

10/2021/0091

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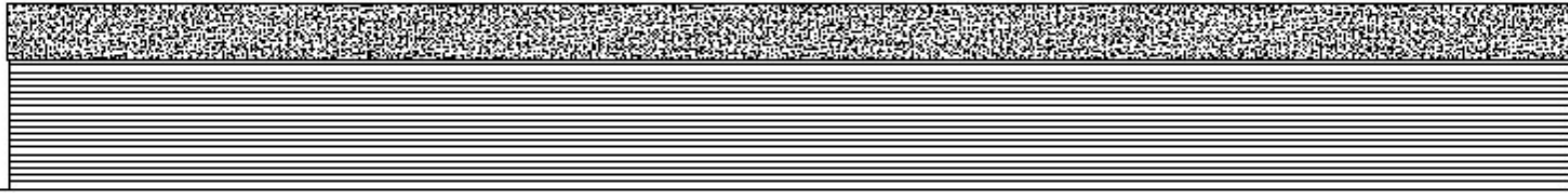








Front Elevation Proposed



Rear Elevation Proposed



Left Elevation Proposed



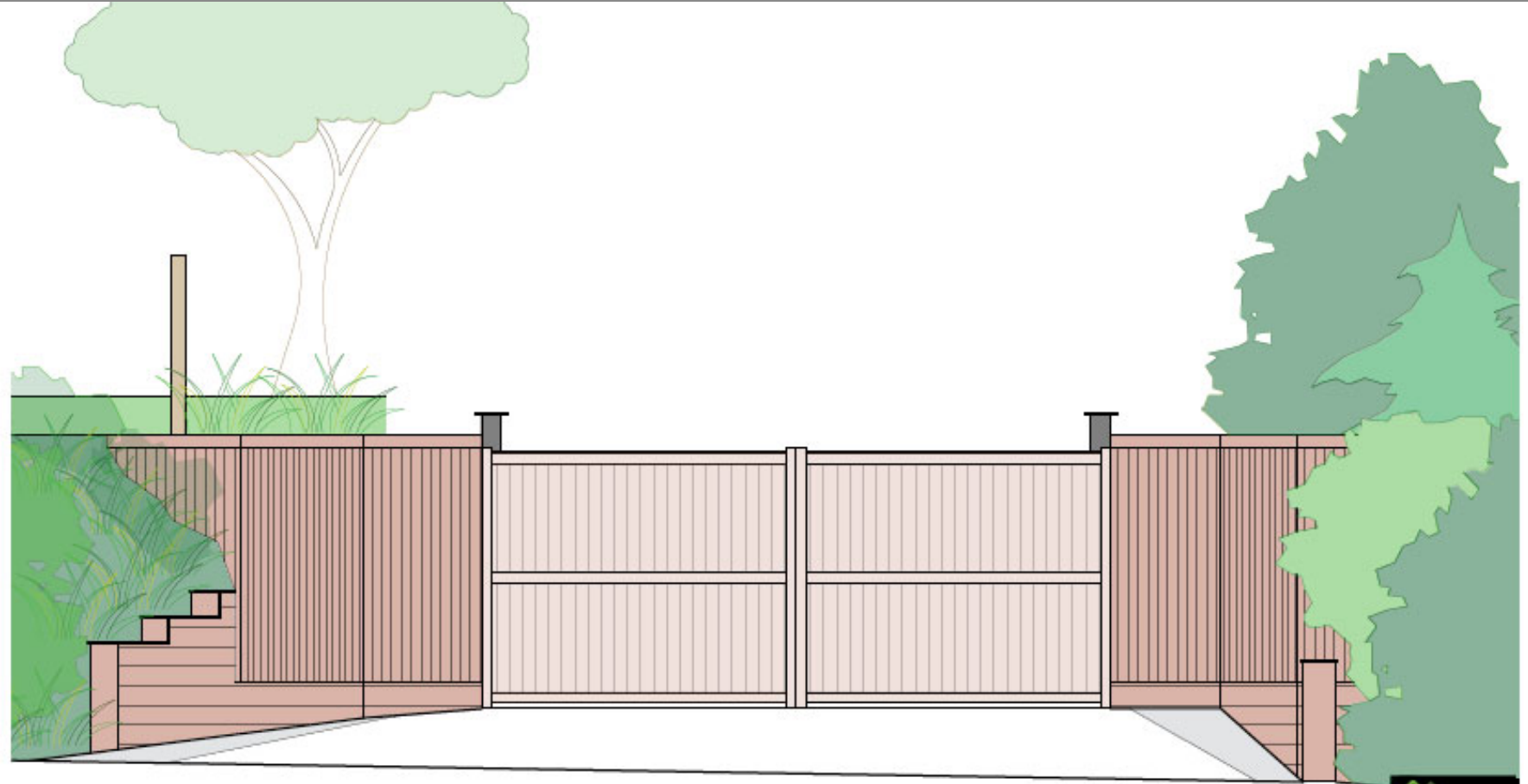
Roof to be finished in Onduline roof sheeting in black.

All external walls and doors to be in a natural timber finish

Right Elevation Proposed

	
<small>HDS ARCHITECTURAL 104 Ambleside, The Forestry, 22 Trove Street, Weymouth, Dorset, DT9 3LQ Tel: 01305 374000 www.hdsarchitectural.co.uk</small>	
Project:	Sanctuary Home, Weymouth, Dorset, DT9 3LQ
File:	Roofs (A2)
Prepared/Revised:	1/16
Drawn By:	DAW/SLK
Date:	March 2016
Revision:	
<small>For all other enquiries please contact: HDS ARCHITECTURAL 01305 374000</small>	

Elevations



HDS ARCHITECTURAL SERVICES Professional Architectural Services 10100 10100 10100	
Project: New Home Development, Green Hill 10100	
Title: Street Elevation 10100	Client: 10100
Drawn By: 10100	Date: 10100
Remarks:	

Street scene elevation

WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Councillor Hugh Evans

APPLICATION NO: 10/2021/0091/ PS

PROPOSAL: Variation of condition no. 2 of planning permission code no. 10/2019/0443 to allow minor material amendments to the approved scheme

LOCATION: Land and Barn at Deio Uchaf Bryneglwys Corwen

APPLICANT: Mr & Ms Craig & Emma Donnellan & Phillips

CONSTRAINTS: PROW
AONB

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

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

- Member request for referral to Committee to allow members to consider the impact of the proposal on the surrounding area.

CONSULTATION RESPONSES:

BRYNEGLWYS COMMUNITY COUNCIL
No response received

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

"The Joint Committee has no observations to make on the application other than to express dissatisfaction that the applicants chose to amend the approved scheme once again without first seeking the necessary planning approvals."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Highways Officer – awaiting response

RESPONSE TO PUBLICITY:

In objection

Confidential Representation(s) received:

Summary of planning based representations in objection:

- Impact on visual amenity/AONB: it is suggested the proposal has a detrimental impact on the visual amenity of the area/character of the AONB by virtue of its design. It is further suggested that the lighting at the site undermines the Dark Skies initiative for the AONB.

EXPIRY DATE OF APPLICATION: 28/03/2021

REASONS FOR DELAY IN DECISION:

Protracted negotiations resulting in additional information being submitted.

EXTENSION OF TIME AGREED: 17th June 2022

PLANNING ASSESSMENT

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 A variation of condition 2 on planning permission ref 10/2019/0443/PF is sought to permit the variation of the design of the stables and access layout previously approved.

1.1.2 The design changes sought relate to the shape of the stables, which were originally granted as a 'U' shape layout, but have now been built in an 'L' shape, and the layout of the access includes the introduction of gates set back approximately 2.5metres from the highway along with additional landscaping surrounding the entrance.

1.1.3 The application is retrospective.

1.2 Description of site and surroundings

1.2.1 The site lies on the eastern side of the road and is set opposite a farm track, with open fields to all sides and a house to the south. The site has an existing access off the road and the topography of the land slopes down from north to south and also through the site down to the road from east to west. The site occupies a prominent location and has a hedgerow to the front but with the existing house and outbuilding readily visible from the road.

1.3 Relevant planning constraints / considerations

1.3.1 The site stands outside of the development boundary and is located within the designated Area of Outstanding Natural Beauty (AONB) in the Local Development Plan.

1.4 Relevant planning history

1.4.1 The original scheme granted permission for a holiday let dwelling on the site. This was superseded in 2020 by a change from a holiday let to a rural enterprise dwelling to support a proposed equine therapy centre business.

1.5 Development / changes since the original submission

1.5.1 Additional details of the access to the site have been provided.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

10/2015/1001/PF - Conversion of outbuilding to holiday accommodation unit (re-submission).
GRANTED 23/11/2015

10/2019/0443/PF - Change of use of land to equestrian use, erection of stables, construction of manege, use of partly converted barn (approved as holiday accommodation under planning permission code no. 10/2015/1001) to a rural enterprise dwelling and associated works.
GRANTED

10/2020/0080/AC - Details of external materials on the stables, manege details and external lighting submitted in accordance with condition no's 5,6 and 9 of planning permission code no. 10/2019/0443. APPROVED 23/7/2020

10/2020/0099/AC - Details of foul and surface water drainage submitted in accordance with condition number 3 of planning permission code number 10/2019/0443/PF. APPROVED 21/4/2020

10/2020/1007/AC - Details of external lighting to manege submitted in accordance with condition no. 9 of planning permission code no. 10/2019/0443. APPROVED 22/7/2021

3. RELEVANT POLICIES AND GUIDANCE:

Local Policy/Guidance

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

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

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Access For All](#)

Supplementary Planning Guidance Note: [Advertisements](#)

Supplementary Planning Guidance Note: [Affordable Housing](#)

Supplementary Planning Guidance Note: [Agricultural and Forestry Workers Dwellings](#)

Supplementary Planning Guidance Note: [Clwydian Range and Dee Valley Area of Outstanding Natural Beauty](#)

Supplementary Planning Guidance Note: [Parking Requirements In New Developments](#)

Government Policy / Guidance

Planning Policy Wales Edition 11 (February 2021)

Future Wales – The National Plan 2040

Development Control Manual November 2016

4. MAIN PLANNING CONSIDERATIONS:

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

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and

Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1 Principle
- 4.1.2 Visual amenity including impact on Area of Outstanding Natural Beauty
- 4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application is made under Section 73 of the Town and County planning Act 1990 (the 1990 Act).

Section 73 allows applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. Where a Section 73 application is granted, its effect is to grant a new planning permission, but that new permission does not rescind the previous permission.

In this instance, due to a design change to the stables and the access layout, the applicants have applied to vary condition 2 of the 2019 permission. Condition 2 controls the plans which should be adhered to when carrying out a development. If this consent is granted, the applicants would receive a new permission with the revised plans conditioned.

In Officers opinion the 2019 permission remains extant, and that there is no material change in circumstance which would affect the principle of the proposal. The 2019 is therefore an established fall back permission – ie, if this permission were to be refused, the applicants could still rely on that permission to continue living at the site and operating the Equine Therapy business centre (although the design of the stables and the site layout would be in breach of planning).

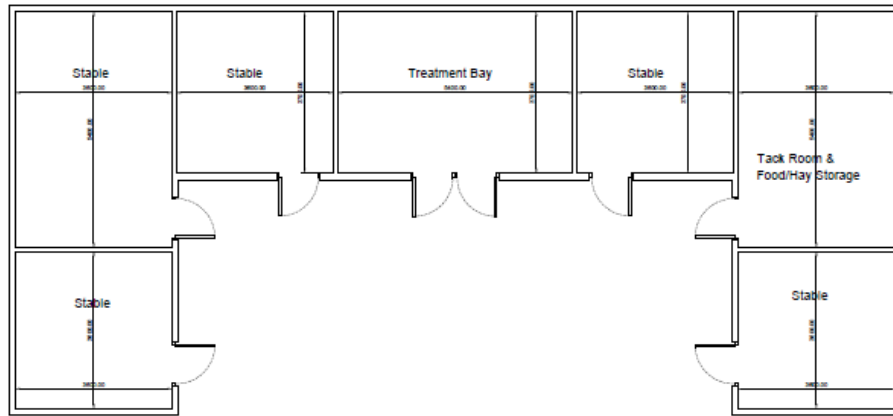
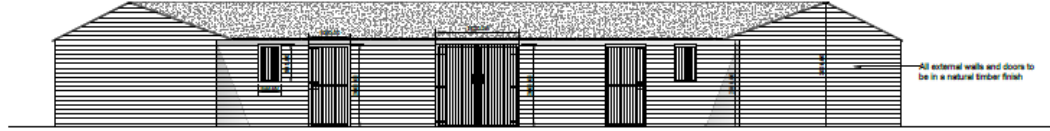
On the basis of the background to the application, and the nature of the application, Officers consider that the principle of the proposal has been established and cannot be undone through a refusal of this application. The sole consideration on this application is therefore whether or not the impacts of the amended design/layout would have such a different impact on the amenity of the area as to justify refusing planning permission.

4.2.2 Visual amenity including impact on Area of Outstanding Natural Beauty:

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. Policy VOE 2 seeks to resist development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for its designations.

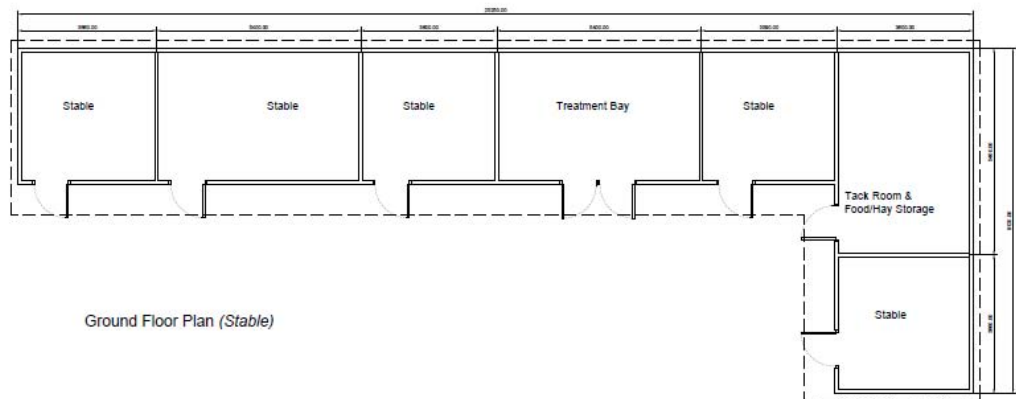
The changes to the stable block involve changing the foot print from a 'U' shape to an 'L' shape. The changes result in the total length of the stables increasing from 20.5metres to 25 metres. The changes are best shown using plans.

As originally approved:



Ground Floor Plan (Stable)

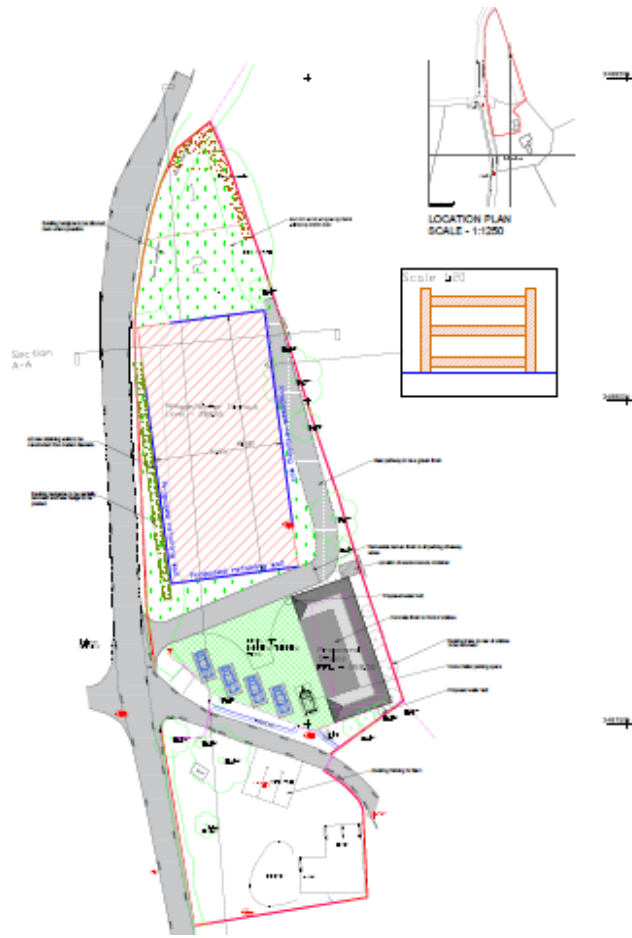
As proposed/built:



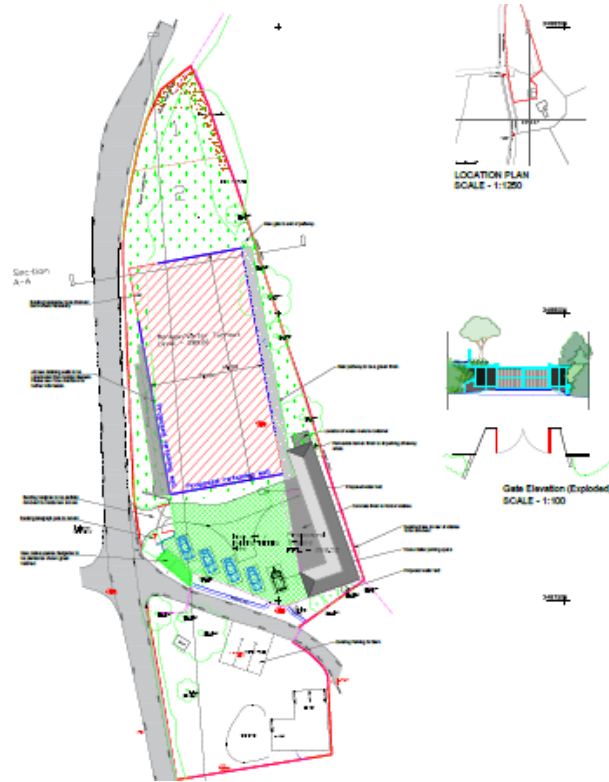
Ground Floor Plan (Stable)

The alterations to the layout of the site focus on the layout of the access track and the introduction of gates to the site.

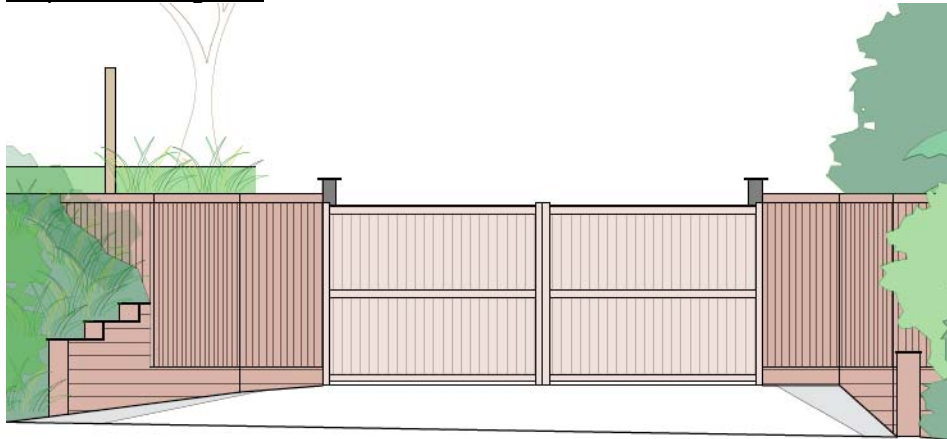
Originally approved layout (over leaf):



Layout as proposed/built:



Proposed/ built gates:



The stables are set back from the highway by approximately 30 metres. The gates are set back from the highway by approximately 5 metres. The remainder of the sites road frontage is screened by an existing mature hedgerow.

The AONB Committee have not raised an objection to this application.

In Officers opinion the changes to the design of the stables are considered sufficiently minor as to have a limited difference of impact when compared to that as previously approved. As a result of the stables siting they are not excessively prominent within the street scene. The changes to the layout of the access are also considered sufficiently minor as to not have a different impact on the character of the area. However, the introduction of gates would have a different impact on the character of the area. In Officers opinion the gates are only viewed from a short

section of road, and do not appear unacceptably out of character. The landscaping which has been carried out either side of the gates will serve to soften the appearance of the gates once fully established. The material (timber) is considered appropriate.

With regard to concerns relating to the control of external lighting at the site, Members are advised that such matters lie outside of this application –because the details of lighting have already been approved. However, factually and for Members reference, the approved lighting scheme shows that the lights for the manege are cowled to limit light spillage, and that the lights can only be used between the months of October and March and not during summer months when bats are likely to be active. Within those months, the lights are not used between the hours of 1900hrs and 0700 hours, except for in genuine emergencies relating to animal welfare matters.

Members are advised that the application relates solely to the ‘minor material amendments’ to the previously approved scheme and these changes are: the stable design, the access layout and introduction of gates. It is considered that the changes to the stable design, site layout and introduction of gates are acceptable in terms of the impact on the visual amenity of the area and the character of the AONB. This view is given additional weight when the established fall-back position is taken into account.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications.

The only nearby property is that of the existing house (Deio Uchaf) approximately 35 metres to the south of the stable block. The changes now sought relate to the change in design of the stables, a variation of the access track, and introduction of gates to the site. These changes are away from Deio Uchaf, and would not result in a different impact on the residential amenity as the scheme originally granted consent would.

It is therefore the opinion of Officers that the proposal is acceptable in terms of its impact upon residential amenity.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications.

The access onto the highway remains in terms of position and visibility splays. The key difference is whether or not the gates have a detrimental impact upon highway safety.

It is noted that the gates are set back over 5 metres from the highway edge but that the gates open outwards. Officers consider that it is likely that a horse box would likely have to wait on the highway for the gates to be opened before entering the site. However, the visibility along the highway in this location is considered adequate to ensure that a vehicle waiting on the highway for what would only be a short period of time would not result in a loss of highway safety. It is further considered that were the

gates lower in height, then they would be permitted development. This is a factor that should be given significant weight in determining this application.

It is Officers opinion that the proposals impact upon highway safety is not unacceptable given the visibility along the highway, the time vehicles would potentially have to wait on the highway, and the fall-back positions of gates in that location being permitted development if lower in height. Officers consider that the proposal is acceptable with regard to its impact upon highway safety.

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 revised scheme relates to the changes in design of the stables, layout of the site and erection of gates to the entrance. Following the above assessment of the proposals impacts, and giving weight to the lawful fall-back position established by the previous consent, Officers consider the proposal to be acceptable.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 19 September 2024
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed stable elevations (Drawing No. 05 Rev. D) received 1 February 2021
 - (ii) Proposed stable floor plan (Drawing No. 04 Rev. D) received 1 February 2021
 - (iii) Site cross sections (Drawing No. 03) received 10 May 2019
 - (iv) Topographical survey received 10 May 2019
 - (v) Existing block plan (Drawing No. 01) received 10 May 2019
 - (vi) Proposed Site Plan (Drawing No. 02 Rev. F) received 6 October 2021
 - (vii) Cross Section (Drawing No. 03 Rev. D) received 1 February 2021
 - (viii) Proposed Streetscene (Drawing No. 00) received 6 October 2021
3. **PRE COMMENCEMENT**
No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the details for the disposal of foul drainage and surface water drainage in connection with the development. The scheme shall include details of the timing of implementation and the works shall be carried out strictly in accordance with the approved details.

Condition 3 approved under Code No. 10/2020/0099 dated 21/04/2020

4. 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) holiday accommodation and the unit shall not be occupied as a sole or main residence at any time. A record shall be kept of all occupiers of the units and shall be made available for inspection at the reasonable request of the Local Planning Authority.
5. Prior to the application of any external materials on the stables and dwelling, details shall be submitted to and approved in writing by the Local Planning Authority

Condition 5 approved under Code No. 10/2020/0080 dated 23/07/2020

6. Notwithstanding the submitted details, prior to the commencement of works on the manege, its final position, levels, and landscaping/planting to the road side perimeter shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and retained as such at all times.

Condition 6 approved under Code No. 10/2020/0080 dated 23/07/2020

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the first occupation of the dwelling. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
8. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the details hereby approved and shall be completed prior to the development being brought into use.
9. No external lighting shall be permitted without the prior written agreement of the Local Planning Authority as to the details of the position, luminance levels and light spillage.

Condition 9 approved under Code No. 10/2020/0080 dated 23/07/2020

10. In the event of the business activity ceasing, the stables and manege shall be removed from the site, and the ground shall be restored in accordance with the restoration scheme as agreed in writing with the Local Planning Authority. The restoration scheme shall include details of the timing of implementation.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure the development is served by a satisfactory drainage system.
4. To ensure compliance with National Planning Policy relating to Rural Enterprise Dwellings.
5. In the interest of visual amenity.
6. In the interest of visual amenity and the character of the Area of Outstanding Natural Beauty.
7. In the interests of visual and residential amenity.
8. In the interest of highway safety.
9. In the interest of maintaining the favourable conservation status of protected species.
10. In the interest of visual and residential amenity.