

To: Chair and Members of the Planning Committee

Date: 4 December 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, 11 DECEMBER 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 9 - 10)

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 11 - 22)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 13 November 2019 (copy attached).

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

5 APPLICATION NO. 01/2019/0752 - 8 LON NANT, DENBIGH (Pages 23 - 44)

To consider an application for the proposed erection of extension and alterations to the dwelling (copy attached).

6 APPLICATION NO. 01/2019/0757 - GRAIG QUARRY, GRAIG ROAD, DENBIGH (Pages 45 - 70)

To consider an application for the variation of condition 1 of planning permission 01/2009/1424/PS to allow continuation of extraction of permitted reserves (copy attached).

7 APPLICATION NO. 11/2019/0472 - TYN Y CELYN, CLOCAENOG, RUTHIN (Pages 71 - 94)

To consider an application for the Erection of a manure storage building for use in connection with existing poultry unit, formation of a new vehicular access to serve the building and associated works (copy attached).

8 APPLICATION NO. 28/2019/0808 - THE RIGGERY, HENLLAN, DENBIGH (Pages 95 - 114)

To consider an application for the Erection of a detached garage (amended details to those previously approved) (copy attached).

9 APPLICATION NO. 45/2019/0537 - 9 BODFOR STREET, RHYL (Pages 115 - 134)

To consider an application for the Conversion of first and second floors to form 3 no. self-contained flats and formation of a separate access at front of existing retail unit (copy attached).

10 APPLICATION NO. 46/2019/0748 - APRIL COTTAGE, GLASCOED ROAD, ST ASAPH (Pages 135 - 152)

To consider an application for the erection of 1.75m high hand woven hazel wood screening with concrete support post clad in timber with square timber cappings (partly retrospective) (copy attached).

MEMBERSHIP

Councillors

Councillor Joe Welch (Chair)

Councillor Alan James (Vice-Chair)

Ellie Chard
Ann Davies
Peter Evans
Brian Jones
Huw Jones
Tina Jones

Bob Murray
Merfyn Parry
Pete Prendergast
Andrew Thomas
Tony Thomas
Julian Thompson-Hill

Gwyneth Kensler
Christine Marston
Melvyn Mile

Emrys Wynne
Mark Young

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

General introduction

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

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

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

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

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

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

The Planning Committee consists of 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, 13 November 2019 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Peter Evans, Alan James (Vice Chair), Gwyneth Kensler, Christine Marston, Melvyn Mile, Bob Murray, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Local Members – Councillors Huw Hilditch-Roberts, Rhys Thomas and Huw Williams attended for particular items relating to their wards

Observers – Joan Butterfield, Barry Mellor and Peter Scott

ALSO PRESENT

Head of Planning and Public Protection (EJ); Head of Legal, HR and Democratic Services/Monitoring Officer (GW); Team Leader – Places Team (SC); Development Control Manager (PM); Principal Planning Officer (IW); Planning Officer (DS); Senior Engineer – Development Control (MP) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Brian Jones, Huw Jones, Tina Jones, Merfyn Parry, Pete Prendergast and Andrew Thomas

2 DECLARATIONS OF INTEREST

Councillor Huw Hilditch-Roberts declared a personal interest in Agenda Item 7 – Land at Fron Haul, Llanfwrog, Ruthin because he was a member of the same Rugby Club as the applicant.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee held on 9 October 2019 were submitted.

RESOLVED that the minutes of the meeting held on 9 October 2019 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 12) -

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

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

5 APPLICATION NO. 01/2019/0579/PF - THE AIRFIELD, LLEWENI PARC, DENBIGH

An application was submitted for change of use of land for the siting of a hospitality/office unit, construction of associated parking area and dual use of the existing tracks as airfield and for driving school use; use of existing track for the use of 4x4 training and siting of a cabin for induction/training and associated hard surfacing for skid car tutoring at the Airfield, Lleweni Parc, Denbigh.

Public Speakers –

Ms. M. Green (**Against**) – highlighted local opposition to the proposal and concerns that the current noise pollution experienced from activities at the site would increase if the application was granted. Also referred to concerns regarding water and light pollution and the detrimental impact on achieving Dark Sky Status.

Mr. T. Witham (**For**) – provided some background to the operation of the business and future plans and highlighted the positive impact on the local economy and young people through the provision of quality training. The business had been operating within permitted development limits, no noise complaints had been received and water would not be used to simulate conditions.

General Debate – Additional information had been included in the late supplementary papers (blue sheets) in terms of representations received together with a minor re-wording of condition 4 regarding approved use and a suggested new condition to control surface water use. Councillor Mark Young (Local Member) advised that many of the concerns raised initially had been addressed with the applicant but sought further assurances regarding removal of the buildings if the business ceased together with highway and noise concerns. Councillor Rhys Thomas (Local Member) sought clarification regarding the hours of operation.

Officers responded to the issues raised by members advising that –

- condition 5 relating to removal of the building and associated facilities in the event the businesses ceased operating from the site was legally enforceable
- in the event of any noise complaints officers would investigate and take any action deemed appropriate
- traffic movement was likely to be low and spread throughout the day and given the siting of the office building there was sufficient length of driveway to avoid congestion around the entrance; accordingly there were no highway concerns
- confirmed the hours of operation as applied for and which required determination were between 08.30 and 19.00.

Councillor Christine Marston referred to a complaint regarding racing at the site and officers advised that the application did not contain reference to racing activities or events and condition 4 prevented the tracks from being used for any motor racing

activity. Any evidence based reports of unauthorised activities could be investigated as a separate issue outside of the meeting.

Proposal – Councillor Mark Young was satisfied that all concerns raised had been appropriately addressed and therefore he proposed, seconded by Councillor Peter Evans, that the application be granted in accordance with officer recommendation.

VOTE:

GRANT – 12

REFUSE – 1

ABSTAIN – 0

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

6 APPLICATION NO. 01/2019/0752/PF - 8 LON NANT, DENBIGH

An application was submitted for proposed erection of extension and alterations to dwelling at 8 Lon Nant, Denbigh.

Proposal – Councillor Gwyneth Kensler referred to the late technical information contained within the supplementary papers for which she would like additional time to consider and also suggested a site visit be arranged. On that basis she proposed, seconded by Councillor Bob Murray, that the application be deferred.

VOTE:

FOR DEFERRAL – 13

AGAINST DEFERRAL – 0

ABSTAIN – 0

RESOLVED that the application be **DEFERRED** in light of the additional late supplementary information received and to accommodate a site inspection visit.

7 APPLICATION NO. 22/2019/0544/PC - OLD BARN, HWYLFA, LLWYN, GELLIFOR, RUTHIN

An application was submitted for use of agricultural building for the repair and maintenance of applicant's own vehicles, machinery and equipment used in connection with applicant's agricultural contracting and groundworking business and change of use of adjoining agricultural land to ancillary storage in association with the building (retrospective application) at the Old Barn, Hwylfa, Llwyn, Gellifor, Ruthin.

Public Speakers –

Mr. E. Evans (**Against**) – stated the application had only been forthcoming as a result of an enforcement notice, referred to previous permission granted and disputed the use of the building for the agreed purposes stated. Argued against the use of grade 1 agricultural land and the appropriateness of the location, and that relevant criteria had not been met contrary to Planning Policy Wales guidance.

Mr. M. Roberts (**For**) – reported upon plans for the business and how it would contribute to economic feasibility of the rural community. It was a small scale development in an appropriate location which, with conditions, could overcome concerns raised and on that basis the application should be approved.

General Debate – Councillor Huw Williams (Local Member) advised that he had visited the site and had worked with officers with a view to addressing residents' concerns. He found the site to be tidy and well maintained and supported the officer recommendation to grant the application. Councillor Emrys Wynne raised some concern regarding potential noise nuisance arising from activities at the site and hoped that the conditions proposed to address that issue would be sufficient if members were minded to grant the application. He also had some concerns regarding the loss of grade 1 agricultural land which he felt should be protected if there was opportunity to do so. In response to the issues raised officers advised it was accepted that noise was generated from activity on the site but the noise assessment had concluded that noise levels could be mitigated by insulation measures and adequately controlled by condition. It was also agreed that the loss of agricultural land was a factor for members to weigh up together with other considerations such as employment issues and officers had considered on balance that the application should be granted. In response to a question from Councillor Gwyneth Kensler it was confirmed that PSE4 and PSE5 allowed for conversions of buildings to alternative uses and employment uses subject to the tests being met.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, seconded by Councillor Melvyn Mile.

VOTE:

GRANT – 10

REFUSE – 1

ABSTAIN – 2

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

8 APPLICATION NO. 02/2019/0159/PF - LAND AT FRON HAUL, LLANFWROG, RUTHIN

An application was submitted for conversion of existing building to chalet, erection of 3 new chalets, with associated construction of roads, creation of pond, installation of drainage and landscape planting at land at Fron Haul, Llanfwrog, Ruthin. The item had been deferred by the committee in September pending the receipt of additional information to clarify the case for the development.

Public Speaker –

Mr. R. Davies (agent) (**For**) – referred to the additional information requested, justification statement, detailed accounts and viability statement. Argued the application complied with Policy PSE5 which allowed for tourism development

outside development boundaries subject to detailed criteria, highlighting a clear shortage of holiday accommodation supply in the area and strong market demand.

General Debate – Councillor Huw Hilditch-Roberts (Local Member) spoke in support of the application and how he believed the policy tests had been met. He considered the design to be in keeping with the character of the area, highlighting a number of properties/facilities in the vicinity to illustrate this point; referred to the study of hotel demand commissioned by Denbighshire which concluded a clear demand for hotel accommodation and reported upon his efforts to arrange group accommodation via Booking.com to demonstrate the lack of availability in Ruthin, and he also highlighted the reduction in visitor accommodation over recent times; the lack of land allocated for business use in Ruthin was also highlighted as a factor to consider. Councillor Hilditch-Roberts advised that the applicant had a proven record in the town, the proposal would meet a need and be of economic benefit to Ruthin and tourism in Denbighshire, and urged members to grant the application.

Officers responded to the issues raised as follows –

- reiterated that it was a greenfield site in open countryside some 2km away from the town centre in Ruthin where the applicant's other businesses were located and there was no planning mechanism to tie the development to the existing pub business
- clarified on the slideshow of photographs provided the building proposed to be converted which was in officers' view a new build given that only one partial elevation was being retained – the farmhouse on the opposite side of the track had been granted as a replacement dwelling and had been demolished and was a completely separate scheme
- the Denbighshire Study of Hotel Demand & Potential 2018 had considered hotel accommodation and the application referred to a self-contained holiday let. A separate assessment had been carried out which identified a general shortfall of all forms of visitor accommodation county wide but it was not specific to Ruthin
- the application had been referred to as holiday accommodation and chalets/cabins but they were essentially very large two story properties that well exceeded space standards for four bedroom units. Development in open countryside was strictly controlled and required overriding justification which officers did not consider had been made in this case
- it was considered that no efforts had been made to find any suitable available buildings or land within 2km of the existing businesses and that the site had been selected on the basis that it was in the applicant's ownership.

There was some further debate as to the relevance of the Denbighshire Study of Hotel Demand & Potential to the planning application and what weight to attach to it given that it related solely to hotel accommodation albeit suggesting some diversification of visitor accommodation within a particular context. However it was suggested that there was a general shortfall in visitor accommodation in the county.

Councillor Mark Young reported that tourism and visitor numbers to the county continued to grow and he was keen to see investment in this area and had been reassured that conditions could be imposed to restrict the proposed dwellings for holiday use only. Councillor Emrys Wynne added his support to the application

given that it was a local development by a local business which would improve the economy and provide a high standard of holiday accommodation that would enhance the surrounding area. He concurred with the views of fellow Local Member Councillor Huw Hilditch-Roberts and elaborated upon how he considered the relevant policy tests had been met which could be included in the final reasons for the decision if the application was granted. He also highlighted that there had been no representations raising concerns and believed there was local support for such a development. If members were minded to grant the application he referred to a number of conditions to be imposed in order to address issues raised by Natural Resources Wales regarding flood risk and the need for an ecological assessment, and in terms of appropriate screening and protection of the footpath amongst others. Officers advised that if members wished to move against officer recommendation the usual practice was to agree a set of conditions with the Local Member to apply to the consent, but there was also the option of bringing the conditions back to the committee for approval.

Proposal – Councillor Mark Young proposed, seconded by Councillor Emrys Wynne, that the application be granted on the grounds that conversion of the building into a holiday unit met Policy PSE4 in relation to the conversion of rural buildings, and that tests in relation to Policy PSE5 had effectively been met in that the development was considered appropriate in scale and design to its location; evidence demonstrated that there were no other buildings in the locality suitable for conversion for that use, and a viable business case had been demonstrated.

VOTE:

GRANT – 9

REFUSE – 4

ABSTAIN – 0

RESOLVED that permission be **GRANTED**, contrary to officer recommendations, on the grounds that the application complied with the criteria of Policy PSE4 and that the tests in relation to Policy PSE5 had effectively been met.

9 APPLICATION NO. 43/2018/0750 - LAND TO THE NORTH, WEST AND EAST OF MINDALE FARM, FFORDD HENDRE, MELIDEN

An application for the demolition of existing dwelling and outbuildings, erection of 133 dwellings, construction of internal estate roads, sewers, SUDS drainage and open spaces, strategic and hard/soft landscaping and ancillary works, in association with application 43/2018/0751 for new link road to Ffordd Talargoch (A547) at land to the north, west and east of Mindale Farm, Ffordd Hendre, Meliden, Prestatyn had been submitted for reconsideration. [Application 43/2018/0751 had been submitted for reconsideration as a separate agenda item.]

Both applications had been refused by Planning Committee on 4 September 2019, contrary to officer recommendation. Following deliberations by the Head of Planning and Public Protection in consultation with the Monitoring Officer, and in accordance with the current Scheme of Delegation, it was considered that the grounds for refusal put forward on both applications gave rise to a significant risk of costs being awarded against the Council at any subsequent appeal or legal

challenge. Consequently both applications had been re-submitted for consideration at the Planning Committee on 9 October when it had been resolved to defer both items pending receipt of further information. The supplementary reports provided members with the additional information requested and clarification of the reasons for requesting reconsideration of the applications together with all the relevant background information relating to the case.

Public Speakers –

Mr. B. Paterson (**Against**) – referred to the Planning Committee’s decision to refuse the application in September with no planning changes since then; compared financial risks to the Council and the reduction in property values and cost to local householders of properties directly involved; argued greenbelt land outside of a development boundary should not be used to facilitate the development.

Mr. M. Gilbert (**For**) – advised site had been allocated for residential development in Local Development Plan (LDP) and applications should be consented in accordance with the LDP unless material considerations indicated otherwise; highlighted lack of available housing land supply and type of housing needed which the application would help address; referred to clear evidence and advice that concerns raised could be appropriately mitigated by conditions with no justifiable reasons for refusal.

General Debate – The Monitoring Officer provided some general context to decision making at Planning Committee together with the reasoning for resubmission of the applications in this case. Officers were of the view that the decision taken at the September meeting and reasons given for it carried a high risk of significant costs being awarded against the Council on appeal. Details of the process for costs awarded were provided based on the reasonableness of decisions and conduct of the matter and had been set out within the report. A cost estimate had been provided by the applicant’s legal representative and any subsequent cost award would need to be vigorously scrutinised but it was wrong to suggest that a costs application was unlikely to succeed in this case, and reference was made to a previous case referred back to committee which had resulted in the Council being ordered to pay significant costs on appeal. The decision was for Planning Committee to take and should be reached objectively having regard to officers’ advice and judged on the material considerations presented; where decisions were taken contrary to officer advice clear reasons for doing so should be given. The advice in the report was clear and officers had a professional obligation to provide it. In making their decision members were asked to take into account the risks that had been set out and carefully consider the advice of planning officers.

During debate Councillor Bob Murray expressed his view that the Planning Committee had democratically voted against granting the application in September and he supported that decision and the reasons given for refusal based on highway/infrastructure and drainage/flooding grounds. He proposed, seconded by Councillor Melvyn Mile, that the application be refused on that basis. Councillor Murray advised that Prestatyn was prone to flooding and he elaborated upon his particular concerns in that regard, highlighting problems already experienced in the area, and also raised concerns relating to highways and the local infrastructure.

Councillor Julian Thompson-Hill concurred with the views of fellow Prestatyn Members and did not support granting the application – he did however suggest that the reasons for refusal be focused on fewer, stronger grounds rather than a greater number which might prove more difficult to defend. Councillor Peter Evans (Local Member) reiterated his objections to the development and asked that the democratic and conclusive decision taken by the committee in September to refuse permission be upheld. He considered the reasons for refusal as drafted and set out within the report following the September meeting to be an appropriate basis to defend an appeal, with any amendments to the final wording of the reasons to be agreed with him as Local Member outside of the meeting in accordance with usual practice. Whilst appreciating local opinion on the proposed development, Councillor Tony Thomas highlighted the need for solid planning reasons in order to defend any appeal which he believed had not been forthcoming, particularly given that the technical responses and evidence provided suggested that any concerns could be mitigated through conditions, and the recommendations of the Planning Inspector following the last appeal had since been addressed. He also highlighted the need for housing in Denbighshire, and of a particular type, and the proposed development would provide 13 affordable housing units and 44 two bedroom housing units.

Officers clarified a number of issues raised and responded to questions as follows –

- decisions should be based on planning considerations and the issue of costs only arose if there were inadequate planning reasons for the decision reached
- any costs award would have to be met by the Council
- the application site had been allocated as land for housing in the current Local Development Plan (LDP) and the second application submitted in respect of the link road to service the development was on land outside the LDP boundary
- clarified the two reasons for refusal drafted by officers on highway/infrastructure and drainage/flooding grounds based on the resolution of the Planning Committee in September – the risks associated with those two reasons had been clearly set out within the report and communicated to members
- if members were minded to refuse permission they should provide detailed wording of the reasons for refusal.

Councillor Peter Evans (Local Member) reiterated his view that the application should be refused on the planning grounds put forward by the Planning Committee in September and as set out within the report.

Proposal – Councillor Bob Murray proposed, seconded by Councillor Melvyn Mile, that permission be refused on the basis of the planning reasons put forward by the Planning Committee in September relating to highway/infrastructure and drainage/flooding grounds and as set out within the report, subject to the final wording being agreed with the Local Member.

VOTE:

GRANT – 3

REFUSE – 9

ABSTAIN – 1

***RESOLVED** that permission be **REFUSED**, contrary to officer recommendation, on grounds relating to highway/infrastructure and drainage/flooding as put forward by the Planning Committee in September and as drafted within the report, subject to the final wording being agreed with the Local Member.*

10 APPLICATION NO. 43/2018/0751 - LAND SOUTH WEST OF FFORDD TY NEWYDD, OFF FFORDD TALARGOCH (A547), MELIDEN

An application for construction of new road (approximately 400m in length) from Ffordd Talargoch (A547) to land at Mindale Farm, in association with application 43/2018/0750 for residential development on housing land allocation at land south west of Ffordd Ty Newydd, off Ffordd Talargoch (A547), Meliden had been submitted for reconsideration. [Application 43/2018/0750 had been submitted under the preceding minute item and had been refused planning permission.]

Public Speaker –

Mr. B. Paterson (**Against**) – explained the road was the serve the housing development which had been refused and therefore served no purpose; there was local opposition to the development and it was outside the development boundary on land which was unstable due to historic mining in the area.

General Debate – A general overview and background to both applications had been provided under the previous minute item and the report also contained specific information relating to the access road application. The Monitoring Officer reiterated his comments with regard to officers’ advice and ensuring careful consideration of the circumstances and planning considerations together with the risks of making a decision based on reasons which may be difficult to defend.

Councillor Peter Evans (Local Member) proposed, seconded by Councillor Bob Murray, that the application be refused in line with the decision of the Planning Committee in September and for the reason as set out within the report that the new road would be developed in open countryside outside the development boundary and would not lead to any development. He considered that the final wording could be agreed outside of the meeting between himself as Local Member and officers in accordance with usual practice.

Officers reiterated that the decision as it stood would prove difficult to defend and sought more specific reasons in terms of identifying why the development was unacceptable and the harm that development would cause, illustrating some examples of material planning considerations for developments outside the development boundary, and issues previously raised by the committee when considering the specific development subject of the application. Councillor Tony Thomas also voiced his concern regarding the robustness of the reason put forward and sought a stronger reason for refusal which would enable any subsequent appeal to be successfully defended, and he drew attention to the previous appeal and conclusions of the Planning Inspector in this regard. In terms of the reference to the development effectively being a ‘road to nowhere’ and that it would serve no purpose given refusal of the associated residential development, officers clarified that the use of planning conditions to control development was a key issue.

Officers had advised that the imposition of planning conditions could ensure that construction of the road could be prevented unless there was a residential development for it to serve and therefore it would be a risk to include a reference to it effectively being a 'road to nowhere' as a valid planning reason.

Members considered a number of potential reasons to put forward to strengthen the reason as set out in the report arising from the Planning Committee in September including visual landscape impact; adequacy of drainage arrangements; land stability in light of historic mining, and the possibility of land contamination. With regard to those reasons officers cautioned against bringing forward a number of reasons without an evidence base to support them. Given that other reasons could legitimately be raised at an appeal in addition to the Council's reason for refusal, members agreed to include reference to the harm the development would have on the visual character of the area.

Proposal – Councillor Peter Evans proposed, seconded by Councillor Bob Murray that the application be refused, contrary to officer recommendation, on the basis that its development was within open countryside outside the development boundary and would have a negative visual impact.

VOTE:

GRANT – 1

REFUSE – 12

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on the basis that its development was within open countryside outside the development boundary and would have a negative visual impact.

At this point (11.35 a.m.) the meeting adjourned for a refreshment break.

11 APPLICATION NO. 43/2019/0697/PF - 27 PLAS AVENUE, PRESTATYN

An application was submitted for erection of extension and alterations to dwelling at 27 Plas Avenue, Prestatyn.

General Debate – Councillor Julian Thompson-Hill (Local Member) explained that the application had been deferred at the last meeting. The property had been subject to a site inspection visit just prior to the last meeting following which revised plans had been submitted reducing the amount of glazing that would have been overlooking the neighbouring property in response to concerns raised. Consequently he was happy to move the officer recommendation to grant.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, seconded by Councillor Alan James.

VOTE:

GRANT – 11

REFUSE – 0

ABSTAIN – 0

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

12 APPLICATION NO. 47/2019/0766/PF - LAND FORMERLY KNOWN AS BURNS COTTAGE, CWM, RHYL

An application was submitted for erection of dwelling and garage (amended scheme) at land formerly known as Burns Cottage, Cwm, Rhyl.

General Debate – Councillor Christine Marston (Local Member) advised that the application had been brought before committee following concerns raised by Tremeirchion, Cwm and Waen Community Council regarding the roof which was considered not in keeping with area and they had suggested it should be either cedar as originally submitted or slate. However Councillor Marston considered that slate would be unsuitable for the fall of the roof and believed it was in keeping in colour with no concerns raised by the AONB Joint Committee in that regard. Consequently she had no objection to the application. In response to her request that mature trees be used as part of the compensation tree planting scheme, officers agreed to raise the issue with the developer with a view to including that provision within the landscaping scheme, which would be done pre occupation of the dwelling.

Proposal – Councillor Christine Marston proposed the officer recommendation to grant the application, seconded by Councillor Gwyneth Kensler.

VOTE:

GRANT – 11

REFUSE – 1

ABSTAIN – 0

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

The meeting concluded at 12.02 p.m.

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Agenda Item 5

WARD : Denbigh Lower

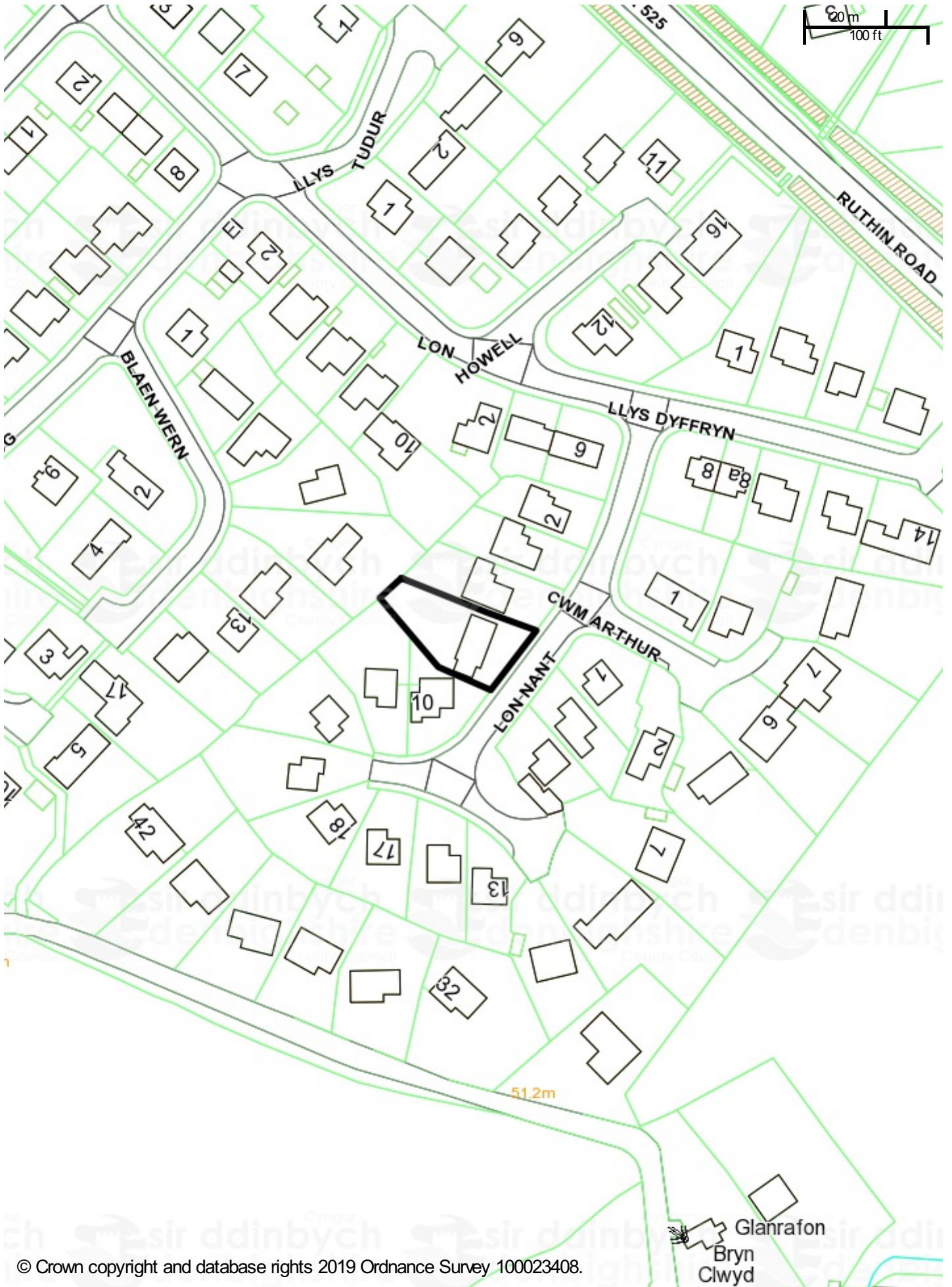
WARD MEMBERS: Councillors Mark Young (c) and Rhys Thomas

APPLICATION NO: 01/2019/0752/ PF

PROPOSAL: Proposed erection of extension and alterations to dwelling

LOCATION: 8 Lon Nant Denbigh

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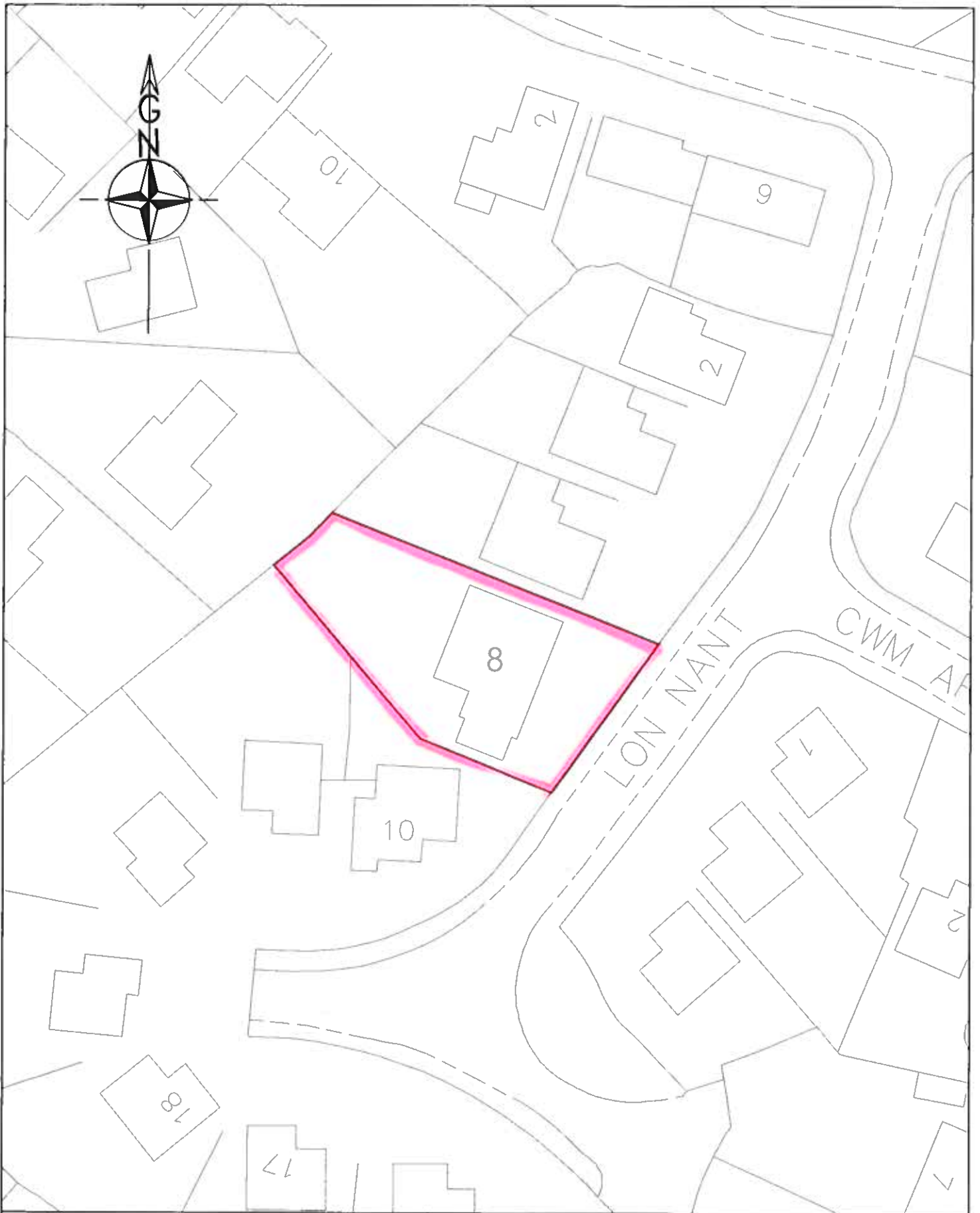


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01/2019/0752

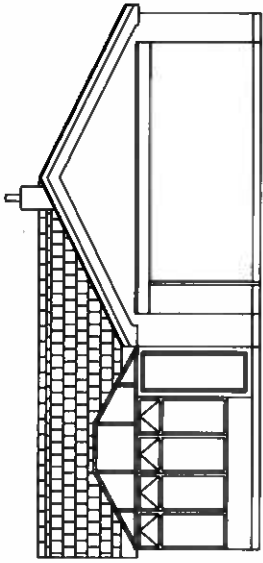
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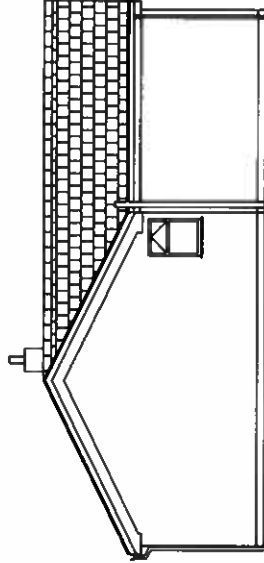


PROPERTY
8 Lon Nant
Denbigh
LL16 4BE

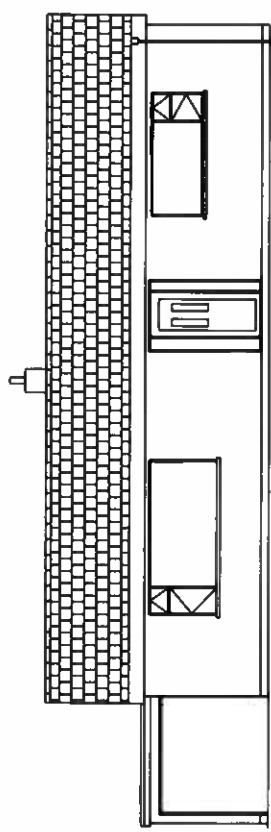
JOB NUMBER 19-001	AMENDMENTS A Original	DATE 07/08/19	SCHEME EXTENSION AT 8 LON LANT, DENBIGH
DRAWING SCALE 1:500 @A4			DRAWING TITLE LOCATION PLAN
APPROVALS SJ0665			
DRAWN BY S Brookes			
ISSUE 1	ISSUE Issue	DATE 07/08/19	DRAWING NUMBER 19-001



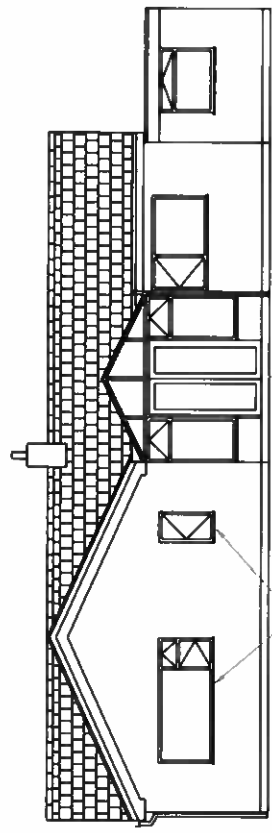
EXISTING SIDE ELEVATION (SOUTH)



EXISTING SIDE ELEVATION (NORTH)

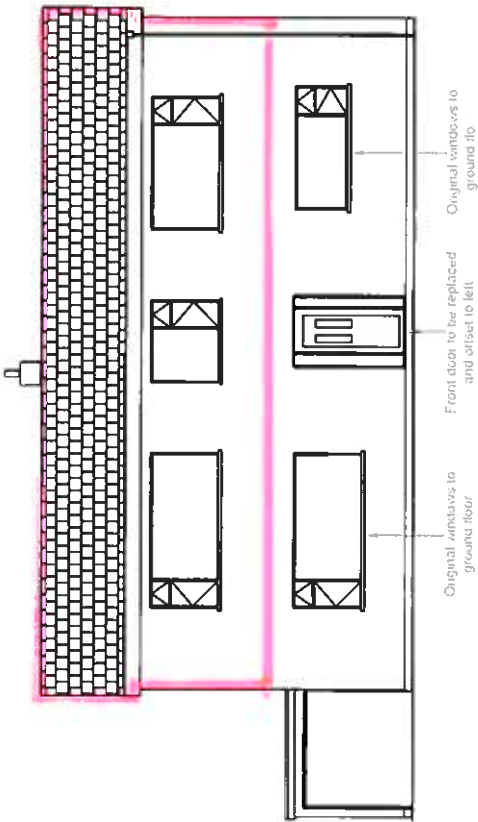


EXISTING FRONT ELEVATION (EAST)



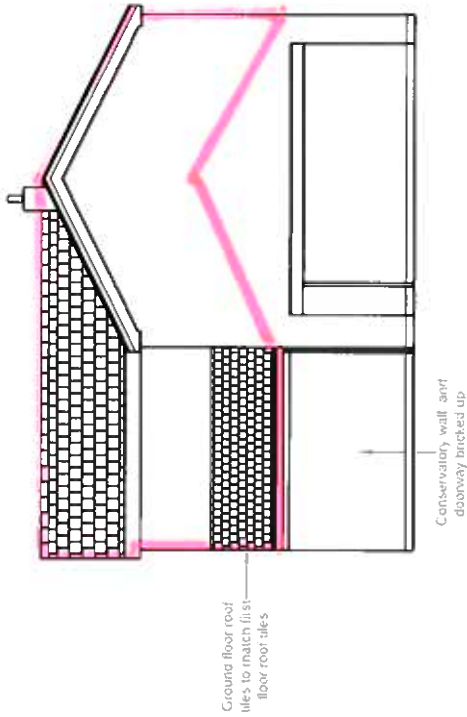
EXISTING REAR ELEVATION (WEST)

DRAWING NO 19-001	PROJECT NO A Original Drawing	CLIENT Mr & Mrs R. Jones	PROJECT NAME EXTENSION OF 8 LON NANT
DRAWING SCALE 1:100 @A3	DRAWING DATE 07/08/19	ADDRESS 8 Lon Nant Denbigh Denbighshire LL16 4BE	DRAWING TITLE EXISTING ELEVATIONS
DRAWING BY S Brookes	ISSUE 2 OF 4		DRAWING NO 19-001

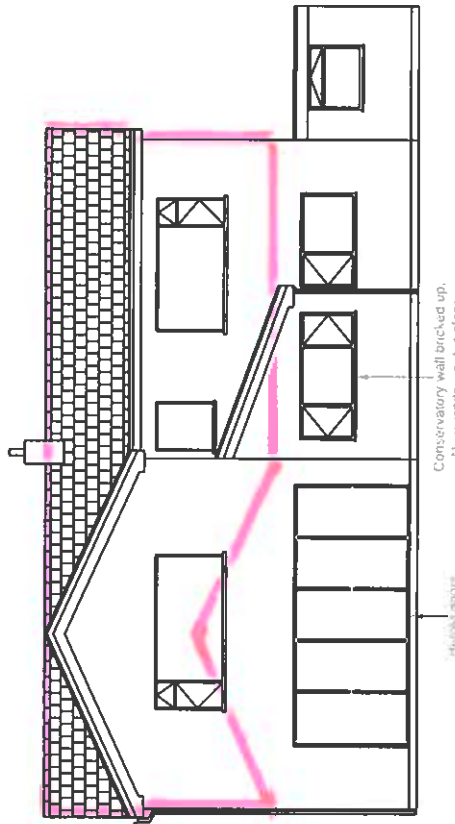


PROPOSED FRONT ELEVATION (EAST)

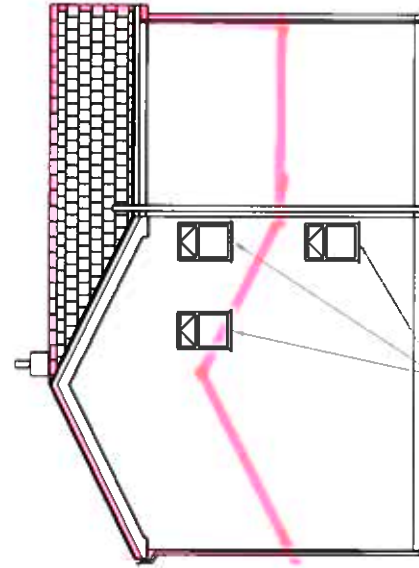
APPROXIMATE PROFILE OF 'EXTENSION' HIGHLIGHTED IN RED



PROPOSED SIDE ELEVATION (SOUTH)



PROPOSED REAR ELEVATION (WEST)

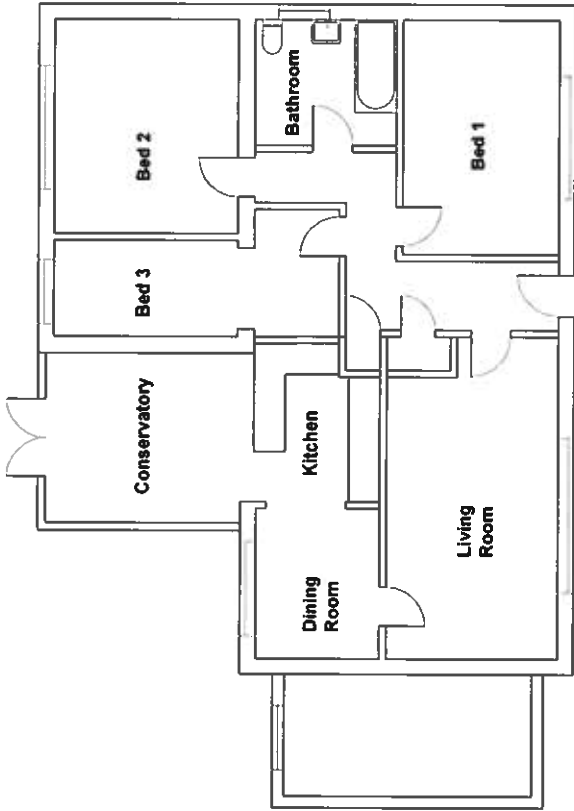


PROPOSED REAR ELEVATION (NORTH)

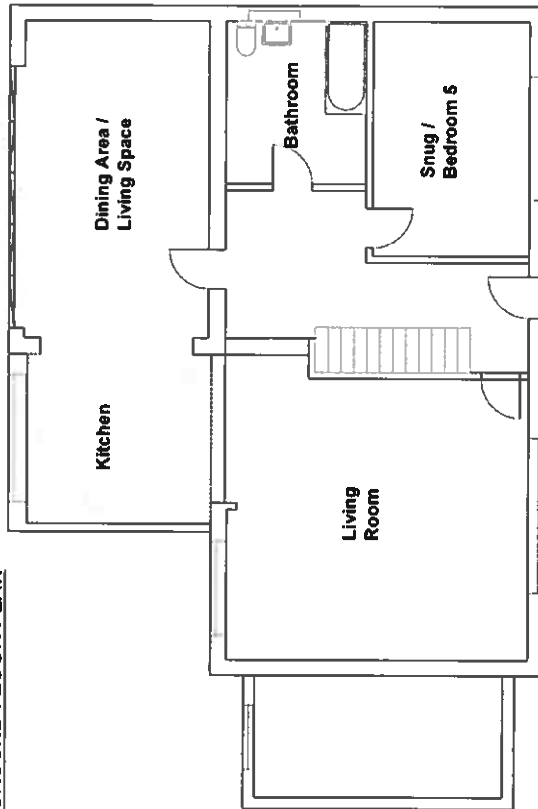
JOB NUMBER 19-001	DRAWING SCALE 1:100 @A3	DRAWING TITLE ORIGINAL DRAWING	CLIENT Mr & Mrs R Jones	EXTENSION OF 8 LON NANT	DATE 07/08/19	ISSUE ISSUE	DRAWING STATUS 3 OF 4	DRAWER S BROOKES	CHECKED BY S BROOKES	DATE 07/08/19	SCALE 1:100 @A3	PROJECT NAME 8 LON NANT	DRAWING TITLE PROPOSED ELEVATIONS	JOB NUMBER 19-001
1. Facing brickwork to match existing 2. Pitch of roof to match existing 3. Roof tiles to be in keeping with original tiles														

EXISTING AND PROPOSED ELEVATION PLANS

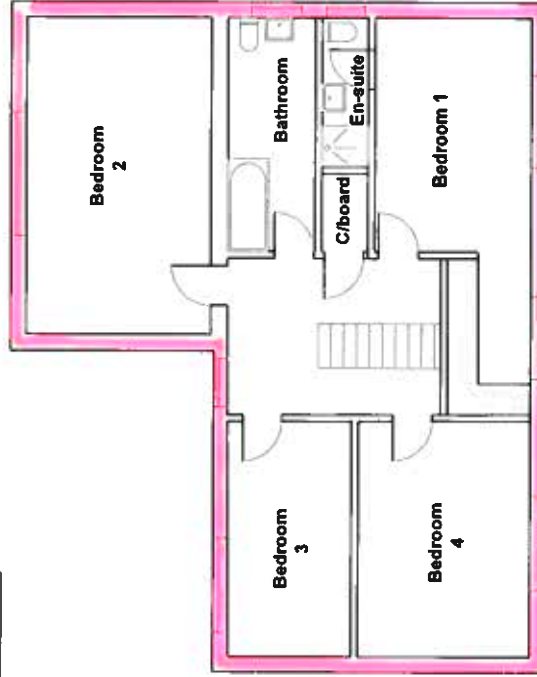
EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED FLOOR PLAN

PROJECT NAME	EXTENSION OF 8 LON NANT
DRAWING TITLE	EXISTING ELEVATIONS
DATE	19-002

PROJECT NAME	Mr & Mrs R Jones
DRAWING TITLE	8 Lon Nant Denbigh Denbighshire LL16 4BE
SCALE	1:100 @A3
DRAWN BY	SJ0655
CHECKED BY	SB
DATE	07/08/19
ISSUE	4 OF 4

WARD : Denbigh Lower

WARD MEMBERS: Councillors Mark Young (c) and Rhys Thomas

APPLICATION NO: 01/2019/0752/ PF

PROPOSAL: Proposed erection of extension and alterations to dwelling

LOCATION: 8 Lon Nant Denbigh

APPLICANT: Mrs Anna Jones

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

"No objections were raised.

The town councillors would like it noted that the extension will have an impact on no 10. Is there sufficient light to no 10? Will there be an impact on the adjoining property?"

RESPONSE TO PUBLICITY:

In objection

Representations received from:

D & K Berry, 10 Lon Nant Denbigh

Summary of planning based representations in objection:

- Original comments:

Residential amenity:

- Neighbouring property, No. 10 is a triangular plot. Only private garden area is small back garden, which is already overshadowed by No.12 (other neighbouring property).
- Privacy and overlooking - Bedroom 3 would be close to the shared garden boundary – extension would result in overlooking of neighbouring property which would not be mitigated by boundary treatment.
- Overbearing impact - Proposal would result in garden feeling as if it's surrounded on each side and will create an oppressive feeling.
- Would limit light to garden.
- Due to the above, proposal would spoil neighbour's enjoyment of their house and garden, and therefore their wellbeing and contrary to Residential Development SPG.

Visual amenity:

- Converting a bungalow into a two-storey house would not be subordinate in scale and form to existing dwelling, contrary to RD3 and Residential Development SPG.

- Late representations reported to November Planning Committee:

Background Information

In relation to applicant's claim that that 10 Lon Nant have no privacy to the front and side garden, whilst raising the height of the hedge to a level that would provide privacy from the houses opposite, it would cut off light from garden and living room window and would not be in keeping with the neighbouring properties.

The document notes that the extensions to no 10 and 12 overlook the garden of number 8 however since these were extensions to existing 2-storey houses they did not substantially change anything as far as No. 8 is concerned and, in particular, the extension to No. 10, did not affect "the privacy of 8 Lon Nant" and as such set "a precedent for acceptability". Indeed the claim that the application is of "this type of two-storey rear extension" is not valid as the proposal involves turning a bungalow into a two-storey house and not extending an existing two-storey house.

Privacy and overlooking

Accept figures in original objection were incorrect, however the separation distance of 4.5m is still substantially less than the 7.5m adequate separation distance in the SPG. Also suggest that a 45° viewing angle is very conservative. Someone in Bedroom 3 would have a viewing angle of about 60° overlooking our entire rear garden. The fence would not substantially mitigate this.

Overbearing Impact

Whilst the application does conform to the requirements in SPG with reference to windows and distance to boundary, still maintain that the drawings provided with original objection clearly show the overbearing impact the extension will have on the garden.

Right to light

Have not claimed that the proposed extension affects the light in the house therefore the references to the 45° and 25° rules are not relevant.

Subordinate Scale and form

Reference to other applications which have been granted elsewhere are materially different cases to the proposal, and therefore not relevant to the current application.

SPG states that "the extension should not dominate your house and be positioned to the side or rear." The applicants seem to have read this as stating "the extension should not be positioned to the side or rear." The examples given obviously show that in fact it means "the extension should be positioned to the side or rear." The Welsh version of the guidelines also makes this absolutely clear. This extension does not conform to that guideline.

In terms of floor area we leave it to the planning officers to decide whether it's legitimate to include the garage and conservatory in the calculation.

Objection Sketches

All relevant dimensions i.e. height and position of the houses and fence in the original objection were taken from the submitted plans and our house plans and believe them to be as accurate as possible given the scale of the plans.

EXPIRY DATE OF APPLICATION: 27/10/2019

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application was deferred at the November meeting of the Committee to enable a Site Inspection panel to visit the site and surroundings to assess the detailing of the proposals. The notes of the Site panel will be included in the late information sheets for the December meeting.

- 1.1.2 The proposal is for alterations and extensions to an existing single storey detached dwelling to create a two-storey house, through raising the height of the roof to facilitate the formation of first floor accommodation.
- 1.1.3 A single storey lean-to extension is also proposed to replace an existing conservatory extension to the rear.
- 1.1.4 The existing dwelling is a detached bungalow with a pitched roof which has an eaves height of 2.3m and a ridge height of 4.1m. Accommodation comprises 3 bedrooms, bathroom, living room, kitchen / diner, conservatory and an attached flat roof garage.
- 1.1.5 The dwelling as proposed would have an eaves height of 5.1m and a ridge height of 6.9m. The proposed accommodation would comprise living room, kitchen, dining area, bathroom and snug / bedroom at ground floor, with a further 4 bedrooms, ensuite and bathroom at first floor. The attached garage would be retained as existing.
- 1.1.6 The plans showing the details are reproduced at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The existing dwelling is a detached bungalow which is situated on a cul de sac on a residential housing estate at Lon Nant in Denbigh.
- 1.2.2 There is a mix of single storey and two-storey housing along the cul de sac, with the property being one of row of bungalows, with the neighbour to the north (No. 6 Lon Nant) being another bungalow, and the neighbour to the south-west (No. 10 Lon Nant) being a two-storey detached property.
- 1.2.3 No 6 and No 8 Lon Nant are 'side to side' dwellings with aligned front and rear elevations, whereas No. 10 occupies a triangular shaped plot on the road as it bends into the cul de sac turning head, meaning this property is orientated at an angle to No. 6. Whilst there is garden area to the side and rear of No. 10, the only private area of garden is a small triangular shaped area which abuts the curtilage of the application site.
- 1.2.4 The rear garden of the application site abuts the curtilage of two further properties; No. 12 Lon Nant and No. 9 Blaen Wern.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Denbigh in the LDP.

1.4 Relevant planning history

- 1.4.1 The section's record include reference to an application for a certificate of lawfulness application in 2017, relating to an extension to the property.

1.5 Developments/changes since the original submission

- 1.5.1 The applicant submitted an additional statement prior to the November Committee which put forward counter arguments to the objections received to the application. The summary from the Late Information sheets is below:

Privacy and overlooking

The Objector states that the privacy to the rear garden will be negatively affected by the proposed development.

- No windows on the proposal will directly overlook 10 Lon Nant.
- The nearest proposed window is located 5.1m from the boundary with 10 Lon Nant, which is greater than the 2.7m stated in the objection.
- A 7.5m separation distance suggested to prevent overlooking demonstrates that the garden of 10 Lon Nant would be obliquely overlooked by the proposed development.

- 10 Lon Nant and 12 Lon Nant have previously had extensions approved and constructed that directly overlook the property and gardens of 8 Lon Nant. This sets a precedence and refusing on these grounds would be unfair.

Overbearing impact

- The proposed extension does not increase the footprint of the existing building
- There are no windows to the south elevation of 8 Lon Nant
- The proposed extension is between 4m and 6m from the boundary on the southern extent, with the garage (which will not be extended), more than 1m from the boundary.
- 12 Lon Nant has been permitted to complete a two-storey extension that abuts the boundary and has ground floor window to the side elevation directly onto the rear garden of 10 Lon Nant. This sets a precedence in this area.

Right to light

The Objector suggests the light to the rear of the property would be negatively affected. Applying the guidance (45 and 25 degree guides), the sight line from ground floor windows does not intersect with the proposed development. The light at 10 Lon Nant will therefore not be affected by the proposed development.

Subordinate scale and form

- Similar types of extensions, in similar areas have been previously approved.
- The present floor area of 8 Lon Nant is 138sq.m with the proposed extension providing additional floor space of 111sq.m, which is subordinate to the original building.
- The proposal is similar to scale and form, with two-storey properties located to the south, east and west of 8 Lon Nant.
- The proposed extension has the same x and y proportions to the existing building, with the roof pitch matching the existing and exterior finishes to match existing.

Conclusion

It is considered that the proposed development will not have any impact upon the neighbour's amenity. It is therefore considered that the proposed development should be approved.

Applicants have established connections to the local area and wish to remain at the property in the long-term, subject to the necessary improvements.

1.6 Other relevant background information

- 1.6.1 The application was originally referred to Committee at the request of Councillor Mark Young to test the impact on amenity due to the amount of two-storey properties already located in this area.

2. DETAILS OF PLANNING HISTORY:

- 2.1 01/2017/0585. Lawful development certificate for a proposed extension and alterations to dwelling. Refuse to Certify 07/08/2017.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD3 – Extensions and alterations to existing dwellings

3.2 Supplementary Planning Guidance
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Space Standards

Government Policy / Guidance
Planning Policy Wales Edition 10 December 2018
Development Control Manual (2016)

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

Other matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met.

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

- 4.2.2 Visual Amenity
Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made.
Criteria ii) of Policy RD 3 requires that a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

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

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

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

Objections have been raised to the visual amenity impacts, including the scale and form of the extension.

The existing dwelling is a detached bungalow situated on a 1970s housing estate, and whilst it is one of a row of bungalows in this part of the estate, it is to be noted there is a mix of detached bungalows and two-storey dwellings along the Lon Nant cul de sac, and accordingly it is not considered the proposal would be out of keeping with the character and appearance of the locality, and as such there would be no obvious conflict with Policy RD1i).

However, it is relevant that Policy RD3 obliges proposals for extensions to be subordinate in scale and form to the original dwelling, and be sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

Having regard to the nature and scale of the proposal, which is to convert a modest sized bungalow into a large 4/5 bed two-storey dwelling, which would result in the internal floor space being close to doubled and the eaves height and ridge height being increased some 2.8m, this would undoubtedly alter the character and appearance of the dwelling, in conflict with Policy RD3 tests i) and ii).

Overall, whilst acknowledging there is conflict with Policy RD3, Officers consider that due weight should also be given to the fact the existing dwelling is a modest 1970's estate bungalow which has limited architectural merit and that the estate in which it is located comprises a mix of housing types. In this context, it is not considered converting the bungalow into a two storey dwelling would be out of keeping with the locality. Therefore whilst the proposal could not be considered to be subordinate or sympathetic to the existing dwelling in scale and form, it is not concluded the proposals would give rise to unacceptable adverse impacts on visual amenity.

4.2.3 Residential Amenity

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

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

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings and The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are objections in relation to the residential amenity impacts on grounds of privacy and overlooking, overbearing impact and loss of light to a neighbouring property.

The Residential Development SPG states if habitable rooms such as bedrooms, living rooms, studies or kitchens are proposed on the first floor or above, care should be taken to avoid direct overlooking from windows and balconies particularly where the extension is close to the boundary. The SPG recommends first floor bedroom windows should be set back some 7.5m from a boundary to avoid unacceptable overlooking of neighbouring gardens, and 21m from windows in neighbouring properties in a back to back situation.

The relationship with nearby properties is somewhat complex, particularly at the rear of No 8 Lon Nant, as may be seen from the plans at the front of the report. These relationships have been assessed in detail:

- Owing to the siting and separation distances, Officers do not consider the proposal would adversely impact on the neighbours to the rear (12 Lon Nant and No. 9 Blaen Wern).
- **In terms of the impact on the amenity of No. 6 Lon Nant**, this is a bungalow with its rear elevation broadly in line with the rear elevation of No. 8, and therefore the introduction of first floor accommodation would not cause any unacceptable overshadowing of windows in the rear elevation of this neighbouring property.

No. 6 has habitable windows in the side elevation facing towards the side elevation of No. 8, meaning the introduction of a first floor on No 8 may limit light into these windows, however planning policies do not explicitly seek to protect outlook or light penetration of windows in a side elevation.

There would be no new overlooking of habitable windows as a result of the proposed development.

The introduction of a first floor window in bedroom 2 on the rear elevation of the enlarged property proposed would introduce a potential for overlooking of the rear garden area of No.6, which does not currently exist. However, it is relevant that the rear walls of Nos 6 and 8 run along a similar building line and rear elevation windows face out directly out onto their respective gardens, which is a typical scenario within developments of 2 storey dwellings in housing estates, and as such the additional potential for overlooking of the garden area of No. 6 is not considered likely to be any worse than in a situation where adjoining 2 storey detached and semi detached dwellings have rear bedroom windows looking out onto rear gardens and give rise to an inevitable level of overlooking. In this instance it is not considered the rear bedroom window in bedroom 2 would give rise to a level of harm which would warrant a refusal.

The garden to No. 6 has a depth of approximately 13m, and whilst the proposal would increase the scale, form and massing of No 8, having regard to the size of the garden and the relationship with the application site, Officers do not consider it would result in an unacceptable overbearing or oppressive impact when viewed from the garden area of No. 6.

Officers would therefore conclude the proposal would not unacceptably impact on the amenity of occupiers of No. 6 Lon Nant.

- **In terms of the impact on amenity of No. 10 Lon Nant**, this is a two-storey property which occupies a triangular shaped plot fronting the cul de sac turning head. Whilst there is garden area to the side and rear of the property, the only private area of garden is a small triangular shaped rear garden which abuts the curtilage of the application site.

Members will note the representations in objection to the proposal on grounds of adverse impacts on the residential amenity of No. 10 Lon Nant, in respect of overlooking, loss of light and overbearing impact when viewed from the rear garden.

It can be seen from the plans at the front of the report that No 10 is orientated at an angle to No. 8 such that rear windows in No 10, including those at first floor level, face towards the side elevation and rear garden area of No. 8.

Due to the respective location and orientation of the proposed first floor windows at the rear of the extension proposed for No 8, Officers do not consider there would be any unacceptable overlooking of habitable windows of No.10 as a result of the proposals.

The extension would introduce a first floor bedroom window which, based on Officers' calculations would be approximately 5m away at its closest point from the side / rear boundary with No.10, which as noted at the rear of the properties runs at an angle relative both properties, narrowing the width of the rear garden of No.8. The orientation of the window and the location of the private rear garden area of No.10 are such that this does create an additional potential for overlooking of that rear garden, albeit the garden of No.10 would only be visible at an angle from the bedroom window, i.e. the garden of No.10 is not directly in front of the bedroom 2 window. This unusual relationship obliges some care to be taken in interpreting the guidance in the Residential Development SPG on distances from windows to boundaries, but in officers opinion given the relationships between the properties, the already confined nature of the area at the rear of the dwellings and the existing levels of overlooking experienced in the rear garden of No.8 from first floor windows at the rear of No. 10, it is considered the potential for overlooking from the new rear bedroom window at No. 8 into the rear garden of No. 10 would not be so significant as to justify a refusal recommendation.

The objections also raise concerns relating to overbearing impact on the grounds that the proposed first floor extension, in combination with the existing lean-to extension to the rear of No. 12 Lon Nant, would result in the back garden of No. 10 feeling as if it is surrounded on each side and would create an oppressive feeling in the garden.

Having regard to the shape and limited size of the rear garden to No. 10, it is considered the introduction of a first floor to No. 8 would have a detrimental effect on the outlook from this garden area and would create a feeling of being 'hemmed in' by surrounding built development, and would have an overbearing impact, which would be detrimental to the amenity currently enjoyed by occupiers of the neighbouring property.

It is therefore Officers' opinion that the proposed first floor extension would result in an overbearing impact when viewed from the rear garden area of No. 10 Lon Nant, which would be detrimental to the residential amenity of the neighbouring property, contrary to the Policy RD1 vi) and the advice and guidance contained in the Residential Development SPG.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Government's well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable

impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, and the relevant planning considerations, it is considered the extension is likely to result in an overbearing impact on the neighbouring property, and is therefore recommended for refusal.

RECOMMENDATION: REFUSE TO GRANT PERMISSION for the following reason:

1. It is the opinion of the local planning authority that the proposal would result in an overbearing impact when viewed from the rear garden area of the neighbouring property, No.10 Lon Nant, which would be detrimental to the residential amenity currently afforded to the occupants of that property, contrary to Denbighshire Local Development Plan Policy RD1 vi) and the advice and guidance contained in the Residential Development Supplementary Planning Guidance Note.

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Agenda Item 6

WARD : Denbigh Upper / Henllan

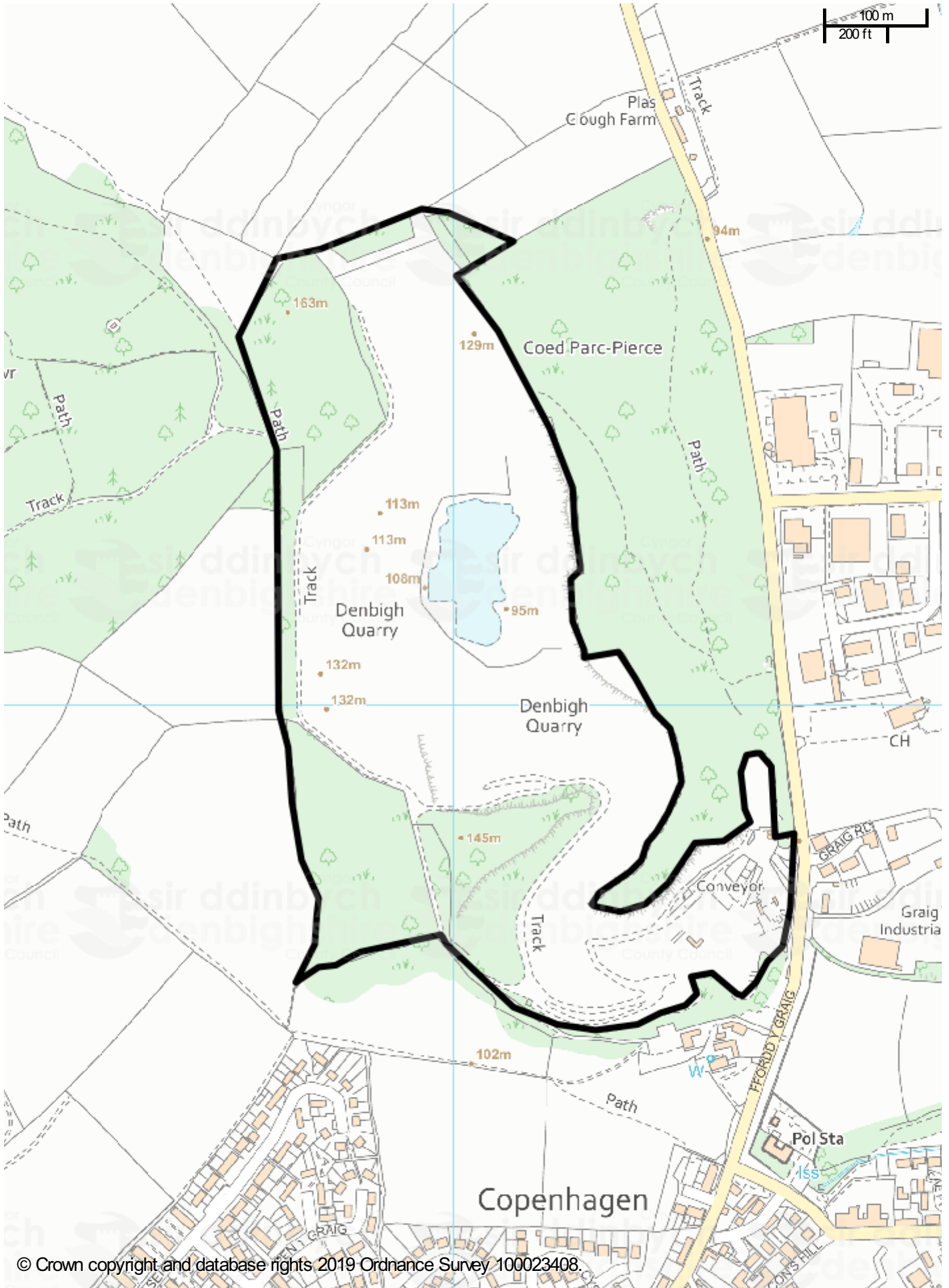
WARD MEMBERS: Councillors Gwyneth Kensler (c), Geraint Lloyd-Williams, and Glenn Swingler

APPLICATION NO: 01/2019/0757/ PS

PROPOSAL: Variation of condition 1 of planning permission 01/2009/1424/PS to allow continuation of extraction of permitted reserves

LOCATION: Graig Quarry, Graig Road, Denbigh, LL16 5US
(Also known as Denbigh Quarry)

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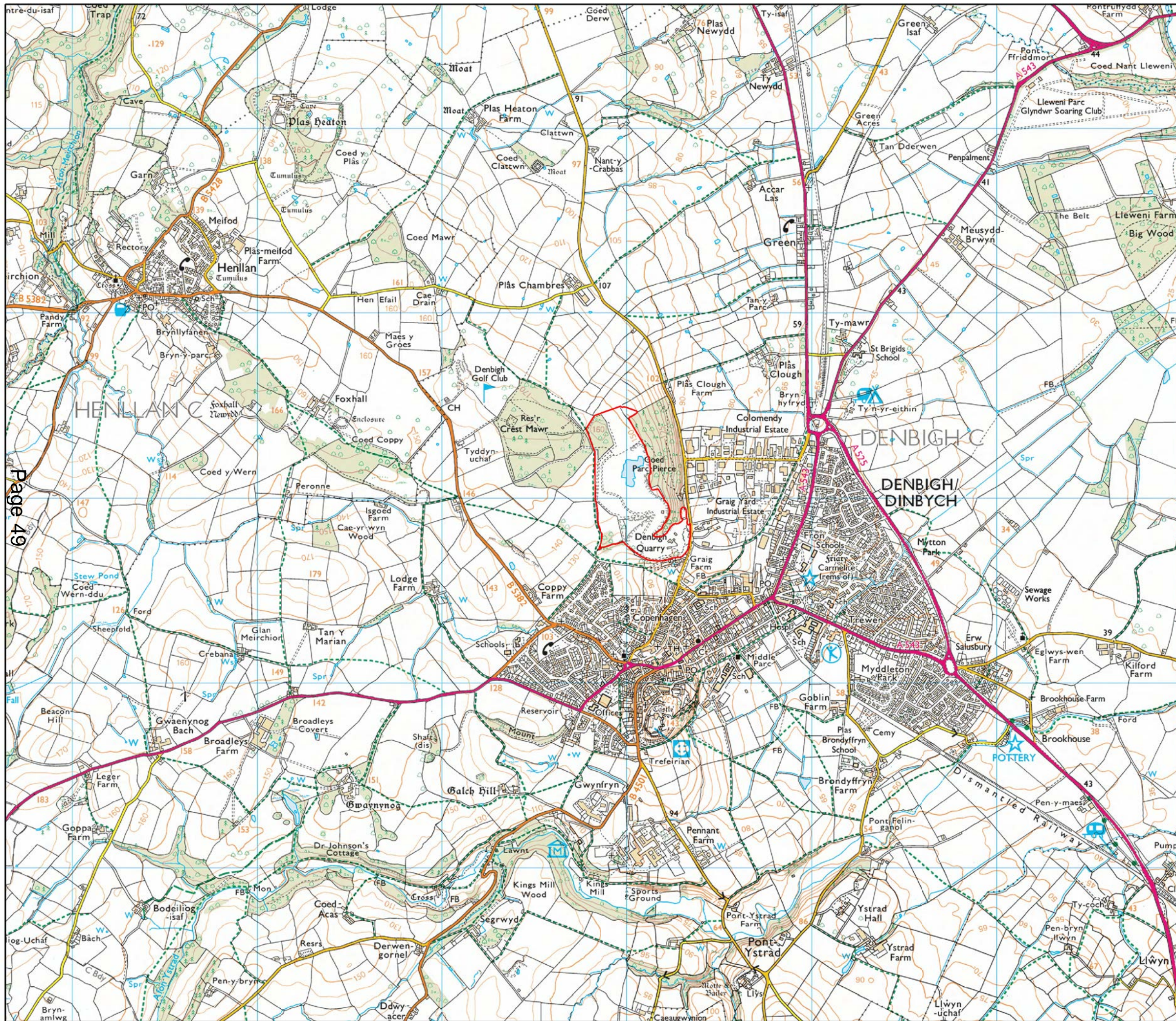


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01/2019/0757

Scale: 1:5000

Printed on: 21/11/2019 at 9:58 AM



Legend

-  Application Boundary - Extent of Planning Permission 01/2009/1424/PS



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DRAWING STATUS

PROJECT
Denbigh Quarry

CLIENT
Breedon Southern Ltd

TITLE
Location Plan - Section 73

DATE August 2019 **SCALE** 1:20,000 @A3

DRAWN TLP **CHECKED** RH

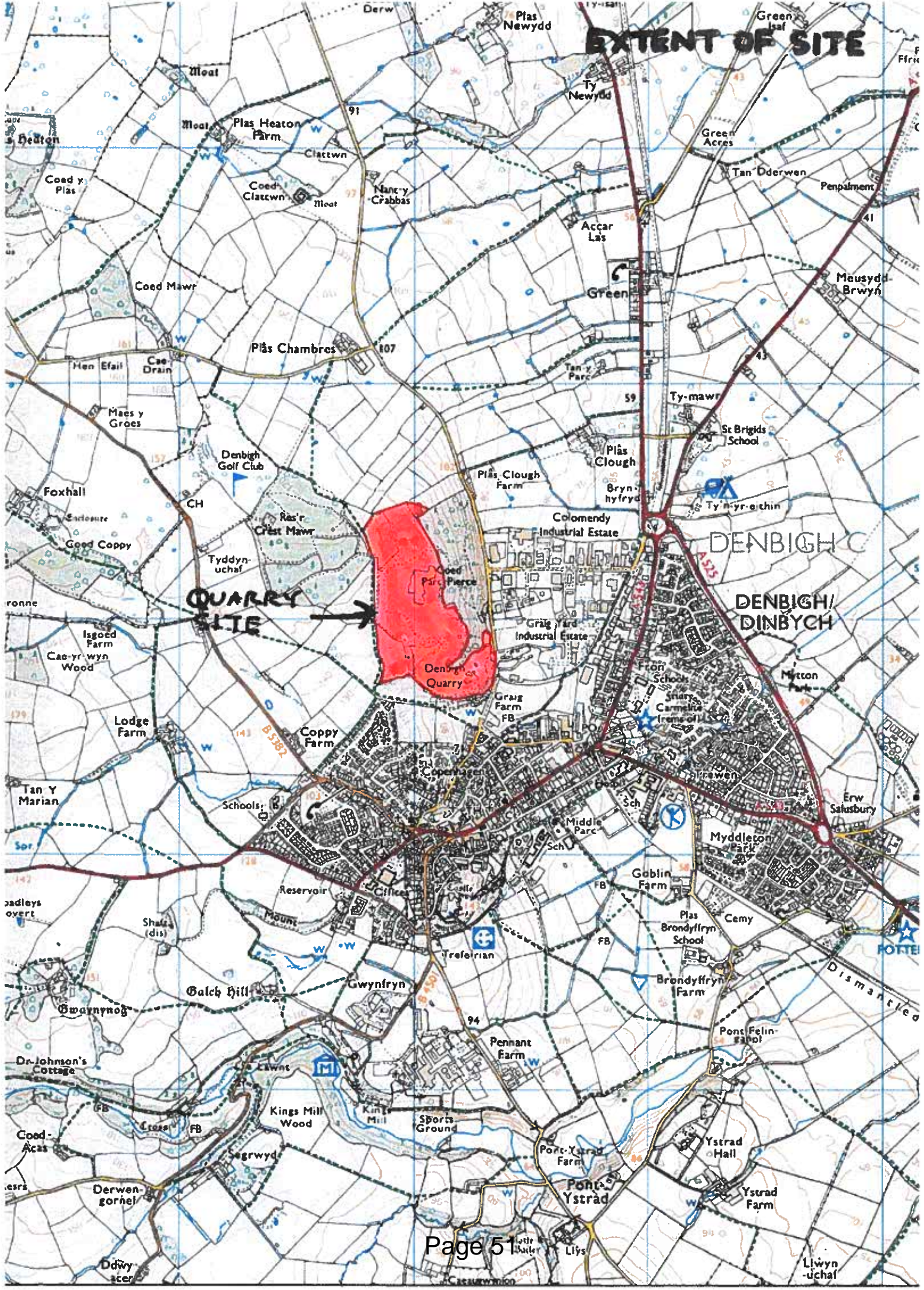
DRAW NO.
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SHROPSHIRE TF8 7NH
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E. psl@pleydellsmithyman.co.uk
www.pleydellsmithyman.co.uk

EXTENT OF SITE



WARD : Denbigh Upper / Henllan

WARD MEMBERS: Councillors Gwyneth Kensler (c), Geraint Lloyd-Williams, and Glenn Swingler

APPLICATION NO: 01/2019/0757/ PS

PROPOSAL: Variation of condition 1 of planning permission 01/2009/1424/PS to allow continuation of extraction of permitted reserves

LOCATION: Graig Quarry, Graig Road, Denbigh, LL16 5US
(Also known as Denbigh Quarry)

APPLICANT: J Davies, Breedon Southern Limited

CONSTRAINTS: Tree Preservation Order
SSSI (Crest Mawr Woodland)
SSSI (Graig Quarry)
PROW Ancient, Semi Natural Woodland
Existing Section 106 agreement

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

REASON APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL:

“... raise no objections to the application. The town councillors would like it noted that the health and safety of local residents needs to be taken into consideration. There are currently 6 staff members (staff and drivers) – will there be more employment should the extension be granted?”.

NATURAL RESOURCES WALES:

No objections.

DWR CYMRU / WELSH WATER:

No comments. Request that any drainage related conditions are maintained on any new consent granted for the development.

CLWYD POWYS ARCHAEOLOGICAL TRUST:

Confirm that the variation of condition no.1 does not relate to an archaeological condition and have no comment on this variation.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer:

No objection

Pollution Control Officer:

No objection subject to the existing conditions being applied to any new development consent to protect the amenity of neighbouring residential properties.

Ecologist:

No objection.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Dr C Sirianni and Dr C Beaton, 111 Bryn Seion, Denbigh

Mr Huw Davies, 17 Bryn Onnon

Mr K Needham, 22 Accar-y-Forwyn

Mr Hind, Plas Clough Farm

Mr David Lloyd, 22 Cysgod-y-Graig

Mr Mazhar Iqbal, Plas Clough Barn

Summary of planning based representations in objection:

Residential amenity impact

- The negative impact on the health and wellbeing of the neighbouring population and their quality of life
- Reduced lifespan of local residents due to chronic inhalation of dust emitted from the quarry
- Increased noise and dust
- The quarry is too close to residential properties and too close to Denbigh
- Effect of blasting on neighbouring property
- Potential structural damage to the surrounding properties from blasting at the quarry and concerns about structural safety

Highway impact

- Loss of public rights of way
- Impact on the local highway network and its capacity to accommodate quarry vehicles

Ecological / wildlife impact

- The environmental impact on Crest Mawr Wood (Site of Special Scientific Interest) and its species from vibration, noise, dust, human activity and industrial machines
- Impact on nature conservation due to the loss of habitat
- Loss of topsoil and vegetation

Other matters

- Geological effects that could threaten the water supply of local wells

EXPIRY DATE OF APPLICATION: 04/11/2019

EXTENSION OF TIME AGREED: 18/12/2019 to allow for committee resolution

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- awaiting consideration by Committee
- Section 106 agreement required

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission to extend the consented period for the extraction of limestone from Denbigh Quarry.
- 1.1.2 The extant planning permission expires on 14th March 2020. Should planning permission not be granted, the remaining consented reserves in the quarry will be sterilised.
- 1.1.3 The application is made by Breedon Southern Ltd ('Breedon') under Section 73 of the Town and Country Planning Act 1990 to vary condition no.1 of planning permission

01/2009/1424/PS to allow the remaining reserves to be extracted over a longer period until 31 August 2028.

- 1.1.4 The quarry has remaining consented reserves of approximately 1 million tonnes of limestone aggregate.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is accompanied by a Planning Statement which provides background information on the need to extend the life of the quarry. Existing extraction rates are in the region of 200,000 tonnes per annum, which is unlikely to change in the future.
- 1.2.2 The site is subject to a section 106 legal agreement dated 27 October 1992 which protects land adjacent to the quarry from development, and also provides for management of Tŷ Crest Wood; a small woodland not included within the Crest Mawr SSSI and a management plan is required to be undertaken every five years. Should planning permission be granted, the legal agreement would be required to be varied prior to a development consent being issued.
- 1.2.3 The applicant has commenced pre-application consultation on a separate proposal for a physical lateral extension to the west of the existing quarry void, and to consolidate the existing consent. For the avoidance of any doubt, the application presented to the Committee now is **not** for the physical lateral extension; it is purely as described above, for an extension of time to preserve the existing consent which will expire in March 2020.

1.3 Description of site and surroundings

- 1.3.1 Denbigh is an active limestone quarry, located to the north of the town of Denbigh.
- 1.3.2 The permitted site comprises approximately 28 hectares of land.
- 1.3.3 To the north, west and south, the contiguous land is rural, predominantly agricultural fields and woodland comprising pasture and a mix of ancient and more recent woodland. Crest Mawr Wood to the north west of the Quarry is a Site of Special Scientific Interest (SSSI) and another SSSI (Graig Quarry) is situated 150m to the southeast. The existing quarry is, itself, bounded on the east by Graig Road, with the Colomendy Industrial Estate further to the east.
- 1.3.4 The quarry is accessed off Graig Road via a purpose-built access road. To the south of the quarry entrance lies a concrete batching plant, operated by Hanson. This is subject to a separate planning permission and therefore is not included within this application.
- 1.3.5 The closest residential dwellings are located to the south of the quarry over 200 metres away from the quarry boundary.
- 1.3.6 There are a number of public rights of way that surround the site.

1.4 Relevant planning constraints/considerations

- 1.4.1 The quarry is located within the Mineral Safeguarded Area (PSE15) and adjacent to, but outside the development boundary of Denbigh as shown in the adopted Denbighshire Local Development Plan.

1.5 Relevant planning history

- 1.5.1 The quarry has a long history of quarrying activity, as it is understood it has been in existence for several hundred years.
- 1.5.2 Planning controls were first introduced in 1948.
- 1.5.3 The most recent planning permission, reference 01/2009/1424/PS was granted on 15th March 2010 and allowed a further ten years to extract the remaining permitted

reserves granted previously in October 1992 under planning reference 5/11355, which involved the extension to, and restoration of the quarry.

1.6 Developments/changes since the original submission

1.6.1 As noted above, planning permission was granted under 01/2009/1424/PS in March 2010 to vary the time limiting condition to allow additional time to work the remaining permitted reserves. At this point in 2010, the remaining reserves were in the region of 1.25 million tonnes. The former operators Hanson did not operate the quarry to its full capacity. Breedon have recently acquired the site and are now actively working the quarry.

1.6.2 There still remains 1 million tonnes of permitted reserves within the quarry.

1.7 Other relevant background information

1.7.1 The Local Planning Authority has issued a Scoping Opinion in relation to the submission of information with an application for a lateral extension to release a further 5.4 million tonnes of mineral resources. As mentioned in section 1.3.3, the application in front of the Committee does not involve the lateral extension, simply the extension of the time period to extract from the consented site.

2. **DETAILS OF PLANNING HISTORY:**

2.1 Reference 01/2009/1424/PS: Variation of condition no.2 of planning permission code no. 5/11355 to allow a further 10 year period for the completion of minerals operation GRANTED under delegated powers on 15.03.2019

2.2 Reference 5/11355: Extension to and restoration of the quarry GRANTED on 23.10.1992

2.3 Reference 2/1385: An extension to the quarry GRANTED on 18.02.1975

2.4 Reference 2/517: An extension to the quarry GRANTED on 23.01.1962

2.5 Reference 2/67: Working of Limestone GRANTED on 30.04.1948

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

- Policy RD1 – Sustainable development and good standard design
- Policy PSE15 – Safeguarding minerals
- Policy PSE16 – Mineral buffer zones
- Policy PSE17 – Future mineral extraction
- Policy VOE1 – Key areas of importance
- Policy VOE5 – Conservation of natural resources

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018
Development Control Manual November 2016

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 11 Noise (1997)

TAN 18 Transport (2007)

Mineral Technical Advice Note 1 (MTAN 1): Aggregates (2004)

Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings (1993)

Minerals Planning Guidance Note 14: Review of mineral planning Permissions (1995)

3.3 Other material considerations

Regional Technical Statement first review (2014)

Regional Technical Statement Second Review (Draft consultation document) (2019)

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 Need for aggregate

4.1.3 Need to vary Condition No.1 and to extend the life of the quarry

4.1.4 Landscape and Visual amenity

4.1.5 Residential Amenity; Blasting

4.1.6 Residential Amenity; Noise, Air quality and dust

4.1.7 Ecology

4.1.8 Highways (including access and parking)

4.1.9 Economic

4.1.10 Archaeology

4.1.11 Hydrology and Hydrogeology

4.1.12 Environmental Assessment

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extracting limestone at this site has been established through the historical working of minerals, and through planning permissions, first granted in 1948.

Subsequent to 1948, planning permissions have been granted, as detailed above, accepting that mineral extraction at this site is an appropriate and established land use. Furthermore, mineral extraction can only take place where the mineral is found to occur.

The quarry site is also located close to strategic and regional road networks.

4.2.2 Need for aggregate

Minerals Technical Advice Note 1: Aggregates states that it is essential to the economic and social well-being of the country that the construction industry is provided with an adequate supply of the materials it needs, but not to the unacceptable detriment of the environment or amenity.

Due to its location, it is considered that Denbigh Quarry has a key strategic role in limestone product supply. The proposal does not seek to access any additional

reserves, but seeks approval to extend the life of the consent so that those permitted reserves can be extracted. The permitted reserves at the site contribute to the site's landbank and the regional apportionment figure in which the calculations within the Regional Technical Statement are based for the region's managed aggregate system.

4.2.3 Need to vary Condition No.1 and to extend the life of the quarry

The 2010 permission reference 01/2009/1424/PS imposed a requirement that the extraction of limestone, the removal of plant and the restoration of the site shall have been completed by 14th March 2020, based upon assumptions at the time regarding reserves and future rates of output. However, the former operator mothballed the quarry for a number of years, resulting in periods of no mineral extraction at the site. That, together with a general down turn in the minerals industry over subsequent years following the 2008 financial crisis, has resulted in 1 million tonnes of remaining permitted reserves within the site which will not have been extracted by its end date. If the condition is not varied to extend the end date, the currently permitted reserves would be sterilised.

The period of time that is being suggested in the replacement condition to extend the life is until 31st August 2028, and would allow for extraction at current rates (of 200,000 tonnes per annum) with a small contingency period, the processing of all won mineral (prior to the removal of plant) and the implementation and completion of the approved restoration scheme.

4.2.4 Landscape and Visual amenity

Local Development Plan Policy RD 1 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.

Quarry operations at Graig/Denbigh Quarry are largely invisible from locations outside the confines of the quarry as the existing screening bunds and planting are mature and effective. In relation to landscape and visual impact, the proposed extension of time would not materially affect the impact of the quarrying activities beyond that which has already been assessed and deemed acceptable by mitigation. There would be no physical changes or extension of the area of extraction. Therefore, no further assessment of the landscape or visual impact of the quarry has been required. Mitigation would be imposed by condition as per the existing consent regarding grassland and woodland management, progressive restoration, aftercare and management.

The extension of time to carry out extraction would not materially affect the approved quarry development and details of the restoration scheme. It would simply delay the restoration of the site. All restoration and aftercare conditions remain relevant and up to date and would be unchanged, should planning permission be granted. As such, it is considered that the proposal would accord with the provisions of Policy RD1 of the adopted Denbighshire Development Plan.

4.2.5 Residential Amenity; Blasting

Local Development Plan Policy RD 1 test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned,

and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Residents have raised concerns in relation to the extension of time application regarding the damage and stress on their property, which they feel is as a result of blasting at the quarry.

Since 2016, (when the current operators recommenced working at Graig/Denbigh Quarry) the Mineral Planning Authority have only received complaints from six residents, amounting to 12 complaints in relation to blasting. As a result, the North Wales Planning Service has undertaken blast monitoring. Furthermore, every blast is monitored by the blasting company on behalf of Breedon. The monitoring data confirms that in all instances, the recorded ground vibration recorded at properties in Bryn Seion and/or Accar-y-Forwyn located to the south of the quarry has been below the conditional limit of 6mm/s peak particle velocity (ppv) at a 95% confidence limit.

National Planning Policy for aggregates is set out in MTAN 1 and recommends a blast limit of 6mm/s ppv. Should planning permission be granted, this limit of 6mm/s ppv would continue to be imposed. Therefore, the current conditional limit of 6mm/s ppv proposed is in line with recommendations set at a national level, and also accords with the provisions of Policy PSE17 of the adopted Denbighshire Local Development Plan which requires suitable blast controls to be implemented.

The last complaint received by the North Wales Planning Service in relation to quarrying activities at Graig/Denbigh Quarry was April 2019. The North Wales Minerals and Waste Planning Service continue to actively undertake blast monitoring which may have resulted in fewer complaints. All complaints have been received when the blast occurred in the south of the quarry. It is understood that there will only be one small blast in that part of the quarry. Following that, all blasting will occur in the north of the quarry. When the operator has blasted in the north of the quarry, no complaints have been received.

The blast monitoring data demonstrates that the quarry is operating in accordance with the blast limits set and imposed by the existing planning permission which would be transposed to any new development consent, should planning permission be granted. Any future complaints which may have been received by the Local Planning Authority, the North Wales Minerals and Waste Planning Service, or direct to the Quarry would be investigated at the time they are received and action taken accordingly.

The effect of blasting at the quarry felt by local residents is from the blast causing ground vibration and what is known as air overpressure. Whilst all blasting operations undertaken by the quarry would be designed to minimise air overpressure, so far as is reasonably practicable, there are a number of factors outside of the control of the quarry which mean that predicting air overpressure levels are very difficult. As air overpressure is transmitted through the atmosphere, weather conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. Due to this unpredictability, planning conditions to control air overpressure are not considered to be enforceable. However, the results from monitoring undertaken by the quarry demonstrates that air overpressure at sensitive receptors has been an average of 109 dB, indicating that air overpressure from blasting at the quarry is unlikely to cause complaint in accordance with the suggested 120 dB outlined in British Standard 6472 "Guide to evaluation of human exposure to vibration in buildings". Air overpressure can cause physical damage to properties at high level, this is typically at levels between 140 dB and 150 dB which is well above what is experienced at properties as a result of blasting at Graig/Denbigh Quarry.

MTAN1 draws upon advice set out in British Standard 7385 Part 2, 1993 Evaluation and Measurement for Vibration in Buildings entitled "Guide to Damage Levels from Ground Borne Vibration in Buildings". The guidance sets out vibration limits to preclude the onset of damage to the types of structures encountered around quarries, including residential properties. It recognises that there is a major difference between the relatively low levels of vibration that are perceptible to people, and the far greater levels at which the onset of damage is possible. The guidance sets out the lowest vibration levels above which damage has been credibly demonstrated. Cosmetic damage, or hairline cracks in plaster or mortar joints, should not occur at vibration levels lower than 20mm/s ppv at a frequency of 15Hz and lower than 50mm/s ppv at 40Hz and above. This is significantly higher compared to the 6mm/s ppv limit which is set at Graig/Denbigh Quarry. From the past two years, monitoring data provided by the Quarry, and from our own monitoring, the highest reading was measured at 5.207 mm/s ppv.

Further research has been undertaken by the United States Bureau of Mines which concluded that no damage to buildings has occurred in any of the published data at vibration levels less than 12.7mm/s ppv; again significantly higher than the levels set at Graigh/Denbigh Quarry, and that experienced from the blasting measurements provided.

To put the blasting data into perspective with by comparing this with everyday events which produce vibration; measurements taken at 1m from someone walking on a wooden floor gives a max ppv of 2.3mm/s ppv, a door slamming measured at 1m away on wooden floors gives a ppv of 5.3mm/s ppv and a foot stamp on a wooden floor measured at 1m away gives a ppv of 52.7mm/s and when measured at 6m away it diminishes to 5.6mm/s ppv.

The quarry company continually seeks to minimise blast vibration and air overpressure through blast design, and there is no evidence to prove that a continued ppv levels of 6mm/s can cause damage to properties. In the interests of local amenity, the quarry company try to blast on Tuesdays. Precise timing can be delayed by operational issues and weather conditions.

The applicant has committed to undertaking a pre-blasting notification process which seeks to remove the element of uncertainty from blasting events and may, consequently reduce the reaction to those events and reduce the complaint received. The Quarry Company could improve communication with regards to blasting through their Quarry Liaison Committee as has been effective at other quarries in the region.

4.2.6 Residential Amenity; Noise, Air quality and dust

As a result of the public consultation on the planning application, residents have raised concerns in relation to increased noise and dust that would be emitted from the quarry. However there have been no formal complaints received by the Local Authority, the Minerals and Waste Planning Service, or the Quarry in regard to noise levels arising from operations within the site.

A noise assessment was carried out as part of the 2009 Environmental Statement which concluded that the noise contribution from the quarry would not increase the noise at sensitive properties. The time extension would not materially affect the way in which the quarry operates. The extant permission contains noise conditions which impose noise limits which would be imposed should planning permission be granted to ensure that residential amenity is protected and noise is controlled.

Similarly, there have been no complaints received by the Local Authority, the Minerals and Waste Planning Service, or the Quarry in regard in regard to dust generated by any of the operations at the quarry. The company carries out all of the dust emission mitigation. This includes the use of a dust suppression bowser that is employed if there is a need to control dust such as in dry weather conditions, the use of a road sweeper that sweeps the quarry access roads and the adjacent public highway three

days a week and as required such as during dry weather periods to further ensure that mud and debris is not tracked on to the highway, and where it occurs to remove from the highway. However, the site is being worked using mobile plant, including a crusher. The approved dust scheme relates to the working of the site using fixed plant and therefore is not considered relevant. Should planning permission be granted, a condition would be imposed to require the submission of an updated dust mitigation scheme. Speed limits are also enforced on site. There is a sheeting bay located on the quarry access road that allows all loaded haulage vehicles to sheet the load before leaving the Site.

The proposed extension of time would not materially affect the noise and dust output of the quarry operations as they would remain the same. Should planning permission be granted, the noise limits and dust control conditions would be transposed on any new permission and a new scheme of dust mitigation would be required by condition. As such, it is considered that the proposal accords with the provisions of Policy PSE 17 of the adopted Denbighshire Local Development Plan. Residents have also stated in their representations that the quarry should not be permitted to extend the life as the site is too close to the town of Denbigh. The nearest residential property is located more than 200 metres from the quarry boundary and therefore outside the recommended buffer zone for hard rock quarries as stated within MTAN 1.

4.2.7 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 6.4), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Planning Policy Wales also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Concerns have been raised by local residents that the proposal would have a detrimental and negative environmental impact on Crest Mawr Wood (Site of Special Scientific Interest) and its species from vibration, noise, dust, human activity and industrial machines, and a negative impact on nature conservation due to the loss of habitat.

It is to be emphasised that the boundary of the quarry, as previously consented would remain the same. Therefore, there would be no loss of habitat as a result of this extension of time application as there would be no physical extension of the quarry.

The most notable ecological aspect of the site is the proximity of the SSSI's at Graig Quarry and Crest Mawr, which are connected by planted broadleaved woodland blocks. These would remain untouched by the quarry development as the quarry has reached its maximum lateral extent. Conditions in relation to dust mitigation would

ensure that dust generated from the operations of the quarry would be controlled and mitigated to ensure that they do not leave the site and enter the SSSI's. A deed of variation of the existing section 106 agreement should be entered into to ensure the continued management of the adjacent Tŷ Crest woodland and protection of Graig Quarry SSSI and Coed Parc Pierce. No adverse impacts are expected as a result of the proposed extension of time to complete the quarrying operations. The County Ecologist has been consulted on the planning applicant and does not object to the proposal. As such, it is considered that the proposal accords with Policies RD1, VOE 1 and VOE 5 of the adopted Denbighshire Local Development Plan.

4.2.8 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network. The policy reflects general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Local residents have raised concerns that the extension of time would impact on the local highway network and its capacity to accommodate quarry vehicles. However, Denbighshire's Highways Officer does not object to the application. There are no changes, or proposed changes to the operation of the quarry since the 2010 consent was issued, and no operational concerns have been raised in relation to the highway network.

The output rate of the quarry would remain unchanged at 200,000 tonnes per annum. The current consent restricts output at 500,000 tonnes per annum by condition no.5 and therefore the quarry currently operates well below the permitted extraction rate. The proposal effectively represents a continuation of current activities and operations as the proposed hours of operation, method of transport, main site access and types of vehicles used would not materially change. Therefore, there would be no significant changes in terms of vehicular activity associated with the quarry when compared with current and ongoing operations. As such, it is considered that the proposal accords with the provisions of Policies RD1 and PSE17 of the adopted Denbighshire Local Development Plan.

4.2.9 Economic

The direct employees at the quarry are currently six. Should the planning application be approved this would increase to an additional two or three. The indirect full time equivalent jobs proposed, is just over two.

Allowing the extension of time would mean that the current level of employment would continue for a further period of approximately 6 years and the aggregate materials from this site would contribute to a competitive mineral supply in the local area. Should the extension of time not be granted, a reserve of sustainably accessible mineral, that provides an employment and economic benefit to the area, would be sterilised.

4.2.10 Archaeology

Policy VOE 1 of the Local Development Plan seeks to protect areas of archaeological and historic importance from development which would adversely affect them, reflecting general advice in Planning Policy Wales (Section 6.1.23 - 29) which sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to conservation of remains and their settings where relevant.

Archaeological investigations, comprising a field survey and desk based research work were undertaken as part of the planning application resulting in the 1992 planning permission. No items of archaeological interest were found. As all soils have

been stripped from the working area, with no archaeological finds recorded, there would be no impact on archaeological remains due to the proposed continuation of quarrying operations. Clwyd and Powys Archaeological Trust raise no objections to the proposal.

4.2.11 Hydrology and Hydrogeology

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

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. Drainage and liability to flooding should therefore be regarded as potential material considerations.

Concerns have been raised by local residents in relation to the impact of the quarry on the water environment.

The top two benches of the quarry operate above the natural water table. The sub-water table mineral is exhausted. De-watering will only be necessary to work the lower bench of the quarry, in the final phase of extraction. In order to de-water from the site and subsequently discharge, the company will need to obtain the correct licence from Natural Resources Wales. Controls provided by the discharge licence are to ensure that there are no adverse impacts should arise from the de-watering of the quarry workings, and will ensure that the water environment is protected.

4.2.12 Environmental Assessment

The application was screened negatively on 22 October 2019 in accordance with the provisions of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017 (i.e. the application was not considered to be Environmental Impact Assessment requiring the submission of an Environmental Statement).

The Screening Opinion was based on the proposed change which would comprise an extension of time of operations. The screening opinion concluded that the change associated with the extended duration proposed would not in itself give rise to significant environmental effects which would require consideration as part of an Environmental Statement.

The existing environmental effects of the quarry are already understood, and have been considered as part of the 2010 development consent which was accompanied by an Environmental Statement. The operations of the quarry are regulated and mitigated by the existing schedule of planning conditions which would be imposed should planning permission be granted.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the

Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 environmental effects of the ongoing operations at Graig/Denbigh Quarry were comprehensively assessed in the 2009 Environmental Statement which accompanied the previous application, with detailed studies of landscape and visual effects, ecology, soil resources, archaeology and cultural heritage, hydrology and hydrogeology, traffic and transport, noise, blast vibration and geotechnics, air quality and dust. The recommendations of these studies informed the preparation of a comprehensive schedule of 33 planning conditions which were imposed on planning permission reference 01/2009/1424/PS. These conditions include detailed controls on the phased working scheme, hours of working, dust, blast vibration, noise, vehicle cleaning, ground and surface water management, archaeology, soil stripping and storage, management of perimeter woodland, grassland monitoring, and restoration and aftercare.
- 5.2 The planning conditions reflect best practice modern regulatory controls, which are proven to work effectively. No changes are proposed to the working scheme or to any of the existing controls which regulate the operation. The controls are regularly monitored by the Minerals Planning Authority and the company are operating the quarry in accordance with the planning conditions. The proposed change is confined to the end date of the quarrying operations. The only impact of the proposed extension of time would be a continuation of the existing mitigated effects, over a longer duration, and a delayed final restoration.
- 5.3 The proposed end date of 31 August 2028 has been calculated using the current output rates of the quarry, and the remaining 1 million tonnes of permitted reserves.
- 5.4 It is recognised that the change to the end date would have the consequence that the existing operations and related environmental effects would continue for a longer period. However, these effects are already effectively controlled by the existing schedule conditions which could continue in operation for the extended duration of the mineral extraction operations.
- 5.5 It is also recognised that the extension of time would delay the restoration of the site. However, the approved scheme provides progressive restoration and therefore, the site would be restored progressively over the duration of the extended period.
- 5.6 The extension of time would allow for the 1 million tonnes of remaining permitted reserves to be extracted and worked in the existing quarry which contribute to the apportionment figure calculated in the Regional Technical Statement. Should planning permission not be granted for the extension of time, the remaining permitted reserves would remain unworked, and the apportionment would be required to be acquired elsewhere. This would have major implications for the continuity of aggregate supplies in Denbighshire, North East Wales and beyond into the North West Region of England.
- 5.7 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, Officers consider there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted. A Deed of Variation of the Section 106 legal agreement dated 27 October 1992 that provides for management of the adjacent woodland is required.

The recommendation is subject to the completion of a Deed of Variation to the 1992 Section 106 Obligation. The Certificate of Decision would only be released on completion of the Deed . In the event of failure to complete the Deed within 12 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The extraction of limestone, the removal of plant and the restoration of the site shall have been completed by 31 August 2028.
2. This permission relates to the extraction and processing of limestone and associated restoration, landscaping and aftercare works within the area as shown edged in red on the approved Location Plan reference Drawing No. M18.155.D.011 and hereinafter referred to as the 'site'.
3. The development hereby permitted shall be carried out strictly in accordance with the details shown on the following submitted plans and particulars unless specified as otherwise within any other condition pursuant to this permission:
 - i. Application dated 25th May, 1990, together with written statement and appendices attached thereto, as amended by ii) below.
 - ii. Supplemental proposals statement dated 19th March 1991, as amended by iii) below.
 - iii. Letter dated 15th May 1991, from R.A. Hulse, of Tarmac Roadstone Ltd; to P. Eyton Jones, Director of Architecture, Planning and Estates.
 - iv. Location Plan (scale 1:2500 - reference D4/44A)
 - v. Site Survey Plan (scale 1:1000 - reference D4/45A)
 - vi. Visual Appraisal Plan (scale 1:10,000 - reference D4/46)
 - vii. Environment Proposals Plan (scale 1:1000 - reference D4/47B)
 - viii. Geological Plan (scale 1:1000 reference D4/48A)
 - ix. Geological and Development Cross Sections (scale 1:1000 - reference D4/49A)
 - x. Development Plan (scale 1:1000 - reference D4/50B)
 - xi. Final Restoration Plan (scale 1:1000 - reference D4/51B)
 - xii. Planning Application dated 28 October 2009 and accompanying Environmental Statement including plans and appendices dated October 2009.
 - xiii. Location Plan dated September 2009 Plan 1.
 - xiv. Application Plan dated September 2009 Plan 2.
 - xv. Quarterly Noise Monitoring Survey dated August 2017 prepared by Hepworth Acoustics
 - xvi. Planning Statement - Received 9th September 2019
 - xvii. Location Plan - Section 73 (Drawing No. M18.155.D.011) - Received 9th September 2019
4. Unless the prior approval of the Mineral Planning Authority has been obtained, the maximum annual sales of limestone from the quarry shall not exceed five hundred thousand (500,000) tonnes, and the Mineral Planning Authority shall be supplied with sales figures on an annual basis to verify the sales.
5. Only material derived from the development hereby permitted shall be used in the restoration of the site, unless otherwise previously approved in writing by the Mineral Planning Authority.
6. Within six months of the date of this consent, a scheme(s) shall be submitted to the Mineral Planning Authority for written approval which shall cover the following matters:-
 - i. The phased implementation of this planning permission including the anticipated dates for the commencement, carrying out, completion, restoration, landscaping and aftercare of each phase of the development. Following the approval of the submitted scheme(s) in writing by the Mineral Planning Authority, the scheme(s) shall be reviewed periodically at intervals not exceeding five (5) years from the date of approval and each review of the scheme(s), which, if necessary, shall include a revised timetable of operations, shall be

submitted to the Mineral Planning Authority for written approval. The development shall be carried out in accordance with the latest approved scheme(s).

- ii. The mitigation and monitoring of dust release from all site operations.
 - iii. The planting of trees, hedgerows and shrubs, to include the following;
 - a) the location, species, numbers and timing of the planting of trees, hedgerows and shrubs within the site;
 - b) the methods of planting, protection, maintenance and replacement of trees, hedgerows, and shrubs within the site.
 - iv. The location of existing, retained vegetation and woodland areas within the site, including their protection, management and enhancement.
7. All existing perimeter hedges, trees, undisturbed ground vegetation and fences shall be maintained and protected and hedges and boundary fences shall be made stock-proof and shall be maintained throughout the life of the permitted quarry operations until the restoration of the site is completed to the satisfaction of the Mineral Planning Authority. Site operations shall not disturb or destroy any retained hedges and trees including boundary hedges and trees, and fences shall be erected and maintained to protect the same. Retained hedgerows within or bounding the site shall be carefully maintained, cut and trimmed when appropriate, at the proper season throughout the period of working and restoration of the site.
 8. No movement/handling of soils or soil making materials shall take place except when the full depth of soil to be stripped, handled or otherwise transported is in a suitably dry soil moisture condition.
 9. All stripped topsoil and subsoil shall be retained on the site and none shall be sold or removed from the site.
 10. All topsoil, subsoil and overburden bunds shall be graded and seeded to grass and/or a suitable leguminous species to the satisfaction of the Mineral Planning Authority. Unless otherwise previously agreed in writing with the Mineral Planning Authority the bunds shall be immediately seeded following their completion and re-seeded on bare patches until a satisfactory growth is achieved.
 11. All areas of the site left undisturbed and all topsoil, subsoil, soil making materials and overburden bunds shall be managed and kept free from noxious weeds and measures shall be taken to destroy weeds at an early stage of growth to prevent seeding.
 12. Measures shall be taken to ensure that the operations carried out within the site do not give rise to the pollution or silting of any watercourse or other land, and do not cause any flooding and to ensure that the natural or artificial drainage of any adjoining land is not adversely affected by any operations carried out within the site. There shall be no discharge of surface water from the site onto any adjoining public right of way.
 13. Any refuse or waste materials which are not naturally occurring arising from the development shall not be deposited within the site, but shall be disposed of at an authorised waste disposal site.
 14. Any oil, fuel, lubricant, paint or solvent present on the site shall be stored within a suitably bunded area or other such enclosure to ensure that any contamination of topsoil, subsoil and other soil making materials does not take place or that any water environment is not adversely affected.
 15. Access to and from the site for all quarry traffic shall only be gained via the existing access from the Plas Chambres road.
 16. The vehicle and wheel cleaning facilities provided on the site shall be used by all heavy vehicles leaving the site to ensure that no mud or other detritus is deposited on the public highway. The facilities shall be maintained in a good working order throughout the life of the development.

17. Measures shall be taken to ensure that, as far as is practical, the surfaces of the quarry access roads are kept free from mud and other detritus and that they are maintained at all times in a good condition to the satisfaction of the Mineral Planning Authority.
18. All road vehicles leaving the site carrying limestone below 150mm diameter shall be trimmed and sheeted. The vehicles shall be sheeted or otherwise totally enclosed as soon as possible after loading and before leaving the site.
19. Except as permitted by this permission and notwithstanding the provisions of Part 19 of the Town and Country General Development Order 1995, no buildings, fixed plant, structures, machinery or lagoon areas (except mobile plant and machinery) shall be erected or replaced on any part of the site, without the prior written approval of the Mineral Planning Authority.
20. The best practical means shall be employed at all times to minimise the emission of noise arising from the development hereby permitted.
21. Notwithstanding the provisions of Condition No. 20 above rated noise, levels attributable to mineral operations at the site at nearest noise sensitive properties used as a dwelling shall not exceed 10dB LAeq (1 hour) above background noise levels.
22. Noise monitoring shall be undertaken at points shown on Figure 1 of the approved Noise monitoring Survey Dated August 2017 prepared by Hepworth Acoustics unless otherwise approved in writing with the Mineral Planning Authority. Monitoring shall be undertaken at three monthly intervals and the results shall be made available to the Mineral Planning Authority on request.
23. The best practical means shall be employed at all times to minimise the emission of dust arising from the development hereby permitted. In the event that dust generated by any of the operations hereby permitted is seen to be crossing the Site boundary the operations giving rise to the dust shall cease or be curtailed until dust is no longer visibly crossing the Site boundary.
24. Measures shall be taken to the satisfaction of the Mineral Planning Authority to ensure that the operations carried out on the site do not give rise to nuisance in the locality of the site by reason of light pollution.
25. Except in the case of emergency and for essential maintenance and pumping, the development hereby permitted shall only be undertaken between the hours of 0600 and 1800 Mondays to Fridays and 0600 and 1200 on Saturdays. There shall be no working on any Sunday or statutory/Public Holiday.
26. The best practical means shall be employed at all times to minimise ground vibration and air over-pressure from blasting operations carried out on the site.
27. Notwithstanding the provisions of Condition 26 above, the blast design, when calculated with a 95% confidence limit, shall be such that vibration levels arising from the blast shall not exceed a Peak Particle Velocity of 6 millimetres per second in any plane, as measured at the nearest residential or other vibration sensitive property affected by vibration from blasting at the Site.
28. Unless otherwise previously agreed in writing with the Mineral Planning Authority every blasting event undertaken within the Site shall be monitored at such point/s as may be agreed with the Mineral Planning Authority. The monitoring shall record Peak Particle Velocity of the ground vibration arising on the longitudinal, transverse and vertical planes, the frequency of the vibration in each plane, the resultant Peak Particle Velocity and Air Over-Pressure recorded in decibels.
29. The monitoring referred to in Condition No. 28 above, shall be programmed so as to update regularly knowledge of vibration propagation on the ground surrounding the site. Upon request the updated results and Regression times of Peak Particle Velocity against Scale

Distance shall be supplied to the Mineral Planning Authority at three (3) monthly intervals on request. The Regression lines supplied shall be the Mean line and the 95th percentile limit line and shall be relevant to each monitoring location.

30. Within 12 months of the date of this decision notice, a scheme of phased restoration and aftercare of the site shall be submitted to the Mineral Planning Authority for approval. The scheme shall provide for the following matters:-
 - i. The restoration of each phase of the development as undertaken in accordance with such details as may be approved under Condition 6(i) above, including treatment of quarry benches and faces, spreading of overburden and soils, fertilisation of the soils, seeding, planting and drainage, location of fences and field boundaries, access tracks and field water supply systems.
 - ii. The final treatment of the quarry floor and haul roads, the removal of buildings, plant, hardstandings and reinstatement of the access onto the highway.
 - iii. The aftercare of the restoration works.
31. Written notification of the completion of each phase of the development as approved under Condition 30 above shall be given to the Mineral Planning Authority within four (4) weeks of such completion.
32. In the event that mineral operations, including processing and exportation of won mineral permanently cease prior to the full implementation of the approved development, a revised scheme of restoration to include details of restoration and timescale for the completion of the restoration works, shall be submitted for approval to the Mineral Planning Authority within 12 months of the permanent cessation of working. Such a revised restoration scheme shall be fully implemented as approved.
33. The aftercare of the restoration works undertaken within each phase of the development shall be carried out in accordance with such details as may be approved under Condition 30(iii) above. The said aftercare shall commence upon the date of completion of each phase of restoration as notified to the Mineral Planning Authority under Condition 31 above, and shall continue throughout the lifetime of the development hereby permitted and for a period of five (5) years beyond the date of completion of the final phase of restoration.

The reasons for the conditions are:-

1. To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990, to ensure certainty for the life of the development, and to ensure that the development and restoration is carried out in a timely manner.
2. For the avoidance of doubt, to ensure that the development is carried out as approved and to assist compliance monitoring.
3. For the avoidance of doubt and to ensure that the development is carried out as approved and to assist compliance monitoring.
4. In order that the Mineral Planning Authority can monitor the output of the site. In the interests of highway safety and safeguarding the amenity of the residents of the local area.
5. In the interests of safeguarding the amenity of the residents of the local area, to ensure that there is sufficient organic and native material for restoration purposes, to reduce the number of unnecessary vehicle movements associated with the restoration of the site.
6. In the interests of the restoration of the site, to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority, to accommodate any unforeseen changes in ecology and/or habitats on site. In the interests of safeguarding the amenity of the residents

of the local area, visual amenity, in the interests of nature conservation, biodiversity, to create new habitats and to enhance those in the adjacent Site of Special Scientific Interest.

7. In the interests of landscaping and visual amenity.
8. In the interests of the restoration of the site and to ensure soil resources are protected.
9. In the interests of the restoration of the site and to ensure soil resources are protected.
10. In the interests of the restoration of the site and to ensure soil resources are protected.
11. In the interests of the restoration of the site and to ensure soil resources are protected.
12. In the interest of protection of the environment and water resources.
13. To ensure that there is sufficient organic and native material for restoration purposes, to reduce the number of unnecessary vehicle movements associated with the restoration of the site, and in the interests of amenity and safeguarding the local environment.
14. In the interest of protection of the environment and water resources.
15. For the avoidance of doubt, in the interests of highway safety.
16. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the site by quarry traffic and other passing vehicles.
17. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the site by quarry traffic and other passing vehicles.
18. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the site by quarry traffic and other passing vehicles.
19. To define the development and in accordance with the Town and Country Planning Act 1990, and to ensure that plant and machinery can be assessed for visual impact, and in the interests of amenity.
20. To protect the amenities of the locality from the effects of any noise arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population.
21. To protect the amenities of the locality from the effects of any noise arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population.
22. To protect the amenities of the locality from the effects of any noise arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population.
23. To protect the amenities of the locality from the effects of any dust arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population and to ensure that dust emissions from the site are controlled.
24. In the interests of amenity and to minimise light pollution.

25. For the avoidance of doubt, and in the interests of the protection of amenity.
26. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well being of the neighbouring population and protection of property and to reduce the impact of blasting.
27. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well being of the neighbouring population and protection of property and to reduce the impact of blasting.
28. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well being of the neighbouring population and protection of property and to reduce the impact of blasting.
29. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well being of the neighbouring population and protection of property and to reduce the impact of blasting.
30. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.
31. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.
32. In the interests of restoration of the site, visual amenity and landscape, to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority to enable the restoration to be revised in the event of early cessation, or to accommodate any unforeseen changes on site.
33. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.

Agenda Item 7

WARD : Efenechtyd

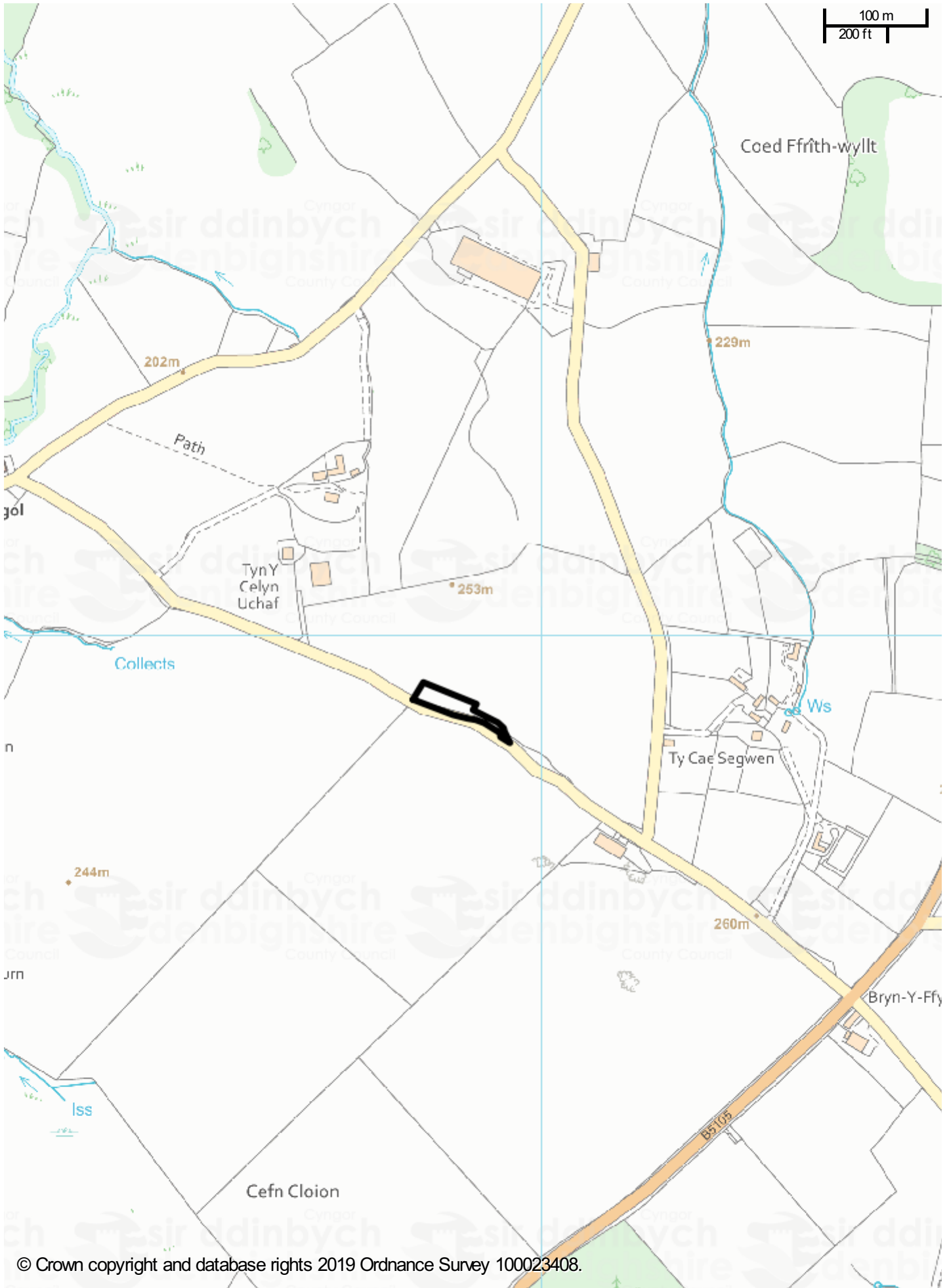
WARD MEMBER: Councillor Eryl Williams

APPLICATION NO: 11/2019/0472/ PF

PROPOSAL: Erection of a manure storage building for use in connection with existing poultry unit, formation of a new vehicular access to serve the building and associated works

LOCATION: Land at Tyn Y Celyn Clocaenog Ruthin LL152AS

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11/2019/0472

Scale: 1:5000

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architectural services

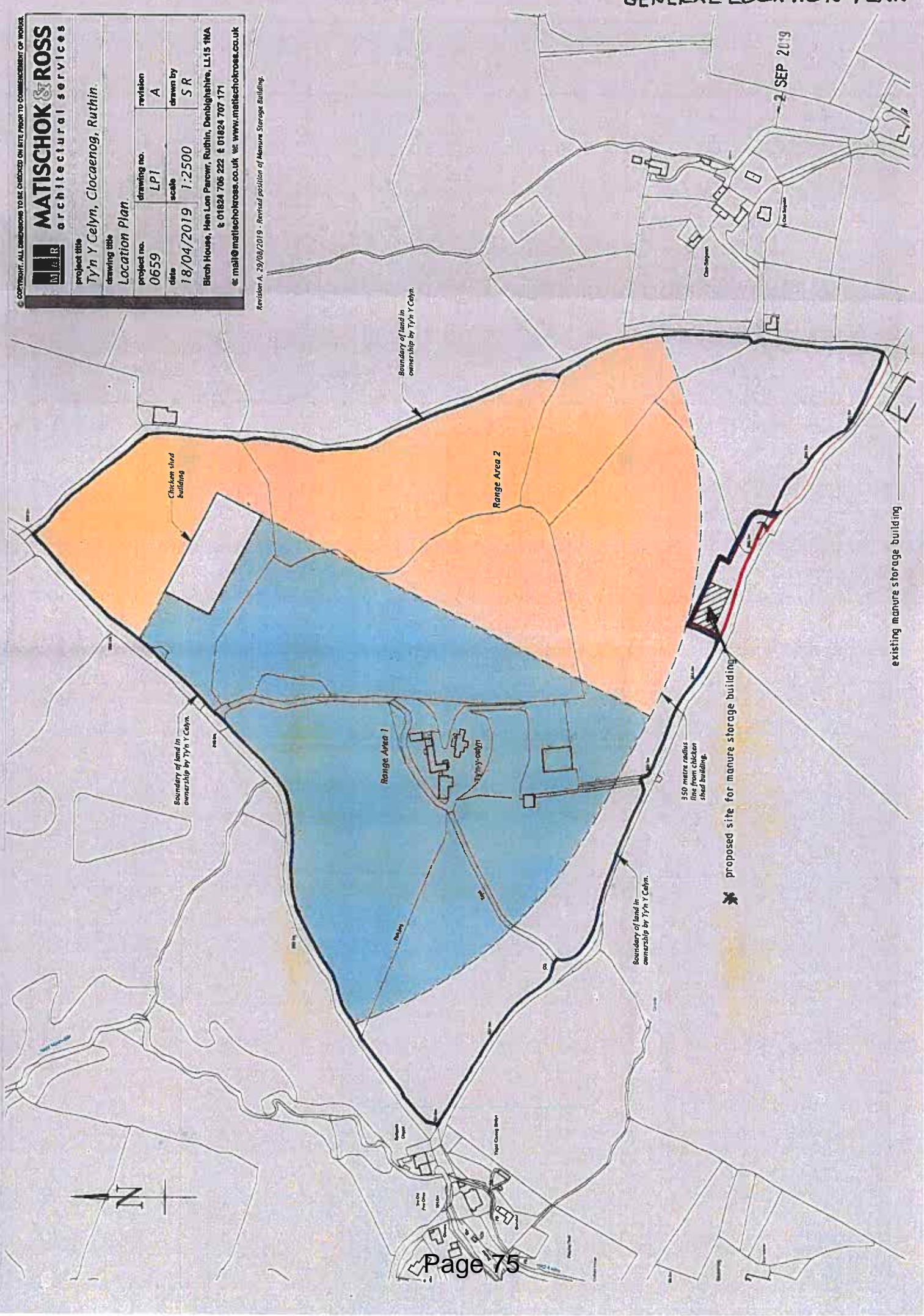
Project title
Tyn Y Celyn, Clocaenog, Ruthin.

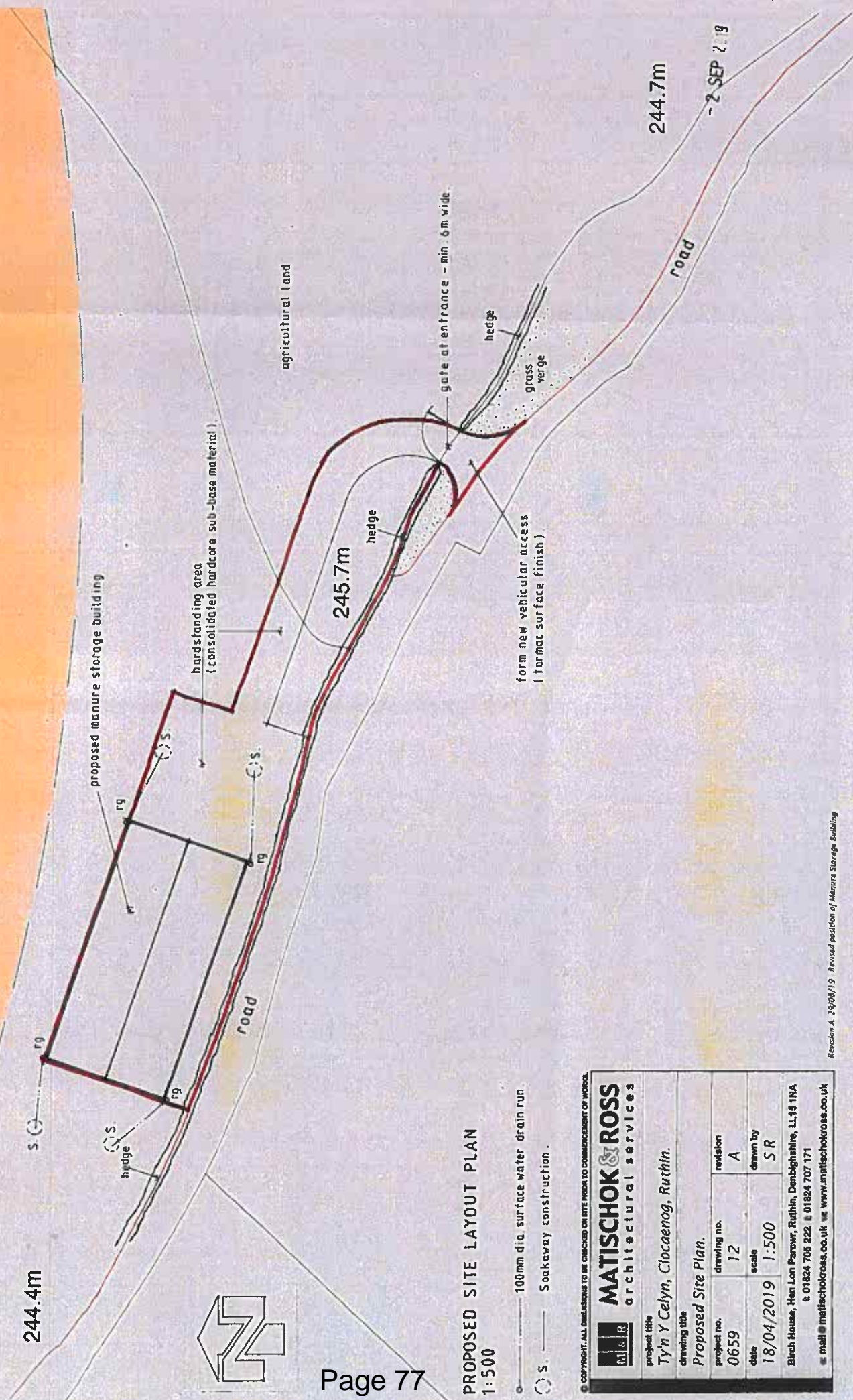
drawing title
Location Plan.

project no.	drawing no.	revision
0659	LPI	A
date	scale	drawn by
18/04/2019	1:2500	SR

Birch House, Hen Lon Parow, Ruthin, Denbighshire, LL15 1NA
t 01824 706 222 f 01824 707 171
e mail@matischokross.co.uk w www.matischokross.co.uk

Revised position of Manure Storage Building.





244.4m

245.7m

244.7m

- 2 SEP 2019



PROPOSED SITE LAYOUT PLAN
1:500

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

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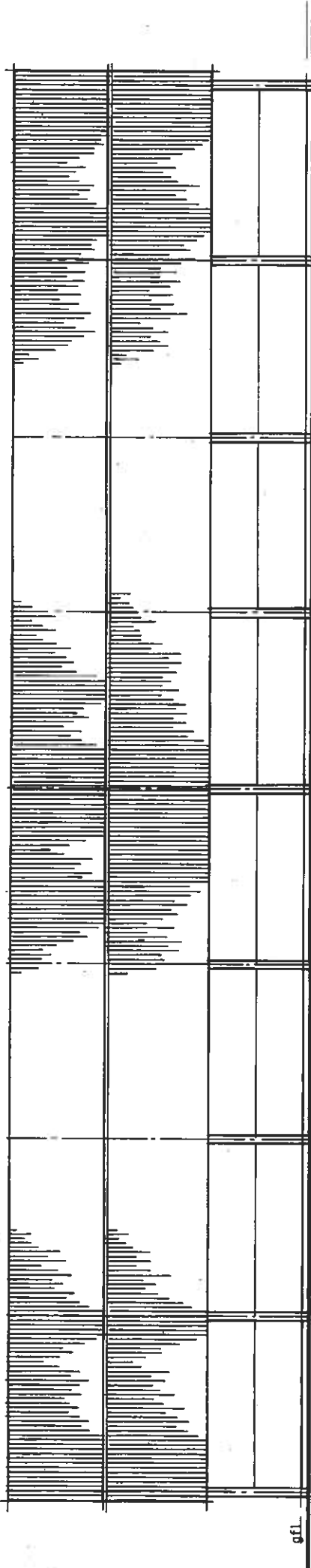
project title
TY'n Y Celyn, Clocaenog, Ruthin.

drawing title
Proposed Site Plan.

project no.	0659	drawing no.	12	revision	A
date	18/04/2019	scale	1:500	drawn by	SR

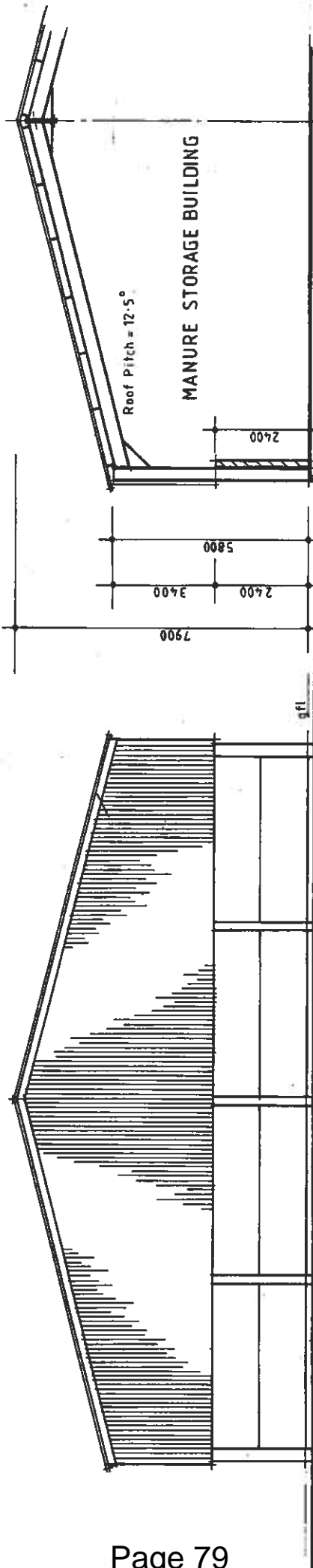
Birch House, Hen Lon Parow, Ruthin, Denbighshire, LL145 1NA
t 01824 706 222 e 01824 707 171
m mail@matischokross.co.uk w www.matischokross.co.uk

Revision A. 29/08/19 Revised position of Manure Storage Building



SIDE ELEVATIONS
1:100

Dimensions to take precedence over scaled dimensions.



PART SECTION DETAIL

REAR ELEVATION
1:100

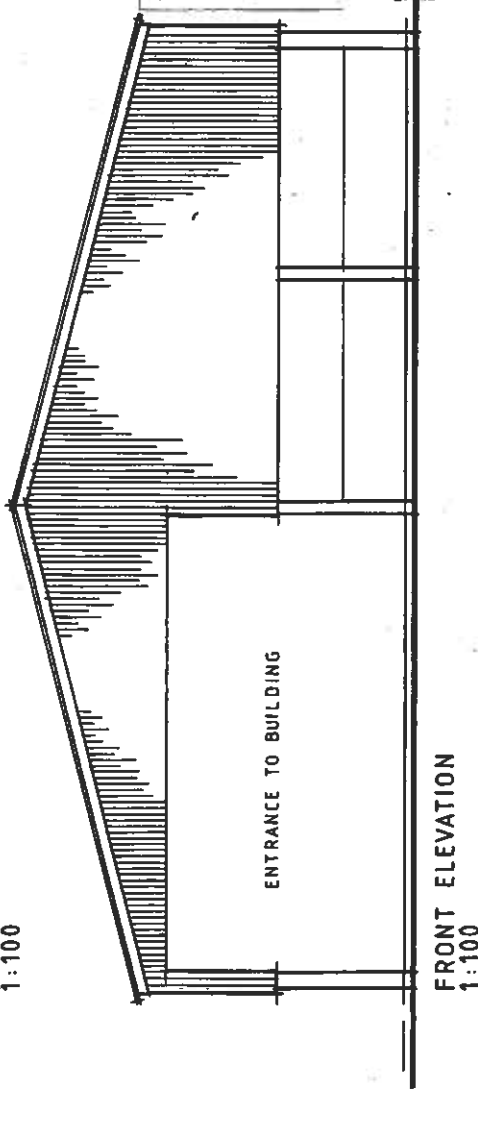
Rev. A - 04/06/19 - Height of building altered to accommodate tipping trailer.

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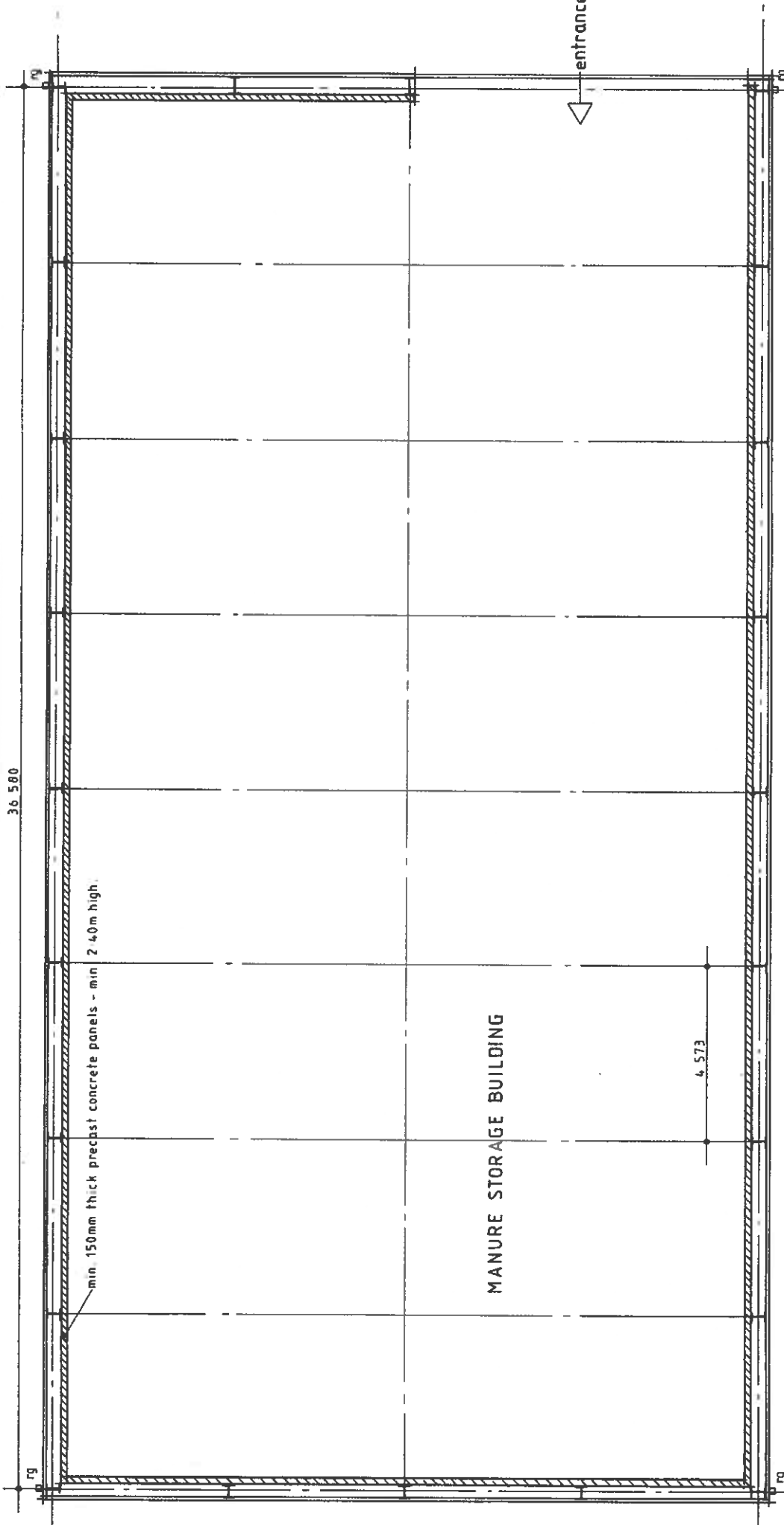
	MATISCHOK & ROSS architectural services
project title	TYN Y CELYN, CLOCAENOG, RUTHIN.
drawing title	Proposed Elevations.
project no.	0659
revision	14 A
scale	1:100
drawn by	PM
Birch House, Hen Llan Pwcer, Ruthin, Denbighshire, LL15 1NA t 01824 705 232 f 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk	

EXTERNAL MATERIALS

Roof	- Polyester powder coated profiled steel sheeting. Colour :- Juniper Green.
Walls	- Polyester powder coated profiled steel sheeting. Colour :- Juniper Green.
Precast concrete panels	up to 2.40m height.
Rainwater Goods	- Polyester powder coated steel rainwater goods. Colour :- Juniper Green.



FRONT ELEVATION
1:100



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M S R **MATISCHOK & ROSS**
architectural services

project title
TY'N Y CELYN, CLOCAENOG, RUTHIN.

drawing title
Proposed Floor Plan.

project no.	0659	drawing no.	13	revision	
date	18-04-19	scale	1:100	drawn by	PM

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

GROUND FLOOR LAYOUT PLAN
1:100

WARD : Efenechtyd

WARD MEMBER: Councillor Eryl Williams

APPLICATION NO: 11/2019/0472/ PF

PROPOSAL: Erection of a manure storage building for use in connection with existing poultry unit, formation of a new vehicular access to serve the building and associated works

LOCATION: Land at Tyn Y Celyn Clocaenog Ruthin LL152AS

APPLICANT: Mr & Mrs Bruce and Catrin Jones

CONSTRAINTS: None

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

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

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

CONSULTATION RESPONSES:

CLOCAENOG COMMUNITY COUNCIL:

“On behalf of local residents, Clocaenog Community Council strongly objects to this application on the following grounds:

- Deviation from original planning permission granted for Ty’n y Celyn poultry unit
- Impact on residents and local community of existing manure storage facilities
- Detrimental effect of increased storage facilities on local residents, community and local environment
- Access

Poultry unit – Planning application 11/2010/0329 (Granted)

On site facilities for the storage of poultry manure were deemed unnecessary by the applicant when the original planning permission was granted;

- Design and Access Statement; Section 4.7 – Disposal of manure from the site

“Due to the size of this land holding adjacent to the shed none of the manure would be retained on this site. The manure would be taken to other farm units for use as fertilizer”

Since the commencement of the poultry operation (c. 2011) the applicant has managed the removal from the unit of all manure generated without the need for storage facilities on site. The size of the poultry unit has not changed and as such we see no justification for the erection of a storage facility on this site. Further, the size of the land holding has not increased and thus if considered, by the applicant, as too small for a separate storage facility in 2010 there has been no material change in circumstances to satisfy this application.

We should in any event object to a variance of the proposals which secured the granting of permission for the Poultry unit itself.

Local impacts

We have heard from residents at Cae Segwen and the wider Clocaenog community of the existing deprivations to the enjoyment of properties and leisure activities experienced as a

result of the current poultry manure storage on nearby land, utilised but not owned, by the applicant.

These include, but are not limited to; noxious odour, airborne particles, flies, rodents and deterioration of localised road network. Many residents complain of the need to remain indoors with windows closed in certain prevailing weather conditions. We have also been given evidence from residents of the release of dust particles which are vented from the poultry unit itself which at times can have detrimental effects on received air quality.

When planning was approved for this independently owned storage facility (ref 11/2014/0358) the Design & Access Statement gave the reason for the Economic Context of the application as a building to "provide dry manure store" that was "essential in the future success of" the dual based farm holding of Bryn Eryr, Llanfihangel / Clawddnewydd. The clear impression was that the unit was to support existing livestock operations and reduce travel costs. At no stage was there any indication that the building would be used at any time for the storage of poultry manure. In a Social Context there was to be no claimed effect on neighbouring properties. Clearly had the current use been proposed at the time the application would have been viewed very differently. In the circumstances, any increase in storage capacity specifically for poultry manure, as here, must be vigorously opposed.

Proposed manure storage shed at Ty'n y Celyn

Given the adverse effects on wellbeing currently experienced by residents at Cae Segwen, Clocaenog Community Council objects to the creation of additional manure storage facilities at the proposed location.

As previously stated, the applicant considered the site too small for an independent storage facility when planning was granted for the poultry unit. This must still be the case. Application claims that new Welsh Government regulations will require a covered manure storage shed capable of holding up to 5 months of manure, which must be in a permanently roofed building. It is our contention that the existing facility owned by Bryn Eryr provides such storage and notwithstanding new regulations it is our understanding that the requirement for 5 months storage capacity was in place before the commencement of poultry operations on this site so is not a valid justification for this application.

The recently provided "Traffic Statement" indicates that the existing storage shed also occasionally accommodates manure from the applicant's other unit at Braich yr Alarch in Clawddnewydd. This also has no on site storage. We consider that were Planning Approval to be granted this would lead to yet further deterioration of amenity for local residents as up to 5 months of manure from both units would be housed in adjacent sheds within approximately 200 metres of dwellings at Cae Segwen.

The proposed shed at Ty'n y Celyn is considerably larger than the one currently in use, so one might legitimately ask whether arrangements to utilise the existing storage facility have changed and the applicant does in fact need to store manure from both units in the proposed larger shed, thus effectively storing up to 10mths manure between cycles. This would mean stored manure would be present virtually all year round. This is compounded by the fact the Design & Access statement for the actual poultry unit stated that 1 flock of birds (14 mths) generates 1080 tonnes of manure which when spread would require an area equivalent to 216 hectares. This will double for the 2 flocks to around 1000 acres if utilised correctly. This is many more acres than combined at Bryn Eryr (267 as stated) giving rise to increased transportation requirements.

Keeping poultry manure under cover alone is not sufficient as it should be sheeted to minimise odours and fly issues. This also applies to the transportation of poultry manure, which we are advised is not always the case when manure is transported from shed to the current store along the lane behind properties at Cae Segwen. One wonders why when trailers should be sheeted that manure is only transported from Braich yr Alarch when weather permits (Traffic Statement ref 11/2019/0472).

This application presents no clearly defined and agreed Manure Management Plan – the only reference is a scanned leaflet posted on the DCC planning portal. Clear codes of practice apply to the use and storage of poultry manure and any failure to adopt these principles is likely to create an "avoidable nuisance". Where it is necessary to store

manure before transport, adequate precautions should be taken to minimise the potential for fly or odour problems – this should include monitoring and effective treatment regimes which should be documented to demonstrate adherence. This is not evident within this application. The Justification Statement claims that the proposed siting is the “most suitable site available outside the chicken range” – 350 metres. Welsh Government planning guideline TAN 6, para 6.6.3 advocates planning authorities exercise particular care over housing applications within 400 metres of established livestock units and it is also important to keep incompatible development away from polluting or potentially polluting uses. The situation here is the same but in reverse and were the same thinking (and distance) to apply, there is nowhere on the Ty’n y Celyn holding that this proposed manure store could be accommodated a sufficient distance from existing housing stock.

Access

The highway presently in use to transport manure away from the current storage shed is already designated “Unsuitable for heavy vehicles” and is in poor state. There is a gateway from the rear of the poultry unit leading to the lane currently used to transport manure away from the unit and towards the existing storage facility. This is the access lane for properties at Cae Segwen and is in exceptionally poor condition, the surface is damaged and eroded as are the banks either side. This lane is also prone to flooding, presumably as a direct consequence of usage other than that originally intended. If more damage ensues there will be a real risk of damage to passenger vehicles.

This new application indicates that this lane will continue in use for the removal of manure. In contradiction to the “Traffic Statement” actual traffic movements will increase on the lane from the B5105 if additional manure is transported to site from Braich yr Alarch on anything more than the “occasional” trip as presently declared.

For the reasons stated, Clocaenog Community Council opposes and Objects to this application.”

NATURAL RESOURCES WALES:

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer:

No objections

Pollution Control Officer:

No objections

RESPONSES TO RECONSULTATION:

CLOCAENOG COMMUNITY COUNCIL:

“In light of revisions to planning application, Clocaenog Community Council sees no reason to amend its original decision and remains opposed to the application.

Location

- Proposed storage has moved 90 meters down the hill, closer to the village but this offers no greater protection or improvement to local residents and the general public.

Odour assessment

- Requested by Senior Technical Officer at DCC
- Computer modelling plan using estimates and predictions based on the ‘figures and values’ in literature available to the author of the report.
- No evidence that any physical monitoring has taken place.
- Does not address the current situation as complained of by local residents.
- Ignores existing evidence of odour, dust borne particles and vermin.
- Does not address the hazardous nature of the manure – this is not generic livestock manure.

- Despite the wealth of evidence presented by local residents (receptors) the report claims that no local properties would even suffer from 'moderately offensive' odours using the prescribed measuring criteria.

Transportation & manure management

- Revised plans provide no new consideration of issues regarding the transportation of the manure.
- Evidence was provided by residents about the inadequate measures taken when moving manure from site. It appears clear that manure is still moved in uncovered trailers and has been deposited and left uncovered on neighbouring land in contradiction of manure management plans. This is despite the sensitivity of the ongoing application which does not offer any confidence that this would improve in future.

Access

- Despite objections, there has been no new proposal regarding improving access to and from site. No proposals to negate the damage caused to both local road infrastructure and neighbouring property boundaries.
- Damage to roadways causes detriment to local residents and general public.
- Increased council maintenance costs borne by local ratepayers rather than directly by the owner and direct beneficiary of the enterprise.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Robert Garrod, 1 Maes Caenog, ClocaenogMA & WJ Seymour, 4 Cae Segwen, Clocaenog LM & DL Locke, 1 Cae Segwen, Clocaenog Ms Glenda Dunne & Mr Michael Clark, 2 Cae Segwen, Clocaenog Mr Shiran & Mrs Rachael Devakumar, 3 Cae Segwen, Clocaenog The Worthingtons, Ty Cae Segwen, Clocaenog Alison Lewis, Tyr Saer, Clocaenog Lynda Roberts, Tyn Y Minffordd, Llanfwrog C. Parton, The Old Rectory, Clocaenog Leonard Gill, Bryn Ffynnon, Clocaenog Tim and Janette Keeley, Bryn Moel, Clawddnewydd

Petition (31 Signatories) 4 Cae Segwen, Clocaenog

Summary of planning based representations in objection:

Impact on residential amenity – the proposal would have a detrimental impact on residential amenity by virtue of odour, dust, flies and vermin

Impact on Highway network – the proposal would result in the lane being used by an increased number of large vehicles which will cause damage to the side of the highway/soft verges.

In support

None

EXPIRY DATE OF APPLICATION: 24/07/2019

EXTENSION OF TIME AGREED? 11/10/2019

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Members will recall that this application was deferred at the October planning committee with a request to seek details of a detailed management plan for the storage and disposal of manure at the site. This has now been submitted and consulted on.
- 1.1.2 The proposal is for the erection of an agricultural building to store dry manure. The site is Tyn Y Celyn, Clocaenog.
- 1.1.3 The building is proposed to be located adjacent to the road in an isolated rural location. The building would measure 36 metres by 18 metres, and feature a pitched roof with a ridge set at 7.9 metres. It would be constructed of pre-cast concrete panels up to 2.40m and then 'juniper green' powder coated metal sheet, including on the roof.
- 1.1.4 The proposed building would be set back from the road by approximately 4 metres, with the longer side of the building running parallel to the road.
- 1.1.5 A new access would be created off the highway approximately 65 metres east of the building, and a track would be created to link the building to the access.
- 1.1.6 The application is being made as part of the requirements of new Agricultural Pollution Regulations which come into effect in 2020. The regulations seek to reduce ammonia emissions from farming, and in part set out standards for how manure is stored on agricultural units.
- 1.1.7 Natural Resources Wales require the existing poultry unit at Tyn Y Celyn to have a covered manure storage capable of storing 5 months of manure from chicken sheds so as to enable the applicant to avoid spreading manure during wet periods. The shed has to be located outside of the chickens 'ranging' area.
- 1.1.8 The application is accompanied by an odour assessment of the potential impacts on sensitive receptors (residential properties).

1.2 Description of site and surroundings

- 1.2.1 The site is in an elevated position above Clocaenog, some 500m south east of the village. It is accessed via an unclassified lane that links Clocaenog to the B5105 road.
- 1.2.2 It is currently an area of relatively flat agricultural grass land. A similar building to that which is being proposed is located approximately 185m to the south east of the site.
- 1.2.3 A collection of dwellings at 'Cae Segwen' are sited 280 metres to the east of the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The building has been relocated further to the west than originally proposed so as to avoid the need for an in combination odour assessment with the existing manure store.
- 1.5.2 A Manure management plan has been submitted following deferral of the item in October. This details that the size of the farm extends to approximately 50 acres of owner occupied land. Due to the size of the holding all manure is exported off site to neighbouring farms. The plan is based on a maximum potential number of 64,000 birds. All solid manure produced within the poultry unit will be removed from the laying area every four days and stored in the proposed manure store.
- 1.5.3 Manure would be collected from the store by neighbouring farms for spreading on their land between April and October.
- 1.5.4 The Manure Management Plan details that the shed would provide 5 months of storage for manure generated from the poultry unit, with a 5% contingency for additional storage. If for some reason there was exceptionally extreme weather conditions that lasted more than 5 months, and the extra capacity in the manure storage shed was exceeded, then manure would be exported off site to a locally sourced Anaerobic Digester plant.
- 1.5.5 The manure would be loaded via an existing conveyor belt system from within the poultry unit into 10 ton high sided tipping trailers, directly to the rear of the building. The trailers would be covered with a tarpaulin directly after filling and transported along the public highway to the proposed storage building. The trailers would unload their loads within the storage building. It is suggested that this would take place on average 2 to 3 times per week.

1.6 Other relevant background information

1.6.1 The application was subject to a Site Inspection Panel meeting at 11.00am on Thursday 3rd October 2019.

1.6.2 In attendance were:
 CHAIR – Councillor Joseph Welch
 VICE CHAIR – Councillor Alan James
 LOCAL MEMBER – Councillor Eryl Williams

GROUP MEMBERS –
 Plaid Cymru Group – Councillor Emrys Wynne
 Conservative Group – Councillor Ann Davies

COMMUNITY COUNCIL – Mark Lewis

The Officer present was Paul Griffin (Development Management)

1.6.3 The reason for calling the site panel was to allow opportunity to view the site in relation to the neighbouring properties, and to consider the adequacy of the surrounding highway infrastructure.

1.6.4 At the Site Inspection panel meeting, Members considered the following matters:

- 1. The detailing of the building, including its proposed siting, the distance to adjacent buildings, and the requirement for it.
- 2. Representations on the application.

In relation to the matters outlined:

1. The Officer outlined the proposals which involved the erection of a steel portal framed building for manure storage, and the need for it given new Agricultural Emissions Regulations. Members viewed the surrounding area and the proposed siting of the building in relation to neighbouring properties, as well as the location of the proposed access and the condition/width of the approach roads.

2. The site panel was informed of the basis of comments on the application from consultees, including the concerns of the Community Council. It was noted that the Highway Officer and Public Protection Officer had raised no objections. There was discussion on the issues raised and the nature of the Odour Assessment which accompanied the application.

OFFICER NOTES

For clarification, Officers understand that the proposal is in line with NRW's 'best practice' guidance in relation to storage of manure. At present, it is possible for the manure to be stored on open fields, under a waterproof sheet, which represents a significant fallback position.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

None

Supplementary Planning Guidance

None

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

TAN 6 Planning for Sustainable Rural Communities (2010)

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 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Paragraph 5.6.6 of PPW 10 advises that Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

The application is submitted with a justification statement which outlines the need for the building. It outlines that Natural Resources Wales require the existing poultry unit at Tyn Y Celyn to have a covered manure storage area that can hold 5 months of manure from the existing chicken sheds as the applicant is not able to spread manure on the land in extreme wet weather conditions, as this would result in an increase in ammonia emissions. It is understood that NRW also require the building to be outside of the free range area for the chickens, which means that the building must be at least 350m from the poultry sheds.

The proposal relates to an existing agricultural enterprise and is submitted so as to accord with environmental legislation as enforced by NRW. It is therefore considered to be acceptable in principle subject to an assessment of the impacts.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

TAN6, paragraph A14 states the siting of a new agricultural building can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.

The building is proposed to be located adjacent to the road in an isolated rural location. The Agent has advised that the proposal has been designed to sit in the least visually obtrusive location on the site, whilst complying with the requirements of NRW in regard to not being within the chickens 'ranging area', and being at sufficient distance from unrelated dwellings so as not to result in a nuisance by way of odour. In terms of size and appearance the building would measure 36 metres by 18 metres, and feature a pitched roof with a ridge set at 7.9 metres.

Having regard to the siting of the proposal, whilst noting general planning principles of TAN 6 that new agricultural buildings should ideally be located adjacent to the existing complex, it is clear that that would not be possible to achieve in this instance – regulations oblige the building to be located away from the main poultry unit. It is

therefore considered in this instance that an isolated siting is justified. With regard to the scale, design and appearance of the building, it is considered that whilst it would be visible from the highway, and is a 'large structure', such sized units are not uncommon in rural areas. As noted, there is a similar sized unit located approximately 185m to the south west of the site. Given that the site is not within a protected landscape area, and its isolated location has been justified, Officers do not consider that there would be such unreasonable harm to justify a refusal on visual amenity grounds.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The building would be approximately 280m from the nearest residential dwelling.

Significant concern has been raised by local residents and the Community Council relating to the potential impact on residential amenity by way of unpleasant odour, dust, flies and vermin.

The Council's Public Protection Officer does not raise an objection to the application.

The submitted odour assessment identifies all relevant sensitive receptors, including the dwellings at Cae Segwen. In line with accepted industry standards, the assessment models the potential odour impacts on those receptors, and in doing so takes into account prevailing winds, topography and location of receptors. The odour from a manure store is classed as a moderately offensive odour as it is linked to intensive livestock rearing, in line with Natural Resources Wales Odour Management Guidance. 1.0 Odour Unit per meter cube (OU/m³) is the limit of detection in a laboratory. 2.0 - 3.0 OU/m³ may result in a particular odour being detected in an open environment. The Odour Management Guidance gives benchmark odour levels based on the 98th percentile (i.e. the receptor may notice an odour for approx. 168 hours per year) at the site boundary as 1.5 OU/m³ for the most offensive odours and 3.0 OU/m³ for moderately offensive odours. The modelling in the submitted report shows a predicted odour concentration of 3.0 OU/m³, which does not reach the boundary of the applicant's field between the proposed manure store and the closest residential receptor. Odour concentrations at the closest residential receptor are predicted to be 1.06 OU/m³. Based on the modelling report, odour from the proposed manure store would have a minimal effect on the closest residential receptors.

With regard to the concerns relating to dust, flies and vermin, the Council's Public Protection Officer is satisfied that given the distances involved, and the nature of the proposal, the store would not result in a demonstrably unacceptable impact on the amenity of residents in the locality. The key source of dust from poultry units is from the poultry sheds themselves. The proposal would see dry manure being loaded into covered trailers at the poultry unit and being transported to and unloaded within the manure store building. A Manure Management Plan has been submitted. In Officers' opinion, the activities are unlikely to result in a significant impact on the residents some 280 metres away.

In terms of flies and vermin, the Council's Public Protection Officer considers it would be difficult, given the distances involved to prove that there either would be an increase, or that an increase would impact upon dwellings located 280 metres away across a field.

With respect to the concerns of the residents and Community Council, having regard to the information submitted and the comments of the Council's Public Protection Officer, it is not considered that the proposals would have an unacceptable impact on residential amenity. The proposals are therefore considered to comply with the policies and guidance listed above.

4.2.4 Drainage

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

Planning Policy Wales (PPW 10) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

The drainage engineer has not raised an objection to the proposal.

The proposal would result in the loss of permeable ground through the erection of a large structure. It shows that surface water run off would be through soakaways created to the east and west of the proposed building. As the construction area exceed 100 square metres, separate approval is required from the SuDS Approval Body (SAB).

Given the comments of the technical consultees, it is considered reasonable to conclude that an acceptable drainage scheme can be achieved on the site and that the SuDS Approval process is sufficient to control how surface water will be dealt with at the site. The proposals are therefore considered acceptable in relation to drainage.

4.2.5 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

The proposal includes the creation of a new access onto an unclassified road. In terms of additional vehicular movements on the public highway it is envisaged that the proposal would result in approximately 2 or 3 additional movements (a tractor with trailer) each week between the poultry units at Tyn Y Celyn and the store.

Concern has been raised by local residents and the Community Council that the local highway network is not capable to accommodate the additional movements without damage being caused to the highway verge. The Highway Officer has not raised an objection to the proposal.

Given the likely intensity of the use, it is considered that the proposed access is acceptable. Whilst respecting the concerns that the highway network in this location is too narrow, in Officers' opinion, given the requirement to site a manure storage building away from the main complex, it is inevitable that manure will have to be transported off site by way of tractors and trailers. It is not considered reasonable therefore to refuse the proposal on the basis of an additional 2 or 3 vehicular movements per week. The proposal is therefore considered to be acceptable in terms of its impact upon the highway.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 The application has been submitted in response to new Agricultural Pollution Regulations that seek to reduce the amount of ammonia emissions from farms. This prevents the spreading of manure during wet periods and certain farms/livestock units must therefore have the capacity to store manure in dry conditions for up to 5 months. On this basis the proposal is considered acceptable in principle.

5.2 Significant concern has been raised by local residents that the proposal would result in them suffering a loss of amenity by way of impacts from odour, dust, flies and vermin. Concern has also been raised in relation to the adequacy of the highway network to accommodate the additional vehicle movements.

5.3 Whilst respecting these concerns, based on the submitted odour assessment and the comments of technical consultees, it is not considered that there is sufficient substance to the concerns to sustain a refusal. The odour modelling assessment suggests that the odour would barely be perceptible at the nearest receptors, and would certainly be within the NRW guidelines for such odours. In relation to the vehicle movements, it is considered that whether the manure store is located in this location or not, it is inevitable (due to the aforementioned regulations) that manure would still be transported off site to wherever the manure store is located. In officers' opinion this is not a reasonable ground to refuse the application.

5.4 The proposal is considered acceptable in principle and the submission demonstrates that the local impacts of the proposal are not unacceptable.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later thaninsert DATE 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) Proposed elevations (Drawing No. 14A) received 4 June 2019
 - (ii) Proposed floor plan (Drawing No. 13) received 24 May 2019
 - (iii) Existing site plan (Drawing No. 11 Rev. A) received 2 September 2019
 - (iv) Proposed site plan (Drawing No. 12 Rev. A) received 2 September 2019
 - (v) Location plan (Drawing No. LP1 Rev. A) received 2 September 2019
 - (vi) Transport Statement received 8 July 2019
3. The building shall not be brought into use until a Manure Management Plan detailing the method for loading manure at the egg production facility, transporting manure to and from the

site and unloading manure, has been agreed in writing by the Local Planning Authority, and the approved details shall be adhered to at all times.

4. 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

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of protecting residential amenity.
4. In the interest of visual amenity.

Agenda Item 8

WARD : Denbigh Upper / Henllan

WARD MEMBERS: Councillors Geraint Lloyd Davies and Glen Swingler

APPLICATION NO: 28/2019/0808/ PF

PROPOSAL: Erection of a detached garage (amended details to those previously approved)

LOCATION: The Riggery, Henllan, Denbigh

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28/2019/0808

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WYNN ROGERS
Architectural Services Ltd

N.BRYN COLBORNE M.C.I.A.T
Chartered Architectural Technologist

G.LLOYD EVANS
Architectural Technologist

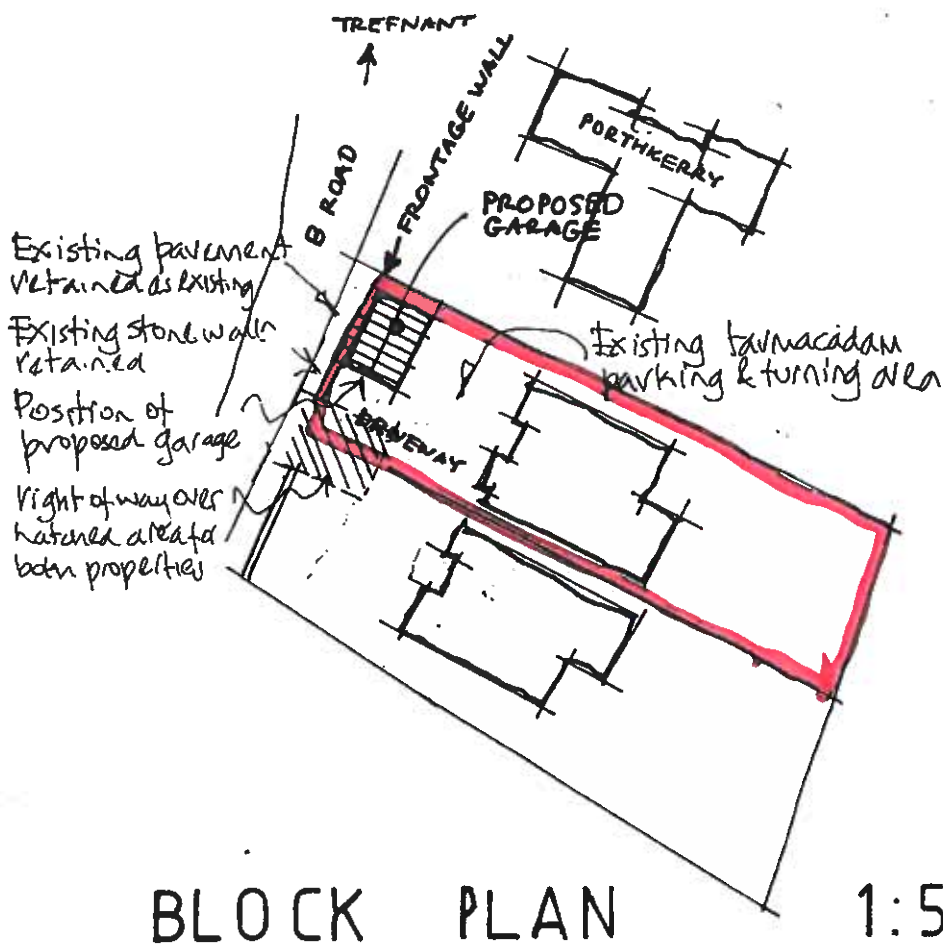
MICHAEL D. COLBORNE B.Sc. (Hons)
Building Surveying

Studio 3, Rosemary Lane, Denbigh, LL16 3TT

01745 812100

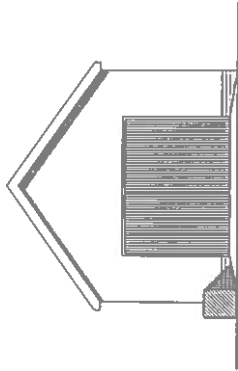
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THE RIGGERY. HENLLAN

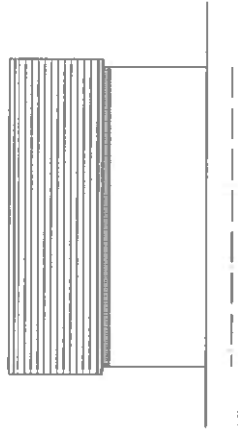


NOTES:

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK ON THE PREPARATION OF MANUFACTURING DRAWINGS. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO WWW.BIGDESIGNARCHITECTURALSERVICES.COM/PROJECT

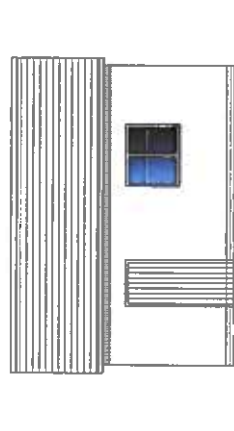


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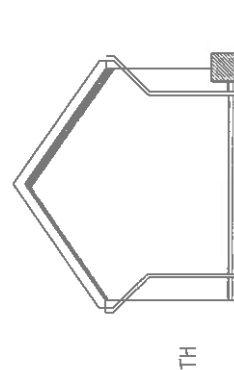


side

SLATE TO MATCH DWELLING
WALLS RENDERED TO MATCH DWELLING



side



rear

FACING BRICK PLINTH

EXISTING STONE BOUNDARY WALL

REVISION	



WYNN ROGERS
Architectural Services
Studio 3, Rosemary Lane, Denbigh, LL16 3JT
01745 812100 E-mail: conuiff@wynn-rogers.co.uk
www.wynn-rogers.co.uk

CIAT

PROJECT THE RIGGERY HENLLAN

DRAWN rbc

SCALE 1:100

DATE AUG 19

PAPER A3

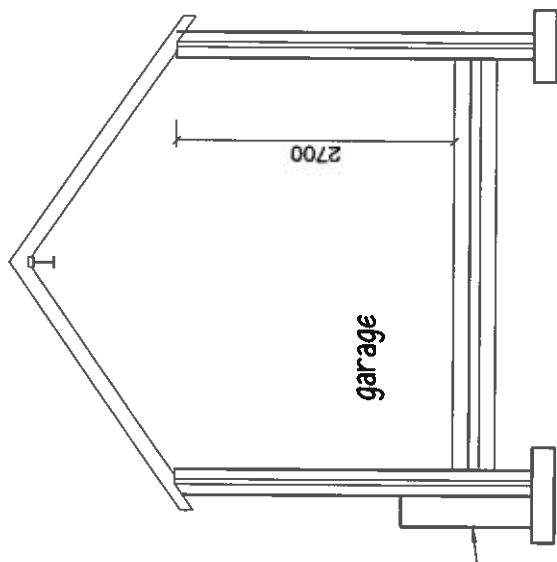
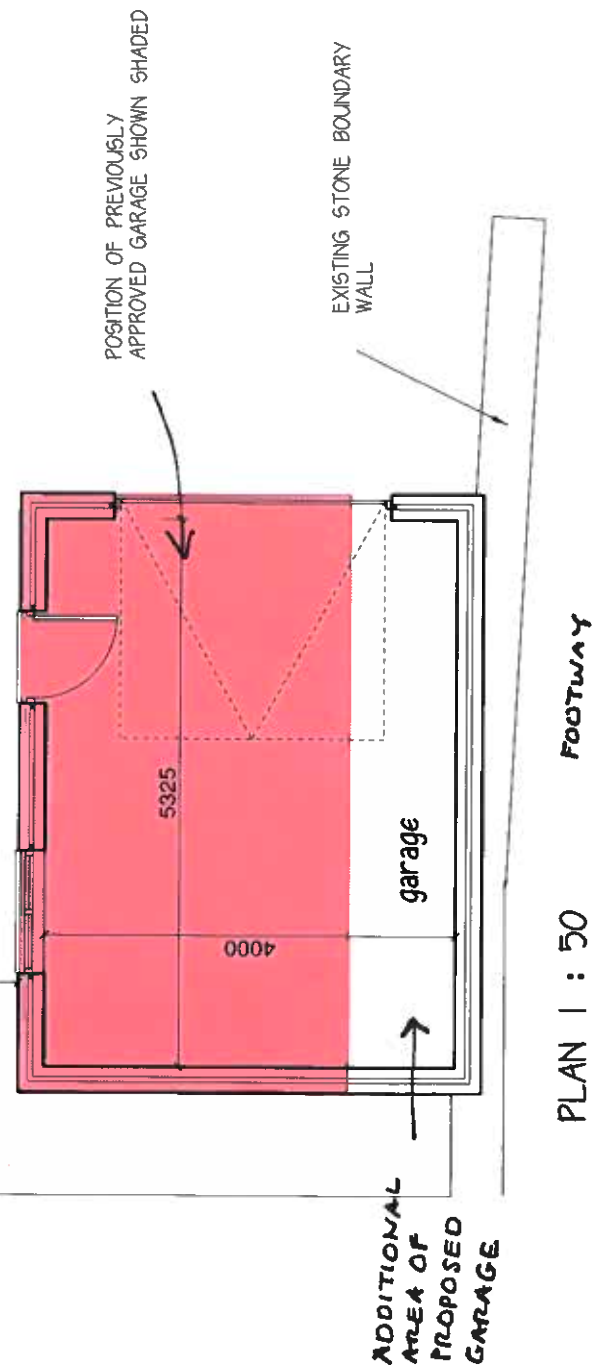
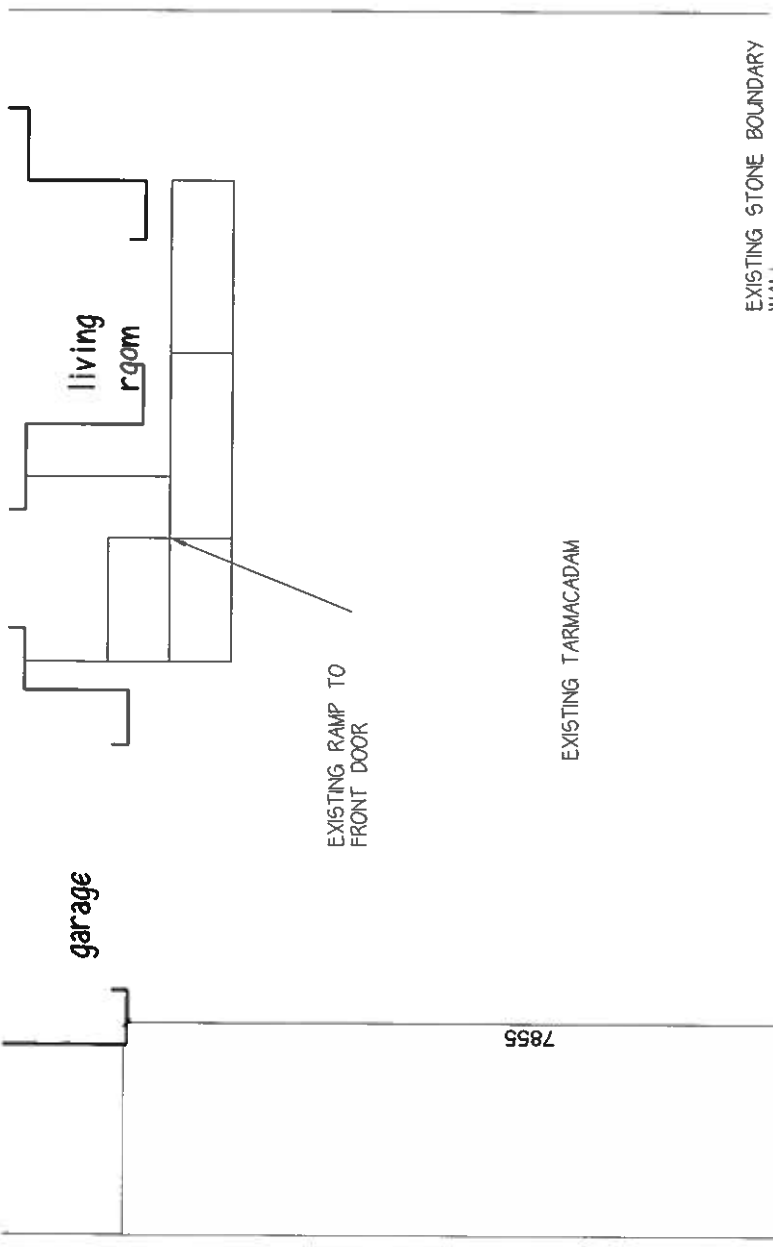
DRAWING NO. 2.

DRAWING TITLE ELEVATIONS

CLIENT

FLOOR PLAN SHOWING PROFILE OF PREVIOUSLY APPROVED GARAGE AND PROPOSED REVISED DIMENSIONS

NOTES:
 CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK ON THE PROPOSED CONSTRUCTION. DIMENSIONS AND DISCREPANCIES ARE REPORTED IMMEDIATELY TO WYNN ROGERS ARCHITECTURAL SERVICES (099)04017



SECTION 1 : 50

REVISION	DATE	BY	DESCRIPTION



WYNN ROGERS
 Architectural Services
 Studio 3, Rosemary Lane, Denbigh, LL16 3JT
 01745 812100 E-mail: conuill@wynn-rogers.co.uk
 www.wynn-rogers.co.uk

PROJECT: THE RIGGERY HENLLAN
 DRAWN: NDC
 SCALE: 1:50
 DATE: AUG 19
 DRAWING NO: 1
 CLIENT: CLINT

PLAN 1 : 50

PREVIOUSLY CONSENTED ACCESS
SERVING PLOTS 1 & 2
MARCH 2019.

PLANSCAPE
ARCHITECTURAL DESIGN CONSULTANTS

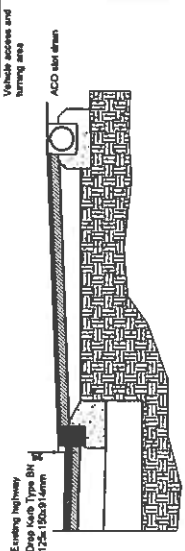
Chalfont, Alan, Victoria Limited
SITE LAYOUT PLAN
Annotated Vehicular Access
Llew Apertwr to Porthkerry
Newlyn, Durgagh, Dergaghane
1:500 1:100
4-Feb-2019
C:1448/12

NOTES
FOOTWAYS (including vehicular crossings) - FLEXIBLE
Construction details
Scale: 1:25

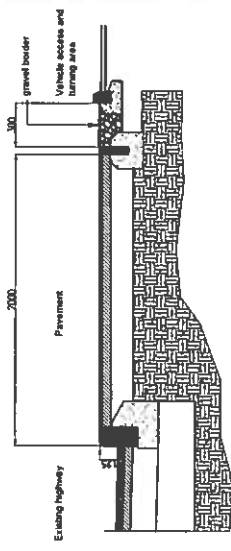
ROAD CONSTRUCTION - General
All materials and workmanship shall be in accordance with the National Assembly for Wales Specification for Highway Works (NHWS) and amendments current at the time of design, subject to any qualifications or restrictions detailed in this document.
Reeds shall consist of a foundation and a pavement.
The foundation shall comprise subgrade (original or stabilized ground), raising layer where necessary and sub-base.
The pavement shall comprise bituminous subbase and surfacing.

CARRIAGEWAY COURSE THICKNESSES AND MATERIALS
Construction details
Surface Course
45mm stone mastic asphalt (SMA) (proprietary material, 10mm aggregate size with a PSV of not less than 10) or equivalent, sandstone and soft aggregate;
Binder Course
65mm stone mastic asphalt (SMA) (proprietary material, 10mm aggregate size with a PSV of not less than 10) or equivalent, sandstone and soft aggregate;
Base Course
100mm dense base macadam shall be to Clause 5.2 BS 4887 Part 1: 2001, 20mm nominal size aggregate, 100 per binder.

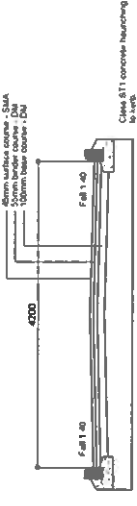
TIE-IN TO FOOTWAY AND CARRIAGEWAY TO BE AGREED WITH DCC ENGINEER ON SITE.



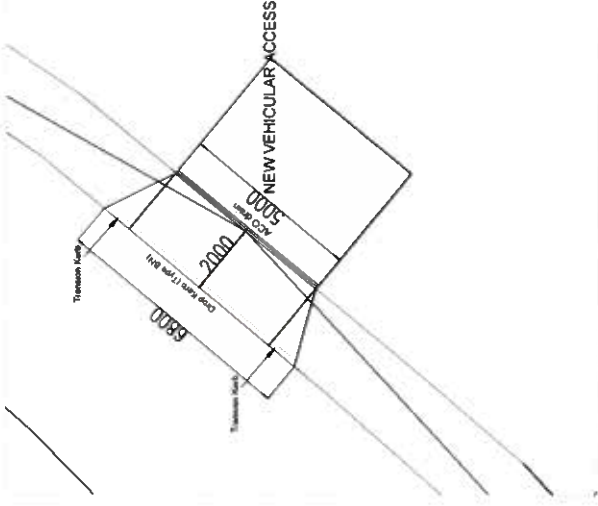
Typical Cross Section - Vehicular
Scale: 1:25



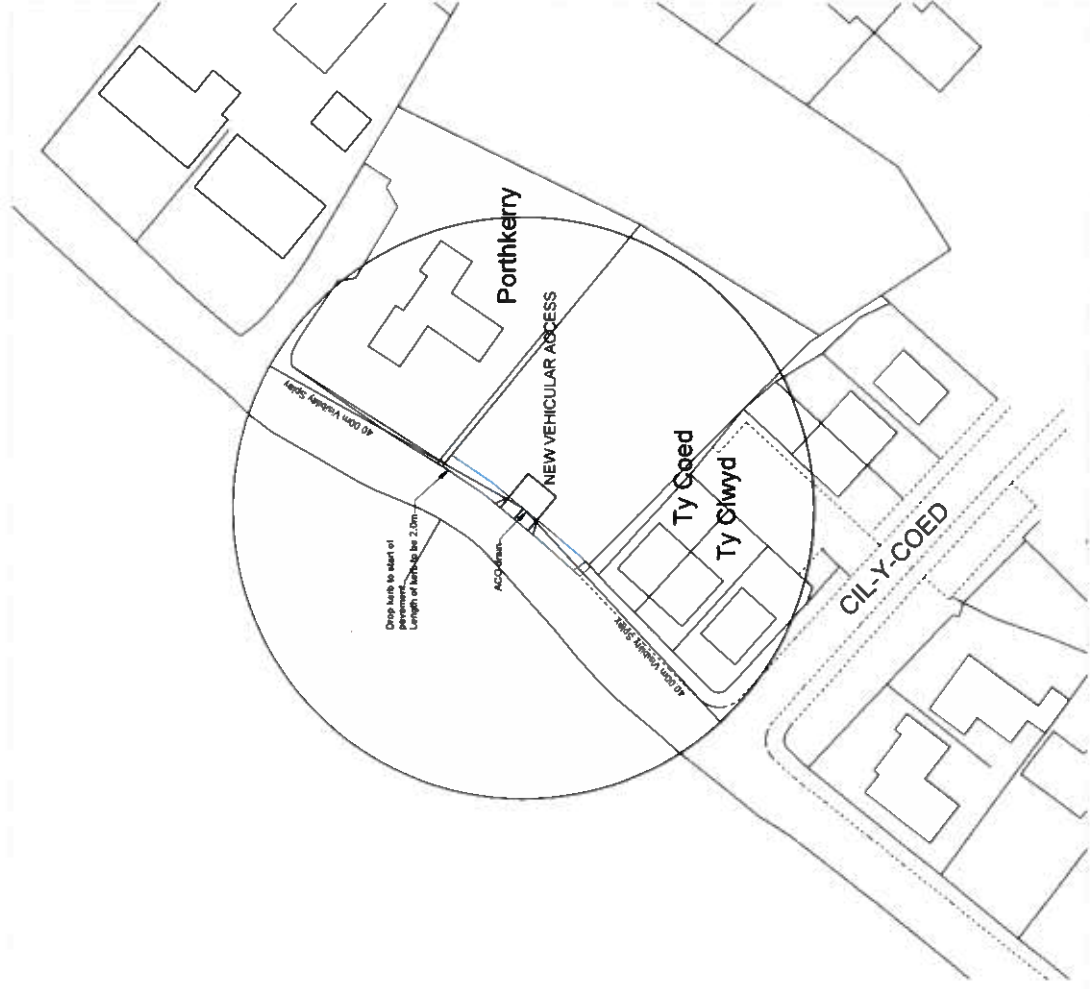
Typical Cross Section - Footway
Scale: 1:25



Typical Cross Section - Roadway
Scale: 1:50



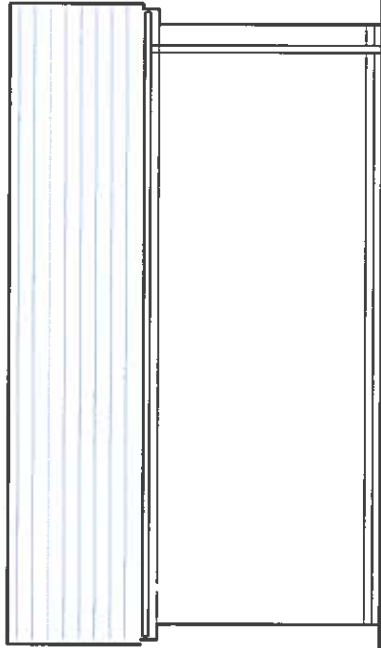
DETAIL OF NEW ACCESS



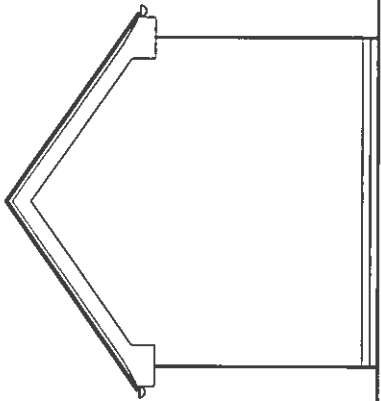
SITE LAYOUT SHOWING VISIBILITY SPLAYS



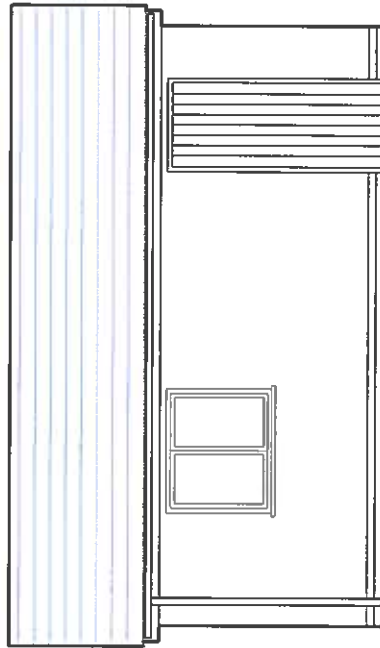
(2018)



REAR ELEVATION

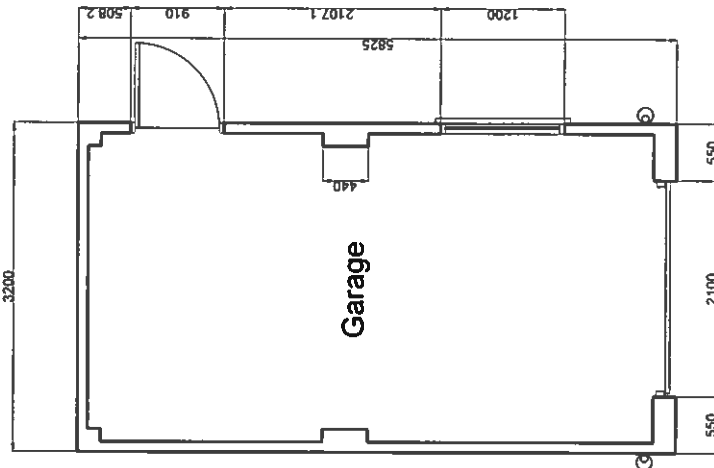


FRONT ELEVATION



SIDE ELEVATION

END ELEVATION



FLOOR PLAN



Mark Homes Limited

Proposed Detached Single Garage

Land Adjacent to Portlerry Hillside, Danlough, Denbighshire.

1:50 7 August, 2018

S.1372 / 17

EXTERNAL MATERIALS:

- WALLS: Pre-coloured cement render - Colour: Ice White
- Split stone cladding to part lower storey.
- ROOF: Natural slate with matching ridge tiles.
- WINDOWS: Anthracite Grey PVC
- DOORS: Anthracite Grey PVC

WARD : Denbigh Upper / Henllan

WARD MEMBERS: Councillors Geraint Lloyd Davies and Glen Swingler

APPLICATION NO: 28/2019/0808/ PF

PROPOSAL: Erection of a detached garage (amended details to those previously approved)

LOCATION: The Riggery, Henllan, Denbigh

APPLICANT: Mr Patrick Dibb

CONSTRAINTS: None.

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

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

CONSULTATION RESPONSES:

HENLLAN COMMUNITY COUNCIL

“Henllan Community Council objects to the above planning application and plans for the following reasons:-

The location of the proposed garage is too close to the highway entrance to the property which will obstruct the highway visibility entrance and which would cause problems to both highway vehicles and footway pedestrians alike”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety

- Highways Officer

Having checked the previous approvals for the site, confirms that the amended proposal does not obstruct the approved visibility splays and therefore there is no objection to the proposal.

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 28/11/2019

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal relates to the erection of a single detached garage within a residential plot in Henllan, and is submitted as an amendment to a previously approved scheme.
- 1.1.2 A garage was consented in the same location in 2018 as part of the permission for a new build dwelling (Plot 1) at the application site.
- 1.1.3 The external dimensions of the garage consented in 2018 was 5.8m X 3.2m .The current proposal is to increase the width of the garage by approximately 1.3 metres so

that the side elevation of the garage would abut the existing front stone boundary wall, hence the dimensions would be 5.8m X 4.5m.

- 1.1.4 The two plans at the front of the report show the location of the proposed garage relative to the frontage wall, and the revised detailing of the shared access serving the two plots, as approved in March 2019. The latter plan illustrates the approved visibility splays from the point of access along the B road.

1.2 Description of site and surroundings

- 1.2.1 The site is occupied by a recently built two storey detached dwelling, set back some 14m from the highway.
- 1.2.2 It is within a string of dwellings on the south east side of the B road entering the village from the Trefnant direction. There are residential properties on either side of Plot 1 – the older dwelling Porth Kerry to the north east and the new Plot 2 dwelling to the south west.
- 1.2.3 The shared access serving the two plots is located at a central point along the site frontage, and there is a 2 metre wide footway between the frontage wall and the edge of the highway.

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 The site has a long planning history relating to residential development, the most relevant being permissions granted in 2018 for the developments which have subsequently been implemented; and the revisions to the access detailing approved in early 2019.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 28/2018/0025. Erection of 2 no. dwellings and construction of a new vehicular access. Granted 27/02/2018
- 2.2 28/2018/0509. Erection of one dwelling, access and one detached garage and associated works (amendment to plot 2 of previously approved scheme 28/2018/0025). Granted 25/07/2018 (neighbouring plot)
- 2.3 28/2018/0770. Erection of one dwelling, access and one detached garage and associated works (amendment to plot 1 of previous approved scheme 28/2018/0025). Granted 08/10/2018 (This application site)
- 2.4 28/2019/0087. Variation of condition 2 of planning application 28/2018/0025 to allow for alterations to vehicular access. Granted 01/03/2019

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

- Denbighshire Local Development Plan (adopted 4th June 2013)
- Policy RD1** – Sustainable development and good standard design
- Policy RD3** – Extensions and alterations to existing dwellings
- Policy ASA3** – Parking standards

Supplementary Planning Guidance
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Space Standards

3.2 **Government Policy / Guidance**

Planning Policy Wales Edition 10 December 2018
Development Control Manual (2016)
Technical Advice Note (TAN) 18: Transport (2007)

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)

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

4.2.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building. Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

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

There are no representations raising visual amenity issues.

The proposal is an amended scheme for a detached garage which is some 1.3m wider than the previously consented garage at this site. The garage is single storey and is of a similar design to the consented scheme and is clearly subordinate in scale and form to the existing dwelling.

Having regard to the design, siting, scale, massing and materials of the proposed garage in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposed revisions to the detailing would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential Amenity

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

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

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.
The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are no representations raising residential amenity issues.

The minor increase in floor area of the garage is not considered likely to have any adverse impacts on residential amenity, and in terms of scale, location and design of the proposed development, would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (PPW 10) and TAN 18 – Transport, in support of sustainable development.

The Community Council has objected to the proposal on highway safety grounds due to concerns that the enlarged garage would obstruct visibility at the vehicular access.

Having reviewed the details, Highways Officers have confirmed that the amendments to the size of the garage would not impact on the previously approved visibility splays

and therefore there are no objections to the proposal on highway safety grounds. It is evident from the plans at the front of the report that the garage building would not be sited in front of the existing stone frontage wall, which is itself set back into the site behind the footway and the consented visibility splay. The Community Council raised no objections to the revisions to the access detailing and the visibility splay in early 2019.

Having regard to the above, Officers would conclude that as the proposed enlarged garage would not interrupt the approved line of sight from the access point, with due respect to the concerns of the Community Council, the revisions would not have an unacceptable impact on highway safety and are considered to be in general accordance with the policies listed above.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 concerns raised by the Community Council, having regard to the detailing of the proposals and the advice of Highway Officers, it is not considered the proposed garage would obstruct the sightline from the access point, and accordingly 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 INSERT DATE

Reason 1: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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) Elevations (Drawing No. 2) received 20 September 2019(ii) Floor plan and section (Drawing No. 1) received 20 September 2019(iii) Block plan received 20 September 2019(iv) Location plan received 20 September 2019

Reason 2: For the avoidance of doubt and to ensure a satisfactory standard of development.

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Agenda Item 9

WARD : Rhyl West

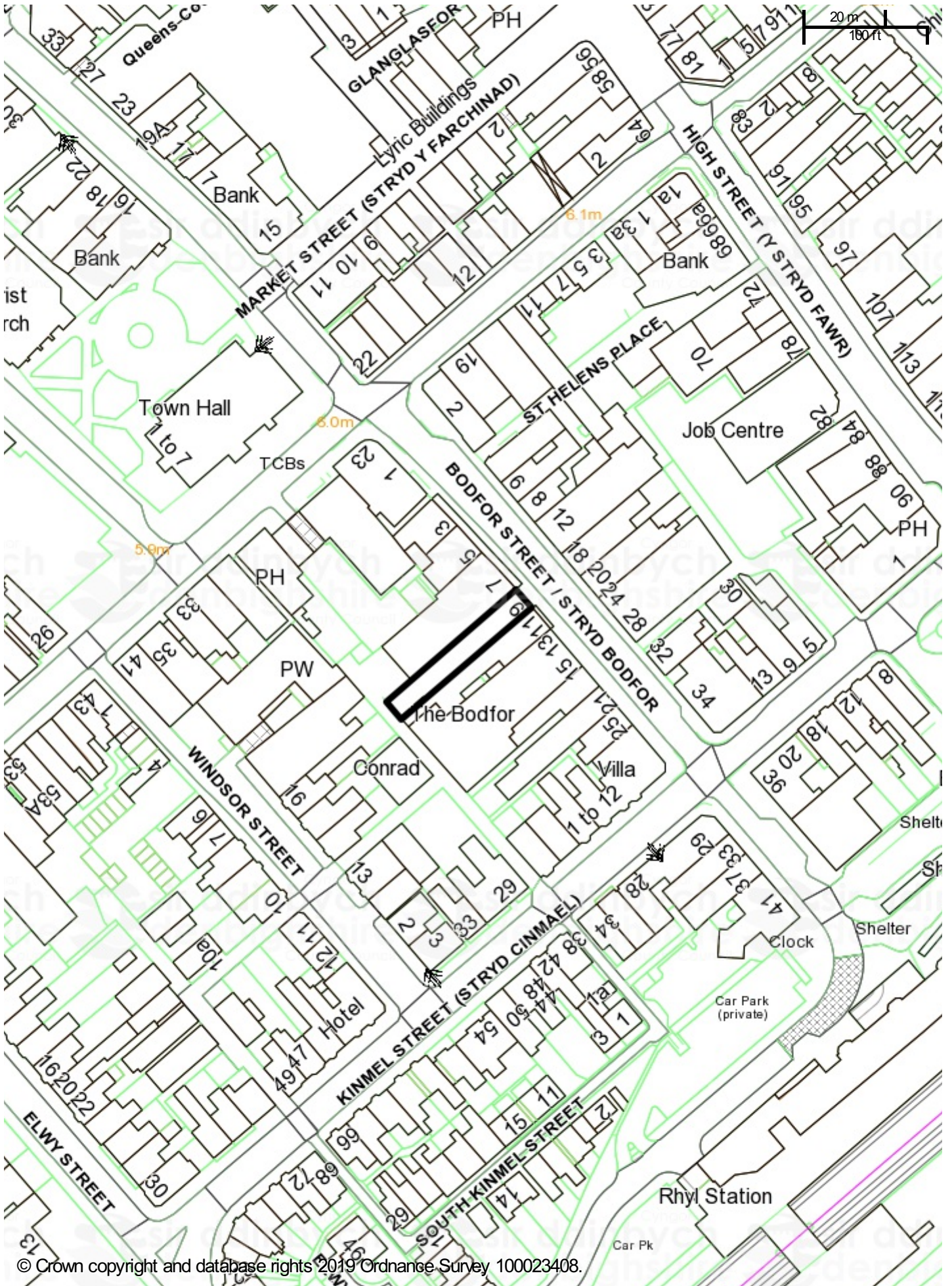
WARD MEMBERS: Cllr Alan James (c)
Cllr Joan Butterfield

APPLICATION NO: 45/2019/0537/ PF

PROPOSAL: Conversion of first and second floors to form 3 no. self-contained flats and formation of a separate access at front of existing retail unit

LOCATION: 9 Bodfor Street Rhyl LL18 1AS

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45/2019/0537

Scale: 1:1250

Printed on: 21/11/2019 at 10:23 AM

DRAWING NO P01

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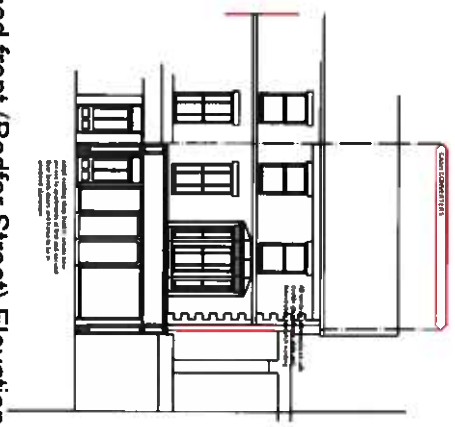
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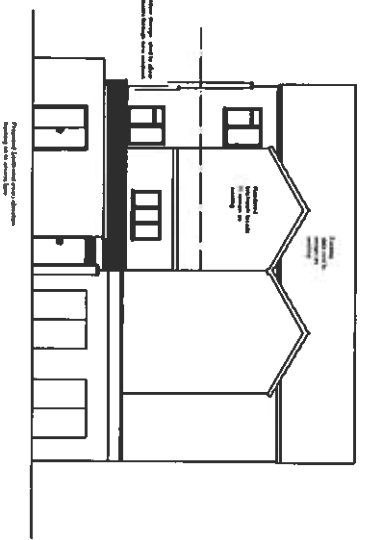
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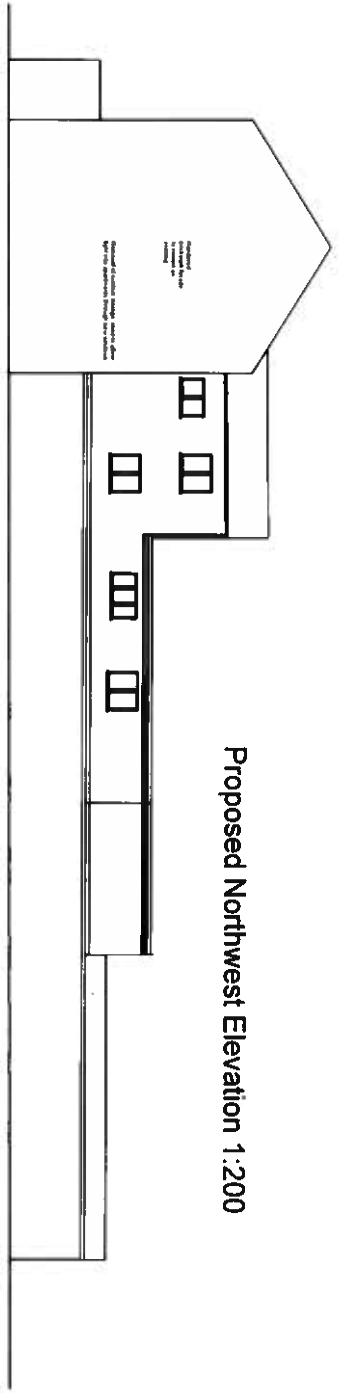
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Proposed front (Bodfor Street) Elevation 1:200



Proposed Southwest Elevation 1:200



Proposed Northwest Elevation 1:200

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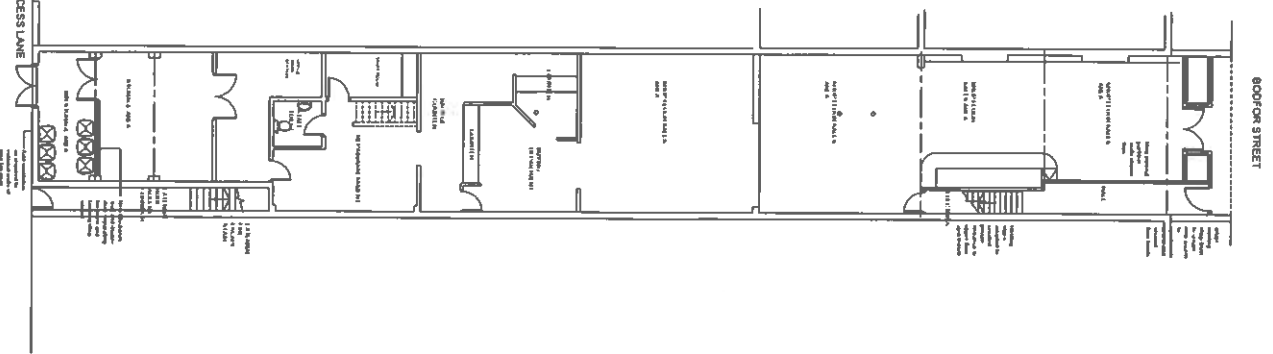
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DRAWING NO	P 01
CLIENT	MR RICHARD ADDISON
PROJECT	CASH CONVERTERS 9 BODFOR STREET RHYL
WORK DESCRIPTION	PROPOSED CONVERSION TO APARTMENTS AS PROPOSED
DRAWING TITLE	FLOOR PLANS
DATE	21/06/19
SCALE	AS SHOWN ON PLAN
PROJECT NO	20_19
DRAWING TYPE	P
OWNER PROJECT	FILE NO 20_19

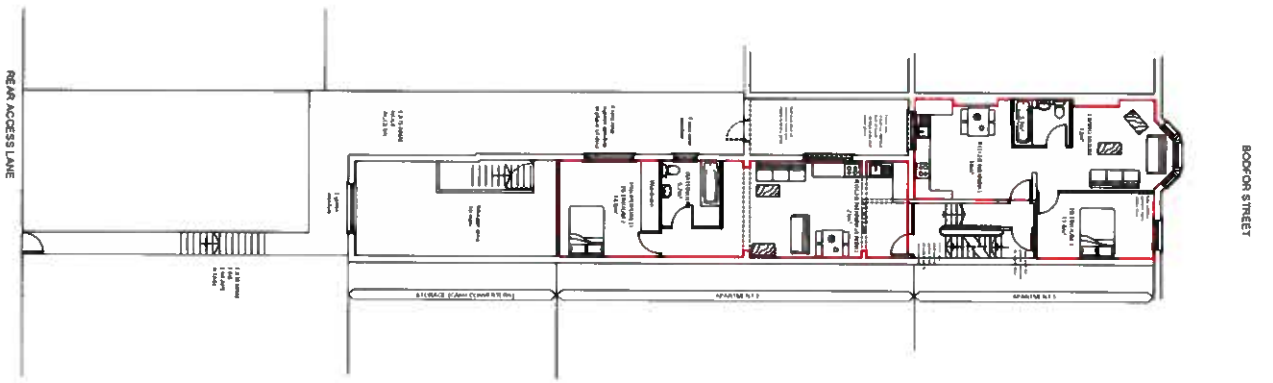
ARCHITECTS

8 Brighton Road, RHYL, CH4 3JZ
 Tel: (01745) 20690
 Fax: (01745) 20667
 www.richardaddison.com

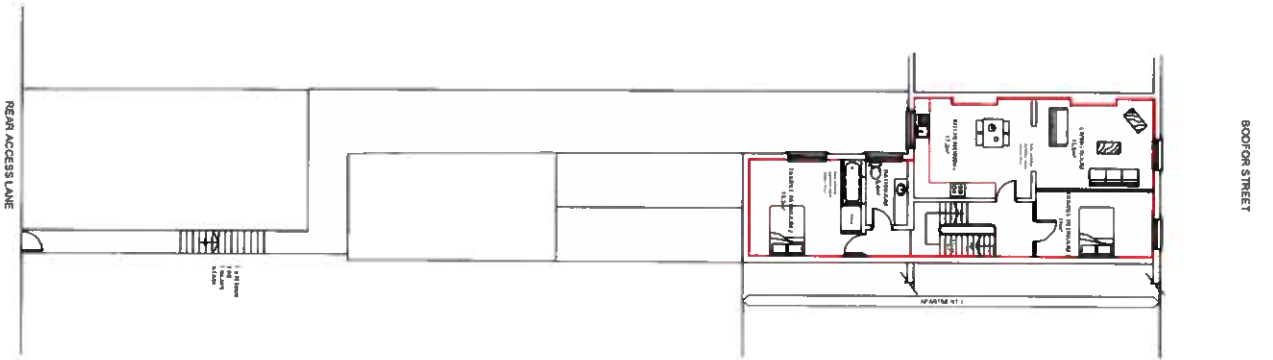
Richard Addison Architects
 Chartered Professional Designers & Chartered Quantity Surveyors



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED SECOND FLOOR PLAN 1:100

APARTMENT KEY

APARTMENT 1 (SECOND FLOOR)
TWO BEDROOM
TOTAL FLOOR AREA 70m² (not including private stairway)
NOMINAL OCCUPANCY = 4 PERSONS

APARTMENT 2 (FIRST FLOOR)
ONE BEDROOM
TOTAL FLOOR AREA 50m²
NOMINAL OCCUPANCY = 2 PERSONS

APARTMENT 3 (FIRST FLOOR)
ONE BEDROOM
TOTAL FLOOR AREA 47m²
NOMINAL OCCUPANCY = 2 PERSONS



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P01 REVA

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PROJECT NO.	14/01/2024
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DATE	14/01/2024
SCALE	1:100
DESIGNED BY	P
CHECKED BY	J
DATE	14/01/2024
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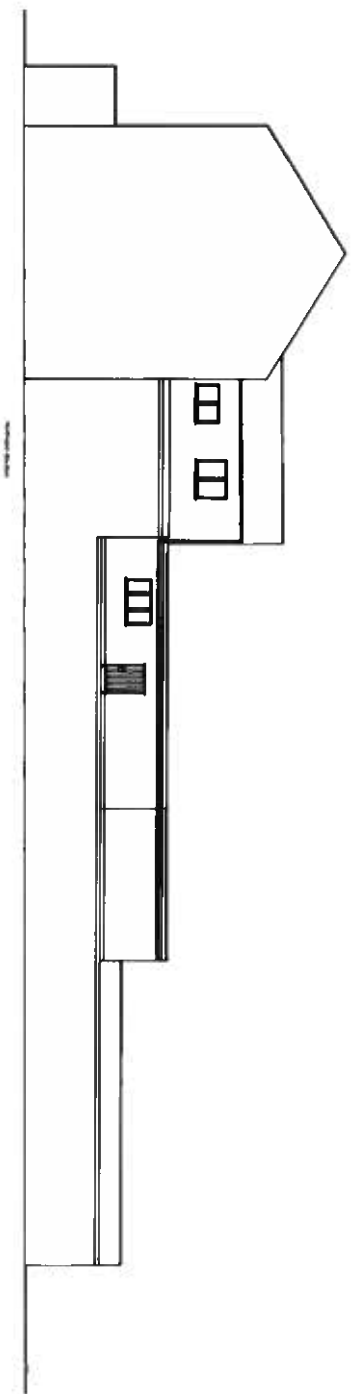
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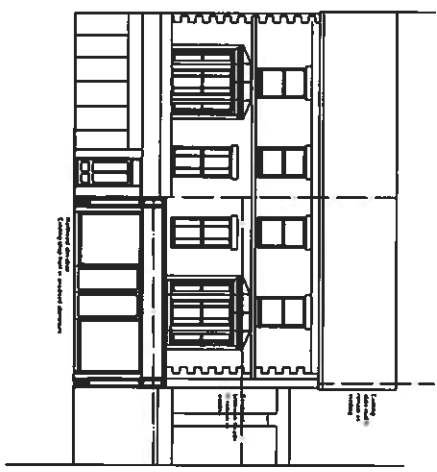
J P

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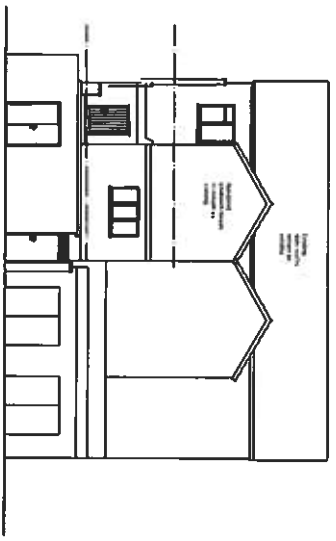
14/01/2024



AS EXISTING NORTHEAST ELEVATION 1:200



AS EXISTING BODFOR STREET ELEVATION 1:200



AS EXISTING REAR ELEVATION 1:200

DRAWING NO EX 01b

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DATE	REV DESCRIPTION	DWN	CHECK
DRAWING NO EX 01b			
CLIENT MR RICHARD ADDISON		PROJECT CASH CONVERTERS 9 BODFOR STREET RHVL	
WORK DESCRIPTION PROPOSED CONVERSION TO APARTMENTS		DRAWING TITLE AS EXISTING	
DATE 31/05/19	SCALE 1:100@A1	PROJECT NO 20_19	
CAD REF PRJREF	FILE NO 20_19	DRAWING TYPE P	

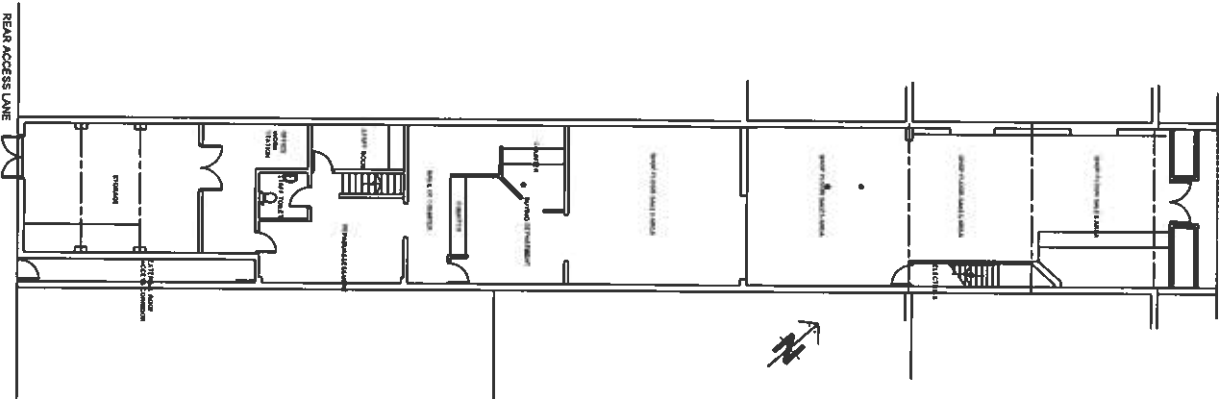


ARCHITECTS

8 Bagnion road, RHVL, T18 3ND
 em: info@jprarchitects.com - www.jprarchitects.com
 tel: (01745) 350650
 fax: (01745) 350557

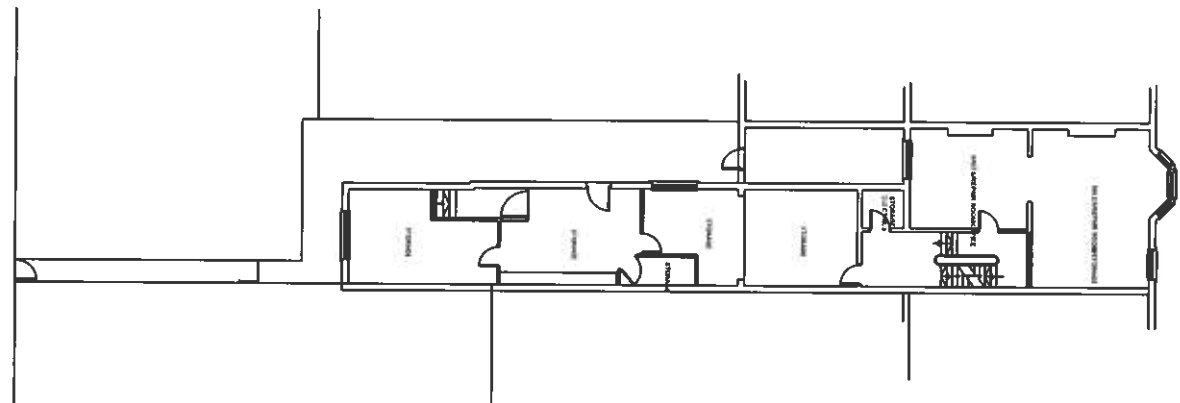
Certified Practising Designers & Colour Use Sustainable Homes Assessors

BODFOR STREET



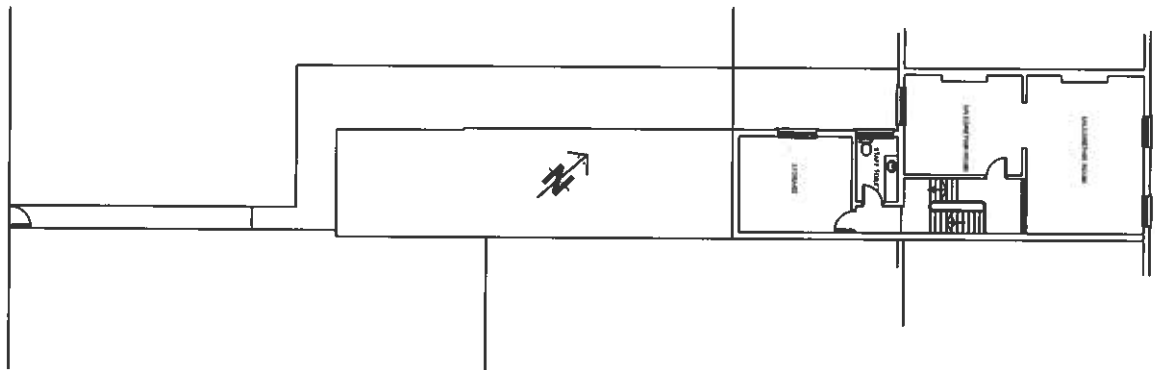
AS EXISTING
GROUND FLOOR PLAN 1:200

BODFOR STREET



AS EXISTING
FIRST FLOOR PLAN 1:200

BODFOR STREET



AS EXISTING
SECOND FLOOR PLAN 1:200

DRAWING NO:

EX 01a

The Architect takes no responsibility for any dimensions obtained by scaling from this drawing. If no dimension is shown the recipient must ascertain the dimension specifically from the Architect or by site measurement. Supplying this drawing in digital form is solely for convenience and no reliance may be placed on digital data. All data must be checked against hard copy. Dimensions must be checked on site. Any discrepancies must be reported to the architect immediately.

All draughting runs, connections, lines, levels and inverts are assumed, these are to be confirmed on site and agreed with LA Building Inspector and Bodele (weath if necessary).

This drawing to be read in conjunction with consultants drawings, calculations and report, and the designer's risk assessment (where CDM is compliant).

The Architect will not be held responsible for any works carried out prior to Building Regulation/Planning Approval.

The Architect takes no responsibility for any material/product changes/alterations on site without her/his written consent.

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FOR PLANNING PERMISSION PURPOSES ONLY

DATE	REV/ DESCRIPTION	DWM	CHECK

DRAWING NO	EX 01a	
CLIENT	MR RICHARD CASH CONVERTERS ADDISON	
PROJECT	CASH CONVERTERS 9 BODFOR STREET RHYL	
WORK DESCRIPTION	PROPOSED CONVERSION TO APARTMENTS	
DRAWING TITLE	AS EXISTING	
DATE 31/05/19	SCALE 1:100@A1	PROJECT NO 20_19
CAD REF PRERE	FILE NO 20_19	DRAWING TYPE P



ARCHITECTS

9 Brighton Road, Rhyll, LL19 3ND
 01745 350650
 01745 350657
 www.jpharchitects.com
 Certified Passivhaus Designers & Centre for Sustainable Homes, ASS033A015

WARD : Rhyl West

WARD MEMBERS: Cllr Alan James (c)
Cllr Joan Butterfield

APPLICATION NO: 45/2019/0537/ PF

PROPOSAL: Conversion of first and second floors to form 3 no. self-contained flats and formation of a separate access at front of existing retail unit

LOCATION: 9 Bodfor Street Rhyl LL18 1AS

APPLICANT: Mr Richard Addison Cash Converters

CONSTRAINTS: C1 Flood Zone Conservation Area Article 4 Direction

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

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Objection

- the development represents over-intensification of the site which is considered too small to accommodate three flats.
- Concern that the proposed access to rear flat is via a series of unlit alleyways
- Lack of bin storage requiring domestic waste to be retained within the flats for up to a period of 1 month following the introduction of proposed new refuse collection regime.
- Lack of fire escape or access for emergency services to rear flat”

DWR CYMRU / WELSH WATER

No objection

NATURAL RESOURCES WALES

Flood Consequences Assessment deemed acceptable. Recommend inclusion of condition if the Planning Authority are minded to grant.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection.

Planning Policy

No significant policy conflicts, recommend development contributions are provided in line with planning policy requirements.

RESPONSE TO PUBLICITY: None received.

EXPIRY DATE OF APPLICATION: 09/12/2019

EXTENSION OF TIME AGREED? 13/12/2019

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the conversion of the upper floors of 9 Bodfor Street in Rhyl to form 3 self-contained flats.
- 1.1.2 The conversion would comprise of two one bedroom flats on the first floor and one two bedroom flat above. The one bedroom flats would measure 47 square metres and 50 square metres in area, and the two bed flat would measure 70 square metres.
- 1.1.3 The flats would be accessed from the ground floor off Bodfor Street via an entrance to a set of communal stairs proposed to be installed alongside the existing shopfront.
- 1.1.4 Externally there would be no significant alterations proposed. Windows and doors to the rear/side would be upgraded to meet fire regulations and a fire escape is proposed to be installed from the second floor to the rear of the site. An amenity area is also proposed at the rear of the building to accommodate bin stores for the flats and existing ground floor business.

1.2 Description of site and surroundings

- 1.2.1 The three storey terraced property is located on the western side of Bodfor Street in Rhyl Town Centre.
- 1.2.2 The ground floor is currently occupied by 'Cash Convertors' personal loans and pawn broking shop. Historically the upper floors have been used for storage.
- 1.2.3 There is a mix of uses in this area of the town centre with A1 shops, A3 food and drink uses and A2 offices. In general, the ground floor uses are predominantly commercial with some residential uses on the upper floors.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl and within the allocated town centre PSE 8 allocation.
- 1.3.2 It is within the Rhyl Central Conservation Area.

1.4 Relevant planning history

- 1.4.1 There is no relevant planning history on the site.

1.5 Developments/changes since the original submission

- 1.5.1 Since the submission of the application, additional information has been provided by the Agent to address the concerns of the Town Council.
This advises:
 - The access to the rear apartment would in fact be via the new entrance and stairway off Bodfor Street, the same that would serve the other two flats. The proposed rear external stair is for emergency egress only.
 - We have proposed a new bin storage area to the rear of the building on the ground floor.
 - At 47sqm apartment 3 is slightly shy of the minimum 50sqm given by the space standards SPG but it does comply with the minimum standards for bedroom and living room floor areas.

1.6 Other relevant background information
None.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy PSE 1 - North Wales Coast Strategic Regeneration Area

Policy PSE8 – Development within town centres

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Parking Requirements in New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Residential Development

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, 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 Open Space

4.1.6 Floodrisk

4.1.7 Fear of crime

4.2 In relation to the main planning considerations:

4.2.1 Principle

The vision of the adopted Local Development Plan is to make Rhyl an attractive place to live and work with improved housing stock and a reduction in the levels of multiple deprivation currently seen.

Rhyl has been identified in the Local Development Plan as a lower growth town, BSC1, allocated to make an important contribution to the overall housing and employment requirements of the County. The policy refers to meeting the housing needs of local communities through the provision of a range of house sizes, types and tenure to reflect local need.

Policy BSC 7 relates to self-contained flats and houses of multiple occupation as it acknowledges that the cumulative impact of converting larger dwellings to flats can have a detrimental impact on creating mixed and balanced communities by reducing the number of family homes available within an area. The policy acknowledges that there is a high concentration of Houses in Multiple Occupation and small flats in the coastal towns, which has had an adverse impact upon the surrounding area and living conditions of some occupants, and seeks to resist further such developments.

Policy RD1 advises that proposals should i) be suitable for their location, vi) not impact negatively on the character of the area and ix) should have regard to the adequacy of existing public facilities and services in the area.

Chapter 9 of Planning Policy Wales sets out Welsh Government's objectives in relation to housing. Welsh Government's approach to Housing is in the National Housing Strategy and seeks to provide more housing of the right type and offer more choice; improve homes and communities, including the energy efficiency of new and existing homes; and improve housing related services and support, particularly for vulnerable people and people from minority groups. Chapter 8 stresses the importance of creating mixed communities and providing a mix of housing types.

The application proposes the change of use of the upper floors of a building within the town centre to residential use. Residential development within a development boundary is encouraged, and the change of use of upper floors in the town centre is generally to be welcomed as 'living above the shop' as a planning principle has been found to contribute to the vitality of town centres. Hence it is not considered that the proposal raises issues of principle running contrary to planning policies.

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 (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 1 looks to protect sites of built heritage from development that would adversely affect them. Development proposals should maintain and wherever possible, enhance these areas for their characteristics, local distinctiveness and value to local communities.

The application proposes minor external alterations to the frontage of the building, in the form of a new doorway adjacent to the existing shopfront. The shopfront is a modern design of no particular design merit. The alterations to the rear would be around existing openings and largely obscured from wider views owing to the nature of development at the rear of the site.

In Officers' opinion, there are no concerns in relation to visual amenity impacts arising from the proposed development.

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
Policy BSC 7 and SPG Residential Floor Space Standards also require amenity issues to be considered for proposals to subdivide properties in to self-contained flats.

Three flats are proposed as part of the development. Whilst one of the flats falls marginally short of the adopted floor space standards in the SPG (by some 3 sq. m), this is not considered to be so far short as to be unacceptable. The remaining flats meet the standards in the SPG.

It is not considered there are likely to be any adverse residential amenity issues arising from this proposal, which is deemed to be acceptable in terms of Policy RD1, BSC 7 and the guidance in the SPG.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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 (PPW 10).

There is no parking available or proposed for the development. Restricted day time on street parking is available on Bodfor Street. The site is located within the town centre within walking distance of the bus and train station. The Head of Highways has raised no objection to the scheme.

In respect of parking issues, these are small flats in a town centre location. Planning policies are in place to reduce reliance on the private car and promote sustainable means of transport, and therefore is not considered that the proposal conflicts with the highways considerations of Policy RD1.

4.2.5 Open Space

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

Policy BSC 11 sets out the requirements for open space provision in relation to new developments, with further detail being provided in SPG Recreational Public Open Space (2017).

The application proposes 3 flats with a bin space area, but there is no external amenity space, which is a common scenario in town centre locations. In order to comply with policies on open space in connection with new residential units, it would therefore be necessary to secure the requisite contribution being via a S106 agreement or Unilateral Undertaking.

4.2.6 Floodrisk

TAN 15 is Welsh Government's planning guidance note relating to flood risk. The aim of TAN 15 is to direct new development away from those areas which are at high risk of flooding, and to only permit development in high risk areas which can be justified on the basis of the tests outlined in the TAN.

The site is located within a C1 flood zone, described as "areas of the floodplain which are developed and served by significant infrastructure, including flood defences." An FCA was submitted in support of the application which outlined the potential flood risks at the site and set out series of flood resilient and resistant measures to provide a means of reducing the potential impacts of flooding. NRW considered the FCA and have advised they do not object to the development.

Having regard to the NRW advice in relation to flooding issues, it is considered that the proposal is not in conflict with policy TAN 15 in terms of flood risk.

Other matters

Comments of the Town Council

The comments of the Town Council have been largely addressed in the updated plans submitted by the Agent as the report was being prepared. The Town Council have been reconsulted and any response received by the time of the Committee meeting will be reported in the Late Information Sheets.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Government's well-being objective of supporting safe, cohesive and resilient communities. 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 With respect to the comments of the Town Council, Officers accept there were some concerns regarding the originally submitted proposal, but it is considered revisions to the plans have addressed these and that the application is broadly compliant with planning policy. Hence the application is recommended for grant.

RECOMMENDATION: - It is recommended that permission be GRANTED subject to:

- Completion of an Agreement under Section 106 of the Planning Act to secure an open space contribution of £1237.22 (as per OS Calculator).

In the event of failure to complete the Agreement within 12 months of the date of the resolution of the grant of permission, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

The Certificate of Decision would not be released until the completion of the Agreement.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later thaninsert DATE 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) Existing elevations (Drawing No. EX01b) received 13 June 2019
 - (ii) Existing floor plans (Drawing No. EX01a) received 13 June 2019
 - (iii) Proposed elevations (Drawing No. P01) received 13 June 2019
 - (iv) Proposed floor plans (Drawing No. P01 Rev A) received 19 November 2019
 - (v) Location plan received 13 June 2019
3. None of the flats hereby permitted shall be occupied until provision has been made within the site for the bin stores in accordance with the details approved by the Local Planning Authority.
4. The development shall be carried out strictly in accordance with the Flood Consequences Assessment ""Flood Smart Pro"" dated 10/11/2019, and the recommendations in relation to flood proofing measures and flood plan production therein.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.
4. In the interest of reducing the potential impacts of flooding.

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Agenda Item 10

WARD : St Asaph West

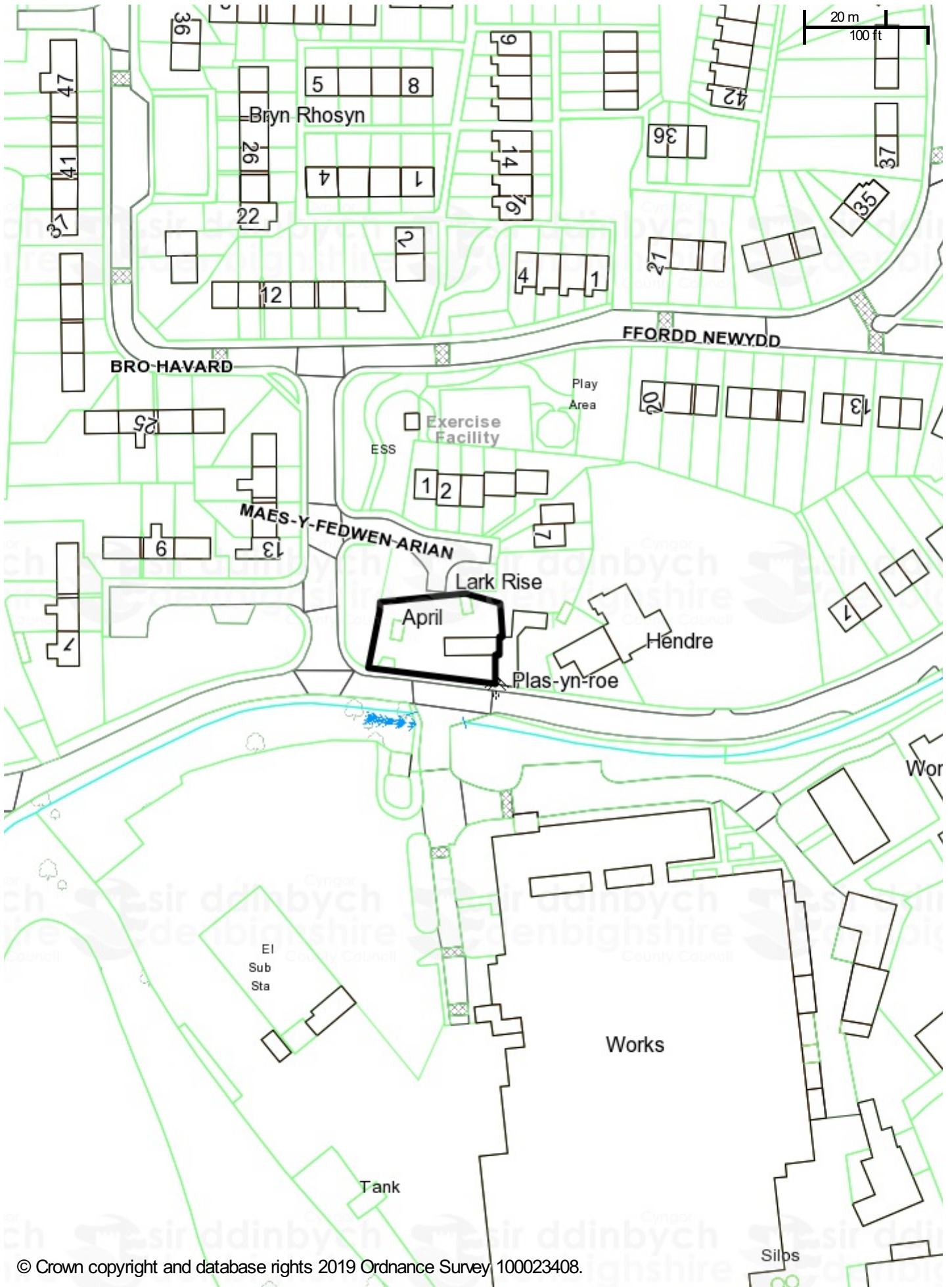
WARD MEMBER: Cllr Peter Scott

APPLICATION NO: 46/2019/0748/ PC

PROPOSAL: Erection of 1.75m high hand woven hazel wood screening with concrete support post clad in timber with square timber cappings (partly retrospective)

LOCATION: April Cottage Glascoed Road St Asaph

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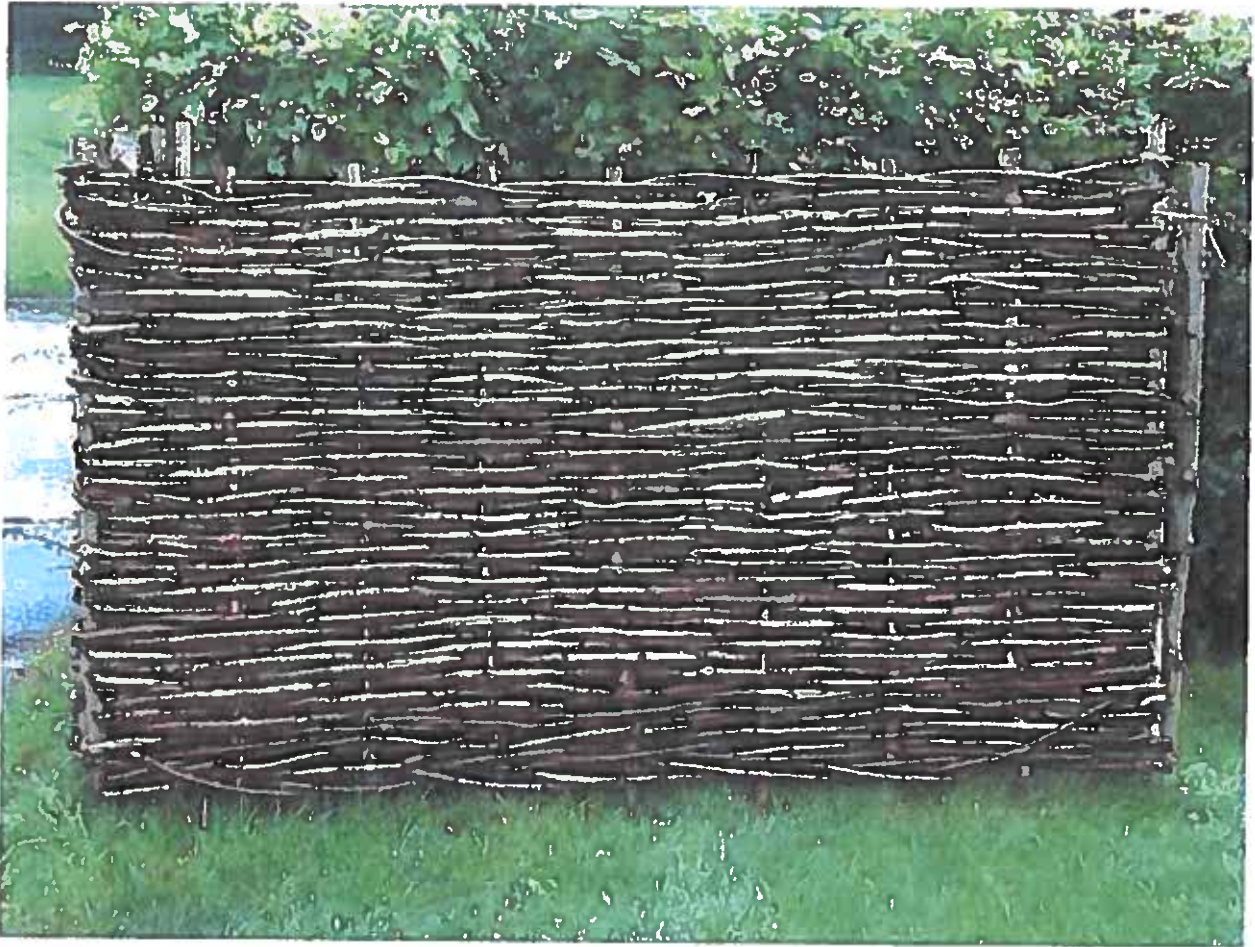


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46/2019/0748

Scale: 1:1250

Printed on: 21/11/2019 at 10:27 AM

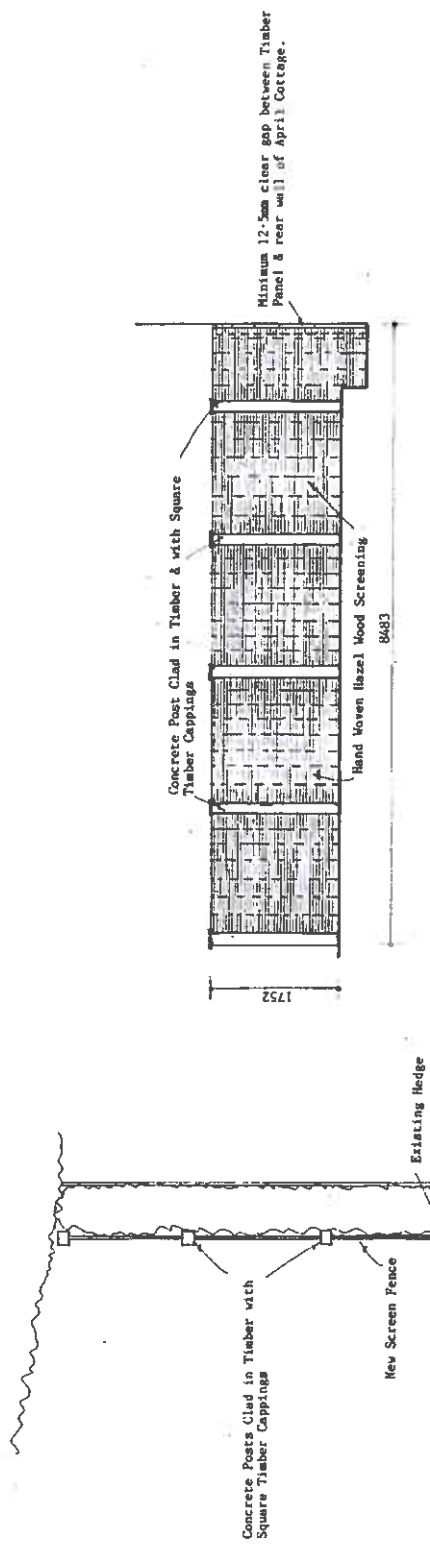


PROPOSED SCREEN FENCE AT APRIL COTTAGE, GLASCOED ROAD, ST. ASAPH.

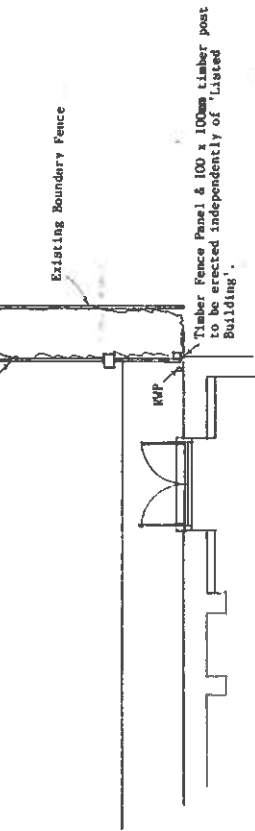
TYPICAL EXAMPLE OF HAND WOVEN HAZEL WOOD SCREENING

29 AUG 2019

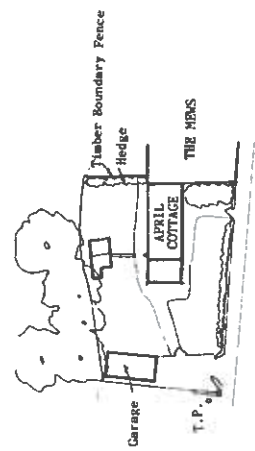
SITE PLAN AND FENCE DETAIL



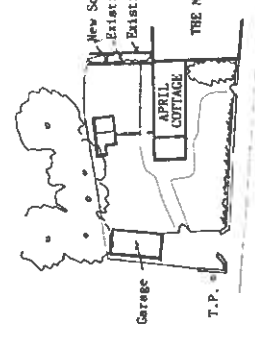
ELEVATION



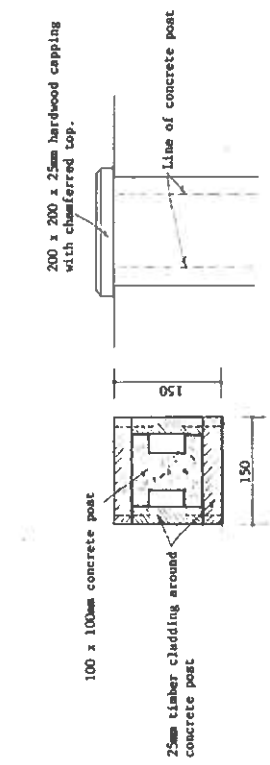
PROPOSED PLAN



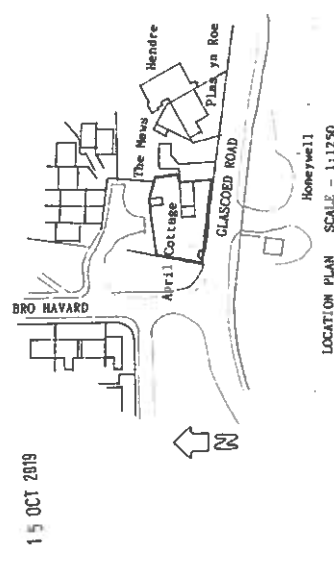
EXISTING SITE PLAN SCALE - 1:500



PROPOSED SITE PLAN SCALE - 1:500



DETAIL OF TIMBER CLADDING TO CONCRETE POSTS SCALE - 1:10
NOTE:- TIMBER CLADDING TO BE STAINED GREEN.



LOCATION PLAN SCALE - 1:1250

PROPOSED SCREEN FENCE AT REAR OF APRIL COTTAGE, GLASCOED ROAD, ST. ASAPH.
SCALE - 1:50.

PLAN No. 270072A/APR/19
Amended 14/10/19

RODAN E. ROBERTSON, ARCHITECT, PHOTO,
Planning & Design Services,
32 Clwyd Avenue,
Rhyd, Denbigh, LL18 2JG
Tel: 01745 801189 Mobile: 07946 537229
e-mail: rrodan@robertsonphoto.co.uk
A Member of the Guild of Architectural

WARD : St Asaph West

WARD MEMBER: Cllr Peter Scott

APPLICATION NO: 46/2019/0748/ PC

PROPOSAL: Erection of 1.75m high hand woven hazel wood screening with concrete support post clad in timber with square timber cappings (partly retrospective)

LOCATION: April Cottage Glascoed Road St Asaph

APPLICANT: Mr & Mrs Tony & Ann Young

CONSTRAINTS: C1 Flood ZoneB Flood ZonePROWListed Building

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

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

- Recommendation to grant / approve – 4 or more objections received

REASON FOR DELEGATED DECISION
Scheme of Delegation Part 1, Section 1.1

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

Original consultation response:

“The Council object to this proposal for the following reasons:

- Proximity to listed building.
- Loss of amenity to neighbouring property.
- Loss of access.

St Asaph City Council recommend that a Site Visit should be undertaken.”

Subsequent amended consultation response:

“There were further discussions regarding this application at Full Council last night. We understand that the Conservation Officer is now happy with the proposed fence.

The City Council resolved to withdraw its objections to this proposal.”

Re-consultation response:

“On a purely planning basis St Asaph City Council has no objection to the amended proposal”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Conservation Officer –

Initially requested additional information regarding the finish to be applied to timber cladding of concrete posts and requested metal end post originally proposed to be replaced with a timber end post.

Following submission of revised fence details, the Conservation Officer considers the details are now acceptable and has no objection to this application.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Tim and Julie Donovan, Old Coach House, Glascoed Road, St Asaph
Joseph Marshall, Beaumont, Abbey Drive, Gronant
Ryan Williams, Poplar Cottage, Lower Denbigh Road, St. Asaph
Sam Hoyland, Poplar Cottage, Lower Denbigh Road, St. Asaph
James McFarlane, Riverbank, Brooke Avenue, Towyn
Jack Sellors, 14 Y Gorlan, Brighton Road, Rhyl
Pamela Davies, 2 Hillside, St. Asaph, Denbighshire

Summary of planning based representations in objection:

- Objections to the retrospective nature of the application.
- No justification for new fence – existing hedge already forms the boundary.
- Plans inaccurate / existing hedge & fence not shown correctly / incorrectly labelled neighbouring property as the Mews and not the Old Coach House.
- Fence is damaging to existing hedge along the boundary and would inhibit neighbour's ability to maintain existing hedge boundary and would block neighbour's access rights.
- Detrimental impact on the setting a listed building / materials do not support the heritage of the site.
- Adverse impacts on local character and heritage.
- Detrimental impact on amenity of neighbouring property.
- Concrete previously considered to be unacceptable material. Concrete is not traditional material and still forms part of proposal.
- Timber cladding to the concrete post would be of an inferior standard. Concrete will seal in moisture and lead to cladding becoming unattainable.
- No details regarding how concrete plinths will be removed.
- Substandard materials proposed - hand-woven fence has a limited lifespan, concerns raised regarding its upkeep and deterioration over time.
- Concerns regarding impact of fence on flood risk of neighbouring property and would stop the ability for surface water to soakaway from neighbouring property.
- Excavations carried out have adversely impacted upon stability and sustainability of neighbouring property / undermined foundations.
- Radon gas area – concerns raised due to excavations which have been carried out for the fence.

Objectors have also queried the validity of the application due to Certification accompanying the application form, due to the fact that a previous retrospective application has already been refused and has been subject to planning compliance investigations. Issues regarding the validity of the application are addressed further in Section 1.7 below.

Issues relating to party wall legislation, land ownership, easements / access rights and other legal rights over land have also been raised, however these issues are of a private / civil nature and have no bearing on the land use planning considerations.

EXPIRY DATE OF APPLICATION: 23/10/2019

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal relates to the erection of a 1.75m high garden fence which runs to the rear of April Cottage and the adjoining residential property, the Old Coach House.
- 1.1.2 The application seeks permission to replace an existing concrete and timber panel fence, which was refused consent earlier in 2019 due to concerns over the impact on the setting of a Listed Building, specifically from the use of materials, and the design and finish of the fence previously proposed.
- 1.1.3 The current application proposes:
- Retention of the concrete posts, cladding them in timber to all sides and finishing them with a hardwood capping with chamfered top.
 - Removal of existing concrete gravel board and timber fence panels;
 - Installation of 1.75m high hand woven Hazel wood screening panels;
 - Installation of a new timber end post proposed to be erected independently of the Listed Building, adjacent to the rear elevation of the dwelling.
- 1.1.4 The details of the proposals are shown at the front of the report.

1.2 Other information

- 1.2.1 Whilst the construction of a fence up to 2m in height would not normally require planning permission under 'permitted development' rights, these do not extend to fences, walls and other means of enclosure surrounding a listed building. Planning permission is required in this instance due to April Cottage being a Grade II Listed Building.

1.3 Description of site and surroundings

- 1.3.1 The fence is proposed within the rear garden area of the dwelling, which is located on Glascoed Road in St. Asaph.
- 1.3.2 The fence proposed is at the rear of the two properties. There is a conifer hedge, fence and gate in close proximity, which appear to be within the curtilage of the neighbouring property, the Old Coach House.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is within the St. Asaph development boundary.
- 1.4.2 April Cottage is a Grade II Listed Building.
- 1.4.3 The site falls within a C1 flood risk zone.

1.5 Relevant planning history

- 1.5.1 The Council's records note previous applications for extensions to the dwelling and the erection of a garage.
- 1.5.2 As noted above, retrospective planning permission for a fence in this position was refused earlier in 2019 year due to the detailing, which comprised a 1.75m high timber panels above concrete gravel boards, with concrete posts which had been painted green.

1.6 Developments/changes since the original submission

- 1.6.1 Revised plans have been submitted during the course of the application in response to the Conservation Officer's comments, and have been subject to re-consultations.

1.7 Other relevant background information

- 1.7.1 Members will note that a number of issues raised in response to the application touch on land ownership, rights of access and other legal rights over land, and related questions over the validity of the application.

- 1.7.2 There have been lengthy submissions from the immediate neighbour which contend that the fence which is the subject of the application is on land outside the applicant's control, that there may be infringement of rights of access and the fence would prevent the neighbours being able to exercise their legal right to maintain the boundary, which is currently formed by a hedge. A copy of a Land Registry Plan has been provided to support the assertion that the land is not within the ownership of the applicant.
- 1.7.3 The inference by the neighbours is that the applicant should serve formal notice on them in connection with the application, and as part of the application form, complete Certificate B confirming the neighbours have been served the formal notice. The claim is that the application should be deemed invalid in these circumstances and the Planning Authority should not be considering it.
- 1.7.4 Factually, in terms of the legal requirements on an applicant with a planning application, members may be aware that each submission for planning permission has to be accompanied by a formal statement from the applicant in relation to land ownership. In the majority of cases, this will involve an applicant certifying that nobody other than the applicant is the owner of any part of the land or building to which the application relates. This requires the completion of what is referred to as 'Certificate A', which is part of the planning application form. Where any part of the land or building to which an application relates is not in the applicant's ownership, the obligation on the applicant is to formally notify the party/parties with an interest through the service of a formal notice, and to certify on the relevant part of the application form the name and address of the owner(s), and the date such notice was served (this requires the completion of what is referred to as 'Certificate B', as part of the application form). There are other notification processes covering different scenarios, but these do not appear to be relevant to the current application.
- 1.7.5 The application under consideration was submitted in August 2019. The applicants completed Certificate A on the application forms, so certifying nobody other than them are the owner of the land / buildings to which the application relates.
- 1.7.6 The applicants have been made aware of the neighbour's representations and have been given opportunity to confirm their position over the ownership situation. In the covering letter accompanying the revised plans, the agent has re-confirmed that the applicants are the sole owners of the land and that the correct certificate has been completed in connection with the application.
- 1.7.7 Members will be aware that land ownership disputes occasionally arise on submission of planning applications. In respecting the representations made in this instance, Officers have to stress that it is not the Council's role to arbitrate over ownership claims, as these can only be settled through private legal challenge. Officers have drawn the attention of both parties to the respective claims being made, and as the applicants have confirmed they have completed the correct Ownership certificate, Officers believe it is incumbent on the Council to proceed to deal with the application. The consultation process and exchanges of correspondence have made the neighbours aware of the planning application and have permitted full opportunity to make representations on it including the revised plans, which is the basic intention of the planning application Certification process. Significantly, the grant of planning permission does not convey any right for one party to undertake development on another person's land, and the neighbours have established civil law procedures they can follow to prevent a development proceeding, should any legal arbitration process confirm their claims. In the event of planning permission being granted, a suitably worded cautionary note can be attached to the Certificate of Decision drawing these matters to the applicant's attention.

- 1.7.8 Having due regard to the above, Officers would advise the Committee that there is no further role the Planning Authority can play in the resolution of what is a private legal dispute over land ownership and legal rights over land, and that there are no reasonable grounds to delay determination of the planning application without placing the Council at risk from a non-determination appeal and the consequent risk of a cost claim for unreasonable behaviour.
- 1.7.9 Representations have also raised issue with the validity of the current application with reference to Section 73A of the Town and Country Planning Act 1990, due to the fact that a retrospective application has already been refused. Officers understanding is that Section 73A of the 1990 Act relates to planning applications for development already carried out, and there is nothing in this legislation which empowers a Council to refuse to process a second retrospective application. In any event, the previous application was refused on grounds of design and not principle, and the detailing of the fence subject of the current application is materially different to the refused scheme, and therefore it has been accepted as an application for an amended scheme following a previous refusal and not a re-submission of a previously refused scheme.
- 1.7.10 Representations have also made reference to planning compliance investigations. For clarity, the Council received a complaint in relation to the existing fence, which had been erected without the benefit of planning permission, and the Council's Planning Compliance Officer duly investigated. No formal Enforcement Notice has been served in relation to the fence.
- 1.7.11 In light of the above, Officers are therefore satisfied that the application is valid and the Council should proceed to determine the application.

2. DETAILS OF PLANNING HISTORY:

- 2.1 45/2015/0957. Alterations and extensions to dwelling and erection of detached garage (PF). Granted 16/11/2015
- 2.2 45/2015/0958. Alterations and extensions to dwelling and erection of a detached garage (LBC). Granted 18/11/2015
- 2.3 46/2016/0659. Increase in size of proposed garage submitted in relation to application code no. 46/2015/0957/PF & 46 (NMA). Granted 28/07/2016
- 2.4 46/2019/0649. Alterations and extension to dwelling and a detached garage (corresponding planning application). Granted 12/11/2019.
- 2.5 46/2019/0650. Alterations and extension to dwelling and a detached garage (Listed building Consent application). Pending determination (recommended for grant and has been referred to CADW in accordance with Listed Building consent procedures)
- 2.6 46/2019/0323. Erection of a 1.75m high timber panel and concrete post screen fence (retrospective application). Refused 07/06/2019 for the following reason:

It is the opinion of the Local Planning Authority, that due to the materials, design and finish, the fence has a detrimental impact on the setting of the Listed Building and therefore the proposal is considered to be contrary to criteria i) of Policy RD1 and Policy VOE 1 in the Local Development Plan and to the advice and guidance contained in Section 6 of Planning Policy Wales Edition 10 (December 2018 and in Technical Advice Note (TAN) 24: The Historic Environment (2017).

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy RD3 – Extensions and alterations to existing dwellings

Policy VOE1 – Key areas of importance

Supplementary Planning Guidance Note: Listed Buildings

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

3.2 **Government Policy / Guidance**

Planning Policy Wales Edition 10 December 2018

Development Control Manual (2016)

Technical Advice Note 24: The Historic Environment - May 2017

Planning (Listed Buildings and Conservation Areas) Act 1990

Historic Environment (Wales) Act 2016

The Town and Country Planning (General Permitted Development) Order 1995 GPDO Part 2 Class A

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 Impact on setting of Listed Building

4.1.3 Residential amenity

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

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

The proposal before the Council is for a 1.75m high fence at the rear of April Cottage, which as noted is a Grade II Listed Building. A fence of this height would fall under the permitted development allowances in planning legislation, other than for the fact it is within the curtilage of a listed building.

In this context, Officers would take the view that the principle of erecting a fence in a rear garden is acceptable, subject to a detailed assessment of impacts, with the primary consideration being the impact of the fence on the setting of the listed building.

4.2.2 Impact on setting of Listed Building

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 10) Section 6 'Distinctive and Natural Places' refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

Representations have been received raising concerns regarding the detailing of the fence and the impact of the proposal on the setting of the Listed Building.

Following submission of revised details, the Conservation Officer considers the details are now acceptable and has no objection to this application.

April Cottage is a Grade II Listed Building, and was listed due to its group value with The Hendre and Plas yn Roe. The adjoining property the Old Coach House which forms part of the grouping of properties along this section of Glascoed Road was considered to be much altered at the time of listing, and therefore was not itself listed.

The fence is proposed at the rear of April Cottage and the Old Coach House, and would run at 90 degrees to the rear elevations of these properties.

There are existing domestic garden fences around the perimeter of the residential curtilage. There has previously been a Leylandii Hedge and a timber gate at the rear of April Cottage and the Old Coach House.

A previous retrospective application for the retention of an existing fence was refused due to the materials, design and finish of the fence. This comprised concrete posts, standard timber fence panels with a concrete gravel board below, which had been painted green and which was affixed to the Listed Building by a screw and bracket.

The current proposal is to retain the concrete posts, but to clad them in timber with a hardwood capping with chamfered top; to remove the concrete gravel boards and timber fence panels and replace them with hand woven hazel wood screening panels. The plans show the fence proposed would be free standing and would not be affixed to the listed building.

Having regard to what is actually proposed, Officers consider hand woven Hazel panels are acceptable materials to be used on fencing within the curtilage of a Listed building. The removal of the concrete gravel boards and the use of wooden cladding on the concrete posts would assist in limiting the impacts of the fencing.

As the fence is at the rear of the properties, it would not be clearly visible in any public views, and having regard to the materials, design and finish proposed, Officers are

satisfied the amendments made are sufficient to overcome the previous reason for refusal and would ensure the fence as proposed would not be detrimental to the listed building and its setting.

4.2.3 Residential Amenity

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

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

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

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

Representations raise objections to the proposal due to adverse impacts on the amenity of the neighbouring property. Concerns have also been voiced over excavations carried out for the fence causing structural instability to the neighbouring property, the release of Radon gas and the fence posing a flood risk due to creating a barrier to flood and surface water.

Section 1.7 of the report refers to other issues raised in public representations, which are considered to be civil rather than planning matters, and therefore cannot be afforded weight in the assessment of impacts upon residential amenity.

In respecting the range of issues raised, Officers consider the fence proposed would have limited impacts on residential amenity having regard to the actual details now in front of the Council. The existing gate and hedge between April Cottage and the Old Coach House would largely obscure views of the proposed fence from the latter garden. It is also of relevance is that it is only because the fence is within the curtilage of a listed building that it requires planning permission, as national planning legislation deems a fence of this height at the rear of a property to be acceptable development anywhere else, without the need to involve the Council. The minor nature of the development is such that there are unlikely to be radon gas, flooding or structural stability issues arising (the latter being a matter over which there are private legal remedies).

Consequently, having regard to the scale, location and design of the proposed fence, it is considered that it would not have an unacceptable impact on the residential amenities of the neighbouring property, and would therefore be in general compliance with the tests of the policies referred to.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 As set out in section 1.7 above, Members will note that a number of issues raised in public response to the application touch on land ownership, rights of access and other legal rights over land, and related questions over the validity of the application. In respecting the contentions of the parties, Officers have to stress that it is not the Council's role to arbitrate in any dispute over land ownership arising in relation to a planning application and Officers would advise the Committee that there is no further role the Planning Authority can play in the resolution of what is a private legal dispute over land ownership and legal rights over land. Officers are therefore satisfied that the application is valid and the Council should proceed to determine the application in accordance with national and local planning policies and other material planning considerations.

5.2 A previous fence proposal was refused due to the detailing of the fence, however Officers consider that the amendments made to the design and materials of the fence now proposed are sufficient to overcome the previous reason for refusal, and accordingly the proposal is not considered likely to have a detrimental impact on the character and setting of the Listed building.

5.3 Whilst acknowledging the detailed concerns raised in representations, it is only the land use planning considerations which should be afforded weight in the determination of the application.

5.4 Given the particular detailing of the fence, and the fact that it would be permitted development were it not for the Listed status of April Cottage, Officers do not consider the particular proposals would impact unacceptably upon visual and residential amenity or the character and setting of the listed building.

5.5 The proposal is therefore 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 INSERT DATE
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed elevation, proposed and existing site plan & location plan (drawing number 2700/2A/APR/19 amended 14/10/2019) received 15 October 2019
 - (ii) Photograph in support of application received 29 August 2019

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.

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