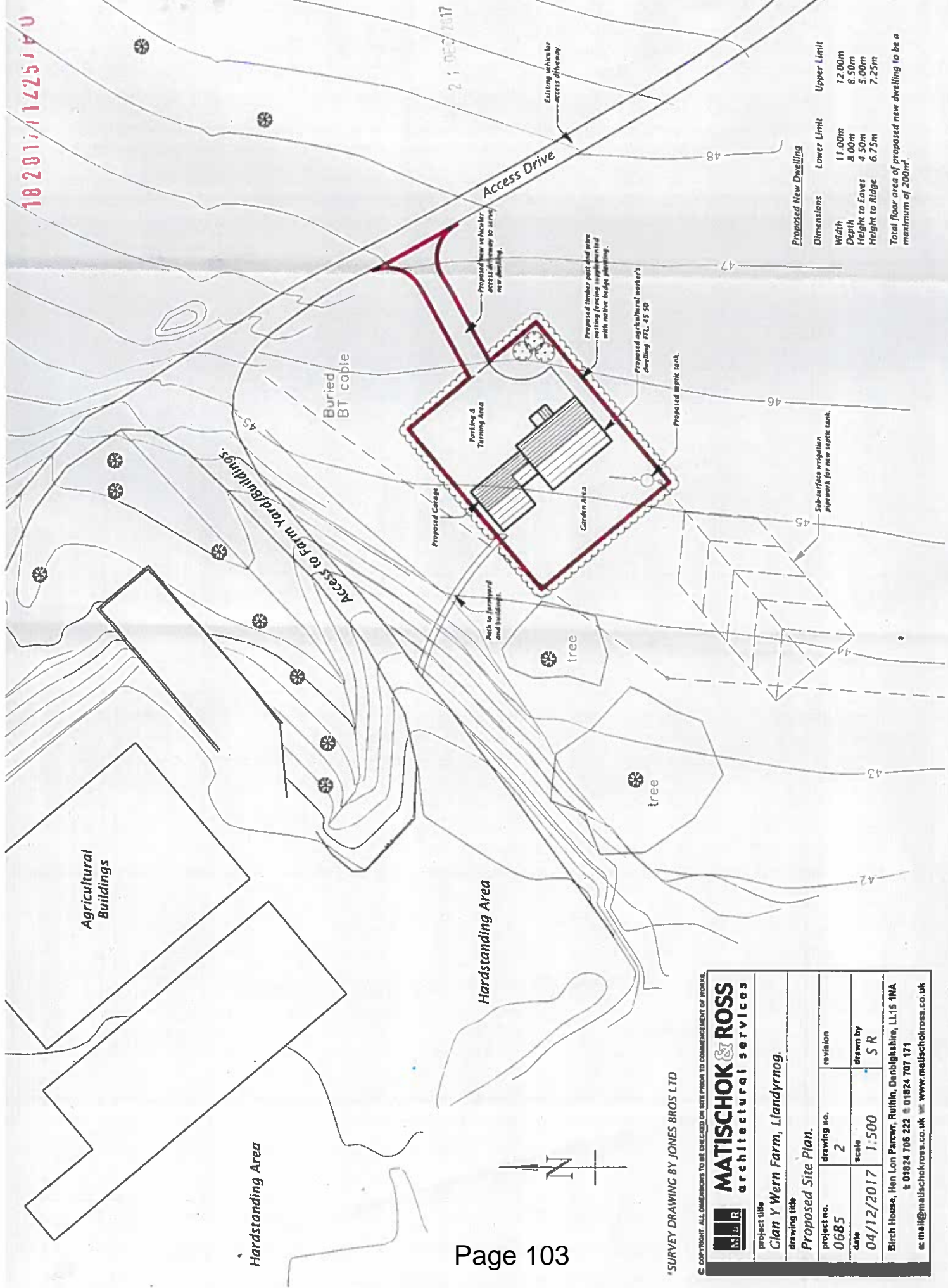
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SITE PLAN



Proposed New Dwelling

Dimensions	Lower Limit	Upper Limit
Width	11.00m	12.00m
Depth	8.00m	8.50m
Height to Eaves	4.50m	5.00m
Height to Ridge	6.25m	7.25m

Total floor area of proposed new dwelling to be a maximum of 200m².

*SURVEY DRAWING BY JONES BROS LTD

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M & R MATISCHOK & ROSS
architectural services

project title	Glan Y Wern Farm, Llandyrnog.		
drawing title	Proposed Site Plan.		
project no.	0685	drawing no.	2
date	04/12/2017	scale	1:500
		revision	drawn by
			SR

Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA
t 01824 705 222 e 01824 707 171
e mail@matischokross.co.uk w www.matischokross.co.uk

WARD : Llandyrnog

WARD MEMBER: Councillor Merfyn Parry (c)

APPLICATION NO: 18/2017/1225/ PO

PROPOSAL: Development of 0.09 ha of land by the erection of a rural enterprise dwelling, installation of a new septic tank and associated works (outline application including access)

LOCATION: Glan Y Wern Farm Whitchurch Road Llandyrnog Denbigh

APPLICANT: Mr Huw Jones A & M Evans Farms Co. Ltd.

CONSTRAINTS: None

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

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

"This application was presented in outline form and there was no justification included in the information received from DCC that would allow members to make an informed decision"

Officer note - Officers have explained to Community Council Clerk that the Authority could not make the justification statement publically available due to sensitive financial information which was contained within it, however Officers also explained that the Council's independent agricultural consultant would assess the information provided and make a recommendation to the Council against the tests set out in Welsh Government Technical Advice Note 6 (TAN6))

NATURAL RESOURCES WALES

- No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer – No objection

- Independent Agricultural Consultant –

Reading Agricultural Consultants Ltd (RAC) have been instructed by Denbighshire County Council to prepare an independent agricultural appraisal to consider whether there is sufficient agricultural justification for the dwelling on the basis of the tests set out in Technical Advice Note 6 (TAN 6).

RAC has assessed the application against the tests set out in TAN 6, and the independent appraisal concludes:

- i) there is a functional need for a second full-time worker to live on or close to the farm;
- ii) the proposed dwelling would be occupied by a full-time worker;
- iii) the business has been established for three years;
- iv) the business is profitable and considered as financially sustainable now and into the future;
- v) the proposed dwelling is larger than would be expected for a second dwelling on a holding; and
- vi) there are no suitable dwellings for sale in adequate proximity to the farm buildings.

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Mark Griffiths, Glan y Wern Hall, Llandyrnog
J & G Scott, Glan y Wern Cottage, Llandyrnog

Summary of planning based representations in objection:

Principle of allowing a second dwelling on a farm – would set a precedent that any farm should be allowed to erect a second dwelling on its land on any change of ownership or retirement of an existing farmer. What would prevent the process being repeated on each subsequent sale or retirement? Every farm in the county could gradually develop into a hamlet.

Use of land - concern that the farm is being used to store heavy construction plant which is not an agricultural use, and which undermines the agricultural need for an additional dwelling.

Residential amenity – concerns relating to the proximity to neighbouring properties / visual impact when viewed from these properties

EXPIRY DATE OF APPLICATION: 05/03/2018

EXTENSION OF TIME AGREED? Please insert date

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 application is seeking outline consent for a second agricultural workers dwelling, on land to the south east of the main building complex at Glan y Wern Farm.

1.1.2 The proposed site plan shows the proposed access to serve the new dwelling leading from the existing farm driveway, and also shows the proposed layout of the dwelling, and boundary treatment. The plan states the upper and lower limits of the dwelling to be the following:

Dimensions	Lower Limit	Upper Limit
Width	11.00m	12.00m
Depth	8.00m	8.50m
Height to Eaves	4.50m	5.00m
Height to Ridge	6.75m	7.25m

The total floor area of the proposed new dwelling would be a maximum of 200m²

1.1.3 Details relating to the design and appearance of the dwelling are not included with the application, and would therefore be reserved matters for future approval.

1.1.4 The proposed site plan shows the site would be enclosed by a timber post and wire fence with native hedge planting around the perimeter. No other landscaping details are provided.

1.1.5 Foul water is proposed to discharge to a septic tank with associated sub-surface irrigation pipework and surface water is proposed to drain to soakaways and percolation test results have been submitted in support of the application to demonstrate ground conditions are suitable for soakaways.

- 1.1.6 The application is supported by a confidential agricultural business appraisal prepared by Kite Consulting which seeks to set out the justification for the proposed agricultural workers dwelling. It states:

The farming enterprise is a limited company owned by Huw and Bethan Jones, who reside at the existing Glan y Wern farmhouse and Arwyn and Mari Evans, who currently reside off-site.

Agricultural business appraisal states the farming resources consist of the following:

- Glan Y Wern - a house, buildings, 77 owned hectares, 16 hectares owned Treuddyn near Mold and 5 hectares owned near Ruthin.
- A further 16 hectares of rented land that adjoins Glan Y Wern with an option to buy this land after March 2017.
- A further 243 hectares of rented grazing land, held on various agreements which are mainly annual but have been held for many years.
- 2,320 breeding ewes producing finished and replacement lambs plus 515 replacement breeding lambs.
- 298 rearing and finishing cattle which are either purchased as calves or weanlings and are reared to be sold as forward stores
- Most land is grassland
- A suitable range of machinery for the scale of the operation.

Beef Enterprise

- Over 260 calves and weanlings are purchased by the business annually, which are then reared to be sold as finished animals or forward stores.
- During the winter months all of the cattle are housed at Glan Y Wern.
- Cattle are purchased all year round, approximately half of the cattle purchased are calves which are reared indoors at Glan Y Wern prior to weaning and turnout.
- The young calves require around the clock attention, individual milk powder feeding and monitoring for diseases such as pneumonia etc.
- Circumstances requiring rapid human intervention with calves includes: naval or joint-ill; pneumonia; scour (Enteritis).

Sheep Enterprise

- The main aim with the 2,835 strong (including ewe lambs) Glan Y Wern flock is to produce finished lambs that will reach around 40 kg live weight off grass / creep in June to January the following year.
- The ewes are lambed in batches indoors at Glan Y Wern. Lambing begins in February and the main flock is lambed in around 3 months. Lambing is a critical time for the business and the family monitor the flock throughout the day and night during this period
- Circumstances requiring rapid human intervention with breeding ewes includes: lambing; breach birth; lamb suffocation; uterine prolapse; weak lambs; tramping and miss-mothering.

The agricultural appraisal states there is an overall agricultural labour unit requirement equivalent to 6.7 full time workers and it includes a full financial review of the agricultural enterprise, which seeks to demonstrate the farming business is financial viable, and is capable of funding the build costs of the dwelling proposed.

Due to the high stock numbers, it is argued there is a need for more than one person to be available on the farm to deal with lambing, cattle and calf health and other emergencies, and therefore a second agricultural workers dwelling is required. It is

proposed the business partners who currently reside off-site would occupy the proposed second agricultural workers dwelling.

1.2 Description of site and surroundings

- 1.2.1 Glan y Wern Farm is situated on the outskirts of Llandynrog, approximately 1.6km to the north from the village centre and is accessed via a long private driveway leading from existing vehicular access off the Whitchurch Road approximately 0.65km to the south of the application site.
- 1.2.2 The proposed dwelling would be approximately 110m to the south east of the existing farmhouse and would be adjacent to existing agricultural buildings and hardstandings.
- 1.2.3 The site is an undeveloped open field which is not currently enclosed by any existing hedgerows or other boundary treatments.
- 1.2.4 The closest unrelated residential properties are Glan y Wern Cottage some 195m to the south-west and Glan y Wern Hall, some 260m to the south west. Hafan Dawel is located some 600m to the south-east.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is unannotated land outside of any development boundaries defined in the Local Development Plan.
- 1.3.2 The site is within the Vale of Clwyd Historic Landscape.
- 1.3.3 The land is Grade 1 Agricultural Land.

1.4 Relevant planning history

- 1.4.1 There is a record of agricultural related developments and householder consents at the existing farm and farmhouse which are not considered to be of relevance to the current application.
- 1.4.2 A replacement farmhouse was consented in 1990.
- 1.4.3 A previous application for an agricultural workers dwelling in the field opposite to the application was withdrawn in March 2017. The current application is a resubmission of this application, albeit in a different location within the farm holding.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 A private individual has raised concerns regarding the farm being used to store heavy construction plant which is not an agricultural use. Whilst this is a matter unrelated to the merits of the current application, Officers have recently investigated complaints relating to unauthorised development / use of land at Glan y Wern Farm and no breach of planning was identified at the time.

2. DETAILS OF PLANNING HISTORY:

- 2.1 28/11238. Demolition of existing farmhouse and erection of replacement. Granted 25/05/1990
- 2.2 18/2016/1245. Development of land by the erection of an agricultural workers dwelling
Withdrawn 27/03/2017

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

- 3.2 Supplementary Planning Guidance
 - Residential Development SPG
 - Residential Space Standards SPG
 - Parking Requirements in New Developments SPG

3.3 Government Policy / Guidance

- Planning Policy Wales (Edition 9) November 2016
- Development Control Manual November 2016
- Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN 6)
- Rural Enterprise Dwelling Practice Guidance Note

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, 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' (PPW 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, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that 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 (DMM section 9.4).

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

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

- 4.1.1 Principle
- 4.1.2 Tests for rural enterprise dwellings
- 4.1.3 Impact on the best and most versatile agricultural land
- 4.1.4 Visual amenity
- 4.1.5 Residential amenity
- 4.1.6 Highways (including access and parking)
- 4.1.7 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy PSE 5 of the Local Development Plan states that in order to help to sustain the rural economy, commercial development including agricultural diversification will be supported subject to detailed criteria, and employment proposals for new build outside of development boundaries will be supported provided the following criteria are met:

- i) the proposal is appropriate in scale and nature to its location; and
- ii) any suitable existing buildings are converted or re-used in preference to new build; and
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities.

Planning Policy Wales has limited content relevant to the consideration of agricultural workers dwelling applications. Paragraph 4.6.3 explains that Welsh Government's priorities for rural areas are to secure:

- sustainable rural communities with access to affordable housing and high quality public services;

- a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside; and
- an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced.

The section goes on to say that the countryside is a dynamic and multi-purpose resource and refers to the need to enhance its agricultural value. For the government's aims and priorities to be realised it will be essential that social, economic and environmental policies are fully integrated.

Technical Advice Note 6 (TAN6) is the key Welsh Government document of relevance to the considerations to be given to applications for agricultural workers dwelling applications. Section 4.3 deals with rural enterprise dwellings and states as follows:

"One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence."

The following sections of TAN 6 provide detailed guidance to local planning authorities for the consideration of applications for new agricultural dwellings. Paragraph 4.4.1 of TAN 6 considers new dwellings on established enterprises and states:

"New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need;*
- b. the need relates to a full-time worker, and does not relate to a part-time requirement;*
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;*
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- e. other normal planning requirements, for example siting and access, are satisfied.*

Additional guidance on matters to consider is provided in Welsh Government's Practice Guidance Note for TAN 6 Rural Enterprise Dwellings.

In summary, the Development Plan policy, Planning Policy Wales, and the contents of TAN6 make provision for the development of rural enterprise dwellings, subject to key tests being met. The tests are reviewed in the following sections of the report.

4.2.2 Tests for rural enterprise dwellings

In assessing the case for the dwelling in respect of the TAN 6 tests, the Council's Agricultural Consultant has carried out an independent agricultural appraisal to consider whether there is sufficient agricultural justification for the dwelling on the basis of the tests set out in Technical Advice Note 6 (TAN 6).

In summary, in relation to the TAN6 tests, the independent agricultural appraisal concludes the following :-

(a) The Functional Need Test

Given the significant numbers of livestock, it is considered that there is a functional need for an additional full-time worker.

(b) The Labour Requirement

The holding generates a significant theoretical labour requirement. Given the large number of sheep lambing over an extended period and the rearing of purchased calves, it is considered that there would be a need for two full-time workers on the holding.

The proposed dwelling would be occupied by a full-time worker agricultural worker, thereby meeting the test.

(c) The Financial Test

The business appears to be currently financially sound with a good prospect of remaining so into the future, thus meeting Points iii) and iv) of the financial test.

However, a point of caution is raised with regards to the size of the dwelling, which is proposed to have an indicative floor area of 200sq.m.

Paragraph 4.10.2 of TAN 6 considers the dwelling size:

“.....A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.”

Whilst neither TAN6 nor the accompanying Guidance Notes provide precise details on maximum acceptable sizes for rural enterprise workers' dwellings, appeal decisions have consistently noted that such dwellings should relate to the needs of the business rather than the personal requirements of the owner or occupier – the fact that the applicants “value their space and comfort and would like to live in a permanent dwelling on the farm...” identifies personal preferences. Whilst it is asserted that the profits in a single year would indicate that the dwelling would be affordable to the business, there is no reasoning why it should require a (second) dwelling of such scale.

It should also be remembered that as a fallback, rural enterprise workers' dwellings become units of affordable housing if there are no other compliant occupants available. At 200m² it would be unlikely to be classed as 'affordable' to the wider market and so may force the removal of the occupancy condition which would be attached to it.

With regards to the issues raised by the Agricultural Consultant with respect to the size of the proposed dwelling in relation to the needs of the enterprise and the affordable housing fallback position, rather than the personal preferences of the applicant, Officers are satisfied that this can be controlled through the imposition of conditions with state the upper and lower limits and floor area shall not be as shown but shall be as otherwise agreed in writing with the local planning authority.

d) Other Suitable and Available Accommodation

Two dwellings within a half a mile radius of the site were identified as being available on the open market, however as they are some 1.3 miles from the farm buildings and there are a significant number of livestock which will create a greater intensity of need, it is considered that the dwellings in Llandyrnog would be unsuitable for the needs of the business.

(e) Siting and Access

To be considered in the remainder of this report.

The Agricultural Consultant has assessed the application against the tests set out in TAN 6, and the independent agricultural appraisal concludes:

- i) there is a functional need for a second full-time worker to live on or close to the farm;
- ii) the proposed dwelling would be occupied by a full-time worker;
- iii) the business has been established for three years;
- iv) the business is profitable and considered as financially sustainable now and into the future;
- v) the proposed dwelling is larger than would be expected for a second dwelling on a holding; and
- vi) there are no suitable dwellings for sale in adequate proximity to the farm buildings.

Given the above assessment of the proposal, and the case officer site visit which confirms that there are no currently redundant buildings in the complex which are suitable for conversion, the additional dwelling to accommodate an agricultural worker is considered to be justified.

In accordance with the Practice Guidance, occupancy conditions are required to be imposed to ensure a new dwelling is occupied by persons employed in agriculture, with the fallback position being to extend occupancy to persons who would be eligible for consideration for affordable housing.

The Practice Guidance has states that local planning authorities have the ability to restrict not only the future occupancy of the new dwelling, but of others on the enterprise whose occupancy is not currently controlled or where the scope of control is less than that in the new condition. The extension of control is not automatic but will relate to the circumstances of individual cases. Such circumstances could arise where the need for an additional dwelling arises from an increase in the functional demands of the enterprise whereby two on-site workers are required rather than one residing in an existing dwelling. In this case it will have been demonstrated that the enterprise needs two dwellings, and it would be inconsistent if the occupancy of the new dwelling was secured and controlled but not that of the existing dwelling.

In this case, the justification for the dwelling is based on the need to have two agricultural workers dwellings at the site to meet the functional needs of the farming enterprise, Officers therefore consider it is reasonable to apply the occupancy condition to the existing farmhouse as well as the new dwelling.

4.2.3 Impact on the best and most versatile agricultural land

Planning Policy Wales Section 4.10.1 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification system of the Department for Environment, Food and Rural Affairs. PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The site is located on grade 1 agricultural land, which the Agricultural Land Classification defines as 'excellent quality'. Planning Policy Wales classifies grades 1 to 3a agricultural land as the 'best and most versatile (BMV)' which accounts for approximately 7% of total land in Wales.

The loss of the BMV agricultural land is only justified where it can be demonstrated that:

- i) there is an overriding need for the development; and
- ii) lower grade agricultural or previously developed land is not available.

The supporting information submitted with the application has demonstrated there is an established functional and financial need for the new dwelling.

Whilst the site is Grade 1 agricultural land, Officers would note the surrounding land within the farm holding is also Grade 1 agricultural land, and lower grade agricultural land or previously development land would not be viable alternatives as there is no such land available within the farm holding within close proximity to the farm complex to enable the dwelling to meet the functional needs of the enterprise.

Officers are therefore satisfied that there is an overriding need for the development, and that the use of lower grade agricultural or previously development land would not be a viable alternative due to the inevitable separation distances between such land and the farm complex.

4.2.4 Visual amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations

The TAN6 Practice Guidance states that sites for new dwellings which are prominent in the landscape should be avoided. However, the siting of the dwelling should have regard to the particular functional need which its occupation is expected to meet. A dwelling should be sufficiently close to operational areas where adequate monitoring of animals or sensitive equipment/processes is required, and to enable the effective response of a worker to any identified difficulty.

Neighbours have raised concerns regarding the visual impact of the dwelling from nearby dwellings. Whilst the site is visible from views to the west and is on slightly higher ground to the existing farmhouse and agricultural buildings, the dwelling would be some 195 metres from the nearest dwelling, which is a considerable distance and not likely to give rise to unacceptable visual amenity issues. The site is also immediately adjacent to the existing farm complex and has been selected to meet the functional needs of the farm. The Council retains control over the layout, appearance and landscaping which are details to be dealt with at the reserved matters stage, and Officers are satisfied that this would ensure the dwelling would not appear as a prominent feature in the landscape.

The application is an outline application including details of access, with all other matters reserved. Whilst the propose site plan shows the proposed layout and landscaping details, given the nature of the application, Officers consider these details should be treated for illustrative purposes only, and for the avoidance of doubt a condition is proposed to this effect.

It is therefore considered that the erection of a dwelling in this location as proposed would be acceptable in respect of its siting, and as such the proposal would not be out of accord with the policies and guidance referred to above.

4.2.5 Residential amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

The Residential Development SPG provides guidance on suitable separation distances between habitable windows and neighbouring properties and the

Residential Space Standards SPG sets out minimum floor space and amenity space standards for new dwellings.

The dwelling proposed would comfortably exceed the minimum standards set out in the Residential Space Standards SPG, and therefore it would provide a satisfactory standard of amenity for future occupants.

Public responses received have raised concerns regarding the impact of the proposal on residential amenity by virtue of the proximity to neighbouring properties and impact on visual amenity afforded to those properties.

Whilst the impact on residential amenity is a material planning consideration, the impact on views / outlook is not a matter the planning system can protect.

The closest unrelated residential properties are Glan y Wern Cottage which is some 195m to the south-west and Glan y Wern Hall, some 260m to the south west. Hafan Dawel is located some 600m to the south-east close to the vehicular access point.

Whilst the proposed dwelling may be visible from the neighbouring properties to the west and may alter their outlook to some extent by virtue of the introduction of a new built feature where there is currently open fields, notwithstanding the concerns of neighbours, due to the separation distances between the site and these neighbouring properties, Officers are satisfied that the proposal would not unacceptably impact on residential amenity or residential visual amenity.

4.2.6 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration. The Parking Standards in New Developments SPG sets out the maximum parking standards for new dwellings, and the parking requirement is proportionate to the number of bedrooms.

The application includes details of access and it is proposed that a new access to serve the property would be created as a spur off the existing private drive leading to the main farmhouse.

Highways Officers have raised no objection to the proposed access arrangements.

The application is in outline, and therefore the size of the dwelling has not be finalised, however having regard to the size of the site, it is reasonable to assume that sufficient parking provision could be provided within the curtilage.

Officers would therefore conclude the proposal would not adversely impact on highway safety and the proposal is considered to be in compliance with the policies and guidance.

4.2.7 Open Space

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

The proposal is for the formation of a new dwelling.

Table 4 in the Open Space SPG adopted in March 2017 sets out thresholds for onsite provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are

indicative, and onsite provision for sites of less than 30 will be considered on their merits.

It is considered that the proposal would be acceptable in relation to open space policy subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

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 application is for a second agricultural workers dwelling at Glan y Wern Farm which has been submitted in outline with details of access. Appearance, landscaping, layout and scale are reserved matters.
- 5.2 A detailed agricultural justification statement has been submitted in support of the application which has been independently assessed by the Council's Agricultural Consultant against the tests set out in Welsh Government Technical Advice Note 6 (TAN6) and the accompanying Practice Guidance.
- 5.3 The Agricultural Consultant has concluded that the proposal meets the sets set out in TAN6, and the proposed second agricultural workers dwelling is therefore justified, however a note of caution has been raised regarding the size of the proposed dwelling.
- 5.4 Neighbours have raised concerns regarding the agricultural need for the proposal and in relation to impacts on residential amenity, however Officers are satisfied that due to the separation distance between the site and neighbours, it would not result in an unacceptable impact on amenity of neighbours.
- 5.5 Subject to the imposition of necessary planning conditions to address material planning considerations set out in the report, Officers consider the proposal is acceptable, and are therefore recommending the application is granted planning permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the appearance of the building(s), landscaping, scale, and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Existing site plan (Drawing No. 1) received 21 December 2017
 - (ii) Proposed site plan (Drawing No. 2) received 21 December 2017
 - (iii) Location plan received 21 December 2017
5. Notwithstanding the details shown on the proposed site plan (Drawing No. 2), the layout and landscaping details have been treated for illustrative purposes only and this permission does not convey any approval of these details.
6. Notwithstanding the approved details, the upper and lower limits for the dwelling shall not be as shown on the proposed site plan (Drawing No. 2), but shall be as otherwise agreed in writing with the local planning authority.
7. The occupancy of the dwelling shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,
 - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.
8. The occupancy of the existing dwelling at Glan y Wern Farm shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,
 - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.
9. The dwelling hereby approved shall not be occupied until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's policies and Supplementary Planning Guidance in relation to the provision of Open Space.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.
5. For avoidance of doubt and to ensure a satisfactory standard of development.
6. In the interests of visual amenity and to ensure the unit is of a scale which is proportionate to the needs of the agricultural enterprise in accordance with the guidance contained in TAN 6 and the accompanying Practice Guidance.
7. To comply with the requirements of TAN 6 and the Rural Enterprise Dwellings Practice Guidance.
8. To comply with the requirements of TAN 6 and the Rural Enterprise Dwellings Practice Guidance.
9. In the interest of compliance with adopted open space policies.

NOTES TO APPLICANT:

CONDITION 5 NOTE:

The proposed site plan drawing shows details of layout and landscaping. However, as the application is submitted in outline form (including access), layout and landscaping are reserved matters and condition 5 has been applied to make it clear that this grant of planning permission does not convey approval of the layout and landscaping details shown on this plan.

When submitting landscaping details at the reserved matters stage, it would be advisable to include additional planting along the western boundary (e.g. trees and shrubs) to help soften views of the dwelling from neighbouring residential properties to the west, or alternatively supplement tree coverage around the field boundary to the west which would also help to screen views of the site from the west.

CONDITION 6 NOTE:

The proposed site plan states the maximum floor area to be 200m². However, the proposal is for a second agricultural workers dwelling and in accordance with the advice contained in Technical Advice Note 6 (TAN6) and the accompanying Practice Guidance, the size of the dwelling should reflect the needs of the relevant rural enterprise, but, with the extension of potential occupancy to those eligible for affordable housing, and not the personal preferences of the applicant.

The size of the dwelling therefore should be proportionate to the needs of the farming enterprise, and therefore condition 6 has been imposed at this stage as the upper and lower limits proposed do not allow for a smaller dwelling. The scale and layout of the dwelling proposed can be further discussed at the reserved matters stage.

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Agenda Item 9

WARD : Prestatyn Central

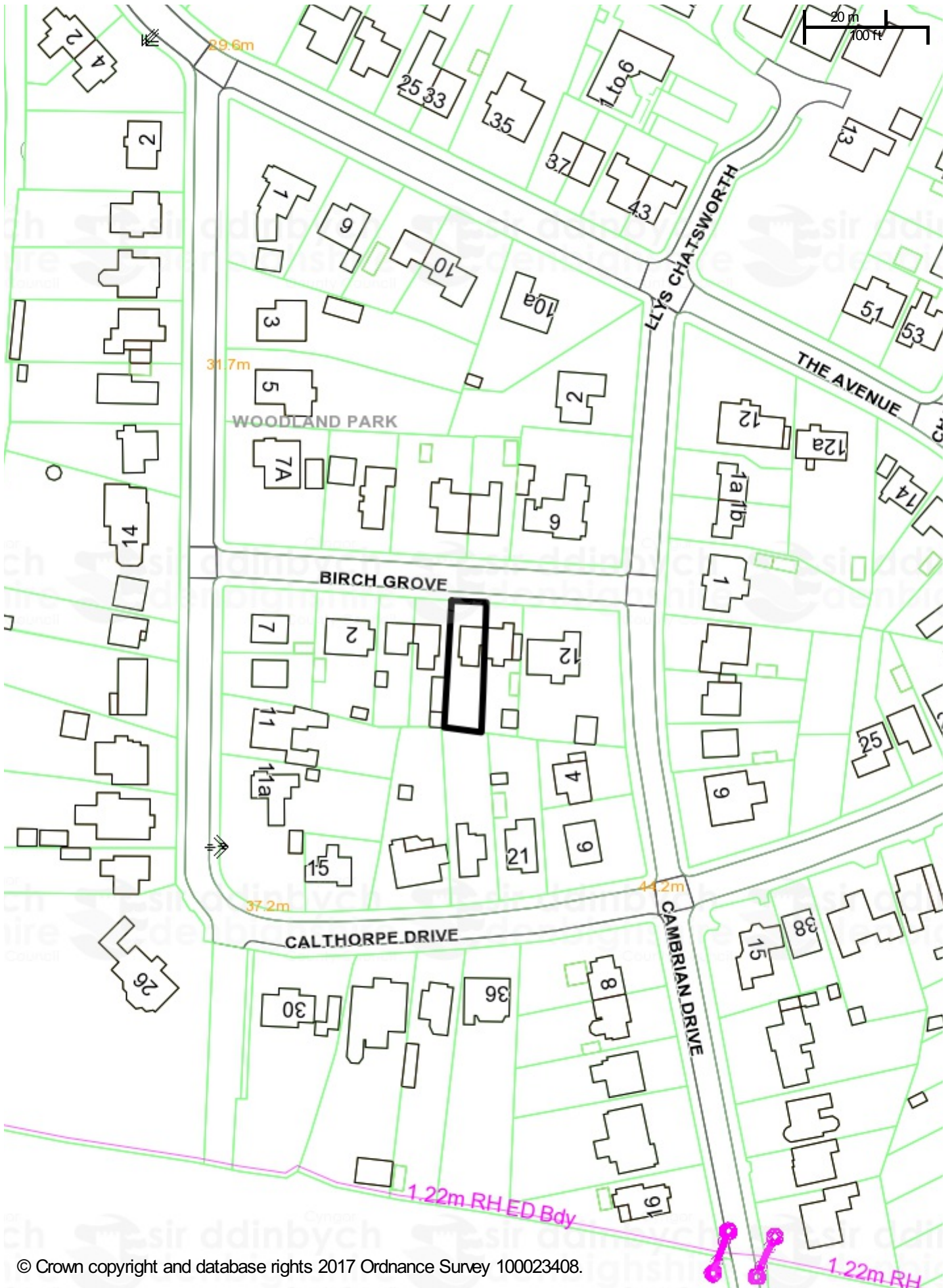
WARD MEMBER(S): Cllr Hugh Irving
Cllr Tina Jones (c)

APPLICATION NO: 43/2017/1212/ PF

PROPOSAL: Erection of first floor extension to rear of dwelling

LOCATION: 8 Birch Grove Prestatyn

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43/2017/1212

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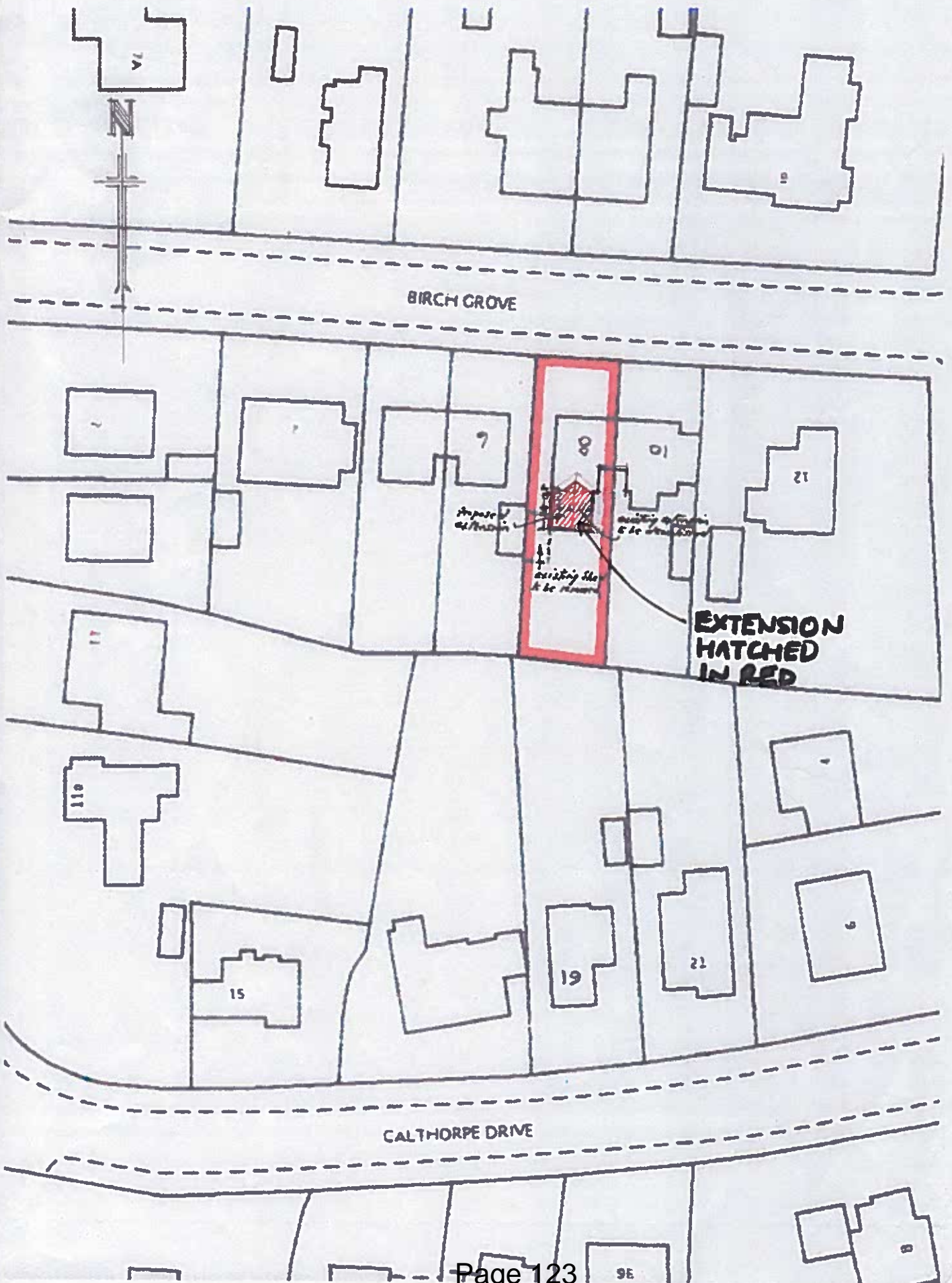
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BLOCK PLAN

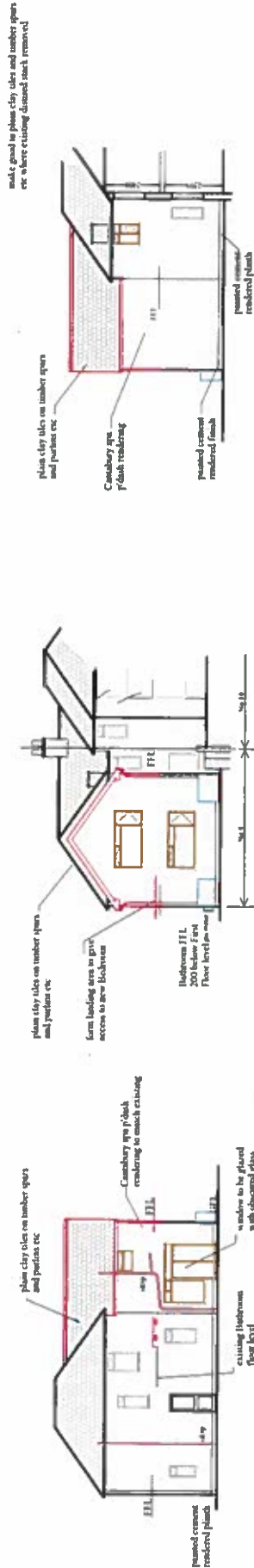
BLOCK PLAN -

Scale :- 1/500th

Dwg No- 02.



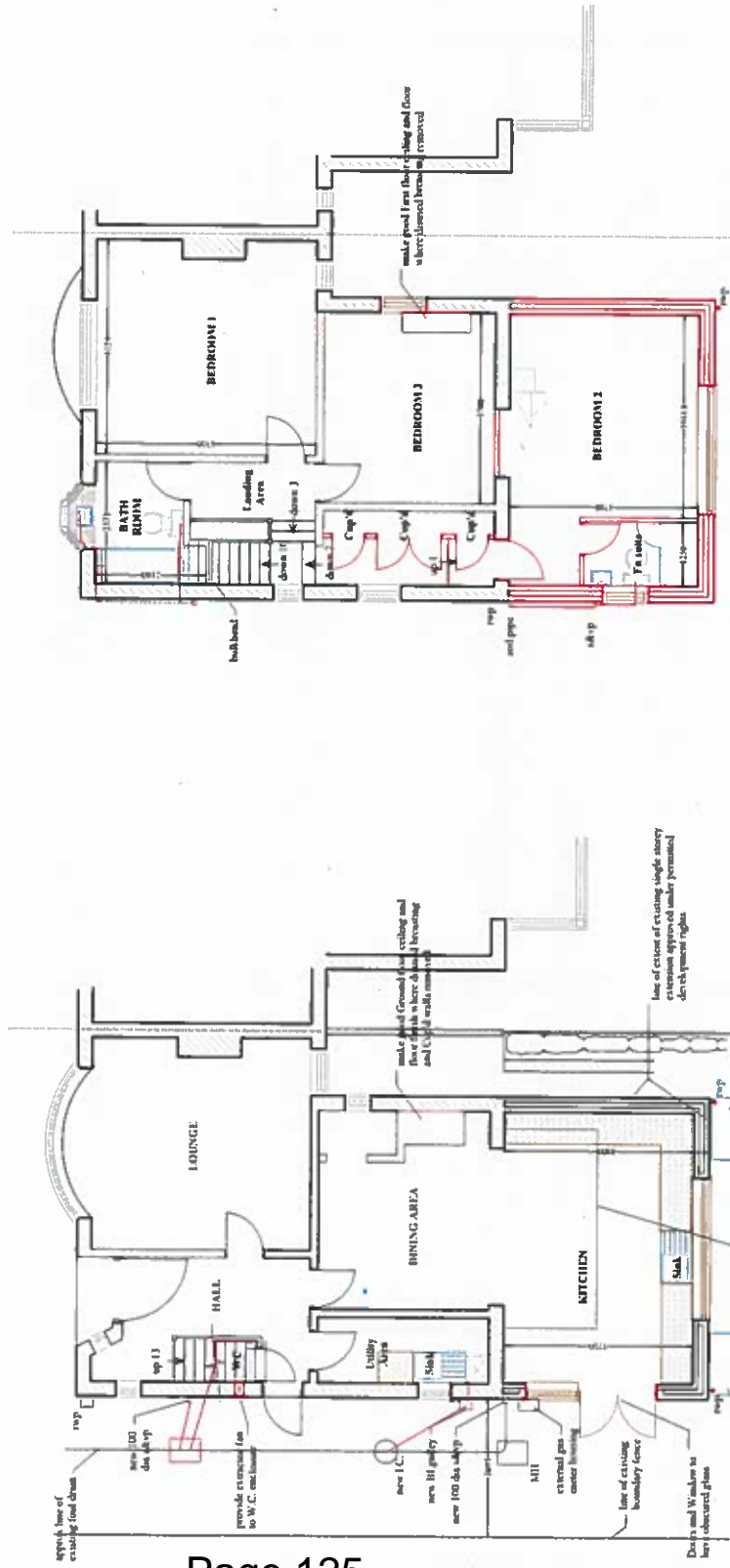
PROPOSED FLOOR & ELEVATION PLANS



PROPOSED SIDE ELEVATION TO No 10 BIRCH GROVE

PROPOSED REAR ELEVATION TO No 19 CAMBRILLAN DRIVE

PROPOSED SIDE ELEVATION TO No 6 BIRCH GROVE

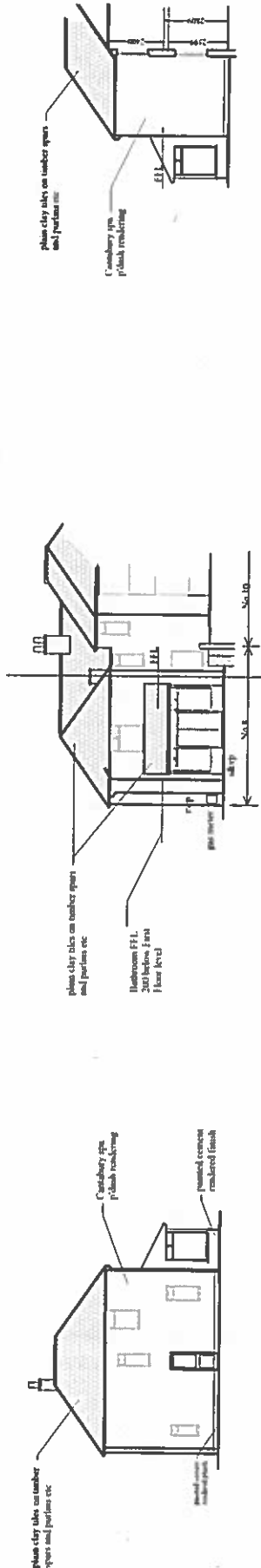


PROPOSED FIRST FLOOR

PROPOSED GROUND FLOOR

**PROPOSED EXTENSION AT REAR OF No 8, BIRCH GROVE, PRESTATYN. LL19 9RH
FOR MR J. REEVE. DETAILS AS PROPOSED**
Scales :- 1:50 and 1:100.

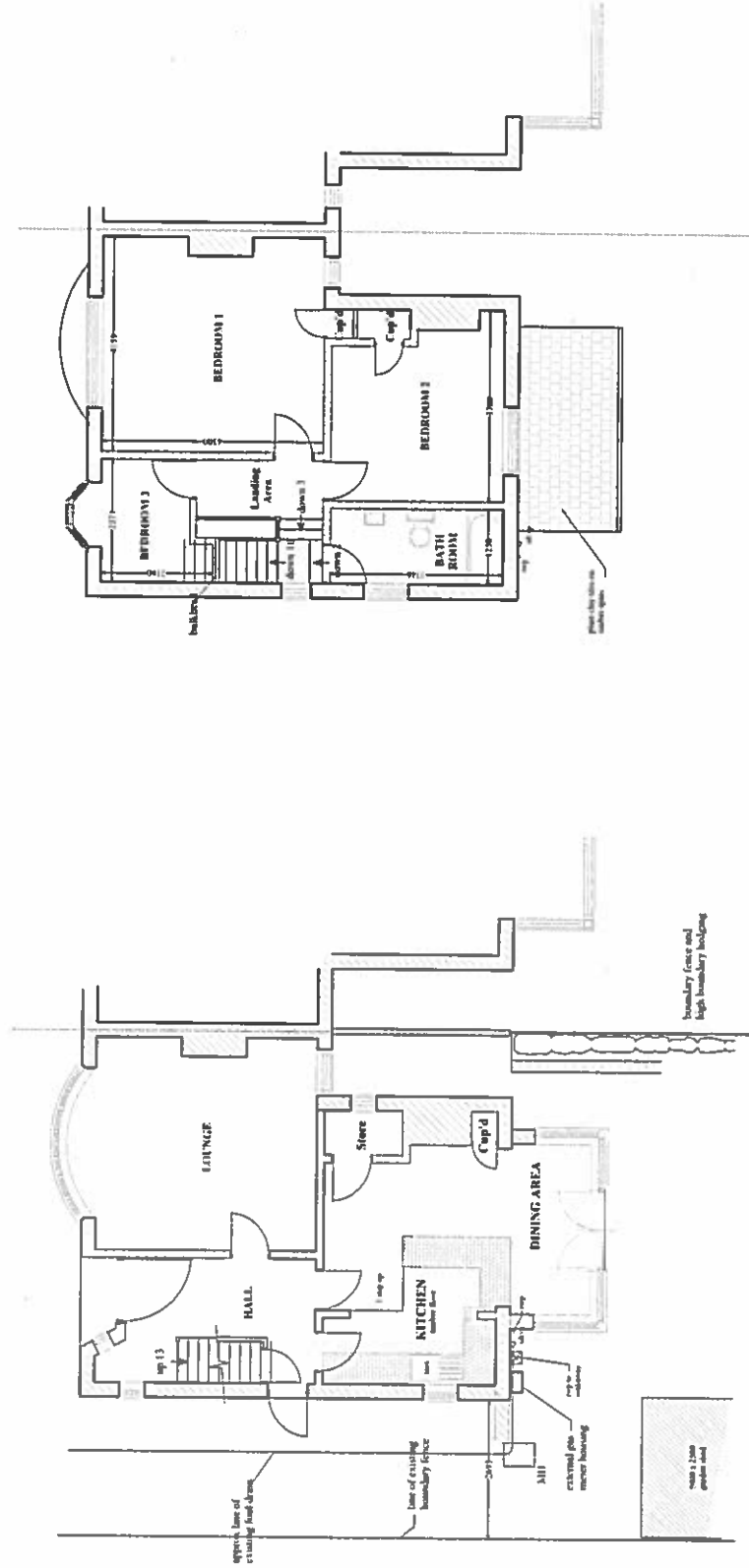
EXISTING FLOOR & ELEVATION PLANS



EXISTING SIDE ELEVATION TO No 6 BIRCH GROVE

EXISTING REAR ELEVATION TO No 19 CAMBRIAN DRIVE

EXISTING SIDE ELEVATION TO No 10 BIRCH GROVE



EXISTING GROUND FLOOR

EXISTING FIRST FLOOR

WARD : Prestatyn Central

WARD MEMBER(S): Cllr Hugh Irving
Cllr Tina Jones (c)

APPLICATION NO: 43/2017/1212/ PF

PROPOSAL: Erection of first floor extension to rear of dwelling

LOCATION: 8 Birch Grove Prestatyn

APPLICANT: Mr Jason Reeve

CONSTRAINTS: Article 4 Direction

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

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

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL-

“Objection - neighbours concerned about adverse impact upon their property. Overintensification of building on site”.

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Steven Joyce, 6, Birch Grove, Prestatyn
Stephen R Jones, 10, Birch Grove, Prestatyn

Summary of planning based representations in objection:

Residential Amenity

Overshadowing and blocking sunlight to rear of adjacent properties and gardens
Overshadowing due to the incline of the land and towering over property below

Visual Amenity

Out of keeping with the character of the area

Drainage

Drainage and flooding issues as there is a watercourse running below houses
Loss of privacy, location of windows proposed on side elevations

EXPIRY DATE OF APPLICATION: 28/02/2018

EXTENSION OF TIME AGREED? 16/3/2018

REASONS FOR DELAY IN DECISION:

- Awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of a two storey extension to the rear of the dwelling at 8 Birch Grove, Prestatyn.
- 1.1.2 The proposed two storey extension would project out by 4m, would be 6.1m wide and would have a pitched roof.
- 1.1.3 The proposal involves the addition of a larger kitchen and dining area to the ground floor and the existing kitchen would become a utility room. The first floor would involve the addition of a new bedroom with en-suite bathroom. The existing bathroom would be relocated to the front of the property replacing a small bedroom. There would be a new dressing room/ corridor leading to the new master bedroom (Bedroom 2).
- 1.1.4 The proposed plans of the side elevation of the extension facing No.6 show a window on the first floor and a window and patio doors with obscured glass on the ground floor. The proposed plans of the side elevation facing No.10 shows an additional window onto the first floor of the existing dwelling. The rear elevation plans show the addition of two large windows on the first floor and ground floor.
- 1.1.5 The external wall materials would match those on the existing dwelling.
- 1.1.6 The plans showing the proposals are at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site is located within a residential area of Prestatyn.
- 1.2.2 The property is an existing semi-detached dwelling.
- 1.2.3 The area is characterised by large detached and semi-detached dwellings with large rear gardens.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Prestatyn Development Boundary as shown in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 An application seeking a Lawful Development Certificate for a proposed single storey extension to the rear of the dwelling was refused in 2015 due to it being greater than 4m in depth. The application was amended and a Lawful Development Certificate for the erection of a single storey extension to the rear of the dwelling was granted. This simply recognises that the particular proposal for a single storey extension is 'permitted development' and can be carried out without the need for planning permission.

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 43/2015/0264. Lawful Development Certificate for a proposed single storey extension to rear of dwelling. Refused to Certify (greater than 4m in depth) on 15/04/2015.

2.2 43/2015/0498. Lawful Development Certificate for a proposed single storey extension to rear of dwelling certified under delegated powers on 2/7/2015

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy RD3 – Extensions and alterations to existing dwellings

3.2 Supplementary Planning Guidance

SPG Residential Development

SPG Residential Space Standards

3.3 Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Development Control Manual

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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). It advises that material considerations '... must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability' (Section 3.1.4).

The Development Management Manual 2016 states that 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 (Section 9.4).

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

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

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Drainage

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria.

Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met.

The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.

4.2.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be 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 a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

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 vi) of Policy RD1 requires that development proposals do not affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

Representations on the visual amenity impacts have been made by a private individual, suggesting that the proposal is out of keeping with the character of the area.

As noted, the proposal is for the erection of a 2 storey pitched roof rear extension. It would project out into the rear garden by 4m, be 6.1m wide, have an eaves height of 2.4m and a ridge height of 3.5m. A 13.5m garden depth would remain.

In Officers' opinion, the design of the extension is in keeping with the original dwelling and the adjacent properties on that side of Birch Grove. The external wall and roof materials of the extension are proposed to be the same as the existing dwelling.

The extension would not be visible from the front of the property and therefore would have a limited impact on the character of the area.

Whilst the scale of the extension would appear subordinate to the original dwelling, it would be clearly visible from the back gardens of the dwellings off Calthorpe Drive. Nevertheless, there would be a 39m separation distance between the rear wall of the proposed extension and the rear wall of No.19 Calthorpe Drive which suggests that there would be limited visual amenity impact to these properties.

Having regard to the visual amenity representations, the proposed extension is to the rear of the property where it is not considered that it would have a detrimental impact on the character of the area.

Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself and the locality, it is considered the proposal would have a limited impact on visual amenity.

4.2.4 Residential Amenity

Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

Criteria 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.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.

The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

Prestatyn Town Council has raised concerns around the 'overintensification' of the building on the site. Representations on the residential amenity impacts have also been made on behalf of the neighbouring properties, raising concerns regarding the overshadowing and blocking of sunlight to adjacent properties and gardens, particularly No.6 which is at a lower level to the application site. Privacy issues have been raised regarding the location of windows proposed on the side elevations.

In relation to overintensification matters, the Residential Development SPG states that no more than 75% of a residential property should be covered by buildings. The existing house and shed (to be demolished) cover some 56sqm of the property and the proposed extension and removal of the shed would result in some 61sqm coverage which equates to about 22% of the total area of this residential plot. This is just a 2% increase compared to the original percentage of the property covered by buildings, and in Officers' view does not represent an overdevelopment of the plot.

Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents. The guidance on acceptable distances between a rear extension and a property opposite is 21m in the Residential Development SPG. The proposed extension would have a separation distance of approximately 39m with No.19 Calthorpe Drive opposite, therefore there would be limited residential amenity impact to this property as the result of the proposal.

Regarding the comments received from local residents regarding overshadowing, it is likely that sunlight at the rear of No.6 would be reduced for a period of time during the morning, however the proposal is unlikely to cause an obstruction to sunlight during the afternoon/evening.

In relation to No.10, it is likely that the afternoon/evening sunlight may be limited at the rear of the property which is a negative factor, but the majority of the garden and summer houses which are south facing would not appear likely to be affected.

The proposed extension may reduce the amount of sunlight into the small side kitchen window of No.6. This is the only window into the kitchen and a degree of harm would arise to the amenity of the residents. No.6 is set at a much lower level to No.8, the extension would also reduce light into the existing conservatory, particularly during the morning.

The proposed en-suite window on the first floor side elevation would face towards an obscure glazed bathroom window at No.6. It would also create potential for overlooking the garden and conservatory of No.6 and down into the kitchen window, unless it is glazed in obscure glass. Any permission could be conditioned to oblige obscure glazing.

The application proposes the addition of a window and obscure glazed patio doors on the ground floor side elevation facing No.6. It is uncommon for patio doors to be glazed, however this may be a response to the fact that this door would be close to the boundary fence of No.6 and raises overlooking issues. The existing boundary fence is just above 1m high which would mean that overlooking into the kitchen and conservatory could be an issue unless addressed by additional boundary screening.

There is a proposed first floor window to be installed in the existing elevation facing No.10 where a new bedroom would be located. This would be the only window serving this new room. There is a slight overlooking issue from this window into an existing side first floor window to the rear of the No.10 and also into the small window set back in the rear wall of No.10. It would be possible to address this matter through a condition obliging revised details of the window to be submitted for approval.

The above review of the residential amenity impacts of the proposed extension suggests there will be localised effects, including degrees of loss of sunlight and potential for overlooking, unless measures can be taken to address specific issues. Whether these impacts are sufficient to justify a refusal recommendation is however, difficult to conclude as the imposition of planning conditions has to be viewed as a positive means of limiting adverse impact.

4.2.4 Drainage

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Comments are raised by objectors regarding flooding and drainage issues and there is reference to issues regarding the diversion of surface water run off from No.10 down hill into the garden at No.6 Birch Grove.

In noting the drainage issue, in Officer's opinion it is possible to address concerns through the implementation of a suitably worded condition requiring relevant details to demonstrate the extension will not give rise to unacceptable problems.

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 principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. 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 application raises a number of residential amenity impact issues.

5.2 Taking all the matters into account, Officers' conclusions are that the scope to address impacts through the imposition of planning conditions would provide a reasonable degree of mitigation and that a refusal of permission would be difficult to sustain.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 14th March 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing Elevations & Floor Plan (Drawing No. 03a) received 4 January 2018
 - (ii) Proposed Elevations & Floor Plan (Drawing No. 04) received 4 January 2018
 - (iii) Block Plan (Drawing No. 2) received 15 December 2017
 - (iv) Location Plan (Drawing No. 1) received 15 December 2017
3. The second floor window to the side elevation serving Bedroom 3 and facing No.10 shall not be shown as on the submitted plans but should be in accordance with such alternative detail as may be submitted to and approved in writing by the Local Planning Authority. The development should be carried out strictly in accordance with the details approved under this condition.
4. The proposed window serving the en-suite room off Bedroom 2 shall be glazed in obscured glass at all times.
5. The extension hereby permitted shall not be brought into use until the written approval of the Local Planning Authority has been obtained to the detailing of a suitable screen fence of 1.8m in height along the boundary between the site and No.6 Birch Grove; and the fence has been erected. The fence shall be retained at all times.
6. No development shall take place until a fully detailed scheme of surface water drainage in connection with the development has been submitted to, and approved by, the Local Planning Authority. The approved scheme shall be implemented in conjunction with the development.

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. For the avoidance of doubt and in the interests of protecting residential amenity.
4. In the interests of residential amenity.
5. In the interests of residential amenity.
6. In the interests of the management of surface water.

NOTES TO APPLICANT:

DWR CYMRU WELSH WATER Note to Applicant:

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

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Agenda Item 10

WARD : Rhuddlan

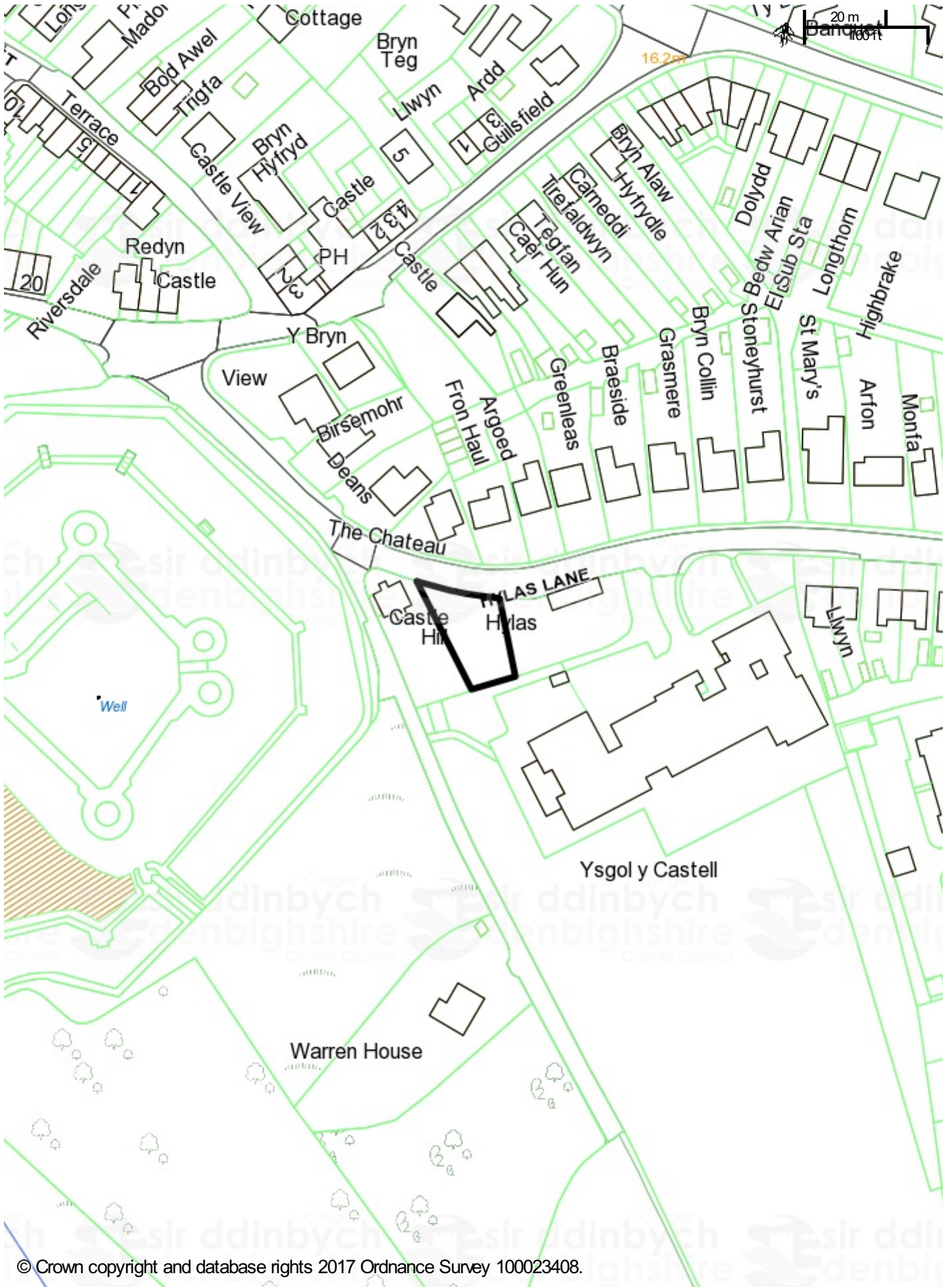
WARD MEMBERS: Cllr Ann Davies (c)
Cllr Arwel Roberts

APPLICATION NO: 44/2018/0028/ PF

PROPOSAL: Erection of 1 no. dwelling with detached garage and construction of a new vehicular access (amended details to previously approved under planning permission reference 44/2017/0072)

LOCATION: Land adjacent to Castle Hill Hylas Lane Rhuddlan Rhyl

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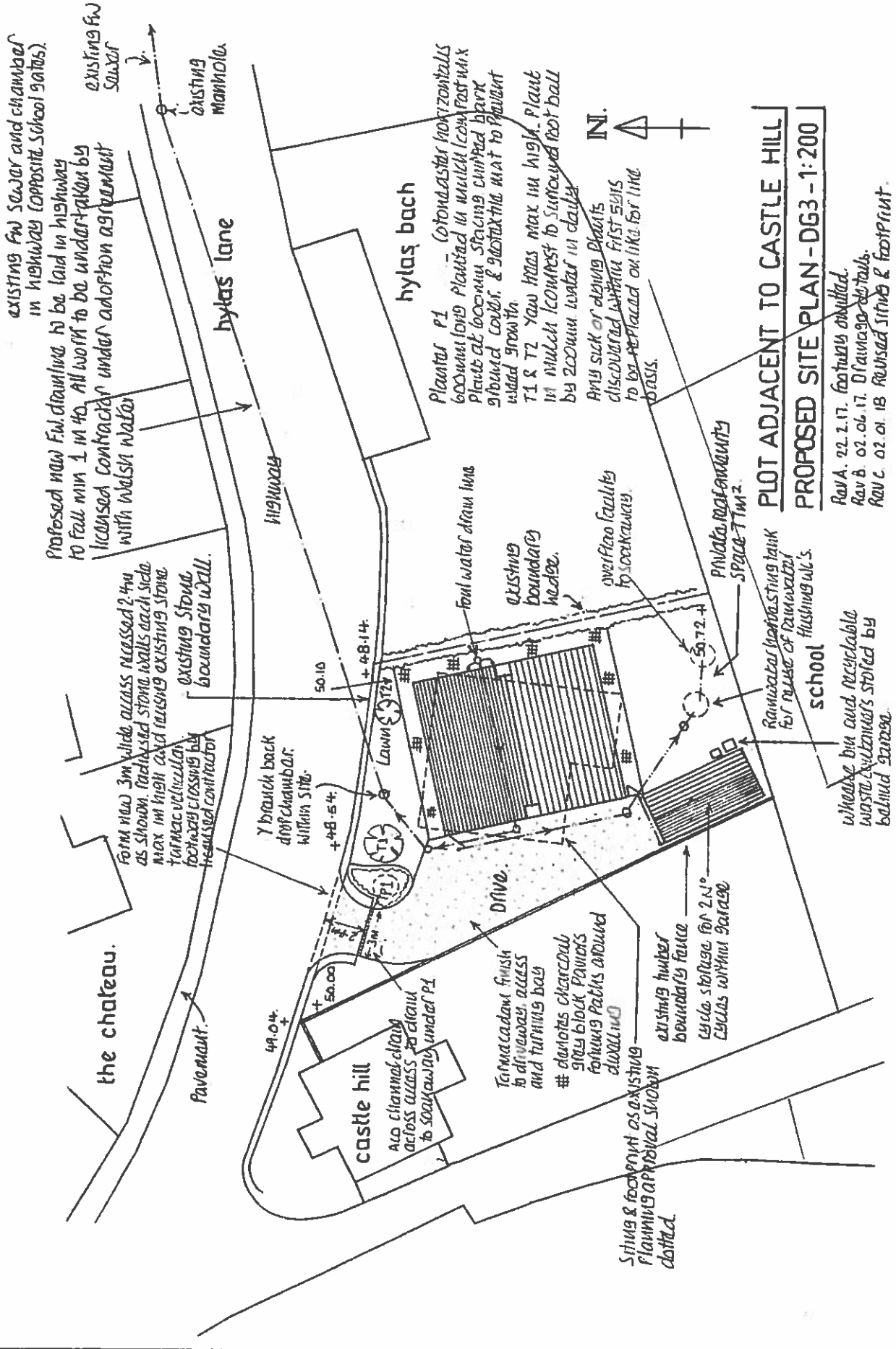
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PROPOSED SITE PLAN

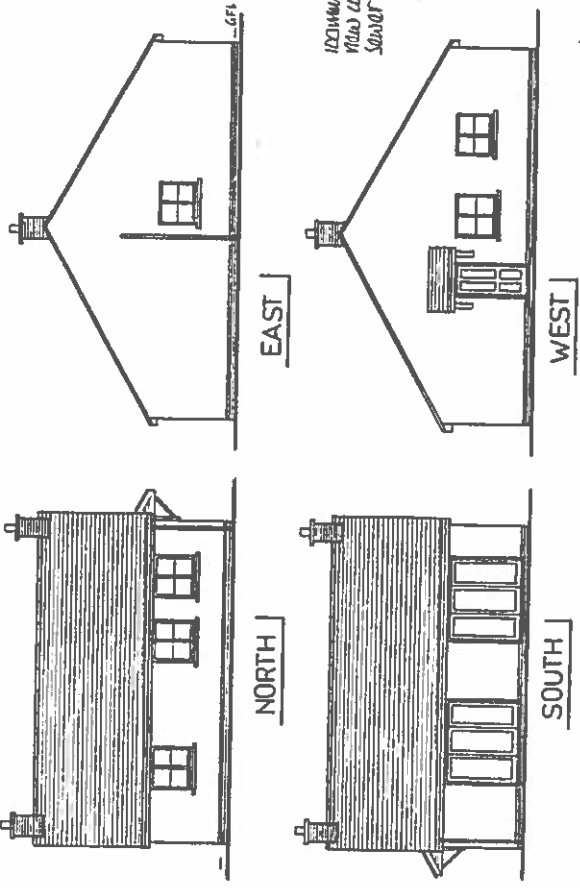


PROPOSED FLOOR & ELEVATION PLANS

PLOT ADJACENT TO CASTLE HILL RHUDDLAN - DG 1 - 1:50+1:100

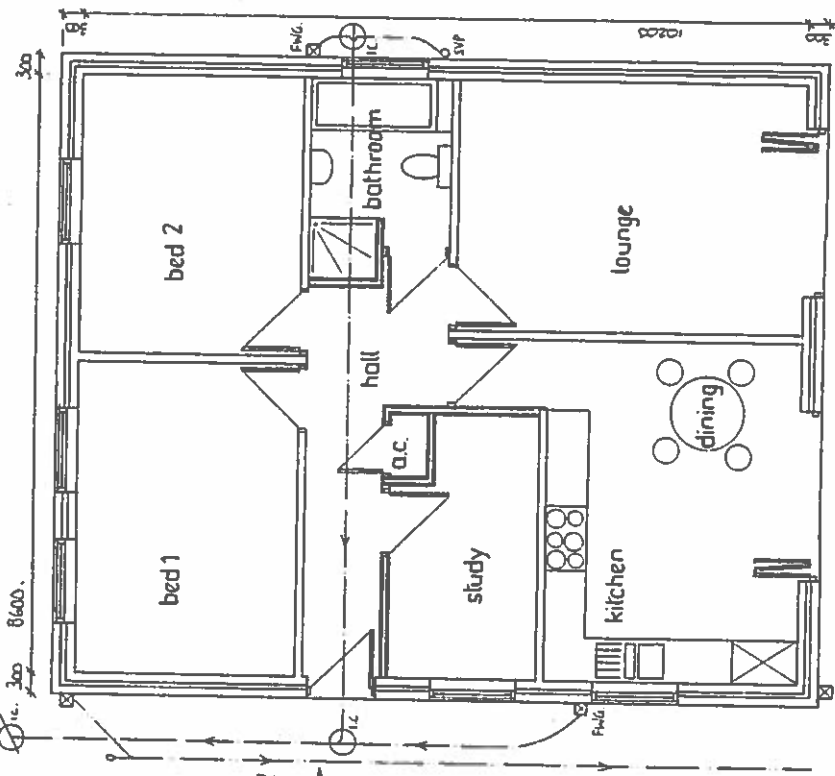
PROPOSED

Proposed External finishes.
 Roofs Natural blue mineral slate with charcoal grey ridge tiles.
 Black powder coated seamless aluminium deepflow gutters and matching rainwater pipes. Fascia boards to be treated hubbar with satin ebony woodstain finish.
 Walls White. Loft white tower cast render with black brick engineering brick piers painted in black mortar chimney stacks to be matching facing brickwork formed with brick slips on hubbar framework.
 Doors and windows etc. constructed from natural hubbar treated and painted white. window cill units to be 50mm thick natural blue mineral stone slabs.



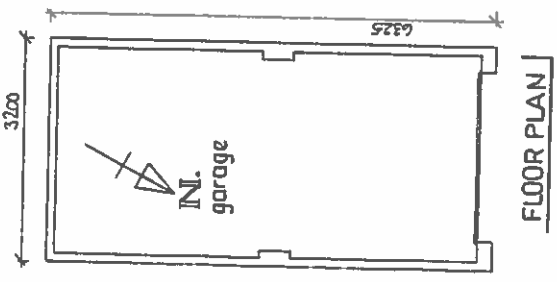
100mm dia F.p. drain to new connection to Public Sewer in Highway

100mm dia S.W. drain to rainwater harvesting tank in rear garden for reuse of rainwater. Limited back into abutments for flushing toilets etc.



Gross internal floor area 8172m²

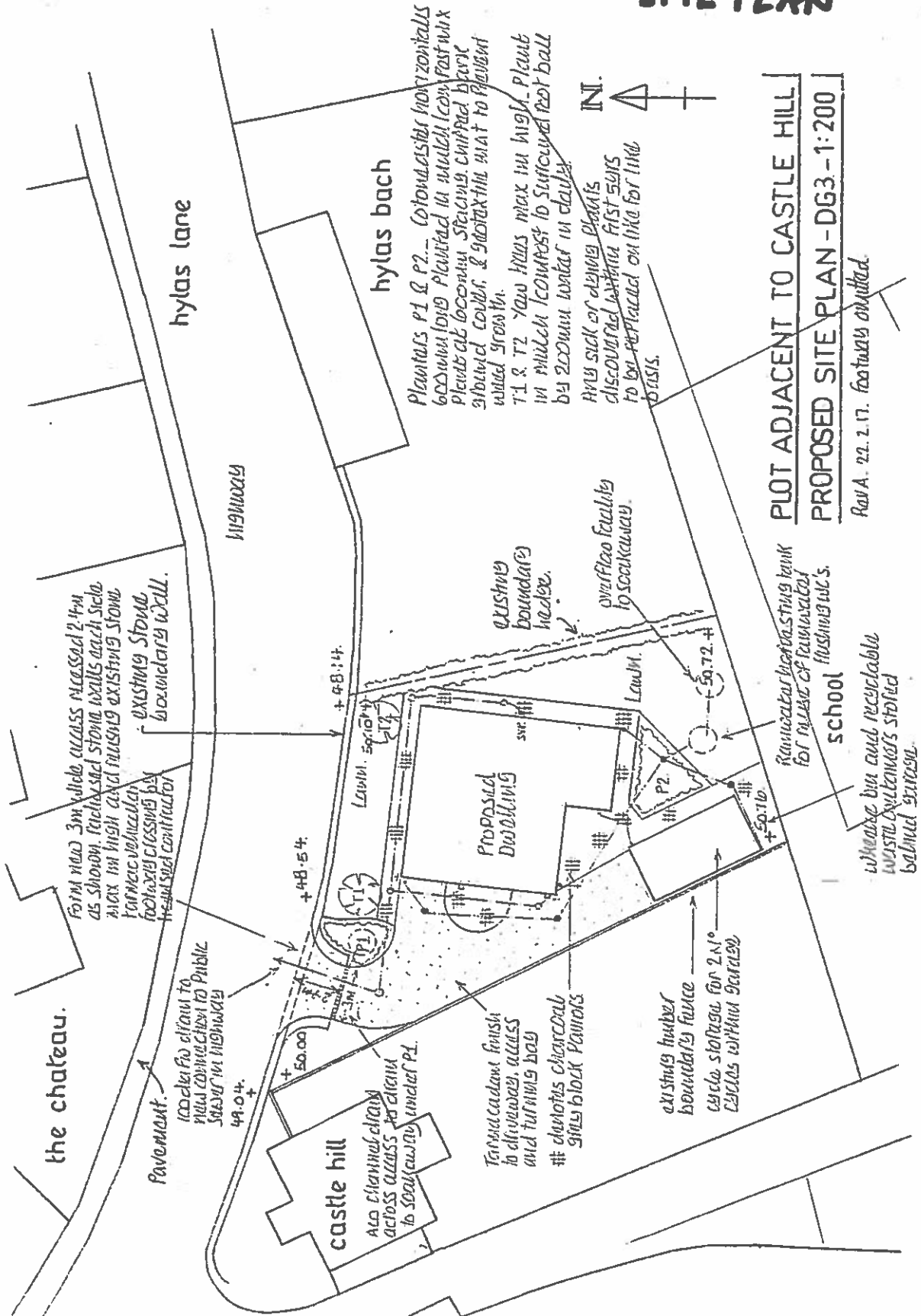
patio
FLOOR PLAN



FLOOR PLAN

MARCH 2017
PERMISSION

SITE PLAN



PLANT ADJACENT TO CASTLE HILL
PROPOSED SITE PLAN - DG3 - 1:200

Rev A. 22.2.17. features omitted.

201710072107

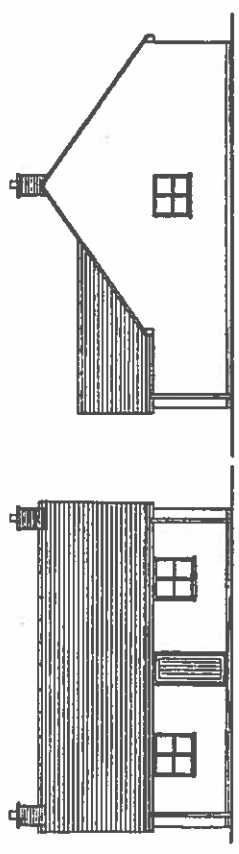
PLOT ADJACENT TO CASTLE HILL, RHUDDLAN-DG1

PROPOSED - 1:50+1:100

Proposed External Finishes

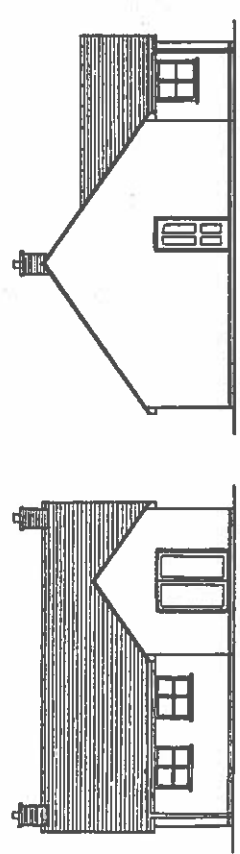
- Roof: Natural blue mineral slates with charcoal grey ridge tiles. Black powder coated seamless aluminium gutters and downpipes. Free white painted treated timber fascias etc.
- Walls: White leek coast render with fawn brick piers.
- Floors: All windows white painted treated softwood units

24 JAN 2017



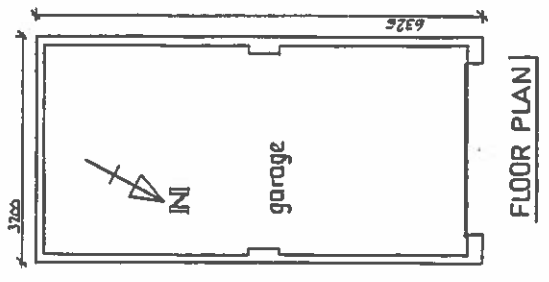
NORTH

EAST

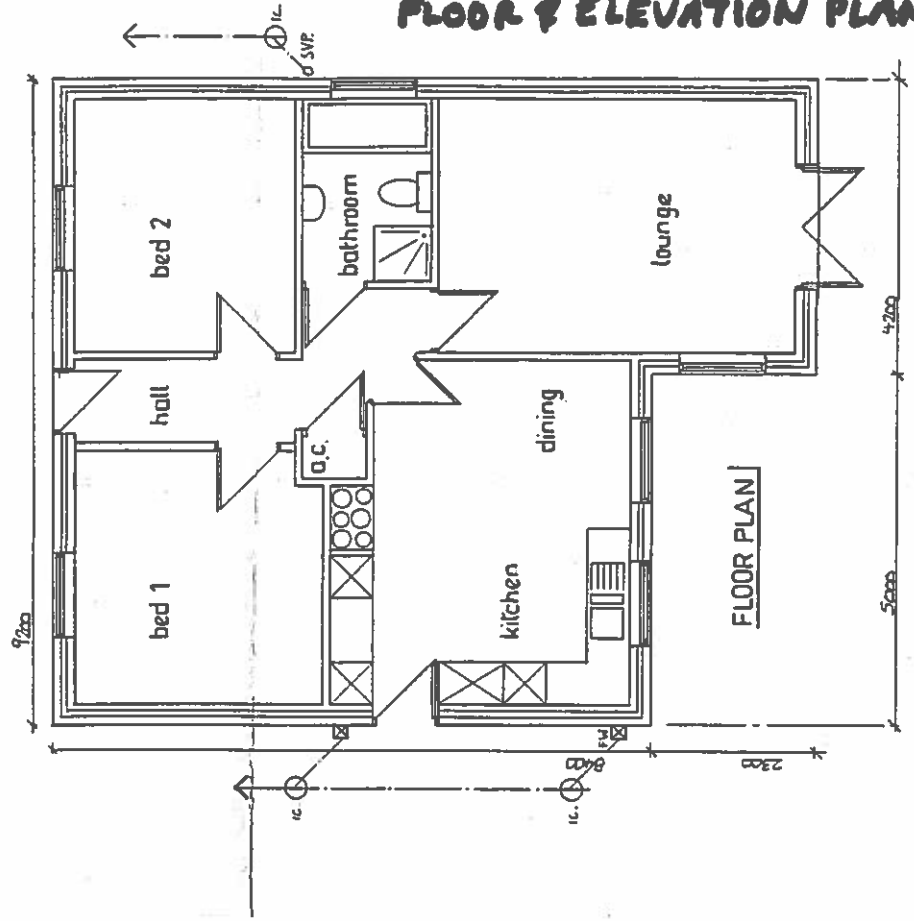


SOUTH

WEST



FLOOR PLAN



FLOOR PLAN

**MARCH 2017
PERMISSION
FLOOR & ELEVATION PLANS**

WARD : Rhuddlan

WARD MEMBERS: Cllr Ann Davies (c)
Cllr Arwel Roberts

APPLICATION NO: 44/2018/0028/ PF

PROPOSAL: Erection of 1 no. dwelling with detached garage and construction of a new vehicular access (amended details to previously approved under planning permission reference 44/2017/0072)

LOCATION: Land adjacent to Castle Hill Hylas Lane Rhuddlan Rhyl

APPLICANT: Mr Tom Gallagher

CONSTRAINTS: Conservation Area

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
"No objection "

DWR CYMRU / WELSH WATER
No objection subject to standard notes

CLWYD POWYS ARCHAEOLOGICAL TRUST
No objection subject to conditions.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
- Highways Officer
No objection.

RESPONSE TO PUBLICITY:
None.

EXPIRY DATE OF APPLICATION: 11/03/2018

EXTENSION OF TIME AGREED? 16/03/2018

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a detached single-storey dwelling on land adjacent to the dwelling Castle Hill, Hylas Lane in Rhuddlan.
- 1.1.2 The application proposes amendments to plans of a dwelling granted planning permission at Committee in March 2017. The application proposes a slight re-siting of the dwelling and 'squaring off' of the footprint of the house.
- 1.1.3 The dwelling would have a roughly square footprint of 9.2 metres by 10.8 metres and a ridge height of 5.5 metres with eaves of 2.6 metres above ground level.
- 1.1.4 The dwelling would comprise of two bedrooms, a study, bathroom, lounge, hall and kitchen/dining room. Windows are proposed on all elevations with the primary room windows facing to the front and rear of the site.
- 1.1.5 In addition to the dwelling, the scheme proposes a single detached garage in the rear south west corner of the plot, with a footprint of 6.3 metres by 3.2 metres, with a pitched roof and materials to match the house.
- 1.1.6 The development requires the creation of a new access point onto the road, involving the removal of a 5 metre wide section of stone wall fronting Hylas Lane.
- 1.1.7 The plans show the drainage layout and landscaping details, which are in line with the previous approval also. Foul drainage would be connected to the existing public sewer and surface water would be dealt with on site, facilitated by the installation of a rainwater harvesting tank and soakaway system.
- 1.1.8 The proposed siting of the dwelling and garage is shown in the plans at the front of the report, alongside the approved plans from the previous consent for a dwelling and garage in 2017.

1.2 Description of site and surroundings

- 1.2.1 The site is a vacant open parcel of land separated from the dwellings on each side by a fence (bordering Castle Hill to the west) and by a hedge (bordering Hylas Bach to the east). The site has been cleared in anticipation of the commencement of the development.
- 1.2.2 The land levels of the site rise up from the road to the south of the site. The front boundary is formed by a stone wall which is a feature of roads around the Castle. The rear (south) of the site backs onto the Ysgol y Castell playing fields.
- 1.2.3 The dwellings opposite the site are modern detached bungalows and houses typically formed from brick with tiled roofs, with the houses to each side of the site being more traditional with the use of stonework or white painted / rendered walls.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Rhuddlan as shown in the Local Development Plan, and is within a Conservation Area.

1.4 Relevant planning history

- 1.4.1 As mentioned above the site has the benefit of a planning permission in March 2017. This application seeks consent for basic amendments to this scheme.
- 1.4.2 Prior to this application there has been a consent in February 2012 for a detached dwelling and garage.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 Cllr Ann Davies has requested the application be considered at Committee to ensure the conditions attached to the consent are reviewed by Members.

2. DETAILS OF PLANNING HISTORY:

- 2.1 44/2011/1326 - Erection of a single storey dwelling and construction of a new vehicular access (site area 0.04ha): Granted 15/02/2012.
- 2.2 44/2014/1270 - Details of landscaping submitted in accordance with Condition 2 of planning permission Code No. 44/2011/1326/PF: Granted 18/11/2014.
- 2.3 44/2005/1021 - Development of 0.04 ha of land by erection of single dwelling and detached garage and construction of new vehicular access (outline application): Refused 13/10/2005 on the basis of impact on the Conservation Area and harm to the amenity of adjacent occupiers, but subsequently allowed at appeal on 10/07/2006 with the Inspector concluding that provided the proposed dwelling is single-storey in height, it would not have an adverse impact upon the amenities enjoyed by neighbouring residents and would not detract from character of the Conservation Area.
- 2.4 44/2008/1261 - Details of siting, design and external appearance of the building, access thereto and landscaping, submitted in accordance with condition no.1 of outline planning permission code no. 44/2005/1021/PO: Refused 16/11/2009. Reason - submitted design and details of the dwelling are unacceptable and would adversely impact upon the character and appearance of the Rhuddlan Conservation Area.
- 2.5 44/2007/1250 - Details of siting, design and external appearance of the building, access thereto and landscaping, submitted in accordance with condition no.1 outline planning permission code no. 44/2005/1021/PO: Refused 10/01/2008. Reason - design and appearance of the proposed dwelling and the associated driveway and access works proposed would neither retain nor enhance the character and appearance of the conservation area or the adjacent Listed Building.
- 2.6 44/2017/0072/PF Erection of 1 no. dwelling with detached garage and construction of a new vehicular access. Granted 15/03/2017 by Planning Committee.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
- Policy RD1** – Sustainable development and good standard design
 - 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 ASA3** – Parking standards

Supplementary Planning Guidance

- SPG – Access for All
- SPG – Residential Space Standards
- SPG – Residential Development Design Guidance
- SPG – Residential Development
- SPG – Parking Requirements in New Developments
- SPG – Planning Obligations
- SPG – Conservation Areas

3.2 Government Policy / Guidance

- Planning Policy Wales (Edition 9) November 2016
- Development Control Manual November 2016

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, 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' (PPW 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, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that 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 (DMM section 9.4).

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity and impact on the Conservation Area
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Archaeology
- 4.1.6 Open Space

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development in towns is BSC1 which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries. Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria.

The site is located within the development boundary of Rhuddlan in the LDP. The principle of the development of a dwelling in such a location would be acceptable in general policy terms. The detailed impacts are considered below.

4.2.2 Visual amenity and impact on the Conservation Area

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the visual amenity of the area. There is a general requirement for development proposals to respect the site and surroundings by virtue of siting, scale, form, character, materials and spaces in and around buildings. Public views into and out of townscapes and across the open countryside should also be respected

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6) stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting. The SPG provides further guidance on the subject.

The detailing of the proposed dwelling and garage remain very much the same as the 2017 approval, as can be seen on the plans at the front of the report. However to be consistent with the approach adopted to the previous proposal, given the location close to the stone dwelling at Castle Hill and the Castle itself, it is suggested that use of stonework would be appropriate and that a condition be attached requiring the approval of the details of external wall materials.

It is therefore concluded that the development complies with Policy RD 1 in regard to visual appearance and the scheme does not detract from the character and appearance of the Conservation Area, and that it is in accord with the guidance set out in the SPG.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc. The Residential Space Standards SPG sets out the minimum internal floor space and garden areas required for new dwellings and advice is provided within the Residential Development SPG on siting generally.

The proposed dwelling and garage are single-storey and located in a very similar position to that of a previous approval at the site, with the fence along the side boundary to Castle Hill and the hedge to the other side boundary to Hylas Bach both being shown as retained on the proposed layout plan.

As the scheme is very similar to previous proposals at the site, it is concluded that the scheme as proposed is acceptable in terms of residential amenity considerations, including the requirements of Policy RD 1 and the SPGs relating to residential developments. It is recommended that a condition removing permitted development rights be attached to ensure that the longer-term privacy of the nearby residents is protected.

4.2.4 Highways (including access and parking)

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

The plans show access would be from Hylas Lane. The access arrangements have been approved in 2017 and prior to this in previous approvals. An area is shown to the side of the dwelling which could be utilised for parking.

Highways Officers have not objected to the proposal, therefore Officers would consider the proposal would not give rise to unacceptable adverse impacts on highway safety.

4.2.5 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.

CPAT have advised that the site is located close to an area of archaeological significance at Rhuddlan Castle.

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.

4.2.6 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings. At the time of this report being prepared, for single dwellings the payment of a commuted sum of £1237.22 was required.

The development is therefore considered to be able to comply with the requirements of Policies BSC 3 and BSC 11 via a suitable condition.

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 application seeks planning permission for some basic changes to the previously approved scheme. The changes are considered wholly acceptable under the relevant policies and unlike previous proposals on this site there are no objections to the scheme. As such the application is considered acceptable and 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 March 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed elevations and floor plan (Drawing No. 1) received 15 January 2018
 - (ii) Existing site plan (Drawing No. 2 Rev A) received 15 January 2018
 - (iii) Proposed site plan (Drawing No. 3 Rev C) received 15 January 2018
 - (iv) Location plan received 15 January 2018

3. Notwithstanding the approved plans, no works shall be permitted to commence on the external walls or roofs of the dwelling until the written approval of the Local Planning Authority has been obtained to the material to be used thereon, and shall include for the use of natural stone and slate to match that used on the adjoining dwelling Castle Hill. The development shall be carried out in accordance with the approved details.
4. Prior to the commencement of work thereon, the written approval of the Local Planning Authority shall be obtained in respect of the detailing of the rainwater goods and window materials to be used for the development hereby permitted and no materials other than those approved shall be used.
5. The access shall be laid in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site, and facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan prior to the dwelling being first occupied.
6. The dwelling shall not be occupied until the written approval of the Local Planning Authority has been obtained to the details of a full landscaping scheme.
7. 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 dwelling. 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.
8. The hedge along the eastern side boundary to Hylas Bach shall be retained in its entirety, and 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.
9. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
10. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
11. The dwelling hereby approved shall not be occupied until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's policies and Supplementary Planning Guidance in relation to the provision of Open Space.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of visual amenity and to ensure that the facing materials for the dwelling are sympathetic to the adjacent property at Castle Hill.
4. In the interests of the visual amenity of the Conservation Area.

5. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. In the interests of landscape and visual amenity.
7. In the interests of visual and residential amenity.
8. In the interests of visual amenity.
9. In the interests of residential and visual amenity.
10. In the interest of preservation of archaeological remains.
11. In the interest of compliance with adopted open space policies.

Agenda Item 11

WARD: Tremeirchion

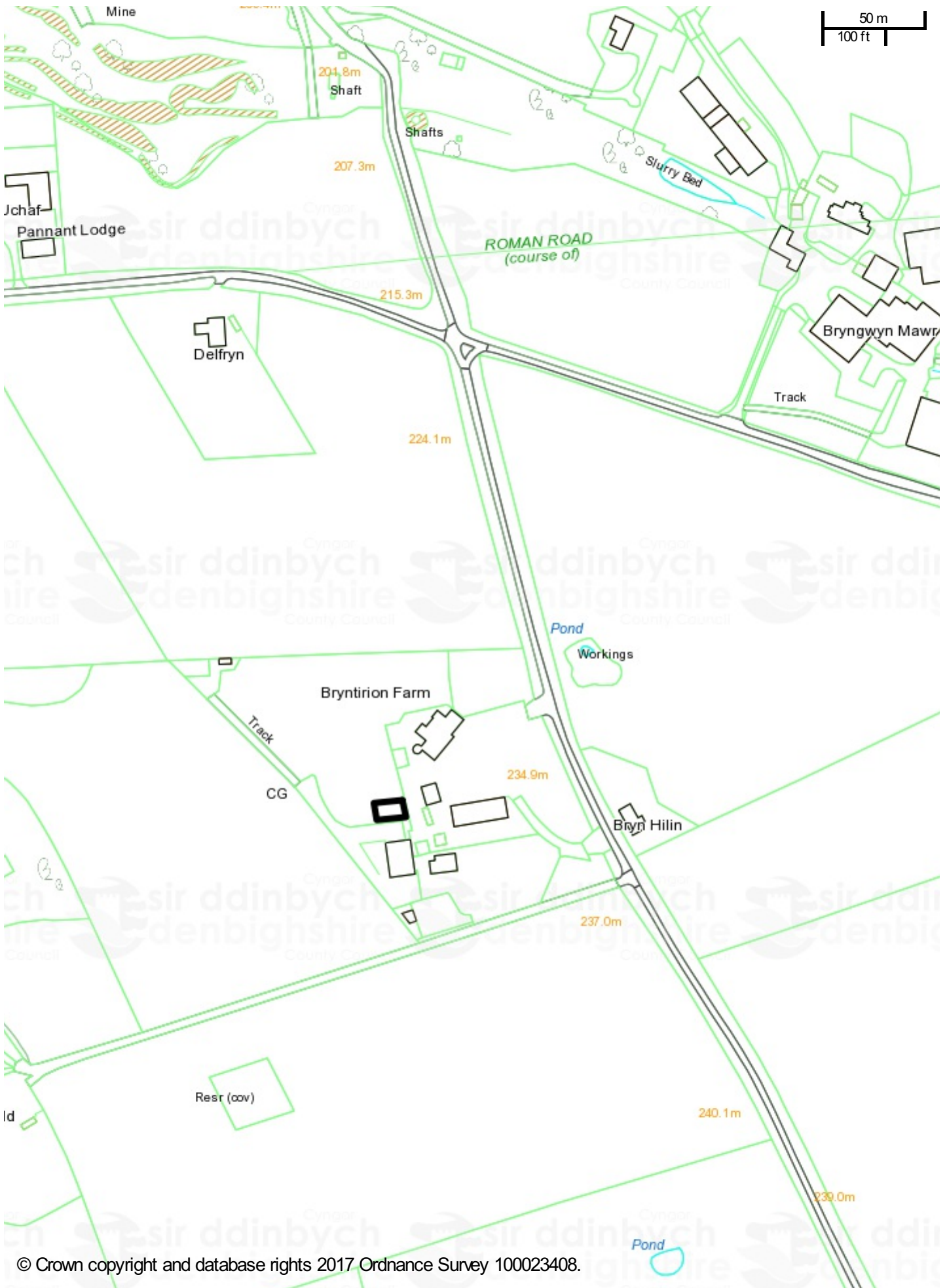
WARD MEMBER: Cllr Christine Marston (c)

APPLICATION NO: 47/2017/0839/PF

PROPOSAL: Erection of an agricultural building for lambing

LOCATION: Bryntirion Farm Rhualt St Asaph

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47/2017/0839

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Printed on: 27/2/2018 at 9:40 AM

FLOOR & ELEVATION PLANS

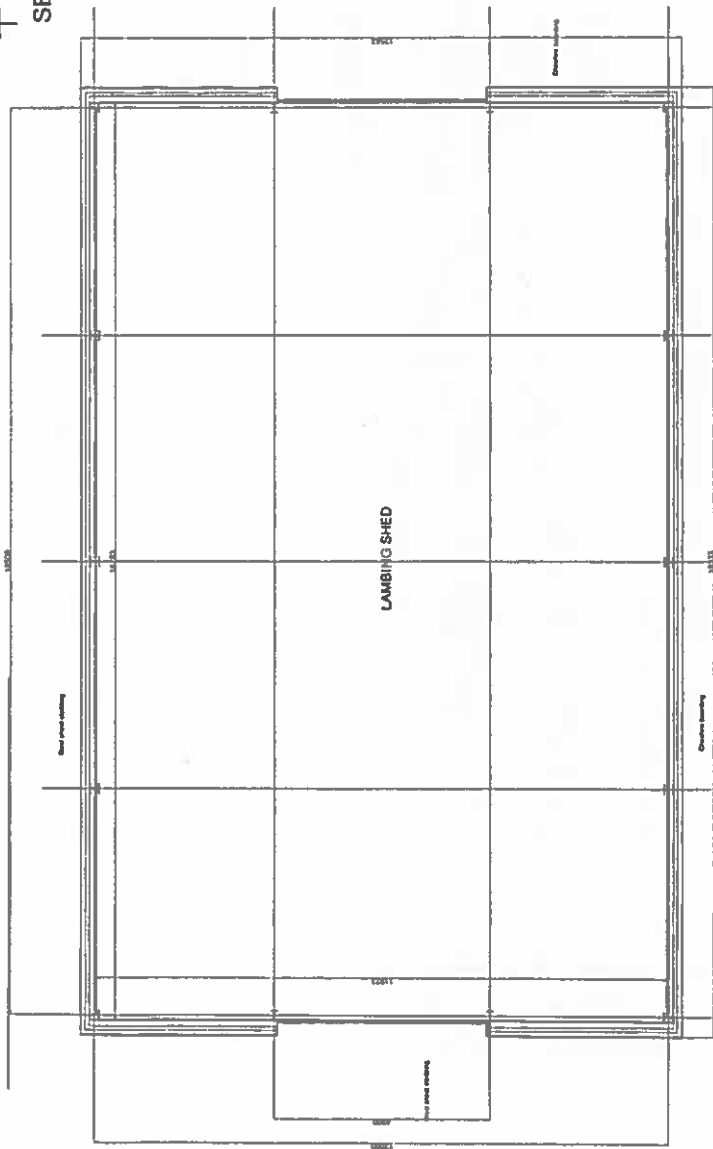
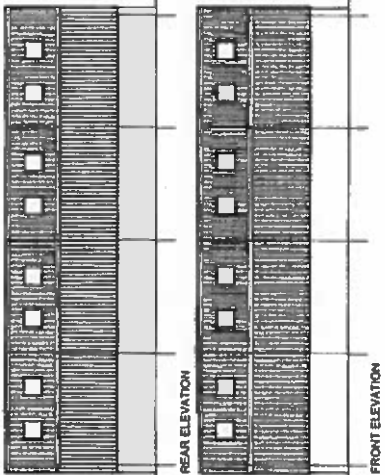
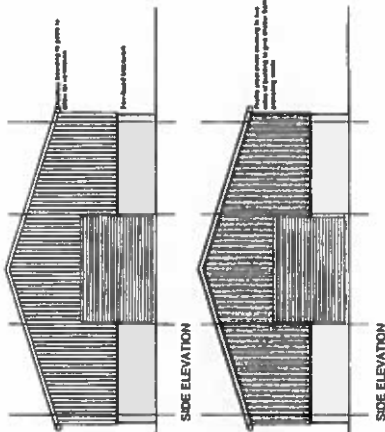
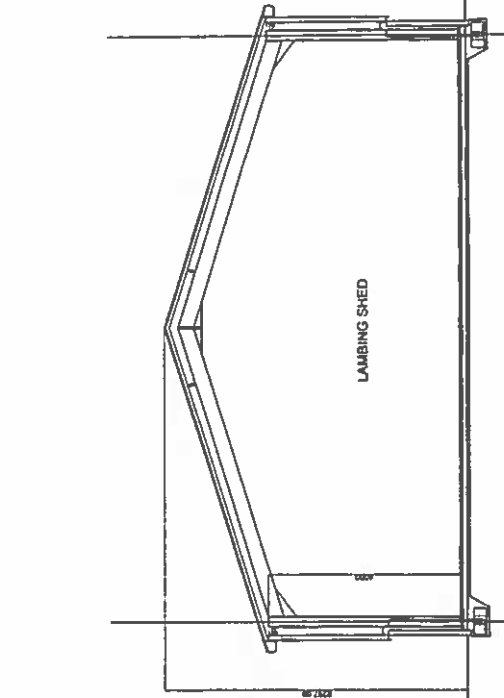
PLANSCAPE
PROFESSIONAL ARCHITECTS



Mr Mike Walsh
Proposed Lambing Shed
Project Name
150 1 100
12 Aug 2016

W137B/1
B

EXTERNAL MATERIALS
WALLS
Roof
Floor
Siding
Paint
Finish
Ground cover
Slope



PLANSCAPE

WARD: Tremeirchion

WARD MEMBER: Cllr Christine Marston (c)

APPLICATION NO: 47/2017/0839/PF

PROPOSAL: Erection of an agricultural building for lambing

LOCATION: Bryntirion Farm Rhualt St Asaph

APPLICANT: Mr Mike Walsh

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL –

Comments on the originally submitted plans:

“Objection as the proposal was too large and overdevelopment of the site. The building would be twice as large as the Agriculture Ministry’s guidelines, the lambing shed would be outside the curtilage of the stock work and it wasn’t clear if the 17 acres mentioned for other sheep had any permanence.”

Comments on revised plans:

“Objection as the proposal was too large and constitutes an overdevelopment on the site. The building would be twice as large as the Agriculture Ministry’s guidelines.”

AONB Joint Committee –

Raised initial concerns at the original plans, but submitted further comments on 14 February 2018 raising no objection as follows:

“The Joint Committee notes the amended siting of the building which is better related to the existing complex of buildings on the site. Providing the planning authority is satisfied that there is a genuine agricultural need for an additional building to serve the needs of this modest holding, the committee has no objection to the application. However, it is recommended that a landscaping scheme is required to break up views of the new structure. This should comprise small groups of standard sized native local trees planted in the vicinity of the building and fenced off to protect them from stock.”

NRW –

No objection. Building is better related to the building complex. Suggest inclusion of a condition on any permission requiring the submission of a landscaping scheme.

RESPONSE TO PUBLICITY: None.

ORIGINAL EXPIRY DATE OF APPLICATION: 18/10/2017

AGREED EXTENSION OF TIME DATE: 28/02/2018

REASONS FOR DELAY IN DECISION (where applicable):

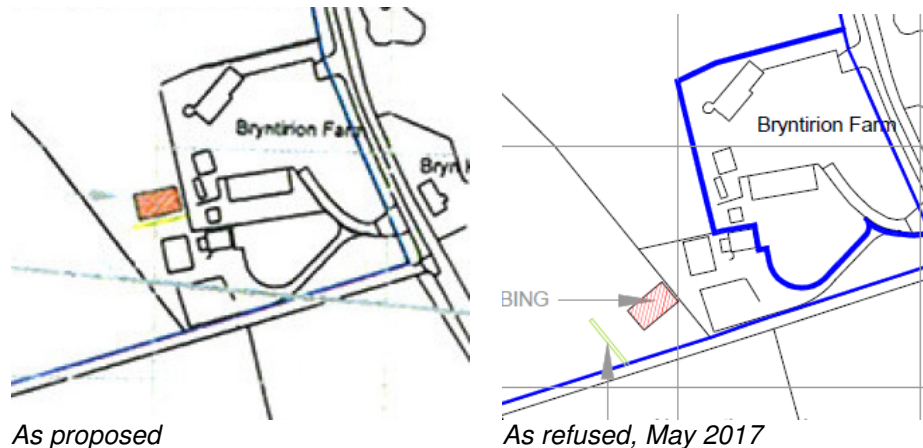
Revision of scheme to re-site the building to a more appropriate position.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application follows a previous refusal at the site for a lambing building (ref 47/2017/0255/PF) on 8 May 2017 and proposes the erection of a new lambing building to be sited in an open field immediately adjacent to the western boundary of the applicant's curtilage.
- 1.1.2 The proposed building has a footprint of 19.3 metres by 12.6 metres with a pitched roof up to a ridge height of 6.3 metres and eaves of 4.0 metres. The structure would be constructed with a portal frame with dark green steel profile cladding and vertical Cheshire boarding above concrete block base walls, with a dark grey corrugated sheet roof.
- 1.1.3 An extract from the proposed site plan is shown below to illustrate the development, alongside the proposed siting of the building which was refused permission in May 2017.



1.2 Description of site and surroundings

- 1.2.1 The building would be on land standing adjacent to the curtilage and buildings of Bryntirion Farm which lies to the east. A track runs to the south, with the northern and western boundaries being to further open fields and sloping land.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 Along with the May 2017 refusal, the site and the adjacent complex of the applicant's property have an extensive planning history for buildings and changes of use.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The submission is accompanied by a Design and Access Statement which puts forward the following information in support of the scheme:
- The farm is a registered smallholding.
 - The holding extends to around 25 acres with the dwelling, outbuildings and yard to the south east.
 - The site is well screened
 - The additional lambing shed is to provide lambing and winter accommodation for a total of an additional 100 ewes
 - As a result, the agricultural unit will be able to accommodate a total of 160 sheep.
 - The additional shed will be sited close to the existing lambing shed at the head of the existing yard area, giving livestock ready access to the existing paddock

- Siting and design have been carefully considered in order to minimise impact on the character and appearance of the countryside whilst at the same time providing functional livestock accommodation.

2. DETAILS OF PLANNING HISTORY:

2.1 The site has an extensive planning history as set out below:

appref	uprn	ate	type	proposal	decision
47/2004/1013	47	2005-03-2	DC-GPC	Retention of triple garage, attached kennel block, entrance gates, pillars and CCTV column	Granted
47/2011/0768	10002252	2011-10-1	DC-GPF	Erection of Agricultural Building (Lambing Shed)	Caniatu
47/2003/0069	47	2005-08-1	DC-WDN	Demolition of buildings and erection of swimming pool enclosure and use of land to form	Withdraw
47/2001/0877	47	2001-11-0	DC-GPF	Demolition of dwellings and erection of new dwelling and detached garage	Caniatu
47/2003/0178	47	2003-04-2	DC-GEL	Rebuilding of existing 11kV overhead line supported by wood poles	No object
47/2005/0431	47	2005-08-3	DC-GPF	Demolition of building and erection of swimming pool enclosure	Caniatu
47/2002/0676	47	2002-07-0	DC-GAC	Details of Condition No. 3 (landscaping) on planning permission Ref. No. 47/2001/0877/PF	Granted
47/2006/1278	47	2006-12-2	DC-RPF	Erection of agricultural equipment shed	Refused
47/2007/0834	47	2007-10-2	DC-RPF	Erection of detached equipment store	Refused
47/2011/0647	0	2011-06-1	DC-RFA	Erection of an agricultural building for sheep	Refused
47/2010/1272	47	2011-02-1	DC-GPF	Erection of detached garden equipment store	Caniatu
47/2008/0813	47	2008-09-2	DC-RPF	Erection of detached equipment store	Refused
47/2010/0962	47	2010-12-0	DC-RPF	Erection of a 10 kw wind turbine on a 12m tower with a 9.6m rotor diameter (approximat	Refused
47/2010/0332	47	2010-05-1	DC-GPF	Erection of single storey and two storey pitched roof extensions to rear	Caniatu
47/2012/0368	0	2012-05-3	DC-GPC	Erection of building to house water storage tank (retrospective application)	Granted
47/2012/0333	10002252	2012-05-3	DC-RPC	Continuation of use of land as ancillary play area to main dwelling and retention of tree h	Refused
47/2012/1325	0	2015-07-0	DC-XXX	Continuation of use of land for recreational purposes and retention of tree house above e	GENERAL
47/2015/0216	0	2015-04-2	DC-GPF	Erection of a sun lounge extension	Caniatu

2.2 In addition to the above, 47/2017/0255/PF "Erection of an agricultural building for lambing" was refused on 08/05/2017 for the following reason:

1. *It is the opinion of the Local Planning Authority that the application has failed to justify why the proposed building is appropriate in scale and nature for its location, and the application has not provided the necessary business case to demonstrate that the development will support the local economy. It is further adjudged that in the absence of the necessary justification the proposed building would adversely affect the character and quality of the Vale of Clwyd and Dee Valley AONB and the reasons for its designation. The development is therefore contrary to criteria i), iii) and iv) of Policy PSE 5 along with the requirements of Policy VOE 2 of the Denbighshire Local Development Plan and the advice of Planning Policy Wales and the Development Control Manual November 2016.*

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural Economy

Policy VOE2 – AONB/AOB

3.2 Supplementary Planning Guidance

None

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual

3.4 Other material considerations

None

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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' (PPW 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, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that 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 (DMM section 9.4).

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity and impact on the AONB
- 4.1.3 Residential amenity
- 4.1.1 Highways (including access and parking)
- 4.1.2 Impact on best and most versatile agricultural land

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Paragraph 7.6.5 of PPW advises that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

TAN6 Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN6 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

Policy PSE5 states that development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising any special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

The principle of constructing new agricultural buildings is acceptable in relation to current planning policy and guidance. With respect to the Community Council's concerns over the size of the building, the applicant's agent has outlined stocking figures which set out the need for the additional building in the submission, which officers consider addresses previous concerns.

In this instance, it is suggested the key issues are the local impacts of the development, which are reviewed in the following sections of the report.

- 4.2.2 Visual amenity and impact on the AONB

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

Policy 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.

The requirements of Policy PSE 5 are very clear for new buildings in regard to such development only being acceptable where the proposal is appropriate in regard to its scale and nature, The policy also requires such development to take full account of the AONB and seek to enhance the nature and distinctive qualities of the local landscape, with proposals that are considered detrimental to the quality of the AONB being refused.

The Community Council have concerns over the size of the building and consider it would be an overdevelopment of the site. The AONB Joint Committee have no objection subject to additional landscaping. NRW request a condition be attached to secure a landscaping scheme.

The current scheme proposes a revised location of the building which in Officers' opinion addresses previous concerns over its visual / landscape impact. In respecting comments over the impact of the building, it is considered that the proposal is now acceptable. The removal of the previous objection from the AONB Joint Committee is a relevant matter and lends weight to the argument that no visual harm would arise from the development. Conditions are suggested requiring submission, approval and implementation of landscaping proposals.

4.2.3 Residential amenity

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

The new building is set adjacent to the existing property of the applicant and it is not considered that the additional building proposed will result in any substantive harm to the amenity of any other residents.

4.2.4 Highways (including access and parking)

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

As the proposal will utilise the existing access the scheme does not raise any issues in regard to highways safety.

4.2.5 Impact on best and most versatile agricultural land

Planning Policy Wales (Section 4.10) obliges considerable weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification system of the Department for Environment, Food and Rural Affairs. This land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. PPW indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

Whilst the proposed building would be located on an existing area of agricultural land its intended use for livestock is not considered to represent any significant loss of the best and most versatile agricultural land.

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 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to 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 March 2023.
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) Covering Letter (Drawing No. K/DNS/12603) - Received 24 August 2017
 - (ii) Design and Access - Received 24 August 2017
 - (iii) Proposed Floor Plans and Elevations (Drawing No. W.1378/1B) - Received 24 August 2017
 - (iv) Site Plan and Section (Drawing No. W.1378/3) - Received 30 January 2018
 - (v) Location Plan (K/12603-1) - Received 1 February 2018
3. Prior to the development hereby permitted being brought into use a full landscaping scheme shall be submitted and approved in writing by the Local Planning Authority.
4. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. 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 otherwise agreed in writing.

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 landscape and visual amenity.
4. In the interests of visual amenity.

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INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
PLANNING APPEALS UPDATE

1. PURPOSE OF REPORT

1.1 This item provides members with information on recent planning appeal decisions received from the Planning Inspectorate on cases within the County. It covers the 6 month period from September 2017 to date.

2. CONTENTS

2.1 **Appendix A** attached contains a quick guide table listing the appeal decisions received in this period, with basic information including the outcome, type of appeal, and input from Planning Committee and Town / Community Councils.

2.2 **Appendix B** provides a summary / review of key points relevant to each case.

2.3 If Members wish to read the full versions of the Planning Inspectors' decisions on the appeals, these can be viewed via the Denbighshire website (*Planning; Find a planning application; (Insert reference number of application); Search; Documents; Appeal decision.*

3. RECOMMENDATION

3.1 That the report be received for information.

EMLYN GWYNEDD JONES

HEAD OF PLANNING AND PUBLIC PROTECTION

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APPENDIX A

Appeal Case	Decision Date	Decision	Appeal Type	Officer Recommendation	Committee Decision	Town Council Response
1 16/2016/1045 - Llanbedr Hall, Llanbedr D.C.	18/10/2017	Allow	Hearing	Grant	Refuse	Objection - highway concerns
2 01/2016/0374 - Cae Topyn, Denbigh	28/11/2017	Allow	Inquiry	Grant	Refuse	Objection
3 25/2015/0321 - Pant y Maen / Llyn Bran, Bwlchau	11/01/2018	Allow	Written	Refuse	Refuse	Objection - visual impact, noise, water supply, ecology, tourism
4 40/2016/1116 - Woodland View, Teryn, Bodelwyddan	10/08/2017	Dismiss	Written	Delegated - Refuse	N/A	No response received
5 01/2016/1002 - Bryn Hyfryd, Denbigh	15/08/2017	Dismiss	Written	Delegated - Refuse	N/A	No objection
6 16/2016/1173 - Llanbedr hall, Llanbedr D.C.	18/10/2017	Dismiss	Hearing	Delegated - Refuse	N/A	Objection - highways, drainage
7 43/2016/0600 - Mlndale Farm, Meliden	13/10/2017	Dismiss	Hearing	Grant	Refuse	Objection - highways, drainage, removal of trees
8 43/2016/1036 - Three Trees, Upper Brynithon Drive, Prestatyn	28/09/2017	Dismiss	Written	Delegated - Refuse	N/A	No objection
9 44/2017/0055 - 31 Princes Park, Rhuddlan	02/10/2017	Dismiss	Written	Refuse	Refuse	No objection
10 18/2017/0281 - Plas Newydd, Whitechurch Road, Llandyrnog	04/10/2017	Dismiss	Written	Delegated - Refuse	N/A	Object - need, impact on area, access
11 05/2017/0320 - Flat Ferylfa, Bridge Street, Corwen	15/09/2017	Dismiss	Written	Delegated - Refuse	N/A	No observations
12 27/2017/0657 - 3 Fron Deg, Rhewl, Langollen	07/11/2017	Dismiss	Written	Delegated - Refuse	N/A	No response received
13 40/2017/0701 - Coach House, Vicarage Close, Bodelwyddan	15/01/2018	Dismiss	Written	Delegated - Refuse	N/A	Objection - not in keeping with the area
14 10/2017/0747 - Bryn y ffynnon, Brynreglwys	09/02/2018	Dismiss	Written	Delegated - Refuse	N/A	No response received

- A total of 14 appeal decisions received from 1/9/2017 - 1/3/18
 - All were planning appeals
 - 3 were allowed, 11 were dismissed (79% success)
 - 10 out of the 14 appeals were dealt with through written representations, 3 by Hearings, 1 by Public Inquiry
 - 5 of the 14 decisions were in relation to applications refused at Planning Committee. Of the 3 Committee refusals against Officer recommendation, 2 were allowed on appeal, 1 was dismissed
 - 9 of the 14 planning appeals arose from delegated Officer decisions, and all 9 were dismissed
 - All 3 allowed appeals were in relation to applications on which the respective Community Councils had objected
 - Of the 11 dismissed appeals, the respective Community Councils had raised objections to 4 of the applications, and no objections or no responses to the other 7.
 - Costs were awarded against the Council in 2 cases (Llanbedr Hall and Cae Topyn)

APPENDIX B

APPEALS SUMMARY

APPEALS ALLOWED

1. APPLICATION NO. 16/2016/1045

SITE ADDRESS: **Llanbedr Hall, Llanbedr D.C., Ruthin**

PROPOSAL: Development of land without complying with conditions subject to which a previous planning permission was granted (Condition 12 of permission 16/2016/0545, requiring approval of arrangements for restricting vehicular access to the site, and details of passing bays)

BASIS OF REFUSAL: The impact of the potential additional use of the rear driveway to Lon Cae Glas and the A494.

TYPE OF APPEAL: **Hearing**

COSTS AWARDED AGAINST COUNCIL: YES

ISSUES OF NOTE

The Inspector considered the main issue was whether the disputed condition is necessary in the interests of highway safety, and reasonable.

Inspector's conclusions:

The existing access condition, which restricts access to the rear driveway only, is not necessary in the interests of highway safety or reasonable. In reaching that conclusion, regard was had to the concerns of local residents in respect of highway safety and other matters but, because of the planning history of the site, they did not amount to compelling reasons to refuse the appeal.

Costs

Costs were awarded on the basis that there were no reasonable planning grounds for refusing the application to vary the condition and the Council's behaviour in doing so was unreasonable. Whilst the Inspector accepted the hearing would have been held in any case to address the more recent refusal of the planning application for 11 dwellings, the cost of defending the variation of condition appeal at the hearing, however, was unnecessary.

2. APPLICATION NO. 01/2016/0374

SITE ADDRESS: **Cae Topyn, Denbigh**

PROPOSAL: Erection of 75 dwellings

A report on this appeal decision was presented to the January 2018 Planning Committee.

3. APPLICATION NO.

SITE ADDRESS: **Pant y Maen, Llyn Bran, Bwlchau**

PROPOSAL: 7 turbine windfarm

A report on this appeal decision was presented to the February 2018 Planning Committee.

APPEALS DISMISSED

4. APPLICATION NO. 40/2016/1116

SITE ADDRESS: **Land adjacent to Woodland View, Terfyn, Bodwelwyddan**

PROPOSAL: Construction of new dwelling

BASIS OF REFUSAL: The site is outside any development boundary, would not constitute infill, would be unacceptable ribbon development and would not meet the affordability criteria in the development plan.

TYPE OF APPEAL: Written representations

ISSUES OF NOTE

The Inspector considered the main issue was whether the proposal accords with planning policies that seek to strictly control residential development in the open countryside, and the effect on the character and appearance of the area.

Inspector's conclusions:

The development would have a harmful effect on the character and appearance of the area and conflict with the housing objectives of national planning guidance set out within PPW and Policies BSC8 and BSC9 of the LDP.

5. APPLICATION NO. 01/2016/1002

SITE ADDRESS: **Land adjacent to Bryn Hyfryd, Denbigh**

PROPOSAL: Removal of condition 4 from planning permission 01/2014/1283, requiring agreement to arrangements to secure the dwelling as an affordable dwelling for local needs.

BASIS OF REFUSAL: The removal of Condition 4 would result in failure to deliver an affordable dwelling to meet local need.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issue was whether it is reasonable and necessary to secure the development as an affordable dwelling for local needs.

Inspector's conclusions:

In order for the proposed development to accord with Policy BSC 9 of the LDP its occupation as affordable housing for local need is required. On the figures presented it would be financially viable to build a three bedroom property on the site although not of the maximum size allowed under the permission. Did not consider this sufficient reason to justify the erection of a market dwelling instead. Although the lack of a five year housing land supply does add weight in favour of the appeal, did not consider it sufficient to warrant allowing the appeal. Concluded that the erection of a market dwelling on the site would be contrary to Policy BSC 9 of the LDP and the advice and guidance contained in SPG Affordable Housing and PPW. The removal of Condition 4 is not justified.

6. APPLICATION NO. 16/2016/1173

SITE ADDRESS: **Llanbedr Hall, Llanbedr D.C., Ruthin**

PROPOSAL: Demolition of hall and erection of 11 three storey detached dwellings.

BASIS OF REFUSAL: Unacceptable visual and residential amenity impacts, incoherent form of development impacting on the surroundings and context.

TYPE OF APPEAL: Hearing

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the proposed development on the character and appearance of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB);

Inspector's conclusions:

The proposed development, primarily by reason of its layout, would cause unacceptable harm to the character and appearance of the AONB in which it is located.

7. APPLICATION NO. 43/2016/0600

SITE ADDRESS: Mindale Farm, Meliden

PROPOSAL: Erection of 133 dwellings.

A report on this appeal decision was presented to the January 2018 Planning Committee.

8. APPLICATION NO. 43/2016/1036

SITE ADDRESS: **Land at Three Trees, Upper Bryntirion Drive, Prestatyn**

PROPOSAL: Erection of a dwelling (outline application including details of access)

BASIS OF REFUSAL: Cramped form of development, harmful to the amenity of existing and proposed occupiers, out of character with immediate surroundings.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issues are the effect of the development on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties and future occupants of the proposed dwelling in respect of outlook and privacy.

Inspector's conclusions:

The proposed development would be detrimental to the character and appearance of the area and the living conditions of the occupiers of the proposed dwelling and its neighbours, contrary to Policy RD1 of the LDP, the SPD and Planning Policy Wales which seek to protect visual and residential amenity.

9. APPLICATION NO. 44/2017/0055

SITE ADDRESS: **Land at 31 Princes Park, Rhuddlan**

PROPOSAL: Erection of detached dwelling

BASIS OF REFUSAL: Adverse impact on visual amenities, character and appearance of the area ; cramped ; adverse impact on residential amenities of occupiers of adjacent dwellings.

TYPE OF APPEAL: Written representations

ISSUES OF NOTE

The Inspector considered the main issues were firstly the effect of the development on the character and appearance of the area and secondly on the living conditions of the occupants of neighbouring properties by reason of privacy and outlook.

Inspector's conclusions:

The proposal would harm the living conditions of the occupiers of the neighbouring dwellings by reason of loss of privacy and outlook, contrary to Policy RD 1 of the LDP and the SPG.

10. APPLICATION NO. 18/2017/0281

SITE ADDRESS: **Plas Newydd, Whitchurch Road, Llandyrnog**

PROPOSAL: Erection of agricultural livestock / storage building with associated hardstanding

BASIS OF REFUSAL: Failure to justify that the building is appropriate in scale and nature for its location; impact on setting of nearby listed building; impact on residential amenity of occupiers in close proximity.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issues were the effect of the development on the setting of nearby listed buildings and on the residential amenity of occupiers of neighbouring dwellings.

Inspector's conclusions:

Due to its siting and design the development would harm the setting of the nearby listed buildings and the living conditions of the occupiers of neighbouring properties.

11. APPLICATION NO. 5/2017/0320

SITE ADDRESS: Flat Fferyllfa, Bridge Street, Corwen

PROPOSAL: Erection of conservatory to rear (partly retrospective)

BASIS OF REFUSAL: unacceptable impact on the visual amenities of the area; impact on residential amenity including loss of light and outlook.

TYPE OF APPEAL: Written representations

ISSUES OF NOTE

The Inspector considered the main issues were the effects of the proposed conservatory structure on the character and visual amenity of the area and on the amenity of the neighbouring property in terms of light and outlook.

Inspector's conclusions:

The structure would appear out of place with the traditional design and materials of the buildings around it due both to its prominent elevated form and its external materials. Although situated at the rear of the row of properties, where extensions and outbuildings exhibit a range of forms and design characteristics, the proposal would be so at odds with the traditional building forms that it would be harmful to the character and appearance of the area
The conservatory would have an overbearing visual impact at a very short distance in front of that window. Thus the proposal would also seriously conflict with LDP policy RD1 in respect of harm to the amenity of the neighbouring residents.

12. APPLICATION NO. 27/2017/0657

SITE ADDRESS: **3 Fron Deg, Llandynan, Rhewl, Llangollen.**

PROPOSAL: Extensions and alterations to dwelling.

BASIS OF REFUSAL: Extension not subordinate to the original dwelling ; adverse impact on the character and appearance of the original dwelling and AONB.

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the development on the character and appearance of the existing dwelling and its surroundings.

Inspector's conclusions:

The scale, siting, massing and form of the proposed extension would not be subordinate to the original dwelling and would harm the character and appearance of the property and its immediate surroundings, contrary to Policy RD3 and VOE2 of the LDP and the SPG.

13. APPLICATION NO. 40/2017/0701

SITE ADDRESS: **The Coach House, Vicarage Close, The Village, Bodelwyddan**

PROPOSAL: Erection of decking with partial roofed area to front (retrospective application)

BASIS OF REFUSAL: The decking and extension by virtue of the design and materials has a negative impact on the character and appearance of the dwelling and adjacent listed building and Conservation Area.

TYPE OF APPEAL: Householder

ISSUES OF NOTE

The Inspector considered the main issues were the effect of the proposed development on the character and appearance of the host dwelling, whether it would preserve or enhance the character or appearance of the Bodelwyddan Conservation Area (CA), and its effect on the setting of Bodelwyddan House, a grade II listed building.

Inspector's conclusions:

The proposed structure would be detrimental to the character and appearance of the host property, and the CA in which it is located; consequently it runs contrary to policies contained within the LDP and PPW which collectively seek to protect visual amenity and heritage assets. The proposal would be harmful to the setting of the adjacent listed building and those features which contribute to its significance.

14. APPLICATION NO. 10/2017/0747

SITE ADDRESS: **Bryn y ffynnon, Bryneglwys**

PROPOSAL: Resubmission of amended house extension

BASIS OF REFUSAL: The basis of the refusal was the unacceptable design, scale and form of the extension and its impact on the dwelling and locality

TYPE OF APPEAL: **Written representations**

ISSUES OF NOTE

The Inspector considered the main issue was the effect of the proposal on the character and appearance of the dwelling and the surrounding area.

Inspector's conclusions:

The scale and form of the extension is not subordinate to the dwelling or sympathetic in design, scale, massing and appearance. I consider the proposal would conflict with Policy RD 3 (criteria i and ii) of the Denbighshire Local Development Plan, and would harm the character and appearance of the dwelling.
