

PWYLLGOR CYNLLUNIO
CYFARFOD: 16eg Rhagfyr 2009
Eitem: 2

PLANNING COMMITTEE
MEETING – 16th December 2009
Agenda Item: 2

DEDDF CYNLLUNIO TREF A GWLAD 1990
CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)
GORCHYMYN 1995 - HYD HEDDIW
DEDDF CYNLLUNIO A IAWNDAL 1991
RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994
DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)
1990
CEISIADAU AM GANIATAD DATBLYGU

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
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ITEM NO: 1
WARD NO: Denbigh Central
APPLICATION NO: 01/2009/1483/ TC
PROPOSAL: Felling of 1 no. mountain ash tree
LOCATION: 44 Vale Street Denbigh
APPLICANT: Dr Craig Kensler
CONSTRAINTS: Town Heritage Area Listed Building Conservation Area Article 4 Direction
PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - No

CONSULTATION RESPONSES:
Denbigh Town Council-
Farming and Wildlife Advisory Group (Tree Consultant) -

RESPONSE TO PUBLICITY:
None.

EXPIRY DATE OF APPLICATION: 28/12/2009

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Outline of application

1.1.1 The notification outlines the intention to fell a tree in the Denbigh Conservation Area. The tree in question is a mountain ash/rowan tree which is situated in the back of a screened garden. The tree is to be felled as it is not considered a species indigenous to the area or a domestic garden.

1.2 Description of site and surroundings

1.2.1 No.44 Vale Street is in the centre of Denbigh Town. The subject tree is to the rear of the property, close to Park Street. The site is surrounded predominantly by residential uses to the rear where it is screened by mature yew and leylandii, and high brick walls to the both sides of the garden.

1.3 Relevant planning constraints/considerations

1.3.1 Consent is required for this proposal as the tree is located in a Conservation Area

1.4 Relevant planning history

1.4.1 No planning history relating to tree applications at the site

1.5 Other relevant background information

1.5.1 The application is reported to committee as the applicant is related to a County Councillor.

2. DETAILS OF PLANNING HISTORY:

2.1 None

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 CON 5- Development within conservation areas

Policy ENV 7- Landscape/townscape features

3.2 Supplementary Planning Guidance

SPG No.6 Trees and Development

3.3 GOVERNMENT GUIDANCE

Circular 61/96 Historic Buildings and Conservation Areas

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Impact on the conservation area

4.2 In relation to the main planning considerations:

4.2.1 Principle

The key consideration on tree notification applications is to assess the contribution the tree makes to the character and appearance of the conservation area. The purpose of the notification process is to give the local authority an opportunity to considering whether there is a case to protect the tree by making a tree preservation order.

4.2.2 Impact on the conservation area

The tree is some 5 metres high, situated in a screened domestic rear garden, and is not visible from any public vantage points. It is therefore not considered of significant amenity value, and the loss of this tree would not materially harm the Conservation Area. The Farming and Wildlife Advisory Group have confirmed that it would be difficult to justify issuing a Tree Preservation Order in this instance. Owing to the garden containing a large number of trees, requesting a replacement tree in this instance is not considered justified.

5. SUMMARY AND CONCLUSIONS:

5.1 The works to the tree are considered acceptable.

RECOMMENDATION: -GRANT -

No Conditions imposed.

NOTES TO APPLICANT

All works should be carried out by a competent tree surgeon in accordance with British Standard Recommendation for Tree Work BS 3998, 1989

ITEM NO: 2

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 23/2009/1368/ PS

PROPOSAL: Variation of condition no. 3 of planning permission code no. 23/2004/0749/PF to allow 12 month occupation of static caravans for holiday purposes

LOCATION: Llwyn Afon Caravan Park Llanrhaeadr Denbigh

APPLICANT: Mr Gwyn Jones

CONSTRAINTS:

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

CONSULTATION RESPONSES:

LLANRHAEADR Y.C. COMMUNITY COUNCIL

"The Members of the Council objects to the planning application and plans for the following reasons:-

1. The extension of the occupancy of the caravans from ten months to 12 months in a calendar year means that permanent residents at the caravan site could occur.
2. The applicant is abusing the planning condition and system by trying to overturn conditions placed on the original planning application which is in place under the relevant Planning Act and Policy for a particular reason".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

PUBLIC PROTECTION MANAGER

Requests in the event of consent being granted, appropriate conditions on occupancy should be attached to ensure the site is used and managed for holiday purposes. The provisions of the Caravan Sites and Control of Development Act 1960 also apply.

HEAD OF TRANSPORT & INFRASTRUCTURE

No objection.

RESPONSE TO PUBLICITY:

Letter of representation received from:

Mr. & Mrs. M. Robinson, Minafon, Llanrhaeadr (via e-mail)

Summary of planning based representations:

Intensification of use

12 month occupation would effectively create permanent residences (contrary to Policy HSG 6).

Increased traffic generation

Encouragement for private car transport / no adequate public transport (contrary to STRAT 1 & 12, GEN 6).

Residential amenity impact

Intensification of person and vehicle noise / traffic flow (contrary to GEN 6).

Impact on Welsh language and culture

Contrary to STRAT 17.

General policy conflict

Intensification of use contrary to principles of TSM 9. (effect on local landscape and transport issues).

EXPIRY DATE OF APPLICATION: 23/12/2009

PLANNING ASSESSMENT:

6. THE PROPOSAL:

6.1 Outline of application

- 6.1.1 The application seeks to vary one of the conditions imposed on a 2004 permission for an 8 unit static caravan site on land between Llanrhaeadr and Denbigh.
- 6.1.2 The particular condition imposed on the 2004 permission was no. 3, which stated as follows:
"3. No caravan shall be occupied on site between the 1st January and the 1st March in any year". The stated reason for the imposition of the condition was "The site is not considered suitable for permanent occupation".
- 6.1.3 The variation sought is to allow the site to operate as a holiday park from 1st January to 31st December in any year.
- 6.1.4 The application is accompanied by a supporting statement drawing attention to current trends and demands in the holiday industry, including the extension of the holiday season to the whole year, the quality of the static units, and the need to consider the costs of establishing and running the units.

6.2 Description of site and surroundings

- 6.2.1 The Llwyn Afon Caravan Park is located in open countryside between the applicant's dwelling Llwyn Afon and a dwelling named The Oaks to the south east. Access is off a small road off the A525 Denbigh – Ruthin road some 800m south east of Brookhouse Mill on the outskirts of Denbigh.
- 6.2.2 The site has formerly been in use as a Garden Centre/Nursery, and as a touring caravan site. It is a flat area of land between the road and the former Denbigh – Ruthin railway line.
- 6.2.3 At the time of a site inspection in late November 2009, there were no caravan units on the site.

6.3 Relevant planning constraints/considerations

- 6.3.1 None.

6.4 Relevant planning history

- 6.4.1 The site has been run previously as a Garden Centre, and following a permission in 2001, as a 12 unit touring caravan site. Permission for the 8 unit static caravan site was granted in September 2004, subject to conditions. The condition of relevance to this application is No. 3 which

prohibited the occupation of the units between 1st January and 1st March in any year.

6.5 Developments/changes since the original submission

6.5.1 None.

6.6 Other relevant background information

6.6.1 The application is reported to Committee as there are objections from the Community Council. The local member has asked that the opportunity be taken to explore of the issue of controls over the use of holiday caravans, in particular to address concerns over residential use and whether appropriate and enforceable condition(s) can be imposed to prevent residential use; the objective bring to allow debate which may result in a county wide policy being accepted.

7. DETAILS OF PLANNING HISTORY:

7.1 23/2000/1016/PF

Use of land as touring caravan site, including erection of amenity block and alterations to existing vehicular access.

GRANTED 8th May 2001.

7.2 23/2003/1238/PF

Change of use of land from 12 van touring caravan site to 12 van static caravan site.

REFUSED 25th February 2004 for the following reason:

The change of use would result in additional landscape and amenity impact detracting from the rural character of the landscape and affecting the level of amenity of occupiers of adjacent residential property.

7.3 23/2004/0749/PF

Change of use of land from 12 van touring caravan site to 8 van static caravan site.

GRANTED 1st September 2004.

Condition 3 of the permission was worded as follows:

"3. No caravan shall be occupied on site between the 1st January and the 1st March in any year".

The reason for the condition was – "The site is not considered suitable for permanent occupation".

8. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy GEN 6	-	Development control requirements
Policy ENV 1	-	Protection of the natural environment
Policy TSM 9	-	Static caravan and chalet development
Policy STRAT 9-		Tourism

8.2 Supplementary Planning Guidance

SPG 20 - Static Caravan and chalet development Adopted Jan 2003.

8.3 GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Planning Guidance Wales TAN 13 – Tourism

9. MAIN PLANNING CONSIDERATIONS:

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

- 9.1.1 Principle
- 9.1.2 Landscape impact
- 9.1.3 Residential amenity impact
- 9.1.4 Highway impact
- 9.1.5 Controls over holiday use

9.2 In relation to the main planning considerations:

9.2.1 Principle

There are no Unitary Development Plan Policies of specific relevance to applications which seek to extend the season of occupation of existing static caravans. There is general reference in the Strategic and Tourism policies of the plan to the importance of the tourist industry to the local economy, and while there remains a general restraint on new development in open countryside, there is encouragement for suitable 'small scale' projects subject to compliance with basic environmental impact tests.

National planning policy and guidance offers similar 'in principle' encouragement for suitable tourist developments, subject to appropriate environmental safeguards. There is reference in Planning Policy Wales: 2002, S. 11.1.2 to one of the Assembly Government's objectives for Tourism being the promotion of tourism in all seasons, which would clearly support the basic proposals to extend the holiday season here to 12 months. TAN 13 Tourism (1997) predates Planning Policy Wales but suggests as broad principles that the planning system can respond to changes in tourism without compromising policies to safeguard the countryside, through the use of holiday occupancy conditions to reconcile these two objectives.

The grant of permission for the static caravans in 2004 recognised the Council's acceptance that the site was suitable for a small scale use, having regard to the principle and following assessment of landscape, amenity, highway and drainage impacts. Officers consider therefore that the key issues to address here are whether there would be any 'additional' localised impacts from the potential occupation of the 8 caravans between 1st January and 1st March, and whether there are adequate controls to ensure the 12 months use is for holiday purposes and would not in effect allow potential to create a residential site.

9.2.2 Landscape impact

The Unitary Plan's main policies requiring assessment of landscape impact are STRAT 7, GEN 6, ENV 1, ENV 7 and TSM 9.

The Council has accepted previously that the permanent siting of 8 static caravans on the site was not in conflict with the main policies, and that given the location and proposals for planting, then would be no significant harm to the rural character of the site and surrounding area.

Officers take the view that as caravans can be left permanently on site in accordance with the 2004 permission, there would be limited additional landscape impacts arising from the extension to the period of occupation of the units between 1st January and 1st March.

9.2.3 Residential amenity impact

Unitary Development Plan policy GEN 6 sets out the general requirement to

assess impact of proposals on the amenity of local residents, including from increased activity, disturbance and noise.

In this instance, there is a dwelling (The Oaks) located immediately to the south east of the caravan site. There is a tall screen fence and a 'landscape buffer' area between the site and the boundary fence, which were deemed acceptable when considering previous applications as mitigation against the transfer of noise, also taking account the potential level of activity from the previous uses of the land (Garden Centre).

Whilst acknowledging the potential use of the caravans between 1st January and 1st March could increase activity on the site for an additional 2 months of the year, it is not considered, with due respect to the concerns expressed, that this is likely to result in such significant additional disturbance to occupiers of The Oaks that a refusal could be justified.

9.2.4 Highway impact

Unitary Plan Policies TRA 6 and TRA 9 permit new development provided there is no unacceptable impact on the safe and free flow of traffic, and the capacity of and traffic conditions on the surrounding road network are satisfactory.

Having regard to the specific proposals, the Highways Officers raise no objections to the application. On the basis, whilst noting the objections to the potential for additional car journeys, it is not considered that the likely additional trips which may be occasioned by an additional 2 month period of occupancy of 8 caravans would be so significant to either result in highway safety problems or raise new questions over the principle of the development from reliance on the motor car.

9.2.5 Controls over holiday use

There is limited local plan policy content directly dealing with the requirement for controls over occupation of caravans. SPG 20, Section 17 states that conditions will be imposed on planning consents to restrict occupancy for holiday purposes only, primarily to ensure that chalets and static caravans are not used as residential accommodation. There are separate Site Licensing controls administered by the Public Protection section which can include conditions relating to the nature of occupation, but the Public Protection manager advises at this point these largely mirror the wording used on the initial planning consents.

As referred to earlier in the report, there is general support in Assembly policy for all year tourism subject to safeguarding the environment. The use of conditions restricting occupation to holiday use is a recognisable mechanism to deliver the Assembly's objectives.

The local planning authority is obliged to have regard to Government advice on the use of conditions on planning permissions. Welsh Office Circular 35/95 is a significant material consideration in this respect, and sets out clear advice on how local authorities can ensure static caravans remain in holiday use. The Circular advises that the use of conditions restricting the period of occupation of caravans to a specified date range are only appropriate where units are unsuitable for year round occupation because of their 'light construction'. 35/95 advises the use of a condition specifying use as holiday accommodation only. This approach has been adopted by many Planning Inspectors in issuing decisions on appeals involving caravan site developments, and the County Council has previously used variations on the wording along the lines of:

"The caravans shall be used for holiday accommodation only and shall not be used as permanent residential accommodation".

Having regard to the background policy and guidance, and the nature of the development at Llwyn Afon, officers consider, with respect to the comments of the Community Council, that it would be reasonable to consent to the principle of a 12 month holiday use of the static caravans. It is suggested the main issue to address is whether the 'variation' of the wording of condition 3 can be supported in the precise form submitted or through a reworded version which would ensure the Council retains suitable (and enforceable) control over the occupation of the caravans to preclude residential use.

The wording of conditions is a difficult discipline and there is a volume of (often conflicting) leads from appeal decisions and court judgements elsewhere. The 'standard' condition set out in Circular 35/95 places a heavy onus on officers of the authority to collate evidence to test compliance with the 'holiday use only' restriction. In the absence of any detailed current advice from Welsh Assembly Government, officers suggest an approach worth pursuing is outlined in a 2007 Department for Communities and Local Government publication "Good Practice Guide on Planning for Tourism". Annex B of the Guide addresses the same concerns as outlined in this report, and includes suggestions for the wording of a condition controlling the use of holiday caravans, developed by a working group organised by the East Riding of Yorkshire authority, involving members, caravan organisations and site operators and agents. The objective was to secure a stronger condition requiring documentary evidence of occupiers maintaining a primary residence elsewhere to be provided. The condition is as follows:

- "(i) the caravans (or cabins/chalets) are occupied for holiday purposes only;
- (ii) the caravans (or cabins/chalets) shall not be occupied as a person's sole, or main place of residence
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority."

The reason for these conditions is to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.

Officers consider the above condition, subject to suitable adaptation to the circumstances of each case, offers a clear and easier/enforceable means of control over the occupation of holiday caravans, which could be adopted as a 'standard' by the authority and may help to address community council concerns over abuse of the system. One suggestion for adaptation here (included in the recommendation following), is to require the owner/site operator to keep a log confirming the exact dates each caravan is occupied, and by who, so the task of checking compliance with the holiday use is simplified for officers of the Council.

10. SUMMARY AND CONCLUSIONS:

- 10.1 The static caravan site is established by virtue of a 2004 permission which conditioned a 10 month occupancy season. The proposal to allow use for holiday purposes for 12 months is not considered likely to have additional adverse effects on

the immediate locality in terms of landscape, residential amenity, or highways impacts. Officers believe there is clear national policy encouragement for year round tourism use in appropriate locations, and that there is a standard form of holiday occupancy condition which can be adapted to address concerns that the units should only be used for holiday purposes and do not become dwelling units, undermining Unitary Plan policies for development in the open countryside.

RECOMMENDATION: - APPROVE subject to the following condition:-
Condition 3 shall be substituted by the following Condition:

1. 3. In relation to the use of the caravans:
 - (i) The caravans shall be occupied solely for holiday purposes.
 - (ii) The caravans shall not be occupied at any time as a person's sole or main place of residence.
 - (iii) The owners of each unit and the site operator shall maintain an up to date register of the names of the owners/occupiers of each caravan on the site, their main home address, a log of the exact dates each caravan has been occupied, and by who; and the registers/logs shall be made available at all reasonable times for inspection on written request from officers of the local planning authority. Responsibility for the collection and maintenance of the registers/logs shall be that of the caravan site licence holder or his/her nominated person(s).

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

1. To ensure that the units are used solely as holiday accommodation and not as residential units contrary to the Council's development strategy in open countryside.

NOTES TO APPLICANT:

You are reminded that this approval relates solely to the matters concerning Condition 3 of planning permission 23/2004/0749/PF and that all other conditions on that permission remain relevant to the use of the site.

The provisions of the Caravan Sites and Control of Development Act 1960 also apply to the development.

ITEM NO: 3

WARD NO: Rhyl West

APPLICATION NO: 45/2009/1230/ PC

PROPOSAL: Continuation of use of former café as residential self-contained flat (Retrospective application)

LOCATION: Former Take A Break Cafe 3 Kinmel Street Rhyl

APPLICANT: Ms M Roberts

CONSTRAINTS: C1 Flood Zone
Town Heritage Area
EA Floodmap Zone 2
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:
"No objections"

TOWN HERITAGE OFFICER:
No objections in principle to the change of use. Window details would need to be carefully controlled.

CONSERVATION OFFICER:
Agrees with the Town Heritage Officer's comments.

ENVIRONMENT AGENCY:
No objections

HEAD OF TRANSPORT AND INFRASTRUCTURE
No objections

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 08/12/2009

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

PLANNING ASSESSMENT:

11. THE PROPOSAL:

11.1 Outline of application

- 11.1.1 Retrospective permission is sought for the continued use of a former café as a self contained flat at 3 Kinmel Street, Rhyl. Access to the unit is via a side road off Kinmel Street.
- 11.1.2 The internal floor space would be approximately 38.5m².
- 11.2 Description of site and surroundings
 - 11.2.1 The site is located in the centre of Rhyl, just off Kinmel Street. There is small alley to the side/rear of the unit which provides shared rear access to number 52 Kinmel Street. The area is characterised by commercial properties at ground floor with mixed uses (including residential) above.
- 11.3 Relevant planning constraints/considerations
 - 11.3.1 The property is located within Rhyl's town centre, and conservation area.
- 11.4 Relevant planning history
 - 11.4.1 None.
- 11.5 Other relevant background information
 - 11.5.1 The application has been made following investigation by the Council's Enforcement Officers, and is reported to Committee as it is a retrospective application on which officers are recommending refusal of permission. There is a separate Enforcement Report on the agenda.

12. DETAILS OF PLANNING HISTORY:

- 12.1 None.

13. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 13.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 – Development Within Development Boundary
 - Policy RET 1 – Town and District Centres
 - Policy RET 6 – Town and District Centres: Non A1 Uses
 - Policy CON 5 – Development Within Conservation Areas
 - Policy HSG 13 – Subdivision of Existing Premises to Self-Contained Flats
- 13.2 Supplementary Planning Guidance
 - SPG 7 – Self Contained Flats and Houses in Multiple Occupation
- 13.3 GOVERNMENT GUIDANCE
 - Planning Policy Wales (March 2002)

14. MAIN PLANNING CONSIDERATIONS:

- 14.1 The main land use planning issues are considered to be:
 - 14.1.1 Principle
 - 14.1.2 Amenity
 - 14.1.3 Impact upon conservation area
- 14.2 In relation to the main planning considerations:
 - 14.2.1 Principle

The site is within the development boundary where the broad principle of shop/commercial development is acceptable, subject to relevant policies and considerations. The site is within the defined town centre area, where Policy RET 1 seeks to ensure that development maintains or enhances the town centre's vitality and viability. Policy RET 6 allows for changes of use from A1

retail uses within town centre boundaries subject to such proposals maintaining the viability of the town centre and being of appropriate scale and type in order to provide a wide range of town centre shops and services.

The general thrust of the above policies is to ensure that town centres remain commercially viable. It is considered that a proposal for residential use would not maintain or enhance the commercial viability of the town centre and could contribute, in part, to a loss of vitality of Rhyl's town centre. The continuation of the residential use is therefore not considered to benefit the town centre and is contrary to Policy RET 1 and RET 6.

14.2.2 Amenity

Policy HSG 13 relates to the creation of self contained flats within existing premises. It requires consideration among other things that adequate amenity space is available for the occupants. As there is no private amenity area with the unit, in this instance it is likely that the rear alley would have to be used for the storage of refuse and as an outdoor drying area. It is not considered that this is a suitable arrangement given that the alley is also used as an access to the rear of neighbouring properties. It is considered that the continued use of this building as a unit of accommodation would be detrimental to the amenity of the surrounding area and does not afford adequate amenity areas for its occupants. The quality of accommodation, overall, is considered poor.

14.2.3 Impact upon conservation area

The proposal does not refer to any external physical alterations other than new windows. The details of these windows have not been submitted. However, it is considered that a suitable condition requiring details of these windows could be imposed to require such details within a given period of time.

15. SUMMARY AND CONCLUSIONS:

- 15.1 The extent of accommodation created is considered small and poor in terms of floorspace and amenity space and results in the loss of a commercial unit which could contribute to the vitality and viability of Rhyl's town centre. It is considered that the proposal is contrary to policies RET 1, RET 6 and HSG 13.

RECOMMENDATION: REFUSE - for the following reasons:-

1. It is the opinion of the Local Planning Authority that the flat does not provide a satisfactory level of amenity for the occupants, including accessibility from a back alley, and a limited amount of outdoor amenity space. The proposal is therefore considered to be contrary to policy GEN 6 criteria i) and v), HSG 13 criteria iv) of the adopted Unitary Development Plan and guidance as contained in Ministerial Interim Planning Policy Statement 01/2006: Housing.
2. It is considered the use of this building as a flat would result in the loss of a commercial unit which contributes to the vitality and viability of the town centre, and it would therefore be contrary to Policies RET 1 and RET 6 of the adopted Unitary Development Plan and advice as contained in Planning Policy Wales (2002).

NOTES TO APPLICANT:

None

ENFORCEMENT ITEM FOLLOWS

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00060
LOCATION: 3 Kinmel Street Rhyl
INFRINGEMENT: Change of Use from Cafe to Residential Use

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 1 – Development Within Development Boundary
Policy RET 1 – Town and District Centres
Policy RET 6 – Town and District Centres: Non A1 Uses
Policy CON 5 – Development Within Conservation Areas

GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1988 are taken into account when considering taking enforcement action against unauthorised development, unauthorised use and other related matters.

The Act states that a person is entitled to peaceful enjoyment of his possessions. However, this does not impair the right of the State to enforce such laws as it deems necessary.

In this particular instance, matters relate to the rights of an owner of a property, without authorisation from the Local Planning Authority, to change the use of the building from a A3 Café to a C3 residential use. The rights of the owner in this situation do not outweigh the rights of the Local Planning Authority to protect the amenity and safety of the area.

No human rights issues have been raised in this case.

1. BACKGROUND INFORMATION

- 1.1 The property is located with in the **Policy GEN 1** development boundary, and the **Policy RET 1** town centre boundary of Rhyl, just off Kinmel Street. The area is characterised by commercial properties on the ground floor, with mixed uses (including residential) above. The property is located with in the **Policy CON 5** Conservation Area of Rhyl.
- 1.2 In July 2009 the planning department were asked to investigate whether the property which had formally been used as a café was being used as a residential dwelling. The owner and occupier of the property was served with a Requisition for Information, which was returned. The owner and occupier confirmed that the property was being used as a residential dwelling.
- 1.3 The owner submitted a retrospective application, which has been presented at Planning Committee today with a recommendation for refusal.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised use has commenced within the last 4 years.
- 2.2 The application for the change the use of the building from an A3 Café to a C3 residential use is being recommended for refusal.
- 2.3 The unauthorised change of use is contrary to policies contained within the adopted Denbighshire Unitary Development Plan 1996 and advice contained within Planning Policy Wales 2002 in respect of :-

(i) Impact on the town centre

A pre-requisite of development within the **Policy RET 1** Town centre boundary is that the development maintains or enhances the town centre's vitality and viability. **Policy RET 6** does allow for changes of use from Non A1 uses within town centres provided that the development maintains, enhances and improves the vitality and viability of the town centre, and that it does not have an unacceptable impact upon the surrounding area.

Taking into account these policies, it is considered that the use of the property as a residential dwelling would result in the loss of a commercial unit, and would be detrimental to the vitality and viability of the town centre, and it would therefore be contrary to **Policies RET 1** and **RET 6** of the adopted Unitary Development Plan, and advice contained in Planning Policy Wales (2002).

(ii) Amenity

Policy GEN 6 (i) aims to ensure that development respects the site, and the intensity of use of surroundings in terms of the land and buildings, and the spaces around and between buildings.

In this instance it is likely that the development is unsuitable for the site, as the rear alley would have to be used for the storage of refuse, and as an outdoor drying area. It is not considered that this is a suitable arrangement given that the alley is also used as an access to the rear of neighbouring properties. The use of this building as a unit of accommodation would be detrimental to the amenity of the surrounding area, and it does not afford adequate amenity areas for its occupants.

- 2.4 Should the Planning Committee resolve not to take enforcement action, after four years the unauthorised change of use would become immune from any further enforcement action.

3. RECOMMENDATION

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990, with a 6 month compliance period, requiring :-
- (i) the cessation of the unauthorised residential use of the former A3 café.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served fails or refuses to comply with the provisions of the Notice.

ITEM NO: 4

WARD NO: Rhyl West

APPLICATION NO: 45/2009/1301/ PF

PROPOSAL: Erection of steel frame to rear outrigger to house 10 No. air source pumps

LOCATION: 65 West Parade Rhyl

APPLICANT: Mr Colin Hall

CONSTRAINTS: C2 Flood Zone
EA Floodmap Zone 2
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:
"No objections"

PUBLIC PROTECTION:

No objections, subject to conditions relating to limiting the amount of noise during night time hours

RESPONSE TO PUBLICITY:

Letters of representation received from:
Mrs. N. Barker, 67 West Parade, Apartment 6, Rhyl

Addressed petition with 12 signatures.

Summary of planning based representations:

- Loss of residential amenity resulting from noise
- Impact upon visual amenity

EXPIRY DATE OF APPLICATION: 07/12/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Outline of application

- 1.1.1 Permission is sought for the erection of a steel frame structure on the rear extension of the property, to house 10 air source pumps in connection with the heating systems of 10 existing flats. The works are part of a regeneration project aimed at improving the quality of accommodation provided.
- 1.1.2 The steel frame would be 2.4m wide, project 1.2m from the building, and be 10.4m high. It would be constructed of galvanised steel and powder coated. The side panels would be fitted with louvres.
- 1.1.3 The individual air source pumps are 5kW units which measure 0.6m x 0.8m and are approximately 1.2m high. They would be installed in pairs (two for each floor) and would be 0.3m away from the wall to allow air to circulate.

1.2 Description of site and surroundings

- 1.2.1 The frames would be located to the rear of 65 West Parade. The building is part of row of 5 storey terraced dwellings, many of which have been subdivided into self contained flats and front onto the Rhyl coast. The areas to the rear of the buildings are open yards off rear service alleys.
- 1.2.2 The area is predominantly a residential area. Adjoining flats have bedroom windows which look out onto the rear yards.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Rhyl development boundary. The area is designated a regeneration area as defined in the West Rhyl Regeneration Strategy.

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 The original submission included noise data based on the assumption that each individual pump unit would produce 49dBA, when measured 1 metre from the unit. Following discussions with the applicant and engineer, it has been confirmed in writing that an individual 5kW unit, such as those proposed, would produce 45dBA, when measured 1 metre from the unit.

1.6 Other relevant background information

- 1.6.1 The proposal is submitted as part of a regeneration project for the building which requires the upgrading of the internal areas of the building. The Area Renewal Office has suggested that renewable energy solutions be incorporated to meet Local Authority Strategic policies.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None of relevance

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 6 – Development Control Requirements
 - Policy MEW 8 – Renewable Energy

3.2 OTHER GUIDANCE

- Rhyl Going Forward Strategy

3.3 GOVERNMENT GUIDANCE Planning Policy Wales (March 2002)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity
- 4.1.3 Impact on residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy MEW 8 encourages the use of renewable energy provided that there are no significant negative impacts upon the area. The Rhyl Going Forward Strategy has made improvements to the quality of accommodation in West Rhyl a priority for the council. Planning Policy Wales further supports the principle of renewable energy where it is not likely that there would be a demonstrable harm to the local environment. It acknowledges that Local Planning Authorities should seek to encourage energy efficient measures. It is considered, therefore, that the proposal is acceptable in principle, subject to the detailed considerations which are set out below.

4.2.2 Impact on visual amenity

Policy GEN 6 requires consideration of the design and general physical impact of new developments. The proposed structure would be located to the rear of the dwelling and would feature louvre sides, and a slate, pitched roof. Whilst there is public access to the rear of the site, it is not likely to be a main public thoroughfare generally used by other occupants of the flats. The surrounding dwellings already have a range of rear outriggers. Within the context of the surrounding buildings, it is not considered a unit projecting 1.2m out from the rear wall would be an obtrusive form of development. The proposal is therefore unlikely to have a negative impact upon the visual amenity of the area.

4.2.3 Impact on residential amenity

Policy GEN 6 requires consideration of the impact of new development on the amenities of local residents. Concern has been raised by occupants of neighbouring flats as to the impact this proposal would have by way of noise. The units would be approximately 4 metres away from the nearest neighbouring bedroom windows, but would not face directly towards them.

The predicted maximum noise levels for the 5kw units at 1 metre from the units would be 45dBA, and if all ten units were operating this would be 57dBA.

As the distance from the units increases so the noise level decreases. The predicted noise level at the nearest bedroom windows (4 metres) would be approximately 45dBA if all 10 units were operating. In addition to this, the applicants have suggested that the units operate with 'night time set back' between the hours of 10pm and 6am, which is likely to further reduce the noise levels at the nearest sensitive façade to around 40dBA.

It is understood that World Health Organisation recommendations are that noise levels outside bedroom windows should not exceed 45dBA, so as to avoid disturbing sleep patterns. Based on the submitted information, and The World Health Organisation's advice, the Public Protection officer has advised that the proposal is satisfactory, and subject to the imposition of a planning

condition to control 'set back' hours, the proposal is not considered likely to result in a significant harm to residential amenity.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with policy and helps to support the overall regeneration goals of the 'Rhyl Going Forward Strategy'.

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. Prior to the commencement of development, full details of the side louvres and roof of the structure shall be submitted to and approved in writing by the Local Planning Authority and only those details as approved shall be implemented. - In the interest of visual amenity
3. Between the hours of 22:00 and 06:00 the following day, all air source pumps hereby approved shall operate at a set back level and the total noise level as measured 4 metres from any one of the ten air source pumps, shall not exceed 40dBA.
4. Between the hours of 06:00 and 22:00 the same day, when all air source pumps hereby approved are operative at the same time, the total noise level when measured 4 metres from any one of the air source pumps shall not exceed 45dBA.

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.
3. In the interest of residential amenity.
4. In the interest of residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Rhyl West

APPLICATION NO: 45/2009/1302/ PF

PROPOSAL: Erection of steel frame to rear outrigger to house 10 No. air source pumps

LOCATION: 68 West Parade Rhyl

APPLICANT: Mr Colin Hall

CONSTRAINTS: C2 Flood Zone
EA Floodmap Zone 3
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:
"No objections"

PUBLIC PROTECTION:

No objections, subject to conditions relating to limiting the amount of noise during night time hours

RESPONSE TO PUBLICITY:

Letters of representation received from:
Mrs. N. Barker, 67 West Parade, Apartment 6, Rhyl

Addressed petition with 12 signatures.

Summary of planning based representations:

- Loss of residential amenity resulting from noise
- Impact upon visual amenity

EXPIRY DATE OF APPLICATION: 07/12/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant

PLANNING ASSESSMENT:

6. THE PROPOSAL:

6.1 Outline of application

- 6.1.1 Permission is sought for the erection of a steel frame structure on the rear extension of the premises, to house 10 air source pumps. The works are part of a regeneration project aimed at improving the quality of accommodation provided.
- 6.1.2 The steel frame would be 2.4m wide, project 1.2m from the building, and be 10.4m high. It would be constructed of galvanised steel and powder coated. The side panels would be fitted with louvres.
- 6.1.3 The individual air source pumps are 5kW units and would measure 0.6m x 0.8m and be approximately 1.2m high. They would be installed in pairs (two for each floor) and would be 0.3m away from the wall to allow air to circulate.

6.2 Description of site and surroundings

- 6.2.1 The frame would be located to the rear of 68 West Parade. The building is part of row of 5 storey terraced dwellings, many of which have been subdivided into self contained flats and front onto the Rhyl coastline. The areas to the rear of the buildings are open yards off rear service alleys.
- 6.2.2 The area is predominantly a residential area. Adjoining flats have bedroom windows which look out onto the rear yards.

6.3 Relevant planning constraints/considerations

- 6.3.1 The site is within the Rhyl development boundary. The area is designated a regeneration area as defined in the West Rhyl Regeneration Strategy.

6.4 Relevant planning history

- 6.4.1 None

6.5 Developments/changes since the original submission

- 6.5.1 The original submission included noise data based on the assumption that each individual pump unit would produce 49dBA, when measured 1 metre from the unit. Following discussions with the applicant and engineer, it has been confirmed in writing that an individual 5kW unit, such as those proposed, would produce 45dBA, when measured 1 metre from the unit. The total noise level of 10 5kW air source pumps would be approximately 57dBA at 1 metre

6.6 Other relevant background information

- 6.6.1 The proposal is submitted as part of a regeneration project for the building which requires the upgrading of the internal areas of the building. The Area Renewal Office has suggested that renewable energy solutions be incorporated to meet Local Authority Strategic policies.

7. DETAILS OF PLANNING HISTORY:

- 7.1 None of relevance

8. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 8.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 – Development Control Requirements
 - Policy MEW 8 – Renewable Energy

8.2 OTHER GUIDANCE
Rhyl Going Forward Strategy

8.3 GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)

9. MAIN PLANNING CONSIDERATIONS:

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

- 9.1.1 Principle
- 9.1.2 Impact on visual amenity
- 9.1.3 Impact on residential amenity

9.2 In relation to the main planning considerations:

9.2.1 Principle:

Policy MEW 8 encourages the use of renewable energy provided that there are no significant negative impacts upon the area. The Rhyl Going Forward Strategy has made improvements to the quality of accommodation in West Rhyl a priority for the council. Planning Policy Wales further supports the principle of renewable energy where it is not likely that there would be a demonstrable harm to the local environment. It acknowledges that Local Planning Authorities should seek to encourage energy efficient measures. It is considered, therefore, that the proposal is acceptable in principle, subject to detailed considerations which are set out below.

9.2.2 Impact on visual amenity:

Policy GEN 6 requires consideration of the design and general physical impact of new development. The proposed structure would be located to the rear of the dwelling and would feature louvre sides, and a slate, pitched roof. Whilst there is public access to the rear of the site, it is not likely to be a main public thoroughfare generally used by other occupants of the flats. The surrounding dwellings feature a range of rear outriggers. Within the context of the surrounding buildings, it is not considered a unit projecting 1.2m from the rear side wall would be an obtrusive form of development. The proposal is therefore unlikely to have a negative impact upon the visual amenity of the area.

9.2.3 Impact on residential amenity:

Policy GEN 6 requires consideration of the impact of new development on the amenities of local residents. Concern has been raised by occupants of neighbouring flats as to the impact this proposal would have by way of noise. The units would be approximately 3 metres away from the nearest neighbouring bedroom windows.

The predicted maximum noise levels for the 5kW units at 1 metre would be 45dBA and if all ten units were operating this would be 57dBA.

As the distance from the units increases so the noise level decreases. The predicted noise level at the nearest bedroom windows (3 metres) would be approximately 47.5dBA, if all ten units were operating. In addition to this, the applicants have suggested that the units operate with a 'night time set back' between the hours of 10pm and 6am which is likely to further reduce the noise levels at the nearest sensitive façade to around 42.5dBA.

It is understood that World Health Organisation recommendations are that noise levels outside bedroom windows should not exceed 45dBA so as to avoid disturbing sleep patterns. Based on the submitted information, and The

World Health Organisation's advice, the Public Protection Officer has advised that the proposal is satisfactory, and subject to the imposition of a planning condition to control the set back hours, the proposal is not considered likely to result in a significant harm to residential amenity.

10. SUMMARY AND CONCLUSIONS:

- 10.1 The proposal is considered to comply with policy and helps to support the overall regeneration goals of the 'Rhyl Going Forward Strategy'.

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. Prior to the commencement of development, full details of the side louvres and roof of the structure shall be submitted to and approved in writing by the Local Planning Authority and only those details as approved shall be implemented.
3. Between the hours of 22:00 and 06:00 the following day, all air source pumps hereby approved shall operate at a set back level and the total noise level as measured 3 metres from any one of the ten air source pumps, when all ten air source pumps are operating, shall not exceed 42.5dBA.
4. Between the hours of 06:00 and 22:00 the same day, when all air source pumps hereby approved are operative at the same time, the total noise level when measured 3 metres from any one of the air source pumps shall not exceed 47.5dBA.

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.
3. In the interest of residential amenity.
4. In the interest of residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: St Asaph East

APPLICATION NO: 46/2009/0932/ PF

PROPOSAL: Change of use of land by the siting of 21 no. timber clad holiday caravans (lodges) and associated works

LOCATION: Land to rear of The Croft known as Clwyd Lofts Upper Denbigh Road St. Asaph

APPLICANT: Rebba Construction Ltd.

CONSTRAINTS: Local Landscape Area

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

CONSULTATION RESPONSES:

ST. ASAPH TOWN/ COUNCIL
(25 lodge scheme)

"Object on highway safety grounds – considerable increase of traffic onto already very busy road; - unacceptable intrusion into rural landscape ['Blot on the landscape'] – over-intensification of development; interference with natural habitat of badgers".

Comments on revised plans (21 lodges)

"The Council sees no reason to change its objections to this application as outlined".

COUNTRYSIDE COUNCIL FOR WALES

No objection in principle. Any consent should be conditioned to secure implementation of proposed bat mitigation measures.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No known archaeological features will be affected, so no further comment.

ENVIRONMENT AGENCY WALES

Advise that surface water will require regulation/allocation and details would need to be subject to condition. Sustainable drainage system should be investigated with the Agency.

DWR CYMRU/WELSH WATER

Confirm no problems are envisaged with the sewage treatment works from domestic discharges from the site and that a water supply can be made available. Any permission would need to be conditional on foul and surface water discharges being drained separately from the site, and no land drainage being permitted to discharge into the public sewerage system.

CLWYD BADGER GROUP

Confirm the ecologist's report is thorough and have no objections subject to implementation of the proposed mitigation measures.

DENBIGHSHIRE COUNTY COUNCIL consultees:-

- DCC Head of Transport & Infrastructure
No objection to the proposals. Traffic generated will have minimal impact on the highway. Adequate space within the site to provide parking and turning. Visibility at point of access onto A525 meets standards in TAN 18. Site is close to bus stops, local cycle network.
- DCC Archaeologist
No objections. No known archaeological sites which would give reason to ask for archaeological work to be carried out at this site.
- DCC Ecologist
No objections, subject to conditions to ensure implementation of enhancement and mitigation measures.
- DCC Conservation Architect
Does not consider the proposals would affect the character and appearance of the conservation area, but considers the setting of The Bryn, a Grade II Listed Building, is important.
Having visited The Bryn, notes that most of the site is obscured from view by mature trees; and that as only that part of site where the 4 caravans have been removed would affect the setting, it would be difficult to justify a refusal on detriment to the setting. Careful attention would be required to the wider impact on the landscape, and proposals for ecological enhancement around the ponds, as removal of trees there would weaken the visual barrier between the site and The Bryn.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mrs Maher, Garth Cottage, Upper Denbigh Road, St. Asaph (2 letters)
2. A I. Robinson, Swyn y Gwynt, Upper Denbigh Road, St. Asaph
3. R C Lamb, Penllan, St. Asaph
4. P. Read, Solar Court, Upper Denbigh Road, St Asaph LL17 0RW (2 letters)
5. I.V. Salisbury, Pendinas, Upper Denbigh Road, St. Asaph (2 letters)
6. Mr. A. Brookes, 4, Fron Haul, St. Asaph
7. R M Jones and S Jones, 10 Fron Haul, St Asaph
8. B. Mansall, Bryn Gwyn, Upper Denbigh Road, St. Asaph
9. E.M. Rees, Bryn, St. Asaph
10. Ysgol Glan Clwyd

Planning based points in objection:

Highways impact

Congested main highway/additional traffic would add to problems of congestion and dangers to pedestrians/ entrance is between two schools/shared private road inadequate to take traffic/reduced number of units recognises there will be traffic problems but claim of reduced traffic is meaningless.

Character of town/Landscape impact

Would be tarnished by temporary homes/claim to fame would be the cathedral with the nearest caravan site/site near to conservation area/impact on local countryside/too intensive development for the location/site is on an important green space/impact on landscape quality.

Impact on local services

Additional burden on GP surgeries.

No need for more caravans

Holiday industry already well catered for in the area and on the coast/already 20 or more caravan sites within 10 miles of St. Asaph/no demand for more sites/existing chalet site at Spring Gardens/why is there a need for another site when claimed occupancy rates are so low?

Site not convenient for town centre

Misleading impression over proximity to town.

Impact on The Bryn

Potential effect on the setting of Grade II Listed Building/revisions would not overcome this.

Impact on residential area

Access runs close to other residential property/increased noise and disturbance.

Exaggerated local benefits

Suggestions for a £360,000 annual boost for the local economy are a fallacy/main beneficiaries are owners and the banks/use is only seasonal/reduced numbers reduces claimed benefits/likelihood that site would effectively be residential suggests lower occupation levels and even fewer benefits particularly if units are not sold.

Unsustainable development

Most visitors would access site by car.

Wildlife impact

Must be disturbance to wildlife.

Precedent

Grant of permission would open door to future additions / new development / clubhouse.

Previous refusals of permission for dwellings and a caravan on site

Revised proposals do not address original objections.

EXPIRY DATE OF APPLICATION: 21/12/2009

PLANNING ASSESSMENT:

11. THE PROPOSAL:

11.1 Outline of application

11.1.1 The application is for permission to site a total of 21 timber clad holiday caravans ('lodges') on 2 hectares of land to the east of the playing fields of Ysgol Glan Clwyd. The numbers have been reduced from 25 as originally submitted.

11.1.2 The proposals involve the following main elements:

- Use of an existing vehicular access which enters the A525 (Upper Denbigh Road) between residential properties at Penllan and Solar Court, immediately to the north of Ysgol Glan Clwyd.
- Creation of a new/improved track from where the existing tarmac driveway terminates at The Croft, to serve the site.
- Removal of existing buildings previously in use as pigeon lofts, and retention of an existing store building.

- Siting of the 21 lodges on 2 main field parcels which slope down to the east; the lodges to be arranged in 3 rows running approximately north west/south east.
- An open area in the centre of the site running to the south east boundary.
- Additional landscaping/planting within and around the periphery of the site.
- Ecological enhancements of ponds and a woodland area to the north of the site.
- Provision of separate foul and surface water drainage systems; including a foul pumping station and rising main connecting to the existing public sewer, and a surface water discharge point into an existing ditch within the site next to one of the ponds. The latter system would include a petrol interceptor.

1.1.3 The application contains a volume of supporting information including a detailed Planning, Design and Access Statement, a Landscape Appraisal, Ecology reports and a Drainage report. The conclusions of the main planning statement are that:-

- The application comprises a sustainable form of tourism that is beneficially located on the outskirts of St. Asaph.
- It comprises a low density scheme for timber clad holiday 'lodges' that will provide a high quality tourism development within easy walking distance of the centre of St. Asaph.
- The development will create tangible economic benefits and offsite spend into the local economy, enhancing job creation.
- The impact will not be detrimental in terms of landscape/visual amenity.
- The siting, design and layout has been 'landscape led' with structured areas of landscape/screen planting provided throughout.
- There are beneficial mitigation measures proposed for identified protected species as agreed with the Countryside Council for Wales.
- The site is capable of connection to mains services and the water disposal and supply arrangements will have no adverse impacts.
- The development complies with Assembly and Unitary Plan policies seeking to support sustainable tourism development in proximity to existing settlement limits.

11.2 Description of site and surroundings

11.2.1 The application site comprises of two main field parcels proposed for the lodges, an area of woodland with ponds to the north, buildings associated with the keeping of pigeons, and an old green profiled sheet, 'agricultural' type store building. The fields slope down from west to east. The fields have been in agricultural use, and are accessed from a track leading to the A525 from the dwelling at The Croft. The access off the A525 serves the dwellings Penllan, Solar Court and The Croft.

11.2.2 On the western side, the boundary of the proposed caravan site runs along the bottom of the wooded embankment which carried the former Rhyl – Denbigh railway line, which acts as a screen to the site from that direction. The playing fields of Ysgol Glan Clwyd lie on the west side of the old railway line. There are a number of significant trees along this boundary. There is a woodland immediately to the north of the area proposed for the caravans, and an 'evergreen' hedgerow along the eastern boundary. The southern boundary contains occasional trees and post and wire fencing.

- 11.2.3 As a consequence of the landform and natural screening, the main views into the site are confined to an arc to the north east and east. This includes properties within 2km along the Holywell Road, Bodeugan and Rhewl Farm; and on higher ground on the edge of the AONB along the B5429 north of Tremeirchion and the Rhuallt – Dyserth Road at 3-4km. Part of the site would be visible from The Bryn, a Grade II listed building some 200 metres to the north.
- 11.3 Relevant planning constraints/considerations
- 11.3.1 With the exception of the access off the A525 past The Croft, up to a field gate, the main part of the site lies outside the development boundary of St. Asaph, and within a Local Landscape Area (LLA) as identified within the Unitary Plan, subject to Policy ENV 3. The extent of the LLA is shown on the plan at the front of the report.
- 11.4 Relevant planning history
- 11.4.1 The section's records reveal no applications of direct relevance to the development of a caravan site here. There have been 3 separate applications for a dwelling, refused in the late 1980's and early 1990's, and a refusal for a static caravan as a 'manager's dwelling' in connection with the pigeon racing and breeding stud, in 2001.
- 11.5 Developments/changes since the original submission
- 11.5.1 The applicant's agents are aware of the basis of concerns over elements of the developments, and have asked that additional information be considered. This includes:
- The reduction in numbers of lodges from 25 to 21, to address concerns over views from The Bryn, and to reduce concerns over disturbance from traffic, etc., to residents of dwellings near the entrance onto Lower Denbigh Road.
The fact that the application has been promoted on the sustainable location of the site and its proximity to the town. Economic benefits, whilst important, are secondary.
 - The site layout has been designed to take maximum advantage of the topography and to ensure only 'end on views' from the east. It has also taken into account pre-application comment from CCW, and includes carefully designed landscaping. Site licence density is below Model Standards for this type of development.
 - In relation to the Conservation Officer's concerns, the applicants' landscape Architect has concluded that on balance the development will have a negligible impact on landscape quality in the short term and will enhance the landscape quality of the general area in the long term. It is also considered by the agents that the site lies well outside the building and curtilage area of The Bryn, which has no defined essential setting, and any views to the south (towards the application site) are at medium distances. Additionally it is considered there is effective screening between The Bryn and the site; views from The Bryn are to the east not the south or into St Asaph; the colours of the lodges are muted and would blend with the countryside; viewpoints to the south have to be considered in the context of the backdrop of a floodlit soccer pitch and the hospital – which must have been considered acceptable previously in relation to The Bryn.
 - In relation to the amenity impact, there will be a relatively low level use and occupation of the lodges, with typical occupation at 25-30%

throughout the year, (40% at peak holiday periods in July and August), as most units would be owner occupied, and not available for fleet hire letting. Noise or nuisance is not considered to be an issue given the likely number of vehicle and pedestrian movements passing one property close to Upper Denbigh Road.

11.6 Other relevant background information

11.6.1 The submission refers extensively to the use of land by the stationing of holiday 'lodges'. To avoid any confusion, these 'lodges' would conform with the definition of caravan as contained in the Caravan Sites Act 1968, hence the proposals are considered against the Unitary Plan's policies relating to caravan development

12. DETAILS OF PLANNING HISTORY:

12.1 APH/121/88

Outline – erection of dwelling for Clwyd Lofts – REFUSED 17/5/1988

APH/140/90

Erection of dwelling – REFUSED 17/7/1990

APH/235/91

Erection of dwelling – REFUSED 16/7/1991

46/2000/88/PF

New roof to racing pigeon loft – GRANTED 27/3/2000

46/2001/321/PF

Use of existing static caravan as manager's dwelling in connection with existing business –
REFUSED 11/5/2001

13. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

- STRAT 1 - General
- STRAT 6 - Location
- STRAT 7 - Environment
- STRAT 9 - Tourism
- STRAT 13 - New development
- Policy GEN 3 - Development Outside Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy GEN 10 - Supplementary Planning Guidance
- Policy CON 1 - The Setting of Listed Buildings
- Policy CON 11- Areas of Archaeological Importance
- Policy ENV 1 - Protection of the Natural Environment
- Policy ENV 3 - Local Landscape Areas
- Policy ENV 6 - Species Protection
- Policy ENV 7 - Landscape/Townscape features
- Policy ENV 8 - Woodlands
- Policy ENP 4 - Foul and Surface Water Drainage
- Policy TSM 1 - Tourism Development
- Policy TSM 5 - Rural Tourism
- Policy TSM 9 - Static caravan and chalet development
- Policy TRA 6 - Impact of New Development on Traffic Flows

Policy TRA 9 - Parking and Servicing Provision

13.2 Supplementary Planning Guidance

- SPG 2 - Landscaping in New Developments
- SPG 6 - Trees and Development
- SPG 8 - Access for All
- SPG 18 - Nature Conservation and Species Protection
- SPG 20 - Static Caravan and Chalet Development
- SPG 21 - Parking

13.3 Other Council Documents
Denbighshire Landscape Strategy 2003

13.4 Welsh Assembly Government
Planning Policy Wales 2002

13.5 Technical Advice Notes

13.6 Acts/Circulars
Listed Building and Conservation Areas Act 1990
Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas.
Circular 35/95 – The Use of Conditions in planning permission.

14. MAIN PLANNING CONSIDERATIONS:

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

- 14.1.1 Principle of development
- 14.1.2 Scale of development
- 14.1.3 Highway/access impact
- 14.1.4 Landscape/visual impact
- 14.1.5 Ecology
- 14.1.6 Archaeology
- 14.1.7 Residential amenity
- 14.1.8 Drainage
- 14.1.9 Setting of listed building
- 14.1.10 Access for All
- 14.1.11 Sustainability
- 14.1.12 Occupancy restrictions

14.2 In relation to the main planning considerations:

14.2.1 Principle

There are a number of Unitary Development Plan Policies relevant to the principle of the development. The Strategic policies of the Plan allow for appropriate development outside town and village boundaries, in the open countryside, in exceptional circumstances, subject to protection of the character of the county and assessment of impact. STRAT 9 deals with tourism development and allows for projects in the main tourism areas on the coast and within allocated sites in Rhuddlan and Corwen, and in the form of 'small scale built or natural environment based tourism projects in the countryside and rural settlements', subject to meeting relevant impact tests. GEN 3 contains a general restraint on new development outside development boundaries, with a number of exceptions, including essential workers dwellings, agricultural development and tourism/leisure schemes, again subject to compliance with basic criteria and other policies in the plan. TSM 9 is the main 'detailed' policy relating to static caravan and chalet development, and sets specific tests for any application, requiring good accessibility to the

highway network, accessibility by a choice of means of transport, unobtrusive siting, and acceptable impact on landscape/conservation/ecological interests. The explanatory notes to the policy state the County is already well served, if not over provided on the coast by such uses, and that “it is highly unlikely that even in the inland areas a case could be justified for new sites”. It is to be noted, however, that TSM 9 does not set out any requirement for an applicant to establish a ‘need’ for a caravan site in a particular location, nor does it offer specific guidance on the scale of development which may be appropriate. SPG 20 elaborates on the checklist of considerations to be given to applications for static caravan and chalet development, including issues of scale and landscape impact.

Overall, the policies of the Unitary Plan, and guidance in Planning Policy Wales and Technical Advice Note 13 Tourism accept the general principle of suitable tourism related developments outside established settlements, as they provide potential economic benefits for the area, but qualify this support with the requirement that proposals meet a range of detailed tests. The principle of a caravan site development would not necessarily be contrary to the Unitary Plan’s general policies, but invariably the acceptability rests on assessment of the detailed local impacts. These are reviewed in the following sections of the report.

14.2.2 Scale of development

Policy STRAT 9 of the Unitary Plan permits “small scale built or natural environment based tourism projects in the countryside and rural settlements”, where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity, heritage or environmental interests. STRAT 7 sets a specific requirement to safeguard the countryside and environment. SPG 20 outlines a checklist of landscape and environmental considerations and suggests the scale of a development must respect its surrounding environment, that larger developments will only be permitted within or adjacent to settlements, proposals in more rural locations must be relatively small scale and sensitively developed, and should avoid skylines, prominent hillsides or exposed sites.

The Crofts site is clearly located on the edge of St. Asaph, immediately adjacent to the settlement boundary in the Unitary Plan. The proposal is for 21 lodges and the specific environmental impacts of a development of that size are assessed in the following sections of the report. In officers view, this scale of development in itself appears modest in relation to caravan sites in the locality and would not seem out of keeping in the context of the surrounding environment, (which includes significant built developments at Glan Clwyd School, HM Stanley Hospital, and housing sites).

14.2.3 Highway/access impacts

The main Unitary plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development does not have an unacceptable effect on the local highway network.

Members will note from the plan(s) at the front of the report that access to the site would be derived from an existing tarmaced entrance onto the A525

which serves dwellings at Penllan, Solar Court and The Crofts. The access is in the ownership of the applicants. At the point of entrance onto the A road the access is some 5.5 metres wide, with a narrow footway on the Penllan (north) side for some 15 metres. The access narrows to 4.5 metres as it passes the gable end of Solar Court, before it bends to the south east and opens out again with a narrow footway on the Southern side up to the entrance with the private dwelling at The Croft. Highways officers raise no objections to the proposals based on the amount of traffic generated, impact on the highway, the adequacy of space for parking and turning within the site, and the adequacy of the visibility at the point of entry onto the A525.

Having regard to the fact that the applicants have control over the whole length of the access from the A525, members should be aware that if it was considered reasonable and necessary to require improvements to provide better footways, etc., then these could be controlled by condition. With respect to concerns expressed, officers believe the dimensions of the access onto the A525, the visibility at the point of access, and the capacity of the A525 are adequate to accommodate the proposed scale of use. The accessibility to the town centre, public transport routes, footpaths and cycle routes is a positive factor, and having regard to the comments of the highway officers it is not considered the proposals are in conflict with test (i) of TSM 9.

14.2.4 Landscape/visual impact

The proposed lodges would be sited within a Local Landscape Area (LLA) in the Unitary Plan. The extent of the LLA is shown on the plan at the front of the report. Policy ENV 3 relates directly to development within the Local Landscape Area, and permits development where it is capable of integration into the local landscape without causing harm to the features which lead to designation, or where the need for a development outweighs the importance of the designation (and appropriate steps must be taken to minimise any adverse impact on the LLA). The text to ENV 3 outlines the reasons for designating LLAs in 'urban fringe' areas, including the visual contribution, value and quality of the landscape, and sensitivity of small scale areas to development. LLA's are of local landscape significance and do not carry the same weight as the AONB, which lies some 3km to the east. Other general policies of the Unitary Plan requiring due consideration of scale, landscape and visual impact are STRAT 7, GEN 6, ENV 1 and ENV 7. Guidance on landscape considerations in SPG 20 suggests the scale of development must respect its surrounding environment, and that 'larger developments will generally only be permitted within or adjacent to settlements' (9.2). The site lies within the Vale of Clwyd North character area in the Denbighshire Landscape Strategy, and is identified as a high quality landscape.

From inspection of the area proposed for the lodges, it is apparent that a combination of factors limits the physical extent of the area from which the development would be visible to public view, to areas to the east and north east of the site. Existing woodland and tree cover provide screen to most views from the north and west (St. Asaph town and Ysgol Glan Clwyd). There is an evergreen 'hedge' on part of the eastern boundary of the site which would limit views of the lower 'tier' of Caravans at the northern end of the site from higher ground to the north east/east. Inevitably the caravans on the higher parts of the site closest to the western and southern boundaries would be more open to view, in particular from properties within 2km at the Waen, including dwellings at Holywell Road, Rhewl Farm, and Bodegan. More distant views at 3-4km would be possible from the minor road between Tremeirchion, Rhuallt and Dyserth, where the site forms part of the 'setting' of

the town from that direction.

Officers consider the landscape and visual impact issue to be finely balanced here. The Local Landscape Area designation requires a critical evaluation of impact on what is an important 'urban fringe' location. Aspects of the development which may weigh in its favour are the scale of the development (21 units on under 2 hectares of land in an edge of settlement location set close to other major developments like Glan Clwyd School, HM Stanley Hospital and housing estate developments), the extent of existing tree cover and landform, the use of dark/mid brown external walls on the lodges, and the potential for ameliorating impact through additional planting within and around the site. On the negative side is the fact that the stationing of 21 lodges on effectively a permanent basis on the site would be akin to a housing development on the outskirts of the town within a Local Landscape Area, inevitably with some landscape and visual impact from their physical presence and associated 'residential' activity (movement of cars, lights at night, ancillary features around the lodges). In officers' opinion these factors suggest there would be a degree of conflict with ENV 3 and TSM 9 from impact on the features of the area which led to the designation as a Local Landscape Area. The negative factors have to be placed in the balance when weighing the overall acceptability of the proposals in relation to test (ii) and (iii) of TSM 9.

14.2.5 Ecology

Unitary Plan policies, Assembly guidance and national legislation oblige due consideration of impact on ecological interests, and in particular protected species, unitary Plan policies ENV 1, ENV 6, ENV 8 and GEN 6). This approach is supported by SPG 18.

The submission includes detailed wildlife surveys and proposals for enhancement/mitigation. This includes development of the ecological potential of the pond areas at the north end of the site. The response of the County Ecologist confirms there are no concerns over the proposals, subject to implementation of the relevant enhancement/mitigation.

It is not considered in this case that there are any unacceptable ecological impacts likely to arise.

14.2.6 Archaeology

The requirement to consider the archaeological implications of development are set out in Unitary Plan policies STRAT 7, CON 11 and GEN 6.

The CPAT and County Archaeologist confirm there are no known archaeological sites giving rise to any requirement for archaeological works to be carried out.

It is not considered therefore that there are any archaeological interests affected by the proposals, and there is no requirement to include conditions in the event of a permission being granted.

14.2.7 Residential amenity

Unitary Plan policy GEN 6 sets out the general requirement to assess the impact of development on the amenity of local residents, including from increased activity, disturbance and noise.

The main impacts on local residents would be on the occupiers of properties close to the site access, in particular Penllan and Solar Court. There are no residential properties close to the actual caravan site itself other than the Croft (in the applicants' control). The access road off the A525 is the only way into the site and would have to accommodate all traffic associated with the caravan use, including residents and visitors vehicles, service vehicles and pedestrians. The agents have provided estimates of the potential volume of additional movements from the site, which on the basis of anticipated occupancy rates would "generally remain below 10 car movements per day" even at peak period summer months. On that basis, whilst acknowledging there would be increased activity and disturbance for occupiers of nearby dwellings, officers would not conclude this would be so unreasonable in itself to justify refusal of permission.

14.2.8 Drainage

Drainage considerations are contained in policies ENP 4 and GEN 6 of the Unitary Plan. The requirement is to ensure new development has no unacceptable impacts on the locality from foul or surface water drainage.

The proposals are to pump foul water up from the site to connect with the existing main sewer, and to drain surface water via a suitable filter to a ditch close to one of the ponds. No objections are raised by consultees to the proposals. There are no flooding issues here.

It is not considered there are likely to be any adverse drainage impacts from the proposals.

14.2.9 Setting of Listed Building

Policy CON 1 of the Unitary Plan, Circular 61/96 and the 1990 Listed Building Act oblige due consideration of impact on the setting of a listed building. The Conservation Officer has advised that 'setting' can be considered on the basis of the prominence of a building in the local landscape when seen from a public place, and the impact on that view; but also the impact on views out from a building and its historic character (for example whether it was built with a reasonable expectation of, or need for, a view) which requires assessment of the layout and arrangement of windows.

In this case there is a Grade II listed building, The Bryn, located some 200 metres to the north of the nearest caravan. The Conservation Officer has assessed in detail the relationship with The Bryn and concludes that it would be difficult to justify refusal based on impact on the setting of the listed building, having regard to the fact that most of the site is obscured from view from the north by tree cover and the scheme has been revised to exclude lodges on that part of the site visible from The Bryn.

14.2.10 Access for All

Policy GEN 6 sets a requirement to consider the access needs for persons with disability, and is supported by strong Assembly backing to ensure adequate provision for inclusive design.

The application contains a detailed Accessibility Statement showing proposals for level access to each unit from parking bays, and ease of movement within and around the caravans.

It is considered the proposals show reasonable measures can be introduced

to meet with the requirements of policy and guidance

14.2.11 Sustainability

The Unitary Development Plan's General Development Strategy sets the strategic aims of the County Council, and includes as a key objective to ensure development and uses of land are undertaken in a sustainable manner. Sustainable development involves the effective protection of the environment. There are a range of Unitary Plan policies which set a requirement to ensure the unacceptable environmental effects arise from development, and these are dealt with in the preceding section of the report. On the theme of sustainability effects arising from development, TSM 9 (i) includes a specific requirement that a site is accessible by a choice of means of transport. This policy test is in support of the accessibility and sustainability objectives in Planning Policy: Wales which include the reduction in the need to travel by private car by locating development to locations where there is good access by public transport, walking, and cycling; and reducing the length of journeys.

Whilst there would inevitably be a degree of reliance on the private motor car by occupiers of the lodges, the consultation response of the highways officer offers a degree of support for the proposals based on the close proximity of the application site to public transport routes and a local cycle network. The site is also close to the town centre, being some 10 minutes walking distance from the High Street.

Overall it is suggested the development would not pose significant conflict with the accessibility/sustainability objectives of the Unitary Plan or Planning Policy Wales.

14.2.12 Occupancy restrictions

SPG 20 sets out a requirement to impose conditions to restrict occupancy for holiday purposes only, to ensure units are not used for residential purposes. There is advice in Circular 35/95 on the use of conditions, and separate guidance from appeals/case law and Good Practice guides on approaches to the wording of conditions.

Officers are suggesting, in the event of permission being granted, the imposition of a condition specifically limiting the use of units to holiday purposes, precluding use as a sole/main residence, and obliging the owner/site operator to maintain detailed registers / logs of all owner occupiers (to include main home addresses and length of each stay), with these records available or request for inspection by Council officers. It is considered the form of condition suggested is a considerable improvement on the 'standard' national condition stating simply that units should be used for holiday purposes, which imposes an onerous duty on officers to check compliance.

15. SUMMARY AND CONCLUSIONS:

- 15.1 The proposals offer potential economic and recreational gains for the area, and in principle would not be in conflict with Unitary Plan policy. There are localised impacts which are to be weighed against the positive factors, in particular the potential impact on the landscape (a Local Landscape Area designation in the Unitary Plan), the amenity effect on properties close to the entrance of the site, and the impact on the setting of The Bryn, a Grade II listed building. Officers consider that amendments to the scheme have addressed issues over the setting of The Bryn, and whilst acknowledging there would be amenity and landscape impacts, do not

consider, on balance, that these are of such significance on this scale of development that a refusal could be justified based on the relevant policy tests.

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. In relation to the use of the caravans:

(i) The caravans shall be occupied solely for holiday purposes.

(ii) The caravans shall not be occupied at any time as a person's sole or main place of residence.

(iii) The owners of each unit and the site operator shall maintain an up to date register of the names of the owners/occupiers of each caravan on the site, their main home addresses, a log of the exact dates each caravan has been occupied, and by who, and the registers/logs shall be made available at all reasonable times for inspection on written request from officers of the local planning authority. Responsibility for the collection and maintenance of the registers / logs shall be that of the caravan site licence holder or his/her nominated persons(s).

3. **PRE-COMMENCEMENT CONDITION**

Notwithstanding the submitted details, no development shall take place until there has been submitted to, and approved in writing by, the local planning authority, a detailed scheme of hard and soft landscaping for the revised layout of the site, and such scheme shall include details of:

(a) All existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection during the course of development.

(b) Proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers and location and the proposed timing of the planting.

(c) Proposed materials to be used on the driveway(s), paths and other hard surfaced areas, and the levels thereof.

(d) Proposed earthworks, grading and the mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.

(e) Proposed positions, design, materials and type of boundary treatment.

4. All plants, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the occupation of the first lodge. Any trees or plants which within 5 years of 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 or as otherwise agreed in writing with the local planning authority.

5. **PRE-COMMENCEMENT CONDITION**

No development shall take place until a scheme for the management and maintenance of the landscaping scheme for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall thereafter be carried out in strict accordance with the approved schedule.

6. Notwithstanding the requirements of Condition 3 all trees and hedges to be retained as part of the development hereby approved shall be protected during engineering and construction works by 1metre high fencing erected a minimum of 1metre outside the outermost limits of the canopy spread or in accordance with an alternative scheme agreed in writing by the local planning authority. No construction materials or articles of any description shall be burnt or placed on the ground that lies within the fenced area, not within these areas shall existing ground levels be altered or any trenches or pipe runs excavated without the written prior approval of the local planning authority.

7. **PRE-COMMENCEMENT CONDITION**

Notwithstanding the requirements of Condition 3, no development shall commence on site until a scheme has been submitted to and approved in writing by the local planning authority of a woodland management plan. The plan shall include maintenance works required to be carried out on the existing trees.

8. Notwithstanding the illustrative material showing examples of the lodges, no units shall be permitted to be bought onto the site until the written approval of the local planning authority has been obtained to the detailed locations, sizes, designs, and elevational treatment of each lodge, the levels of the bases and associated parking areas. The development shall thereafter be carried out in accordance with the approved details.

9. PRE-COMMENCEMENT CONDITION

Notwithstanding the submitted details, no development shall be permitted to commence until details of all external lighting has been submitted to and approved in writing by the local planning authority, and the development shall thereafter be carried out in accordance with the approved details.

10. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence on site until the written approval of the Local Planning Authority has been obtained to full details of the scheme of ecological enhancement of the woodland within the site, including the measures to be taken for the protection of protected species that use the site. Thereafter the development shall be carried out in accordance with the approved scheme.

11. PRE-COMMENCEMENT CONDITION

Development shall not be commenced on site until full details of the foul and surface water drainage of the site have been submitted to and approved in writing by the Local Planning Authority including a scheme for the provision and implementation of a surface water regulation system. Such schemes shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the local planning authority.

12. PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the written approval of the local planning authority has been obtained to the detailed measures to assist access within the site for persons with disability, including gradients of accessways, surfacing, lighting and signing. The development shall be completed strictly in accordance with the approved details.

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. To ensure that the units are used solely as holiday accommodation and not as residential units contrary to the Council's development strategy in open countryside.
3. In the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. To ensure adequate protection for the trees.
7. In the interests of visual amenity.
8. In the interests of visual amenity and to ensure the impact of the development on the landscape is minimised.
9. In the interests of visual amenity and to ensure the impact of the development on the landscape is minimised.
10. In order to protect and enhance the wildlife potential within the site.
11. To ensure a satisfactory drainage system for the site and to ensure the protection of the aquatic environment.
12. To ensure adequate measures are secured to assist accessibility for persons with disability.

NOTES TO APPLICANT:

You are advised to contact the Environment Agency Wales in relation to the proposals for foul and surface water drainage prior to the submission of details seeking compliance with the conditions of this permission. Systems for the disposal and attenuation of surface water, and any pumping station which requires a storm overflow will require EAW consent, which is not likely to be granted unless all other options have been exhausted.

You are reminded that it is the developer's responsibility to secure any consents which may be required under separate legislation to allow the uses / developments hereby permitted to take place, in particular the need for a Site Licence from the Council under the Caravan Acts, and any Licence which may be required from Welsh Assembly Government in relation to disturbance of protected species.