

To: Chair and Members of the Planning Committee

Date: 09 January 2019

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, 16 JANUARY 2019** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST (Pages 7 - 8)**

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 9 - 14)**

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 12 December 2018 (copy attached).

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

### **5 APPLICATION NO - 02/2018/1090 - LAND AT (PART GARDEN OF) PENNANT, BRYN GOODMAN, RUTHIN (Pages 15 - 30)**

To consider an application for development of 0.17 ha of land by the erection of 2 no. detached dwellings (outline application - all matters reserved) at land at (Part garden of) Pennant Bryn Goodman Ruthin LL15 1EL (copy attached).

**6 APPLICATION NO - 15/2018/1076 - ERW GOED, LLANARMON YN IAL, MOLD (Pages 31 - 52)**

To consider an application for variation of condition no 4 of planning consent issued under code no.15/2016/0858 to allow for repositioning of access point along site frontage, in connection with outline permission for development of 0.60ha of land for residential purposes at Erw Goed, Llanarmon yn Ial, Mold (copy attached).

**7 APPLICATION NO - 41/2018/0865 - HENDRE FARM, BODFARI, DENBIGH (Pages 53 - 64)**

To consider a retrospective application for the change of use of agricultural land to allow the formation of an access road, ancillary landscaped area and associated works at Hendre Farm, Bodfari, Denbigh (copy attached).

**8 APPLICATION NO - 43/2018/0847 - PEN Y LLAN, BISHOPSWOOD ROAD, PRESTATYN (Pages 65 – 76)**

To consider an application for Removal of seven ash trees and one sycamore tree subject to Tree Preservation Order 1/1981 at Pen Y Llan, Bishopswood Road, Prestatyn (copy attached).

## **MEMBERSHIP**

### **Councillors**

Joe Welch (Chair)

Alan James (Vice-Chair)

Ellie Chard

Bob Murray

Ann Davies

Merfyn Parry

Meirick Davies

Pete Prendergast

Peter Evans

Andrew Thomas

Brian Jones

Tony Thomas

Huw Jones

Julian Thompson-Hill

Tina Jones

Emrys Wynne

Gwyneth Kensler

Mark Young

Christine Marston

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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, 12 December 2018 at 9.30 am.

### PRESENT

Councillors Ellie Chard, Meirick Davies, Alan James (Vice-Chair), Brian Jones, Huw Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Bob Murray, Merfyn Parry, Andrew Thomas, Tony Thomas, Joe Welch (Chair), Emrys Wynne and Mark Young.

Local Members – Councillors Brian Blakeley, Bobby Feeley, Huw Hilditch-Roberts, Hugh Irving and Cheryl Williams

### ALSO PRESENT

Team Leader – Places Team (SC); Development Control Manager (PM); Principal Planning Officer (IW); and Committee Administrator (SLW)

Prior to commencement of the meeting, it was confirmed that the meeting would be delayed as there had been a road traffic accident in St. Asaph which was delaying a number of members getting to the meeting in time.

At 9.40 a.m. it was decided to commence with the meeting as there were sufficient members present to be quorate.

#### 1 APOLOGIES

Apologies for absence were received from Councillors Ann Davies, Peter Arnold Evans, Pete Prendergast and Julian Thompson-Hill

#### 2 DECLARATIONS OF INTEREST

Councillor Emrys Wynne declared a personal interest in Item 5 as his nephew works for Grwp Cynefin.

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

None.

#### 4 MINUTES

The minutes of the Planning Committee held on 14 November 2018 were submitted.

Page 11 – Item 6 - Councillor Meirick Lloyd Davies confirmed that he had attended the site visit which had taken place on 9 November 2018.

Page 12 – Item 6 – Councillor Meirick Lloyd Davies stated that the recommendation had been for the work to commence within 6 months and not the usual period of time stated.

**RESOLVED** that, subject to the above, the minutes of the meeting held on 14 November 2018, be approved as a correct record.

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

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

### **5 APPLICATION NO. 02/2018/0952/PF - 48 BRYN RHYDD, RUTHIN**

Councillor Emrys Wynne declared a personal interest in this item as his nephew works for Grwp Cynefin.

An application was submitted for the erection of extension and alterations to dwelling at 48 Bryn Rhydd, Ruthin.

#### **Public Speaker –**

Kerry Jones (**Against**) – stated she was in attendance on behalf of a number of residents of Bryn Rhydd. The proposed extension appeared to be overbearing and dominant. It would have a detrimental impact on number 49 Bryn Rhydd due to loss of light to the kitchen and bathroom window which was in constant use, and also loss of privacy. There would be similar detrimental impact on number 47 Bryn Rhydd due to the size of the extension. 50 Bryn Rhydd was built at a lower level, and the windows in the rear elevation of the extension would face directly towards the living area windows causing an overbearing and overshadowing impact. In conclusion, the development would have a detrimental impact and Ms. Jones requested the application be refused.

Huw Evans (**For**) – stated he had been requested to attend on behalf of the applicants. The reason behind the application was to accommodate a person with disabilities, hence the internal alterations together with the extension to ensure free movement for a wheelchair user. Significant amendments to the application had been made to satisfy the concerns of neighbours. The development would have an impact but would not be overbearing or dominating. The extension would be single storey and not overlook any of the neighbouring properties. The application complied with policy with little impact and provided for a person with disabilities.

The Chair confirmed a site visit had taken place on the 7<sup>th</sup> December 2018.

**General Debate** - Local Member, Councillor Emrys Wynne confirmed meetings had taken place with the applicant, objectors and officers to seek solutions. He explained that if the application was refused, the applicant could build a slightly

smaller extension under permitted development rights which would could be built without the revisions now proposed to the roof design.

It was confirmed that the 25 degree guide did not apply to side elevations of houses. Grwp Cynefin had endeavoured to alleviate the impact on the neighbouring properties but the extension had been required to accommodate a disabled tenant.

There would be an impact on the neighbours when the building works began due to construction vehicles, but that would be expected from any building development.

At this juncture, it was confirmed that Councillors Ellie Chard, Gwyneth Kensler and Bob Murray would not take part in the vote due to their late arrival and not hearing the full discussion regarding the application.

**Proposal** – Councillor Merfyn Parry proposed the officer recommendation to grant the application, seconded by Councillor Andrew Thomas.

**VOTE:**

GRANT (including the additional condition in the blue sheet) – 11

ABSTAIN – 1

REFUSE – 0

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

**6 APPLICATION NO. 45/2018/0999/PF - 50 CLIFTON PARK ROAD, RHYL**

An application was submitted for the erection of extension to dwelling at 50 Clifton Park Road, Rhyl LL18 4AW.

**Public Speaker –**

Stephanie Wotton (**Against**) – stated she resided at number 52 Clifton Park Road, which was attached to the applicants property. She had lived in the property for almost 20 years. If the extension to number 50 Clifton Park Road were to be erected, it would have an impact on the light through her window. The bespoke window in question was 3m x 2.5m and had been in the property over 20 years. If the extension were to be built there would be a 12 cm gap between the window and the extension wall. There would also be an impact on the upstairs bedroom due to the extension taking away an amount of daylight. Rhyl Town Council were against the application and Ms Wotton felt it would seriously affect her wellbeing and health if the application were to be granted.

The Chair confirmed a site visit had taken place on the 7<sup>th</sup> December 2018.

**General Debate** – Local Member, Councillor Brian Jones asked members to consider the point about guidance and informed Committee he was against the

application. He stated that due to the size of the two storey extension, it would be unacceptable for someone to lose so much light.

Ward Members (non-Committee Members), Councillors Brian Blakeley and Cheryl Williams both shared the concerns of Ms Wotton as the extension would cut off light to her property and the fact she would also be looking out at a brick wall. They believed the application was out of context and overbearing.

The Development Control Manager confirmed that the previous plan submitted had been for an extension which was larger than the size of what was before the Committee. The report had detailed the 45 degree guide and the ground floor extension had been clipped so as not to breach the 45 degree guide.

Councillor Mark Young stated the application should be refused due to the overbearing impact on the neighbour.

**Proposal** – Councillor Brian Jones proposed refusal of the application, against officer recommendation, due to the loss of daylight/sunlight and overbearing impact on the neighbour, seconded by Councillor Tony Thomas.

**VOTE:**

GRANT – 3

ABSTAIN -2

REFUSE – 10

**RESOLVED** that permission be **REFUSED**, against officer recommendations, due to the loss of daylight/sunlight and overbearing impact on the neighbour.

**At this juncture (10.45 a.m.) there was a 15 minute break.**

**The meeting reconvened at 11.00 a.m.**

**7 APPLICATION NO. 43/2018/0900/PF - 1 THE DELL AND LAND TO REAR OF THE DELL**

An application was submitted for the demolition of existing dwelling and erection of 15 no. unit residential apartment block; construction of a new vehicular access and associated works at 1 The Dell and Land to rear of The Dell, Prestatyn LL19 8SS.

**General Debate** - the Chair confirmed a site visit had taken place on the 7<sup>th</sup> December 2018.

Local Member, Councillor Tina Jones confirmed both she and Councillor Hugh Irving (non-Committee Member) had been included in all the discussions regarding the development. The application had taken into account concerns of the residents. Currently anti-social behaviour was a problem on the site and residents had also reported rats had been seen on the site.

The Chair stated that the Welsh Government had confirmed that the application should be determined by the Planning Committee and not called in for determination by the Welsh Ministers.

The distance between the proposed building and the rear of the two-storey dwellings on The Dell meant an acceptable level of amenity would remain for the occupiers of those existing dwellings. With regard to the concerns of local residents, the adopted Residential Development SPG suggested the minimum distance which should be sought between the backs of residential properties to limit overlooking etc. should be 21m. The distance had clearly been achieved in this case as there was a distance of 31m between the new development and the rear elevations of numbers 3 and 5 The Dell.

In relation to numbers 7 and 9 The Dell it had not been considered that the proposal would result in any significant adverse impact on the level of amenity currently enjoyed by the properties. Whilst it was accepted that the outlook of these properties would be affected, it was not considered that the degree of harm would be sufficient to justify a refusal of permission.

The County Ecologist had advised that the ecological report for this application had been thorough and whilst badgers may use the site to forage, there were no setts present which would need to be mitigated as part of the development. Therefore, it was not considered that this development posed a threat to local badger populations, or individual badgers or setts.

Dwr Cymru Welsh Water had reviewed the drainage strategy and a proposed drainage layout, which proposed for foul flows to be disposed of via the public sewerage system and surface water was to be discharged into the public surface water sewer at a rate not exceeding 5 litres per second. 2 attenuation tanks were indicated on the drainage layout plan.

On the basis that the site was not within a flood zone, and with regard to the responses of the drainage consultees, it was not considered there to be any flooding or drainage concerns on the site.

**Proposal** – Councillor Tina Jones proposed the officer recommendation to grant the application, seconded by Councillor Bob Murray.

**VOTE:**

GRANT – 14

ABSTAIN – 0

REFUSE – 1

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

**8 APPLICATION NO. 47/2018/0962/PC - BRYN AWEL, CWM**

An application had been submitted for erection of stables for private use (retrospective application) at Bryn Awel, Cwm, Rhyl LL18 6HU.

**General Debate** - Local Member, Councillor Christine Marston confirmed she was in favour of this retrospective application.

The Denbighshire County Council Register of Common Land showed that the section of the land was not registered as Common Land. The site would be on the edge of the common land.

The arrangements for the storage / removal of waste had been confirmed and it had been advised that this would not be stored on site, but removed to a shared storage location on the adjacent farm via personal quadbike. Councillor Merfyn Parry asked if it was a relevant consideration that there was a need for the facility to be on the site.

**Proposal** – Councillor Christine Marston proposed the officer recommendation to grant the application, seconded by Councillor Alan James.

**VOTE:**

GRANT with additional condition -13

ABSTAIN – 0

REFUSE – 0

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

## **PLANNING POLICY WALES EDITION 10**

For information, there had been a late information item included within the Blue sheets.

Welsh Government officials had notified Local Planning Authorities in Wales, on 5 December 2018 that a new edition of Planning Policy Wales had been published, superseding Edition 9 of that document from that date. Therefore, from that date, Planning Policy Wales Edition 10 would be the edition referred to within Officers reports.

**The meeting concluded at 11.45 a.m.**

# Agenda Item 5

**WARD :** Ruthin

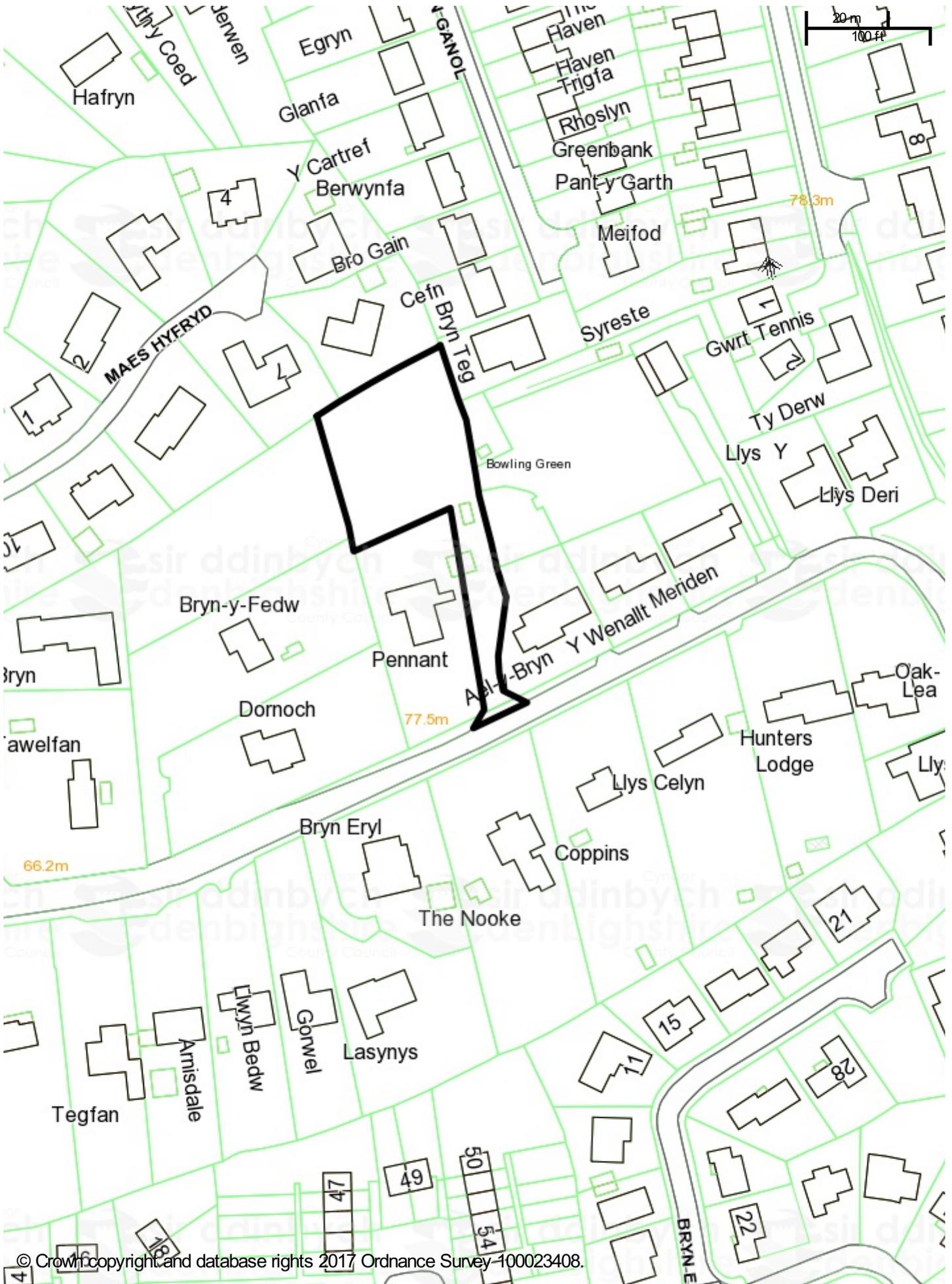
**WARD MEMBERS:** Cllr Emrys Wynne (c )  
Cllr Bobby Feeley  
Cllr Huw Hilditch Roberts

**APPLICATION NO:** 02/2018/1090/ PO

**PROPOSAL:** Development of 0.17 ha of land by the erection of 2 no. detached dwellings (outline application - all matters reserved)

**LOCATION:** Land at (Part garden of) Pennant Bryn Goodman Ruthin LL15 1EL

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02/2018/1090  
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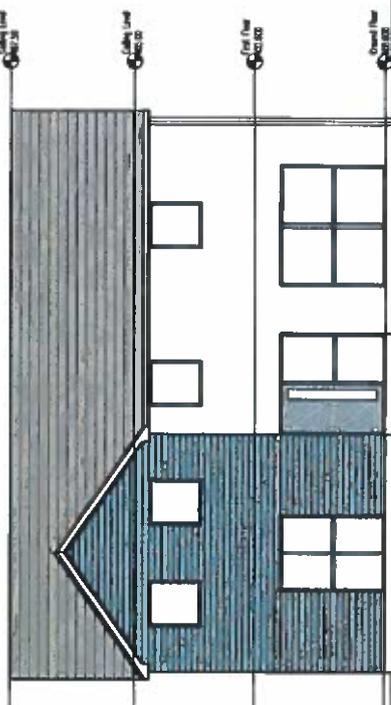
Printed on: 20/12/2018 at 13:45 PM



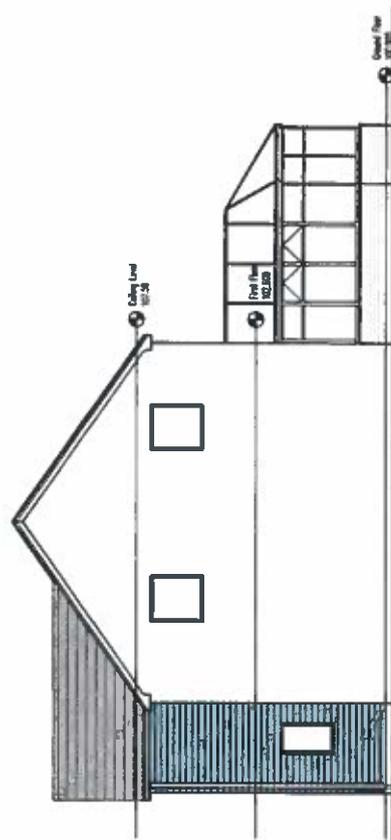




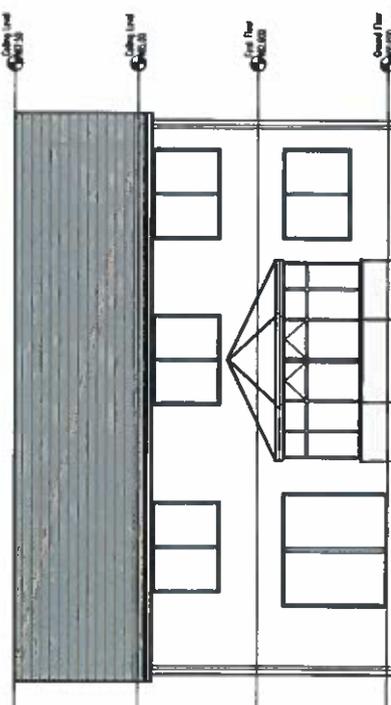
# ILLUSTRATIVE ELEVATION PLANS



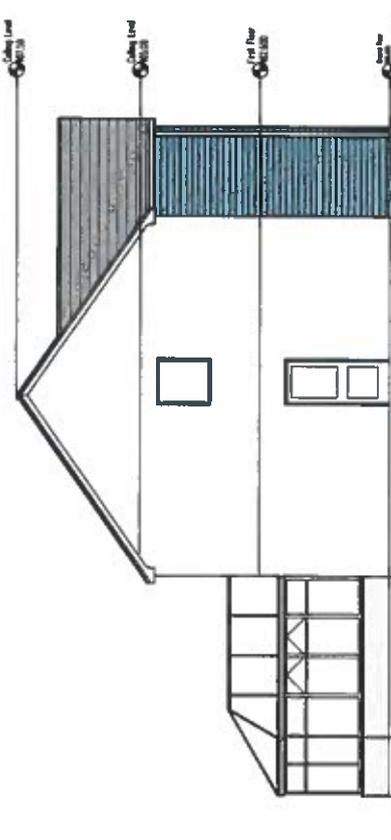
**PROPOSED FRONT ELEVATION**  
scale 1:100



**PROPOSED SIDE ELEVATION**  
scale 1:100



**PROPOSED REAR ELEVATION**  
scale 1:100



**PROPOSED SIDE ELEVATION**  
scale 1:100

A-18.11.18 AMENDMENT FOLLOWING CONSULTATION WITH LA PLANNING

PROJECT  
**LAND AT PENNANT, BRYN GOODMAN, RUTHIN,  
DENBIGHSHIRE, LL15 1EL**

DESIGNER  
**MR & MRS E JONES**

PROPOSED ELEVATIONS (ILLUSTRATIVE)

TYPE PLANNING	DATE NOVEMBER 2018
SCALE 1:100 @ A3	PROJECT NO. JW080



**DESIGN SERVICES**  
BRO GYNN, RUTHIN ROAD, DENBIGH  
DENBIGHSHIRE LL15 3EU  
t 01745 614515 m 07831 538549  
e-mail jef@jvwdesignservices.wales

AP0802  
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The drawing must not be reproduced without permission.  
The drawing must not be scaled. Dimensions are in millimeters unless specified otherwise.



**WARD :** Ruthin

**WARD MEMBERS:** Cllr Emrys Wynne (c )  
Cllr Bobby Feeley  
Cllr Huw Hilditch Roberts

**APPLICATION NO:** 02/2018/1090/ PO

**PROPOSAL:** Development of 0.17 ha of land by the erection of 2 no. detached dwellings (outline application - all matters reserved)

**LOCATION:** Land at (Part garden of) Pennant Bryn Goodman Ruthin LL15 1EL

**APPLICANT:** Mrs Gillian Jones

**CONSTRAINTS:** None

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

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

- Town Council objection
- 4 or more objections

**CONSULTATION RESPONSES:**

**RUTHIN TOWN COUNCIL**

"Councillors on Ruthin Town Council's Planning Committee object to outline planning application 02/2018/1090 – Land at (part garden of) Pennant, Bryn Goodman, Ruthin – as the proposal for two dwellings on the site represents overdevelopment of the site. The size and scale of the dwellings would make the site too cramped."

**DWR CYMRU / WELSH WATER**

No objection subject to conditions relating to drainage.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

Highways Officer –

No objection to the principle of the development.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Trustees of Ruthin Bowling Club, Bryn Goodman, Ruthin.

Ann Roberts, Bryn Teg, Wern Ganol, Ruthin.

Bryn Algar, 8 Maes Hyfryd, Ruthin

Kerr Walker, Liosmor, Kirkton of Tough, Alford, Aberdeenshire.

Summary of planning based representations in objection:

Residential Amenity- two storey dwelling would have an overbearing impact on neighbours.

Visual Amenity- Proposal for two storey dwellings would be out of keeping with the area and would result in an overdevelopment of the site.

Boundary treatment to bowling club boundary needs to be tidied up.

**EXPIRY DATE OF APPLICATION: 13/01/2019**

## EXTENSION OF TIME AGREED? 21/01/2019

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

- Awaiting consideration at Planning Committee

### PLANNING ASSESSMENT:

#### 1. THE PROPOSAL:

##### 1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission (with all matters reserved) for the development of 0.17ha of land by the erection of 2 dwellings on land at Pennant, Bryn Goodman, Ruthin.
- 1.1.2 Indicative plans submitted with the application show two detached dwellings sited within part of the current rear curtilage of the existing bungalow.
- 1.1.3 Access is proposed to the site from the existing access off Bryn Goodman. An existing garage to the west of the house would be demolished to facilitate the development.

##### 1.2 Description of site and surroundings

- 1.2.1 The site lies to the rear/side of Pennant and is part of the large rear garden area of the existing dwelling.
- 1.2.2 The site is currently overgrown, with a number of mature trees along the boundaries.

##### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary as designated in the Local Development Plan.

##### 1.4 Relevant planning history

- 1.4.1 None.

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

- 1.5.1 None.

##### 1.6 Other relevant background information

- 1.6.1 The application is submitted with an ecological report and a tree survey.

#### 2. DETAILS OF PLANNING HISTORY:

- 2.1 None

#### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design  
**Policy BSC3** – Securing infrastructure contributions from development  
**Policy BSC11** – Recreation and open space  
**Policy ASA3** – Parking standards

##### 3.1 Supplementary Planning Guidance

- SPG – Residential Space Standards
- SPG – Access for All
- SPG – Parking
- SPG - Residential Development
- SPG – Residential Development Design Guide

### 3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

### 3.3 Other material considerations

## 4 **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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

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

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

#### Other matters

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

#### 4.2.1 Principle

The main policy in the Local development Plan (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 proposals would therefore be acceptable in terms of the general principles of these policies.

The detailed impacts are reviewed in the following paragraphs of the report.

#### 4.2.2 Visual amenity

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

There are individual representations raising concerns over visual amenity impacts, on the basis that a proposal for two storey dwellings would be out of keeping with the area and would result in an overdevelopment of the site.

In noting the basis of objection, the proposal is for outline planning permission only, with all matters reserved for future approval. Indicative plans have been submitted in support of the application showing 2 two storey dwellings. Whilst the size of the footprint is to be considered at reserved matters stage, the upper and lower limits of the proposed dwellings are: Width – 11.01 metres, Depth – 8.99 metres, Height to eaves – 4.5 metres, Height to ridge – 7.5 metres, The footprint of dwellings is the region of 84.75 sq metres.

In respecting the objections, in the absence of fully detailed plans for consideration a full assessment cannot be made on the visual impact of the development. Nonetheless, on the basis of the indicative layout and site plan, it is considered that two dwellings could be accommodated on the site without significant harm to visual amenity.

In respect of the above, it is considered that the proposal to develop the site by way of two dwellings is unlikely to have a detrimental impact upon the visual amenity of the area and it is not considered the proposal is in conflict with general development control requirements as specified in policy RD 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.

Concerns have been raised by the Town Council and neighbours over the residential amenity impacts of the development, suggesting two storey dwellings would have an overbearing impact on neighbours, and that the size and scale would make the site too cramped.

Whilst an indicative plan has been submitted in support of the application showing a possible siting for 2 two storey dwellings, it has to be recognised that proposal is for outline planning permission only, with all matters reserved for future approval, hence matters of overdevelopment and cramping can only be properly assessed at reserved matters stage.

The site area of the dwellings is 0.17 hectare. The illustrative plans show the , dwellings would have a minimum garden depth of 10 metres and 12 metres respectively with a considerable amount of space to the front and sides of the houses. With regard to the impact on neighbours, in terms of 'back to back' window to window distances, SPG Residential Development advises a minimum of 21 metres separation between dwellings. The submitted plans indicate that a minimum distance of 21 metres would be achieved between the dwellings to the rear (on Maes Hyfryd) and the existing dwelling to the front (Pennant), and on this basis it is not considered that the proposal would result in a direct loss of privacy to adjacent dwellings.

In officer's opinion it is considered that the dwellings could be accommodated on this site without resulting in an overdevelopment or cramping of development. Given the size of the site it is considered that the proposal to develop for two dwellings is unlikely to have a detrimental impact upon the amenity of the area and it is concluded the proposal complies with general development control requirements in policy RD 1.

#### 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 development would utilise the existing access point onto Bryn Goodman which currently serves the existing dwelling. The Highway Officer raises no objection to the proposal.

It is considered that the access in this location is adequate to serve two additional dwellings, and that the scheme is in accordance with Policies RD 1 and ASA 3.

#### 4.2.5 Recreation and 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 two dwellings, and in line with SPG Open Space, open space provision should be contributed to by way of a commuted sum payment. The current calculation for 2 dwellings is £2474.43.

Welsh Government Circular 016/2014, The use of planning conditions in development management, states that commitments on behalf of the developer involving transfers of land or payments to be made to the local planning authority are more appropriately required through a planning obligation and should not be required in a condition. This is expanded on in Welsh Office Circular 13/97.

On this basis the applicant is prepared to enter into a legal agreement with the Local Authority to pay a commuted sum of £2474.43 at a reasonable trigger point in the development process. It is suggested that this money be paid prior to the occupation of the first dwelling.

It is officers' opinion therefore that subjection to a legal agreement being entered into, the proposal is acceptable in terms of the provision of open space.

#### 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 proposal is considered to comply with adopted planning policy, and is in support of general development strategies of the Local Development Plan.

5.2 It is therefore recommended that planning permission be granted subject to the following conditions and the completion of a section 106 agreement with the Local Authority to pay £2474.43 to provide additional public open space in the community. The sum should be paid prior to the occupation of the first dwelling. The planning permission would only be released on completion of the Section 106 Agreement.

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

1. Approval of the details of the appearance of the building(s), landscaping, scale, layout and appearance and access (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. AL080/2) received 19 November 2018
  - (ii) Proposed site and location plan (Drawing No. AL080/1 Rev. A) received 19 November 2018
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. 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.
7. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
8. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and shall be completed prior to the proposed development being brought into use.
9. Notwithstanding the submitted documents the proposed site layout plan, elevations and floorplans has been treated for illustrative purposes only and does convey the Local Planning Authority's approval to the landscaping, scale, layout, and appearance of 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. 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. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. In the interests of visual amenity.
8. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. For the avoidance of doubt, as the application is for outline permission only.

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# Agenda Item 6

**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER:** Cllr Martyn Holland

**APPLICATION NO:** 15/2018/1076/ PS

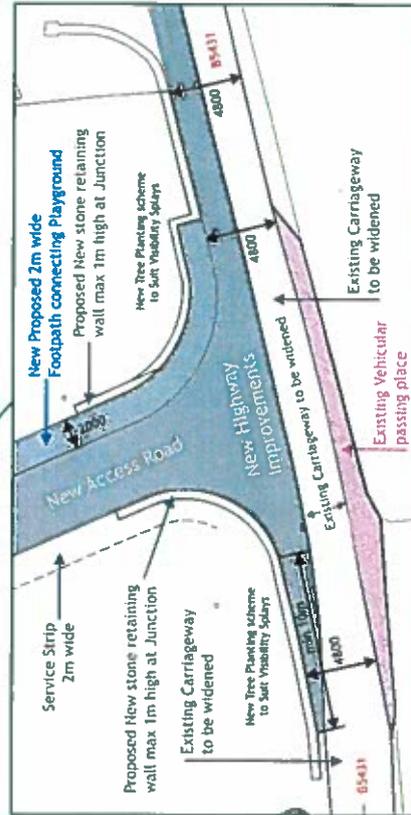
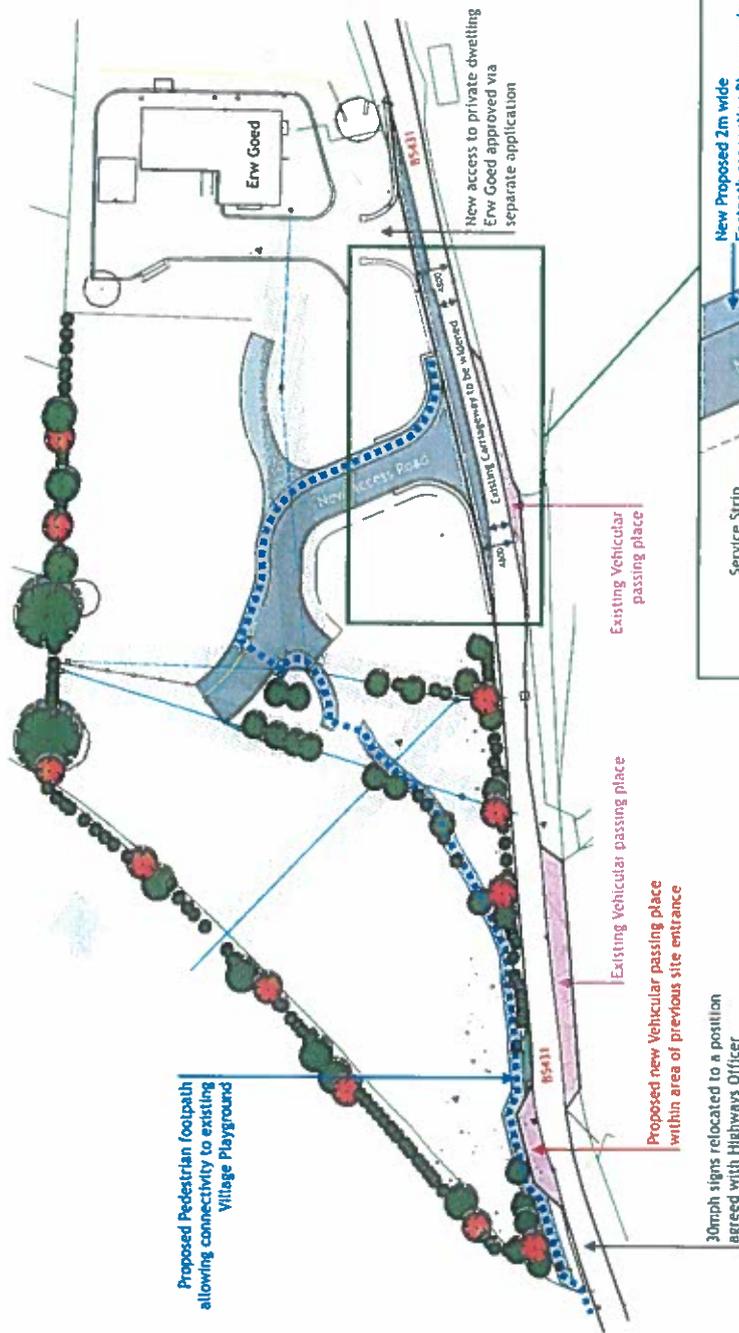
**PROPOSAL:** Variation of condition no 4 of planning consent issued under code no.15/2016/0858 to allow for repositioning of access point along site frontage, in connection with outline permission for development of 0.60ha of land for residential purposes.

**LOCATION:** Land at Erw Goed Llanarmon Yn Ial Mold CH7 4QX

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# SITE ACCESS DETAILS

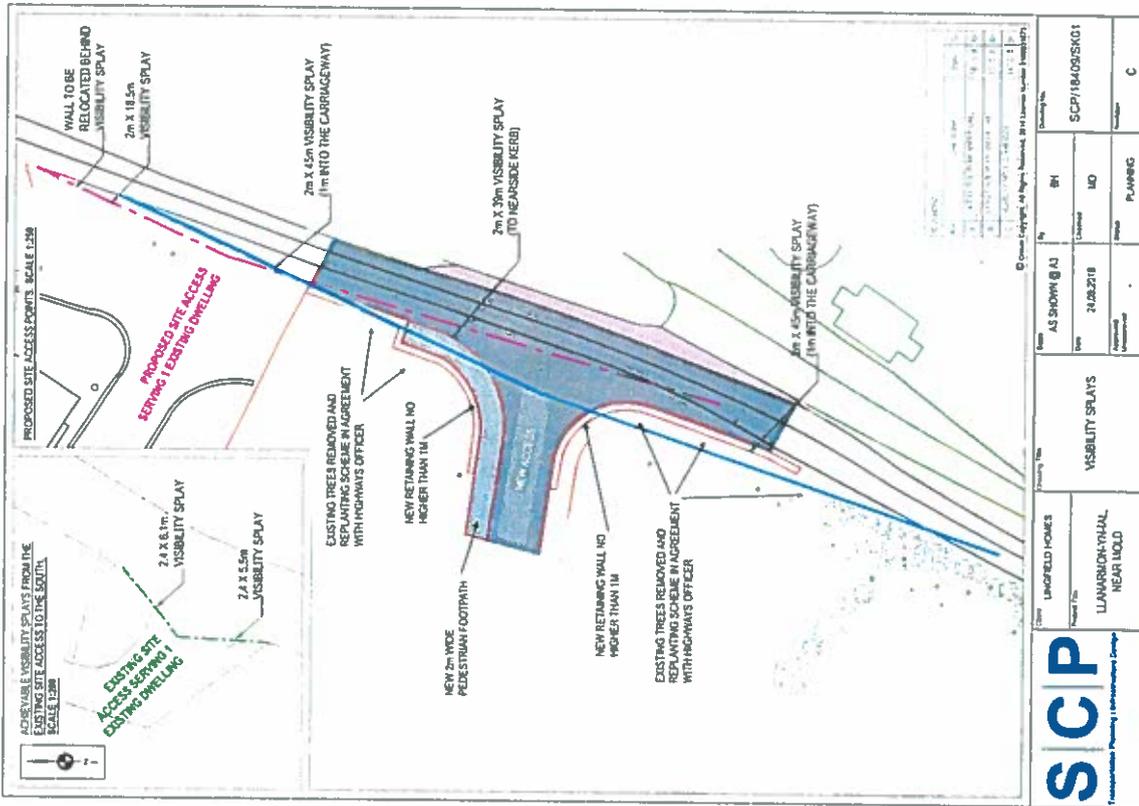
Highways Alterations associated with Section 73 Application for revised Access located at Erw Goed Llanarmon-Yn-Ial NI, Mold Denbighshire CH7 4QX

Proposed Mixed Residential Housing Development  
Date: December 2018  
Scale: 1:500 Scale  
Project Status: Marketing  
The drawing is the copyright of Lingfield Homes Ltd & Lingfield Estates Ltd





Technical Note  
Section 73 Application Access



# VISIBILITY DETAILS

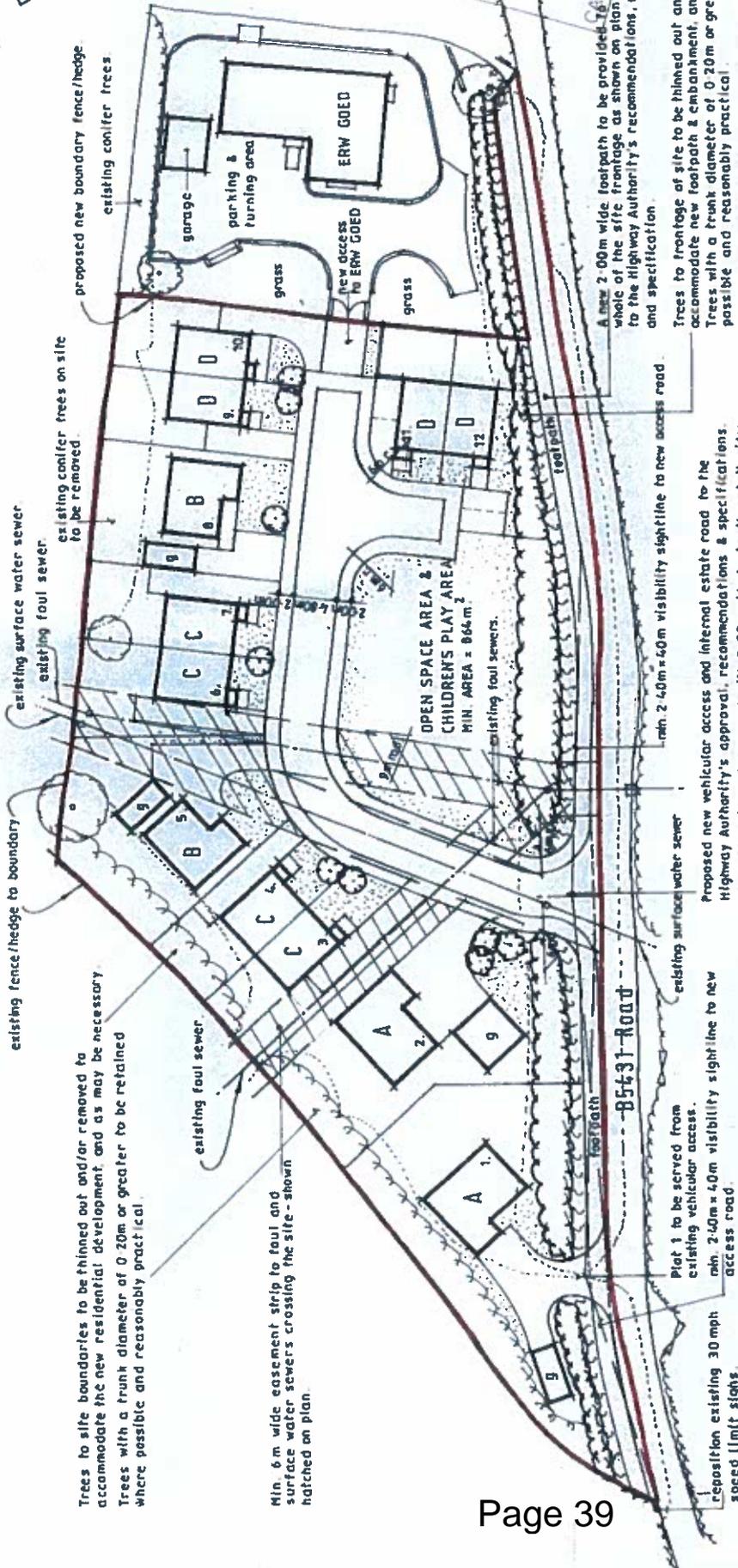
**Technical Note**

associated with  
Section 73 Application  
for revised Access  
located at  
Erw Goed  
Llanarmon-Yn-Ial  
Nr Mold  
Denbighshire CH7 4DX

Proposed Mixed Residential  
Housing Development  
Date: December 2018  
Scale: As Noted  
Project Status: Marketing

The drawings in this copy are for  
Landscape Information Only & are not for construction





Trees to site boundaries to be thinned out and/or removed to accommodate the new residential development, and as may be necessary. Trees with a trunk diameter of 0.20m or greater to be retained where possible and reasonably practical.

Min. 6m wide easement strip to foul and surface water sewers crossing the site - shown hatched on plan.

Plot 1 to be served from existing vehicular access. min. 2.40m x 4.0m visibility sightline to new access road. reposition existing 30 mph speed limit signs.

**PROPOSED SITE LAYOUT PLAN**  
1:500

**SKETCH LAYOUT PLAN FOR ILLUSTRATIVE PURPOSES ONLY**

- TYPICAL HOUSE TYPE DETAILS**
- HOUSE TYPE A = 4 BED DETACHED HOUSE**  
Floor Area = 135 m<sup>2</sup>
- HOUSE TYPE B = 3 BED DETACHED HOUSE**  
Floor Area = 115 m<sup>2</sup>
- HOUSE TYPE C = 3 BED SEMI-DETACHED HOUSE**  
Floor Area = 90 m<sup>2</sup>
- HOUSE TYPE D = 2 BED SEMI-DETACHED HOUSE**  
Floor Area = 80 m<sup>2</sup>

The existing B5431 road to be widened for its entire length along the whole frontage of the proposed development site and to provide a minimum carriageway width of 4-60m and with a 2-00m wide footpath to the site side of the carriageway. The 30mph speed limit signs to be repositioned outside the limits of the proposed development and street lighting to be incorporated along the widened main B5431 road to the whole of the development site frontage.

The new internal estate road to be a min. 4-80m wide with 2-00m wide footpaths to both sides. 6m radius curves at the entrance and to the estate road hammer head, and min. 2-40m x 4-0m visibility sightlines at the entrance onto the main B5431 road. There shall be no obstructions in excess of 1-05m in height above the adjacent carriageway level to the area of the visibility sightlines.

Plot 1 to southern most corner of the site will be served from the existing private vehicular access. The existing dwelling will be served from a new private vehicular access off the new internal estate road. Parking on site for the new dwellings can be accommodated within the plot for each individual dwelling and to comply with the standards of Planning Policy ASAS & SPG 21 - Parking Standards. All works to be carried out fully in accordance with the Highway Authority recommendations, specifications and approval.

**ACCESS PLAN - 2013**  
**OUTLINE CONSENT**  
**5/12/2013**

A new 2.00m wide footpath to be provided to the whole of the site frontage as shown on plan and to the Highway Authority's recommendations, approval and specification.

Trees to frontage of site to be thinned out and/or removed to accommodate new footpath & embankment, and as may be necessary. Trees with a trunk diameter of 0.20m or greater to be retained where possible and reasonably practical.

New native hedge to be planted to rear of new footpath and rear of visibility sightlines, and to approval of Planning Authority.

**MATISHOK & ROSS**  
architectural services

project title: Land at ERW GOED, LLANARMON-VYDOL

drawing title: Proposed Sketch Site Layout Plan

project no.	0525	drawing no.	2
date	29-07-13	scale	1:500
drawn by	PM	revision	

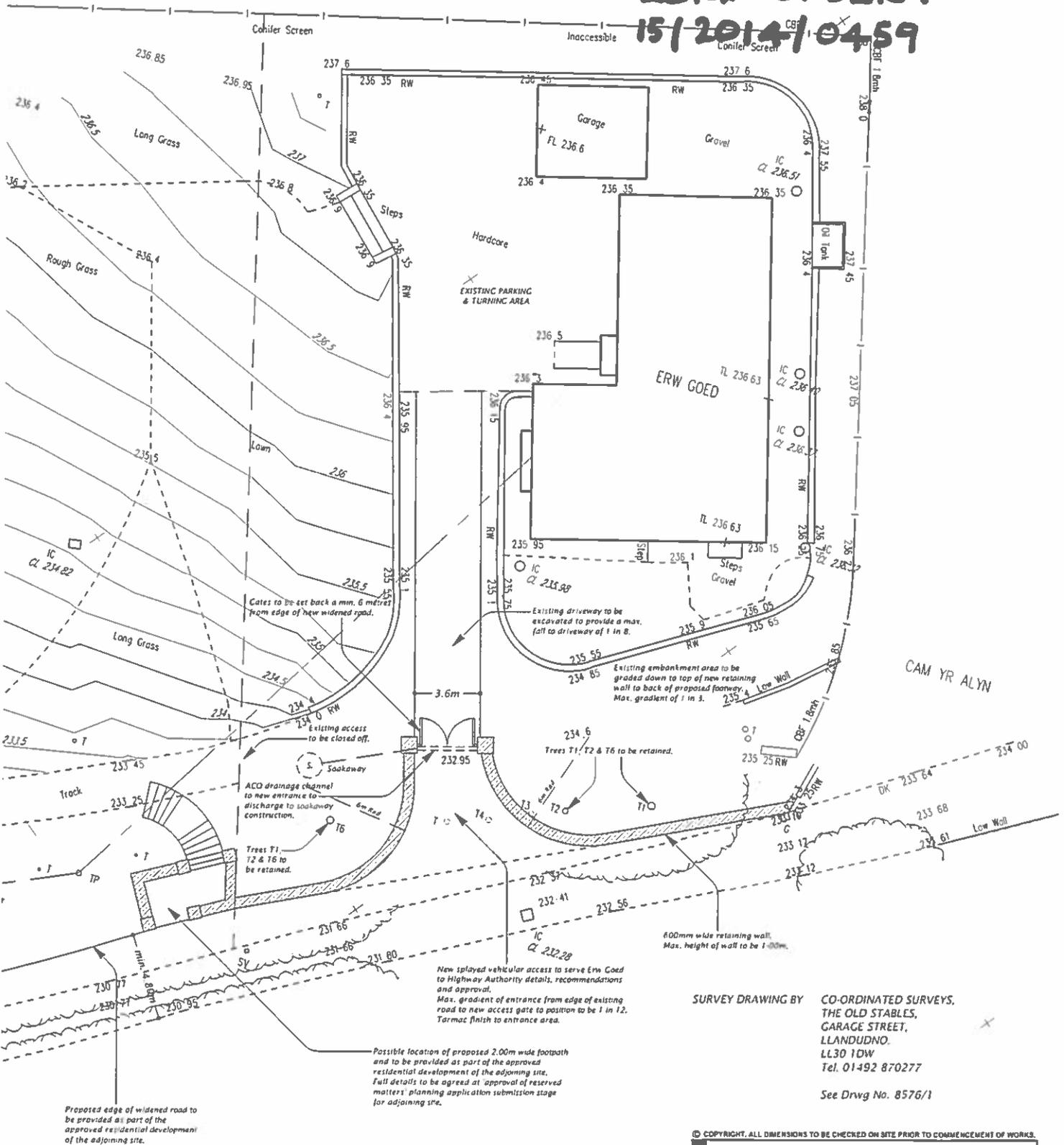
Branch House, Hem Llan Parrow, Ruelin, Deeside, LL15 1NA  
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# SEPARATE ACCESS FOR ERW GOED

## 2014 CONSENT

### 15/2014/0459



SURVEY DRAWING BY  
**CO-ORDINATED SURVEYS,**  
 THE OLD STABLES,  
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 LLANDUDNO,  
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 Tel. 01492 870277  
 See Drvg No. 8576/1

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**M R MATSCHOK & ROSS**  
 architectural services

project title <b>Erw Goed, Llanarmon-Yn-Ial, Mold.</b>		
drawing title <b>Proposed Site Layout Plan.</b>		
project no. <b>0525</b>	drawing no. <b>4</b>	revision <b>A</b>
date <b>14/04/2014</b>	scale <b>1:200</b>	drawn by <b>S R</b>
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA t 01824 705 222 e 01824 707 171 mail@matschokross.co.uk www.matschokross.co.uk		



**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER:** Cllr Martyn Holland

**APPLICATION NO:** 15/2018/1076/ PS

**PROPOSAL:** Variation of condition no 4 of planning consent issued under code no.15/2016/0858 to allow for repositioning of access point along site frontage, in connection with outline permission for development of 0.60ha of land for residential purposes.

**LOCATION:** Land at Erw Goed Llanarmon Yn Ial Mold CH7 4QX

**APPLICANT:** MrsVal Keenan

**CONSTRAINTS:** AONB

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

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

- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**LLANARMON YN IAL COMMUNITY COUNCIL**

In relation to the original submission:

'This Community Council would very much appreciate a site meeting concerning this development. Several issues have been raised concerning the position and only one entrance on such a narrow lane, with so many houses wanting to be developed; without a footpath along the road being provided. Not supported.'

In relation to the amended submission:

Awaiting response

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

In relation to the original submission:

"The Joint Committee has no objection to the proposed repositioning of the site access particularly as this will enable more of the existing boundary hedge/trees to be retained. It is assumed that all other conditions relating to the detailed design, landscaping, retaining structures, lighting and affordable housing will still be subject to further approval."

In relation to the amended submission:

"The Joint Committee notes the amended plans and has nothing further to add to its previous comments".

**NATURAL RESOURCES WALES**

No objection .

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

The Case Officer has advised that there are no objections to the proposals. Minor revisions to the detailing of the footway at the entrance to the site would need to be incorporated into the final design.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mr D Barry, Awel yr Haf, Llanarmon yn Ial

Summary of planning based representations in objection:

Highway impacts

Additional traffic on narrow highway

Drainage

Additional surface water run off in an area where there have been previous problems

General amenity impacts

Additional noise, pollution from fumes

**EXPIRY DATE OF APPLICATION: 07/01/2019**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

- 1.1 This application seeks approval of a variation to the previously consented vehicular access arrangements to serve a residential development on 0.6 hectares of land at Erw Goed, Llanarmon yn Ial.
- 1.2 The background history is of some relevance to the application. In brief:
  - The original outline permission for the development of the land was granted at Planning Committee in November 2013 under application 15/2013/1080/PO, and approved two points of access at the southern end of the site frontage off the B5431 – one to serve a single dwelling and one to serve the remainder of the site and the existing Erw Goed dwelling. The plan submitted with the outline application is at the front of the report.
  - Notwithstanding the details on the illustrative plans with the 2013 outline application showing the intention to access the Erw Goed dwelling from the main housing site access, an application was submitted and approved in 2014 for construction of a separate access off the B5431 to serve that dwelling, application 15/2014/0459. The approved plan is also at the front of the report.

- An application to extend the time period for submission of reserved matters details and the date of commencement of the residential development consented in November 2013 was granted in October 2016, under application 15/2016/0858. A 'revised' Certificate of Decision was issued at this time attaching relevant conditions from the November 2013 consent, including condition 4 listing the plans forming the basis of the permission, showing the two access points referred to above.
- 1.3 The current application seeks permission to vary condition no. 4 attached to the October 2016 planning consent 15/2016/0858, to allow for a revision to the access arrangements to serve the residential development. The proposal is now to provide a single access onto the B5431, located at the north end of the road frontage, designed so it is compatible with the access approved in 2014 to serve the dwelling Erw Goed.
- 1.4 The plans showing the detailing of the proposed access and associated works are at the front of the report. These plans have been revised in response to consultation responses, to clarify proposals for provision of a footway, widening of the B road near the point of access and the provision of passing places along the B road. The main elements are:
- The construction of a single access into the housing site
  - The widening of the B5431 to 4.8 metres in the vicinity of the new access
  - Provision of a new passing place on the B5431 in the location of the existing entrance to Erw Goed, at the south end of the road frontage.
  - Provision of a new 2 metre wide footpath through the development site from the new access point to the southern end of the site, to provide a safe route to the nearby village play area
  - The relocation of the 30mph speed restriction signs further to the south than their current location, to a position to be agreed with the highway section.
- 1.5 The application is accompanied by supporting information from the applicant's agent. This highlights that:
- The key change in the proposed substitution is the repositioning of the access point along the site frontage to the north of its previously (broadly central along the frontage) approved position along with consequent internal revisions to the access arrangements.
  - A further benefit of the new access is that reduces the need to remove tree and hedgerow features which are key feature of the frontage to the B5431. Access to the site remains the only matter sought and all other matters remain reserved for later approval.
  - The main issue for the application is highway safety and the suitability of the revised access point to serve development. This matter is fully covered in the SCP Highways Technical Note accompanying the application which establishes that the access as now proposed is acceptable.
  - It is important to understand that the principle of the development is not at issue in the application - that has been established through allocation of the site for housing in the adopted Denbighshire LDP (under policy BSC1) and by the subsequent grant of 2 outline planning permission (15/2013/1080 and 15/2016/0858). The site has not been delivered in the approved format as the confluence and requirements for easements to 2 no foul and 1 no surface water drainage systems crossing the site (as shown on approved Drawing No 02) significantly impact on deliverability of a viable development.
  - The alternative provision now proposed enables the development to deliver against the unmet housing need and shortfall of supply in the County a timely manner. It continues to

satisfy the requirements of Planning Policy Wales, LDP policies RD1 in relation to the effect of development on highway safety and accessibility. The Technical Assessment accompanying the application shows the details are compliant with the Councils Highway standards.

1.6 The Singleton Clamp and Partners (SCP) Technical Note submitted with the application contains a 5 page review of the access proposals and impacts on the local highway network, including traffic counts and technical drawings demonstrating what visibility and vehicle manoeuvring standards can be achieved.

#### 1.7 Description of site and surroundings

1.7.1 The application site lies between the B5431 Llanarmon – Llandegla road and the housing development at Maes Ial on the southern outskirts of Llanarmon village. It is serviced by an existing vehicular access off the B road, which provides the driveway to the applicant's dwelling Erw Goed at the northern end.

1.7.2 On the eastern side of the site, there is a private dwelling, Ty Brith virtually opposite the existing access, and a Welsh Water treatment works on land dropping down towards the River Alyn. There is an open field immediately to the west.

1.7.3 The site is bounded by hedgerows / trees, in particular along the B road, with a mix of species present.

1.7.4 Land levels rise up from the B road towards the west.

#### 1.8 Relevant planning constraints/considerations

1.8.1 The site is within the development boundary for Llanarmon yn Ial, which is identified as a village for the purposes of the Local Development Plan. It is annotated as a Housing Allocation on the Proposals Map, and under Policy BSC1 of the LDP, is referred to as land south of Cam yr Alyn with an indicative number of 12 dwellings.

1.8.2 Llanarmon yn Ial village is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

#### 1.9 Relevant planning history

1.9.1 The site was included in the development boundary in the proposals map for the village in the Local Development Plan.

1.9.2 The relevant history is referred to earlier in the report. Outline planning permission was granted for residential development, including the means of access, in 2013; the period for submission of reserved matters details and the commencement of development was extended in 2016; and a separate access to serve the dwelling Erw Goed was granted in 2014.

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

1.10.1 Further details of the access, footway and highway improvements have been submitted following initial consultation responses.

#### 1.11 Other relevant background information

1.11.1 The application is one submitted under Section 73 of the 1990 Planning Act. Section 73 allows applications to be made for 'minor material amendments' to an extant planning permission, through the amendment of the condition specifying the list of approved plans attached to that permission.

1.11.2 The considerations to be applied to a Section 73 application are referred to in Section 4 of the report.

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

### **2.1 Application 15/2013/1080/PO**

Outline permission for development of 0.60ha of land for residential purposes (outline application including means of access)

Granted at Planning Committee

Decision dated 13/11/2013.

### **2.2 Application 15/2014/0459/PF**

Construction of a new vehicular access and associated works

Granted 24/07/2014

### **2.3 Application 15/2016/0858**

Variation of Condition nos 2 and 3 of outline planning permission code no 15/2013/1080 to allow extension of time for submission of reserved matters and date of commencement of development.

Granted 18/10/2016

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

The main planning policies and guidance considered relevant to the application are:

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

Policy RD 1 Sustainable Development and good standard design

Supplementary Planning Guidance

Government Policy / Guidance

Planning Policy Wales Edition 10

Development Management Manual

TAN 18 Transport

## **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

Specific considerations on Section 73 applications

The Development Management Manual provides the following advice in relation to the consideration of this type of application:

**Specific matters relevant to section 73 applications**

13.3.12 Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

13.3.13 The LPA can grant permission unconditionally or subject to different conditions. They can refuse the application if they decide that the original conditions should continue. The original planning permission will continue whatever decision is taken on the section 73 application.'

5. The main planning issues in relation to this particular type of application are considered to be:

- 5.1 Highway impacts
- 5.2 Visual amenity / impact on AONB
- 5.3 Residential amenity
- 5.4 Material changes in policy since original permission

6. In relation to the main issues:

6.1 Highway impacts

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.

The policy reflects general principles set out in Planning Policy Wales and TAN 18 – Transport, in support of sustainable development.

The Community Council expressed concerns in their response to the original submission over the position of the access, provision of only one entrance on a narrow lane with so many houses wanting to be developed, and the absence of a footpath along the road.

A private individual has objected on the basis of additional traffic on a narrow highway.

The Highways Officer has advised that there are no objections to the revised proposals, subject to minor revisions to the footpath detailing at the entrance to the site.

In Officers' opinion, the main issue to address on the application has to be the acceptability of the actual detailing of the access proposals in terms of highway safety. Inevitably, this has to be considered in the context of the existing permission for two accesses into the site, as approved in 2013, which established the Council's acceptance that this allocated housing site could be accessed off the B5431, along with its attendant impacts on the flow of traffic along the B road.

The revised plans show in some detail the dimensions of the proposed access into the site, including the provision of visibility splays, improvements to the width of the B road around

the entrance, the provision of an additional passing place on the B road, and the routing of a footpath through the site to its southern end near the village play area. These details are acceptable to the Highway Officer.

In respecting the concerns of the Community Council, there appear to be very limited technical highway grounds on which to oppose the proposals in front of the Council. The Highway Officer is satisfied at the detailing of the access, which show a safe entrance arrangement and seem to offer benefits in the form of improved width of the B road at a pinch point, and an additional passing place along that road. The overall impact of the access does not seem likely to be significantly different in scale and nature to what is already approved. The private individual objection on the basis of additional traffic is noted, but is not a matter which should influence consideration of this application, as the issue of impact of the residential development on the highway network has already been considered and found acceptable as part of the determination of the outline application.

#### 6.2 Visual amenity / impact on AONB

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

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for its designation

There are no representations expressing concern over the impact of the access proposal on visual amenity or on the AONB. The AONB Joint Committee have no objections as they consider the proposal will enable more of the existing boundary hedge/trees to be retained.

In Officers' opinion, the detailing as revised, including curved splays in the stone frontage wall at the entrance offer a potentially significant improvement on the previously approved access arrangements as they would have considerably less visual impact than the engineering works which would have been required along the site frontage in connection with the construction of two access points in a sensitive location at the entrance of the village. There would be a loss of some trees around the point of access but this would be less than that involved in the previously approved access arrangements. Replacement planting behind the visibility splays can be conditioned to mitigate the loss of trees.

#### 6.3 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.

There is an objection from a private individual raising concerns over the general impact of the development in terms of giving rise to additional noise and pollution from fumes.

In respecting the abovementioned representations, Officers would not consider the proposals for a relocation of the access point into the Erw Goed site would give rise to any unacceptable residential amenity impacts. The actual point of access into the site is some 100 metres from the nearest residential property (excepting the applicant's property Erw Goed), hence any additional noise etc arising from the movement of traffic at the site entrance would seem unlikely to have any significant effect on occupiers of properties along the B road.

#### 6.4 Material changes in policy since original permission

Officers are not aware of any material changes in policy or circumstances since the grant of the 2013 outline consent or the 2016 variation to that consent, to justify taking a different view on the acceptability of the residential development of the site, or the detailing of the proposed point of access into the site.

The site remains a housing allocation in the Denbighshire Local Development Plan, and there is a need to deliver housing allocations to achieve housing supply figures.

#### 6.5 Other matters

In noting the objections expressed in relation to the principle of development, drainage issues and pollution from the development of the Erw Goed site, these were matters considered at outline application stage and do not fall for deliberation in relation to this application to revise the location of the site access. Conditions have been imposed on the permissions for the development requiring submission and approval of drainage details prior to commencement of development.

In response to the comments of the AONB Committee, no development can commence until full details of the detailed design, landscaping, retaining structures, lighting and affordable housing are approved by the Council.

#### 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 development.

### 7. **SUMMARY AND CONCLUSIONS:**

- 7.1. The site has been included as a housing allocation within the development boundary of Llanarmon yn Ial as part of the adopted Denbighshire Local Development Plan. An outline consent was granted in 2013, and permission extending the time period for submission of reserved matters plans and the commencement of development was granted in 2016.
- 7.2. The application seeks only to relocate the point of access into the site.
- 7.3. In respecting local concerns, the Highway Officer is satisfied at the detailing of the access and it is not considered there are strong grounds to resist the proposal, which seems to offer a number of improvements on the previously approved access arrangements.
- 7.4. It is not considered there have been any material changes to planning policy or circumstances since the original grant of consent which justify refusing the access proposal.

7.5. The recommendation is to grant the variation sought, which would facilitate the delivery of an allocated housing site.

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

1. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (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 no later than 14/11/2019.
3. The development hereby permitted shall be begun no later than 14/11/2021.
4. The development hereby permitted shall be carried out in accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Location plan received 23 August 2013
  - (ii) Proposed site masterplan and technical details of the access received 14 November 2018
  - (iii) Technical Highway Note received 3 November 2018
  - (iv) Supporting letters received 3 and 14 November 2018
5. **PRE-COMMENCEMENT CONDITION**

Prior to the commencement of any site works, details of a bat survey and any associated Reasonable Avoidance measures and mitigation considered necessary to address conflicts with the species including the details of how the measures will be secured shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with such approved details.
6. No development shall take place until a scheme of foul drainage, surface water drainage and land drainage has been submitted to, and approved by, the Local Planning Authority. The surface water drainage scheme should be based on sustainable drainage principles and an assessment of hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off will not exceed the run-off from the undeveloped site. The approved scheme shall be completed before the development is completed.
7. **PRE COMMENCEMENT CONDITION**

No development shall commence until the written approval of the Local Planning Authority has been obtained to a survey to determine the condition of the watercourse on the eastern side of the B5431 and an assessment of its ability to deal with existing and any additional surface water arising from the development, including any mitigation proposals. The development shall proceed strictly in accordance with the approved details.
8. The development shall not begin until arrangements for the delivery of affordable housing, in accordance with the Council's Policies and guidance, has been submitted to and approved in writing by the Local Planning Authority.
9. The development shall not begin until arrangements for the provision of open space, in accordance with the Council's Policies and guidance, has been submitted to and approved in writing by the Local Planning Authority.
10. 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.
11. Facilities shall be provided and retained within each plot for the parking of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and shall be completed prior to the proposed development being brought into use.
12. The detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site and the road shall be constructed as the approved drawings before any dwelling is occupied.
13. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed proposals for the highway works along

the B5431, including the road widening, provision for a footway, surface water drainage, the design and finish of the retaining wall and related landscaping / planting proposals. The approved works shall be completed strictly in accordance with the approved drawings before any dwelling is occupied.

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

The reasons for the conditions are:-

1. The application is for outline permission with details of means of access only.
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.
5. In the interests of Nature Conservation.
6. To prevent the increased risk of flooding, both on and off site.
7. To mitigate against the consequences of flooding in the area.
8. In order to ensure suitable arrangements for affordable housing in accordance with planning policies.
9. In order to ensure suitable arrangements for open space in accordance with planning policies.
10. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
11. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
12. In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.
13. In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.
14. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.

# Agenda Item 7

**WARD :** Tremeirchion

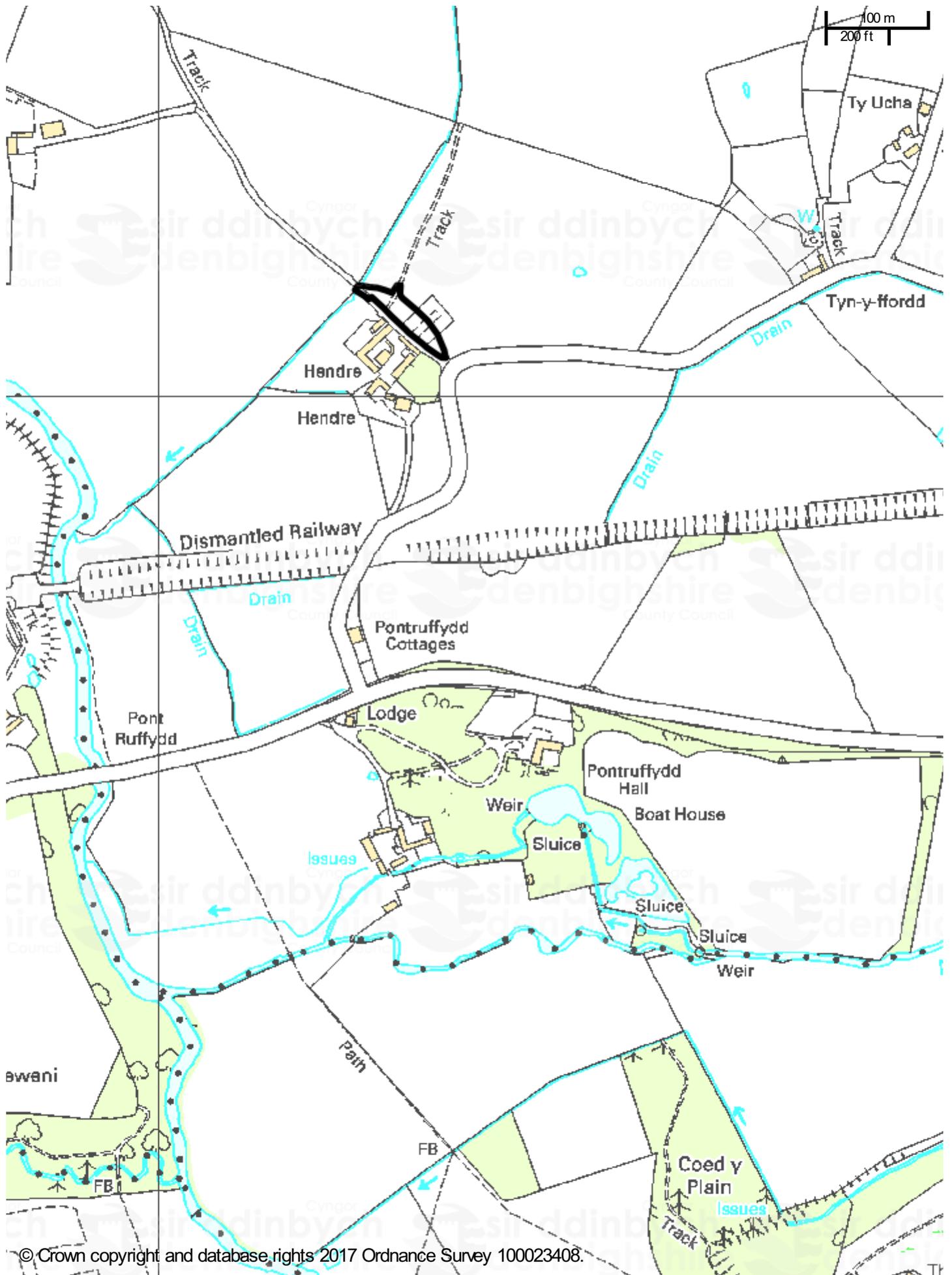
**WARD MEMBER:** Cllr Christine Marston (c )

**APPLICATION NO:** 41/2018/0865/PF

**PROPOSAL:** Retrospective application for the change of use of agricultural land to allow the formation of an access road, ancillary landscaped area and associated works

**LOCATION:** Hendre Farm Bodfari Denbigh LL16 4BP

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41/2018/0865

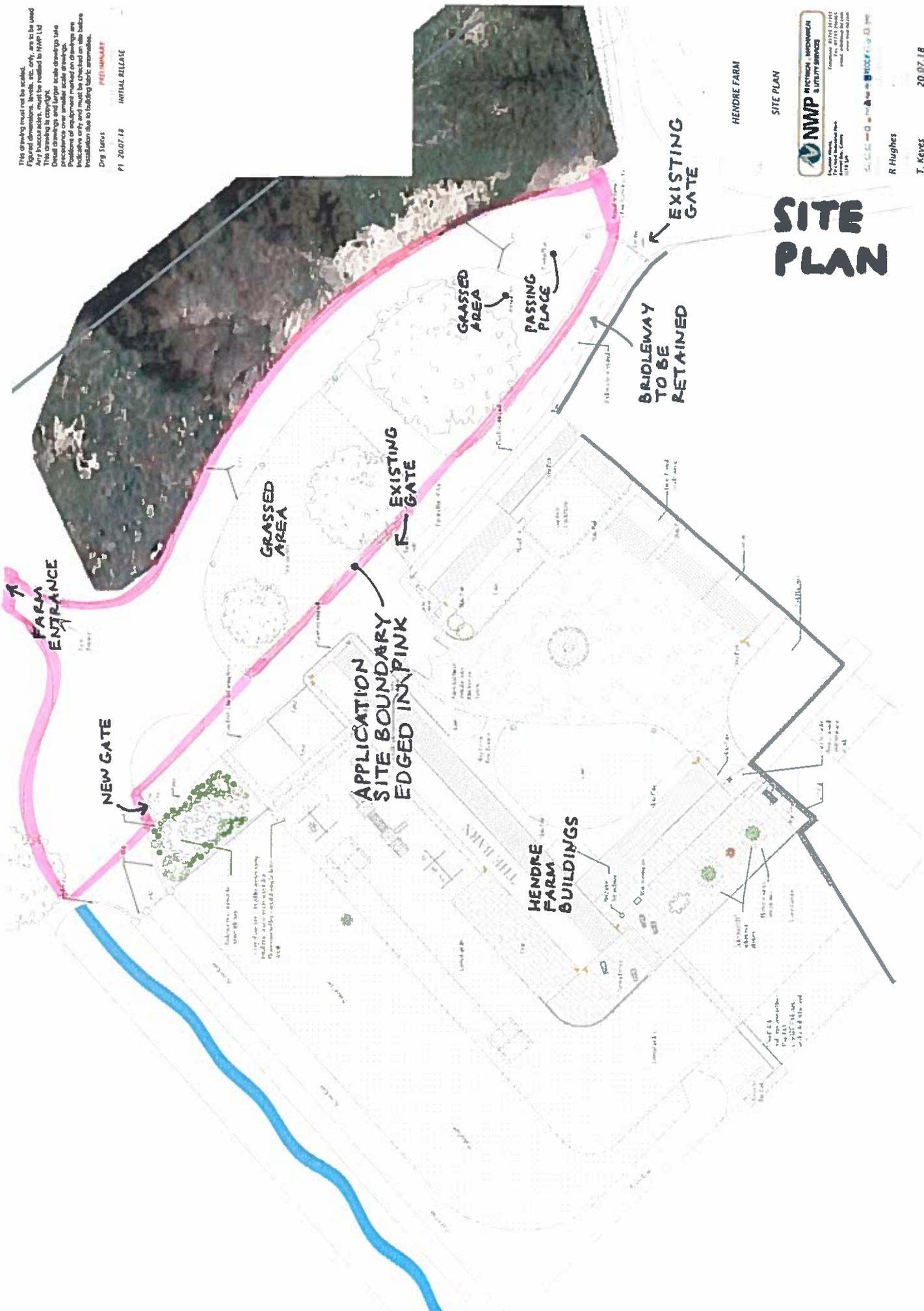
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This drawing must not be scaled.  
 Elevation markers, levels, etc. only are to be used.  
 Any inaccuracies must be notified to NWP Ltd.  
 This drawing is copyright.  
 Detail drawings and larger scale drawings take precedence over this drawing.  
 Positions of equipment marked on drawings are indicative only and must be checked on site before installation due to building fabric anomalies.

Prog Status  
**PRELIMINARY**  
 P1 20.07.18 INITIAL RELEASE



# SITE PLAN

**NWP** NICHOLSON MORRISON & PARTNERS SERVICES  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

Hendre Farm  
 T. Hughes  
 T. Keyes  
 20.07.18  
 I.200 MWP 001 P1



**WARD :** Tremeirchion

**WARD MEMBER:** Cllr Christine Marston (c )

**APPLICATION NO:** 41/2018/0865/PF

**PROPOSAL:** Retrospective application for the change of use of agricultural land to allow the formation of an access road, ancillary landscaped area and associated works

**LOCATION:** Hendre Farm Bodfari Denbigh LL16 4BP

**APPLICANT:** Mr & Mrs Keyes

**CONSTRAINTS:** PROW

**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:**

**BODFARI COMMUNITY COUNCIL**

“...recommend refusal on the grounds of loss of wildlife habitat and the creation of an additional road, the impingement on the existing residents’ accesses to both private property and agricultural land, and the consequent restriction of their businesses”.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**Highways Officer**

No objection, having regard to the existing access in close proximity, visibility at the access and usage. The provision of the passing place is also positive in terms of ensuring vehicles are not held up at the access point. Suggest a condition be attached regarding submission of a surface water drainage scheme.

**Footpaths Officer**

The case officer has suggested inclusion of advisory notes drawing attention to the need to protect the public bridleway.

**Ecologist**

Has noted the background circumstances of this application but raises no objections.

**RESPONSE TO PUBLICITY:**

Neither support nor object

John & Jenny Briggs, Tyn y Ffordd, Bodfari

Summary of planning based representations

Seeks clarification of the bridleway/footpath on the site.

Mitigation should be provided to compensate for the removal of the hedge such as planting of some native small trees, shrubs or a length of hedge on the grassed ancillary landscaped area or on the area to the North following reinstatement.

**EXPIRY DATE OF APPLICATION: 20/01/2019**

**EXTENSION OF TIME AGREED? N/A**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 Retrospective planning permission is sought for the change of use of an area of land to the north east of Hendre Farm, Bodfari, and the formation of an access road and ancillary landscaped area.

1.1.2 The existing access track runs along a Public Right of Way. The new access track has been created to the north east of this track.

1.1.3 The submitted plans, included at the front of the report, show the area of land between the retained right of way and the new track is grassed and retains three existing trees.

1.2 Description of site and surroundings

1.2.1 The land lies to the north east of the Grade 2 Listed Buildings at Hendre Farm. The recently converted barns are located to the southwest of the access road and landscaped area.

1.3 Relevant planning constraints/considerations

1.3.1 The site has no specific designation in the Local Development Plan.

1.3.2 It is situated within an area of Grade 3b moderate quality agricultural land according to the Predictive Agricultural Land Classification (ALC) map on the Welsh Government Lle website (accessed on 6/12/2018).

1.4 Relevant planning history

1.4.1 No relevant planning history to the agricultural land however the old farm buildings in connection with the work have undergone extensive conversion to form two dwellings.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 This application has been submitted retrospectively as a result of enforcement investigation.

**2. DETAILS OF PLANNING HISTORY:**

2.1 41/2012/0640 Demolition of modern farm buildings, conversion of outbuildings to create 2 no. dwellings and installation of private treatment plant (Listed Building Application) GRANTED 20/04/2014.

2.2 41/2012/0639 Demolition of modern farm buildings, conversion of outbuildings to create 2 no. dwellings and installation of private treatment plant GRANTED 20/04/2014.

2.3 41/200/0148 Demolition of modern farm buildings, conversion of outbuildings to create 4 no. dwellings and installation of private treatment plant and alterations to an existing vehicular access (Listed Building Application) GRANTED 19/01/2009.

2.4 41/200/0147 Demolition of modern farm buildings, conversion of outbuildings to create 4 no. dwellings and installation of private treatment plant and alterations to an existing vehicular access, GRANTED 19/01/2009.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

Policy VOE1 – Key areas of importance  
Policy VOE5 – Conservation of Natural Resources

3.2 Supplementary Planning Guidance  
None.

3.3 Government Policy / Guidance  
Planning Policy Wales Edition 10 December 2018  
Development Control Manual

#### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Setting of a Listed building
- 4.1.5 Highways
- 4.1.6 Ecology

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no planning policies in the Local Development Plan which relate specifically to the creation of an access track and amenity area near existing dwellings in open countryside locations.

PPW Edition 10 paragraph 3.55 seeks to protect land of high agricultural quality from development, but the area involved in this application has not been in use for agricultural purposes and in any event is not in grades 1, 2, and 3a as defined by the Agricultural Land Classification Predictive Map.

Officers suggest the determination of the application rests on assessment of material considerations outlined in the Development Manual, and therefore on the local impacts of the particular uses / developments involved at Hendre Farm.

4.2.2 Visual amenity

Section 9.4 of the Development Management Manual refers to 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 impact of the proposals on visual amenity are therefore a relevant consideration.

There are no representations on the application raising visual amenity objections.

It is Officers' understanding that the works which have been undertaken here have involved the removal of old machinery and overgrown vegetation / scrub, and basic levelling and grassing of the land to improve the visual appearance next to the buildings at Hendre Farm.

It is considered that the scheme is acceptable in terms of visual impact.

#### 4.2.3 Residential amenity

Section 9.4 of the Development Management Manual refers to 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 impact of the proposals on residential amenity are therefore a relevant consideration.

Given the nature of the proposal and the fact that the purpose of the access track is to serve the both the farm to the north and the existing residential properties at the Hendre Farm complex, and to improve the general appearance of the area of land between the new track and the right of way, it is not considered that it would give rise to any harm to residential amenity.

#### 4.2.4 Setting of a Listed building

Planning Policy VOE 1, and sections 16 and 66 of the Planning (listed Building and Conservation Areas) Act 1990 require Local Planning Authorities to have regard to the impact of proposed developments impact upon the setting of listed buildings.

The new access track is within approximately 50m of the Grade II listed building, Hendre (former farmhouse). It is considered that the track and associated landscaped area does not have an unacceptable impact on the settling of the listed building.

#### 4.2.5 Highways (including public right of way)

Section 9.4 of the Development Management Manual refers to 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 highways impact of the proposals are therefore a relevant consideration.

The Community Council have objected on the grounds of the creation of an additional road, and refer to the impingement on the existing residents' accesses to both private property and agricultural land, and the consequent restriction of their businesses. The Council's highway officer raises no objection having regard to the existing access in close proximity, visibility at the access and usage, and suggests the provision of the passing place is also positive in terms of ensuring vehicles are not held up at the access point.

In respecting the matters raised by the Community Council in relation to the public right of way, these are matters under investigation by the Highways Section who have powers to take action against any interference with the public right of way. Private rights of access are not matters which the Council has authority to determine or arbitrate over.

#### 4.2.6 Biodiversity

Policy VOE 5 of the Local Development Plan requires due assessment of potential impacts on protected species or designated sites of nature conservation, including

mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

Policy VOE 1 seeks to protect statutory sites for nature conservation from development that would adversely affect them.

Section 9.4 of the Development Management Manual refers to 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 biodiversity impact of the proposals are therefore a relevant consideration.

This reflects policy and guidance in Planning Policy Wales, TAN 5 and the Council's Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The Community Council have concerns over the loss of wildlife habitat. The County Ecologist has no objections to the application.

Officers cannot condone the practice of undertaking works / development without permission, but in the absence of any evidence of the presence of protected species and clear damage to wildlife interests, it would be difficult to oppose this application based on impact to biodiversity interests.

#### Other matters

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

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

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

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

5.1 In noting the points raised by the Community Council, having due regard to the detailing of the proposals and the impacts on the locality, 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 16th January 2024
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) Site Plan (Drawing No. NWP 001 P1) - Received 26 November 2018
  - (ii) Lighting Product Specification (Drawing No. Ansell Taurus 25 Watt) - Received 14 November 2018
  - (iii) Gate Product Specification - Received 14 November 2018 (iv) Location Plan - Received 4 September 2018
  - (v) Supporting Statement - Received 4 September 2018

3. None of the existing trees or hedgerows within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any of these retained trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the date of this permission shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority , no later than the next planting season.
4. The land comprising the application site shall be used solely as a landscaped amenity area and shall not form part of the private curtilage of any of the adjacent dwellings.
5. Notwithstanding the submitted details, a surface water drainage scheme in relation to the access track shall be submitted for the consideration of the Local Planning Authority within 3 months of the date of this permission. Such scheme as may be approved in writing by the Local Planning Authority shall be implemented within 3 months of approval and shall be retained and maintained 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 interests of visual amenity.
4. In the interests of visual amenity.
5. In the interest of the management of flood risk.

# Agenda Item 8

**WARD :** Prestatyn Central

**WARD MEMBERS:** Cllr Tina Jones (c)  
Cllr Hugh Irving

**APPLICATION NO:** 43/2018/0847/ TP

**PROPOSAL:** Removal of seven ash trees and one sycamore tree subject to  
Tree Preservation Order 1/1981

**LOCATION:** Pen Y Llan Bishopswood Road Prestatyn

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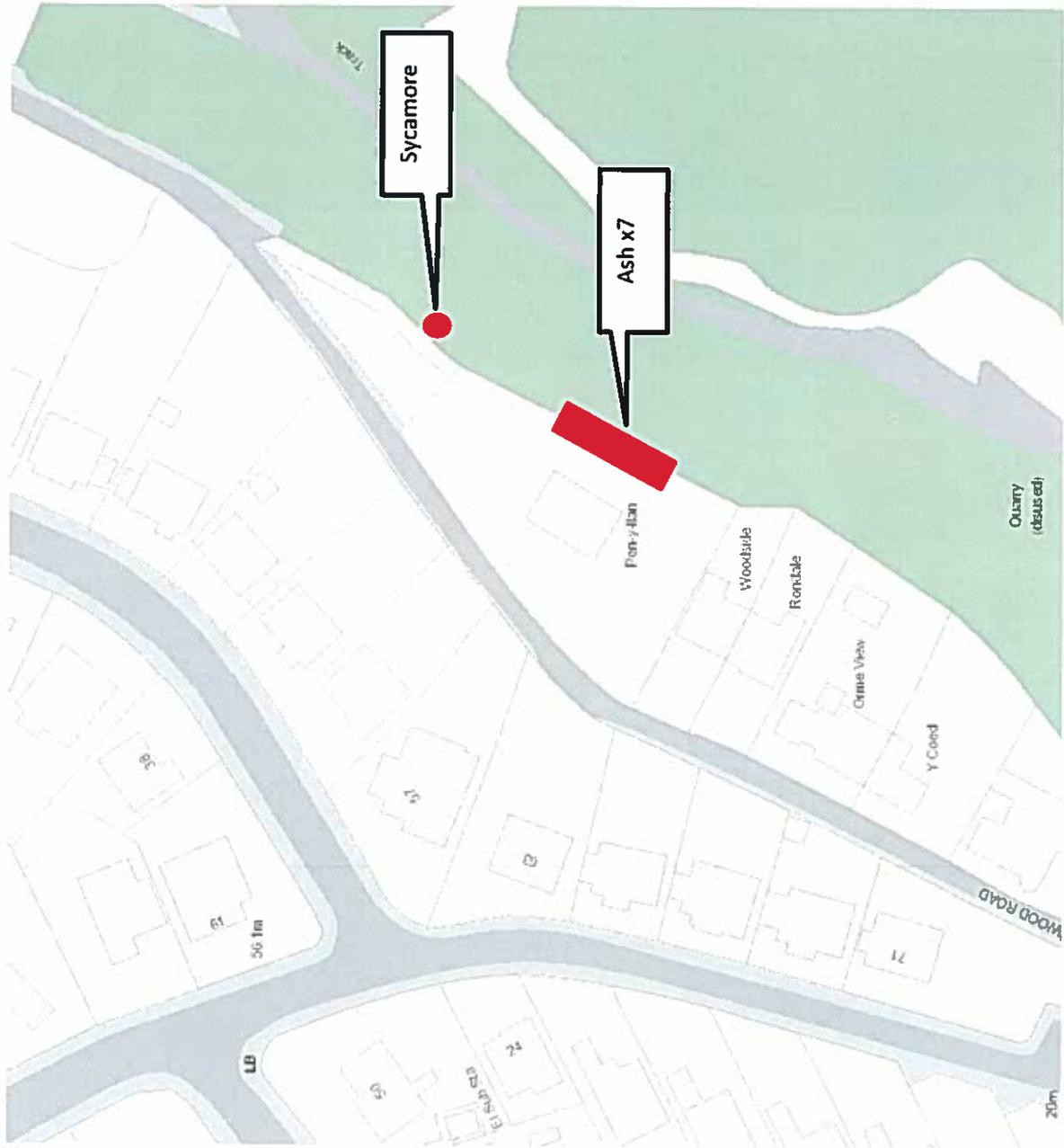






# SITE PLAN

Site Plan (SP-01)





**WARD :** Prestatyn Central

**WARD MEMBERS:** Cllr Tina Jones (c)  
Cllr Hugh Irving

**APPLICATION NO:** 43/2018/0847/ TP

**PROPOSAL:** Removal of seven ash trees and one sycamore tree subject to Tree Preservation Order 1/1981

**LOCATION:** Pen Y Llan Bishopswood Road Prestatyn

**APPLICANT:** Mr William Scriven

**CONSTRAINTS:** Tree Preservation Order  
SSSI  
Article 4 Direction  
AONB

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

“Objection, old woodlands must be protected. Removal of trees should only be considered if tree diseased and/or imminent danger to property”.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
TREE CONSULTANT

Taking into account the characteristics of the trees, their proximity to the overhead line and dwelling and their limited amenity, considers it would be unreasonable to require them to be pruned and concludes their removal is justified.

**RESPONSE TO PUBLICITY:**

No representations received.

**EXPIRY DATE OF APPLICATION: 21/11/2018**

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application seeks permission for the removal of 7 Ash trees and 1 Sycamore which are located in a large area of land which is subject to a Tree Preservation Order, to the south east of Bishopswood Road in Prestatyn.

1.1.2 The reason for the proposed works is due to the top-heavy form of the trees and the proximity of the trees to the dwelling Pen y Lan and a low voltage power line, which raises safety concerns.

- 1.1.3 The location of the trees is shown on the plan at the front of the report. The specimens involved are:
- A sycamore in decline, located behind a low retaining wall and is the furthest north east, adjacent to the drive.
  - Three ashes situated directly behind the dwelling, which are growing in a garden area. The ashes are slender trees with poorly developed crowns.
  - Another slender ash and a sycamore adjacent to the electricity line.
  - The remaining two ashes in an area of woodland regeneration slightly higher up the slope.

1.2 Description of site and surroundings

- 1.2.1 The trees are situated on a steep bank rising up the hillside behind Pen y Llan. On the application form the agent advises that the trees are in the ownership of Denbighshire County Council.

1.3 Relevant planning constraints/considerations

- 1.3.1 The trees are covered by a Former Clwyd County Council/1/1981 Tree Preservation Order.

- 1.3.2 The trees are situated within the Prestatyn Hillside SSSI site and within the boundary of the AONB.

1.1 Relevant planning history

- 1.1.1 None.

1.2 Developments/changes since the original submission

- 1.2.1 None.

1.3 Other relevant background information

- 1.3.1 None.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 N/A

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

**3.1 Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Trees & Landscaping

**3.2 Government Policy / Guidance**

Planning Policy Wales Edition 10 (December 2018)  
Technical Advice Note 10 - Tree Preservation Orders

**4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Impact on Amenity Value

4.2 In relation to the main planning consideration:

- 4.2.1 Impact on Amenity Value

Tree Protection Orders are made on the basis of an assessment of the amenity value of the trees. Therefore assessment of the application to fell or undertake works to trees subject of a TPO must be restricted to an assessment of the amenity value of the tree(s).

Owing to the location of the trees behind the property Pen y Llan on a steep embankment, their limited visibility on the Prestatyn Hillside and their poorly developed crowns and slender forms, it is considered that the removal of the trees would not have a significant impact upon the amenity value or character of the AONB. The Council's Tree Consultant has stated that "taking into account the characteristics of the trees, their proximity to the overhead line and dwelling and their limited amenity; I consider it would be unreasonable to require them to be pruned and their removal is justified".

The Tree Consultant has advised that he would not recommend replacement planting but would instead suggest a condition be attached which prevents the treatment or removal of the stumps so that over time they will regrow.

In respecting the comments of the Town Council, it is considered that none of the trees can be regarded as forming woodland, or old woodland and the proposals to remove the trees would not have an unacceptable impact on amenity value subject to the imposition of appropriately worded conditions. The application is therefore considered acceptable.

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

- 5.1 Having regard to the scale and nature of the tree works proposed it is not considered their removal would have an unacceptable impact in relation to visual amenity. The proposals are considered acceptable and are recommended for grant.

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

1. The work shall be completed within 2 years from 16th January 2019
2. This consent is granted in relation to the following plans and documents:
  - (i) Photographs - Received 27 September 2018
  - (ii) Location Plans - Received 29 August 2018
  - (iii) Covering Letter - Received 29 August 2018
3. The stumps of any of the felled trees shall not be treated to prevent regrowth, ground out, excavated or otherwise killed or destroyed.
4. No tree works hereby permitted shall take place until a Method Statement for the tree works has been submitted to and has been approved in writing by the Local Planning Authority. Once approved the works shall only be carried out in accordance with the approved Method Statement unless a variation to it is agreed in writing with the Local Planning Authority.

The Method Statement should include the following details:-

- Method of felling, including direction, or dismantling
- Biosecurity measures
- Access
- Disposal of arisings
- Demarcation of SSSI boundary

The reasons for the conditions are:-

1. To ensure the work is carried out within a reasonable period.
2. For the avoidance of doubt.
3. To provide coppice growth and subsequent canopy cover on the edge of the hillside, which will provide replacement amenity.
4. The land on which the trees are situated is within Prestatyn Hillside SSSI and it is necessary to safeguard the plant communities associated with the site's designation.

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