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Heading:

40/2011/0181
 Little Pengwern, Nant y
 Faenol Road, Bodelwyddan

7



Application Site

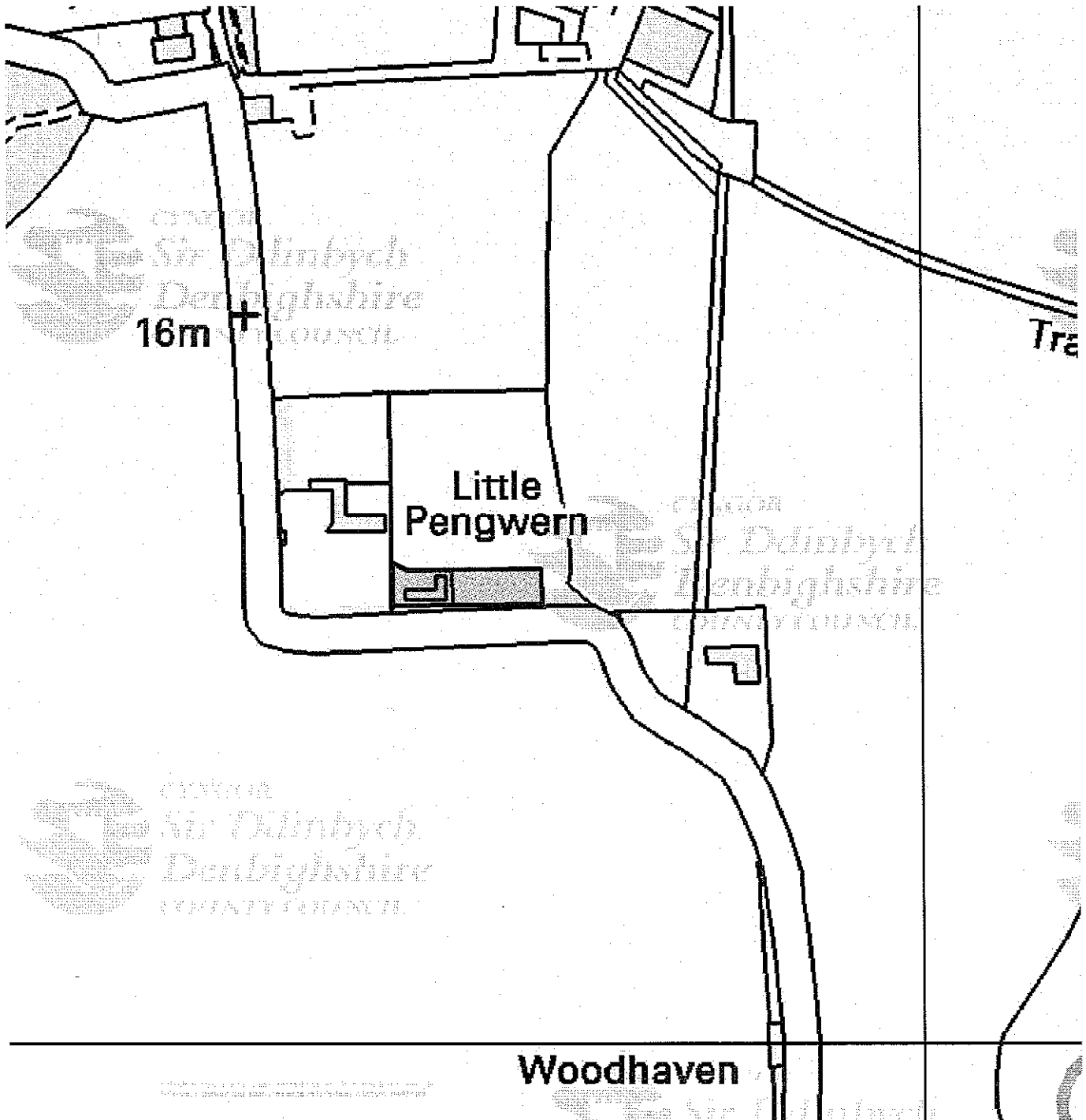


Date 6/3/2013

Scale 1/2500

Centre = 301833 E 376208 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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SITE LAYOUT PLAN

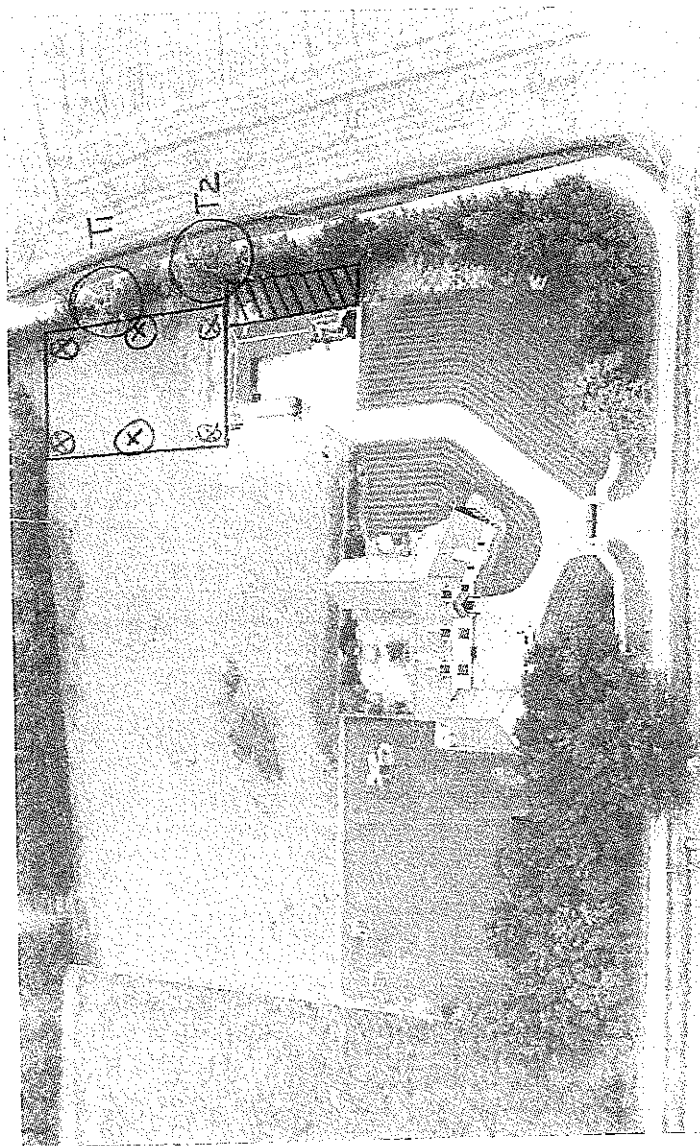
KEY

— □ — EXERCISE AREA. (COMPLETED)

— ⊗ — PROPOSED LIGHTING DIRECTED INWARDS. (PLANNING PERMISSION REQUESTED VERY LIMITED USE.)

— ▨ — CONCRETE HARD STANDING. (COMPLETED)

— T1 T2 — TREES REMOVED (BOTH DYING BACK)



14 FEB 2011
PLANNING SERVICES

ITEM NO: 7
WARD NO: Bodelwyddan
APPLICATION NO: 40/2011/0181/ PF
PROPOSAL: Retention of stable block and use of land as manege and erection of 6 no. 5m high lighting columns
LOCATION: Little Pengwern Nant Y Faenol Road Bodelwyddan Rhyl
APPLICANT: Mr Neil Williams
CONSTRAINTS: Groundwater Vulnerability 1

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:

BODELWYDDAN COMMUNITY COUNCIL – “Are concerned over the light pollution from the outside manege lights affecting the locality and also there as been an increase in flooding to Nant y Faenol road in front of this property”.

ENVIRONMENT AGENCY WALES – No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure
 - Highways Officer
 No objection.

Senior Drainage Engineer
 No objection.

Pollution Control Officer
 No objection.

RESPONSE TO PUBLICITY:

In objection

Representations received (to the original consultation) from:

H. & H. Jones, Pengwern Farm, Rhuddlan (e-mail)

R.E. Jones, Llyn Menyn, Rhuddlan

Summary of planning based representations in objection:

- Drainage - Concerned that the development of the manege and stable complex has resulted in increased surface water runoff onto Nant y Faenol Road.

- Visual/Landscape Impact - Concerned about the visual impact the lighting would have on the surrounding countryside.
- Other matters:
Accuracy of submission - References to length of time stables have been erected is inaccurate.

EXPIRY DATE OF APPLICATION: 26/08/2011

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the retention of a stable block and use of land as a manege, on land to the east of the dwelling Little Pengwern on Nant y Faenol Road, Bodelwyddan. Also proposed are 6 no. 5 metre high lighting columns to illuminate the manege.
- 1.1.2 The 'L' shaped stable block is 3.6 metres wide, 18 metres long alongside the road and 10.5 metres long alongside the manege to the east. It has been built from shiplap boarding with an onduline roof. It comprises of four stables with a tack room and hay store area. The area around the stable has been concreted to create a hard standing.
- 1.1.3 The manege is sited behind the stable block (to the east), and measures 49 metres in length by 25 metres in width. It consists of a sand and rubber surface, with timber post and rail fencing. The applicant has advised that the facilities would be for personal use, and that the lights proposed would enable evening use to no later than 9pm.

1.2 Description of site and surroundings

- 1.2.1 Little Pengwern is located off Nant Y Faenol Road in Bodelwyddan. The road bounds the west and south of the complex.
- 1.2.2 The dwelling Little Pengwern is a relatively modern dormer style dwelling, built in the early 2000's. The dwelling and adjacent land is bounded by a stone wall to the west and hedgerows on southern boundaries.
- 1.2.3 The application site (stable block and manege) are located to the east of the dwelling, also bounded by hedgerows. It is a flat site, on which historically it is understood there were some army camp buildings (removed in approx early 2000).
- 1.2.4 There is open agricultural land to all sides of the complex, and a dwelling, Llys Menyn approximately 70 metres to the south west.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, outside of any defined development boundary.

1.4 Relevant planning history

1.4.1 The application was submitted as a result of a planning enforcement investigation in 2010. However the Applicant has advised that the stables were erected in 2007 and the manege was created in 2010.

1.5 Developments/changes since the original submission

1.5.1 Originally 9 metre high lighting columns were proposed, these have since been reduced to 5 metre columns.

1.6 Other relevant background information

1.6.1 The applicants have advised that the stables and manege are for their own personal use as occupiers of Little Pengwern.

2. DETAILS OF PLANNING HISTORY:

2.1 No relevant history.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 3 Development outside the Development Boundary

Policy GEN 6 Development Control Requirements

Policy ENP 4 Foul and Surface Water Drainage

Policy REC 5 Recreational facilities outside Development Boundaries

Policy TRA 6 Impact of new development of traffic flows.

3.2 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Visual Amenity

4.1.3 Residential Amenity

4.1.4 Highway Safety

4.1.5 Drainage Issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located in the open countryside, where rural restraints policies apply. Planning policy GEN 3 sets out the exceptions to rural restraints policies. Development in connection with rural leisure and recreation is permitted where there is no unacceptable impact on the social, natural and built environment. Policy REC 5 is the detailed policy relating to recreational facilities outside development boundaries and although this policy is more relevant to larger scale recreation facilities, it suggests similar considerations should be applied to recreation facilities as GEN 6, permitting development subject to detailed impacts including landscape impact. A development of this scale for personal use of the applicants only would not generally be encompassed by this policy; however the tests are quite similar to those set out in GEN 6. Policy GEN 6 recognises that development needs to be considered against a number of considerations including amenity, environmental and highways impacts.

The application proposes retention of a stable block and manege for the personal use of the applicants. It is noted that this type of proposal has become more common in recent years with farmers selling off small pockets

of land to horse owners and invariably applications follow for small scale stable blocks and horse shelters for personal use.

Considering the above policies, recent decisions and the potential to attach conditions to control the use of the proposals, it is considered that the principle of the erection of a stable block and associated manege should not be resisted. The specific visual, amenity and highways impacts of the development and GEN 6 are explored further below.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is policy GEN 6. Criterion i) of policy GEN 6 supports development that respects its surroundings. Policy REC 5 also refers to considering the landscape impacts of development.

The stable building is located to the east of the dwelling Little Pengwern, and is accessed off the driveway to the dwelling. The southern boundary of the site is bounded by hedgerows which offer some screening to the stable block and manege. The 6 no. floodlights would be erected around the manege.

The stable block and manege are viewed alongside and in the context of the dwelling Little Pengwern. Whilst the stable block is of a substantial footprint, it has a low profile shallow pitched roof. The hedgerow boundary alongside the manege is typical of the character of field boundaries in the locality and is considered to offer reasonable screening to the site. The area is relatively flat open land, which is not totally devoid of night-time lighting, as the A55 to Rhuddlan dual carriageway is some one kilometre to the east, and the complex of Glan Clwyd Hospital is one kilometre to the west. Furthermore there is some floodlighting around Pengwern Farm to the north of the site. It is the opinion of Officers that whilst there would be some localised visual impact as a result of the cumulative impact of developments, is not considered this would be so great as to warrant refusal of the proposal. In policy terms the visual impact is considered acceptable.

4.2.3 Residential amenity

Policy GEN 6 sets specific tests to be applied to amenity impacts of development.

The application proposes a manege for the personal use of the applicant and floodlighting to provide illumination for its use in the evening. Technical information submitted in the lighting report with the application demonstrates that the proposed lighting can achieve suitable standards of lighting light spill in relation to the adjacent dwelling, which is located over 70 metres to the south east of the site. Public Protection Officers have considered this data and are satisfied that the information meets the Institute of Lighting Engineers Guidance for Lighting Proposals.

On the basis of the level of activity associated with the manege, and the potential to control the hours of operation of the floodlighting, it is the opinion of Officers that the proposal would not unreasonably impact on the amenity of nearby residents, therefore complying with the relevant policy GEN 6.

4.2.4 Highway safety

The main policies relevant to assessment of highway impact are TRA 6 and TRA 9. Policy TRA 6 permits new development provided there is no unacceptable impact on the traffic conditions on the surrounding road network. Policy GEN 6 contains a number of tests also including in (vii) a

requirement that development does not have an unacceptable effect on the local highway network.

Highways Officers have considered the access arrangements and flood lighting details, and are satisfied that the proposal would not impact on highway safety.

In acknowledging the comments of the Community Council it is suggested that adequate controls can be imposed through planning conditions to ensure that light spillage from the development is minimised to avoid dazzle to motorists and unreasonable impacts on nearby residents.

4.2.5 Drainage

Planning Policy ENP 4 refers to foul and surface water drainage. This policy states that developments should make provisions for surface water disposal.

Drainage details were not included in the original application, however in the initial stages of the application the Applicant has liaised with the Council's Senior Drainage Engineer to discuss concerns relating to drainage raised by nearby occupiers. The Drainage Engineer inspected the site and advised that surface water problems may have been caused by unconnected and blocked ditches around the site. The Applicant resolved to ensure the ditches are linked and clear to address the issue. The Community Council also raised issues relating to surface water on the road.

Although it is not known if the surface water issue may have arisen from the developments at the site, and as the applicants have made efforts to address this problem by clearing the ditches around the site, it is not considered that the surface water issue would warrant refusal of the planning permission. A planning condition is suggested to ensure the drainage ditches around the site are managed and maintained. It is considered that the development would not conflict with policy ENP 4.

5. SUMMARY AND CONCLUSIONS:

5.1 The application has been considered under the relevant planning policies and is considered acceptable. It is therefore recommended for grant of planning permission.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The site shall not be used for any livery, commercial/business activity or for the holding of any equestrian events unless otherwise agreed in writing with the Local Planning Authority.
3. The flood lighting shall only be used between the hours of 08:00hrs and 21:00hrs.
4. The flood lighting system shall be arranged to ensure that all lamps are directed onto the manege and there is no light spill dazzling motorists using the adjoining highway or impacting adversely on occupiers of nearby property.
5. In the event that the lighting system results in spillage in breach of Condition No. 4, and on investigation by the Local Planning Authority it is considered that there are unacceptable impacts arising, the lighting system shall not be permitted to operate further until the written approval of the Local Planning Authority has been obtained for proposals to remedy the breaches.
6. The flood lighting shall comply at all times with the levels contained in the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (available at <https://www.theilp.org.uk/documents/obtrusive-light/>), in particular the E2 limit of 5 Lux (Ev) light intrusion (into windows).

7. Within one month of the date of this permission a scheme to ensure the satisfactory management of surface water arising from the application site shall be submitted to and approved in writing by the Local Planning Authority. The drainage plan shall be implemented at all times in accordance with the approved plan thereafter.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of visual amenity and highways safety, to protect the character and appearance of the open countryside.
3. To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or of the area generally.
4. To ensure the floodlighting does not impact on highway safety on the adjacent road and the residential amenity of adjacent occupiers.
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6. To ensure the floodlighting does not impact on highway safety on the adjacent road and the residential amenity of adjacent occupiers.
7. To ensure the development does not give rise to surface water problems for the area.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980. Please see attached guidance notes from the Environment Agency