

**ADDITIONAL ITEM**

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

**PLANNING CONDITIONS REPORT: APPLICATION REFERENCE NUMBER**

**22/2020/0735** - Land adjacent to Hendrerwydd Farm, Hendrerwydd, Denbigh

**1. PURPOSE OF THIS REPORT:**

1.1 Members will recall that planning application reference: 22/2020/0735 was discussed at the November Planning Committee meeting.

1.2 The application related to the erection of a rural enterprise dwelling, installation of a private treatment plant and associated works at land adjacent to Hendrerwydd Farm.

1.3 Committee resolved to grant planning permission contrary to Officers recommendation, subject to the planning conditions being brought back to Committee for approval.

1.4 This report seeks Members approval on the conditions to be imposed on the planning consent.

1.5 Members will note that the proposed dwelling is to be subject to an occupancy condition (condition 3) and that an occupancy condition is also to be applied to the existing dwelling (condition 4). This is following advice contained in Welsh Governments Technical Advice Note 6, Practice Guide, which states:

*“8.21 Where proposals for dwellings are permitted on enterprises where there are already dwellings occupied in association with them, local planning authorities have the ability to restrict not only the future occupancy of the new dwellings but of others on the enterprises whose occupancy is not currently controlled or where the scope of control is less than that in the new condition.*

*8.22 This extension of control is not automatic but will relate to the circumstances of individual cases. Such circumstances could arise where the need for an additional dwelling arises from an increase in the functional demands of the enterprise whereby two on-site workers are required rather than the one residing in an existing dwelling. In this case it will have been demonstrated that the enterprise needs two dwellings, and it would be inconsistent if the occupancy of the new dwelling was secured and controlled but not that of the existing dwelling.”*

**2. PROPOSED CONDITIONS:**

2.1 Having regard to the nature and scale of the development, advice of statutory consultees and the resolution of Planning Committee, Officers would propose the following conditions and advisory notes should be imposed on the planning consent:

1. The development to which this permission relates shall be begun no later than **10th November 2026**

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

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

- (i) Proposed elevations (Drawing No. PL03B) received 10 March 2021
- (ii) Proposed floor plans and elevation (Drawing No. PL02B) received 10 March 2021
- (iii) Existing section through site (Drawing No. SU02) received 24 September 2020
- (iv) Proposed section through site (Drawing No. PL04B) received 10 March 2021
- (v) Existing site plan (Drawing No. SU01) received 24 September 2020
- (vi) Proposed site plan (Drawing No. PL01C) received 9 February 2021
- (vii) Location plan revised received 10 March 2021

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

### **Occupancy conditions**

3. The occupancy of the dwelling shall be restricted to:

- a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,
- b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

4. The occupancy of the existing dwelling at Hendrerwydd Farm shall be restricted to:

- a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,
- b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

### **Highways conditions**

5. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles as indicated on the approved plan, and shall be completed prior to the use commencing.

Reason 5: To provide for the parking of vehicles clear of the highway and in the interests of highway safety

### **Ecology and landscaping conditions**

#### **PRE-COMMENCEMENT CONDITION.**

6. No development shall be permitted to commence until the details of the provision for roosting bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans. The development shall proceed in strict accordance with the approved plan and details.

Reason 6: To protect the favourable conservation status of protected bat and bird species

7. The development hereby approved shall not be brought into use until a detailed landscaping scheme designed to deliver a net benefit for biodiversity, has been submitted to, and approved in writing by the Local Planning Authority. This shall include a species list for the new planting, and only feature species of known benefit to wildlife. The scheme shall include all proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, maturity, location, height, spacing and timing of implementation. The scheme shall include boundary fencing or retaining wall details and any hardstanding areas proposed. The landscaping scheme as approved shall be implemented in the first available planting season and shall be retained as such at all times.

Reason 7: In the interests of nature conservation and in the interest of visual amenity

8. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

Reason 8: In the interests of nature conservation and in the interest of visual amenity

9. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

Reason 9: In the interests of nature conservation and in the interest of visual amenity

10. No external lighting shall be permitted to be installed or operated, including emergency / security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage onto foraging habitats for bats. The scheme shall be carried out strictly in accordance with the approved details.

Reason 10: To ensure the favourable conservation status of protected bat species.

**Drainage condition:**

11. The development hereby approved shall not be brought into use until a fully detailed scheme of foul drainage and surface water drainage with the inclusion of an assessment of the potential to dispose of surface and land water by sustainable means has been submitted to, and approved by, the Local Planning Authority. The approved scheme shall be completed before the occupation of the dwelling.

Reason 11: In the interest of the management of flood risk.

## **Materials condition**

12. No development shall be permitted to commence on the external walls and roof of the dwelling until the written approval of the Local Planning Authority has been obtained to the materials to be used thereon. The development shall be carried out in accordance with the approved details.

Reason 12: In the interest of visual amenity

## **NOTES TO APPLICANT:**

### **Special Note to Applicant- PROW**

The Council's Public Rights of Way Officer has recommended that that the two existing stiles at the end of the road from the PROW which runs to the south of the hedge adjacent to the site are replaced with a hand or kissing gate and low key waymark disks are placed on the route to improve accessibility. Please contact Adrian Walls for more information, [Adrian.walls@denbighshire.gov.uk](mailto:Adrian.walls@denbighshire.gov.uk)

### **HWY7**

#### **Public Right of Way General**

You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of building works.

There is no diminution in the width of the right of way available for use by members of the public.

No building materials are stored on the right of way.

No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.

Vehicle movements are arranged so as not to interfere with the public's use of the way.

No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.

No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right or allowed to interfere with the right of way.

The safety of members of the public using the right of way is ensured at all times.

If the applicant wishes to temporarily close the Path, he/she will need to apply for a temporary closure at least 6 weeks prior to the event. Please contact Paul Owen or Tania Evans on 01824 706872/2963 for further details.

### **DCWW 5 - Asset Protection**

The applicant is 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### **DCWW 6 – 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.

### **BAT LITE2 – Bat External Lighting General**

Any external lighting should be sensitively designed to reduce impacts on nocturnal wildlife. All lighting should be angled downwards and installed with a protective cowl to reduce light spillage.

Guidance is set out in Guidance Note 08/18 Bats and Artificial Lighting in the UK (2018) published by the Bat Conservation Trust & The Institute for Lighting Professionals. The document can be found at <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

### **BIO GEN3 – General Note Destruction of Bird Nests**

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

### **BB - BOXES**

#### Bat& Bird Boxes

Planning Policy Wales (PPW) 11 (2021) recommends that biodiversity and ecosystem resilience considerations should be taken into account in development proposals. It would therefore be recommended that biodiversity enhancement measures are incorporated into this development in the form of the provision of bird boxes/ bat boxes.

It is preferable to incorporate these features in the structure of the proposed new development as these are discrete, maintenance free, and ensure the building remains suitable for protected species in perpetuity. You are advised to discuss this detailed with a suitably qualified Ecologist. Boxes such as the 1FR Schwegler Bat Tube, Ecosurve Bird Boxes, and Bird Brick Houses are all designed to be integrated into new build developments.

### **LANDSCAPING**

Regarding Condition 7, it is required to provide a full plant list for the landscaping scheme. No species listed on Schedule 9 of the Wildlife and Countryside Act (1981), as amended, or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) should be included in the planting list.

### **SUDS**

#### **SUDS Approval required**

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-drainagesystems-suds/sustainable-drainage-systems-suds.aspx>

### **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.

### **3. RESOLUTION:**

3.1 To approve the conditions and advisory notes set out in Section 2 above for inclusion on the Decision Notice.

**EMLYN JONES HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTYSIDE SERVICE**