

15/2021/0320

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NATIVE HEDGEWOODS

SPACING	SIZE	TYPE	HT
15	40x40cm	Sp	41
30	40x40cm	Sp	50
30	40x40cm	Sp	50
15	40x40cm	Sp	41

1. Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.
2. Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.
3. Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.
4. Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.

- AFTERCARE**
- Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.
 - Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.
 - Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.
 - Hedgewood to be planted in a 30cm depth, 30cm width, 30cm height.

NATIVE TREE PLANTING

SPACING	SIZE	TYPE	HT
15	40x40cm	Sp	41
30	40x40cm	Sp	50
30	40x40cm	Sp	50
15	40x40cm	Sp	41

1. Native tree to be planted in a 30cm depth, 30cm width, 30cm height.
2. Native tree to be planted in a 30cm depth, 30cm width, 30cm height.
3. Native tree to be planted in a 30cm depth, 30cm width, 30cm height.
4. Native tree to be planted in a 30cm depth, 30cm width, 30cm height.

- AFTERCARE**
- Native tree to be planted in a 30cm depth, 30cm width, 30cm height.
 - Native tree to be planted in a 30cm depth, 30cm width, 30cm height.
 - Native tree to be planted in a 30cm depth, 30cm width, 30cm height.
 - Native tree to be planted in a 30cm depth, 30cm width, 30cm height.

General Notes

1. All planting to be undertaken during the planting season (November to March inclusive), unless otherwise stated.
2. All planting to be undertaken during the planting season (November to March inclusive), unless otherwise stated.
3. All planting to be undertaken during the planting season (November to March inclusive), unless otherwise stated.
4. All planting to be undertaken during the planting season (November to March inclusive), unless otherwise stated.

NOTES

1. The drawing is based on A.C. Architectural Design, London, 19th March 2021 and the 'The Y Beudy' project, 19th March 2021.
2. The drawing is based on A.C. Architectural Design, London, 19th March 2021 and the 'The Y Beudy' project, 19th March 2021.
3. The drawing is based on A.C. Architectural Design, London, 19th March 2021 and the 'The Y Beudy' project, 19th March 2021.
4. The drawing is based on A.C. Architectural Design, London, 19th March 2021 and the 'The Y Beudy' project, 19th March 2021.

- NOTES**
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1	20	1/20
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20	20	1/20

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Client: Mrs. M. M. M.

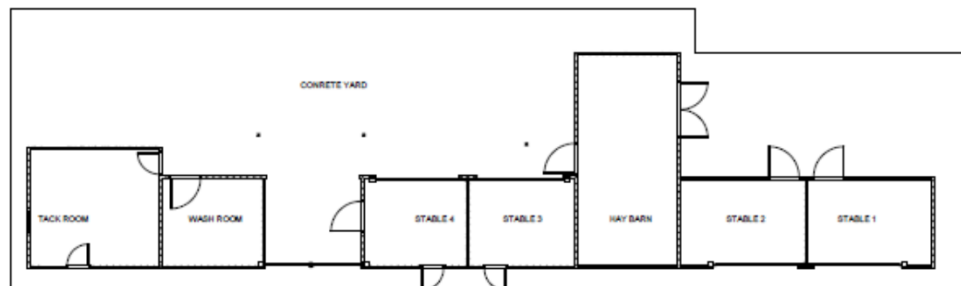
Location: Y Beudy, Llanfair, Gwent

Drawing Title: Soft Landscape Proposals

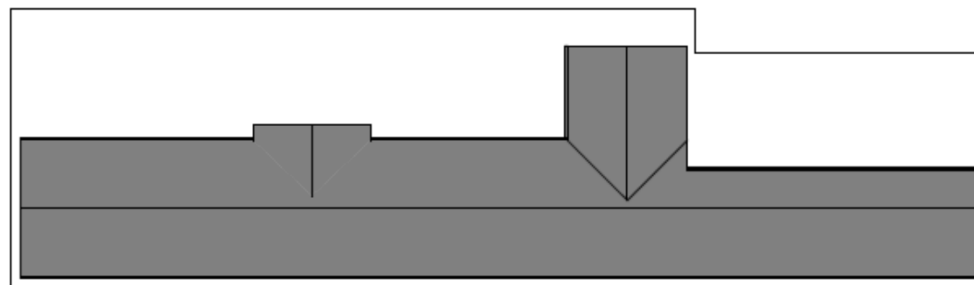
Scale: 1:100

Drawing No: 20210701/01

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1 FLOOR PLAN
1:100



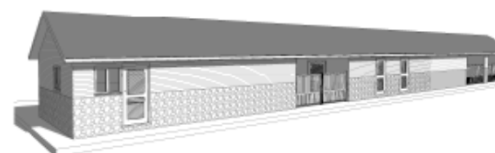
2 ROOF PLAN
1:100



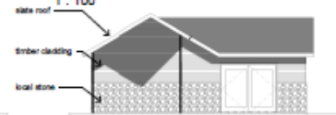
3 FRONT ELEVATION
1:100



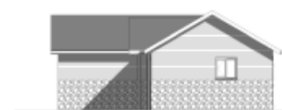
4 REAR ELEVATION
1:100



Section 1
1:100



5 SIDE ELEVATION
1:100



6 SIDE ELEVATION.
1:100

Cladding for walls



Stone for walls



This drawing has been prepared for the sole purpose of obtaining Building Regulations Planning and does not constitute a full detailed design. It can not solely be relied upon for obtaining full permissions for the works shown.

The drawings do not show structural design; all structural requirements should be carried out in accordance with a structural engineer's instructions.

Unforeseen works and items requiring further design by the contractor is the responsibility of the contractor to use a contractor fully experienced in this type of work in accordance with Building Regulations (including obtaining the client's additional elements that are required).

Contractor to obtain completion certificate at completion of work.

All works and materials shall comply with the latest British Standards and Codes of Practice, Building Regulations and Party Wall Act 1980. The Contractor shall comply with manufacturer's instructions, recommendations and requirements.

The Contractor is responsible for carrying out a Health and Safety Risk Assessment to cover all operations involved under the works specified and prior to the works commencing on site. The Contractor may be required to produce this should the need arise.

Electrical work to be installed, tested and commissioned by a competent person who is registered to a scheme under Part P of the current Building Regulations and BS7671.

Energy efficient lighting to be installed within proposed work.

Gas work to be installed, tested and commissioned by 'Gas Safe' registered competent person.

Existing structure insulation/cavity walls and loft to be improved in accordance with Part L of the current Building Regulations.

CDM REGULATIONS 2015
The client must appoint a contractor, if more than one contractor is to be involved, the client will need to appoint a principal designer (to plan, manage and coordinate the planning and design work) and a principal contractor (to plan, manage and coordinate the construction and ensure there are arrangements in place for managing and organising the project).

Domestic clients
The domestic client is to appoint a principal designer and a principal contractor when there is more than one contractor. If not your duties will automatically transfer to the contractor or principal contractor.

The designer can take on the duties, provided there is a written agreement between you and the designer to do so.

The Health and Safety Executive is to be notified as soon as possible before construction work starts if the worker:

(a) Last longer than 30 working days and has more than 20 workers working simultaneously at any point in the project;
(b) Exceeds 500 person days.

CDM REGULATIONS 2015
The client must appoint a contractor, if more than one contractor is to be involved, the client will need to appoint a principal designer (to plan, manage and coordinate the planning and design work) and a principal contractor (to plan, manage and coordinate the construction and ensure there are arrangements in place for managing and organising the project).

Rev	Description	Date

A.F. Architectural Designs
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PROJECT
Y Bedy, Llanarmon-Yn-Ial, CH7 4TB.

TITLE
PROPOSED

CLIENT
Mrs Munro

DRAWN BY
A.F.J

DATE
08/07/21

SCALE (if A1)
1:100

DRAWING NUMBER
REV

NOTE : Measurements/scale is for guidance only. Contractor should take own measurements on site
The use of this drawing as a basis for programming or ordering of material shall be at the contractor's own risk.
The Contractor is to inform of any discrepancies between any information on any drawings and with those found on site

NOTE: DRAWINGS ARE SUBJECT TO BUILDING CONTROL APPROVAL / PROCEEDING WITH WORKS PRIOR TO APPROVAL IS AT OWNERS/CONTRACTORS OWN RISK.













WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Councillor Terry Mendies (c)

APPLICATION NO: 15/2021/0320/ PF

PROPOSAL: Change of use of land from agricultural to equestrian, erection of stables and manege for private use, together with associated hardstanding, track, fencing, and alterations to existing vehicular access

LOCATION: Y Beudy, School Lane, Llanarmon Yn Ial, Mold, CH7 4TB

APPLICANT: Mrs Hannah Munro

CONSTRAINTS: Phosphorus Sensitive SAC Listed Building AONB

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

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

CONSULTATION RESPONSES:

COMMUNITY COUNCIL

No comments.

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

"The Joint Committee notes that other than the welcome deletion of the proposed manege floodlights and car port the scheme is substantially the same as the application which was withdrawn last year (Code No.15/2020/0255) following objections from the AONB and others. The committee remains of the opinion that the currently proposed scale and extent of the proposed development will result in a permanent loss of rural character to the detriment of the AONB. Particular elements of the proposal that the committee objects to are the large, prominent stable block and manege.

There is no objection in principle to the use of this land for private equestrian use, but the committee would favour a substantially scaled back and redesigned scheme supported by a comprehensive landscaping scheme which would have less impact on the locality. For example, a smaller stable block could be located behind the existing garage which would be better related to the existing group of buildings on the site, and a smaller manege realigned on an east- west axis to retain more of the open area of the site. In addition, the existing temporary structures and hay waste tip on the site should be removed."

NATURAL RESOURCES WALES

'We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- Y Beudy Soft Landscape Proposals D - Drawing Ref: 2021067/SPL/01. Sian Griffiths.
31/01/2022

Protected Landscapes: Our landscape planning advice relates to the development's potential impact on the Clwydian Range and Dee Valley AONB's landscape character, visual amenity, special qualities, and visual setting, and its accordance with national policy. We note that an updated plans show that an alternative scheme is now being proposed. We also note that the AONB committee no longer objects to the proposal. We concur with the AONB Joint Committee's updated response to this application.

We note that a planting scheme has been submitted in support of the proposal. (Y Beudy Soft Landscape Proposals D - Drawing Ref: 2021067/SPL/01. Sian Griffiths. 31/01/2022). As well as the planting locations and species to be used onsite, this details appropriate management measures for the short and medium term to ensure successful establishment of planting which will help integrate and screen the site. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Protected Sites: We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Protected Species: We note that the bat report submitted in support of the above application (Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, Y Beudy, School Lane, Llanarmon yn Ial, Mold, Clwyd, Wales, CH7 4TB. Arbtech 2020) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted regarding this matter'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Traffic, Parking and Road Safety
 - Highways Officer
- No objection.

Public Protection Officer
No comments.

County Ecologist

The County Ecologist recommends the following details are secured by planning to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11:

- The development must contain provision for roosting bats and nesting birds.
- Landscaping scheme
- Details of the timing and method of operation for the external lighting associated with the development.

Flood Risk Engineer
Proposals will require SAB approval.

RE-CONSULTATION RESPONSES (IF RELEVANT)

LLANARMON YN IAL COMMUNITY COUNCIL:

"Councillors had concerns regarding the floodlights in an area of dark skies; also the height and size of this building in relation to the size of plot of land and in relationship to the neighbouring property."

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

The amended scheme is a much better scheme. I still think the stable complex looks a bit big for domestic use, but at least it now visually relates much better to the existing complex of buildings. The Joint Committee recommends that the boundary wall to be constructed as a traditional dry stone with a five barred field gate.

County Ecologist

'The proposed development involves the felling of several trees, which has the potential to have impacts on protected species such as bats and nesting birds. The site is located in a rural area, with considerable suitable habitat for bats nearby, good habitat corridors to the wider countryside, and a large number of bat records within close proximity of the site.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. It is an offence to kill, injure, or disturb bats, and to damage, destroy, or block access to their breeding or resting places. The Ecological Report submitted in support of this application, has not provided an assessment of the potential suitability of the trees on site to support roosting bats. The report states "All trees are to be retained" but it appears that the scheme has been amended since the report was completed. At present, the trees outlined for removal have not been subject to bat surveys.

Technical Advice Note 5 (NATURE CONSERVATION AND PLANNING) 6.2.2 states "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 the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.... Where a survey is required by the authority, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is given...."

Further survey is required to determine if bats are present, and advise on suitable avoidance, mitigation and compensation measures, if required'.

Final Response:

'Based on the scoring of the trees to be removed, and follow up emergence survey, I think that the earlier conditions with the addition of a condition to require implementation of recommendations from the ecological surveys would be acceptable. The key thing will be for no loss of canopy cover, and a good landscaping scheme to compensate for the loss of trees whilst providing the maximum benefit to biodiversity'.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

David Roberts, Clover Grange, Llanarmon Yn Ial Nancy Lees, Old Vicarage, Llanarmon yn Ial

Summary of planning based representations in objection:

- Road safety concerns.
- A floodlit ménage will impact heavily on flora and fauna within the area, disrupting wild animal behaviours and habits. The floodlighting will be clearly visible from the Village of Llanarmon yn Ial, and its environs/ Dark Skies policy adopted by DCC. It will also be a distraction to drivers on both School Lane and the B road carrying traffic through to Llanarmon yn Ial, Grianrhyd and onwards to Wrexham. *(please note, floodlights no longer form part of the proposed development)*
- The current development of the site is an untidy eyesore which in an Area of Outstanding Natural Beauty is unacceptable. The site is already over developed.
- There is a substantial amount of imported waste and rubble that has been carried and tipped on the field to artificially raise the level of the land directly below the proposed development site. Investigations should be carried out before any consideration of the planning application takes place. Massive dumping of horse waste exists along the B5430. The division of fields by posts and flickering white tape is not only an eyesore but is also a massive distraction when driving.
- Concerned about contamination making its way towards adjoining property.
- The proposed stable block is very big for private use and would suggest that this could be a commercial venture. Could be better positioned in a less conspicuous place.

- Drainage scheme does not go far enough as the discharge bottom of the tank will still be higher than neighbours surface level and will push any contaminated outfall towards their property.
- To close to Clover Grange and will affect their amenity. The horse exercise track is backing directly onto the southern boundary fence and land at Y Beudy is a lot higher than their property – a rider on a horse would be looking directly into the adjoining property that would have a serious impact upon their privacy.
- The manege is in a very elevated position attracting unwanted attention.

In support

Representations received from:

Lorna Jones Llys Awel, Llanarmon yn Ial

Linda Hughes Fernmoor, Llanarmon yn Ial

Summary of planning based representations in support:

- Increase in trees & hedging will support wildlife.
- The shift from temporary white fencing to a more sustainable and suitable permanent option is welcomed and improves the visual impact.
- With regards to the over development comments already made, having seen other properties in the area the building to land ratio is actually still quite large, even with the new development. For example the plot next door has a much smaller plot and has just received permission for a further extension and has a even smaller land to building ratio.
- Historical photos of the site show there was previously a building where the stables are proposed.
- Horse and equestrian life is a key part of our community and we would like to see this continue to grow.
- Its lovely that the designs incorporate the traditional welsh stone and the angle minimises the impact from the road.
- I also feel like the overall visual impact will be improved greatly with the submitted landscaping plan.
- The size of the stables is in keeping with the needs of 4 horses and is similar to other stable blocks in the area.
- I am looking forward to seeing the improved wildlife with the increase in both trees, bat boxes and like the fact that focus is on local native varieties.

EXPIRY DATE OF APPLICATION: 24/05/2021

EXTENSION OF TIME AGREED: 09/09/2022

REASONS FOR DELAY IN DECISION (where applicable):

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

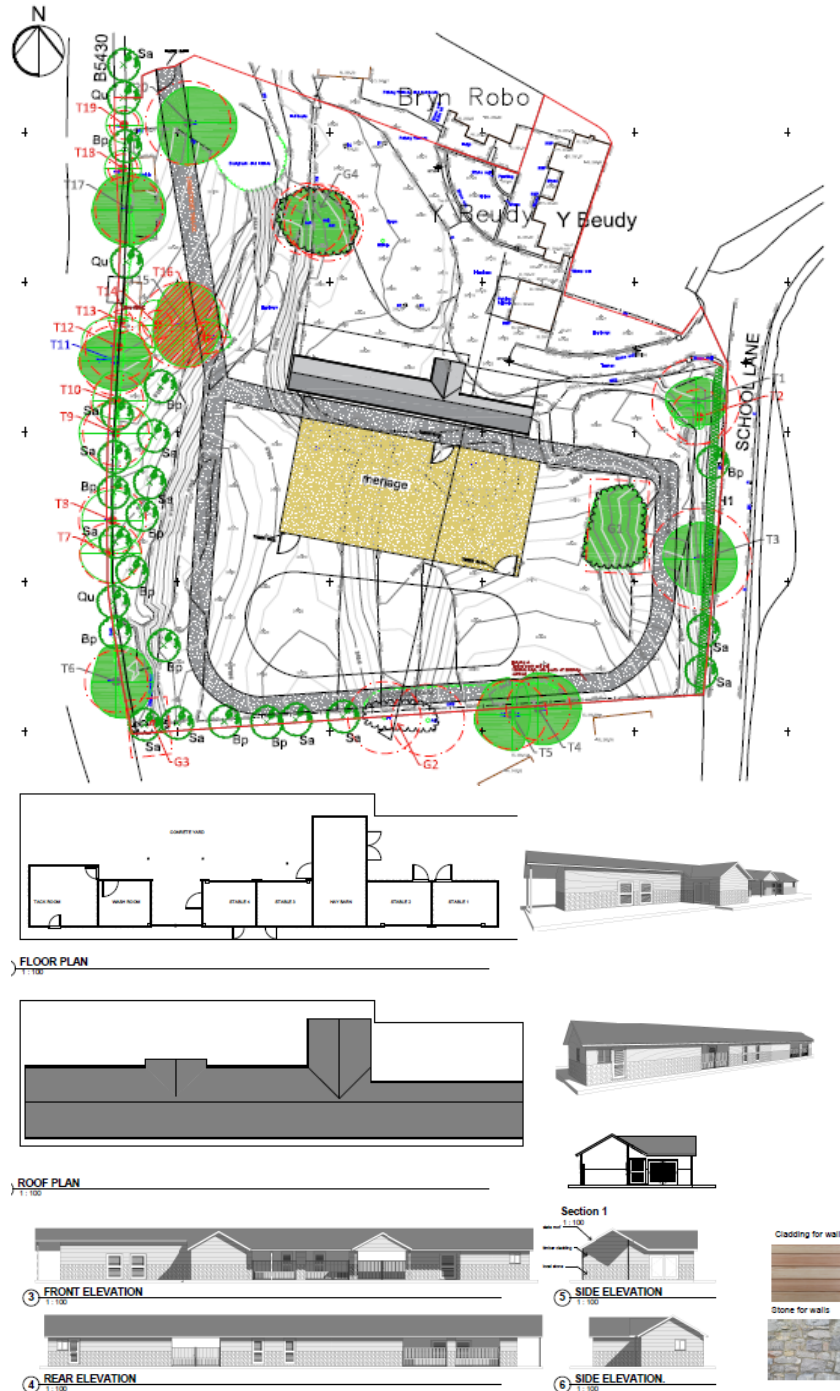
PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the change of use of land from agricultural to equestrian, the erection of a horse stables for private use, including manege, hardstanding/track, and fencing and alterations to widen the existing access at Y Beudy, Llanarmon yn Ial.
- 1.1.2 The stable block is proposed to be situated approximately 8m to the south of the garage at Y Beudy. It would comprise a hay barn, grooming room, tack room and 4 stables. It is proposed to measure 5.5m wide with a length of 40m, with a further out-rigger on the hay barn section. The proposed stable block would form a linear shape with a yard area to the middle. The stable block would be 4m high.

- 1.1.3 The proposed manege is to be sited directly to the south of the stable block and would measure approx. 40m in length and 20m wide. It is proposed to be enclosed with timber fencing up to 1.5m high. The surface material is not specified.
- 1.1.4 It is proposed to have a limestone hardstanding track around the perimeter of the existing field with a fenced enclosure within the centre. The agent states this hardstanding is proposed for the horses' welfare to avoid wet ground in winter.
- 1.1.5 The existing access is proposed to be widened from 3.1m wide to 5.5m wide retaining its original form, height and materials. It is proposed to have a double gate.
- 1.1.6 The stable would have timber cladding, stone walls with a slate roof.



1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is supported by a Planning Statement that makes the following key points:

- The manege is required on site as it is an essential aid to both exercising and training horses. The facility will enable all weather activity to ensure horses stay fit and active when the ground is too wet, hard or slippery. The manege facility will allow for a clean environment for the training of the animals. The track is also required for all weather turn out of the horses and for houses with health conditions which require grass free environments. A Farrier has recommended the proposed tracks system/ manege for the horses health and wellbeing.
- The application site is classified as Grade 3a agricultural land, meaning it is good to moderate quality. However it is very close to the boundary of land which is 3b. According to the MAFF report, the grade or sub-grade of land is determined by the most limiting factor present. When classifying land the overall climate and site limitations should be considered first as these can have an overriding influence on the grade. Soil depth is an important factor in determining the available water capacity of a soil. Shallowness affects cropping in other ways, notably by influencing the range and type of cultivations which can be carried out but also by restricting nutrient uptake, root growth and, in the case of fruit trees, root anchorage. It is therefore necessary to specify minimum soil depth requirements for the grades and subgrades. A detailed investigation of soil depths was undertaken for the whole site. A total of thirty seven locations were tested. The locations and depths are indicated on drawing number 10418 / 3 prepared by Co Surveys. A total of 27 locations have a depth between 1 – 14, 7 locations have a depth between 15 – 20, 1 location had a depth of 21 – 30 and 2 locations had a depth between 21 and 45. The drawing also indicates the interpolated depths. Having regard to the above table, the results of the site investigations show that 73% of the land is Grade 5, 18.9% Grade 4, 2.7% Grade 3b and 5.4% Grade 3a. It is not considered that the development would involve the loss of the best and most versatile agricultural land. The development would comply with guidance contained within PPW with regards to use of agricultural land.
- The design of the stables, paddocks and track have been drawn up having regard to the specific welfare requirements of the Clients' horses.
- The proposals do not include lighting to the manege or paddocks. Discrete lighting would be installed to the stables for welfare purposes. Five 5.3W lights would be fixed to the walls within the inner courtyard of the stables to reduce light spillage. Details and specification of the light has been submitted with the application. Each light would have up to 200 lumens and be positioned to face downward.
- With regards to loss of privacy, the closest dwelling is Clover Grange. However concerns over loss of privacy are unfounded. As referred to above, the track would not be used for riding, it would only be used for all weather turn out for the horses and provide alternative exercise surfaces. Notwithstanding this, the proposals now provide for landscaping/screening along the boundary with Clover Grange.
- The proposals provide for the alteration to the existing vehicular access into the site. This access is currently constrained and due to its siting, makes it difficult for horse boxes to exit and egress. The proposals include the widening of the access itself along with its realignment. This would improve highway safety both within and adjacent to the site.

1.2.2 The application is supported by a tree survey that has surveyed all trees on site, identified some that are recommended to be removed due to the quality of the existing trees but also for reasons such as Ash dieback. The report also sets out measures for the protection of the trees that are to remain as part of the development. A landscaping scheme is also proposed that compensates for the loss of existing trees.

1.2.3 The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey that found that no protected species were found on the site during the survey. It advised that there was limited potential for protected species to be using the site or affected by the proposals. The survey recommended reasonable

avoidance measures, and the survey of any trees to be removed. Emergence surveys were subsequently submitted that found that no bat roosts were identified in any of the trees to be removed, so the conclusion is that no bat roosts will be impacted by the proposed removal of the trees. If appropriate mitigation is provided, Reasonable Avoidance Measures are implemented and followed, and bat-friendly features are incorporated into the development as wildlife enhancements, the predicted impact on the favourable conservation status of locally recorded bats is low.

1.3 Description of site and surroundings

- 1.3.1 The site is located approximately 500m to the north east of the village of Llanarmon yn Ial, situated to the west side of School Lane.
- 1.3.2 The property has a large driveway and parking area to the front and is clearly visible from the road and other public vantage points.
- 1.3.3 The existing property is a detached two storey dwelling situated in generous plot with agricultural land to the south. There is a detached garage directly to the south of the dwelling.

1.4 Relevant planning constraints/considerations

- 1.4.1 The application site is located in the open countryside. The area is designated as Area of Outstanding Natural Beauty. The site is within the Phosphate Sensitive Special Area of Conservation (Bala Lake and River Dee) Catchment Area. The site is located within a mineral safeguarded area (limestone).
- 1.4.2 The main dwelling, y Beudy was previously designated a Grade III listed building (no longer listed).
- 1.4.3 The site is situated on Grade 3a agricultural land- good to moderate quality.

1.5 Relevant planning history

- 1.5.1 There are two dwellings on the site and a number of associated outbuildings. A single storey extension to the dwelling was granted in 2000 and the erection of a detached double garage to the south of the dwelling was granted in 2011. A replacement garage/workshop located to the north corner of the site was granted in 2012. Extensions to Bryn Robo were approved in 2021.
- 1.5.2 A previous application for the change of use from agricultural land to equestrian use was withdrawn in 2020 – that application was for similar proposals as are proposed as part of this application.

1.6 Developments/changes since the original submission

- 1.6.1 The application was amended to relocate the stables and alter their design to address the original comments by the AONB JAC. Additional details of the site were also provided including a topographic survey identifying existing trees and levels being overlaid onto the proposed plans, a landscaping scheme, tree survey and ecological survey of the trees. The amendments included the repositioning of the stables and manege.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 15/2000/0701 Single storey extensions and alterations to residential conversions scheme previously granted under code no 25/12173 (Glyndwr DC) to provide additional living accommodation. Granted 25/08/2000.

- 2.2 15/2011/0093 Erection of a detached double garage. Granted 14/03/2011.
- 2.3 15/2012/0947 Demolition of existing garage/workshop and erection of a replacement pitched roof garage/workshop. Granted 03/10/2012.
- 2.4 15/2015/0024 Erection of an agricultural building for livestock and storage. General Certificate 22/03/2017.
- 2.5 15/2020/0255 Change of use of land from agricultural. Withdrawn 12/06/2020.
- 2.6 15/2021/0216 Erection of side and front extension. Granted 07/05/2021.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE5 – Rural economy

Policy PSE15 – Safeguarding minerals

Policy VOE1 - Key areas of importance

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

Policy VOE5 – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (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/ Area of Outstanding Natural Beauty
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (PPW 11) Section 3.60 states that development in the countryside 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 building 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.

The principle of erecting buildings or enclosures ancillary to agricultural or equine uses in open countryside is generally acceptable in principle and raises no significant land use planning issues. In Officers opinion, having regard to the existing use of the land for grazing horses, it is considered that the proposal for stables, track and manege is acceptable in principle subject to an assessment of visual and landscape impacts given its location within the AONB with regard to the contents of TAN6.

The application site is within the mineral safeguarded zone, however, it is not considered that this proposal which is of the same use as the field would undermine or prevent the safeguarding of the minerals.

Planning Policy Wales (PPW 11) Section 3.54 and 3.55) obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

According to the Welsh government Predictive Agricultural Land classification, the land is grade 3a land of good moderate quality agricultural land.

In noting the contents of PPW, the manège is proposed to be used in connection with a common countryside use of land, which the site is already in use of, which does not threaten the long term loss of high grade agricultural land.

The application is supported by soil surveys that confirm that the site it is very close to the boundary of land which is 3b. According to the MAFF report, the grade or sub-grade of land is determined by the most limiting factor present. When classifying land the overall climate and site limitations should be considered first as these can have an overriding influence on the grade. Soil depth is an important factor in determining the available water capacity of a soil. A detailed investigation of soil depths was undertaken for the whole site. A total of thirty seven locations were tested. The locations and depths are indicated on drawing number 10418 / 3 prepared by Co Surveys. A total of 27 locations have a depth between 1 – 14, 7 locations have a depth between 15 – 20, 1 location had a depth of 21 – 30 and 2 locations had a depth between 21 and 45. Having regard to the guidance, the results of the site investigations show that 73% of the land is Grade 5, 18.9% Grade 4, 2.7% Grade 3b and 5.4% Grade 3a.

Given that only 5% of the site area is classed as best and most versatile land (grade 3a) it is not considered that the development undermine the intentions of PPW in trying to protect such land. The development would comply with guidance contained within PPW with regards to use of agricultural land.

In Officers opinion, having regard to the existing use of the land, it is considered that the proposal is acceptable in principle subject to an assessment of visual and landscape impacts with regard to the contents of TAN6.

4.2.2 Visual amenity/Impact on Area of Outstanding Natural Beauty

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on the neighbourhood and environment can be a material consideration. It is therefore considered that the impact of a proposal on the visual amenity of an area is a standard material consideration.

Welsh Government Technical Advice Note 6 (TAN 6), Annex A, paragraphs A14 to A23 offers general advice on how best to design and site a new agricultural building, and the overall aim is to ensure the quality of the landscape is protected and, where possible, enhanced. The advice suggests that new buildings should normally be sited adjacent to existing farm complexes and not in isolation. It is also advised the prominent sites, especially those where the building would break the skyline, should be avoided. Buildings (manège can be considered in the same way) should be assimilated into the landscape, or if set on slopes, be set into the slope. The use of existing woodland to help break up the outline of the building, along with additional planting. The planting should be relevant to existing native planting.

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.

This reflects Planning Policy Wales 11 that which requires planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is

intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

The proposal is for the change of use of land from agricultural to equestrian, the erection of a horse stables for private use, including manege, hardstanding/track and fencing.

Representations have been received in objection from the Community Council, and neighbours in relation to the visual impacts the manege, stables and equestrian use of the land would have upon the character of the AONB. Concerns have also been raised that the site would become overdeveloped as a result of the cumulative impact of all the new developments.

It is considered that the stable block is moderate in size but the close proximity of both the manege and stable block to the dwelling and detached garage would be well contained with the main form of development.

The AONB Joint Committee have not raised any objections to the amended proposal as they consider that the amended scheme is a much better scheme that visually relates much better to the existing complex of buildings. The Joint Committee recommends that the boundary wall to be constructed as a traditional dry stone with a five barred field gate. Natural Resources Wales concur with the AONB's advice.

The previous scheme included floodlighting, however, this was omitted from the revised scheme and the only lighting would be discrete lighting installed to the stables for welfare purposes. Five 5.3W lights would be fixed to the walls within the inner courtyard of the stables to reduce light spillage. Details and specification of the light has been submitted with the application. Each light would have up to 200 lumens and be positioned to face downward. There is not sufficient details of this included in the application, so a condition would be required on any consent to prohibit any new lighting unless agreed in writing by the Local Planning Authority.

There isn't any detail of the precise colour of the manege, so it is considered that this should be conditioned to ensure it will blend into its setting. The proposed materials of the stable block and track are considered acceptable, subject to controlling that the timber is not stained unless agreed in writing with the Local Planning Authority.

It is considered that the scale of the stable block provides more than adequate space to serve the stable/hay/tack needs of the site. To alleviate concerns of over development of the site, and to ensure a less cluttered appearance, Officers consider that it would be necessary for the permitted development rights for temporary structures to be removed, as well as the removal of the existing hay barn and stable adjacent to the B5430.

The submission is supported by a detailed landscaping scheme which would help integrate the proposals into the site, assist with screening the development and compensate the loss of existing trees.

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 landscape within the AONB, and subject to a condition relating to the removal of other temporary structures, materials, landscaping and lighting it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on

the neighbourhood and environment can be a material consideration. It is therefore considered that the impact of a proposal on the residential amenity of an area is a standard material consideration.

Representations have been received in objection on residential amenity grounds from the neighbours. Concerns relating to the raising of the land to facilitate the development and track close to the boundary with Clover Grange to the south could raise overlooking issues. Concerns have also been raised regarding potential nuisances such as waste run off given close proximity of stables to the neighbouring property.

It is noted that rubble has been put on the land to what is assumed to help in the construction of the manege and stable block. This part of the site is at the same level as the existing yard; but would be circa 2.5m higher than the southern boundary. However, this is 30m away from the southern boundary. As the manege is to be used for horse riding, with the main length facing parallel to the boundary, it is considered unlikely that riders would be looking towards the neighbouring property but focusing on turning. It is considered that there is a sufficient distance between the location of the manege and the rear boundary of Clover Grange for their not to be overlooking issues, more than what's already in existence from the existing dwellings at Y Beudy and Bryn Robo.

The track area, as confirmed by the Planning Statement is for the turning out and exercise of the horses and not as a track to ride the horses on. Therefore, riders will not be passing by the boundary in close proximity. A condition is proposed to control this matter.

It is considered that the concerns relating to waste run off can be dealt with by Public Protection and the SUDs application, and are not considered to be significant issues given the distances between the two properties and the rural location.

In order to take control of the issues raised regarding the placing of manure on the land, a manure management plan has been requested through condition.

Having regard to the scale, location and design of the proposed development, 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 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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) 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" (Section

6.4.5). 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 (Section 6.4.4).

Future Wales – The National Plan 2040 (2021) advises that '*In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment*'. It is therefore recommended that these are included and form part of any planning application.

The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey that found that no protected species were found on the site during the survey. It advised that there was limited potential for protected species to be using the site or affected by the proposals. The survey recommended reasonable avoidance measures, and the survey of any trees to be removed. Emergence surveys were subsequently submitted that found that no bat roosts were identified in any of the trees to be removed, so concluded that no bat roosts will be impacted by the proposed removal of the trees. If appropriate mitigation is provided, Reasonable Avoidance Measures are implemented and followed, and bat-friendly features are incorporated into the development as wildlife enhancements, the predicted impact on the favourable conservation status of locally recorded bats is low.

The application is also supported by a tree survey that has surveyed all trees on site, identified some that are recommended to be removed due to the quality of the existing trees but also for reasons such as Ash dieback. The report also sets out measures for the protection of the trees that are to remain as part of the development. A landscaping scheme is also proposed that compensates for the loss of existing trees and provide native species screening. These are to be replaced by 25 trees with a mix of Birch, Rowan and Oak. A new native hedge mix is also proposed along the front boundary.

Subject to planning conditions securing the implementation of the measures set out within these, it is considered that the scheme would maintain and conserve protected species.

4.2.5 Drainage (including flooding)

The site is located within the Phosphate Sensitive SAC Catchment Area. The proposed development does not propose any foul drainage from the manege. The waste from horses already using the stables is already collected and managed on site. Some representations, and Officers visits to site confirm that this is stored adjacent to the B5430. NRW confirmed that this proposal is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

It is not considered that the proposals will lead to an increase in the volume of foul wastewater and therefore would be classed as an exception. On this basis, it is considered that the proposal can be screened out and does not require a HRA.

Some representations raised issued regarding the surface water drainage scheme however, the Flood Risk Engineer has confirmed that the proposals will require SAB approval for a SUDs scheme, that is covered by separate legislation, and that would need to be in place before the development could proceed.

4.2.6 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 11) 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.

The proposals include widening the access from 3.1m wide to 5.5m wide retaining its original form, height and materials. It is proposed to have a double gate. It is considered that this should be of benefit to highway safety, making it easier to enter and exit the site.

Highway Officer raise no objections to the proposed development.

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 Based on the foregoing, it is considered that the proposals would be acceptable in principle and that all other material considerations are acceptable, subject to the imposition of conditions.

RECOMMENDATION: GRANT- for the following reasons:-

1. The development to which this permission relates shall be begun no later than 7th September 2027

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 stables elevations and floor plan received 3 March 2022
 - (ii) Proposed shelter received 3 March 2022
 - (iii) Existing and proposed vehicular access received 3 March 2022
 - (iv) Topographical survey received 30 March 2021
 - (v) Proposed site plan, section and location plan received 8 April 2022
 - (vi) Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey received 30 March 2021
 - (vii) Arboricultural Report received 3 March 2022
 - (viii) Soakaway infiltration trench received 3 March 2022
 - (ix) Soakaway pre-cast rings received 3 March 2022
 - (x) SABS layout received 3 March 2022
 - (xi) Soft landscape proposals (Drawing No. 2021067/SLP/01 Rev. D) received 3 March 2022
 - (xii) Potential Roost Feature Assessment of Trees received 1 August 2022
3. The manege hereby approved shall be solely used for purposes incidental to the enjoyment of the dwellinghouse known as Y Beudy and shall at no time be used for any commercial or business use.
4. The limestone track shall only be used for exercising of horses and not for the riding of horses.
5. Notwithstanding the provisions of all Classes of Part 2 and 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
6. Notwithstanding the submitted plans, within three months of the completion of the stable block, all other temporary stables/hay barn structures within the red line shall be permanently removed from the land.
7. Should the use of the site for equestrian purposes cease, the manege, stables and track a written scheme of site restoration shall be submitted and approved in writing to the Local Planning Authority within 3 months of the use ceasing. The site shall then be restored in accordance with those details within 6 months of the date of approval.
8. The use of the stables shall not be permitted to commence until the written approval of the Local Planning Authority has been obtained to details of the provision to be made for the storage and disposal of manure. The arrangements shall be conducted as approved at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.
9. Prior to the construction of manege hereby approved details or samples of the materials to be used in the construction of the surfaces of the manege have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
10. The timber cladding shall be naturally weathered and not be painted or stained without prior written consent of the Local Planning Authority. The approved scheme shall be implemented strictly in accordance with the approved details.
11. All planting comprised in the approved details of landscaping (Y Beudy Soft Landscape Proposals D - Drawing Ref: 2021067/SPL/01. Sian Griffiths. 31/01/2022) 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.

12. All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance and mitigation measures implemented in accordance with the approved Arboricultural Statement (Arboricultural Report BS 5837:2012, PM/FULL/11/12/21. Murray Tree Consultancy, December 2021) or in accordance with an alternative scheme as 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.
13. The development hereby approved shall be carried out in strict accordance with the biodiversity avoidance, mitigation and enhancement measures set out in Section 4 of the approved Preliminary Protected Species Assessment (Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, Arbtech 12/08/2022) and section 8 of the approved Potential Roost Feature Assessment of Trees (072022/PRF/HM, Stephen Cutmore, July 2022).
14. The use of the stables shall not be permitted to commence until 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.
15. No external lighting shall be installed without the formal written approval of the Local Planning Authority to the detailing of the proposed lighting. The approved scheme shall be implemented strictly in accordance with the approved details.
16. The proposed altered access shall be constructed as a traditional dry stone with a five barred field gate unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented strictly in accordance with the approved details.
17. Any gates in connection with the vehicular access shall be hung to open into the site and shall not be permitted to overhang the highway at any time.

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 prevent any commercial use of the facility and in the interests of visual and residential amenity.
4. In the interests of visual and residential amenity.
5. In the interests of residential and visual amenity of the Area of Outstanding Natural Beauty.
6. In the interests of visual amenity of the Area of Outstanding Natural Beauty.
7. In the interest of landscape and visual amenity.
8. In the interest of pollution prevention and preserving ecological interests.
9. In the interest of visual amenity of the Area of Outstanding Natural Beauty.
10. In the interest of the visual amenity of the Area of Outstanding Natural Beauty.
11. In the interest of visual amenity and enhancing the biodiversity of the area.
12. In the interest of visual amenity and enhancing the biodiversity of the area.
13. In order to maintain and enhance biodiversity.
14. To protect the favourable conservation status of protected bird species and the favourable conservation status of protected bat species.
15. In the interest of the visual amenity of the Area of Outstanding Natural Beauty and nature conservation.
16. In the interests of visual amenity of the Area of Outstanding Natural Beauty.
17. In the interests of highway safety.