

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 16 eg Mawrth 2011**  
**Eitem: 4**

**PLANNING COMMITTEE**  
**MEETING – 16<sup>th</sup> March 2011**  
**Agenda Item: 4**

**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:** Llangollen

**APPLICATION NO:** 27/2009/1371/ PF

**PROPOSAL:** Erection of 3 no. timber holiday cabins and installation of package treatment plant

**LOCATION:** Land at Gerylan Eglwyseg Llangollen

**APPLICANT:** Mr H Edwards

**CONSTRAINTS:** C2 Flood Zone  
Public Right of Way

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

**CONSULTATION RESPONSES:****LLANTYSILIO COMMUNITY COUNCIL**

"The Community Council is seriously concerned that allowing this application could set a precedent for further holiday accommodation in the area. It is clear that there is insufficient control over the clause of '11 month stay' on existing accommodation, (which is now used on a residential basis). The Council feels that, when local residents are unable to purchase dwellings due to cost/unavailability it could not justify allowing this application."

**AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE (AONB JAC)**

"The Eglwyseg escarpment is a particularly sensitive part of the proposed AONB extension area, and the JAC has concerns about the loss of the open character of this prominent application site and the detrimental impact on views of the escarpment beyond as a result of this log cabin development which cannot be unobtrusively assimilated into the landscape. The JAC is supportive of the provision of appropriate tourist accommodation in the AONB and proposed extension area, but would prefer such development to take place through the conversion and re-use of existing buildings rather than new build."

**CLWYD-POWYS ARCHAEOLOGICAL TRUST (CPAT)**

No objection.

**COUNTRYSIDE COUNCIL FOR WALES (CCW)**

No objection, subject to conditions if minded to grant

**ENVIRONMENT AGENCY WALES (EA)**

"In previous responses we have confirmed that the development only complies with A1.14 of TAN15 due to the use of stilts to raise the development above the predicted flood levels. However although the development would therefore be dry in the 1:100 + climate change flood event we have highlighted our concerns about access/egress and the structural stability of the chalets on stilts. However as these are issues outside of our remit we cannot formally object on these grounds and therefore suggest that you

seek advice from other professional advisors on the structural stability and access/egress during extreme events.”

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

HEAD OF TRANSPORT AND INFRASTRUCTURE

Objection, access requires improving owing to location on a bend with limited visibility.

COUNTY ECOLOGIST

No objection, subject to conditions and further consultation with CCW.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 10/06/2010**

**REASONS FOR DELAY IN DECISION (where applicable):**

- additional information required from applicant

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of 3 timber holiday cabins at Gerylan, Eglwyseg. The cabins are proposed on the site of former fish rearing tanks to the west of the existing built development at Gerylan, between the minor road and the Eglwyseg River.
- 1.1.2 The submitted plans show the row of 3 cabins proposed to be sited at slight angles, in a north south direction. There would be 9 metres and 10 metres between the cabins. Each cabin would be sited between 2 metres and 9 metres from the river to the east. The cabins are proposed on stilts, each being 300 millimetres above the average ground level.
- 1.1.3 Details of the proposed cabins have been submitted. They would be timber clad, pitched roof structures measuring 7 metres by 8.7 metres, with an overall height of 5.6 metres.
- 1.1.4 The cabins would comprise a lounge, kitchen/dining area, wc/shower with two ground floor bedrooms and sleeping loft at first floor level (no plans of this area have been submitted). Each unit would have an entrance on the northern side and a veranda on the eastern side.
- 1.1.5 The cabins would be accessed via pedestrian pathways which would be ramped to the entrance of each cabin, to accommodate the raised levels.
- 1.1.6 Vehicular access is proposed via the existing entrance to the site, leading into a parking area for the cabins. The parking area would measure 7 metres by 17 metres, accommodating 6 vehicles.
- 1.1.7 A sewage treatment plant is proposed to serve the development, located to the south west of the site, adjacent to the access.

1.2 Description of site and surroundings

- 1.2.1 Gerylan is located in the Eglwyseg valley to the north east of Llangollen. The site is accessed off a choice of two minor roads off the A542 just south of the Horseshoe Pass (one approach is via Pentredwr). The more direct route drops down from the A road directly west to the Eglwyseg river valley.
- 1.2.2 Gerylan comprises a dwelling and agricultural buildings located on land on a higher level than the minor road accessed from the south. The application site is on the lower end of the site, accessed over a bridge and is abutted by the

road to the west and the Eglwyseg River to the east. There is a pedestrian bridge from the site across to the dwelling to the north of the site.

- 1.2.3 The site is an open area of land with some landscaping on the boundaries, is overgrown, and appears not to have been used for some time.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 Gerylan is located outside any development boundary. The area is designated as an Area of Outstanding Beauty (AOB) and within the proposed AONB extension area (currently out to consultation). The site is also within of the Vale of Llangollen and Eglwyseg Historic Landscape.
- 1.3.2 The site is located within a C2 flood zone as defined by the Environment Agency's Development Advice Maps (DAM) attached to TAN 15.

### 1.4 Relevant planning history

- 1.4.1 Permission was granted for the use of the site as a fish farm in 1987. A dwelling was permitted in 1989 to house the fish farm manager, however an application was made in 1997 to remove the occupancy condition as the fish farming business had not been successful. Another application was made at the same time as the removal of condition, for a change of use of the fish farm to a leisure fishing facility. This application was granted with a part change of use and extension to the dwelling to tea room. Change of use was also sought to change the existing agricultural buildings to a craft workshops in 1997.
- 1.4.2 The leisure fishing use and the tea room ceased operation in 2000, however the craft workshop continues to be used by the applicant for his smithy.

### 1.5 Developments/changes since the original submission

- 1.5.1 The application has been under consideration by the Local Planning Authority since April 2010, since this time the applicants technical advisors have endeavoured to address the flood risk issues raised by the Environment Agency.

### 1.6 Other relevant background information

- 1.6.1 The Application is supported by a brief Design and Access Statement, which refers to the vision for the development and the cabin development being aimed at visitors to the area, and people who would like to learn about traditional black smiths and ironmongery.
- 1.6.2 Councillor Rhys Hughes has requested that the application be referred to Planning Committee for decision. The reason for referral is to allow deliberation on the planning policy issues relating to chalet development.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 33/8880 Proposed fish farm and associated works. Granted by Planning Committee 20/11/1987
- 2.2 38/9862 Erection of agricultural workers dwelling and new septic tank. Granted by Planning Committee 13/07/1989
- 2.3 38/10730 Reserved matters of agricultural workers dwelling. Approved 17/11/1989
- 2.4 27/372/97 Removal of agricultural occupancy condition. Granted by Planning Committee 04/09/1997

2.5 27/90/97 Change of use of former fish farm to provide leisure fishing facilities, use of extension to dwelling as tea room for patrons and use of land for patrons parking.  
Granted by Planning Committee 08/09/1997

2.6 27/89/97 Change of use of former agricultural outbuilding to for craft workshop (Class B1). Granted by Planning Committee 04/09/1997

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

#### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- Policy STRAT 7 Environment
- Policy STRAT 9 Tourism
- Policy GEN 3 Development Outside Development Boundaries
- Policy TSM 9 Static Caravan & Chalet Development
- Policy ENP 6 Flooding
- Policy ENV 2 Development Affecting the AONB/AOB
- Policy ENV 6 Species Protection

#### **3.2 Supplementary Planning Guidance No. 20 Static Caravan and Chalet Development**

#### **3.3 GOVERNMENT GUIDANCE Planning Policy Wales, Edition 3, 2010 TAN 15 Development and Flood Risk**

### **4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Highways Impact and Sustainability
- 4.1.3 Visual and landscape impact
- 4.1.4 Biodiversity
- 4.1.5 Flood Risk

4.2 In relation to the main planning considerations:

#### **4.2.1 Principle**

There are a number of Unitary Development Plan Policies relevant to the principle of this development. The Strategic policies 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 tourism/leisure schemes, again subject to compliance with basic criteria and other policies in the plan. ENV 2 also applies, as the site is located in the AOB, development is only allowed in the AOB where it would not unacceptably harm the character and appearance of the landscape, and it would not harm the future designation as an AONB.

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 and 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/chalet 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.

Gerylan is located outside of any defined development boundary, in an area designated as AOB for its landscape value. The proposal is for 3 cabins and associated development; the relevant environmental impacts of the proposal are assessed in the following sections of the report. Officers are of the opinion the scale of the development is small, however the proposal has significant policy implications.

#### 4.2.2 Highways Impact and Sustainability

The main 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.

Highways Officers have raised concerns over the access arrangements, which have not been addressed. Therefore it is not considered that the proposal meets the relevant policy TRA 6 in terms of its impact on highway safety.

TSM 9 (i) relates to sustainability and 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.

Accessibility to the nearest village and town, public transport routes, footpaths and cycle routes is an issue on this site. The site is 2 kilometres from the nearest A road. It is approximately 2.5 kilometres from the nearest village of Pentredwr (which has limited facilities) and over 5 kilometres from the town of Llangollen. There are public bus stops on the A road at Britannia Inn and at Pentredwr. Although there public footpaths in the locality, including Offa’s Dyke National Trail, it is unlikely that long distance walkers would be using this type of accommodation particularly as the submitted information refers to weekly rentals. It is likely that owing to the location of Gerylan, the development would be totally reliant on the private motorcar.

As such it is considered the proposal fails to comply with test (i) of TSM 9 and the development would pose significant conflict with the accessibility and sustainability objectives of the Unitary Development Plan and Planning Policy Wales.

#### 4.2.3 Impact on visual amenity

The landscape value of this area is acknowledged by its designation as an Area of Outstanding Beauty. Development is only permitted in the AOB where it would not harm the character and appearance of the landscape of future

designation (plans for which are currently out to consultation). 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.

Clearly the addition of holiday cabins to the existing development at Gerylan would have some visual impact. At present the cluster of built development at Gerylan is over the Eglwyseg River to the east of the site. The character of the immediate area appears agricultural. The proposed development would add another element to the existing mix of uses on site and would expand the cluster of development further north on the site consolidating the visual impact and introducing out of character development.

These factors suggest there would be a degree of conflict with ENV 2 and TSM 9 in terms of visual and landscape impact.

#### 4.2.4 Biodiversity

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

There are no council records of protected species on the site, however considering the nature of the surrounding area and proximity to the river it is acknowledged that there may be the potential for Otters to be present around the water course. As the Eglwyseg River is a tributary of the Dee, the County Ecologist has considered the impact on the River Dee Special Area of Conservation (SAC) and carried out the necessary initial assessments.

Consultations have been undertaken on the protected species survey which accompanied the application and the mitigation proposed to ensure there is no impact on biodiversity in the area. CCW and the County Ecologist have considered the surveys and raised no objection. Hence it is not considered that the proposal conflicts policy ENV 6.

#### 4.2.5 Flood Risk

Policy ENP 6 Flooding states that development which would result in an unacceptable risk from flooding will not be permitted. TAN 15 is the Welsh Assembly's planning guidance note relating to flood risk. The aim of TAN 15 is to direct new development away from those areas which are at high risk of flooding, and to only permit development in high risk areas which can be justified on the basis of the tests outlined in the TAN.

The site is located within a C2 flood zone, which is an area of the floodplain without significant flood defence. The TAN advises that the C2 classification should be used to indicate that only less vulnerable development should be considered subject to application of justification tests, including acceptability of the consequences. Highly vulnerable development should not be considered in this zone. The cabins proposed would be highly vulnerable development.

Despite the above there may be exceptions to allow development in the flood zone, if it can be demonstrated that the location is necessary to assist, or be part of, a local authority regeneration initiative or strategy to sustain an existing settlement; or the location is necessary to contribute to key employment objectives supported by the Local Planning Authority to sustain an existing settlement. In order for a development to be considered as an exception, the site must also meet the definition of previously developed land, as per the Planning Policy Wales definition. The most relevant elements of this definition are that previously developed land includes land which is or was occupied by a permanent structure and associated fixed surface



infrastructure (excluding agricultural or forestry buildings) and land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings. Finally a Flood Consequence Assessment (FCA) is required to be submitted to support the application for the exception, to explore the potential consequences of a flooding event for the particular type of development proposed.

It is Officers opinion in relation to the exception tests that the development is not 'justified', and as detailed above in the section of the report relating to planning policy, the proposal is not acceptable. Despite reference to previously developed land in the supporting information, the site of the former fish tanks is not considered to meet the definition of previously developed land. There are no over-riding policy objectives to support the development and justify the proposal. Furthermore Officers of the Environment Agency have stated that although the submitted FCA demonstrates that the cabins would remain dry in a 1:100 + year climate change event owing to the siting of the cabins on stilts, there is a significant risk associated with the development and they have concerns about the access/egress and structural stability of the stilts, however it is not in their remit to object on these grounds.

This demonstrates that there is conflict with ENP 6 and TAN 15 in terms of flood risk.

## **5. SUMMARY AND CONCLUSIONS:**

- 5.1.1 The application proposes the development of a holiday cabin in an isolated location, which is recognised for its high landscape value. The proposal is considered to conflict with relevant planning policies GEN 3, TSM 9 and ENV 2. Concerns have also been raised over the suitability of the access which fails to meet the criteria of policy TRA 6. The site is within a flood zone and not considered to be justified under the tests of TAN 15, so it therefore fails to meet the tests of policy ENP 2. Considering the significant policy issues relating to the development, ranging from the principle to the detail of the scheme, it is considered unacceptable and recommended for refusal.

### **RECOMMENDATION: REFUSE-** for the following reasons:-

1. It is the opinion of the Local Planning Authority that the holiday cabin development poses conflict with the sustainability objectives of local and national policy, as accessibility to the site would be reliant on private motorcars, contrary to criterion i) of policy TSM 9 of the Denbighshire Unitary Development Plan and advice contained in Planning Policy Wales Edition 3, 2010.
2. There is insufficient information in the submission to demonstrate that the development of the site in the manner proposed for a holiday cabin development, would have no detrimental impact on visual amenity and the landscape of the immediate surroundings or the AOB, and the proposal is considered contrary to criteria ii) and iii) of policy TSM 9 and ENV 2.
3. There is insufficient information in the submission to demonstrate that a safe vehicular access to the site can be accommodated for the holiday cabin development, and the proposal is considered contrary to criterion i) of policy TRA 6 and criterion vii) of policy GEN 6.
4. The application site is located in a C2 flood zone, identified on the Development Advice Maps accompanying TAN 15 Development and Flood Risk. It is the opinion of the Local Planning Authority that the proposal does not satisfy the justification tests set out in Paragraph 6 of TAN 15, or that the full consequences of flooding can be managed to an acceptable degree for this type of highly vulnerable development. The application is therefore

considered to conflict with the advice in TAN 15, and with Unitary Development Plan policy ENP 6, and likely to lead to an unacceptable risk from flooding.

**ITEM NO:** 2

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 28/2010/1339/ PR

**PROPOSAL:** Reserved matters submission for Phase 1 of development, including construction of new access road and details of 3 no. bungalows to provide supported housing for adults with learning disabilities

**LOCATION:** Henllan Centre Henllan Denbigh

**APPLICANT:** Wales And West Housing Association

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:****HENLLAN COMMUNITY COUNCIL**

1. Can the highway infrastructure be able to cope with the additional volume of traffic.
2. Can the water services be able to cope with the development.
3. Concerns were expressed at the lack of information initially regarding the application from the relevant authorities.
4. Subject to the above, this Council has no other objections to the application and plans".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES****HEAD OF HIGHWAYS & INFRASTRUCTURE**

Happy with the layout. Will need to approve separately details of the highway conditions imposed on the outline permission.

**RESPONSE TO PUBLICITY:**

At the time of preparing the report, the application has generated responses in the form of individual letters/emails, a petition, and a duplicate letter signed and addressed individually by 146 persons.

- **The 'unique' individual representations have been received from:**

R. London, 9, Glasfryn, Henllan  
 B. Schofield, 11 Godre'r Garn, Henllan  
 D. Adams, 15, School Street, Henllan  
 V. Hepworth-Taylor, 4, Godre'r Garn, Henllan  
 N. Waine, 11, Glasfryn, Henllan  
 D. Stephenson, 20, Maes Sadwrn, Henllan  
 M. London, 9, Glasfryn, Henllan  
 N. M. Waine, 11, Glasfryn, Henllan  
 M. Roberts, 30, Meifod Road, Henllan

In summary, these raise the following main points:-

### Highways

Highway safety issues along Garn Road/no proper traffic risk assessment including at outline stage/full independent assessment of impact of Phases 1 and 2 on Garn Road necessary/will be an increase in traffic as result of ISIL units/no need for road access barrier to ISIL buildings/limited footway network in area/no risk assessment undertaken for ISIL residents using local footway network/need for warning signs/dangers to vulnerable residents using footways and highway.

### Visual amenity

Reservations over detailing, purpose, need, height, and extent of anti climb fencing around Vyrnwy unit /absence of garages would make character of development unlike that of an ordinary housing estate/boundary fences should be 1.8m close boarded wooden fences/design of buildings is not consistent with outline approval/concern over potential for 'gated' access.

### Landscaping

More trees should be retained/plans lack detail to show what trees are being kept/landscaping needs to take account of high winds experienced in the area.

### Principle

Plans differ in concept from outline submission (showed ideas for terraces)/Proposals should give overview of other phases/development appears to be akin to a Residential Institution use under Class C2 of the Use Classes Order (if so, proposals conflict with Unitary Plan policy CF5) – impact on village life, shop, and public house, poor pedestrian links in the village/concentration of C2 uses, parachuting so many persons with disability into a small community will have a major adverse impact on the village.

### Other matters raised

- Impartiality of process/Can Denbighshire County Council be seen as acting independently without having a vested interest.
- Questions over principle and detailing of ISIL housing. Concern over locating vulnerable people in a village with limited infrastructure/uncertainties over number of residents/size and layout of units/'type' of disability of residents and 'risk' to the community/internal layout of units does not suit likely needs/preferences of clients/poor footway access unsuitable for those with disability/playing fields are some distance from the site.
- Disturbance during site works. Residents concerns over dust and other nuisance/strain on telephone/broadband network.
- Inadequate consultation process. Extent of publicity limited/timing of reconsultation on revised plans over Christmas and availability of plans limited ability to respond/poor communication and lack of information on the proposals/reluctance of applicants to attend public meetings.
- Affordable housing provision. Applicants' suggestion that the units constitute the total affordable provision for the whole site is unacceptable/any ordinary resident of Denbighshire will not qualify for occupancy.
- Human Rights Infringements. Moving clients from familiar surroundings would give rise to stress/plans show only showers, not baths, infringing residents Right of Choice.
- Drainage concerns. Ongoing concerns over adequacy of foul and surface water systems in the village.

- Inadequate telephone/broadband network.
- Ground conditions. Development would be on fill and within an old quarry.
- **The petition is titled:-**  
 "Petition to impose a condition on any planning consent given as a result of this application".  
 The statement at the head of the petition assumes DCC would withdraw clients from care provided by other providers, and move them to the new units, and suggests this would result in stress to the clients and infringe their Human Rights. It suggests that a condition be considered to the effect that "no DCC Client shall be removed from another Provider and placed into this development. The development must be exclusively for new clients as they become eligible". It concludes by referring to the only possible exceptions being where a placement manager believes a client to be unhappy and would benefit from being moved to the development, all subject to associated assessments.

The petition is signed by 16 persons.

- **The 'standard letter' signed individually by 146 persons raises the following main points:-**

Planning policy conflict – Uses are clearly a Residential Institution (Use Class C2) not dwellinghouses/would be contrary to Unitary Plan Policy CF5

- overconcentration of C2 uses – already a centre 1 mile away
- impact on character of locality – inadequate local facilities, inadequate drainage
- site not accessible to local facilities and services – village has only a shop, pub and couple of churches/pedestrian links to site are poor
- impact on highway network

Fear of safety of residents – Uncertainties over antisocial tendencies of residents/no police presence in village.

**EXPIRY DATE OF APPLICATION: 14/02/2011**

**REASONS FOR DELAY IN DECISION (where applicable):**

- Re-consultations/further publicity necessary on amended plans and / or additional information

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application contains details of what is referred to as a 'phase 1' development on a site granted outline planning permission in February 2010 for the demolition of the former Henllan Centre and the development of land for residential purposes.
- 1.1.2 The submission is for 'reserved matters' approval following the grant of outline permission, i.e. seeking the Authority's consideration of the particular details of access, appearance, landscaping, layout and scale, in relation to

part of the site.

- 1.1.3 The abovementioned 'reserved matters' are the sole consideration for the Authority in relation to this application. The outline permission contained a number of 'pre-commencement' conditions requiring separate approval by the Authority prior to the start of any development, which includes details of drainage arrangements, open space and affordable housing provision, a construction method statement, contaminated land assessment and proposals for protecting and enhancing wildlife. These details all have to form the subject of separate 'Approval of Condition' submissions to the Authority, and are not matters for consideration in respect of the application before the Committee. These are important matters in the context of the range of comments received on the application.
- 1.1.4 The phase 1 development as shown on the submitted plans covers some 30% of the whole site area, and proposes a main access off the Garn Road and what the forms describe as the 'erection of 3 no. bungalows to provide supported housing for adults with learning disabilities'. The layout plan is produced at the front of the report.
- 1.1.5 The application is submitted by agents acting on behalf of Wales and West Housing Association, who are the owners of the site. The land was formerly owned by Denbighshire County Council, and housed the old Henllan Training Centre, which has been demolished. The scheme would be developed by Wales and West in partnership with the Social Services section of the County Council.
- 1.1.6 In detail, the proposals involve:
- The construction of a new/improved access off the B road to serve the 3 units proposed as phase 1, and the remainder of the development. The access would be in virtually the same position as the one which has served the Henllan Centre for many years.
  - The partial reconstruction of the stone wall along the frontage of Garn Road.
  - The erection of 3 single storey units in the north west corner of the site, which backs onto existing properties on Godre'r Garn and Bryntirion.
  - The provision of a total of 21 parking spaces within 'pull ins' alongside the main access road and the cul de sac serving the units (including 4 designated for disabled persons), and a further 3 parking spaces within car ports within 2 of the plots.
- 1.1.7 Along with the relevant plans of the bungalows, a landscaping plan and the layout plan, the application contains a Design and Access Progress Statement and a detailed 'pre assessment' report on how the development would perform in relation to Code for Sustainable Homes standards. The Design and Access Statement outlines the key elements of the scheme, including:
- This is the first phase of the development, and contains 3 bungalows to provide 'supported housing for a number of adults with learning disabilities, autism, and/or physical/sensory impairments'. These are referred to as ISIL units (Intensively Supported Independent Living).

- Phase 2 would extend the access road to serve the remainder of the site, involving dwellings and an open space area.
- The scheme is to be developed through a partnership between Wales and West Housing Association and Denbighshire County Council to provide supported housing; including properties for rent via Wales and West, and professional support for each tenant from Denbighshire County Council's Social Services.
- The plans are for '3 large bungalows which will provide community based supported accommodation for up to 12 disabled people'. Up to 4 tenants would live together in each bungalow.
- The bungalows are designed to meet the needs of the tenants, taking into account their specific learning disability and related needs, including rooms and hallways to facilitate wheelchair access, and communal living arrangements.
- Within 2 of the bungalows, a total of 2 'self-contained' apartments have been included, to give tenants their own individual spaces, whilst allowing them to mix with their co-tenants. The remaining 9 tenants would have bedrooms with en suite facilities, allowing a degree of independence alongside use of communal lounges, kitchens and dining rooms.
- There is a 5<sup>th</sup> bedroom in each bungalow available for a Support Worker to stay overnight should this be required.
- The principle is that Denbighshire County Council would commission a 24 hour professional support for tenants.
- The bungalows are referred to as 'ordinary' homes, where the 12 people will be tenants, not residents, where the support will be tailored individually to enable them to live safely in the community, and daily activities/routines will be based on their own needs and preferences. It is stated "these will not be institutions, hospitals or care homes, and the way in which their support will be provided will reflect this".
- The project would be the first which will include adults with physical and sensory impairments, reflecting Denbighshire County Council's strategic intention to move away from Care Home provision by providing support to people in their own homes.
- The design of the bungalows is that of an ordinary housing development, offering a degree of protection and privacy, with a potential for being gated in the future, to create a more secure development.
- Parking provision caters for tenants, staff and visitors: each tenant may own their own mobility car, and up to 4 staff may be present in any one dwelling at any one time.
- Gardens are spacious and will be secure;
- The layout is detailed to provide access for disabled persons, including car ports for two of the units to allow protection from the weather for

wheelchair users accessing their vehicles.

- The units are located to prevent overlooking between each other and nearby development.
- Revised plans look to retain existing trees as far as possible and there will be supplemental planting and soft landscaping to enhance the appearance of the development.
- Timber screen fences at 1.8m high will be provided along the site boundary with Godre'r Garn properties, and along the boundary of the 'open' area around the oak tree bordering Bryntirion; higher fencing will be provided along the boundary of the Vyrnwy unit and the Bryntirion properties. Wales and West have advised separately that the 2m high fencing is required to comply with the requirements of 'Secured by Design' and is to protect residents and neighbours from external threats by others, which is common to all developments undertaken by Housing Associations where grant assistance is being utilised from Welsh Assembly Government.
- "It is proposed that the ISIL bungalows constitute the total affordable provision for the whole site".
- The scheme would meet level 3 of the Code for Sustainable Homes and achieve 6 credits under section Ene1.
- The surface water drainage system has been designed on the principles of Sustainable Drainage with an attenuation tank draining into an adopted sink hole under the highway.

## 1.2 Description of site and surroundings

- 1.2.1 The phase 1 development is proposed on that part of the site which borders Nos 12 – 16 Godre'r Garn, and Nos 19 – 23 Bryntirion.
- 1.2.2 Land levels vary within this section of the site, in part through previous excavation relating to a quarry, and the routing of an access track in a cutting to serve parts of the old Henllan Centre complex.
- 1.2.3 Much of the area has been overgrown with trees and shrubs, with one large oak tree. Following demolition of the majority of the Henllan Centre buildings, a volume of spoil has been spread into the cutting occupied by the old service access to the Centre.
- 1.2.4 There is a long established vehicular access to the Henllan Centre site off the B5429 (Garn Road) which has served as the sole entrance to the old training facility.
- 1.2.5 The site is within the village and is virtually surrounded by existing residential property, with housing estates at Godre'r Garn, Glasfryn, Bryntirion and Maes Sadwrn. These contain a wide mix of development styles with a range of detached, semi-detached, linked terraced units of single and two storey height, where external materials include stone, render and brick, and slate and concrete tiles.



### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is wholly within the village development boundary for Henllan, which is a Main Village in the Unitary Development Plan. It is not allocated or protected for any specific use or development in the Plan.

### 1.4 Relevant planning history

- 1.4.1 The Henllan Centre site was the subject of an old outline permission for residential development in November 1963, but was subsequently the subject of applications to establish the mental health training centre between 1964 – 1967.

- 1.4.2 More recently, outline planning permission was granted for the development of the 1.6 hectare site for residential purposes at Planning Committee in February 2010. The permission was subject to a number of conditions requiring the further approval of the Authority, including details of drainage, affordable housing and open space provision. One of the conditions restricted the number of habitable dwellings connecting to the public sewage system to 30.

### 1.5 Developments/changes since the original submission

- 1.5.1 The layout has been revised since the application was submitted in October 2010. The changes have included minor realignment of the proposed access road and cul de sac to get away from the 'straight line' detailing, and the siting of the ISIL units have been amended to improve relationships with each other, surrounding property, and the main spine road. The plans have also been 'detailed up' to clarify/show the location and type of fencing, proposals for planting and the retention of existing trees. Reconsultations have taken place with the Community Council and neighbours.

- 1.5.2 As members will note, the application has generated a volume of responses and requests for further information/clarification of details and planning uses. The applicants and officers of the Social Services and Planning sections have attended Community Council meetings in December 2010, January and February 2011, and an 'open surgery' was held in the Post Office Tea Rooms on 17<sup>th</sup> January to offer opportunity to residents to raise questions over the submission.

- 1.5.3 Advice has been sought from legal chambers on the issue of the planning use of the ISIL units, its relevance to the outline planning consent, and Human Rights considerations. The basis of the advice has been communicated to the Community Council and interested parties via a newsletter with a planning position statement. The key points are covered later in the report.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 28/2009/0705/PO – Demolition of existing buildings and development of 1.6 hectares of land for residential purposes and alterations to existing vehicular access (outline application including access, with all other matters reserved) - GRANTED 17/02/2010.

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- |                 |   |                                  |
|-----------------|---|----------------------------------|
| Policy STRAT 1  | - | General                          |
| Policy STRAT 13 | - | New Development                  |
| Policy GEN 6    | - | Development Control requirements |

Policy TRA 9 - Parking and servicing provision

### 3.2 Supplementary Planning Guidance

SPG 21 - Parking standards

### 3.3 GOVERNMENT GUIDANCE

TAN 12 - Design

TAN 18 - Transport

## 4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues on this 'reserved matters' application are considered to be:

- 4.1.1 Consistency of use of proposed ISIL units with outline planning permission
- 4.1.2 Highways/access arrangements
- 4.1.3 Visual amenity (design, appearance, layout, scale, landscaping)
- 4.1.4 Residential amenity
- 4.1.5 Design and Access / Sustainability issues

4.2 In relation to the main planning considerations:

#### 4.2.1 Consistency of use of proposed ISIL units with outline planning permission

A number of representations question whether the application can properly be considered within the terms of the outline planning permission on the grounds that the ISIL units are more akin to 'residential institutions'; falling within Use Class C2 of the 1987 Use Classes Order, rather than dwellinghouses which fall within Use Class C3. If that is the case, objectors consider the submission should not be considered as a 'reserved matters' application, and that the proposals conflict with the Unitary Plan policy relating to C2 uses (Policy CF5).

In order to assist interpretation on the use issues, advice was sought from legal chambers. The conclusion of Counsel (No. 5 Chambers, Birmingham) is that:

a) On assessment of the submitted plans, the proposed living arrangements, and interpretation of the Use Classes Order and related Circulars, the use is very likely to be held to fall within Class C3.

b) The February 2010 outline planning permission granted consent for "residential purposes". Both C2 and C3 are uses where the use is for 'residential purposes'. It is not now open to the Council to curtail the scope of what has been granted by refusing to approve reserved matters on the grounds that the development is for one type of residential purpose rather than the other. Any doubt over this conclusion is removed by a recent High Court decision in October 2010 (Barchester Healthcare Ltd v Secretary of State). It would be unlawful for the Council to refuse the reserved matters application on the basis that a developer intends to use the bungalows for a use falling within C2.

Whilst acknowledging the points raised by residents over the use issues, the legal advice has to be respected here, and makes it clear that there is no basis for the Council to refuse the reserved matters application in relation to the proposed use of the ISIL units.

As outlined earlier in the report, there is an outline planning permission in place, and the matters for consideration in relation to the application before the Committee are solely the acceptability or otherwise of the particular details of the ISIL units (design/appearance/layout/scale) and the internal

access arrangements.

Other conditions on the outline consent require separate submission and approval of details of matters such as drainage, affordable housing and open space prior to commencement of development, and have to be dealt with independently of the current application.

#### 4.2.2 Highways/access arrangements

The principle of access to the site for a residential development has been established at outline application stage. The main Unitary Plan policy relevant to highways issues on a 'reserved matters' application is TRA 9, which obliges the provision of appropriate parking, servicing and manoeuvring facilities in association with a development.

The proposal shows details of the main site access and the cul de sac to serve the 3 units, with associated parking provision, and a turning head where the main spine road would access the remainder of the site. Concerns are expressed by objectors at the potential impact of traffic on Garn Road, the poor footway network locally, risk to residents of the ISIL units and the high number of parking spaces. The applicant's agents have confirmed there are no proposals to introduce a road access barrier to the ISIL units.

The Highways Officer has advised he is happy with the layout as proposed.

The issue of impact of traffic on Garn Road and the adequacy of the highway network has been addressed at outline application stage and is not for reconsideration at reserved matters stage.

It is not considered there are reasonable grounds to oppose the proposals for a total of 24 parking spaces for the units, which the submission explains are required for residents and staff. The spaces are set back from the highway so would avoid the occurrence of on street parking.

In relation to concerns over the footpath network linking to the rest of the village, this would have been a consideration at outline application stage when dealing with the principle of residential development on the site. Whilst acknowledging there are only limited footpaths in the old historic core of the village (Church Street/School Street), there would be a continuous footpath link to Denbigh Street where the village facilities are located, via the footways within the site, along side and through Godre'r Garn and Bryntirion.

The plans do not show proposals for a physical barrier at the entrance to the cul de sac. In the event of the Committee resolving to accept the proposals, it would be appropriate to include a condition requiring further approval of any proposals to 'gate' the development.

#### 4.2.3 Visual Amenity (Design, appearance, layout, scale, landscaping)

The need to take account of visual amenity considerations is set out in Unitary Plan policy GEN 6, Planning Policy Wales, and TAN 12 which require due assessment of the acceptability of the detailing of a scheme and its visual impact on an area.

The applicants' submission argues the design approach adopted respects the building styles in the area and incorporates a number of features common to development nearby. Concerns are expressed by objectors to the detailing of units, the approach to 'anti climb' fencing and to the loss of trees.

In officers' opinion, there are a number of different considerations relevant to assessment of visual amenity. Amongst these are:

- Design and appearance of buildings  
The submitted plans show the single storey units of similar detailing with rendered walls and concrete tile roofs, which are features common to many dwellings in the surrounding modern housing estates in the village. These would not be out of character with the mix of styles evident locally. With respect to comments on elements of detailed design, type of unit, and absence of garages, etc., it is not considered these are inappropriate in this location.

Matters of internal layout such as size of kitchens, use of showers and not baths are not considered to be material to the land use planning merits of a reserved matters application.

- Layout  
The approach to the layout is fairly simple with a cul de sac off the main spine road, units either side of the cul de sac, and a number of parking spaces grouped in bays off the highways. The revised plans have improved the detailing, with more informal curved roads and opportunities for planting/landscaping which would soften the impact of the development.
- Scale of development  
The application relates only to three units and the layout plan suggests these are relatively well spaced, with reasonable garden areas, all much in line with the scale/type of development in the surrounding area. It is not considered there are any issues over scale in this instance.
- Landscaping  
Revised plans incorporate details of hard and soft landscaping, including the location and style of boundary screens and 'anti climb' fencing, around the Vyrnwy unit. In order to address local concerns over the detailing of anti-climb fencing, it is suggested this can be subject to further approval. The 1.8m high close boarded wooded fences elsewhere are considered acceptable.

#### 4.2.4 Residential amenity

Consideration of detailed issues of impact on nearby property are outlined in Policy GEN 6 of the Unitary Plan. The policy permits development in accordance with the plan's other policies, subject to due assessment of impact on the surroundings, including the effect on the amenity of residents.

There are only limited specific concerns over the details of the development from local residents in terms of potential impacts on privacy/amenity in surrounding dwellings, e.g. overlooking, overshadowing, development/activity close to boundaries.

Whilst this part of the outline site is elevated above the level of properties on Godre'r Garn and Bryntirion, and certainly two of the units would be partly visible from dwellings within these estates, it is to be noted the 3 units are proposed as single storey buildings. In officers' opinion, the combination of the proposed siting, site levels, and the respective distances between existing and proposed units would not result in unacceptable impacts on the

residential amenities of occupiers of existing dwellings.

#### 4.2.5 Design & Access/Sustainability

Guidance in TAN 12 Design, TAN 18 Transport and TAN 22 Sustainable Buildings oblige applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

The application is accompanied by a Design and Access Progress Statement and details of how sustainable building standards are to be met. The plans also show how external access for persons with disability can be achieved.

Officers consider the approach to Design, Access and Sustainability are acceptable in this instance and are appropriate to the type of development.

### 4.3 Other matters raised

#### 4.3.1 A wide range of other issues have been raised on the application. Officers' comments on these are as below:-

##### Human Rights contraventions

With respect to concerns over potential contraventions of Human Rights Act conventions/protocols, legal advice is clear that it is difficult to see where particular breaches may arise with regard to the planning considerations relevant to the application. The Council has a duty to have regard to the equality of opportunity requirements of the Disability Discrimination Act in making its planning decisions, but at the ISIL scheme is actually aimed at enhancing rather than prejudicing the position of disabled persons, there is not considered to be any conflict with those duties. The applicants and Social Services officers have been engaged in detailed dialogue with local residents over matters of internal design and aspects of placement/of residents, but respectfully these are not matters directly relevant to the planning considerations on a reserved matters application.

##### Consultation/communication

Comments are made on the adequacy of the consultation process and communication of information to the local community on what is involved in the ISIL development. In respecting these concerns, officers would comment that in respect of formal notification of the planning application, there has been direct notification to owner/occupiers of all properties immediately surrounding the Henllan Centre site (on receipt of the original plans in October 2010 and on receipt of amended plans in December 2010). A site notice was posted in November 2010 at the site entrance. The applicants and officers have attended meetings of the Community Council to answer questions; there has been an open 'surgery' attended by the applicants and officers; and Social Services have prepared and circulated two newsletters detailing answers to residents' questions. Officers have shown willing to address residents' requests for information. So whilst accepting there will always be issues over the effectiveness of communication, officers suggest over the life of the application, a respectable effort has been made to publicise the proposals, to address local concerns, and to ensure information has been made available, to allow individuals proper opportunity to formulate their comments and to respond before the formal consideration of the application at Committee.

#### Conflict with Unitary Plan Policy CF5

The relevance of Policy CF5 which relates to proposals for residential institutions, in relation to the merits of the ISIL application has now to be viewed in the context of legal advice on the use of the ISIL units and the scope of the outline permission. As explained in 4.2.1, the units are considered to be C3 dwellinghouses.

#### Drainage issues

Issues are raised by the Community Council and individuals over the foul and surface water drainage system in the village. However, as this application does not seek the detailed approval of the drainage arrangements, the issue is not open for consideration here. It is one of a number of matters on which the applicants have to secure formal approval from the Council prior to commencement of development, in order to comply with other conditions on the outline planning permission. Significantly, however, neither Welsh Water nor the Environment Agency objected to the grant of outline permission, subject to imposition of suitable conditions. These are statutory consultees and they would need to be consulted on the adequacy of the particular drainage details which may be submitted for approval in due course by the applicants.

#### Affordable housing and open space provision on the site

These are other matters which do not fall for consideration with this application as they are covered by conditions in the outline permission, in relation to which the applicants have to seek the formal approval of the local planning authority prior to commencement of development. The conditions require approval of details of the proposed numbers of affordable units and arrangements for their control, and the extent of open space to be provided.

#### Concern over concentration of units with persons with learning disability

Comments received from a small number of people outline unease over a concentration of adults with learning disability. Whilst noting such comments, it is not considered that this is a matter which should be afforded weight in assessing the planning merits of a reserved matters application. The integration of individuals with disability into local communities is a basic strategy of the County Council, and schemes to achieve this are worthy of support.

#### Suggested condition to prevent DCC removing clients from another provider to this development

Again, whilst respecting the particular points the signatories to the petition are looking to cover, matters relating to the selection of residents are outside the control of the Council as a land use planning authority. The matter is one for consideration by Social Services.

#### Inappropriateness of County Council making the planning decision

Concerns over there being a vested interest where one section of the Council handles a planning application relating to a scheme where another section (Social Services) are a 'partner' with an applicant are noted, but members will be aware that the Authority's planning powers to handle applications are clearly set out in legislation, and officers are satisfied that the relevant land use planning considerations are being addressed in a proper manner in assessing the proposals.

#### Construction operations

Issues over construction phase operations are covered by conditions on the outline permission.

Matters such as impact on electricity supplies, telephone systems and broadband reception are ones for the respective service providers to address and are not considerations for the County Council on a reserved matters planning application.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The application contains details of 3 units intended as supported housing for adults with learning disabilities. The proposals are on part of a site with an outline planning permission granted in February 2010 for “residential purposes”. Legal advice confirms the scope of the outline permission encompasses uses in Class C2 (Residential Institutions) and C3 (Dwellinghouses), so there is no need to distinguish whether the actual use of the units falls within either Use Class, and the submission can be dealt with as for a reserved matters approval in accordance with the outline consent. In any event, legal opinion on the use of the units is that they are very likely to fall with Use Class C3.

5.2 The proposals have generated considerable local reaction. The report sets out the range of representations received up to the deadline for its completion and any additional comments received following the drafting of the report will be included in the late representation sheets. There are concerns over elements of the proposals and over the adequacy of communication during the application process, which are referred to in the report. Officers consider reasonable efforts have been made to address these concerns over the course of progressing the application.

5.3 Having regard to the issues raised, it is relevant to stress that the consideration of the Planning Committee has to be limited to the acceptability of the particular details of the access, appearance, landscaping, layout and scale relating to the 3 units. Matters such as affordable housing, open space, and drainage, are subject to separate consideration in relation to specific conditions of the outline consent and would need to be submitted to and approved by the Council before the commencement of development.

5.4 Officers consider with due respect to all the representations raised, and with regard to the land use planning issues which are relevant to a reserved matters application, that the detailing of the 3 units is acceptable, subject to imposition of suitable conditions.

**RECOMMENDATION: - APPROVE** subject to the following conditions:-

1. No work shall be permitted to commence on the construction of the external walls or the roofs of any of the units until the written approval of the local planning authority has been obtained to the materials to be used thereon.
2. Notwithstanding the submitted plans showing the proposed boundary/screen fences, no fences shall be erected until the written approval of the local planning authority has been obtained to the detailing thereof. The approved fencing shall be erected prior to the first occupation of the units to which they relate.
3. Notwithstanding the submitted site/layout plans, the detailing of the treatment of the frontage stone wall along Garn Road shall not be as shown, but shall be as may be agreed in writing by the local planning authority prior to the completion of the highway works associated with the Phase 1 development. The approved scheme shall be completed prior to the first occupation of the units hereby approved.
4. There shall be no form of 'gating' of the ISIL development other than with the prior written approval of the local planning authority.

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

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of visual amenity.

**NOTES TO APPLICANT:**

You are reminded that the outline planning consent contains a number of significant pre-commencement conditions which require formal approval from the local planning authority prior to the start of any development on the site.

With regard to Condition 3, you are reminded that Condition 15 of the outline permission requires the re-construction of the frontage stone wall along the back of the new footway. The Authority's attention has been drawn to the issue of ground conditions (extent of fill, former quarry, rock outcrops and former kilns) which you should be aware of at foundation/construction design stage.



**ITEM NO:** 3

**WARD NO:** Trefnant

**APPLICATION NO:** 30/2010/0861/ PO

**PROPOSAL:** Demolition of existing dwelling and development of 0.76 hectares of land by erection of dwellings, formation of new vehicular access road and sewage pumping station (Outline application including access)

**LOCATION:** Land adjoining Bryn Glas at Bron Berllan St. Asaph Road Trefnant Denbigh

**APPLICANT:** Mr D Tibbetts

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

**TREFNANT COMMUNITY COUNCIL:**

Response to original submission: "As far as the Council is aware the planning application appears to have addressed all the issues which generally concern them e.g. affordable housing, being within the existing village boundary, retention of green areas, and protection of existing wildlife, access to the road. The members assume that the development boundary is before the existing wooded railway line although the plans do not make this very clear. The existing wooded area should be retained and the plans clarified on this point. The only slight concerns expressed were on the number of houses built at one time which could have an impact on local schools, medical services etc."

In response to re-consultation: "The members of Trefnant Community Council have no further observations to add to their previous ones noted in an e-mail dated 1/9/10".

**DWR CYMRU:**

No objections subject to conditions to deal with foul and surface water. Confirms that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

**ENVIRONMENT AGENCY:**

No objections in principle subject to conditions and advisory notes.

**COUNTRYSIDE COUNCIL FOR WALES:**

No objections subject to conditions

**CLWYD BAT GROUP:**

The group requested additional information, which was provided. Response awaited.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**

**DEVELOPMENT PLAN & POLICY SECTION:**

Response to be reported.

**FORESTRY WILDLIFE ADVISORY GROUP:**

Suggests a more detailed tree survey be carried out, and recommendations be made when the final site layout has been agreed. No tree should be removed from the site until such time.

**BIODIVERSITY OFFICER:**

No objections; the proposal would meet the 3 tests of the European Habitats Regulations and that a Welsh Assembly Licence would be required for the works.

**AFFORDABLE HOUSING OFFICER:**

Confirms that there is a need within Trefnant for affordable housing.

**LAND DRAINAGE UNIT:**

Response to be reported.

**HEAD OF HIGHWAYS AND INFRASTRUCTURE:**

No objections subject to conditions and advisory notes

**PUBLIC PROTECTION:**

Response to be reported.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr & Mrs A Austin, 9 Ffordd y Maes, Parc Grosvenor, Trefnant LL16 4YL

D W Evans, 19 Ffordd Pen y Maes, Trefnant, Denbigh

Janet Monshin Dallolio & Adrian Dallolio

Paula Cleary, 1 Nant Erw, Trefnant

A. Rowlands & G. Evans, Cartref, 15, Ffordd Pen y Maes, Trefnant

Mr. I. Salisbury, 4, Nant Erw, Trefnant

Summary of planning based representations:

- The proposal could have a detrimental impact upon the amenity of neighbouring properties.
- The proposed development could have a detrimental impact upon the wildlife/ecology of the area.
- The proposal could have an unacceptable impact upon the visual amenity of the area.
- The proposed development could lead to an unacceptable increase on the area's infrastructure i.e. roads, schools, highways and sewers.

**EXPIRY DATE OF APPLICATION: 20/03/2011**

**REASONS FOR DELAY IN DECISION (where applicable): N/a**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application seeks outline planning permission with access, involving the demolition of an existing dwelling, and the development of just over 1 hectare of land by way of dwellings and an associated sewage pumping station.
- 1.1.2 The application is accompanied by a layout plan showing ideas for 16 dwellings, with associated parking spaces, and a single point of access onto

St Asaph Road. The plan is included at the front of the report.

- 1.1.3 The application is accompanied by a detailed Code for Sustainable Homes (CfSH) Pre Assessment, a Design and Access Statement (DAS), Flood Risk Assessment, Protected Species Survey Report and a Drainage Statement.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located to the rear of the former Bryn Glas Hotel and the dwelling Bron Glas on St Asaph Road, north of Trefnant's village centre. Within the village centre there are a number of local amenities such as shops, post office and public house etc. The village is characterised by a mix of building styles. To the north-west of the site are single storey dwellings, whilst to the south are two storey dwellings.
- 1.2.2 The site is currently open grassland, with no specific use designation.
- 1.2.3 Immediately south of the site is an overgrown ravine, which separates the site from housing on Nant Erw. Along the north-west boundary is a disused railway line, defined by numerous mature trees and bushes and separating the site from dwellings on Ffordd Pen Y Maes. In the northern corner of the site is a group of trees, surrounding a natural pond. The site boundary to the north east is a post and wire fence, separating the site from open fields.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Trefnant in the Unitary Plan, but has no specific use designation.
- 1.3.2 The site is in an area known to be populated by great crested newts, and itself contains habitat which could support this species. The proposal also has the potential to impact upon other protected species such as badgers, birds and bats.

#### 1.4 Relevant planning history

- 1.4.1 None.

#### 1.5 Developments/changes since the original submission

- 1.5.1 The original proposal included the ravine area to the south of the site and intended to utilise the area as public open space. However, given the topography of the site, it was considered unusable as public open space, and would serve better to be left as a natural barrier between the site and adjacent development on Nant Erw.
- 1.5.2 With regard to the comments of the Community Council, it has been clarified that the red line, denoting the extent of the application site along the sites north eastern boundary, is considered to follow the existing boundary with the rear gardens of dwelling along Ffordd Pen Y Maes

#### 1.6 Other relevant background information

- 1.6.1 None.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 N/a

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

#### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

Policy STRAT 15 - Housing

General settlement and development considerations

Policy GEN 1 - Development within development boundaries

Policy GEN 6 - Development control requirements

Policy GEN 8 - Planning obligations

Policy HSG 3 - Housing development in main villages

Policy HSG 10 - Affordable housing within development boundaries

Policy REC 2 - Amenity and recreational open space requirements in new development

Policy TRA 6 - Impact of new development on traffic flows

Policy TRA 9 - Parking and servicing provision

Policy ENV 1 - Protection of the natural environment

Policy ENV 6 - Species protection

#### **3.2 Supplementary Planning Guidance**

SPG 4 - Recreational open space

SPG 22 - Affordable housing in new developments

#### **3.3 GOVERNMENT GUIDANCE**

Planning Policy Wales July 2010

Technical Advice Notes

TAN 2 - Planning and Affordable Housing

TAN 12 - Design

TAN 18 - Transport

TAN 22 – Planning for Sustainable Homes

Ministerial Planning Policy Statements

Circular 35/05 – The use of conditions in planning permissions

### **4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle of development

4.1.2 Amenity impact

4.1.3 Highways

4.1.4 Affordable housing

4.1.5 Open space

4.1.6 Ecological impact

4.1.7 Design and Access/Sustainability Codes/Access for All

4.2 In relation to the main planning considerations:

#### **4.2.1 Principle of development:**

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 15 and GEN 1. These policies seek to make provision for new housing in a range of locations, concentrating development within the boundaries of defined settlements. HSG 3 seeks to direct most housing developments outside main centres, to main villages, including Trefnant. The site is within the development boundary of Trefnant, where the principle of new housing development would be acceptable subject to consideration against other policies.

#### 4.2.2 Amenity impact:

The general requirements to assess the acceptability of amenity implications in a new housing development are set out in GEN 6.

The application contains a layout indicating a possible format for a development, but there are no elevation details or floor plans to allow assessment of the impact on adjacent properties. With regard to the comments received relating to the amenity of neighbouring dwellings, officers' view would be that in the absence of the relevant detailed plans it is not appropriate to consider such matters at this point, and that these matters can be dealt with satisfactorily at reserved matters stage.

With regard to the loss of the dwelling Bron Berllan, consideration has been given as to whether the building has any architectural or historic merit to justify its retention/preservation. However, following consultation with the Council's Conservation Architect, it is not considered suitable for formal preservation and its loss would not be detrimental to the amenity of the area.

#### 4.2.3 Highways:

The main Unitary Plan policies relating to the highway impact of new developments are TRA 6, TRA 9, and GEN 6. These require due consideration of impacts on the safe and free flow of traffic, the capacity and condition of the highway network, and the adequacy of parking and servicing provision.

The Council's Highway Officers raise no objections to the application, subject to conditions.

Given the existing use of the site as a petrol station and convenience store, it is not considered the scale of development would lead to additional or unacceptable problems on the highway network. Conditions can be attached to ensure controls over the detailing of the access (including levels and works to the public footpath) and parking arrangements.

#### 4.2.4 Affordable housing:

The requirement for provision of affordable housing in connection with housing developments within development boundaries is set out in Policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1 hectare or more and/or where more than 3 units are proposed.

There is no argument here from the applicant's agent over the principle of providing affordable housing. It is now accepted practice to use a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions over the last year so, to establish the requirement for an agreed level of affordable housing or payment of a commuted sum prior to the commencement of development. The benefit of taking this route is that there is substantially less delay in the release of permissions, less need for formal legal procedure, and it allows the Council to deal directly with future developers of a site over the detailed arrangements for provision.

#### 4.2.5 Open space provision:

Policy REC 2 and SPG 4 set out the requirement for provision of amenity and recreational space in new residential development. The trigger point for the

requirement to provide public open space is 10 dwellings. In this instance, numbers of proposed dwellings have not been submitted. However, based on a policy density figure of 30 dwellings per hectare, it is considered unlikely that the scheme would result in less than 10 dwellings being accepted at the reserved matters stage.

Officers therefore suggest it is acceptable to adopt the same approach to securing provision of open space as for affordable housing on an outline application, i.e. by way of a similar type of planning condition rather than a legal agreement at this stage.

Again, it would be officers' opinion that an enforceable condition relating to the provision of open space can be attached to any permission, to secure the requirements of policy and guidance.

#### 4.2.6 Ecological impact

Policies ENV 1 and ENV 6 require due consideration and protection of the natural environment, including landscape character and the biodiversity of an area, including ensuring there is no harm to protected species.

In this instance there are a number of protected species/ecological issues to address given the location of the property and the nature of the site. The site is host to great crested newts and has been surveyed accordingly. The submitted ecological report details proposed mitigation methods and a method of newt protection during construction. Given that the proposal includes demolition of a vacant dwelling, the site has also been surveyed for bats. The survey indicates that there is no evidence of bats within the vacant dwelling, but that a bat roost was found in a tree in the north east corner of the site. Accordingly the report recommends this area of the site be left undeveloped.

The submitted ecological reports have been considered by the Countryside Council for Wales, and the County Council's Biodiversity Officer. Both parties agree with the findings and recommendations in the reports, and do not raise any objections subject to suitable conditions being imposed to ensure that the mitigation and reasonable avoidance measures suggested in the reports are adhered to.

The site also contains a number of mature trees. The site has been surveyed and an arboriculture report been submitted with recommendations for the trees. In the absence of an agreed site layout and the existence of a sensitive boundary to the north east, officers suggest that a suitably worded condition be imposed to prevent the removal of any trees without the prior written agreement of the Local Planning Authority. It is considered that the removal of trees prior to a site layout being agreed is unnecessary. This approach has been given verbal support by the Council's Tree Consultant.

#### 4.2.7 Design and Access/Sustainability Code/Access for All

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales 3, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions are proposed to ensure the development is carried out in accordance with the requirements of Sustainability Code.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 The site lies within the village boundary bordered to the side and rear by existing houses. The principle of a small housing development would be consistent with Unitary Plan policies. The affordable housing and open space requirements can be covered by suitable conditions.

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

1. Approval of the details of the appearance, the landscaping, layout, scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The plans submitted showing proposals for 16 dwellings as part of the application have been treated for illustrative purposes only and do not form part of this permission.
5. 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 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 in 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;
  - (d) proposed earthworks, grading and 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; including screen walls and fences.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following completion of the development and any trees or plants which, within a period of five 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.
7. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the foul and surface water drainage arrangements and none of the dwellings shall be occupied until the drainage scheme has been completed in accordance with the approved plans.
8. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only proceed in strict accordance with those approved details:
  - i) Details of and implementation of mitigation/avoidance scheme including reasonable

avoidance measures (RAMS);

- ii) Details of and implementation of a compliance audit scheme, including performance indicators;
- iii) Details habitat creation/enhancement scheme and long term management proposals;
- iv) Details of long term site security proposals;
- v) Proposals to limit or prevent the accidental capture or killing of newts; and
- vi) Details of long term monitoring proposals.

9. Notwithstanding the submitted details, no trees within the site shall be lopped, topped or felled without the prior written consent of the Local Planning Authority.

10. The height of the proposed buildings shall be restricted to a maximum of two storeys (i.e. accommodation at ground and first floor level only).

11. PRE-COMMENCEMENT CONDITION

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

12. PRE-COMMENCEMENT CONDITION

No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to the detailed arrangements for the provision for amenity and open space within the site in accordance with the Council's policies and guidance.

13. PRE-COMMENCEMENT CONDITION

Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 6 credits under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 [November 2010].

14. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 6 credits under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 [November 2010]. The development shall be carried out entirely in accordance with the approved assessment and certification.

15. Prior to the occupation of any individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 6 credits under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 [November 2011].

16. The detailed layout, design, means of traffic calming, signing, street lighting, drainage and construction of the internal estate road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and shall be completed in accordance with the approved details before any dwelling is occupied.



17. Facilities shall be provided and retained within the site for the loading/unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.

18. Full details of the access and associated highway works to include signing, construction, drainage and street lighting, shall be submitted to and approved in writing by the Local Planning Authority before any works start on site and the works shall be fully constructed in accordance with the approved details before any works commences on site or as otherwise agreed in writing by the Local Planning Authority.

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 comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To ensure a satisfactory arrangement for the drainage of the site.
8. In the interest of safeguarding the conservation of protected species.
9. In the interest of preserving the character and ecology of the area.
10. In the interests of visual amenity and the interests of users of adjacent property.
11. To ensure the development makes provision for affordable housing in accordance with County Council policy and guidance.
12. To ensure the provision of open space in accordance with County Council policy.
13. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
14. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
15. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
16. To ensure the estate road is constructed to a standard suitable for adoption and in the interest of traffic safety, is capable of catering for the amount that is likely to be generated by the proposals
17. To provide for the loading/unloading, parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
18. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in the interest of highway safety.

#### **NOTES TO APPLICANT:**

You are advised to contact the Development Control case officer prior to the preparation of detailed plans to discuss ideas for the form of the development, and the requirements of the conditions on open space and affordable housing provision, as the Authority consider the location demands a high quality development.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980. Your attention is drawn to the specification for Highway Lighting Installations.

Your attention is drawn the General Requirement for Traffic Signs and Road Markings.

Your attention is drawn to the Min. Specification for the construction of Roads Servicing Residential Development and Industrial Estate.

You are advised that with regard to the proposed pumping station, you should contact the Environment Agency's National Permitting Team on 08708506506 to discuss the requirements as a you may require a permit for any discharge (i.e. storm or emergency overflow). This permission does not guarantee that such a permit will be granted.

**ITEM NO:** 4

**WARD NO:** Bodelwyddan

**APPLICATION NO:** 40/2011/0029/ PF

**PROPOSAL:** Change of use of former school to haberdashery work room and storage/distribution of household items for show homes

**LOCATION:** Church School The Village Bodelwyddan Rhyl

**APPLICANT:** Miss J Goddard Just Imagine

**CONSTRAINTS:** Listed Building  
Conservation Area

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

**CONSULTATION RESPONSES:****BODELWYDDAN TOWN COUNCIL**

"The Town Council object to the above planning application as it is not in keeping with surrounding area. The area is residential in nature and also a conservation area. The introduction of a business would be out of character with the existing environment".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES****CONSERVATION OFFICER**

Comments that the Bodelwyddan Village Hall (former school) is a Grade II listed building; located in Bodelwyddan Conservation Area, and lies opposite the listed Vicarage and close to several other listed buildings. It forms part of the original 1850's Estate village to Bodelwyddan Castle.

Considers that the proposal is non contentious, with no changes proposed to the building and supports the re-use of a building which looks to be vacant.

**HEAD OF HIGHWAYS AND INFRASTRUCTURE**

No objection, subject to condition and notes to applicant

**PUBLIC PROTECTION – POLLUTION OFFICER**

Has no comments.

**RESPONSE TO PUBLICITY:**

At time of writing the report, no representations received.

**EXPIRY DATE OF APPLICATION: 08/03/2011****REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations
- additional information required from applicant

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The application involves the change of use of a former school hall building, which is understood to be vacant, into a haberdashery and storage area, in connection with an existing business based at St. Asaph, known as 'Just imagine'.
- 1.1.2 A Planning, Design and Access statement submitted with the proposal includes reference to a number of factors, including planning policies, character, access, community safety, environmental sustainability, and movement, social, economic and physical context. Briefly, the document highlights ;
- The existing use of the building is a D1 use class, namely a Non – residential institution.
  - A list of haberdashery and storage items is included,
  - The existing business does not involve any retail or dealing with the general public; involved with contract interiors nationally, operating for 11 years. Currently, the applicant rents property in Greenfield, Holywell for storage in connection with the business.
  - The intention is to retain the existing office use in St. Asaph and to employ one full time and one part time employee on the application site, with hours of use being 9- 5 Monday to Friday and 9-11 on Saturdays, and no visiting the site by clients.
- 1.1.3 The floor and elevation plans indicate no changes – external or internal – are involved with the current change of use proposal. The floor plans existing arrangement includes an entrance hall with two classrooms on either side (one with a storage room), and a kitchen, toilet and lobby area to the rear. The proposed floor plan indicates the use of the existing entrance hall and the classroom area to the left as a store area, with the second classroom area proposed as a workroom area, with the rear area to remain. In using the submitted plans, the proposed room areas include the following internal measurements:
- Workroom = 25 square metres
  - Storage space = 93.1 square metres
  - Kitchen, toilet area = 38.5 square metres
- The proposed site plan shows off road parking for 3 vehicles and a turning area to the front of the building.

#### 1.2 Description of site and surroundings

- 1.2.1 The application relates to a central, single storey section of the former school, which is a detached stone and slate building, positioned off the main highway into Bodelwyddan, some 150 metres to the west of Bodelwyddan Church. Two residential properties, known as Tegfan and Ty Celyn, both of two storey height are attached and lie at either end of the building. These properties are listed buildings. Separate, individual vehicular access points serve the application site and the two dwellings, all from the adjoining highway. A tarmacadam, forecourt area, extending to some 418 m<sup>2</sup>, exists at the front of the application site, bounded by iron railings and a small length of hedgerow. The adjoining main highway has a 30mph speed restriction, and includes a cycle lane and double yellow parking restriction controls.
- 1.2.2 To the rear of the building, a converted, single storey residential property – known as the Church Rooms – is accessed via a separate access point, off the neighbouring Cilgant Eglwys Wen residential estate. A small, enclosed rear yard area separates the application site from the Church Rooms property, bounded by a high stone wall and the easterly elevation of the

'Church Rooms' building. There are no windows or openings in this elevation wall.

1.2.3 To the east, across the road from the application site, and set back from the road within its own grounds, lies the Vicarage building, a substantial stone and slate listed building.

1.2.4 Further north, east of the application site, lies the residential estate of Cilgant Eglwys Wen; the listed 'village' terrace properties, and the relatively new properties set back from the highway lay by, to the south.

### 1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the defined development boundary for Bodelwyddan, and a conservation area. The conservation area incorporates much of the estate buildings and is a Victorian, architecturally well mannered conservation area of stone buildings with slate roofs. The building is one of the important buildings with the conservation area.

1.3.2 The building is listed 'as a fine village school building of symmetrical composition built as an integral part of a well preserved estate village'.

1.3.3 The existing use as a school room allows the building to be used for a range of D1 uses – including a crèche, day nursery, day centre and a museum.

### 1.4 Relevant planning history

1.4.1 None.

### 1.5 Developments/changes since the original submission

1.5.1 Subsequent to the receipt of the Town Council objections, the case officer has contacted the agent with a view to investigating the possibility of a temporary/personal permission.

### 1.6 Other relevant background information

1.6.1 No separate listed building consent application is required in this case, on the basis that no works which would potentially affect the character of the listed building are proposed.

## 2. **DETAILS OF PLANNING HISTORY:**

2.1 No recent planning application or listed building applications.

### **Adjoining sites**

2/BOD/0288/91/P Proposed Conversion of Church Room to Create One Dwelling.  
Former Church Room Bodelwyddan Clwyd Granted 06/09/1991

2/BOD/0398/93/P Proposed Boundary Wall and Gates Granted 24/12/1994

## 3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Strategic policies : STRAT 1, 6,7,8,11,13,

GEN 1 – Development within Development Boundaries  
GEN 6 - Development Control Requirements  
GEN 10 – Supplementary Planning Guidance

CON 1- The setting of listed buildings  
CON 3 – Change of use of listed buildings

CON 5 – Development within conservation areas

EMP 4 – Employment development within development boundaries

TRA 6 – Impact of new development on traffic flows

TRA 9 – Parking and servicing provision

Supplementary Planning Guidance

No. 13 – Conservation Areas; Bodelwyddan Conservation Area Appraisal

No. 14 – Listed Buildings

No.21 - Parking Requirements in New Developments

3.2 GOVERNMENT GUIDANCE

PLANNING POLICY WALES 2010

TAN 11 – Noise

Tan 12 – Design

TAN 18 Transport

Circular 61/96 Planning and the Historic Environment; Historic Buildings and conservation area

Circular 35/95 – The Use of Conditions in Planning Permissions

**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 character of the conservation area

4.1.3 Impact on a listed building and the effect on adjoining listed buildings

4.1.4 Impact on residential amenities

4.1.5 Highway and parking implications

4.1.6 Inclusive access

4.1.7 Other considerations

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary for Bodelwyddan where the principle of development is considered acceptable as detailed in policy GEN 1.

Policy STRAT 8 seeks to establish, develop and expand small businesses, agricultural development and diversification of the rural economy, subject to highway, amenity and environmental safeguards. Additionally, Policy EMP4 seeks to promote employment development within development boundaries provided that proposals are of an appropriate scale, type and character to the area, and that adequate scope exists, where appropriate, for subsequent expansion and intensification. The policy justification highlights that this is intended to provide mainly B1 employment which can usually be satisfactorily located within either mixed residential /commercial area or primary residential areas.

The remainder of this report covers and assesses site specific considerations involved with policy GEN 6 tests (general development control requirements) which have to be read in conjunction with other policies in the plan.

4.2.2 Impact on the character of the conservation area

Circular 61/96 advises that new uses may be key to the preservation of a building or area, highlighting that controls, including planning, should be exercised sympathetically where this would enable an historic building or area to be given a new lease of life.

PPW highlights the development control considerations involved with proposals and the historic environment, including conservation areas. Advice regarding developments in a conservation area, and /or the setting, highlights the objective of preserving or enhancing the character or appearance of a conservation area, and that this could be achieved either by development which provides a positive contribution to the conservation area character and appearance or development which leaves character and appearance unharmed. TAN 12 'Design' highlights that in conservation areas there should be regard to the desirability of preserving or enhancing their character and appearance.

Policy CON 5 – Development within conservation areas- reiterates national advice, highlighting that the Council will permit applications that demonstrate that they preserve or enhance the character or appearance of conservation areas. SPG 13 highlights the need to ensure that new development is sympathetic to the areas special architectural and historic interest.

There are no physical alterations proposed with the application, and the property benefits from an existing use which allows a range of other uses to be undertaken, without the need for a formal planning application submission.

Given the planning policy context outlined, and significantly, the Conservation Officer comments, it would be difficult to conclude that the proposal would not preserve the existing character of the Conservation Area in this case, as the physical /building character would be unaffected.

It is not considered the proposed use would give rise to any adverse impact on the Conservation Area and it would be difficult to justify refusing the application on this issue.

#### 4.2.3 Impact on a listed building and the effect on adjoining listed buildings

As noted previously, Circular 61/96 advises that new uses may be key to the preservation of a building or area, and that controls, including planning, should be exercised sympathetically where this would enable an historic building or area to be given a new lease of life.

PPW highlights that where a development proposal affects a listed building the primary material consideration is the statutory requirement to have regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. It highlights that applicants must be able to justify the need for alterations or demolition of listed buildings.

Policy CON 1 seeks to preserve the setting of a listed building particularly where the setting is an essential part of the character of the building. Policy CON 3 supports the change of use of a listed building only if any alterations associated with the change of use are not detrimental to its character as a building of architectural or historic interest.

On the basis of the plans and details submitted, and given the Conservation Officer's support, it would be difficult to conclude that the proposal would have any direct physical impact on the listed building, the School Room, or on the adjoining listed houses, or neighbouring listed buildings.

#### 4.2.4 Impact on residential amenities

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

TAN 11 provides advice on how to minimise the adverse impact of noise, and outlines some of the main considerations to take into account in determining planning applications. It highlights that local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance and consideration can be given to the use of appropriate conditions. In relation to noise sensitive development, it advises that consideration is given to the compatibility with existing activities and any increase that may reasonably be expected, highlighting that development with high levels of noise should not normally be permitted in those areas not normally connected with high noise level activities. It is on this basis that consultation with the Council's Public Protection was undertaken.

Following discussions with the case officer, to clarify the existing and proposed use, and the details submitted, the Council's Public Protection officer raises no comments.

Officers consider the proposals are acceptable taking into account limited scale and extent of the activities proposed, the operating hours, daytime use, no Sunday use, and reflect the approach highlighted in Policy STRAT 8 and EMP 4, in promoting employment development within development boundaries that are of an appropriate scale, type and character, these uses can usually be satisfactorily located within either mixed residential /commercial area or primary residential areas. The proposed use is considered to be low impact, and subject to the inclusion of conditions to control the hours of operation specific to the use involved, the proposed use is considered compatible with the surrounding residential properties.

#### 4.2.5 Highway and parking implications

TAN 18 requires development proposals to maximise accessibility in relation to proximity of services, markets and facilities, and regard requires to be given to maximum car parking standards.

Unitary Plan policies TRA 6 – Impact of new development on traffic flows and TRA 9 – Parking and Servicing provision 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.

SPG 21 provides additional guidance, highlighting the requirement for car parking provision for a number of different types of uses;

B1 business = 1 car space per 30m<sup>2</sup> gross floor space

B8 storage = 1 car space per 100 m<sup>2</sup> gross floor space

The proposed use is considered to include a mix of B1 and B8 use with the storage use taking a greater proportion of floorspace.

The site is located within the development boundary with access to a range of transport modes and facilities. The proposal is considered to satisfy accessible sustainability issues, in accord with TAN 18 advice.

The application site layout includes details for parking and turning, and is considered acceptable by the County Highways Officer.

Having regard to the specific proposal, including the limited hours of operation, Officers consider that it would be difficult to conclude that the proposal would give rise to significantly greater highway safety issues than the existing, D1 use of the property. A condition obliging the setting out of the car parking area could be conditioned, in the event of a planning permission being granted.

#### 4.2.6 Inclusive access



The requirement for mandatory Access Statements is outlined in TAN 12 'Design' and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All' supplements this policy.

The submitted information includes a positive approach to inclusive design, and suggests that further details in respect of a temporary ramp/access (not affixed to the building) could be covered by a suitably worded condition.

#### 4.2.7 Other considerations

In response to the Town Council objections, the Case Officer has contacted the agent, with a view to seeking clarification on the possibility of a temporary planning permission.

Circular 35/95 and PPW outline the principles regarding the appropriateness of a temporary permission, highlighting that it is rarely necessary to grant temporary planning permission to proposals which conform with the development plan provisions. The basis is that objections should be considered in the light of appropriate conditions to address concerns. If conditions cannot be devised to safeguard the effect of development on the amenities of the locality, and amenity implications are not acceptable, it should be questioned whether permission should be granted.

However, the Circular goes on to highlight that when the applicant volunteers, or that planning circumstances might change at the end of the period, then a temporary permission may be justified, and consideration for 'trial runs' is a possible option, depending on the circumstances.

The applicant has volunteered a temporary planning permission, for her own use.

In responding to the possible option of a temporary/personal permission, Officers' view is that this is not justified in this case, as the detailed assessment of impacts provides no grounds which would substantiate a reason for refusal.

#### **SUMMARY AND CONCLUSIONS:**

- 4.3 The proposed use is considered to be low impact, involving a sympathetic use of a key listed building in the Bodelwyddan Conservation Area. Provided conditions are included which would restrict the hours of opening and the type of use, the proposal merits support.

#### **RECOMMENDATION – GRANT** - subject to compliance with the following Conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
3. **PRE-COMMENCEMENT CONDITION**  
Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use
4. The use of the workshop shall be restricted to the floor area on the proposed 1:100 scale floor plan, and shall be used only in connection with the haberdashery use.
5. The use hereby approved shall be undertaken inside the building at all times, and no products, or associated workshop activities, shall be undertaken outside the building on the front or rear forming part of the application site.

6. No sound amplification equipment or loudspeakers shall be operated at the premises other than in accordance with details to be agreed in writing with the Local Planning Authority.
7. The permission inures for the benefit of the applicant only
8. No retail sales shall be undertaken from the building.
9. No machinery or materials shall be stored outside the building(s) on the application site.
10. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or storage areas that have been approved in writing by the Local Planning Authority for this purpose.
11. The use hereby approved shall not take place outside following hours and days  
0900 - 1700 Monday to Friday  
0900 -1100 Saturdays.
12. This permission relates to the use of the building as a single business unit, comprising of a workshop and storage area for purposes involved with haberdashery and storage/distribution of household items for show houses, and for no other uses.
13. Prior to the commencement of the change of use hereby approved details for waste storage bins shall be submitted to and approved in writing to the Local Planning Authority and the agreed details completed prior to the change of use taking place.

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 provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
3. To ensure suitable access for the disabled to the building.
4. In the interests of protecting the amenities of the locality.
5. In the interests of the amenities of the locality, and to preserve the character and appearance of the conservation area.
6. To protect the amenities of occupiers of nearby properties.
7. In the interests of amenity and highway safety by ensuring that adequate on-site parking and turning space is available.
8. In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.
9. In the interests of visual amenity.
10. In the interests of visual amenity.
11. In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.
12. In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.
13. In the interests of the amenities of the locality and to preserve the character and appearance of the conservation area.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

**EITEM RHIF/ITEM NO:** 5

**WARD** Trefnant

**RHIF Y CAIS/APPLICATION NO:** 31/2011/0065/ PF

**CYNNIG/PROPOSAL:** Ffurio mynediad newydd i gerbydau (cais adolygol)/ Construction of a new vehicular access (retrospective application)

**LLEODIAD/LOCATION:** Hen Efail Glascoed Cefn Meiriadog

**YMGEISYDD/  
APPLICANT:** Mr Eifion Ap Llwyd Dafydd

**CYFYNGIADAU/  
CONSTRAINTS:  
CYHOEDDUSRWYDD** Hysbysiad ar y Safle - Na  
Hysbysiad yn y Wasg - Na  
Llythyrau i gymdogion – Do

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

## ENGLISH TRANSLATION ON PAGE 44

### MATEBION YMGYNGHORI:

CYNGOR CYMUNED CEFN MEIRIADOG  
Dim gwrthwynebiadau.

### YMGYNGHOREION CYNGOR SIR DDINBYCH

PENNAETH PRIFFYRDD AC ISADEILEDD  
Dim gwrthwynebiad, yn ddarostyngedig i'r amod a'r nodiadau safonol i'r ymgeisydd.

### ARCHEOLEGYDD Y SIR

Yn yr achos hwn, dim sylwadau i'w cynnig oherwydd natur y datblygiad. Fodd bynnag, petai unrhyw waith a fyddai'n golygu tarfu ar y pridd a'r ddaear yn cael ei wneud yn y dyfodol, gellid bod yn ofynnol rhoi amod briff gwylio archeolegol gan fod yr ardal yn agos at lle tybir y bu ffordd Rufeinig.

### YMATEB I'R CYHOEDDUSRWYDD:

Ni dderbyniwyd unrhyw ymateb.

### DYDDIAD DARFOD Y CAIS: 17/03/2011

### RHESYMAU AM YR OEDI CYN GWNEUD PENDERFYNIAD: Dim

### ASESIAD CYNLLUNIO:

#### 1. Y CYNNIG:

##### 1.1 Crynodeb

1.1.1 Mae'r cais yn ymwneud â ffurfio mynediad newydd i gerbydau o'r briffordd gyfagos i wasanaethu annedd sy'n bodoli eisoes.

- 1.1.2 O'r manylion a gyflwynwyd y bwriad yw darparu ail fynediad i'r eiddo er mwyn cael trefn cerbydau i mewn oddi ar y briffordd/cerbydau allan i'r briffordd. Mae'r cynnig yn golygu cael gwared o ran fechan o'r wal terfyn sy'n bodoli eisoes i greu agoriad yng nghornel gogledd orllewinol y safle.

1.2 Disgrifiad o'r safle a'r ardal amgylchynol

- 1.2.1 Lleolir y bwthyn sengl, traddodiadol, tua 200 metr i'r dwyrain o gyffordd Glascoed i Gefn Meiriadog, wedi ei osod yn ôl o briffordd y B5381 o Lanelwy i Fetws yn Rhos. Yn union i'r gogledd saif teras tai preswyl Cross Foxes. Nesaf at safle'r cais, i'r dwyrain, mae eiddo sengl, deulawr, a adwaenir fel Bodowen.
- 1.2.2 Mae gardd o flaen a thu ôl i'r eiddo, â ffiniau cerrig naturiol a gwrych. Mae un mynediad i gerbydau yn gwasanaethu'r safle eisoes, ar y gornel ogledd ddwyreiniol, wrth ffin Bodowen. Mae ffin y safle ar hyd y B5381 tua 29 metr.

1.3 Ystyriaethau/cyfyngiadau cynllunio perthnasol

- 1.3.1 Mae'r safle mewn cefn gwlad agored ac yn agos at ardal tirwedd lleol. Mae'r safle mewn ardal nodedig am eitemau archeolegol.

1.4 Hanes cynllunio perthnasol

- 1.4.1 Dim.

1.5 Datblygiadau/newidiadau ers cyflwyno'r cais gwreiddiol

- 1.5.1 Dim.

1.6 Gwybodaeth gefndir arall sy'n berthnasol

- 1.6.1 Cyfeiriwyd y cais i'r Pwyllgor Cynllunio am fod yr ymgeisydd yn fab i'r Cynghorydd Meirick Davies.

**2. MANYLION HANES CYNLLUNIO:**

- 2.1 Dim hanes cynllunio yn berthnasol i'r safle.
- 2.2 Roedd y safle cyfagos, Bodowen, yn rhan o apêl a ganiatawyd yn 1996 (cod 1/16400) i newid adeilad allanol yn annedd a ffurfio mynediad newydd i gerbydau i'r briffordd.

**3. POLISIÂU A CHANLLAWIAU PERTHNASOL:**

Y prif bolisiau a chanllawiau cynllunio yw:

3.1 CYNLLUN DATBLYGU UNEDOL SIR DDINBYCH (mabwysiadwyd 3 Gorffennaf 2002)

- Polisi GEN 6 – Ystyriaethau rheoli datblygu  
Polisi GEN 10 – Canllawiau Cynllunio Atodol  
Polisi ENV7 – Nodweddion Tirlun/Treflun  
Polisi CON 11 – Ardaloedd o Bwysigrwydd Archeolegol

3.2 Canllawiau Cynllunio Atodol

- Rhif 2 Datblygiadau newydd a thirlunio  
Rhif 15 - Archeoleg  
Rhif 21 Parcio  
Rhif 24 Canllawiau Dylunio Datblygiadau Deiliaid Tai

3.3 CANLLAWIAU'R LLYWODRAETH

Polisi Cynllunio Cymru 2010

Nodyn Cyngor Technegol 18 Trafnidiaeth

#### 4. Y PRIF YSTYRIAETHAU CYNLLUNIO:

4.1 Y prif faterion cynllunio defnydd tir i'w hystyried yw:

- 4.1.1 Egwyddor
- 4.1.2 Effaith ar y briffordd
- 4.1.3 Effaith gweledol ac ar y tirlun
- 4.1.4 Amwynder eiddo cyfagos.
- 4.1.5 Archeoleg

4.2 Yng nghyswllt y prif ystyriaethau cynllunio:

##### 4.2.1 Egwyddor

Byddai'r egwyddor o fân ddatblygiad yn cael ei ystyried yn dderbyniol yn arferol, yn amodol ar ystyried effeithiau penodol datblygiad ar y safle, a nodir yng ngweddill yr adroddiad hwn. Nid yw'r safle mewn ardal gadwraeth, ac nid yw'n adeilad rhestredig nac yn heneb, ac nid yw'n effeithio ar ardal amgylchynol adeilad rhestredig.

##### 4.2.2 Effaith ar y briffordd

Mae Polisi GEN 6 – Ystyriaethau rheoli datblygu a Pholisi GEN 10 – Canllawiau Cynllunio Atodol, ynghyd â Chanllawiau Cynllunio Atodol 21, yn pwysleisio'r angen i ddarparu trefniadau mynediad a pharcio cyfleus a diogel. Y bwriad yw gwella'r trefniadau sy'n bodoli eisoes, yn cynnwys sicrhau gwelededd digonol a threfniadau troi a pharcio. Mae adran Priffyrdd y Cyngor Sir yn cefnogi'r cynnig, ac ystyrir ei fod yn unol â'r polisiau a'r nodiadau canllaw.

##### 4.2.3 Effaith ar amwynder gweledol

Mae Polisi ENV7 – Nodweddion Tirlun/Treflun, ynghyd â Chanllawiau Cynllunio Atodol 2, yn galw am ymdrin â nodweddion a chymeriad lleol yn ystyrion. Yn y cyswllt hwn mae'r wal derfyn gerrig sy'n weddill yn y blaen yn haeddu ei chadw, gan adlewyrchu cymeriad y bwthyn a'r ardal amgylchynol. Ystyrir y gallai gosod amod addas sicrhau cadw'r wal.

##### 4.2.4 Amwynder eiddo cyfagos

Mae Polisi GEN 6 – Ystyriaethau rheoli datblygu yn ei gwneud yn ofynnol ystyried y goblygiadau potensial i unrhyw eiddo cyfagos. O gofio nad yw'r cynnig yn ymwneud â datblygiad ar raddfa fawr, a lleoliad y mynediad newydd, ystyrir nad yw'r cynnig yn debygol o gael unrhyw effeithiau andwyol ar amwynder eiddo cyfagos.

##### 4.2.5 Archeoleg

Mae Polisi CON 11 yn tynnu sylw at yr angen i ystyried materion archeolegol potensial. Mae'r safle mewn ardal â photensial ar gyfer canfyddiadau archeolegol.

Nid yw Archeolegydd y Sir wedi darparu sylwadau ar y cynnig hwn, ond mae'n pwysleisio sensitifrwydd potensial y safle a'r ardal. Dywed Canllawiau Cynllunio Atodol 15 mai dim ond ar ôl dechrau gwaith datblygu y canfyddir gweddillion archeolegol mewn rhai achosion, ac awgryma efallai y bydd datblygwyr yn dymuno ystyried yswirio eu hunain yn erbyn risg colledion.

Awgrymir y dylid ychwanegu nodyn i adlewyrchu sylwadau Archeolegydd y Sir.

#### 5. CRYNODEB A CHASGLIADAU:

5.1 Mae'r cynnig yn ymwneud â gwella'r trefniadau presennol o ran mynediad i gerbydau, gan gadw'r effeithiau ar y tirlun i'r isafswm, ac yn ddarostyngedig i amod i gadw'r wal derfyn yn y blaen sy'n weddill, mae'n haeddu cefnogaeth.

**ARGYMHELLIAD: - CANIATÁU** yn ddarostyngedig i'r amodau isod:-

1. Rhaid i'r datblygiad a ganiateir trwy hyn ddechrau cyn diwedd pum mlynedd o ddyddiad y caniatâd hwn.
2. Ac eithrio'r man mynediad i gerbydau a gymeradwywyd trwy hyn, rhaid cadw'r wal derfyn bresennol ar hyd y briffordd ar yr uchder presennol.
3. Rhaid darparu a chadw cyfleusterau ar y safle ar gyfer llwytho/dadlwytho, parcio a throi cerbydau yn unol â'r cynlluniau a gymeradwywyd, a rhaid cwblhau hyn cyn dechrau defnyddio'r datblygiad.

Y rhesymau am yr amodau yw:-

1. Cydymffurfio â darpariaethau Adran 91 Deddf Cynllunio Gwlad a Thref 1990.
2. Er budd amwynder gweledol y gymdogaeth.
3. Darparu cyfleusterau ar gyfer llwytho/dadlwytho, parcio a throi cerbydau a sicrhau nad oes angen i gerbydau facio oddi ar neu i'r ffordd, er budd diogelwch traffig.

**NODIADAU I'R YMGEISYDD:**

Tynnir eich sylw at y Nodiadau Atodol Priffyrdd, rhifau 1, 3, 4, 5 a 10.  
Tynnir eich sylw at y ffurflen Rhan N amgaeedig (Deddf Ffyrdd Newydd a Gwaith Stryd 1991).  
Tynnir eich sylw at y nodiadau amgaeedig yn ymwneud â cheisiadau i greu lle croesi i gerbydau dros droedffordd / llain ymyl ffordd dan Adran 184 Deddf Priffyrdd 1980.

Fe'ch cynghorir, os gwneir unrhyw waith yn y dyfodol a fydd yn golygu tarfu ar y pridd a'r ddaear, gallai fod yn ofynnol rhoi amod briff gwylio archeolegol, gan fod yr ardal yn agos at lle credir roedd ffordd Rufeinig. Cysylltwch ag Archeolegydd y Sir cyn gwneud unrhyw waith o'r fath, os gwelwch yn dda.

\*\*\*\*\*

**CONSULTATION RESPONSES:**

CEFN MEIRIADOG COMMUNITY COUNCIL  
'No objections'.

DENBIGHSHIRE COUNTY COUNCIL

HEAD OF HIGHWAYS AND INFRASTRUCTURE  
No objection, subject to standard condition and notes to applicant.

COUNTY ARCHAEOLOGIST  
In this instance, due to the nature of the development, no comments to submit.  
However should any future works which involve ground disturbance be undertaken there could be the requirement of an archaeological watching brief condition as the area is close to a possible Roman Road.

**RESPONSE TO PUBLICITY:**

None received.

**EXPIRY DATE OF APPLICATION: 17/03/2011**

## REASONS FOR DELAY IN DECISION : None

### PLANNING ASSESSMENT:

#### 1. THE PROPOSAL:

##### 1.1 Summary of proposals

1.1.1 The application relates to the formation of a new vehicular access onto the adjoining classified highway to serve an existing dwelling.

1.1.2 From the details submitted, the intention is to provide a second access point to the current property to provide an 'in/out ' vehicular arrangement onto the highway. The proposal involves the removal of a short length of the existing boundary wall to form an opening on the north westerly corner of the site.

##### 1.2 Description of site and surroundings

1.2.1 The traditional style, detached cottage is positioned approximately 200 metres to the east of the Glascoed to Cefn Meiriadog junction, and is set back from the main highway, the B5381 St. Asaph to Betws Yn Rhos highway. Directly to the north, lies the Cross Foxes residential terrace. Adjoining the application site, to the east lies the two storey, detached property known as Bodowen.

1.2.2 The property has a front and rear garden area, with natural stone and hedgerow boundaries. An existing vehicular access serves the site on the north easterly corner, adjoining the boundary of Bodowen. The site boundary along the B5381 extends to some 29 metres.

##### 1.3 Relevant planning constraints/considerations

1.3.1 The site lies in the open countryside and close to a local landscape area. The site is in an area noted for archaeological artefacts.

##### 1.4 Relevant planning history

1.4.1 None.

##### 1.5 Developments/changes since the original submission

1.5.1 None.

##### 1.6 Other relevant background information

1.6.1 The application is referred to Planning Committee as the applicant is the son of Councillor Meirick Davies.

#### 2. DETAILS OF PLANNING HISTORY:

2.1 No planning history identified for the site.

2.2 The adjoining site, Bodowen, was the subject of an appeal, allowed in 1996 (code 1/16400) for the conversion of an outbuilding into a dwelling and formation of a new vehicular access onto the adjoining highway.

#### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 6 – Development control considerations

Policy GEN 10 – Supplementary Planning Guidance

Policy ENV7 – Landscape/Townscape features

Policy CON 11 – Areas of Archaeological Importance

3.2 Supplementary Planning Guidance

- No. 2 - Landscaping and new developments
- No. 15 - Archaeology
- No. 21 - Parking
- No. 24 - Householder Development Design Guide

### 3.3 GOVERNMENT GUIDANCE Planning Policy Wales 2010

TAN 18 Transport

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Highway impact
- 4.1.3 Visual and landscape impact
- 4.1.4 Amenities of adjoining properties
- 4.1.5 Archaeology

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The principle of minor development would normally be considered acceptable, subject to consideration of site specific impacts, covered in the remainder of this report. The site is not in a conservation area, neither does it involve a listed building or ancient monument, nor does it affect the setting of a listed building.

#### 4.2.2 Highway impact

Policy GEN 6 – Development control considerations and Policy GEN 10 – Supplementary Planning Guidance, together with SPG 21, highlight the need to provide safe and convenient access and parking arrangements.

The intention is primarily to enhance the existing arrangements, to include sufficient visibility and parking turning arrangements. The County Highways support the proposal, and it is considered to be in line with the policies and guidance notes.

#### 4.2.3 Impact on visual amenity

Policy ENV7 – Landscape/Townscape features, together with SPG 2, require a sympathetic approach to local character and features.

In this regard, the remaining front, natural stone boundary merits retention, reflecting the character of the existing cottage and surrounding locality. It is considered that a suitable condition could ensure its retention.

#### 4.2.4 Amenities of adjoining properties

Policy GEN 6 – Development control considerations requires appropriate considerations of potential implications on any neighbouring properties.

Having regard to the limited extent of works and the position of the new access, the proposal is not considered likely to have any adverse amenity impacts.

#### 4.2.5 Archaeology

CON 11 highlights the need to consider potential archaeological issues. The site is located in an area with potential for archaeological issues.

The County Archaeologist has provide no comments on the proposal, and highlights the potential sensitivity of the site and locality. SPG 15 highlights that at times, archaeological remains are only discovered once development has started, and that



developers may wish to consider insuring themselves against the risk of loss.

It is suggested that a note should be included to reflect the County Archaeologists comments.

**5. SUMMARY AND CONCLUSIONS:**

- 5.1 The proposal involves an enhancement to the existing vehicular access arrangements, with minimal landscape implications, and subject to a condition to retain the remaining front boundary, merits support.

**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. With the exception of the vehicular access point hereby approved, the existing boundary along the highway shall be retained at its existing height.
3. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

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 interests of the visual amenities of the locality.
3. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980. You are advised that should any future works which involve ground disturbance be undertaken there could be the requirement of an archaeological watching brief condition as the area is close to a possible Roman Road. In this regard, please contact the County Archaeologist in advance of any works.

**ITEM NO:** 6

**WARD NO:** Prestatyn Central

**APPLICATION NO:** 43/2010/1537/ PR

**PROPOSAL:** Details of layout, scale, appearance and landscaping for 1 no. dwelling submitted in accordance with condition no. 1 of outline planning permission code no. 43/2010/0451/PO

**LOCATION:** Land on south side of Highfield Bishopswood Road Prestatyn

**APPLICANT:** Mr & Mrs Bryce

**CONSTRAINTS:** Previous Mining Area

**PUBLICITY UNDERTAKEN:** Article 4 Direction  
Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL:  
"No objection"

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
Mr & Mrs J Morris, 39 Orme View Drive, Prestatyn  
Mr & Mrs G Evans, 43, Orme View Drive, Prestatyn  
RT & GS Hartley-Williams, Ridgeway, 37, Orme View Drive, Prestatyn  
Mr T & Mrs A Hughes, 35 Orme View Drive, Prestatyn  
Mrs P J Milner, 41 Orme View Drive, Prestatyn  
Mr & Mrs C Taft, 45 Orme View Drive, Prestatyn  
Mr C Taft, 49 Orme View Drive, Prestatyn

Summary of planning based representations:

- Impact upon residential amenity - Overlooking of private amenity space and increased levels of noise
- Impact on AONB - Due to scale of development
- Impact on ecology - Concern about loss of habitat

**EXPIRY DATE OF APPLICATION: 23/02/2011**

**PLANNING ASSESSMENT:****1. THE PROPOSAL:****1.1 Summary of proposals**

- 1.1.1 The application is referred to Committee following deferral at the February 2011 meeting.
- 1.1.2 The application contains the 'reserved matters' details relating to planning permission 43/2010/0451/PO, for the erection of a dwelling on 0.097ha of land to the south side of Highfield, Bishopswood Road, Prestatyn. The outline permission was granted in July 2010.

- 1.1.3 The application includes details of layout, scale, appearance and landscaping in accordance with condition no.1 of the above permission. The outline application included details of access and this application therefore does not require consideration of issues relating to this element.

## 1.2 Description of site and surroundings

- 1.2.1 The site is currently used as garden and amenity space for the dwelling Highfield to the north, and is accessed off Bishopswood Road. The eastern boundary is defined by a hedgerow which runs along Bishopswood Road, and there are trees on the western and southern boundaries. Site levels rise up from west to east. This slope continues up across Bishopswood Road. The site is consequently elevated above the dwellings on Orme View Drive to the west.
- 1.2.2 Beyond the site and to the west of the site are the dwellings on Orme View Drive, to the north is the dwelling Highfield and to the east of the site is woodland.
- 1.2.3 The area is characterised by detached two storey dwellings in spacious plots with views across Prestatyn to the Irish Sea.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located with the Prestatyn development boundary as defined in the adopted Denbighshire Unitary Development Plan. It also adjacent to, but not within, the Area of Outstanding Natural Beauty, and an SSSI.

## 1.4 Relevant planning history

- 1.4.1 Outline planning permission was granted at Planning Committee in July 2010 for the erection of a dwelling.
- 1.4.2 There is also a relevant planning history on a neighbouring plot further north between the dwellings Highfield and Greycote, which has similar physical characteristics to the one currently being considered. In 2007, planning permission was sought and refused for the development of the plot by way of one dwelling (43/2007/1134/PO). The location of this site is shown on the plan at the front of the report.
- 1.4.3 The Local Planning Authority refused the 2007 application on the grounds of inadequate access along Bishopswood Road, and impact upon the amenity of dwellings on Orme View Drive. A subsequent appeal to the planning inspectorate was allowed, and it is considered that conclusions in the Inspector's decision letter are material to issues arising on the current application.
- 1.4.4 The Appeal Inspector reasoned that the increase in traffic on Bishopswood Road caused by an additional dwelling would be limited to a degree that it would not result in a material harm to highway safety. With regard to the proposal impacting upon the living conditions of dwellings on Orme View Drive, the Inspector noted that there was already a potential for some overlooking, and that with careful screening and design, a dwelling in this location would not harm the amenity of dwellings on Orme View Drive. He further commented that a dwelling on this site was likely to have long ranging views above Orme View Drive and would not materially overlook their rear gardens.

1.4.5 A full application (43/2009/0052/PF) followed the allowed appeal and full planning permission was granted at planning committee in 2009.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 As noted, the application was deferred at the February Committee to allow for submission of additional detailed sectional plans to assess the potential for overlooking and to assess the relationship with neighbouring properties. The plans have been received and occupiers of adjoining property have been consulted on them. The plans are included at the front of the report.

**2. DETAILS OF PLANNING HISTORY:**

2.1 Outline application for the development of 0.097 ha of land by the erection of a dwelling and formation of a new vehicular access (including details of access) granted permission 28/07/2010.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 1 – Development within development boundaries

Policy GEN6 – Development control requirements

Policy ENV 1 – Protection of the Natural Environment

Policy ENV 2 – Development affecting the AONB

Policy ENV 6 – Species Protection

SUPPLEMENTARY PLANNING GUIDANCE

SPG Note 18 – Nature Conservation and Species Protection

SPG Note 24 – Householder Development Design Guide

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (July 2010)

**4. MAIN PLANNING CONSIDERATIONS:**

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

4.1.1 Principle

4.1.2 Residential amenity impact

4.1.3 Visual and landscape impact

4.1.4 Ecological impact

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the town development boundary where the principle of residential development has been considered acceptable in respect of Policy GEN 1, Development Within Development Boundaries. All proposals are subject to detailed tests in other Unitary Plan policies relevant to this type of development.

4.2.2 Residential amenity impact

Considerations of detailed issues of design and detailed impact are outlined in policy GEN 6 of the Unitary Plan. The policy permits development in accordance with the plan's other policies subject to due assessment of impact on the surroundings, including the acceptability of matters such as the scale

of the development, layout, density/intensity of use and spaces between buildings and effect on the amenity of residents.

Concerns have been raised by residents of Orme View Drive that the proposal will result in an unacceptable loss of privacy by way of overlooking, with particular reference being made to views from the balcony area to the rear of the proposed dwelling. In respect of this, it is to be noted that the rear wall to rear wall distance to the properties on Orme View Drive would be some 23 metres which exceeds the suggested separation distance of 21 metres as set out in SPG 24. Even taking the respective levels into account, in officers' opinion there would be no unreasonable window to window overlooking, as the finished floor level of the lower ground floor of the proposed dwelling would be approximately the same as the roof ridge height of the properties on Orme View Drive, and the finished floor level of the proposed balcony would be a further 2.8m above that level. In this context, it is relevant that there is a significant boundary hedge along the western boundary which affords a level of natural screening between the site and properties on Orme View Drive. The retention of this screen would ensure overlooking potential is limited. Also of note are the comments of the appeal Inspector on the plot nearby in observing "the relationship between the proposed dwelling and those on Orme View Drive would be broadly comparable to that between both Greycote and Highfield and other dwellings on Orme View Drive, and there is no evidence that this has resulted in harm to residential living conditions".

Residents have also raised concerns that the design of the proposed dwelling will lead to excessive noise. With respect, this is an application for reserved matters approval on a site with permission for a dwelling, and there is no evidence to suggest that the detailed design submitted would lead to unacceptable noise levels for the occupiers of Orme View Drive. It is considered that this application would not impact upon the living conditions of neighbouring properties to the extent that a refusal could be justified.

#### 4.2.3 Visual and landscape impact

Policy GEN 6 requires that development respects its site and its surroundings. Policy ENV 2 requires that development affecting the AONB will conserve and enhance the natural beauty of the area.

The proposed dwelling would not occupy a prominent position and would respect the topography of the site by utilising a split level design. Existing planting would provide screening from Bishopswood Road and the properties on Orme View Drive. Bishopswood Road is characterised by detached dwellings in large plots with no dominant house type or design. It is therefore considered that the proposed modern design is appropriate for this location. For these reasons it is considered that the proposals respect the site and its surroundings.

Residents have raised concerns over the potential impact on the AONB. The AONB boundary lies to the east of Bishopswood Road. A dwelling has been approved in this location by virtue of the existing outline planning permission. It is not considered that any aspect of the detailed proposals submitted would have a negative impact on the adjacent AONB and the proposal would therefore comply with the policy requirement of conserving the natural beauty of the landscape.

#### 4.2.4 Ecological impact

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 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection.

As part of the proposed development, two trees would be removed. The adjacent woodland and SSSI are unlikely to be affected by this proposal. Whilst it is unlikely that protected species would be affected because of the nature of the site (maintained garden area), it was considered prudent, in granting outline planning permission, to attach a condition which requires the site to be surveyed to determine wildlife interest and to include for possible mitigation measures. This is a pre-commencement condition that will need to be complied with before development begins. For the above reasons it is considered that the proposals would not have an unacceptable impact on ecology.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 It is considered, with respect to local concerns, having regard to the background history and the basic details in the application, that the proposals are acceptable, and the application is therefore recommended for approval.

**RECOMMENDATION: APPROVE** - 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. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.
3. Prior to the occupation of the dwelling the gap in the screening to the west boundary created by the removal of the tree shall shown on the approved plan shall be filled by tree or hedge replanting to a minimum height of 2 metres.
4. Foul water and surface water discharges shall be drained separately from the site.
5. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
6. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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 safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
3. In the interest of visual amenity.
4. To protect the integrity of the public sewerage system.
5. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
6. To prevent hydraulic overload of the public sewerage system and pollution of the environment.

## **NOTES TO APPLICANT:**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

**ITEM NO:** 7

**WARD NO:** Rhyl South West

**APPLICATION NO:** 45/2010/1560/ PF

**PROPOSAL:** Change of use of existing storage and distribution building to non-mechanical servicing and maintenance of motor homes

**LOCATION:** 5 Albert Street Rhyl

**APPLICANT:** Mr Garry Kemshell

**CONSTRAINTS:** C1 Flood Zone  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
'No objection'

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
HEAD OF HIGHWAYS AND INFRASTRUCTURE

- Raise no objections subject to a condition to ensure parking facilities are completed prior to the development being brought into use, and are retained thereafter.
- Consider that the current storage and distribution use of the premises would generate significantly more traffic than that of the proposed use.
- Satisfied that the parking scheme submitted is acceptable, and would possibly lessen the on street parking problems associated with a storage and distribution warehouse.

PLANNING AND PUBLIC PROTECTION- POLLUTION CONTROL OFFICER  
"We have no comments to make regarding the application".

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
Barry Allsopp, 22 Albert Street Rhyl  
Leslie & Maria Parker-Jones, 16 ALbert Street, Rhyl  
Mr & Mrs I J Kightley, 11 Albert Street, Rhyl  
Andrew Wilde, 12 Millbank Road, Rhyl

- Summary of planning based representations:
- Already a lack of parking in the surrounding area.
  - Impact on residential amenity.
  - Impact on highway safety/nearby children's nursery.

**EXPIRY DATE OF APPLICATION: 01/03/2011**

## REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the change of use of an existing storage and distribution building to a 'non-mechanical' servicing and maintenance of motor homes use.
- 1.1.2 The applicant has listed in further detail what this 'non-mechanical' servicing of motor homes would entail. It would include habitation checks of the motor homes (such as damp checks and gas safety checks), the hand cleansing of motor homes, and the fitting of accessories to the motor homes (such as cycle racks and TV aerials). He has also explained that owing to the high monetary value of the motor homes, none of them would be parked on the road as they could be damaged.
- 1.1.3 The applicant owns and runs a business Vehicles for Leisure, on Victoria Road West, in Prestatyn, which sells both new and used motor homes. It is intended that 5 Albert Street would be used to prepare (non mechanical service) motor homes prior to being sold at the Prestatyn premises.
- 1.1.4 Parking is proposed to be accommodated within the building, which includes space for four motor homes and four cars. The applicant anticipates two to three new members of staff would be permanently working at the site, with daily comings and goings at the site expected to be four cars and two camper vans.
- 1.1.5 No external alterations are proposed to the building, whilst internally the first floor of the building would be removed to create one open ground floor area.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is surrounded by a day nursery to the immediate south, and terraced residential properties to the north, and semi detached residential units to the east of the site.
- 1.2.2 The site is located on Albert Street, a cul-de-sac off Vale Road.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The proposal is located in the development boundary of Rhyl (Policy GEN 1) where the principle of suitable commercial development is considered acceptable, subject to detailed impact tests.

#### 1.4 Relevant planning history

- 1.4.1 None.

#### 1.5 Developments/changes since the original submission

- 1.5.1 Following a response from Highway Officers, additional plans have been forwarded to show parking arrangements, and details of staff numbers and expected comings and goings.

#### 1.6 Other relevant background information

- 1.6.1 None.

### 2. DETAILS OF PLANNING HISTORY:

- 2.1 02/RYL/0062/95/P, Demolition Of Building And Erection Of Flats, 30/10/1995  
GRANTED



### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

#### 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 1- Development within development boundaries

Policy GEN 6- Development control requirements

Policy EMP 4- Employment development within development boundaries

Policy TRA 9- Parking & Servicing Provision

#### 3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (July 2010)

### 4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Visual impact

4.1.3 Impact on surrounding amenity

4.1.4 Highway considerations

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy GEN 1 indicates that the proposal is located within the development boundary of Rhyl, where the principle of development is considered acceptable. Of relevance to employment related development in development boundaries is policy EMP 4 which permits such uses provided that the proposal is, of an appropriate scale, type and character to the area; and that adequate scope exists, where appropriate, for subsequent expansion and intensification.

The planning use of the site is for Storage and Distribution (Use Class B8), although it would appear the building has been vacant for some time. The motor home reconditioning use proposed falls into Use Class B2. In this instance officers consider that the principle of light industrial use at the site has already been established. Therefore, it is considered the issues to address are whether the change of use would result in a material rise in traffic and amenity impact on the surrounding area above that which would be associated with a storage and distribution use. Below are the material considerations that officers consider relevant to the proposal.

#### 4.2.2 Visual impact

Policy GEN 6 part i) seeks to ensure that development respects the surrounding area in terms of character and appearance.

No external alterations are proposed, and the motor homes that would be serviced at the site would be kept within the building, and therefore not be visible to the surrounding area. It is therefore considered that the proposal would have no additional adverse visual impact.

#### 4.2.3 Impact on surrounding amenity

Policy GEN 6 part v) seeks to ensure that development does not harm the amenity of local residents and surrounding users.

The applicant has explained that the use proposed would involve the non mechanical servicing of mobile homes, which includes habitation checks, general servicing and the fitting of accessories. Therefore noisy works often associated with mechanical works would not take place on site.

The present planning use of the site is an important material consideration. At present, the site can be used for Storage and Distribution (Use Class B8), with no known planning restrictions in place in terms of use intensity and hours of operation. The site could be operated by a use which would have a more harmful impact on surrounding residential amenity than what is now proposed. It is considered that the application is an opportunity to impose control over the opening hours and the specific use of the site by imposing condition(s) to safeguard surrounding residential amenity. It is therefore considered the proposal meets the requirements of policy GEN 6 part v).

#### 4.2.4 Highway Considerations

Policy TRA 9 seeks to ensure that development provides appropriate car parking, and servicing and manoeuvring facilities. Policy GEN 6 part vi) echoes this test, whilst part vii) seeks to ensure no unacceptable effect on the local highway network occurs in the form of congestion, danger or nuisance.

Neighbour concerns regarding parking and highway safety concerns are noted.

Following discussions with highway officers, additional plans have been submitted to indicate parking arrangements. Parking space is proposed to be allocated within the building itself, with space for four camper vans and four cars with daily comings and goings at the site expected to be four cars and two camper vans. The applicant has also made it clear that all motor homes would be stored inside the building as they could become damaged if parked on the roadside.

For a B2 use, the Council's planning guidance in SPG 21 suggests 1 car space per 50m<sup>2</sup> as a standard guide. The area of the building is 500m<sup>2</sup>, with 8 spaces (four of which would be for larger motor homes) being provided. The current storage and distribution use could generate more traffic and require more parking space than what is now being proposed. Also, no planning restrictions are currently in place at the site. Officers consider the parking provision is acceptable in this context, and the Highway Officer raises no objections to the scheme subject to conditions to ensure the parking facilities are in place prior to use, and are retained as such thereafter.

Subject to the condition suggested by the Highway Officer, and the already noted conditions on opening hours and use above, officers are satisfied that the proposal meets the requirements of policy TRA 6 and GEN 6 part vi) and vii).

## **5. SUMMARY AND CONCLUSIONS:**

5.1 Subject to conditions, the proposal meets the relevant policy considerations and is therefore recommended for approval.

**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. Facilities shall be provided and retained within the site for the parking vehicles in accordance with the approved drawing and which shall be completed prior to the proposed development being brought into use.
3. The premises shall not be open to customers outside the following hours and days

- 0900-1700 Monday - Friday
- 0900-1300 Saturday and Sunday

4. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987, this permission relates to the use of the building for the non-mechanical and maintenance of motor homes only and no other use within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

5. The use relating to the 'non mechanical servicing' shall be restricted to the following:

- Habitation checks of the motor homes, which includes damp, electrical, appliance, gas safety and water pressure checks, alongside general inspection and maintenance of the motor homes.
- Hand cleansing of motor homes.
- The fitting of accessories to the motor homes, including the fitting of awnings, cycle racks, TV aerials, reversing cameras, door handles, skylight and other minor associated accessories.

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 provide for the parking of vehicles clear of the highway in the interest of traffic safety.
3. In the interests of the amenity of occupiers of nearby residential property.
4. In the interests of residential amenity and the highway safety of the surrounding area.
5. In the interests of residential amenity and the highway safety of the surrounding area.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 8

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2010/1577/ PF

**PROPOSAL:** Engineering operations comprising the construction of a landmark opening bridge for pedestrians and cyclists crossing the entrance to the Foryd Harbour at Rhyl

**LOCATION:** Foryd Harbour West Parade Rhyl

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:** Main River  
Article 4 Direction  
C2 Flood Zone  
C1 Flood Zone  
Wildlife Site

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

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**  
To be reported

**COUNTRYSIDE COUNCIL FOR WALES**  
Do not object to the scheme but suggest some further mitigation measures.

**ENVIRONMENT AGENCY**  
No objection subject to all mitigation contained within the Environment Report being followed and the contractors involved liaising further with the EA.

**CLWYD POWYS ARCHAEOLOGICAL TRUST**  
No objection subject to a condition to ensure a contracted archaeologist be present during works on site.

**RHYL ENVIRONMENTAL ASSOCIATION**  
Object to any reduction in Horton's Nose dune area.

**NORTH WALES WILDLIFE TRUST**  
Object to the scheme in its current form due to the impact on Horton's Nose and the lack of mitigation and/or compensation measures. This is particularly relevant to the future provision of a safe haven.

**COUNTRYSIDE COUNCIL FOR WALES**  
Do not object in principle but require key elements of the Environmental Report to be adhered to with further studies done into potential impacts.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

HEAD OF HIGHWAYS AND INFRASTRUCTURE  
No Objection

COMMUNITY SAFETY MANAGER  
Support the scheme as it will be good for regeneration

BIODIVERSITY OFFICER  
Would like further investigation into the impact of any future safe haven on Horton's Nose dune area.

COUNTY ARCHAEOLOGIST  
No objection subject to a condition which will protect the City of Ottawa wreck.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
Mr. B. Lockett, Chairman, Rhyl Environmental Association (e-mail)  
Mr. I. S. Forsythe, Loughrigg, Isfryn Road, Prestatyn  
Mr. S. Andrews, Supreme Sea Services, 7, Owain Glyndwr, Kinmel Bay  
Mr. I. S. Forsythe - Rhyl Harbour Forum

Summary of planning based representations:

- i) Concerns around the safe use of the harbour should the bridge fail to operate.
- ii) Environmental concerns around impacts on Horton's Nose.

**EXPIRY DATE OF APPLICATION: 16/02/2011**

**REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of a landmark pedestrian and cycle bridge crossing the entrance to the Foryd harbour in Rhyl. The scheme forms part of other harbour projects including a recently approved coastal defence scheme and a proposed public square and landing area on the Conwy side of the harbour. The bridge scheme has been submitted to both Denbighshire and Conwy County Borough Councils as the appropriate Local Planning Authorities. The bridge spans the two authority areas.
- 1.1.2 The bridge will be a double bascule bridge comprising of cable stayed fibre polymer composite decks, which will be supported and lifted about a central support by means of a single mast at the centre of the structure. (see plans at front of the report as well as images on screen).
- 1.1.3 The overall span of the bridge will be 68m consisting of two 32m long decks and a central landing of 4m in length. The width of the structure will vary from 4m at the ends to around 10.5m at the central support. The mast will stand at approximately 50m in height.

- 1.1.4 The application has been submitted by agents acting on behalf of Denbighshire County Council and includes the following supporting documents:-
- Design and Access Statement
  - Planning and Regeneration Statement
  - Statement of Community Involvement
  - Transport Statement
  - Environmental Report
- 1.1.5 The application does not exceed the threshold which would require the submission of a full Environmental Impact Assessment; however, reference has been made to the coastal defence scheme (full EIA scheme) and the public square proposals (full EIA scheme) in the submission.
- 1.1.6 Further background information pertaining to this scheme can be found in the paragraph below entitled “Other relevant background information”.

## 1.2 Description of site and surroundings

- 1.2.1 The Foryd harbour sits at the west end of Rhyl sea front. It is formed by the estuary of the River Clwyd as it flows into Liverpool Bay and the Irish sea. The inlet provides a safe haven for small boats. The river forms the border between Denbighshire and Conwy. Around half a mile upstream of the entrance to the harbour is the North Wales coast mainline railway crossing bridge. Further downstream, the A548 coastal road linking Denbighshire and Conwy is located with the road carried over the river by the iconic Grade II Listed Blue Bridge. This bridge forms the navigable limit at the upstream edge of the harbour for large vessels.
- 1.2.2 On the Denbighshire side of the harbour lies the main promenade with the former Ocean Beach funfair site being the first main development site meeting the proposed new bridge. On the Conwy side is the yacht club and a holiday park with some other public houses. An area of dunes known as Horton’s Nose is located to the north of the proposed bridge location. (see plans at front of report).
- 1.2.3 On the Conwy side of the proposed bridge is a cycle path. The new bridge is designed to fill a gap in the national cycle network between Conwy and Denbighshire.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The majority of the site lies outside the development boundary of Rhyl as shown in the Unitary Development Plan (UDP) proposals map. Enjoying a boundary with Conwy, the land out to sea forms part of a designated Coastal Planning Zone (CPZ1) as set out in the Denbighshire Unitary Development Plan. The primary consideration in this zone is to preserve and enhance the coastal landscape. The site is also located within an area of Local Conservation (Policy ENV 5) Importance as well as within the Foryd Harbour/Ocean Beach regeneration area (Policy TSM 14, CPZ 8).

## 1.4 Relevant planning history

- 1.4.1 None of direct relevance to this scheme.

## 1.5 Developments/changes since the original submission

- 1.5.1 Whilst no changes have been made to the originally submitted scheme, additional information in response to comments raised by the Rhyl Harbour Forum have been submitted. These are dealt with later in the report.

#### 1.6 Other relevant background information

- 1.6.1 The applicants have included some key background information within their submitted Planning Statement. This detail is included below.
- 1.6.2 The Project seeks to provide a link in the coastal cycle path on either side of the Foryd Harbour, filling in a missing link to provide a continuous cycle path along the north coast of Wales. It will also contribute to a wider aspiration of providing a catalyst for the regeneration of the west end of Rhyl and Kinmel Bay.

The Project works lie partially within the County of Denbighshire and the County Borough of Conwy, crossing the estuary of the River Clwyd that forms the boundary between these two administrative areas. However, all works are due to take place on land owned by Denbighshire County Council.

Denbighshire County Council (DCC) and the Welsh Assembly Government are working in partnership to develop the Foryd Harbour located at the west end of Rhyl. The Masterplan for this area includes proposed developments for:-

- A retail and leisure development on the south side of the estuary;
- A new public square on the north bank of the estuary;
- A marina development on the sand dunes to the east of the estuary;
- Relocation of the existing moorings in the harbour and
- Provision of a bridge across the entrance to the harbour

The new bridge will provide a link between the new developments on the Rhyl side of the harbour with the proposed public square on the Kinmel Bay side, as well as providing a link in the existing cycle path. Some works have already been undertaken within the harbour area including the construction of a new jetty on the north bank and provision of a new boat storage area, also on the north bank.

Further proposed works, include the West Rhyl Coastal Defence Scheme that will provide improved sea defences along the south bank of the estuary to provide flood protection for properties in west Rhyl. These works also include the repair and refurbishment of the existing training wall along the east edge of the River Clwyd, the provision of a drop off point for boats at the route of the training wall and the provision of a new pontoon on the south edge of the harbour.

As part of the proposed works Denbighshire County Council have commissioned the design and construction of a new opening bridge across the entrance to the harbour.

The bridge will create a 'landmark' and be capable of harmonising and complementing the other developments in the Harbour area. The proposed bridge is an opening bridge to allow fishing vessels, yachts and the Rhyl RNLI Lifeboat access to the harbour. The bridge including the approach span will be approximately 75m long and a minimum of 4.0m wide and will be a landmark structure which will provide a strong focal point around which to centre the regeneration of the west end of Rhyl and Kinmel Bay.

The key objectives of the Project are:

1. To provide a link between the proposed leisure and retail development on the south side of the estuary and the public square on the north side of the Estuary.
2. To complete one of the missing links in Sustrans National Cycle Route 3 along the north coast of Wales.
3. To act as a focal point for the regeneration of the west end of Rhyl.
4. To allow access for Harbour users.
5. To encourage the increased use of cycling and walking.
6. To provide a route that complies with requirements for disabled access.

For the scheme to be successful it must meet all these objectives and be economically viable.

There are two main sources of funding for the scheme.

1. Sustrans secured £450,000 Big Lottery Funding for the scheme as the route was one of those that won a national vote for funding.
2. Welsh Assembly Government secured the remaining £3.75m of Regeneration and European P5/T1 Convergence funding to complete the £4.2m needed.

Denbighshire County Council tendered the scheme as a Design and Build competition which was subsequently awarded to Dawnus Construction Ltd. With Gifford LLP acting as their designers. The proposals were submitted to the Design Commission for Wales who assisted in the improvement and development of the design. Further details of the discussions held with the Design Commission for Wales are included in the Statement of Community Involvement.

Consultations have been undertaken with various statutory consultees and local groups. Details of these discussions are included in the Statement of Community Involvement.

- 1.6.3 It is also important to highlight the work which has gone on prior to the submission of this planning application. In order to produce the eventual Environmental Report which has been submitted with the application the applicants had to undergo a series of detailed consultations and applications to both DCC and Conwy. The Screening process concluded that a formal Environmental Impact Assessment was not required for this bridge scheme. However, having liaised with the appropriate specialists in relation to environmental impacts it was suggested by the two Councils involved and by the Welsh Assembly Government Marine Consents Unit (MCU) that an environmental report should be submitted with any application.
- 1.6.4 In addition to the planning permission applied for to both DCC and Conwy CBC other consents are being sought namely:
- A Food and Environmental Protection Act 1985 (FEPA) License from WAG (MCU)
  - Coastal protection Act 1949 (CPA) Consent from WAG (MCU)
  - Flood Defence Consent

Reference is made to the other consents applied for in order to ensure that there is no duplication in the planning assessment forming part of this report.



## **2. DETAILS OF PLANNING HISTORY:**

2.1 The only planning history of relevance to date is the recently approved coastal defence scheme as set out below.

2.2 45/2010/1300/PF – Engineering operations comprising construction of a stepped revetment, training wall and inner/outer harbour wall forming part of the West Rhyl Coastal Defence Scheme – GRANTED by Planning Committee, January 2011.

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- Policy STRAT 1 - General
- Policy STRAT 5 - Design
- Policy STRAT 6 - Location
- Policy STRAT 7 - Environment
- Policy STRAT 9 - Tourism
- Policy STRAT 14 - Highways
- Policy GEN 3 - Development Outside Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy ENV 5 - Sites of Local Conservation Importance
- Policy ENV 6 - Species Protection
- Policy ENP 6 - Flooding
- Policy CPZ 1 - Coastal Planning Zone
- Policy CPZ 2 - Design in CPZ development
- Policy CPZ 8 - Foryd Harbour, Rhyl
- Policy TSM 14 - Foryd Harbour/Ocean Beach, Rhyl
- Policy TRA 6 - Impact of new development on traffic flows

### **3.2 Supplementary Planning Guidance**

- SPG 15 - Archaeology
- SPG 18 - Nature Conservation and Species Protection

### **3.3 GOVERNMENT GUIDANCE**

Planning Policy Wales Edition 3, 2010, Wales Spatial Plan

Technical Advice Notes

- TAN 5 - Nature Conservation & Planning
- TAN 11 - Noise
- TAN 12 - Design
- TAN 13 - Tourism
- TAN 14 - Coastal Planning
- TAN 15 - Development & Flood Risk

## **4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.1 Principle
- 4.1.2 Access/Highways
- 4.1.3 Ecological Impact/Water Quality
- 4.1.4 Landscape/Visual Amenity
- 4.1.5 Heritage Issues
- 4.1.6 Flood Risk
- 4.1.7 Other material issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are a number of clear strategic benefits which can be highlighted through the provision of the proposed new bridge. Firstly, the transportation related benefits including the primary benefit of providing a link in the Sustrans National Cycle Network Route 5. There will be some clear regeneration and social benefits from the bridge, including the benefits to the local economy and tourism as well as the general benefits of better integration between Denbighshire and Conwy. The bridge will be an iconic structure that will attract visitors and it is seen as fundamental to providing a regeneration catalyst at this gateway into the County.

4.2.2 The provision of a structure which supports sustainability, has a positive impact upon transport links, the economy and tourism clearly fits with some strategic aims of WAG and DCC. As such, the principle of providing the bridge is considered to be acceptable. It is important, however, to also assess the other material impacts of the proposed bridge on issues such as biodiversity, archaeology and the visual amenities of the area. These issues will be addressed in detail in later paragraphs.

4.2.3 It is important at this point to raise the issue of the objections from the users of the Harbour and other interested parties. Primarily these objections relate to the safety of the harbour should the operation of the bridge opening fail. The objections raise the issue of whether the impact of the bridge on the future operation of the harbour area is a material planning consideration which needs to be addressed at this time or whether this issue is covered in a separate consent process. Officers have noted the letter of objection from the Rhyl Harbour Forum and the 350 name petition which was submitted with the objection. In the first instance Officers requested that the applicants address the concerns raised and respond direct to the Forum with their comments. This was done.

4.2.4 In brief, the harbour users feel that a "safe haven" area needs to be provided as part of the bridge scheme to enable boats to be able to moor safely should access into the harbour be prevented by the closed bridge. The applicants have made reference to this "safe haven" in their submission but the provision of the same does not form part of the proposal. Considerable efforts have been made by the Council to gain funding for a proposed sea wall extension which could enable boat users to safely moor their vessels in the event of bridge failure. Detailed designs and studies are underway with a view to a separate planning application being submitted for this work in the summer of 2011. The likelihood of this project not going ahead is minimal.

4.2.5 The Harbour Users are also concerned by the proposed arrangements for the operation of the bridge by CCTV operatives and the difficulties which may be experienced by people needing to clear the bridge prior to opening when vessels are waiting to come into the harbour. Officers' view is that the operation of the bridge and to a large extent the provision of a safe haven are issues which are covered by the Welsh Assembly Marine Consents Unit (MCU). Government guidance suggests that the planning process should not duplicate controls afforded by other legislation. Officers have sympathy with the issues raised by the Harbour Users, however, it is felt that the likely provision of a safe haven with the sea wall extension (within a separate later planning application) will deal with these concerns. Officers also feel that the operation and management of the bridge and harbour are issues which are covered elsewhere and cannot be given any weight in the assessment of this

application.

- 4.2.6 Further to the above, it is important to note that WAG's Marine Consent Unit (MCU) in dealing with the Coastal Defence Scheme under the Marine Works Regulations 2007 had regard to the potential impacts of the proposed new bridge also.

#### 4.3 Access/Highway Issues

- 4.3.1 It is envisaged that the impact of the bridge on issues of accessibility and highways can be split into two areas. Firstly, the impact on these issues during construction and secondly when the bridge is completed.
- 4.3.2 The overall construction period is anticipated at some 15 months between April 2011 and June 2012. Much of the first phase of construction will take place off-site with the fabrication of the decks and ancillary elements. It is considered that during peak on-site activity there will be some minor adverse impacts to the highway network in the area. The periods of dredging required and the construction of foundations and support structures will require some HGV movements in the locality with some disruption. As with the works for the Coastal Defence Scheme a Framework Environmental Management Plan (EMP) will be produced to mitigate the impacts during construction phases. This will include contractor conditions which will limit the number and times of vehicle movements, site compound arrangements and the routing of traffic. Both DCC and Conwy highway engineers have raised no strong concerns to the construction arrangements for this scheme.
- 4.3.3 It is anticipated that both pedestrian and cycle links will be greatly improved when the bridge is operational and Officers do not consider that there should be any adverse highway or access implications for all users.

#### 4.4 Ecological Impact/Water Quality

- 4.4.1 The submitted Environmental Report covers the issues of hydrodynamics and sediment quality, water quality and the potential impacts upon flora and fauna. Specialist bodies such as the Countryside Council for Wales and the Environment Agency have also been involved at a very early stage in the pre-application processes.
- 4.4.2 The hydrodynamic regime near to the proposed scheme were investigated to assess what effects the bridge would have on flow speeds, directions and water levels within the estuary and the wider coastal environment. The conclusions showed that there would clearly be some negative temporary impacts of the dredging and piling activities but that the longer term impacts of the works would be beneficial at best and at worst negligible. The report also highlighted that the impact on water and sediment quality would be negligible as a result of the bridge works.
- 4.4.3 In relation to flora and fauna, impacts upon non-statutory sites such as the North Wales Coast IBA, Clwyd Estuary and Floodplain Wildlife Site and Horton's Nose Candidate Wildlife site have been looked at. The European Statutory Designated sites at Dee Estuary SPA and SAC (Special Area of Conservation) and the Liverpool Bay SPA have also been assessed. Meetings have taken place between both DCC and Conwy Biodiversity specialists and concerns had been raised about the longer term impacts upon some natural coastal processes around Horton's Nose. It was considered reasonable to request that further investigations take place on these issues and an Ecological Management Plan be drawn up to deal with mitigation

required. These impacts are considered to be potential disturbance to breeding and wintering bird populations and common lizard due to the increased human activity on Horton's Nose. A condition can be imposed to deal with this.

#### 4.5 Landscape/Visual impact

- 4.5.1 The bridge design was the result of a Design Brief set by DCC, which included key requirements:-
- An iconic, landmark bridge which relates to its surroundings and will be a focal point for the regeneration in the area
  - The operation of the opening spans should allow ease of use and efficiency in working
  - The design must provide a bridge that is robust and durable against the marine environment, accidental damage, misuse, vandalism or other mishap and which will minimise in-service costs.
- 4.5.2 A short listing process was followed by DCC before the current design was chosen. This decision had regard to the visual impact of the bridge on the nearby Ocean Plaza site and whether it respected the existing character of the harbour. The bridge also needed to compliment the existing Blue Bridge and not compete with it as a Listed Building.
- 4.5.3 Officers consider that the design and use of materials meets the requirements set by the brief and would greatly enhance this gateway area to Rhyl. There should be no negative visual or landscape impact providing all the associated landing areas link well with the coastal defence scheme, stepped revetment area and subsequent public square on the Conwy side.

#### 4.6 Heritage Issues

- 4.6.1 The Environmental Report has looked at potential impacts on nearby Listed Buildings and Conservation Areas. Grade II Listed Buildings and structures are seen on West Parade and at the blue Bridge. The closest Conservation Area is that at River Street. Perhaps the most affected heritage asset, however, is the shipwreck the City of Ottawa, which was beached in the harbour area in 1906. The ES has looked at both the construction and post construction impacts on such heritage assets.

The assessment has found that any disturbance resulting from piling activities is likely to be negligible upon the City of Ottawa. Pre-application discussions with the Marine Officer of the Royal Commission on the Ancient and Historical Monuments of Wales have highlighted a preference for the wreck of the City of Ottawa to be preserved in situ. Mitigation measures based around a full Written Scheme of Investigation will be used prior to commencing removal of material from areas where excavation is proposed. A qualified archaeologist will monitor this and the report concludes that there would be no adverse impact upon the City of Ottawa itself. Having regard to the other heritage assets mentioned previously, the report concludes that the impacts upon the Foryd Bridge, other nearby Listed Buildings and the Conservation Area would be negligible. The scheme is considered to comply with the relevant local and national policies and guidance relating to the protection of the Historic Environment.

#### 4.7 Flood Risk

- 4.7.1 Only one non-negligible impact on flood risk is associated with the bridge scheme. During the 9 months of on-site works there would be a small risk of flooding under extreme circumstances to site compound areas. This has been

assessed by the Environment Agency as a negligible risk and they have accepted the recommendations of the Flood Consequences Assessment.

#### 4.8 Other Material Issues

- 4.8.1 There are not considered to be any other material issues which are of relevance to the assessment of the planning proposal.

### 5. **SUMMARY AND CONCLUSIONS:**

- 5.1 There are clear transport and regeneration benefits from the proposed new pedestrian/cycle bridge. There will be some environmental impacts which have been assessed within the submitted Environmental Report and subject to the relevant conditions being imposed which deal with the necessary mitigation required the scheme is considered acceptable. The issues of harbour use and the operation of the bridge itself are not ones which can be dealt with as part of this planning application as they are covered under separate consents. It is hoped that the management of the bridge and the future provision of a safe haven area for boat users will further mitigate the impact that the bridge may have on the future operation of the harbour.

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

Prior to the commencement of any on site works a construction method statement and traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of all on and off-site works, the details and management of the site compound, traffic routing/timing and relevant mitigation measures involved in the delivery of materials and associated works. Further details on noise levels for all construction processes and any mitigation proposed shall be included and only those details subsequently approved shall be implemented and strictly adhered to thereafter and throughout the scheme.

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

Prior to the commencement of any on-site works, a detailed ecological management plan and assessments shall be submitted to and approved in writing by the Local Planning Authority. The plan and assessments shall incorporate the details required by the Countryside Council for Wales in their letter dated 7/2/2011, and the approved details shall be implemented in full in liaison with the Local Planning Authority and Countryside Council for Wales.

4. The bridge hereby approved shall not be brought into operation until the written approval of the Local Planning Authority has been obtained to management arrangements to ensure the link paths to the bridge area kept clear of build ups of sand.

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 interests of users of the highway and general amenity.
3. In order to protect ecological interests.
4. To ensure the bridge is accessible to all users.

#### **NOTES TO APPLICANT:**

None

