

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 19th October 2011 at 9:30am.

PRESENT

Councillors S. Thomas (Chair) I W Armstrong, B Blakeley, J R Bartley J A Davies, J. M Davies M LI Davies, P A Dobb, M J Eckersley, C.M. Evans (local member) G C Evans, H.H Evans (local member/observer) , R L Feeley, I A Gunning , D Hannam, T R Hughes, E R Jones, H LI Jones, G M Kensler, P W Owen, , D Owens, A G Pennington, B A Smith , D I Smith D A J Thomas, C H Williams

ALSO PRESENT

Head of Planning Regeneration and Regulatory Services (Graham Boase) Principal Solicitor (Susan Cordiner) Development Control Manager (P Mead), Principal Planning Officer (Committee Process) (I Weaver), Team Leader (Support) (G Butler), Customer Services Officer (J Williams), and Translator (Catrin Gilkes).

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors J Bellis, J Butterfield, J Thompson-Hill, L M Morris,

2 DECLARATION OF INTEREST

Members were requested to declare any personal or prejudicial interest in any business identified to be considered at this meeting.

Councillor S Thomas declared an interest in item 44//2011/0414 (Parc Farm Caravan Park, Llanarmon yn Ial)

3 URGENT ITEMS:

Councillor Peter Owen referred to events at the committee meeting on 28th September 2011 and asked the Chair to apologise to Councillor Ann Davies for the manner in which he had spoken to her.

Councillor R Bartley raised a point of order that this issue would best be aired at a scrutiny panel.

At this juncture the following Members departed the Chamber– Peter Owen, Ann Davies, Dewi Owens, Michael Eckersley, Alan Pennington, Councillor Dewi Owens returned after a short interval.

Councillor M. Ll. Davies asked whether there were sufficient committee members still present to continue with the meeting. He was assured that the committee was quorate.

4 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

Members considered:

1. The report by the Head of Planning Regeneration and Regulatory Services (previously circulated) detailing the applications submitted and requiring determination by the Committee.
2. The Update Report ("blue sheets") circulated at the meeting, containing information relevant to the applications arising after the preparation of the main report.

RESOLVED that:-

The recommendations of the Officers, as contained within the report now submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act, 1991, Town and Country Planning Advert Regulations, 1994 and/or Planning (Listed Buildings and Conservation Areas) Act, 1990 for the proposals contained in the following applications subject to the revisions set out in relation to each item:-

ITEM 1

Application No: 01/2011/0969/CA

Description: Demolition of 5 No, terraced houses and demolition of highway wall top section for a length of 12.5 metres

Location: Land at rear of 43 Love Lane fronting Tan y Gwalia Denbigh

Members were given time to read the information on the Update report which contained a report of the site visit which took place on Monday 17th October 2011 and notice of an additional letter of representation received from G Cottam, 41A Love Lane, Denbigh

Public Speaker: Against - Mr Jeff Armstrong

Mr Armstrong advised committee of the narrow nature of the road serving the proposed site and the steep drop on one side. He queried the practicalities of removing the stone from the wall and the danger of exposing the steeply sloping

land. He queried access to the site for demolition vehicles along the narrow streets.

Councillor Gwyneth Kensler (local member) referred to the site visit and thanked the officers for their work. Councillor Kensler felt that as a Planning Appeal had been granted on this site it was not possible to go against the Inspector's decision. However she asked for strong conditions to be imposed.

Councillor Ray Bartley knew the area well and was concerned that the narrow road may be blocked by the proposed work. Access by emergency services to properties on Tan y Gwalia could be compromised. He was aware that the only other way into this site was through a doorway on Love Lane.

Councillor Selwyn Thomas also referred to the site visit and mentioned the Conservation Area, historic nature of the area and the age of the wall in question. He also thought the Planning Inspectorate decision gave the committee no choice but to approve this application but hoped the stone could be reused.

Councillor M. Lloyd Davies referred to the plans in cross section and asked if the fence which was shown there could be changed for a stone wall

Councillor David Thomas suggested that County Highways should survey the road as it was not in particularly good condition. Any further deterioration as a result of the development could then be identified and repairs charged to the developer

Head of Planning (Graham Boase) advised that although this was a new application the previous appeal decision was a material consideration. Principal Planning Officer (Ian Weaver) further advised that this application was for the removal of the wall and rubble from the derelict cottages on the site. The Inspector had not considered the wall to be of historic merit. There were a number of suggested conditions to retain and reuse the stone and details of access would have to be submitted. It may be necessary to demolish the entire wall for the sake of safety as it is not in good condition. The site is very steep. He felt that a road condition survey was not an unreasonable request.

Councillor G Kensler proposed that permission be granted, with an additional condition requiring a road survey to be undertaken. This was seconded by Councillor R Bartley

VOTE:

18 to Grant
1 to Refuse
1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Additional conditions

5. The stone from the sections of wall to be removed shall be stored on site and retained for use in the construction of any new sections of wall along Tan y Gwalia in association with the access, and in any retaining / boundary walls within the site, in accordance with such details as may be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition or development works.

Reason: In the interests of visual amenity.

6. No works shall be permitted to commence on the demolition of the highway wall or in the remaining walls of the old cottages until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed Road Condition Survey.

Reason : To ensure there is a satisfactory baseline condition survey of the highway in the event of damage arising from construction traffic in association with the development

Revise Note to Applicant No. 1

Demolition works should only be carried out between November and March to ensure no disturbance to breeding bats and or birds.

Add new Note to Applicant

You are advised to contact the Council's Highways Section prior to any works of demolition on site, to ensure appropriate arrangements are put in place to ensure access to properties along Tan y Gwalia.

ITEM 2

Application No: 09/2011/0770/PF

Description: Change of use of redundant farm buildings to 4 No. holiday letting units, change of use of farmhouse to farm manager's house and 1 No. holiday let cottage. Installation of new package treatment plan and formation of passing places on approach roads

Location: Outbuilding at Glan Clwyd Ganol Llandyrnog Denbigh

Additional information on the update report

The applicant has provided information from a local holiday home letting agent on the viability of holiday cottages.

Councillor Gwilym Evans spoke in favour of this proposal, advising that the Community Council's objections on highway safety grounds had been addressed by the introduction of passing places along the roadway.

He asked about the number of individual holiday lets involved as there were already quite a few in the area.

Councillor Dewi Owens offered the opinion that as tourism was a WAG priority, refusals are likely to be overturned on appeal.

Councillor M Lloyd Davies asked whether it was permitted to move bats.

Councillor Ll. Jones asked whether there was any difference between notes to applicant 4 and 6.

Principal Planning Officer Ian Weaver answered the Members' questions - Countryside Council for Wales (CCW) can recommend alternative roosts for bats or ask that a roost be incorporated into the building in which they are found.

Notes 4 and 6 referred to by Councillor Jones are standard notes from CCW . It would be possible to make them clearer.

Councillor G Kensler asked if the standard period of November – March should be reviewed as birds are nesting sooner in the season and could be disturbed by work taking place in February.

Officers offered to make enquiries with the Council's Biodiversity Officer.

Councillor Gwilym Evans proposed that permission be granted, this was seconded by Councillor E.R. Jones

VOTE:

18 to Grant

2 to Refuse

0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to: Revise Note to Applicant 1

2nd line – take out words “.. of the building to a dwelling” and substitute with ... “of buildings to holiday lets,”.....

ITEM 3

Application No: 15/2011/0651/PF

Description: Change of use of 1.80 hectares of land to form extension to southern boundary of caravan park to accommodate 50 static holiday caravans, together with environmental improvements and landscaping

Location: Land south of and including Parc Farm Caravan Park Graianrhyd Road Llanarmon-yn Ial Mold

Councillor Selwyn Thomas declared a non pecuniary interest in this application and left the Chamber during consideration thereof. Councillor Ray Bartley took the chair in his absence.

An additional Site plan was circulated

Late representations were received from :

LLANARMON COMMUNITY COUNCIL (additional comments)
And a letter from: I Trigger, Alyn Bank, Llanarmon yn Ial

Principal Planning Officer Ian Weaver explained the background to the application. It is a large site, which was established before the Planning Act came into force in 1947. It is a site of 355 static caravans and 20 tourers. The application does not propose changing the total number of caravans, but takes part of the site out of commission and moves 50 caravans to a flat area to the south. All consultees are happy that this will improve the site.

Councillor Christine Evans (local member) felt that the proposal would space the caravans out and provide better screening. She was of the opinion the site was an asset to the area and helped the viability of the area, the local shop and public house.

Councillor ER Jones proposed that permission be granted
This was seconded by Councillor I Gunning

VOTE:
18 to Grant
1 to Refuse
0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to: Amended and additional Conditions

.....

Condition 3.

No static caravans shall be sited within the area hereby approved for the extension of the site until full details of the units have been submitted to and approved in writing by the Local Planning Authority, and none of the units shall be replaced other than with the formal written approval of the Local Planning Authority.

Condition 4

The static and touring caravans within the site edged red on the 1:2500 scale plan received by the Local Planning Authority on the 27th May 2011 shall be occupied for holiday purposes only, and not as a person's sole or main place of residence. The site operator shall maintain an up to date register of the names of the owners and occupier of each caravan on the site, their main home addresses, the dates each caravan has been occupied, and by whom. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.

Additional conditions

6. The caravans shall be only occupied between 1st March in any one year and 15th January in the following year.

Reason: In order to ensure consistency with the existing restrictions on the site and to ensure the caravans are not used on a permanent residential basis.

7. The development shall only be permitted to proceed in accordance with the recommendations of the Ecological Reports accompanying the application, and no development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, details of a wildlife enhancement and management plan in association with the landscaping and planting proposals. Development shall be carried out in accordance with the agreed plan.

Reason: In order to enhance biodiversity interest in conjunction with the development.

8. Details of any new external lighting proposed within the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is brought into use. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

9. Development shall not begin until a scheme indicating the provision to be made for disabled people to gain access into and within the extended site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of gradients of access ways, surfacing, lighting and signage.

The agreed scheme shall be implemented before any caravans on the extended section of the site are brought into use.

Reason: To ensure adequate provision for access for persons with disability.

Notes to applicant

In relation to protected species matters, you are advised that if in implementing the permission and recommendations of the Ecological report, any statutory protected species are found within the boundaries of the application site, all works should cease immediately and the Countryside Council for Wales should be consulted for further advice before proceeding further.

ITEM 4

Application No: 18/2010/1503/P0

Description: Development of 0.08 ha of land by erection of a detached two-storey dwelling house (Outline application including access and layout)

Location: Land rear of Golden Lion Inn Llandyrnog Denbigh

.....
Public Speakers: Merfyn Parry (applicant)

Mr Parry spoke of professional advice he had received regarding the access onto the Llangwyfan Road. He was willing to restrict traffic by using the access onto the B5429 at the White Horse Inn.

Mr Parry advised committee that signs will be erected to ensure the White Horse access is used. The proposal is for a single dwelling within the boundary of the village. The access in question is adequate, used by funeral directors during burials at the nearby churchyard as well as residents of the flats and council houses

Councillor G Evans referred to a previous proposal for dwellings on an adjoining site which was refused because of the narrow access. He said the lane was used by children going to school and being less than 8 feet wide was not wide enough for car and pedestrian. A high wall made it difficult to reverse

Councillor B Blakeley wondered if it was possible to refuse on highway grounds if Highways did not object. He felt it would have been useful to have a Highways officer at the meeting.

Councillor P Dobb was aware that the visibility from the track junction was very poor.

DC Manager (Paul Mead) referred to the plan circulated which more clearly showed the track. He stated that Highways had been consulted and they had requested standard conditions be imposed. A previous appeal following refusal had been dismissed on highway grounds but the inspector's decision did not concur with the views of Highway Officers on the acceptability of the access.

Councillor GC Evans reiterated his view that neither of the accesses was suitable, that the track was too narrow and the high wall restricted visibility.

Councillor GC Evans proposed that permission be refused
This was seconded by Councillor Diana Hannam

On being put to the vote
10 voted to GRANT
9 voted to REFUSE
0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Conditions to be drafted by the officers and the local member consulted before the release of the certificate of decision.

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason: it was considered that the development of a single dwelling would not have a detrimental affect on highway safety

ITEM 5

Application No: 20/2011/0981/PF

Description: Conversion of existing redundant farm outbuilding to form a new dwelling, alterations to existing vehicular access, installation of a new septic tank and associates works

Location: Barn- Ysgubor Ucha at Glascoed Pentre Celyn Ruthin

Members were given time to read the update report which included a report of a site visit held on 17th October 2011 .

Public Speakers: For – Peter Matischok (agent)

Mr Matischok stated that in his opinion this proposal complied with policy HSG 9 and the barn is capable of conversion. The previous refusal contained major design changes to the building and did not retain any character. This new submission was a simplified scheme and included a better structural report. He referred to maintenance which had been carried out to the building which he stated did not constitute major reconstruction, just sufficient repair to weatherproof the building. He thought that re-roofing, and no more than 10-12% reconstruction of the building was acceptable

Councillor Hugh Evans (local member) expressed concern at the tone of the report – which accused the applicant of “circumventing the planning process”. The applicant had farmed there for 50 years and the proposed dwelling was a natural progression for him. Councillor Evans felt the site visit had been useful, although the Building Control officer was inconclusive whether major structural work or merely repairs had taken place. But he felt the site visit had concentrated too much on the history of the site, this was a new application and should be determined as a new application. If the previous application had not been submitted in 2008, permission would now be granted without question. The building is not suitable for modern farming methods. There had not been any local objections.

Councillor Ray Bartley considered that there was a big difference between the 2008 and present day photographs on display.

Councillor Selwyn Thomas agreed that a lot of maintenance had taken place. The stonework repairs were of high quality despite the fact that the building was unsuitable for an agricultural use.

Councillor David Smith understood that the arguments regarding the structural condition of the building were a matter of interpretation. However he was concerned about the depopulation of the countryside and local schools.

Councillor Bobby Feeley agreed that there was a shortage of housing in the countryside. The barn had been there since the 1700s and was worth retaining. If permission was refused it would fall into disrepair.

Councillor ER Jones supported the application.

Councillor M. Lloyd Davies thought that this building would blend into the countryside well, better than a new-build. He asked whether the walls had been insulated or just repaired with stone.

Councillor Diana Hannam felt the finished dwelling, properly renovated, would be an asset.

Head of Planning G Boase advised the committee that the policy is open to interpretation – the building is not fit for agricultural use, has some architectural merit and will provide accommodation in the countryside.

DC Manager P Mead stated that in 2008 there was an application for planning permission which was refused because it was felt at the time that the building was not capable of conversion. The Planning Inspectorate agreed and dismissed the appeal. The recent site visit showed that it had been repaired but the Building Control officer could not be certain that any part had been rebuilt, although the back wall appeared to have a new opening in it and was in very good order. Mr Mead apologised if the wording had caused offence but was quoting the policy HSG 9, which officers had a responsibility to refer to as it sought to control sporadic development in the countryside.

Councillor Selwyn Thomas responded to Councillor M. Lloyd Davies' query, - the wall had obviously been rebuilt in part as boarding had been used, which was clearly modern but there was no insulation.

Councillor DI Smith proposed that permission be Granted
This was seconded by Councillor B Feeley

On being put to the vote

18 voted to Grant
1 voted to Refuse
1 Abstained

PERMISSION WAS THEREFORE GRANTED

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

The building was considered structurally sound and capable of conversion in accordance with the Council's Planning Policies

Officers to formulate the conditions and consult with the Local Member before issuing the certificate of decision.

THE MEETING CLOSED AT 11.30 am

PWYLLGOR CYNLLUNIO
CYFARFOD: 19eg Hydref 2011
Eitem: 5

PLANNING COMMITTEE
MEETING – 19th October 2011
Agenda Item: 5

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 16th November 2011
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ITEM NO: 1

WARD NO: Denbigh Upper / Henllan

APPLICATION NO: 28/2011/0483/ PF

PROPOSAL: Change of use of part of former abattoir to form a brewery including siting of 2 no. foul water storage tanks

LOCATION: Bryn Llyfannan Denbigh Street Henllan Denbigh

APPLICANT: Mr Meirion Jones

CONSTRAINTS: 250m Of Landfill Site

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

CONSULTATION RESPONSES:

HENLLAN COMMUNITY COUNCIL

'1. Members support the objections made by local residents to the application as per the attached letter.
2. Members are concerned of the smell that the proposed brewery would create.
3. Members feel that such an application should be located within an Industrial estate which does not exist in Henllan'.
(The letter refers to resident concerns over amenity impact, drainage, highways, and precedent)

In relation to the revised plans:

'The Council has no further observations to make on the above planning application and plans' .

ENVIRONMENT AGENCY

No objections to the principle of the proposal but recommend the imposition of a condition in the event of any approval to cover the detailing of proposals for disposal of foul and surface water, and waste.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE

When assessing a site takes into account the existing use which in this case was a busy abattoir served by a road which is wide enough to accommodate two vehicles passing. The proposed traffic generation will be low even if production of 30 barrels a week is achieved after 3 years, and therefore taking all this into account has no objection.

POLLUTION CONTROL OFFICER

Is aware of similar premises operating in adjacent local authorities with no known problems. Does not consider odour abatement necessary but suggests controls over hours/days of operation.

RESPONSE TO PUBLICITY:

To revised plans:

Ms Stubbs, Hill View, Hen Lon, Henllan
Mr Hesselting, Dol Y Maen, Ochr y Bryn, Henllan
Mr Osian Evans, Annedd Wen Crud yr Awel, Henllan
B. H. & O. Evans, Crud yr Awel, Ochr-y-Bryn, Henllan
G & E. Evans, Bryn Parc, Henllan
C. Roberts, Trigfan, Henllan

To original plans:

B. H. & O. Evans, Crud yr Awel, Ochr-y-Bryn, Henllan
Mr Ian Stubbs, Tan y Bryn, Hen Lon, Henllan
Mr Osian Evans, Annedd Wen Crud yr Awel, Henllan
Mr Gordon Owen and Alys Owen, Ael Y Bryn, Henllan
H. Roberts, 19, Denbigh Street, Henllan (e-mail)
A petition with 18 signatures from 13 addresses (4 of them are also above)

Summary of planning based representations:

Amenity Impacts

- Concern about the odour generated by the use

Drainage

- Suitability of existing soak away system and temporary use of external tanks

Highways

- Future intensification of use
- Suitability of highway network to cope with additional vehicular traffic

EXPIRY DATE OF APPLICATION: 10/07/2011

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 Planning permission is sought for the change of use of part of a former abattoir to form a micro brewery, at Bryn Llyfannen, Denbigh Street, Henllan. Two foul water storage tanks also form part of the proposal, as does a flue to vent steam from the brewing process.
- 1.1.2 It is intended the brewery would operate from 0700-1900 hours Monday to Friday. Deliveries would take place between 0900-1700 which would consist of one delivery van leaving and returning to the site up to twice a day.
- 1.1.3 Initially the applicant has confirmed that the brewery is proposed as a ten barrel plant as it is intended to produce 10 British barrels (equivalent to 1650 litres) of beer a week, which equates to 1 brew a week. It is understood the main 'active' processes of steeping and boiling would each last 1 hour in total. By the third year, the applicant envisages that 30 barrels of beer would be brewed, which would require 3 brews a week.
- 1.1.4 At the initial phase of development it is proposed to direct all waste water to two holding tanks which would be sited to the front of the unit, and would have a combined capacity of 11000 litres. If the business expands it is intended to introduce a treatment system for waste with soakaways for treated water. A separate permit would be required from the Environment

Agency in relation to these arrangements.

1.2 Description of site and surroundings

1.2.1 The site is to the immediate south of Henllan village, and is accessed off Denbigh Street. The site is surrounded by a section of trees to the immediate north and a small hillside, whilst the remainder of the site is surrounded by open fields. The nearest dwellings which abut both Denbigh Street and Ochr y Bryn are approximately 65m away.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside the development and conservation boundary of Henllan.

1.4 Relevant planning history

1.4.1 The site was formerly used as an abattoir, which the applicant indicates ceased to operate in 1985. The most recent planning applications connected to this use are contained in the Planning History Section, and include use of part of the former abattoir office as a dwelling.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 28/553/97/PF, Change of use of office to dwellinghouse, Bryn Llyfannen, Henllan, GRANTED 30.07.1997

39/11940, Part demolition & rebuilding of food processing plant, GRANTED 28.06.1991

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Policy GEN 3- Development outside development boundaries

Policy GEN 6- Development control requirements

Policy ENP 4- Foul and surface water drainage

Policy EMP 5- Small scale employment development outside development boundaries

Policy TRA 6- Impact of new development on traffic flows

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales, (Edition 4, February 2011)

4. MAIN PLANNING CONSIDERATIONS:

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

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Impact on residential amenity

4.1.4 Drainage and waste disposal

4.1.5 Impact on highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 seeks to limit development outside development boundaries to exceptional circumstances. The exceptions include development in connection with the diversification of the rural economy.

Policy EMP 5 is the policy most relevant to the change of use of use to form a brewery. The policy permits small scale employment outside development boundaries provided that the proposal involves converting an existing building. As the proposal seeks to utilise convert an existing building, it is considered the principle of the proposal is acceptable in terms of policy. The detailed impacts of the proposed use are assessed in the following sections.

4.2.2 Visual and landscape impact

Policy GEN 6 part i) seeks to ensure that development respects the site and surrounding in terms of siting, layout and design.

It is proposed that the existing building would be utilised to accommodate the use, with no external alterations, apart from the addition of a flue on the building.

The two storage tanks and flue are considered to be appropriately sited and of a minor scale so as not to materially harm the surrounding area in visual terms. It is therefore considered the proposal meets the requirements of policy GEN 6 part i).

4.2.3 Impact on residential amenity

Policy GEN 6 part v) seeks to ensure that development does not unacceptably harm the amenity of surrounding occupiers by way of increased activity and fumes.

There are concerns from the Community Council and local residents regarding odour and possible future intensification of use. Following discussions with the applicant and submission of additional details, the County's Pollution Control Officer is satisfied the proposal would not lead to any material harm to residential amenity.

On the basis of the Pollution Control Officer's comments, officers consider that the hours of operation can be controlled by condition and the proposal meets the requirements of policy GEN 6 part v).

4.2.4 Drainage and waste disposal

Policy ENP 4 seeks to ensure that development provides satisfactory arrangements for the disposal and treatment of foul and surface water.

There are concerns from the Community Council and local residents. The use of external tanks is considered a temporary means of handling waste water generated by the brewing process, and the full details of the longer term treatment system and soakaway would need to be detailed up to satisfy the Environment Agency. The Agency has confirmed they would be satisfied at the inclusion of a condition to cover this matter.

On the basis of the Environment Agency's comments, it is considered the proposal meets the requirements of policy ENP 4, subject to suitable conditions. The Environment Agency has a separate licensing process which

the applicant would have to comply with before operations are allowed to proceed.

4.2.5 Impact on highway safety

Policy TRA 6 seeks to ensure that development does not unacceptably affect the safe and free flow of traffic, and traffic conditions and the surrounding road network are satisfactory.

There are concerns from the Community Council and local residents. The proposal involves the use of the existing access onto Denbigh Street. Considering the width of the roads leading to the site, the intensity of use proposed, and the previous use of the site as an abattoir, the Highways Officer does not consider the proposal would give rise to traffic volumes which would impact on the surrounding highway network. The Highway Officer suggests a condition is attached to ensure a scheme for parking any vehicles on site is agreed and retained.

On the basis of the Highway Officer's comments, it is considered the proposal meets the requirements of policy TRA 6.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal seeks to convert part of a former abattoir to form a micro brewery. The proposal is considered to meet the basic requirements of policy EMP 5 by utilising an existing building for employment use. Considering the intensity of the former and proposed use of the site, and the consultation responses, officers consider the proposal would not lead to a material harm to the amenity of residents or give rise to unacceptable highway impacts. Therefore, subject to the inclusion of conditions, it is recommended that planning permission is granted for the proposal.

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 of vehicles in accordance with a scheme to be agreed in writing by the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.
3. The development hereby permitted shall not be commenced until the detailed arrangements for the proposed means of disposal of effluent from the brewery process has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved before any brewing operations are carried out.
4. The hours of operation of the brewery, including deliveries, shall be restricted to between the hours of 0800-1900 Monday to Friday, and there shall be no operation on Saturdays, or Sundays.

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. To prevent pollution of the water environment.
4. In the interests of the amenities of occupiers of residential properties in the locality.

NOTES TO APPLICANT:

None

ITEM NO: 2

WARD NO: Bodelwyddan

APPLICATION NO: 40/2011/1157/ PF

PROPOSAL: Erection of new pathology and bulk stores building, mortuary, energy centre, and associated accesses, parking, service yards, landscaping, and drainage arrangements; and temporary contractors site huts and car parking (partly in retrospect)

LOCATION: Glan Clwyd Hospital Rhuddlan Road Bodelwyddan Rhyl

APPLICANT: Betsi Cadwaladr University Health Board

CONSTRAINTS: Main River

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

CONSULTATION RESPONSES:**BODELWYDDAN TOWN COUNCIL**

No comments received at time of drafting report.

COUNTRYSIDE COUNCIL FOR WALES

Does not object to the proposals.

- No effect on statutory protected sites of ecological, geological, or geomorphological interest.
- Surveys of protected species have been completed to a satisfactory standard to inform the decision making process. Recommend implementation of the recommendations in the ecological report. External lighting should be directed away from the western hedgerows which may be used by 'commuting' bats.
- Landscaping should avoid introducing invasive non-native species.

WELSH WATER/DWR CYMRU (WW/DC)

Request addition of conditions and advisory notes to safeguard the environment and WW/DC's assets, including separate foul and surface water systems.

ENVIRONMENT AGENCY WALES

Recommends suitable condition requiring approval of surface water regulation system, and details of the operation of the Energy Centre building.

CLWYD-POWYS ARCHAEOLOGICAL TRUST

No indication of a continuing archaeological potential has been revealed by a desktop study, walkover survey or a controlled strip with watching brief. No additional archaeological intervention is required.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

- Archaeologist
No objections.
- Biodiversity Officer
Response awaited.

- Head of Transport and Infrastructure
No objections.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Summary of planning based representations:

EXPIRY DATE OF APPLICATION: 16/11/2011

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application contains details of a number of developments proposed on 3.6 hectares (9 acres) of former agricultural land to the west of the main Glan Clwyd Hospital complex in Bodelwyddan.

1.1.2 The main elements of the scheme are:

- a new pathology department building (gross floorspace 2352 square metres)
- a new mortuary building (419 square metres)
- a new bulk stores building (328 square metres)
- a new energy centre building
- temporary permission for retention of contractor's site huts and associated car parking.

The site plan at the front of the report shows the proposed layout and relationship with the existing hospital development.

1.1.3 The application is submitted by The Design Buro Ltd., as agents acting on behalf of the Betsi Cadwaladr University Health Board. The application forms indicate the land is in the ownership of the applicants.

1.1.4 The proposed pathology and stores building would be accessed off a service yard and turning area leading from a short spur road linking to one of the existing service roads running around the western part of the hospital complex. The mortuary and energy centre would be accessed separately off its service road. The contractor's car park is immediately to the north, and a recently developed staff car park immediately to the south.

1.1.5 Typical elevations of the main buildings are included at the front of the report.

- The Pathology/stores building would be a 2 storey unit with associated service links to the energy centre, a number of flues/louvers projecting above the main roof surface, roof lead screens and acoustic barriers. The design approach is referred to as 'modern' with distinctive vertical panelling, and a strip of coloured 'ribbon' windows punched into the cladded façade.
- The Mortuary building would be single storey with plant located on the roof, acoustic screening at roof level, and would incorporate features common to the Pathology building with coloured vertical cladding and a horizontal window band.

- The Stores building would be single storey, located in the service yard and linked to the Pathology building, with design features as described above.
- The Energy Centre building should be single storey and form part of the mortuary building with design features as described above.
- The site huts are already in place alongside the access road, along with the temporary car park. These have been present in connection with other extensions to the Hospital complex.

1.1.6 Drainage proposals include connection to the existing foul sewer system serving the Hospital, which is linked to a number of pumping stations. The intention over disposal of surface water is to construct an underground storage/attenuation tank discharging to the stream running along the western boundary of the site.

1.1.7 The application is accompanied by a detailed Design and Access Statement, and a series of appendices, including a Habitat Survey, Amphibian Conservation Plan and Reasonable Avoidance Measures, an Archaeological desktop assessment, Ground Investigation report, Flood Risk Assessment, Drainage information, a Travel Plan, an Acoustic Report, and a Geological/Hydrological/Hydrology Study.

1.1.8 Relevant points in the supporting documents are:

In the Design & Access Statement:

- The Glan Clwyd Hospital is the main regional health facility serving Denbighshire and parts of North Wales.
- There remains limited land within the confines of the developed site to enable expansion of the hospital, hence the proposal to use land safeguarded for this purpose in the Unitary Plan.
- The plans form part of the phased Glan Clwyd Hospital Redevelopment Project, which includes full removal of asbestos materials and improved fire compartmentation.
- The Pathology and mortuary buildings are proposed to 're-provide and consolidate' the existing pathology and mortuary services located in existing buildings.
- The central bulk store is located as part of the development with easy access for deliveries and distribution to the main hospital.
- The Energy Centre would serve all three new buildings.
- The Contractor's Car park and cabins are required for the duration of the redevelopment project, which is indicated for completion in 2018.
- The Glan Clwyd masterplan has been developed following extensive appraisal of current services and the most effective means of delivering an efficient, quality service.
- The proposals are considered to be compliant with the policies of the Unitary Development Plan, including Policy CF2 which safeguards land for the expansion of the hospital.

- There has been detailed consideration of issues of character, appearance, scale, parking, design, landscaping, ground conditions, biodiversity, archaeology, drainage, waste handling and sustainable building standards.

In the Acoustic Report

- There is acceptance of the need to control plant noise in accordance with standard practice, in relation to nearby hospital buildings and residential property, and it is anticipated that any consent would contain appropriately worded conditions.

In the Habitat Survey and Amphibian Conservation Plan

- Survey work did not establish the presence of Great Crested Newts, but it is accepted from previous exchanges with CCW on nearby development that precautionary measures need to be undertaken. These are detailed in the recommendations section of the Habitat Survey and Conclusions of the Conservation Plan document.

In the Archaeological Assessment

- The site shows no substantial evidence of archaeological features and no surface finds were recovered during the walkover survey.

In the Flood Risk Assessment

- The site is not in a recognised Flood Zone as identified on the TAN 15 Development Advice Maps.
- Ground water investigations reveal water at differing depths but drainage ditches control groundwater to a maximum level.
- Suitable surface water disposal and storage arrangements would need to be detailed “to ensure flood protection is provided for the 1 in 100 year plan climate change design event”.

In the Travel Plan

- There has been a Travel Plan for the Hospital since 2004.
- An updated Plan was produced in 2009.
- The updated plan sets out a range of objectives, targets, and measures to promote more sustainable means of travel, to reduce reliance on the private car, and to make a development more accessible to all users. It takes into account the removal of visitor parking charges in October 2010, including the promotion of public transport and management of parking on site.

- 1.1.6 Information on the application forms confirms that it is not envisaged there would be an increase in the number of persons employed on a full time basis as a result of the proposals (the numbers are stated to remain the same, at 115 full time equivalent employees). Operating hours of the buildings are stated as : Pathology – Full Service 0800 – 2000, Out of hours 24 hours; Mortuary 0800-1700 and Stores 0700 – 1630. The total gross floorspace to be created would be 3571 square metres.

1.2 Description of site and surroundings

- 1.2.1 The site edged red on the submitted plans is a relatively gently sloping area of former agricultural land immediately to the west of the hospital complex. There is an existing 33kv overhead line running south east – north west across part of the site but this is not affected by the proposals.
- 1.2.2 The site contains the contractor's temporary site huts and an associated parking area, and a 'balancing' pond in the north west corner which relates to the surface water drainage system for a 350 space staff car park area abutting the southern boundary of the site.
- 1.2.3 The substantial existing hospital complex borders the eastern boundary of the site. The main buildings are up to 5 storey in height but drop down to 2 or single storey towards the site boundaries. Land to the west and north is in agricultural use, and to the south of the existing large car park is the recently developed Ffordd Parc Castell housing development (the boundary of which is approximately 70 metres from the nearest boundary of the application site).

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site lies within the development boundary for Bodelwyddan, and an area safeguarded in the Unitary Development Plan for the possible expansion of Glan Clwyd Hospital, and is subject to Policy CF2 of the plan. The text to the policy explains that the land has been safeguarded to provide for any possible future requirements arising from the Hospital Trust, and in particular built development rather than operational requirements such as car parking.

1.4 Relevant planning history

- 1.4.1 The department's records show no history specific to the site proposed for this development. The land immediately to the south has been the subject of an application for a staff car park, granted permission in early 2009. This involved the creation of a surface water balancing pond in the north west corner of the site.
- 1.4.2 There has been a long history of applications relating to the main hospital itself, involving a range of extensions providing specialist facilities, office and servicing accommodation.

1.5 Developments/changes since the original submission

- 1.5.1 None.

2 **DETAILS OF PLANNING HISTORY:**

- 2.1 Of relevance to the site – land adjoining the southern boundary.

40/2008/1198=5/PF

Construction of a temporary car park and associated access road for staff use – GRANTED 09/03/2009 at Planning Committee.

3 **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- Policy STRAT 1 - General
 - Policy STRAT 6 - Location
 - Policy STRAT 13 - New development
 - Policy STRAT 16 - Community facilities and benefits
 - Policy GEN 1 - Development within development boundaries
 - Policy GEN 6 - Development control requirements
 - Policy ENV 6 - Species protection
 - Policy CF1 - Community Facilities – general
 - Policy CF2 - Hospital Sites (Safeguarding land for Glan Clwyd Hospital)
 - Policy ENP 4 - Foul and surface water drainage
 - Policy TRA 6 - Impact of new development on traffic flows
 - Policy TRA 9 - Parking and servicing provision

- 3.2 Supplementary Planning Guidance
- SPG 2 - Landscaping in New Developments
 - SPG 6 - Trees and Development
 - SPG 18 - Nature Conservation and Species Protection

- 3.3 GOVERNMENT GUIDANCE
Planning Policy Wales as revised

4 MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology/nature conservation
- 4.1.5 Drainage
- 4.1.6 Highways/parking
- 4.1.7 Sustainability
- 4.1.8 Inclusive design

Other matters

None.

- 4.2 In relation to the main planning considerations:

4.2.1 Principle

The Strategic policies of the Unitary Plan and GEN 1 seek to concentrate new development in existing settlements, subject to the consideration of environmental impacts. CF1 is specific to the provision of new and improved community facilities, and permits these provided they are located to serve the local population, accessible to non car users, and are within development boundaries. CF2 relates to the Glan Clwyd Hospital site and states that the land shown on the proposals map of the Unitary Plan is safeguarded for the expansion of the Hospital.

The proposals for key facilities relating to the functioning of the hospital are considered to be compatible with the general principles of the Unitary Plan's strategic policies, GEN1, CF1 and CF2. The site is within the Bodelwyddan development boundary and allocated specifically for the purpose of buildings associated with the development of the Hospital. The detailed environmental impacts are reviewed in the following sections of the report.

4.2.2 Visual amenity

Considerations relating to the visual amenity impacts of development are contained in Policy GEN 6 of the Unitary Plan, where (i) – (iv) tests require

due regard to issues of scale, siting, form, design, density and intensity of use of land, the impact on the locality, public views into, out of, or across a settlement; and whether development takes account of site contours/levels and avoids prominent skylines.

The Design and Access Statement outlines the approach to the design, scale and appearance of the buildings, which are set in the context of the significant existing Hospital complex, but incorporate a modern approach to use of materials and colours. The nearest residential properties are some 80-90 metres away at Ffordd Parc Castell.

In officers' opinion, the design of the buildings is worthy of support and would not have an adverse visual impact on the locality, including when viewed from residential properties to the south and west. As noted above, the dwellings at Ffordd Parc Castell are some 80-90 metres from the nearest proposed building, and there is a substantial hedgerow on the boundary of this housing site limiting views out towards the application site for many of the occupiers. Dwellings to the west at Bryn Morfa, Bryn Dedwydd and Morfa View are some 400 metres from the site and have limited views of it because of intervening field hedgerows. It is not considered there would be any adverse landscape impacts, given the development would be part of the extensive existing Glan Clwyd Hospital complex.

4.2.3 Residential amenity

Policy GEN 6 (v) sets the requirement to assess the impact of development on the amenities of occupiers of nearby property.

In this case at the closest point, the nearest dwellings at Ffordd Parc Castell are approximately 80-90 metres away from the walls of the proposed energy centre/mortuary building, and slightly further from the pathology buildings. No objections have been received to any potential impact on the amenities of occupiers in this area.

In relation to the physical relationship with nearby dwellings, at the distances involved it is not considered there would be any adverse impacts from overlooking or overshadowing. Service plant/equipment on the roofs of the proposed buildings has the potential to generate noise, and this is recognised in the submission through the inclusion of acoustic screening on buildings and acceptance of the need for condition(s) on any consent to ensure noise levels are controlled to acceptable limits. Officers suggest the latter is an important consideration and that any permission should include appropriate noise level controls.

4.2.4 Ecology/Nature Conservation

Unitary Plan policies, Welsh Government guidance and current legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection.

There are no objections to the proposals from the Countryside Council for Wales on grounds of impact on ecological interests, subject to imposition of conditions to oblige implementation of the recommendations in the Ecology report and controls under external lighting. These are considered likely to protect the diversity of wildlife in and around the site.

The key consultee in relation to ecological interests is satisfied at the information provided and at the potential impacts of the development, hence

it is suggested these matters are capable of being addressed through appropriate conditions if permission is granted.

4.2.5 Drainage

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

Foul water is to be directed to the Hospital's foul sewer system. Surface water is to be directed to a large underground attenuation tank to the west of the proposed buildings, which would store water and release it at a rate agreeable to the Environment Agency into the stream running along the western boundary of the site. Welsh Water/Dwr Cymru raises no objection to the foul water proposals. The Environment Agency state that:-

"Under the Environmental Permitting Regulations (England and Wales) 2010:

Any waste arising from site for the purposes of the development will be subject to waste Duty of Care. All waste must be transferred off site by a Environment Agency licensed waste carrier to a permitted treatment/disposal facility. Waste transfer notes must accompany the transfer of all wastes.

If any hazardous waste is produced for removal off site, e.g. asbestos, then the Hazardous Waste Regulations 2005 will apply and consignment notes must accompany the transfer of the hazardous waste.

If any waste is to be used on site as part of the development, then waste exemptions from permitting, or environmental permits may be required for use, storage, treatment and disposal of waste.

Only clean, uncontaminated surface water may be discharged off site into a watercourse".

On the basis of the responses from the key statutory consultees, there are no grounds for concern over the drainage implications of the development. There are no flooding issues to address in this location.

4.2.6 Highways/parking

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development, provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in vi and vii requirements that development does not have any adverse impact on the local highway network, and provides safe and convenient access for a range of users.

The proposals are for the provision of more modern facilities in place of those already present within the complex, and do not involve additional staff members. The Highways officer raises no objections to the proposals.

The highway implications of the proposals are considered to be limited and do not seem likely to have any adverse impacts on the local highway network. The details indicate provision for persons with disability for access to the main buildings.

4.2.7 Sustainability

The Unitary Development Plan General Development Strategy sets the strategic aims of the County Council, and includes as a key objective to ensure development and uses of land are undertaken in a sustainable manner. There are a range of Unitary Plan policies which set a requirement to ensure the unacceptable environmental effects arise from development, and these are dealt with in the preceding sections of the report.

This is not an application which appears to raise significant sustainability issues. The proposals are effectively providing more modern facilities in connection with a long established hospital complex near to the A55, already served by a good highway/transport network. A revised and updated Travel Plan can be conditioned as part of any consent to develop, for example existing arrangements for improvement of public transport usage and links. The development will be designed to achieve a BREEAM 'Excellent' rating, which encompasses measures to reduce energy and water consumption, minimising embodied carbon in buildings, and improving waste handling.

4.2.8 Inclusive design

The requirement for mandatory Access Statements is outlined in TAN 12 design and TAN 18 Transport, 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, along with the Council's document 'Planning and Inclusive design'.

The details with the submission indicate the buildings would be fully accessible for persons with disability.

Other matters

There are no specific archaeological or land contamination issues raised in relation to the proposals.

5 **SUMMARY AND CONCLUSIONS:**

- 5.1 These are significant proposals in the programme for developing the Glan Clwyd Hospital complex.
- 5.2 The proposals are on land to the west of the existing main buildings, specifically designated in the Unitary Plan for expansion of the hospital.
- 5.3 The responses to consultation raise no fundamental concerns over the application. Officers consider the proposals are acceptable in relation to the policies of the Unitary Plan, and should be supported subject to inclusion of appropriate conditions.

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. No development shall be permitted to take place on the external walls or roofs of any of the buildings hereby permitted, including the acoustic screens and louvre/vents, until the written approval of the local planning authority has been obtained to the type, colour and finish of the materials to be used. The development shall take place strictly in accordance with the approved materials.
3. No works of construction shall be commenced until a Construction Method Statement

has been submitted in writing to and approved by the local planning authority. The scheme shall include provisions relating to:

Construction and reinstatement of the temporary site compound on completion of the development.

Soil stripping management.

Surface water drainage during site operations.

Pollution Prevention and Control plan, in particular to demonstrate steps to prevent impacts on the nearby stream and proposals for mitigating and remedying any degradation in the quality of water in the stream.

Traffic Management including HGV routes

Traffic signing along public roads

Hours and days of construction operations.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the local planning authority.

4. No development shall be permitted to commence until details of the surface water regulation system have been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the local planning authority.

5. All planting, seeding, or turfing, comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the completion of the development. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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

7. The development shall only be permitted to proceed in accordance with the recommendations and conclusions of the Habitat Survey and Amphibian Conservation Plan.

8. Notwithstanding the submitted details, no external lighting shall be permitted without the formal written approval of the local planning authority to the detailing of the proposed lighting (including the type, the means and extent of lumination and anticipated spread of light). The scheme shall be implemented strictly in accordance with the approved details.

9. Noise emanating from any plant or equipment used in connection with the operation of the proposed mortuary, pathology, energy centre and stores building shall not be permitted to exceed a LAeq at least 5dB below the lowest background noise levels at the quietest time which the plant or equipment is running, at the nearest noise sensitive properties; and shall not exceed 50dB (A) at any time in external public areas or courtyards of the hospital. (The background noise levels and noise sensitive properties being as set out in Appendix A - SRL Acoustic Report received by the local planning authority on 22nd September 2011).

10. Development shall not begin until a scheme indicating the provision to be made for disabled people to gain access into and within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of gradients of access ways, surfacing, lighting and signage. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

11. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
12. Foul water and surface water discharges shall be drained separately from the site.
13. 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.
14. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.
15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should at least be equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
16. Notwithstanding the submitted Travel Plan, no part of the development hereby permitted shall be brought into use until there has been submitted to and approved in writing by the local planning authority an updated Travel Plan to take into account the proposed development.
17. Construction of any building hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good rating and a minimum of 6 credits under 'Ene1 - Reduction of CO2" Emissions' has been achieved for that individual building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.
18. Prior to the occupation of any of the buildings hereby permitted, a 'Final Certificate' shall be submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good rating and a minimum of 6 credits under 'Ene1 - Reduction of CO2" Emissions' has been achieved for that building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.
19. No development shall be permitted to commence on the Energy Centre building until details of the proposed fuel(s) to be used, means of controlling or preventing emissions on and the method of disposal of waste arising from any part of the process, have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of the amenities of occupiers of residential property in the vicinity, and highway safety.
4. To ensure the construction of a satisfactory surface water system.
5. In the interests of visual amenity.
6. In the interests of visual amenity.

7. In the interests of visual and residential amenity, and to safeguard wildlife interests.
8. In the interests of visual and residential amenity, and to safeguard wildlife interests.
9. In the interests of the amenities of occupiers of nearby residential property and users of the hospital.
10. To ensure appropriate arrangements are in place to allow ease of access by persons with disability.
11. To prevent hydraulic overload of the public sewerage system and pollution of the environment.

12. To protect the integrity of the public sewerage system.
13. 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.
14. To protect the integrity of the public sewerage system, and sustain an essential and effective service to existing residents.
15. To ensure proper steps are taken to contain any spillage of the materials referred to, to prevent pollution of the site and nearby stream.

16. To ensure an up-to-date Travel Plan in connection with the development.
17. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
18. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
19. In the interests of amenity and to ensure no unacceptable emissions from the Energy building.

NOTES TO APPLICANT:

Welsh Water/Dwr Cymru has advised that there are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. Please note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Your attention is drawn to the following advisory notes from the Environment Agency:-

"Under the Environmental Permitting Regulations (England and Wales) 2010:

Any waste arising from site for the purposes of the development will be subject to waste Duty of Care. All waste must be transferred off site by a Environment Agency licensed waste carrier to a permitted treatment/disposal facility. Waste transfer notes must accompany the transfer of all wastes.

If any hazardous waste is produced for removal off site, e.g. asbestos, then the Hazardous Waste Regulations 2005 will apply and consignment notes must accompany the transfer of the hazardous waste.

If any waste is to be used on site as part of the development, then waste exemptions from permitting, or environmental permits may be required for use, storage, treatment and disposal of waste.

Only clean, uncontaminated surface water may be discharged off site into a watercourse".

ITEM NO: 3

WARD NO: Tremeirchion

APPLICATION NO: 41/2011/0741/ PO

PROPOSAL: Development of 0.09 hectares of land for erection of 5 No. dwellings with associated parking and amenity areas (Outline application including access, layout and scale)

LOCATION: The Paddock Adjoining Downing Arms Mold Road Bodfari Denbigh

APPLICANT: Mr C & C Taft

CONSTRAINTS: B Flood Zone
C2 Flood Zone
AONB

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

CONSULTATION RESPONSES:**BODFARI COMMUNITY COUNCIL**

The Community Council has no objections to the plans as long as DCC are satisfied about the flood risk and that the land is outside of the existing planning boundary. It was noted that the Community Council would not support anything other than affordable housing being developed there'

AREA OF OUTSTANDING NATURAL BEAUTY AREA JOINT ADVISORY COMMITTEE

"The JAC notes that the site is outside the current UDP Development Boundary for Bodfari and has not been included in the Deposit Draft LDP boundary for the village. In this context the JAC objects to the principle of development of this land, which represents an unacceptable extension of the existing developed area into the open countryside, could set a damaging precedent which would lead to further development to the south of the A541, and will impact on the enjoyment of users of the nearby Offa's Dyke National Trail.

Whilst the JAC commends the applicant in seeking to develop affordable homes to be controlled by a social landlord, the committee does not consider this to be an appropriate exceptions site for such development and is of the view that there are more acceptable sites for affordable homes elsewhere in the village."

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

Confirms that there are no archaeological impacts likely to arise from the development proposals.

WELSH WATER/DWR CYMRU

Requests standard conditions regarding separation of foul and surface water drainage, and highlight the existence of a public sewer crossing the site, with no part of buildings to be permitted with 3 metres either side of the centre-line of the sewer.

COUNTRYSIDE COUNCIL FOR WALES

Objects, unless additional information is submitted to allow full assessment of impacts.

Comments on detailed matters relating to the following;

- (i) Protected sites - the site lies within the Clwydian Range Area of Outstanding Natural Beauty; is adjacent to a public right of way, which forms part of the Clwydian Way; lies outside the development boundary for Bodfari, and contrary to policy HSG 11 point (l). Notes that adequate screening could mitigate AONB landscape impacts, the application fails to comply with this policy, and lies within open countryside.
- (ii) Protected species – given the context, requests that badger, water vole and otter surveys are undertaken, in order to rule out possible adverse effects. The application should not be determined unless an appropriate and satisfactory ecological survey is submitted. If the application site supports a European Protected Species, the development may only proceed with a license issued by WAG, which can only be issued for certain purposes. Highlights the need to take into account the licensing issues; and if the presence of any protected species are found, the requirement to consider compensation, mitigation and reasonable avoidance measures.

ENVIRONMENT AGENCY

Provided amended plans are referred to in any planning permission, no objections.

WELSH GOVERNMENT – SUSTAINABILITY AND ENVIRONMENTAL EVIDENCE DIVISION

Confirms that the Provisional Agricultural Land Classification (ALC) Map shows this site as Grade 3, with a moderate probability that the site will contain Best Most Versatile (BMV) Land. Mentions that BMV land might not be present over the entire site, but given local climatic limitations, the site is limited to no better than ALC Grade 3a. It is expected that the site will be a mosaic of sub-grades 3a and 3b. The results of 1983 survey data, 300m NE of the site on the same soil type, lends weight to this assessment. In effect, while the conditions exist for the presence of BMV land, there may be specific site limitations influencing the final grade which can only be assessed by commissioning a full ALC survey under the MAFF 1988 Guidelines. If the information provided above is not enough when taking account of Planning Policy Wales 4.9.1. the LPA may wish to commission or require the Developer to commission an ALC survey to determine the final grade. Should a survey be commissioned, the Welsh Government remains available to validate any survey.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

DRAINAGE ENGINEER

No surface water drainage details are shown for the proposal, and if it is intended to connect to the river, steps are likely to be required to attenuate the flow.

TREE CONSULTANT

Advises that a number of trees including common alder and ash substantially overhang the site, with one tree appearing to lie on the field side of the fence adjacent to the river. Considers that a full tree survey is required, including a clear indication of the necessary Root Protection Area and Tree Protection Plan.

Notes a presence of badgers on the site and that there is recent evidence of otter on

the river adjacent, and that a substantial length of good quality hedge would be removed to facilitate this proposal.

BIODIVERSITY OFFICER

Objects on the basis that insufficient information has been submitted to assess the ecological impact of this proposal on the favourable conservation status of protected species and/or habitats.

The main concerns are:

- (i) The proximity of the site to the River Wheeler which is known to support populations of water vole, a protected species under the Wildlife and Countryside Act. A water vole survey will be required. Any ditches on or adjacent to the site may also support water voles.
- (ii) There are a number of badger records in the vicinity and suitable habitat on and adjacent to the site. A badger survey will be required.
- (iii) Various bat species are also present in the area and could use the site for commuting and/or foraging, as well as using nearby trees for roosting. A bat survey will be required, including an activity survey.
- (iv) An extended phase 1 survey will also be required to assess the importance of habitats on site and to highlight potential for any other protected species.
- (v) It is impossible to make sweeping statements such as that in Section 5 of the Sustainability Appraisal (Appendix B) of the DAS Highlights that this to be incorrect and looking at the CCW website alone cannot provide this information. Ecological surveys as described above will need to be undertaken by appropriately experienced and licensed ecologists at the appropriate time of year.

AFFORDABLE HOUSING OFFICER

The land in question is a departure site, which will only be considered for development if there are exceptional circumstances, and only when no feasible or suitable alternative sites or opportunities exist within the development boundary which are suitable for development. A number of points are highlighted.

- (i) Planning applications - there have been a number of planning applications on sites in the area (4) which are within the development boundary and have potential for residential use, which could provide affordable housing.
- (ii) RSL - the proposal is to be offered to a Registered Social Landlord (RSL). Has the developer approached any of the local housing associations? To enable an RSL to purchase a scheme of this size, Social Housing Grant Funding (SHG) would be required from the Welsh Government as RSL private finance is very limited. Currently the SHG funding is minimal and has already been allocated to schemes over the next three years. There has been provision of affordable housing within Bodfari over the last few years and therefore it is unlikely that an RSL would be looking to purchase more properties in that area. This also means SHG funding has already been recently awarded to this area and it is unlikely to be awarded again in the near future.
- (iii) Need in the area - according to evidence on DCC waiting lists, need is fairly low for both social housing and affordable housing. (Social Housing Waiting List and Affordable Housing Register).

HEAD OF TRANSPORT & INFRASTRUCTURE

Objects:

- (i) The proposed development would be likely to result in a material increase in the volume of traffic turning right into the site at a point where inadequate forward visibility from and of vehicles is available with consequent risk of additional danger to all users of the highway.
- (ii) The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road and interference with the free flow of traffic.
- (iii) The remoteness of the parking area from the development it serves would be likely to result in parking on the highway, with consequent additional danger to all users of the road and interference with the free flow of traffic.

RESPONSE TO PUBLICITY:

Letters of representation received from:

P. & L. Harrington, 2, Victoria Terrace, Bodfari

Mrs. S. Butler, Pandora, 3, Victoria Terrace, Bodfari

Mr. J. T. Williams, Ty Cerrig, Bodfari

Summary of planning based representations:

Planning policy – the site lies outside the development boundary/ precedent.

Landscape – the site lies in an area designated as an Area of Outstanding Natural Beauty/ proposal would change the appearance of the village/ suburbanisation/eroding the character of the village.

Highway – would create a significant increase in vehicle activity, on an existing dangerous part of the A541, where several accidents have occurred / vehicular access would be within 50 metres of a dangerous bend/ the adjacent highway is very busy.

Tourism/economy – detrimental to tourism given nearby Offa's Dyke, which needs special consideration / growth of small conurbations not contributory to tourism and agriculture

Flooding - the land is subject to severe flooding/ land boggy in summer/ until recent years, central part of field floods every winter/ the River Wheeler frequently floods, in 2002 especially.

Affordable housing - Tai Clwyd's affordable housing in Bodfari have apparently had difficulties generating sufficient local interest/need to build further affordable homes/ this is not an application by an RSL

Agricultural land – contrary to the application information, the land is grazed for sheep/cattle.

Nature conservation and protected species – trees with herons and otters on riverbank, understood to be protected.

Community facilities - no longer a village shop serving the community.

EXPIRY DATE OF APPLICATION: 18/10/2011

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission, with appearance and landscaping reserved for future approval for a residential development comprising of a terrace of five (5 No.) dwellings on land adjoining the southerly boundary of the Downing Arms, Bodfari.
- 1.1.2 The application includes a site layout plan with the terrace of dwellings shown on a north west – south east axis, with a new vehicular access point direct onto the adjoining highway (A541). A car parking and turning area is illustrated on the southerly part of the site.
- 1.1.3 The application includes indicative elevation and floor plans. The proposed elevation plans indicate a standard design approach, with natural slate roof and self coloured render, with photovoltaic panels indicated on the rear elevations. Floor plans indicate 2 bedroomed accommodation with an overall (ground and first floor) floorspace of 72 sqm. The ground floor includes a sitting room; breakfast and dining area, and cloak room. The layout includes rear garden areas for each dwelling.
- 1.1.4 The application form highlights foul sewage to be disposed via the mains system; that a Flood Consequences Assessment is required and surface water is to be disposed of via a sustainable drainage system, and that the last use of the site was a paddock.
- 1.1.5 The supporting information includes a Design and Access Statement; In brief, this includes reference to; character, including amount of development (referring to the flood evaluation report), layout, scale , appearance and landscaping; AONB considerations; physical, social and economic context; access; community safety; that the requirements for the environmental sustainability of the proposal is included in an appendix (which is given the title of ‘ Code for Sustainable Homes’ and ‘LDP Candidate Site Sustainability assessment’); movement to, within and from the development. The Code for Sustainable Homes appendix confirms that an accredited code assessor will be appointed, and lists a series of objectives for the approach.

1.2 Description of site and surroundings

- 1.2.1 The site lies adjacent to the southern boundary of the Downing Arms and currently forms half of a paddock area. The site is at a lower level than the adjacent highway, the A541, which runs to the west of the site, with the River Wheeler on the east of the site. A hedge and a number of trees run along the length of the site’s easterly boundary.
- 1.2.2 To the south west, across the ‘A’ Road, lies a row of cottages, known as Victoria Terrace. Adjoining the paddock area to the south, is a public footpath

and open field areas. A fence line separates the existing paddock area and the public footpath.

- 1.2.3 There is an existing vehicular access point onto the A541 highway which serves the site on its south westerly side, near the Offa's Dyke public footpath.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies in the Clwydian Range AONB and within 100 metres of the Offa's Dyke public footpath. The site lies outside the UDP development boundary for Bodfari. A map showing the current UDP boundary, together with the AONB boundary, and the Offa's Dyke footpath is included at the front of this report.
- 1.3.2 Current available information identifies the land as potentially Grade 3, with neighbouring land as Grade 2. Agricultural Land Quality.
- 1.3.3 The site is located within the 'Vale of Clwyd' Historic Landscape area, in a sub area described as 'Aberchwiler and Bodfari' in the CPAT register of Historic Landscapes.

1.4 Relevant planning history

- 1.4.1 A full planning application relating to the erection of three dwellings, which included the current planning application site, was refused in 2005 for three reasons, detailed in the planning history section of this report (outside development boundary/no exceptional need, visual impact in AONB, and unsympathetic design).
- 1.4.2 The 2005 planning application was determined on the basis that the proposal was a 'departure' from the development plan. The development boundary is the same as that in place at the time of determining the 2005 planning application.

1.5 Developments/changes since the original submission

- 1.5.1 Subsequent to the Environment Agency response the agent submitted an additional site plan which he has confirmed should be included as part of the list of drawings and information to be considered with the current planning application.

1.6 Other relevant background information

- 1.6.1 A formal request for additional information to address a number of issues raised by consultees has been made by officers. The agent has confirmed that the application should be determined on the basis of the submitted information.
- 1.6.2 The application has been advertised as one which is a 'departure' from the current adopted Unitary Development Plan.

2. DETAILS OF PLANNING HISTORY:

- 2.1.1 Code 41/2004/1407/PF
Erection of 3 No. dwellings and alterations to existing vehicular access – REFUSED - 17/05/2005. The application was dealt with under Officers' delegated powers.
The reasons for refusal were:

'1. It is the view of the Local Planning Authority that the erection of dwellings

on the site outside the development boundary for Bodfari would lead to an unsatisfactory form of sporadic, scattered and loosely related development in the countryside. The proposal does not fall within the exceptions allowed for such development in the Unitary Development Plan Policy GEN 3, and the development of the site would be in conflict with the Unitary Development Plan Policies GEN 3 and GEN 4 and governmental guidance as contained within Planning Policy Wales March 2002.

2. In the absence of any exceptional circumstances to allow the new dwellings, the proposal would be detrimental to the visual amenities of the designated Area of Outstanding Natural Beauty and is therefore contrary to Policies ENV 2 and HSG 6 of the Denbighshire Unitary Development Plan and governmental guidance as contained within Planning Policy Wales March 2002.

3. The design is not considered sympathetic to a sensitive location within the Clwydian Range Area of Outstanding Natural Beauty and is contrary to Policies GEN 6 and ENV 2 of the Denbighshire Unitary Development Plan, and governmental guidance as contained within Planning Policy Wales March 2002.'

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Strategic Policies

1 - General; 2 - Energy; 5 - Design; 6 - Location; 7 - Environment; 13 - New development; 15 – Housing

Policy GEN 3	-	Development Outside Development Boundaries
Policy GEN 4	-	Scattered Development Outside Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 8	-	Planning Obligations
Policy GEN 10	-	Supplementary Planning Guidance
Policy EMP 4	-	Foul and Surface Water Drainage
Policy HSG 5	-	Groups of Houses in the Open Countryside
Policy HSG 6	-	New Dwellings in the open countryside
Policy HSG 11	-	Affordable Housing for Local Needs in Rural Areas
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 2	-	Development affecting the AONB/AOB
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape/Townscape Features
Policy ENV 11	-	Safeguarding of High Quality Agricultural Land
Policy TRA 6	-	Impact of new development on traffic flows
Policy TRA 9	-	Parking and servicing provision

Supplementary Planning Policy – Local Needs - Adopted July 2007

Supplementary Planning Guidance

SPG 4 Recreational Open Space

SPG 6 Trees and Development

SPG 8 Access for All

SPG 15 Archaeology

SPG 18 Nature Conservation and Species Protection
SPG 21 Parking Requirements In New Developments
SPG 22 Affordable Housing in New Developments
SPG 26 Residential Space Standards

Other Relevant Council publications/documents

Local Biodiversity Action Plan
Denbighshire Landscape Strategy
Access for All
Access Statements

GOVERNMENT GUIDANCE

Planning Policy Wales as revised
TAN 2 Planning & Affordable Housing
TAN 5 Nature Conservation and Planning
TAN 6 Agricultural and Rural development
TAN 15 Flooding and developments
TAN 12 Design (as supplemented)
TAN 18 Transport
TAN 22 – Sustainable Buildings

Circular 35/05 – The Use of conditions in planning permissions
Circular 13/97 – Planning Obligations

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Agricultural Land quality
- 4.1.3 Visual and landscape impact
- 4.1.4 Residential amenity and privacy.
- 4.1.5 Highways
- 4.1.6 Nature conservation and protected species
- 4.1.7 Flooding and drainage
- 4.1.8 Inclusive design
- 4.1.9 Trees
- 4.1.10 Archaeology
- 4.1.11 Sustainable Design and Code for Homes.

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site lies in an open countryside location, where special circumstances have to be established to justify residential development to meet the aims and objectives of PPW, and the Denbighshire Unitary Development Plan policies.

The UDP strategic policies contain considerations relevant to principles of sustainable development; concentration of development within settlements; regeneration, redevelopment; integrated transport system; and making provision for housing needs of all sections of the County's population.

Policy GEN 3 sets out possible exceptions for development outside development boundaries. These include housing for farm/forestry workers, infill housing within clearly identifiable groups of dwellings, conversion of rural buildings, affordable housing exceptions, replacement dwellings and development associated with agriculture, tourism and leisure, set against a number of provisos to be read in conjunction with other policies in the plan.

GEN 3 identifies policies HSG 5, HSG 6 and HSG 11 which allow for housing development as exceptions to the restrictive policies.

Policy HSG 5 states that infill development “of one or two housing unit(s) within small groups of houses comprising a clearly identifiable group may be permitted, subject to the proposal satisfying three criteria:

- Comprising the infilling of a small gap between buildings within a continuously developed frontage.
- Does not result in ribbon development or the perpetuation of existing ribbon development.
- Is of comparable scale and size to, and is sited so as to respect adjacent properties and locality.

This policy is amplified further by SPG Note 10. It was recognised with the previous planning application in 2005, that the site does not form a small gap comparable to others, nor does it form part of a group of 6 houses, as detailed in SPG 10, so it can not in officers’ opinion be regarded as ‘infill’.

Policy HSG 6 restricts new housing in the countryside to essential farm or forestry workers where there is a proven essential need on a holding for a key worker to live near or on a farm. The proposal is not arguing a case for agricultural or forestry worker needs.

Policy GEN 4 precludes against further development which involves consolidation of sporadic, scattered or loosely related development, in open countryside.

An exceptional case has to be established to justify overriding Planning Policy Wales and the Unitary Development Plan’s strict policies on development in the open countryside. PPW states that rural housing exception sites are ‘*an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development falling within the terms of the policy. The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged. Affordable housing exception sites are not appropriate for market housing*’.

The current UDP policy ‘ Affordable Housing for Local Needs in Rural Areas, policy HSG 11 – permits housing development for local needs in rural areas in exceptional cases adjoining main or village boundaries, but require specific evidence of need in the area. The Council’s Local Connection Policy, adopted July 2007, sets out a criteria based approach to assess local connections for affordable housing schemes, and the Council’s related Supplementary Planning Guidance 22 provides further detail. The priority is on the provision of Affordable Housing **within** development sites. The application information states that the dwellings will be offered to a Registered Social Landlord. The Council’s Affordable Housing Officer’s response concludes that there is no information to suggest that there is an exceptional affordable housing need which could justify supporting this proposal.

The Community Council have highlighted that support for the proposal is made only for affordable housing purposes. The Clwydian Range Area of Outstanding Natural Beauty Joint Advisory Committee, the Countryside Council for Wales, and individual objectors have also questioned the justification for further affordable housing in the locality.

Taking all the above into account, it is not considered the case is made to support the principle of developing the site for the provision of affordable housing, as an exception to the restrictive policies of Planning Policy Wales and the Unitary Development Plan.

4.2.2 Agricultural Land Quality

UDP policy STRAT1(vii) highlights the need to protect the best and most versatile agricultural land. Policy ENV11 relates to the safeguarding of agricultural land of grades 1,2 and 3a, quality and requires assessment of whether there is an overriding need for the development and whether available lower grade land is available. The policy indicates that development should be directed to land of lowest grade; and that this land loss will only be allowed in exceptional circumstances. ENV 11 is in line with advice in TAN 6 and PPW, which highlight that land in grades 1,2 and 3a is the best and most versatile, should be conserved as a finite resource for the future, and only developed if there is an overriding need for development.

The response from Welsh Government highlights the possibility that the Provisional ALC Map shows this site as ALC Grade 3, with a moderate probability that the site will contain BMV Land, and suggests a full ALC survey under the MAFF 1988 Guidelines would enable a final grade to be established. The applicant's agent has been offered an opportunity to provide further information on this matter but has asked for the application to be determined as submitted.

Given the precautionary tests for Best Most Versatile agricultural land in PPW, TAN 6 and UDP policies, and, the response from Welsh Government, Officers consider that, in the absence of a site specific land grade survey, it is difficult to assess the significance of the proposal in relation to the grade of land and, the extent of best most versatile agricultural land involved. Based on the information submitted, the proposal therefore has the potential to conflict with both national and local planning policy guidance.

4.2.3 Impact on visual amenity

Policy STRAT 7 Environment seeks to control the special character of the County; Policy GEN 6 seeks to avoid unacceptable effect on the landscape form and character. CON 12 seeks to avoid development which would unacceptably harm the character of a historic landscape. ENV 2 seeks to conserve and enhance the Area of Outstanding Natural Beauty. PPW highlights that Local Planning Authorities should consider the implications of developments which are of a scale that they would have more than local impact on an historic landscape area. Historic Landscapes, which are non – statutory, but form part of the historic environment recognised for their distinctive historical landscape character.

The AONB Joint Advisory Committee, Countryside Council for Wales and individual objectors have highlighted the landscape sensitivity of the area, the site's position in the open countryside, within the Clwydian Range Area of Outstanding Beauty, and the Historic Landscape area. The responses raise concerns in respect of unjustified development in the open countryside, which could set a damaging precedent which would lead to further development to the south of the A541, and will impact on the enjoyment of users of the nearby Offa's Dyke National Trail.

The proposal is for a relatively simple form of dwellings. In the immediate locality there is a mixture of both modern and traditional building styles. The use of natural slate and render finish would not be out of keeping with the

area. It would also be difficult to conclude that a terrace of properties would be inappropriate given the existence of Victoria Terrace nearby, subject to the control of detail at a later stage. Officers consider that the overall design approach is acceptable in the context of existing building styles and the proposal would meet the general aims of policy ENV1 and ENV2. A more detailed design assessment would be necessary at a later stage, in the event of planning permission being granted.

4.2.4 Residential amenity and privacy

Planning policies STRAT 1 and 5, together with GEN 6 seek to safeguard privacy and amenity levels for occupiers of both existing and new properties. SPG 26 Residential Space Standards sets out minimum standards for developments to achieve good and inclusive design, and includes minimum floor space standards and private outdoor space or gardens. The minimum floorspace standard for a 2 bedroom property is 65 sqm, with a minimum garden space of 40 sqm.

The nearest residential properties are positioned across the A541. As with the 2004 application, given the relative distances, topography and orientation involved, the proposal is not considered likely to unduly affect the amenity or privacy of occupiers of other residential properties.

As the plans are indicative at this stage, it is difficult to conclude on the acceptability of the development, in relation to the Council's floorspace standards. The proposed rear garden areas average out at less than the 40m² per unit referred to in SPG 26, but the plans do however show small front garden areas, which could bring the total amount close to the standard internal floorspace of the units would be in accordance with the SPG.

Overall the proposal would not seem likely to have adverse impact on residential amenity levels of existing properties, and subject to detailing could achieve the aims of the guidance and related planning policy GEN 6. Any detailed design would have to comply with the Design Quality Standards, used by Registered Social Housing Landlords.

4.2.5 Highways

Policies STRAT 13, GEN 6, TRA 6 and TRA 9 require consideration of the impact of additional traffic, and parking provision. SPG 21 sets out maximum parking requirements in new developments, and includes details of the size and layout of parking spaces.

The proposal includes a new vehicular access point some 34 metres to the south of the existing access which currently serves the Downing Arms public house. Parking provision is illustrated on the plans and includes 5 dedicated spaces for residents and 5 for visitors. The car parking arrangement is separated by a new road and turning area to serve the site. The visitors spaces are positioned directly adjoining the rear of 3 of the residents parking spaces. The remaining two residents spaces are positioned directly adjoining the gable end of the terrace.

Objections have highlighted highway concerns. The Highways Officer has a number of concerns on the proposal, which include the increase in traffic volume; inadequate visibility standards ; inadequate provision for the manoeuvring of vehicles within the site, which may result in vehicles reversing onto or manoeuvring on the highway; and the remoteness of the parking area from the development, all likely to bring about additional danger to all users of the road and interference with the free flow of traffic.

Having regard to the concerns of the Highways Officer, it is considered that the proposal conflicts with the aims of policies GEN 6, TRA 6, TRA 9, and SPG 21.

4.2.6 Nature conservation and protected species

The current legislative and planning policy framework sets a strict requirement on the local planning authority to take into account the potential impact on wildlife and in particular protected species. (Policies ENV 1, ENV 6, ENV 8 and GEN 6; Planning Policy Wales: Habitat Regulations 2010; Unitary Plan Policy and Supplementary Guidance). Significantly, where there are grounds for suspecting the presence of European Protected Species, their presence and potential mitigation proposals should be established before the grant of permission. PPW highlights that the presence of a species protected under European or UK legislation is a material planning consideration, and highlights the need for ecological surveys to be included with planning applications. Additionally, it highlights that it is inappropriate to grant planning permission subject to a condition that protected species surveys be carried out. If there are any reasonable grounds to suspect that EPS may be present, their presence (or otherwise) should be established before planning permission is granted.

There are objections/concerns raised by both the Countryside Council for Wales and County Biodiversity Officer, highlighting the need for relevant surveys and assessments of the potential presence of protected species and the relationship with related habitats. The applicant/ agent has been offered an opportunity to provide relevant information to address the issues, but have declined to do so, requesting consideration of the application on the material submitted.

Given the importance of establishing the presence and significance of protected species as part of the planning assessment, the level of information is inadequate and the proposal does not meet the requirements of the both national and local policies in identifying and safeguarding a potential presence and mitigation plans. The proposal is therefore in conflict with the aims of Planning Policy Wales, Technical Advice Note 5, Unitary Development Plan Policies STRAT 1 (criterion v), STRAT 7 (criterion iii), GEN 6 (criterion 11), ENV 1, ENV 6, ENP 1 (criterion iii) and guidance contained in Supplementary Planning Guidance Notes 6 and 18.

4.2.7 Flooding and drainage

Policies GEN 6 criteria x) ; ENP 1 Pollution, criteria i) ; ENP 4 – Foul and Surface Water Drainage, together with policy ENP 6 – Flooding, seek to control and avoid unacceptable harm to the environment /locality in terms of water , flooding and drainage implications. TAN 15 advises that all new development should be directed away from Zone C flood areas.

Flooding

The Community Council and individual objections have mentioned specific issues regarding the potential for flooding.

Part of the site lies within a Flood Risk C2 Zone. The proposed built development is intended to avoid the flood zone area, which is to the east of the site. The comments received from the Environment Agency are that the proposed layout indicates the houses are to be located outside the flood zone, so there are no flooding objections.

In this context, provided the detailed design stage takes this advice on board, the principle of development is considered to comply with the TAN 15 approach

Foul and Surface Water Drainage

Welsh Water has no objections to the application, subject to detailing and the inclusion of conditions, requiring construction of separate foul and surface water systems. However, their response also highlights the presence of the main sewer on the easterly boundary of the site, in that the dwellings would have to be positioned 3 metres away from this sewer.

In terms of surface water drainage, the application indicates the approach to be via a sustainable drainage system. The Council's Drainage Engineer notes there are no details submitted and there may be a need to accommodate an attenuation system. Any approach which could involve a sustainable drainage scheme is potentially limited to the area indicated for car parking provision and/or land outside the application site, but within the control of the applicant. The applicant/ agent has been offered an opportunity to submit relevant details to demonstrate how the drainage may be achieved, but has asked that that the application be considered as submitted.

Having regard to this background, consideration has to be given to whether specific conditions could be included to control surface water drainage arrangements. It is considered that a standard condition, in accordance with the TAN 15 approach for Sustainable Drainage systems, can be included, if a permission were to be granted and it would be reasonable to conclude that the proposal is not in conflict with the planning policies relating to drainage.

4.2.8 Inclusive design

The requirement for mandatory Access Statements is outlined in TAN 12 Design and TAN 18 Transport, 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, together with SPG 25 'Residential Development Design Guide' and the Council's document 'Planning and Inclusive design'.

The documents submitted as a Design and Access Statement show a basic approach to inclusive design, and it would be possible to ensure suitable measures are included in any detailed submission, including for example, disabled parking requirements and clear wheelchair accessible routes.

4.2.9 Trees

Policies ENV1 – Protection of the Natural Environment and ENV 7 - Landscape/Townscape Features, together with the accompanying guidance notes 2 and 8 highlight the need to protect and enhance the character of the area and biodiversity of the natural environment. SPG provides detailed advice regarding tree survey requirements, and that consideration should include the effect on root growth in terms of (a) physical damage to service/foundations/walls, and (b) water table/moisture content

The Design and Access Statement mentions the 'extensive tree screening from the rear'. The trees lie along the banks of the River Wheeler, comprising of a dense and mature combination of ash and elder, and as noted, by the Tree consultant, many of which overhang the application site. Some of the trees lie within the ownership of the applicant, with others probably in third

party landownership/control. The Tree Consultant response confirms the need for a Tree Survey. Observations from the County Biodiversity Officer also confirm the potential of the trees in connection with bat habitat. Trees also form part of the intrinsic landscape character of the area. The applicant/agent has been offered an opportunity to provide a tree survey to help inform the decision making process but has asked that that the application be considered on the information provided. It is considered that the impact of development on the trees is an important issue and an appropriate assessment should be submitted at this stage to determine the acceptability of the application. Based on the information submitted, it would be difficult to conclude that the proposal complies with the policies and guidance referenced.

4.2.10 Archaeology

Policies STRAT 7, CON 11 and GEN 6, supplemented by SPG 15, requires archaeological implications to be assessed.

The site lies in an Historic Landscape Area and the locality is known to contain archaeological features. CPAT confirm that there are known archaeological interests in this area, but raise no objection as there are no impacts anticipated.

In conclusion, as the proposal does not impact on archaeological features, it would be compliant with the above policy and guidance.

4.2.11 Sustainable Design and Code for Homes.

Planning Policy Wales, together with TAN's 12 and 22 set specific sustainability standards for new buildings in order to reduce their impact on the environment and to tackle climate change. All new dwellings have to meet Code for Sustainable Homes Level 3 and obtain 6 credits under issue Ene 1 – Dwelling Emission Rate. UDP policy STRAT 2 criterion ii) states that new development should be sited, designed and constructed to be as energy efficient as possible. TAN 22 highlights the need for an applicant to carry out a pre- assessment rating that a development may achieve, and that the Design and Access Statement should explain how the design of the development will meet or exceed sustainable building standards. This process involves a full appraisal of the site context, including an understanding of site specific technical and policy constraints. It suggests that developers should investigate ways in which any constraints may be overcome.

The site has not been pre- registered with an Assessor. The submitted information includes a list of potential sustainable design objectives, which it is hoped to achieve, in response to Code Level 3 requirements. However, in the absence of a full site appraisal, it may be that these objectives are aspirational and not practically achievable for the site, ultimately, leading to further design revisions in any, additional, detailed design stage, in the event of a planning permission being granted.

The current outline proposal seeks to reserve only two matters for further approval – appearance and landscaping. On the basis of the submitted information it is difficult to conclude how the proposals can achieve the sustainable building standard policy requirements. Consequently the proposals are not considered to meet the aims of planning policy, and the standards set out in TAN 22.

5. SUMMARY AND CONCLUSIONS:

5.1 The application is a 'departure' from the policies of the Unitary Plan. The Council's Affordable Housing Officer has confirmed that there is no exceptional justification for developing the site in terms of meeting an affordable need. The site is located within the designated Clwydian Range Area of Outstanding Natural Beauty, and may involve high quality agricultural land. Based on the information submitted with the application, it is considered there are impacts relating to nature conservation, trees and highways, which are unacceptable.

RECOMMENDATION: - REFUSE for the following reasons:-

1. The site lies outside the defined development boundary for Bodfari, as defined in the Denbighshire County Council Unitary Development Plan, in an open countryside location where restrictive policies apply in relation to residential development. The site does not lie within a group of dwellings as defined by Policy HSG 5 of the Denbighshire Unitary Development Plan and is not infill development. There is no detailed justification offered in support of the proposal in terms of Policy HSG 6 relating to agricultural or forestry worker's dwellings. The proposal is not justified in terms of the exceptions policies relating to affordable housing for local needs in rural areas in Unitary Development Plan Policy HSG 11, as no specific evidence of need in the area has been demonstrated. The proposal would therefore involve housing development outside the development boundary and would lead to unacceptable development in the countryside, involving high quality agricultural land, setting an unacceptable precedent for similar developments elsewhere in the locality. The application would be contrary to Policies STRAT 1, STRAT 6, GEN 3, GEN 4, ENV11, HSG 2, HSG 11 of the adopted Denbighshire Unitary Development Plan and government guidance within Planning Policy Wales (2011) which seeks to control development in open countryside and on high quality agricultural land.
2. The Local Planning Authority considers that as the development would involve built development beyond the current boundary of the village, this would result in an unsatisfactory expansion into a high quality landscape setting, within an Area of Outstanding Natural Beauty and a Landscape of Historic Interest. The proposal would conflict with the adopted Denbighshire Unitary Development Plan policies STRAT 7, GEN 6 (ii) and ENV 1 and ENV 2 and CON 12, which seek to minimise the effect of development on the character and appearance of the local landscape and environment.
3. The Local Planning Authority considers that in the absence of a comprehensive ecology and tree report, or any related species mitigation and compensation scheme, in particular relating to bat species, it is not possible to assess the acceptability of the proposal and whether it is compliant with the aims of Planning Policy Wales, Technical Advice Note 5, Unitary Development Plan Policies STRAT 1 (criterion v), STRAT 7 (criterion iii), GEN 6 (criterion 11), ENV 1, ENV 6, ENV 7, ENP 1 (criterion iii) and guidance contained in Supplementary Planning Guidance Notes 2, 6. and 8, which aim to safeguard protected species, trees and enhance nature conservation, landscape features, biodiversity and to conserve the status of European Protected Species.
4. The Local Planning Authority considers that there would be a material increase in the volume of traffic turning right into the site from the A541 highway at a point where inadequate forward visibility from and of vehicles is available. In addition, the proposal fails to make adequate provision for the manoeuvring of vehicles within the site, and on the basis of the remoteness of the parking area from the residential units it is intended to serve, would be likely to result in vehicles reversing onto or manoeuvring and parking on the highway. The proposal would conflict with the aims of policies GEN 6, TRA 6, TRA 9, and SPG 21 which seeks to ensure that proposals do not unacceptably affect the safe and free flow of traffic, and that appropriate parking arrangements are achieved within a development.
5. The Local Planning Authority considers that, based on the information submitted, it is not possible to conclude how the proposal is capable of achieving a suitable sustainable building design solution, as required in Planning Policy Wales (2011), TAN 22, TAN 12, and UDP policy STRAT 2 criterion ii).

NOTES TO APPLICANT: None

ITEM NO: 4

WARD NO: Rhyl South West

APPLICATION NO: 45/2011/0834/ PF

PROPOSAL: Demolition of fire damaged MOT testing centre and erection of replacement building, to include a taxi operators office

LOCATION: 59 Ffordd Las Rhyl

APPLICANT: Mr Frances Blythman

CONSTRAINTS: C1 Flood Zone

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL - 'Objection unless a condition is attached preventing on street parking (Cefndy Road, Victoria Road, Ffordd Las) of customer and staff vehicles (including advertisement display trailers and vehicles) on the grounds of highway safety.'

ENVIRONMENT AGENCY

Confirms that the site lies entirely within zone C1, on the TAN15 Development and Flood Risk (July 2004) maps, and given that the Design and Access Statement acknowledges the potential flood risk, stating that this is a replacement building; it will not place any extra people at risk from flooding and betterment will be provided due to the addition of a mezzanine level in the new building, as well as flood resistance incorporated into the design of the building. Is satisfied that the flood risk has been adequately considered and betterment provided over the original property.

Highlights that previous activities at the site may have caused contamination of the soils, and advises that the applicant undertake a preliminary investigation to determine whether contamination is present

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HGHWAYS AND INFRASTRUCTURE
No objection, subject to condition.

HEAD OF PUBLIC PROTECTION
No comments to submit.

RESPONSE TO PUBLICITY:

Letters of representation received from:
Mr. E. Jones, 57, Ffordd Las, Rhyl
Emma Jones, 12, Council Terrace, Victoria Road, Rhyl (e-mail)

Summary of planning based representations:

Noise – 24 hour use of the site as a taxi office would cause noise and disturbance.

Highways and parking- existing vehicles associated with the site park outside neighbouring residential property access causing obstruction/ parked vehicles causing visibility obstruction on busy highway/ over- intensification of use/increased parking problems involved with the site use/ continued use causing further obstructions/ taxis and broken down vehicles parked on the pavement on both sides of Ffordd Las and Victoria road/ pedestrian hazards.

Amenity – elevation fronting 57 Ffordd Las was single storey now two storey/no windows should overlook 57 Ffordd Las/ Fire Risk to 57 Ffordd Las with storage of combustible materials close to boundary/ car and garage fumes.

EXPIRY DATE OF APPLICATION: 11/09/2011

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- 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 The application seeks to provide a new, 413 square metre building in place of an existing fire damaged property for use as an MOT testing centre, including a taxi office room. The proposed replacement building would be located in the same position and site as that of the existing building, but with a slightly larger footprint along the southerly part of the site. The overall site measures some 1150 square metres.
- 1.1.2 External materials on the building include pvc plastic coated profile sheets on external walls and felt as roofing material. Parking spaces for 10 vehicles, including one disabled provision, are indicated on the site layout plans, on either side of the site entrance. The plans indicate a monopitch style roof with an overall ridge height of 5.2m, and a floorspace of 26m long by 15.9 m wide. The floor plans indicate an upper level storage space area above the offices. Foul drainage is intended via the mains sewer, with surface water connecting to the existing drainage, as indicated on the submitted drawings.
- 1.1.3 The application includes a Design and Access Statement, including an addendum, which covers the relevant points of planning policies; character; access, sustainability, community safety and movement. The details highlight that a taxi operator's office has been operating from the site, more recently from the portacabin at the front of the site, the use being an office base only as noted. The proposal includes a taxi office within the new building, in a closed office area, within the southern corner of the building. (See floor plan at the front of the report).
- 1.1.4 In terms of employment, the application forms indicate 5 full time and 16 part –time existing staff, with the proposed new scheme providing 7 full – time and 6 part – time staff.
- 1.1.5 Hours of operating the garage are indicated as 08:00 to 17:30 Monday to Friday, and 08:00 to 13:00 Saturday; with the taxi office proposed between 08:00 to 12:00 midnight Monday – Friday; 08:00 – 12:00 midnight Saturday

and 08:00 to 12:00 midnight Sunday and Bank Holidays.

1.2 Description of site and surroundings

- 1.2.1 The existing site comprises of the remains of a fire damaged building, and other associated containers, predominantly on the westerly half of the site, with a relatively newly positioned portacabin container situated on the northerly boundary. An existing vehicular access serves the site, off Ffordd Las highway, which immediately adjoins the site, to the north.
- 1.2.2 To the north, and adjoining the application site is the detached bungalow, 57 Ffordd Las. To the west, and rear of the property is the site and buildings previously known as the 'Woodward's site; a commercial garage premises lie to the south, separated by the entrance to the 'Woodward's site. Across the road, along Ffordd Las, are the commercial Ffordd Las units, with residential properties Victoria Terrace further north.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies with the development boundary for Rhyl and within the designated EMP 2 Main Employment Area.
- 1.3.2 The site lies within a C1 flood zone area.

1.4 Relevant planning history

- 1.4.1 Planning permission was granted in 2004 for the change of use from an ice cream factory to an MOT testing station, subject to a number of planning conditions, including condition no. 4 which states that the MOT testing centre shall not be open for business outside the following times and days ;
- 08:00 to 18.00 hours Monday to Friday
 - 08:00 to 13: 00 hours on Saturday
- 1.4.2 A copy of the plans approved with this permission are included at the front of this report

Developments/changes since the original submission

- 1.4.3 As part of the Design & Access requirements, and following a request for further clarification from the County Highways Officer, additional information has been provided, relating to the taxi use.

1.5 Other relevant background information

- 1.5.1 Members may recall a Planning Enforcement Report at the 15 October 2010 Planning Committee in respect of car sales at the property. Members were advised that the site did not have planning permission to operate as a car sales area and authorised service of an Enforcement Notice relating to this use.
- 1.5.2 Additional information received from the agent involved with the current proposal highlights that the car sales use has ceased operating, and that the site does not operate as a taxi depot for drop off and pick up fare paying customers. The agent has confirmed that drivers and their vehicles are remote from the site and are contacted by radio for pick up of passengers and are not based at the site.
- 1.5.3 A taxi control office in planning terms is classed as a 'sui generis' use i.e. in a class of its own. An MOT testing station, (the current planning use), is a Class B2 use. The addition of a Taxi control office involves a separate use of part of the site, i.e. the application involves a mixed use.

2. DETAILS OF PLANNING HISTORY:

2.1 The main planning history considered relevant to this particular application is:

Code no 45/2004/0929

Change of use from ice cream factory to MOT testing station.
GRANTED 13 /09/2004, under delegated powers.

Code 2/RYL/0054/83

Change of use from storage depot and garaging to garage
WITHDRAWN

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

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

Strategic policies 1 General; 5 Design; 6 Locations; 8 Employment ; 11
Regeneration; 13 New Development

Policy GEN 1 – Development within development boundaries

Policy GEN 6 – Development Control Considerations

Policy ENP1 – Pollution

Policy ENP4 - Foul and Surface Water Drainage

Policy ENP 6 - Flooding

Policy ENP 8 - Contaminated Land

Policy EMP 2 - Main Employment Areas

Policy EMP 11 – Expansion/Intensification of existing employment site/premises

Policy TRA 6 – Impact of new development on traffic flows

Policy TRA 9 - Parking and Servicing Provision

3.2 Supplementary Planning Guidance

21 Parking Requirements in New Developments

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 2011

TAN's

12 – Design

15 - Development and Flood Risk

18 - Transport

Circulars

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 visual amenity

4.1.3 Residential amenity

4.1.4 Highways and Parking

4.1.5 Drainage and flooding

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site lies within the development boundary and within a designated Main Employment Area. Additionally, the site has been subject to a 2004 planning permission which involved a change of use from an ice cream factory to an MOT testing station. The existing use of the site has therefore been established as an MOT testing station. The principle of the development and use of the site therefore accords with GEN 1 and EMP 2.

The site specific impact tests are the acceptability in relation to policy GEN 6 criteria and other related policies which are covered in the following paragraphs of this report.

4.2.2 Impact on visual amenity

EMP 2 and GEN 6 include considerations of scale and character in respect of the visual impact of the development.

The site lies in a locality which comprises a variety of scales and type of commercial properties, including the former 'Woodwards' building to the east and a detached commercial garage to the south. The previous building on the site had a 5.7 m high roof ridge, with a 12m X 16 m floorplan with a separate detached workshop measuring some 7m X 9 m on the southerly elevation/ boundary of the site. The proposed building would be set back some distance (17m), away from the highway boundary. The overall ridge height of the proposed building is shown as 0.5 m lower than that of the existing fire damaged building, slightly longer in length, but located in the same position and of similar style to the existing fire damaged building. Existing metal palisade boundary details and gate remain intact. No new boundary treatment is indicated in respect of the new building. Any changes to the boundary details may require separate planning permission.

In officers' opinion, the building would appear acceptable in proportion, scale and appearance in this location. A suitable condition can be imposed to control a sample of walling and roof material, and boundary fencing. It would be difficult to conclude that the proposal would cause significant visual harm in this instance.

4.2.3 Residential amenity

EMP 2, EMP11 and GEN 6 require consideration of the impact on the amenities of the surrounding locality.

Objections include potential overlooking and disturbance, in particular to 57 Ffordd Las; the storage of materials close to the boundary, associated car and garage fumes, and 24 hour use of the site as a taxi office causing noise and disturbance. Objections submitted in response to the planning application have been brought to the attention of the Council's Public Protection Service.

It is understood that a dedicated taxi control office previously existed within the fire damaged building for some time, and that the existing portacabin office is a temporary arrangement. The portacabin is currently sited adjacent to the boundary with 57 Ffordd Las and occupies what has been a car parking area, as indicated in the previous (i.e. 2004) planning permission for the site.

The agent has confirmed that the taxi use sought is limited to a control office only, within the new replacement building. The proposed replacement building is in the same position as the building forming part of the 2004 planning permission.

In most cases, a taxi operating centre is run by one or two people using a site as an office base, where the activity relies on telephone booking and radio control, with cabs normally being run by self-employed driver/owners, who park at their own properties. Taxi operating centres often occupy rooms over shops or at the rear of commercial premises, which are not necessarily accessed by the public, and require only a small operating space. In some cases the use of a site as a taxi control centre may not necessarily need planning permission where it is clearly a minor part of, for example a dwelling. The planning issues involved generally with taxi control offices relate to potential for increased activities and associated noise levels.

The working hours proposed for the MOT garage use are similar to those on the 2004 planning permission, which were 08:00 to 18.00 hours Monday to Friday 08:00 to 13: 00 hours on Saturday. The taxi control office use is proposed between 08:00 to 12:00 midnight Monday – Friday; 08:00 – 12:00 midnight Saturday and 08:00 to 12:00 midnight Sunday and Bank Holidays. The taxi office will therefore involve additional hours of use of part of the building to those currently operating, notably weekend and Bank holiday working hours.

In this case, consideration has also to be given to whether there are any material differences between the current application and the 2004 permission for the MOT testing centre, and the relevance of associated planning conditions on that permission. In respect of noise and nuisance complaints received by the Council's Public Protection Unit, the Public Protection Officer has confirmed that no Statutory Nuisance issues have been recorded at this site.

Officers consider that, having regard to the planning history and context, the main issue is the impact of the use of the taxi office, in particular with the hours of use proposed for the office from 08:00 to 12:00 midnight Sunday and Bank Holidays, with the potential to cause additional noise and disturbance to residential occupiers in the locality, in particular 57 Ffordd Las. The use of the site as an MOT testing business has previously been established, and in the circumstances, is not one which can be reasonably opposed at this point.

The position of the current portacabin is very close to the boundary with 57 Ffordd Las, and in Officers opinion is considered an unacceptable situation. Public Protection officers have been informed that the new building is an insulated design (although the roller doors will be open during the garage's working day) and there will be no comings and goings of taxis from the premises apart from when they come in for repair or servicing.

Given the position, scale and the limited activities likely to be generated by the proposed taxi control office use, Officers consider that it would be difficult to conclude that this would result in an unacceptable effect on nearby properties. However, in the event of planning permission being granted. Officers consider that conditions should be attached to control hours of use to those suggested, to prevent use of the site by taxis or taxi customers for pick up. The Council's Public Protection Officer supports the suggested conditions.

4.2.4 Highways and Parking

EMP 2, EMP 11, GEN 6, TRA 6, TRA 9 and SPG 21 require consideration of the highway and parking implications of a development.

Objections submitted by the Town Council and neighbouring properties highlight a number of concerns, which focus primarily on the effects of the use on the highway and pedestrian users of Cefndy Road, Victoria Road, and Ffordd Las.

Ffordd Las, Rhyl has no parking restrictions along the whole length and therefore on-street parking is available on this street. Further to the receipt of additional information, and on being made aware of the Town Council objection and individual objections, the Highways Officer considers that the proposals offer a scheme that formalises parking arrangements within the site, which under previous conditions at the site was not controlled, and does not object, subject to the inclusion of a condition obliging the completion of the parking spaces indicated on the layout plan.

In light of the substance of the objections, Officers acknowledge the specific concerns over on-site parking by users of the site, and consider that further conditions can be attached which would preclude taxis parking, or customers waiting, or the creation/sub division of a cab rest room area. Given the above considerations, Officers would suggest that with these additional conditions, it would be difficult to justify a refusal of the application on highway grounds.

4.2.5 Drainage, flooding and contamination

ENP 6 – Flooding aims to minimise pollution implications and developments in flood zones; GEN 6; ENP 1; ENP 4 together with ENP 6, and ENP 8 seeks to avoid unacceptable harm to the environment/locality in terms of water flooding, drainage and contaminated land implications. TAN 15 sets out the guidance involving developments located in flood zone areas.

In this case, the site is in a flood zone C1 area. Within a C1 zone, a site can be developed, subject to justification tests of acceptability. In this case, the site is a brownfield site and allocated as an Employment site within the UDP, so the proposal is considered to meet the justification tests as required in TAN 15.

In light of the response from the Environment Agency, it is not considered that the proposal is in conflict with the current planning guidelines and policies, given that suitable conditions can be included, including a contaminated land survey.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is essentially for a replacement MOT testing building, involving an additional taxi office, on an EMP 2 employment site, which received planning permission in 2004 for an MOT station.
- 5.2 In acknowledging the concerns highlighted by the Town Council and neighbouring properties, the application has been given careful consideration, and Officers consider that the principle of the proposals are acceptable.
- 5.3 Officers consider that in relation to detailed matters, the proposal merits support with suitable conditions, which would limit the operating hours and activities associated with the taxi office.

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**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. **PRE-COMMENCEMENT CONDITION**
No radio masts/aerials shall be erected other than with the prior written approval of the Local Planning Authority.
4. No work shall be permitted to commence until there has been a phased investigation carried out over the entire site to ascertain whether contaminated land is present, and whether the development may impact on controlled surface waters or groundwater. Such investigation should include a desk study and if deemed necessary within said study, a comprehensive site investigation to be out in accordance with LCR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of each survey and its conclusions have been submitted to the Local Planning Authority for assessment.
5. The uses hereby approved shall not be undertaken outside the following hours and days:-
MOT TESTING CENTRE:
 - 08:00 to 18:00 hours Monday to Friday
 - 08:00 to 13:00 hours on Saturday
TAXI CONTROL OFFICE:
 - 08:00 to 0000 Monday - Friday
 - 08:00 to 0000 Saturday
 - 08:00 to 0000 Sunday and Bank Holidays.
6. 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 shall be completed prior to the development being brought into use.
7. No 'cab' vehicles belonging to the applicant or those belonging to freelance drivers operating through the taxi radio control at the premises, shall call at the site hereby permitted for the purposes of waiting or taking orders and instructions, collecting clients or for the purpose of taking refreshment, unless the vehicles are pre-booked for repairs or services at the MOT test centre.
8. The use of the room within the building shall be restricted to a radio-control taxi base only, and shall not incorporate a rest/waiting room area for taxi drivers or taxi customers.
9. No external extractor fans, ducting or other similar devices shall be installed on the building hereby approved without first obtaining the formal written consent of the Local Planning Authority.
10. The taxi office use shall be operated only from the room identified as such on the plans hereby approved.
11. The temporary taxi office portacabin shall be removed from the site no later than 1 month from the bringing into use of the new building.

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 visual amenity.
3. In the interests of safeguarding the amenities of the locality.
4. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
5. In the interests of residential amenity.
6. 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.
7. In the interests of safeguarding the amenities of the locality and the interests of highway safety.
8. In the interests of safeguarding the amenities of the locality and the interests of highway safety.
9. In the interests of safeguarding the amenities of the locality.
10. In the interests of safeguarding the amenities of the locality and the interests of highway safety.
11. In the interests of safeguarding the amenities of the locality and the interests of highway safety.

NOTES TO APPLICANT:

In the event that contamination of the site is confirmed, you should liaise with the Environment Agency on measures required to protect surface and groundwater interests.

ITEM NO: 5

WARD NO: Tremeirchion

APPLICATION NO: 47/2011/0527/ PF

PROPOSAL: Extensions and alterations to existing public house/hotel and use of 1.6 hectares of land to rear to form a 40 pitch touring caravan and 10 pitch chalet/static caravan park, with associated works including landscaping, access tracks, sanitation and washing building, and installation of a package treatment plant

LOCATION: White House Hotel Holywell Road Rhualt St. Asaph

APPLICANT: Mr M Parry-Jones

CONSTRAINTS:

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

CONSULTATION RESPONSES:

TREMEIRCHION, CWM & WAEN COMMUNITY COUNCIL
"No objection".

WELSH WATER/DWR CYMRU
Defers to Environment Agency Wales, as the proposals are for a private treatment works.

ENVIRONMENT AGENCY WALES
Awaiting formal comments on revised drainage detailing.

CLWYDIAN RANGE AONB JOINT ADVISORY COMMITTEE
"The JAC objects to the proposal to develop the open land to the rear of the White House for static and touring caravans on the grounds that the development would involve the loss of an attractive area of open countryside and have a harmful impact on views from the nearby AONB. The development also detrimentally affects the enjoyment of users of the nearby Offa's Dyke National Trail".

COUNTRYSIDE COUNCIL FOR WALES
No objection in principle provided possible impacts are avoided. Proposals would not affect any statutory protected sites of ecological, geological, or geomorphological interest. In relation to:-AONB. The site is some 350m from the boundary of the Clwydian Range AONB : but the development is considered to be of a reasonable scale and unlikely to have any significant adverse impacts on the special features of the AONB; and early implementation of landscaping proposals in particular at ground level, would help improve the development, using native broadleaf species.

- Protected species

Surveys have been completed to a satisfactory standard to inform the decision making process. Although no protected species were found to be present, the recommendation of the Ecological report should be implemented as part of any scheme.

- Invasive non-native species

Would have concerns if non native species were introduced in any planting scheme but suggest this is precluded by condition.

COUNCIL FOR THE PROTECTION OF RURAL WALES (Clwyd Branch)

Opposes the application on grounds of visual/landscape impact, effect on open countryside, AONB, inaccessibility of community facilities and services, use of high quality agricultural land, and potential precedent.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Biodiversity Officer

No objection subject to implementation of recommendations in the ecological report, and protection and improvement of habitat as part of the landscaping works.

HEAD OF TRANSPORT & INFRASTRUCTURE

No objections. Suggests conditions relating to details of parking and turning arrangements in relation to The White House.

RESPONSE TO PUBLICITY:

Letters of representation received from:

IN OBJECTION

G.Kendrick, Brynllithrig Barn, Cwm Road, Rhualt.
D.J. and P. S. Gormley, Brynllithrig Stables, Rhualt.
E. George, Gorwel, Cwm Road, Rhualt
M. A. Jelley, Fron Farm, Rhualt Road, Rhualt
P. E. Davies, Trem y Ddol, Rhualt
R. & L. Sales, Hillside, Holywell Road, Rhualt
S. Williams, Derwen House, Rhualt
A. Musgrave, Cornelyn, Rhualt
O. Musgrave, Cornelyn, Rhualt

The main points raised in objection:

Principle of caravan development

Enough sites in area already/no need or demand/no facilities in village, no pub and limited bus service/previous refusal for 85 touring caravan pitches/conflict with planning policy ENV2/precedent/no exceptional circumstances/no local benefits/housing should take priority.

Landscape and visual impact

Visible from AONB and Offa's Dyke Trail/contrary to Policy ENV 2/would add to impact of 5th Wheel development.

Use of agricultural land

Contrary to Policy ENV 11 – loss of high quality land.

Amenity impact

Potential noise and disturbance to local residents from activity at site.

Highways

Increased volume of traffic/car dominated development/

Uncertainty over use of White House

Uncertainty over seasonal use

EXPIRY DATE OF APPLICATION: 20/10/2011

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 The application seeks full planning permission for the following:

- the renovation, extension and alteration of The White House public house/hotel;
- the use of land immediately to the north of The White House and separate existing touring caravan and static caravan sites, to accommodate 40 additional touring caravan pitches and 10 additional static caravans;
- associated works including access through the White House car park to the land proposed for the additional caravans, the siting of a 'sanitation' block, drainage works in the form of a treatment plant;
- significant additional landscaping within and around the site boundaries. The plan at the front of the report shows the basic layout as proposed, the relationship with the existing public house and caravan sites.

1.1.2 The application forms state the area proposed for the additional caravans is 1.6 hectares (4.4 acres).

1.1.3 In more detail, the elements outlined in 1.1.1 involve:-

- in relation to The White House:
At ground floor level, the building presently has a bar/function area and separate function area/restaurant, with conservatories along the main (front) elevation, associated kitchens and toilets. At first floor level there are 4 guest bedrooms (one en suite), and at second floor level staff/owners accommodation.

The proposed plans show a rearrangement of the ground floor, the removal of the conservatories and kitchens, and erection of extensions, creating a larger bar/restaurant, function room, new kitchens, a hotel entrance/reception, duty staff accommodation, 2 'suite' rooms, and a new ramp entrance; at first floor level 9 bedrooms, and at second floor 2 further suite rooms. The application forms indicate the net additional floorspace would be 205 square metres, making a total floorspace of 1795 square metres.

The area around The White House is proposed as dedicated parking for the hotel/pub/restaurant.

- In relation to the additional caravans:

The layout plan shows a new vehicular access into the field behind The White House, running between the public house/hotel and the existing static caravan site. This would branch off within the field to serve the proposed

additional touring caravans on the west side of the field, and the proposed additional static caravans on the east side of the field. The sanitation block would be a log cabin style unit located immediately on entry to the 'extended' site.

The plans also detail proposed additional landscaping and planting, in particular around the site boundaries.

The proposals outlined in the agent's statement are for year round use of the public house/restaurant/hotel and the static caravans, and the seasonal use of the touring caravans (1st March – 31 October in any one year).

- 1.1.4 The submission includes a range of supporting documents, including a Planning, Design and Access Statement, a Landscape Appraisal, Transport Statement, extended Phase 1 Habitat Survey, and technical data relating to the drainage proposals.
- 1.1.5 The conclusions of the agent's Planning, Design and Access Statement are:
- it is inevitable with such developments that there are conflicts between interested parties seeking retention of the status quo, and the aspirations of an applicant to deliver his objectives;
 - previous concerns of the Planning Committee have been over the scale and impact of a (larger) caravan proposal on land nearby, although 'Scale' is not defined in policy or guidance, and Planning Inspectors have concluded similar developments in the County have been small scale. The Committee did not however appear to be objecting to what may be a more appropriate development;
 - the acquisition of the White House Hotel and adjacent caravan parks delivers a clear opportunity to review the position and options. The current scheme has significant benefits from the one refused in late 2010 as it is of smaller scale, relates to the existing caravan sites, provides a platform for investment in the Hotel and accommodation choices for tourists/with staffing and economic benefits. It is also noted that the proposals complement the applicants nearby business – The 5th Wheel Company – which manufactures touring caravans;
 - considerable care has been given to the development form, which would assimilate into the landscape through existing features and extensive additional landscaping. The landscape appraisal demonstrates the site would be unobtrusive in the wider landscape with few receptors;
 - there is safe and convenient access;
 - there are no objections on grounds of ecology;
 - there are tangible regeneration benefits. At conservative estimates, £220,000 of spend would be generated annually into the local economy, supporting existing new jobs and training opportunities;
 - scale and landscape impact, and all other aspects are compliant with existing development plan policies and the objectives of national planning policy. These are supported by demonstrable benefits which are material considerations which should be given weight in any balancing exercise, if

there was considered to be any harm likely to arise.

- 1.1.6 The Landscape and Development Appraisal by The Appleton Group concludes:
- the proposals involve the siting of caravans with arrivals areas and landscape planting. The remainder of the site will remain green space for the development of grassed areas and woodland plantations.
 - the development can be achieved with minimal landscape and visual impact in terms of adjacent residents or vegetation. Views from the AONB would be interrupted by topography and vegetation. Touring vans are seasonally transient in nature and would be on site when vegetation is in full leaf and provides screening benefit;
 - the site is not prominent in the landscape and views in to the site are interrupted by natural screening, hence visual impact would be low. Additional planting would give rise to benefits for nature conservation. There are no features of inherent landscape character that would be adversely affected, no conflict with landscape policy and no adverse impact to the character of the wider countryside.
- 1.1.7 The conclusion of the extended Phase 1 Ecological Survey by Ecological Design Consultants is that the change of use of land is not considered to have any greater impact than the existing use of the site, and is unlikely to have any long term impact on the favourable conservation status of locally recorded protected species, if carried out in accordance with the report's recommendations.
- 1.1.8 The Traffic Report relates to the previously refused touring caravan proposals, but the agent has stated much of the content remains relevant as it deals with strategic location and access issues. The main conclusions of the Traffic Report are that development can be accommodated by the existing highway, and there should be no significant adverse impact on its function. It indicates there is adequate car parking within the site, the highway access is laid out to a good standard, and has a good safety record. It suggests there is convenient access to limited public transport, good access to public rights of way and cycle networks, and in conclusion it states the development complies with planning policy guidance and should have no significant adverse transport effect.

1.2 Description of site and surroundings

- 1.2.1 The site includes the existing White House public house and the separate touring and static caravan sites either side of its forecourt/parking area.
- 1.2.2 The White House is located on the north side of the B5429 road, which runs from Rhuddlan to Rhualt village. The stretch from the roundabout feeding onto the A55 at Waen and Rhualt village, was formerly the A55 before major works were undertaken and it was constructed as a dual carriageway by passing Rhualt, running to the south of the village.
- 1.2.3 In planning terms, the application site is in open countryside as the nearest part lies some 75 metres to the north of the development boundary of Rhualt village.
- 1.2.4 There is a scattering of dwellings either side of the B road as it runs west from Rhualt village, and the 5th Wheel Company premises (in the same ownership

as the application site) are some 200 metres to the west. The company specialises in the manufacture of touring caravans.

- 1.2.5 The application site and land surrounding it to the north is in primarily agricultural use, and slopes up gently from west to east, and then more steeply up to the Clwydian Range – Rhualt Hill area above the Rhualt – Dyserth road. There is an area of woodland and two large fish ponds to the north west. Field boundaries are marked by hedgerows and occasional trees.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside, to the west of the village of Rhualt.
- 1.3.2 There are no designations relating to any part of the site in the Unitary Development Plan. The western boundary of the Clwydian Range AONB is some 350 metres from the site at its nearest point.
- 1.3.3 The site is shown to be on the edge of land of Grade 2 and 3 quality on the old MAFF Agricultural Land Classification maps.

1.4 Relevant planning history

- 1.4.1 Other than proposals relating to development of The White House, there are no records of applications on the land proposed for the additional touring and static caravans.
- 1.4.2 There are however applications of some relevance which establish a context for the current application:
- The caravan sites immediately adjoining The White House
The layout plan at the front of the report incorporates two separate caravan sites – the one to the west of the forecourt is a 10 pitch touring caravan site granted in October 2003, and the one to the east is a 26 static caravan site, granted in July 2003. The static site has been developed with a ‘lodge’ building and its entrance, and the permission for the touring van site has been taken up through the construction of the access track from The White House car park.
 - Land close to the 5th Wheel Company
The field to the west of the proposed additional caravans has been the subject of two applications involving new caravans. There was a refusal of permission in July 2005 for use of the 2.46ha field for the display of motor homes and as a touring caravan site, the reasons being the impact on visual amenity and the character and appearance of the landscape in particular when viewed from the AONB.
An application for an 85 touring caravan site was refused at Planning Committee in September 2010, primarily on grounds of the scale of the use and its landscape and visual impact.

1.5 Developments since the original submission

- 1.5.1 The application was acknowledged valid in August 2011. Clarification has been sought on the detailing of the drainage arrangements and the layout of the parking area around The White House.

1.6 Other relevant background information

1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

2.1 Sites immediately adjacent to The White House

47/2003/0666/PF

Change of use of land from touring caravan site to static holiday caravan site (26 caravans) – GRANTED – 30/7/2003

47/2003/1081

Change of use of land to form caravan site for 10 no. touring caravans and landscaping

GRANTED – 30/10/2003

Land to the west, attached to 5th Wheel Company

47/2005/0629/PF

Change of use from agricultural land to mixed use, for display of motor homes and use as touring caravan site – REFUSED – 01/08/2005 for the following reason:

"It is the Local Planning Authority's view that the change of use of land to a mixed use for display of motor homes and use as a touring caravan site would have an unacceptable impact on the visual amenities of the area, which lies adjoining an Area of Outstanding Natural Beauty, insofar as development and activity on the site associated with the use, including domestic paraphernalia, lighting and the permanent display of mobile units would materially harm the character and appearance of the landscape in particular when viewed from the AONB. The proposals are considered to conflict with the Policy ENV 2, TSM 12 Criteria i), iii), iv), STRAT 9, GEN 6 Criteria ii), iii) iv) of the Denbighshire County Council Unitary development Plan and guidance contained in Planning Policy Wales March 2002 and TAN 13 on Tourism October 10997".

47/2009/1381/PF

Change of use of land to form a 85 pitch touring caravan site with associated reception and toilet buildings, landscaping and installation of package treatment plant – REFUSED – 1/10/2010 for the following reason:-

"It is the local planning authority's view that the proposed touring caravan site would be unacceptable in terms of the scale of the use of this open countryside location, and its potential landscape and visual impact, given its position in an area of high visual sensitivity, visible from higher ground within the Clwydian Range Area of Outstanding Natural Beauty 600 metres to the east, including Offa's Dyke Long distance Footpath. The proposals are considered to conflict with Policy STRAT 9, ENV 2, TSM 12 Criteria i), and iv), GEN 6 Criteria ii) and iii) of the Denbighshire County Council Unitary Development Plan, guidance contained in Planning Policy Wales, Edition 3 2010 and TAN 13 Tourism (October 1997)".

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

STRAT 1	-	General
STRAT 6	-	Location
STRAT 7	-	Environment
STRAT 8	-	Employment

STRAT 9	-	Tourism
STRAT 11	-	Regeneration
STRAT 13	-	New development
STRAT 16	-	Community facilities
Policy GEN 3	-	Development outside development boundaries
Policy GEN 6	-	Development Control Requirements
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 2	-	Development affecting the AONB/AOB
Policy ENV 7	-	Landscape/Townscape features
Policy ENV 11	-	Safeguarding of high quality agricultural land
Policy ENP 4	-	Foul and Surface Water Drainage
Policy TSM 1	-	Tourism Development
Policy TSM 10	-	Extensions of/improvements to existing Static Caravan and Chalet Sites
Policy TSM 12	-	Touring Caravan Sites
Policy TRA 6	-	Impact of new Development on Traffic Flows
Policy TRA 9	-	Parking and Servicing Provision

3.2 Supplementary Planning Guidance

SPG 2	-	Landscaping in New Developments
SPG 6	-	Trees and Development
SPG 18	-	Nature Conservation and Species Protection
SPG 21	-	Parking

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales - As revised

Technical Advice Notes

TAN 13 - Tourism (1997)

4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
 - 4.1.2 Scale of development
 - 4.1.3 Landscape/Impact on visual amenity
 - 4.1.4 Highway/access impact
 - 4.1.5 Residential amenity
 - 4.1.6 Drainage
 - 4.1.7 Ecology
 - 4.1.8 Sustainability
 - 4.1.9 High quality agricultural land
 - 4.1.10 Economic benefits
 - 4.1.11 Inclusive design
- Other matters raised

4.2 In relation to the main planning considerations:

4.2.1 Principle

At a national level, the Welsh Government's objectives encourage sustainable tourism, maximising its economic and employment benefits, promoting tourism in all seasons whilst safeguarding the environment and interests of local communities. In rural areas, tourist development is considered to be an essential element in providing for a healthy, diverse local and national economy. TAN 13 (draft 2006) highlights however particular consideration be given to the suitability of holiday caravans in designated areas, including sites of national and international importance, noting that tourism development should not have an unacceptable adverse impact on the environment, landscape, biodiversity, coastal or historic environment or the interests of

local communities.

Denbighshire's Unitary Development Plan policies are in accordance with the thrust of these national objectives. Within the UDP, there are a number of strategic policies seeking to ensure that development should be sustainable including maximum re-use of buildings and land in preference to green field sites, maintaining and enhancing community benefit; and protecting biodiversity and historic areas. Policy STRAT 9 deals with tourism development. In the countryside or rural settlements, it highlights that development will be permitted in the form of small scale built or natural environment based tourism projects in the countryside and rural settlements where they provide appropriate infrastructure, accommodation and attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity, heritage or environmental interests.

Policy GEN 3 contains a general restraint on new development outside development boundaries, with a number of exceptions including essential workers dwellings, agricultural development and tourism/leisure schemes, again subject to compliance with basic criteria and other policies in the plan.

Policy TSM 12 is the main 'detailed' policy relating to extensions to existing touring caravan sites, and sets specific tests for any application, requiring an unobtrusive and well screened site and/or one which can be readily assimilated into the landscape, and in no way appears conspicuous or alien; the site is close to and can be easily accessed to the main highway network without significant or inappropriate highway alterations; the overall quality of the development is of a high standard by virtue of its design, layout and appearance as seen from inside and outside the site; there is no unacceptable impact on the surrounding area by virtue of noise, disturbance, fumes/smell or other nuisance and landscape, agricultural and nature conservation considerations; and finally that the site is used for touring purposes only and touring vans are removed from the site for periods when not in use.

Policy TSM 10 deals with extensions to existing static caravan sites and allows for modest extensions provided proposals improve the range, facilities and quality of tourist accommodation in the area, make a significant/permanent improvement to the quality, appearance and environment of the site and its surroundings, a reduction in the impact on the landscape (particularly the AONB), is acceptable in scale to the existing site and locality, and does not have any other unacceptable impacts on amenity, agriculture, nature conservation or traffic.

Overall, the policies of the UDP, and guidance in Planning Policy Wales and TAN 13 accept the general principle of suitable tourism related developments outside established settlements, as they provide potential economic benefits for the area, but qualify this support with the requirement that proposals meet a range of detailed tests. The principle of the proposed expansion of the existing static and caravan sites as a combined caravan park would not therefore be contrary to the general policies of the UDP, but invariably the acceptability rests on assessment of the detailed local impacts. These are reviewed in the following sections of the report.

4.2.2 Scale of development

Policy STRAT 9 of the Unitary Plan permits "small scale" built or natural environment based tourism projects in the countryside and rural settlements where they provide appropriate infrastructure, accommodation and

attractions, where they consolidate the tourism industry without unacceptably affecting social, highway, amenity or environmental interests. The policy does not define what would constitute "small scale". STRAT 7 sets a specific requirement to safeguard the countryside and environment. TSM 10 permits 'modest' extensions to static caravan sites where these are acceptable in scale to the existing site and locality. 'Modest' is referred to in the text to the policy as not greater than 10% of the existing land area/curtilage of the site, although this is qualified as being difficult to define, as it will depend on many factors including the nature of the site, its surroundings, number and density of units and the acceptability of environmental/landscaping improvements. TSM 12 relating to extensions to static sites does not make specific reference to scale.

The applicant's agent argues that the scale of development has been reduced from the scheme refused by Committee in 2010 (2.46 hectares site refused, 1.6 hectares proposed here) and that development of similar size have been accepted locally by Planning Inspectors on appeal. There are no specific objections raised by consultees on the scale of the development here, although concerns over landscape/visual impact do touch on the issue of the capacity of the site/locality to accept the amount of development. In physical terms, the area proposed for the additional static caravans is some 4000sq. metres and would represent a 70% increase on top of the 5700 sq. metre existing site; the area of the proposed additional touring caravan site would be some 800 sq. metres, compared with the 3000 sq. metres of the approved 10 unit site.

The term 'scale' is not defined in any detail in current planning policy or guidance, but appeal Inspectors have dealt with this in terms of the general 'capacity' of a locality in terms of landscape, highway network and visual and social impact, to absorb the particular extent of caravan development. At the Blue Hand Field Bodfari appeal, the Inspector accepted a 59 lodge static caravan development extending over 9 hectares, under 2km from the AONB, would not conflict with the capacity considerations in the Unitary Development Plan. Given this 'guide' and the particular context at The White House, including the extent of the existing static and touring sites there (extending to some 0.9 hectares) the choice to use land tight on the back of the existing site to extend the complex, its relationship with existing property and the village of Rhualt, officers do not consider there is a strong argument to oppose this proposal on the basis of inappropriate scale.

4.2.3 Landscape/impact on visual amenity

The proposed caravan site would be located in open countryside, at a lower level and some 350 metres to the west of the boundary of the Clwydian Range AONB. Policy ENV 1 seeks to protect the landscape and requires development to maintain or enhance the landscape character of the County. ENV 2 relates to development affecting the AONB and states that development affecting it will be assessed against the primary planning objective to conserve and enhance the natural beauty of the area; and that small scale development will only be permitted where it would not detract from the character and appearance of the AONB. The text to the policy states that it does not just apply to development with the AONB, but to development outside it which could have a detrimental impact on the AONB, including views into and out of the area. As outlined earlier, TSM 12 only permits extensions to touring sites where they are unobtrusive, well screened by natural landscape features, and readily assimilated into the landscape; and in no way appears conspicuous or alien, especially in the AONB. TSM 10 seeks to ensure due account is taken of landscape impact from extended

caravan/chalet sites.

There are objections to the potential landscape/visual impact of the proposals, from the AONB Joint Advisory Committee, the CPRW and local residents. These cite the views of the site from the AONB and Offa's Dyke Trail and the potential for additional impacts on top of that already evident from the 5th Wheel Company development nearby. Significantly, however, the Countryside Council for Wales raise no objections on landscape grounds, concluding that the development is of a reasonable scale and unlikely to have adverse impacts on the special features of the AONB. The landscape appraisal with the application argues that the site itself is not prominent in the local landscape and that views into it are limited due to natural screening, the potential visual impact being low.

Officers' opinion remains that landscape and visual impact is a key consideration here. On the negative side, the site would be visible from some public viewpoints on higher ground within the AONB, and from limited sections of Offa's Dyke footpath. Policy ENV 2 requires that due account is taken of the impact of views into and out of the AONB, and there has to be a question as to whether a 1.6 hectare development in close proximity would have a detrimental impact on its character and appearance. On the positive side, the proposals are a 'scaled down' version of a previously refused scheme on open fields to the west, and are now on a site which is tight on the back of existing static and touring caravan developments considered acceptable by the Council in recent years. These sites are either side of a long established commercial/business property at The White House. The Countryside Council for Wales do not object on landscape grounds here, and are supportive subject to plans for significant additional landscaping and planting to mitigate landscape and visual impact over time.

On balance, It is considered the conclusions in the Landscape Appraisal in respect of impact of a development of 1.6 hectares on the pastoral landscape are reasonable in that there is already a recreational use present immediately adjacent in the form of the existing/approved caravan sites, and that the scale and impact of the proposals themselves would not adversely affect the character of the landscape, also given the existence of the 5th Wheel Company premises, Rhualt village and the A55 in close proximity. So whilst acknowledging there has to be some negative landscape and visual impacts from this type of development, it is officers' conclusion that the extent of that impact would not be so great as to justify a recommendation to refuse permission.

4.2.4 Highway/access impact

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 contains a number of tests including in (vii) a requirement that development provides safe and convenient access for a range of users, and adequate parking and servicing.

The entire development, encompassing the existing/consented touring and static caravan sites, the extended caravan site and The White House as refurbished would be served by the existing accesses to The White House premises off the B5429. Objections are raised to increased levels of traffic and to a 'car dominated' development. The Highways Officer has advised

that there are no objections on highway grounds.

From inspection, it is apparent that visibility at the point of access onto the B road is acceptable for the type of development, giving adequate sight lines along the road. The road was previously a major trunk road, and it is considered that it is well capable of accommodating the levels of traffic likely to be generated by the development. Land around The White House has been used over many years to accommodate the parking needs of its customers. On the issue of accessibility by other modes of transport, bus services in this area are infrequent and would not offer a realistic alternative to the use of the motor car as the prime means of accessing the site. There are limited links from the site to the public footpath network but designated cycle ways are close to the site. Sustainability issues are covered in Section 4.2.8 following. Overall, Officers do not consider there are any fundamental highways issues likely to arise from these proposals.

4.2.5 Residential amenity

Policy GEN 6 sets the requirement to assess the impact of development on the amenities of occupiers of nearby property.

The nearest residential properties are on the south side of the B road opposite the existing static caravan site, some 100 metres from the nearest additional caravan. The main access serving The White House is some 70 metres to the west of the dwellinghouse Birchfield (see plan at the front of the report).

Given the respective distances, it is not considered that the anticipated activities likely to arise from the extended caravan site or the refurbished White House would have unacceptable impacts sufficient to merit a refusal based on residential amenity considerations.

4.2.6 Drainage

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

The proposal is to use a package treatment plant arrangement for the development. It is understood the Environment Agency has no objections and will require inclusion of a condition requiring agreement to the detailing of any system before commencement of use.

On this basis, it is not considered there are any reasonable grounds to oppose the drainage element of the development.

4.2.7 Ecology

Unitary Plan policies, Welsh Government guidance and current legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection.

There are no objections to the proposals from the Countryside Council for Wales or the County's Biodiversity Officer on grounds of impact on ecological interests, subject to imposition of conditions to oblige implementation of the recommendations in the Ecology report. These are considered likely to help improve the diversity of wildlife in and around the site.

The key consultees in relation to ecological interests are satisfied at the

information provided and at the potential impacts of the development are acceptable, hence it is suggested these matters are capable of being addressed through appropriate conditions if permission is granted.

4.2.8 Sustainability

The Unitary Development Plan General Development Strategy sets the strategic aims of the County Council, and includes as a key objective to ensure development and uses of land are undertaken in a sustainable manner. On the theme of sustainability effects arising from development, TSM 12 (ii) includes a specific requirement that a site is close to and can be easily and safely accessed to the main highway network, without significant or inappropriate highway alterations. Similarly, TSM 10 requires that development does not have adverse impacts on traffic considerations. These policy tests are 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.

In relation to the specific tests in TSM 10 and 12, as noted in paragraph 4.2.4., the site is accessed off a B road which is close to a junction with the A55, allowing relative ease of access from a main arterial road. There are footpaths in the area and a designated cycle route runs past the site. There are already two smaller static and touring caravan sites immediately adjacent to The White House. In weighing the sustainability issue, it has to be recognised that on the negative side, the location of the site on the edge of a rural village with limited facilities and an infrequent bus service suggest a basic reliance on the motor car for trips which runs contrary to general sustainability principles.

Officers' view here is that there are inevitably sustainability questions over any caravan development in open countryside, and these have to be taken into account and balanced against the support offered in planning policy for caravan development as a key element of a tourism strategy in the County. In this case, it is not considered the sustainability issue is of such weight that could justify a refusal recommendation, given the proposals also involve a refurbishment of The White House as a community asset, and the Council itself has previously accepted touring and static caravans in this location under the same Unitary Plan policies.

4.2.9 High quality agricultural land

Strategic and detailed policies of the Unitary Plan (STRAT 1, 7; ENV 11) and Planning Policy Wales seek to protect high quality agricultural land from 'permanent' forms of development unless there is an overriding need. ENV 11 looks to resist unacceptable permanent loss of agricultural land of grades 1, 2, and 3a, except where overriding need exists, and land of lower quality is not available, or lower grade land has other specific statutory protection.

In this instance, the land lies on the border between what was shown as Grade 2 and Grade 3 quality land in the ADAS Agricultural Land Classification map of England and Wales, prepared on the basis of a 1966 soil survey. Officers are not aware of any updated surveys of land quality in recent years. The land is still likely to be of high quality and therefore a relevant consideration on any application.

The need to safeguard high grade agricultural land from unacceptable permanent loss is an important material consideration. This land is a finite resource and justifies such protection. In this instance the proposed use of

the 1.6 hectares of land north of The White House is by a combination of touring caravans (approximately 66% of the site area), static caravans (34%), with associated access tracks and landscaping/planting. In looking in detail at the elements of the scheme:

a) it is reasonable to accept that what is involved in a touring caravan use (siting of vans on pitches, parking on grass adjacent to them) does not appear to involve any 'irreversible' development which would necessarily lead to the long term loss or degradation of the agricultural land. Hence over half the actual area involved in the 'caravan' part of this application does not threaten the potential return of the land to agricultural use.

b) Static caravan development would normally involve the construction of a concrete slab base for each unit, with provision for services. Following discussion with the agent, it has been confirmed that the surfacing of the area underneath and around each of the 10 units (which is actually fairly limited in terms of the extent of the whole site) does not have to be of such 'permanent' material and that it is possible to use alternative material which would not necessarily sterilise or degrade the quality of the original land (a detail which could be reserved for approval by condition).

c) The access tracks around a site would normally be standard tarmaced and kerbed roads, which would oblige removal of original topsoil, and result in the area covered being effectively 'sterilised'. Again, the agent has suggested that an alternative approach to the construction and final surfacing of the access tracks could be considered, to minimise the potential for permanently degrading the quality of the land beneath.

Having regard to the various issues raised, and to the actual extent of land which would be subject to 'development/works' likely to have a detrimental effect on the longer term quality of agricultural land here, it is officers' opinion that it would be unreasonable to oppose the proposals on the basis of the permanent loss of high grade land. On this interpretation, it is respectfully suggested that there is therefore no requirement on the applicants to establish an 'overriding need' for the development or to demonstrate land of lower quality is available as set out in planning policy.

4.2.10 Economic benefits

Strategic policies of the Unitary Development Plan offer support for proposals which ensure a healthy and diverse local economy (STRAT 8), the regeneration of run down urban and rural areas. (STRAT 11) and the maintenance of Community Facilities (STRAT 16). These suggest due consideration should be given to the economic benefits of proposals as a factor to weigh against other 'negatives' which may arise on any development.

In this instance, the applicant's agent suggests the proposals offer tangible, linked regeneration, employment, community and tourism benefits, which would arise from the renovation and improvement of The White House, in association with the caravan sites around it. The submission makes it clear that the hotel will not reopen without the supporting development providing assistance with the capital investment necessary, and providing a ready made market for the public house and restaurant. The figure quoted in the application is a £220,000 annual spend into the local economy, supporting existing and new jobs and training opportunities.

Officers view on this matter is that there are clear economic benefits likely to

arise from the reinstatement of The White House, and that these may be material to the weighing of factors relevant to the determination of the application. The retention of a rural pub/hotel/restaurant is a positive factor to be taken into account in the balancing exercise.

4.2.11 Inclusive design

The requirement for mandatory Access Statements is outlined in TAN 12 design and TAN 18 Transport, 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, along with the Council's document 'Planning and Inclusive design'.

The submitted Design and Access statement outlines a positive approach to inclusive design, respecting Welsh Government's approach. A suitable condition could be attached to ensure that satisfactory measures are incorporated in the layout to provide safe and convenient access for persons with disability.

4.3 Other matters raised

In respecting points raised by objectors here, there is no requirement on an applicant in current Unitary Development Plan policies to provide evidence of need/demand for additional static or touring caravans. Officers would strongly recommend against citing absence of a need for caravans as a reason to oppose the current application.

Comparison with decisions on other caravan applications in the County needs to be exercised with some caution. Recent appeal decisions allowing 21 lodges at The Crofts, St. Asaph and refusing 59 lodges at The Blue Hand Field and 9 lodges at Abbey Grange, Llangollen related exclusively to static caravans, and involved different site specific landscape/scale/access considerations. Similarly, permissions have been granted by Planning Committee at the Thatched Cottage, Trefnant (10 statics) and Plas Elwy, Trefnant (15 statics), obliged consideration of localised impacts as well as the principle of such developments. The White House application is a 'hybrid' involving extensions to existing static and touring sites, with linked proposals to renovate/extend the hotel/pub/restaurant, which involves consideration of a different range of policies to those relevant to the aforementioned sites, and indeed the previous touring caravan applications on the land closer to the 5th Wheel Company premises.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application proposes a number of linked developments including the renovation and extension of The White House as a hotel, public house and restaurant, and the expansion of existing/consented touring and static caravan sites which lie immediately to the east and west of The White House.
- 5.2 The applicant's agent contends that the proposals offer a number of regeneration, tourism, and economic benefits. There are local concerns over the principle of additional caravan development and over the landscape and highways impacts of what is proposed.
- 5.3 Officers' opinion, following detailed assessment of the proposals, and with respect to the points raised in objection, is that there are grounds to justify supporting the grant of planning permission. The main reasons are that the scale of development appears reasonable and the landscape/visual impacts are not considered unacceptable particularly given the conclusions of the Countryside Council for Wales. The potential economic and regeneration benefits from the renovation of The White House are a material consideration which can be weighed in favour of the proposals.

5.4 It is suggested that subject to the inclusion of conditions to ensure early implementation of landscaping/planting proposals, ecological mitigation, and steps to limit potential damage to the quality of agricultural land, the impacts of the proposal would be limited. The recommendation is therefore for the grant of permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. In relation to the caravan development, no more than 40 touring caravans and 10 static caravans shall be stationed on the land at any time.
3. No touring caravans shall be permitted to remain on the site between 31st October in any one year and 1st March in the following year.
4. No static caravan unit shall be brought onto the site until the written approval has been obtained from the local planning authority to the location, size, design and colour of each unit. The development shall thereafter be carried out in accordance with the approved details.
5. The caravan units shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The site operator shall maintain an up-to-date register of the names of the owners and occupier of each caravan on the site, their main home addresses, the dates each caravan has been occupied, and by whom. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.

6. **PRE-COMMENCEMENT CONDITION**

In relation to landscaping and surfacing, notwithstanding the submitted plans, no development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping for the site, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The scheme shall include details of the number, species and location of proposed new trees, hedgerows, shrubs to be planted; the proposed levels and materials to be used on the internal roads, paths and other hard surfaced areas; the finished contours of earthworks and grading of land and their relationship to existing vegetation and land form; and the position, design materials and type of boundary treatment.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the first caravan. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

8. **PRE-COMMENCEMENT CONDITION**

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

9. All trees and hedges which are to be retained in accordance with the approved scheme referred to in Condition 6 shall be protected in accordance with a scheme that has been submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

10. **IN RELATION TO ECOLOGY**

The development shall only be permitted to proceed in accordance with the recommendations

of the Ecological Report accompanying the application, and no development shall be permitted to commence until there has been submitted to and approved in writing by the local planning authority, details of a wildlife enhancement and management plan in association with the landscaping and planting proposals. Development shall be carried out in accordance with the agreed plan.

11. IN RELATION TO DRAINAGE
PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of the proposed foul and surface water drainage arrangements. Development shall be carried out in accordance with the approved details.

12. IN RELATION TO THE SAFEGUARDING OF AGRICULTURAL LAND
PRE-COMMENCEMENT CONDITION

No development shall be permitted to take place on the construction of the access track to serve the caravan site, nor the preparation and laying out of the land to be occupied by static or touring caravans and for the parking of cars adjacent to the caravans, until there has been submitted to and approved in writing by the local planning authority, detailed proposals for the surfacing materials and treatment of the land, to demonstrate measures for the longer term protection of the quality of the agricultural land. Development shall be carried out in accordance with the agreed detailing.

13. IN RELATION TO THE WHITE HOUSE
PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, plans showing the detailed layout of the area around The White House, showing the number and location of parking spaces, the delineation of the access roads serving the caravan sites, amenity and servicing space in association with the Hotel/Pub/Restaurant and the proposed surfacing materials. The development shall be carried out strictly in accordance with the approved details.

14. IN RELATION TO THE WHITE HOUSE

No works shall be permitted to commence on the external walls or the roof until the written approval of the local planning authority has been obtained to the render finish and colour to be used on the walls, and to the proposed roof tiles.

15. IN RELATION TO THE SANITATION BUILDING

The proposed sanitation building shall not be brought onto the site until the full detailing of the building and the treatment of the land around it have been submitted to and approved in writing by the local planning authority, such details to show external materials, pathways, surfacing materials, and any lighting.

16. LIGHTING

Details of all external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is brought into use. Development shall be carried out in accordance with the approved details.

17. DISABLED PERSONS ACCESS

Development shall not begin until a scheme indicating the provision to be made for disabled people to gain access into and within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of gradients of access ways, surfacing, lighting and signage. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

18. PHASING

No development shall be permitted to commence until details of the proposed phasing of the development has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure caravan numbers do not exceed the approved numbers at any time.
3. To ensure the use of the touring caravans is seasonal and to be consistent with the restrictions on touring caravans on the existing site adjacent to The White House.
4. In the interests of visual amenity.
5. To ensure the caravans are occupied for tourism/holiday use, as a permanent residential caravan site would be contrary to adopted development plan policy.
6. In the interests of the character and appearance of the area, and to mitigate the potential impacts of the development on the landscaped agricultural land.
7. In the interests of the character and appearance of the area, and to mitigate the potential impacts of the development on the landscaped agricultural land.
8. In the interests of the character and appearance of the area, and to mitigate the potential impacts of the development on the landscaped agricultural land.

9. To ensure existing trees and hedges are suitably protected during site works.
10. In order to enhance biodiversity interest in conjunction with the development.
11. In order to ensure the drainage arrangements are satisfactory.
12. In order to mitigate against the long term diminution of the quality of agricultural land.
13. To ensure a satisfactory layout of The White House forecourt in the interests of traffic safety and users of the different parts of the site.
14. In the interests of visual amenity.
15. In the interests of visual amenity.
16. In the interests of visual amenity.
17. To ensure adequate provision for access for persons with disability.
18. To ensure the development proceeds in a co-ordinated manner.

NOTES TO APPLICANT:

In relation to the landscaping and planting scheme, you are asked to ensure that particular attention is given to the detailing of the proposals for the northern and eastern boundaries, to ensure adequate ground level planting to mitigate impacts, and to avoid the introduction of invasive non-native species.

In relation to protected species matters, you are advised that if in implementing the permission and recommendations of the Ecological report, any statutory protected species are found within the boundaries of the application site, all works should cease immediately and the Countryside Council for Wales should be consulted for further advice before proceeding further.

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).

**REPORT BY THE HEAD OF PLANNING, REGENERATION
AND REGULATORY SERVICES**

PLANNING APPEAL

**MODIFICATION OF SECTION 106 OBLIGATION RELATING TO THE
PROVISION OF AFFORDABLE HOUSING, INVOLVING THE PAYMENT OF
£115,400 COMMUTED SUM**

CASTLEFIELDS, ABBEY ROAD, RHUDDLAN

1. PURPOSE OF REPORT

- 1.1 This report relates to a refusal decision of the Planning Committee against which a formal appeal has subsequently been lodged. The appeal will be dealt with by way of an Informal Hearing.
- 1.2 The report will provide Members with the relevant background information and request that members appoint representatives to give evidence at the Hearing in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol.

2. BACKGROUND

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to grant a modification to a Section 106 Obligation, relating to the provision of affordable housing at a site referred to as Castlefields, in Rhuddlan.
- 2.2 The application was considered as a Part II item at Planning Committee in July and September 2011. members may recall that the Officer recommendation was to GRANT the modification proposed (the offer of a Commuted Sum payment of £115,400). The Committee resolved to REFUSE to grant the Modification for the following reason:-

"In the opinion of the local planning authority, the modification sought would be contrary to the aims of the Council's Affordable Housing Policy guidelines in its Unitary Development Plan (HSG 10) and its Supplementary Planning Guidance Note 22 – Affordable Housing in New Developments, which seek the provision of affordable housing units within a development site unless there is evidence to justify an alternative approach. In this case, the Council do not consider the case is made to either justify the option of payment of a commuted sum in lieu of on site provision, or to the sum forming the subject of the modification based on a level of provision below the 10 units originally proposed as part of the

development”.

- 2.3 The vote at Committee was 11-9 in favour of refusal to grant the modification.
- 2.4 The formal Certificate of Decision was dated 28th September 2011.
- 2.5 The Planning Inspectorate notified the Council on the 2nd November 2011 that the appeal will proceed and will be dealt with by way of an informal hearing.
- 2.6 The Council’s Statement of Case on the appeal has to be sent to the Planning Inspectorate by 14th December 2011. The date for the Hearing is 6th March 2012.

3. ACTION REQUIRED

- 3.1 As the refusal decision was contrary to officer recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement.

Paragraph 8.3 states:

”Members of the Planning Committee will be required to give evidence at inquiry or informal hearing in appeals where an officer recommendation has been reversed. The Planning Committee shall appoint representatives to give evidence at the hearing/inquiry (normally the proposer and the seconder of the proposal)”.

- 3.2 In this instance, as the appeal is to be dealt with at a Hearing, Officers are seeking Members’ agreement to engage a planning and financial consultant to front the Council’s case, to co-ordinate with two Members in the presentation of evidence for the Hearing.

4. RECOMMENDATION

- 4.1 That the Planning Committee:-
 - a) Authorises officers to engage a planning and a financial consultant to prepare and present the Council’s Case.
 - b) Appoints two representatives of the Committee to work alongside the consultants and to help the presentation of the Council’s Case at the hearing.

**GRAHAM H. BOASE
HEAD OF PLANNING, REGENERATION
& REGULATORY SERVICES**