

To: Chair and Members of the Planning Committee

Date: 6 February 2020

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, 12 FEBRUARY 2020** 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**

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

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

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

### **4 MINUTES (Pages 9 - 22)**

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 15 January 2020 (copy attached).

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 6) -**

### **5 APPLICATION NO. 41/2019/0671/PC - LAND SOUTH-WEST OF TY DRAW FARM, MOLD ROAD, BODFARI, DENBIGH (Pages 23 - 42)**

To consider an application for change of use from agriculture to mixed use of land for agriculture and keeping of horses, retention of stables at land south-west of Ty Draw Farm, Mold Road, Bodfari, Denbigh (copy attached).

**6 APPLICATION NO. 43/2019/0730/PF - FORMER PLAS DEVA CARAVAN PARK, FFORDD TALARGOCH, MELIDEN, PRESTATYN** (Pages 43 - 96)

To consider an application for erection of 41 affordable dwellings and associated works at former Plas Deva Caravan Park, Ffordd Talargoch, Meliden, Prestatyn (copy attached).

**7 BWLCH DU, NANTGLYN, DENBIGH - PLANNING CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION 25/2018/1216** (Pages 97 - 152)

To consider the planning conditions to be attached to planning permission 25/2018/1216 granted on 15 January 2020 in respect of Bwlch Du, Nantglyn, Denbigh (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  
Gwyneth Kensler  
Christine Marston  
Melvyn Mile

Bob Murray  
Merfyn Parry  
Pete Prendergast  
Andrew Thomas  
Tony Thomas  
Julian Thompson-Hill  
Emrys Wynne  
Mark Young

**COPIES TO:**

All Councillors for information  
Press and Libraries  
Town and Community Councils

## **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.

This page is intentionally left blank

## 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'.

This page is intentionally left blank



## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 15 January 2020 at 9.30 am.

### PRESENT

Councillors Ellie Chard, Ann Davies, Alan James (Vice-Chair), Brian Jones, Tina Jones, Gwyneth Kensler, Merfyn Parry, Pete Prendergast, Andrew Thomas, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

### ALSO PRESENT

Councillor Meirick Lloyd Davies, Councillor Hugh Evans and Councillor Eryl Williams, Head of Planning, Public Protection and Countryside Services (EJ) Team Leader – Places Team (SC); Development Control Manager (PM); Principal Planning Officer (IW); Planning Officer (PDG); Minerals officer (HP) and Committee Administrator (RTJ)

#### 1 APOLOGIES

Councillors Christine Marston, Bob Murray, Melvyn Mile, Peter Evans and Huw Jones.

#### 2 DECLARATIONS OF INTEREST

Councillor Emrys Wynne declared a personal interest in agenda item 7 – as he knew the applicants personally.

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

None.

#### 4 MINUTES

The minutes of the Planning Committee held on 11 December 2019 were submitted.

***RESOLVED** that the minutes of the meeting held on 11 December 2019 be approved as a correct record.*

#### 5 APPLICATION NO. 25/2018/1216 - BWLCH DU, NANTGLYN

An application was submitted for alterations and a rear extension to the existing building, demolition of curtilage structure, erection of an ancillary building, retention of a log cabin (for a temporary period), boundary fencing and gates, and provision of on-site parking and turning area at Bwlch Du, Nantglyn, Denbigh.

The Vice Chair, Councillor Alan James took the Chair for this item because the Chair, Councillor Joe Welch was the Local Member.

## **Public Speaker –**

John Litton QC (**Against**) – represented Brenig Windfarm who objected the proposed developments. He stated that the committee had three issues to consider.

The first issue was whether the existing building had lawful residential use. On this issue there were five points. Firstly the appropriate way to resolve the issue would be for the applicant to apply for a lawful development certificate. Secondly the site was enforced against in 2018 which resulted in a failed appeal by the applicant, the good sense of applying for a certificate was referred to by the inspector who said 'statute has provided a means for legally determining or establishing the planning status of land, a lawful development certificate'. No certificate exists, or to his knowledge no application has been made. Following the site visit on Friday it was noted that there had been further breaches to planning and listed building control. Thirdly if the applicant had applied for a certificate they would have had to support the application by evidence including sworn statements. The inference which can be drawn from the failure to apply is that they realise an application would fail. Fourthly the fact that any residential use of the building has been abandoned was the long held position of the Council who have sought and received independent legal advice on the issue on at least two occasions. Fifthly there is nothing before members including the material submitted on behalf of the applicant which would allow them to reasonably reach a different conclusion to officers.

The second issue was if the building does not have existing residential use, was the change of use and other proposed development in accordance the Local Development Plan? The correct position set out by officers in reports since July 2019 was that granting permission for change of use and proposed developments would be contrary to the local plan both in principle and because of the adverse planning impacts on the visual and landscape character of the area, with the ecology and the building as a listed building. It would also have an impact on the amenities of any future occupiers of the building because of the potential noise from the nearby turbines. Very importantly granting permission for any residential use, would likely curtail the operation of one or more of the existing turbines, which would be wholly inconsistent with the critical need to produce renewable energy to help address the climate emergency which has been given so much recent media attention, therefore granting permission would be contrary to the local plan, Planning Policy Wales and TAN8 for the clear reasons given by officers.

The third issue was if the existing building has a lawful residential use, was the proposed development in accordance with the development plan? Even if it was concluded that any residential use of the building has not been abandoned, permission should still be refused for the reasons given by officers.

Mark Davies (**For**) - thanked the committee for the opportunity to speak. It was clarified that he was present whilst the item was discussed in September, and in his opinion Councillors did speak clearly and in a manner consistent with their decision which was made. However before getting to those reasons, he referred to points which were made in the course of discussions which should be borne in mind.

Firstly and foremost the point was made that when the committee considered the risks to the Council at committee they should consider the risks to the applicants with the potential risk of loss of the home which they purchased.

Secondly it was simple case of a dilapidated building in Denbighshire that someone wants to renovate and live in. It has mushroomed out of all proportion, however that was the bottom line that it was a rundown building that two people in the County want to do up and live in.

Thirdly one committee member on the last occasion referenced the Council's commitment to bring 500 homes back into use. It was the empty home delivery plan, launched in April last year, and the Committee were invited to bear that in mind when considering the application.

Finally, with regard to the point which was made at the previous meeting, that simply because a mistake had been made when assessing Bwlch Du as a dwelling house during the windfarm consenting progress, this should not prejudice the applicants in their application this time, and the committee were invited to bear all of the points in mind when considering their decision.

Turning back to the four grounds of refusal set out in the officers' report: First, in relation to the matter of abandonment, Councillor Welch spoke on the issue previously and the details are set out in minutes which have been previously approved. In relation to the physical condition of Bwlch Du, for a building 1,400 feet above sea level it is good, it has a roof, chimney and four solid walls. Another member seconded that assessment when looking at the building on the monitors. On the second test it was clear it had only been used for residential purposes. On the third test, in respect of the length of time it had been unoccupied, there was evidence that it had been occupied into the 1960's with reliable witness evidence that it had been used as a weekend cottage more recently. Finally in respect of the intentions of the owners, here an important point raised previously was the payment of council tax. If the property was not a house, it was questioned why would the owner continue to pay that amount. In conclusion, Mr Davies invited the Committee to consider the submissions and any others which may be relevant and make a definitive finding that Bwlch Du was not and never has been abandoned.

Secondly in relation to the setting of the listed building, it was suggested that impacts of the proposals should be balanced against the presence of a wind farm situated about 600m away. It was suggested the turbines do form part of the setting and that was a perfectly legitimate consideration, and members were invited to give the setting considerable importance and weight as required, and conclude that there was no adverse impact.

In regards to ecology, attention was drawn to Policy VOE5 and technical advice note 5, taken together unless it was evident the proposals would cause serious harm, this was not a reason for refusal.

**General Debate:**

Planning officers introduced the item and offered members additional information about the report and why it had been returned to Planning Committee following previously being discussed in September 2019. This was in line with the adopted scheme of delegation as there was a potential risk to the Council as outlined in the report. The officers' recommendation was to refuse the application, as set out in the report. Members were asked to give consideration to the report and if they decided to go against officer recommendations, it was requested that the reasons should be clear.

Councillor Joe Welch (**Local Member**) commented that as some members were not in attendance for the previous Planning Committee in September he would reiterate points which were covered. The reference to Councillor Richard Welsh was incorrect. Natural Power's representations that local residents had not raised Bwlch Du as being a residential dwelling during the wind farm application process, was irrelevant. Whether the building had been abandoned or not depended on the 4 tests of abandonment, not on local views about it. It was also highlighted that the decision which was reached at the last meeting was clear and concise.

Members queried with officers why the windfarm application had not been returned to be discussed, similar to the application for Bwlch Du.

Officers responded to the queries and points raised. It was suggested that the appropriate mechanism for testing abandonment was through an application for a certificate of lawfulness of use, which had never been submitted. When the Windfarm applications were under consideration, receptors were identified for assessment of impacts. Bwlch Du was referred to as derelict and was not included. The Council dealt with the information as presented and had no evidence submitted to challenge this. The windfarm applications had been determined and could not now be revisited.

Members who attended the site visit to Bwlch Du were impressed with the integrity of the building. It was also mentioned that the building was listed on the 15<sup>th</sup> December 1998 and was described as a domestic property, and it had not been taken from the list. It was also highlighted that the issue of Bwlch Du being a permanent dwelling was irrelevant as a semi-permanent dwelling was still a dwelling. The question of Council tax payments was queried and why was this still being collected if the property was deemed as abandoned.

Officers advised that Council tax had been collected on Bwlch Du until 2016 when the current owners challenged payments.

Councillor Mark Young felt that the comments that the previous decision the committee came to were not clear, were unfair and incorrect. The issues were very difficult, and it was necessary to conduct a balanced debate for all involved with the matter. He stated that a building would need to be defined as a dwelling for council tax to be collected, and the valuation office would only delete a property off the list if they believed it was truly beyond repair.

Councillor Joe Welch (**Local Member**) commented on the four tests of abandonment as follows –

- Physical condition of the building: the building at 1,400 feet above sea-level was very high for buildings in Wales. Despite this it had a roof, a chimney and four walls in good condition, and overall it was in pretty good condition.
- Length of time for which the building had not been utilised for residential purposes: there was a statement by a local resident Mr Emyr Pierce who said the building had been used as a weekend cottage.
- The third point of abandonment was not argued.
- The owners' intention was clear, that they intended to make a home in Bwlch Du.

Councillor Welch suggested there were two options open to Members - the committee could either agree with officers that the building was abandoned or not; if the committee disagreed, then there would have to be clear reasons why the committee concluded thus. In relation to the reasons:

- The first reason given by officers was on abandonment, and it was clear the four tests were not met as above, with council tax having been collected.
- The second reason was in respect of the log cabin and the siting and scale of the proposed ancillary building having an adverse visual impact in an area of remote open countryside. It was noted that the log cabin would be temporary, and would be removed once Bwlch Du was completed. In appreciating the issue, it was felt the impact was not severe enough to refuse planning permission. The ancillary building could be screened to alleviate concerns. The visual amenities of the building was harmed by the windfarm which was built near to Bwlch Du.
- The third reason was that there was insufficient information submitted to demonstrate that the proposed development would not adversely impact on protected species. Natural Resources Wales (NRW) had been consulted and objected to the application originally. However on receipt of additional information they had changed their opinion, their response being "as this was a lower risk case for bats, we consider that the development was not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Furthermore we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site". It was noted that the County Ecologist disagreed with NRW's assessment, but Councillor Welch was happy to support NRW's stance, especially considering that this had changed after receiving additional information.
- In relation to the fourth reason, if the committee agreed that the building was not abandoned then the property would have been there prior to the wind turbines, and the reason would not be appropriate.

**PROPOSAL** – Councillor Joe Welch proposed the application be granted, contrary to officer recommendation for the reasons he had stated in the debate. Seconded by Councillor Gwyneth Kensler.

Councillor Andrew Thomas queried whether the financial risk to the Council should be considered as a material planning matter. Members also queried if Bwlch Du

was developed as a dwelling whether some of the nearby wind turbines would need to stop being used.

Officers advised that financial risk was not a material planning matter, but Officers had a duty to outline all risks to the Council which could be involved with the application. It was also clarified that the matter was brought back to Committee to ensure that there were no flaws in the decision made by Planning Committee. In regards to the wind turbines, it was suggested there would be issues in regards to wellbeing and noise levels at Bwlch Du. Councillor Mark Young stated that on occasions blades of turbines have been changed to lower the noise created.

**Proposal** Councillor Gwyneth Kensler proposed a recorded vote be carried out. The proposal was not seconded and a recorded vote was not taken.

Members requested that if the application was granted, an item be returned to committee for members to ratify the conditions to be attached to a permission.

**VOTE:**

GRANT – 12

REFUSE – 2

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED**, contrary to officer recommendation on the following grounds that the property has an existing lawful residential use, any impact of the proposed development, on the visual amenity on the listed building and wider open landscape can be mitigated and it is not likely to have a detrimental effect on a protected species.

**6 APPLICATION NO. 20/2019/0884 - LAND ADJACENT TO BWLCH Y LLYN, PENTRE COCH, RUTHIN**

An application was submitted for the development of 0.125ha of land by the erection of a detached local needs affordable dwelling and associated works (outline application - all matters reserved) at Land opposite Land adjacent to Bwlch y Llyn, Pentre Coch, Ruthin

**Public Speaker –**

Denise Baker (**For**) - informed the committee that the family had been farming in the location for five generations, and were a Welsh speaking family which have always supported the local community, and continue to do so. The application was for a self-build affordable need house, which was for a young member of the family who wished to remain in the area and close to the family. The proposal was for a modest home in harmony with the area's character, and use of local construction material. Given the exceptional nature of such a development it was acknowledged a design sensitive to the area would be required. The proposed site of the development was on land owned by the family and the concerns of consultees over the development occurring in open countryside was understood. However the previous house on the site could be taken into consideration. The previous dwelling was called Waen Grogen, the proposed site was a brown field site, which had no

agricultural benefit. The house could not be seen from any other houses, and additional screening could be carried to lessen the visibility further. The applicants' intention was to allow future generations of the family to live in the property for the future. However legal agreements could be put in place to ensure someone with close ties to the area would live in the dwelling, as long as affordable needs existed in the area.

**General Debate:**

Councillor Hugh Evans (Local Member) referred to six other applications which were very similar to this, and they had been granted. The application would allow a local Denbighshire resident to stay within the County, which was a part of the corporate plan, the Welsh language would also be preserved in the area. The average cost of houses in the area was in excess of £300,000 and having affordable housing would allow a young member of society to stay in the area. It was also highlighted that there was a shortage of affordable housing in the rural areas. The proposal would also bring an abandoned house back into use. The application did not pass some of the planning policies but did meet the corporate priorities. If the application was accepted it would not set a precedent across the county.

Officers responded to the local member's questions in regards to policy BSC8 and BSC9 and the tests for these policies. In regards to BSC8 the applicant had not provided evidence to demonstrate that allocated housing sites were not likely to come forward within 5 years the site clearly did not adjoin the development boundary of the village, which was 1.2km to the west of the proposal. In regards to policy BSC9 the property would be developed well away from the farm and would be in the open countryside. It was also noted that the applicant was not in affordable housing need, based on standard tests including income and savings, as assessed by Grwp Cynefin.

**Proposal** Councillor Tony Thomas, proposed the development be granted contrary to officer recommendation as the development met the Council's corporate plan, seconded by Councillor Emrys Wynne.

Members highlighted that the property would be developed on land which had no agricultural benefit and it was queried whether there was a previous property at the site and whether that it would have an impact on the application in planning terms. It was also queried why the financial background of the applicant was required for the application, as other applicants in Denbighshire seeking affordable housing were not asked about their financial situation. It was also suggested that conditions be included on the application that the old stone of the derelict building be used on the new house.

Responding, officers clarified that there were no specific planning policy provisions for rebuilding derelict buildings. In regards to the affordable housing query, it was necessary to test qualification for local needs affordable housing as the application was submitted on this basis. Conditions could be attached to any permission to control use of external materials.

Councillor Hugh Evans (Local Member) thanked the committee for the debate on the matter, and accepted the application might not meet all planning policies. However the application did meet the Council's corporate policies of allowing a young resident to stay within the community. It was also outlined that he did not believe granting this application would set a dangerous precedent with similar applications, and reassured members that the applicants would conform to any conditions which could be agreed upon.

**VOTE:**

GRANT – 8

REFUSE – 5

ABSTAIN – 1

**RESOLVED** that permission be **GRANTED**, contrary to officer recommendation, on the grounds that the development would conform to the Corporate Plan for the Young People.

**7 APPLICATION NO. 01/2019/0757 - GRAIG QUARRY, GRAIG ROAD, DENBIGH**

An application was submitted for Variation of condition 1 of planning permission 01/2009/1424/PS to allow continuation of extraction of permitted reserves at Graig Quarry, Graig Road, Denbigh.

**Public Speakers –**

Dr Susan Hewitt (**Against**) – informed the committee that she resided in Pen y Craig and represented locals who were affected by the activities in the quarry. The nearby homes were already damaged due to the extraction at the quarry. It was raised that the blasting limits had not been breached, however local residents had received information that the measurements were being taken on grassed areas. It was also outlined that no seismic recordings were taken from the surrounding houses. It was also stated that a local builder had informed the residents of the surrounding area that the houses build quality was poor, which made them more susceptible to damage from the quarry.

The committee were invited to the houses to experience the shaking whilst blasting takes place. Sound noise pollution could be higher than the average noise which could cause damage to ears and hearing of local residents. Dust particles which would be circulated due to the quarry operation was highlighted as a concern especially Particulate Matter (PM), which lodges in bodies and can cause illnesses. The World Health Organisation stated that there was no safe exposure level. The PM has detrimental effect on bodies and health and wellbeing, as the particles did not disperse over distance and therefore the whole of Denbigh would be affected. The particulate levels were recorded in Denbigh on the high street, however no data was recorded nearby to the quarry, therefore the data within the reports did not highlight the risks to those who resided next to the quarry. There should be full health impact assessment taken with the quarry, and she wanted the committee to realise the risk to health the quarry would have on local residents and urged them to reject the application.



Malcolm Ellis (**For**) thanked the committee for debating the application. The quarry would supply for local needs. The development would have conditions which would alleviate any negative effects on local residents. The quarry employed 16 local residents at the quarry. The quarry spent £1.2 million into the local community and paid the workers an average of 30% above of the minimum wage. There would be no increase in traffic or the amount which would be extracted at the quarry, the application was for an 8 year extension to the time permitted for extraction. If the application was refused the materials would need to be sought elsewhere which would have a larger carbon footprint than the current usage of the quarry. In regards to blasting and concerns raised, the procedures were being looked at and improved. Local residents were also invited to a presentation which gave information on the blasting and how it was carried out. The quarry would be willing to listen to concerns from local residents and continue to increase the standards at the quarry.

### **General Debate:**

Councillor Gwyneth Kensler (**Local Member**) informed the committee that the matter was a complicated one. It was clear that the blasting had an impact on the surrounding buildings as cracks had appeared. There was consultation meeting organised by Breedon Southern Limited in Denbigh Rugby club on the 4<sup>th</sup> December 2019 which discussed the physical extension of the quarry which would be a separate planning matter. Since she had attended the consultation, the effect of the quarry on local residents become apparent as the work started again in 2016.

Councillor Kensler highlighted the matter of the dust and especially the concerns with dust particles PM10 and PM2.5, as the particles could penetrate into the body and cause detrimental effect to people's health. This would be very prominent in asthma suffers in Denbigh. The Local Development Plan (LPD) draft annual monitoring report highlighted there was a national policy to improve the air quality. The regional technical documents had completed a second technical review, and within the report the biggest change since the first review was the Future of Wellbeing Generations Act Local authorities needed to consider health concerns of future generations. The sources of supply were highlighted - the largest amount of limestone was sent to the North West of England. A planning appeal involving Burley Hill quarry was mentioned as it was rejected as it was considered the development would have a detrimental effect on nature and the benefits did not outweigh the negatives. In regards to the complaints in the report, members of the public did not know who to report their concerns to, as they believed the application would be put through regardless of their concerns. The employment numbers which were indicated were not all from the Denbigh area.

**Proposal** Councillor Gwyneth proposed the application be rejected.

Planning officers responded to points which were raised by the local member Gwyneth Kensler. The application was for the extension of time to extract aggregate from the quarry but not to extend the quarry itself. This would allow 1 million tonnes to be extracted in an area which had already been permitted. The extension in time would also allow the area to be restored.

The main issues which had been raised were blasting, dust and the health impacts, and the need for the mineral, and the noise which was produced. In regards to the blasting, the technical guidance on blasting was noted in the report on page 34 point 4.2.5. The monitoring was carried out by multiple organisations and was under the guidance levels. Noise information on blasting was recorded and had not been close to the maximum levels permitted and was unlikely to result in damage to surrounding residents. In regards to the frequency of blasting it would occur twelve times a year, the blasting protocols were also included as conditions within the report. Dust concerns had been raised, especially with the PM and the advice given by environmental officers was that the dust mitigation at the site was adequate, and cleaning of vehicles and dust mitigation was included in the report. Planning conditions could be included to mitigate any concerns local residents had with dust.

There had been no objections raised by Natural Resources Wales in regards to biodiversity. The quarry was mothballed and was not dormant, it was also stated if the application was refused, the 1 million tonnes of limestone would need to be sourced elsewhere in North Wales.

Officers informed members that the nearest property was beyond the buffer zone of the quarry. The quarry did supply for local needs, as an example, it was used for the windfarm which was developed in Cloceanog.

Members sought clarification of the controls proposed over annual production and whether there were contingencies in place for occasions when there was a large demand and the volume sought was above the permitted levels of extraction. The distance from blasting to houses was queried and whether there was additional information on these distances. It was also queried whether the decision on the application would have a bearing on any future applications. There were also questions whether dust could be created from sources other than the quarry, over the timing of the blasting events, and finally whether there could be permanent measuring equipment to ensure recording data was accurate.

Officer responded to the queries. In regards to the production, it was clarified that the existing restriction was 500,000 tonnes per annum, however the current output was 200,000 tonnes, and the quarry owners were happy to reduce this to 400,000 tonnes, which would still allow the quarry to be flexible in meeting demand. The amount of blasts was set at 12 times a year, however if more was required consent would be required. There had been 7 blasts in the previous year. The blasting takes place on Tuesdays, so there was public awareness. This application would not have an impact on any future applications as the issues were different and proposals have to be assessed on their merits. There was no exact information on the distance from the blasts and housing, but there was a buffer of 200m from the boundary of the site to dwellings which was deemed as acceptable. Dust particles would occur from other sources. The quarry company were going to fit fixed monitoring devices to record the vibrations.

Councillor Joe Welch requested additional information on the grounds of refusal proposed by Councillor Gwyneth Kensler. Councillor Kensler indicated the main reason for refusal was the Wellbeing of Future Generations Act. It was also queried within what time period the restoration plan for the quarry would be implemented.

Councillor Brian Jones queried whether the application could be deferred to get additional health and safety information.

Officers responded that the restoration programme would need to be submitted in 6 months, and restoration works would be carried out on completion of extraction. If the application was granted the officers would ensure that the plan would be submitted in 6 months.

**Proposal** Councillor Mark Young proposed the application be granted in accordance with officer recommendation, with the condition that no blasting take place on weekends, seconded by Councillor Julian Thompson-Hill.

**VOTE:**

GRANT – 12

REFUSE – 2

ABSTAIN – 0

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

**8 APPLICATION NO. 24/2018/0206 - PLAS LLANYNYS, LLANYNYS, DENBIGH**

An application was submitted for the erection of a free range egg production unit including silos and associated works including access at Plas Llanynys, Llanynys, Denbigh.

**Public Speaker –**

Tom Jones (**For**) – Thanked the committee for the opportunity to speak. He informed the committee that his was the third generation to farm at Plas Llanynys. Historically the farm was a dairy enterprise however with the death of his father in 2003 the farm had no one available to run it, and the cattle and equipment were sold. After almost two decades re-establishing a dairy farm, this was economically unviable. The new building proposed would maximise bird welfare, with specialised equipment, the design would allow the birds to roam freely in the surrounding area. A new building was required as the existing buildings were designed to hold cattle. The dimensions of the proposed new build were compliant with the requirements of current regulations and guidance and the RSPCA, which regulate the amount of space each bird requires. The proposed building had a 12% smaller footprint than a 32,000 bird unit, which were more common. Given the size of the farm, the options to grow a sustainable farming business were very limited, however by researching the free range egg industry the applicant believed that this application was the best and most viable option to bring the business out of stagnation. The application would boost the local economy, providing full time employment for the applicant and at least one part time job. The application would secure the farm's future, which could be passed down to future generations. The regulatory bodies did not object to the proposal and the local community council were in favour of the application. The proposed building was at the furthest point from other homes, which would mitigate any impact on local residents.

### **General Debate:**

Councillor Merfyn Parry (**Local Member**) – informed the committee that the application would allow a local farm to come back into use, and commended the applicant and officers on the work which had been carried out to mitigate local concerns with the application.

**Proposal** – Councillor Emrys Wynne proposed the application be granted in accordance with officer recommendations. Seconded by Alan James.

### **VOTE:**

GRANT – 10

REFUSE – 0

ABSTAIN – 0

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

## **9 APPLICATION NO. 12/2019/0912 - LAND OPPOSITE TY NEWYDD, CLAWDDNEWYDD, RUTHIN**

An application was submitted for the Development of 0.14 ha of land by the erection of 3 no. detached dwellings (outline application including access) at Land opposite Ty Newydd Clawddnewydd Ruthin.

### **General Debate**

Councillor Eryl Williams (**Local Member**) advised there have been objections against the application. There were highway concerns and residents did not want ribbon development in the area. It was suggested that a kerbstone be included in the proposal to allow bins to be put out without impeding onto the highway. Attention was drawn to the detailing of the proposed development and the entrances to the road.

Members queried whether the development was in a flood risk area. It was requested that a condition be included that the kerbing and street lighting be implemented prior to any development.

Officers responded with regards to the plan, the entrances posed no concern to the highway officers. The matter of kerbing was covered by condition 8 which was included in the report. Surface water would be contained within the application site and would not have an effect on the highway.

**Proposal** Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendations, seconded by Councillor Emrys Wynne.

### **VOTE:**

GRANT – 10

REFUSE – 0

ABSTAIN – 0

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

**10 INFORMATION REPORT - WELSH GOVERNMENT CONSULTATION ON CHANGES TO PLANNING AND RELATED APPLICATION FEES**

***RESOLVED** that the Planning Committee note the content of the report.*

This page is intentionally left blank

# Agenda Item 5

**WARD :** Tremeirchion

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

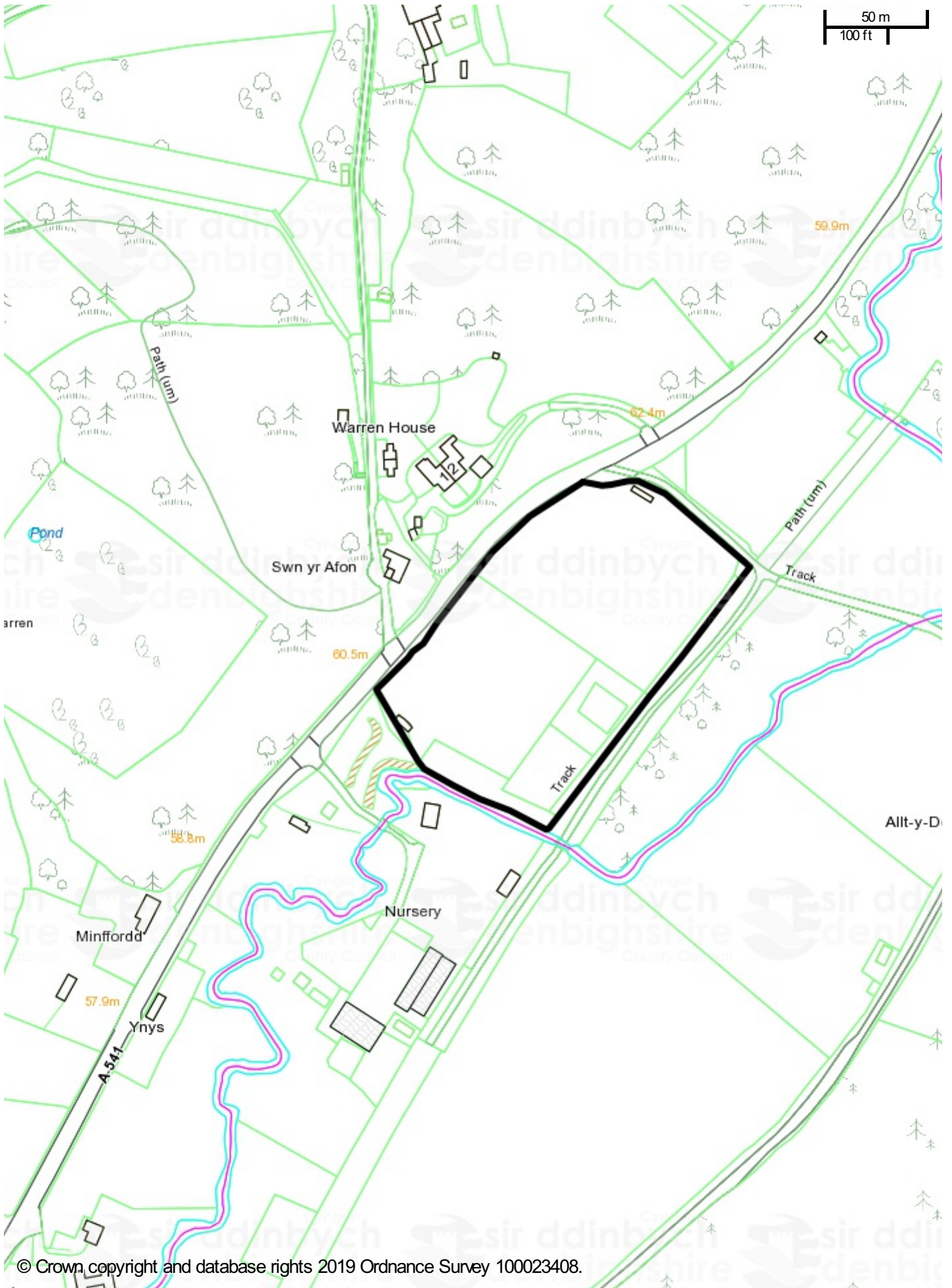
**APPLICATION NO:** 41/2019/0671/ PC

**PROPOSAL:** Change of use from agriculture to mixed use of land for agriculture and keeping of horses, retention of stables

**LOCATION:** Land south-west of Ty Draw Farm Mold Road  
Bodfari Denbigh

This page is intentionally left blank





© Crown copyright and database rights 2019 Ordnance Survey 100023408.

41/2019/0671

Scale: 1:2500

Printed on: 27/1/2020 at 11:45 AM



# SITE PLAN

**GENERAL NOTES:**  
Any discrepancy found between this and any schedule or specification must be referred back to the consultant before work is executed.  
All dimensions to be checked on site.

REVISIONS		
no	description	date
B	Wellfare unit omitted	22/01/2020

**project:**  
Retrospective permission  
for stable block at:  
Land off Mold Road  
Bodfan  
LL16 4DP

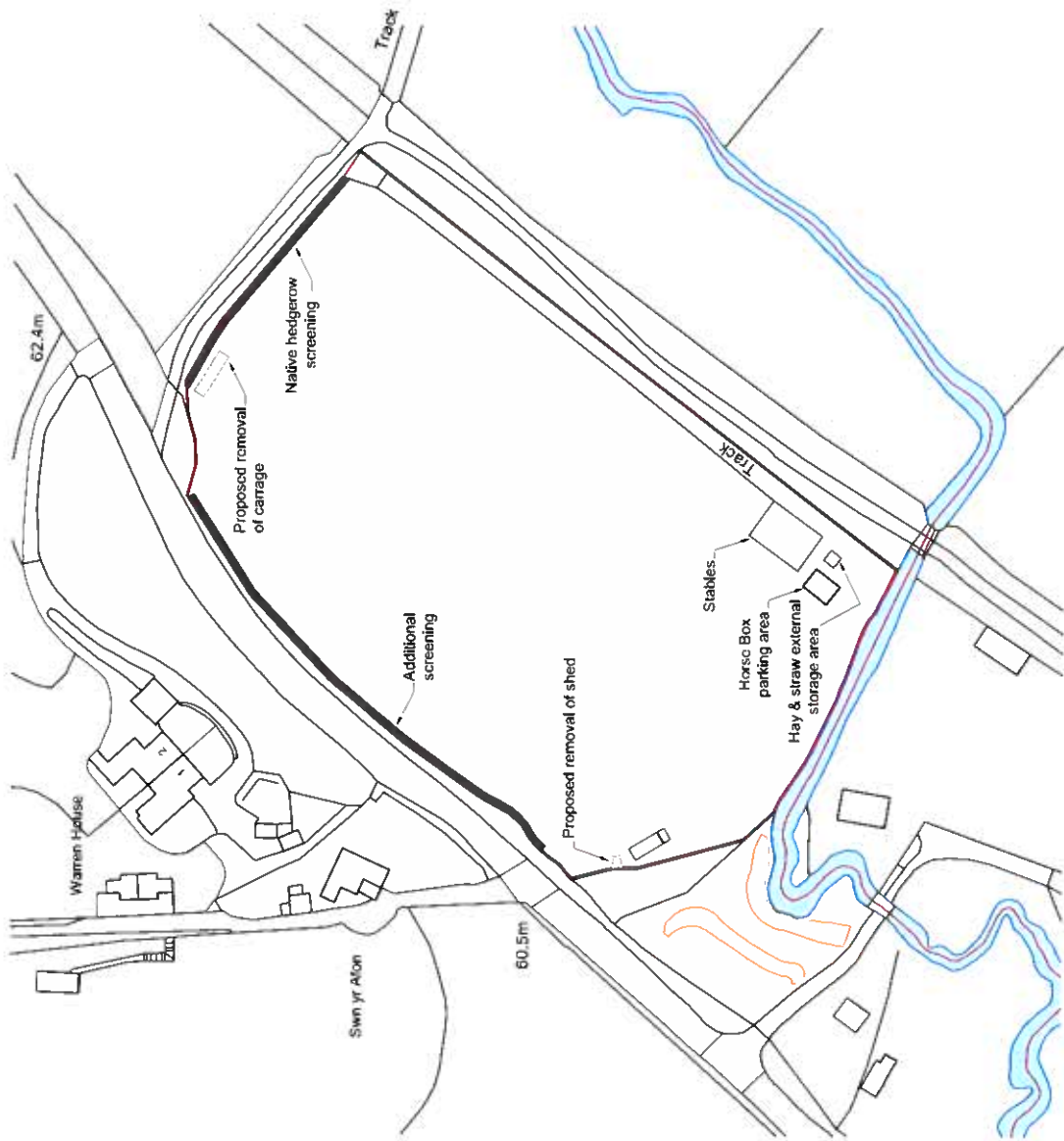
**client:** Mr Paul Butt

**title:** Proposed Block Plan

**date:** 22.07.19

**scale:** 1:1250 @ A3

**drawing no.:** 75719/04\_Rev B



Ordnance Survey, (c) Crown Copyright 2016. All rights reserved. License number: 100029437

**Proposed Block Plan**  
Scale: 1:1250



# PLANS OF STABLE BLOCK

**GENERAL NOTES:**  
Any discrepancy found between this and any schedule or specification must be referred back to the consultant before work is executed. All dimensions to be checked on site.

revisions	
no	description

**project:**  
Retrospective permission  
for stable block at:  
Land off Mold Road  
Bodfari  
LL16 4DP

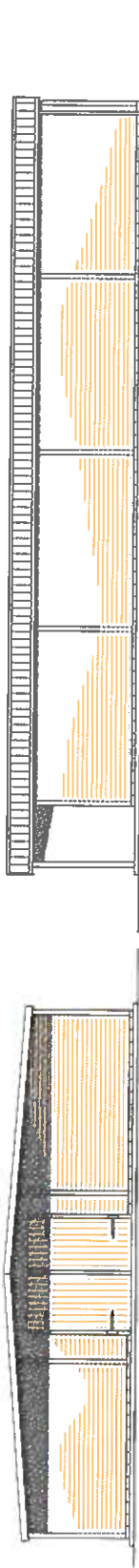
**client:**  
Mr Paul Butt

**title:**  
Elevations & Plan

**date:**  
22.07.19

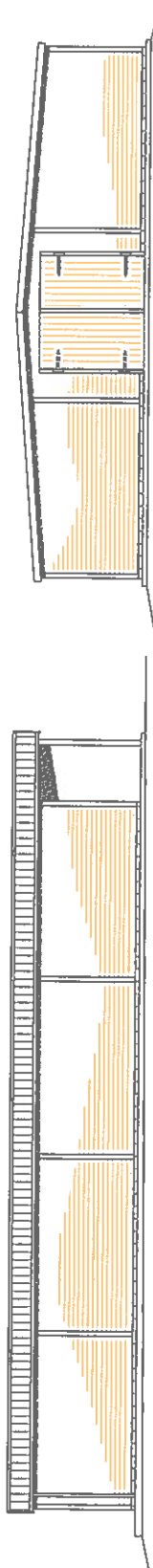
**scale:**  
1:100 @ A3

**drawing no.:**  
75719/02



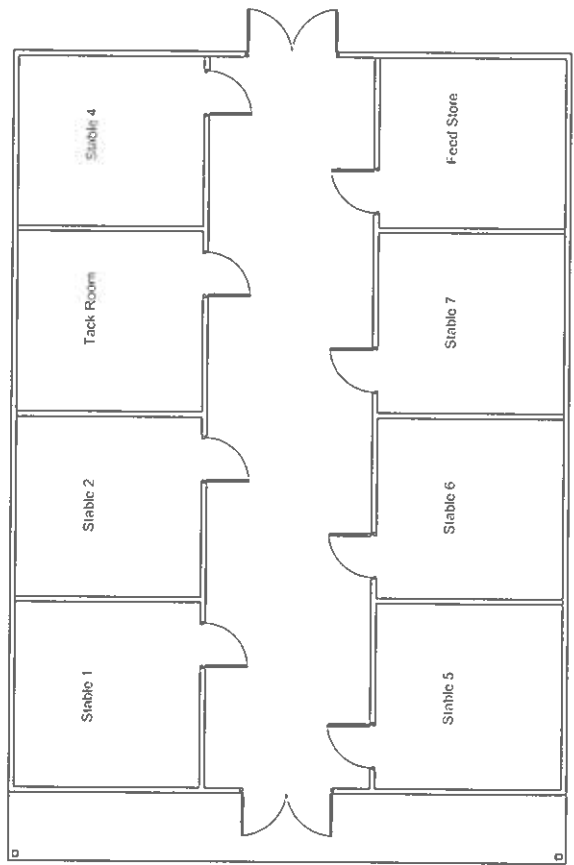
**North Elevation**  
Scale 1:100

**West Elevation**  
Scale 1:100



**East Elevation**  
Scale 1:100

**South Elevation**  
Scale 1:100



**Plan**  
Scale 1:100



**WARD :** Tremeirchion

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

**APPLICATION NO:** 41/2019/0671/ PC

**PROPOSAL:** Change of use from agriculture to mixed use of land for agriculture and keeping of horses, retention of stables

**LOCATION:** Land south-west of Ty Draw Farm Mold Road Bodfari Denbigh

**APPLICANT:** Mr P Butt

**CONSTRAINTS:** C2 Flood ZoneAONB

**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:**

**BODFARI COMMUNITY COUNCIL**

"... we have to ask ... that planning take into consideration the disposal of animal waste from the site due to its proximity to the river wheeler.

Also we do feel this is a creep. First application to build a menage. Then the retrospective application for the stables and now this for parking and a storage area for hay/feed.

Previous comments was a concern about the access for large vehicles coming into and off the site. We feel that highways have underestimated the speed of traffics on that road and the lack of visibility exiting the site".

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

*Original comments:*

"The Joint Committee deplores the retrospective nature of this application and notes that the site was the subject of another retrospective application in 2016 for related development which was subsequently granted permission (Code No. 41/2016/1272).

Developing the land for 'horsiculture' has changed the previously open, agricultural character of the site in the landscape and the large new stable block represents a further intensification of this use. However, the committee notes that the previous permission has formalised equine use of the site and includes a new manege adjacent to the stable block as well as retaining an existing stables/tack room and caravan.

In this context, to mitigate the change in the character of the area the Joint Committee would suggest that any permission for the new stable block should be subject to removal of the other stables, tack room and caravan, the use of which should be consolidated into the new building (it is noted that this will reduce the number of stable units in the building). In addition, conditions should be attached to ensure the facility is maintained for private use only and to restrict commercial equine operations. This is a dark area of countryside and the committee would also recommend a condition that there should be no external lighting at the site to conserve the AONB's dark sky. Finally, a landscaping condition is also recommended to facilitate the planting of new native trees and traditional hedgerows to break up views of the building in the landscape."

*Re-consultation comments:*

"The Joint Committee notes the amended and extended description of the proposed development and welcomes the proposal to remove the derelict railway carriage and smaller shed/store to help tidy up the site. In addition, the intention to incorporate the feed store and tack room within the new building is acceptable, and the proposed new native hedgerow along the footpath and strengthening of the landscape screen along the A541 is supported. However, the committee is of the view that additional planting of new native trees and traditional hedgerows is also required in the vicinity of the new stables and proposed external storage area to further integrate the site into its rural setting.

The siting of the external storage area behind the stables is acceptable and it is suggested that a condition be attached to any permission limiting external storage and any permanent parking of a horse box to this area only.

The committee does not consider that the permanent siting of a caravan on the site to provide welfare facilities is appropriate in this setting, and would recommend that such facilities should also be incorporated into one of the existing buildings on the site".

## NATURAL RESOURCES WALES

*Original comments:*

NRW do not consider the proposal is likely to adversely affect any of the interests listed below and therefore has no objection to the proposal:

**Flood Risk:**

Site lies partially within C2 flood risk zone. Proposal is for stables which is less vulnerable land use. Given the scale and nature of the proposals and the fact he proposed is linked to an existing use, have no objections on flood risk grounds

*Re-consultation comments:*

NRW do not consider the proposal is likely to adversely affect any of the interests listed below and therefore has no objection to the proposal:

**Flood Risk:**

The site lies partially within Zone C2.

The proposal is for retrospective planning consent for the change of use from agriculture to mixed use of land for agriculture and keeping of horses, retention of stables, stationing of touring caravan for ancillary purposes. The site benefits from a less vulnerable land use, and is used as land for agriculture, keeping horses and existing stable. Understand that the intention is to locate a caravan on the site for convenience/welfare purposes. On the basis that the caravan will not be used for overnight use or as habitable accommodation, and will be used solely for welfare purposes, do not have any objections to this planning application.

Recommend that your Authority restricts the use of the caravan for welfare purposes through the use of an appropriately worded planning condition.

(There are no comments in the NRW response with respect to impact on the statutory landscape)

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer –

Acknowledge that there is an existing access which is used at present to gain access to the land and can be used by large agricultural vehicles without any restrictions. Highway Officers would recommend that planning permission is given for personal use to the applicant as the Highway Authority would not support any further vehicle increase given its location on the A541 without access and visibility improvements being carried out.

## RESPONSE TO PUBLICITY:

In objection

Representations received from:

Alan Waterfield, Community Councillor (comments submitted as personal opinion and not on behalf of Bodfari Community Council)



Summary of planning based representations in objection:

Access / highway safety

- access is on a bad bend on the A541. The drive is lower than the road making visibility poor for anyone leaving the site.

Size / scale

- Building is too big for the site and for personal use.
- Concern that it could be a commercial venture long term which would only add to the access issues.

If permission is granted, controls should be applied to ensure site is only used for personal use.

**EXPIRY DATE OF APPLICATION: 23/09/2019**

**EXTENSION OF TIME AGREED: 15/01/2020**

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

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The proposal is seeking retrospective planning consent for a new stable building and a change of use of land to a mix of agricultural use and for the keeping of horses. The original submission proposed a caravan on the site to provide welfare facilities, but this element has been removed from the application.
- 1.1.2 The stable building is of timber construction with a shallow pitched roof, constructed from black metal box profile sheeting. The building footprint measures 15.1m in length by 10.3m in width with a ridge height of 2.5m.
- 1.1.3 Revised floor plans show the building would comprise 6 individual stables with a tack room and feed store accessed off a central corridor within the building.
- 1.1.4 An existing stable within the site is proposed to be retained, however an existing small shed building and old railway carriage sited within the site are proposed to be removed.
- 1.1.5 Additional screening and native hedgerow planting is proposed along the boundary with the highway and along the access track, however planting details are not provided.
- 1.1.6 The supporting statement confirms the stables and land would be used for personal use only and would not be used in connection with any business. The applicant currently owns 3 Arab horses and a Section A Welsh Pony, and intends to purchase a further two ponies for her sons.
- 1.1.7 It goes on to state that existing stable block at the site is not large enough to house Arab horses, however the existing stables at the site would be retained and used as a temporary quarantine and to provide winter stables for the applicant's Section A Welsh Pony .

**1.2 Description of site and surroundings**

- 1.2.1 The site is located within the open countryside in the Clwydian Range and Dee Valley AONB.

- 1.2.2 The site abuts the A541, approximately 1km to the north-east of Bodfari village.
  - 1.2.3 A public footpath runs along the north-western boundary of the site.
  - 1.2.4 There is an existing stable / tack room and storage shed in the south-west section land which was granted in 2017; a small wooden shelter in the southern corner of the plot; and a dilapidated carriage in the northern corner of the plot which appears to have been on site for some time.
  - 1.2.5 Fencing has been erected within the plot, and the site currently appears to be in active use for the keeping of horses.
  - 1.2.6 The application site extends to some 1.8 hectares.
  - 1.2.7 There are residential properties on the opposite side of the A541.
- 1.3 Relevant planning constraints/considerations
- 1.3.1 The site is located within the open countryside outside of any development boundaries as identified in the Local Development Plan (LDP), and lies within the Clwydian Range and Dee Valley AONB.
  - 1.3.2 The site is within a mineral safeguarding area as defined in the LDP.
  - 1.3.3 The site lies within a C2 flood risk zone.
  - 1.3.4 A public right of way runs along the north-western boundary of the site.
- 1.4 Relevant planning history
- 1.4.1 A prior notification application relating to a store building was refused in 2010 (it was not deemed to be permitted development due to site area, hence the planning merits of the proposal were not considered).
  - 1.4.2 Retrospective planning consent was granted in 2017 for change of use of land to mixed agricultural / equestrian use, retention of stable /tack room, construction of manege and stationing of touring caravan.
  - 1.4.3 Conditions were applied to the 2017 permission to restrict the consent for the benefit of the applicant only and to restrict the use of the touring caravan to a welfare / rest facility for the benefit of the applicant only and to require its removal should the land cease to be owned by the applicant.
  - 1.4.4 The site is now in different ownership, and the caravan has been removed from the site.
- 1.5 Developments/changes since the original submission
- 1.5.1 Amended plans have been submitted which include the change of use of land as well as the new stable block. The proposed block plans indicates an existing shed / store building and train carriage currently sited at the site are proposed to be removed and additional screening is proposed along the boundary with the highway and along the access track to mitigate visual impact.
  - 1.5.2 A previously proposed ancillary caravan to provide welfare facilities has been omitted from the proposal to address concerns raised by the AONB Committee and Officers.
- 1.6 Other relevant background information
- 1.6.1 The planning application is retrospective in nature and the application has been submitted following a planning compliance investigation.
  - 1.6.2 The application is referred to Committee following a request by Councillor Christine Marston, to allow consideration of highway safety, the size and scale of the development.

## 2. DETAILS OF PLANNING HISTORY:

2.1 41/2009/1588 (agricultural prior notification application). Erection of agricultural building for storage of feedstuff and agricultural machinery. Refused 05/01/2010 (not permitted development).

2.2 41/2016/1272. Change of use from agriculture to a mixed use of land for agriculture and keeping of horses, retention of stables/tack room, construction of manege and stationing of a touring caravan for ancillary purposes.

Granted 22/03/2017. The following conditions of relevance to the current application:

*5. The development hereby permitted shall enure for the benefit of the applicant only and the land shall at no time be used as a horse livery, riding centre or for any commercial purpose. No competitive events or public address and sound amplification system or lighting shall be permitted on the land at any time.*

*Reason: In the interests of visual and residential amenity and highway safety.*

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

**Policy VOE1** - Key areas of importance

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

**Supplementary Planning Guidance**

N/A

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 15 Development and Flood Risk (2004)

3.3 Other material considerations

None.

## 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 / AONB
- 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

There is limited planning policy and guidance relating specifically to equestrian developments, as these are not strictly a form of agricultural development. Officers nonetheless consider the following policy and guidance in relation to agricultural proposals in open countryside is relevant to the principle and detailing of such equestrian proposals.

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

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.

TAN 6 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

Paragraph A14 TAN 6 provides advice to local planning authorities when dealing with Prior Approval submissions for agricultural buildings. However, the guidance on siting and design set out in Paragraph 14 is also considered useful and relevant for the subject application as it states :

“The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank 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.”

As mentioned previously, planning consent was granted in 2017 for change of use of the land to mixed equestrian / agricultural use and existing stables. Whilst this signified acceptance of the principle of the equestrian use of the land, it is of relevance that conditions were applied to restrict the consent for the benefit of the applicant only on visual amenity and highway safety grounds. Circumstances have since changed, however, as the land is now in separate ownership, and accordingly Officers suggest the issues pertaining to the development proposed have to be reconsidered afresh.

The following sections of the report assess the local impacts arising in relation to the proposals.

4.2.2 Visual amenity / AONB

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.

PPW 10 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

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

The site is located in an open countryside location in the Clwydian Range and Dee Valley AONB and abuts the A541 Mold Road and public rights of way, and is therefore considered to be in a visually sensitive location.

The application is retrospective and the larger stable building has already been constructed. There is a smaller stable building on the land which was subject of the previous planning application, together with a number of other smaller structures and fencing has been erected within the site to subdivide the land into paddocks.

The Community Council have raised concerns over the size and scale of the building proposed, and development 'creep' at the site.

The AONB Committee note the amended and extended description of the proposed development and welcome the proposal to remove the derelict railway carriage and smaller shed/store to help tidy up the site, and they consider the intention to incorporate the feed store and tack room within the new building is acceptable, along with the proposed new native hedgerow along the footpath and strengthening of the landscape screen along the A541. However, the committee is of the view that additional planting of new native trees and traditional hedgerows is also required in the vicinity of the new stables and proposed external storage area to further integrate the site into its rural setting. They also recommend conditions are imposed to limit external storage and parking in the interests of protecting the character and appearance of the AONB.

In response to the concerns of the AONB Joint Committee and Officers, the applicant has subsequently omitted the previously proposed caravan from the proposal.

The site is approximately 1.8 ha in size and the new stable building has a footprint of approximately 155 sq. metres, and whilst it is larger than a typical private stable block building, it is of a similar scale and form to a small agricultural building and therefore its scale and design are not considered unusual in its rural setting. The floor plans of the building have been amended and a tack room and feed store have now been incorporated into the building and the number of stables has been reduced from eight as originally submitted to six. There are existing buildings already in situ on the land and fencing has been erected to subdivide the site into smaller paddock areas.

Additional screening is proposed along the boundary along the main road and along the access track (a public right of way) to screen views of the site, which would help to mitigate visual impact of the proposal, however details of planting have not been provided and Officers consider conditions would be necessary requiring the submission of a landscaping plan.

A dilapidated carriage structure sited close to the site access and a small existing shed building are also proposed to be removed mitigate the visual impact of the proposal, and a dedicated external hay / straw feed area and horse box parking area

is identified next to the stable block. The smaller existing stable building would be retained within the site.

Subject to the proposed mitigation measures including additional planting along the boundary and removal of some existing structures, the proposed new stable building is considered to be acceptable in terms of its visual impact, however Officers consider it necessary to apply conditions to restrict external storage and parking of horse boxes to only those areas located on the proposed block plan and to prohibit the storage, siting and stationing of other ancillary structures on the land in the interests of visual amenity in order to prevent the site appearing cluttered and overdeveloped, which would be to the detriment of the character and appearance of the AONB.

Officers also consider conditions to restrict the use of outdoor lighting are also necessary on visual amenity grounds.

The application documents clearly state the stables and land would be used for private personal use, and not for commercial purposes. Officers would therefore suggest any permission be conditioned to make this explicit, as commercial use of the site may necessitate further development which would further erode the visual quality of the area.

With regards to the change of use of land and erection of a new stable building, Officers consider adverse impacts on visual amenity could be mitigated, and therefore having regard to the design, siting, scale, massing and materials of the proposed development, in relation to the character and appearance of the locality and setting within the statutory landscape, it is considered the proposals would not have an unacceptable impact on visual amenity.

#### 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.

No representations have been received raising concerns on residential amenity grounds.

As suggested in the section above, conditions can be included to prevent the commercial use of the land in the interests of visual amenity, however as there are residential properties in close proximity to the site, Officers also consider it would be necessary to restrict the use of the land to private use only and also to prohibit public address / sound amplification systems to protect the amenities of occupiers.

Having regard to the scale, location and design of the proposed development and separation distances between residential properties, subject to the inclusion of restrictions on the use of the land it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

#### 4.2.4 Drainage (including flooding)

Planning Policy Wales (PPW 10) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

The proposed stable building is located within a C2 flood risk zone and is therefore at risk of flooding.

As the proposal is considered to be in the 'less vulnerable' development category in TAN 15, having regard to the scale and nature of the development, NRW have raised no objection to the principle of the development on flood risk grounds.

Having regard to the nature and scale of the development and the views of NRW, Officers would conclude the proposal would not result in any unacceptable flood risk.

#### 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.

Representations from the Community Council and a private individual have raised highway safety concerns.

Highways Officers have noted the site is served by an existing access which is used at present to gain access to the land and can be used by large agricultural vehicles without any restrictions. They recommend that if planning permission is to be granted, consideration should be given to restricting it to use by the applicant as they would not support any further vehicle increase given its location on the A541, without access and visibility improvements being carried out.

Whilst the proposal is for a large stable building containing 6 stables, which is in addition to the existing stable building at the site, the supporting information submitted with the application however stresses the proposal is for private use and would not be used in association within any commercial business.

Due to the size of the site and the stables proposed, in the interests of highway safety, a condition is therefore proposed to make it explicit that the land and buildings cannot be used for commercial purposes.

#### 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 site is located within open countryside adjacent to Mold-Denbigh Road and a public right of way, within the Clwydian Range and Dee Valley AONB, and is therefore in a visually sensitive location.

5.2 Officers consider, having regard to the planning history, that the mixed use of an area of land of the size involved for agricultural purposes and the keeping of horses, and the retention of stables is acceptable in principle, subject to suitable conditions being imposed, including to restrict commercial use of the land, to require landscaping to be carried out and to control external storage in the interests of visual amenity, to prevent the site appearing unduly cluttered, to the detriment of the character and appearance of the AONB.

5.3 The application is therefore recommended for grant, subject to the imposition of the conditions listed below.

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

1. The development to which this permission relates shall be begun no later than .....insert DATE 2025
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 and floor plan (Drawing No. 75719/02 - revised) received 6 November 2019
  - (ii) Existing Block plan (Drawing No. 75719/03 Rev A) received 02 December 2019
  - (iii) Proposed Block Plan (Drawing No. 75719/04 Rev B) received 22 January 2020
  - (iv) Location Plan (Drawing No. 75719/01 Rev A) received 28 November 2019.
3. The land and buildings subject of this permission shall at no time be used as a horse livery, riding centre or for any commercial purpose. No competitive events or public address and sound amplification system or external lighting shall be permitted on the land at any time.
4. The developments / uses hereby permitted shall not be allowed to continue after 1st September 2020 unless the written approval of the Local Planning Authority has been obtained to details of a scheme of landscaping and planting for the site. All planting comprised in the approved details of landscaping shall be carried out no later than the autumn 2020 planting and seeding season. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
5. Within 3 months of the date of this permission, the shed building and carriage identified for removal on the approved proposed block plan shall be removed from site and the land shall be restored to a grassed field.
6. The parking of vehicles and horse boxes and the external storage of hay and straw shall be restricted to the locations shown on the approved proposed block plan and no other external storage or stationing of horse boxes; caravans; lorry backs; crates; storage containers; machinery; tools; goods; bulk hay, straw or other animal feed and bedding material; waste or any other equestrian paraphernalia relating to the use of the land shall be permitted within the application site boundary without the prior written approval 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 interests of visual amenity, residential amenity, to protect the character and appearance of the Clwydian Range and Dee Valley AONB and highway safety.



4. In the interests of visual amenity and to protect the character and appearance of the Clwydian Range and Dee Valley AONB.
5. For the avoidance of doubt and in the interests of visual amenity and to protect the character and appearance of the Clwydian Range and Dee Valley AONB.
6. For the avoidance of doubt and in the interests of visual amenity and to protect the character and appearance of the Clwydian Range and Dee Valley AONB.

**NOTES TO APPLICANT:**

None.

**COMPLIANCE WITH APPROVED PLANS AND CONDITIONS**

Please be reminded that any permission or consent must be carried out strictly in accordance with the approved plans and conditions imposed which are clearly listed on this certificate of decision. Pre-Commencement conditions should be given particular attention. Failure to do so could result in enforcement action being taken by the Local Planning Authority.

Further detailed information on how to comply along with other relevant information relating to your decision is contained in the detailed Notes to Applicant attached to this certificate which you are strongly advised to consider.

If you are in any doubt about your obligations, including any obligation you may have to pay commuted sums, please contact the Local Planning Authority at [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk) quoting the reference of your planning permission.

This page is intentionally left blank

# Agenda Item 6

**WARD :** Prestatyn Meliden

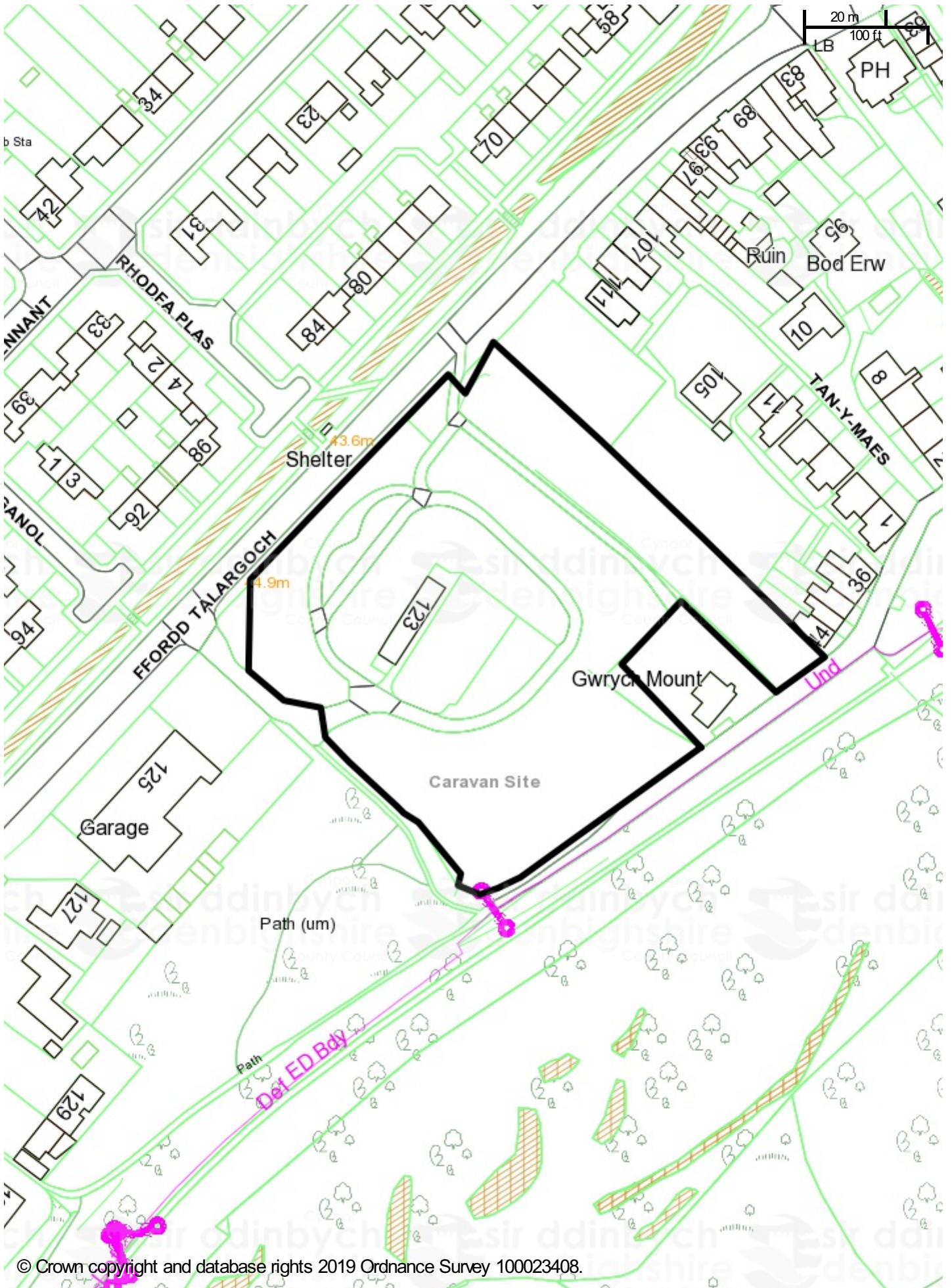
**WARD MEMBER:** Councillor Peter Evans

**APPLICATION NO:** 43/2019/0730/ PF

**PROPOSAL:** Erection of 41 affordable dwellings and associated works

**LOCATION:** Former Plas Deva Caravan Park Ffordd Talargoch  
Meliden Prestatyn LL19 8NR

This page is intentionally left blank





# LAYOUT PLAN

**Summary of Accommodations**

Category	Unit Type	Count	Total
Apartments	1 Bed	10	10
	2 Bed	10	10
	3 Bed	10	10
Townhouses	1 Bed	10	10
	2 Bed	10	10
	3 Bed	10	10
Total	1 Bed	20	20
	2 Bed	20	20
	3 Bed	20	20

**Key**

- Sale Boundary
- New High Boundary Walls
- Proposed Drive
- Individual Landmarking
- Number of parking spaces proposed to:
  - Driveways with side parking
  - Parking spaces allocated to individual Driveways
  - Bar/Burn in accordance with BS 5839-6:2002
  - Storage for C.G.S. 147000-1000W

Item A: Schedule of Accommodations  
 Item B: Location of Accommodations  
 Item C: Location of parking  
 Item D: Location of landscaping  
 Item E: Location of High Boundary Walls  
 Item F: Location of Bar/Burn in accordance with BS 5839-6:2002  
 Item G: Location of Storage for C.G.S. 147000-1000W


**MACBRYDE**  
 10 MFPS  
 Macbryde Homes Limited  
 Macbryde House, Unit 28,  
 St. Asaph Business Park,  
 Ffordd Richard Davies, St. Asaph,  
 Denbighshire, LL17 7JL, U.K.  
 Tel: 01745 536677  
 Fax: 01745 536688

SITE: Plas Deva, Ffordd Talargorch, Meiden  
 PLAN: Proposed Site Plan - Preliminary Finished Floor Levels  
 SCALE: 1:500@A2  
 DATE: 28.08.19  
 REV: PD-SP02  
 F







# LANDSCAPE PROPOSALS

**Ascerta**  
Landscape | Trees | Ecology  
t 0845 463 4804  
e info@ascertalandscape.co.uk  
www.ascertalandscape.co.uk

REV	DESCRIPTION	DATE
1	Issue for client	12/11/2019
2	Issue for client	12/11/2019
3	Issue for client	12/11/2019
4	Issue for client	12/11/2019
5	Issue for client	12/11/2019
6	Issue for client	12/11/2019
7	Issue for client	12/11/2019
8	Issue for client	12/11/2019
9	Issue for client	12/11/2019
10	Issue for client	12/11/2019

**Landscaping Schedule**

**Site Boundary**

Landscaping to be retained and protected during the construction phase. This includes all existing trees, shrubs and ground cover. Where necessary, temporary fencing should be installed to protect the site boundary.

**Planting Schedule**

Planting to be completed by the end of the construction phase. This includes all trees, shrubs and ground cover. The planting schedule should be agreed with the client and the contractor.

**Planting Method**

Planting should be carried out in accordance with the relevant standards and specifications. This includes the use of appropriate planting methods and the provision of adequate aftercare.

**Planting Materials**

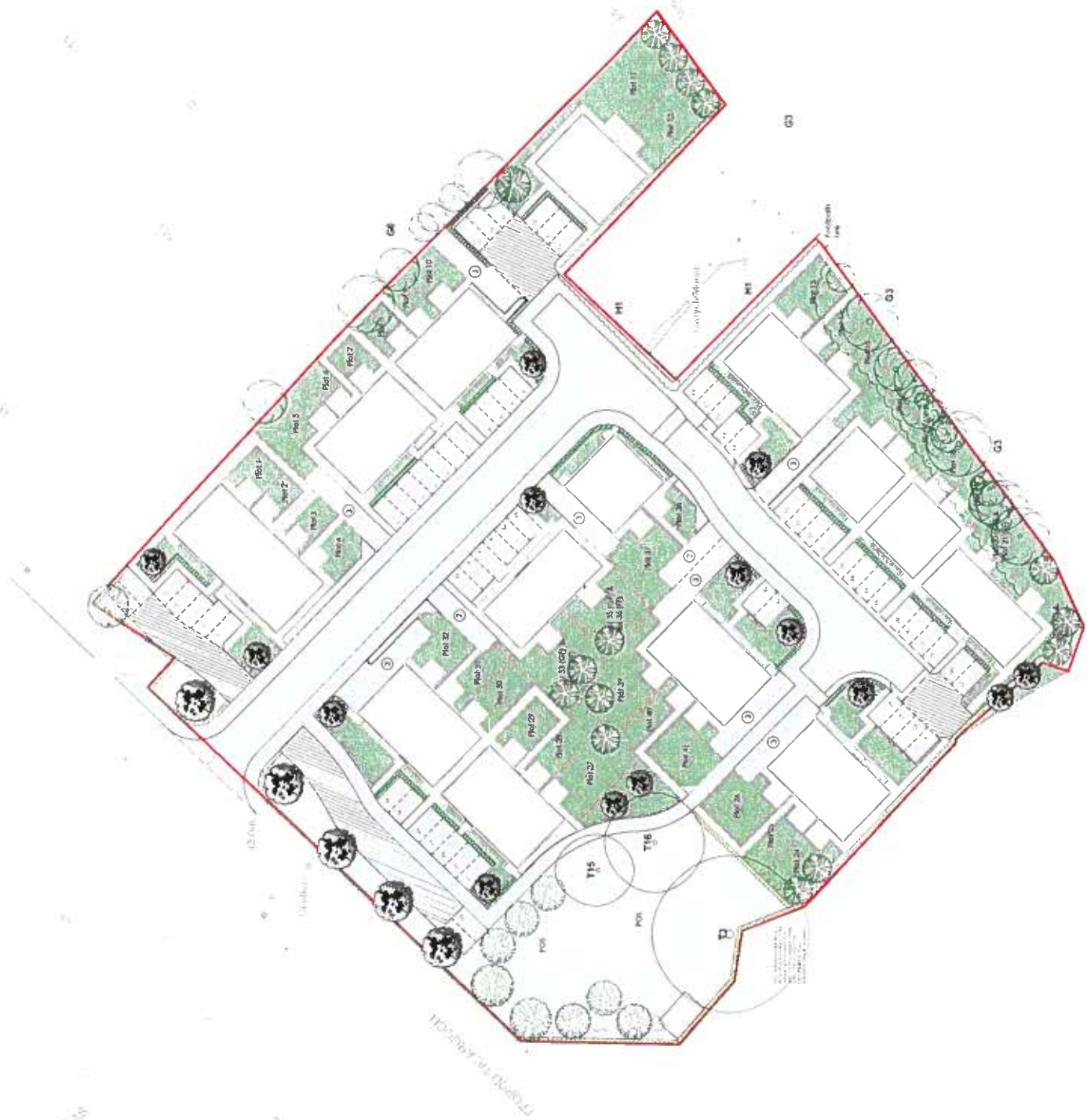
Planting materials should be sourced from reputable suppliers and should be of high quality. This includes the use of appropriate tree and shrub species and the provision of adequate soil and mulch.

**Planting Schedule**

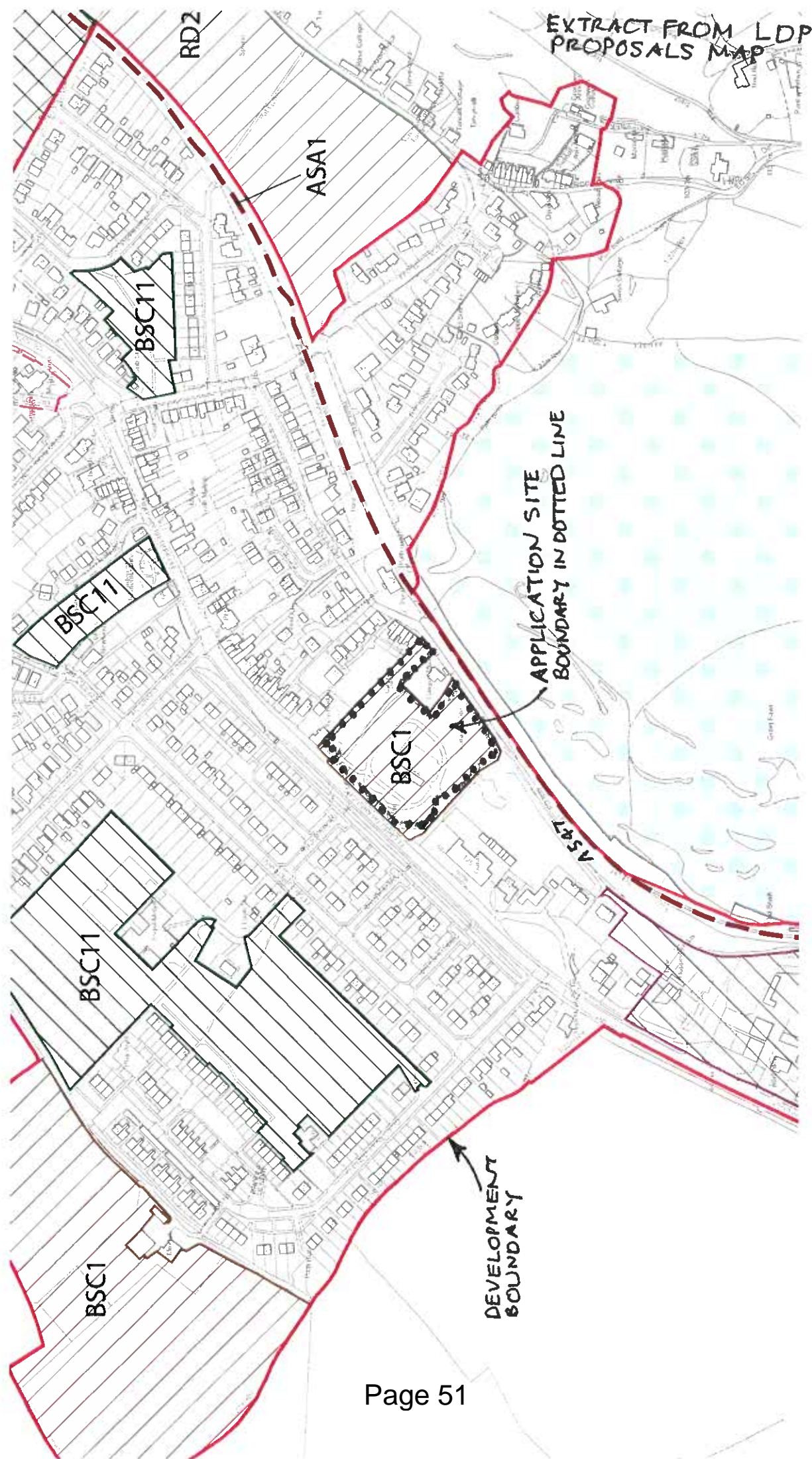
Planting should be carried out in accordance with the relevant standards and specifications. This includes the use of appropriate planting methods and the provision of adequate aftercare.

**Planting Materials**

Planting materials should be sourced from reputable suppliers and should be of high quality. This includes the use of appropriate tree and shrub species and the provision of adequate soil and mulch.

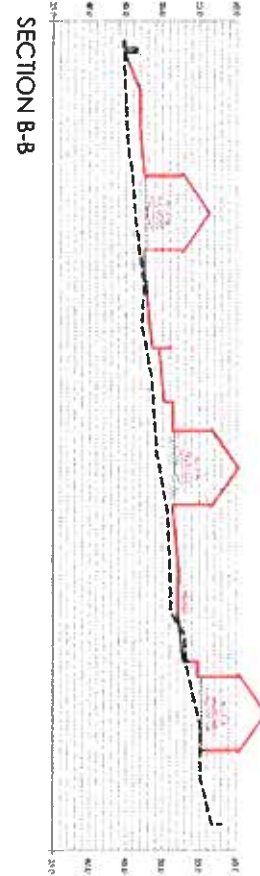








# PROPOSED SITE LEVELS + SECTIONS



**KEY:**

- EXISTING OVERLIE PROFILES
- EXISTING CONTOURS & 1% SLOPE LEVELS ON PLAN
- PROPOSED QUARRY PROFILES
- PLOT BOUNDARY
- PROPOSED SLAB LEVELS ON PLAN

**MACRYDE HOMES**

Macryde Homes Limited,  
 Macryde House, Unit 2b,  
 St. Asaph Business Park,  
 Fordal Richard Davies, St. Asaph,  
 Denbighshire, LL17 0LJ,  
 Tel. 01745 536677  
 Fax. 01745 536688

Site: Plas Deva, Fordal Talargoch, Meirion

Title: Proposed Site Sections


Scale: 1:500@A2 Date: 23.10.19

Rev: PD-SECS-01

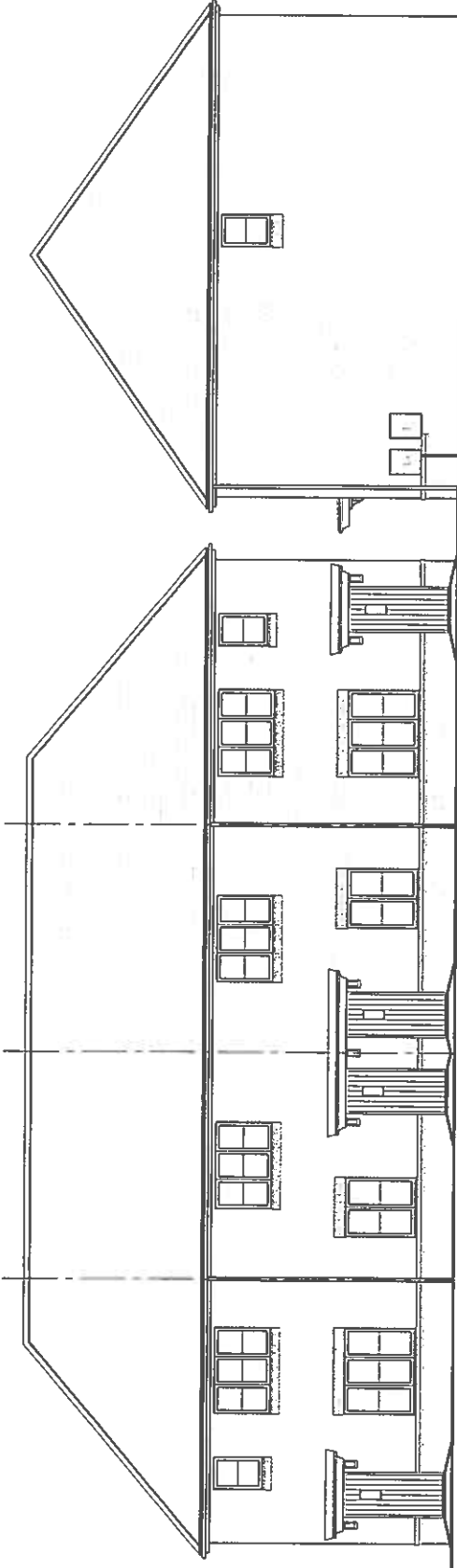


# TYPICAL DWELLING TYPE

Rev: A	Description: Elevation amends	Date: 27.09.19
--------	-------------------------------	----------------


**MACBRYDE HOMES**  
 Macbryde Homes Limited,  
 Macbryde House, Unit 28,  
 St. Asaph Business Park,  
 Flordd Richard Davies, St Asaph,  
 Denbighshire, LL17 0LJ.  
 Tel. 01745 536677  
 Fax. 01745 536688

Site:	Flordd Talargoch, Meiriden
Title:	5P3B 4P2B 4 Block- Elevations
Scale:	1:100
Date:	15.08.19
Ref:	FTM-5P3Bx4-PL02
Rev:	A



5P3B - 999sqft/ 92.8sqm

4P2B - 880sqft/ 81.8sqm

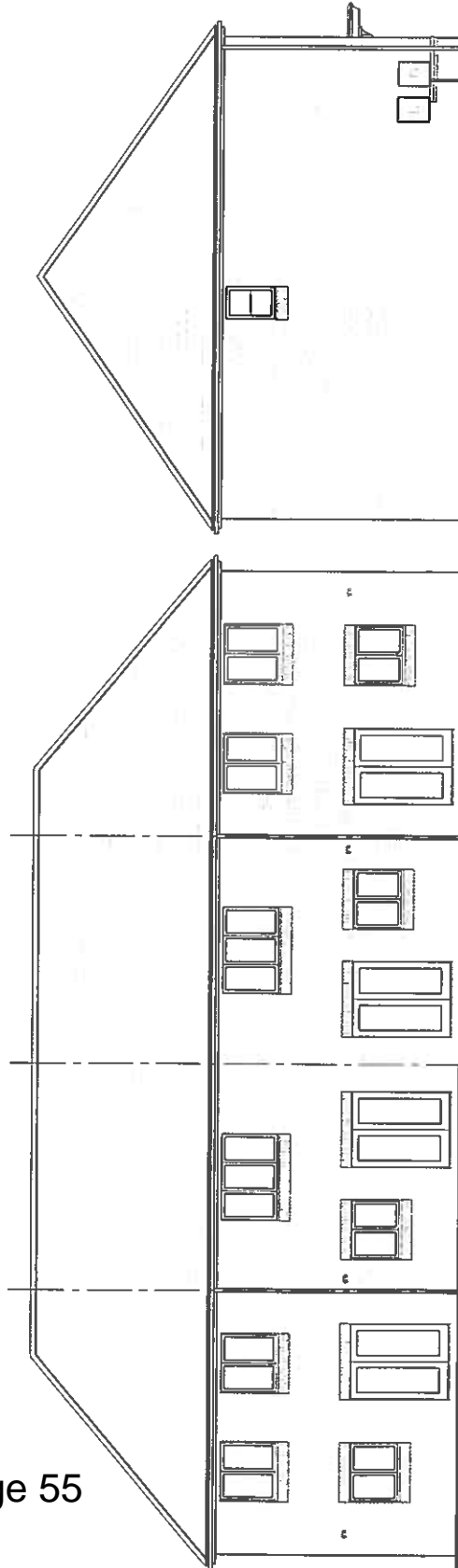
4P2B - 880sqft/ 81.8sqm

5P3B - 999sqft/ 92.8sqm

5P3B - 999sqft/ 92.8sqm

FRONT ELEVATION

SIDE ELEVATION



5P3B - 999sqft/ 92.8sqm

4P2B - 880sqft/ 81.8sqm

4P2B - 880sqft/ 81.8sqm

5P3B - 999sqft/ 92.8sqm

5P3B - 999sqft/ 92.8sqm

REAR ELEVATION

SIDE ELEVATION





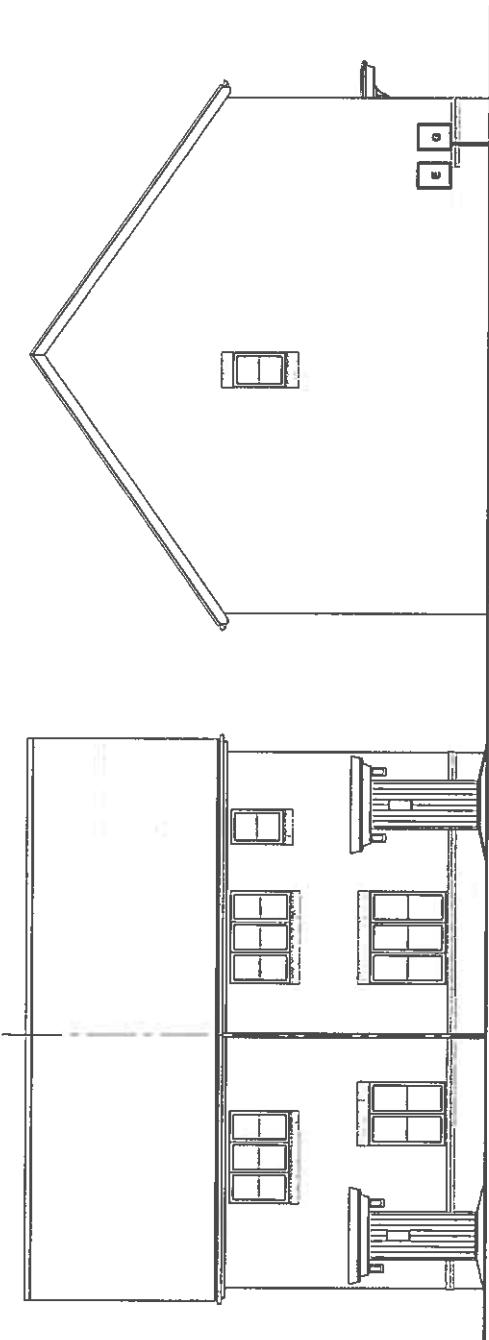
# TYPICAL DWELLING TYPE

Rev: A	Description: Elevation amends	Date: 27.09.19
-----------	----------------------------------	-------------------

**MACBRYDE**  
HOMES

Macbryde Homes Limited,  
Macbryde House, Unit 28,  
St. Asaph Business Park,  
Ffordd Richard Davies, St Asaph,  
Denbighshire, LL17 0LJ.  
Tel. 01745 536677  
Fax. 01745 536688

Site:	Ffordd Talargoch, Meliden
Title:	4P2B 5P3B Semi- Elevations
Scale:	1:100
Date:	15.08.19
Ref:	FTM-4P2BSx2-PL02
Rev:	A

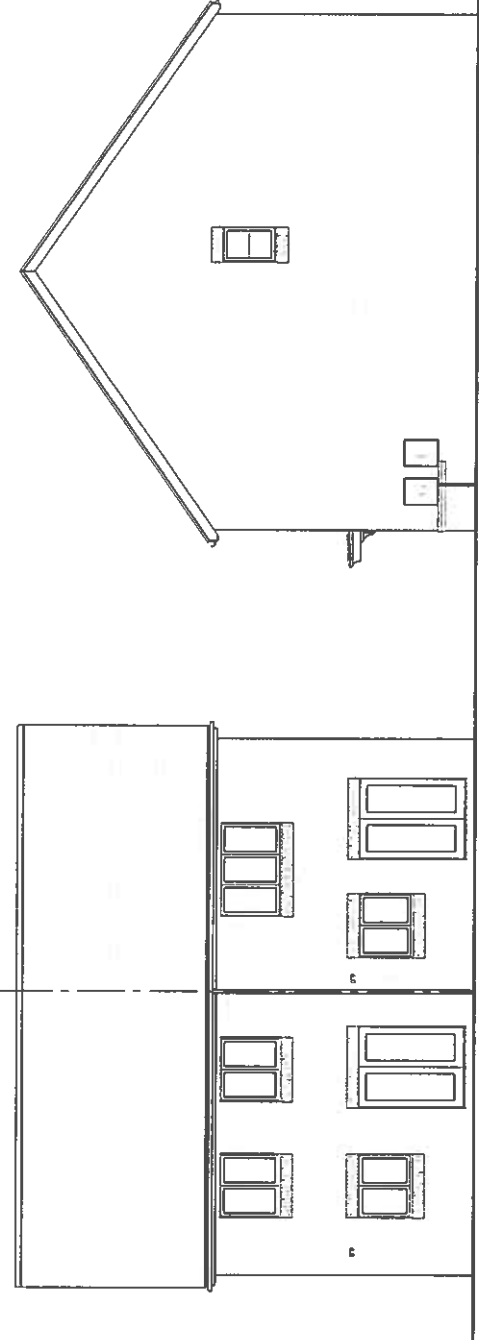


4P2B - 880sqft/ 81.7sqm

SIDE ELEVATION

5P3B - 999sqft/ 92.8sqm

FRONT ELEVATION



5P3B - 999sqft/ 92.8sqm

SIDE ELEVATION

4P2B - 880sqft/ 81.7sqm

REAR ELEVATION



Date:

Rev: Description:



Macbryde Homes Limited,  
Macbryde House, Unit 28,  
St. Asaph Business Park,  
Ffordd Richard Davies, St Asaph,  
Denbighshire, LL17 0LJ.  
Tel. 01745 536677  
Fax. 01745 536688

Site:

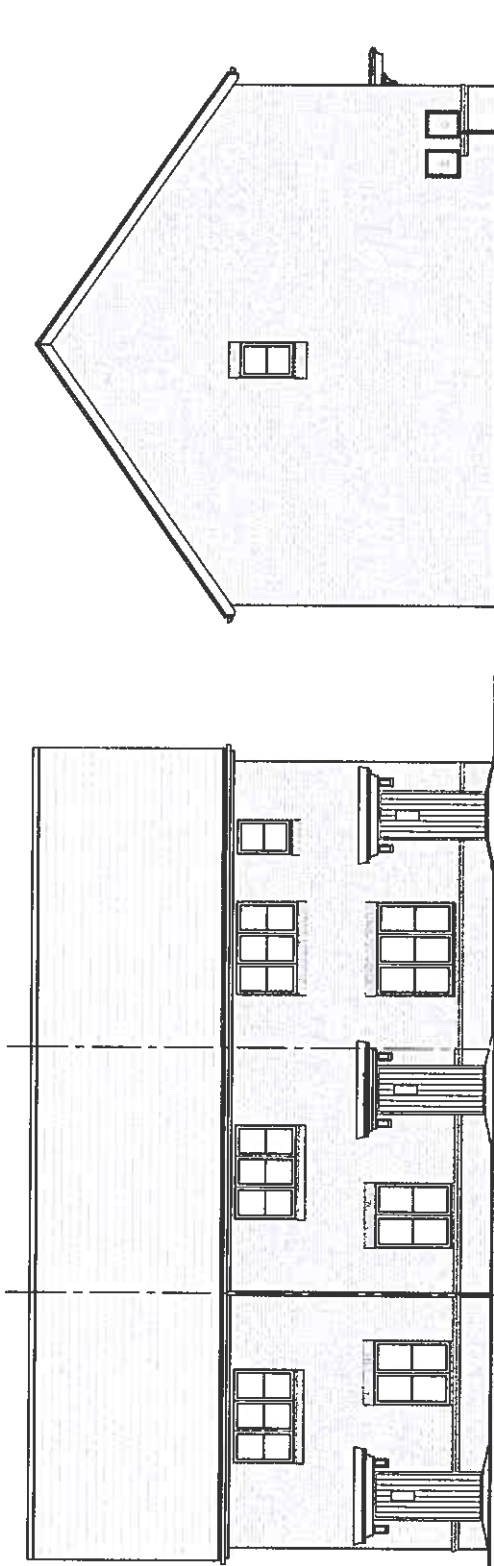
Ffordd Talargoch, Meliden

Title: 4P2B 5P3B 3 Block- Elevations - Gable

Scale: 1:100

Date: 15.08.19

Ref: FTM-4P2Bx3-PL03



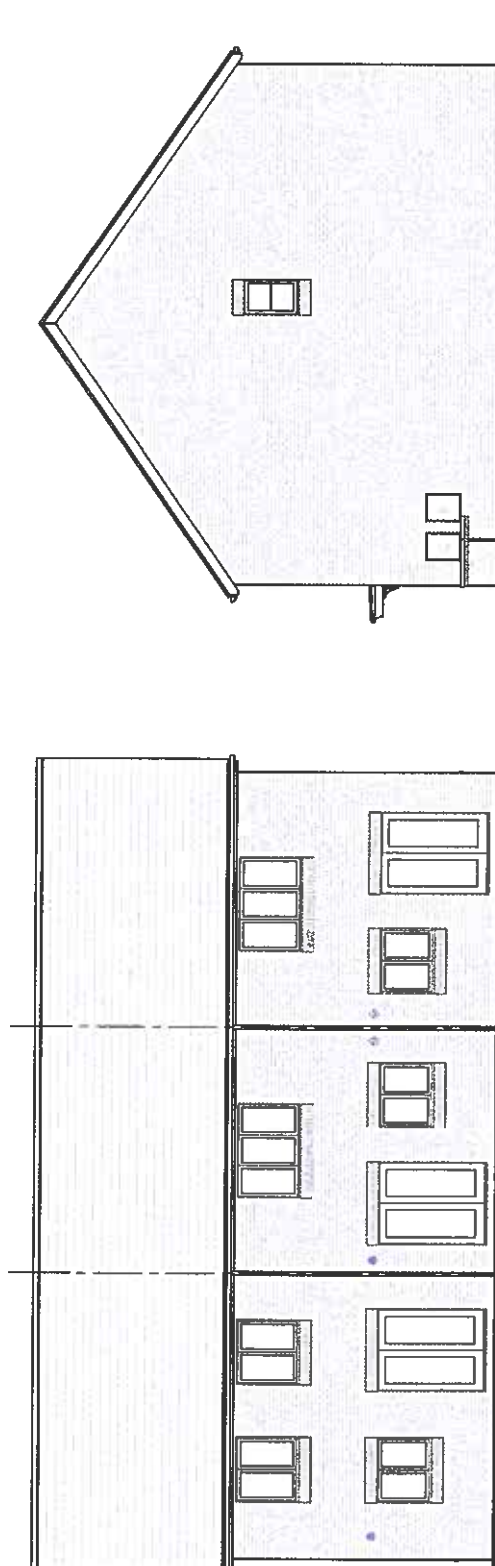
4P2B - 880sqft/ 81.8sqm

4P2B - 880sqft/ 81.8sqm

5P3B - 999sqft/ 92.8sqm

4P2B - 880sqft/ 81.7sqm

FRONT ELEVATION



5P3B - 999sqft/ 92.8sqm

4P2B - 880sqft/ 81.8sqm

4P2B - 880sqft/ 81.8sqm

5P3B - 999sqft/ 92.8sqm

REAR ELEVATION

SIDE ELEVATION

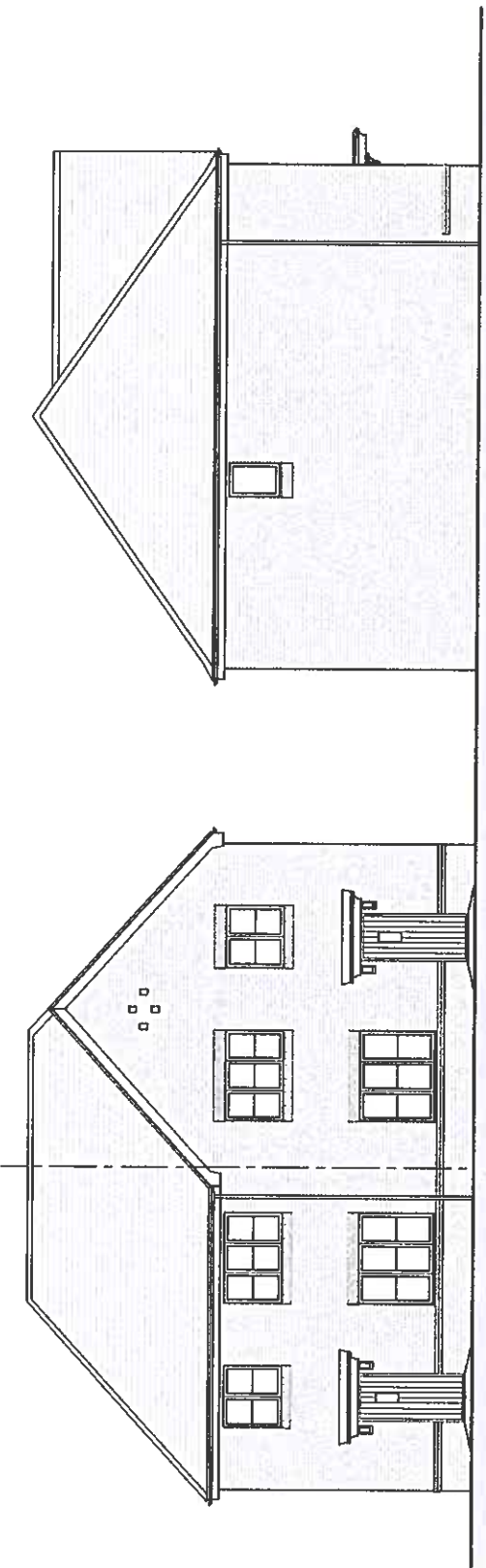


# TYPICAL DWELLING TYPE

Rev: A	Description: Elevation amends	Date: 27.09.19
--------	-------------------------------	----------------

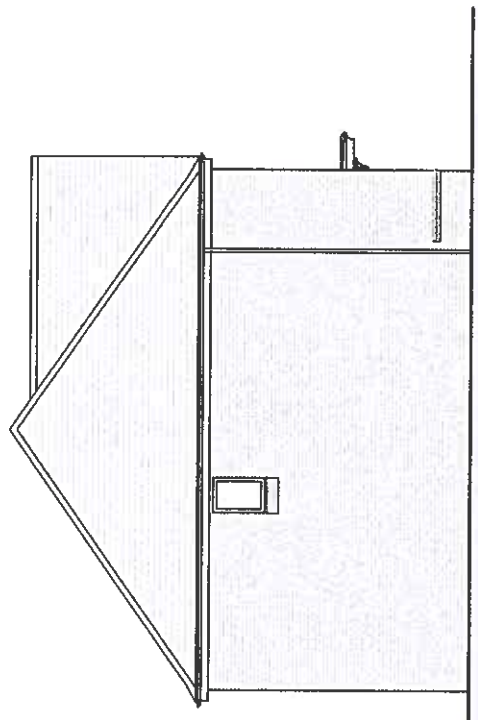

**MACBRYDE**  
 HOMES  
 Macbryde Homes Limited,  
 Macbryde House, Unit 28,  
 St. Asaph Business Park,  
 Ffordd Richard Davies, St Asaph,  
 Denbighshire, LL17 0LJ.  
 Tel. 01745 536677  
 Fax. 01745 536688

Site: Ffordd Talargoch, Meiriden	
Title: 6P4B - Elevations	Date: 19.07.19
Scale: 1:100	Ref: A
Ref: FTM-6P4P-PL02	



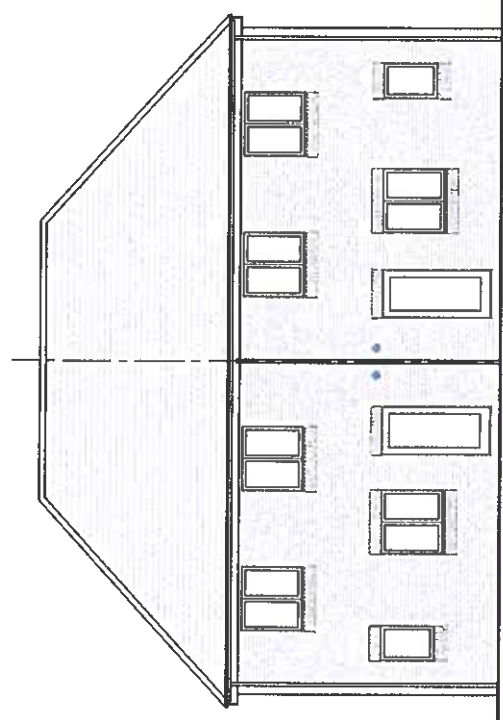
6P4B

FRONT ELEVATION



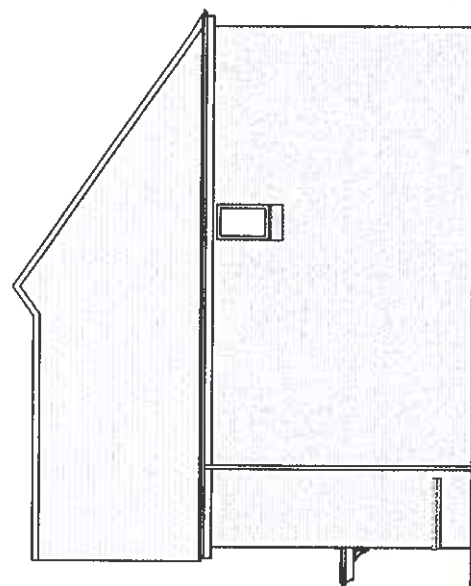
6P4B

SIDE ELEVATION



6P4B

REAR ELEVATION



6P4B

SIDE ELEVATION



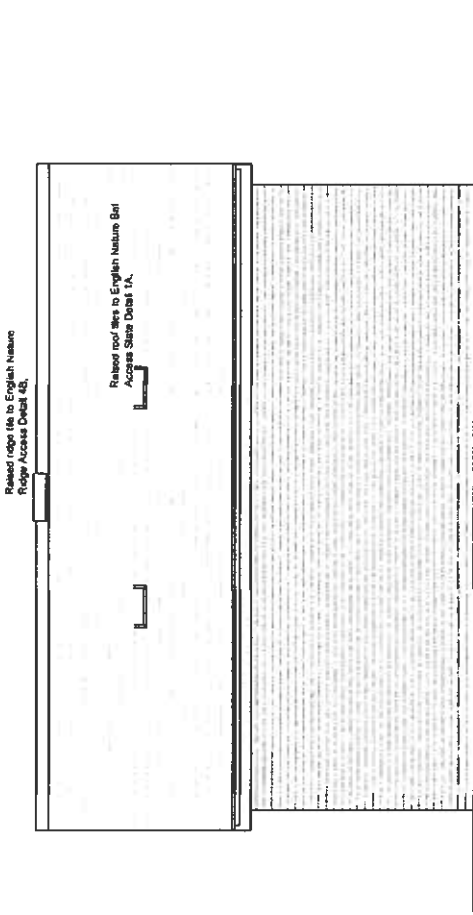
# PROPOSED BAT BARN

Rev: Description:	Date:
-------------------	-------

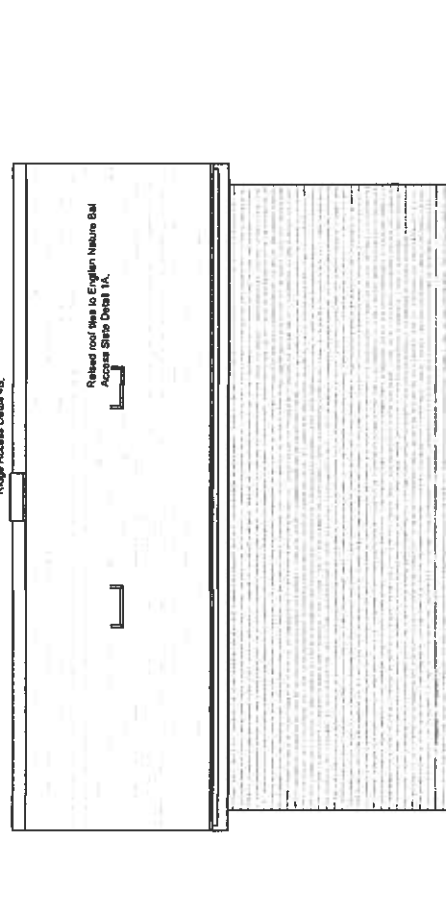


**MACBRYDE**  
 HOMES  
 Macbryde Homes Limited,  
 Macbryde House, Unit 28,  
 St. Asaph Business Park,  
 Ffordd Richard Davies, St Asaph,  
 Denbighshire, LL17 0LJ.  
 Tel. 01745 536677  
 Fax. 01745 536688

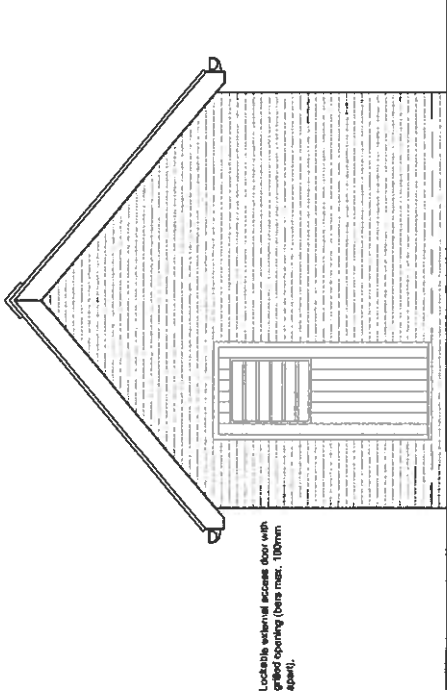
Site: Ffordd Talargoch, Meirion  
 Title: Bat Barn - Elevations  
 Scale: 1:50  
 Date: 05.12.19  
 Ref: FTM-BatB-PL02  
 Rev: -



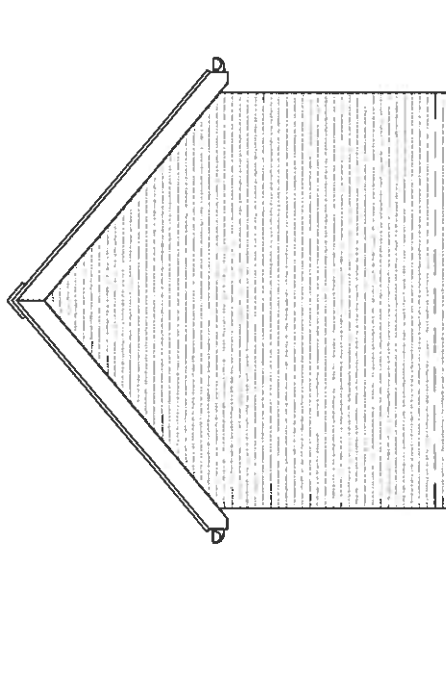
Side Elevation (East Facing).



Side Elevation (West Facing).



Front Elevation (North Facing).



Rear Elevation (South Facing).





**WARD :** Prestatyn Meliden

**WARD MEMBER:** Councillor Peter Evans

**APPLICATION NO:** 43/2019/0730/ PF

**PROPOSAL:** Erection of 41 affordable dwellings and associated works

**LOCATION:** Former Plas Deva Caravan Park Ffordd Talargoch Meliden  
Prestatyn LL19 8NR

**APPLICANT:** Macbryde Homes Ltd.

**CONSTRAINTS** Tree Preservation Order

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

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

- Community Council concerns over impact of increased traffic on highway

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

Original Response

*"No Objection subject to planning conditions:-*

*Traffic impact on A547 is a concern as road already considered to be at capacity.*

*Historic boundary wall should be preserved, surveyed and any defects remedied.*

*Mature trees on site should be protected.*

*Affordable housing should be given priority to local people."*

Re-consultation response

*"Observations*

*Proposed reorientation of plots 24/25/26 - are plans available?*

*Position regarding future of Ffordd Talargoch Villas requires clarification.*

*Concerns about impact of increased traffic on adjoining highway*

*Committee would welcome a site meeting to clarify proposed changes."*

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

Original Response

*"Although just outside the AONB the Joint Committee considers this site to be within the setting of the protected landscape. It is noted that the site is allocated for housing in the LDP and the committee has no objection in principle to its development and welcomes the provision of much needed affordable housing to meet local need.*

*The existing TPO protected tree cover on the site eases the transition of the built up area of Meliden into the adjoining countryside of the AONB and, although it is accepted that some trees will have to be removed to facilitate development, the committee is of the view that the best trees should be retained and accommodated within the scheme. This latest layout retains a*

*number of the most important trees on the site within the proposed open space, which is welcomed, but two other significant trees (T.13 and 14) which are important landscape features are to be removed and the committee would favour a layout which retains one or ideally both of these Ash trees. The comments of the Forestry Officer that they may succumb to ash dieback is noted but there is no indication of disease at present and their future prospects are unknown. Retention and management of much of the tree cover (G.3) along the south eastern boundary which abuts the Prestatyn-Dyserth Way and the AONB is also supported.*

*The stone boundary wall along the road frontage is a locally distinctive feature and a reminder of the quarrying heritage of the area, and the Joint Committee would recommend that this should be retained, traditionally restored and extended to the entire site frontage. The stone boundary wall along the south eastern boundary should be similarly retained and restored.*

*The inclusion of a footpath link to the Prestatyn-Dyserth Way and the wider local footpath network serving the AONB in the latest layout is welcome, but the committee would suggest that to facilitate its use this should be accommodated within a wider and more attractive landscaped corridor than the narrow alley which is currently shown. Whilst enhanced opportunities to access the AONB and to promote active travel are supported this does bring additional maintenance and network development costs to which the committee would welcome any developer contributions which may be negotiated as part of a S.106 agreement.*

*Finally, an external lighting plan is required to ensure that street lighting and any other external lighting is designed and managed to conserve the AONB's dark sky and nocturnal wildlife."*

#### Response to re-consultation

*"Thank you for consulting the AONB on this amended application. The following additional observations are submitted on behalf of the Joint Committee.*

*The Joint committee welcomes confirmation that the existing local stone frontage and rear boundary walls will be retained and restored as part of the development, but is disappointed that more existing trees have not been retained and that the opportunity to enhance the proposed Prestatyn – Dyserth Way footpath link has not been taken.*

*The schedule of materials specifies brick wall facings for all the new dwellings but this is not a common material in this part of Meliden, and the committee would suggest that the development would better reflect the existing character and appearance of the locality if some rendered units were included, notably along the Ffordd Talargoch frontage.*

*The proposed street lighting plan is acceptable, but the committee would recommend that the colour temperature of the luminaires should be 3000K and not 4000K as specified to conserve the AONB's dark sky and nocturnal wildlife."*

#### NATURAL RESOURCES WALES (NRW)

##### Original responses

Provided comments on the detailing of the proposal in relation to Landscape Impact given the proximity of the site to the AONB and the need to address place requirements - development should avoid urbanising the site; retain features of Meliden's rural heritage (stone boundaries and important trees; connect well and avoid visually intruding upon roadside views of Graig Fawr and help reconcile and improve the incremental and in places detractive ribbon development that has taken place along Ffordd Talargoch.

Also requested additional Ecological information is submitted.

##### Response to re-consultation

Note additional Ecological Information submitted and consider this is mainly acceptable. Details are required on Bat Conservation Plan, the long term management of trees on the south eastern boundary, and the retention and protection of trees and amended layout/planting plan to make space for additional planting.

DWR CYMRU / WELSH WATER

No objection to the proposal having regard to impact on their assets, sewage treatment and water supply. Request inclusion of Advisory Notes within any consent.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection subject to the inclusion of planning conditions.

- 1) As the larger house and outbuildings will be demolished and are of at least local architectural and historical significance they should be fully recorded to preserve a record of the character, function, fabric, date and phases of use of these buildings. The record will be lodged within the Historic Environment Record; and
- 2) A watching brief should be maintained during ground works for new foundations in the south west corner of the site to identify and record any remains of the former building

CLWYD BADGER GROUP

Concerns relating to proximity of badger activity.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

Original Consultation

In response to the original submission, requested clarification on access visibility details and services within the site.

Comments on Re-consultation

Capacity of Existing Network

Criteria viii) of Policy RD 1 advises that proposals should not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate.

Questions have been raised in relation to the future capacity of the highway network due to the cumulative impact of proposed development sites (both committed and current applications) in the vicinity, as well as sites which are allocated in the Local Development Plan. As part of recently approved developments on land to the south of the A547, Dyserth (application reference 42/2018/0923) and North of the A547, Rhuddlan (Application Reference 44/2018/0855) MacBryde Homes commissioned SCP to provide a cumulative impact assessments of all potential developments that will have an impact on the A547 and subsequently a ‘Cumulative Transport Impact Assessment’ report was summarised in a report dated January 2019 and submitted for both applications.

The report identified that the key junctions along the A547 (A547 / Dyserth Road / B5119 Waterfall Road signalised junction and A547/A5151 New Road/Rhyl Road Roundabout) would continue to operate within capacity with all the proposed developments sites (both committed and current applications at the time), along the sites that are allocated in the Local Development Plan.

As Plas Deva site is allocated with the Local Development Plan, the traffic generated by this development was included in the cumulative impact assessment work and on this basis it was identified that there would be no concern over the cumulative impacts of this development.

The accident data obtained for a 5 year period shows that there has been 5 accidents which were recorded in close proximity to the site access. These accidents were not related to the site location and this record does not lead to any significant concerns by the proposed development.

Having regard to the scale of the proposed development, the existing highway network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

#### Accessibility

At 8.7.1 Planning Policy Wales (PPW) specifies that when local planning authorities determine planning applications they should take account of the accessibility of a site by a range of different transport modes. TAN 18 at 6.2 states that walking should be promoted as the main mode of transport for shorter trips. Section 6.2 goes on to specify that when determining planning applications local planning authorities should;

- ensure that new development encourages walking as a prime means for local journeys by giving careful consideration to location, access arrangements and design, including the siting of buildings close to the main footway, public transport stops and pedestrian desire lines;
- ensure that pedestrian routes provide a safe and fully inclusive pedestrian environment, particularly for routes to primary schools;
- ensure the adoption of suitable measures, such as wide pavements, adequate lighting, pedestrian friendly desire lines and road crossings, and traffic calming;

Policy RD1 of the LDP states that development should provide safe and convenient access for disabled people, pedestrians and cyclists. Policy ASA 2 of the LDP identifies that schemes may be required to provide or contribute to the following;

- Capacity improvements or connection to the cycle network;
- Provision of walking and cycling links with public transport facilities;
- Improvement of public transport services.

The Transport Statement demonstrates that the development is sustainable with good accessibility to the site for those travelling by foot and bicycle and is located close to bus stops which provide regular services throughout the week days.

Pedestrian and cycle access will be provided from the same location as site access and a pedestrian link will be provided onto the Public Right of Way / Pen Y Maes on the south eastern section of the site.

Having regard to the location of the existing site and existing arrangements it is considered that the proposals are acceptable in terms of accessibility and the policy requirements identified above.

#### Site Access

Criteria vii) of Policy RD 1 of the Denbighshire Local Development Plan (LDP) requires that developments provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles. In order to comply with this requirement site accesses should meet relevant standards. Technical Advice Note 18: Transport (TAN 18) specifies at 5.11 that new junctions must have adequate visibility and identifies Annex B as providing further advice on required standards.

The vehicular access to the development will be along the A547 and will take the form a simple priority controlled T-Junction. The proposed internal estate road will be 5.5m carriageway with 2m wide footways on both sides.

Visibility at the proposed site access will be 2.4m x 90m and in accordance with TAN 18 guidance.

The proposed site access arrangements demonstrate compliance with the visibility standards set out in Annex B TAN 18 and are therefore considered to be acceptable.

#### Site Layout (including roads, pavements, manoeuvring, lighting etc.)

Criteria vii) of Policy RD1 of the LDP states that development should provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate parking, services and manoeuvring space.

Specific design guidance is contained within the following documents;

- Manual for Streets
- Denbighshire County Council Highways and Infrastructure: Minimum Specification for the Construction of Roads Serving Residential Development and Industrial Estates
- Denbighshire County Council: Specification for Highway Lighting Installations
- Denbighshire County Council: General Requirement for Traffic Signs and Road Markings

The vehicular access to the development will be along the A547 and will take the form a simple priority controlled T-Junction. The proposed internal estate road will be 5.5m carriageway with 2m wide footways on both sides

Pedestrian and cycle access will be provided from the same location as the site access and it is proposed to provide a link the existing Public Right of Way onto Pen Y Maes on the south eastern section of the site

In order to demonstrate that the site can be serviced sufficiently, swept path analysis has been submitted and shown in Drawing No: SCP/190527/ATR01 Appendix C. The swept path analysis demonstrates that service and refuse vehicles can enter the site via the site access, turn within the site at appropriate points, and exit the site in a forward gear.

Having regard to the details provided and guidance identified above, it is considered that the on-site highway arrangements are acceptable.

#### Parking

Policy ASA 3 requires that development proposals, including changes of use, will be expected to provide appropriate parking spaces for cars and bicycles. Supplementary Planning Guidance Note: Parking Requirements in New Developments (Parking SPG) identifies the required standards.

Policy ASA 3 also identifies circumstances that will be given consideration when determining parking provision. These circumstances are;

- The site is located within a high-densely populated area;
- Access to and availability of public transport is secured;
- Parking is available within reasonable distance of the site;
- Alternative forms of transport are available in the area.

The parking for each plot will be taken in a mixture of driveways and parking bays close to each plot and it has been identified that the parking provided is in accordance with D.C.C.'s parking standards and in line with the Policy ASA 3.

The proposed parking arrangements are compliant with the standards set out in the Parking SPG and are therefore considered acceptable

Having regard to the detailed assessments above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Highways Officers would see no reason to object to the proposed development, subject to appropriate conditions requiring submission of all highway details and a condition to ensure the visibility splays are kept free of any obstructions.

Public Protection Officer

No objection subject to conditions requiring the submission of a remediation strategy and verification report.

County Ecologist

No objection subject to the inclusion of conditions to ensure the development is carried out in accordance with mitigation proposals, landscaping and management plans. A Licence will be required from NRW.

Flood Risk Engineer

No objection, SAB approval is required

Strategic Housing & Policy Officer

No objection

Tree Specialist

Original response

The Category A beech (T3), Category B holm oak (T16) and Category B2/C2 monkey puzzle (T15) are being retained within a proposed open space. The layout also allows for the trees to be retained along the southern boundary but it is likely that they will need to be cut back quite hard to the rear of plots 21 to 23 where the depth of rear garden is much shorter. There are also several trees within G3 that are in poor condition and require removal.

Unfortunately, the other trees on the site will be removed including the ashes (T13 and T14). These two trees are good specimens but may succumb to ash dieback, would restrict development if retained and would prevent the remediation of the contamination within their vicinities.

As a group the trees in the centre of the site provide amenity but they are generally poor quality and it is considered more important to retain trees that will be more visible from outside the site post development.

Recommends submission of an Arboricultural Method Statement (AMS) and offers suggestions relating to landscaping detail proposed.

Re-consultation response

No objection to AMS submitted and amended landscaping details.

## **RESPONSE TO PUBLICITY:**

None

## **EXPIRY DATE OF APPLICATION: 12/2/2020**

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

1.1.1 Full planning permission is sought for a development involving 41 affordable dwellings and associated works on land at the former Plas Deva Caravan Park site in the village of Meliden.

1.1.2 The main elements of the proposal are:

- The erection of 41 semi detached and terraced houses and flats comprising a mix of:
  - 8 no. 1 bed flats
  - 19 no. 2bed houses
  - 12 no. 3 bed houses
  - 2 no. 4 bed houses
- 4 different house types, all of which are 2 storey.

- Provision of off street parking spaces for each plot with private rear amenity areas for each dwelling.
- 41 affordable houses offering a mixed tenure of rent to own, intermediate rent and affordable rent.
- The properties would be constructed using facing brick, with slate grey concrete roof tiles and uPVC windows.
- An altered vehicular, pedestrian and cycle access off the A547
- Associated boundary stone walls retained and concrete panels/metal gates replaced with fencing
- Removal of redundant building (former caravan park manager/owners accommodation known as Talargoch Villa)
- Tree removal within and on the boundaries of the site with some tree works required to remaining trees
- Approximately 1000sqm of open space located at the front corner of the site, containing the retained high quality trees.
- Erection of a Bat Barn within the proposed open space area.
- Footpath link to the Prestatyn – Dyserth Walkway
- Hard and soft landscaping

1.1.3 Along with the plans, a number of documents have been submitted in support of the application:-

- \* Planning, Design & Access Statement
- \* Pre Application Consultation Report
- \* Extended Phase 1 Habitat Survey
- \* Bat Survey
- \* Reptile Survey
- \* Arboricultural Impact Assessment and Arboricultural Method Statement
- \* Transport Statement
- \* Drainage Assessment
- \* Traffic Noise Assessment
- \* Geo Environmental Report
- \* Construction Method Statement
- \* Local Employment Strategy
- \* Landscape Management Plan
- \* Lighting Detail

Plans illustrating the proposals are attached at the front of the report.

## 1.2 Other relevant information/supporting documents in the application

1.2.1 The supporting documents include a Design and Access Statement. The statement refers to the other documents submitted with the application and how these assist the consideration of the proposals.

- It states that

*..... ‘The applicant is an experienced housebuilder and the product that it builds is of an exceptional high-quality. The proposed development is no exception and detailed consideration has been given to the proposed layout and design of the scheme, to ensure it achieves a high standard of design and is in-keeping with the existing character and appearance of the surrounding area.*

- *41 dwellings are proposed as part of the development, comprising a mixture of one, two, three and four bedroom properties. A mix of housetypes and tenures are proposed including flats and terraced properties. The maximum height will be two-storeys, in keeping with the surrounding area and in compliance with Policy RD 1 and TAN 12. The orientation of the buildings and plots will ensure that the site benefits from natural surveillance and overlooking, and will provide inclusive design in accordance with the Councils Residential Development Design Guidance.*

- *The proposed new density across the site is 45dph, in accordance with the Council's requirement of a minimum 35dph within Policy BSC 1 and seeks to ensure that the proposed development makes the most efficient use of land. The proposed site area extends to 1ha, of which 0.1ha is proposed for open space, in compliance with Policy BSC11 and the Council's Recreation Public Open Space SPG. Consideration has also been given to the Residential Space Standards SPG which stipulates the minimum Gross Internal Area (GIA) required for each of the properties. The proposed GIA floorspace is substantially above the minimum standards required within the SPG, ranging from 51 to 111sqm.*
- *Landscaping and tree planning are proposed throughout the development, as shown in the Landscaping and management Plan, and over 0.1ha of open space required.*
- *In relation to Highway considerations,*
  - *a Transport Assessment has been submitted alongside detailed access drawings. Access to the site will be via the A547 and will take the form of priority controlled T junction, include a 5.5m wide carriageway and 2m wide footpath on both sides which includes pedestrian and cycle access with an additional pedestrian link provided in to the public right of way along the south-east boundary of the site.*

*In relation to highway capacity, the maximum number of vehicular trips arising from the development will be 31 two-way trips during the AM peak and 20 two-way trips during the PM peak. The cumulative impact of the proposed development, in conjunction with their recent scheme at Dyserth (Ref: 42/2018/0923) and Rhuddlan (Ref: 44/2018/0855) has been assessed. It concludes that the A547 / Dyserth Road/Waterfall Road Signalised Junction and New Road/Rhyl Road Roundabout would continue to operate within capacity, alongside committed, current, and allocated sites. Given that the Site is a housing allocation within the LDP, the traffic generated by this scheme was included in the cumulative impact assessment, and there are no identified concerns with the proposed development scheme from a highway perspective.*

*In view of the above, it is considered that the proposed scheme and accompanying Transport Assessment and Transport Implementation Strategy and associated proposed layout and access plans, demonstrate scheme compliance with Policies RD1 and ASA3; Parking Standards SPG; TAN18, PPW10 (Paragraph 3.1.4); and Active Travel Act (Wales) 2013.*

*In relation to drainage:*

- *a Drainage Assessment has been prepared as part of the application. The disposal of surface water by infiltration is not expected to be feasible owing to the ground condition. In the absence of any waterbodies or surface water sewers, surface water from the Site will therefore be directed to the existing highway drainage system located in Ffordd Talargoch. It is proposed the foul water from the proposed development will be directed to the 150mm VC public combined water gravity sewer, located immediately to the north of the Site.*

*These proposed drainage measures are considered to be acceptable; they will ensure that the proposed development does not increase flood-risk elsewhere and that surface water run-off can be sustainably managed and compliant with Policy VOE 6 and TAN15, NRW guidance, and the latest national standards on SUDS.*

- *The concluding section states:  
'The Site is located within the Development Boundary of Meliden, it is an allocated site, and there is a clear need for market and affordable housing within Meliden. The existing housing land supply shortfall within the County, as evidenced in the JHLAS, is also a significant material consideration in the determination of this Applications.*

*This Statement has clearly demonstrated that the proposed development will be of a high-quality design, in keeping and reflective of the local character, and will not impact negatively on residential amenity nor the local highway network. The proposed development will not give cause to any harm to the local landscape and ecological value.*

*The proposed development demonstrates full compliance with the objectives of the PPW10 and will deliver social, economic and environmental benefits for the local area. Crucially, it will deliver new housing in the short-term, helping to address the significant housing land supply shortfall identified within this Statement, delivering much needed affordable housing in a sustainable urban location.'*



### 1.3 Description of site and surroundings

- 1.3.1 The site comprises of approximately 1ha of land, consisting of a series of terraces sloping upwards to the rear of the site from the A547 (Ffordd Talargoch).
- 1.3.2 The land was formerly occupied by 'Plas Deva Caravan Park' which was a static and touring caravan site licenced for 65 caravans. The caravan park is thought to have ceased operating in 2006 or 2007, prior to the submission of an outline application for residential development in 2007.
- 1.3.3 The site contains all of the original concrete bases for the caravans and the former site manager's dwelling, known as 'Talargoch Villa' (or 113 Ffordd Talargoch). The site is now very overgrown having been unused for many years.
- 1.3.4 The site contains a number of trees, some of which are protected by a Tree Preservation Order (those located in a group to the front of the site).
- 1.3.5 There is an existing vehicular access to the site in the north eastern corner, and a secondary vehicular access off an existing track to the south western boundary, which is now gated. The site shares its access with a private dwelling to the rear of the site (Gwrych Mount) which has a right of way running through the site.
- 1.3.6 Along Ffordd Talargoch, partly along the south western boundary and the rear boundary along the Prestatyn to Dyserth Walkway the site is bounded by a stone wall along with trees and other undergrowth.
- 1.3.7 To the north western boundary is Ffordd Talargoch (A547), to the north eastern boundary is the former Meliden Garden Centre site (which is now vacant), to the south western boundary is the Prestatyn to Dyserth walkway which lies at the base of Graig Fawr, and to the south western boundary is a private access road which leads to land to the rear of the adjacent garage and car sales site 'Prestatyn Car Sales' which has permission for the development of 7 dwellings.
- 1.3.8 Plans indicating the context of the site location along with detailing of the proposal are attached to the front of the report.

### 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is within the development boundary of Meliden on the proposals map of the Local Development Plan (LDP).
- 1.4.2 The site is allocated for housing in the LDP. An extract from the Proposals Map is included at the front of the report.
- 1.4.3 The hill at Graig Fawr rises to the rear of the site and is within the Area of Outstanding Natural Beauty (AONB) and is designated as a Site of Special Scientific Interest (SSSI).
- 1.4.4 The site contains a number of trees, including a group to the front of the site which are protected by a 1950 Tree Preservation Order.
- 1.4.5 Meliden was a former mining area, obliging due consideration of ground conditions for potential contamination.

### 1.5 Relevant planning history

- 1.5.1 There are lapsed outline planning permissions dating back to 2007 and 2011 for residential development on the site.

1.6 Developments/changes since the original submission

- 1.6.1 A revision to the layout of plots 24, 25 and 26 has been submitted, along with a number of amendments to the landscaping detail following discussions with the County Ecologist.
- 1.6.2 In response to consultee responses, further ecological information has been submitted, along with an Arboricultural Method Statement, Landscape Management Plan, revised Drainage Assessment, Construction Method Statement, Local Employment Strategy and Lighting details.
- 1.6.3 A draft Unilateral Undertaking has also been submitted to secure the affordable housing and open space provision and contribution.
- 1.6.4 Clarification has been sought from the applicant in relation to the possible retention of the existing building on site known as Talargoch Villa following a request by the Local Member. The applicant has confirmed this is not possible, and an explanation is provided in a following sections of the report.

1.7 Other relevant background information

- 1.7.1 None

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 43/2007/0714/PO Development of 1.0 ha of land for residential development and construction of new vehicular access (outline application) GRANTED 15th August 2008

43/2011/0798/PS Variation of condition no's 2 and 3 of outline planning permission code no. 43/2007/0714 to extend the period for submission of reserved matters and commencement of development. APPROVED, 11th October 2011. An additional 2 years given to submit reserved matters detail

43/2013/1318 Change of use of land for the siting of up to 43 park homes for permanent residential occupation including access improvements and retention of existing building for site managers accommodation REFUSED by Planning Committee 18<sup>th</sup> June, 2014

43/2014/1371/PF Full planning application for change of use of land for siting of 26 park homes including access, car parking and associated works, and erection of 17 dwellings and conversion of existing buildings into 2 dwellings WITHDRAWN December 2015

**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 4<sup>th</sup> June 2013)

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

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

**Policy BSC1** – Growth Strategy for Denbighshire

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

**Policy BSC4** – Affordable Housing

**Policy BSC11** – Recreation and open space

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

**Policy VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA3** – Parking standards

**Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Archaeology

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty  
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity  
Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations  
Supplementary Planning Guidance Note: Recreational Public Open Space  
Supplementary Planning Guidance Note: Residential Development  
Supplementary Planning Guidance Note: Residential Development Design Guide  
Supplementary Planning Guidance Note: Residential Space Standards  
Supplementary Planning Guidance Note: Trees & Landscaping

### **3.2 Government Policy / Guidance**

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

TAN 1 Joint Housing Land Availability Studies (2015)  
TAN 2 Planning and Affordable Housing (2006)  
TAN 5 Nature Conservation and Planning (2009)  
TAN 10 Tree Preservation Orders (1997)  
TAN 16 Sport, Recreation and Open Space (2009)  
TAN 18 Transport (2007)  
TAN 20 Planning and the Welsh Language (2017)

Circulars

### **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 Density of development
- 4.1.3 Visual amenity including landscape/ impact on AONB and Trees
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Affordable Housing

- 4.1.9 Open Space
- 4.1.10 Contaminated land

Other Matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

The site is located within the development boundary of Meliden, which is defined as a village in the LDP. Collectively, villages are expected to contribute around 900 dwellings over the Local Development Plan period to meet local needs.

The site is allocated for housing in the LDP. It has been the subject of previous planning consents.

It should also be noted that the Denbighshire County Council Corporate Plan (2017-2022) commits the Council to supporting the development of 1000 homes in the county. This proposal would make a positive contribution to meeting that target.

The principle of housing development is therefore considered acceptable. Officers would suggest the acceptability of the particular proposals therefore has to rest on assessment of the local impacts, which are reviewed within the following sections of the report.

4.2.2 Density of development

Policy RD1 test ii) states that a minimum density of 35 dwellings per hectare (dpa) should be achieved in order to ensure the most efficient use of land, and that these minimum standards should be achieved unless there are local circumstances that dictate a lower density. An indicative number of 30 dwellings is referenced in the LDP for the Plas Deva site.

The site area in this instance is approximately 1 hectare. The proposal is for the erection of 41 dwellings. This represents a density of 41 dwellings per hectare (dpa), which is higher than the minimum 35dpa referred to in Policy RD1. The development would consist of 33 houses and 8 flats, the flats being ground and first floor flats on 4 plots, hence the relatively higher density figure.

Having regard to the layout and relationship between dwellings within the site and nearby properties, and the nature of development in the locality, the density of the development is considered acceptable in this area.

4.2.3 Visual amenity including landscape/impact on AONB and Trees

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

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

There are no individual representations on the proposal raising comment on the visual and landscape impacts of the development.

Prestatyn Town Council's first response asked for consideration of measures to secure the preservation of the stone boundary walls and trees.

Natural Resources Wales raise no objections on AONB / landscape grounds.

The AONB Advisory Committee does not consider the development will cause unacceptable harm to the setting of the AONB. The Committee welcomes confirmation that the existing local stone frontage and rear boundary walls will be retained and restored as part of the development, but is disappointed that more existing trees have not been retained and that the opportunity to enhance the proposed Prestatyn – Dyserth Way footpath link has not been taken. In noting the schedule of materials specifies brick wall facings for all the new dwellings, the committee would suggest that the development would better reflect the area if some rendered units were included. Finally the Committee comment that the proposed street lighting plan is acceptable, but recommends the colour temperature of the luminaires should be 3000K and not 4000K as specified to conserve the AONB's dark sky and nocturnal wildlife.

In terms of general visual amenity considerations, the site is accessed directly off Ffordd Talargoch (A547) which is the main road running through the village of Meliden. An estate road would lead to the dwellings, with the right of way maintained to the dwelling 'Gwrych Mount'. An area of open space, measuring approximately 1000 sq metres is shown within the north western corner of the site, where the largest and highest quality trees on site are to be retained.

The existing stone boundary wall which is locally distinctive would be retained. Where necessary, the stone wall would be repaired, and along the south western boundary a gate (former access) and old concrete panels will be replaced with fencing, planting will be retained and enhanced with additional landscaping undertaken across the site.

The wall material proposed would be facing brick with slate grey coloured roof tiles. Assessment of the materials is provided below in response to the comments made by the AONB Advisory Committee.

In terms of landscape and impact on AONB

The site is not located within the AONB but adjoins the boundary, the site sitting at the base of Graig Fawr along the boundary of the Prestatyn - Dyserth Walkway, so it is located within the setting of this protected area.

The application has been submitted with full landscaping details, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) and a detailed Landscape Management plan which clarifies all aspects of the scheme in relation to existing trees, proposed landscaping and overall management of the site, including open spaces and the stone boundary walls.

In relation to the comments of the AONB Advisory Committee: it is proposed to retain as many of the highest quality trees as possible along with the retention of the majority of the trees along the north eastern boundary and southern eastern boundary along the boundary with the Prestatyn to Dyserth Walkway. Some of the poorer specimens would be removed along with maintenance works to existing trees also undertaken. A comprehensive landscaping scheme has been submitted showing

additional landscaping that would be undertaken on site boundaries and within the site, which will assist in integrating the site into the landscape which is welcomed.

In relation to the comment regarding enhancement of the footpath link to the Prestatyn-Dyserth Walkway, this has been raised with the applicant. The location of the footpath link is considered to be the most appropriate given the layout of the site and would comprise a 2m wide footpath. The detailing of the path has not been provided at this however the applicant is aware of the need to ensure the path is suitably detailed and a planning condition is suggested requiring the submission of the detailing to include surfacing, lighting, signage etc.

In relation to the use of external materials, the existing character of development in the area is very mixed with examples of brickwork, render, spar dash and further along Ffordd Talargoch metal cladding on existing buildings. Taken in this context, the use of brick and slate grey roof tiles on the dwellings is considered appropriate, along with the retention of the existing stone wall along with existing and proposed screening.

A sensitive lighting scheme has been submitted with the application, but a condition to ensure reduced lighting levels as per the AONB Advisory Committee's comments would be necessary, to assist with the aspiration to secure formal Dark Sky recognition but also having regard to the ecological sensitivity of the area.

It is recognised that due to the levels of the site, that the higher parts of the site will be visible, however the site itself is and will remain well 'contained' within a stone boundary wall with screening along the boundaries. Overall, having regard to the existing boundary treatments, retention of trees along with new landscaping within the site itself, it is considered that the landscape and visual impact of the development would be limited and localised.

In relation to the loss of trees (some covered by a TPO), removal of a number of trees is required in order to accommodate the new development proposed and an Arboricultural Impact Assessment has been undertaken which categorises the quality of trees on the site. There is group TPO (G14, 1950) on the front part of the site which consists of 'mixed hardwoods'.

A Category A tree is a '*tree of high quality with an estimated remaining life expectancy of at least 40 years*'

A Category B tree is a '*tree of moderate quality or value capable of making a significant contribution to the area for 20 or more years*'.

A Category C is a '*tree of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm*'

Of the trees to be felled, many are Category C however it is intended to fell some Category B trees and a Category B tree should be retained unless there is an overriding justification.

There is a Category A Beech tree located close to the boundary in the north east corner which will be retained, within the open space area along with other good quality Category B trees which include a Monkey Puzzle and Holm Oak.

However, there are some Category B trees to be removed which are Ash trees which have been assessed as being prominent features but with '*limited long term safe retention value*' or '*likely shed branches and develop hazards within the next 10 years*'

The Tree Specialist has considered the proposal including the Arboricultural Impact Assessment, Arboricultural Method Statement and landscaping proposals. The removal of the Category B trees ash trees is noted as unfortunate however it is recognised that their retention would restrict development and would prevent the

remediation of the contamination within their vicinity. It is also noted that the ash trees may succumb to ash dieback. The Tree Officer also refers to the amenity value of the group of trees within the centre of site, which again it would be unfortunate to lose, however the trees are in poor condition and it is considered of more importance to retain the trees that are more visible from outside the site.

An updated Arboricultural Method Statement has been submitted to show how measures to deal with the contamination will impact on the trees, and amended landscaping details have also been submitted to include additional planting within the site. In conclusion, the Tree Officer raises no objection to the proposal subject to compliance with the documents and landscaping plans referred to.

A single storey 'Bat Barn' is also proposed within the area of open space in the front corner of the site behind the stone boundary wall, which would measure 4m by 6m with a 4.25m ridge height and would be constructed of materials to match the development. Given the position of the wall and landscaping in the open space area (existing and proposed) this feature will not be visually intrusive.

It is recognised that the topography, contamination and the number of trees on the site does impose constraints on new development, and ensuring an appropriate balance is struck can be difficult. However in conclusion, having regard to the detailing of the proposal, it is not considered that the proposal would result in any significant adverse impacts on visual amenity and the landscape character of the area.

#### 4.2.4 Residential amenity

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

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

The 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.

There are no representations raising residential amenity issues.

The closest residential property to the site is 'Gwrych Mount' which is located within the Plas Deva site but not within the application site boundary, as will be seen on the site plan at the front of the report. It is understood that the applicants have an option to purchase this property and if this application is successful, they will be purchasing the property, with a view to reinstating it as a dwelling in the future. The right of way along with existing boundaries/hedging, amenity space will remain as existing. In the short term if planning permission is granted, it is intended to utilise the property as the Site Office with car parking to the front.

Having regard to the layout and position of windows within the existing dwelling at 'Gwrych Mount' and the new dwellings proposed, it is not considered that there would be any adverse impact on the amenities of occupiers of the dwellings.

In relation to the existing dwellings opposite on Ffordd Talargoch, which are part of a large residential area, set at a much lower ground level than the main road (Ffordd Talargoch/A547), these properties are located approximately 30m away from the boundary of the application site and at such a lower level that it is not considered that the development would result in any adverse impacts on the amenity of residents.

In relation to the vacant/former Meliden Garden Centre Site, planning permission was granted 2012 for the erection of 8 dwellings, and in 2016 an amendment was approved to that scheme substituting 3 terraced units for a pair of dormer dwellings, so consent was given for 7 dwellings in total. All planning conditions relating to these consents have been complied with, and Meliden Garden Centre was demolished in July 2013. The permissions are therefore extant.

Having regard to the proposed layout of the proposed development on the application site, there are no spacing or amenity concerns other than the relationship of the terraces of properties on plots 5-10 which would not meet the required spacing standards. It is considered that the window arrangements at the first floor level of these properties will need some further consideration in design terms to avoid overlooking and a condition is suggested to require the submission of further details.

In relation to the 7 consented dwellings on land to rear of Prestatyn Car Sales It is not considered there would be any adverse impacts on the amenity of the closest property (yet to be constructed). The gable of plot 1 would face the gable of the proposed flats at plots 22/23, which have no side windows. This boundary will also be well screened, with new landscaping proposed.

In relation to the standard of amenity afforded to future occupants of the proposed dwellings, these would all have private rear garden areas and small front gardens with off street parking. All properties have reasonable space proposed within the site for parking and there are landscaped areas around the dwellings.

The dwellings proposed are all 2 storey comprising of 1 bed flat, 2, 3 and 4 bed semi-detached and terraced properties ranging from 51sq.m (1 beds) in area to 109sq.m (4 bed).

All of the properties are compliant with the Residential Space Standards SPG in respect of private amenity space and floor space and in terms of the siting and layout of the properties, meeting the spacing standards set out in the Residential Development SPG.

Due to the location of the development on a main road, a Road Traffic Noise Assessment has been submitted with the application. The recommendation of this Assessment refers to acoustic fencing around the gardens of the 'end plots' (plots 1,4, 27 and 32) which are closest to Ffordd Talargoch, along with sound insulation measures within the dwellings closest to the road which include higher specification windows

Having regard to the detailing of the development, the relationship and distances of the dwellings to each other and to properties in close proximity to the site, subject to a condition relating to window detailing on specific plots (as referred to above) Officers' opinion is that the impact on these properties would be limited.



#### 4.2.5 Ecology

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

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (Section 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 (PPW) 10 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 refers). PPW 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. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (6.4.4).

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.

There is a single representation from the Clwyd Badger Group raising a concern regarding the proximity of the development site to badgers within the area. NRW and the County Ecologist have been consulted and have raised no objections subject to the inclusion of conditions following the submission of additional information and amended landscaping plans.

The application has been submitted with an Extended Phase 1 Habitat Survey, Bat Survey, Reptile Survey, landscaping plans and Management Plan along with a detailed scope of works. Natural Resources Wales (NRW) and the County Ecologist have been consulted and the County Ecologist has been engaged in discussions with the applicant and their Ecologist.

The existing/redundant building on the site (Talargoch Villa/113 Ffordd Talargoch) contains a lesser horseshoe bat satellite roost and 2 soprano pipistrelle bat day roosts.

Given the presence of protected species, the works can only be carried out under a European Protected Species (EPS) License from NRW.

In considering the grant of planning permission the LPA must consider whether the disturbance of the protected species is required for the purpose of “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment.*”

This proposal, being for an affordable housing development on an allocated, brownfield site is considered to accord with social and economic justifications – it will improve the quality of affordable housing stock in the area, and provide work for local trades people. Further, if carried out correctly the works could secure the longer term future of the habitat.

Having regard to the nature of the proposal, it is not considered that there is a satisfactory alternative to the works proposed.

It is noted that adequate mitigation methods have been proposed with a 'Bat Barn' proposed on site within the open space area. The Bat Barn has been designed in accordance with ecological recommendations, it measures 4m by 6m by 4.25m ridge height. The landscaping proposals have also been drawn up in close liaison with the County Ecologist to ensure they are appropriate in ecological terms and also managed/maintained in perpetuity. In addition to be controlled by the licence issues by NRW this has also been included within the Landscape Management Plan and included with a draft Unilateral Undertaking (legal agreement) submitted to the Council.

No objections have been raised by the County Ecologist or NRW. It is therefore considered that if the development was permitted, it would not be detrimental to the maintenance of the bat population species concerned.

In relation to reptiles, at a warmer time of year they will be translocated to an off site compensation area, details of which are included within the submitted documents as agreed by the County Ecologist.

Finally, in relation to the concern from the Clwyd Badger Group regarding impact on the species locally, the County Ecologist has confirmed that the Extended Phase 1 methodology would pick up any setts and record signs of Badgers. Section 5.14 of the submitted report indicates that there was no evidence of them on site and is satisfied that there would be no adverse impact.

In consideration of all relevant matters in respect of ecology, it is considered that the recommendations in the submission are acceptable and with the imposition of planning conditions this would ensure that the proposed development will not have a negative impact on protected species.

#### 4.2.6 Drainage (including flooding)

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

Planning Policy Wales 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'.

Planning Policy Wales (PPW 10) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are

defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

There are no representations raising concerns that the development would give rise to flooding and/ or drainage problems in the area.

#### *Foul Water*

Dwr Cymru Welsh Water (DCWW) have been consulted and have raised no objection to the drainage proposals. DCWW have reviewed the Drainage Assessment and proposed drainage layout, and note it is proposed to dispose of foul flows via the public sewerage system in Rhodfa Plas and that an existing foul water connection from the site to DCWW's combined water manhole may be utilised.

#### *Surface Water*

NRW, the Councils Flood Risk Manager and Highways Officer have been consulted and have raised no objections to the proposal.

Since January 2019, the Flood and Water Management Act 2010 (Schedule 3) requires that this new development includes Sustainable Drainage Systems (SuDS). An application will be submitted to the SuDS Approval Body (SAB)

In accordance with Welsh Government guidance, surface water run-off should be disposed of according to the following hierarchy: Rainwater collected for use; into the ground (infiltration); to a surface water body; to a surface water sewer or highway drain; to a combined sewer.

The Drainage Assessment advises that a rainwater harvesting system could be considered to collect non-potable water for reuse where possible. This could include the installation of water butts at individual dwellings, which would reduce demand on potable water supplies. However, the incorporation of rainwater harvesting systems within the dwelling will require pumped systems. In accordance with the principles of the SuDS standards, the use of pumping should be avoided where possible. Therefore, priority level 1 has been discounted as the primary method for disposal of surface water.

Infiltration tests have been undertaken and the results indicate that the site ground conditions are not suitable for soakaways. Furthermore, there are no surface water bodies in the immediate vicinity of the site.

It is therefore proposed to discharge surface water run-off into the existing highway drainage system located on Ffordd Talargoch via a new connection. The Council's Highway Section have advised this is acceptable provided the discharge rate does not exceed 5 litres/second.

The Council's Flood Risk Manager has raised no objection to the principles of the drainage scheme and advises that separate SAB approval is required.

A Drainage Assessment submitted with the application is considered acceptable and no objections have been raised to the drainage arrangements by DCWW, the Council's Flood Risk Manager or Highway Officer.

4.2.7 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 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.

There are no individual representations raising highway related concerns.

Prestatyn Town Council have however noted traffic impact on A547 is a concern as they consider this road is already at capacity.

The Highway Officer's response on the application is set out in detail in the Consultation Responses section of the report. It refers to a range of issues relating to the application including the capacity of the existing network, accessibility, the detailing of the site access, aspects of the site layout, and parking matters. The main points of relevance are:

*Capacity of Existing Network*

The future capacity of the highway network due to the cumulative impact of proposed development sites (both committed and current applications) in the vicinity, as well as sites which are allocated in the Local Development Plan was raised. As part of recently approved developments on land to the south of the A547, Dyserth (application reference 42/2018/0923) and North of the A547, Rhuddlan (Application Reference 44/2018/0855) MacBryde Homes commissioned a cumulative impact assessment of all potential developments that will have an impact on the A547 and subsequently a 'Cumulative Transport Impact Assessment' report was summarised in a report dated January 2019 and submitted for both applications. This is also summarised within the Transport Statement submitted with the current application.

The report identified that the key junctions along the A547 (A547 / Dyserth Road / B5119 Waterfall Road signalised junction and A547/A5151 New Road/Rhyl Road Roundabout) would continue to operate within capacity with all the proposed developments sites (both committed and current applications at the time), along the sites that are allocated in the Local Development Plan.

As the application site is allocated with the Local Development Plan, the traffic generated by this development was included in the cumulative impact assessment work and on this basis it was identified that there would be no concern over the cumulative impacts of this development.

*Accessibility*

The Transport Statement demonstrates that the development is sustainable with good accessibility to the site for those travelling by foot and bicycle and is located close to

bus stops which provide regular services throughout the week days (2 stops located immediately in front of the site on Ffordd Talargoch).

Pedestrian and cycle access will be provided from the same location as site access and a pedestrian link will be provided onto the Public Right of Way / Prestatyn – Dyserth Way on the south eastern boundary of the site.

#### *Site Access*

The vehicular access to the development will be along the A547 and will take the form of a simple priority controlled T-Junction. The proposed internal estate road will be 5.5m carriageway with 2m wide footways on both sides.

Visibility at the proposed site access will be 2.4m x 90m and in accordance with TAN 18 guidance.

In order to demonstrate that the site can be serviced sufficiently, swept path analysis has been submitted and demonstrates that service and refuse vehicles can enter the site via the site access, turn within the site at appropriate points, and exit the site in a forward gear.

#### *Parking*

The parking for each plot will be provided in a mixture of driveways and parking bays close to each plot.

The proposed parking arrangements are compliant with the standards set out in the Parking Standards SPG and are therefore considered acceptable.

Having regard to the detailed assessments above, taking into consideration the conclusion of the Highway Officer on the capacity of the existing highway network, accessibility, site access and site layout, Officers see no fundamental highway grounds to object to the proposed development, subject to appropriate conditional controls.

#### 4.2.8 Affordable Housing

A Policy BSC 1 of the Local Development Plan states that developers will be expected to provide a range of house sizes, types and tenures to reflect local need and demand.

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4.

Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units. The policy states, proposals for 100% affordable housing sites will only be considered on sites of 10 units or less.

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

Planning Policy Wales (PPW 10) paragraph 4.2.25 states that a community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and the determination of planning applications. Paragraph 4.2.29 states that where development plan policies make clear that an element of affordable housing is required on specific sites, this will be a material consideration.

The proposal is for 100% affordable housing, which exceeds the recommended threshold of 10% of the number of dwellings on a development in excess of 10 units under Policy BSC4. To balance this conflict, the proposal would ensure a brownfield, allocated housing site is utilised to provide much needed smaller, good quality self-contained social housing, which meets local housing need whilst meeting regeneration aims. The Council has supported other 100% affordable schemes in recent times on the basis that good quality affordable housing is being provided to meet an identified local housing need.

The development will also support Denbighshire's Corporate Plan priority of Housing – Everyone is supported to live in homes that meet their needs and contributes to Denbighshire's Housing Strategy 2016-2021 of delivering affordable, quality accommodation to meet the residents of Denbighshire's changing housing needs.

From a Strategic Housing perspective, smaller two and three bedroom family type housing is sought in the area. Strategic Housing have had extensive discussions with the RSL involved 'ADRE' (formerly Cartrefi Cymundol Gwynedd) in relation to this site and it is a priority for future funding. Largely through the Social Housing Fund provided by Welsh Government if planning permission is given.

The dwellings proposed will include a range of affordable tenures from rent to own, intermediate rent and affordable rent, using the SARTH register and Tai Teg. A local lettings policy can be drawn up in liaison with the Local Member.

In cases where the applicants are a Registered Social landlord/housing association, and the development is funded/part funded by the Welsh Government and/or Denbighshire County Council, with a stipulation of grant funding being that the dwellings are for affordable purposes, in line with advice in TAN 2, the Council consider that there is no need to secure the provision of affordable housing through a legal agreement. However, in this instance a Unilateral Undertaking has been offered by the applicant, which includes other elements of the scheme to be secured such as an open space contribution and bat mitigation measures.

In Officers' opinion, the proposals merit support given the benefits they offer in relation to affordable housing provision.

#### 4.2.8 Open Space

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

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

The proposal indicates an area of open space of approximately 0.1ha in area located towards the front of the site in the north western corner, which was chosen due to the siting of the highest quality trees which are to be retained on the site. Additional landscaping is proposed within it and a footpath is proposed to the open space and through it, also linking the lower part of the site to a higher part of the site. A Landscape Management Plan has been submitted detailing aspects of the site management including the open space and landscaping.

In accordance with Policy BSC 11, under provision of open space can be met through payment of a commuted sum. In this instance, the relevant sum of £17,533.22 can be secured by a Unilateral Undertaking (legal agreement), a draft of which has been submitted.

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

#### 4.2.9 Education

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

The Planning Obligations SPG states that Education contributions will be sought from proposed developments which comprise of 5 or more dwellings, or a site area of 0.2 hectares or more, that have the potential to increase demand on local schools. Within paragraph 13.6 of the SPG, there are exceptions set out in relation to the provision of school places based on the type of residential development proposed and the SPG states that contributions will not be sought in the following circumstances:- Housing specifically designed for occupation by elderly persons (i.e. restricted by planning condition or agreement to occupation by those over aged 55 years or more) and also 1 bed dwellings or 1 bed apartments or flats.

The proposed residential development, based on established calculations, is expected to generate a need for 10 primary and 7 secondary pupil places.

It has been confirmed by the Education Section that based on the latest school roll information available, there are spaces for 24 pupils available within the nearest primary (Ysgol Melyd) and spaces for 336 pupils available at the secondary school (Prestatyn High School). It has therefore been confirmed that there is sufficient capacity to accommodate the proposed development and a financial contribution is not required.

#### 4.2.10 Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Planning Policy Wales (PPW 10) within Section 6 'Distinctive and Natural Places'. This requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council should require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. PPW states that if contamination cannot be overcome satisfactorily, the authority may refuse planning permission.

There are no representations raising contamination related concerns.

The Council's Pollution Control Officer has raised no objection to the proposal subject to the inclusion of a condition requiring the submission of a remediation strategy and verification report, which are suggested as planning conditions. NRW have raised no objection.

A Geo-Environmental Report has been submitted with the application with consultations undertaken with the Councils Pollution Control Officer and NRW.

Talargoch Lead mine was once located immediately to the south of the site and spoil heaps associated with the lead mining activity are evident to the southeast and north east of the site.

The site investigation undertaken for this application was undertaken in May 2019 and included a number of testing methods which included 11 machine excavated trial pits to a maximum depth of 2.3m and soakaway testing in 3 trial pits. Samples were taken

from the site for chemical testing.

The results of the site investigation show a number of contaminants on the site. Due to the significant costs involved in removing the contaminated soil from the site, it is recommended that clean materials is imported to the site and raise levels accordingly

No technical objections are raised to this approach. A Remediation Strategy has largely been covered within the Geo-Environmental Report but will depend on final development levels and therefore a final Remediation Strategy would be required by a planning condition, in addition to a verification/validation report. In summary, the site remediation consists of approximately 600mm of inert cover and topsoil underlain by a geo-textile.

Around existing trees to be retained, the Arboricultural Method Statement details how the contamination will be dealt with. The imported material would be graded from the edge of the roof protection areas down toward the base of the trees with a finished raised level of 150mm at the base of the tree. The Tree Specialist is satisfied with this approach.

Having regard to the above, the proposal is considered acceptable in relation to the remediation of contaminated land, subject to conditions.

#### 4.2.11 Historic Environment including removal of existing building

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

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' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a local planning authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

There are no Listed Buildings on the land, and the site is not located within a Conservation Area or area of archaeological importance.

Clwyd Powys Archaeological Trust (CPAT) have been consulted and provided the following detailed commentary:-

There are no recorded archaeological sites within the application red line, but there is reference in early OS mapping, tithe map to the presence of a substantial building and its associated outbuildings which may have been present since 1840 and possibly earlier. The building was known as 'Talargoch Villa' and is thought to have been used to accommodate mine agents, then as a private dwelling for a number of years and more recently occupied by the site owner/manager of Plas Deva Caravan Park until it ceased operating in 2006/2007.

There was an additional smaller building in the south west corner of the site on the 1840's tithe map which is no longer visible and may have been truncated by ground levelling for caravan pitches, but there may be surviving sub-surface archaeology.



As it is proposed to demolish the building - which is at least of local architectural and historical significance – there is justification for it to be fully recorded to preserve a record of the character, function, fabric, date and phases of use of the buildings. The record would then be lodged within the Historic Environment Record. In addition, an archaeological watching brief would need to be undertaken during ground works for new foundations in the south west corner of the site, to identify and record any remains of the former building here. Planning conditions can be attached to secure these.

At the request of the Local Member, the applicants have explored the option of retaining the building, and have provided the following information:

- The proposed scheme, which is a 100% affordable housing scheme is largely funded by the Social Housing Grant Fund from Welsh Government, and has therefore been designed to be the most cost effective.
- The funding available in this case extends to new build dwellings and therefore retaining, refurbishing and converting the building is not possible.
- The building is home to roosting bats, is in a poor state of repair, having remained empty and neglected for many years.
- To re-instate it and provide a standard of accommodation that would meet modern standards and regulations would be extremely costly.

In respecting the interest in the existing building, in the circumstances, Officers do not consider there is a compelling case to insist on its retention.

In addition to the requirement for undertaking a detailed record of the building and an archaeological watching brief, it is also suggested that provision be made for a plaque, or information board (or similar) within the stone boundary wall along the frontage of the site to mark the building and its history/origins (a matter the applicant has confirmed a willingness to do).

#### 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 principle of residential development is considered acceptable in this location within the development boundary of Meliden. The proposed development would provide 41 affordable homes which would meet an identified need in the area.

5.2 It is not considered that there would be any adverse localised impacts in relation to visual or residential amenity, and in highway and drainage terms the proposal is considered acceptable. Consultation responses from specialist consultees concur with this view.

5.3 It is therefore recommended that Members resolve to grant planning permission subject to:-

- A. Completion of a Unilateral Undertaking (UU) to secure affordable housing provision, open space contribution (£17, 533.22) and bat mitigation measures/ long term management.

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

- B. Compliance with the following conditions:

The Certificate of Decision would not be released until the completion of the Unilateral Undertaking

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

1. The development to which this permission relates shall be begun no later than .....insert DATE 2025
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) 2P1B Walk Up-Floor Plans (Drawing No. FTM-2P1B-PL01 Rev A) received 4 November 2019
  - (ii) 2P1B Walk Up-Elevations (Drawing No. FTM-2P1B-PL02 Rev A) received 4 November 2019
  - (iii) 4P2B Semi-Floor Plans (Drawing No. FTM-4P2Bx2-PL01 Rev A) received 4 November 2019
  - (iv) 4P2B Semi-Elevations (Drawing No. FTM-4P2Bx2-PL02 Rev A) received 4 November 2019
  - (v) 4P2B 5P3B Semi-Floor Plans (Drawing No. FTM-4P2BSx2-PL01 Rev A) received 4 November 2019
  - (vi) 4P2B 5P3B Semi-Elevations (Drawing No. FTM-4P2BSx2-PL02 Rev A) received 4 November 2019
  - (vii) 6P4B - Floor Plans (Drawing No. FTM-6P4P-PL01 Rev A) received 4 November 2019
  - (viii) 6P4B - Elevations (Drawing No. FTM-6P4P-PL02 Rev A) received 4 November 2019
  - (ix) 4P2B 5P3B 3 Block-Floor Plans (Drawing No. FTM-4P2Bx3-PL03 ) received 27 August 2019
  - (x) 4P2B 5P3B 3 Block-Elevations (Drawing No. FTM-4P2Bx3-PL05 Rev A) received 4 November 2019
  - (xi) 4P2B 5P3B 3 Block-Elevations (Drawing No. FTM-4P2Bx3-PL06 Rev A) received 4 November 2019
  - (xii) 4P2B 5P3B 3 Block-Floor Plans (Drawing No. FTM-4P2Bx3-PL07) received 27 August 2019
  - (xiii) 4P2B 5P3B 3 Block-Elevations (Drawing No. FTM-4P2Bx3-PL04 Rev A) received 4 November 2019
  - (xiv) 4P2B 5P3B 3 Block-Floor Plans (Drawing No. FTM-4P2Bx3-PL03 Rev A) received 4 November 2019
  - (xv) 5P3B 4P2B 4 Block - Floor Plans (Drawing No. FTM-5P3Bx4-PL01 Rev A) received 4 November 2019
  - (xvi) 5P3B 4P2B 4 Block - Elevations (Drawing No. FTM-5P3Bx4-PL02 Rev A) received 4 November 2019
  - (xvii) Topographic Survey (Drawing No. 10208/1) received 27 August 2019
  - (xviii) Proposed Site Plan with Preliminary FFL's (Drawing No. PD-SP02 Rev F) received 4 November 2019
  - (xix) Proposed Site Sections (Drawing No. PD-SECS-01) received 4 November 2019
  - (xx) Landscaping Plan (Drawing no P.1184.19.03 Rev C) received 22 January 2020

- (xxi) Planting Plan (Sheet 1 of 2) (Drawing No. P.1184.19.04 Rev C) received 22 January 2020
  - (xxii) Planting Plan (Sheet 2 of 2) (Drawing No. P.1184.19.04 Rev C) received 22 January 2020
  - (xxiii) Location plan (Drawing No. MRM-LP.01) received 27 August 2019
  - (xxiv) Arboricultural Impact Assessment (Ascerta Ref P.1184.10 Rev A) received 22 January 2020
  - (xxv) Road Traffic Noise Assessment (Hepworth acoustics Ref P19-336-R01-V1 dated July 2019) 27 August 2019
  - (xxvi) Drainage Assessment (Weetwood Final Report v 1.2 dated October 2019) received 4 November 2019
  - (xxvii) Landscape Management Plan (Ascerta Ref 1184.19 Rev A January 2020) received 22 January 2020
  - (xxviii) Construction Management Plan (MacBrydes Homes dated 23rd October 2019) received 4 November 2019
  - (xxix) Construction Management Plan Site Plan (Drawing No: PD - CMP-SP01) received 4 November 2019
  - (xxx) Extended Phase 1 Habitat Survey and Daytime Bat Survey (ces ecology dated July 2019) received 4 November 2019
  - (xxxi) Bat Survey (ces ecology dated September 2019) received 4 November 2019
  - (xxxii) Reptile Survey (ces ecology dated October 2019) received 4 November 2019
  - (xxxiii) Email from Applicant in response to Highways dated 4 November 2019
  - (xxxiv) Bat Barn Elevations (Plan ref FTM-Bat B-PL02) received 3 January 2020
  - (xxxv) Bat Barn Elevations (Plan FTM - Bat B - PL01) received 3 January 2020
  - (xxxvi) Bat Barn English Heritage Detail (Plan FTM Bat B-PL03) received 3 January 2020
  - (xxxvii) Scope of Works and Mitigation Strategy Plan (CES Ecology) received 3 January 2020
3. Prior to the commencement of any highway works, the detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road/and access to the site, and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.
  4. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 0.6 metres above the level of the adjoining carriageway.
  5. The development hereby approved shall be carried out in strict accordance with the mitigation, compensation and enhancement measures set out in the approved Reptile Survey (CES Ecology dated October 2019)
  6. The development hereby approved shall be carried out in strict accordance with the mitigation, compensation and enhancement measures set out in the approved Bat Survey (CES Ecology dated September 2019)
  7. The development hereby approved shall be carried out in strict accordance with all of the management /maintenance schedules set out in the approved Landscape Management Plan (Ascerta Ref 1184.19 dated 15th January, 2020).
  8. The approved planting details along the south western boundary of the site (the bat corridor) shall be implemented within the first available planting season following the construction of the Bat Barn. All remaining planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development.
  9. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work in accordance with the approved Arboricultural Method Statement.
  10. Prior to the erection of any new fencing within and on the boundaries of the site, details of the height, materials and colour finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail and therefore after retained as such, unless otherwise approved in writing by the Local Planning Authority.
  11. No demolition works shall take place until a programme of building recording and analysis has been undertaken in accordance with the requirements of an Historic England Level 4 building survey, to meet the standards laid down by the Chartered Institute for Archaeologists in their Standards and Guidance for the archaeological investigation and recording of standing

buildings or structures, and a copy of the resulting report has been submitted to Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670).

12. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted, to meet the standards laid down by the Chartered Institute for Archaeologists Standards and Guidance for archaeological watching briefs, and a copy of the resulting report shall be submitted to Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670) within 3 months of it being completed.
13. With the exception of demolition of the existing buildings on the site, no excavation or ground intrusion shall take place until the following components of a scheme to deal with the risks associated with contamination of the has been submitted to and approved, in writing, by the Local Planning Authority:  
\* A Remediation Strategy giving full details of the remediation measures required and how they are to be undertaken.  
The development shall proceed in accordance with the approved details.
14. None of the dwellings shall be permitted to be occupied until the written approval of the Local Planning Authority has been obtained to a verification report demonstrating completion of the works set out in the approved Remediation Strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
15. Prior to the commencement of any piling works, details of the piling method to be used shall be submitted to and approved in writing by the Local Planning Authority. The piling work shall proceed in strict accordance with such approved details.
16. Prior to occupation of the first dwelling, details of the footpath link to include surfacing materials, lighting and associated signage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with such approved details and therefore maintained as such.
17. Prior to occupation of the first dwelling , details of a plaque or information board to include its location, details and maintenance, to mark the former siting of 'Talargoch Villa' as a building of local interest within the village of Meliden shall be submitted to and approved in writing by the Local Planning Authority. The plaque/information board shall be in place in accordance with the approved details before the site is completed.
18. Notwithstanding the submitted details in relation to plots 5,6,7,8,9 and 10, the first floor window detailing on the rear elevations of the dwellings shall not be as shown, but shall be in accordance with such alternative detailing as may be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved detail prior to the occupation of the units and thereafter retained as such as all times.

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 the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. To ensure that adequate visibility is provided at the proposed point of access to the highway.
5. In the interests of nature conservation.
6. In the interests of nature conservation.
7. In the interests of nature conservation and in the interest of visual amenity.
8. In order to safeguard existing trees and in the interest of visual amenity.
9. In order to safeguard existing trees and in the interest of visual amenity.
10. In the interest of visual amenity.

11. To allow an adequate analytical record of the building to be made, before it is altered, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.
12. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
13. In the interest of residential amenity.
14. In the interest of residential amenity.
15. In the interest of residential amenity.
16. In the interest of visual and residential amenity.
17. To protect the historic environment and distinctiveness of the area.
18. In the interest of residential amenity.

## **NOTES TO APPLICANT:**

### **COMPLIANCE WITH APPROVED PLANS AND CONDITIONS**

Please be reminded that any permission or consent must be carried out strictly in accordance with the approved plans and conditions imposed which are clearly listed on this certificate of decision. Pre-Commencement conditions should be given particular attention. Failure to do so could result in enforcement action being taken by the Local Planning Authority.

Further detailed information on how to comply along with other relevant information relating to your decision is contained in the detailed Notes to Applicant attached to this certificate which you are strongly advised to consider.

If you are in any doubt about your obligations, including any obligation you may have to pay commuted sums, please contact the Local Planning Authority at [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk) quoting the reference of your planning permission.

### **MAJOR DEVELOPMENT NOTIFICATION OF COMMENCEMENT**

#### **Notification of Commencement of Development and Display of Site Notice**

The Development Management Procedure (Wales) (Amendment) Order 2016 places a duty on you to notify the Local Planning Authority of the commencement of development and to display a notice on site. You must complete and return a 'Notification of initiation of development' form and display a site notice (please find blank forms/notice attached). Further information relating to the requirements is available on the Planning pages at [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk) or [www.gov.wales/topics/planning](http://www.gov.wales/topics/planning)

### **HIGHWAYS**

Please be aware that in addition to planning permission the following agreements will need to be secured in order for the highways works related to the scheme to be authorised;

Highways Act 1980 Section 278/38 Combined Agreement

This agreement relates to the adoption of any new highways proposed and works required to existing highways which are proposed to be improved as part of the development.

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

- (i) Highway Supplementary Notes Nos. 1, 2,3,4,5 & 10
- (ii) New Roads and Street Works Act 1991-Part N Form
- (iii) Denbighshire County Council Specification for Road Construction.
- (iv) Denbighshire County Council General Notes for Highway Lighting Installations.
- (v) Denbighshire County Councils General Requirement for Traffic Signs and Road Markings.

### **BIODIVERSITY**

#### **Bat Licence Required**

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

In relation to street lighting detail required by Condition 3 it is recommended that the colour temperature of the luminaires should be 3000K to conserve the AONB's dark sky and nocturnal wildlife.

#### **General Note Destruction of Bird Nests**

Works which could result in the damage or destruction of active bird nests should take place outside of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.

#### **TREES**

##### **Competent Tree Surgeon**

You are advised that all works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998:2010.

#### **ENVIRONMENTAL MANAGEMENT**

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes. Suitable pollution prevention measures will need to be in place during construction to minimise any risk of pollution, in particular giving the close proximity of watercourses.

In particular, we refer you to the Pollution Prevention Guidelines PPG1: Understanding Your Environmental Responsibilities - Good Environmental Practices  
GPP5: Works in, near or over watercourses

The Guidance are available at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Natural Resources Wales Environmental Management Note:

#### **SUSTAINABLE DRAINAGE - SAB APPROVAL**

Developments of more than a single dwelling, or those involving a construction area of more than 100sq.m may be subject to the Sustainable Urban Drainage approval process. Denbighshire County Council is the appointed SuDS Approval Body, contact 01824 706901 or email [landdrainage.consultations@denbighshire.gov.uk](mailto:landdrainage.consultations@denbighshire.gov.uk)

Detailed information and advice is available on the Councils website:

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/sustainable-drainage-systems-suds/sustainable-drainage-systems-suds.aspx>

#### **DWR CYMRU/WELSH WATER**

##### **Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral

Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

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

#### Water Supply

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

#### **HISTORIC RECORD**

Condition 11 above requires the carrying out of a photographic survey. The applicant is expected to pay for and complete the photographic survey. Professional photographers may be used where access to a camera or technical difficulties are encountered but the applicant should be aware that this will significantly increase the cost of the survey.

Photographs should be taken using a digital camera with a minimum resolution of 4 megapixels and preferably 8 megapixels or more.

Photographs should be taken at the highest jpeg resolution setting available on the camera (usually Fine or Super Fine). The saved photographs must be copied onto a good quality branded CD or DVD disk in the jpeg/jpg file format.

Note: Digital photographs presented on normal paper or photographic paper will not be accepted as they are not archivally stable in the long term.

The use of a standard flashgun is recommended indoors to light the interior views.

If available a measured scale should be placed within each but this is not essential.

Photographs should be taken of all exterior and interior wall elevations which are affected by the development together with photographs of interior roof detail where this is altered. Features of particular interest (e.g. obvious differences in wall makeup, windows and doors whether blocked up or not, fireplaces, timber framing, stairwells, cellars) should also be fully photographed.

The applicant should indicate where the views taken are positioned on an architect's floor plan of the building. Location reference numbers on the plan/s should utilise the digital photo numbers from the camera for cross reference purposes.

The applicant must check the photos at the application site to ensure there are no blurred or poorly lit images. If some images are blurred, please increase the speed at which the exposures are taken (1/125 is a good minimum) and re-take the images. If images are poorly lit please check your flash is working and/or increase the aperture. Setting the camera ISO at 200 or 400 will also allow higher shutter speeds to be used in dimly lit locations.

The photographs should then be sent to: Mark Walters, Development Control Section, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR (Tel: 01938 553670). CPAT

will confirm receipt of your photographs and inform the planning authority that the condition has been satisfied.

In relation to Condition 17, please contact the Local Member to discuss the appropriate details.

In relation to Condition 18, please contact the Case Officer to discuss the detail required.

### **STREET NAMING**

The Council is keen that new development sites have historically and culturally relevant names when proposing new names for streets in the County.

Please contact Emma Jones, Performance & Systems Administrator to discuss the matter, in liaison with the Local Member.

Ffôn/Phone: 01824 708049

E bost: [emma.jones@sirddinbych.gov.uk](mailto:emma.jones@sirddinbych.gov.uk)

E mail: [emma.jones@denbighshire.gov.uk](mailto:emma.jones@denbighshire.gov.uk)

### **BROADBAND**

You are advised that in order to fulfil its corporate priorities, Denbighshire County Council is looking to ensure residents of new developments have access to future-proofed, fast and reliable fibre broadband services, and consequently the Local Planning Authority are encouraging the installation of suitable fibre broadband connections in all new developments.

In this regard, you are encouraged to access the Openreach website through the following link. It has useful downloadable guidance for developers for installing fibre connections:  
<https://www.ournetwork.openreach.co.uk/property-development.aspx>

If you are looking to work with Openreach on provision of a fibre broadband connection, you need to ensure your site is registered with them at least 9 months before the date you are looking for them to provide a service to the first new property. Their advice is that you contact them at least 8 weeks before you actually start work on site, to give enough time to get proposals drawn up and details agreed for incorporation into any scheme.



## **REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICE**

### **REPORT SEEKING A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION 25/2018/1216**

**Alterations and rear extension to existing building, demolition of curtilage structure, erection of ancillary building, retention of log cabin (for temporary period), boundary fencing and gates, and provision of on-site parking and turning area.**

**Bwlch Du, Nantglyn, Denbigh**

#### **1. PURPOSE OF REPORT**

- 1.1. To seek a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 25/2018/1216, in connection with which Planning Committee resolved to grant permission at the 15<sup>th</sup> January 2020 meeting.

#### **2. BACKGROUND**

- 2.1. The Bwlch Du planning application was originally considered at the September 2019 Committee when it was resolved to grant permission. The application was reported back to Committee in January following receipt of notice of a potential legal challenge to the lawfulness of the decision. The Committee vote to grant permission at the January meeting was 12 votes in favour and 2 against. The minutes of this meeting are in Item 4 of this Agenda.
- 2.2. The merits of the application are not for consideration at this point. Following the vote on the planning application in January, Members resolved that Officers should report back to Committee with a draft list of conditions to be included on the Certificate of Decision, for consideration and ratification by Members.
- 2.3. Section 3 of the report sets out a schedule of planning conditions which Officers believe would be reasonable and necessary to attach to a planning permission having regard to the consultation responses, the nature and location of the proposed development, and the identified material planning considerations which were summarised in the Officer Committee Report (as considered in September 2019 and January 2020). The list of conditions has been drafted to ensure consistency with the conditions drafted for the separate Certificate of Decision on the listed building application relating to the alterations and extension to Bwlch Du (application 25/2018/1217).
- 2.4. The drafted Certificate of Decision on the Listed Building Consent application (Code no. 25/2018/1217/LB) is included as Appendix 1, and the Officer report on the planning application (25/2018/1216/PF) is attached as Appendix 2 to this report, for reference.

#### **3. DRAFT PLANNING CONDITIONS**

3.1. **The recommended Conditions for inclusion on the Certificate of Decision for 25/2018/1216 are:**

- 1) The developments involving works of alteration and extension to Bwlch Du, the erection of the ancillary building, and the demolition works on the former barn shall be begun no later than 12<sup>th</sup> February 2025.

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

- 2) The developments 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 floor plan (Drawing No. 1) received 28 December 2018
  - (ii) South elevation as existing (Drawing No. 2) received 28 December 2018
  - (iii) North elevation as existing (Drawing No. 3) received 28 December 2018
  - (iv) West and East elevation as existing (Drawing No. 4) received 28 December 2018
  - (v) Roofplan as existing (Drawing No. 5) received 28 December 2018
  - (vi) 3D view as existing (Drawing No. 6) received 28 December 2018
  - (vii) Ruined structure adjacent to house (Drawing No. 7) received 28 December 2018
  - (viii) Floor plan as proposed (Drawing No. 10v2) received 8 April 2019
  - (ix) South elevation as proposed (Drawing No. 13v2) received 8 April 2019
  - (x) North elevation as proposed (Drawing No. 14v2) received 8 April 2019
  - (xi) West and East elevations as proposed (Drawing No. 15v2) received 8 April 2019
  - (xii) Roof plan as proposed (Drawing No. 16v2) received 8 April 2019
  - (xiii) Section through proposed extension (Drawing No. 17v2) received 8 April 2019
  - (xiv) Log cabin as existing (Drawing No. 8) received 28 December 2018
  - (xv) Treatment of existing fireplaces (Drawing No. 11v2) received 8 April 2019
  - (xvi) Replacement sash windows as proposed (Drawing No. 12v2) received 8 April 2019
  - (xvii) Rendered images of proposed extension (Drawing No. 20v2) received 8 April 2019
  - (xviii) Rendered images of proposed extension (Drawing No. 21v2) received 8 April 2019
  - (xix) Rendered images of proposed ancillary building (Drawing No. 22v2) received 8 April 2019
  - (xx) Photographs of kennels and existing temporary shed (Drawing No. 23) received 8 April 2019
  - (xxi) Interior photographs of Bwlch Du and details of repairs and alterations (Drawing No. 24v2) received 8 April 2019
  - (xxii) Indicative surface and foul water drainage plan (Drawing No. 25v2) received 8 April 2019
  - (xxiii) New ancillary storage building as proposed (Drawing No. 18 V2) received 16 January 2019
  - (xxiv) General arrangement of buildings, landscaping and amenity areas (Drawing No. 19v2) received 8 April 2019
  - (xxv) Outbuilding – Existing Plan / Elevations, (Dwg No: PJH/12/2019/01) received 3 September 2019
  - (xxvi) Outbuilding – Proposed Plan / Elevations, (Dwg No: PJH/12/2019/02) received 3 September 2019
  - (xxvii) Block/site plan received 16 January 2019
  - (xxxiii) Location plan received 16 January 2019

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

- 3) No work shall be permitted to commence on the area proposed within the site for the parking and turning of vehicles until the written approval of the Local Planning

Authority has been obtained to the proposed surfacing material. The parking and turning area shall be laid out in accordance with the details as approved and shall be completed within 12 months of date of this permission. The parking and access arrangements shall be retained as approved at all times.

Reason: In the interests of visual amenity, and to ensure provision of off road parking in connection with the dwelling, in the interests of highway safety.

- 4) No works of construction shall be permitted on the external faces of the walls of the extension to Bwlch Du or on the new ancillary storage building until the written approval of the Local Planning Authority has been obtained to samples of the stonework and mortar mix to be used, and to the detailing of the cills. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, and to ensure the materials and detailing are appropriate and respect the character and appearance of the listed building.

- 5) No works of construction shall be permitted on the roof of the proposed extension or the re-roofing of Bwlch Du until the written approval of the Local Planning Authority has been obtained to samples of the roofing sheets showing their profile and the proposed external colour finish, and to the ridge and eaves detailing. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the materials are appropriate and respect the character and appearance of the listed building.

- 6) The development hereby approved shall be undertaken in accordance with the proposed mitigation, compensation and enhancement set out in the submitted ecological assessment (Clwydian Ecology Protected Species Survey dated 14 April 2019), and none of the approved alterations to the main building or works on the construction of the extension and the ancillary building and the parking and turning area shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to:
- a) A report or method statement detailing Reptile avoidance, mitigation and compensation measures, and
  - b) Plans showing the detailed proposals for the incorporation of features suitable for use by roosting bats and nesting birds within the structure of Bwlch Du and the proposed extension, in line with recommendations made in section 8 of the Bat Survey Report (document reference: 2462751 received: 23/04/19).
- The approved measures shall be implemented in full.

Reason: In the interest of protecting ecological interests.

- 7) The log cabin shall be used solely as living accommodation ancillary to the Bwlch Du dwellinghouse, and shall be removed from the site within:
- a) 6 months of the Bwlch Du dwellinghouse being occupied subsequent to the completion of the works hereby approved for its alteration and extension; or
  - b) 5 years of the date of this permission,
- whichever is the sooner.
- The land on which the log cabin is sited shall be restored to its previous condition within 3 months of the removal of the cabin.

Reason: The need for temporary living accommodation on the site exists solely to provide opportunity to complete the works on the alteration and extension of the listed building; and to ensure the removal of the log cabin in the interests of visual amenity and the setting of the listed building.

- 8) The proposals for the treatment of the former barn structure shall be completed in accordance with the details on plan reference RJH/12/2019/02 no later than 12 months from the completion of the works of alteration and extension on the Bwlch Du dwellinghouse.

Reason: In the interests of visual amenity and the setting of the listed building.

- 9) No trees within the site shall be lopped, topped or removed without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity.

#### **4. RECOMMENDATION**

That Members resolve to GRANT planning permission subject to the above conditions.

# APPENDIX 1

## Draft Listed Building Consent Certificate of Decision Application 25/2018/1217/LB

### **GRANT LISTED BUILDING CONSENT subject to the following conditions:-**

1. The works of alteration and extension to Bwlch Du to which this consent relates shall be begun no later than 12th February 2025.

Reason: To comply with the provisions of the 1990 Listed Buildings Act

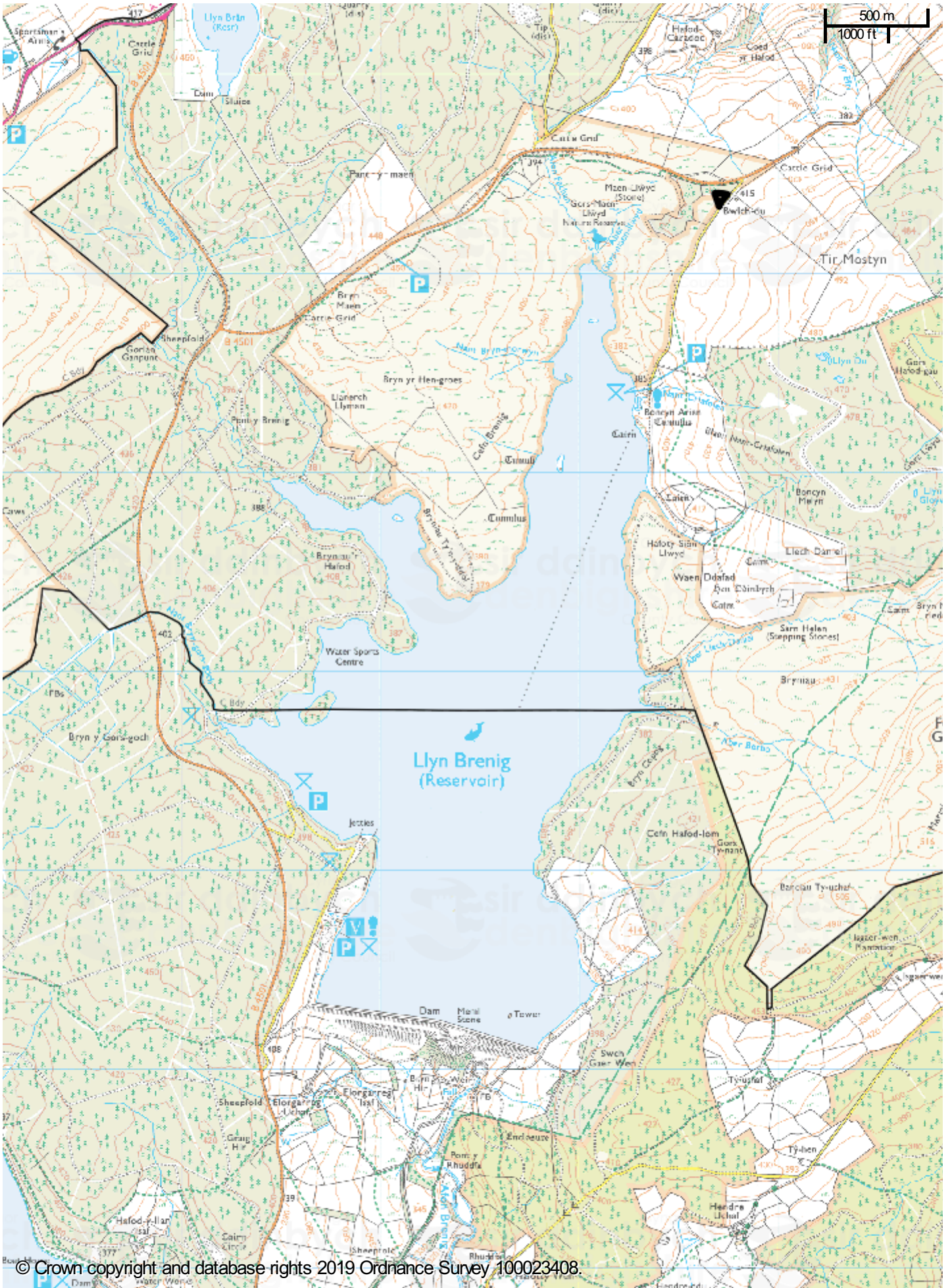
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this consent:
  - (i) Existing floor plan (Drawing No. 1) received 28 December 2018
  - (ii) South elevation as existing (Drawing No. 2) received 28 December 2018
  - (iii) North elevation as existing (Drawing No. 3) received 28 December 2018
  - (iv) West and East elevation as existing (Drawing No. 4) received 28 December 2018
  - (v) Roofplan as existing (Drawing No. 5) received 28 December 2018
  - (vi) 3D view as existing (Drawing No. 6) received 28 December 2018
  - (vii) Ruined structure adjacent to house (Drawing No. 7) received 28 December 2018
  - (viii) Floor plan as proposed (Drawing No. 10v2) received 8 April 2019
  - (ix) South elevation as proposed (Drawing No. 13v2) received 8 April 2019
  - (x) North elevation as proposed (Drawing No. 14v2) received 8 April 2019
  - (xi) West and East elevations as proposed (Drawing No. 15v2) received 8 April 2019
  - (xii) Roof plan as proposed (Drawing No. 16v2) received 8 April 2019
  - (xiii) Section through proposed extension (Drawing No. 17v2) received 8 April 2019
  - (xiv) Treatment of existing fireplaces (Drawing No. 11v2) received 8 April 2019
  - (xv) Replacement sash windows as proposed (Drawing No. 12v2) received 8 April 2019
  - (xvi) Rendered images of proposed extension (Drawing No. 20v2) received 8 April 2019
  - (xvii) Rendered images of proposed extension (Drawing No. 21v2) received 8 April 2019
  - (xviii) Interior photographs of Bwlch Du and details of repairs and alterations (Drawing No. 24v2) received 8 April 2019
  - (xxix) General arrangement of buildings, landscaping and amenity areas (Drawing No. 19v2) received 8 April 2019
  - (xx) Outbuilding – Existing Plan / Elevations, (Dwg No: PJH/12/2019/01) received 3 September 2019
  - (xxi) Outbuilding – Proposed Plan / Elevations, (Dwg No: PJH/12/2019/02) received 3 September 2019
  - (xxii) Block/site plan received 16 January 2019
  - (xxiii) Location plan received 16 January 2019

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

This page is intentionally left blank

## **APPENDIX 2**

Officer report to the September 2019 and January 2020  
Committees.



25/2018/1216 & 25/2018/1217

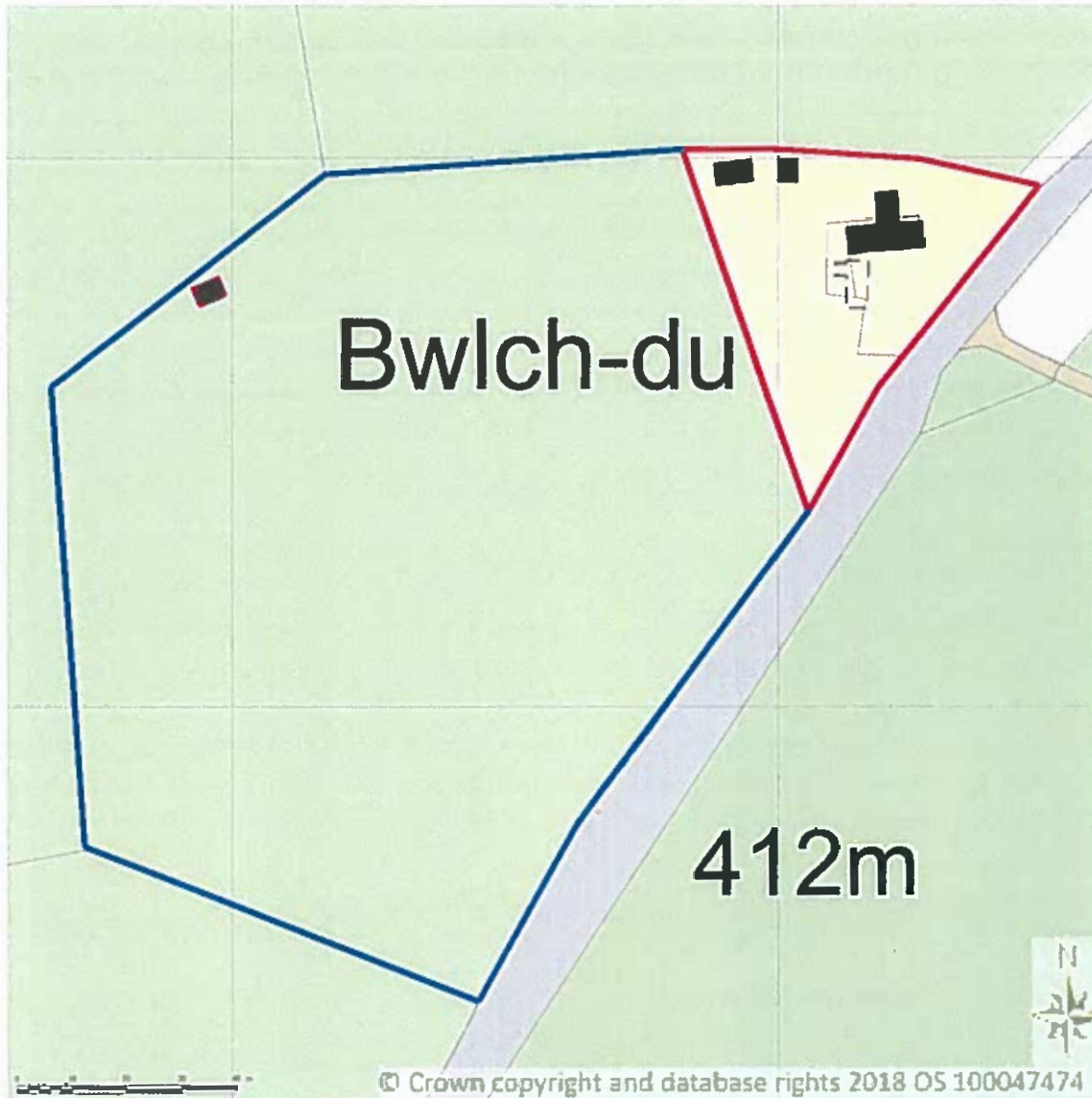
Scale: 1:25000

Printed on: 26/6/2019 at 16:32 PM






SITE LOCATION PLAN  
AREA 4 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 298659, 358328

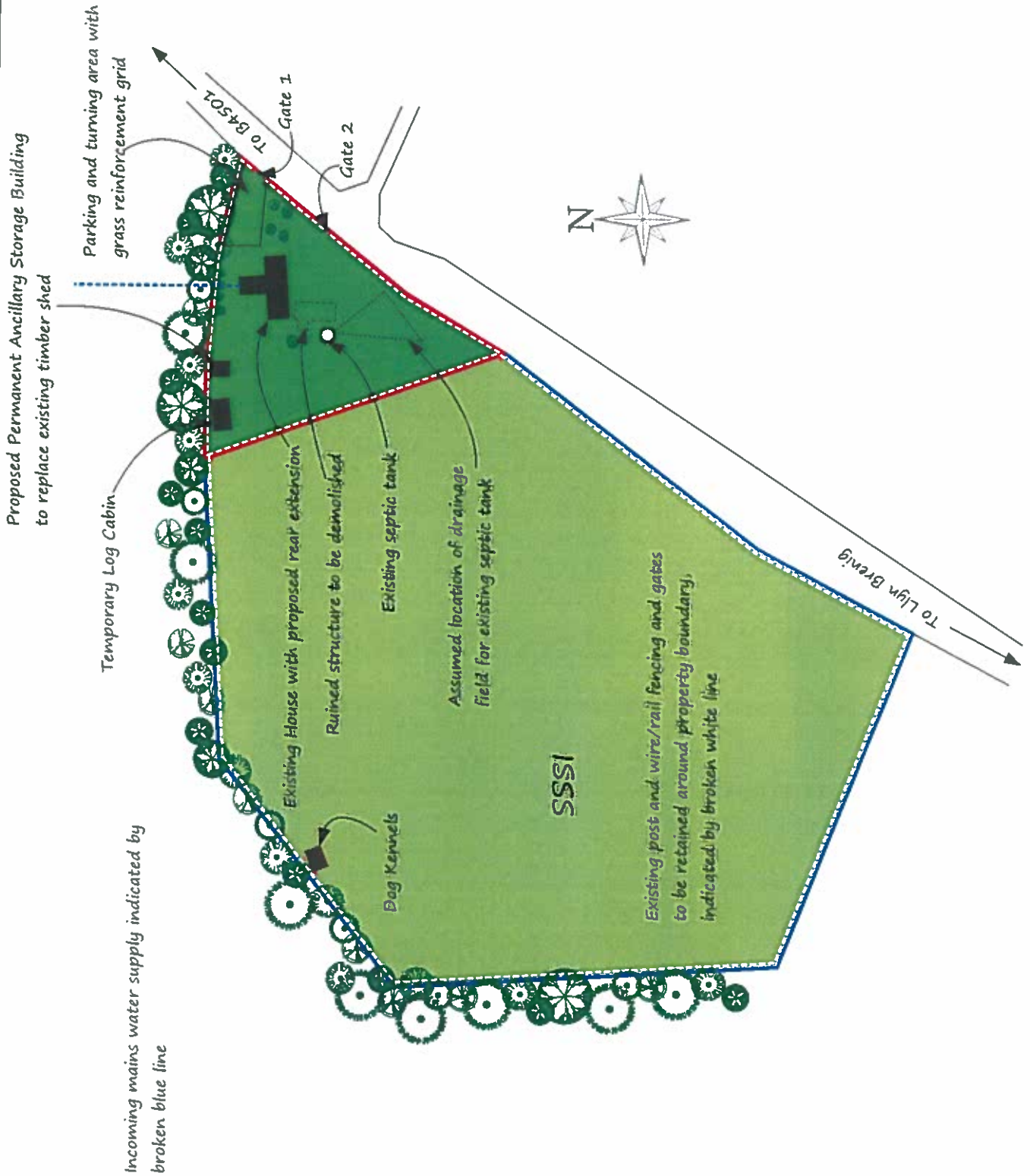


Supplied by Streetwise Maps Ltd  
[www.streetwise.net](http://www.streetwise.net)  
Licence No: 100047474  
16/01/2019 11:19:11




# GENERAL ARRANGEMENT PLAN

 Nicholson Price Associates	
Project	Bwlch Du
Author	LNJ
Checked By	TJN
Drawing Description	General arrangement of buildings, landscaping and amenity areas
Drawing Number	DWG 19 V2
Date	7th April 2019
Scale	1:1250 @ A4





# BWLCH DU PROPOSED FLOOR PLAN

	
Project	Bwlch Du
Author	LNJ
Checked by	TJN
Drawing Description	Bwlch Du Floorplan As Proposed
Drawing Number	DWG10V2
Date	5th April 2019
Scale	1mm:50mm @ A3

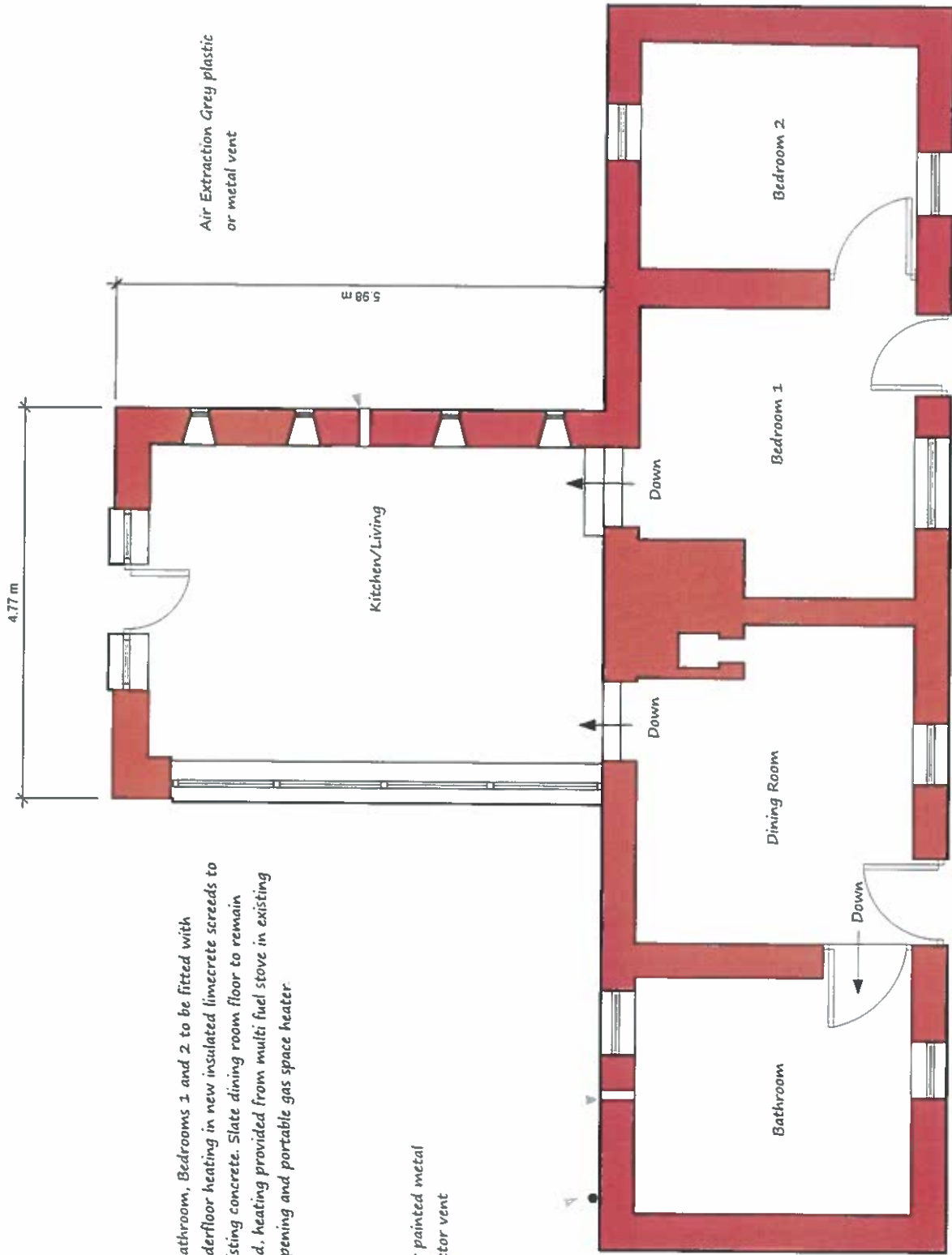


*Floorplan As Proposed*

*Kitchen, Bathroom, Bedrooms 1 and 2 to be fitted with electric underfloor heating in new insulated limecrete screeds to replace existing concrete. Slate dining room floor to remain undisturbed. Heating provided from multi fuel stove in existing fireplace opening and portable gas space heater.*

*Grey plastic or painted metal cover to extractor vent*

*Cast iron SVP*



See DWG 12 for sash window details

8 Metres

4

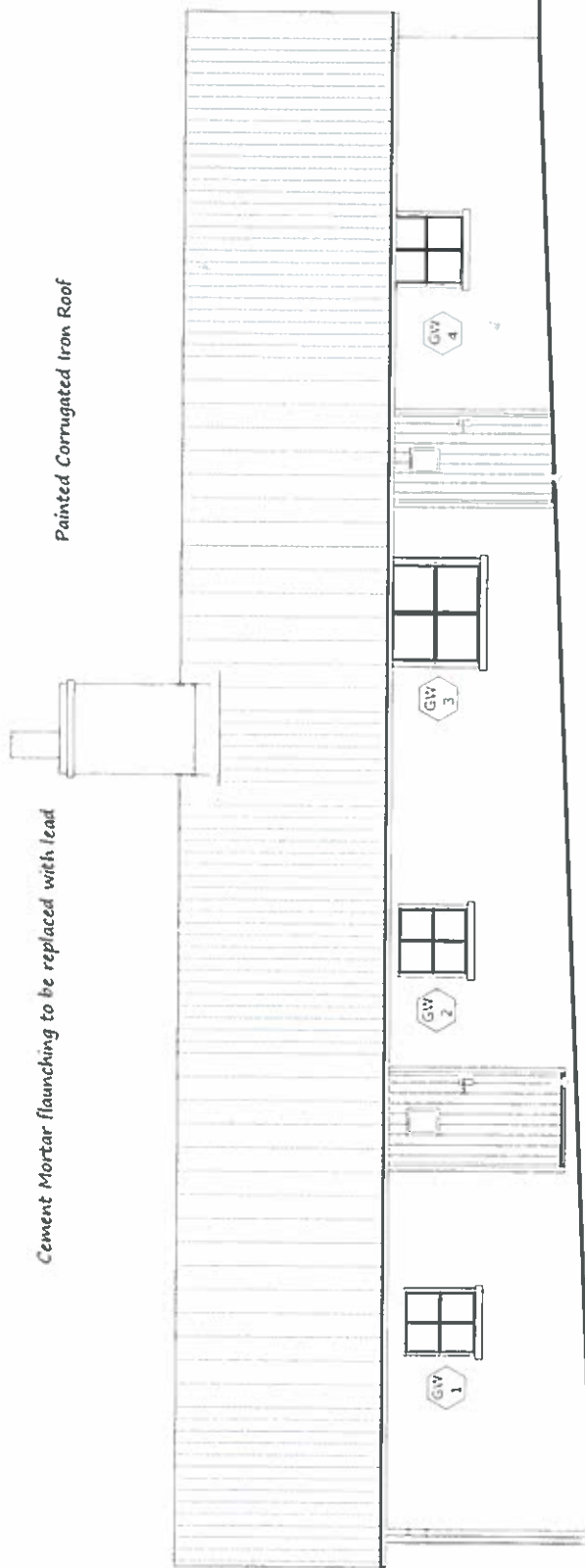
2

1

0



South Elevation As Proposed



Cement Mortar flaunching to be replaced with lead

Painted Corrugated Iron Roof

Cast iron gutters and downpipes to sookaways

Doors to be painted hardwood

Solid rubble masonry to be re-pointed where required with NHL 3.5/ sharp sand 1:3 all elevations to be given minimum 3 coats of lime wash.

Windows GW1 - 4 are to be painted hardwood frames, vertical sliding sashes with 12mm double glazed units, 6mm sightline, outer pane to be conservation grade glass




# BWLCH DU PROPOSED SOUTH ELEVATION

	
Project	Bwlch Du
Author	LANJ
Checked by	TJN
Drawing Description	Bwlch Du South Eleva As Proposed
Drawing Number	DWG13V2
Date	5th April 2019
Scale	1mm 50mm @ A3





# BWLCH DU PROPOSED NORTH ELEVATION

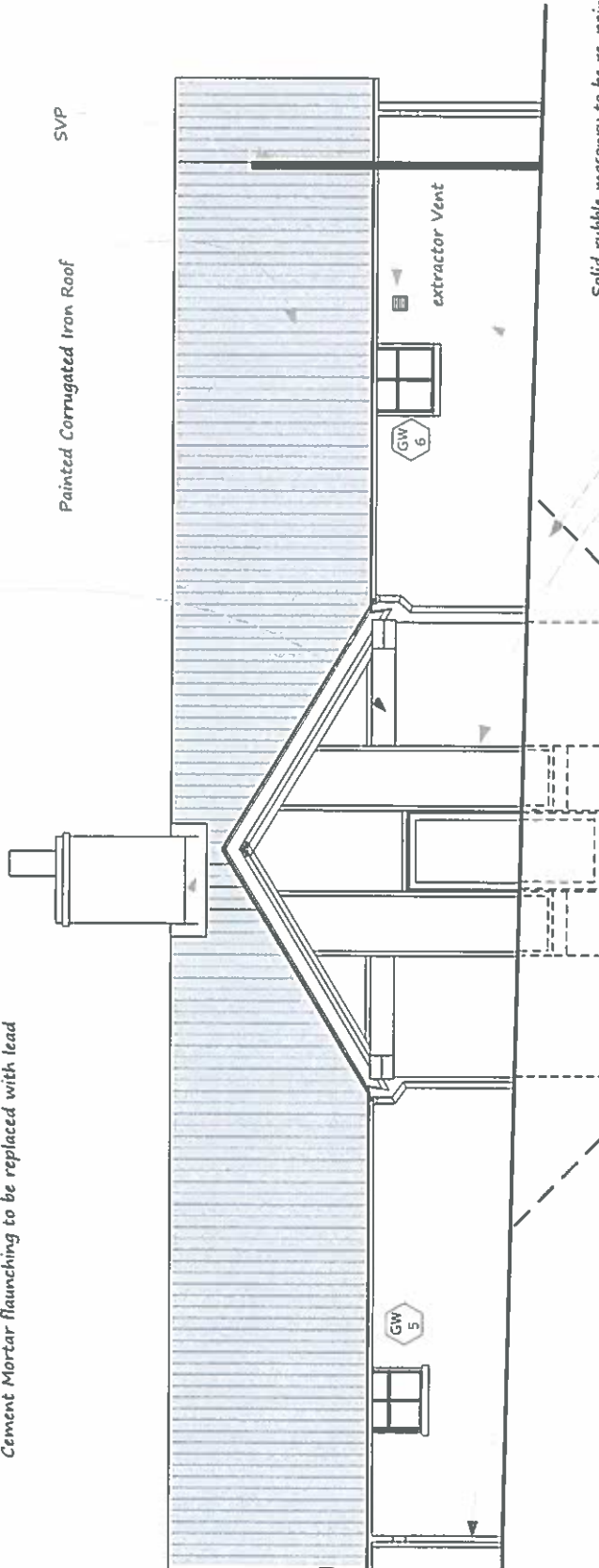
	
Project	Bwlch Du
Author	LNJ
Checked by	TJN
Drawing Description	Bwlch Du North Elevation As Proposed
Drawing Number	DWG14V2
Date	5th April 2019
Scale	1mm:50mm @ A3

All projecting masonry elements including, sills, heads, gable end kneeler stones to be new locally obtained limestone tooled finish.

Cement Mortar flaunching to be replaced with lead

Painted Corrugated Iron Roof

SVP



Solid rubble masonry to be re-pointed where required with NHL 3.5/ sharp sand 1:5 all elevations to be given minimum 3 coats of lime wash.

Base of wall may require consolidating where ground has been excavated, precise details to be subject engineers inspection and report, and agreement with DCC Conservation Officer.

Extension to include thermally broken powder coated aluminium frame with double or triple glazed units


Ground excavated to facilitate lowered extension roof line. Perimetre path around extension to be finished with limestone chippings, perforated drainage pipes to be installed, these to discharge to the south of the house, details to be agreed on site and in consultation with NRW.

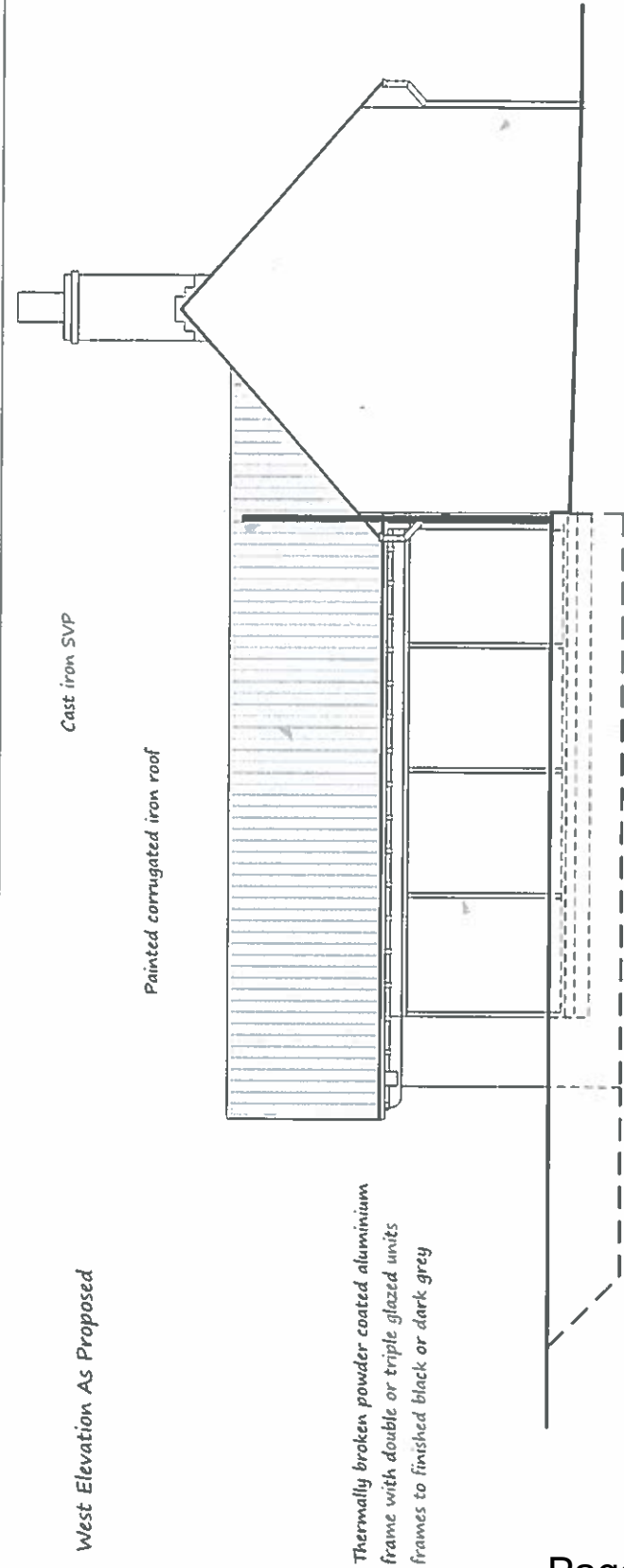
Windows GW5 and GW6 are to be painted hardwood frames, vertical sliding sashes, with 12mm double glazed units, 6mm sightline, outerpane to be conservation grade glass.

Cast iron gutters and downpipes to soakaways

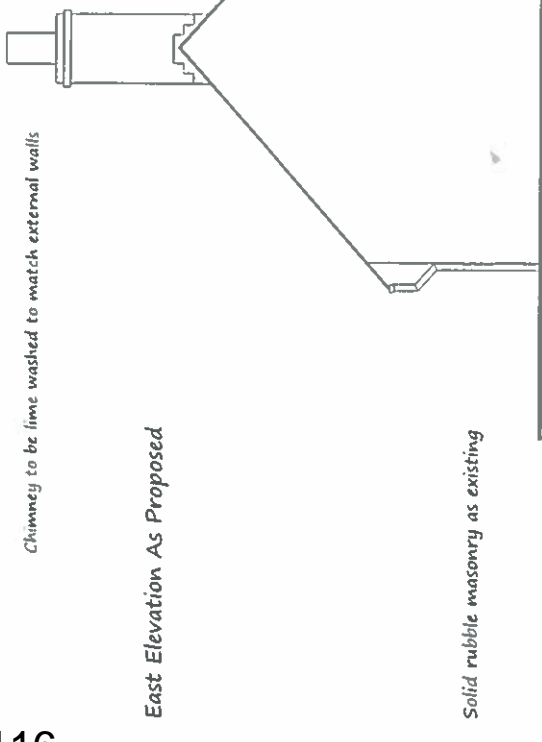


# BWLCH DU PROPOSED WEST AND EAST ELEVATION

	
Project	Bwlch Du
Author	LNJ
Checked by	TJN
Drawing Description	Bwlch Du West and East Elevations As Proposed
Drawing Number	DWG15V2
Date	5th April 2019
Scale	1mm:50mm @ A3



Solid rubble masonry as existing




Frameless double glazed units bonded directly into masonry openings



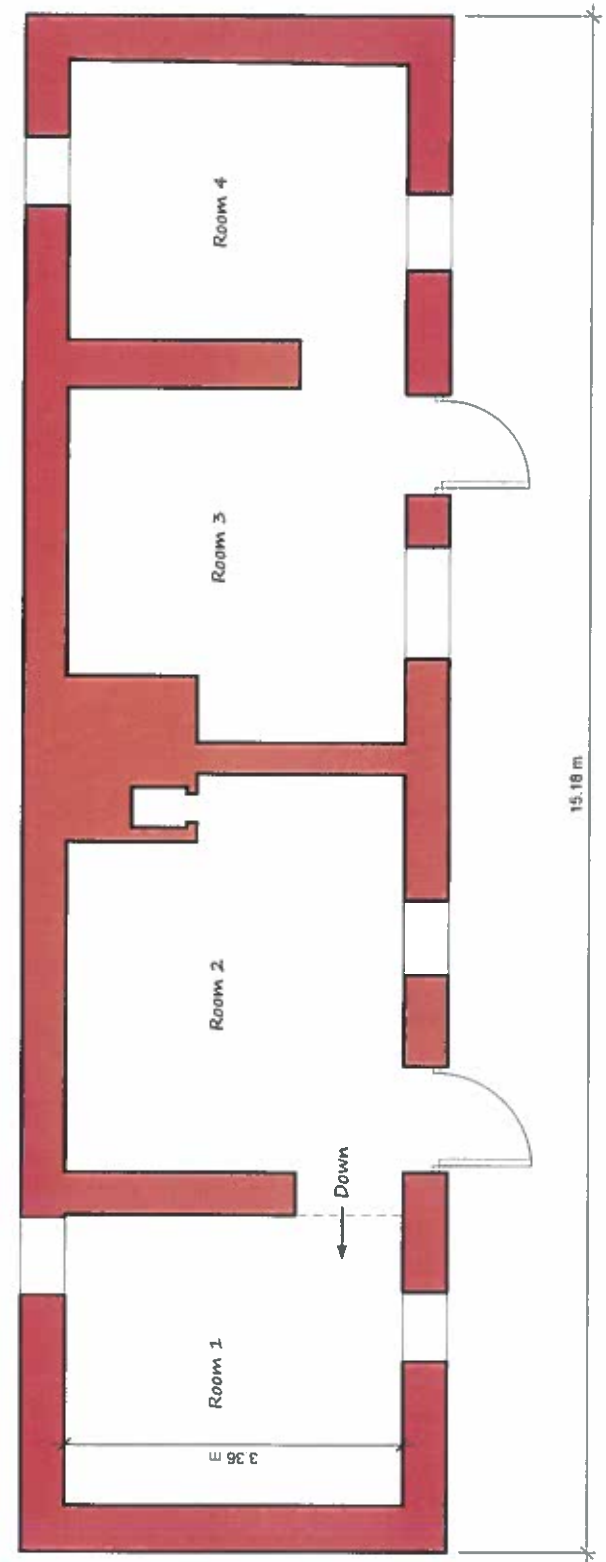


# BWLCH DU EXISTING FLOOR PLAN

	
Project	Bwlch Du
Author	LNJ
Checked by	TJN
Drawing Description	Bwlch Du Floorplan As Existing
Drawing Number	DWG1
Date	23rd November 2018
Scale	1mm:50mm @ A3



Bwlch Du Farmhouse Floorplans As Existing





# BWLCH DU EXISTING SOUTH ELEVATION



Nicholson Price Associates  
 Project: **Bwlch Du**  
 Author: **LNJ**  
 Checked by: **TJN**

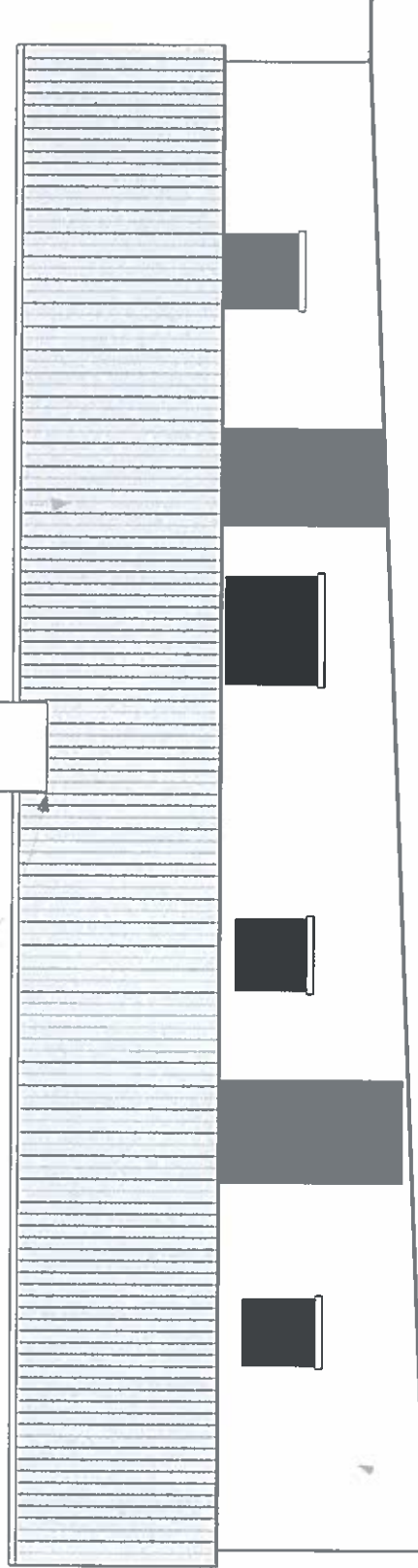
Drawing Description: **Bwlch Du South Elev: As Existing**  
 Drawing Number: **DWG2**  
 Date: **23rd November 201**  
 Scale: **1mm:50mm @ A3**

South Elevation AS Existing

Cement mortar flashing at base of chimney

Corrugated Asbestos Roof

Guttering and downpipes absent



Solid Rubble Masonry


Modern boarded windows and doors





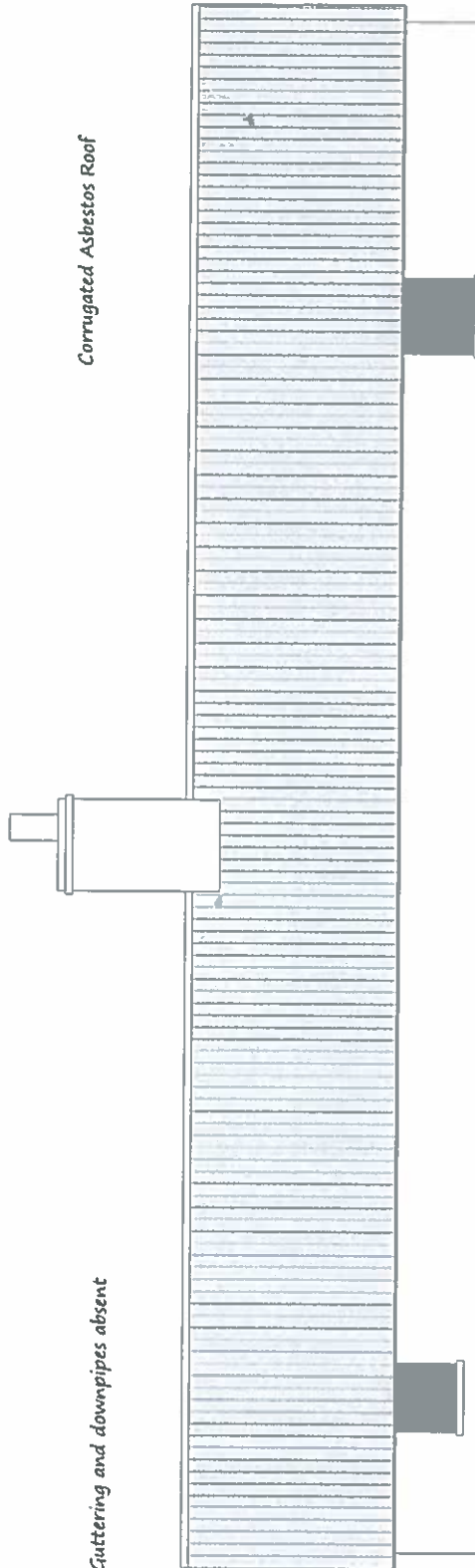


# BWLCH DU EXISTING NORTH ELEVATION

	
Project	Bwlch Du
Author	LNJ
Checked by	TJN
Drawing Description	Bwlch Du North Elevation AS Existing
Drawing Number	DWG5
Date	23rd November 2018
Scale	1mm:50mm @ A3

North Elevation As Existing

Cement mortar flaunching at base of chimney



Guttering and downpipes absent


Solid Rubble Masonry

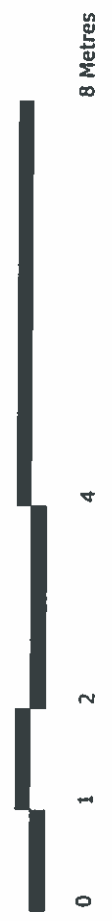
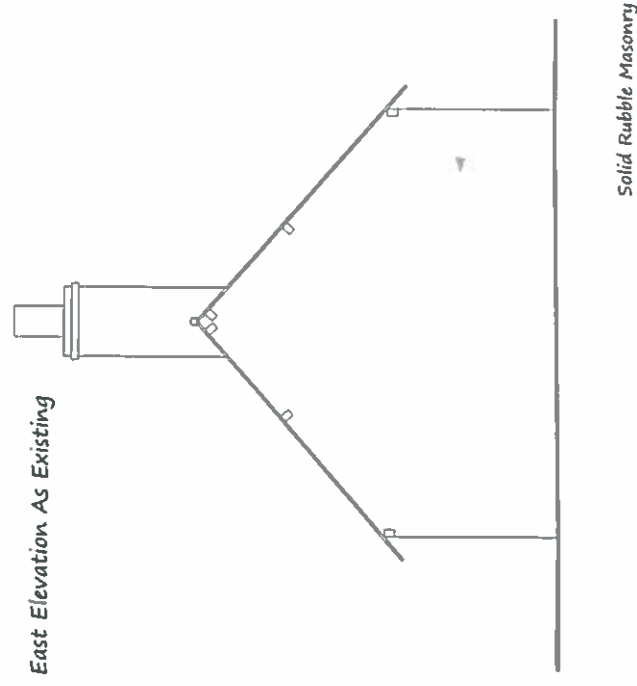
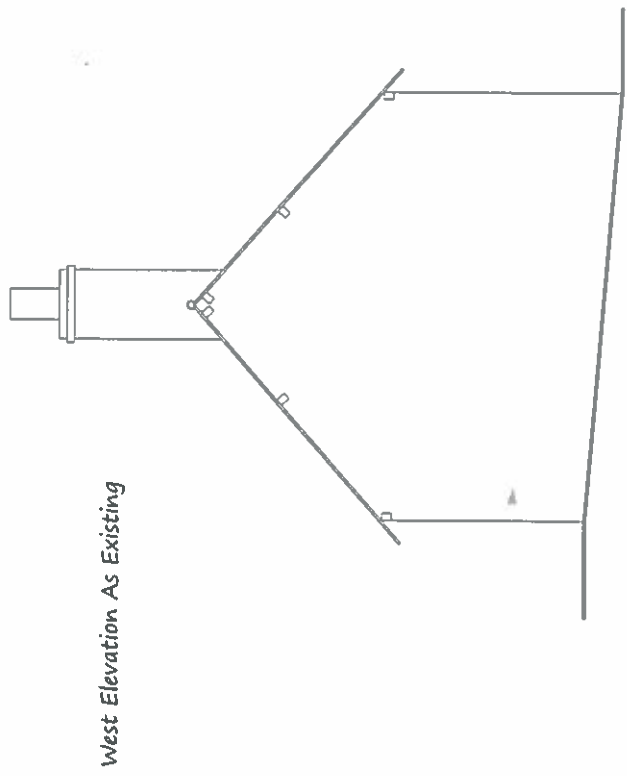
Modern boarded windows





# BWLCH DU EXISTING WEST AND EAST ELEVATION

 Nashburn Price Associates	
Project	Bwlch Du
Author	LNJ
Checked by	TJN
Drawing Description	Bwlch Du West and East Elevations As Existing
Drawing Number	DWG4
Date	23rd November 2018
Scale	1mm:50mm @ A3



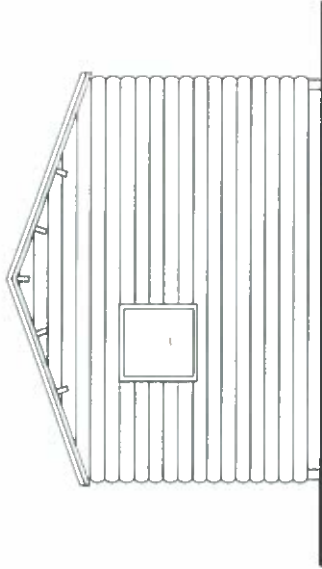


# LOG CABIN

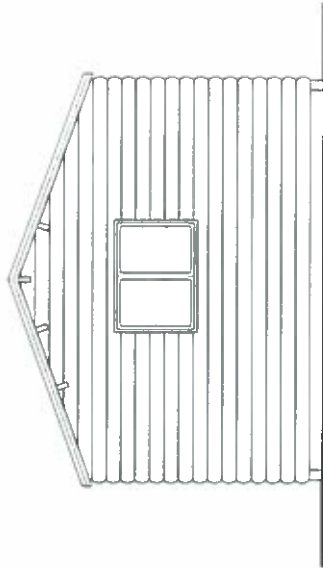


Project	Bwlch Du
Author	LNJ
Checked by	TJN
Drawing Description	Log Cabin As Existing
Drawing Number	DWG8
Date	23rd November 2018
Scale	1mm:50mm @ A3

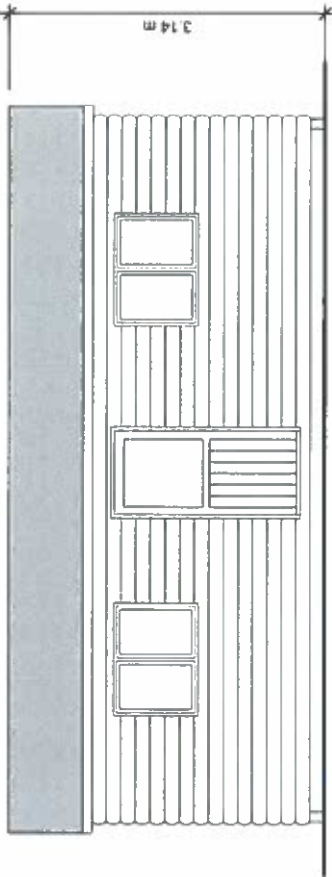
East Elevation



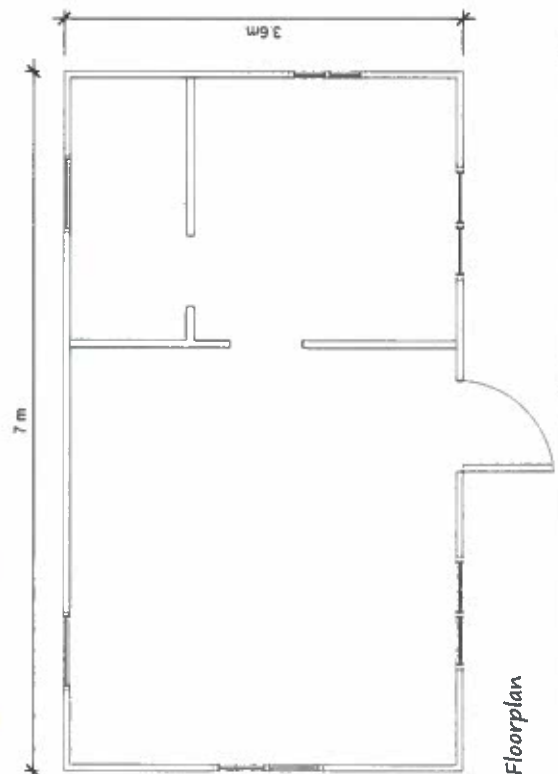
West Elevation



South Elevation



North Elevation

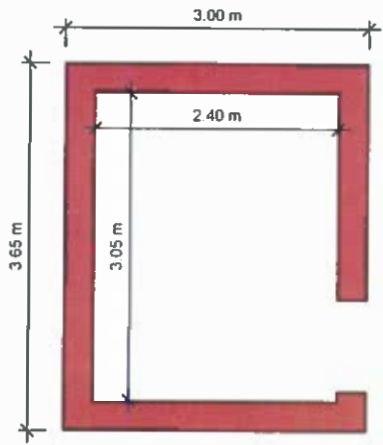


Floorplan

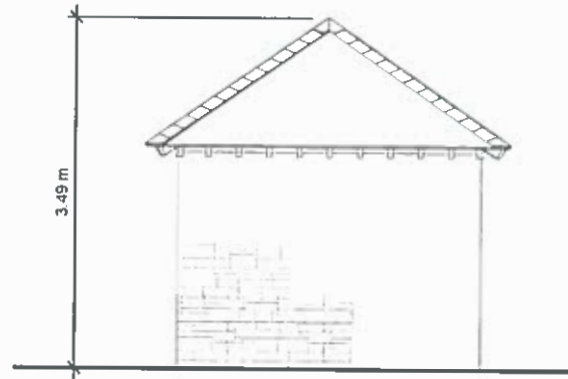




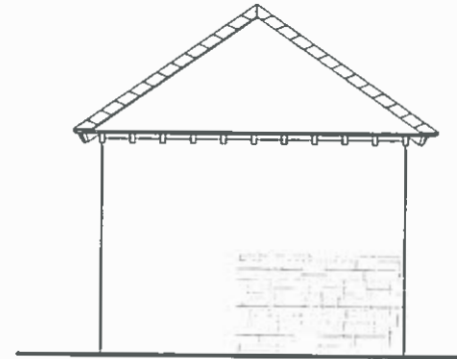
Floorplan As Proposed



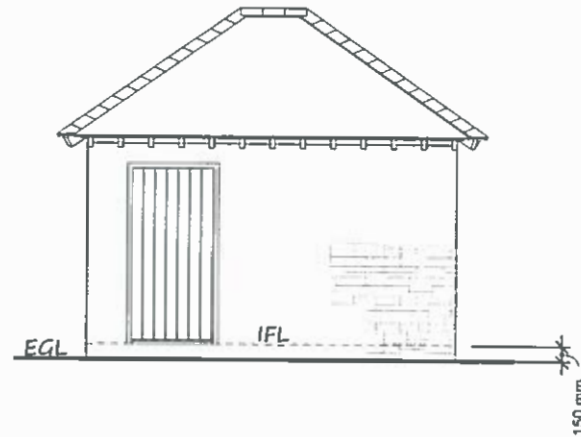
South Elevation As Proposed



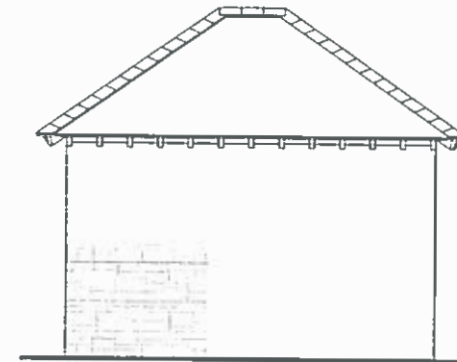
North Elevation As Proposed



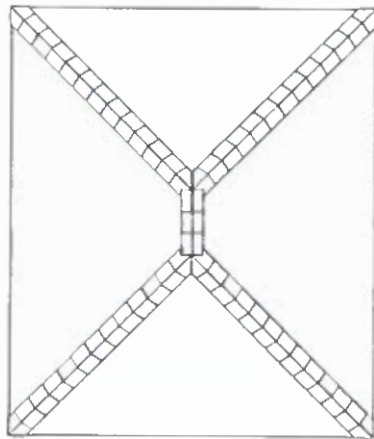
East Elevation As Proposed



West Elevation As Proposed



Roofplan As Proposed



Reclaimed Welsh slate roof, butt jointed ridge tiles  
 Solid walls constructed from stone salvaged from  
 demolished ruin adjacent to house. Painted timber  
 traditional style boarded door to East.



Project	Bwlch Du
Author	LNJ
Checked By	TJN
Drawing Description	New Ancillary Storage Building As Proposed
Drawing Number	DWG18 V2
Date	16th January 2019
Scale	1mm 50mm @ A3

PROPOSED STORAGE BUILDING





**WARD :** Llanrhaeadr Yng Nghinmeirch

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

**APPLICATION NO:** 25/2018/1216/PF

**PROPOSAL:** Alterations and rear extension to existing building, demolition of curtilage structure, erection of ancillary building, retention of log cabin (for temporary period), boundary fencing and gates, and provision of on-site parking and turning area

**LOCATION:** Bwlch Du Nantglyn Denbigh LL16 5RN

**APPLICANT:** Miss Ashley Trengove

**CONSTRAINTS:** SSSI  
Listed Building

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

**REASONS APPLICATION REPORTED TO COMMITTEE:  
Scheme of Delegation Part 2**

- Recommendation to refuse – 4 or more representations of support received
- Member request for referral to Committee
- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

NANTGLYN COMMUNITY COUNCIL –  
“No objection”.

NATURAL RESOURCES WALES –  
Raised initial concerns on 21 February 2019 at the lack of a protected species survey, then subsequently confirmed no objection by letter dated 24 April 2019 on the basis of the ecological report lodged on 23 April 2019.

DWR CYMRU / WELSH WATER –  
No objection.

CLWYD POWYS ARCHAEOLOGICAL TRUST –  
Note that the barn structure is proposed to be completely removed and object to this as it was an integral part of the curtilage of the cottage buildings along with another wholly demolished barn to the south, both of which are visible on the first and second edition OS mapping. The ruinous walls could usefully be lowered and retained as a stub wall to represent the original outline of the barns. The interior may include a flag floor which should be retained as e.g. a garden patio area with planters.

CADW –  
No objection.

SPAB (SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS) –  
Object to the loss of internal features and demolition of the adjacent ruined barn.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Highways Officer –

No objection.

Senior Technical Environmental Health Officer –

*Noise*

The planning status of the property is relevant to noise considerations, as a suitable noise assessment and details of noise mitigation measures may be necessary, should they be required as indicated by the assessment, to ensure the residential amenity of the occupiers is not compromised by potential noise disturbance from the adjacent Brenig Windfarm.

*Water Supply*

The current situation regarding the water supply to the application site is unclear. Should the existing spring be used, no further comment. If a borehole is installed on site, the borehole will be required to be a minimum of 50 metres from the septic tank and soak away. The applicant should notify the Council in relation to installation of a borehole so records can be updated. If the applicant intends to have a utility company mains water supply to the site, should notify proof of connection.

Conservation Officer –

Original comments were to express support for the proposal to renovate the listed building and proposals in general but had concerns regarding the following items;

- ' 1) The existing fireplace and bread oven is an important feature of the building and needs to be retained as existing. I strongly object to any alterations to the structure and fabric and suggest an alternative means of access is made from the new extension to the other side of the building.
- 2) The large dog kennel is sited a fair distance from the property in the adjacent field within the SSSI area and in my opinion unacceptably stands out with the design and materials not being appropriate for the surrounding area. I would suggest siting the kennel within the curtilage of the property in the least prominent location at the rear and painted in a suitable colour to blend in
- 3) The log cabin, solar panels, shed and wind turbine will need a condition stating the time period these structures are allowed to be retained on site as currently they are detrimental to the setting of the listed building and surrounding area. I object to them being on site but will be agreeable to temporary siting for a relatively short period of time for the reasons given in the application.'

Confirmed in further response dated 20 May 2019 that there was no objection subject to the amended plans and the removal of the dog kennels from the scheme.

In relation to the derelict outbuilding, notes it was the preference to retain the remains and consolidate the walls of the outbuilding but if a future application is submitted (as has been suggested) to rebuild the structure to its original form and appearance, would be supportive of this proposal in principle subject to approval of details.

Ecologist –

Initially raised an objection to the effect on the designated features of the Mynydd Hiraethog SSSI and other protected species of conservation. Having reviewed the details of the bat survey lodged on 23 April 2019, considers the assessment of the building as having negligible potential to support roosting bats is incorrect given that the surrounding habitat is of high potential to support bats and the photographs of the building appear to show features which are suitable for roosting bats, which would require further surveys.

Notes that the bat report states *"There are no roof voids and no insulation beneath the asbestos panels, the rooms extend to the ridge, all areas are accessible"* however, the Construction Details and Photographs document includes photos from inside the building which appears to contain a number of features which are potentially suitable for roosting bats, along with a completely different internal structure than that described above. The building appears to contain wooden boarding underneath the asbestos roofing sheets which could be utilised by roosting bats, and also stop the building from being fully surveyed internally.

Based on the inaccuracies within the report, it is recommended that emergence surveys are undertaken to ensure that no bat roost is present and that the proposed development will not result in negative impacts to protected species. In addition, there has still been no submission relating to common reptiles so it is still not possible to determine the impacts on these species or ensure that the proposed development will not result in an offence.

Recommends that this application is rejected until such time that the bat and reptile surveys outlined above have been completed, and the results of these compiled with in appropriate reports and submitted to the local planning authority for review and approval.

## **RESPONSE TO PUBLICITY:**

### In support

Representations received from:

Helen Job, 2 Maes Garnedd, Peniel  
David Hall, 13, Valdene Drive, Worlsey  
Michael Grzegorzewski, Carreg-y-Fran  
Michael Skuse, Caenant, Llangynhafal

Summary of planning based representations in support:

- Proposals should be supported as the scheme allows for the renovation and retention of a Grade II listed building / It is Council policy to encourage owners to convert redundant buildings for holiday, tourism, residential use / The proposed conversion of the building into a residential property, carefully done, would improve and enhance the site.
- The residential use has not been abandoned, Bwlch Du retains its roofs and walls and structural integrity, has been boarded up (indicating it was always intended to be restored)/ has had Council tax paid on it consistently
- Bat survey undertaken was comprehensive and to ask the applicant to undertake another seems excessive / dry heathland is unlikely to support protected reptile species
- History of the house is significant / its survival should be cherished / failure to allow this sympathetic and modest proposal to extend and restore would amount to cultural vandalism

### In objection

Representations received from:

Natural Power, by letter dated 9 May 2019 which reads as follows:

*“Our comments do not focus on the design detail of the application but the more basic point that the applicant relies on the assumption that Bwlch Du is a dwelling that they are seeking to alter and extend, whereas we consider the property to be a derelict building that would require change of use to be reinstated as a dwelling.*

*Brenig Wind Farm is an operational wind farm adjacent to the property which was consented by Denbighshire County Council in 2009. A further consent was granted on appeal for an increased tip height in 2016, though this consent was not implemented.*

*At the time of the grant of the 2009 planning permission, the related application was supported by an Environmental Statement. That Environmental Statement included an assessment of noise impacts at nearby sensitive receptors (i.e. residential properties) to demonstrate that appropriate noise limits could be met at those properties. This was accepted by DCC, Dick Bowdler (the external noise consultant appointed by DCC), and other consultees. The list of properties assessed was scrutinised by DCC, an independent noise consultant acting on behalf of DCC, DCC’s environmental health officer and was publicly available to the community and interested parties. It was not challenged.*

*The then owner of Bwlch Du, a Mr Hebblethwaite who lived in Chester, attended a public consultation event at Nantglyn and I remember speaking to him and his daughter. He told me that the property was used occasionally for summer picnics but had not been lived in for a long time. It would seem reasonable to think that he would have raised the issue of its use as a dwelling had it been the case.*

*The local ward member, Cllr Richard Walsh was opposed to the wind farm and would surely have raised the issue of Bwlch Du being a dwelling had he considered it to be the case.*

*Subsequently there was a second planning application for a wind farm with an increased tip height at Brenig. This was refused by DCC but granted on appeal in 2016. Again there was no dispute by any consultee, local representative or other party that Bwlch Du should be considered as a noise sensitive party. Once again the local ward member, Cllr Joe Walsh on this occasion, opposed the application but did not flag up any deficiency in the noise assessment due to the omission of Bwlch Du. Once again Dick Bowdler acted for DCC in advising them on the noise assessment.*

*In both instances the scope of the noise assessment was agreed with DCC, was scrutinised by an external expert acting on their behalf, and it appears that no issue was raised with it either during the application or the appeal process. Further scrutiny was added by the planning inspector who attended a site visit prior to granting the appeal. It is reasonable therefore to conclude that all parties regarded it as a robust assessment of the impacts of the proposed Brenig Wind Farm on all relevant noise receptors at the time at which planning permission was granted.*

*The Coflein website <https://www.coflein.gov.uk/en/site/26899/details/bwlch-du> describes Bwlch Du as “now derelict”. Photos on the page clearly show the property as derelict, having no door or windows and with sheep freely entering the building.*

*In summary, this was because both the applicant, DCC, its advisors and other consultees considered that Bwlch Du was not a residential property. To the extent that it may have been in the past, it appears to have been common ground between the applicant and the Council that such use had been abandoned in planning law terms.*

*In support of my client’s position I would ask you to consider the conclusions of the Court of Appeal in Hughes v Secretary of State for the Environment Transport and the Regions (see attached – and in particular the criteria at paragraph 4 to 8 and paragraph 23).*

*Any application for residential use should cover both the “existing” dwelling and the proposed extension and therefore that the application in its current form should be refused or amended.”*

**EXPIRY DATE OF APPLICATION: 12/03/2019**

**EXTENSION OF TIME AGREED: 21/06/2019**

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

- delay in receipt of key consultation responses
- 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:**

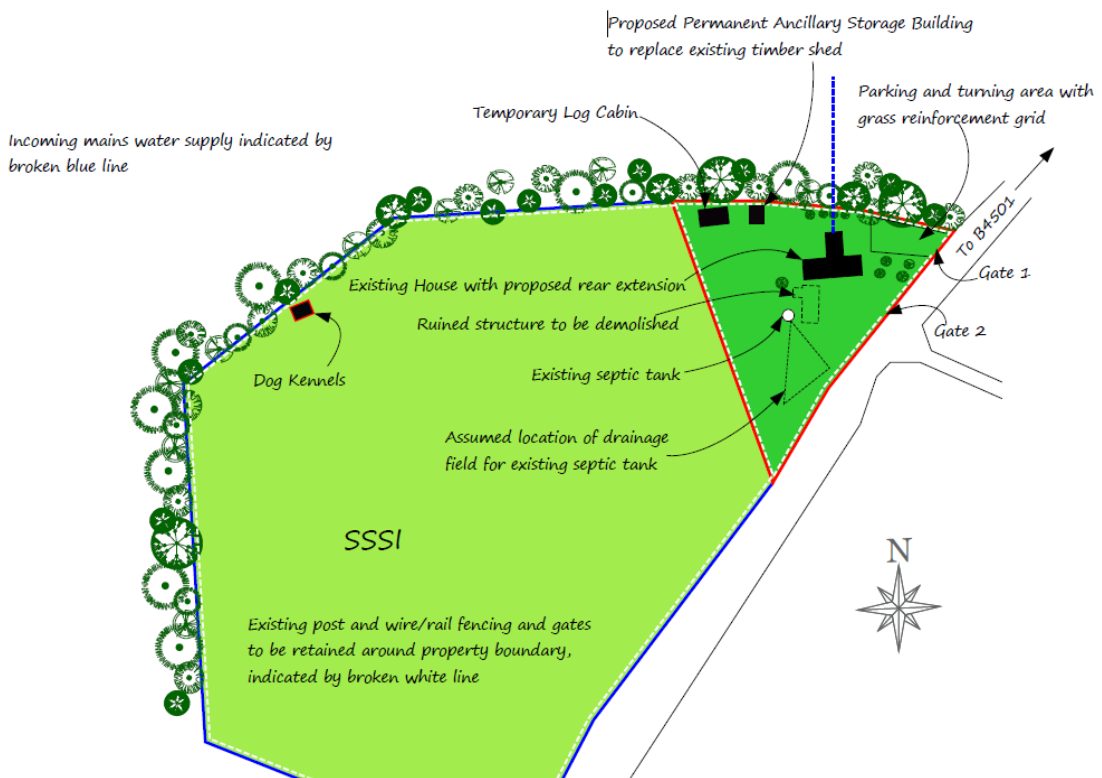
**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks planning consent for a number of developments at the property Bwlch Du:

- a) Alterations and rear extension to existing building
- b) Demolition of curtilage structure
- c) Erection of ancillary building
- d) Retention of log cabin (for temporary period)
- e) Boundary fencing and gates
- f) Provision of on-site parking and turning area

1.1.2 The location of the above elements is shown on the site plan extract provided below for ease of reference. The applicants confirmed in May 2019 that the proposals for dog kennels were to be removed from the application:



1.1.3 The alterations to the existing building were revised by amended plans on 8 April 2019 following discussions with Council officers, to limit impact on the internal features of the existing building, primarily the central fireplace. The works now proposed would add a single-storey extension to the rear (north) of the building to accommodate a kitchen/living area with the remainder of the building being laid out to provide two bedrooms, a bathroom and a dining room. The extension would utilise stonework/render and a painted corrugated iron roof to match the host building.

1.1.4 The rear extension would have a footprint of 6.0 metres by 4.8 metres, adding a floor area of 29 sq m to the existing structure which has an existing floor area of 64 sq m, thereby representing an increase in floor area of 45%.

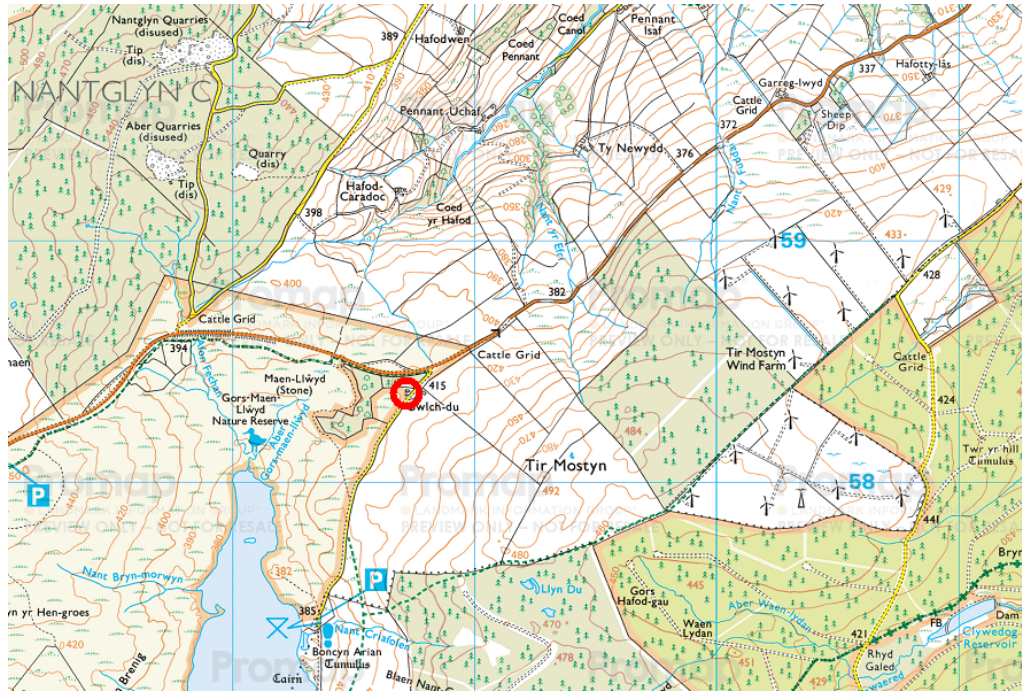
1.1.5 The existing building has the remains of a former barn located to its southern side which is proposed to be demolished as part of the scheme. During discussions with the agent and at a case officer site visit on 5 March 2019 it was confirmed that it was

feasible to retain the base element of this former structure as some form of patio area should it be considered prudent to do so by the Council, although no plans or details of how this could be achieved have been provided.

- 1.1.6 The proposed ancillary storage building would be located adjacent to the northern boundary of the site with a footprint of 3.0 metres by 3.65 metres with a hipped roof over up to a height of 3.5 metres. The structure would utilise a slate roof and stonework for its walls, salvaged from the remains of the ruined barn to be demolished.
- 1.1.7 The log cabin which is currently in place at the site has a footprint of 7.0 metres by 3.6 metres with a ridge of 3.1 metres, and is located adjacent to the northern boundary as indicated on the site plan extract earlier in this report. It is proposed to be retained for a maximum period of five years until works on the main building have been completed. The log cabin is being utilised without the benefit of planning consent as a dwelling by the applicant and her partner, and has been subject to enforcement action requiring its removal.
- 1.1.8 The extent of the boundary fencing which has been put in place around the perimeter of the site including the road frontage is indicated on the site plan and takes the form of post and wire fencing. Two gates have been provided on the south eastern side, one of which leads into a parking/turning area which has been created within the north eastern corner of the site and will be laid out as a reinforced grid system to allow grass to grow and provide a natural appearance. The extent of this parking/turning area is indicated on the site plan. As the fencing and gates have already been put in place, permission for this element of the scheme is sought retrospectively.
- 1.1.9 When initially submitted, the application also proposed the retention of a substantial dog kennel building standing in the adjacent field. This element was confirmed by the agent for the scheme on 7 May 2019 as being no longer included and has been omitted from the description of development.
- 1.1.10 The main points of the applicants / agents submissions in relation to key elements of the proposals are referred to in the main planning considerations sections of the report.
- 1.1.11 The plans at the front of the report illustrate the different elements of the scheme.

## 1.2 Description of site and surroundings

- 1.2.1 The application site is located 4km south west of Nantglyn, adjacent to a road junction on the B4501, to the east of which lie the Brenig and Tir Mostyn wind farms. Llyn Brenig lies around 700m to the south west of the site, as indicated on the location plan provided below. The site location is denoted by a red circle:



- 1.2.2 The site slopes from the southern boundary up to the north where it abuts a ribbon of tree planting, with a farm building across the minor road to the east and an open field to the south west which slopes down towards Llyn Brenig.
- 1.2.3 The main existing building at Bwlch Du appeared to be in use for storage purposes at the time of the case officer site visit on 5 March 2019. It is a single-storey building with stonework walls and a pitched corrugated asbestos roof. The interior of the building was sub-divided into two main rooms (one at each end) either side of a central fireplace/oven feature.
- 1.2.4 Photographs taken on 5 March 2019 of the interior of the building and the site are shown below:







- 1.2.5 The recently constructed Brenig windfarm is located on land to the east / south east of Bwlch Du, with the turbines at Tir Mostyn further to the east.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The existing building is a Grade II Listed property, described within the official Cadw listing as follows:

*History:*

*Late C18 or early C19 encroachment smallholding farmstead, built on the edge of the moors.*

*Exterior:*

*Long, single-storey small farmhouse of whitened rubble construction with corrugated asbestos roof, probably formerly thatched; modern purlins visible at the gable ends. The farmhouse is in two sections, a 2-window living section to the R and a 2-window brewhouse section to the L; a large central chimney divides the two. The latter has weather-coursing and C20 brick corning. C20 boarded doors, the brewhouse section flanked by small, plain late C19/early C20 sliding sashes and the main section with similar sash to the R and a larger 12-pane sliding sash to the L; projecting slate sills throughout.*

*Interior:*

*The interior was not inspected at the time of survey.*

*Reasons for Listing:*

*Listed for its special interest as a small late C18 or early C19 encroachment homestead in an isolated moorland location.*

- 1.3.2 The site lies outside of any development boundary and is adjacent to an SSSI designation as shown in the Denbighshire Local Development Plan. For planning policy purposes it is in open countryside.

- 1.3.3 The site lies within the boundary of Strategic Search Area A – Clocaenog Forest in Welsh Government’s Technical Advice Note 8: Planning for Renewable Energy. This is one of seven areas designated as suitable for large scale onshore wind developments, to assist achievement of Welsh Government’s targets for onshore wind production.

#### 1.4 Relevant planning history at the site

- 1.4.1 The Development Management Section’s recent records reveal the submission of applications in 2017 in relation to developments at Bwlch Du, which were not considered valid, and have not been pursued by the applicants.
- 1.4.2 The current planning and listed building submissions were received in late December 2018.
- 1.4.3 An Enforcement Notice was served in 2018 in relation to breaches of planning control at the site including the siting of the timber cabin, the boundary fencing and gates, a wind turbine, an electrical plant storage shed, solar panels, a poultry shed and the kennel building. The Notice was the subject of an appeal in early 2019. This appeal was dismissed by the Planning Inspectorate in May 2019 and the enforcement notice upheld.

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

- 1.5.1 The application has been subject to extensive discussions with the original agent (Nicholson Price Associates) and the latest agents (Richard Buxton Solicitors, who were appointed on 15 May 2019), along with the applicant Ashley Trengove and her partner Dean Turner, who has also been authorised by the applicant to correspond on the case.
- 1.5.2 These discussions have led to the submission of revised plans on 8 April 2019 which showed the repositioning of the extension to allow the central fireplace to be retained, the provision of further bat information on 23 April 2019, and the removal of the dog kennels from the scheme as confirmed on 7 May 2019 by the original agent and on 13 May 2019 by Mr Turner.
- 1.5.3 Further information has been received throughout the period of the consideration of the case by the Council, and is referred to later in the report.

#### 1.6 Other relevant background information

- 1.6.1 The proposals relating to the extension and alterations of the listed building and the demolition of the curtilage structure are the subject of a separate listed building consent application, which is presented in the following report on the agenda, application reference 25/2018/1217/LB.

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

2.1 25/2018/1217/LB – Alterations and rear extension to existing building and demolition of curtilage structure: Undetermined at the time of this report.

2.2 Enforcement Appeal ref APP/R6830/C/18/3203539: dismissed on 23 May 2019.

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

**Policy RD3** – Extensions and alterations to existing dwellings

**Policy PSE4** – Re-use and adaptation of rural buildings in open countryside

**Policy VOE1** – Key areas of importance

**Policy VOE5** – Conservation of natural resources

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

**Policy VOE 10** – Renewable energy technologies

**Policy ASA3** – Parking standards

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Listed Buildings

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Renewable Energy

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

#### 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 8 Renewable Energy (2005)

TAN 12 Design (2016)

TAN 24 The Historic Environment (2017)

Circulars

#### 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'. This guidance is consistent with the statutory requirement to determine planning applications in accordance with the development plan unless material considerations indicate otherwise (s.38(6) Planning and Compulsory Purchase Act 2004). 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 Lawful use of the property
- 4.1.2 Principle
- 4.1.3 Visual amenity and landscape impact
- 4.1.4 Residential amenity
- 4.1.5 Ecology and the SSSI
- 4.1.6 Drainage
- 4.1.7 Highways
- 4.1.8 Impact on the Listed Building
- 4.1.9 Implications on Brenig Wind Farm / TAN 8 Strategic Search Area

4.2 In relation to the main planning considerations:

4.2.1 Lawful use of the property

Officers consider the critical starting point for the assessment of the application is inevitably the lawful use of the existing main building, as this dictates the key planning policies at local and national level that should be applied.

The applicant's position

A summary of the applicant's view is that the heritage listing for the property estimates that the cottage was erected in the late 18th or early 19th century and the agent contends that it has been utilised for the majority of its lifetime as a dwelling connected to the wider farmstead.

It is stated in paragraph 7.2 of the submitted 'Revised Heritage Impact Statement and Supplementary Information' dated 7 April 2019 that occupation of the cottage '*may well have continued until the recent past*' but paragraph 7.3 accepts that the cottage is currently unoccupied although this period of vacancy was '*always intended by the previous owners to be temporary*'. No evidence has been provided to endorse this assertion.

Paragraph 7.4 asserts that comparatively minor extensions, alterations and repairs are needed for the building to continue to function for modern habitable living. Paragraph 7.6 concludes that 'the residential use has not been substantively abandoned and the site still possesses an authorised use as a dwelling and curtilage'.

Individual representations

Comments received on the application contend the residential use has not been abandoned, and refer to the fact that Bwlch Du retains its roofs and walls and structural integrity, it has been boarded up, suggesting it was always intended to be restored, and has had Council tax paid on it consistently.

The Council's position

The Council's evidence in relation to the recent enforcement appeal notes that there is no history of planning permissions at the property. The main stone building is a derelict and uninhabitable farmstead, with no evidence of occupation or renovation works for a number of decades.

There is useful archive information on Bwlch Du on the Coflein online mapping service, which records built heritage in Wales. This contains an entry for the building from an inspection in July 2007 of: 'Now derelict. This is reported to have remained roofed with heather until the mid-19th century'. The Coflein site contains the following photographs taken in 1954 and 2008.



Bwlch Du 1954- Coflein



Bwlch Du -September 2008- Coflein

Other 2008 photographs on the Coflein record show the interior of the property as having an earth floor and with all windows and doors having been removed.

By way of background, a request for submission of a lawful use certificate to assist consideration of the residential use status was made to the applicant in May 2017 but as no application was submitted, the status of the land and the building remains at issue. The Inspector in the recent enforcement appeal decision letter made no definitive comments in regard to the lawful use of the building.

Officers have no grounds to dispute that the building was originally constructed as a dwelling and was utilised as such for much of its long lifespan. It is however unclear as to exactly when permanent occupation ceased and this is considered to be a critical matter in relation to the current application.

It was evident from the internal inspection of the building made by the case officer on 5 March 2019 that it had not been lived in for some time, with the photograph from 1998 provided above further evidencing this fact.

Marketing particulars dating from 2016 from Rightmove, after which the applicant purchased the site, describe the building as being a 'detached house for sale', but this sheds no useful light on the issue as the description is purely informative and not evidenced within the particulars.

The Council Tax section have records that payments were made by the previous owner from 1996 to 2016, but this was stopped once the applicant purchased the property. Payment of Council tax does not confirm occupation or use of a property or the lawfulness of its use in planning terms.

Available water supply records refer to the property as a holiday cottage in 1976 with a further record in 2005 stating the building was derelict and used as a sheep shelter, which lends weight to the view that it was not occupied, or capable of being occupied.

#### Abandonment

Through case law, Officers are aware that the relevant factors to be taken into account when considering whether the use of a dwelling has been abandoned are:

- 1) *Physical condition of the building;*
- 2) *Length of time for which the building has not been utilised for residential purposes;*
- 3) *Whether the building has been utilised for any other purposes;*
- 4) *The intentions of the owners.*

The above factors are assessed below. It should be recognised that none of these factors are in themselves determinative. They should be considered in the round and in light of the overarching question: whether a reasonable man with knowledge of all the relevant circumstances would conclude that the house had been abandoned.

#### *- Physical condition of the building*

The main building is in a poor condition and has suffered from neglect over a long period of time, having no door or window frames and no internal fittings. It is in a clearly uninhabitable state. However, whilst a structural survey has not been provided as part of the application package and the building has not been inspected by any qualified surveyor, it is the opinion of the case officer and the conservation officer from an internal and external inspection of the property that the building is not in a dangerous condition. There was no readily apparent visual evidence of structural instability in the main walls or roof at the time of the site visit on 5 March 2019, which is apparent from the photographs provided elsewhere in the report.

It is not considered that the physical condition of the building provides conclusive evidence either way on the matter of abandonment of the residential use.

- *Length of time for which the building has not been utilised for residential purposes*

The Council's proof of evidence for the recent enforcement appeal confirmed that there is no history of planning permissions at the site. It refers to the property being a derelict and unoccupied farmstead dating from the late 18th or early 19th Century, and that the main building has not benefitted from any renovation works for a number of decades.

The photograph provided earlier in the report dating from 1954 depicts the building with a thatched roof, and containing windows and doors but provides no firm evidence as to the use of the building at that time with no internal views being available.

When the issue of the lawful use was raised with the current applicant, a response was lodged which included the following information:

*"The council is in possession of evidence, including full council tax records, proving Bwlch Du's residential status, therefore, again, I find it unreasonable that officers are again questioning this, and asking my planning agent to provide a statement.*

*There have been no intervening uses of Bwlch Du, no previous applications for a change of use since it was last lived in, the state of the building, even according to CADW, is well preserved and the intentions of the previous owner were to retain its residential status – why else would the previous owner pay tens of thousands of pounds in council tax and even travel a two hour round trip from his home in Chester to attend a community meeting regarding the Brenig Windfarm (admission from the previous Brenig project manager at Natural Power). Bwlch Du was also purchased as a residential property.*

*To be clear, the residential status of Bwlch Du has not been abandoned. Should the council wish to challenge this further, they should apply the four tests of abandonment and formally challenge this through the judicial system. Holding our property informally "in limbo" and saying the residential status remains "unresolved" without even, according to Chief Executive, Judith Greenhalgh, formally challenging this, is both unreasonable and unlawful."*

In regard to Council Tax payments, it is confirmed by the Council tax section that this was paid by the previous owner from 1996 to 2016, but payments were stopped following challenge from the current owners and now applicant. E-mail correspondence from the owners in support of the challenge included the following dated 15 April 2016:

*"On 3 November 2015 we purchased the above property in the knowledge that it has been derelict for decades and requires major structural repair, therefore rendering it unfit for human habitation... With the property being so dilapidated and unfit for human habitation, I queried with council tax bill in the first place, and have now applied to the Valuation Office Agency to have the property deleted from the banding system while in its current state."*

Information on water supplies for the property held by the Council's Public Protection section is also of assistance in regard to establishing the length of time for which the building has not been occupied. The 1976 file describes the building as a 'weekend cottage' without any bathroom or toilet. A further note in 1992 reiterates the lack of bathroom facilities, with a note in 2005 describing the building as being derelict and used as a sheep shelter.

The Electoral Services Officer has confirmed that an application was received in 2017 for registration on the electoral roll at the property, but that historical paper registers dating back to 1974 have no-one registered at Bwlch Du.

Taking all the above available evidence into account, it would appear that the building has not been utilised as a permanent residential property since at least the 1950s, its deteriorating physical condition since this time rendering it uninhabitable as a dwelling.

The applicant/agent have been requested to put forward their own evidence to endorse their opinion that the property remains a lawful dwelling, but have not provided any documentary evidence to contradict the Council's records and overall opinion that the building ceased to be utilised as a permanent dwelling more than 60 years ago.

On this basis, it is Officers' view that the property has not been used for residential purposes for a considerable period of time, and consideration of this factor points strongly to the conclusion that the use of the building as a dwelling house has been abandoned.

- *Whether the building has been utilised for any other purposes*

There is no clear evidence to show there has been any 'intervening' use of Bwlch Du since its last use as a dwelling. Whilst it has been noted in the past that animals have been seen using it as a shelter, Officers would not consider this would constitute a 'positive' alternative use established over time.

Officers' conclusions are that consideration of this factor is neutral in the overall judgment as to whether the dwellinghouse use has been abandoned.

- *The intentions of the owners*

It seems from the information in front of the Council that prior to the most recent change of ownership in 2016, the owner of Bwlch Du had no clear intention to utilise the building as a permanent dwelling, evidenced by the fact that little or no efforts were made over a considerable period of time to maintain the basic structure, and by the time of consideration of the windfarm application in 2007, it was in a dilapidated and totally uninhabitable condition.

Whilst it is recognised that the current applicant's intentions are to renovate Bwlch Du as a dwelling, this is not considered of significance to consideration of the issue of abandonment, as the test has to be applied over the owner's intentions over a period of time. Indeed, it could be argued that if a property's use as a dwellinghouse has already been abandoned, the intentions of the current owners should be given limited, if any, weight.

Taking into account the evidence of the intentions of previous owners of the property, Officers conclude that this particular factor supports a conclusion that the use of the building as a dwellinghouse has been abandoned.

Conclusions on the planning status of the property

The available evidence confirms that the property was originally constructed as a dwelling and appears to have remained in use as such until the 1950s, after which time it may have been utilised occasionally as a weekend cottage. Its physical condition has declined, and it has been evidenced in use as an animal shelter. There is no evidence of any intention of the previous owner to use or maintain Bwlch Du as a dwelling over a considerable period of time.

Having regard to the evidence available and the factors set out earlier in this report Officers conclude that a reasonable man with knowledge of all the relevant circumstances would conclude that the house has been abandoned. The property therefore has no lawful use. The proposals before the Council should therefore be considered to be for the adaptation of a redundant rural building for use as a



dwellinghouse. The remainder of this report therefore considers the other relevant issues on this basis.

#### 4.2.2 Principle

In terms of the national planning policy context in respect of development in open countryside, Planning Policy Wales 10 (December 2018) paragraph 3.56 states that this should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new buildings in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Representations received on the application suggest the principle of the development should be supported as the scheme allows for the renovation and retention of a Grade II listed building, which is encouraged by planning policy and would improve and enhance the site. There is also reference to the significance of the history of the house which suggests its survival should be cherished.

In Officers' opinion, having regard to the background history, the proposal should properly be considered as one involving the conversion of a disused building in the open countryside to a dwelling, with the ancillary developments. Local Development Plan Policy PSE 4, Re-use and adaptation of rural buildings in open countryside, allows for such conversions where the scheme of conversion makes a positive contribution to the landscape, any architectural features of merit are retained, and two tests are met :

- 1) an employment use has been demonstrated not to be viable; and
- 2) the dwelling is affordable to meet local needs.

The development proposes conversion and extension works on the main building, with the extension as revised adjudged to retain the internal features of architectural merit of the structure

Having regard to the tests of policy, there is no information in the submission to show that the re-use of the disused building is unviable for employment use or that the proposed dwelling would be affordable to meet local needs. It is the view held by officers that the applicant has not submitted evidence on these criteria because she does not consider them to be relevant given her view that the dwellinghouse use has not been abandoned.

Overall, the development is considered to be contrary to the requirements of LDP Policy PSE 4 and the advice of PPW10 in regard to development in the countryside.

#### 4.2.3 Visual amenity and landscape impact

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 material consideration.

PPW 10 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic,

environmental and cultural benefits they provide, and to their role in creating valued places.’

Having regard purely to the physical impacts of the different elements of the proposals:

The scale, siting and detailing of the proposed extension to the existing building is considered to be appropriate in respect of the character of that building, with the new post and rail fence and gates also relatively small-scale changes to the appearance of the site.

If the existing building were held to be a lawful dwelling, the minor extension to the residential curtilage is also not considered unreasonable.

However, the retention of the log cabin for any period of time and the siting and scale of the proposed ancillary building are adjudged to have a clear adverse visual impact as they are alien structures within the landscape which have no required relationship to the listed building or the wider open countryside.

These elements of the development are therefore considered contrary to PPW10 in regard to harm to the landscape and also guidance in Paragraph 9.4.3 of the Development Management Manual.

#### 4.2.4 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 works as proposed are not considered likely to give rise to harm to existing residential amenity of occupiers of any nearby dwellings, given the absence of any dwellings in the immediate locality.

The matter of granting the permission sought in relation to the impact of the nearby wind farm on the amenity of any future residential occupiers of Bwlch Du is addressed later in this report.

#### 4.2.5 Ecology and the SSSI

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.

There is key guidance is provided in Technical Advice Note (TAN) 5: Nature Conservation and Planning on the consideration to be given to the presence of protected species. Paragraph 6.2.2 and 6.3.7. These include the following:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted”; “Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event protected species are found to be present, mitigation measures are submitted for approval”; and “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 licence are likely to be satisfied”.*

*The guidance also warns that “bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present”*

There are individual representations on the application which contend that the bat survey undertaken was comprehensive and it is excessive to require the applicant to undertake further survey, and it is suggested the dry heathland is unlikely to support protected reptile species.

The detailed comments of the Council’s ecologist set out earlier in this report highlight concerns over the adequacy of information in relation to reptiles and bats, in particular its lack of a robust analysis of bat habitat, roosts and emergence surveys. The ecologist points to parts of the building structure which could be utilised by roosting bats, and also stop the building from being fully surveyed internally. The clear conclusion is that emergence surveys need to be undertaken to ensure that no bat roost is present and that the proposed development will not result in negative impacts to protected species. In relation to common reptiles, the absence of any survey means it is still not possible to determine the impacts on these species or ensure that the proposed development will not result in an offence.

Prior to the receipt of the final comments from the Council’s Ecologist, the applicants expressed concerns at the suggestion that additional bat surveys may be necessary, pointing to their own Consultant’s findings and information in the Brenig Windfarm Environmental Statement in 2007 which indicated Bwlch Du was not a suitable habitat for bats. Their agents have been made aware of the Ecologist’s final comments in an email dated 1 July 2019 and have responded as below:

*‘We are hoping to obtain some further comments from Mr Bennett on the points raised by Mr Walley but he is currently away and we do not know when he will be able to respond. If any further information is forthcoming from Mr Bennett in advance of the meeting, we trust that this will be accommodated given the very significant delay in Mr Walley’s response (which was provided well after the consultation period and in fact after the original date that the application was intended to be heard). In any event it seems clear that if there are any outstanding issues by the time of the hearing, these can be dealt with by conditions.’*

Any additional representations received from the agents between the drafting of this report and the day before the Planning Committee meeting will be referred to in the late information sheets.

In respecting the applicant's previous comments, on the basis of the Ecologist's clear response it is considered that insufficient information has been submitted to demonstrate that the proposed development would not adversely impact on protected species. In circumstances where it is not possible to be satisfied that a proposal would not adversely affect a protected species or that NRW would be able to grant a regulation 44 permit, the matter of impact on protected species is not something which can be conditioned as it requires resolution prior to any approval being issued. The grant of planning permission would risk breaching the requirements of the Habitats Regulations. The proposal is therefore considered to be contrary to the requirements of TAN 5, Policy VOE5, SPG18 and paragraph 9.4.3 of the Development Management Manual.

#### 4.2.6 Drainage

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 drainage and flood risk impacts of development should therefore be regarded as a potential 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'.

On the basis of consultation responses, the scheme as a whole is not considered to raise any significant concerns in regard to drainage impacts or water supply. In the event of permission being granted, it would be necessary to include suitable conditions and notes to applicants requiring further details of the drainage proposals, to ensure impacts on a sensitive environment are mitigated to an acceptable level.

#### 4.2.7 Highways

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.

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) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

The highway officer raises no objections to the proposals, and it is not therefore considered that the proposals raise any negative highway related issues.

#### 4.2.8 Impact on the Listed Building

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.

Whilst it is concluded that the extension and alterations to the listed building are acceptable developments in terms of visual impacts and the character and appearance of the listed building, and are supported by the Conservation Officer, the impacts of the ancillary buildings on the setting of the listed building are not considered to be acceptable, and fail to preserve that setting, in conflict with policy and guidance on the historic environment, TAN 24, Planning Policy Wales, The Historic Environment Act, Policy VOE 1 of the Denbighshire Local Development Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 4.2.9 Implications on Brenig Wind Farm / TAN8 Strategic Search Area

The presence of windfarms in close proximity to Bwlch Du raises separate considerations in relation to this application. These are outlined in the response submitted by Natural Power, which is included at the front of the report.

The planning policy context is set in Technical Advice Note 8, which outlines considerations Welsh Government require to be given to proposals for and impacting on windfarms. Of particular interest is Paragraph 2.10, which encourages Local Planning Authorities to take an active approach to developing local policy for Strategic Search Areas in order to secure best outcomes. It refers to local issues which could be addressed, including:

- 'Safeguarding wind farm sites. Local Planning authorities should be aware that other developments could sterilise land for wind power proposals, and bear this in mind during policy formulation and decision making'.

The TAN8 requirement is relevant to the application as the grant of permission for the proposals to reinstate a residential use at Bwlch Du has potential to impact on the Brenig windfarm, and potentially others in the vicinity as the introduction of sensitive developments such as residential properties in close proximity to operational and consented windfarms could prejudice the functioning of windfarms due to adverse effects from noise and shadow flicker. No information has been provided with the application to demonstrate the property is capable of achieving a satisfactory standard of amenity for future occupiers, and accordingly there is insufficient information to conclude that the future occupiers of the property would enjoy an adequate level of residential amenity, having regard to the proximity of the property to an operational wind farm. Officers have concerns the proposal would not be compatible with windfarm developments on adjoining land.

The Natural Power response explains the background to the grant of permission for the Brenig (and other) windfarms in this area, and the involvement of the County Council, the Planning Inspectorate at appeal, and the Secretary of State in relation to the Clocaenog windfarm. In summary, the Environmental Impact Assessments (EIAs) submitted with the windfarm applications have included detailed noise assessments to establish impacts at identified sensitive receptors (i.e. residential properties), to demonstrate that appropriate noise limits could be met at those properties. Bwlch Du was not recognised in any of the windfarm applications as a sensitive residential

receptor as it was in a derelict and uninhabitable condition. This was public information open to challenge from any party with an interest in the applications (County Council, Community Council, consultees, private individuals, Councillors, and the property owner). There is no evidence this was ever challenged. Applications refused by the County Council which have been subject to appeal have been scrutinised by Planning Inspectors, and again there has been no reference to the need for inclusion of Bwlch Du as a sensitive residential receptor. This lack of any challenge is a relevant indicator of the abandonment of the property, although not determinative.

The relevance of this is that Bwlch Du is within 2km of a number of operational and consented windfarms including Tir Mostyn / Foel Goch windfarm, the Brenig Windfarm, Clocaenog Forest windfarm and the Pant y Maen windfarm. The property was not considered to be a residential receptor in any of the EIAs for the windfarm planning applications, and at no point did the decision makers or any party expressing interest in the applications consider it to be residential. As noted, the decision makers on these applications have been the County Council, the Planning Inspectorate on appeal decisions, Welsh Ministers and the UK Secretary of State.

The grant of permission would run contrary to the requirement in TAN8 that consideration has to be given to safeguarding windfarm sites in making planning decisions.

#### 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 Bwlch Du proposals raise significant issues of principle. Officers do not consider the property has a lawful use as a dwelling, evidenced by the background history, hence it is contended that the proposals before the Council are for the re-use and adaptation of a redundant rural building for residential use, with ancillary developments. On this basis, the development is considered to be unacceptable in principle. The ancillary developments cause visual harm to the locality, impacting adversely on the setting of the listed building.

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The subject case fails to comply with the development plan as a whole, having regard to its failure to comply with Policies PSE4, VOE1 and VOE5.

5.3 Additionally, the grant of permission would not safeguard wind farm sites from a development which could negatively impact on them, and it has not been demonstrated that the dwelling would be capable of providing a satisfactory standard of amenity for future occupiers due to the proximity to operational and consented windfarms. The submission also fails to provide sufficient details to allow for an adequate assessment of the potential impact on protected species.

5.4 Whilst the benefits of the renovation and retention of the listed building are recognised, this is not in itself considered to be of sufficient strength to outweigh the harm caused when taken in the overall planning balance. It is not considered that the use of conditions would be sufficient to make the development acceptable given the objections raised within this report regarding the matters of abandonment, the conversion of the building to a dwelling, adverse visual impact and impact on the setting of the listed building, lack of information regarding protected species, and the windfarm impact. Accordingly, there are insufficient material considerations that displace the presumption in favour of the development plan in this case.

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

1. The existing building does not have a lawful use as a dwelling, having regard in particular to the length of time for which it has not been in use for residential purposes and the absence of any clear intention of the previous owner to use or maintain the building as a dwelling. As the residential use of the property is considered to be abandoned, the proposal is therefore considered to be for the re-use and adaptation of a rural building in open countryside. The proposal to re-use and adapt the buildings to use as a dwelling conflicts with the tests of Policy PSE4 of the Denbighshire Local Development Plan, as it has not been demonstrated that its use is unviable for employment purposes or that the proposed dwelling would be affordable to meet local needs. Additionally, it has not been demonstrated that the dwelling would be capable of providing a satisfactory standard of amenity for future occupiers due to the proximity to operational and consented windfarms, a factor which is a material planning consideration in line with the guidance in Section 9.4 of the Development Management Manual.
2. The log cabin and the siting and scale of the proposed ancillary building have an adverse visual impact in an area of remote open countryside, and fail to preserve the setting of a listed building, contrary to Planning Policy Wales 10 with respect to harm to the landscape and also the guidance in Paragraph 9.4.3 of the Development Management Manual, TAN 24, Planning Policy Wales, The Historic Environment Act and Policy VOE 1 of the Denbighshire Local Development Plan and is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. There is insufficient information submitted to demonstrate that the proposed development would not adversely impact on protected species. The proposal is therefore contrary to guidance in TAN5 paragraphs 6.2.2 and 6.3.7, Policy VOE5 of the Denbighshire Local Development Plan along with the guidance in the Council's adopted Supplementary Planning Guidance note 'Conservation and Enhancement of Biodiversity' and paragraph 9.4.3 of the Development Management Manual.
4. The site is located within Welsh Government's Strategic Search Area A, as defined in TAN 8: Renewable Energy. As the grant of permission would in effect convey residential use status to Bwlch Du, this is considered to conflict with the requirement on Local Planning Authorities in TAN 8 paragraph 2.10 to safeguard wind farm sites from other developments which could sterilise them, and it has not been demonstrated that the dwelling would be capable of providing a satisfactory standard of amenity for future occupiers due to the proximity to operational and consented windfarms, a factor which is a material planning consideration in line with the guidance in Section 9.4 of the Development Management Manual.

This page is intentionally left blank