

To: Members of the Planning Committee Date: 15 January 2015
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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 21 JANUARY 2015** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 11 - 22)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 10 December 2014 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 14) -

5 APPLICATION NO. 40/2013/1585/PO - LAND EAST OF BODELWYDDAN, RHYL (Pages 23 - 128)

To consider an application for outline planning application for the development of 1,715 dwellings including affordable dwellings, up to 80 bed care home and 50 close care flats (Class C2 use), up to 100 bedroom hotel (Class C1 use), new primary school, 2 local centres (including Class A1, A2, A3, C3, D1 and D2 uses), 26 hectares of employment land (comprising a mix of B1, B2 and B8 uses), new highway infrastructure including the formation of a new access and a link between A55 Junction 26 and Sarn Road, pedestrian and cycle routes, areas of formal and informal open space, green space and structural landscaping and drainage infrastructure at Land East of Bodelwyddan, Rhyl (copy attached).

6 APPLICATION NO. 01/2013/1599/PF - THE FORUM, 27 - 29 HIGH STREET, DENBIGH (Pages 129 - 146)

To consider an application for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh (copy attached).

7 APPLICATION NO. 01/2013/1601/LB - THE FORUM, 27 - 29 HIGH STREET, DENBIGH (Pages 147 - 162)

To consider a listed building application for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh (copy attached).

8 APPLICATION NO. 03/2014/1067/PO - LAND AT (PART GARDEN OF) ADENHURST, ABBEY ROAD, LLANGOLLEN (Pages 163 - 174)

To consider an application for development of 0.06ha of land by the erection of a dwelling (outline application – inc. access) at land at (part garden of) Adenhurst, Abbey Road, Llangollen (copy attached).

9 APPLICATION NO. 16/2014/1020/PF - LLANBEDR HALL, LLANBEDR DC, RUTHIN (Pages 175 - 200)

To consider an application for demolition of Llanbedr Hall and erection of 9 no. three-storey dwellings, and associated works at Llanbedr Hall, Llanbedr DC, Ruthin (copy attached).

10 APPLICATION NO. 20/2014/0965/PF - OUTBUILDINGS AT BRYN COCH, LLANFAIR DYFFRYN CLWYD, RUTHIN (Pages 201 - 218)

To consider an application for conversion of outbuildings into 1 no. dwelling at Outbuildings at Bryn Coch, Llanfair Dyffryn Clwyd, Ruthin (copy attached).

11 APPLICATION NO. 24/2014/1246/PS - FIREARMS TRAINING COMPLEX, CRAIG Y DDYWART QUARRY, RHEWL, RUTHIN (Pages 219 - 230)

To consider an application for variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site at Firearms Training Complex, Craig y Ddywart Quarry, Rhewl, Ruthin (copy attached).

12 APPLICATION NO. 44/2014/0953/PF - 6 GROVE TERRACE, PRINCES ROAD, RHUDDLAN, RHYL (Pages 231 - 240)

To consider an application for construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle at 6 Grove Terrace, Princes Road, Rhuddlan, Rhyl (copy attached).

13 APPLICATION NO. 45/2014/1125/PF - 20 MARINE DRIVE, RHYL (Pages 241 - 252)

To consider an application for change of use of dwelling and flat to self-catering holiday let unit at 20 Marine Drive, Rhyl (copy attached).

14 APPLICATION NO. 45/2014/1202/PF - 47 HIGHFIELD PARK, RHYL (Pages 253 - 264)

To consider an application for erection of 2m high timber fencing adjacent to highway at 47 Highfield Park, Rhyl (copy attached).

MEMBERSHIP

Councillors

Raymond Bartley (Chair)

Win Mullen-James (Vice-Chair)

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
Ann Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Evans
Huw Hilditch-Roberts
Rhys Hughes
Alice Jones
Pat Jones
Barry Mellor

Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Paul Penlington
Arwel Roberts
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets ('Blue Sheets') and any supplementary or revised plans relating to items for consideration.

The Blue Sheets contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. The Chair will remind speakers they have a maximum of 3 minutes to address the Committee. Public speaking is subject to a separate protocol.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Blue Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

There are display screens in the Council Chamber which are used to show photographs, or plans submitted with applications. The photographs are taken by Officers to give Members a general impression of a site and its surroundings, and are not intended to present a case for or against a proposal.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason (s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

If any Member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair and Officers will clarify the procedure to be followed. The names of each voting Member will be called out and each Member will announce whether their vote is to grant, to refuse, or to abstain. Officers will announce the outcome of the vote on the item.

If a vote is to proceed in the normal manner via the electronic voting system, the Chair will ask Officers to set up the voting screen(s) in the Chamber, and when requested, Members must record their votes by pressing the appropriate button (see following sheet).

Members have 10 seconds to record their votes once the voting screen is displayed, unless advised otherwise by Officers.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair and Officers will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item.

Where the formal resolution of the Committee is contrary to Officer recommendation, the Chair will request Members to agree the process through which planning conditions or reasons for refusal are to be drafted, in order to release the Decision Certificate (e.g. delegating authority to the Planning Officer, to the Planning Officer in liaison with Local Members, or by referral back to Planning Committee for ratification).

PLANNING COMMITTEE

VOTING PROCEDURE

Members are reminded of the procedure when casting their vote. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

+	To GRANT Planning Permission
-	To REFUSE Planning Permission
0	to ABSTAIN from voting

Or in the case of Enforcement items:

+	To AUTHORISE Enforcement Action
-	To REFUSE TO AUTHORISE Enforcement Action
0	to ABSTAIN from voting

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-
*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 10 December 2014 at 9.30 am.

PRESENT

Councillors Raymond Bartley (Chair), Ann Davies, Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Alice Jones, Pat Jones, Win Mullen-James (Vice-Chair), Bob Murray, Dewi Owens, Merfyn Parry, Arwel Roberts, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

Local Member – Councillor Gwyneth Kensler attended for agenda items 5 and 6

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principal Planning Officer (IW); Senior Engineer, Traffic and Transportation (MP), and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Ian Armstrong, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Richard Davies, Rhys Hughes, Margaret McCarroll, Barry Mellor, Peter Owen and Paul Penlington

2 DECLARATIONS OF INTEREST

Councillor Huw Williams – Personal Interest – Agenda Item 7
Councillor Cefyn Williams – Personal Interest – Agenda Item 7
Councillor Merfyn Parry – Personal and Prejudicial Interest – Agenda Item 8

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee's meeting held on 12 November 2014 were submitted.

Accuracy – Councillor Cheryl Williams advised that her apologies for absence had not been recorded within the minutes.

RESOLVED that, subject to the above, the minutes of the meeting held on 12 November 2014 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 18) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 08/2014/1139/PF - LAND ADJACENT TO IFOR WILLIAMS TRAILERS LTD, CYNWYD, CORWEN

[Councillor Huw Williams declared a personal interest because he did business with the company. Councillor Cefyn Williams declared a personal interest because he used to work for the company.]

An application was submitted for demolition of existing dwelling and construction of car parking area to serve adjacent factory, involving alterations to existing access, changes of levels, landscaping and associated works at land adjacent to Ifor Williams Trailers Ltd, Cynwyd. Corwen.

Public Speakers –

Mr. Berwyn Owen (**For**) – explained the reasoning behind the application to provide safe employee and visitor parking highlighting the merits of the proposal long term and in addressing existing parking problems.

General Debate – Councillor Cefyn Williams (Local Member) advised that most concerns related to traffic issues and he reported upon a forthcoming pilot scheme introducing a 20 mph speed limit in the area which would mitigate those concerns.

Proposal – Councillor Cefyn Williams proposed the recommendation to grant the application, seconded by Councillor Meirick Davies.

VOTE:

GRANT – 20

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report and supplementary papers.

6 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH

An application was submitted for installation of micro hydro electric scheme at land at Elwy Meadows, Lower Denbigh Road, St. Asaph.

Public Speakers –

Mr. Ian McDonald (**Against**) – reiterated the basis of his objection to the application as detailed within the written submissions concluding that the scheme would produce very little electricity at great cost and damage to the river and habitat.

Mr. Richard Rees, Applicant (**For**) – highlighted the lack of objection from statutory consultees, council departments and city/community councils, refuted the submissions of the local fishing club, and confirmed that Natural Resources Wales had issued all necessary consents.

General Debate – The Planning Officer provided some background information and context to the application. He clarified the distinct roles of Natural Resources Wales (NRW) and the Council as planning authority within the authorisation process. Most concerns raised related to matters under NRW control and members were asked to focus their attention on the material planning considerations in this case. Councillor Meirick Davies (Local Member) was satisfied that full consideration had been given to all issues raised and proposed that the application be granted, seconded by Councillor Huw Williams. Councillor Dewi Owens asked that the proposed conditions submitted by St. Asaph City Council be imposed but officers advised that those issues were for NRW to consider and they had not requested such conditions be imposed. During debate the need to be sensitive to flooding concerns was raised as were concerns regarding fish migration – consequently some members felt there would have been merit in NRW representatives attending the meeting to provide assurances on areas of concern. Officers advised that NRW had concluded there was no additional risk of flooding as a result of the scheme and they had also been satisfied with the fish pass details which had been approved.

Proposal – Councillor Meirick Davies proposed the recommendation to grant the application, seconded by Councillor Huw Williams.

VOTE:

GRANT – 18

REFUSE – 2

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

7 APPLICATION NO. 44/2014/0830/PC - CIET(UK) LTD, OLD WATER WORKS, ABERGELE ROAD, RHUDDLAN, RHYL

An application was submitted for continuation of use of land and buildings for the receipting, storage and issue of electricity power line materials, equipment and light vehicles (retrospective application) at CIET (UK) Ltd., Old Water Works, Abergele Road, Rhuddlan, Rhyl.

Public Speakers –

Mr. Hughes (**For**) – apologised to local residents if distress had been caused over the last twelve months and detailed measures to address concerns raised.

General Debate – Councillor Ann Davies (Local Member) advised that CIET (UK) Ltd had been operating without planning permission and during that time residential amenity had been affected. She felt the proposed conditions were insufficient and asked for a number of additional conditions to further protect local residents. Councillor Arwel Roberts (Local Member) referred to the site history and current context highlighting the difficulty in balancing the need for business and safeguarding residential amenity. Consequently he asked that deliveries to the site be restricted to between 0900 and 17.00 Monday to Friday.

The Planning Officer confirmed officers had put forward suggested conditions to control the use of the business and minimise impact on local residents. He felt those conditions could be strengthened to take into account local members' views. He considered that the operating times detailed in condition 2 were reasonable and that noisy activities would be addressed as part of condition 1. The Senior Engineer provided a viewpoint on the highways issue confirming officers had no grounds for objection. In terms of the potential control of vehicle speed he suggested there may be merit in using advisory speed limit signs. In light of the issues raised by local members the committee felt that additional conditions should be imposed in order to meet local residents' concerns.

Proposal – Councillor Merfyn Parry proposed the officer recommendation to grant, seconded by Councillor Win Mullen-James, subject to an amendment to the timings in condition 2 and the detail of the conditions in relation to noise and highways being agreed with local members.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendation as stipulated within the report, subject to a variation of condition 2 amending the time for operation to between 09.00 and 17.00 Monday to Friday, and that power be delegated to officers and local members to apply planning conditions to the consent in order to meet the concerns of local residents.

8 APPLICATION NO. 45/2014/0388/PF - GRANGE HOTEL SITE, 41 - 42 EAST PARADE, RHYL

An application was submitted for demolition of easterly villa and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works at Grange Hotel site, 41 – 42 East Parade, Rhyl.

Public Speakers –

Mr. Robert Blount (**For**) – referred to the site history and nature of the proposed development to create a balance between rejuvenation and viability of the site.

General Debate – Councillor David Simmons (Local Member) was happy to propose the recommendation to grant but raised concerns regarding car parking and asked for a condition that future residents purchase a car park permit. He also asked that due to potential delays in CADW agreeing the demolition the expiration of planning permission be extended from two to three years. Councillor Win Mullen-James highlighted the need to restrict access/egress of heavy construction vehicles from the site in order to allow emergency vehicles access to Bradshaw Nursing Home. The committee considered the history of the site, its state of disrepair and the views of the District Valuer in terms of the site's future financial viability. Concerns were expressed over the loss of heritage as a result of the development and contrast of the modern building designed which was balanced against the likelihood of securing the site's future development if permission was refused. Officers responded to the issues raised, elaborating on the findings of the highway assessment and advising that any requirement to purchase a car park permit would be a matter between the developer and potential purchaser. The reasoning behind the two year timescale for development to follow on from listed building consent was explained and accepted. Councillor Alice Jones asked that consideration be given to a Welsh name for the development.

Proposal – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Win Mullen-James.

VOTE:

GRANT – 18

REFUSE – 1

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.*

9 APPLICATION NO. 45/2014/0389/LB - GRANGE HOTEL SITE, 41 - 42 EAST PARADE, RHYL

A listed building application was submitted for demolition of easterly villa and westerly annex, and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of existing boundary walls and associated works at Grange Hotel site, 41 – 42 East Parade, Rhyl.

Public Speakers –

Mr. Robert Blount (**For**) – detailed the site history, state of disrepair of the eastern villa and reasoning behind the proposed demolition to ensure a viable development.

General Debate – Councillor David Simmons (Local Member) proposed the recommendation to grant, highlighting the building's status as a top eyesore site subject to regular vandalism which would be benefit from the development. It was noted that listed building consent to the demolition would require authorisation from CADW which may delay the process.

Councillor Meirick Davies was disappointed to note the current state of disrepair of the building and questioned whether enough had been done to secure its future. Officers highlighted the chequered history of the site leading up to the current application and the reasoning behind the lack of enforcement action given the previous owner's financial state. It was suggested that any concerns in that regard could be considered by the relevant scrutiny committee.

Proposal – Councillor David Simmons proposed the officer recommendation to grant the application, seconded by Councillor Win Mullen-James.

VOTE:

GRANT – 18

REFUSE – 2

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

10 APPLICATION NO. 45/2014/0908/PF - PLAYGROUND OFF CRESCENT ROAD/GORDON AVENUE, RHYL

An application was submitted for change of use of former MUGA to a community food growing project consisting of raised bed allotments at Playground off Crescent Road / Gordon Avenue, Rhyl.

Public Speakers –

Mr. Paul Gallagher (**For**) – highlighted the benefits of the proposed facility as a focal point bringing the community together, referred to the problems associated with the site as a MUGA, and responded to the objections raised.

General Debate – Councillor David Simmonds spoke on behalf of local members in support of the project as an excellent use for the site with demand for such a facility. He added that the former MUGA had been subject to anti-social behaviour and was an eyesore site. Members were in favour of the scheme but reference was made to the need to consider the potential for anti-social behaviour at the new facility. It was noted that due to the relocation of families in West Rhyl anti-social problems had reduced.

Proposal – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Pat Jones.

VOTE:

GRANT – 19

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

At this juncture (11.20 a.m.) the meeting adjourned for a refreshment break.

11 APPLICATION NO. 44/2014/0953/PF - 6 GROVE TERRACE, PRINCES ROAD, RHUDDLAN, RHYL

An application was submitted for construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle at 6 Grove Terrace, Princes Road, Rhuddlan.

Councillor Ann Davies (Local Member) thought the report had not taken into full account similar access applications in the area in recent months and proposed that the application be deferred pending further information in that regard. The Planning Officer indicated he was not aware of any other applications outside of those within the report and supplementary papers but was happy to accede to the request for deferral and attempt to provide further detail. Councillor Arwel Roberts advised that he had not been present at the recent site visit and his attendance had been wrongly recorded in the supplementary papers.

Proposal – Councillor Ann Davies proposed, seconded by Councillor Arwel Roberts, that the application be deferred.

VOTE:

FOR DEFERRAL – 16
AGAINST DEFERRAL – 1
ABSTAIN – 0

RESOLVED that the application be **DEFERRED** to allow further detail to be provided regarding previous access applications in the area.

12 APPLICATION NO. 01/2013/1599/PF - THE FORUM, 27 - 29 HIGH STREET, DENBIGH

An application was submitted for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh.

Councillor Gwyneth Kensler (Local Member) confirmed she had concerns about the application. Councillor Meirick Davies felt that the plans provided with the application were inadequate and proposed that the application be deferred to enable more detailed information to be provided. He also asked that a site visit be arranged. The Planning Officer advised that the majority of work proposed was internal. Officers had considered enough detail had been provided within the report but respected the view that additional information was required.

Proposal – Councillor Meirick Davies proposed, seconded by Councillor Arwel Roberts that the application be deferred.

VOTE:

FOR DEFERRAL – 17
AGAINST DEFERRAL – 0
ABSTAIN – 0

***RESOLVED** that the application be **DEFERRED** to allow further detailed plans to be provided.*

13 APPLICATION NO. 01/2013/1601/LB - THE FORUM, 27 - 29 HIGH STREET, DENBIGH

A listed building application had been submitted for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh.

Proposal – Councillor Meirick Davies reiterated his view (under the previous item) that inadequate plans had been provided with the application and he proposed, seconded by Councillor Arwel Roberts, that the application be deferred.

VOTE:

FOR DEFERRAL – 17
AGAINST DEFERRAL – 0
ABSTAIN – 0

***RESOLVED** that the application be **DEFERRED** to allow further detailed plans to be provided.*

14 APPLICATION NO. 18/2014/1133/PS - LAND REAR OF GOLDEN LION INN, LLANDYRNOG, DENBIGH

[Councillor Merfyn Parry, as Applicant, declared a personal and prejudicial interest and left the meeting during consideration of this item.]

An application was submitted for removal of condition nos 6, 7 and 8 of outline planning permission code no. 18/2010/1503 relating to Code for Sustainable Homes requirements at land rear of Golden Lion Inn, Llandyrnog, Denbigh.

Proposal – Councillor Meirick Davies proposed the recommendation to grant, seconded by Councillor Huw Hilditch-Roberts.

VOTE:

GRANT – 15
REFUSE – 0
ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendation.*

15 APPLICATION NO. 41/2014/0757/PF - YEW TREE, BODFARI, DENBIGH

An application was submitted for erection of replacement two-storey dwelling and garage (amendment to previously approved scheme under ref no. 41/2013/1498/PF) at Yew Tree, Bodfari, Denbigh

Proposal – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Arwel Roberts.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

16 APPLICATION NO. 43/2014/0905/PF - ICELAND FOODS AND BEVANS HOMEWARES, NANT HALL ROAD, PRESTATYN

An application was submitted for demolition of existing retail units, construction of a terrace of 4 no. new retail units, reconfiguration of existing customer car park, extension to existing staff car parking to north-east of site and associated landscaping and pedestrian/cycle/vehicle access works (Phase 2 Prestatyn Shopping Park) at Iceland Foods and Bevans Homewares, Nant Hall Road, Prestatyn.

General Debate – The Planning Officer provided some background information and context to the application and detailed the reasons behind the recommendation to grant. Councillor Julian Thompson-Hill (Local Member) expressed reservations regarding particular aspects of the scheme but accepted the work undertaken in mitigation given the constraints on infrastructure. Taking into account the positive impact of the scheme on employment and the economy, he proposed the recommendation to grant, seconded by Councillor Stuart Davies. Councillor Bob Murray was not opposed to the development but detailed concerns regarding visual impact, residential amenity and highways issues and sought further assurances in that regard. During the ensuing debate members considered the merits of the scheme and discussed matters of concern with officers who reported upon the findings of the highway assessment and independent safety audit together with measures to mitigate highway concerns. Assurances were provided that the development would be monitored for a six month period following its opening with a view to addressing any further issues arising therefrom. With regard to other planning concerns it was considered that they could be adequately addressed via conditions and members discussed the potential for additional conditions to further alleviate the concerns raised.

Proposal – Councillor Julian Thompson-Hill proposed the recommendation to grant, seconded by Councillor Stuart Davies, subject to additional conditions requiring the installation of a screen wall along Nant Hall Road and advisory signage for vehicles using the site to alleviate traffic problems.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report and supplementary paper, and that power be delegated to officers, in liaison with the Local Member, to apply additional planning conditions to the consent relating to the installation of a screen wall along Nant Hall Road and advisory signage for vehicles on site.

17 APPLICATION NO. 45/2014/0875/PF - 56 ST. MARGARETS DRIVE, RHYL

An application was submitted for erection of conservatory to side of dwelling at 56 St. Margarets Drive, Rhyl.

General Debate – Councillor David Simmons advised that Local Member Councillor Jeanette Chamberlain Jones had no objection to the application.

Proposal – Councillor Cheryl Williams (Local Member) raised no objection and proposed the recommendation to grant, seconded by Councillor Meirick Davies.

VOTE:

GRANT – 15

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

18 APPLICATION NO. 45/2014/1132/PF - 11 - 33 ABBEY STREET, RHYL

An application was submitted for demolition of nos. 11 – 25 Abbey Street and erection of 7 no. dwellings with associated gardens, parking and landscaping; and refurbishment of 4 flats and 2 ground floor shop units at 27 – 33 Abbey Street.

General Debate – Councillor David Simmons spoke in favour of the application on behalf of Local Members Councillors Ian Armstrong and Joan Butterfield. He advised that the works formed part of the redevelopment of West Rhyl and proposed far better living accommodation than the existing dwellings.

Proposal – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Pat Jones.

VOTE:

GRANT – 16

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

19 NORTH WALES WIND FARMS CONNECTIONS MAJOR INFRASTRUCTURE PROJECT - PARTICIPATION IN THE PLANNING PROCESS

A report by the Head of Planning and Public Protection was submitted seeking members' views on whether the Council should participate in the planning process relating to the North Wales Wind Farms Connections Major Infrastructure Project.

Officers reminded members of the background to the report and the Council's adoption of an in principle objection to the overhead line project in favour of an underground connection. Despite that stance Scottish Power Manweb had confirmed their intention to progress with proposals for overhead lines and officers detailed the Council's future engagement options in the planning process together with the implications arising therefrom.

During a detailed debate members considered the merits of each option in order to satisfy themselves as to the best way forward to enable the authority to exert the greatest influence over the wind farm project and provide the best possible representation on behalf of residents. Whilst acknowledging the Council's objection to overhead connection it was noted that refusal to engage in the process may result in a limited opportunity for the Council to put forward any mitigation proposals should the need arise. Members also considered that in light of current financial constraints it may not be appropriate to fund their engagement within the process when it was possible to recover those costs from the developer. Officers confirmed that as part of the process support and guidance would be provided to members as in planning appeals. The risks that engagement in the process may result in independent consultants disagreeing with the Council's stance in relation to overhead lines and undermining that objection were also highlighted.

Proposal – Councillor Merfyn Parry proposed Option C as detailed within the report, seconded by Councillor Peter Evans. In view of the potential permutations arising from the vote it was considered practical to vote on the first option as detailed within the report at the outset. Consequently Councillor Julian Thompson-Hill proposed Option A, seconded by Councillor Win Mullen-James.

VOTE:

FOR – 15

AGAINST – 0

ABSTAIN – 1

RESOLVED that in accordance with Option A as detailed within the report, the Council enters into a Planning Performance Agreement and engages in the process.

20 PROTOCOL FOR SITE INSPECTION PANELS

A report by the Head of Planning and Public Protection was submitted presenting a revised protocol for the staging of Site Inspection Panels for adoption by the committee. In light of an ongoing review by Welsh Government into aspects of the Local Authority planning function officers recommended that the revised guidelines be adopted for a further trial period of six months, pending developments.

Members' attention was drawn to the increase in membership to include a representative from each political group. Unfortunately site visits had not been well

attended and Group Leaders were asked to encourage their members to attend and ensure greater representation at those meetings. Councillor Meirick Davies asked for it to be made clearer in the protocol that membership included a representative from each political group in addition to the current membership.

RESOLVED that the revised Site Inspection Panel Protocol, as attached to the main report, be adopted for a further period of six months.

The meeting concluded at 1.00 p.m.

Agenda Item 5

WARD : Bodelwyddan

WARD MEMBER(S): Cllr. Alice Jones

APPLICATION NO: 40/2013/1585/ PO

PROPOSAL: Outline planning application for the development of 1,715 dwellings including affordable dwellings, up to 80 bed care home and 50 close care flats (Class C2 use), up to 100 bedroom hotel (Class C1 use), new primary school, 2 local centres (including Class A1, A2, A3, C3, D1 and D2 uses), 26 hectares of employment land (comprising a mix of B1, B2 and B8 uses), new highway infrastructure including the formation of a new access and a link between A55 Junction 26 and Sarn Road, pedestrian and cycle routes, areas of formal and informal open space, green space and structural landscaping and drainage infrastructure

LOCATION: Land East of Bodelwyddan Rhyl

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Heading:

REFERENCE NO. 40/2013/1585/PO
LAND EAST OF BODELWYDDAN
BODELWYDDAN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

 Application Site

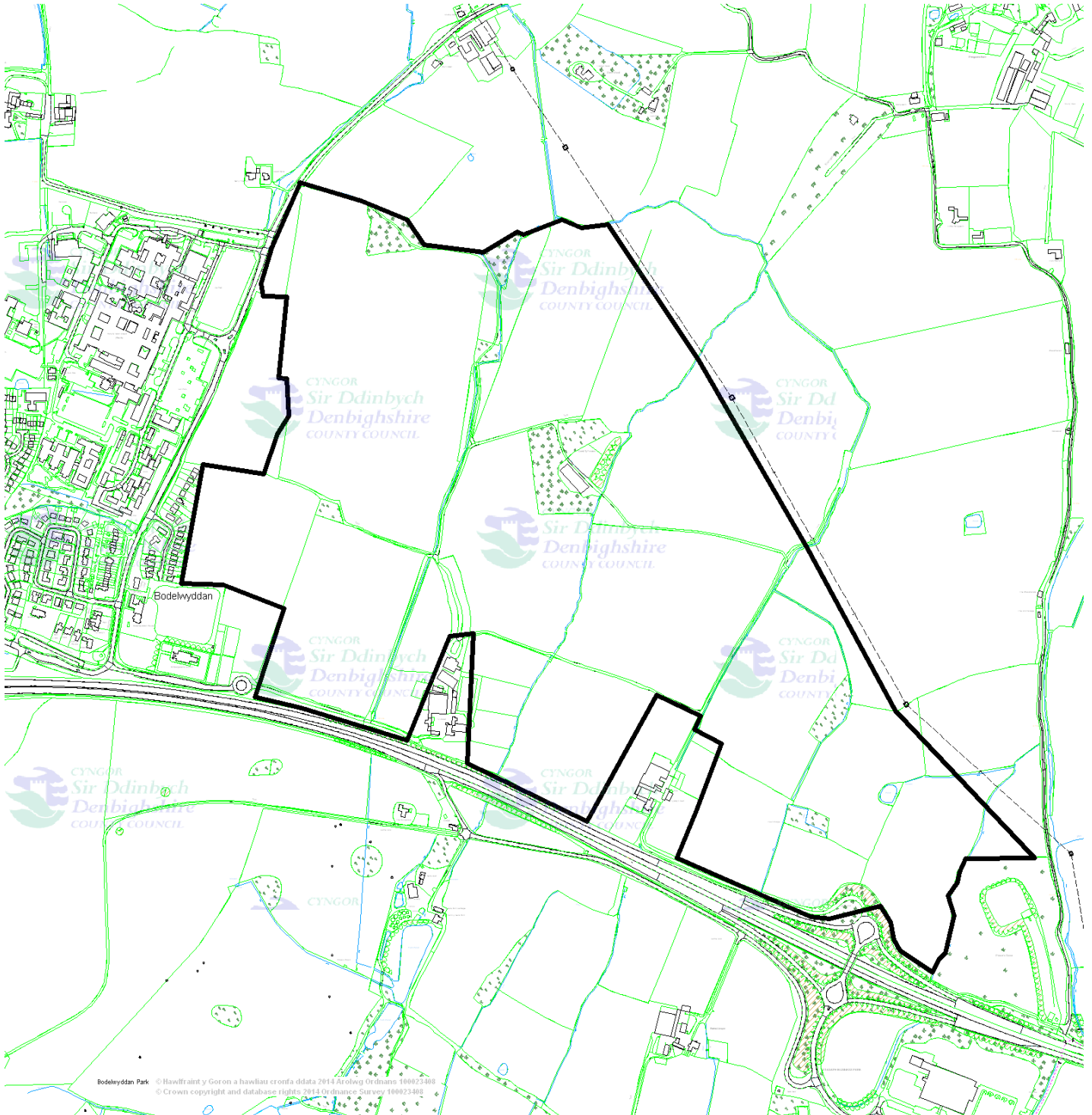


Date 8/1/2015

Scale 1/10000

Centre = 301027 E 375628 N

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



Bodelwyddan Park © Hawlfraint y Goron a hawliau cronfa ddata 2014 Arolwg Ordnans 100023408 © Crown copyright and database rights 2014 Ordnance Survey 100023408

EXECUTIVE SUMMARY AND CONCLUSIONS

THE PROPOSAL

Outline planning permission is sought for the development of land to the east of Bodelwyddan for the following:

- 1,715 dwellings including affordable housing (Class C3 use)
- Up to 80 bed care home and 50 close care flats (Class C2 use)
- A hotel of up to 100 bedrooms (Class C1 use)
- A new Primary School (Class D1 use)
- Two local centres (Classes A1, A2, A3 and D2 uses)
- 26 hectares (950,000sq.ft) of serviced employment land and units (Class B1, B2 and B8 uses)
- New highway infrastructure including the formation of a new access and a link between A55 junction 26 and Sarn Road, pedestrian and cycle routes
- Areas of formal and informal open space, green space and structural landscaping; and
- Drainage infrastructure

BACKGROUND

The land upon which the above mentioned development is proposed forms part of the Bodelwyddan Key Strategic Site (KSS). The KSS has been designated as such within the adopted Local Development Plan (LDP). The LDP and the KSS were adopted as sound following an Examination in Public (EIP) which took place between January 2012 and February 2013. This EIP involved an appointed Planning Inspector examining a range of environmental, economic and social information and hearing a variety of representations from interested parties.

In concluding that the KSS could be allocated for the major mixed use development the Inspector highlighted that Key Policy BSC 5 of the LDP "contains the tools necessary to ensure that the expanded Bodelwyddan is a sustainable community."

ASSESSMENT OF PROPOSAL AGAINST KEY POLICY BSC 5

Key Policy BSC 5 of the adopted LDP states that land at Bodelwyddan has been identified as a KSS as part of a Preferred Strategy of the LDP in order to meet the acknowledged development needs of the north of the County. Development will be phased over the plan period and should contain a number of key elements. The main Committee Report goes through the key elements of the Policy and asks the following:

- **What does the key policy and Site Development Brief require?**
- **What does the application propose?**
- **Is the proposal policy compliant?**
- **How will the requirements be secured/controlled?**

The key elements of Policy BSC 5 and a short note on the compliance with Policy are set out below.

-
- **1,715 dwellings including the provision of affordable housing in accordance with Policy BSC 4.**

The applicant has indicated that 1,715 dwellings will be delivered as part of the development. It has also been clearly stated that affordable housing will be provided in accordance with the Policy criteria. The delivery of the housing and affordable housing will be controlled within a phasing strategy to be further agreed. The s.106 agreement will also control the affordable element in perpetuity.

Officers conclude that the proposal is policy compliant in relation to this key element.

-
- **Education, training and health provision.**

The applicant has indicated that land within the site, and the required funding to develop a new dual use primary school/community facility, will be provided as part of the development. The delivery of the school facility will be controlled within a phasing strategy to be further agreed and will be set out within the s.106 legal agreement.

The applicant has agreed to undertake reasonable endeavours to ensure linked training is provided to compliment and support the construction and operational phases of the development. This will involve continued work with the Council, Rhyl College and others. This will be set out and controlled within the s.106 legal agreement.

The applicant has indicated that, as part of an intended Local Centre containing a variety of community facilities, a health facility can be provided. Further dialogue is required between the developer, the Council, local GP's and the

Health Board to ensure that a facility is delivered which meets the health requirements. The provision of such a facility will be controlled within planning conditions.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **26 hectares of B1, B2 and B8 serviced employment land and buildings**

The applicant has indicated that 26ha of land will be safeguarded to the south of the site for employment purposes. The supporting documents submitted, including the Parameter Plans and Socio-Economic Report, highlight the intention to take advantage of this important “investment corridor” along the A55 by providing serviced land and marketing the sites. The delivery of the employment land will be controlled through the phasing strategy and other conditions ensuring that housing development will not be able to proceed until the land has been serviced and appropriately marketed for development.

It should be noted that the delivery of the employment land alongside the other elements of the KSS has always been seen as crucial to the economic growth and ambition of the County. Studies undertaken to inform the EIP highlighted that allocating land for employment purposes within the KSS in this strategic location would provide a great opportunity for new jobs and prosperity for the County and wider region.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **New highway network between the existing A55 Junction 26 and Sarn Road and other off-site improvements.**

The applicant has indicated that access and egress from the site will be via a new access point off Sarn Road and from a new access point off the northerly roundabout of Junction 26 of the A55. The applicant is fully aware of the requirements of the adopted Site Development Brief to provide a “development boundary road” connecting the two access points. **However, this connecting road is not being assessed or agreed at this outline stage and, therefore, any decision made will not be contradicting the requirements of the brief.** This connecting road will be further assessed within subsequent reserved matters submissions with its delivery controlled within the phasing strategy. The use of any internal road for construction purposes will also be set out within a Construction Environmental Management Plan (CEMP) to be further agreed. This will ensure construction traffic accesses and exits the KSS via Junction 26 of the A55 only. Other off-site improvements are shown on Sarn Road to create a signalled junction into the site along with other environmental improvement works on Abergele Road.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **On site community facilities, open space, retail provision.**

The applicant has indicated that a new community facility will be linked to the new school and provided as part of the development. Other community facilities and retail provision such as shops, pub, care home, recycling facilities etc. will also be provided within two local centres. The delivery of the community facilities will be controlled through planning conditions, the phasing strategy and the s.106 legal agreement.

The applicant has indicated that over 9ha of open space will be provided across the site. This is shown within the submitted Parameter Plans. The delivery of the open space will be controlled in the phasing strategy and other conditions and its on-going management and maintenance will be provided by an independent company. This will be controlled in the s.106 legal agreement.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **Safeguarding and enhancement of any areas/species of nature conservation importance.**

The applicant, within the submitted Environmental Statement (ES), has examined all relevant issues pertaining to nature conservation importance. The main report goes through these in detail and highlights how existing natural features and habitats will be protected and enhanced. The ethos behind the development of the KSS is promoted by the applicant as working with existing green infrastructure to create a network of ecological corridors for the public and wildlife to use. Both Natural Resources Wales (NRW) and the Council's own Biodiversity Officer have examined the proposal and are content that, subject to appropriate planning conditions, the scheme will safeguard and enhance species and areas of nature conservation importance. Planning conditions and the s.106 legal agreement will control how areas and species will be protected, enhanced and managed through the development.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **Pedestrian and cycle facilities to serve connectivity between homes and jobs, including the surrounding Rights of Way network.**

The applicant has shown within the submitted Parameter Plans and supporting documents (Public Rights of Way Assessment) how pedestrians and cyclists will be able to use the site and link to wider routes, paths and networks. A financial contribution will be provided to improve existing Rights of Way outside the site and to enhance an area on Abergele Road. The Footpaths Officer of the Council is fully supportive of this approach and has welcomed the enhancements which are to be provided. Contributions will be controlled through the s.106 legal agreement.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **New public transport links.**

The applicant has shown within the submitted Transport Assessment (TA) and the Framework Travel Plan how improvements will be made to public transport links within and outside the site. The details of this are contained within the main report and explain that financial contributions will be made towards public transport improvements and the production of a Travel Plan. The Council's Passenger Transport section has been fully involved in the discussions on these elements and are content with the proposal. The s.106 legal agreement will control how the relevant contributions will be secured and paid.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **Sustainable building materials, energy efficient and water efficient measures and aspire to be carbon neutral.**

The applicant has submitted a number of supporting documents such as, Sustainable Resources and Waste Management Strategy, Energy Statement, Sustainability Strategy, Drainage Strategy and Flood Consequences Assessment. These documents explain how during both construction and operational phases the principles of sustainable development will be followed. These documents have been examined and explained within the main report. Relevant Council Officers, NRW and Dwr Cymru (DCWW) have assessed the proposal in light of these documents and, subject to planning conditions and compliance with the mitigation measures outlined in these reports, raise no objection.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **Consideration as to the potential impacts on the linguistic, cultural and social character of the area.**

The applicant has submitted a Welsh Language Impact Assessment as part of the ES. This document sets out the embedded role of the Welsh Language and Culture in the proposed development. The main report highlights the measures to be taken both implicitly and explicitly within the scheme to mitigate impacts on the Welsh Language and Culture. The applicant will be making a financial contribution to enable the creation of a Welsh Language Officer. In addition specific measures such as Welsh branding, street names and marketing of sites will be undertaken at the developer's expense.

A Desk Based Heritage Assessment has also been undertaken by the applicant which shows how other cultural and historic issues will be considered as part of the development.

The s.106 legal agreement will set out and control the relevant financial contributions for the Welsh Language Officer and other cultural elements.

Officers conclude that the proposal is policy compliant in relation to this key element.

- **Integration of the development into the landscape based on the findings of a robust landscape framework.**

The applicant has submitted a Landscape and Visual Impact Assessment along with a number of Parameter Plans highlighting possible land uses, building heights and green infrastructure. These documents and plans have been fully assessed by NRW and the Council's appointed landscape consultant.

It is accepted that there will inevitably be an impact on the landscape character of the site and surroundings. However, subject to compliance with planning conditions setting out advanced planting and future management of the green infrastructure within the site, no objections have been raised by the two key consultees.

Officers conclude that the proposal is policy compliant in relation to this key element.

OTHER RELEVANT MATERIAL PLANNING CONSIDERATIONS

A number of other material considerations have been examined within the main report. These are listed below:

- Impact on residential amenity
- Impact on Ecology
- Drainage (including flooding)
- Impact on Highways (including access)
- Impact on Archaeology
- Noise Impacts
- Impact on Air Quality
- Impact on Listed Buildings and Conservation Area
- Utilities Infrastructure

Officers have consulted with relevant specialist consultees in relation to all the above mentioned material considerations. Officers have also assessed the proposal against the relevant criteria of the policies contained within the adopted LDP. Subject to adhering to the principles set out within all the relevant submitted documents, compliance with the suggested planning conditions and heads of terms within the s.106 agreement Officers are content that the outline planning application proposal is acceptable.

FUTURE PLANNING CONTROLS

The granting of the outline planning consent, subject to the relevant conditions and s.106 legal agreement, forms the next stage within an established planning process. The adoption of the LDP and the formation of the principles for developing the Bodelwyddan KSS have already been agreed following the detailed EIP. The tools set out within adopted Key Policy BSC 5 will enable the site to be developed appropriately and the details contained within this outline planning application adhere to this key policy.

The applicant has highlighted a commitment to further engage with the local community, the Council and other key stakeholders in the delivery of the elements within the scheme. Applications for approval of reserved matters and discharges of relevant planning conditions will be informed by further community engagement. Construction phases will need to be strictly controlled and managed with the existing community in mind to ensure minimum disruption. There will be further opportunities for the local community to shape how the KSS is developed and consultation and engagement will be vitally important to this. A community liaison role can be considered to ensure the development proceeds appropriately and any issues can be addressed as they may occur. This role should act as a link between the community and developers throughout the development process.

SUGGESTED PLANNING CONDITIONS AND S.106 HEADS OF TERMS

Appendix B attached to this report sets out the list of suggested planning conditions for any outline consent given. In addition the table within the Appendix highlights the proposed heads of terms for any s.106 legal agreement

WARD : Bodelwyddan

WARD MEMBER(S): Cll. Alice Jones

APPLICATION NO: 40/2013/1585/ PO

PROPOSAL: Outline planning application for the development of 1,715 dwellings including affordable dwellings, up to 80 bed care home and 50 close care flats (Class C2 use), up to 100 bedroom hotel (Class C1 use), new primary school, 2 local centres (including Class A1, A2, A3, C3, D1 and D2 uses), 26 hectares of employment land (comprising a mix of B1, B2 and B8 uses), new highway infrastructure including the formation of a new access and a link between A55 Junction 26 and Sarn Road, pedestrian and cycle routes, areas of formal and informal open space, green space and structural landscaping and drainage infrastructure

LOCATION: Land East of Bodelwyddan Rhyl

APPLICANT: Barwood Land & Estates Ltd.

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice – Yes
Press Notice – Yes
Neighbour letters - Yes
Extended Consultation Period - Jan 2014 – March 2014

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Referral by Head of Planning / Development Manager

CONSULTATION RESPONSES:

BODELWYDDAN TOWN COUNCIL

Dated 20th March 2014 – to be typed out in full**

“Bodelwyddan Town Council object to the proposed development referred to this application.

The Town Council has met the developers and their representatives and have been extremely disappointed with the attitude displayed and the evasiveness in responding to our detailed questions. If such an attitude is shown in the formulation of any S106 agreement governing the proposal we have no doubt that the opportunity to secure any community benefit will have little chance of success.

We were particularly keen to hear about their proposals to create employment in Bodelwyddan with identifiable opportunities for local people. There was no suggestion that any skills audit has been undertaken nor was there clarity about the types of jobs to be encouraged. It is apparent that this vital element has not been clearly researched leading to the conclusion that these areas will be the subject of later applications for residential development.

The only information we received in this respect was that industrial units would be located in close proximity to the Marble Church. When asked about the Planning Authority's duty to protect the “setting” of this listed building the developers said dismissively that this was simply a subjective issue. They were reminded in no uncertain terms that they should not have such a poor attitude to listed Buildings.

We have already touched on community benefit. If the developers were vague on job opportunities they were almost silent on this point. The reality is that very little will be provided. Promises of new schools and community centres were brushed aside. They denied any reference to a £4 million package of benefits that was extensively referred to in the Examination in Public. Your strategy on getting more community benefits by concentrating larger development in one area is doomed to fail. This is a massive risk for Denbighshire County Council (DCC). No matter how tightly a 106 agreement is drawn, it will not be effective if a party does not want to honour its obligations. The developer only wants to honour its obligation to its shareholders and make a profit.

The applicant does not build houses. It looks to dispose of parcels of land within the KSS to builders. This adds to the risk to DCC . You will have little control in ensuring the number of units to be built will be achieved. You will be unsure who to look to for the provision of developers' obligations. You will have the task of ensuring that the infrastructure for the whole site is of a consistent standard and capable of adoption.

One particular area of concern is drainage. No definitive plan exists to demonstrate that the entire site is capable of drainage in an area noted for flooding. Your record at Glasdir in Ruthin shows the problems that can happen and how difficult it is to resolve matters on a relatively small site. The problem with run off both in and outside the site should be demonstrated before any development is allowed.

This is a badly thought out application which does not address significant issues. It has the capacity to be one of the greatest follies ever seen from a planning approval which is only concerned with playing a numbers game with dwelling units. The lack of a proper approach by DCC to enabling county wide growth has been well aired. The only hope for DCC is to turn down this application.”

ST.ASAPH CITY COUNCIL

“Areas of considerable concern. 1. Over intensification. 2 Expressway (A55) has no hard shoulder to accommodate excessive increase in traffic. 3. Lack of primary healthcare facilities.”

CEFN MEIRIADOG COMMUNITY COUNCIL

“We are concerned about the marginalisation of the Welsh Language which may result from such a large increase in local population due to this development.

It is important this development is managed in phases to minimise the impact on local infrastructure and services.

Has the impact on Glan Clwyd hospital been fully assessed? This will create a large demand at the door of a very stretched health service which is attempting to develop more effective services in difficult financial times. There appears to be no primary health care service within the plan.

This development is ruining the character of Bodelwyddan village and very fine agricultural land.

Many of the existing units in St.Asaph Business Park remain empty and there is still further scope to develop in that Park.

This development would provide a better location for the proposed development of a crematorium in Cefn Meiriadog.”

RHUDDLAN TOWN COUNCIL

“No observations.”

CONWY COUNTY BOROUGH COUNCIL

Does not object to the principle of development but wishes to see controls on phasing to ensure employment sites are developed concurrently with housing, measures to secure health facilities to avoid pressures on existing doctor's surgeries, mitigation to address impacts on the Welsh language, strategic landscaping to screen views in and out of Conwy. Also request applicants speak to Conwy CBC about required foul sewer connections and consideration be given to provision of a new High School to reduce pressures on Ysgol Emrys Ap Iwan.

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

The JAC has serious concerns about the impact of such a large and controversial development on the Vale of Clwyd and wider area, including the AONB. The loss of good quality agricultural land, resultant increase in traffic on the A55, the impact on community cohesion and the Welsh language, coupled with the potential for additional recreational pressure on the AONB all give rise to concern, but the JAC notes that the adopted LDP allocates the site for large scale strategic development.

One of the defined special qualities of the AONB is described as its ‘Wide Open Views (uninterrupted and extensive, panoramic)’, which includes views into the Vale of Clwyd and the application site from the higher ground of the AONB to the east. The impact of development which can interrupt important views from the AONB should therefore be a significant consideration in determining such applications.

Given the very large scale of this development it will inevitably have some impact on views from the AONB, but it is acknowledged that the distance between the AONB and the site will diminish the impact, particularly as the

development will also be seen in the context of nearby existing development (e.g. Bodelwyddan Church, Glan Clwyd Hospital and St Asaph Business Park). However, the JAC would emphasise the need for the planning authority to ensure that the overall approach to development, and particularly the landscaping of the site, will mitigate these impacts as far as possible and will be based on a guiding principle which seeks to integrate and absorb the development into its rural surroundings from the outset.

Particular matters that the JAC would comment on are:

- The importance of retaining and protecting existing landscape features - woodlands, trees and hedges – which will help soften views and break up the mass of buildings during the early phases of development.
- Recognising that the site is quite 'open' in character in views from the AONB and ensuring that the landscaping strategy responds to this by incorporating a more substantial landscaping/tree planting belt of native local species along the north eastern boundary of the site than appears to be proposed at present. This could extend outside the current site if this is feasible.
- The need for structural tree planting, especially along the north east boundary, to be carried out at the earliest possible opportunity and in advance of development.
- The colour and reflectivity of all wall finishes and roofing materials, particularly for the larger employment buildings, should be recessive in nature to help them blend into the rural scene in distant views.
- The employment development closest to the north eastern site boundary should be at a lower height than the 15m maximum currently specified to help facilitate and enhance the transition between open countryside and the future built up area.
- Existing and new public rights of way across the site should be integrated into landscaped 'greenways' which are attractive and convenient for future users.
- Consideration should be given by the developers to the creation of a long term community fund to help mitigate the wider implications of the scheme. This could help fund suitable projects such as landscape enhancement schemes in the wider countryside around the site, or improve countryside recreation opportunities in the locality (including part of the AONB).

NATURAL RESOURCES WALES

No objection subject to appropriate conditions dealing with ecology and water management. They have fully assessed the proposal and submitted documents and accept that the development can proceed subject to relevant mitigation works being put in place at the relevant times.

DWR CYMRU / WELSH WATER

No objections subject to conditions dealing with foul water connections and water supply.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection from an archaeological perspective subject to the imposition of the agreed planning condition dealing with further investigatory work and subsequent scheme management thereafter.

WALES AND WEST UTILITIES

Have no objections to the proposals but will require the developers to contact them direct to discuss their requirements in detail.

WELSH HISTORIC GARDENS TRUST

Object as the development would have a detrimental impact on the far reaching views from the terrace of Bodelwyddan Castle and the historic parkland which is Grade II Listed.

FIRE AND RESCUE SERVICE

No adverse comments to make in respect to access for fire appliances and water supplies.

NHS WALES Betsi Cadwaladr University Health Board (BCUHB)

There appears to be no certainty in the scheme for provision of primary health care on site as a result of the increased population. Also, concern that a care home is included within the scheme which was not considered during the Health Impact Assessment undertaken. This will put increased pressures on services. In summary they would require the application to ensure a primary health facility is provided with a sum ring fenced for its delivery. In addition a clear time table for its delivery is needed to coincide with the occupation of residential areas on site.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer
- Footpaths Officer - No objection subject to protection of existing rights of way during development and after. In addition contributions towards improvements to existing footpaths would be advantageous.

Senior Engineer Flood Risk Officer – “Having been involved in discussions about flood risk and drainage issues relating to the Bodelwyddan KSS since 2009, is satisfied that the information supplied in the Barwood Land December 2013 Flood Consequences Assessment and Drainage Strategy Report adequately addresses all of the concerns that had been raised previously. Any flood risk associated with the development can be mitigated in a straightforward way, provided the principles set out in the Drainage Strategy are adhered to.

Recently, the Bodelwyddan Development Action Group (BDAG) has provided the Council with a document entitled "Bodelwyddan FCA Review - Assessment of Potential Flood Impacts Arising from Proposed Development", on condition that the document **was not** to be shared with Natural Resources Wales. The most significant aspect of the report's conclusions is that the Barwood Land FCA takes insufficient consideration of the identified sources of flood risk in extreme conditions, that is, the joint probability of high tides occurring at the same time as heavy rainfall on the site. Whilst he does not believe that there is a particular requirement for the FCA to take account of joint probability, he feels it is important that the BDAG report is shared with NRW for its comments.”

Archaeologist –

No objection subject to the imposition of agreed conditions dealing with further investigatory work and protection of relevant areas of interest thereafter.

Biodiversity Officer -

No objection subject to remaining involved through the development phases to ensure ecological measures outlined in the submission are adhered to.

Landscape Consultant

Having worked with you and the developer's Landscape Architects to resolve some of the concerns that we identified, I feel the proposed landscape and green infrastructure measures constitute a well-designed scheme which should provide a high quality setting to the proposed mixed use development.

The proposed conditions should ensure that the structural landscape measures and green infrastructure proposals provide adequate mitigation to ensure that landscape and visual impacts on the surrounding landscape are, at minimum, no worse than those predicted in the Environmental Statement. The condition that requires the developer to submit for approval a Landscape Management Plan and proposals for a single co-ordinated regime under a suitable management body, will offer the Planning Authority adequate controls.

Housing Strategy Officer – No objection. The 10% minimum affordable housing should be provided on site.

Leisure and Tourism Officer

Just to confirm we are content that the development has the potential to provide the relevant leisure/open space provision from within the scheme. This may require improving existing infrastructure in and around Bodelwyddan and in St.Asaph to cater for the increased demand, however. We are happy in the knowledge that discussions are going to be 'on-going' with the developer around how this will ultimately be provided, funded and managed. We have been given assurances the Leisure sufficiency review of existing Leisure stock and open space provision; undertaken to understand where infrastructure needs to be improved and provided; will be taken into account by the developer. We would, as a service, want to be a key client in helping determine the most relevant and appropriate priorities for the investment to ensure we provide an adequate and appropriate leisure offer fit for purpose for many years to come, and to ensure we complement existing provision.

Economic and Business Development Officer

Denbighshire's Economic and Business Development section are fully supportive of the application to develop 26 hectares of the Bodelwyddan KSS for employment uses. The site is central to the North Wales region, well connected to a dual carriageway and offers the potential to develop good quality employment units within landscaped surroundings. There is nothing similar of this scale in North Wales. As such the site offers significant potential for attracting new businesses into the area, as well as providing the opportunity for existing local businesses to grow and/or relocate into new, modern premises.

In conjunction with the St Asaph Business Park (on the other side of the A55 dual carriageway), the Bodelwyddan site offers the opportunity to capture investment from supply chain businesses that are expecting to emerge from major investments elsewhere in North Wales, most notably from the Deeside Enterprise Zone and Energy Island on Anglesey. There is no other site in Denbighshire that offers the same opportunity. The site will also ensure that Denbighshire has a "pipeline" of sites for employment investment for the lifetime of the Local Development Plan.

Adult and Children's Services Officer – No objection.

RESPONSE TO PUBLICITY:

In objection received from:-

Mrs M Hainge-Lloyd, 16 Marble Church Grove, Bodelwyddan
Mr. A. Roberts, The Malt House, English Bicknor, Glos
B. W. Baldwin, 20, Morgan Road, Prestatyn
G. Evans, 7, The Dell, Prestatyn
G. Bevan, Aberystwyth
Gwyn Sion Ifan, Y Bala
Mared Ifan, Caerfyrddin
Osian Jones, Caernarfon
Robin Williams, Pwllheli
Marc Williams, Bae Penrhyn
Helen Humble, Yr Wyddgrug
Howard Humble
Dylan Morgan, Llangefni
Llio Gwynfor, Bangor
Michael Jones, Llandudno
Aled Powell, Wrecsam
Dafydd Tomos, Dinbuch
Lisa Hughes, Caernarfon
Sioned Haf, Llangadog
Dr. John Glyn, Caernarfon
Dylan Bryn Roberts
Bedwyr ap Gwyn, Llannerch y Medd
D K Redpath, 53 Maes Stanley Bodelwyddan
Awen Roberts
A. B. Roberts, Drws y Coed, Ffordd y Cwm, Dyserth
G. Roberts, Drws y Coed, Ffordd y Cwm, Dyserth
E. Lloyd Jones, Y Gelli, Prion, Dinbych
R. Farrar, Machynlleth
J.W. Jones & M. G. Jones, 11, Lon Caradog, Abergele
H. Tomos, Caernarfon
E. Hughes, Caernarfon
G. Grehan
G. Parri, Caernarfon
R. Green
Morgan Hopkins
Cynghorydd Gwyneth Kensler
D. & G. Price, Llangefni
Mrs. S. Ellison, Arawa, Abergele Road, Bodelwyddan
M. & M. Roberts, Ty Croes, Dulas, Ynys Mon
Mrs. D. A. Jones, White Lodge, Abergele Road, Bodelwyddan
Joshua Parry, Caerfaddon
G. Parry (Mayor), Bodelwyddan Town Council, Llwyn Helyg, Morfa
Alan Thomas, Caernarfon
Tomos Williams, Bodelwyddan
Mari Thomas, Caernarfon
Medwen Williams, Bodelwyddan
T. Williams, Penbedw, Ffordd y Bryn, Llanelwy
D. J. Lewis, Penmain
D. Bates, Rhuthun
L. Day, 4, Canolblas Avenue, Bodelwyddan, Rhyl
R. Jones, 7, Maes y Meillion, Abergynolwyn, Tywyn
K. Owen, NFU Cymru, Ty Amaeth, RWAS, Builth Wells
L. & C. Edwards, 3, Canolblas Avenue, Bodelwyddan
S. R. Parker, Oakwood, Nant y Faenol Road, Bodelwyddan
Buddug Cole, Llanrwst
Justin Davies, Caernarfon
Bedwyr Griffiths, Dinbych
K.A. & J.G. McCartney, 44, Maes Stanley, Bodelwyddan
Mr. T. Williams, 2, Canolblas, Bodelwyddan
Mrs. M.. Williams, 2, Canolblas, Bodelwyddan
J. Bailie, 6, Coronation Close, Bodelwyddan
Pegi Allsop, Biwmares

Buddug Cole, Trefriw
Mrs Medwen Williams 2 Canolblas, Bodelwyddan
Mr Tomos Williams, 2 Canolblas, Bodelwyddan
Ms. H. C. Jones, Brithdir, Abergele Road, Bodelwyddan
Mr. J. Jones, Brithdir, Abergele Road, Bodelwyddan
Rhys Llwyd, Caernarfon
Gareth Bevan, Merthyr Tudful
Lisa Owen, Y Bala
David Wyn, Aberystwyth
J. McClure, 24, Lowther Court, Bodelwyddan
I. Owen, Garndolbenmaen
E. Ladd, Caerdydd
B. ap Gwyn, Llannerch y medd
N. Lloyd, Wreccsam
Miss K. Williams, 19, Maes Owen, Bodelwyddan
Mr. A Williams, 19, Maes Owen, Bodelwyddan
Mr. B. V. Williams, 19, Maes Owen, Bodelwyddan
Mr E A Wheteway 18 Berwyn Crescent Kinmel Bay
Rev. D. J. Roberts, Llannerch, 21, Lowther Court, Bodelwyddan
M. Barlow, 5, Maes Robert, Cefn, St. Asaph
Mrs. D. A. Jones, White Lodge, Abergele Road, Bodelwyddan
Simon Parker, Nant y Faenol Road, Bodelwyddan
E. Jones, Dinbych
Dr J Honeybun, Gwrych Medical Centre, Abergele, Conwy
Dr J Wainwright, Pen Y Bont Surgery, St.Asaph

Summary of planning based representations;

Impact on Welsh Language and Culture

The local and wider community are against plans to allow thousands of houses in this area. The Council have ignored a referendum of local residents which saw 93% of residents oppose development. The Council have also ignored the findings of an independent linguistic assessment and have chosen to use the findings of one commissioned by the applicants. Very concerned about the alleviation measures mentioned in the linguistic assessment. Welsh names on roads won't stop the deterioration in the numbers of Welsh speakers in the County.

Concerned that no research has been undertaken by the Council into the need for housing and services in the Bodelwyddan area. Council have a duty to try to protect the Welsh language in the County and this will not be done by allowing applications from speculators from outside the County.

Housing projections are inaccurate and the amount of houses proposed are not needed.

Health Provision

There is concern about the lack of detail for a required primary health care facility. This will lead to increased pressures on existing health services from the increased population. There could be a negative impact upon existing doctor's surgeries by residents leaving existing practices should new ones be provided on site.

Drainage and Flood Risk

There are concerns raised as to the lack of detail in application on how the site will be drained. There are already problems in the area from surface water, ground conditions and flooding. Building more houses will add to this problem and create problems on site and elsewhere. Existing watercourses in the area are overloaded and the natural drainage systems will not be able to cope.

Highway Safety

The scale of development will result in major problems on the A55 as vehicles try to enter and leave the main carriageway. With the main hospital so close there will be problems with emergency services getting to the hospital as Sarn Road and other roads become congested.

General

- Negative impact on the landscape due to scale of development
- Negative impact on the cultural fabric of the community due to scale of development
- Where will new residents work?
- Insufficient public services and funds available to service the new residents.
- Need for more than one school given the numbers of people moving to the area.
- Will create a commuter belt and money will not be spent locally.
- Negative impact on the Marble Church creating an "eyesore".
- Loss of best and most versatile agricultural land.
- Spine road and planting to boundaries should be done at earliest possible opportunity.

- School would be unacceptably close to bungalows.
- People of Bodelwyddan and those elected to represent them are against the proposals.
- Construction will cause chaos for years.

REASONS FOR DELAY IN DECISION (where applicable):

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

1. THE APPLICATION PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Outline planning consent is sought for the development of some 94.38ha of land as set out in the "Proposal" above. The land lies wholly within the **Bodelwyddan Key Strategic Site (KSS)** as defined by the adopted Denbighshire County Council Local Development Plan. All matters, except for means of access to the site, are reserved for further approval. These "reserved matters" include appearance of buildings and structures, landscaping, layout and scale. This means that this application is seeking consent for the principle of developing the uses as set out in the proposal description as well as the specific locations at the perimeter of the site where vehicular access/egress is proposed. Further applications will be made, should this outline consent be given, which will seek approval of the "reserved matters".
- 1.1.2 The application has been submitted in accordance with the Environmental Impact Assessment Regulations 1999 and contains a full Environmental Statement (ES). A formal screening opinion was issued by Denbighshire County Council in accordance with the aforementioned Regulations and in addition the Council issued a formal Scoping Opinion to guide the submission on 11th June 2013. The outline planning application was submitted to the Council on 20th December 2013.
- 1.1.3 The proposed development comprises the following main elements:-
- 1,715 dwellings including affordable housing (Class C3 use)
 - Up to 80 bed care home and 50 close care flats (Class C2 use)
 - A hotel of up to 100 bedrooms (Class C1 use)
 - A new Primary School (Class D1 use)
 - Two local centres (Classes A1, A2, A3 and D2 uses)
 - 26 hectares (950,000sq.ft) of serviced employment land and units (Class B1, B2 and B8 uses)
 - New highway infrastructure including the formation of a new access and a link between A55 junction 26 and Sarn Road, pedestrian and cycle routes
 - Areas of formal and informal open space, green space and structural landscaping; and
 - Drainage infrastructure

A master plan drawing highlighting some of the above elements is shown at the front of this report. This is for illustrative purposes only.

- 1.1.3 The outline planning application has been submitted with a number of detailed supporting documents. These are listed and described below.

The applicants submitted supporting documents

Planning Statement

This document sets out the background to the proposal and explains the elements in more detail. It describes how the development proposed aims to meet National and Local Planning Policy objectives as well as the rationale behind the adopted Site Development Brief for the KSS.

Within the Planning Statement the applicant also explains how a number of Parameter Plans have been prepared and submitted. These plans include details of:-

- Land use
- Movement infrastructure
- Green infrastructure
- Building heights
- Residential density

The Parameter Plans form the basis for the Environmental Impact Assessment and set out the framework for the submission of subsequent reserved matters (scale, appearance, layout and landscape). All of these submitted plans form part of the application documentation and will be referenced within any imposed conditions to any outline consent.

Main Environmental Statement (ES)

This document contains the **main text, non-technical summary and 4 volumes of technical appendices**. The technical appendices incorporate the following:-

- Appendix A – Site Location Plan
- Appendix B1 – Scoping Report
- Appendix B2 – Denbighshire CC Scoping Opinion
- Appendix C – Parameters Plan
- Appendix D – Methodology Table
- Appendix E1 – Heritage Desk Based Assessment
- Appendix E2 – Geophysical Survey
- Appendix E3 – Field Evaluation Report
- Appendix F – Landscape and Visual Assessment
- Appendix G1 – Ecological Impact Assessment
- Appendix G2 – Arboricultural Assessment
- Appendix H – Phase 1 Geotechnical and Geo-environmental Desk Study
- Appendix I – Agricultural Resources Report
- Appendix J1 – Flood Consequences Assessment
- Appendix J2 – Drainage Strategy
- Appendix K1 – Open Space Assessment Bodelwyddan
- Appendix K2 – Bodelwyddan Facilities Plan
- Appendix L – Socio-economic Report
- Appendix M – Transport Strategy and Travel Plan
- Appendix N – Noise Assessment
- Appendix O – Air Quality Assessment
- Appendix P – Utilities Assessment
- Appendix Q – Public Rights of Way Assessment

The **non-technical summary** document concludes that the development can proceed without causing an unacceptable impact on either the local or wider environments. It goes on to suggest, through appropriate and standard mitigation measures set out in the ES, master plan and parameters plans, the impact of development is minimised.

The detailed assessments of potential impacts on the environment will be provided within the “Main Planning Considerations” section of this report.

Statement of Community Engagement

This document explains how the developer undertook significant pre-application discussions with a range of interested parties in the preparation of the outline planning application. This included liaison with specialist Officers of DCC as well as other statutory undertakers such as Welsh Government, Natural Resources Wales, North Wales Trunk Road Agency, Clwyd Powys Archaeological Trust and Dwr Cymru/Welsh Water.

The document also explains that a Community Engagement Exercise (CEE) was undertaken by Barwood Land (the applicant) in September 2013 by way of an advertised public exhibition. It also provides details of correspondence with Councillors, press adverts, exhibition material and summaries of responses received from questionnaires which had been issued on the subject of the proposed development.

Welsh Language Impact Assessment

This document begins by explaining the rationale for the impact assessment. It suggests that both pressures and opportunities could result from the proposed development in terms of the Welsh Language and Culture. It highlights that through the Local Development Plan (LDP) process it was considered that dispersing new development across the County may have a more significant impact on communities where the Welsh Language was used by higher percentages of people. This had been evident, it was suggested, elsewhere in Wales in the past where a cross section of villages and hamlets in a particular County accommodated new housing schemes. Focussing development into a KSS, it was argued, was seen as preferable in this regard and would give more opportunities for maximising benefits to the Welsh language and culture.

The document highlights the work that DCC has done in the production of a Community Linguistic Impact Assessment which in turn informed a Sustainability Appraisal.

The document concludes that an overall positive effect on the Welsh Language and Culture can be achieved in Bodelwyddan and Denbighshire as a whole. It explains that this could be achieved through a series of implicit and explicit measures:-

Implicit Measures

- Develop a range and mix of housing to meet local needs
- Create new businesses and job opportunities
- Provide land for new community services in education, health care and local retail
- Support local community groups
- Design a scheme that enhances the local landscape and built environment.

Explicit Measures

- Help fund a Language Development Officer
- Ensure there is bilingual communication at the heart of the proposal in terms of sales and marketing and other information
- Support training and skills initiatives
- Implement practical measures such as Welsh Street signs and directional posts.

Design and Access Statement

This detailed document supports the outline planning application and sets out the context and ethos behind the proposal. In doing so it goes through a series of chapters discussing planning policy, regional context, design principles, transport context, employment context, tourism context and the rationale behind the composition of the scheme.

The document goes on to highlight the master planning exercise explaining design parameters and how the design principles will be delivered through the development.

Energy Statement

This document explains how the energy demands of the site are proposed to be met in line with National and Local Policy targets and the developers own aspirations. The report provides high level calculations to assess potential energy use. A baseline has been used to assess the applicability and to quantify the energy and carbon reductions possible from the implementation of low and zero carbon technologies. The proposed strategy is designed to produce less CO2 emissions than this baseline. The document highlights that a number of low and zero carbon technologies such as Gas Combined Heat and Power (CHP) district heating, Biomass district heating, Biomass Combined Heat and power (CHP) district heating, Fuel Cell Combined Heat and Power (CHP) district heating, large and small scale wind power, photovoltaic panels, solar water heating and ground source heat pumps have been considered for the site.

The document explains that it may be possible to create two district heating networks and energy centres for the site. It goes on to explain that detailed strategies will be developed in accordance with reserved matters schemes to ensure the most appropriate and viable energy solution is presented.

Sustainability Strategy

The sustainability strategy has been informed by a number of specialist studies undertaken to support the sustainable development of the site. The strategy emphasises that the whole master planning of the KSS has been underpinned by sustainability principles. The document explains that the site will:-

- Contribute to the social and economic regeneration of a wide geographical area through the provision of employment, high quality housing (including affordable housing) and community facilities;
- Protect and enhance local habitats and wildlife, supported by comprehensive flora and fauna surveys;
- Provide cycleways and pathways with access to the hospital, the main town of Bodelwyddan and green open spaces that will help to promote local health and well being.
- Ensure measures to reduce/mitigate any noise and air pollution are implemented
- Promotes sustainable transport through existing and proposed public transport/road infrastructure, bus service enhancements and carshare plus micro park and ride sites;
- Implement a travel plan for managing travel demand alongside a dynamic process of implementation, monitoring and review;
- Incorporate SUDs to manage surface water run-off;

- Reduce waste from construction and operation, thus preserving valuable natural resources by investigating opportunities to design out waste, maximise recycled content and re-use materials, and provide a centralised storage space for recycled materials;
- Reduce energy use and hence co2 emissions through district heating networks and associated energy centres; a combined gas CHP is currently proposed for Energy Phase 1; and additional carbon reduction measures such as PV panels;
- Ensure community cohesion through the provision of accessible facilities, greenspace and community allotments;
- Ensure buildings and environments are understood and truly appreciated by their users through the development of Building User Information guides; and;
- Ensure buildings will be built to a high level of sustainability, with energy, water and waste reduced, valuable natural resources preserved and health and well being for residents ensured, through certification of buildings to Code for Sustainable Homes and BREEAM.

Sustainable Resource and Waste Management Strategy

This document sets out the policy context in Wales and Denbighshire for waste management. It explains the current baseline conditions in the County and region and provides waste estimates for the proposed development.

The document then sets out what it is proposed to do for the management of construction waste, waste storage capacity, collection systems, recycling infrastructure, waste treatment options, code for sustainable homes and BREEAM. The document suggests a strategy for the management of waste to include:-

- Implementation of a Sustainable Waste Management Plan (SWMP) for each phase of development to ensure monitoring and reduction of waste generated from the construction process to minimise landfill and maximise recycling.
- Materials selection to ensure assessment includes re-usable materials, recycled content
- Where possible all excavated material to be re-used as fill on site;
- Individual compost bins provided to private and communal gardens where necessary and;
- Separate bins for each waste stream in each dwelling to simplify separation.

Financial Viability Appraisal

The application is supported by a financial viability appraisal produced by Levvels. This document sets out detailed and comprehensive financial information and estimates in an attempt to show that the development proposed can be delivered in compliance with the relevant LDP Policy requirements.

1.2 Description of site and surroundings

- 1.2.1 The application site, which forms the major part of the Bodelwyddan KSS, is located to the eastern edge of the town of Bodelwyddan. Bodelwyddan itself occupies a central, pivotal location in the east-west and north-south communication and movement corridors of the County.
- 1.2.2 The site is bounded by the A55 to the south, Sarn Lane to the west, open fields and Nant Y Faenol Lane to the east and further open fields to the north. Beyond the A55 at higher land level and to the south lies the Listed Bodelwyddan Castle Hotel complex and Historic Park and Garden. On the north side of the A55 but lying outside the application site are the farmhouses of Ty-Mawr and Tyddyn Isaf. Tyddyn Isaf, along with St.Margaret's church (The Marble Church), are also Listed Buildings. The Bodelwyddan Conservation Area lies to the west of the site with the main Glan Clwyd hospital to the north-west further along Sarn Lane. A settlement of dwellings on Marble Church Grove abuts the site to the west.
- 1.2.3 The site is relatively flat and consists of arable and pastoral grazing land, hedgerows, trees and public footpaths (nos. 3 and 7). The site contains a wooded area which is protected by Tree Preservation Order No. 1 (Coed Ty Mawr, Bodelwyddan, 1981). The site is mainly bounded by field hedges, chain link fencing and residential garden fences to the west. **The illustrative master plan at the front of the report highlights the main features in and around the application site.**

1.3 Relevant planning constraints/considerations

- 1.3.1 There are a number of planning constraints and considerations relating the proposed development. The site's topography gently rolls in context with the wider Clwyd Valley and is contained by local features such as the Pengwern ridge, which is a low lying ridge situated to the east and north east of the site along which Nant Y Faenol Lane runs. As mentioned above, the site itself does contain a Tree Preservation Order and two public footpaths.

- 1.3.2 In terms of the nearby built environment the site's western boundary is defined, in part, by Sarn Lane (to the north of the Glan Clwyd Hospital roundabout), the residential development around Marble Church Grove and St.Margaret's Church and vicarage, which is a grade II* Listed Building. To the west of Sarn Lane is Ysbyty Glan Clwyd which is a main regional hospital.
- 1.3.3 The A55 forms, for the most part, the southern boundary of the site, although this is interrupted by the existing farm complexes at Ty Mawr and Tyddyn Isaf (which is a Grade II Listed Building). In the south eastern corner lies junction 26 of the A55 which forms the main access to the St.Asaph Business Park. The Park lies to the south side of the A55 and is a high quality employment park containing research and development, light industry and office units.
- 1.3.4 The eastern edge and the northern boundary of the site are defined by open countryside. However the overhead power lines that run along the northern boundary are prominent in this location and define the northern boundary of the KSS.
- 1.3.5 The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) lies to the east of the site and above the coastal plain offering distant views to Bodelwyddan. The relevant LANDMAP study identifies the site as lying within the "Rhyl and Prestatyn Coast" area. Bodelwyddan Castle Park, to the south of the site is listed as Grade II on Cadw's list of Historic Parks in Wales. The park forms the setting for the grade II* Bodelwyddan Castle and the backdrop and setting for the grade II* Marble Church and Grade II listed fountain on Rhuddlan Road. The historic core of Bodelwyddan around the Church and fountain is a Conservation Area.
- 1.3.6 The site lies outside any designated flood zone. Neither is the site covered, or immediately adjacent to, any statutorily or non-statutorily designated areas of nature conservation importance.
- 1.3.7 There are areas of varying archaeological importance on the site with some possible remains being shown in Geophysical surveys to the east of the site. The fields which make up the site also contain ponds which may contain great crested newts, a European Protected Species.

1.4 Relevant planning history

- 1.4.1 There are no planning applications of direct relevance to the current outline planning application under consideration. The background information below outlines the planning process which has led to the submission of this application.

1.5 Developments/changes since the original submission

- 1.5.1 Minor changes were made to the proposal description prior to the formal submission of the outline application. The original wording remained with the submitted ES documents. It should be noted, however, that the land uses assessed within the ES are covered within the actual application description. The application and ES, therefore, are valid for the purposes of this assessment. The details of the submitted application have not been amended since its original submission to the Local planning Authority. The applicant has provided additional information pertaining to viability and, at the appropriate time, submitted suggested heads of terms for the proposed s.106 legal agreement. Brief update reports to those already submitted on ecological matters were also submitted by the applicant in order to clarify certain points raised by specialist consultees. Additional correspondence has also been provided by the applicants at stages within the assessment to merely clarify certain points.

1.6 Other relevant background information

- 1.6.1 It is important to highlight certain background information which has led to the submission of this outline planning application. The KSS at Bodelwyddan has been a consistent and integral element of the Council's Local Development Plan (LDP) for over 5 years. The Council adopted its LDP in June 2013 having, as required by the regulations governing development plan preparation, been through an extensive process of document preparation and examination. This is summarised below:-

- June-August 2008: The principle of major mixed use development in the north of the County as a focus for new development was first identified in the Pre-Deposit LDP Consultation.
- October-November 2009: The Bodelwyddan KSS was included in the Deposit LDP Consultation.
- August 2011: The Bodelwyddan KSS was included in the Deposit LDP submitted to the Welsh Government.
- January 2012-February 2013: The comprehensive Examination sessions held into the Deposit LDP fully considered and tested all representations concerning the Bodelwyddan KSS.
- April 2013: The appointed Inspectors into the Examination of the Deposit LDP found the LDP to be sound, and the Bodelwyddan KSS to be a sound proposal.
- June 2013: DCC formally adopted the LDP and the allocation of the Bodelwyddan KSS through its Policy BSC 5.

- July 2014: In accordance with the Inspectors requirements DCC formally adopted a Site Development Brief for the Bodelwyddan KSS. This enabled the Council to move forward to determine an outline planning application.

2. DETAILS OF PLANNING HISTORY:

2.1 There is no relevant planning history pertaining to the application site.

3. RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:
 Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD5 – The Welsh language and the social and cultural fabric of communities
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC3 – Securing infrastructure contributions from Development
Policy BSC4 – Affordable Housing
Policy BSC5 – **Key Strategic Site Bodelwyddan *The Key Policy***
Policy BSC11 – Recreation and open space
Policy BSC12 – Community facilities
Policy VOE1 - Key areas of importance
Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy VOE5 – Conservation of natural resources
Policy VOE6 – Water management
Policy VOE 10 – Renewable energy technologies
Policy ASA1 – New transport infrastructure
Policy ASA2 – Provision of sustainable transport facilities
Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

SPG 2 – Landscaping New Developments
SPG 4 – Open Space Requirements in New Developments
SPG 6 Trees and Developments
SPG 7 – Residential Space Standards
SPG 13 – Conservation Areas
SPG 14 – Listed Buildings
SPG 18 – Nature Conservation and Species Protection
SPG 21 – Parking
SPG 25 – Residential Development Design Guide
SPG – Bodelwyddan KSS Site Development Brief

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014
 Technical Advice Notes
 TAN 20 Planning and the Welsh Language
***Insert other relevant TAN's**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4. THE PLANNING ASSESSMENT

4.1 The main land use planning issues of relevance to the proposal are considered to be:

- 4.1.1 **Does the Proposal Comply with the Key Policy BSC 5 and the adopted KSS Site Development Brief?**
- 4.1.2 Impact on residential amenity

- 4.1.3 Impact on Ecology
- 4.1.4 Drainage (including flooding)
- 4.1.5 Impact on Highways (including access)
- 4.1.6 Impact on Archaeology
- 4.1.7 Noise Impacts
- 4.1.8 Impact on Air Quality
- 4.1.9 Impact on Listed Buildings and Conservation Area
- 4.1.10 Utilities Infrastructure
- 4.1.11 Viability

4.2 **Does the proposal comply with Key Policy BSC 5 and the KSS Development Brief?**

The report will now examine the main land use planning considerations in detail. In relation to the first and most fundamental policy consideration it is proposed to go through each of the criteria contained within Key Policy BSC 5 in turn examining the following:

- **What does the key policy and Site Development Brief require?**
- **What does the application propose?**
- **Is the proposal policy compliant?**
- **How will the requirements be secured/controlled?**

(The LDP Policy BSC 5 and the adopted Site Development Brief are attached to this report as Appendix A)

Key Policy BSC 5 of the adopted LDP was considered sound by the appointed Inspector who presided over the Examination in Public. As such, the policy criteria contained therein have been scrutinised, challenged and accepted as sound and relevant to consider any proposal on the Key Strategic Site (KSS). This means that the impacts of the proposal, such as highway impacts, ecological impacts, landscape impacts and others have been accepted, in principle, and are reflected now within the Development Plan and the Site Development Brief. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the **Development Plan** unless material considerations indicate otherwise.

Key Policy BSC 5

What does the key policy and site development brief require?

- **1,715 dwellings including the provision of affordable housing in accordance with Policy BSC 4**

The above criterion sets a figure for the delivery of housing across the KSS making reference to the need to provide a requisite number of affordable dwellings. The dwelling numbers were examined during the LDP process and are set within the adopted plan.

The aim of this criterion and the adopted site development brief is to achieve a mix of housing across the development site incorporating family housing alongside starter homes and homes suitable for elderly households. This will reflect evidence of housing needs set out in the Sub Regional Local Housing Market Assessment (GVA Grimleys 2008) and Update of Housing Need, Demand and Affordability in the Local Housing Market Areas of Denbighshire (Glyndwr University, 2011).

Affordable housing is required having regard to both Policy BSC 5 and BSC 4 of the adopted LDP. This will need to be provided in accordance with the Bodolwyddan KSS Development Brief as well as the Council's adopted Affordable Housing Supplementary Planning Guidance (SPG).

The LDP Policy BSC 4 currently requires development to provide a minimum of 10% affordable housing on site. However, the Council are required to monitor sales prices annually and once sales prices increase 10% above the 2009 sales price data (as indicated in the District Valuer Service Affordable Housing Viability Study 2009) development will be expected to provide a minimum of 30% affordable housing on site. The affordable housing will be required to be provided in a phased manner distributed across the whole development with a mix of tenures and types to meet local needs. This affordable housing will then be allocated to local people in line with the Council's adopted Local Connections Policy.

In line with the Council's Affordable Housing SPG affordable housing must be of equal or similar standard in terms of design and external appearance to market housing. It will be required to meet relevant space standards and to remain available for affordable need in perpetuity.

What does the application propose?

The application description clearly states that the proposal includes the provision of 1,715 dwellings including affordable dwellings. The applicant has stated the intention to phase the housing development and to ensure that a minimum of 10% affordable housing will be provided over the lifetime of the development. The proportion of housing and affordable housing will be determined through the submission of reserved matters applications. The applicant has stated that a range of house types, sizes, tenures and densities, to reflect and respect the character of the existing village, will be provided across the site and within the areas shown on the illustrative master plan.

Is the proposal policy compliant?

In relation to the provision of 1,715 dwellings and the minimum 10% affordable dwellings on the application site Officers conclude that the proposal is compliant with the relevant criterion of Policy BSC 5 and Policy BSC 4.

It is acknowledged that objectors to the scheme have cited inaccuracies in projected figures on housing need. Whilst these comments are noted such issues were examined in detail through the examination in public (EIP) process for the LDP. The Inspector examined all representations which included challenges to housing figures and need. He concluded that 1,715 dwellings on the KSS was a sound and reasonable number which would, in part, go towards meeting the housing need for the County over the plan period.

How will the provision be secured/controlled?

As mentioned previously this current application is outline. The development of the 1,715 dwellings will be brought forward within a series of reserved matters applications in accordance with an agreed phasing strategy. The applicant has stated that the housing and affordable housing will be delivered in appropriate phases having regard to Policy BCS 4. This means that should sales prices increase there is the potential for affordable housing numbers to increase. That said, a minimum of 10% affordable housing will be provided across the life time of the development meaning some 171 affordable dwellings should be provided on site when the development is complete.

The provision of affordable housing will be secured within a S106 legal agreement. This will bind the development to that provision. In addition a planning condition will be imposed which will control how the phasing of development will be set out. This provides a further mechanism to ensure affordable housing is delivered proportionately and in a timely manner across the site.

What does the key policy and site development brief require?

- **education, training and health provision;**

a) Education

Development of the scale proposed will generate a need, based on the Council's anticipated pupil yield, for a newly built 2 form entry primary school (approx. 420 pupils). During the early years of any development on the application site there would also be a need for improvements or adaptations to be made to the existing Ysgol y Faenol Primary School to accommodate any children generated from the initial housing.

The adopted LDP Policy and Site Development Brief have made it clear that a new primary school will need to be provided as part of the KSS development. The Development Brief sets out that the new primary school could be located as part of a local centre (see illustrative master plan at front of report) and an area of some 2 hectares would be required to accommodate the new building and playing fields. The Council would prefer dual use of the school facilities as a community infrastructure asset (see also section on Community Facilities). This means that the new school building would potentially double as a community facility outside of school hours.

The required improvements to the existing Ysgol y Faenol cannot be stated at this time but contributions towards these and the need to accommodate the growing demand for Welsh medium education have to be considered as set out in the Development Brief.

Currently secondary school education in the local Denbighshire area is provided at Rhyl High School, Blessed Edward Jones School and Ysgol Glan Clwyd. Ysgol Emrys Ap Iwan is located nearby in Abergele in the County of Conwy. A new Rhyl High School is under construction and a scheme to upgrade Ysgol Glan Clwyd is planned. Secondary schools appear to have varying degrees of capacity at present. However, improvements to increase capacity ~~may~~ be required as a result of the proposed development. Again, the

Development Brief suggests that contributions towards improvements to capacity in secondary education may be required as part of the development proposal.

In terms of post 16 education this is located primarily at Coleg Llandrillo in Rhyl. This college has sufficient capacity to accommodate increased demand arising from the development. However, the planning policies and site development brief have stressed that the developer should ensure good links to the college in terms of linked training and enterprise initiatives.

The provision of a new primary school has an associated cost. This is calculated using an agreed formula based on a cost per pupil place. This formula is set out within Appendix 2 of the adopted Site Development Brief (**see Appendix A**). As such, the contribution required for education provision as part of the proposed development is calculated as:

412 pupils x £16K per pupil = £6.5 million approx.

What does the application propose?

The application description clearly proposes a new primary school. The illustrative master plan also highlights a possible location for this school close to a new local centre. The applicant has acknowledged within the submitted documentation that the development proposed will generate the need for a new primary school.

The applicant has proposed to meet this adopted policy criteria and the relevant requirements of the KSS site development brief in two ways. Firstly, the applicant is to provide land within the KSS for the development of the required new primary school. In addition, the applicant is proposing a financial contribution be made to the Council totalling £6 million. The 2ha of land being offered for the school has been valued by the Council's Valuation team at circa £0.5 million. As such, the applicant has proposed to meet the policy requirement for education provision by offering the equivalent total of £6.5 million to the Council.

The payment of this contribution will need to be phased from the first occupation of the dwellings on the site. This is because the first occupation of dwellings on the site could give rise to increased demand for primary school places. The applicant has agreed to such a phased payment.

Is the proposal policy compliant?

As the applicant has agreed to meet the policy and development brief requirement for education by the provision of the requisite contribution of £6.5 million Officers are content that the proposal, in relation to education, is policy compliant.

How will the provision be secured/controlled?

The applicant has agreed to enter into a s.106 legal agreement for the phased payment of £6.5 million for the provision of education. The trigger points for these payments are yet to be determined. Should Members resolve to grant outline consent this will be subject to the terms of any s.106 agreement, including the timing for relevant education payments, being further agreed.

Officers will bring a report back to Planning Committee in due course which sets out the proposed trigger points for payment of the education contribution. If an agreement cannot be reached with the applicant on these payments then the report which comes back to members will reflect this.

b) Training

It has been envisaged that training and enterprise initiatives will need to be established, as part of both the construction phases and the operation of the development itself. As such, the developer has been encouraged to engage with other stakeholders such as Rhyl College to ensure training initiatives and links to local enterprises are made. Policy PSE 1 of the adopted LDP seeks to support the objectives of the North Wales Coast Strategic Regeneration Area. It is considered that the development of the KSS can assist in the regeneration aspirations of areas such as Rhyl by ensuring links are made with the college and local employers providing training and employment opportunities for those in need. This in turn may enable local persons to be involved in the construction phases as well as giving people opportunities to be employed in any of the new uses provided on site.

What does the application propose?

The applicant has agreed to undertake reasonable endeavours to prioritise employment opportunities for local people generated by construction of the development. In addition, to undertake reasonable endeavours to

work with local stakeholders to identify suitable and practical training initiatives by which local people can participate in the development.

Is the proposal policy compliant?

The applicant has clearly had regard to the requirement to incorporate training and enterprise initiatives within the proposed development process. They have stated their intention to undertake reasonable endeavours to engage with local stakeholders and have been in contact with the local Rhyl College. In Officers opinion, the proposals as submitted by the applicant are policy compliant in respect to training provision.

How will the provision be secured/controlled?

The applicant has agreed to enter into a s.106 legal agreement which will specify the reasonable endeavours which will need to be undertaken by developers throughout the development process around training and enterprise. The detailing of this will be negotiated in the s.106 agreement. Should agreement not be reached on the terms of the training provision then a report will be brought back to Planning Committee prior to any outline consent being given which will reflect this.

c) Health provision

Through the LDP examination process and the subsequent production of the site development brief the provision of a new health facility within one of the newly developed local centres on the KSS was promoted. This was identified as being required as part of the development having regard to input from the Betsi Cadwaladr University Health Board (BCUHB) and other relevant partners.

A Health Impact Assessment was undertaken with BCUHB and DCC to assess the impact of the development, both during and post construction, on the health of Bodelwyddan residents. Out of this exercise it was once again stressed that the development would need to make provision for a new health facility on site in accordance with the policy requirements and the site development brief having regard to the increased population and lack of a surgery in Bodelwyddan currently.

What does the application propose?

The outline planning application description clearly makes reference to the development of a Class D1 (which includes potential clinics and health centres) use within the local centre. The supporting information submitted with the application also makes reference to this health provision and the local centre is shown on the relevant submitted Parameter plan.

Whilst at this outline stage there is no specific detail of how the construction and use of a health facility will be progressed there is a clear intention on the part of the applicant to make provision for this policy requirement. In addition, DCC is having further dialogue with BCUHB and other local practitioners to ensure that what is eventually delivered on the KSS is in accord with the requirements of the specialist organisations dealing with health provision in this area.

Is the proposal policy compliant?

The Key Policy BSC 5 of the adopted LDP clearly makes reference to health provision as part of the KSS. The site development brief also emphasises that this facility will need to be accommodated within the proposed local centre. The applicant has clearly had regard to this in the submission of this outline application as the use is stated in the description and shown on the submitted parameters plans.

In Officers opinion, therefore, the proposal, in respect to health provision, is compliant with the relevant Policy.

It is acknowledged that concerns have been raised by objectors to the scheme and relevant stakeholders around the provision and delivery of a new health facility. They have cited pressures which would be placed on existing facilities in the area by the increased population. Again, whilst these concerns are noted it must be emphasised that such impacts were fully examined through the LDP process. The applicant is committed to ensuring the development will provide a facility as set out in the policy criteria and would continue dialogue with key stakeholders to ensure the provision meets requirements throughout the development. As such, it is not considered the application could be refused on this basis.

How will the provision be secured/controlled?

Planning conditions are suggested which seek to control the phasing of the development of the KSS. This will include the provision of a health facility on the site at the requisite time. In addition, conditions will also

specifically make reference to the size, implementation and marketing of the facility outlining the requirement for the development to fund its construction.

Clearly, further discussions will need to take place between the developer, DCC and BCUHB around how and when the facility will be delivered. However, the outline planning consent and conditions imposed will ensure that development on the KSS could not proceed beyond a certain time before the construction and operation of the agreed health facility.

What does the key policy and site development brief require?

- **26 hectares of B1, B2 and B8 serviced employment land and units;**

One of the key ingredients of the KSS was its potential to deliver a major, sustainable employment location. Given the sites strategic location in an identified investment corridor for North Wales along the A55, the inclusion of 26 ha of employment land as part of the mixed use development was accepted as sound during the examination of the LDP.

The adopted LDP Key Policy and development brief sought to ensure that any scheme on the KSS provided a full range of office, general industry, light industry, storage and distribution and other employment uses which could serve the existing and proposed communities in the area. In particular the potential creation of some 3,000 jobs in a wide range of business activities on the site had the potential to regenerate areas along the North Wales Coast, including Rhyl, by delivering jobs to those who needed them. The development brief requires the employment uses to include:

- Micro office units for new start up businesses to attract and retain companies in Denbighshire.
- Self contained offices – providing a flexible range of space in order to facilitate natural progression by businesses, built in terraces or courtyards with a scale and design that integrates naturally with nearby residential uses.
- Hi-tech workshop/warehouses with a high ancillary office content and specification attractive to hi-tech companies.
- Warehousing /storage and distribution uses

A high standard of environmental performance will be expected from the employment buildings delivering a landmark employment location that captures the benefits of Bodelwyddan's strategic location. The adopted development brief seeks to ensure a balance of different employment uses and sizes of units will be provided on the site. In addition, it is expected that the development of employment uses will be phased alongside any housing development to ensure that sufficient provision is made for employment opportunities for residents and to facilitate the achievement of a sustainable mixed use development.

What does the application propose?

The outline planning application description clearly makes reference to 26 hectares of employment land (incorporating a mix of B1, B2 and B8 uses). The submitted supporting documents, such as the Design and Access Statement, Planning Statement and Socio-Economic Report, also make clear reference to the intention to deliver serviced employment land and the benefits such delivery will bring to the site and area generally.

The submitted illustrative master plan and parameters plans clearly show the intention to develop the employment land along the southern end of the site to the north of the A55. This will give a visual presence to the employment uses along the strategic investment corridor and utilise the existing A55 (junction 26) access point into the site.

The supporting information also stresses the distinct advantages of developing flexible employment opportunities in this location. These are described as follows:

- Presence, frontage and profile of the A55 corridor
- The site is central to Denbighshire and the wider North Wales economy – at the hub of the key north-south and east-west routes with good public transport connectivity
- It has a ready-made strategic presence and potential brand provided by nearby historic landmarks
- It is a signature location with easy access to sub-regional and wider markets
- Journey times and costs are minimised due to accessibility to the A55.
- It enjoys the co-locational benefits of being adjacent to the already successful St.Asaph Business Park.

- It enjoys a landscape setting and easy proximity to coasts and National parks which would be attractive to the expanding workforce; and
- It offers the ability to create a high quality mixed use environment with amenities for both staff and visitors, increasing the availability of such facilities for the existing local employment areas.

The proposal and submitted documents clearly set out how the development will meet the policy and development brief criteria in relation to employment provision. They explain that the master plan envisages the main employment sector extending along the site's frontage adjacent to the A55. That it will be afforded a suitable sensitive landscape treatment to ensure a sensitive interface with the A55. The application emphasises that it will be delivering a range of employment unit sizes but that it would be important not to be too prescriptive in terms of end use classification.

The applicants would want to ensure flexibility is built in to any consent to allow the market to dictate, within reason, the size and uses of units within the employment sector. What is clearly stated, however, is the acceptance that **serviced** sites would be made available and funded by the development

In addition to the employment generated directly from the proposed employment development, additional employment opportunities will be available at;

- The local centre – daily needs retail and supporting operations – up to 10,000sq.ft in all (likely to include convenience store, café, take-away, dry cleaners, hairdressers, estate agent etc);
- A Public House
- The school, health and community facilities;
- The care home

Anticipated investment in the development of the Key Strategic Site could be in the region of £280 million over 10 years, generating 2550 "person years" of construction employment alone. Employment provision could generate over 3000 new jobs which would help to address high unemployment in the north of the County, which is significantly higher than both national rates and the average for Denbighshire as a whole. It could also help to diversify Denbighshire's economy, which is currently heavily dependent on public sector jobs.

The local economy is particularly vulnerable in the light of current cuts in public spending. The site has good public transport links to Rhyl and is within cycling distance of the town. The development will be required to provide a financial contribution to extending and improving bus services within Bodelwyddan alongside the development. Rhyl is home to two of the five most deprived Local Super Output Areas in Wales (Welsh Index of Multiple Deprivation 2011) and in terms of employment deprivation five areas in Rhyl fall within the 10% most deprived in Wales. Regeneration of the coastal area of the County is a key National and County priority and significant investment has already been made in the area.

The applicants have also stressed that they are committed to working in co-operation with DCC, Welsh Government and other local agencies to ensure that the local economic and regeneration benefits arising from the proposed development are maximised, and that the joint ambitions for prosperity, healthy and sustainable local communities are realised.

Is the proposal policy compliant?

The area of land identified on the master plan for the employment sector amounts to 26 hectares. This land is identified in the submitted parameters plan to be safeguarded for employment uses incorporating the relevant mix of B1, B2 and B8 uses.

The applicant has stated that the employment land will be serviced and delivered to the market at appropriate times throughout the development.

This would not only meet the LDP policy objectives (BCS 5) and site development brief criteria but would also have a positive impact on the Council's Economic Ambition Strategy. The hub of employment uses within Denbighshire on the A55 corridor, including the Business Park, existing employment sites to the north and south of the A55, businesses on Glascoed Road and the proposed 26 hectares on the KSS will greatly contribute towards the aspirations of the Council's strategy.

The Council's Economic and Business Development section are fully supportive of the proposal and have provided detailed and positive comments as part of the consultation process. They have explained that no other site within the County offers the opportunities for investment and growth linking existing employment areas in the County and beyond.

Officers consider that, subject to strict controls on the timing and delivery of the serviced employment sites and controls upon the mix of employment uses the proposal is compliant with policy.

How will the provision be secured/controlled?

As with many elements of the KSS an overarching phasing condition will be imposed. This will require the developer to set out clearly the timing and delivery of the proposed employment sector having regard to the timing and delivery of other proposed elements. Linked to this phasing condition will be other conditions which will control the floor space of the B1, B2 and B8 employment units as well as the marketing arrangements for the serviced sites.

The conditions which Officers are suggesting be imposed are standard conditions on outline planning consents and are designed to ensure that individual elements of the scheme are provided at appropriate times and concurrently with other uses. This means that, for example, the housing development would not be permitted to continue beyond a certain threshold without other elements being delivered alongside. The employment uses are fundamental to this principle of concurrent delivery to ensure sustainable places are provided for future residents.

What does the key policy and site development brief require?

- **New highway network between the A55 Junction 26 and Sarn Road, and other off-site improvements;**

As shown on the illustrative master plan at the front of the report the KSS is bounded by the A55 to the south and Sarn Road to the west. The intention of the above policy criteria was to ensure that a suitable highway network would be provided as part of the development which enabled people to travel into and through the site from the A55 junction 26 to Sarn Road.

During the production of the LDP and its examination in public (EIP), detailed transport assessments (TA's) were produced in order to satisfy the examination that the highway network (with certain improvements) could accommodate the development. The starting point, therefore, like all elements of the KSS, is that the principle of the development of the site has been established through the EIP. Providing access to the site off Junction 26 of the A55 and from an access point off Sarn Road has, in principle, been accepted and adopted into the LDP.

The adopted site development brief provides additional commentary to the above policy criteria. The brief explains that new highway works will be required at Junction 26 of the A55, taking advantage of existing available capacity, and at Sarn Road.

It goes on to say that a development boundary road connecting these two locations is required, to ensure the safe and efficient operation of the local highway network, improving access to Ysbyty Glan Clwyd and relieving pressure on junction 27 (St.Asaph roundabout) of the A55/A525. The need for improvements along Sarn Road, including alterations to reflect the Conservation Area and the increased intensity of use will also need to be investigated to ensure the continued safe and efficient operation of the local highway network.

The brief goes on to state there will be no vehicular access (either during the construction phase or once the development is complete) to the KSS via the St Margaret's Church access road. Access to the site for construction traffic should be via Junction 26 of the A55 and not from Sarn Road or Nant y Faenol Road. A construction traffic management plan will be required to show which routes construction traffic is to use to travel to and from the development.

What does the application propose?

As part of the Environmental Statement (ES) submitted with the outline planning application a Transport Assessment (TA) was provided. The methodology for the production of this detailed transport document was agreed with DCC and with the North Wales Trunk Road Agency (NWTRA), a part of the Welsh Government responsible for the A55. The assessment was developed having regard to a possible scheme of 2,100 dwellings on the KSS. Again, this showed that the principle of accessing the site, both from Junction 26 off the A55 and from Sarn Road was acceptable. In addition, the principle of providing a connecting road between Junction 26 and Sarn Road to serve the KSS and to enhance the wider highway network was accepted.

The outline application has been submitted with the details of the means of access into the site included for assessment. Other detailed matters are reserved for further applications. These other details will, of course, include the precise details and arrangements for all the internal road networks within the KSS including a connecting road of a certain size, location and route between Junction 26 and Sarn Road. It is important to

emphasise, therefore, that this application is not assessing the connecting road between Junction 26 and Sarn Road but merely the principle of developing such a road through the site.

The applicants have agreed that such a connecting road will be required and delivered in full compliance with the adopted LDP policy criteria. They are aware of the policy requirement and of the specific requirements of the adopted site development brief. The illustrative master plan submitted with the outline application indicates a connecting road linking Junction 26 with Sarn Road. **However, the size, location and routing of this road is not being assessed or agreed at this outline stage.**

Any decision made on this outline planning application, therefore, will not contradict the requirements of the site development brief in relation to the development boundary road. This requirement remains within the brief and any subsequent reserved matters proposals will be assessed having regard to the requirements of the brief.

The assessment of the means of access into and from the site (i.e. the detailed construction of signalled junctions and slip roads off Junction 26 and Sarn Road) along with details of highway improvement works in these locations will be covered later in this report under the heading "Impact on Highway Safety".

For the purposes of this policy criterion the outline application proposes a new highway network between Junction 26 of the A55 and Sarn Road along with other off-site improvements. Indicatively the connecting road has been shown on submitted plans but this will be further agreed in reserved matters submissions. Indicative details of off-site improvement works are also shown within submitted documents.

These off site works include improvements to the Abergele Road pedestrian/cycle way (known as the Abergele Road Greenway).

Is the proposal policy compliant?

Both the North Wales Trunk Road Agency and the Council's Highway section have been fully involved in the development of how access to and from the site can be achieved from Junction 26 of the A55 and from a position on Sarn Road. The submitted technical information within the Transport Assessment has been accepted and shows that the proposed vehicular accesses and the principle of providing a connecting road through the KSS will work both for the users of the site and the wider highway network.

The precise size, location and routing of any connecting road will be as further agreed in reserved matters submissions. However, the applicant is fully aware of the policy requirement and the specification for a "development boundary road" as set out in the adopted Site Development Brief.

To this end, Officers are content that, in relation to the provision of a new highway network between Junction 26 of the A55 and Sarn Road the application proposal is policy compliant.

How will the provision be secured/controlled?

As mentioned above any new highway network within the KSS will be as further agreed within future reserved matters submissions. Members will have an opportunity to scrutinise the design and routing of any connecting or other roads within the scheme at that time. The intended connecting road will connect points off Junction 26 of the A55 and an opening off Sarn Road to the west of the site. The detailing of these access points is examined later in the report.

Planning conditions will be imposed which will seek to control the phasing of development. The provision of the access to the site and the connecting road will form part of that phasing strategy and will be further agreed.

Other conditions will be imposed which will seek to control the construction traffic and other related activities on the site. Members will also be able to view any construction management strategy and agree its contents before any work begins. In addition, the use of Junctions 25, 26 and 27 of the A55 (north/south) will be monitored once development and use of the site commences. The traffic using the junctions will be examined and should the estimates made within the submitted technical sections of the Transport Assessment around vehicle movements prove different, the developer will be required to make improvements to junctions as necessary.

What does the key policy and site development brief require?

- On site community facilities, open space, retail provision;

a) On site Community Facilities

For a development of the size proposed the LDP policy and adopted site development brief always envisaged that the provision of “community facilities”, on site, would be required. Traditionally developments of this size may have provided a community centre building within the development site, however, community facilities can be more varied than just that and can be delivered in different ways.

The supporting text to the adopted LDP under the heading of “Objectives” sets out at point 12 “Infrastructure” that, **“the Local Development Plan will ensure that an adequate level of physical and community infrastructure will be provided alongside new developments, e.g. water supply, Primary care facilities, schools, roads, community facilities.”**

Policy BSC 12 of the LDP also stresses how access to community facilities is an essential element of sustainable and inclusive communities. It goes on to highlight that uses such as care facilities can be key facilities for communities.

The adopted site development brief describes how local centres within the development should provide a mix of retail, health, community facilities and a primary school. It explains that there is the potential for the primary school to double as a modern community facility where the young and old alike are able to access facilities in the daytime and evening. This is how many of the recent school developments have been designed across Wales.

What does the application propose?

The outline planning application clearly contains within its description reference to the provision of two local centres containing a number of community facilities

The development proposals identify the following community infrastructure elements:

- New retail and commercial provision to meet daily needs. This would be of a small scale totalling approximately 10,000sq.ft and would cater primarily for the daily needs of the inhabitants and occupiers of the development. Uses could include a small convenience store, café, take-away, dry cleaners, hairdressers, estate agents, doctor’s surgery etc.
- An additional public house and restaurant of approximately 10,000sq.ft
- Provision of land for a new primary school – with the aim that this should be a Welsh medium school and available for dual community use. Financial contributions from the development support secondary school education where necessary.
- A care home of approximately 80 beds with about 50 linked close care flats for those in need of medical care capable of leading an independent life.
- New waste recycling facilities.
- A community centre with dual use functions with the school and,
- Public transport improvements – both in terms of new services serving Bodelwyddan, St.Asaph and Rhyl and existing infrastructure improvements.

The applicant has clearly stated, within the submitted documents, the intention to provide the relevant community infrastructure within the application scheme. The Design and Access Statement makes consistent reference to the importance of community cohesion. The applicant has also intimated that improvements could be made to existing community facilities within Bodelwyddan as well as the provision of new facilities within the application site. The financial contributions which will be secured through any s.106 agreement could be used to enhance existing facilities.

Is the proposal policy compliant?

The Key policy BSC 5 requires a range of community facilities to be provided on site. The application, plans and supporting documents clearly contain reference to the provision of the required community infrastructure.

One of the key aspects of this provision is the delivery of a dual use primary school and community facility located within one of the local centres on site. The applicant has stated that the land for such a provision and the phased financial contribution towards its construction will be provided through the development.

The outline application does not contain the detailing of any of the specific community facility elements at this stage. However, the illustrative master plan and parameters plan shows the location of the local centres within which the variety of community uses would be located.

Officers consider that the submitted scheme is compliant with this policy criteria and, subject, to the relevant controls through planning conditions and the reserved matters submissions the required community infrastructure will be delivered at the appropriate times during the development.

How will the provision be secured/controlled?

As with all the previously discussed elements of this outline scheme, the precise detailing of the community facilities will be shown within subsequent applications for the reserved matters. In addition, any outline consent given will contain an over-arching phasing condition which will require the applicant to set out clearly the timing for the delivery of certain elements of the scheme.

Some of the specific planning uses proposed under the banner of “community facilities” will also be controlled through suggested planning conditions. These conditions will control maximum floor spaces and the combination of uses provided within the local centres.

The provision of land and the phased payments required for the provision of the proposed dual use primary school and community facility will be set out within the s.106 legal agreement. Further detail on how the s.106 agreement will work in this regard will be presented back to Members in due course. Should agreement not be reached on the timing and delivery of any elements of the scheme within the s.106 process then the outline planning application will be reported back to Members before determination.

b) Open Space

The Key Policy BSC 5 along with Policy BSC 11 “Recreation and Open Space” set out the relevant standards for the provision of open space within developments. Further guidance is provided within Supplementary Planning Guidance Note No. 4 “Open Space Requirements within New Developments”.

In line with the policy requirements the KSS should be delivering around 9ha of open space on site. This can be broken down, again in line with policy, to 6ha of community recreational open space (CROS) and 3ha of Children’s Play Space (CPS).

The adopted site development brief describes what is meant by outdoor formal recreational space as well as play space. It explains that recreational space can include public parks and gardens, natural and semi-natural greenspaces, green corridors, outdoor sports facilities, amenity greenspace, allotments and community gardens. It goes on to explain that play space can include locally equipped areas of play (LEAP’s) and neighbourhood equipped areas of play (NEAP’s). These areas must be conveniently located within residential neighbourhoods and integrated as part of the green infrastructure and networks.

The brief also explains that the Council will be seeking to achieve an imaginative approach to the delivery of open spaces in the scheme emphasising that high quality provision would be required. Arrangements for the future management and maintenance of the public open space would be required.

What does the application propose?

The outline application description states that formal and informal areas of open space will be provided as part of this scheme. The submitted master plan and other parameter plans (green infrastructure) also indicate areas within the site safeguarded for sport, play and recreation. In total the applicant has indicated that some 9.1ha of open space will be provided on site.

As the application is in outline form the detailing of these areas of open space will be as further agreed within reserved matters applications.

The submitted Design and Access Statement (DAS) sets out within its section on Green Infrastructure how sport, play and recreation form key components to the overall scheme. The application highlights how community sport provision could be provided at the dual use primary school and community facility site. It goes on to show how NEAPS, LEAPS, local squares, footpaths, cycleways, children’s play areas, natural play areas, woodland areas and copses will be designed to create an integrated green infrastructure promoting health and well being.

In addition community orchards and allotments are mentioned within the supporting documentation all linked to a network of pedestrian and cycle routes serving the relevant green infrastructure and the wider development.

Is the proposal policy compliant?

As stated above, the relevant adopted LDP Policies and the site development brief set out the requirements for the provision of open space within the development. This totals some 9ha. The applicant has shown within the master plan and parameter plans the provision of 9.1ha. This provision contains all the required elements of open space as set out within policy and guidance creating a range of uses and types of open space which serve to create a green infrastructure within the scheme.

Officers conclude that the scheme as submitted in relation to open space provision would be compliant with the relevant Key Policy criteria and other relevant Policies and guidance of the adopted LDP

How will the provision be secured/controlled?

As with all the previously discussed elements of this outline scheme, the precise detailing of the open space will be shown within subsequent applications for the reserved matters. In addition, any outline consent given will contain an over-arching phasing condition which will require the applicant to set out clearly the timing for the delivery of certain elements of the scheme.

It is anticipated that a key element in the provision of the required recreational open space will be the delivery of the dual use primary school and community centre. This building and site could create a hub within the proposed local centre which would contain outdoor sports facilities and play space. The delivery, therefore, of this hub will be a key component to the provision of the required open space within the site. In addition, it is anticipated that some of the costs associated with the provision of open space from the scheme could be directed to improvements to existing facilities within Bodelwyddan.

The suggested over-arching phasing condition will include for the provision of the required open space within the development. It is also anticipated that any s.106 agreement will need to include details of how the long term management and maintenance of areas of open space will be secured in perpetuity along with the arrangements for improvements to any off-site facilities e.g. existing community centre.

c) Retail Provision

The Key Policy BSC 5 and the adopted site development brief make reference to the need for the development to make provision for retail uses which would serve the development. These uses would need to be located within the two local centres and be of a scale and level of accessibility to meet the daily needs of the residents.

Uses such as convenience stores and other shops and services located in close proximity to residential dwellings and businesses are seen as vital components to the delivery of a sustainable community.

What does the application propose?

The application proposes two local centres containing up to 10,000sq.ft of retail and other relevant floor space. The main local centre is shown to the west of the site and will contain facilities such as the school/community use, health centre, care facility, pub and restaurant. This is located so as to serve not only the new development but to be easily accessible to existing residents in Bodelwyddan. A further local centre is shown to be provided to the east of the application site and will contain retail and other uses complimentary to the main centre.

Is the application policy compliant?

The outline application clearly states within the description the provision of Class A (retail and other) uses within the proposed local centres. The submitted supporting documents, in particular the Planning Statement and DAS, clearly outline how the provision of a mix of compatible uses, including retail provision, within the main and supporting local centre will serve both the new development and existing residents of Bodelwyddan. This will create a sustainable provision located in close proximity to those persons seeking to use the retail uses without the need to use a car.

Officers are content that, in relation to the provision of retail uses within the development site, the proposal is compliant with the Key Policy BSC 5 and the adopted site development brief.

How will the provision be secured/controlled?

As with all the previously discussed elements of this outline scheme, the precise detailing of the retail provision will be shown within subsequent applications for the reserved matters. In addition, any outline consent given will contain an over-arching phasing condition which will require the applicant to set out clearly the timing for the delivery of certain elements of the scheme.

Suggested planning conditions will look to control the mix of uses within the local centres giving maximum floor spaces for relevant uses therein.

What does the key policy and site development brief require?

- **Safeguarding and enhancement of any areas/species of nature conservation importance;**

This particular planning policy criterion relates to how biodiversity will be dealt with on the application site. The Policy seeks to ensure that any areas on the site or any specific species which may be present on, or use the site, are protected during and post development. In addition it sets out a requirement for such habitats to be enhanced as part of the development proposals.

As part of the application process an Ecological Impact Assessment was prepared by Watermans on behalf of the applicant. This was included, with an Arboricultural Assessment, at Appendix G of the submitted ES.

What does the application propose?

The applicants have promoted a scheme which, as shown on the master plan, “is designed to work with the existing green infrastructure links and existing landscape fabric of woodlands, hedges and ditches, developing them into a functioning network and buffering them against change. This, it is suggested, will create green routes and corridors for people and wildlife to use, enabling the open countryside to be channelled through the site resulting in a continuous network of green corridors and spaces.” (extract from the submitted DAS).

The Ecological Impact Assessment provides an evaluation of the “Valued Ecological Receptors” (VER) in accordance with the Institute of Ecology and Environmental Management (IEEM) Guidelines. This has regard to a geographic frame of reference and the size, conservation status and quality of the features and resources. A value is ascribed to designated areas, habitats and species in order to assess the significance of any impact likely to be caused through the development.

Impacts can only be assessed having regard to a baseline condition covering designated sites, habitats and species. The baseline conditions are explained in brief below.

The application site is not covered or immediately adjacent to any statutory or non-statutory designated areas. The Elwy Valley Woods Special Area of Conservation (SAC) is some 3kms to the south of the application site.

The habitats within the site are described as generally of negligible nature conservation interest. Those of relatively greater value are principally the wooded belts, watercourses and trees.

The protected species surveys undertaken have not identified ecological constraints that preclude the development of the site. More detail of these surveys and their results is provided later in this report.

The master plan has been evolved so as to provide the opportunity to deliver net conservation gains across all the habitats and species present in the master plan area, retaining what is best, enhancing where possible and creating new habitats in line with local biodiversity action plans and strategies. These guiding considerations have therefore created a master plan which:

- Incorporates the existing streams, ditches, drainage patterns, hedgerows, and topography – all the landscape features which are of importance to the preservation and enhancement of biodiversity and ecological interest;
- Proposes a very strong pattern of new open spaces and landscape of different types; and
- Brings these spaces through, and into, the centre and most importantly links them together providing vital natural routes and connectivity.

It is also the intention of the applicant that these areas and assets will be the subject of a sensitive and informed management regime, focussed on diversity and the traditional management methods and skills associated with these and other assets.

Is the proposal policy compliant?

The key words within this Key Policy BSC 5 criterion are “safeguarding” and “enhancing”.

As part of the assessment of the outline planning application Officers have sought the guidance of ecological specialists such as Natural Resources Wales (NRW) and our own Biodiversity Officer.

The detailed technical information contained within the Ecological Impact Assessment has been scrutinised in order to conclude on whether, in relation to nature conservation interests, the development will safeguard and enhance.

Both NRW and the Council's Biodiversity Officer are content that, subject to the imposition of relevant conditions, the proposed development will safeguard and enhance any areas/species of nature conservation importance.

Officers are satisfied, therefore, that the proposal, in relation to nature conservation, is compliant with the relevant Key Policy BSC 5 of the LDP along with Policy VOE 5.

How will the provision be secured/controlled?

As with all the previously discussed elements of this outline scheme, the precise detailing of the provision of any enhanced areas for habitats and species will be shown within subsequent applications for the reserved matters. In addition, any outline consent given will contain an over-arching phasing condition which will require the applicant to set out clearly the timing for the delivery of certain elements of the scheme.

In addition specific conditions will be imposed which seek to deal with ecology. These will specifically require each phase of development to contain an ecological mitigation and management plan showing how habitats will be created, managed and monitored in accordance with the findings of the Ecological Impact Assessment. Furthermore, there will be controls imposed through condition which seek to ensure buildings are designed with bats and birds in mind and retained as such in perpetuity.

What does the key policy and site development brief require?

- **Pedestrian and cycle facilities to serve connectivity between homes and jobs, including the surrounding Rights of Way network;**

The Key policy BSC 5, Policy ASA 2 "Provision of sustainable transport facilities" and the adopted site development brief have sought to ensure that any development on the KSS provides an adequate network of pedestrian and cycle routes ensuring that all facilities within the site are easily accessible and that these link to a wider network of paths in the countryside and in Bodelwyddan generally.

The adopted brief goes on to require that development proposals should maximise the opportunity for such trips to be made by walking and cycling, using the open spaces as movement corridors wherever possible and delivering an accessible arrangement of spaces and buildings.

The internal movement corridors should be designed to function as recreational routes and to allow sufficient opportunity for low impact exercise. Existing rights of way within the site should be protected and both existing and new walking and cycling across the site should be integrated into landscape "greenways" which are attractive and convenient for future users.

Linkages to Sarn Road from the development should be effective in encouraging integration with the exiting community.

What does the application propose?

The outline planning application description clearly mentions the provision of pedestrian and cycle routes within the master plan area. Supporting additional documentation such as the Public Rights of Way Assessment, Planning Statement, DAS and the Movement Infrastructure Parameter Plan also provide additional commentary to show how pedestrians and cyclists will be able to use the site and link to wider routes, paths and networks.

Details of specific internal routes for pedestrians and cyclists will be further agreed within reserved matters submissions which will show how phases of development will be implemented.

The application describes how the existing footpath network across the site is currently difficult to use highlighting that there is currently minimal public access over the whole of the site area. The supporting documentation mentioned above also describes and evaluates routes off-site explaining that potential exists to enhance certain routes as part of the development.

The existing public footpaths are to be retained and connected up to a new and intricate lattice of publically accessible routes that permeate the development. These are proposed to run through public open spaces or

alongside local streets to create a series of genuinely walkable neighbourhoods. The application also stresses the importance of connections to the existing settlement and to the wider countryside network.

To that end it is proposed to make a financial contribution of up to £4,500 for improvements to rights of way off-site. In addition, the applicant is also offering a sum of £50,000 towards improvements to the Abergele Road Greenway which runs west of the site towards the existing village centre.

Is the proposal policy compliant?

Having regards to the submitted information and in particular the Movement Infrastructure Parameter Plan it is clear that the scheme will provide pedestrian and cycle facilities to serve connectivity between homes and jobs within the development site. In addition, there are financial contributions put forward by the applicant to enhance nearby Public Rights of Way and the main route into the existing village.

The Council's Public Rights of Way section is satisfied that the proposal is acceptable and that is compliant with the relevant Policy criteria in the LDP.

Officers are content, therefore, that the proposal in relation to the provision of pedestrian and cycle facilities, including surrounding Rights of Way, is compliant with the adopted Key Policy BSC 5 and Policy ASA 2 of the LDP.

How will the provision be secured/controlled?

As with all the previously discussed elements of this outline scheme, the precise detailing of the provision of any pedestrian and cycle routes within the site will be shown within subsequent applications for the reserved matters. In addition, any outline consent given will contain an over-arching phasing condition which will require the applicant to set out clearly the timing for the delivery of certain elements of the scheme.

In addition the internal footpaths will need to follow the principles set out within the submitted Movement Infrastructure Parameter Plan and this will be controlled through the imposition of a specific condition.

The provision of payments to enhance the off-site Public Rights of Way and the Abergele Road Greenway will be secured within the s.106 agreement.

What does the policy criteria and site development brief require?

- **New public transport links;**

The Key Policy BSC 5 and Policy ASA 2 "Provision of sustainable transport facilities" of the adopted LDP along with the adopted site development brief require improvements to public transport to be delivered as part of this scheme.

The impacts and opportunities for public transport as a result of the development of the KSS were debated and examined during the EIP process. The Inspector, in accepting the plan as sound, had regard to the impact the development would have on public transport infrastructure.

The development will clearly increase the resident population of Bodelwyddan giving rise to increased opportunity for investment in public transport. The adopted development brief explains that a Public Transport Strategy must be developed in conjunction with the Council's Transportation Officers and local public transport providers. This should identify public transport improvements, covering service destinations/routing, frequency, hours of service and infrastructure investment.

What does the application propose?

The outline planning application has been submitted with a Transport Assessment (TA) and Framework Travel Plan. These documents, prepared by AECOM, are contained within the ES and have been developed having regard to detailed input from the North Wales Trunk Road Agency (NWTRA) and DCC.

These documents highlight the existing baseline position in respect to public transport identifying current bus services that operate in Bodelwyddan. They go on to describe the links these routes have with other public transport in the area such as Rhyl Railway station and other bus routes.

The applicant has acknowledged that through a combination of contributions towards improvements in public transport and the production and implementation of a Travel Plan for the KSS sustainable connectivity to the site can be achieved.

Expansion of bus facilities is intended to maximise the benefits of the existing central location of Bodelwyddan within the network of County wide bus routes and to enhance connectivity between the new jobs and the communities which can benefit from them complemented by a range of initiatives to promote local jobs for local people.

The applicant has proposed to contribute £500,000 over 5 years for local public transport improvements as well as £125,000 towards the implementation of a Travel Plan for the KSS. These figures have been produced in conjunction with the Council's own Passenger Transport Team and can be used to improve bus services in the area as well as creating closer working between local bus operators, the developer and DCC in the development of Travel Plan Strategies. The enhancement of public transport as part of the development is promoted in order to minimise potential wider impacts of increased car usage from the employment element of the proposal.

Is the proposal policy compliant?

The Council's Passenger Transport Team has been involved in the LDP process as well as the production of the site development brief. They have provided information and guidance in relation to what may be required to ensure public transport connectivity within and outside the site can be achieved.

It is considered that, subject to the financial contributions mentioned above being secured through the s.106 agreement and paid in phased payments, the proposal meets the intentions of the relevant criterion of Key Policy BSC 5 and Policy ASA 2 of the adopted LDP.

How will the provision be secured/controlled?

The improvements to public transport and the development of a Travel Plan will be secured through the s.106 process. Financial contributions will need to be phased and as further agreed by Officers and Members.

In addition a planning condition is suggested which will ensure that no dwelling could be occupied within the development until the Travel Plan is implemented in agreement with the Local Planning Authority.

What does the key policy and site development brief require?

- **Sustainable building materials, energy efficient and water efficient measures and aspire to be carbon neutral;**

Key Policy BSC 5 along with Policy RD 1 of the adopted LDP make reference to the need for sustainability principles to be at the heart of development proposals. These policies reflect initiatives promoted by the Welsh Government in attempting to address climate change and reduction in the production of green house gases.

Clearly, a significant amount of construction will take place on the KSS over a prolonged period. As such, the Key Policy and adopted site development brief sought to ensure the integration of sustainability principles for promoting renewable energy use and low carbon during and post development. Providing guidance on sustainable construction, waste management and how water is managed across the site was seen as vital to ensuring the development proceeds in a sustainable manner. As a minimum the following is expected to be achieved:

- Code for sustainable homes level 3 obtaining 6 credits under issue Ene 1 – Dwelling Emission Rates.
- BREEAM “Very Good” rating for all non-residential developments, achieving the mandatory credits for “Excellent” under issue Ene 1 – Reduction of CO2 emissions.
- Considerate constructors scheme score of 32
- Features implemented to provide effective adaptation to and resilience against the current and predicted levels of climate change.
- Consideration of utilisation of existing or proposed local and low and zero carbon energy supply systems.

From a waste management perspective the development brief outlines how compliance with LDP Policy VOE 7 will require targets and measures to be agreed for waste collection and recycling throughout both construction and operational phases. Any waste strategy should cover:

- Construction aggregate recycling
- Non-hazardous construction waste generated by the development diverted from landfill and re-used and recycled
- Domestic waste recycled/composted and provision of storage for recycled waste.
- Commercial waste recycled/composted and central dedicated storage spaces.

In terms of water efficient measures the development brief outlines how, through input from Dwr Cymru and NRW, sustainable urban drainage systems (SUDS) should be used in the development. These could include the use of ponds, swales and infiltration strips to ensure flood prevention, water management and wildlife protection go hand in hand.

The brief goes on to highlight how improvements would be required to ensure water supply and foul water treatments are accommodated for in the development. Whilst separate legislation to Planning (Water Industry Act 1991) will ultimately deal with this the principles of how water should be supplied and managed across the site certain principles will have to be followed.

The site development brief goes on to say that a sustainability strategy, waste management plan and drainage strategy would need to accompany any outline planning application.

What does the application propose?

The outline application contains, within its description, reference to new drainage infrastructure. As part of the ES there have been a number of supporting documents submitted which attempt to deal with the issues of sustainable building materials, energy/water efficiency and measures to deal with carbon reduction. These documents have been explained in some detail within the “Applicants Submitted Documents” section towards the start of this report.

The application has been submitted with the following detailed documents pertaining to these policy criteria:

- Sustainable Resources and Waste Management Strategy
- Sustainability Strategy
- Energy Statement
- Drainage Strategy
- Flood Consequences Assessment

The aforementioned documents set out the principles and intended mitigation measures for how the development of the KSS will meet the relevant adopted Key policy criteria in relation to sustainability, energy efficiency, water efficiency and low carbon principles.

Is the proposal policy compliant?

Both Dwr Cymru and NRW have examined the ES documents and have commented positively on the proposals having regard to sustainable building, energy and water efficiency. The submitted strategies and plans form part of the application and the principles and intended mitigation contained therein clearly show that the proposals meet the relevant policy criteria contained with Policies RD 1, BSC 5, VOE 6, VOE 7 and VOE 8.

Subject to the scheme following the strategies submitted and subject to further construction management arrangements being agreed and controlled through conditions Officers conclude that the proposal is compliant with the relevant Policies of the LDP and the Development Brief.

How will the provision be secured/controlled?

As with all the previously discussed elements of this outline scheme, the precise detailing of the provision of drainage infrastructure, energy infrastructure or recycling facilities within the site will be shown within subsequent applications for the reserved matters. In addition, any outline consent given will contain an overarching phasing condition which will require the applicant to set out clearly the timing for the delivery of certain elements of the scheme.

In addition specific planning conditions are suggested which will seek to control drainage, waste management (including construction management) and how the development will meet the targets and standards for energy efficiency.

What does the key policy and site development brief require?

- **Consideration as to the potential impacts on the linguistic, cultural and social character of the area;**

This policy criterion focuses on the potential impacts a development of this size could have on the Welsh Language and Culture. The Policy criterion has been developed through the Local Development Plan process and was scrutinised during the Examination in Public (EIP). The conclusion of this process was that the KSS was adopted into the LDP and considered sound having regard to potential impacts upon the Welsh Language and Culture.

This is reflected within the relevant criterion in Key Policy BSC 5 and also within Policy RD 5 “The Welsh Language and the social and cultural fabric of communities” in the adopted LDP.

Policy RD 5 explains that in determining planning applications, the needs and interests of the Welsh language will be taken into account. Linguistic Assessments will need to be provided to accompany certain types of planning application explaining any likely impacts the development may have on the Welsh language and what mitigation and enhancement is proposed. The Policy goes on to explain that developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh language. In appropriate circumstances, mitigation against any adverse effect will be secured through requiring financial contributions by a s.106 agreement or other means.

The adopted Site development Brief provides further commentary on the subject of Welsh language and culture. It explains that a Community Linguistic Assessment has been undertaken for the KSS. This identified a number of measures which should be implemented as part of the holistic approach to site development and in order to mitigate any negative impacts on the Welsh language and culture. The brief explains that the following mitigation measures will be required as part of the site’s development:

- Welsh only brand name and street signs
- Bilingual master-planning process/communication
- Bilingual marketing strategy with emphasis on Denbighshire and other Welsh Local Authority Areas for the initial period before moving out to a larger radius
- Promote Welsh education amongst children and adults
- Support existing social groups to welcome Welsh learners
- Partnership working with Mentrau Iaith to establish new social events through the medium of Welsh in Bodelwyddan and the surrounding communities
- Adverts in local press to include Welsh medium publications
- Strong local advertisements/marketing (bilingual)
- Agree with house builders to monitor the origin and household formation of the first occupants of new homes
- Producing all publication material bilingually with Welsh language text first
- High quality environment at the forefront of the Development Brief and Master Plan with links to the existing community of Bodelwyddan
- Delivery of improved health facilities.

What does the application propose?

The application has been submitted with a Welsh Language Impact Assessment. The contents and conclusions of this document are outlined within the section entitled “The Applicants Submitted Documents” at the start of this report. The conclusions of the Assessment highlight that positive impacts on the Welsh language and culture can be felt if the right development approach is secured in close partnership working with the Council, education providers, developers and Welsh language organisations in the community.

Within the submitted Planning Statement the applicant has again emphasised the embedded role of the Welsh language and culture in the Bodelwyddan KSS.

In doing so the applicant has gone through each of the listed mitigation requirements mentioned above from the Site Development Brief and outlined exactly how they will be met during the course of the development. The following table produced by the applicant explains this in detail:

“The Embedded Role of Welsh Language and Culture in the Bodelwyddan KSS Proposals

The purpose of the following table is to demonstrate the importance of Welsh language and culture to the design and implementation of the Bodelwyddan KSS. The table illustrates how the outline planning application ensures that Welsh language and culture play a central role in the proposed development, as envisaged by Denbighshire County Council’s (DCC) Community Linguistic Impact Assessment. Key to this is the appointment of a Welsh Language

Development Officer (WLO), who will be funded by a financial contribution from Barwood Land and Estates Ltd (Barwood Land) of £125,000.”

Community Linguistic Impact Assessment: Proposed Intervention	Land East of Bodelwyddan: Outline Planning Application Response	Reference in Application Supporting Information	Action By
Welsh only brand name and street names.	Welsh street names and brand name to be developed for the site.	Paragraph 5.16, Section 5, Welsh Language Impact Assessment (WLIA)	Barwood Land/WLO
Bilingual masterplanning process/communication.	A bilingual marketing strategy will be implemented by Barwood Land.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO
Bilingual marketing strategy.	A bilingual marketing strategy is to be developed by Barwood Land.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO
Promote Welsh education among children and adults.	The appointment of the Welsh Language Development Officer (WLO) will promote Welsh education to new inhabitants of the development.	Paragraph 5.6, Section 5, WLIA	WLO/DCC
Support existing social groups of Welsh learners.	Existing social groups of Welsh learners will be supported by the appointed WLO.	Paragraph 5.6, Section 5, WLIA	WLO/DCC
Partnership working with Mentrau Iaith and Bwrdd yr Iaith.	The WLO will be the conduit for partnership working with groups such as Mentrau Iaith in collaboration with DCC.	Paragraph 5.6, Section 5, WLIA	WLO/DCC
Securing Welsh language as medium for new primary school.	Land to be provided as part of the development proposals for a new Welsh medium primary school.	Paragraph 5.41, Section 5, WLIA	Barwood Land/DCC
Adverts in local press to include Welsh medium publications.	A bilingual marketing strategy is to be developed by Barwood Land.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO
Agree with house builders to monitor the origin and household formation of first occupants.	Barwood Land is not a house builder and the Council will need to seek such commitment at Reserved Matters stage. This mitigation measure can be secured via an appropriate condition. In addition, it can form part of the WLO role.	N/A at outline application stage	DCC/WLO
Produce all material bilingually with Welsh language first.	A bilingual marketing strategy is to be developed by Barwood Land.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO
Provision of a high quality environment with links to the existing communities of Bodelwyddan.	The application is seen as an opportunity to create a signature location delivering housing, employment and social infrastructure that meets the needs of the county and the local community. Proposals will be influenced by a range of local green infrastructure features such as the Abergele Greenway Improvements. These features	Paragraph 5.15, Section 5, WLIA; Proposals Section, Design and Access Statement	Barwood Land/DCC

	and the site's setting will contribute to place making and a sense of identity at the development.		
Delivery of improved health facilities as part of new community facilities.	Land is to be provided for the development of new healthcare facilities as part of a new local centre.	Paragraph 5.44, Section 5, WLIA	Barwood Land/DCC
Ensure there is a mix of house types.	The proposed development will include a mix of house types and tenures (including affordable housing and care home/close care apartment provision).	Paragraphs 5.19 and 5.20, Section 5, WLIA; Paragraph 5.8, Section 5, Planning Statement	Barwood Land/DCC
Proposed development should align with national design guidance on community safety.	Barwood Land is committed to ensuring that the site will be safe and that every measure will be taken to minimise the potential for crime. A series of actions will be undertaken to ensure that this occurs in practice. These involve liaising with local community stakeholder groups. Barwood Land is confident that appropriate design measures have been put in place (Secure by Design) that can be incorporated into the scheme and effectively implemented.	Paragraph 5.45, Section 5, WLIA	Barwood Land
Requirement to use local labour.	Barwood Land will seek to put in place local labour agreement to encourage the local workforce to apply for jobs during the construction phase.	Paragraph 5.35, Section 5, WLIA	Barwood Land/DCC
Liaise with local colleges to provide training	Local colleges will be contacted regarding training and apprenticeship schemes. Indeed, Barwood Land has already established a relationship and dialogue with Rhyl College.	Paragraph 5.35, Section 5, WLIA	Barwood Land/DCC
Marketing material for employment units to be bilingual and circulated locally first	A bilingual marketing strategy is to be developed by Barwood Land.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO/DCC
Provision of a range of employment unit size and attraction of health related businesses or further specialisation based on existing businesses in the locality.	The proposed development will include a range of employment uses relative to size, use and tenure thereby offering a broad range of units that will help meet local requirements. Key to delivering the employment growth will be ensuring flexibility in order to respond to operator requirements, including those with a particular specialism/focus, as necessary.	Paragraphs 5.30 and 5.31, Section 5, WLIA	Barwood Land/DCC
Establishment of local labour agreement.	Barwood Land will seek to put in place a local labour agreement to encourage the local workforce to apply for jobs during the construction phase.	Paragraph 5.35, Section 5, WLIA	Barwood Land/DCC

Review this Impact Assessment as further information becomes available.	This action relates to a Council commitment, although it could form part of the WLO role	N/A	DCC/WLO
Ongoing partnership working is required to deliver Welsh language education	This will be achieved through the work of the WLO and through the provision of a new Welsh medium primary school on site.	Paragraph 5.46; Section 5, WLIA	WLO/DCC
A programme of local awareness raising of the history of Welsh language and culture in a local context.	The WLO, the new Welsh medium primary school, the new community facilities as well as Barwood Land's ongoing partnership with the Council, are expected to raise local awareness of the Welsh language and culture.	Paragraph 5.46, Section 5, WLIA	Barwood Land/WLO/DCC
Council to continue to discuss overall development of the site with local community.	This action relates to a Council commitment.	N/A	DCC
Council to consider preparation of Community Development Strategy.	This action relates to a Council commitment.	N/A	DCC
Bilingual Street naming to reflect farm names	Welsh street names to be used and will reflect local context.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO
Development Construction and long term branding to be bilingual.	A bilingual marketing strategy is to be developed that incorporates the long terms branding of the site.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO
Bilingual Business Strategy	A bilingual marketing strategy is to be developed by Barwood Land that will encompass the business strategy	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO
Provision of bilingual signs with and outside of new establishment	Welsh bilingual signs to be used throughout the development.	Paragraph 5.16, Section 5, WLIA	Barwood Land/WLO

Is the proposal policy complaint?

The application and its submitted documents has clearly had due regard to the impact the development could have on the Welsh Language and culture. This is in compliance with the requirements of the relevant LDP Policies and the site development brief. The submission and the policy requirements for the KSS have been informed by the findings of the Community Linguistic Assessment undertaken by DCC.

There have been a number of letters of objection received which make reference to the potential impact the development could have on the Welsh language and culture. The Welsh Government has also received a request to call-in the application on this basis.

Officers are content that the application has had due regard to the potential impacts and that through the relevant mitigation proposed will be compliant with the adopted LDP policies and the site development brief. The KSS is an allocated site within an adopted Development Plan. The Plan has had detailed scrutiny through the EIP where impacts upon the Welsh language and culture were debated.

The EIP process has subsequently informed the outline planning application. The relevant submitted documents have highlighted potential impacts, both positive and negative. It is felt that the negative impacts can be mitigated as set out in the following section.

How will the provision be secured/controlled?

The applicant has offered a sum of £125,000 to support the employment of a Welsh Language Officer. The table above explains how this will be provided. The s.106 agreement will set out the precise detailing for the payments but it is envisaged that this will fund a post for the first five years of the development.

Additionally planning conditions are suggested which ensure that the bilingual marketing strategies and branding of the KSS takes place at appropriate stages of the development.

What does the key policy and site development brief require?

- **Integration of the development into the landscape based on the findings of a robust landscape framework;**

As with the other Key Policy criteria set out within this report, the impact of the KSS development on the landscape character of the area was debated within the EIP for the Local Development Plan.

The Inspector, in accepting the KSS as sound, had regard to potential impacts on the landscape. The KSS has been allocated for development on that basis.

That said, Key Policy BSC 5 along with Policy RD 1 of the adopted LDP require developments to:

(Extract from Policy RD 1 of the LDP)

- Respect the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings;
- Protect and where possible enhance the local natural and historic environment;
- Have regard to prominent public views into, out of or across any settlement or area of open countryside;
- Incorporate existing landscape or other features, take account of site contours and changes in levels and prominent skylines;
- Incorporate suitable landscaping measures

The adopted site development brief explains that the KSS is influenced by a range of local green infrastructure features such as hedgerows, tree belts, woodlands, waterbodies and watercourses together with Listed Buildings and the Bodelwyddan Conservation Area. It goes on to say that these features and their setting will need to be built in, wherever possible, to the development proposals and used as positive elements to contribute to place making and a sense of identity. As part of this process a Landscape and Visual Impact Assessment will need to be submitted with any planning application on the site to consider the visual influence and changes associated with the development.

What does the application propose?

The outline planning application does not contain detailed landscaping proposals at this stage. However, the application has been submitted with a set of Parameter Plans including a Land Use Parameter Plan, Green Infrastructure Parameter Plan, a Building Heights Parameter Plan and a Residential Density Parameter Plan. The Illustrative Master Plan also provides information relevant to landscape impact.

In addition the ES contains within it a detailed Landscape and Visual impact Assessment. This considers the potential impact of the development on landscape character and the representative visual resources and environment.

The relevant Parameter Plans highlight the following:

Land Use – employment areas will be located to the south (A55) end of the site with most of the green infrastructure located to the north of the site abutting the open fields beyond. The green infrastructure will extend to corridors at key points through the site running north to south.

Green Infrastructure – a range of open spaces, pitches, parks, allotments, orchards, green spaces, woodland and hedgerows will form a connected green infrastructure throughout the site.

Residential Density – Density will range from 50 dwellings per hectare close to the employment sector to the south through to 20 dwellings per hectare towards the open fields to the north.

Building Heights – Building heights will range from a max of 15m to the south (employment sector) of the site to 9m to the area closest to the St.Margaret's Church/Conservation Area and towards the north of the site. Building heights are also shown to be a max of 9m closest to existing dwellings to the west of the site on Marble Church Grove.

The applicant has stressed within the submission that by adopting a landscape-led philosophy from the outset any adverse impacts of development should be consciously minimised throughout the master planning process. The resulting development should have a far more natural feel and organic logic to it, such that it is firmly anchored into the site.

The future management of areas of green infrastructure throughout the site and a design code for the phases of development will be controlled. A landscape management company will operate at the site and will have to follow the principles set out within any agreed Landscape Management Strategy for the site.

Is the proposal policy compliant?

The application and submitted documents pertaining to landscape impact have been fully assessed by both NRW and the Council's appointed Landscape Consultant.

Both of the specialists involved have concluded that, subject to relevant conditions to control Landscape Management and the design of future phases, the development can be integrated into the landscape.

The comments of other interested parties are noted in relation to the impacts of the proposal on the nearby Bodelwyddan Castle terrace, gardens and views across the area. Officers must comment, however, that the principle of developing the site has been established through the EIP process. The impacts upon the nearby Listed Buildings and Gardens have been assessed, in principle. It is clear that a development of this size will have a landscape impact locally and more widely. However, the Landscape Consultant used to assess the outline scheme is satisfied that, subject to advanced structural planting and a long term landscape management strategy for the site the development will eventually be integrated into the landscape.

Officers are content, therefore, that the proposals are policy compliant.

How will the provision be secured/controlled?

As with all the previously discussed elements of this outline scheme, the precise detailing of the provision of structural and other landscaping within the site will be shown within subsequent applications for the reserved matters. In addition, any outline consent given will contain an over-arching phasing condition which will require the applicant to set out clearly the timing for the delivery of certain elements of the scheme.

In addition a series of planning conditions are suggested which will seek to control landscape protection, provision and future management.

The creation of a management company or agreed alternative will also need to be controlled. This should ensure the management and maintenance of all relevant green infrastructure in the development site and that the principles of any agreed landscape management plans and design codes are adhered to. A suitable section within the s.106 agreement will ensure safeguards are in place for the future management of green infrastructure in the KSS.

Conclusions on Compliance with Key Policy BSC 5

The preceding sections of the report explain how the submitted outline planning application is compliant with the Key LDP Policy BSC 5. The Key Policy has been adopted through the LDP process meaning it has undergone a detailed examination in public before the appointed Inspector found its criteria to be sound for the purposes of assessing any planning proposal.

Officers consider that subject to the imposition of relevant planning conditions and the entering into of a s.106 legal agreement the outline application proposal will comply with each of the criteria set out within the Key Policy and the additional guidance offered by the adopted KSS Site Development Brief.

The following sections of the report will now look at other material planning considerations of relevance to the proposal. Some of these planning considerations have already been examined when looking at the Key Policy BSC 5. However, others will require more detailed scrutiny having regard to the submitted information and the representations received.

OTHER MATERIAL PLANNING CONSIDERATIONS

4.2.1 Impact on residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is

therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the potential effect of the proposal on the amenity of any neighbouring properties.

The potential impacts of development on residential amenity are also highlighted as a key assessment within the adopted LDP at Policy RD 1.

It should be noted that many of the main planning considerations relating to the development of the KSS were examined during the EIP process, which led to the allocation of the site. This in turn led to the creation of key policy BSC 5 of the adopted LDP which has been examined in detail, in the context of this outline planning application, above.

For the purposes of this section of the report the impacts of the development of the KSS on residential amenity will need to be defined. Many of the specific impacts outlined below, such as highway impacts, noise, air quality and landscape impacts will all have a bearing on residential amenity. However, certain impacts may be felt more by some residential properties than others both during the construction phases and in the operational phase of the development.

The closest residential properties to the development site are Ty Mawr and Tyddyn Isaf farms to the south, those properties on Sarn Road to the south-west including the Vicarage and the dwellings which back on to the site on Marble Church Grove. Other residential dwellings within Bodelwyddan and the surrounding areas will also experience some level of impact upon their residential amenity during the construction and operational phases given the size of the development and the length of time development will be taking place.

The ES submitted with the outline application has examined, in detail, the various environmental impacts of the development, their predicted impacts and the mitigation measures to be employed to minimise impacts. It is accepted that a detailed Construction Environmental Management Plan (CEMP) will be prepared which will set out provisions for environmental and amenity protection during the course of development on the site. This CEMP will need to be further agreed with the LPA and other relevant bodies and strictly adhered to throughout the course of development on the KSS. It will set out construction times, routes of traffic, noise levels and other means to mitigate construction impacts.

Impacts on Ty Mawr and Tyddyn Isaf

Construction phases –

Access to one of these properties (Ty Mawr) is currently via an access road which runs to the north of the A55. This road links to Sarn Road to the west and also serves the Marble Church. Tyddyn Isaf is currently accessed via a private lane off the north roundabout at Junction 26 of the A55. This private lane has its own arm off this roundabout junction. The section on “noise” later in this report highlights how Ty Mawr was used as a Noise Sensitive Receptor (NSR) when the Noise Assessment was produced for the ES. This means that the existing baseline situation for the property (which will also apply to Tyddyn Isaf) in terms of noise levels was examined.

The Noise Assessment went on to examine predicted impacts during construction phases and concluded that there is the potential for short-term major adverse impacts on these nearby properties especially when construction is taking place in close proximity.

Much of the mitigation which will be required to minimise impacts on these properties during construction phases will need to be as further agreed within the CEMP. This will need to set out specific requirements to minimise impacts on these properties. However, it has been set out within the adopted site development brief that there should be **no access** to the KSS, either during construction phases or operational phase, via the access road which serves Ty Mawr and the Marble Church. This will serve to minimise direct impacts from construction and other vehicle movements both during construction and post construction.

It is intended to create a new access road off the north roundabout of Junction 26 of the A55 to serve the KSS both during construction and operational phases. This will be separate to the private lane which serves Tyddyn Isaf and will direct traffic into the KSS via a separate road. This will be the only access road to and from the KSS during construction phases.

Operational phase –

The submitted Land Use Parameter Plan shows the intention to site commercial/employment uses to the south of the application site alongside the properties of Ty Mawr and Tyddyn Isaf. In addition the Building Heights Parameter Plan indicates that buildings of up to 15m could be sited to the south of the site in proximity to these properties.

It is considered that there is the potential for major adverse impacts on these properties from the proposed uses and heights of the employment buildings. Whilst there are no details of the siting or design of potential buildings in this part of the site at this stage, large scale commercial uses in such proximity to these properties will clearly give rise to the potential to have a negative impact upon their existing levels of residential amenity.

Careful consideration will be needed at reserved matters stages in terms of building location, design, landscaping and operation to minimise impacts on Ty Mawr and Tyddyn Isaf. It is accepted that access to the new employment uses will not be via the access roads serving the dwellings but any new buildings themselves will need to be set sufficient distances away from neighbouring boundaries and noise/visual screens will need to be provided to key areas of the site. Landscaping conditions will need to reflect this by ensuring good structural planting is put in place and noise attenuation measures are employed.

Impacts on properties on Sarn Road and Marble Church Grove

Construction phases –

There are a number of existing properties located outside of, but to the south-west of the application site. These dwellings, which include the Vicarage, are on the east side of Sarn Road and sit just to the west of the Marble Church.

As described above, the adopted site development brief has sought to ensure that no construction traffic should need to use Sarn Road or the access road leading to the Marble Church. This will be controlled by condition and will ensure that all construction traffic enters the KSS via Junction 26 of the A55.

Whilst there will clearly be some increased levels of noise and disturbance experienced by dwellings on Sarn Road and Marble Church Grove during construction phases it is considered that the CEMP will ensure that such impacts are minimised. All routing of traffic will be away from the front of these properties and compounds and other areas of work will need to be a sufficient distance away from garden boundaries. Noise levels will be monitored during construction and environmental health legislation is there to protect residential properties from harmful noise levels during construction and beyond.

Operational phase –

The Parameter Plans submitted highlight that a clear buffer will be retained around the Marble Church and behind the dwellings near the Vicarage. The illustrative master plan shows that an area of open space associated with the new primary school will sit behind existing dwellings on Marble Church Grove. This will provide a landscaped buffer to these dwellings. The precise location, design and landscaping for the school site will be as further agreed in a subsequent reserved matters submission. As such, existing residents will be able to comment on any possible impacts at that time.

It is considered, however, that based on the submitted Parameter Plans, impacts of any new buildings on the existing dwellings on Sarn Road and Marble Church Grove will be minimal.

It is acknowledged that the overall development of the KSS will result in some general increased levels of noise and disturbance for nearby residents to the development site. This will be from increased vehicle movements, increased pedestrian and cycle movements and the general activity associated with such a mixed use development. These increased impacts have, however, been accepted in principle when the site was allocated. The controls which can be imposed during reserved matters assessments, the CEMP and through planning conditions imposed at this outline stage will serve to control and manage impacts on existing dwellings.

Officers conclude, therefore, that subject to the imposition of conditions which will control construction management, the impacts of the construction phases on existing residential amenity will be acceptable and in compliance with LDP Policies BSC 5 and RD 1. In addition, subject to careful consideration of reserved matters submissions and the careful siting and use of buildings within the KSS the impacts of the operational phase on existing residential amenity can be mitigated. Conditions will need to be imposed which seek to control the uses of buildings in order to mitigate impacts on existing properties. This will need to include some of the employment buildings in proximity to existing dwellings.

4.2.2 Impacts on Ecology

This issue has been considered, in part, within the relevant criteria of Key Policy BSC 5 under the section:

- **Safeguarding and enhancement of any areas/species of nature conservation importance;**

In addition, Policy VOE 5 of the LDP requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2) which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

It is now intended to examine the more detailed findings of the Ecological Impact Assessment as contained within the submitted ES. The Ecological Impact Assessment has been examined by both NRW and the Council's Biodiversity Officer. They are broadly in agreement with the predicted impacts and have suggested relevant conditions to ensure proposed mitigation is incorporated into the development.

The predicted impacts on ecology can be split into impacts on habitats and species.

Habitats

Stream and ditches – There are a number within the application site and it is anticipated that they will need to be crossed by roads and other features as part of the development. It is difficult to assess the potential impacts at this outline stage, however, if the principles of the submitted ecological strategy are followed the impacts are considered to be minor adverse and long term.

Ponds – The pond within the application site is to be retained with others created in an attempt to increase the aquatic habitat on site. The impacts are suggested to be positive, therefore.

Woodlands – The submitted Green Infrastructure Parameters Plan indicates the area of woodland within the site to be retained. However, it is accepted that due to the nature of development and increased human activity there could be impacts both at construction and operation stage. A well controlled construction management regime alongside a proposed post development woodland management programme will ensure potential moderate longer term benefits to the woodland area.

Hedgerows and trees – None of the hedgerows within the site were found to qualify as “important” under the tests of the Habitats Regulations 1997. The black poplar on the site is considered of high ecological value due to its rarity. The Green Infrastructure Parameters Plan indicates the retention of the majority of the hedgerow network in the site with some breaches inevitable as part of the development. New hedgerows will also be planted, however, and hedgerows and trees will be afforded due protection during construction in accordance with the Construction Management arrangements set in condition. There will be a net increase of trees and hedgerows within the development site as shown on the Green Infrastructure Plans. This gives an overall positive long term impact.

Species

Breeding birds – Various red and amber list species were recorded at the application site. As the woodland and mature boundary hedgerows are to be largely retained along with a buffer area such measures will support the continued presence of willow warbler, grasshopper warbler (red) and common white throat (amber). The creation of new gardens within the residential parts of the site will also create potential habitat for house sparrows and swallows. The impacts, therefore, on breeding birds will be minimal.

Wintering birds – The retention of the woodland and mature hedgerows will continue to support the small populations of wintering birds recorded at the site.

Bats – Bats were found to forage and commute widely across the site, in particular in the woodland area. A number of proposals within the scheme are designed to strengthen certain connecting routes for bats. Lighting levels will need to be set for areas of the site within an approved Ecological Management Plan. This will be as agreed with NRW and others. So long as important foraging and commuting habitats are retained and a sensitive lighting strategy is secured, it is considered the favourable conservation status of the bat species will be maintained.

Badgers – Ground work required within 30m of any sett will require a license from NRW. The Green Infrastructure Parameter Plan shows the main sett on site to be retained as well as many outlying setts as possible. However, overall it is considered that there will be a negative impact on the badger group currently inhabiting the application site. However, due to the location of the main sett it is likely that the current group will remain present within the current sett complex. If the group does move away from the site it is still very likely that this main sett will be used as a subsidiary sett within the groups territory. The impacts will be minor adverse over the long term.

The submitted Ecological Impact Assessment suggests mitigation which both NRW and the Council's Biodiversity Officer have seen and agreed. This is listed as follows and will be controlled through the conditions relating to the Ecological Management process.

- Retention of watercourses with minimised culverting through detailed design stage.
- Ditch enhancements, bank profile modifications and alignment modifications.
- Retention of the pond
- Removal of a proportion of vegetation around the pond.
- Introduction of suitable aquatic flora species to increase biodiversity.
- Creation of new ponds
- Retention of as many hedgerows as possible
- Retention of trees/woodland
- Introduction of woody species to hedgerows
- Extension of hedgerow network enhancing connectivity
- Sensitive lighting strategy for bats
- Provision of new grassland or open space and suitable management strategies.

Officers conclude that, subject to relevant planning conditions ensuring long term ecological management of the site in accordance with the submitted Parameters plans, there would be no significant impacts on ecology. The scheme is, therefore compliant with Policies BSC 5, RD 1 and VOE 5 of the adopted LDP.

4.2.3 Drainage (including flooding)

This has been considered, in part, within the assessment of Key Policy BSC 5 under the section:

- **Sustainable building materials, energy efficient and water efficient measures and aspire to be carbon neutral;**

It is now intended to examine the "water" element of this assessment in more detail.

The submitted ES contains a number of relevant sections which deal with the management of water on the site. These include a Geotechnical and Geo-environmental Desk Study examining ground conditions, a Flood Consequences Assessment (FCA) and a Drainage Strategy. These will now be examined below.

Ground Conditions

The relevant information on this subject is contained within Appendix H of the ES document. The contents of various surveys and studies have been examined by NRW, Dwr Cymru/Welsh Water and the Council's own Flood Risk Manager. None of the relevant specialists in this field have raised concerns with the findings of the studies.

The Desk Based Study has examined the history, geology, hydrogeology and hydrology on the application site and surroundings. This notes the strata underlying the site is comprised of intertidal deposits (to the north), Till (across the majority of the site), and interbedded sandstone, siltstone and mudstone. Groundwater was recorded associated with the granular material beneath approximately 12m of clay to the south of the site adjacent to the A55. Secondary aquifers are only capable of supporting water at a local level as opposed to a strategic scale. The flow of such an aquifer is suggested to be to the north towards the River Clwyd and coast.

In terms of hydrology there are several agricultural drainage ditches that cross the site and a pond is located to the south-west corner. A further network of ponds exists outside of the application site.

The relevant chapter in the ES concludes that development would be able to proceed on site subject to certain measures being employed within any construction management arrangements which would protect water quality and other ecological interests. There is nothing written within any of the studies that would prevent development taking place in relation to ground conditions. This has also been verified by NRW, the body responsible for the protection of water quality.

Flood Risk

The relevant information on this subject is contained within Appendix J1 of the submitted ES document. The contents of the FCA have been examined by NRW, Dwr Cymru/Welsh Water and the Council's own Flood Risk Manager. None of the relevant specialists in this field have raised concerns with the findings of the applicants submitted FCA.

The assessment of the impact of the development on water resources has drawn upon the following, as set out within the relevant ES chapters:

- Hydraulic modelling of the watercourses within the application site to determine/confirm fluvial flooding
- Interpretation of NRW flood data to determine/confirm fluvial and tidal flooding
- An assessment of the flood risk to the site from all sources/types of flooding
- An assessment of the impact of the development on flood risk both on and off site
- Consideration of the existing and proposed foul and surface water drainage arrangements for the site
- Consideration of climate change.

The scheme has been developed having regard to the above points with the Parameters Plans submitted with the application highlighting how areas of the site will be used to manage water appropriately. This means that open spaces will be located in key areas of the site and water storage areas will be provided creating a development site where flood risks are mitigated and managed.

The assessments undertaken have regard to various strands of policy in Planning Policy Wales (7), Technical Advice Note 15 and the relevant advice maps, policies within the LDP and also other guidance produced by government departments such as Defra, NRW and CIRIA.

NRW have not only been involved in assessing the FCA part of the submitted ES with this outline application, they had also provided input during the EIP process. In allocating the KSS for development the Inspector would have had regard to flood risks and all aspects of water management on the site. He was satisfied, after hearing all the relevant input from interested parties on this issue that, subject to relevant mitigation and management, the site could be developed.

Officers are aware of the representations received from persons raising concerns about the potential flood risks at the site. They have cited historic flooding incidents nearby, issues with blocked watercourses, ground water conditions and how they feel placing more built development in this area will give rise to increased risk of flooding on the site and elsewhere. A flood consequences assessment review had been carried out on behalf of the Bodelwyddan Development Action Group and this has been provided to the Council's Flood Risk Manager.

Whilst the concerns which have been raised have been duly noted Officers must take the professional advice of NRW and the Council's Flood Risk Officer on the issue of flood risk. They have made it clear that the site can be developed and have had full regard to all the relevant information provided to them. They have suggested appropriate planning conditions be imposed to ensure that the principles of sustainable drainage and water management are followed through the development. By following these principles any flood risks can be adequately managed and mitigated.

Drainage

The application proposes that foul waste water will be discharged to the public sewerage infrastructure by the use of a pumping station to convey foul flows to the Water Treatment Works in Kinmel Bay. Again, Dwr Cymru/Welsh Water (DCWW) has been engaged in the planning process from the EIP through to the outline planning application.

As the body responsible for treatment of foul water they have had full regard to the information supplied with the application, including the Drainage Strategy. They have accepted that the drainage system will be designed and constructed to meet their regulations and also Building Regulations Part H. In addition, they have had regard to the appropriate mitigation proposed should any failure of the proposed systems occur. Planning conditions are suggested by DCWW which will seek to control how foul water will be dealt with. These controls will include for necessary improvements to the existing water treatment works.

In conclusion, on the issues of drainage and flood risk it should be emphasised that both NRW and DCWW are satisfied that development can take place on the site. All identified flood risks can be comfortably mitigated through the application of the master planning and design principles and all residual impacts are considered to be low and acceptable. The identified mitigation measures which incorporate sustainable drainage principles and improvements to the existing public sewerage system will ensure that the overall impacts on water resources are low.

Officers conclude, therefore, that the proposal is compliant with Key Policy BSC 5, RD 1, VOE 5 and VOE 6 of the adopted LDP in respect to drainage and flood risks.

This has been considered, in part, within the relevant criteria of Key Policy BSC 5 under the section:

- **New highway network between the A55 Junction 26 and Sarn Road, and other off-site improvements**

As mentioned within the aforementioned section, the principle of developing the KSS and the resultant highway implications, have been accepted by the Inspector during the EIP process.

Debate took place at the EIP into whether the KSS could be accessed from the points identified of the A55 and Sarn Road and whether there was capacity in the highway network and at relevant local junctions to cope with the mixed use development proposed. The conclusions of this debate were that the site could be accessed (subject to detail) and that all the predicted impacts were acceptable.

The key material consideration with the current outline planning application is whether the detail provided to show the means of access into the KSS (from Junction 26 of the A55 and Sarn Road) is acceptable. The body responsible for assessing the acceptability of the use of junction 26 for the access and for the impacts on the A55 generally is the North Wales Trunk Road Agency (NWTRA). DCC Highways Authority is responsible for assessing the adequacy of the access point off its road at Sarn Road.

The proposed access into the KSS from Junction 26 of the A55 will be via a new dedicated road created off the north roundabout of the junction. The roundabout itself has been fully assessed within the TA along with the junction as having adequate capacity to serve the new development. Junction 26 currently serves the nearby St.Asaph Business Park and is also used for some connecting routes to St.Asaph and Denbigh.

NWTRA are content that the use of this junction, the creation of a new access into the KSS and any potential highway impacts on the safe and free flow of the A55 are acceptable, both during construction and operational phases. They have requested conditions be imposed which will seek to monitor the impacts of the development. Should data be subsequently recorded which differs from that predicted within the submitted TA the developer will be asked to make any necessary improvements to areas of the highway under NWTRA's control.

It is also proposed to create a new access into the KSS from a new point to the north-west of the site off Sarn Road. A new signalled junction will be created with associated feeder lanes opposite the existing access road which serves the Faenol Fawr. This new signalled junction has been fully assessed by the Council's own Highway Engineer's having regard to the details supplied with the TA and other related documents.

The Council's Highway Engineer's have concluded that, subject to further precise details on the design of this signalled junction, the proposed means of access into the KSS to serve the development at this point on Sarn Road is acceptable.

It should be further noted that the connecting road linking the proposed new signalled junction on Sarn Road with the new access point off the north roundabout of Junction 26 of the A55 is not being assessed as part of this application. This new "development boundary road", as specified within the adopted site development brief, will be as further agreed in reserved matters submissions.

Officers conclude, therefore, that having regard to the details provided to them showing the proposed new signalled junction serving the site from Sarn Road and the proposed new access road off the north roundabout at Junction 26 of the A55, the highway impacts of the proposed accesses are acceptable. Subject to further precise detail on the design of the junctions and the internal connecting road, the proposed highway details for the outline scheme are compliant with adopted LDP policies BSC 5, RD 1 and ASA 2.

4.2.5 Impacts on archaeology

Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provides further guidance on the subject.

To inform the assessment of potential impacts of the development on the archaeological and cultural resources a Heritage Desk Based Assessment (HDBA) was prepared. This was initially prepared in 2010 to inform the EIP process but was updated in 2013 by Waterman's.

The assessment involved consultation of readily available archaeological and historic information from documentary and cartographic sources.

Both Clwyd Powys Archaeological Trust and the Council's own County Archaeologist were involved in the EIP process which led to the KSS being accepted. In addition, in scoping the ES document which was submitted with the outline application both specialists provided relevant input into any likely impacts the development may have had on archaeological interests. It was evident that due consideration would have to be made to certain interests during the course of development but that these could be controlled and monitored appropriately. This means that the principle of developing the site having regard to archaeological impacts has been accepted.

Geophysical and walk over surveys have been carried out within the application site in order to ascertain potential archaeological interests. Also, trial trenching has taken place in liaison with the County Archaeologist.

The geophysical survey results for the western part of the site have revealed a series of strong anomalies which perhaps indicate features associated with masts for the Chain Home Radar station.

To the east of the site, at higher ground, the trenching work undertaken has revealed a potential network of features which looked to be of past agricultural settlements, including field boundaries, possible round houses and associated features.

The Report on the evaluation trenches suggest that the remains relate to late prehistoric or Romano British farming, possibly two large Romano-British rural settlement enclosures, as well as a likely medieval agricultural settlement. The report suggests that these features are of local significance.

The County Archaeologist has confirmed that, in her view, the features in this location could well be of Regional significance.

In an attempt to address this both CPAT and the County Archaeologist have agreed that a suitable set of planning conditions must be imposed to ensure that more archaeological work, in the form of a written scheme of investigation, is undertaken prior to any development taking place within the site. In addition, the conditions will ensure that any remains which the experts deem worthy of preservation will be preserved through the relevant phases of development.

Officers conclude, having regard to the advice from CPAT and the County Archaeologist, that the outline application is compliant with the LDP Key Policy BSC 5, RD 1 and VOE 1. Planning conditions will be imposed which seek to ensure any archaeological interests are protected throughout the development.

4.2.6 Noise Impacts

The development will inevitably give rise to changes to the noise environment local to the application site, both as a result of changes in road traffic around the site and potential noise generated from activities within the application site during construction and operational phases.

As part of the submitted ES a Noise Assessment was undertaken. This also included a vibration assessment. The assessment quantified the existing baseline ambient and background noise levels at Noise Sensitive Receptors (NSR's) near to the application site. These NSR were agreed with the Council's Pollution Control Officer and were:

- Location 1 – Outside Ty Mawr to the south of the site
- Location 2 – Outside 17 Marble Church Grove, to the west.
- Location 3 – Outside Llys Menyn, Nany Y Faenol Road to the north; and
- Location 4 – Outside Crod –y-Coed, Sarn Road.

Based on the mixed use nature of the proposed development various assessments have needed to be conducted in relation to noise. These include a Construction Noise Assessment, Assessment of Noise Impacts on proposed Dwellings based on TAN 11 criteria, Assessment of New Mechanical and Electrical Plant, Assessment to Determine the Noise and Vibration Impacts associated with changes to existing road traffic noise, and Acoustic Design of Schools.

All of these assessments were included in the Noise Assessment chapter of the ES and scrutinised by the Council's Pollution Control Officer.

The Noise Assessment suggests mitigation measures which will need to be employed during construction phases and post construction. These measures are designed to minimise the noise impacts on existing residential properties in proximity to the site. The measures have been incorporated into the Land Use

Parameters Plan, for example, where employment uses have been located to the south of the site adjacent to the A55 to help screen road traffic noise across the remainder of the development site.

In addition, suggestions are made to mitigate the impacts of construction noise, traffic and the use of fixed or mobile plant in the site. Planning conditions will be suggested which attempt to control noise levels both during construction and through the operational phases. It should be noted that the Council's Pollution Control Officer is satisfied with the Noise Assessment and that controls outside of the planning process exist which deal with the effects of noise on the general public.

Officers conclude, therefore, that the proposal is compliant with adopted LDP Policy RD 1 in respect to the potential noise impacts of the development. Conditions can be imposed which will manage construction noise and disturbance as well as the potential operational noise from various land uses within the site. The mitigation measures suggested within the submitted Noise Assessment will need to be adhered to.

4.2.7 Impact on Air Quality

Construction works will involve earth works and traffic and the use of machinery and plant, all of which could impact on local air quality. During the operational phases, increases in traffic will be the main factor affecting air quality and to a lesser extent stack emissions from possible employment uses and any gas fired Combined Heat and Power (CHP) boiler.

An Air Quality Assessment prepared by AECOM was included within the submitted ES. This includes a qualitative assessment to determine potential impacts during construction phases with appropriate mitigation measures suggested. For the operational phase, a detailed modelling assessment has been undertaken for the base year and then scenarios at stages through the development. A series of sensitivity tests have been undertaken in respect of the possible CHP boiler which identifies suitable design parameters. The Air Quality Assessment, its methodology, predicted impacts and proposed mitigation have been assessed by the Council's Pollution Control Officer.

Measures to reduce impacts on air quality during the construction phases can be imposed within planning conditions which deal with construction management. The Air Quality Assessment concludes that during the operational phase impacts due to emissions from road vehicles will be negligible. The maximum annual mean concentrations of either PM10 or CO2 are well below the annual mean objective in all scenarios.

The design of the CHP will be considered at reserved matters stage and this will enable consideration of stack design in respect of air quality. Overall, the local air quality impact of the development is predicted to be negligible.

Officers conclude, therefore, that subject to appropriate conditions on construction management and adherence to the findings of the Air Quality Assessment the development will be compliant with the adopted LDP Policy RD 1 in respect to air quality impacts.

4.2.8 Impact on Listed Buildings and Conservation Area

The application has been accompanied by the ES which in turn included a detailed Heritage Desk Based Assessment (HDBA). These documents have had input from the Council's own Conservation Architect as well as Cadw. In particular, input was provided through the EIP process and then through the scoping exercise for the development of the ES document.

As such, the potential impacts of the development upon Listed Buildings and the Conservation Area of Bodelwyddan have been examined previously and considered to be acceptable, in principle. The HDBA has examined the cultural heritage resources in the area and their relevant sensitivity. These are summarised below:

Faenol Fawr

This comprises a Grade II* Listed farmhouse and three Grade II Listed outbuildings. This is a tightly grouped set of buildings with the main house looking towards the northern extent of the application site. Views from Faenol Fawr towards the application site are filtered by intervening hedgerow vegetation and other built development. The main Glan Clwyd Hospital buildings lie in relatively close proximity to this group of buildings.

The proposed development will not be in close proximity to these buildings and it will be almost impossible to see the development site from the Faenon Far complex. As a result, it is considered that the development will have a negligible effect on the setting of this group of assets.

Rhuddlan

There are some important cultural assets in the village of Rhuddlan, namely the castle, the River Clwyd Bridge, the church and Abbey farm. The application site will be visible from some of these locations, however, the prominent landmarks of the Bodelwyddan castle and the spire of St.Margaret's church will remain visible. It is considered that the development will result in a slight change to the setting of the assets in Rhuddlan but this will be negligible.

Bodelwyddan Conservation Area and St.Margaret's Church

The Conservation Area lies to the west of the application site and contains a number of Grade II Listed Buildings on Sarn Lane including The Village 1-18, the priory and the former school.

The proposed development site does not immediately adjoin the Conservation Area, and as shown on the Land Use Parameters Plan an area of land to the west of the site around the Marble Church is to be left undeveloped creating a buffer between the development and the Conservation Area.

The Marble Church is a Grade II* Listed Building which occupies a prominent position on the edge of the existing village and is situated to the south-west of the application site. Historically, the Marble Church was designed to be at the heart of the village and at the gates of the castle estate. To some degree the development of the A55 and Glan Clwyd hospital has had a bearing on the character of this part of Bodelwyddan. That said, views of the Marble Church along the A55 are still a positive feature for passers-by and, in the approach to the KSS development, important views of this landmark feature have been considered.

It is not considered that the proposed development would affect these views and the scheme itself includes measures to construct new views of the Marble Church across the site. The proposed development does not immediately adjoin the Marble Church, and as shown on the Land Use Parameters Plan, the area of land to the east and north, which will be left undeveloped, contributes to preserving the immediate setting of the Listed Building.

Further potential impacts on the Conservation Area and Marble Church can be assessed through the submission of reserved matters planning applications where detailed designs of buildings within the application site will be given. The Parameters Plans submitted with the outline application set proposed land use and building heights across the site. The views of the Marble Church and the Conservation Area have been considered as part of this process with building heights being reduced down to a maximum of 9m towards the west of the site closer to these heritage assets.

Having regard to the input from Cadw and the Council's conservation architect through the planning process to date, the principle of development on the KSS and the potential impacts on the Conservation Area and Marble Church are accepted.

Bodelwyddan Castle and Parkland

The Castle is a Grade II* Listed building and has ancillary structures such as the Grade II* Listed Lowther College Ice House and other Grade II Listed buildings within its Grade II* Listed park setting.

The Castle is a prominent landmark visible from the A55 and a wider area to the north. It commands wider views across the application site as well as the wider landscape stretching northwards across the coastal plain. There is a strong visual connectivity between the Castle, the Conservation Area and the Marble Church.

Although the proposed development lies in relative proximity to the Registered Parkland, the Park itself forms a buffer between the Castle, other Listed buildings in the complex and the development itself. The landscape impacts of the development have been examined in a preceding section of the report with the impact on the historic parkland and Castle explained. It is clear that a development of this size in proximity to the Castle and Park will have impacts on views northwards from these heritage assets.

The importance of a Landscape Management Strategy for the application site has been explained with the areas of Green Infrastructure shown within the Parameters Plans designed to minimise impacts through the strategic planting of structural landscaping. This will be designed to soften the impacts of the built form on the application site in an attempt to limit the impacts on the northerly views from the Castle and Park.

Tyddyn Isaf

This Grade II Listed farmhouse is located outside the application site, to the south adjacent to the A55. Cleary development on the KSS will surround this Listed Building to the north, east and west. This will have a

potentially negative impact on the setting of this Listed Building. These impacts can only really be fully assessed during the reserved matters submissions which will include potential employment buildings close to this farmhouse.

The farm house lies in an expanse of open land to the north of the A55 and has good spacing to its north, east and westerly boundaries. This means that the application site itself is set some distance back from the actual Listed Building.

Landscaping and careful design of the adjacent employment or residential buildings should minimise any impacts on the setting of this Listed building.

A number of other local heritage assets such as the World War II bunkers within the woodland copses to the north of the application site, the World War I firing range near the Castle, the Grade II* Pen-Isa'r Glascoed Farm, the Grade II Listed Gwernigon Farm House and Dovecote, Plas Coch Nursing Home (Grade II), Pengwern Hall and associated structures (Grade II), Fferm Farmhouse (Grade II), Southcroft/Staverton and associated buildings (Grade II), Glan Y Morfa (Grade II), Faenol Broper (Grade II) and Gors Mill (Grade II), have all been examined as part of the HDBA.

It is considered that the development will have a negligible impact on these assets.

Officers conclude, therefore, that the development proposal is compliant with adopted LDP Policies RD 1, VOE 1 and BSC 5 in respect to the potential impacts of the development on Listed Buildings, other heritage assets and the Conservation Area.

3.4.9 Utilities Infrastructure

The KSS will inevitably create an increased demand on a number of utilities. Those service providers responsible for delivering a gas supply, electricity supply, water supply and telecommunications were all engaged in the EIP process which led to the land being allocated for development. As such, if there had been a fundamental problem with delivering any of the utilities to the site, resulting in subsequent difficulties in delivering the mixed use scheme, this would have been addressed at that time.

As part of the outline planning application the submitted ES contained a Utility Assessment carried out by AECOM. This Assessment was first carried out in 2010 and then updated in 2013.

In preparing the Assessment AECOM engaged with Wales and West (gas), Scottish Power (electricity), DCWW (water) and BT Openreach (telecoms).

Gas

A high pressure gas main runs across the south west corner of the application site. A low pressure main is also present in the highway (Sarn Road) which serves Glan Clwyd Hospital.

A total annual gas consumption is estimated to be approximately 66,000 MWh with an hourly peak of 46MWh. Wales and West have confirmed that they are able to accommodate the additional demand. In their formal response on the planning application they have requested that a note be attached to any consent which requests the developer, or successors in title, to contact them direct to discuss requirements.

Reserved matters applications will have to have regard to any requirements relating to separation distances between built development and any equipment under the jurisdiction of the gas supplier.

Electricity

The following services are within or immediately adjacent to the application site:

- 11kV overhead line – running east to west, south of the site from Bodelwyddan to Junction 26 of the A55 serving the Church, Ty Mawr, Tyddyn Isaf, the Vicarage and properties on marble Church Grove.
- 11kV overhead line – running along Nant Y Faenol Road and adjacent to the north-east corner of the site.
- 33kV overhead line – running diagonally across the centre of the site from Coed Derw (north of the hospital) to junction 26 of the A55.
- 132kV overhead line – running across the site from Sarn Lodge on Rhuddlan Road to the junction between A55 and Nant y Faenol Road. Scottish Power Energy Networks have indicated that an easement of 28m is required to allow access to maintain these lines. This is reflected in the submitted Parameters Plans

- A number of underground 11kV cables lie along the A55 as well as some more recent National Grid cables connecting the off-shore wind-farms to the sub-stations at St.Asaph Business Park. These are outside the application site.

The power demand for the proposed development is approximately 19.6MVA. Scottish Power has confirmed the local supply network has limited capacity. This means that up to 3 new primary sub-stations would need to be provided within the development site. The construction of these would be controlled within subsequent reserved matters submissions. This would be standard procedure for a development of this scale and the relevant utility companies would be involved at that appropriate time.

Water Supply

There are a number of water services present within the application site:

- 17" water main – running from the north-east corner of the site towards the southern edge passing underneath the A55 close to Tyddyn Isaf.
- 15" water main – running across the north-west edge of the site close to Glan Clwyd Hospital
- A connection from the 17"water main to Tyddyn Isaf.

Easements will be required for each water main to allow for future access and maintenance.

DCWW have confirmed that the existing main distribution infrastructure is capable of supplying water to the proposed development

Telecommunications

There are existing telecommunication services in the area surrounding the application site. At present there is adequate capacity to provide copper wire supply from the Rhuddlan Exchange. It is envisaged that fibre optic upgrades may be possible in the future to serve the residential and business development on the site.

Officers conclude, therefore, that the proposal in relation to the adequacy of utility services to serve the development is acceptable and is compliant with adopted LDP Policies BSC 5 and RD 1.

3.5.0 Viability

The Council commissioned the District Valuer Service to assess the financial viability information provided by the applicants. The purpose of undertaking such an assessment was to enable negotiations to commence on the relevant terms of the s.106 legal agreement. The heads of terms and the relevant financial contributions are shown within the table towards the end of the report.

The assessment carried out by the District Valuer confirmed that the package of elements which are required to be delivered in accordance with the Key Policy BSC 5 can be delivered by the applicant, or successors in title.

Officers conclude, therefore, that justification has been provided and verified to show that there is sufficient viability within the scheme to provide the elements set out within Policy BSC 5. The delivery of these elements will be as further agreed with Members when the precise terms of the s.106 are provided.

5. SUMMARY AND CONCLUSIONS:

- 5.1 A separate executive summary document is provided at the beginning of the report which provides the summary and conclusions on the planning application.

RECOMMENDATION: GRANT - subject to conditions (See **Appendix B**):-

LIST OF RELEVANT ABBREVIATIONS

AONB	Area of Outstanding Natural Beauty
BCUHB	Betsi Cadwaladr University Health Board
BDAG	Bodelwyddan Development Action Group
BREEAM	Building Research Establishment Environmental Assessment Methodology
CEE	Community Engagement Exercise
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
CPA	Children's Play Area
CPAT	Clwyd Powys Archaeological Trust
CROS	Community Recreational Open Space
DAS	Design and Access Statement
DCC	Denbighshire County Council
DCWW	Dwr Cymru/Welsh Water
EIP	Examination in Public
ES	Environmental Statement
FCA	Flood Consequences Assessment
HDBA	Heritage Desk Based Assessment
IEEM	Institute of Ecology and Environmental Management
JAC	Joint Advisory Committee
KSS	Key Strategic Site
LDP	Local Development Plan
LEAP	Locally Equipped Area of Play
NEAP	Neighbourhood Equipped Area of Play
NRW	Natural Resources Wales
NSR	Noise Sensitive Receptor
NWTRA	North Wales Trunk Road Agency
PPW	Planning Policy Wales
SAC	Special Area of Conservation
SPG	Supplementary Planning Guidance
SUDs	Sustainable Urban Drainage System
TA	Transport Assessment
VER	Valued Ecological Receptors
WLIA	Welsh Language Impact Assessment
WLO	Welsh Language Officer

Policy BSC 5 – Key Strategic Site – Bodelwyddan

Land at Bodelwyddan has been identified as a Key Strategic Site as shown on the proposals map, as part of the Preferred Strategy of the Local Development Plan and in order to meet the acknowledged development needs of the north of the County. The site is intended to be an exemplar site in terms of sustainability and high quality design.

Development will be phased over the plan period and should incorporate all the following key elements:

- 1,715 dwellings including the provision of affordable housing in accordance with Policy BSC4; and
- education, training and health provision; and
- 26 hectares of B1, B2 & B8 serviced employment land and units; and
- new highway network between the existing A55 Junction 26 and Sarn Road and other offsite improvements; and
- onsite community facilities, open space, retail provision; and
- safeguarding and enhancement of any areas / species of nature conservation importance; and
- pedestrian and cycle facilities to serve connectivity between homes and jobs, including the surrounding Rights Of Way network; and
- new public transport links; and
- sustainable building materials, energy efficient and water efficient measures and aspire to be carbon neutral; and
- consideration as to the potential impacts on the linguistic, cultural and social character of the area; and
- integration of the development into the landscape based on the findings of a robust landscape framework.

A development brief and detailed masterplan will be required to be produced in consultation key stakeholders and the local community before a decision is made on a planning application.

National Policy links

Planning Policy Wales :

Chapter 4 – Planning for Sustainability

Chapter 7 – Economic Development

Chapter 9 – Housing

Technical Advice Notes:

TAN 2 – Planning & Affordable Housing

TAN 12 – Design

Justification

The Wales Spatial Plan, North East Wales Area, identifies a hub between the towns on the Denbighshire coast and St. Asaph. The hub provides a focus for future employment, housing and retail and provides continued support and opportunity for growth and regeneration for a wider area.

The site also lies within the North Wales Coast Strategic Regeneration Area. The employment allocation at Bodelwyddan will assist in the regeneration of Rhyl and improved linkages between the two settlements will enhance the sustainability of them both.

The site is in close proximity to the County boundary with Conwy County Borough this lends itself to collaboration work in terms of identifying need for affordable housing, education and employment provision. Whilst a development of this size brings change to the existing residents of Bodelwyddan the Council identifies a number of opportunities in site masterplanning to address the strategic County issues such as housing needs, and building on the economic success of the St Asaph Business Park and local colleges. In environmental terms some real opportunities for enhancement exist. Bringing forward a strategic mixed development is likely to have a host of other benefits such as, greater opportunity to promote sustainable development principles, reduced reliance on the private car and a mixed sustainable community. In addition to the delivery of serviced employment sites development could provide various community benefits such as funding of school places, transport improvements, affordable housing and extra care housing.

Building a sense of place through high quality design is key and masterplanning the infrastructure requirements to reduce water demand and increase renewable energy generation is integral to the design.

A development brief and detailed masterplan will be required to be produced in consultation with key stakeholders and the local community before a decision is made on a planning application.

This policy will contribute to meeting Objective(s):

- 1: Population and Community
- 2: Economy and Jobs
- 6: Transport
- 12: Infrastructure
- 13: Mixed Use Development

Site Development Brief

Bodelwyddan Key Strategic Site



July 2014

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1. Introduction

- 1.1 This site development brief is one of a series of Supplementary Planning Guidance notes (SPGs) amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies or principles of development for individual site allocations in a format which aims to guide the process, design and quality of new development. These notes are intended to provide detailed guidance to assist developers and applicants, members of the public, Members of the Council and officers in determination of future planning applications.

2. Status and stages in preparation

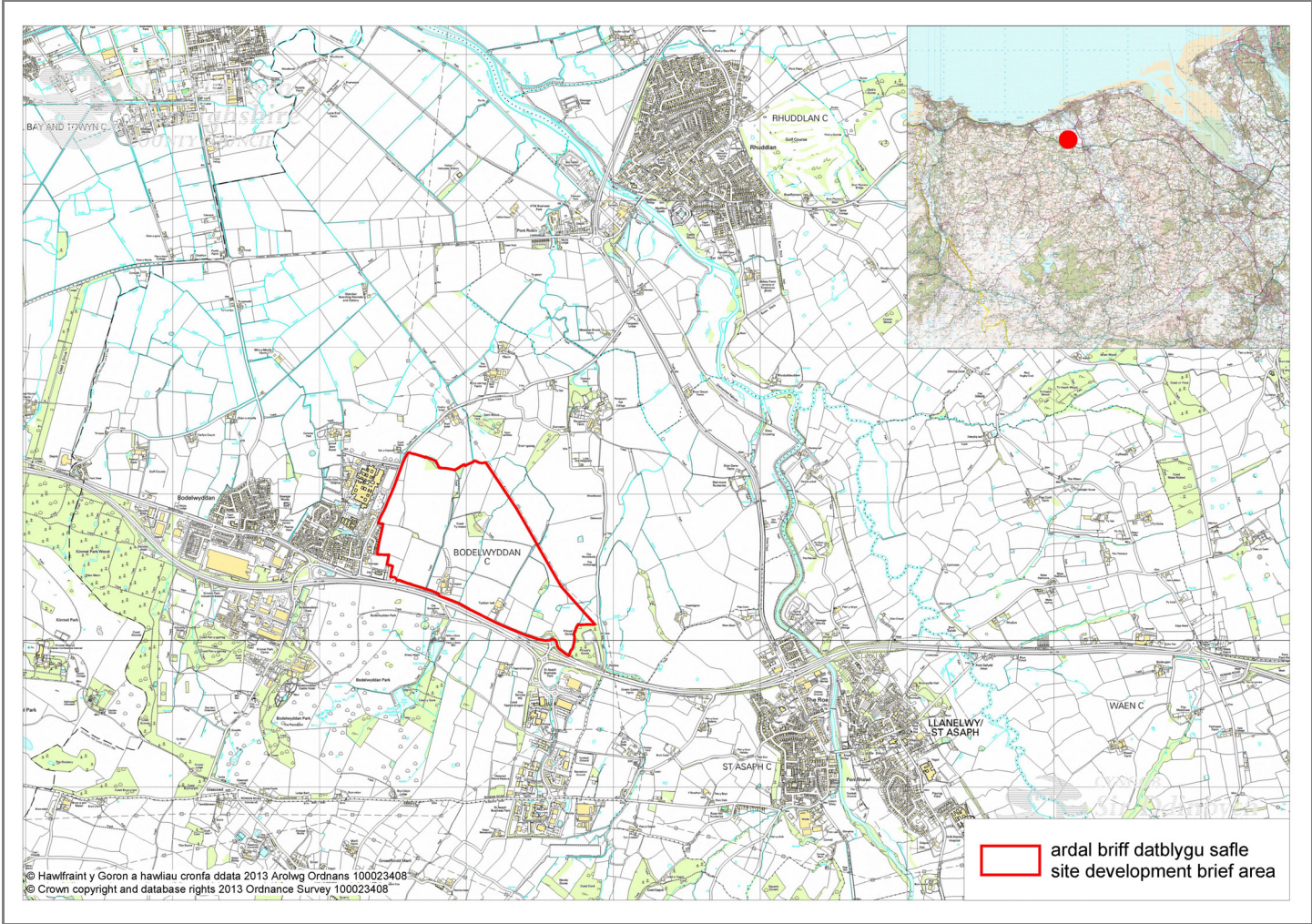
- 2.1 This site development brief was formally adopted by Denbighshire County Council's Planning Committee on 30th July 2014.
- 2.2 The Council's SPG notes are not part of the adopted development plan. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.
- 2.3 This site development brief for Bodelwyddan Key Strategic Site has been prepared in accordance with planning policy contained in Planning Policy Wales (Edition 6) and in line with relevant policy requirements in the adopted Denbighshire Local Development Plan. It also reflects comprehensive engagement with the public, infrastructure providers and other stakeholders. A report detailing the results of the community engagement undertaken accompanies this Brief.

3. Background

- 3.1 The allocation of land to the east of Bodelwyddan as a Key Strategic Site is central to the spatial strategy of the Denbighshire Local Development Plan. It is an integral component in meeting development needs throughout the remainder of the Plan period to 2021 – consistent with established objectives to meet the County's population, housing and employment needs, delivering infrastructure and supporting an integrated community. It is well located within the wider sub-region, and provides the potential for wider benefits to be accrued to the advantage of other settlements within the coastal regeneration area of Denbighshire.

- 3.2 The principles of developing a strategic site at Bodelwyddan were debated at length through the Local Development Plan Public Examination and its allocation confirmed through the resulting Inspectors' Report and subsequent formal adoption of the Plan in June 2013. The principle of development on this site is therefore established and this brief seeks to ensure that policy requirements set out in the Local Development Plan, together with the Council's objective of ensuring that a well-designed, mixed-use sustainable development with good links to the existing community, and providing for the needs of the County and local community is achieved.
- 3.3 Local Development Plan Policy BSC5 (attached as Appendix 3) sets out the broad land use components and the considerations that this strategic development must take account of.
- 3.4 The LDP provides for a mixed use development to ensure a better delivery of infrastructure and to support a well-integrated community: 1,715 new dwellings including affordable housing, 26 ha of B1, B2, B8 employment land, education and health provision, infrastructure improvements, open space, community facilities and other associated elements. The intention is to create a high quality, sustainable environment.
- 3.5 In order to achieve this, the LDP requires that a Development Brief is prepared. The purpose of this Brief is therefore to supplement Policy BSC5. It therefore:
- provides a contextual analysis of the site and its location;
 - defines a vision and development objectives;
 - establishes a development framework with land uses and sustainability requirements;
 - establishes urban design principles; and
 - identifies implementation considerations.
- 3.6 This Development Brief will form the basis for the submission and determination of any planning applications for development on the site.
- 3.7 The Brief has been prepared on the basis that an Environmental Statement will be required as part of the application(s), the exact content of which will need to be Scoped and agreed with Denbighshire County Council in accordance with EIA Regulations. Where further technical evidence or survey work is required either as part of the EIA process or to accompany an application and inform proposals this is highlighted in the Brief with contact details for the relevant statutory and non-statutory consultees also provided.

Figure 1: Location of Bodelwyddan Key Strategic Site



4. Site description

Strategic location

4.1 Bodelwyddan occupies a strategic location within the north of the County. It is easily accessible, adjoining the A55. Rhyl train station can be reached within 15 minutes and offers regular services into central London within 2.5 hours. Bodelwyddan is home to Ysbyty Glan Clwyd Hospital which is of regional significance, is the County's largest employer and is also in close proximity to St. Asaph Business Park. Bodelwyddan is identified as an expanded settlement in the Local Development Plan and as the location of the Key Strategic Site; providing opportunities to:

- achieve an integrated community to the benefit of the existing population in terms of transport improvements, affordable housing, availability of facilities and services;
- promote sustainable development principles as part of a mixed community;
- improve the delivery of employment land;
- strengthen linkages with and between other towns, in particular Rhyl; and
- strengthen its role and function within the sub-region

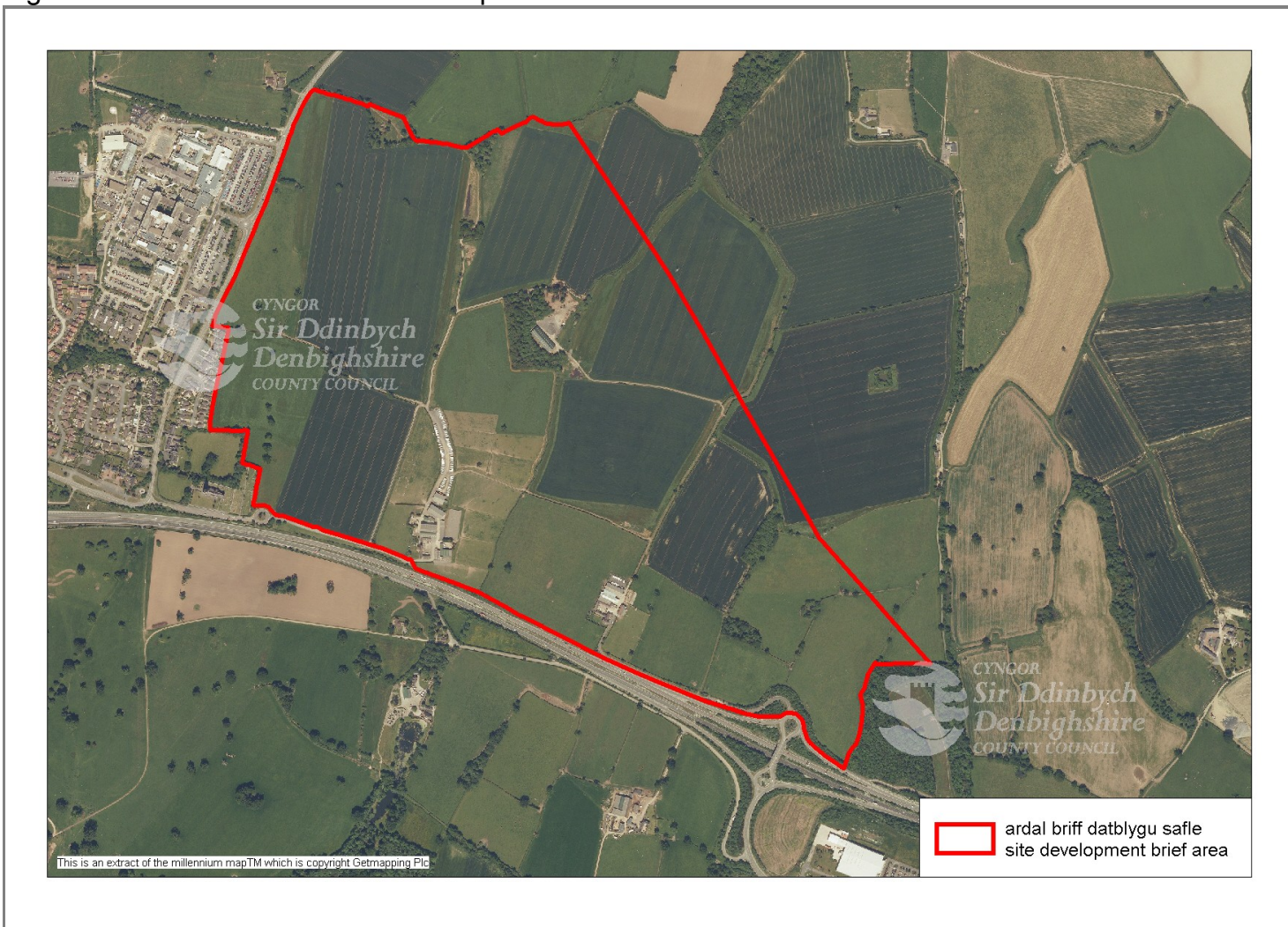
4.2 The purpose of this Development Brief is to capture and harness these strategic and local characteristics and to ensure that they are properly reflected in future development proposals.

Detailed site description

4.3 The site extends to 104 ha of land on the eastern edge of Bodelwyddan.

4.4 **Boundaries:** The site's western boundary is defined by Rhuddlan Road (to the south of the Glan Clwyd roundabout) and Sarn Road (to the north of the roundabout) along with properties situated on Marble Church Grove and the curtilage of St. Margaret's Church. Beyond Rhuddlan Road / Sarn Road lies Ysbyty Glan Clwyd Hospital. The A55 forms the southern boundary of the site, on which junction 26 lies to the immediate south east of the site and forms the main access to St Asaph Business Park. The eastern edge of the site is formed by Nant y Faenol Road and the northern boundary is defined by countryside.

Figure 2: Aerial view of the site development brief area in 2009



- 4.5 **Land Use:** The site is currently in agricultural use comprising both arable and grazing land. There are two farm complexes within the site, at Tyddyn Isaf and Tyddyn Mawr, the former containing a listed building. The associated farm houses are substantial and dominated by modern agricultural buildings. There are caravan storage areas associated with both farms, and whilst these have been discreetly sited so as to be screened (behind farm buildings) from the A55, they are exposed to some views from the north. A number of overhead power lines are present across the site.
- 4.6 **Topography:** Within the prevailing gentle topography of the Clwyd valley as it approaches the sea, there are subtle variations in landform - the coastal plain which is distinctly defined by the 'toe' of the Cefn Meriadog ridge - the low ridge to the east and north east of the site along which Nant y Faenol runs. These local features contain the site.
- 4.7 **Landscape:** Apart from the Area of Outstanding Natural Beauty located roughly 5km from the site here are no nationally designated landscapes either within or in close proximity to the site. A LANDMAP study of the county was undertaken in 1998 using the Countryside Council for Wales (CCW) methodology. The site is identified as lying within the 'Rhyl and Prestatyn Coast' (code D/LC/1). A number of Management Objectives have been prepared which include "ensuring new development has regard to settlement edge; manage part of urban fringe for nature conservation and access purposes; maintain parkland features where applicable; and, ensure that future development is in sympathy with local vernacular architecture in core areas."
- 4.8 A number of key views from within the site must be taken into account in any development proposals. These are shown on the masterplan (Figure 3, Page 14). This will enable the new development to fit into the existing landscape and to reflect its character. Where possible, view corridors should be kept open and built forms and layout of the development proposals should be designed to respect the following key views:
- Views from within the site to St Margaret's Church
 - Views from within the site towards Bodelwyddan Castle;
 - Views from within the site towards Rhuddlan Castle;
 - Views from within the site towards the Clwydian Hills;
- 4.9 **Trees and Hedgerows:** Within the site there is a mix of individual trees, hedgerow trees, small woodland and copse trees. Coed Ty Mawr is the largest wooded area on site protected by Tree Preservation Order No.1 (Coed Ty Mawr, Bodelwyddan) 1981.

- 4.10 A number of hedgerows visible on the historic OS Maps have disappeared, and even some of those shown on the current OS Map have recently been removed, to create larger cultivation units. Consequently, few significant hedgerows remain, most are species poor. There are some substantial mature oak trees, within or once a part of hedgerows, that stand within the enlarged fields.
- 4.11 **Watercourses and Flood Risk:** From ponds located to the south of the A55 there are three watercourses that flow through the site in a northerly direction and combine to flow northwest to discharge into River Gele, which then confluences with the River Clwyd some 3.6km downstream.
- 4.12 The majority of the site lies outside the C1 Floodzone, with 1.1 ha at the north of the site within zone C. The site was examined as part of the work on the Council's Strategic Flood Consequences Assessment and it concluded no significant flood risk.
- 4.13 **Biodiversity and Ecology:** The site is not covered or immediately adjacent to any statutorily or non-statutorily designated areas. The Elwy Valley Woods SAC is located approximately 4.5km south of the site. There are three Wildlife Sites, within 2km of the site boundary. These sites are Clwyd Estuary and adjacent fields which lies approximately 0.9km north of the site, Coed Pen y Garreg which lies approximately 1.1km south west of the site and Coed Cord which lies approximately 1.3km south east of the site.
- 4.14 The habitats on site comprise primarily a mix of arable and improved grassland. Due to the intensive nature of agriculture practices on site the fields are regarded to be of negligible ecological interest.
- 4.15 The streams and wet ditches within the site are considered to be of low ecological value in their own right. However they may support notable/protected species and form a valuable wildlife corridors/green links within the site and to habitats in the wider countryside. Two ponds on site and a third approximately 5m from the site boundary are considered to be of local ecological value providing suitable habitat for a range of aquatic species locally. Owing to lack of management the ponds are heavily shaded by trees which has resulted in low diversity of aquatic vegetation.
- 4.16 The site contains seven small areas of broadleaved woodland, considered to be of local ecological importance providing suitable habitat for a range of bird, mammal and invertebrate species in the local area. The hedgerows are considered to be of low ecological value.

- 4.17 Any applications for development on the site would be expected to be accompanied by a detailed ecological impact assessment and to maximise benefits for biodiversity through creation of new opportunities, e.g. habitat and nest boxes (bats/birds), and management of site in biodiversity-friendly way. Potential developers are advised to contact Natural Resources Wales (NRW) to investigate the requirement for a license to disturb European protected species, or, where applicable, outline mitigation measures to avoid any adverse effects on them.
- 4.18 **Archaeology** – The archaeological assessment which was carried as part of LDP process identified known archaeology and sites in the proposed development area. The Clwyd Powys Archaeological Trust (CPAT) database contains a number of records for the area surrounding the site, including known archaeological sites and monuments, as well as additional findspots and place-name evidence suggesting some historic interest. Currently there are no scheduled ancient monuments within the site. However, there are two WW2 bunkers in two copses to the north west of the site which the Council will require to be preserved within the copses in which they are located. A geophysical survey has been undertaken across the whole site, which has identified anomalies on the eastern part of the site. Arrangements should be made for further investigations as part of the development process.
- 4.19 **Cultural Heritage** - There are 4 sites listed on the Historic Environment Record within the proposed development area, including 2 Finds Areas, field boundary and crop marks and one listed building (Grade II) lies within the farm complex at Tyddyn Isaf within the site. In the wider area outside the proposed development area, there are a number of WW1 remains of national significance. The following designated and registered resources will need to be appropriately considered:
- Bodelwyddan Castle is a Grade II* Listed Building which lies in parkland to the south of the A55. It is not expected that the proposals will directly affect the setting of either Bodelwyddan Castle or the Registered Historic Park of Bodelwyddan Castle.
 - Rhuddlan Castle lies to the north east of the site and its setting would not be directly affected by the proposed development. However, both Bodelwyddan Castle and Rhuddlan Castle are clearly visible from the site and these views should be respected.

- The historic core of Bodelwyddan, which dates from the middle of the 19th century, has been designated as a Conservation Area and encompasses a number of listed buildings, including St. Margaret's Church, a Grade II* Listed Building. It is located immediately west of the site boundary. The Church is a key landmark within the area and is clearly visible from the A55 and surrounding area. These views should be respected and retained wherever possible. Land to the immediate east of St. Margaret's Church is proposed to be used for a church yard extension. It is important sufficient space and separation distances are in place for development proposed in this vicinity in order to ensure enough room is left for the churchyard extension and also to preserve the setting of St. Margaret's Church.

4.20 These environmental characteristics, and their implications in terms of preparing a planning application, are discussed further in Section 5.

Development Requirements

4.21 The strategic and local characteristics of this location and the site give rise to a number of requirements for the development, in terms of the nature and form of development, the assessment work required to inform the development proposals and the inter-relationships that are to be reinforced between Bodelwyddan and other settlements in the sub-region. These are as follows:

- a signature location with a strong, distinctive sense of place drawing upon culture and heritage including the needs and interests of the Welsh language;
- the delivery of a range and choice of housing in line with local needs;
- the provision of a high quality business location with a range of spaces to attract and capture local demand and strategic investment;
- the provision and facilitation of social infrastructure investment that meets both the needs of the community and the County;
- the mix of land uses to contribute towards a sustainable mixed use development;
- the creation of a green environment that accommodates development within the established landscape structure without detriment, and establishing natural boundaries that can deliver long term sustainable growth;
- the creation of a character that reflects the presence and influence of locally important attributes;
- linkages to the existing town that leads to a single integrated community;
- the creation of a network of accessible open spaces and recreational opportunities that encourage healthy living for the town's population as whole;

- the provision of public transport initiatives that build upon Bodelwyddan's location and increase accessibility between the town, the coastal towns and the rural market towns, allowing the opportunities provided uniquely by this location to spread across the County;
- the provision of training and skills initiatives in partnership with the SRA Strategic Team, the Rhyl City Strategy and other stakeholders; and
- to consider opportunities to improve the tourism offer associated with St. Margaret's Church and in particular the parking arrangements for visitors;

Any planning applications will need to clearly explain how these requirements are addressed by the associated proposals.

5. Development vision

- 5.1 Within the context of the site location and characteristics and development requirements identified above, the Council's Vision for Bodelwyddan is based around the following objectives

A community integrated within the local landscape

- 5.2 A place that 'fits' its setting - reflecting and protecting the structure of fields, hedgerows and woodlands - and retaining views that anchor it clearly to its landscape and built context.

A distinct local community

- 5.3 An expanded place that is still unmistakably Bodelwyddan: not a new community and an old community side by side but a whole community that uses its existing assets to bind it together - giving impetus to its local centre - bringing back the Conservation Area and Church from the edge to the heart of the community - ensuring separate parts of the community are joined up - enhancing its open spaces and enhancing connections.

Sustainable employment for the local area

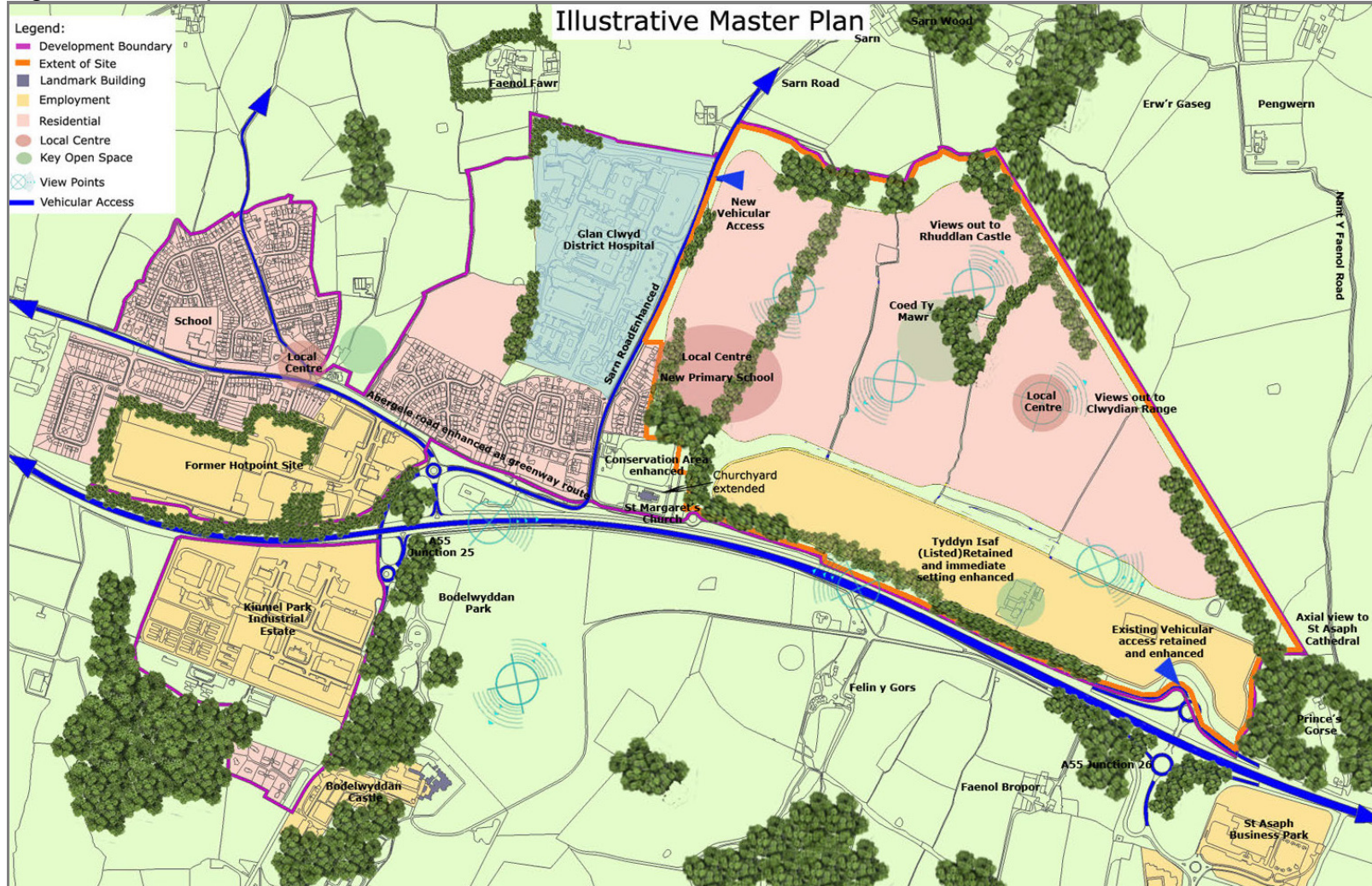
- 5.4 A vibrant and successful place that draws on the spin-off from being located adjacent to the A55 - capitalising upon the success of the St Asaph Business Park - and harnessing the employment potential of the Hospital. Significant linkages should be established with regeneration initiatives along the North Wales Coast.

Improved healthcare infrastructure and community services

- 5.5 A place where the Hospital becomes more a part of the community rather than a separate place - where any Hospital expansion is planned as a part of the community's more general expansion.

- A connected community**
- 5.6 Where the whole can become greater than the sum of its parts - where new footpath and cycle links and connecting open spaces bring the community together - link homes to jobs, local amenities, the Hospital and the countryside - a significant expansion of public access to green spaces.
- A community of walkable streets**
- 5.7 Where safe and attractive opportunities are created to walk or cycle - to schools, to work, to the shops, to parks, to allotments, to the countryside.
- A community of neighbourhoods**
- 5.8 Where within the community different neighbourhoods can thrive and where different needs can be met.
- A community of green infrastructure**
- 5.9 A community where sustainable developments go hand in hand with a framework of open green spaces that are connected so as to be accessible to all residents, existing and new. The framework should include amenity and recreation areas - small and large - public and private - formal and informal - and include community allotments and orchards.
- A community of diversity**
- 5.10 A 'green' community that minimises energy and water use and carbon emissions facilitates and encourages waste recycling - and promotes local food production.
- 5.11 Any planning applications will need to clearly explain how these objectives are addressed by the associated proposals

Figure 3: Masterplan



6. DEVELOPMENT FRAMEWORK

- 6.1 This section of the Development Brief describes the key land use components of the development that should be addressed by a planning application. They build upon Policy BSC5, its reasoned justification and other relevant Local Development Plan policies and the development requirements identified earlier.

Housing

- 6.2 The development will accommodate 1,715 new dwellings. Based on a persons per household figure of 2.3 (2011 Census) this could give rise to a population of approximately 3,900 people, increasing Bodelwyddan's total population to some 6,000 people and giving it a greater critical mass of people to support new and existing community infrastructure.
- 6.3 A mix of housing, incorporating family housing alongside starter homes and homes suitable for elderly households, will need to be provided. This will reflect evidence of needs set out in the Sub Regional Local Housing Market Assessment (GVA Grimleys, 2008) & Update of Housing Need, Demand and Affordability in the Local Housing Market Areas of Denbighshire (Glyndwr University 2011)
- 6.4 Affordable housing will be required having regard to Policies BSC4 and BSC5 and the Council's Affordable Housing Supplementary Planning Guidance. Policy BSC4 currently requires development to provide a minimum of 10% affordable housing on site. However, the Council will monitor sales prices annually and once sales prices increase 10% above the 2009 sale price data (as indicated in the DVS Affordable Housing Viability Study 2009), development will be expected to provide a minimum of 30% affordable housing on site. Affordable housing requirements will be assessed on an on-going basis as each phase of the development progresses, to ensure the policy requirements current at the time are met. The Council will require an 'overage' or similar agreement to ensure that increased requirements are met should sales prices increase in the future.
- 6.5 Affordable housing will be provided in a phased manner distributed across the development. The Council will require a mix of tenures and types of affordable housing to be provided as part of the development in order to meet local needs. Affordable housing will be allocated to local people in line with the Council's adopted Local Connections Policy.

- 6.6 In line with the Council's Affordable Housing Supplementary Planning Guidance affordable housing must be of equal or similar standard of design and external appearance as the market housing, it must meet the necessary design/space standards, remain affordable and remain occupied by eligible households. Dwellings proposed will be encouraged to meet lifetime homes requirements as outlined in paragraph 5.8 of Supplementary Planning Guidance: Residential Space Standards.
- 6.7 Opportunities for key worker accommodation associated with Ysbyty Glan Clwyd Hospital should be explored with the Betsi Cadwaladr University Health Board. Where appropriate and necessary this should be provided in close proximity to the hospital.

Local Centre

- 6.8 The development should incorporate at least one local centre to provide a focus for retail, health, community and education uses. Its design, appearance and function will be critical in achieving a sense of place and identity.
- 6.9 The location of the centre or centres should have regard to the importance of the relationship with the existing community, the location and influence of Glan Clwyd Hospital and the concept of walkable neighbourhoods. It is proposed that the main centre should be located to the west of the development site, to link to the historic core of the village and to ensure that there are links to the hospital and the existing community.
- 6.10 The local centre or centres should accommodate retail provision to meet daily needs, health facilities such as doctors & dental practices, community facilities, primary school. Dual use provision within the local centre combining for example a community hall and the primary school, should be investigated and where feasible incorporated as part of the development proposals.

Education

- 6.11 Development of the scale proposed will generate a need, based on the Council's anticipated pupil yield, for a new 2 form entry primary school (420 pupils). Improvements will also be required at the existing Ysgol y Faenol Primary School, particularly to accommodate children in the early years of the development.

- 6.12 The Council will require the provision of a new primary school as part of the development. The new primary school could be located as part of the local centre and an area of 2 hectares will be required to accommodate the buildings and playing field. The Council would prefer dual use of the school facilities as a community infrastructure asset. With regard to Ysgol y Faenol, the nature of the required improvements will need to be discussed and agreed with the Council and contributions towards this will be required as part of the development proposals. The Council will also need to accommodate the growing demand for Welsh medium education within these.
- 6.13 Currently secondary school education in the local area is provided at both Rhyl High School and Ysgol Glan Clwyd in St. Asaph. Improvements to increase the capacity of these schools may be required as a result of this development. Contributions towards this will be required as part of development proposals. Further guidance on the calculation of these contributions is set out in Appendix 2.
- 6.14 The post 16 education system – concentrated at Llandrillo (Rhyl) College – has sufficient capacity to accommodate increased demand arising from the development. The demand for Welsh medium provision for post 16 education will be considered as part of the contributions for Ysgol Glan Clwyd. The Council is seeking to ensure wider regeneration benefits are achieved as part of this development and as part of the regeneration linkages, the planning application will need to provide evidence of the links with Llandrillo (Rhyl) College and regeneration stakeholders in terms of training and enterprise initiatives.

Green Infrastructure

- 6.15 The site is influenced by a range of local green infrastructure features: hedgerows, tree belts, woodlands, waterbodies and watercourses, rights of way, together with listed buildings and the Bodelwyddan Conservation Area. These features and their setting will need to be built in, wherever possible, to the development proposals and used as a positive element to contribute to place making and a sense of identity. It is important that links between green infrastructure features are retained and enhanced where possible as part of the overall green infrastructure plan for the site.
- 6.16 Any future planning application must be accompanied by evidence of the following aspects of green infrastructure having been considered and where necessary having been taken into account in the proposed development:
- a landscape and visual assessment to consider the visual influence and change associated with the development having regard to views to and from the site and a landscape strategy;

- a strategy for investigation of on-site archaeology established with CPAT;
- an assessment of the relationship between the proposed development and cultural heritage assets;
- protected species surveys by qualified ecologists undertaken at the appropriate time of year, in accordance with relevant guidelines published by Natural Resources Wales, the Bat Conservation Trust and others and that the development proposals reflect any necessary mitigation. The range of surveys and methodology for the surveys should first be approved by the Natural Resources Wales and the County ecologist.
- A baseline assessment of public rights of way
- An assessment of the arboricultural value of the trees present within the site and the identification of those that have an influence on the layout of development
- A framework for future management and maintenance

Open Space

The Open Space and Play Provision Standards for the County are based around four categories of space:

Type of Open Space	Standard
Outdoor sport including Playing Pitches	1.6 hectares/1,000 population
Children's equipped playspace	0.25 hectares/1,000 population
Children's informal space	0.55 hectares/1,000 population
Overall	2.4 hectares/1,000 population

- 6.17 Outdoor space can include the following types of spaces: public parks and gardens; natural and semi-natural greenspaces; green corridors; outdoor sports facilities; amenity greenspace; provision for children and young people; allotments and community gardens; cemetery and churchyards; accessible areas of countryside; civic spaces and water. Casual recreational outdoor play spaces relate to outdoor amenity parks. A local outdoor amenity park should be included.
- 6.18 Outdoor playspace includes local areas of play or door-step play and informal recreation; local equipped or landscaped areas for play and informal recreation; and neighbourhood equipped areas for play and informal recreation. Such facilities must be conveniently located within residential neighbourhoods and integrated as part of the green infrastructure and networks.

6.19 A range of uses must be considered as part of the proposed development and the Council will be seeking to achieve an imaginative approach with high standards, as the provision of sufficient good quality open space is fundamental to the delivery of a high quality, sustainable development. Arrangements for the future maintenance and management of any public open should also be addressed as part of any planning applications.

Employment

6.20 In line with Policy BSC5 the development will provide 26 hectares gross of employment land, categorised as B1, B2, B8 uses. The employment area should be situated to the north of the A55, accessed principally from Junction 26, extending along the site's boundary so as to be visible from the road.

6.21 The development will be expected to provide for a full range of B1, B2 and B8 employment uses which should include:

- Micro office units for new start-up businesses to attract and retain companies in Denbighshire.
- Self-contained offices – providing a flexible range of space in order to facilitate natural progression by businesses built in terraces or courtyards with a scale and design which integrates naturally with the residential.
- Hi tech / workshop / warehouse units with a high ancillary office content and specification – attractive to high tech companies.
- Warehousing / B8 uses.

6.22 A high standard of environmental performance will be expected (see the “Sustainability” section below) from the employment buildings again as referred to in Policy BSC5. This will be complemented by a high standard of design, appearance, layout and landscaping so as to deliver a landmark employment location that captures the benefits of Bodelwyddan's strategic location. A balance of achieving commercial visibility from the A55 and the need to use recessive and low reflectivity finishes ensuring employment units visually blend in is required in terms of design, scale and material used for external finishes to roofs and walls. In particular, business units towards the western A55 frontage in closer proximity to the Marble Church should ensure an appropriate separation distance & building scale, a sensitive design approach, high quality landscaping, and sympathetic external construction materials are used in order to preserve the setting of the listed building.

- 6.23 The arrangement of employment uses will need to ensure a logical transition between the residential development and B1 uses and providing separation between B2 and B8 uses. The Council will require a balance of different types of employment uses and sizes of units to be provided.
- 6.24 The Council will expect the development of employment uses to be phased alongside the housing development, to ensure that sufficient provision is made for local employment opportunities for residents and to facilitate the achievement of a sustainable mixed use development.

Training and Enterprise

- 6.25 Training and enterprise initiatives will need to be established, as part of both the development process and the scheme, with regeneration stakeholders, including Llandrillo (Rhyl) College, reflecting Policy PSE1, to support the North Wales Coast Strategic Regeneration Area objectives. The planning application will need to provide evidence of how such initiatives are to be delivered and by whom.

Access and Movement

- 6.26 The mixed use nature of the development will allow for easy access between jobs, homes, primary school, healthcare, community facilities and neighbourhood shops. The development proposals should maximise the opportunity for such trips to be made by walking and cycling, using the open spaces as movement corridors wherever possible and delivering an accessible arrangement of spaces and buildings. The internal movement corridors should be designed to function as recreational routes and to allow sufficient opportunity for low impact exercise. Existing public rights of way within the site should be protected and both existing and new walking and cycling across the site should be integrated into landscaped 'greenways' which are attractive and convenient for future users and are incorporated into the development's wider green infrastructure framework.
- 6.27 Linkages to Sarn Road from the development should be effective in encouraging integration with the existing community. Off-site improvements for walking and cycling may be required to improve the linkages with the existing town. Wherever possible, the development should provide effective links to existing off-site cycle and pedestrian routes in the area to facilitate access to and from surrounding settlements by means other than the car.
- 6.28 A Public Transport Strategy must be developed in conjunction with the County Council Transportation Officers and local public transport providers. This should identify public transport improvements, covering service destinations/routing, frequency, hours of service and infrastructure investment.

- 6.29 New highway works will be required at Junction 26 of the A55, taking advantage of existing available capacity, and at Sarn Road. A development boundary road connecting these two locations is required, to ensure the safe and efficient operation of the local highway network, improving access to Ysbyty Glan Clwyd and relieving pressure on junction 27 of the A55/A525. The need for improvements along Sarn Road, including alterations to reflect the Conservation Area and the increased intensity of use, will also need to be investigated to ensure the continued safe and efficient operation of the local highway network. There will be no vehicular access (either during the construction phase or once the development complete) to the development site via St Margaret's Church access road. Access to the site for construction traffic should be via Junction 26 of the A55 and not from Sarn Lane or Nant y Faenol Road. A construction traffic management plan will be required to show which routes construction traffic is to use to travel to and from the development.
- 6.30 The internal arrangement of roads including the approach to be adopted to the link road should reflect the principles of Manual for Streets (Dept. of Transport) and Active Travel (Wales) Act Design Guidance providing a logical and legible street hierarchy and promoting and prioritising walking and cycling over private vehicles as appropriate.
- 6.31 A Transport Assessment will be required to accompany the planning application the purpose of which will be to consider the traffic and transportation impacts of the proposed development. Its scope will be agreed with the Highway Authority in consultation with the Trunk Road Authority and Welsh Government. This will include a Travel Plan to demonstrate how the Public Transport Strategy will be implemented. As part of the Transportation Assessment the modal shift arising as a consequence of the promotion of sustainable modes of travel should be established.

Utility Infrastructure

- 6.32 Utility infrastructure (gas, electricity, water, telecommunications) exists within and immediately adjacent to the site.
- 6.33 **Gas:** There is capacity within the existing gas network to supply the proposed development without the need for lengthy approach mains or reinforcements. The high pressure gas main that bisects the south west corner of the site and the separation distances associated with this which require between 28 to 36 metres corridor free from buildings needs to be reflected in the development proposals. Diversion of the Low Pressure main is expected to be only required at new access points to the site.

- 6.34 **Electricity:** The local power network will require upgrading to provide a suitable supply to the proposed development. The scheme and infrastructure requirements associated with this will need to be agreed with the energy provider, presently Scottish Power, and the location of any new on-site infrastructure (eg a sub-station) should be considered carefully in the development proposals to avoid any impacts on existing and future residents.
- 6.35 The feasibility of undergrounding or relocating the existing overhead electricity transmission lines will need to be investigated. In the event that they remain in situ the development proposals will need to respect the necessary associated separation distances. Presently this is considered to be between 8.5 to 14 metres in width of undeveloped land extending out from each side of the 'centreline' of the overhead cables.
- 6.36 **Telecommunications:** Telecommunication infrastructure should be provided that ensures modern communication methods can be provided as part of the development to meet housing, employment and community needs. At present, there is adequate capacity to provide a copper wire supply from the Rhuddlan Exchange.
- 6.37 **Water Supply:** Dwr Cymru Welsh Water (DCWW) has indicated that a sufficient supply of potable water can be provided to meet the requirements of the proposed development without causing a detrimental effect to existing customers. However, this will involve the provision of off-site mains to be laid to the boundary of the proposed site. Once the site layout is confirmed, then details of both the on-site and off-site water mains can be costed under water requisition provisions of the Water Industry Act 1991 (as amended). Any development will need to ensure that adequate water supply is made available and any infrastructure required must be provided at appropriate times in agreement with Dwr Cymru/Welsh Water.
- 6.38 **Foul Water Treatment:** The existing Wastewater Treatment Works at Rhuddlan is understood to be operating at capacity. A Wastewater Feasibility Study to investigate capacity at the Kinmel Bay Wastewater Treatment Works has been undertaken, which has identified the works necessary to accommodate foul flows only from the proposed development site. DCWW are actively working with the Local Planning Authority to facilitate a solution to ensure the site can be delivered. Any development will need to ensure that the site is adequately drained in terms of foul, surface & ground & any infrastructure required must be provided at appropriate times in agreement with Dwr Cymru/Welsh Water. Provision must also be made for ongoing maintenance of any pumping stations required.

- 6.39 **Storm Water:** Storm water from the site currently drains to the watercourses which intersect the site. Where feasible SUDS techniques such as infiltration strips, ponds and swales should be incorporated into the surface water drainage design and green infrastructure strategy and ensure that where possible techniques used are wildlife-friendly and overall enhance the value of the site for wildlife, thereby contributing to biodiversity aims as well as flood prevention. Dwr Cymru/Welsh Water would expect that surface water will be disposed of by alternative means to the public sewerage system. Any surface water drainage infrastructure should be designed to account for climate change. Natural Resources Wales require that any discharge of surface water from the site should be at current greenfield runoff rates. A Flood Consequence Assessment and Drainage Strategy will be required to be submitted as part of the planning application providing details of the storm water drainage design to be employed. Natural Resources Wales will need to be consulted in the preparation of these two documents and should be involved in the development of the detailed layout of the development, to ensure that drainage issues are considered as part of initial design and layout of the development. Flood Defence Consent (under the Water Resources Act & Land Drainage Byelaws) must be obtained from Natural Resources Wales for any works, or structures, that are located in, under, over or within 7 metres of the bank top of a "main river" watercourse. Any future development layouts should ensure that access provision to the watercourses are maintained. The Council will also require the submission of a Water Conservation Statement with any planning applications, in line with Policy VOE6 in the LDP.
- 6.40 **Sustainable construction:** An important element of the development of the site will be the integration of suitable sustainability principles for promoting renewable energy use and low carbon. As a minimum, the following will be expected to be achieved:
- Code for Sustainable Homes Level 3, obtaining 6 credits under issue Ene1 - Dwelling Emission Rate
 - BREEAM 'Very Good' for all non-residential developments, achieving the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO₂ Emissions
 - Considerate Constructors Scheme score of 32
 - Features implemented to provide effective adaptation to and resilience against the current and predicted future effects of climate change
 - Consideration of utilisation of existing or proposed local and low and zero carbon energy supply systems.
- 6.41 The land use requirements to achieve these targets and commitments will need to be reflected in the proposals.

- 6.42 To reflect the policy objectives of *Planning Policy Wales* and Policy BSC5 a Sustainability Strategy will be required to be submitted to accompany any planning application for the site.
- 6.43 The Council will require a 'Construction Plan' to be submitted with any planning applications, covering issues such as hours of work on site, delivery of materials, noise, dust and disturbance during construction and phasing of development. The Council will also expect any developers to enter into local labour / training agreements for the construction phase.
- 6.44 **Waste:** A Site Waste Management Plan will be required to accompany the planning application. This will prescribe targets and measures for waste collection and recycling throughout both the construction and operation phases and will address Policy VOE7 as it relates to the Key Strategic Site. This should cover:
- construction aggregate recycled;
 - non-hazardous construction waste generated by the development diverted from landfill and reused and recycled;
 - Domestic: waste recycled/composted and provision of storage for recycled waste;
 - Commercial: waste recycled/composted and central dedicated storage spaces.
- 6.45 The land use requirements to achieve these targets and commitments will need to be reflected in the planning application.

7. Urban design principles

- 7.1 To help create an enduring, functional, vibrant and sustainable development that successfully connects and integrates with the existing community the proposals should seek to adopt the following design objectives:

Access

- 7.2 Ease of access and movement for all working, living or visiting the development and integration with the existing community.

Character and Urban Form

- 7.3 Significantly enhance the existing character and the distinctiveness of the area – landscape, townscape, culture and biodiversity - and creating a series of new high quality legible mixed use neighbourhoods with reference to locally distinctive patterns, urban form, public art and culture. Existing and proposed landmark buildings, nodal points, gateways, key spaces, key frontages will need to be integrated within the development. Wider landscape impacts to the north east and A55 boundary of the site should be mitigated by the appropriate use of materials, design and landscaping. The Council would expect initial planting in these areas to be undertaken prior to any development commencing. Any other landscape planting should be undertaken as soon as practicably possible in the earliest planting season of the development process.

Community Safety

- 7.4 The creation of attractive and safe public spaces and movement routes particularly for the pedestrian and cyclist maximising natural surveillance over the public realm and adopting where appropriate Secure by Design measures which includes principles outlined in the Secure by Design publication New Homes 2014, and Safer Places 2004.'

Movement

- 7.5 To promote sustainable means of travel - safe and clear connections - the potential to cycle, walk and use public transport safely, and reducing the reliance on the car - providing safe routes to schools and capturing streets for play - connection to transport infrastructure - ease of movement to, from and within the development for sustainable forms of transport by creating a safe and attractive environment - the provision of on-site facilities for sustainable forms of transport.

Design Commission for Wales

- 7.6 The Design Commission for Wales must be consulted during the evolution of the design process and final Masterplan.

Design and Access Statement requirements

- 7.7 A Design and Access Statement in accordance with the requirements of Technical Advice Note 12: Design should accompany any future planning applications. The design approach should reflect fully the design considerations in Policy RD1 of the Local Development Plan, the principles of good design defined by the TAN, Creating Sustainable Places and the Residential Design Guide for Welsh Authorities.

Welsh language and culture

7.8 A Community Linguistic Assessment has been undertaken for Bodelwyddan Key Strategic site and this identified a number of measures which should be implemented as part of the holistic approach to site development and in order to mitigate any negative impacts on Welsh language and culture in this area. The conclusions of the Impact Assessment are attached as Appendix 1 The following mitigation measures will be required as part of the site's development:

- Welsh only brand name and street names;
- Bilingual master-planning process/communication;
- Bilingual marketing strategy, with emphasis on Denbighshire and other Welsh Local Authority areas for the initial period prior to moving out to a larger radius;
- Promote Welsh education among children and adults;
- Support existing social groups to welcome Welsh learners;
- Partnership working with Mentrau Iaith to establish new social events through the medium of Welsh in Bodelwyddan and the surrounding communities.
- Adverts in local press to include Welsh medium publications;
- Strong local advertisement/marketing (bilingual).
- Agree with house builders to monitor the origin and household formation of the first occupants of the new homes.
- Producing all publication material bilingually with Welsh language text first;
- High quality environment at the forefront of the Development Brief and Masterplan with links to the existing communities of Bodelwyddan;
- Delivery of improved health facilities e.g. GP, dental practice as part of new community facilities.

Health Impact Assessment (HIA)

7.9 Central to any future development is the impact on people and existing communities. Bodelwyddan currently has a population of 2,147 (2011 Census), this could potentially increase by 3,945 when the development is completed (based on average household size of 2.3).

7.10 It is therefore essential that potential beneficial, detrimental or unintended impacts and consequences on the health and well-being of local people that could arise from the development are identified, assessed and suggestions made to address them.. This will be done through a separate broad Health Impact Assessment which considers all the wider determinants of health and wellbeing. This will be carried out in accordance with the Wales Health Impact Assessment Support Unit (WHIASU) Guidance ('HIA: A Practical Guide'. – available on the WHIASU website www.whiasu.wales.nhs.uk).

8. Community Involvement

- 8.1 The Development Brief will be subject to public consultation prior to its adoption as Supplementary Planning Guidance.
- 8.2 Prior to the submission of a planning application, the applicant must conduct a public consultation exercise the purpose of which will be to engage the local community and other stakeholders as to the form and nature of the development and the intended Masterplan. This should include public exhibitions, stakeholder workshops, web-based consultation. The planning application will need to demonstrate in a Statement of Community Involvement how this consultation has been conducted and how comments received have been taken into account in the final proposals.

9. Governance

- 9.1 There is a need for a local governance structure to be established as part of the development proposals. This is expected to involve the establishment of a Management Company by the Developer involved. Its responsibilities will include the management and maintenance of communal facilities open space, civic spaces, recreational areas, community facility, schools/dual use facility, allotments and travel planning. In addition the Council will require the establishment of a Community Fund, in order to provide for community benefits.

10. Implementation and phasing

- 10.1 As part of the planning application an outline phasing strategy will be required to be submitted in order to demonstrate the broad sequence of development having regard to the strategy and the key role of the site in contributing development land up to 2021 and beyond, the timing of infrastructure provision relative to development parcels and cumulative completions of housing and take up of employment land and commensurate provision of physical, community and green infrastructure requirements.
- 10.2 This must identify the delivery organisations and their responsibilities in the implementation of the development.

11. Monitoring

- 11.1 As part of a planning application, measures will need to be identified to monitor the implementation and take up of the development so as to inform on-going detailed planning approvals. A formal review mechanism will be included within the Section 106 Agreement to consider individual phases of the development.

12. Contacts

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APPENDIX 1

COMMUNITY LINGUISTIC IMPACT ASSESSMENT (Extract)

7. Conclusion of Linguistic Impact

7.1 Interpretation of results.

Planning and the Welsh Language: The Way Ahead (2005) does place greater emphasis on protecting those communities with the highest percentage of Welsh speakers. It would be fair to say that the Welsh language, in Bodelwyddan is not part of everyday life for the majority of residents. However, by no means is this a reason to overlook the contribution 369 Welsh speaking residents make to the Welsh culture of Bodelwyddan. Approximately 60% of the residents of Denbighshire live north of the A55 trunk road, 16% of this population speak Welsh, that almost 9,000 people. This proposed development aims to meet the needs of Denbighshire residents in a way which is most sustainable socially, economically and environmentally.

In assessing the impact of a new development on the Welsh language, there is a danger to focus solely on the resulting increase in population and the proportion of those who will hold Welsh language skills i.e. the ability to read, write or speak Welsh, and use them day-to-day. However, the development proposes a mixed use site, which will bring forward new employment units phased with the house building and infrastructure provision.

In migration of non-Welsh speaking households is only one threat to the future of the Welsh language in the community. Welsh language education is pivotal to ensure that the language becomes a part of the new community as it grows and settles. There is real opportunity for the proposed development to make a very clear positive contribution to the future of the Welsh language in this coastal area and for the development to pay for new and expanded education facilities.

Notwithstanding the above, the assessment also identified that the proposed development would also have some negative impacts. In order to neutralise these impacts the following measures should be implemented as part of the holistic approach to site development.

Mitigation:

- Welsh only brand name and street names;
- Bilingual masterplanning process/communication;
- Bilingual marketing strategy, with emphasis on Denbighshire and other Welsh Local Authority areas for the initial period prior to moving out to a larger radius;
- Promote Welsh education among children and adults;

- Support existing social groups to welcome Welsh learners;
- Partnership working with Mentrau Iaith to establish new social events through the medium of Welsh in Bodelwyddan and the surrounding communities.
- Adverts in local press to include Welsh medium publications;
- Strong local advertisement/marketing (bilingual).
- Agree with house builders to monitor the origin and household formation of the first occupants of the new homes.
- Producing all publication material bilingually with Welsh language text first;
- High quality environment at the forefront of the Development Brief and Masterplan with links to the existing communities of Bodelwyddan;
- Delivery of improved health facilities e.g. GP, dental practice as part of new community facilities.

Any positive impacts from the proposed development need to be carried through to the development brief and masterplanning process. The following points are made to secure the desired outcome.

Enhancement:

- Ensure house type mix achieve age structure balance (young families, elderly, key workers).
- Ensure the development masterplan is designed in line with national design guidance to consider community safety in new development (TAN 20).
- Scrutinise design proposals through the Design Commission for Wales Panel Board.
- Requirement for developers (construction workers) and the employers to use local labour and provide training and skills support;
- Liaisons with college to provide training to ensure local people have an opportunity to acquire skills responsive to the employment.
- Marketing material produced for the employment units to be bilingual and circulated locally in the first instance.
- Provision of a range of employment unit sizes and attraction of health related businesses or further specialisation based on existing businesses in the locality.
- Require local labour agreement;
- Require links with the local college to provide training opportunities to improve skills.
- Encourage local Welsh branding.
- Ensure mix of housing types are outlined in the Development Brief and permission secures a phased delivery of the homes over the plan period;
- Review this impact assessment as further information is made available as part of a planning application.

- Impose a need on house builders to monitor the origin and household formation of the first occupants of the new homes.
- Ensure mix of housing types are outlined in the Development Brief and permission secures a phased delivery of the homes over the plan period;
- Ensure the masterplan integrates the affordable homes throughout the site;
- Review this impact assessment as further information is made available as part of a planning application.
- Development construction and long term branding to be bilingual
- Provision of bilingual signs within and outside the new establishments to be encouraged;
- Council to continue to discuss the overall development of the site with the local community;
- Consider a Community Development Strategy;
- Partnership working with Mentrau Iaith to support Welsh language social groups to welcome Welsh learners.
- Ongoing partnership working is required to deliver Welsh language education;
- A programme of local awareness-raising of the history of Welsh language and culture in a local context.
- Bilingual street naming to reflect farm field names
- Bilingual business signage.

7.2 Monitoring.

A key recommendation of the Planning and Welsh Language: The Way Ahead (2005) was to ensure that the impact of development on the wellbeing of the Welsh language and culture was reviewed and monitored to ensure effectiveness. Listed below are the (draft) monitoring indicators suggested to be included in the Local Development Plan.

- 1) Census Data – use of Welsh language within Bodelwyddan Town Council and the adjoining Community Council areas. The next Census results will be pre development and the 2021 Census data will be post development.
- 2) School Effectiveness Reporting (Estyn Reports or equivalent) which happen on a 6 year cycle will give an indication on the delivery of bilingualism by all those involved within the schools system
- 3) Annual record of the number of pupils being educated through the medium of Welsh at primary school and secondary school level in comparison with English medium.
- 4) Annual record of the provision of Welsh language classes and attendance numbers in Bodelwyddan and surrounding areas.

- 5) Annual record of the provision of Ysgolion Meithrin (and similar formal initiative welsh medium toddler group) and attendance numbers in Bodelwyddan and surrounding areas.
- 6) Menter Iaith Project on 'Welsh language social cohesion and integration'. Links to monitoring implications for the project.

7.3 Conclusion.

In conclusion, it is difficult to weigh up the impact of this proposed development on existing Welsh speakers in Bodelwyddan. It is possible that those who consider themselves Welsh speakers already feel in the minority. Whether the development will lead to a decline in the number of Welsh speakers will very much depend on the success of a bilingual masterplanning process for the development site with local community input. Ensuring a bilingual marketing strategy for the properties and business/employment will assist in seeking to create a development which has a distinct Welsh identity from the start. The impacts **will only be positive** if the right development approach is secured and in close partnership working with education providers and face to face social networking groups and organisations.

Appendix 2

Guidance on Contributions to Education

1. Educational Planning in Denbighshire

- 1.1 Denbighshire County Council, like every other Local Authority in Wales, is currently reviewing its schools as part of our commitment to modernise education and to ensure our schools provide the best possible learning environments. In accordance with Welsh Government requirements, Denbighshire are required to provide the right number of places, of the right type in the right location.
- 1.2 Due to the geographical nature of Denbighshire there are some areas, predominantly in the South of the County, which have significant surplus places and in other areas, predominantly in the North, which are facing significant capacity issues, this includes Ysgol y Faenol in Bodelwyddan. Denbighshire County Council's Admissions Policy grants parental preference where there are sufficient places available. In some instances 'empty places' in a school do not equate to there being capacity in the school due to these places being restricted to certain year groups.
- 1.3 Contributions may be used for the following;
 - The provision of new classrooms to accommodate an increase in pupil places within existing schools;
 - Replacement and/or improvement of existing school facilities to adequately facilitate an increase in pupil places;
 - Provision of land for a new school where required and related to the scale of the development;
 - Provision of additional facilities (i.e. playing fields) necessitated by an increase in pupil numbers.

2. Criteria

- 2.1 The requirement for developer contributions will be based on the following criteria:
 - i. Developments which comprise of 5 or more houses or, where not absolute, a site area of 0.2 hectares or more.
 - ii. Denbighshire County Council will seek contributions in cases were the identified schools have less than 5% surplus places having taken into account the proposed development. Contributions should only be sought in respect of the number of pupils which would take surplus places below 5%, rather than the total number expected from the development. The contributions would be held by Denbighshire to fund works at the affected schools.

- iii. Only those schools affected by the development will receive the benefit of the financial contribution. Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities, Denbighshire may combine contributions as necessary to negate the cumulative effect.
- iv. Contributions received by Denbighshire will be held in interest bearing accounts with a unique finance code which is to be used only for the purpose specified in the obligation. If this contribution is not spent within an agreed timescale the contribution will be reimbursed with interest.
- v. For planning contributions the pupil capacity will be calculated net of any capacity that has been achieved through using mobile accommodation.

3. Exceptions

3.1 The exceptions to the provision of school places will be the following type of residential development from which planning authorities will not seek contributions:-

- Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more)
- 1 bed dwellings or 1 bed apartments or flats

4. Calculation of Contributions

4.1 Contributions towards additional or improved school facilities will be based on the following factors:

1. The number of qualifying dwelling units in the development

The policy will apply to developments with 5 or more dwelling units or over 0.2 hectares.

2. The number of school age children likely to be generated by each residential unit.

This is based on the data gathered by local authorities to estimate likely pupils arising from developments. This would generate a figure of 0.24 as the primary school formula multiplier and 0.174 as the secondary school formula multiplier. This will be reviewed by the local authority.

3. Cost Guidelines

Denbighshire has suggested a sum of £16,000 per pupil place for a primary school and a sum of £15,000 per pupil for a secondary school. These costs are based on a 420 primary school development and a 1500 secondary school development average cost/m2 data sourced from the Building Cost Information Service and are current as 4Q 2013.

Worked Examples

Primary School Pupils

For example if school capacity was 240, 5% would be 12 pupils so that the trigger for contributions would be 228.

And if actual Number of Pupils 230

Development of 80 houses $80 \times 0.24 = 19.2$ pupils (round down to 19)

$$230 + 19 = 249$$

$$249 - 240 = 9$$

We only ask for contributions for 9 pupils.

$$9 \times \text{£}16,000 = \text{£}144,000$$

Secondary School

For example if School capacity was 1480, 5% would be 74 pupils so that the trigger for contributions would be 1406.

And if actual Number of Pupils 1395

Development of 80 houses $80 \times 0.174 = 13.92$ pupils (round up to 14)

$$1395 + 14 = 1409$$

$$1409 - 1406 = 3$$

We only ask for contributions for 3 pupils.

$$3 \times \text{£}15,000 = \text{£}45,000$$

Appendix 3

Denbighshire Local Development Plan

Policy BSC5 – Key Strategic Site – Bodelwyddan

Land at Bodelwyddan has been identified as a Key Strategic Site as shown on the proposals map, as part of the Preferred Strategy of the Local Development Plan and in order to meet the acknowledged development needs of the north of the County. The site is intended to be an exemplar site in terms of sustainability and high quality design.

Development will be phased over the plan period and should incorporate all the following key elements:

- 1,715 dwellings including the provision of affordable housing in accordance with Policy BSC4; and**
- education, training and health provision; and**
- 26 hectares of B1, B2 & B8 serviced employment land and units; and**
- new highway network between the existing A55 Junction 26 and Sarn Road and other offsite improvements; and**
- onsite community facilities, open space, retail provision; and**
- safeguarding and enhancement of any areas / species of nature conservation importance; and**
- pedestrian and cycle facilities to serve connectivity between homes and jobs, including the surrounding Rights Of Way network; and**
- new public transport links; and**
- sustainable building materials, energy efficient and water efficient measures and aspire to be carbon neutral; and**
- consideration as to the potential impacts on the linguistic, cultural and social character of the area; and**
- integration of the development into the landscape based on the findings of a robust landscape framework.**

A development brief and detailed masterplan will be required to be produced in consultation key stakeholders and the local community before a decision is made on a planning application.

National Policy links

Planning Policy Wales:

Chapter 4 – Planning for Sustainability
Chapter 7 – Economic Development
Chapter 9 – Housing
Chapter 12 – Infrastructure and Services

Technical Advice Notes:

TAN 2 – Planning & Affordable Housing
TAN 12 - Design

Justification

The Wales Spatial Plan, North East Wales Area, identifies a hub between the towns on the Denbighshire coast and St. Asaph. The hub provides a focus for future employment, housing and retail and provides continued support and opportunity for growth and regeneration for a wider area.

The site also lies within the North Wales Coast Strategic Regeneration Area. The employment allocation at Bodelwyddan will assist in the regeneration of Rhyl and improved linkages between the two settlements will enhance the sustainability of them both.

The site is in close proximity to the County boundary with Conwy County Borough this lends itself to collaboration work in terms of identifying need for affordable housing, education and employment provision. Whilst a development of this size brings change to the existing residents of Bodelwyddan the Council identifies a number of opportunities in site masterplanning to address the strategic County issues such as housing needs, and building on the economic success of the St Asaph Business Park and local colleges. In environmental terms some real opportunities for enhancement exist. Bringing forward a strategic mixed development is likely to have a host of other benefits such as, greater opportunity to promote sustainable development principles, reduced reliance on the private car and a mixed sustainable community. In addition to the delivery of serviced employment sites development could provide various community benefits such as funding of school places, transport improvements, affordable housing and extra care housing.

Building a sense of place through high quality design is key and masterplanning the infrastructure requirements to reduce water demand and increase renewable energy generation is integral to the design.

A development brief and detailed masterplan will be required to be produced in consultation with key stakeholders and the local community before a decision is made on a planning application.

This policy will contribute to meeting Objective(s):

- 1: Population and Community
- 2: Economy and Jobs
- 6: Transport

LAND EAST OF BODELWYDDAN**SUGGESTED PLANNING CONDITIONS AND S.106 HEADS OF TERMS****General**

1. Details of the appearance, layout and scale of the buildings and the landscaping for each Phase of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development of that Phase commences. The development shall be carried out in accordance with the approved details.
2. Application for the approval of reserved matters for the first phase of the development hereby permitted as approved under condition 9 shall be made to the Local Planning Authority no later than the expiration of five years from the date of this permission and the last application for the reserved matters approval shall be made no later than 15 years beginning on the date of this permission.
3. Each phase of the development hereby permitted as approved under condition 9 shall be begun not later than three years from the date of the approval of the last of the reserved matters to be approved for that phase.
4. The development hereby permitted shall be carried out strictly in accordance with the details shown on the following submitted plans: Land Use Parameter Plan 27788_02_001 rev02; Movement Infrastructure Plan 27788_02_002 rev02; Green Infrastructure Parameter Plan 27788_02_003 rev02; Building Heights Parameter Plan 27788_02_004 rev02; Residential Density Parameter Plan 27788_02_005 rev02 and illustrative master Plan 27788_01 SK200 Rev. J all received 20th December 2013, unless specified as otherwise within any other conditions pursuant to this decision notice.
5. No more than 1715 dwellings (C3) shall be developed on the site. The Care Home (C2) shall not exceed 80 bedrooms and 50 close care flats. The Hotel (C1) shall not exceed 100 guest bedrooms.
6. The 'A Class' uses (A1, A2, A3) hereby permitted shall not exceed a total of [2,500 sqm (gross internal floorspace)]. The A Class uses permitted shall be developed in accordance with the phasing plan approved pursuant to Condition 9.
7. The 'B Class' employment uses (B1, B2 and B8) hereby permitted shall not exceed a total of [88,260 sqm (gross floorspace)]. The B Class employment land permitted shall be developed in accordance with the phasing plan approved pursuant to Condition 9.
8. The health facility (D1 Use Class) hereby permitted shall be provided within the main local centre and its gross internal floor space shall be as further agreed in writing by the Local Planning Authority.
9. Prior to the submission of any reserved matters applications a detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the location, amount, and phasing of the delivery of the following:

- a. The access for the site, construction of the spine road and the laying out of pedestrian and cycle infrastructure;
- b. The residential dwellings to include affordable housing;
- c. The employment land;
- d. The residential care home;
- e. The local centre and community facilities (the retail, health centre and primary school);
- f. The green infrastructure (by type) including areas of public open space, areas of play (including LEAPs, NEAPs and playing pitches), the allotments and orchards.
- g. The improvements to Sarn Road / Abergele Road.
- h. The advanced planting, mounding and grading required for identified areas around the site.

The phasing plan shall include details of the sequence in which the phases are to be developed individually or concurrently to each other.

The development shall be carried out in accordance with the phasing plan thus approved at that time.

10. No development shall take place, within any phase of the development, including any works of demolition or clearance, until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
 - a. measures for traffic management, parking and turning of vehicles of site personnel, operatives and visitors;
 - b. the loading and unloading of plant and materials;
 - c. piling techniques if necessary;
 - d. the storage of plant and materials used in constructing the development;
 - e. the erection and maintenance of security hoarding and lighting;
 - f. a scheme for protection of trees, hedgerows and other natural features;
 - g. installation and maintenance of wheel washing facilities to prevent mud from vehicles leaving the site during construction;
 - h. measures to control the emission of dust, dirt and odour during construction;
 - i. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - j. an appropriately scaled plan showing "Environment Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented;
 - k. construction working and operational times;
 - l. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works;
 - m. details of measures to maintain pedestrian access at trunk road junctions / slip roads;
 - n. details of the storage of spoil or other excavated or deposited material in the site.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

11. There shall be no occupation of buildings hereby permitted until the following services and infrastructure are completed for those buildings as appropriate in accordance with the plans approved for each phase of the development pursuant to Conditions 1, 2 and 5:

- a. The vehicular, cycle, pedestrian access including internal estate roads and junctions;
 - b. Foul water, sewerage and drainage infrastructure;
 - c. Electricity, gas and telecommunications utility infrastructure;
 - d. Household and commercial waste storage and recycling facilities.
12. Prior to commencement of the phase(s) of development in which the retail (A Use Class), employment (B Use Class), Care Home (C2 Use Class), Hotel (C1 Use Class) and the Health Centre are to be provided, details of the marketing strategies for those facilities shall be submitted to and approved in writing by the Local Planning Authority. The marketing strategies shall set out how the facilities are to be marketed, the period of marketing and the media through which the marketing will occur. The marketing of the facilities shall be carried out in accordance with the approved strategies.
 13. Notwithstanding the provisions of condition 4 and the details shown on the listed Parameter Plans the location of any primary vehicle route within the site shall be as further agreed by the Local Planning Authority. Only that route subsequently agreed shall be implemented thereafter.

Highways

14. The proposed connections to the existing highway shall be laid out in general accordance with the following plans in the Transport Assessment (AECOM, November 2013) (Figure 28 and Figure 29). No development shall take place until full engineering details of these proposed access connections to the highway, including Road Safety Audits, have been submitted to and approved in writing by the Highway Authority.
15. No dwelling hereby approved shall be occupied before a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be generally in accordance with the framework travel plan submitted with the Transport Assessment (AECOM, November 2013). The Travel Plan shall be implemented as approved by the Local Planning Authority.
16. The reserved matters applications submitted pursuant to condition 1 shall incorporate details of the public footpath shown on plan 27788_02_002 rev03.
17. Details of car parking provision within the local centre, primary school and employment areas to be constructed as part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their construction and the development shall be carried out and thereafter retained in accordance with the details thus approved.
18. Details of cycle parking provision within the local centre, primary school and employment areas to be constructed as part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their construction and the development shall be carried out and thereafter retained in accordance with the details thus approved.
19. Prior to the commencement of the development a traffic monitoring scheme shall be submitted for the approval of the local planning authority. The submitted traffic monitoring scheme shall monitor traffic movements at Junctions 25, 26 and 27 of the A55 and included therein will be a methodology and frequency to be used for such monitoring and the reporting arrangements. Should the development hereby approved

be delivered in a manner that differs materially from the assumptions set out in table 7 and 8 of the approved Transport Assessment 2013, then the 26% reduction allowed for employment floorspace related links and internal trips will be reconsidered and should the results of the appropriate monitoring prove it is necessary to remove this reduction then appropriate and necessary mitigation at Junctions 25, 26 and 27 of the A55 shall be submitted to the Local Planning Authority for approval and thereafter be implemented in accordance with the approved mitigation.

Drainage

19. The development hereby permitted shall not be commenced until such time as the results of details hydraulic and hydrological modelling, as referred to within paragraphs 5.2.6.1, 5.5.6.2 and 5.5.6.2 of the approved Flood Consequences Assessment (AECOM, November 2013) has been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

20. Prior to commencement of each phase of development no development shall take place until a surface water drainage scheme for the development, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year rainfall critical storm (including an appropriate allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details on how surface water generated during design "exceedance" events can be safely stored on or conveyed from the site without adverse impact.

21. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
22. No buildings on the development site shall communicate with the public sewerage network earlier than 1st June 2019, unless the upgrading of the public sewerage system, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water

Ecology

23. Prior to the commencement of any phase of the development hereby approved an Ecological Mitigation and Management Plan for that phase will be submitted to and approved in writing by the Local Planning Authority. The Plan shall include provision

for habitat creation, management and monitoring for the development hereby permitted, as outlined in the Environmental Statement and associated ecology survey report.

24. No phase of the development hereby permitted shall be commenced until a scheme for the provision of suitable bat bricks/bat access tiles and bird nesting boxes to be erected on buildings within the site has been submitted to and approved in writing by the Local Planning Authority for that phase. The scheme shall include details of box type, location and timing of works. Thereafter, the bat bricks/bat access tiles and bird nesting boxes shall be installed and retained in perpetuity.

Archaeology

25. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation should take account of the agreed Heritage Desk Based Assessment (EED12378-100_R_3_3_1_JGS_JD, November 2013), the Geophysical Survey Reports (BDW101, April 2011 and October 2011) and the Archaeological Evaluation (BKSSS13, November 2013). The findings of the archaeological works undertaken pursuant to the written scheme of investigation shall be submitted to the Local Planning Authority prior to the determination of the Reserved Matters applications for the individual phase of the development to which the archaeological works relate and any agreed areas of archaeological preservation shall remain as such thereafter.

Design

26. Prior to the submission of any reserved matters application for any phase of the development hereby approved, a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall substantially accord with the principles of the Design and Access Statement (November 2013) and will be founded on the objectives set out on page 118 thereof. The Design Code shall include the following:
 - a. Principles for determining the quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using recycled construction materials;
 - b. Principles of built-form strategies to include density and massing street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas.
 - c. Principles of hard and soft landscaping including, advanced planting, mounding and grading areas, and the inclusion of important trees and hedgerows;
 - d. Principles for determining the design of structures (including street lighting, lighting and boundary treatments for commercial premises, street furniture and play equipment);
 - e. Principles for determining the design of the public realm, areas of public open space, areas for play (including LEAPs, NEAPs), the allotments and orchards.

- f. Principles for determining the design and layout of sports and leisure provision;
- g. Principles of conservation of flora and fauna interests and encouragement of biodiversity;
- h. Principles of a hierarchy of streets and spaces;
- i. Principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycle ways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
- j. Principles for on-street and off-street residential and commercial vehicular parking and/or loading areas;
- k. Principles of cycle parking and storage.

Applications for approval of reserved matters for that phase shall thereafter be in accordance with the associated approved Design Code.

27. No phase of the development hereby permitted shall be commenced until detailed plans and sections showing existing and proposed site levels for that phase and showing the proposed relationship with adjacent phases have been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out as approved.

Landscape

28. No phase of the development hereby permitted shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site for that phase has been submitted to and approved in writing by the Local Planning Authority and has been put in place.

The scheme must include details of the erection of stout protective fencing in accordance with British Standard 5837 (Trees in relation to design, demolition and construction). Fencing shall be shown on a plan and installed to the extent of the tree protection areas as calculated using the British Standard. Nothing shall be stored or placed in those fenced areas or the ground levels altered without the prior consent in writing of the Local Planning Authority.

The development shall be carried out in accordance with the approved scheme which shall be kept in place until the phase of the development has been completed and all equipment, machinery and surplus materials have been removed.

29. Prior to the commencement of site works for a phase, full details of hard and soft landscape proposals for the areas of areas of open space and structural landscaping shown on Green Infrastructure Plan Green Infrastructure Parameter Plan 27788_02_003 rev02 shall have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

The submitted details shall also include:

- a. the timing of implementation to include advanced planting, mounding and grading to identified areas around the site;
- b. planting plans;

- c. written specifications;
- d. a schedule of plants noting species, plant sizes and proposed numbers;
- e. existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
- f. existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
- g. existing and proposed finished levels (to include details of grading and earthworks where appropriate).

The hard and soft landscaping approved as part of this condition shall be completed in accordance with the approved timing details.

Any planting that is removed, uprooted, severely damaged, destroyed or dies within five years of the date of planting shall be replaced by the approved type planting by the end of the first available planting season.

30. A Landscape Management Plan for the areas of open space and structural landscaping shown on Green Infrastructure Parameter Plan 27788_02_003 rev02 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall:
- a. address how the long term design objectives will be achieved;
 - b. set out how and when advanced planting, mounding and grading will achieve the stated levels of visual mitigation set out in the Environmental Statement;
 - c. set out what measures will be taken during the period of the management plan to ensure that the minimum standard of mitigation set out in Item b) above, is achieved;
 - d. set out management responsibilities under the management plan;
 - e. set out maintenance schedules, for the areas of advanced planting, mounding and grading, open space and structural landscaping shown on Green Infrastructure Parameter Plan 27788_02_003 rev02].

The Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. This may be submitted on a phase by phase basis. The Landscape Management Plan shall be carried out as approved for all open space and structural landscaping shown on the Green Infrastructure Parameter Plan 27788_02_003 rev02. Supplementary management plans may be submitted for individual development plots on a phase by basis.

Ground, Noise, Air Quality

31. No work shall commence on the site unless the further intrusive site investigations detailed in the Phase 1 Geotechnical and Geo-environmental Desk Study Report (AECOM, November 2013) have been undertaken and the results, including any mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures proposed as a result of the investigations shall be carried out in accordance with the approved details and a validation report shall be submitted within 4 months of the works being carried out to the Local Planning Authority confirming that the mitigation works have been completed.
32. Construction works, construction related works or construction related deliveries shall not be carried out on the site outside of the following hours and at no time on Sundays or Bank Holidays:

Monday to Fridays 08:00-18:00 hours; Saturdays 08:00-13:00 hours.

33. In addition, piling operations or vehicle/equipment maintenance shall not be carried out on the site outside of the following hours and at no time on Saturdays, Sundays or Bank Holidays:

Monday to Fridays 09:00-16:00 hours.

34. There shall be no deliveries to or collections from any non-residential building outside the hours of 07:00-19:00 Mondays-Saturdays or at any time on Sundays or Bank or Public Holidays.
35. No security lighting or floodlighting shall be installed on any non-residential building until full details have been submitted to and approved in writing by the Local Planning Authority. All such installations shall be designed and located to avoid nuisance to the occupiers of nearby dwellings, and shall be implemented and thereafter retained in accordance with the approved details.
36. Development shall not begin on any non-residential building until details of any externally mounted plant or equipment or any internal equipment which vents externally, including any extraction ventilation system for a cooking area, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Waste

37. No development shall commence in a phase of the development until a Site Waste Management Plan as set out in the Sustainable Resource and Waste Management Strategy (AECOM, November 2013) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include details of the waste storage and recycling facilities for that phase of the development including the responsible management body and maintenance arrangements. The development shall be carried out in accordance with the approved details and retained thereafter as such.

Energy and Sustainability

38. Prior to the approval of any reserved matters for each phase details of the decentralised, renewable or low carbon energy sources designed to meet the objectives of the Energy Strategy (AECOM, November 2013) shall be submitted and approved by the Local Planning Authority.
39. The non-residential elements of the proposed development will meet BREEAM 'very good' environmental performance standard. Prior to the commencement of each phase of the development which contains non-residential development, details of how the buildings will achieve the BREEAM target for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the BREEAM target to be achieved and certificates supplied to the Local Planning Authority upon issue.

Reasons

1. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.
5. For the avoidance of doubt and to ensure a satisfactory standard of development.
6. For the avoidance of doubt and to ensure a satisfactory standard of development.
7. For the avoidance of doubt and to ensure a satisfactory standard of development.
8. For the avoidance of doubt and to ensure a satisfactory standard of development.
9. For the avoidance of doubt and to ensure elements of the scheme are delivered at appropriate times.
10. In the interests of residential amenity, highway safety and the protection of the environment.
11. In the interests of residential amenity, highway safety and the protection of the environment.
12. To ensure the development proceeds in a co-ordinated and appropriate manner.
13. For the avoidance of doubt.
14. In the interests of highway safety.
15. In the interest of ensuring the availability of sustainable travel to and from the site.
16. In the interests of pedestrian mobility and safety.
17. In the interests of highway safety and to ensure the safe parking of vehicles clear of the highway.
18. In this interests of cycle users and to ensure sustainable travel.
19. To reduce the risk of flooding to the proposed development and future occupants.
20. To prevent the increased risk of flooding, both on and off site.
21. To prevent the increased risk of flooding, both on and off site.
22. In the interests of the efficient use of the public sewerage system and to safeguard and protect the water environment.
23. In the interests of the protection of the areas/species of nature conservation importance.
24. In the interests of the protection of the areas/species of nature conservation importance.
25. In order to protect and preserve areas of archaeological interest.
26. For the avoidance of doubt and to ensure a satisfactory standard of development in the interests of amenity.
27. For the avoidance of doubt and to ensure a satisfactory standard of development in the interests of amenity.
28. In the interests of nature conservation.
29. In the interests of visual amenity and to ensure a satisfactory standard of landscaping within the development.
30. In the interests of visual amenity and to ensure a satisfactory standard of landscaping within the development.
31. In the interests of the protection of the natural environment and to ensure a satisfactory standard of development.
32. In the interests of residential amenity.
33. In the interests of residential amenity.
34. In the interests of residential amenity.
35. In the interests of residential amenity.
36. In the interests of residential amenity.
37. In the interests of ensuring a sustainable development and for the protection of the environment.

38. In the interests of ensuring a sustainable development and for the protection of the environment.
39. In the interests of ensuring a sustainable development and for the protection of the environment.
-

SUGGESTED HEADS OF TERMS FOR S.106 AGREEMENT

FINANCIAL ELEMENTS

Education/Community Facility – 2ha of land to be provided by developer (£0.5 million) + phased payments of £6 million = £6.5 million.

Highways – Off-site works junction works to be undertaken by developer estimated at £1.8 million. Controlled through s.278 highway agreement. Abergele Road public realm improvements to be provided by developer £50,000.

Pedestrian Improvements - £4,500 for Rights of Way Improvements.

Public Transport/Off-site Community Improvements - £625,000 from developer for new bus services, travel plan and co-ordinator role.

Welsh Language - £125,000 from developer to fund Welsh Language Officer and other initiatives.

POLICY COMPLIANCE ELEMENTS

Housing - A minimum of 10% Affordable Housing (AH) provided over the whole scheme (i.e. a minimum of 170) Percentage to be assessed at each phase based on a viability assessment (i.e. flexibility built in).Over the life of the development viability may well allow for a total of more than 10% AH,
Minimum 10% will be controlled via S106 agreement.

Training - S106 commitment to maximising training opportunities and use of local labour where practical.

Open Space - Maintenance of open areas - independent company, thus no costs to DCC. Controlled through S106 agreement.

Nature Conservation – Maintenance and management of green infrastructure. Controlled through s.106 agreement.

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Agenda Item 6

WARD NO: Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1599/ PF

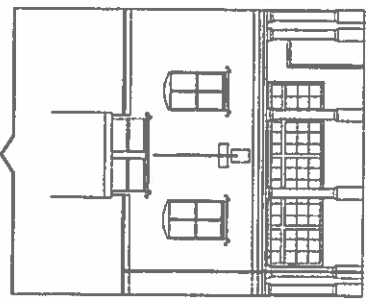
PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats

LOCATION: The Forum 27-29 High Street Denbigh

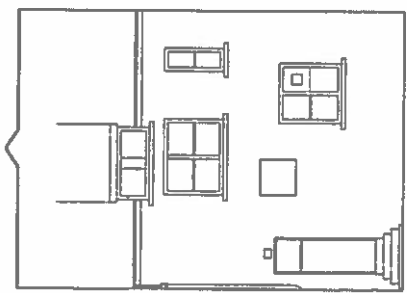
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EXISTING FLOOR & ELEVATION PLANS

FRONT AND REAR ELEVATIONS AS EXISTING AND AS PROPOSED (NO CHANGES INVOLVED)

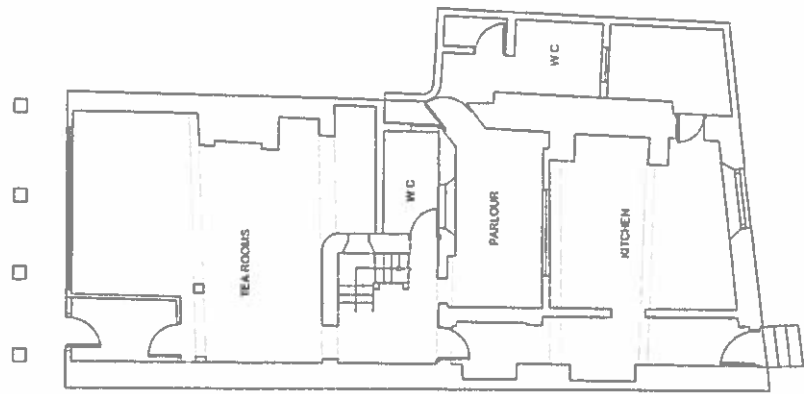


FRONT ELEVATION

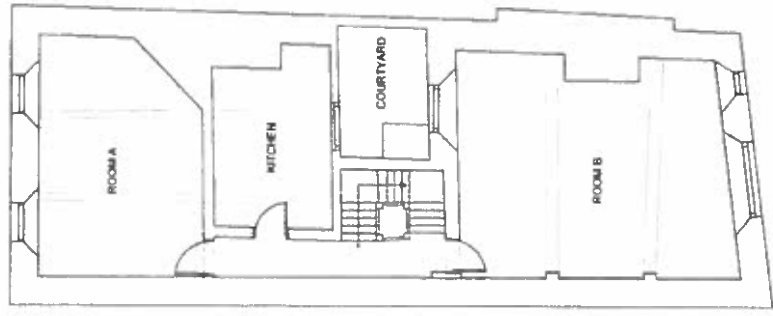


REAR ELEVATION

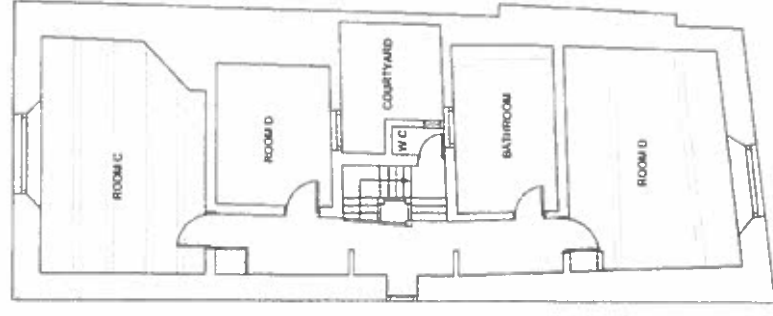
FLOOR PLANS AS EXISTING



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Project DENBIGH HIGH STREET

Drawing SURVEY DRAWINGS

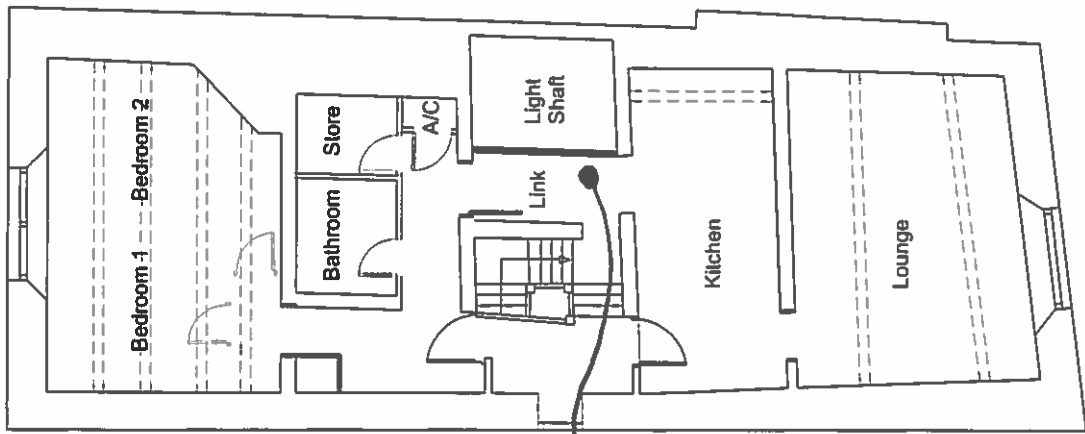
Job Number 411	Drawing Number 01	Revision
Scale 1:100@A2	Date 03/12/2013	Drawn FH

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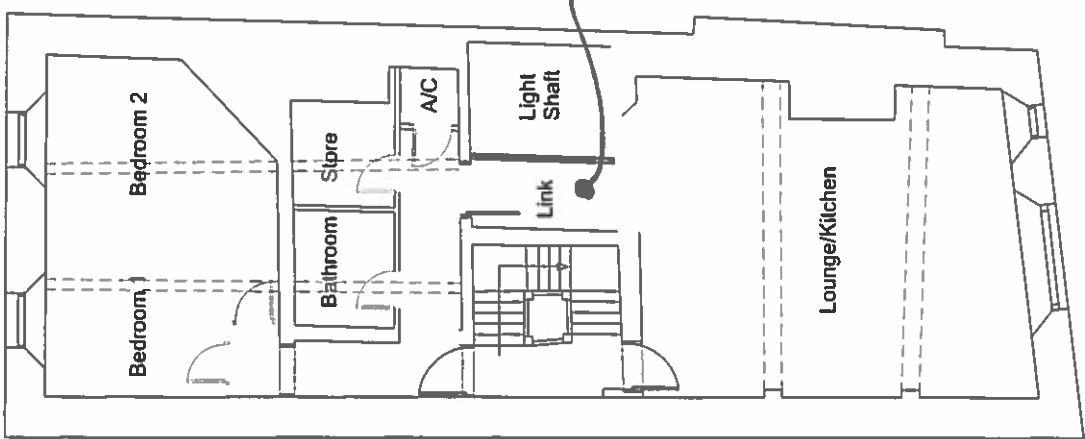
Garry Litherwood Associates Limited
 The Old Barn
 50 Westgate Road
 Wallasey CH45 8LG
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 F: 0151 013 3152

PROPOSED FLOOR PLANS

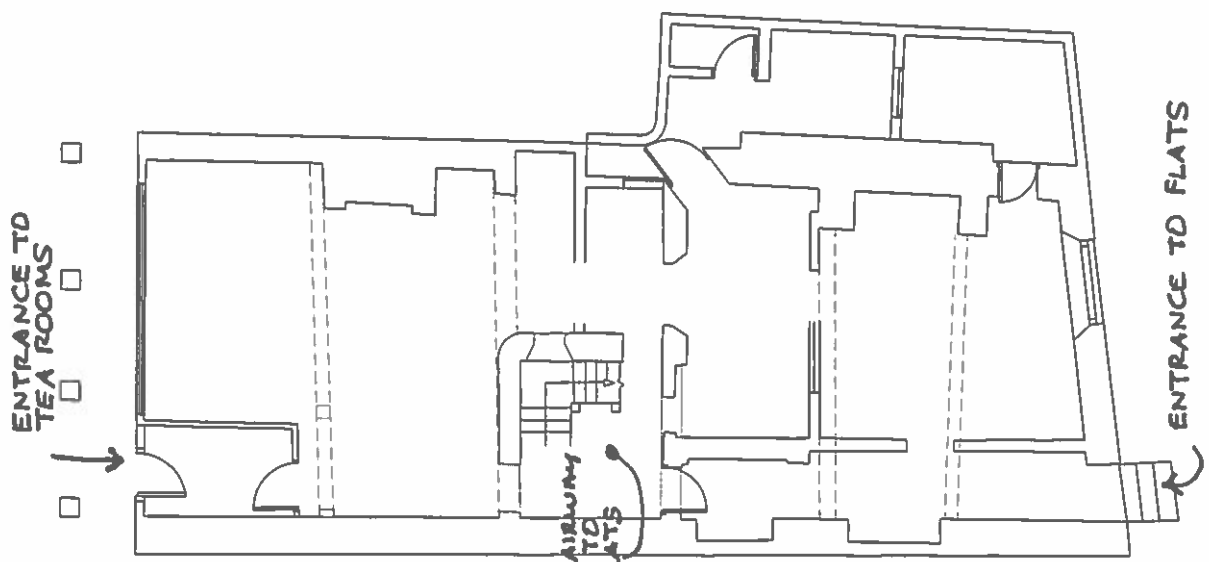
Job Reference: 411	Issue Date: 01/08/2014	Scale: 1:100 @ A3
Drawn By: 006	Project Name: Planning	Client: MHC LIMITED
Checked By:	Project Status:	Project: THE FORUM, HIGH STREET, DENBIGH
Drawn Reference:	Project:	Do not scale from this drawing. All dimensions to be checked and verified on site. Report any discrepancies to the Architect. This drawing is the copyright of Gary Unwinwood Associates (Ltd) and may not be used without the written consent of Gary Unwinwood Associates (Ltd).
Checked:	Project:	© 2014 Gary Unwinwood Associates (Ltd)



SECOND FLOOR



FIRST FLOOR

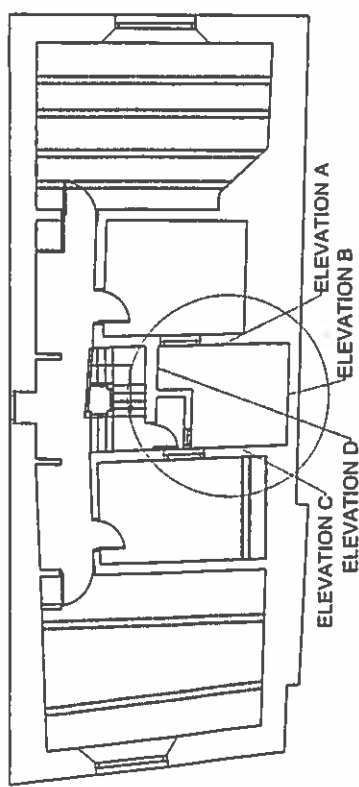


GROUND FLOOR

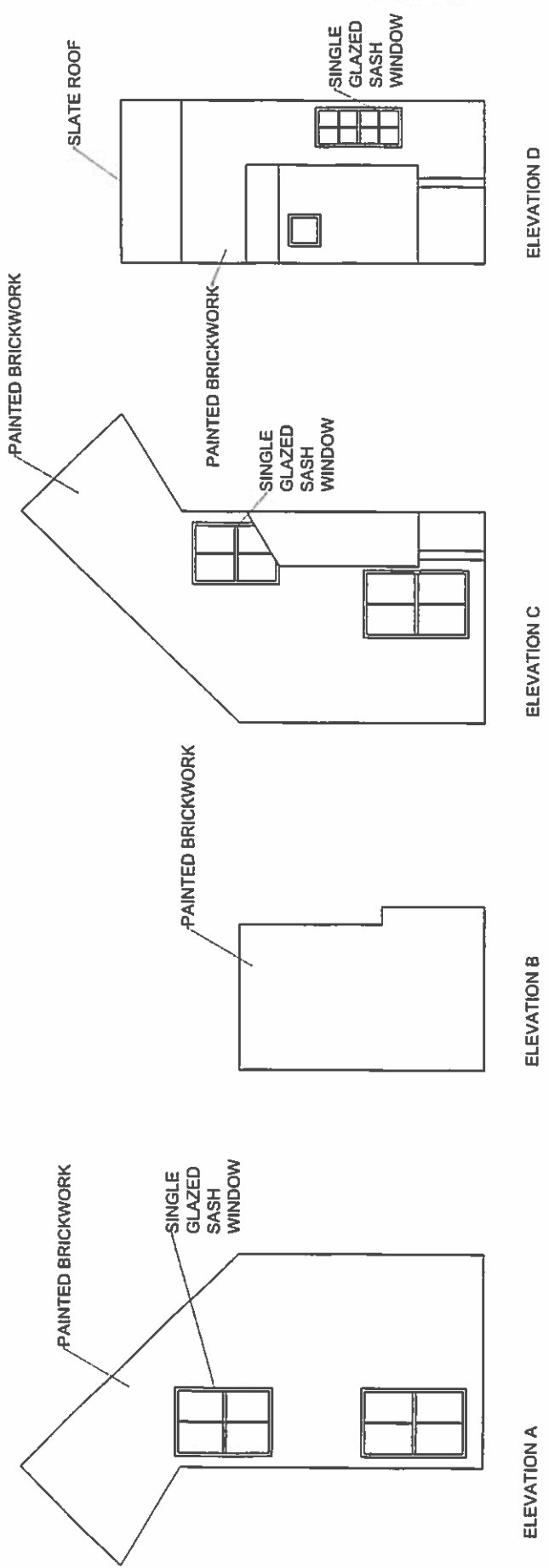
NEW LINK CORRIDOR AT 1st & 2nd FLOOR

INTERNAL COURTYARD ELEVATIONS AS EXISTING

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 Lead: [Signature]
 7515 15th St. N. #100
 Calgary, Alberta T2C 1K9
 403.243.1111



REFERENCE PLAN (Scale: NTS)



WARD NO: Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1599/ PF

PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats

LOCATION: The Forum 27-29 High Street Denbigh

APPLICANT: Mr John Felton, The Old Palace (Chester) Ltd.

CONSTRAINTS: Article 4 Direction
Listed Building

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Reported back to planning committee following request for deferral and site panel. Application was originally reported to Committee due to a Town Council objection and a recommendation to grant. The Town Council have subsequently removed the objection.

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

“Denbigh Town Council at its meeting last night further discussed the planning application for The Forum, 27-29 High Street. I am instructed to inform you that the town council does not wish to object to the application. However, whilst not objecting, the council would wish to raise concern as to the lack of a fire escape from the proposed accommodation on the first and second floors of the premises.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure
Highways Officer
No objection

Conservation Architect

No objection following submission of amended scheme and submission of additional justification of alterations.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 04/03/2014

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- Deferral at previous Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application and the accompanying listed building consent application were deferred at the December 2014 meeting of the Committee to seek

clarification of the detailing of the proposals, including the means of access to the proposed flats, and to allow for a site inspection panel to visit the site. The notes of the site panel visit are included on the late information sheets.

- 1.1.2 The proposal is for the conversion of the upper floors of an existing property to form 2 self-contained flats.
- 1.1.3 A 4m x 2.5m infill two storey extension is proposed to provide a link corridor for both flats.
- 1.1.4 Both units would be 2 bedroom flats. Both flats would have approximately 95m² of internal floorspace.
- 1.1.5 Various internal alterations are proposed to facilitate the conversions including blocking up of existing openings, forming new door openings and hanging new doors within existing openings.
- 1.1.6 Access to the flats would be from Back Row via a rear entrance.

1.2 Description of site and surroundings

- 1.2.1 The application property is a three storey building located on the High Street of Denbigh. The ground floor has most recently been used as a tearoom and is currently vacant.
- 1.2.2 The second floor of the flat has previously been used as a residential flat.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application property is a grade II listed building.
- 1.3.2 The site is located within the town centre and development boundary of Denbigh as defined in the Local Development Plan.
- 1.3.3 The site is within the Denbigh Conservation Area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 The scheme has been altered from 4no. self contained flats to 2no. self contained flats.
- 1.5.2 The link corridor was added to the proposals to facilitate the change from 4 units to 2 units.
- 1.5.3 Additional justification for physical alterations have been submitted following discussions with the conservation officer.
- 1.5.4 In relation to the detailing of the proposed plans Officers would advise that the level of detail provided is considered to be acceptable by the Conservation Officer following the submission of amended plans and additional historical information and justification.
- 1.5.5 An assessment of compliance with Building Regulations has been submitted as part of the supporting information. In relation to members concern relating to the means of escape the submitted supporting information advises that satisfactory means of escape can be achieved through the use of existing access to the rear and blocking up of existing door openings to the ground floor commercial premises.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC7 – Houses in multiple occupation and self contained flats

Policy BSC11 – Recreation and open space

Policy PSE8 – Development within town centres

Policy VOE1 – Key areas of importance

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

SPG7 – Residential Space Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Open Space

4.1.5 Highways (including access and parking)

4.1.6 Affordable Housing

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy BSC 7 is the detailed policy relating to Houses in Multiple Occupation & Self-Contained Flats. The policy states that the sub-division of existing premises to self contained flats will be permitted subject to the assessment of detailed criteria.

The Town Council originally raised concerns over the impact of the proposals on the viability of the commercial use of the ground floor.

The concerns of the Town Council are duly noted, however it is not considered that the potential impact on the commercial use of the ground floor would be a sufficient reason to resist the proposals. The proposals are therefore not considered to be unacceptable in principle.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6), stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting.

Having regard to the above and the detailing of the scheme, it is considered that the proposals would have an acceptable visual impact and would not detract from the character or appearance of the conservation area. The proposals are therefore in accordance with the policy requirements set out above.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc. SPG 7 states that 65m² will be the minimum required floor space for 2 bed residential units.

Policy BSC 7 states that proposals for conversion to self contained flats will be acceptable provided that the property is suitable for conversion to the number and type of flats proposed without unacceptably affecting the character, appearance and amenity standards of the locality (including cumulative effects of such proposals and the proposal conforms to the Council's approved space and amenity standards. The reasoned justification in relation to this policy states that self-contained flats can help to address the needs of those wanting to purchase or rent small units of accommodation, as well as providing a relatively affordable housing option for those wishing to purchase their first property. Whilst the creation of such flats helps to meet housing need, in some instances their provision can be detrimental to the amenity of existing residential areas. In addition, areas with high levels of flats are often associated with low levels of owner occupation, which in some instances can lead to lower standards of maintenance and associated environmental degradation issues. It is therefore important that the development of such dwellings is strictly controlled.

In terms of the size of the units, both of the proposed flats exceed the internal floor space standards set out in SPG 7.

In Officers opinion there are no issues of impact on the amenity of any nearby residential areas, and there are a relatively small number of flats in the town centre so the proposals would not add to any problems of low owner occupation. It is suggested that proposals are acceptable in relation to Policy BSC 7.

4.2.4 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The proposal is would lead to the net gain of 1 residential unit.

It is considered that the proposals would be acceptable in relation to open space subject to the requisite contributions being secured. It is considered that this could be done through an appropriately worded condition.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development. SPG 21 sets a maximum requirement for parking to be 1.5 spaces per 1 bed dwelling. This is a maximum requirement and mitigating circumstances such as access to off site parking and provision of public transport will be taken into account.

The Highways Officer has raised no objection.

As the site is in a town centre location with good access to public transport and access to on street parking and car parks, it is considered acceptable without on site parking spaces.

4.2.6 Other Matters

The detailed impact of the proposals on the character and appearance of the listed building are subject of a separate application for listed building consent (01/2013/1601/LB).

5. SUMMARY AND CONCLUSIONS:

It is considered that the proposals would be acceptable in relation to the relevant policy tests and are therefore recommended for grant.

RECCOMENDATION: 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 - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. None of the flats hereby approved shall be occupied until the written approval of the Local Planning Authority has been obtained to the arrangements for compliance with the Council's policies and Supplementary Planning Guidance in relation to the provision of Open Space - in the interest of compliance with adopted open space policies

NOTES TO APPLICANT:

None

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Agenda Item 7

WARD : Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1601/LB

PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats (Listed Building application)

LOCATION: The Forum 27-29 High Street Denbigh

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Heading:

REFERENCE NO. 01/2013/1599/PF & 01/2013/1601/LB
27-29 HIGH STREET
DENBIGH

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

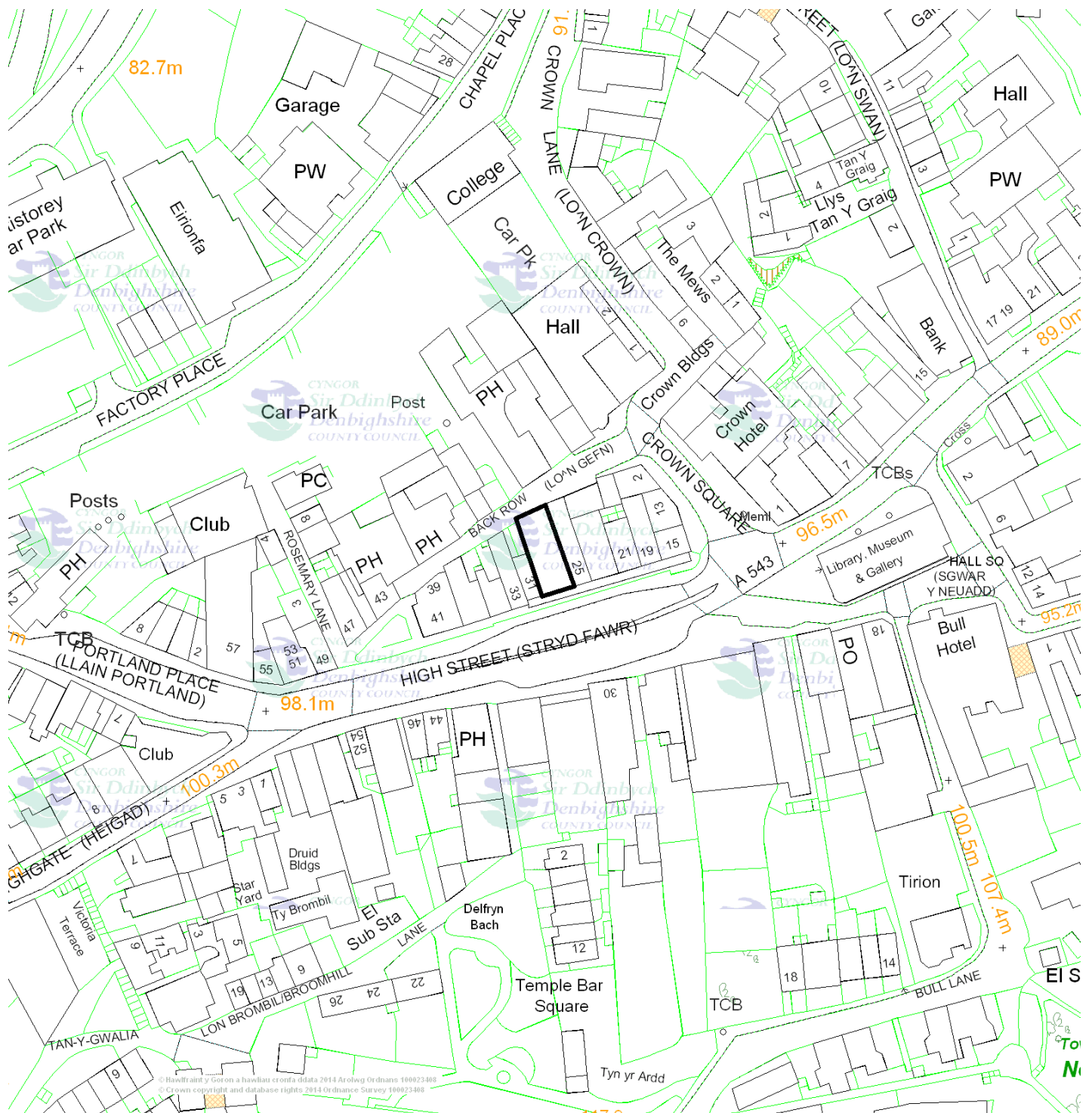
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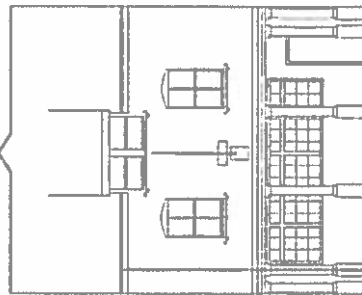
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Scale 1/1250

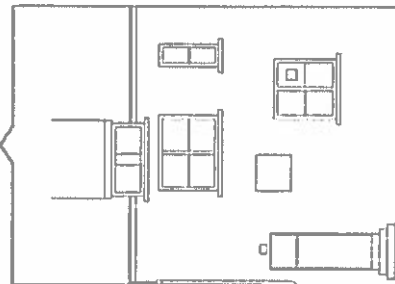
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



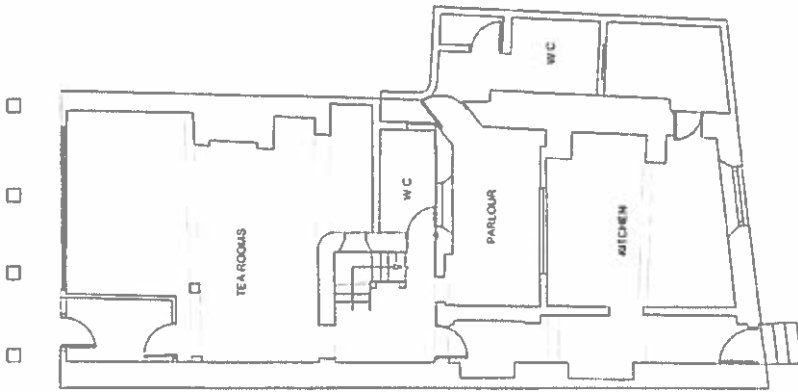
PLANS AS EXISTING



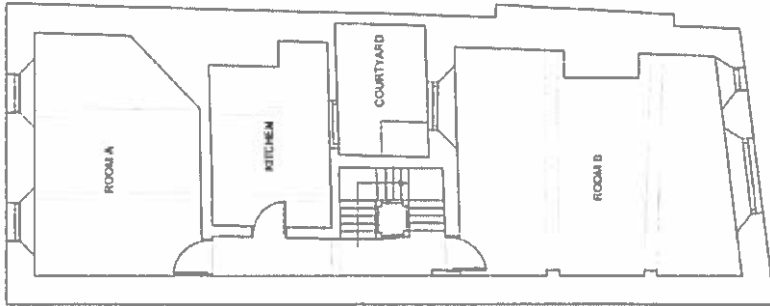
FRONT ELEVATION



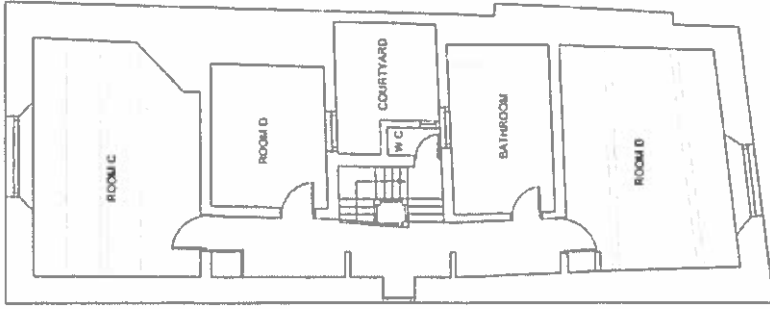
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Project
DENBIGH HIGH STREET

Drawing
SURVEY DRAWINGS

Job Number 411	Drawing Number 01	Revision
Scale 1:100-BA3	Date 03/12/2013	Drawn FN

Notes:
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The Old Barn
59 Northcote Road
Wallasey CH45 9LQ
T 0151 528 3184
E g.arnica@ushera.co.uk

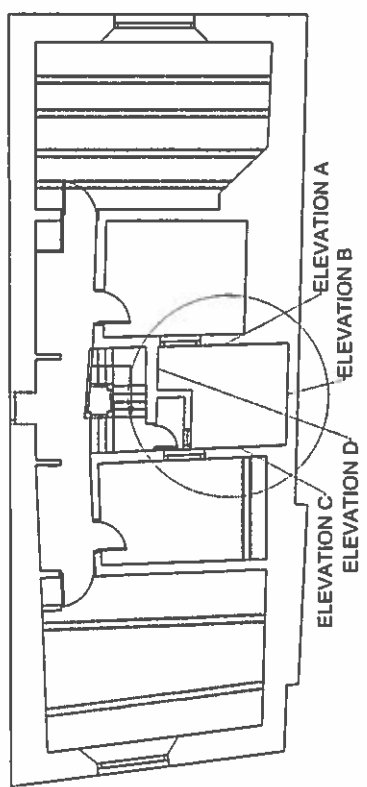
Scale: 1:100 @ A4	Date: 24/07/2016	Drawn By: FM	Project Status: Planning
411	004	Project: ATRIUM ELEVATIONS	
Client: MHC LIMITED			
Project: THE FORUM, DENBIGH			

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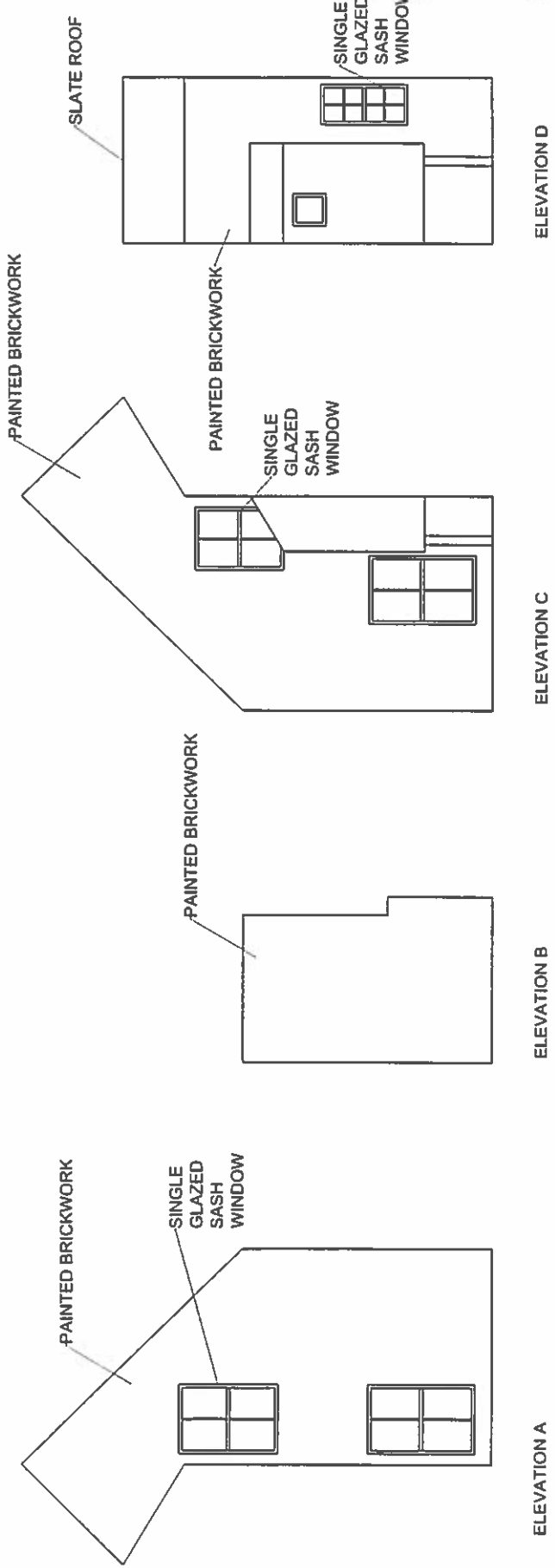
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 103 Old
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 Walsingham, Norfolk, NR21 1JH

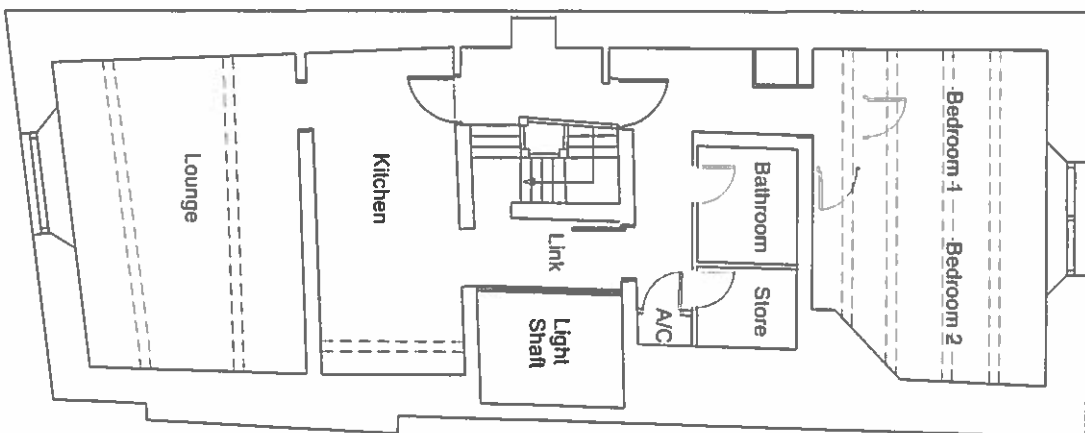
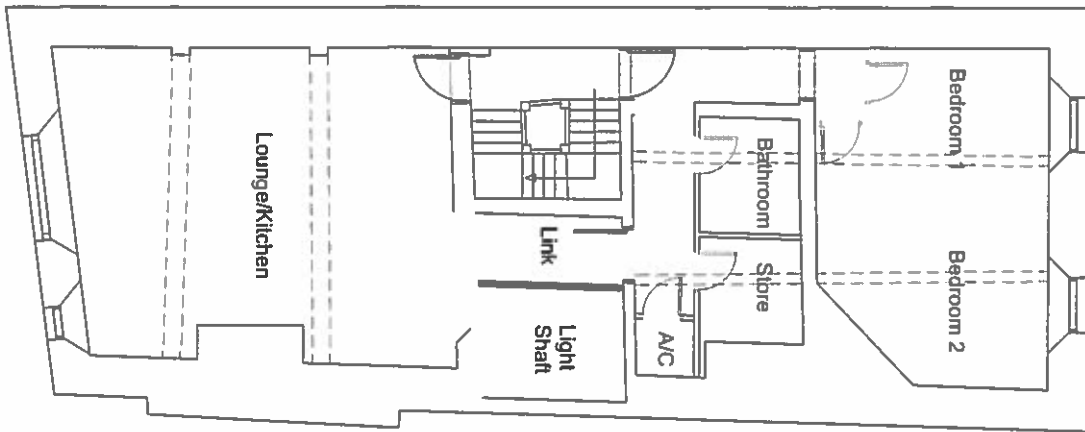
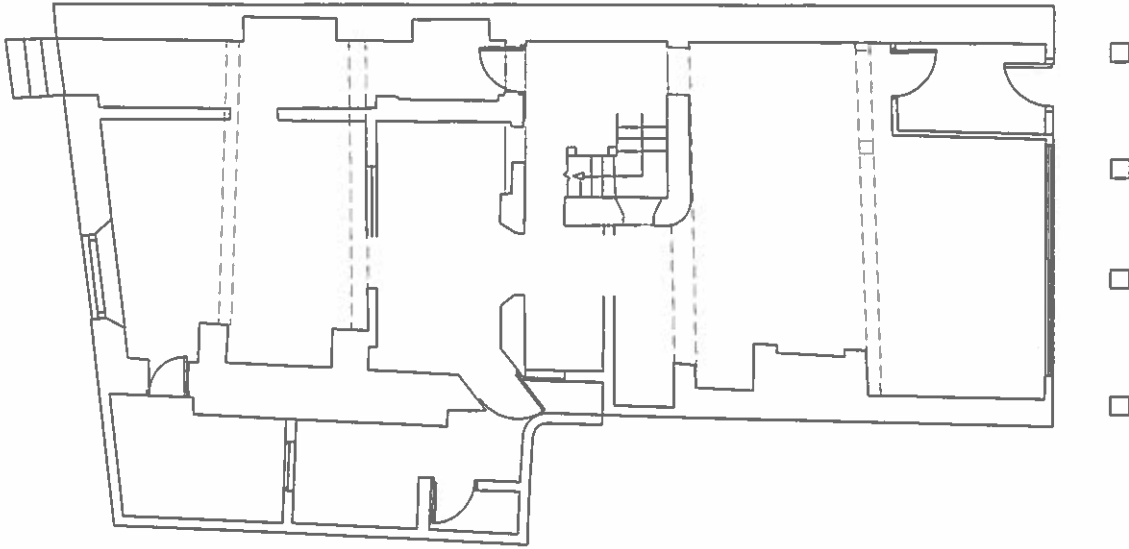
EXISTING ELEVATIONS




REFERENCE PLAN (Scale: NTS)



FLOOR PLANS



Job Reference: 411	Drawing Reference: 006	Revised:	Drawing: FLOOR PLANS FOR PLANNING	Notes: Do not scale from this drawing. All dimensions to be checked and verified on site. Report any discrepancies to the Architect. This drawing is the copyright of Garry Underwood Associates Limited and may not be used, copied or duplicated unless authorised by Garry Underwood Associates Limited.
Scale: 1:100@a3	Issue Date: 01/08/2014	Drawn By: FH	Project Status: Planning	Client: MHC LIMITED
			 <p>Garry Underwood Associates Limited 11 Old Bank 59 Mount Cole Road Wallasey CH45 6LQ</p>	

WARD : Denbigh Central

WARD MEMBER(S): Cllr Gwyneth Kensler

APPLICATION NO: 01/2013/1601/LB

PROPOSAL: Conversion of first and second floors to form 2 no. self-contained flats (Listed Building application)

LOCATION: The Forum 27-29 High Street Denbigh

APPLICANT: Mr John Felton The Old Palace (Chester) Ltd.

CONSTRAINTS: Listed Building
Town Heritage Area
Conservation Area

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

- Reported back to planning committee following request for deferral and site panel. Application was originally reported to Committee due to a Town Council objection and a recommendation to grant. The Town Council have subsequently removed the objection.

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

“Denbigh Town Council at its meeting last night further discussed the planning application for The Forum, 27-29 High Street. I am instructed to inform you that the town council does not wish to object to the application. However, whilst not objecting, the council would wish to raise concern as to the lack of a fire escape from the proposed accommodation on the first and second floors of the premises.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure
Highways Officer
No objection

Conservation Architect

No objection following submission of amended scheme and submission of additional justification of alterations.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 04/03/2014

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- Deferral and previous Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application and the accompanying planning application were deferred at the December 2014 meeting of the Committee to seek clarification of the detailing of the proposals, including the means of access to the proposed flats, and to

allow for a site inspection panel to visit the site. The notes of the site panel visit are included on the late information sheets.

- 1.1.2 The proposal is for the conversion of the upper floors of an existing property to form 2no. self-contained flats.
- 1.1.3 A two storey extension is proposed to provide a link corridor for both flats.
- 1.1.4 Both units would be 2 bedroom flats. Both flats would have approximately 95m² of internal floorspace.
- 1.1.5 Various internal alterations are proposed to facilitate the conversions including blocking up of existing openings, forming new door openings and hanging new doors within existing openings.

1.2 Description of site and surroundings

1.2.1 The application property is a three storey building located on the High Street of Denbigh. The ground floor has most recently been used as a tearooms and is currently vacant.

1.2.2 The second floor of the flat has previously been used as a residential flat.

1.3 Relevant planning constraints/considerations

1.3.1 The application property is a grade II listed building.

1.3.2 The site is located within the town centre and development boundary of Denbigh as defined by the Local Development Plan.

1.3.3 The site is within the Denbigh Conservation Area.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 The scheme has been altered from 4no. self contained flats to 2no. self contained flats.

1.5.2 Link corridor added to the proposals to facilitate change from 4no. units to 2no. units.

1.5.3 Additional justification for physical alterations submitted following discussions with the conservation officer.

1.5.4 In relation to the detailing of the proposed plans Officers would advise that the level of detail provided is considered to be acceptable by the Conservation Officer following the submission of amended plans and additional historical information and justification.

1.5.5 An assessment of compliance with Building Regulations has been submitted as part of the supporting information. In relation to members concern relating to the means of escape the submitted supporting information advises that satisfactory means of escape can be achieved through the use of existing access to the rear and blocking up of existing door openings to the ground floor commercial premises.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Supplementary Planning Guidance

SPG 14 - Listed Buildings

3.2 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

Circulars

Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Impact on Listed Building

4.2 In relation to the main planning considerations:

4.2.1 Impact on Listed Building

In terms of general guidance on matters relevant to the consideration of a Listed Building Consent, Planning Policy Wales Edition 5, 2012 (PPW) confirms that there is no statutory requirement to have regard to the Local Development Plan when considering applications for listed building consent. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

The Conservation Officer is satisfied that the proposals would not have an unacceptable impact on the Listed Building.

Having regard to the design and materials of the proposed alterations and extension it is considered that the proposal would preserve the setting, features of special architectural merit and historic interest of the building. The proposals are not therefore considered to have an unacceptable impact in relation to the Listed Building and are recommended for Grant.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposals would not have an unacceptable impact in relation to the Listed Building and are recommended for grant and referral to Cadw to determine whether to authorise the County Council permission to grant consent.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. **PRE-COMMENCEMENT**
Prior to the commencement of development a window repair statement and staircase protection method statement shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the details thereby approved

3. Prior to the installation of doors or windows details at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority and any installation shall be completed in accordance with the details thereby approved

The reasons for the conditions are:-

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interest of protecting character and appearance of the listed building
3. In the interest of protecting character and appearance of the listed building.

NOTES TO APPLICANT:

None

Agenda Item 8

WARD : Llangollen

WARD MEMBER(S): Cllr Stuart Davies
Cllr Rhys Hughes

APPLICATION NO: 03/2014/1067/ PO

PROPOSAL: Development of 0.06ha of land by the erection of a dwelling (outline application – inc. access)

LOCATION: Land at (Part garden of) Adenhurst Abbey Road
Llangollen

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Heading:

REFERENCE NO. 03/2014/1067/PO

ADENHURST

ABBEY ROAD, LLANGOLLEN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

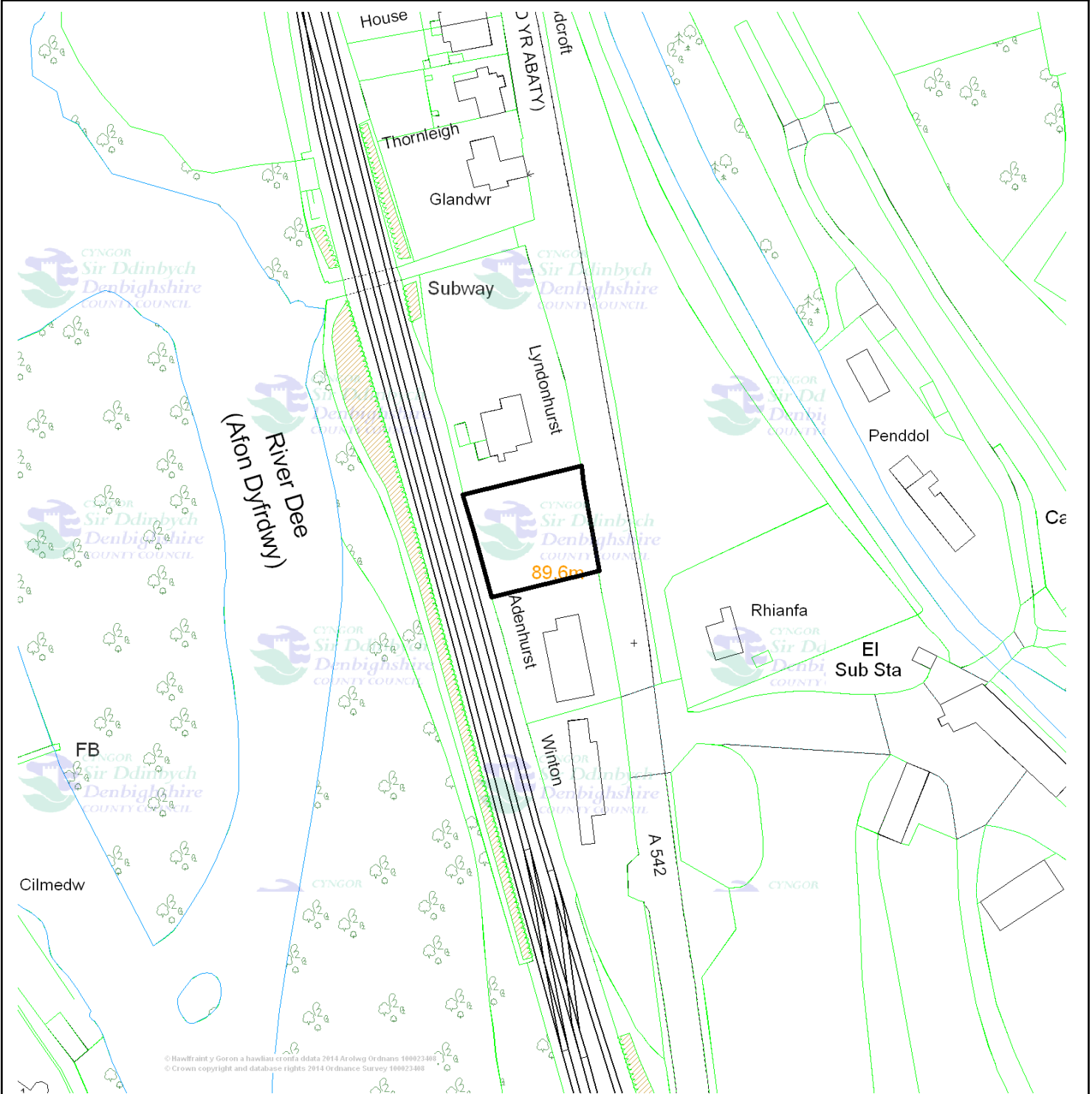


Date 5/1/2015

Scale 1/1250

Centre = 320978 E 342661 N

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



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SITE PLAN

Rev	Date	Detail	Planning Amends	S.M.E.	Initial
A	11/14				

Project:
Proposed dwelling adj to:
Adenhurst,
Abbey Road,
Llangollen, LL20 8SS

Title: Scale: (A3)
Planning: Site 1:500 &
& Location Plan 1:1250

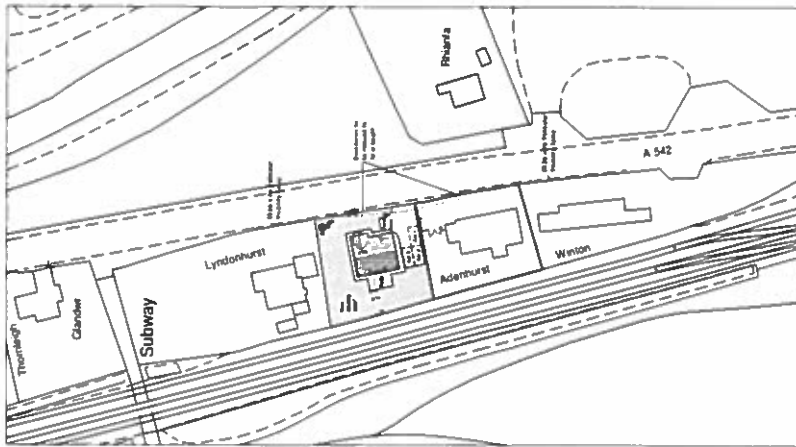
Drawn By: S M Eltham
Date: Sep 2014

Drawing No: P076/002
Sheet: 1 of 1

blueprint
architectural services

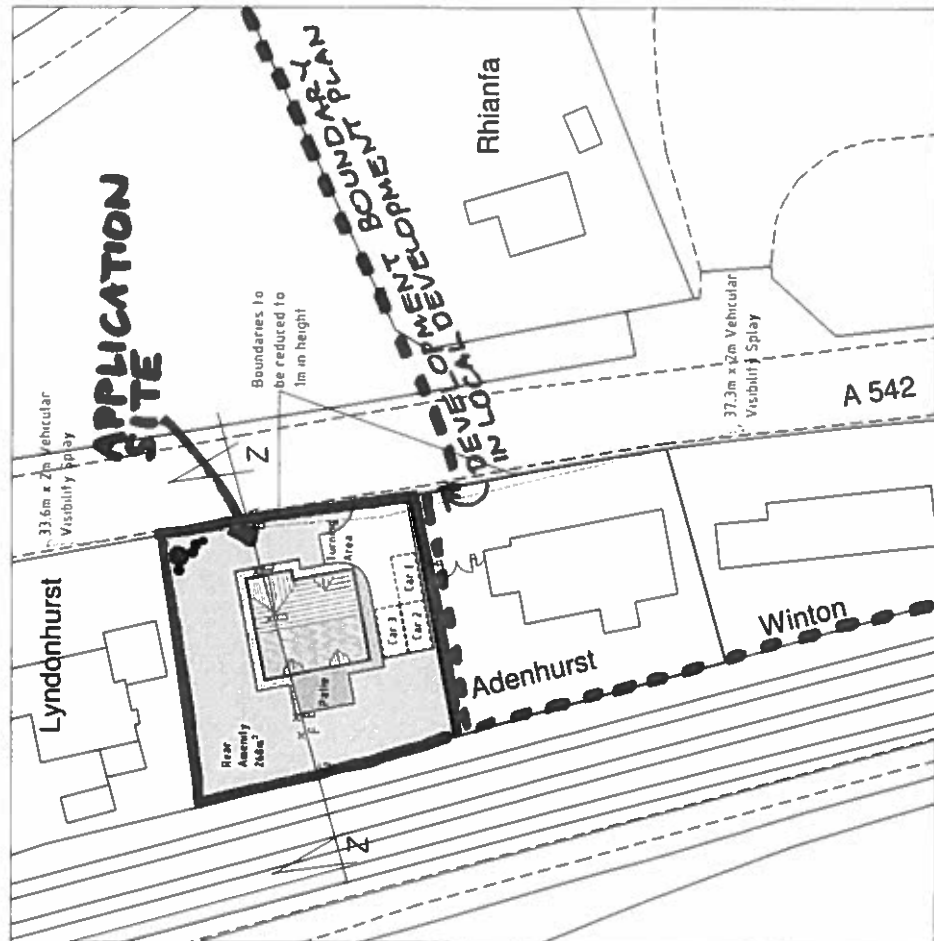
Redwither Business Centre,
Redwither Business Park,
Wrexham, LL13 9XR
Tel: 01978 356500
www.blueprintarchitectural.com

LABC
partner



Location Plan 1:1250

Position	Reduced Level
A	10.000
B	10.017
C	9.385
D (FFL)	9.464
E	9.153
F	8.296
G	7.185



Site Plan 1:500

WARD : Llangollen

WARD MEMBER(S): Cllr Stuart Davies
Cllr Rhys Hughes

APPLICATION NO: 03/2014/1067/ PO

PROPOSAL: Development of 0.06ha of land by the erection of a dwelling
(outline application – inc. access)

LOCATION: Land at (Part garden of) Adenhurst Abbey Road Llangollen

APPLICANT: Mrs Pearce

CONSTRAINTS: World Heritage Site Buffer
AONB

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL – “no objections”

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE – “The JAC notes the revised plans and reaffirms its previous comments that, although just outside the LDP Development Boundary for Llangollen, this site is clearly an infill plot within a well-established continuously developed frontage. In this context, the JAC has no objection to the development in principle. To maintain the rural character of the locality the JAC would emphasise the need to retain the frontage hedgerow and any significant trees on the site.”

NATURAL RESOURCES WALES- no objections

DWR CYMRU / WELSH WATER – no objections

CADW (World Heritage Site) – no objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure - Highways Officer: no objections

Conservation Architect – no objections

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 11/11/14

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Outline planning permission is sought for the development of a dwelling on part of the substantial garden area of Adenhurst, a detached bungalow on the west side of Abbey Road, in Llangollen. Details of access are included for consideration, but all other matters are reserved.
- 1.1.2 The proposal involves the use of part of the substantial garden area to create the plot, and the creation of a new access. These details are shown on the plans at the front of the report.
- 1.1.3 The indicative site layout plan suggests the proposed dwelling could have a footprint of some 90 square metres, with garden area in excess of 200 square metres, and parking for 3 vehicles.

1.2 Description of site and surroundings

- 1.2.1 Adenhurst is a large detached dwelling in a substantial plot lying between Abbey Road (the A542) and Llangollen Railway, opposite the entrance to the Eisteddfod grounds entrance.
- 1.2.2 The plot forms part of the side garden of the dwelling and lies between Adenhurst and a string of dwellings running north out of the town on the west side of Abbey Road. This relationship can best be appreciated by looking at the location plan at the front of the report.
- 1.2.3 The site boundaries are formed by long established hedgerows.

1.3 Relevant planning constraints/considerations

- 1.3.1 The development boundary of Llangollen in the Local Development Plan is located 10 metres to the south of the application site (see the plan at the front of the report), so it is outside that boundary.
- 1.3.2 As is the case with most land in this area, the site lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, the Buffer Zone of the Pontcysyllte Aqueduct and Llangollen Canal World heritage Site, a Special Area of Conservation, and a Site of Special Scientific Interest (the latter two being as a result of the proximity of the River Dee).

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 Initially the application was submitted as an outline application with all matters reserved. Following discussions with Officers, the application has been amended to include access.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC4 – Affordable Housing

Policy BSC6 – Local connections affordable housing in hamlets

Policy BSC8 – Rural exception sites

Policy BSC9 – Local connections affordable housing within small groups or clusters

Policy BSC11 – Recreation and open space

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

Policy VOE3 – Pontcysyllte Aqueduct and Canal World Heritage Site

Policy ASA3 – Parking standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 7

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual and residential amenity

4.1.3 Drainage (including flooding)

4.1.4 Highways (including access and parking)

4.1.5 Affordable Housing

4.1.6 Open Space

4.1.7 Area of Outstanding Natural Beauty/World Heritage Site

4.2 In relation to the main planning considerations:

4.2.1 Principle

The location of the site outside the current development boundary and the planning history set an interesting context for consideration of the acceptability of the principle of this proposal.

The development of this plot throws up a curious void in the current range of current policy and guidance. This is as a consequence of the delineation of the development boundary approximately 10 metres to the south of the site, excluding the plot and a long string of residential development running north along Abbey Road, which are in all other respects part of Llangollen town.

There are no policies in the Local Development Plan which apply directly to the development of what Officers would describe as a clear 'infill' plot within the built up area of a town. Infill would involve filling a small gap in a continuously developed

frontage of residential development, and it is suggested that this is the case at Adenhurst, as will be apparent from the location plan at the front of the report:

- BSC4 sets a requirement for affordable housing provision on developments of 3 or more residential units. The development is for a single dwelling.
- BSC6 relates to local connections affordable housing in hamlets. The site is physically part of Llangollen town and is not a hamlet.
- BSC8 relates to Rural Exception Sites and to affordable housing only developments on the fringes of settlements other than Bodelwyddan and designated 'lower growth' towns such as Llangollen, hence does not apply to the application site
- BSC9 relates to Local Connections Affordable Housing within small groups or clusters in countryside locations. Officers would not consider the site is in the countryside and does not fall for consideration under this policy.

Planning Policy Wales 7, 2014 provides general guidance on the principles of housing development, and in 9.3 suggests sensitive infilling of small gaps within small groups of houses may be acceptable, dependent on the character of the surroundings. This reflects a long established national approach to the acceptability of infill development.

Having due regard to the above, Officers opinion is that the development should be regarded as acceptable in principle as it considered not unreasonable to regard the proposal as a simple infill covered by Planning Policy Wales.

4.2.2 Visual and residential amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual and residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

In the absence of detailed plans a full assessment cannot be made on the impact on the amenity of adjacent occupiers, however on the basis of the indicative layout and site plan, it is considered that a dwelling could be accommodated on the site without significant harm to residential amenity given the separation distances which are possible. Whilst the size of the footprint is to be considered at the reserved matters stage, it is clear from the indicative plans which suggest a building footprint measuring 9metres by 10 metres, parking and turning for three vehicles and a garden area of approximately 260sqm, that a dwelling could be accommodated without resulting in an overdevelopment of the site.

In respect of the above, it is considered that the proposal to develop the site by way of one dwelling is unlikely to have a detrimental impact upon the amenity of the area and the proposal complies with relevant development control principles.

4.2.3 Drainage (including flooding)

Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

There are no flooding issues raised by Natural Resources Wales. Dwr Cymru Welsh Water requires separate foul and surface water systems.

It is considered that the Dwr Cymru requirements can be met through a suitably worded planning condition.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications.

The Highways Officer has no objections subject to completion of the access arrangements including the parking and turning spaces in conjunction with the development.

Subject to the addition of the condition suggested by the Highways Officer, it is considered the access arrangements in connection with the development are acceptable.

4.2.5 Affordable Housing

Section 4.2.1 of the report outlines Officers' interpretation of the planning policy situation relating to the development on the plot, and suggests there is no basis for an affordable housing requirement given the background.

4.2.6 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The proposal is for a single dwelling. Within close proximity to the site is an area designated as public open/recreation space.

It is considered that in this instance the provision of a commuted sum is preferable to the option of on site provision, given that the proposal is for a single dwelling. It is therefore considered that the proposal is in accordance with Policy BSC 3 and Policy BSC 11, subject to a condition to secure the mechanism by which the commuted sum would be secured.

4.2.7 Area of Outstanding Natural Beauty/ World Heritage site

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation. Policy VOE3 of the Local Development Plan relates specifically to development which may impact on the Pontcysyllte Aqueduct and Canal World Heritage Site and its Outstanding Universal Value, and in particular the authenticity and integrity of the attributes which justified its designation. It indicates that development which would lead to harm to the attributes will not be permitted, and refers to the setting of the World Heritage Site as a key material consideration. SPG 26 – Pontcysyllte Aqueduct and Canal World Heritage Site provides guidance on the determination of applications that may affect the Site and its setting. Planning Policy Wales (Section 6.5.24) reiterates that the World Heritage Site is a material consideration in the determination of applications, and that impact on the site and its setting should be carefully considered.

There are no AONB or World Heritage Site concerns over the development from the AONB Committee or CADW.

In respect of the above, it is considered that the proposal to develop the site by way of one dwelling is unlikely to have a detrimental impact upon the character of the AONB or World Heritage Site Buffer Zone.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with adopted planning policy, and is in support of general development strategies.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the building(s), landscaping, scale, layout and appearance of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years 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.
5. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
6. **PRE-COMMENCEMENT CONDITION**
No development shall be permitted to commence until the mechanism for securing a contribution towards the provision of recreational open space has been agreed in writing by the Local Planning Authority and such contribution has been made.
7. **PRE-COMMENCEMENT CONDITION**
No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To provide for the 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.
6. In the interests of providing public open space.
7. To ensure satisfactory drainage of the site and to avoid flooding.

NOTES TO APPLICANT:

None

Agenda Item 9

WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw Williams

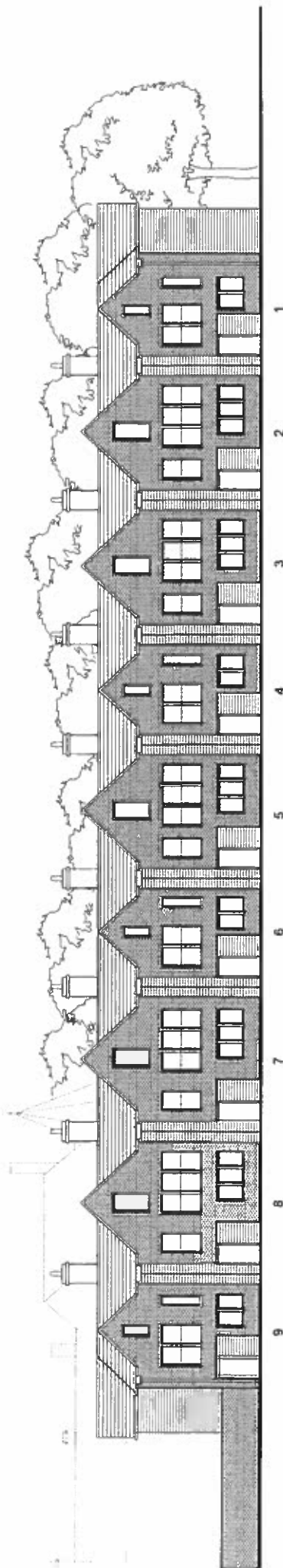
APPLICATION NO: 16/2014/1020/PF

PROPOSAL: Demolition of Llanbedr Hall and erection of 9 no. three-storey dwellings, and associated works

LOCATION: Llanbedr Hall Llanbedr DC Ruthin

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PROPOSED ELEVATIONS



NORTHERN ELEVATION - INNER CURVE

MATERIALS

Chimney - Dark red brown brick.

Roof - Slate.

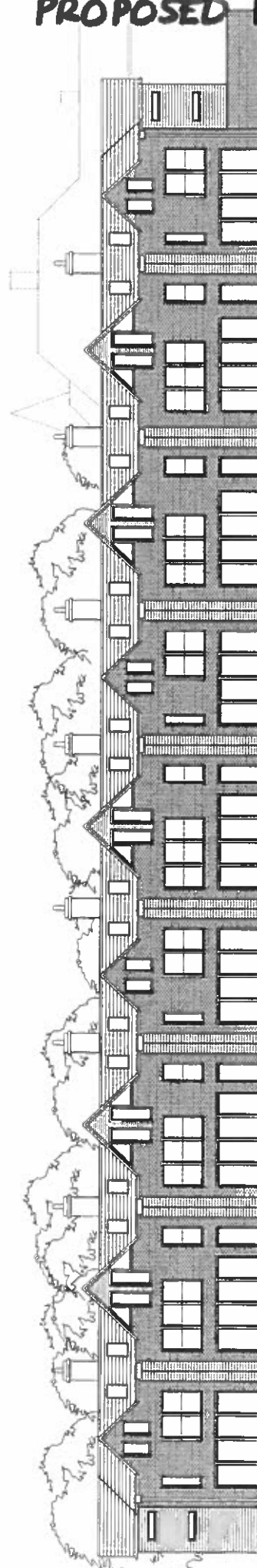
Porch and garden shed roofs - Matt grey metal.

Walls - Dark red brown brick.
- Natural stained timber boards.

Windows - Grey metal frames clear glass.

Doors - Grey metal frames clear glass.

Ridge height Llanbedr Hall - 11 m
Ridge height Houses - 8.5 m



SOUTHERN ELEVATION - OUTER CURVE

Notes:
1 Any long curved drawings to be used only in conjunction with and at the discretion of the architect.
2 Glass 'C' & 'D' only (Consultation)
3 All dimensions are to be finished on site by the contractor unless otherwise stated. All dimensions are in millimeters.
4 Unless otherwise stated, all dimensions are to be taken to the face of the work unless otherwise stated.
5 All work to be done in accordance with the relevant British Standards and other applicable codes of practice.
6 All work to be done in accordance with the relevant British Standards and other applicable codes of practice.
7 This drawing is intended for use as a guide only and should not be used for the purpose of construction or other work.
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Rev.	Date	Drawn	Checked	By	For
1	27/04/14	PH	TS	AS	AS
2	27/04/14	PH	TS	AS	AS
3	27/04/14	PH	TS	AS	AS

Rev.	Date	Drawn	Checked	By	For
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1	27/04/14	PH	TS	AS	AS
2	27/04/14	PH	TS	AS	AS
3	27/04/14	PH	TS	AS	AS

Donal Insall Associates Chartered Architects and Interior Designers	
Brynegwaln House, 5 Bridge Place, Chester CH1 1SA T: (+44)1244 250 083 www.donalinsall.co.uk	
Project	LHR.09 No P2201
Scale	1:200
Sheet	A3) 1-2-0-0-P

WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw Williams

APPLICATION NO: 16/2014/1020/PF

PROPOSAL: Demolition of Llanbedr Hall and erection of 9 no. three-storey dwellings, and associated works

LOCATION: Llanbedr Hall Llanbedr DC Ruthin

APPLICANT: Mr Rod Cox

CONSTRAINTS: AONB

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANBEDR DC COMMUNITY COUNCIL - The chair of the committee has responded as follows:

"We have discussed the application and comments to be made are that we have concerns over construction traffic as the local road infrastructure will be put under significant pressure during construction. Following construction there will also be increased traffic using Lon Y Mynydd and Lon Cae Glas which are already hazardous single track roads; increased pressure on these roadways will cause increased risks to road users, pedestrians and local residents. We also have concerns over the drains and whether the current and planned drain infrastructure will be sufficient. We would ask that consideration is given carefully to these points and conditions are imposed to manage them as necessary. In addition, we have previously stated that no new roadways/drives should be constructed to the front of the hall near to Old St Peter's Church."

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

"The JAC would have preferred the hall to be conserved and sensitively adapted for residential use, but accepts that this is no longer a realistic or viable option.

This new scheme for redevelopment of the site is a considerable improvement over previously refused applications. The design approach reflects the sensitive rural setting and the need to minimise visual impact on the wider landscape by retaining and managing the existing woodlands and tree cover which helps screen the site, and limiting the height of the proposed building to below that of the existing hall. The proposed landscape management plan is also welcomed. The principle of a single, curvilinear replacement building as an extension of the footprint of the hall is also accepted, and respects the amenity of nearby properties. The JAC would however suggest that the siting should be modified slightly to enable the TPO protected Lime tree (T3) to be retained.

The specification on natural blue/grey slate for the roof is welcomed, and the JAC would recommend that the colour of the central flat roof section should match the slate to minimise visual impact when viewed from the higher ground of the AONB to the north and east. The JAC has some concerns about the extensive use of red/brown brick for the elevations, which is not a commonly used traditional wall facing material in this part of the AONB. An appropriate render and/or traditionally finished natural local stone finish would be the preferred option, but the JAC notes that the final selection of materials can be conditioned.

The JAC also notes that the provision of affordable housing for local people does not appear to have been considered as part of the scheme, but the committee would suggest that the planning authority negotiate an appropriate financial contribution from the developer to invest in new affordable housing elsewhere in the AONB." (AONB Management Plan Policies: PCP1 and PCP3)."

NATURAL RESOURCES WALES – Have made extensive comments relating to surface water, foul drainage, demolition/water, protected sites, protected species and biosecurity. No objection is raised subject to conditions being included to deal with the following issues:

- The submission and agreement of a drainage scheme for the site;
- The submission and agreement of a detailed bat roost retention report and/or compensation proposals along with reasonable avoidance measures (RAMS), an appropriate external lighting scheme, and a long-term ecological site security and site management proposal with post-project monitoring;
- The submission and implementation of a Biodiversity Risk Assessment.

CLWYD POWYS ARCHAEOLOGICAL TRUST – Comments awaited at the time of this report.

DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES –

Highways Officer – Has advised that having regard to the existing use rights and planning history, there are no objections to the proposals in respect of the adequacy of the highway network. Parking provision for the units and construction stage arrangements need to be the subject of conditions.

Biodiversity Officer –

"The current application and permission 16/2013/0189 (Garages at Llanbedr Hall) are inextricably linked, since the mitigation for bats in the current proposal is provided under the existing garage permission. I am satisfied with bat mitigation, but details of a compliance audit scheme, long-term monitoring and long-term site security still need to be agreed, either predetermination or as a pre-commencement condition. A method statement for the demolition of Llanbedr Hall needs to be submitted and agreed, specifically referencing measures to avoid any harm to bats, including timing of works.

Some trees on site are proposed for removal. A bat survey should be undertaken by a licensed ecologist, consisting initially of a thorough inspection during daylight hours followed by an emergence/re-entry survey if necessary. The results and mitigation proposed should be submitted for approval.

Badgers are present on the site; the Review of Ecological Survey Work (Eco-Scope, August 2014) recommends an update survey to be undertaken prior to the commencement of works. A pre-commencement badger survey should be conditioned.

As a condition of any permission granted:

No removal of hedgerows, trees or shrubs, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately beforehand and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

I also advise that the proposal would only be able to proceed under a derogation licence from NRW in respect of the bat species."

RESPONSE TO PUBLICITY:

Mrs M.C. Lowe - Rhiwisg, Llanbedr DC
P D Anderson Esq, Ladycot, The Bwlch, Llanbedr DC
P. J. Lowe, Rhiwisg, Llanbedr D.C
Mr. G. Alford, 17, Tan y Bryn, Llanbedr D.C. x 2
C. Atwill, 2 Y Lllys, Llanbedr Hall, Ruthin
A and A M Warburton, Longwater, Llanbedr Hall
Mr L Gooderham, 2 Bryn Adar
S. Jones, Plas Tan y Bwlch, Llanbedr D.C.
D Hughes, Carneddi, Llanbedr D C .
P. Meaden, 2, Y Lllys, Llanbedr Hall, Llanbedr
Rev'd A V & Mrs R M Shufflebotham, 5 Tan y Bryn, Llanbedr DC
R H Houghton, 4 Y Lllys, Llanbedr Hall, Ruthin
Dr D & Mrs S Howells - 16 Tan y Bryn, Llanbedr DC
D Hughes, Carneddi, Llanbedr Dyffryn Clwyd
Patricia Galloway - 1 Tan y Bryn
Mr. & Mrs. K. V. Parry, The Sycamores, Llanbedr
J. Thelwall, 39, Kingsmuir Road, Mickleover, Derby
Mr McQueen, Cedar Gardens c/o Kerry James Planning
B. Stapleton, The Quentin, Lon y Mynydd, Llanbedr
W. Banks, 5, Maes Celyn, Llanbedr D.C.
Darren Millar, AM

In objection

Summary of planning based representations in objection:

- Principle of development
A previous appeal was dismissed; The development in is the open countryside; No market for the type of homes proposed; Loss of the hall and the consequent identity of the area; The hall is structurally sound, there is no justification for its loss; The lack of maintenance of the hall in recent years has led directly to its current state and is preferable that it is refurbished; The scheme is contrary to LDP Policies RD 4, BSC 4, RD 1 and VOE 2; Too many units proposed;
- Visual / landscape impact
Impact on the AONB and setting of Offa's Dyke trail; Harmful impact on the character and appearance of the area; Visual impact in a sensitive area; Character and appearance of the old Llanbedr church would be altered; Loss of a protected Lime (T3 on the submitted tree report).
- Highway impact
Inappropriate parking provision of one space per dwelling; Construction traffic and detriment to traffic and pedestrians; Vehicular access is already difficult via either entrance;
- Substantial increase in floor area;
- Impact on existing utilities;
- The scheme makes no provision for affordable units.

EXPIRY DATE OF APPLICATION: 30/10/2014

REASONS FOR DELAY IN DECISION (where applicable):

- Consideration of the scheme and representations received

- Awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the demolition of Llanbedr Hall and the erection of a single three-storey block containing 9 four-bedroom houses arranged in a crescent shape.
- 1.1.2 The eastern end of the block is shown as standing on part of the footprint of the existing hall, with the crescent then leading out to the west for a distance of 65 metres. The details are best appreciated from the plans at the front of the report.
- 1.1.3 Car parking for the dwellings is shown as one space to the front of each unit along with a larger central parking area to the north of the block. Access to the new units will utilise the existing driveways to the north west and north east.
- 1.1.4 The block is shown as being three-storeys in height although the uppermost floor is set into the roof space, with windows to the front and rear only and with the development using gable ended roofs to the front and rear and flat roofs on the upper floor to the rear of the gables. The materials of construction are stated as being dark brown/red bricks with a grey slate roof and using dark grey metal framed windows and doors. A hard gravel forecourt is proposed for the vehicle parking areas.
- 1.1.5 The internal layout for each property is shown as having a kitchen, wc and reception room on the ground floor with a family room, bedroom and en-suite on the middle floor, and three further bedrooms on the upper floor along with a bathroom. Each unit is identical in layout and size, other than the two end units which also have a full height extension to each end to allow for additional accommodation. Each property has its own garden to the rear (south) along with communal gardens around the development.
- 1.1.6 In addition to the submitted plans, the application is accompanied by the following supporting documents:
 - Design and Access Statement
 - Historical Appraisal
 - Tree Report
 - Ecological Survey
 - Design, Landscape and Heritage Impact Assessment
 - Structural Inspection
- 1.1.7 The Design and Access Statement suggests that the site is very accessible in terms of both private and public links, and that full account has been taken of other setting of the site within the AONB. The statement concludes that *“The development can be comfortably developed within the site, with existing landscaping to be maintained to ensure screening of the dwellings.”*
- 1.1.8 The Historical Appraisal notes the background to the hall and the site in general back to the Medieval period, and suggests that if the hall is demolished then remedial actions should be undertaken to record any archaeological features or other matters of interest.
- 1.1.9 The submitted Tree Report assesses a total of seven individual trees (Birch, Rowan, Giant Redwood, Mulberry, Oak and two Limes) along with one group (Lawson Cypress). The report referred to the original proposal to fell a Lime (T3) which is considered to be Category B for condition and Category A1 for quality, with a life expectancy of over 30 years. The siting of the block of dwellings has been revised to avoid the removal of this tree.

- 1.1.10 The Ecological Survey provides an update to a previous report which was submitted in 2009 to accompany a previous application at the site, and adjudges that the previous report remains fit for purpose with no significant changes to the circumstances of the site. It is suggested that the enhancement proposals put forward in the report will have a positive effect on the nature conservation value of the site and the local area.
- 1.1.11 The Design, Landscape and Heritage report reviews the setting of the site along with potential options for its future sustainability including the conversion of the hall, but concludes that the poor structural condition of the property and unviable future of its retention, together with the potential benefits of the scheme, provide the exceptional circumstances that justify the form of development proposed.
- 1.1.12 The final supporting document, the Structural Inspection, is dated June 2008 and concludes that demolition and re-building or redevelopment of the site is the only viable and cost effective option.
- 1.1.13 As referred to in paragraph 1.1.9, the location of the block of dwellings has been revised in response to concerns expressed at the potential loss of a mature lime tree. This has involved moving the block approximately 2.5 metres to the north west of the position shown on the original submission.

1.2 Description of site and surroundings

- 1.2.1 Llanbedr Hall is a late Victorian building set in landscaped grounds. The front part of the hall is constructed in buff brick with red brick detailing and a steeply hipped slate roof, and incorporates a corner tower along with gabled and dormer features.
- 1.2.2 The rear part of the hall is a predominantly two storey rendered structure with slate pitched roof. The hall benefits from substantial formal landscape gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the back drive to the main hall.
- 1.2.3 The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Tree Preservation Order.
- 1.2.4 To the south-west of the main hall is a walled garden area containing a former boiler room and glass house which has recently gained permission to be converted into a dwelling (see planning history).
- 1.2.5 There are public footpaths which run through and adjoin the site, including one which runs past the listed building of the remains of St Peter's Church which lies to the west of the hall.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies outside of the development boundary for the village of Llanbedr DC and is set within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the Vale of Clwyd Historic Landscape, but without any other specific designation in the Local Development Plan. Public Footpaths 14 and 37 run through and abut the site.

1.4 Relevant planning history

- 1.4.1 There has been a complex planning history to the Llanbedr Hall site. For the purposes of the assessment of the current planning application this can be summarised as follows:

- The commercial use of the hall as a restaurant ceased sometime before 2004. This resulted in an application to convert the restaurant into 2 self-contained dwellings which was granted in 2005.
- In 2006 the Council approved a planning application for the conversion and alterations of existing flats and restaurant to create 20 self-contained flats. This permission has now lapsed.
- In 2007 the owner of the hall submitted a planning appeal under section 78 of the Town and Country Planning Act 1990 in relation to two conditions relating to highway/access matters. This appeal was allowed and the conditions were duly varied.
- The most recent previous application at the site was reference 16/2009/0941/PF for the demolition of Llanbedr Hall and its replacement with 9 detached family houses set in the gardens, and the refurbishment, extension and change of use of the adjacent garages to provide 1 dwelling. This application was assessed against the policies of the now superseded Unitary Development Plan and was refused on 15 February 2012 for the following reasons:

“1. It is the opinion of the Local Planning Authority that the replacement of the hall in the manner proposed is in direct conflict with tests iv, v, and vi of Policy HSG 8 of the adopted Denbighshire Unitary Development Plan. Insufficient justification has been provided to show that the replacement of the hall with a substantially different type of dwelling in terms of its siting, size, scale, form, design and materials is acceptable and would not have an unacceptable effect on the landscape, and the scheme fails to show that an overall environmental improvement will be achieved.

2. It is the opinion of the Local Planning Authority that the residential dwellings proposed would have an unacceptable impact on the character and appearance of the site and the Area of Outstanding Natural Beauty in which it is located by reason of their size, scale and form. The proposal would neither conserve nor enhance the natural beauty of the area, in direct conflict with Policy ENV 2 of the Denbighshire Unitary Development Plan.”

- The above decision was taken to an appeal (ref APP/R6830/A/12/2181528) which was dismissed on 28 February 2013. In arriving at his decision, the Inspector concluded in paragraph 18 of the decision letter that:

“I have taken into account all other matters raised, including the intended design of the proposed houses to a high level of sustainability and the comments of the Design Commission for Wales in connection with an alternative proposal, but nothing outweighs the considerations that have led me to my main conclusion that the proposed development would be unacceptably harmful to the character and appearance of the area and would not conserve and enhance the natural beauty of the AONB. It would be contrary to UDP Policies GEN 3, HSG 8 and ENV 2.”

- The 2013 appeal decision also confirmed that there was general agreement between the parties that the hall has an existing lawful use for 11/12 flats and a restaurant.
- In addition to the application site, the boiler house/glasshouse which lies to the west of the hall obtained consent at appeal on 14 October 2014 for its extension and conversion into a single dwelling.

1.5 Developments/changes since the original submission

- 1.5.1 The issue of the need to fell the protected Lime (T3 in the Tree Survey) has been the subject of ongoing discussion with the agent, and it has been confirmed that the block can be resited to ensure the retention of the tree.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 16/2004/1450/PF – Change of use from restaurant to 2 self-contained dwellings: Granted by Committee on 26 January 2005.

2.2 16/2006/0872/PF – Conversion and alterations of existing flats and restaurant to 20 self-contained flats and construction of associated parking areas: Granted by Committee on 10 October 2006.

2.3 Appeal 2042164/WF – Against Conditions 6 and 9 on the above permission: Allowed on 30 July 2007.

2.4 16/2007/1363/PO – Demolition of main hall (11 flats) and development of 0.33 ha of land by the erection of replacement building containing 11 flats and erection of 6 dwellings within grounds and alterations to existing vehicular access (outline – all matters reserved for further approval): Refused on 15 February 2012.

2.5 16/2011/0691 – Conversion and extension of the former garages into 1 dwelling with a designated bat roost in the roof void: Granted by Committee on 28 September 2011.

2.6 16/2009/0941/PF – Demolition of Llanbedr Hall and its replacement with 9 detached family houses set into the gardens, and the refurbishment, extension and change of use of the adjacent garages to provide 1 dwelling: Refused 15 February 2012.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4 June 2013)

Policy RD4 – Replacement of existing dwellings

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy VOE1 – Key areas of importance

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

Policy VOE5 – Conservation of natural resources

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance
Affordable Housing SPG

3.2 Government Policy / Guidance
Planning Policy Wales Edition 7 July 2014
Technical Advice Notes
Circulars

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Loss of the Hall
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Biodiversity
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology
- 4.1.8 Affordable Housing
- 4.1.9 Area of Outstanding Natural Beauty/Area of Outstanding Beauty
- 4.1.10 Sustainable Buildings

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

Officers suggest the fundamental issue to be addressed here is whether the principle of replacing a single building in the open countryside which has been used as flats with a building containing a row of terraced dwellings, fits with the general aims of the policies of the Local Development Plan.

The 2013 appeal decision confirmed that there was agreement between the parties that the hall has an existing lawful use for 11/12 flats and a restaurant. Whilst this is slightly different to the statement in the submitted Design and Access Statement (on page 23) that the building has an established residential use for 12 flats and a restaurant, it must be accepted for the purpose of the current submission that the hall can be lawfully utilised for at least 11 flats and that the scheme proposes to develop 9 dwellings, albeit of a larger form, and for houses rather than flats.

The only relevant policy within the LDP which relates to the replacement of dwellings outside settlement boundaries is Policy RD 4, which reads as follows:

“Proposals for the replacement of an existing dwelling outside settlement boundaries will only be supported where it can be demonstrated that:

- i) the building has legal use rights as a dwelling; and*
- ii) the dwelling is not of local historical importance or makes a valuable contribution to the character of an area; and*
- iii) the dwelling is structurally unsound, of a poor design and inefficient in terms of energy and water.*

Planning permission for a replacement dwelling may be subject to a condition to ensure that the original dwelling, or outbuildings, is demolished and that permitted development rights are removed.”

The justification to Policy RD 4 states that applications for the erection of a new dwelling on the site of a former dwelling in the open countryside will be treated as an application for the erection of a new dwelling. However, there may be occasions when an existing dwelling in the open countryside is either inappropriately sited or is deficient in facilities.

Furthermore, the justification also requires replacement dwelling schemes to have a lawful existing residential use right as defined by Town and Country Planning Act 1990. Dwellings which were never intended to have a permanent residential use including chalets, caravans and other structures built of materials for only temporary or seasonal use, will be excluded from this policy. Where there is doubt, the Council will request that the applicant present a certificate of lawfulness for the building. The

justification closes by stating that the Council is committed to retaining buildings of character or merit in the countryside.

There are representations from private individuals expressing concerns over the principle of the development. These refer to previous appeal decisions and the fact the site is in open countryside, and no case being made for the loss of the hall, which it is suggested has suffered from lack of maintenance.

In recognising local concerns, it is suggested that Policy RD 4 serves to allow replacement dwellings on a one-for-one basis and does not seek to differentiate between the scale or form of existing dwellings and their replacements. It is therefore considered that the submitted scheme to replace 11/12 flats with 9 houses may be considered as in accord with the basic requirements of Policy RD 4 in this respect. It is noted that the third criterion of Policy RD 4 includes reference to allowing for the replacement of existing dwellings which are of a 'poor design', with the justification seeking to retain quality buildings. As Llanbedr Hall has an exterior of a distinctive quality, it could be argued that its demolition and replacement with the 9 houses proposed poses questions over aspects of the policy, although there are other material circumstances which allow for the demolition of the hall which in this case would be its current structural condition and the economic non-viability of its retention and upgrading.

On balance, given the policy context and the background, Officers take the view that the proposal is acceptable in principle subject to the issue of the demolition of the hall being satisfactorily addressed, which is analysed in the following section of the report.

4.2.2 Loss of the Hall

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them.

The structural survey as submitted along with the accompanying information in the Design and Access Statement and the Design, Landscape and Heritage Impact Assessment all suggest that the current condition of the hall is such that it renders its retention and upgrading to be economically unviable. Although this issue was referred to in the February 2013 appeal decision, the Inspector reached no firm conclusion on this point and instead sought to focus on the visual harm that would have been created via the scattered development of the 9 detached houses proposed.

The current scheme is considered to be fundamentally different to the 2013 appeal proposal as it seeks to erect a single block of 9 dwellings leading off the footprint of the existing hall, rather than the detached houses previously shown that would have created a development that covered a much larger area than that involved in the current application.

The evidence put forward in support of the Hall retention being unviable (due to the financial cost of rectifying the current structural issues of the building and bringing it up to modern standards) appears to be a reasonable reflection of its current state of repair, with the Heritage report also indicating that CADW have inspected the building and have not adjudged it to be worthy of listing. This adds further credence to the case that the retention of the building is unviable.

Overall, therefore, whilst retention of the hall would be a preferable option, on the basis of the information submitted and without any definitive reports to the contrary, Officers suggest it would be unreasonable to resist its removal in principle. Given that the hall is not listed or within any statutory designation which would support a case for its retention, it is considered that the loss of the hall is not a ground on which the Council could reasonably seek to base a refusal of permission. The local objections to the proposed redevelopment are duly noted, with the comments made relating to the

particular desire to retain the hall fully understandable. However, given the substantial weight of evidence which supports the loss of the building it is not considered that this can be utilised as a basis to refuse permission.

4.2.3 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

The detailing of the proposed crescent of 9 houses is considered to be of an acceptable design, with a slate roof and facing brick for the walls, which would be appropriate choice in this location. Whilst it is accepted that the design of the houses has little in common with the features or quality of the existing hall, the scheme is considered appropriate for its siting and setting close by to a variety of existing residential properties, many of which have been formed by the conversion of existing buildings. Furthermore, the effective 'anchoring' of the eastern end of the block on the footprint of the existing hall ensures that the built form of the scheme is located within the scope of the existing built development at the site.

The scheme is consequently not adjudged to give rise to any substantial issues in relation to visual amenity.

4.2.4 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The siting and height of the block of dwellings as proposed will extend westwards away from the cluster of residential properties that lie to the east and north, and would be set slightly further away from these buildings at the closest point of the existing hall.

Whilst it cannot be disputed that a 65 metres wide crescent of houses will be a prominent physical feature when viewed by occupiers of neighbouring properties to the north in comparison to the existing hall building, it is not adjudged that this will give rise to such harm to the visual amenity of these nearby occupiers to justify a refusal recommendation. In assessing impacts on residential amenity one must also have regard to the historic use of the hall as a restaurant and flats. This would have given rise to levels of activity and disturbance that would have been felt by existing residents. In addition it could be argued that the dilapidated state of the existing hall is creating an unacceptable impact upon residents by reason of both visual harm and fear of crime.

4.2.5 Biodiversity

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant

harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2) which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The response of the Council's Biodiversity Officer is noted along with the comments made by NRW, with no objection raised in respect of the potential impact on protected species, subject to appropriate conditions being included on any permission.

With regard to existing tree cover, as described earlier, Officers have been in dialogue with the applicants to seek the retention of the protected Lime (T3) which lies to the south of the proposed crescent, and an adjustment has been made to the layout to allow for this high quality specimen to remain. On the basis of the revised siting of the block, it is not considered that a refusal based on impact on protected trees can be substantiated.

4.2.6 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 'Transport', in support of sustainable development.

There are concerns expressed by objectors at the adequacy of the parking provision and by the Community Council over the impact of construction traffic. The Highway Officer has no objections of the proposals subject to conditions relating to the detailing of the parking arrangements and construction stage operations.

In respecting comments on the proposals, as the existing lawful use of the property is for 11/12 units and the scheme as proposed involves a total of 9 units, it is adjudged that, despite the replacement units being of a larger scale in respect of occupancy, the parking and access arrangements as proposed within the site can be revised to accommodate additional spaces for residents. A condition can be attached to deal with these arrangements and construction stage matters to address concerns over traffic movements.

4.2.7 Archaeology

Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provides further guidance on the subject.

The comments made in the submitted Heritage Statement are noted and it is suggested that an appropriate condition relating to the archaeological recording of the building should be included to ensure that any features of interest are itemised.

4.2.8 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC 4. Policy BSC 4 relates specifically to

affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either on site on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

In respecting the intentions of the affordable housing policies, the history of the site is considered a significant factor in this instance, and it is not suggested as reasonable to oblige any affordable provision as part of the development, given the scheme proposes to replace a building containing 11/12 flats, none of which are controlled as affordable units, with a development of 9 dwellings.

In these circumstances, it is not considered that any contribution towards affordable housing is justified.

4.2.9 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

LDP Policy VOE 2 'AONB/AOB' precludes development which would cause unacceptable harm to the character and appearance of the landscape of such designated protected areas.

Chapter 5 of PPW relates to conserving and improving natural heritage and the coast. When referring to statutory landscape designations in Wales such as the AONB, Paragraph 5.3.5 states that the primary objective for designating such areas is the conservation and enhancement of their natural beauty, and development management decisions should favour the conservation of natural beauty.

Individual objectors have reservations over the impact on the AONB, the nearby church and the setting of Offas Dyke Trail. The response of the AONB Committee, however, acknowledges it is preferable for the hall to be conserved and adapted for residential use, but accepts this is no longer a realistic or viable option.

In this instance, it is suggested that the proposals represent an improvement over previously refused applications with the design reflecting the sensitive rural setting and the need to minimise visual impact on the wider landscape. The proposed crescent of housing as an extension of the footprint of the hall is also considered to be a more appropriate physical form of development in this context.

Overall therefore, given the retention of the peripheral landscaping and the inclusion of conditions requiring appropriate retention of trees/hedges and the provision of additional landscaping, it is not considered that the development as proposed will result in significant harm to the AONB, the church, or affect the setting of the Offa's Dyke Trail.

4.2.10 Sustainable buildings

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales (Section 4.12) sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that building(s) can meet specific standards of construction and carbon emission levels.

Given the modern nature of the block of dwellings as proposed, it is considered that the scheme can comply with the requirement for compliance with sustainable buildings legislation, now operated as part of the Building Regulations.

5. SUMMARY AND CONCLUSIONS:

- 5.1.1 The principle of the redevelopment of the site and the loss of the hall is considered to be acceptable given the evidence put forward which confirms that the hall cannot be retained due to its structural condition and the economic cost of repairs which render such a scheme economically unviable.
- 5.1.2 The scheme as proposed for 9 dwellings to replace the 11/12 existing units, with the crescent of dwellings anchored at the eastern end on the site of the existing hall, is adjudged to be an acceptable form of redevelopment of the site for residential purposes which is acceptable visually and does not result in any substantial harm to the AONB or the visual amenity of nearby occupiers.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
- 2. **PRE-COMMENCEMENT CONDITION**
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**
Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.
- 4. Notwithstanding the submitted details, prior to the first occupation of the buildings hereby permitted, the written approval of the Local Planning Authority shall be obtained in respect of the siting and design of the vehicular access to the site, the proposed parking provision within the site and the development shall be completed strictly in accordance with the approved details.
- 5. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
- 6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the next planting and seeding season and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased

within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

8. **PRE-COMMENCEMENT CONDITION**

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the buildings are first occupied.

9. The dwellings shall not be occupied until the parking arrangements and the access thereto have been laid out in accordance with the relevant approved plans.

10. **PRE-COMMENCEMENT CONDITION**

No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats and birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of bats and birds shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.

11. Prior to the commencement of development, construction method statement including demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, Construction/demolition shall not be carried out otherwise than in accordance with the approved CEMPT unless amendments have been agreed in writing by the Local Planning Authority. The CEMP shall include the following details:-

- a) Measures for construction/site traffic management to include the routing, parking, turning, loading and unloading of all vehicles using the construction site.
- b) Measures for construction/site traffic management to include the routing, parking, turning, loading and unloading of all vehicles.
- c) Piling techniques if necessary
- d) Storage of plant and machinery
- e) Provision of site security to include hoarding and lighting
- f) Protection of trees, hedgerows and other natural features
- g) Proposed means of dust suppression and noise mitigation
- h) Measures to deal with any mud from vehicles on access roads or on nearby County roads during construction.
- i) All construction/demolition working and operational times.
- j) Details of the outside storage of spoil or other excavated material including location of height of storage.

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 investigation and recording of historic/listed buildings.
4. In order that in the interests of highway safety the Local Planning Authority may control the matters referred to.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
8. To ensure satisfactory drainage of the site and to avoid flooding.
9. In order that adequate parking facilities are available within the curtilage of the site.
10. In the interests of any protected species on the site.
11. In the interests of highway safety, visual and residential amenity and to ensure the site is developed in a safe and satisfactory manner.

NOTES TO APPLICANT:

None

Agenda Item 10

WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 20/2014/0965/ PF

PROPOSAL: Conversion of outbuildings into 1 no. dwelling

LOCATION: Outbuildings at Bryn Coch Llanfair Dyffryn Clwyd
Ruthin

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Heading:

REFERENCE NO. 20/2014/0965/PF
 BRYN COCH
 LLANFAIR DYFFRYN CLWYD, RUTHIN

Graham Boase
 Head of Planning & Public Protection
 Denbighshire County Council
 Caledfryn
 Smithfield Road
 Denbigh
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

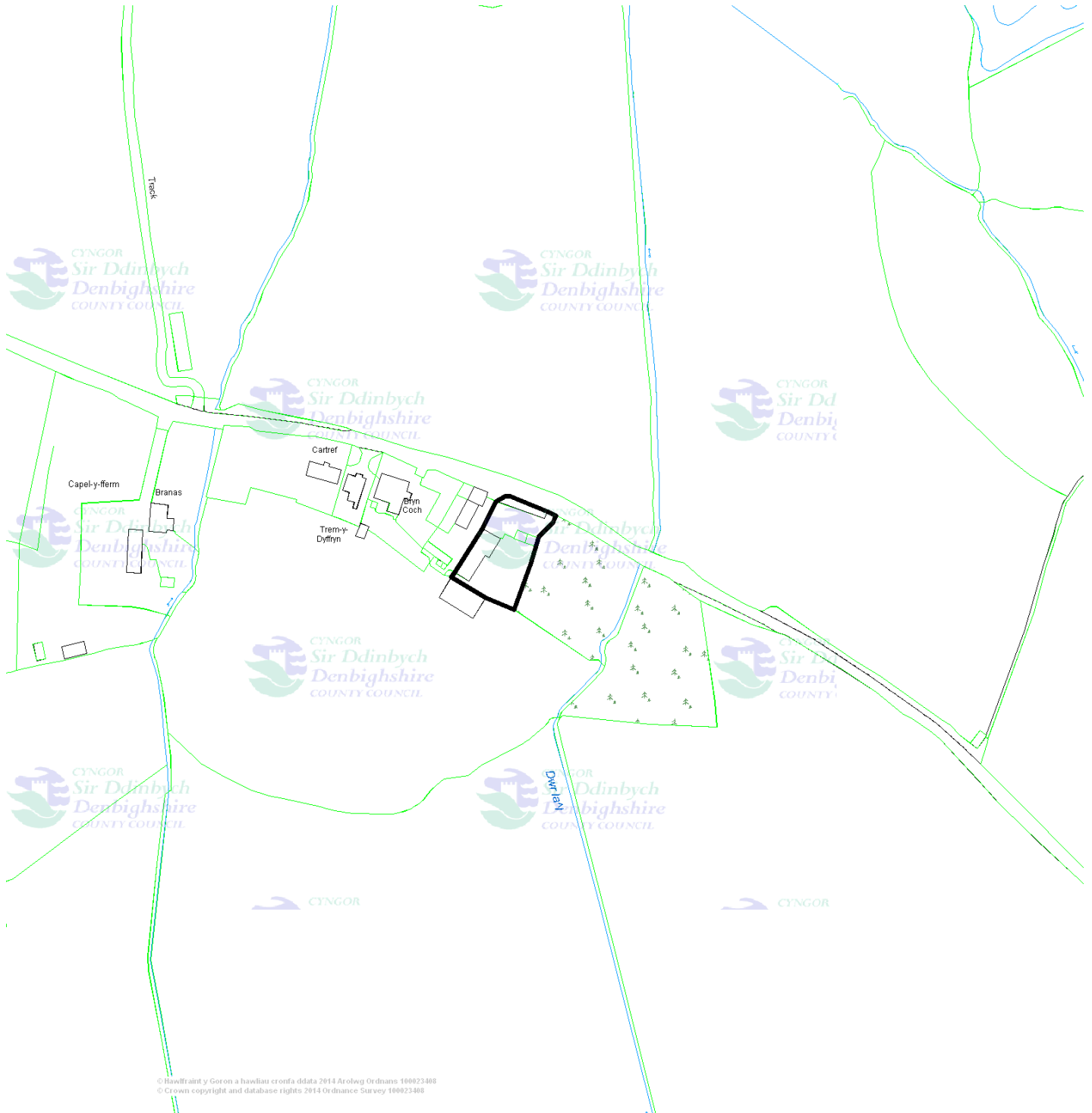


Date 5/1/2015

Scale 1/2500

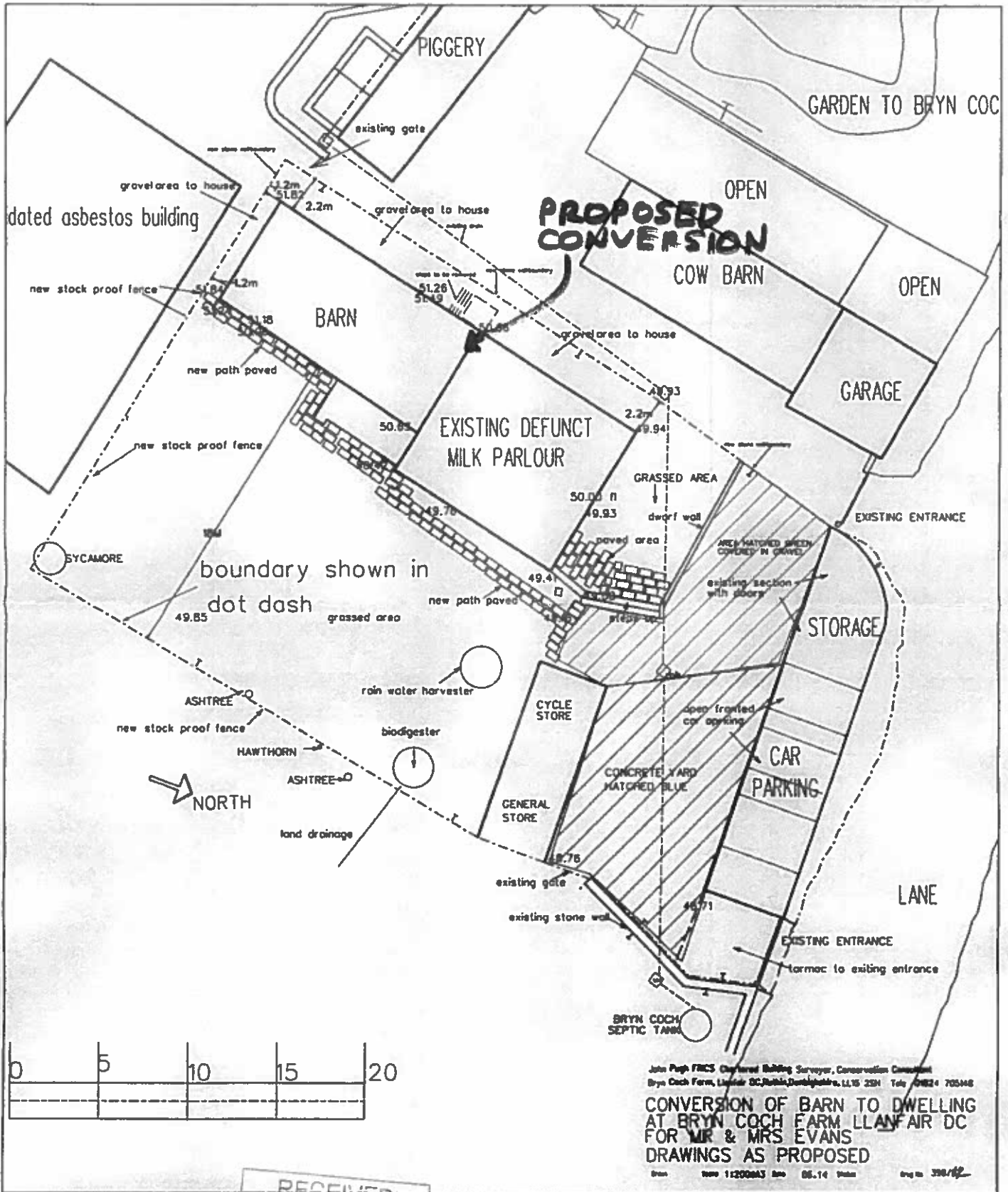
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This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the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



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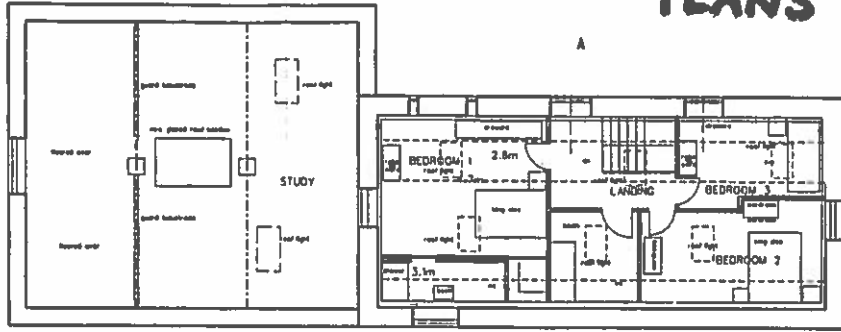
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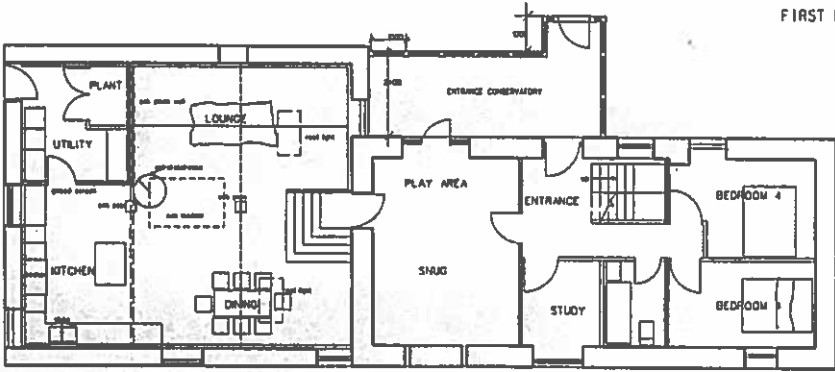
John Pugh FRCS Chartered Building Surveyor, Conservation Consultant
 Bryn Coch Farm, Llanfair DC, Rhydolunaba, Llanfair DC, 25th Feb 2014 Tel: 01424 705448
CONVERSION OF BARN TO DWELLING AT BRYN COCH FARM LLANFAIR DC FOR MR & MRS EVANS DRAWINGS AS PROPOSED
 Date: 23/08/2014 14:03:39

RECEIVED
 29 AUG 2014
 CALEDFRYN RECEPTION

RECEIVED
18 AUG 2014
CALEDFRYN



A
FIRST FLOOR PLAN

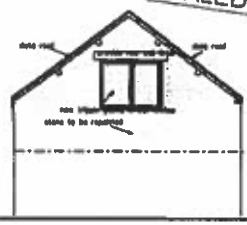


GROUND FLOOR PLAN

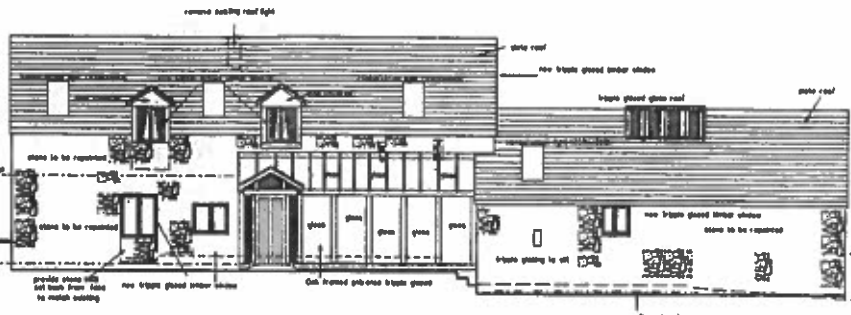
FLOOR PLANS

John Pugh FRCS Chartered Building Surveyor, Conservation Consultant
Bryn Coch Farm, Llanfair DC, Llanfair, Denbighshire, LL55 2BN Tel: 01824 783418
CONVERSION OF BARN TO DWELLING
AT BRYN COCH FARM LLANFAIR DC
FOR MR & MRS EVANS
SKETCH PLANS
Date: 11/08/2014 Scale: 05:14 Date: 04/09/14

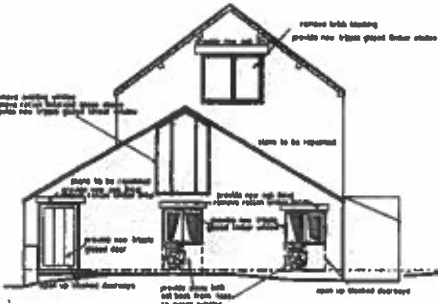
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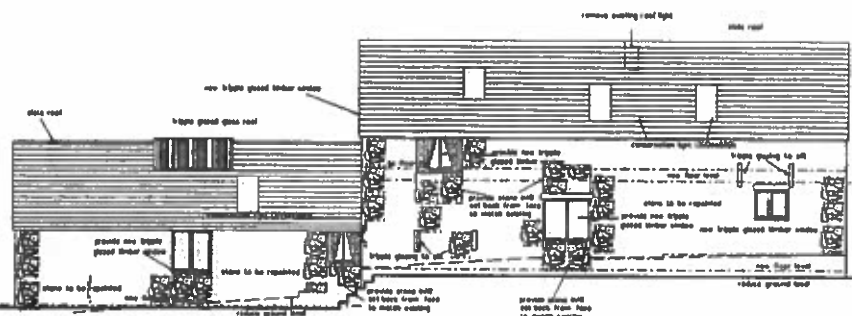
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

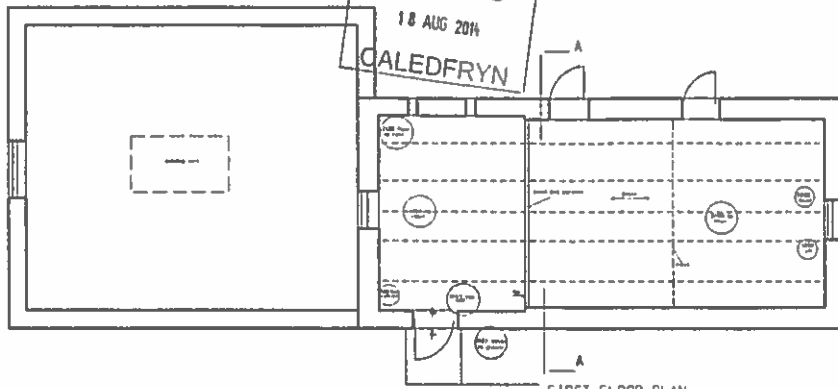
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Bryn Coch Farm, Llanfair DC, Llanfair, Denbighshire, LL55 2BN Tel: 01824 783418
CONVERSION OF BARN TO DWELLING
AT BRYN COCH FARM LLANFAIR DC
FOR MR & MRS EVANS
DRAWINGS AS PROPOSED
Date: 11/08/2014 Scale: 05:14 Date: 04/09/14

ELEVATION PLANS

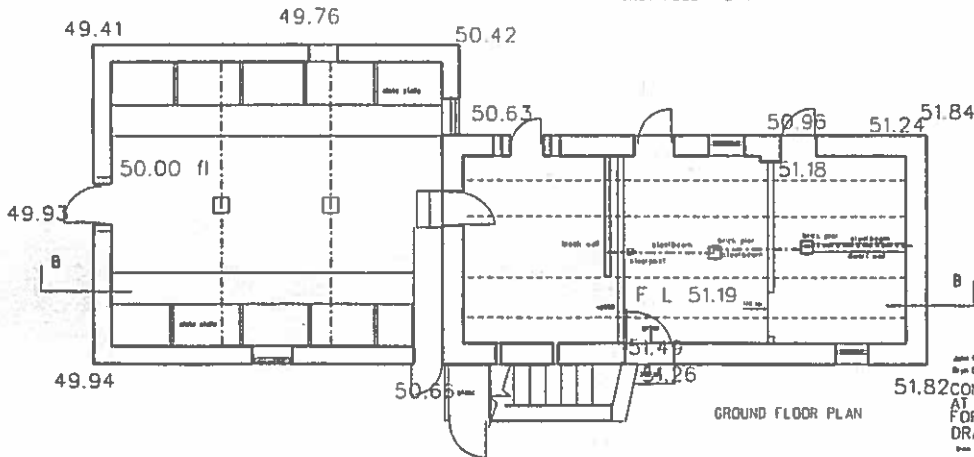
EXISTING PLANS

20 / 2014 / 0965 / P F

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18 AUG 2014
CALEDFRYN



FIRST FLOOR PLAN



GROUND FLOOR PLAN

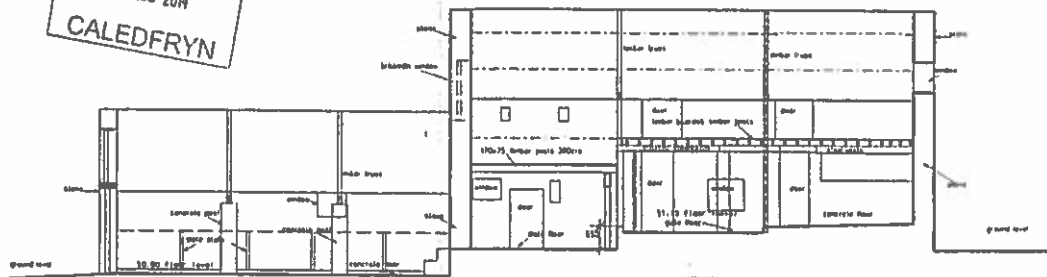
FLOOR PLANS

John Pugh FRICS Chartered Building Surveyor, Conservation Consultant
Bryn Coch Farm, Llanfair DC, Powys, SA2 9PP, Wales LL18 2PP Tel: 0824 793148
CONVERSION OF BARN TO DWELLING
AT BRYN COCH FARM, LLANFAIR DC
FOR MR & MRS EVANS
DRAWINGS AS EXISTING
Date: 05.14 Issue: 001

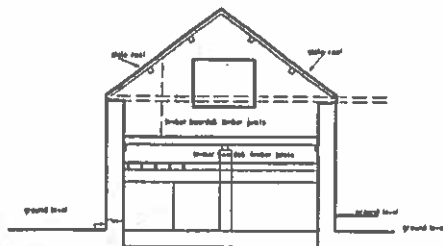
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20 / 2014 / 0965 / P F

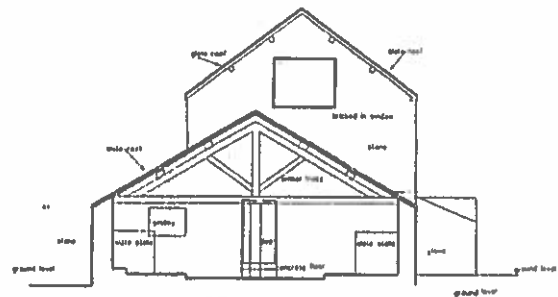
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18 AUG 2014
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SECTION B-B



SECTION A-A



NORTH ELEVATION

John Pugh FRICS Chartered Building Surveyor, Conservation Consultant
Bryn Coch Farm, Llanfair DC, Powys, SA2 9PP, Wales LL18 2PP Tel: 0824 793148
CONVERSION OF BARN TO DWELLING
AT BRYN COCH FARM, LLANFAIR DC
FOR MR & MRS EVANS
DRAWINGS AS EXISTING
Date: 05.14 Issue: 001

ELEVATION PLANS

...planning application dgn 07/07/2014 14:56:47

WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 20/2014/0965/PF

PROPOSAL: Conversion of outbuildings into 1 no. dwelling

LOCATION: Outbuildings at Bryn Coch Llanfair Dyffryn Clwyd Ruthin

APPLICANT: Mr & Mrs Owen & Rebecca Evans

CONSTRAINTS:

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANFAIR DC COMMUNITY COUNCIL:

"My members having scrutinized the details have made no comments and fully support the application."

NATURAL RESOURCES WALES:

No objections

DWR CYMRU / WELSH WATER:

No objections

CLWYD POWYS ARCHAEOLOGICAL TRUST

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer: No objections

Ecologist: No objections

RESPONSE TO PUBLICITY:

In support

Representations received from:

M. M. McDonald, Cartref, Llanfair D.C., Ruthin

EXPIRY DATE OF APPLICATION: 01/12/14

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the change of use and conversion of an outbuilding to form a new dwelling at Bryn Coch, Llanfair DC.
- 1.1.2 The scheme of conversion would create a five bedroom dwelling with associated living accommodation. The scheme involves the creation of a glazed/oak framed entrance vestibule, and whilst most of the original openings are proposed to be retained or altered to create windows from doorways, 8 velux windows would be installed.
- 1.1.3 Vehicular access would be direct from the lane to the north, utilising an existing agricultural access point. The site plan shows some hard and soft landscaping, an enclosed garden area to the east of the proposed dwelling and parking and turning to the north.

1.2 Description of site and surroundings

- 1.2.1 The barn is located in open countryside to the east of the dwelling Bryn Coch, a former agricultural complex to the west of the village of Graigfechan, and south of Llanfair DC.
- 1.2.2 The area of land indicated as part of the site is approximately 1.1 hectares and comprises a long, roughly rectangular shaped barn, with attached former milking parlour, a calf/sheep pen with attached bulling pen, storage buildings along the site frontage, access and open grassed area.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside any defined development boundaries of settlements defined in the Local Development Plan, and there are no hamlets identified in this area.

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 Following discussions with Officers, two proposed dormer windows have been removed from the scheme.

1.6 Other relevant background information

- 1.6.1 Information submitted with the application states the agricultural use has ceased, stating that:
“Bryn Coch Farm was a full working farm with cows and hay making. The full time farming has reduced to renting out the fields to a local farmer and keeping several fields for family use as sheep rearing or calf rearing. After 15 years away from Ruthin, Mr and Mrs Evans have returned to bring up their two children in NE Wales. It is their dream to live in Pentrecelyn and be part of the rural community and culture they know and love. Likewise, the village needs young Welsh speaking families to sustain and preserve its schools, businesses and values.”
- 1.6.2 In support of the application the following details were also submitted:

- DAS referring to the design principles and LDP planning policies.
- Protected Species Report covering bats and nesting birds.
- Structural Survey to demonstrate the building is structurally sound.

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC 4 - Affordable Housing

Policy BSC 11 - Recreation and Open Space

Policy PSE 4 - Reuse and Adaption of Rural Buildings in the Open Countryside

Policy VOE 5 - Conservation of Natural Resources

Supplementary Planning Guidance

SPG Residential Space Standards

SPG Conversions of Rural Buildings

SPG Nature Conservation and Species Protection

National Policy

Planning Policy Wales (Edition 7) (PPW)

TAN 15 - Development and Flood Risk

3.1 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned, and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Highways (including access and parking)
- 4.1.6 Recreation and Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle:

Policy BSC 4 relates to affordable housing, and states that all homes provided through a number of LDP policies including policy PSE 4 will be affordable dwellings for local needs. Linked to this policy is Policy BSC 6 Local Connections Affordable Housing in Hamlets, which is of relevance as it provides a definition of the term 'local affordable housing need'.

Policy PSE 4 Re-use and Adaption of Rural Buildings in the Open Countryside is the most relevant policy for this type of development. The policy permits proposals for the conversion of buildings in the open countryside where the following tests are met, i) that an employment use has been demonstrated not to be viable, and ii) that the dwellings are affordable to meet local needs. SPG Conversions of Rural Buildings provides advice and guidance to supplement LDP planning policies. The SPG advises on the scale of the marketing exercise required for planning proposal as well as providing a best practice guide to the detailing of conversions, the point of which is to retain the character and architectural merit of redundant outbuildings.

In relation to the terms of PSE 4, the application has stated that the demand for such a building for an employment use would be limited and that the proposal satisfies criteria i) because an employment use would not be viable, as demonstrated below. To convert the barn for employment use would, in the opinion of the applicant, necessitate expensive infrastructure, prior to any occupation, which would have to be taken into consideration for the rental of the unit. The supporting statement highlights a number of commercial units which are vacant in the nearby town of Ruthin, and considers the location of the barn is not suitable for commercial uses.

With regard to criteria ii) of Policy PSE 4, the application indicates it is not proposed to make the dwelling affordable for local needs. By way of a justification, the application suggests that it would not be economically viable to convert the building and make it available for affordable local needs. Figures in the submitted Design and Access Statement have been questioned and a more detailed assessment of the costs involved has been submitted, including:

-A letter from a local estate agent which states the sale value of the building to be in the region of £35,000 to £50,000, suggesting a £30,000 architect's fee.

-Information from a local chartered building company providing a breakdown of the building costs for the project, totalling £220,000.

-In addition to this, the agent states that a further £28,300 must be added for the electricity supply, installation of water connection, installation of telephone, and oil fired heating (including tank).

-The agent also advises that it is intended to install green energy in the form of air recirculation, geothermal heating, solar panel heating for water, PV panels for electricity, rainwater harvesting and triple glazing. These measures carry a suggested overall cost of £60,000. The scheme as proposed, would on the basis of the additional information submitted, cost in total, £388,422.64

ITEM	COST
Cost of purchase of site with planning permission	£80,000.00
Conversion costs	£220,123.00
Services: water, electricity, green energy heating, electrical generation	£88,299.64
Total	£388,422.64
Council's costing for an affordable dwelling	c.£130,000
	<i>(Officers calculate this to be in the region of £104,000)</i>
Shortfall / loss	£258,422.64

In assessing the principle of the conversion, the tests of Policy PSE 4 require evidence that employment use is not viable and that the proposed dwelling would be made available for 'local affordable housing need'.

With regard to the employment use test, the submitted information states that there are commercial units available in the nearby town of Ruthin. Respectfully, this does not establish that there is no demand for the building to be used for commercial purposes; it is not impossible that a commercial use may be appropriate in such buildings. Without evidence of a realistic marketing exercise, such a possibility cannot be categorically ruled out.

With regard to the requirement for the dwelling to be for local affordable needs, the financial information submitted is not considered to demonstrate that the building cannot be viably converted and made available to such needs:

1. The cost of purchase of the site with planning permission is questioned, as the submitted Estate Agents letter suggests a purchase price of £50,000, leaving £30,000 for architect/application fees. This is considered excessive.
2. The assertion that the installation of green energy measures is required as a 'directive of the Welsh Government' is not accepted – Officers are unaware of which directive this is, and having discussed the issue with colleagues in the Building Control Department, Officers are of the opinion that there are no requirements that compel the installation of any of the stated measures. In addition it is noted that the proposed specification for the conversion is at the higher end of the options (a £10,000 kitchen, triple glazing over double, use of geothermal heating for example) as a matter of personal choice. How much of the proposed cost of the proposal is as a result of the options chosen and how much it could be reduced by a lower specification is clearly debatable. Officers are of the opinion that the conclusion that the unit can not be affordable is not demonstrated in the submissions and that the estimates for such an argument should be based in more reasonable development costs.
3. The application has been made on the basis of providing a single 5 bedroom conversion. No consideration has been given to subdividing the building into two smaller units, which would potentially offer economies of scale, and increase the total sale value. For example, it would be reasonable to suggest a two bed affordable unit would attract a sale price of approximately £85,000, and a three bed affordable unit, £94,000; resulting in a total of £179,000 (based on 2013 CACI pay-check Data). It is therefore not considered that the potential for the building to be converted for affordable housing use has been fully explored.

Notwithstanding the above consideration of viability issues, it should be noted that even if it was concluded that conversion to an affordable local needs dwelling is not viable, Policy PSE 4 does not state that the building may then be converted to an open market. Planning Policy PSE 4 is quite clear that conversions of rural buildings to residential use should be for affordable local needs purposes only.

In conclusion, it is considered that although a detailed breakdown of the costs involved has been submitted, the figures do not clearly demonstrate that the proposed dwelling would not be viable if it were to be for affordable purposes because of a) the approach and options taken could be cheaper, and b) alternative options for subdividing the building have not been explored.

With regard to the argument that the building would not be suitable for a commercial use, it is considered that without a full marketing assessment it is difficult to draw such conclusions.

It is therefore the opinion of Officers that the proposal does not make a compelling case as to why the building should not be used for commercial purposes or for it to be an open market dwelling. The proposal is not therefore considered acceptable in principle and fails to meet the requirements of Policy PSE 4 – Re-use and adaptation of rural buildings in open countryside.

4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. Policy PSE 4 states that conversion proposals are expected to make a positive contribution to the landscape and ensure any architectural or historic features are retained. SPG No. 16 relates specifically to conversion of outbuildings, where the general guidance includes a section on the 'quality of conversions', and refers to alterations and extensions and elevation changes. It is recommended buildings are converted without the need for extensions and alterations, rooflines should not be altered and new openings should be kept to a minimum.

The application proposes conversion of the outbuilding to a single dwelling comprising 5 bedrooms. It would be a substantial sized dwelling. The northern single storey section of the building is primarily proposed to house a kitchen/diner/living room and a utility area. The two storey element would contain a snug/playroom and the 5 bedrooms. The Agent has advised that floor levels are to be dropped to allow the creation of headroom. 10 roof lights are proposed but other new openings are kept to a minimum with existing openings being used where possible. A large glazed entrance porch/conservatory is proposed to the east elevation.

The physical detailing of the proposed alterations are considered generally acceptable, although the submitted details relating to fenestration (including roof lights) require further clarification along with the material and construction detail of the entrance porch. It is considered these can be suitably controlled through planning conditions should planning permission be granted. Having regard to the scale of alterations, in relation to the character and appearance of the outbuilding itself, the locality and landscape, it is considered that the proposals would comply with the requirements of the policy and guidance, and would not have an unacceptable impact on visual amenity.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on all planning applications.

Given the location of the outbuilding, and distances to adjacent properties it is not considered that the proposal would impact unacceptably on the amenity of occupiers of neighbouring properties if permitted. It is also considered that sufficient garden area is proposed for the benefit of the occupants of the proposed dwelling.

It is considered that the proposals would comply with the requirements of the policy and guidance, and that the impact on residential amenity would be acceptable.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new

opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats or birds in the building.

It is considered the proposal would not conflict with the tests relating to biodiversity, ecology of nature conservation.

4.2.5 Highways (including access and parking)

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The application proposes access off an existing access from the minor road and parking will be provided on site for the proposed dwelling. This access road and track is deemed acceptable for the conversion scheme and Highway Officers have not objected to the proposal.

It is considered the proposal would not lead to any conflicts with highway safety.

5. SUMMARY AND CONCLUSIONS:

5.1 Whilst it is considered that the physical impacts of the proposal are acceptable, the fundamental principle of the proposal is not. The submitted information does not demonstrate adequately that there is no demand for the building to be used for employment purposes, and does not demonstrate that its use for affordable housing is not viable.

5.2 The proposal therefore fails to meet the two key criteria of the relevant planning policy; Policy PSE 4 Re-use and adaptation of rural buildings in open countryside.

RECOMMENDATION: REFUSE- for the following reason:-

The reason is:-

1. It is the opinion of the Local Planning Authority that the principle of the conversion is unacceptable, as the application fails to show how the requirements of Policy PSE 4 Re-use and Adaption of Rural Buildings in the Open Countryside are met, in that it has not been demonstrated that an employment use is not viable or that the dwelling is affordable to meet local needs, and there is no material planning consideration to justify a departure from adopted planning policy. The proposal is therefore considered contrary to the adopted Denbighshire Local Development Plan Policy PSE 4 and guidance as contained in Planning Policy Wales 7.

NOTES TO APPLICANT:

None

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WARD : Llandyrnog

WARD MEMBER(S): Cllr Mervyn Parry

APPLICATION NO: 24/2014/1246/PS

PROPOSAL: Variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site

LOCATION: Firearms Training Complex Craig y Ddywart Quarry
Rhewl Ruthin

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WARD : Llandyrnog

WARD MEMBER(S): Cllr Mervyn Parry

APPLICATION NO: 24/2014/1246/PS

PROPOSAL: Variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site

LOCATION: Firearms Training Complex Craig y Ddywart Quarry Rhewl Ruthin

APPLICANT: North Wales Police

CONSTRAINTS: Listed Building

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

LLANYNYS COMMUNITY COUNCIL: awaiting response

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Pollution Control Officer (Noise):” We have received noise complaints about the site in the past but they were largely in relation to the explosive method of entry procedure practised on site at that time. After liaison with the site management efforts were made to improve the matter and as a result we have not received, to my knowledge, any further complaints since 2009.

The potential for the intensification of noise from the site is a concern but as they are not going to be altering their current planning permission in relation to this, it is unlikely that this will be a material concern and could be addressed at a later date through the nuisance legislation if a problem did actually materialise.

We do not therefore have any further comments to make at this time.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

S. Dolben, Y Garreg Wen, Rhewl O. L. Jones, Prysor, Rhewl

Delwyn G Jones, Pen Y Bryn, Rhewl

Mrs Olwen Edwards, Gwynlys, Rhewl Mrs Victoria Roberts, 1 Pen Y Graig, Rhewl I Edwards, Pen Y Graig Farm, Rhewl D M Bryan & K Bryan, Fron Haul, Rhewl Rhian Wyn Jackson, Bryn Coch, Rhewl R.E, H.N, I, K, S & E Owen - Bryn Caredig, Rhewl Mrs. K. Culhane, 22 Min yr Afon, Ruthin

Summary of planning based representations in objection:

- Impact on residential amenity by way of increased noise and activity
- Increased risk of gun crime in the area

- Infringement of human rights as the proposal would interfere with the reasonable expectation of privacy (Article 8) and the it would result in the State interfering with the peaceful enjoyment of property (Article 1).

EXPIRY DATE OF APPLICATION: 4/1/15

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 North Wales Police are seeking a variation of a condition governing the use of the North Wales Police Firearms complex at Rhewl quarry.
- 1.1.2 The firearms use has been established over many years and the condition in question is one granted on appeal in 2008, and which controls who uses the facility and when.
- 1.1.3 The planning condition in question, relating to the use of firearms at the site states:

- "3. The use of the firearms training centre during weekdays shall be subject to compliance with all the following restrictions:

a) the organisations permitted to use this site shall be limited to the North Wales Police Authority and such other emergency services as are authorised by the North Wales Police Authority;

b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request."

- 1.1.4 The proposed variation seeks to vary parts a) and b) as follows::

*- "a) the organisations permitted to use this site shall be limited to the North Wales Police, such other emergency services as are authorised by North Wales Police, **and other organisations as are authorised by the North Wales Police.**"*

And criteria b), condition 3 reading:

*- "b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours; **and the use by the other authorised organisations shall be limited to a maximum of four hours per day between the hours of 10:00 and 16:00 on Monday - Friday.**"*

- 1.1.5 No extension to the permitted hours or days of use is sought.

1.2 Description of site and surroundings

- 1.2.1 Rhewl Firing Range Complex is a long established police training facility within the former Craig y Ddwyart quarry off the A525, north-west of Ruthin, and south west of Rhewl.

- 1.2.2 The site is accessed via a track from the main A525.
- 1.2.3 The site contains a number of buildings and purpose built training areas set within the former quarry area.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside of defined development boundaries.

1.4 Relevant planning history

- 1.4.1 The site in question has been the subject of a number of permission's which allow its current use a firing range for North Wales Police (NWP) and other emergency services. The applications of relevance to the origins and use of the site are detailed in section 2 of this report.

- 1.4.2 Of relevance are planning permissions 24/0834/98/PF and 24/518/99/PS which imposed conditions restricting the hours and days on which the site may be used. The conditions in question were identical and stated that the use of the firearms training centre shall be subject to compliance with the following restrictions:

"a) the organisations permitted to use the site shall be limited to the North Wales Police and such other emergency services as are authorised by the North Wales Police;

b) the hours of use shall be restricted to between 0830 and 1730 with the provision for a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000 within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request;

d) there shall be no operation on Saturdays, Sundays or Public Holidays."

- 1.4.3 In 2007, NWP applied to vary the above conditions under planning reference 24/2007/0694/PS.

The variation sought to replace the above criteria c) with:

c) the site and buildings shall not be used on Christmas, Boxing or New Years Day

and criteria d) with:

d) there shall be no firing of high or low velocity weapons or activities involving explosions within the site on Saturdays, Sundays or Public Holidays and no sound amplification equipment shall be used outside buildings within the site on these days.

- 1.4.4 In essence application 24/2007/0694/PS sought to increase the use of the site for passive activities only, and not any activity that would result in additional noise from gun fire.

- 1.4.5 The application was reported to planning committee in August 2007 and was refused against Officers recommendation. NWP subsequently appealed the decision, and the appeal was allowed in March 2008.

- 1.4.6 Full costs were awarded against the Council by the Planning Inspectorate as the Inspector considered refusal had been based on the 'unfounded fears of local residents that the full ranges of activities, including the firing of noisy weapons at the training centre at weekends and public holidays' and that such fears were 'clearly a misapprehension'. He concluded that the decision to refuse the proposal was 'largely driven by local concerns which were not soundly based, and was contrary to the advice of paragraph 15 of the Circular [23/93 on costs] indicating that local opposition to a proposal in itself is insufficient to justify withholding planning permission'.
- 1.4.7 In allowing the appeal, the Inspector imposed 3 planning conditions, two of which related to restrictions in the use of the site. These are the controls currently in place at the site. Condition 3 related to the use of fire arms, and is the one of most relevance to this application:

3. The use of the firearms training centre during weekdays shall be subject to compliance with all the following restrictions:

a) the organisations permitted to use this site shall be limited to the North Wales Police Authority and such other emergency services as are authorised by the North Wales Police Authority;

b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request.

- 1.4.8 It is to be noted the use of firearms on weekends and public holidays is clearly prohibited through criteria c) of condition 2 of 24/2007/0694/PS, which is not under consideration as part of the current application.

1.5 Developments/changes since the original submission

- 1.5.1 Initially the application sought to vary the condition to simply allow other organisations to use the facility within the existing hours of operation, Monday to Friday.
- 1.5.2 Following receipt of comments from members of the public and discussions with Officers, the applicants agreed to limit the hours which those 'other organisations' can use the site to between 1000 and 1600 hrs Monday to Friday.
- 1.5.3 The applicant's agent is keen to stress the following:
"the proposal would not alter the character, nature, or intensity of the existing use of the site as it would involve only a minor change in the identity of the users on it, with the nature and level of activity not changing from the levels allowed by the current condition. As such there would be no harmful impact upon local amenities, or the operation and safety of the highway. However, without prejudice to our arguments in respect of the lack of material impact on noise from the site the Applicant is willing to accept a condition along the lines of what you proposed in order to address local residents concerns"

1.6 Other relevant background information

- 1.6.1 NWP have explained the rationale behind the application as being:
'to satisfy demand for use of the facility by accredited gun clubs and other government organisations, with expressions of interest forthcoming from such groups

to make use of the high standard of facilities available at the site. The applicants are keen to satisfy this demand as it would allow them to make best use of the resource that is provided by the site when it is not in use.'

1.6.2 In terms of site management, the application states that:

- any organisation using the facility would have to be a large scale body and have accredited standards (such as the British Association for Shooting and Conservation);
- would have to have licensed instructors in place;
- the organisation would have to have risk assessments in place for their activities and hold suitable public liability insurance;
- Chief Officers of NWP would need to sign off on authority for the organisations to use the range
- all activities would be monitored by the Range Warden, who would also be responsible for opening and closing the site and ensuring that shooting only took place within the permitted hours;
- register of those attending and hours of use would be kept; and
- in the event of any unsafe activities or breaches of rules occur then the Organisation would be de-authorised from using the range.

2. DETAILS OF PLANNING HISTORY:

2.1 24/549/97/LE - certificate of lawfulness for existing use of quarry as a firearm centre for North Wales Police - CERTIFICATE ISSUED 02/09/98

24/973/97/PF - erection of office block, training courses, tower, street scenes, provision of assault course, car parking, and other ancillary works - GRANTED 12/2/98

24/834/98/PF - erection of building for workshop, control room, and garage - GRANTED 27/11/98

24/518/99/PS - amendment to condition 3 of 24/973/97/PF to allow use of firearms training centre by other emergency services and to allow an extension in hours of operation from 08:30 until 20:00 for a maximum of 12 times per annum - GRANTED 03/11/99

24/2007/0694/PS – Variation of condition no.3 of planning permission code no. 24.518/99/PS and condition no.3 of planning permission code no. 24/0834/98/PF to allow use of the Firearms Training Centre site and buildings in compliance with the following restrictions:

a) the organisations permitted to use the site shall be limited to the North Wales Police and such other emergency services as are authorised by the North Wales Police;

b) the hours of use shall be restricted to between 0830 and 1730 with the provision for a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000 within which shooting activity shall not be permitted to exceed a maximum of 5 hours;

c) the site and buildings shall not be used on Christmas, Boxing or New Years Day;

d) there shall be no firing of high or low velocity weapons or activities involving explosions within the site on Saturdays, Sundays or Public Holidays and no sound amplification equipment shall be used outside buildings within the site on these days.

REFUSED 01/08/07 at planning committee for the following reason:

“The proposed variations of condition to allow increased use of the site at weekends and certain Bank Holidays for additional organisations to North Wales Police and other Emergency Services would lead to an unacceptable intensification of use at the site beyond the original grant of permission, having a detrimental impact on the general amenity of the area contrary to criteria i) and v) of Policy GEN 6 of the Denbighshire Unitary Development Plan.”

The proposal was allowed at APPEAL with costs awarded against the LPA on 28/03/08. The conclusions of the Inspector were that the decision to refuse the proposal was 'largely driven by local concerns which were not soundly based, and was contrary to the advice of paragraph 15 of the Circular [23/93 on costs] indicating that local opposition to a proposal in itself is insufficient to justify withholding planning permission'.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

N/A

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Residential amenity/Noise
- 4.1.3 Fear of Crime

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application is made under section 73 of the Town and Country Planning Act 1990 which relates to the variation of conditions associated with a planning permission.

In terms of the requirements of the legislation, on such an application the local planning authority has to consider only the question of the conditions subject to which planning permission should be granted, and—

(a)if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b)if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The use of the site as a Firing Range for training purposes is well established, as detailed in the preceding sections. It is therefore considered that the principle of a

proposal to vary a condition may be acceptable in principle, subject to assessment of the localised implications/impacts of allowing condition 3 to be varied to allow 'other organisations as authorised by North Wales Police' to use the site during the permitted hours of operational activities.

4.2.2 Residential amenity/Noise

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

Concern has been expressed by local residents that allowing other organisations (alongside the NWP and other emergency services) increases the potential for the site to be used for the firing of noisy weapons to its maximum allowance, i.e. between 0830 and 1730 during weekdays (Mondays to Fridays) and with the provision of a maximum number of 12 days in any 12 month period where the hours of use are permitted between 0830 and 2000, within which shooting activity is not permitted to exceed a maximum of 5 hours. The Public Protection Officer advises that there have been no complaints since 2009 over activity at the site and has raised no objections to the proposed variations.

The concern that the proposal would result in the site being used more intensively is appreciated. However, in allowing the 2007 appeal, the Inspector considered the amenity impacts of those hours of use and concluded that as a maximum that they were acceptable. In terms of hours of use and noise it is respectfully considered irrelevant who is creating the noise, the point being that there is no control over how much use is made of the facility. Regard has to be given to the fall back position that if this application were refused, North Wales Police could still operate the site to its maximum permitted hours and create the same impacts as could arise if the variation were granted. This, in Officers opinion, is the fundamental consideration in determining the application. Such consideration suggests that a refusal on the grounds of additional noise having a detrimental impact upon the residential amenity of occupiers of dwellings in the area would not be sustainable.

4.2.3 Fear of crime

There is general advice in Planning Policy Wales (Section 3.1), the Crime and Disorder Act 1998 and subsequent good practice guide that the effects of a development on crime is a potential material consideration a planning authority should consider when exercising its functions.

Concern has been raised by local residents that the use of the firing range by other organisations could result in a loss of public safety within the area and increased fear of crime.

Whilst respecting this perception, from a planning perspective it is clear that fear of crime in relation to a site run by North Wales Police, (with users being members of large scale organisations, licensed instructors being present, and a Range Warden supervising activities), is not a defensible reason to consider withholding permission. There is little or no evidence to support this stance, as the applicants are well placed to ensure the proper operation and monitoring of the site and its users. It is not considered that the proposed variation of the planning condition would result in a loss of public safety.

4.3 Other matters

In considering comments made relating to human rights, it is noted that Article 1 and Article 8

relate to impact upon the enjoyment of private property and residential amenity. It is considered that these issues are addressed above.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the considerations which appear relevant to the determination, it is considered that the variation of condition 3 to allow 'other organisations as authorised by North Wales Police' to use the site during the permitted hours of operational activities is acceptable, and it is recommended that the variation be granted.

5.2 For Members' reference, it should be noted that where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission would need to be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 also have to repeat the relevant conditions from the original planning permission

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The passive training pursuits on weekends and public holidays (except Christmas Day, Boxing Day and New Years Day) shall be subject to compliance with all the following restrictions:
 - a) the organisations permitted to use this site shall be limited to the North Wales Police, other emergency services and other organisations as are authorised by the North Wales Police;
 - b) it should not operate except between the hours of 0830 and 1730 hours on Saturdays, Sundays or Public Holidays, with the proviso that no activities whatsoever shall take place on the site on Christmas Day, Boxing Day and New Years Day in any year;
 - c) no firing of high or low velocity weapons or activities involving explosions within the site (including buildings) and no sound amplification equipment shall be used outside the buildings within the site on Saturdays, Sundays or Public Holidays;
 - d) there shall be no more than 30 persons in attendance at training events at any one time;
 - e) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request.
2. The use of the firearms training centre during weekdays shall be subject to compliance with all the following restrictions:
 - a) the organisations permitted to use this site shall be limited to the North Wales Police, such other emergency services as are authorised by North Wales Police, and other organisations as are authorised by the North Wales Police.
 - b) the hours of use shall be restricted to between the hours of 0830 and 1730 during weekdays (Mondays to Fridays) with the provision of a maximum number of 12 days in any 12 month period where the hours of use shall be permitted between 0830 and 2000, within which shooting activity shall not be permitted to exceed a maximum of 5 hours; and the use by the other authorised organisations shall be limited to a maximum of four hours per day between the hours of 10:00 and 16:00 on Monday - Friday.
 - c) a register identifying all users and hours of use of the training centre shall be kept and made available for inspection by officers of the Local Planning Authority on request.

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

1. In the interest of residential amenity.
2. In the interest of residential amenity.

NOTES TO APPLICANT:

None

Agenda Item 12

WARD NO: Rhuddlan

WARD MEMBER(S): Cllr Ann Davies
Cllr Arwel Roberts

APPLICATION NO: 44/2014/0953/ PF

PROPOSAL: Construction of new vehicular access involving
removal of front boundary wall to create parking for
one vehicle

LOCATION: 6, Grove Terrace Princes Road Rhuddlan Rhyl

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Heading:

REFERENCE NO. 44/2014/0953/PF
6 GROVE TERRACE, PRINCES ROAD
RHUDDLAN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

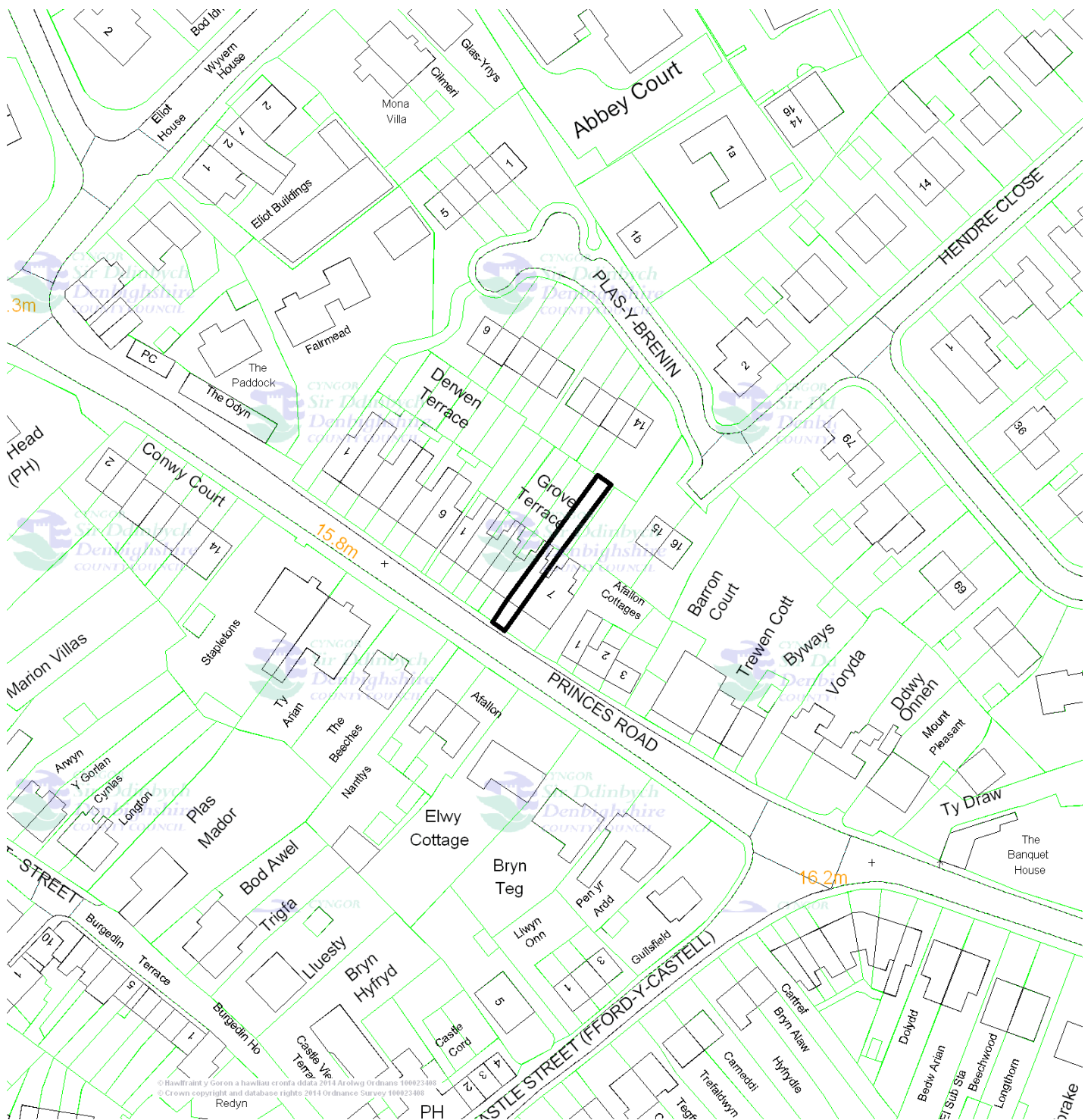


Date 5/1/2015

Scale 1/1250

Centre = 302551 E 378138 N

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

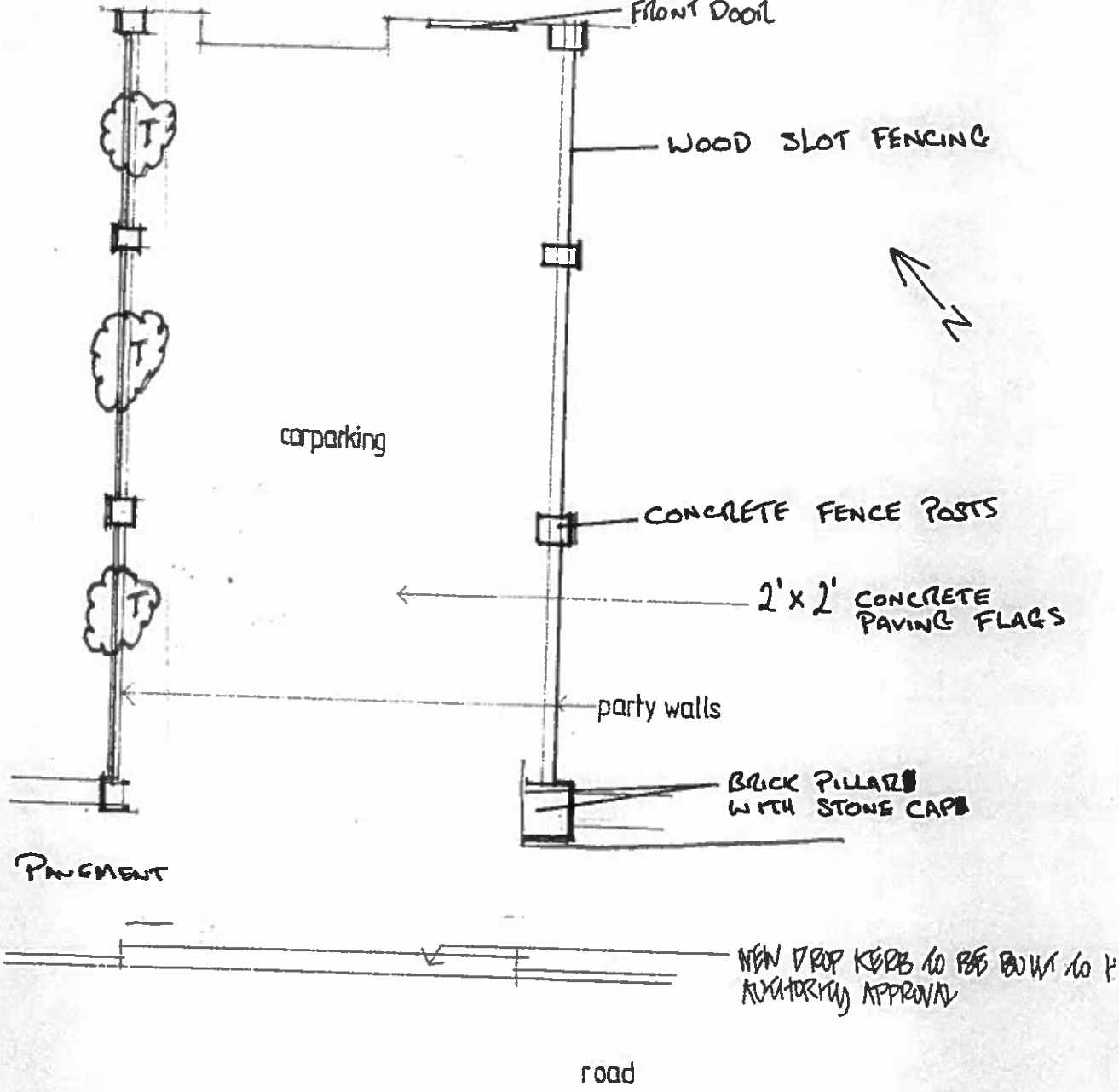


PROPOSED GARDEN LAYOUT

PROPOSED LAYOUT
T = TREE

Nº 6

44 / 2014 / 0953 / P F



PLAN

RECEIVED
18 AUG 2014
CALEDFRYN RECEPTION

AUG 2014

WARD NO: Rhuddlan

WARD MEMBER(S): Cllr Ann Davies
Cllr Arwel Roberts

APPLICATION NO: 44/2014/0953/ PF

PROPOSAL: Construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle

LOCATION: 6, Grove Terrace Princes Road Rhuddlan Rhyl

APPLICANT: Mr Keith Smith

CONSTRAINTS: Conservation Area

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

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
"No objection".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
Highways Officer
No objection subject to conditions relating to detailing

Conservation Architect
Proposals neither preserve nor enhance the character and appearance of the conservation area

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 20/10/2014

REASONS FOR DELAY IN DECISION:

- Re-allocation from original case officer

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application was deferred at the December 2014 Committee to allow for opportunity to check the planning history relating to the creation of vehicular accesses in the vicinity of the site. This information is included in Section 1.4 of the report.
- 1.1.2 The proposal involves the creation of a vehicular access on to the highway at Princes Road, to the front of an existing dwelling, including the removal of a front boundary wall.

1.2 Description of site and surroundings

- 1.2.1 The site consists of a two storey mid terraced property. It is situated within the Rhuddlan Conservation Area. The site is one of seven residential properties within Grove Terrace.

1.2.2 The site is located to the east of the town centre of Rhuddlan. It is located on Princes Road, which is a classified road. Princes Road is a predominantly residential street.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Rhuddlan and the Rhuddlan Conservation Area.

1.4 Relevant planning history

1.4.1 The creation of the access has previously been refused retrospective planning permission in 2010 and this was subsequently dismissed by the Planning Inspectorate at appeal. An enforcement appeal seeking to remove the requirement to re-instate the front boundary wall was also dismissed in May 2012.

1.4.2 There have been a number of planning applications and an enforcement history relating to the creation of accesses in the immediate locality.

1.4.3 Permission was granted in 1987 by the former Rhuddlan Borough Council at 3 Grove Terrace for the creation of a new access. This application required the installation of a gate to mitigate visual impact.

1.4.4 In 1991 an application was refused by Rhuddlan Borough Council at 6 Derwen Terrace (Rose Villa) for the creation of a new access. The application was refused due to the impact on the Conservation Area and impact on highway safety. A subsequent appeal was dismissed. The appeal Inspector concluded that the removal of the front boundary wall would not preserve or enhance the character of the Conservation Area. Additionally the Inspector concluded that existing parking spaces within front gardens on Grove Terrace and Derwen Terrace did not justify the development. It was considered that future development of this type would be very damaging to the street scene.

1.4.5 In the intervening period part of the wall of 6 Derwen Terrace was removed. The associated pillars were retained. This removal was subject of a enforcement investigation in 2014 and it was found that the partial removal of the wall had taken place approximately 10 years ago and that the partial removal of the wall did not represent a breach of planning control having regard to relevant case law and permitted development rights. In the context of the above it was not possible for the Local Planning Authority to take formal enforcement action.

1.4.6 In 2002 an application was refused by Denbighshire County Council for the creation of a new access to 1 Grove Terrace on the grounds of the impact on the Conservation Area, and the harmful precedent that would be set.

1.4.7 Enforcement action has been considered previously at 4 and 7 Grove Terrace in relation to the creation of accesses but due to the amount of time lapsed since the works were carried out, this has not been considered expedient to pursue.

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 44/2009/1500 - Construction of a new vehicular access involving removal of frontage wall (retrospective application) REFUSED 24th November 2010 and subsequently dismissed at appeal for the following reason;

“In the opinion of the Local Planning Authority, the removal of the front boundary wall, which is a key feature of the Conservation Area, has a detrimental impact on the character and appearance of the Conservation Area which is in conflict with Policy CON 5 of the Denbighshire Unitary Development Plan and advice set out in Supplementary Guidance Note 13 Conservation Areas. The grant of permission would make it more difficult to resist proposals elsewhere in the locality, to the further detriment of the Conservation Area.”

Subsequent appeal to Planning Inspectorate DISMISSED 6th May 2011. The Inspector's comments in the decision letter referred to the detrimental impact the works had on the character and appearance of the Conservation Area, stating that it fails to meet the statutory requirement concerning the desirability of either preserving or enhancing the character or appearance of the Conservation Area.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy RD3 – Extensions and alterations to existing dwellings

Government Policy / Guidance
Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on Residential Amenity
- 4.1.3 Visual and Landscape Amenity
- 4.1.4 Access / Highway issues

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The general principle of constructing a new vehicular access in connection with a dwelling may be acceptable subject to the assessment of local impacts.
- 4.2.2 Visual Amenity
PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Paragraph 6.5.17, Chapter 6, PPW states that should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation

area, or its setting, there will be a strong presumption against the grant of planning permission.

The removal of the front boundary wall has been resisted previously by the County Council through the refusal of planning permission, and the Planning Inspectorate at a planning appeal and upholding enforcement notice. The removal of the front boundary wall has been resisted based on the detrimental impact on the character and appearance of the conservation area.

As has previously been established, it is considered that the removal of the front boundary wall would be harmful to the character and appearance of the conservation area and therefore fails to comply with the requirements of the policies and guidance listed above.

With respect to the issue of existing accesses in the immediate locality, Officers' advice is that all of the existing accesses in the locality benefit from historic planning permissions or are exempt from enforcement action due to the passage of time, or they benefit from permitted development allowances. It is Officers' opinion that development elsewhere beyond planning control does not justify further development that would be harmful to the character of the conservation area. This view has been confirmed by the planning inspector in the appeal relating to the exact same proposal for an access at the application site in 2011.

4.2.3 Access / Highway issues

Policy RD1 requires that development does not have an unacceptable impact on the local highway network.

The Highways Officer has raised no objection to the proposals on technical acceptability grounds, subject to conditions.

Having regards to the design, scale and location of the proposals it is considered that they would not have an unacceptable impact on the local highway network subject to appropriate detailing secured by condition.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Officers remain of the strong opinion that the proposal would have a detrimental impact of the character and appearance of the conservation area, and the application is therefore recommended for refusal.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority, that the proposed development, by virtue of the removal of the front boundary wall, which is a key feature of the Conservation Area, would have a detrimental impact on the character and appearance of the Conservation Area and the locality, which is in conflict with criteria i) of Policy RD 1 of the Denbighshire Local Development Plan and advice set out in Planning Policy Wales Edition 7 and Supplementary Guidance Note 13 Conservation Areas.

NOTES TO APPLICANT:

None

Agenda Item 13

WARD : Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/1125/ PF

PROPOSAL: Change of use of dwelling and flat to self-catering
holiday let unit

LOCATION: 20 Marine Drive Rhyl

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Heading:

REFERENCE NO. 45/2014/1125/PF

20 MARINE DRIVE

RHYL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709



Application Site

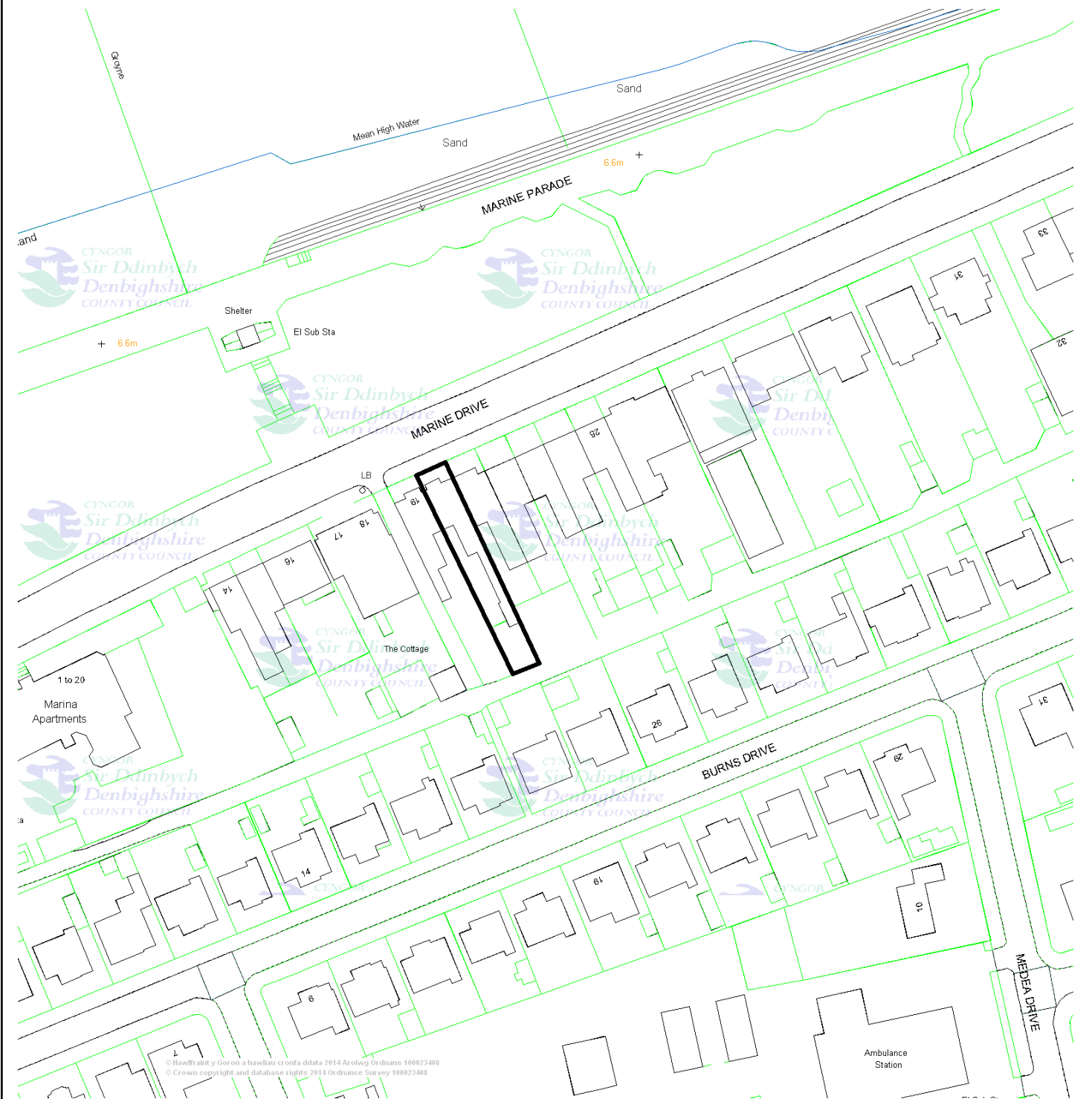


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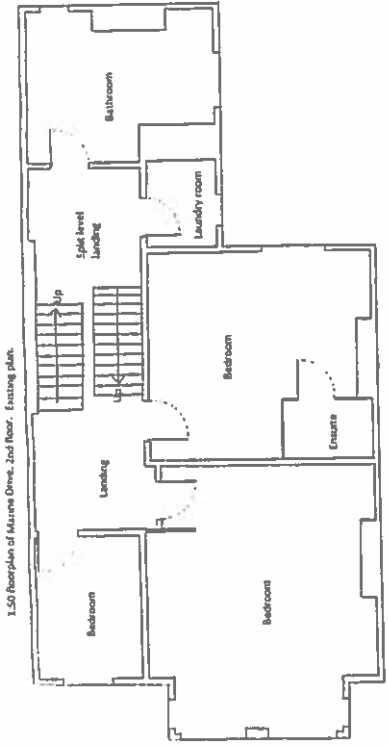
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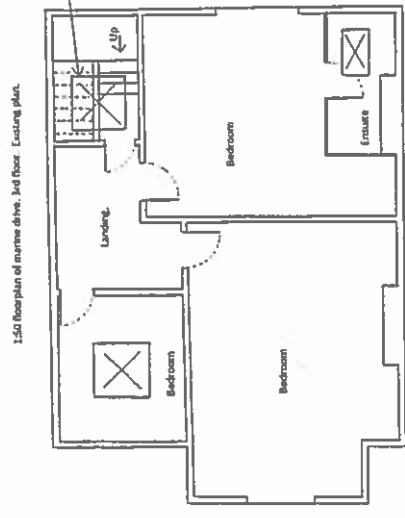
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



EXISTING FLOOR PLANS



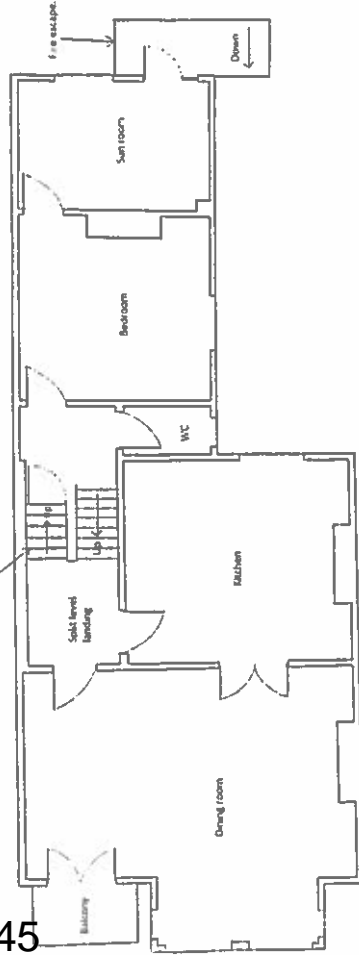
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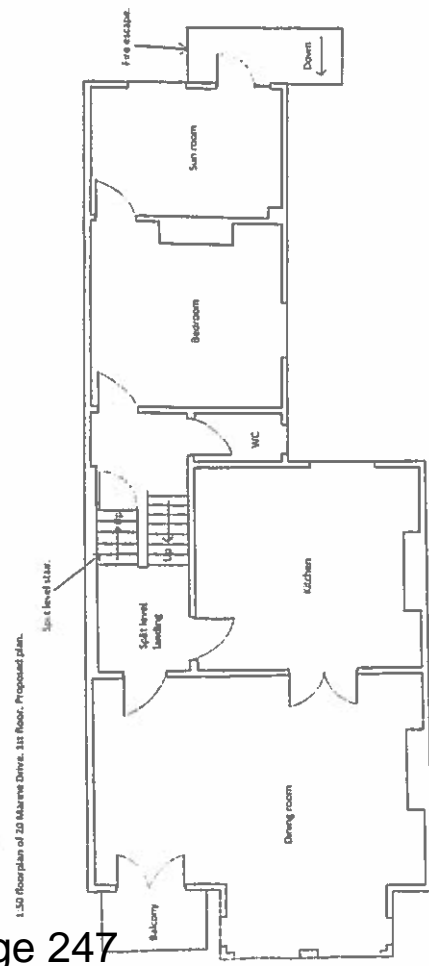
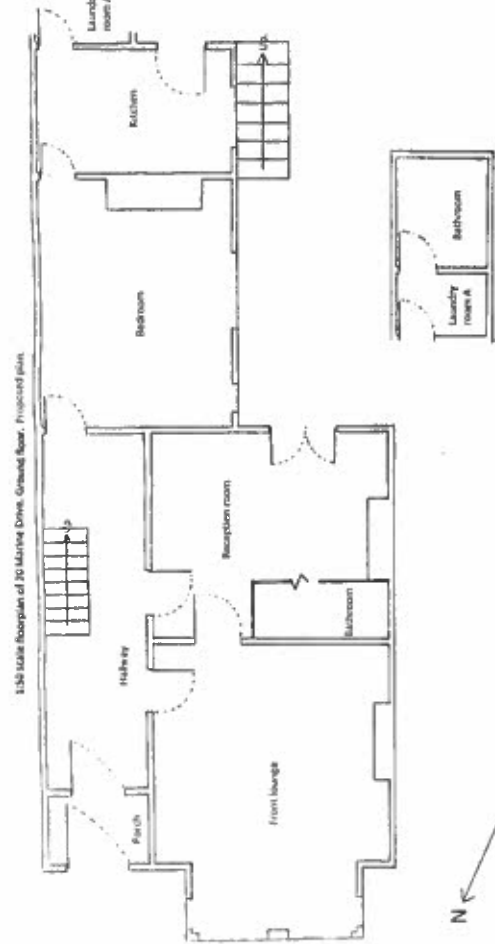
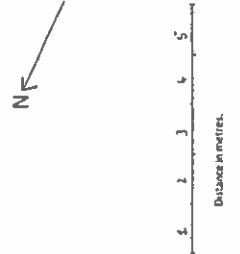
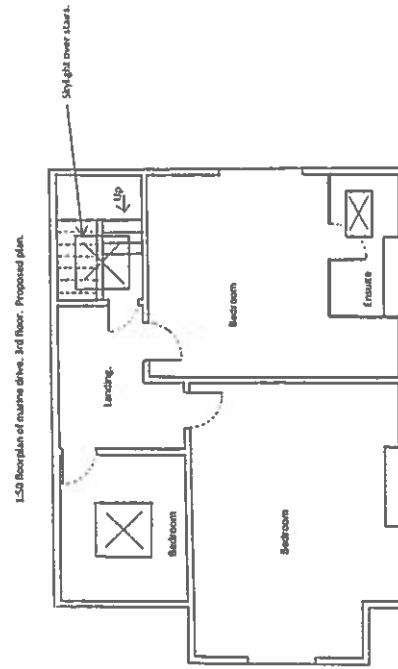
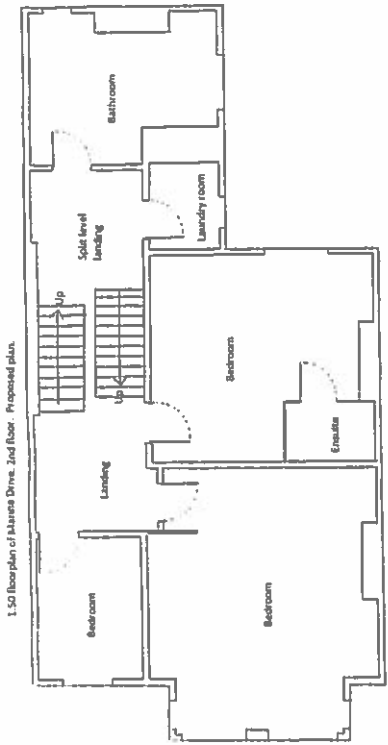


Distance in metres.



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PROPOSED FLOOR PLANS



WARD : Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/1125/ PF

PROPOSAL: Change of use of dwelling and flat to self-catering holiday let unit

LOCATION: 20 Marine Drive Rhyl

APPLICANT: Mr Adam Wright

CONSTRAINTS: Article 4 Direction

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Objection, The Council consider that the proposed occupation of the property by up to 18 persons would represent over intensification of the property to the detriment of neighbouring households and would create parking issues”.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to conditions.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 06/01/2014

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the change of use of 20 Marine Drive to a single self-catering holiday let unit. The existing use of the property is a single dwelling and flat.
- 1.1.2 No alterations are proposed to facilitate the change of use. The site layout and access arrangements would remain as existing.
- 1.1.3 The proposed holiday let would comprise of 8 bedrooms spread over four floors with living accommodation on the ground and first floors. There is an amenity area,

outbuilding and a parking area to the rear, accessed off the lane bounding the rear of the site.

1.2 Description of site and surroundings

1.2.1 The property fronts Marine Drive in Rhyl, and is opposite Marine Parade on the eastern end of the Promenade.

1.2.2 It is a four storey brick building, in a terrace of similar Victorian properties. It is understood the original use of the property was a hotel.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Rhyl.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 An additional plan was provided to show on-site parking on the request of the Highways Officer.

1.6 Other relevant background information

1.6.1 Referring to the nature or the use in the DAS, the Applicant states that the property is proposed to be operated as a 'high quality' holiday let which can be rented to groups of up to 18 people.

2. **DETAILS OF PLANNING HISTORY:**

2.1 None.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy ASA3 – Parking standards

3.1 Government Policy / Guidance

Planning Policy Wales Edition 7, July 2014

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. These are explored under the relevant headings below.

The application proposes the reuse of a single dwelling and flat, to a holiday let, which is considered acceptable in principle as a use under policy RD1. The detailed impacts are set out below.

4.2.2 Visual amenity

Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

No physical alterations are proposed to the external appearance of the building, and no internal alterations to alter the layout are involved.

As no physical changes are proposed to the building, it is considered that there is no conflict with planning policy in terms of respecting the visual amenity of the area.

4.2.3 Residential amenity

Policy RD 1 contains general considerations to be given to the impacts of development. Among these considerations is the impact on the residential amenity of the area. There is a general requirement for development proposals to not result in a loss of amenity for neighbouring dwellings by virtue of overlooking, increased activity, and disturbance. Adequate standards of amenity for the proposed development itself should also be provided.

The proposal would involve the conversion of a dwelling and flat to a single holiday let. There would be no increase in the number of bedrooms, as there are 8 between the existing dwelling and flat and there would be 8 bedrooms in the holiday let. The window arrangements and external space would remain as existing. There are a mix of uses in the area including single and flat type residential uses, B&B's and nurseries. The Town Council have raised concerns over impact of the use on adjoining occupiers and potential for over intensification.

Owing to the existing use of the property and the nature of development in the area it is considered that the proposal would not impact significantly on the amenity of adjacent occupiers. Adequate space is provided within the proposed dwelling and the level of amenity space more than meets policy requirements. It is therefore suggested there would be no significant residential amenity conflicts.

4.2.4 Highways (including access and parking)

Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8).

Plans submitted with the application show there would be 5 parking spaces available for the proposal, one would be within the existing garage. The site is located close to

the town centre and 500 metres to the east of a public carpark and leisure facility. There are pedestrian and bicycle links on the coast side opposite the development. The Highways Officer has no objections to the proposal and there are no concerns in respect of the adequacy of the local highway network. The Town Council have objected on the basis that the use could result in parking issues.

There would be 8 bedrooms in the holiday let which is the same as the existing flat and dwelling. The Applicant has advised that at capacity the property could be occupied by up to 18 people. There is on site parking and public car parking in the area. As such it is considered that the application would be difficult to resist for this reason alone and raises no significant policy conflict in terms of highways safety or accessibility.

5. SUMMARY AND CONCLUSIONS:

5.1 With respect to the concerns of the Town Council it is the opinion of Officers that the proposal would allow for a re-use of a building which would not be dissimilar to the existing uses, complying with the general considerations of planning policy RD1. The application is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the development being brought into use.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety

NOTES TO APPLICANT:

None

Agenda Item 14

WARD : Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/1202/PF

PROPOSAL: Erection of 2m high timber fencing adjacent to
highway

LOCATION: 47 Highfield Park Rhyl

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Heading:

REFERENCE NO. 45/2014/1202/PF

47 HIGHFIELD PARK

RHYL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

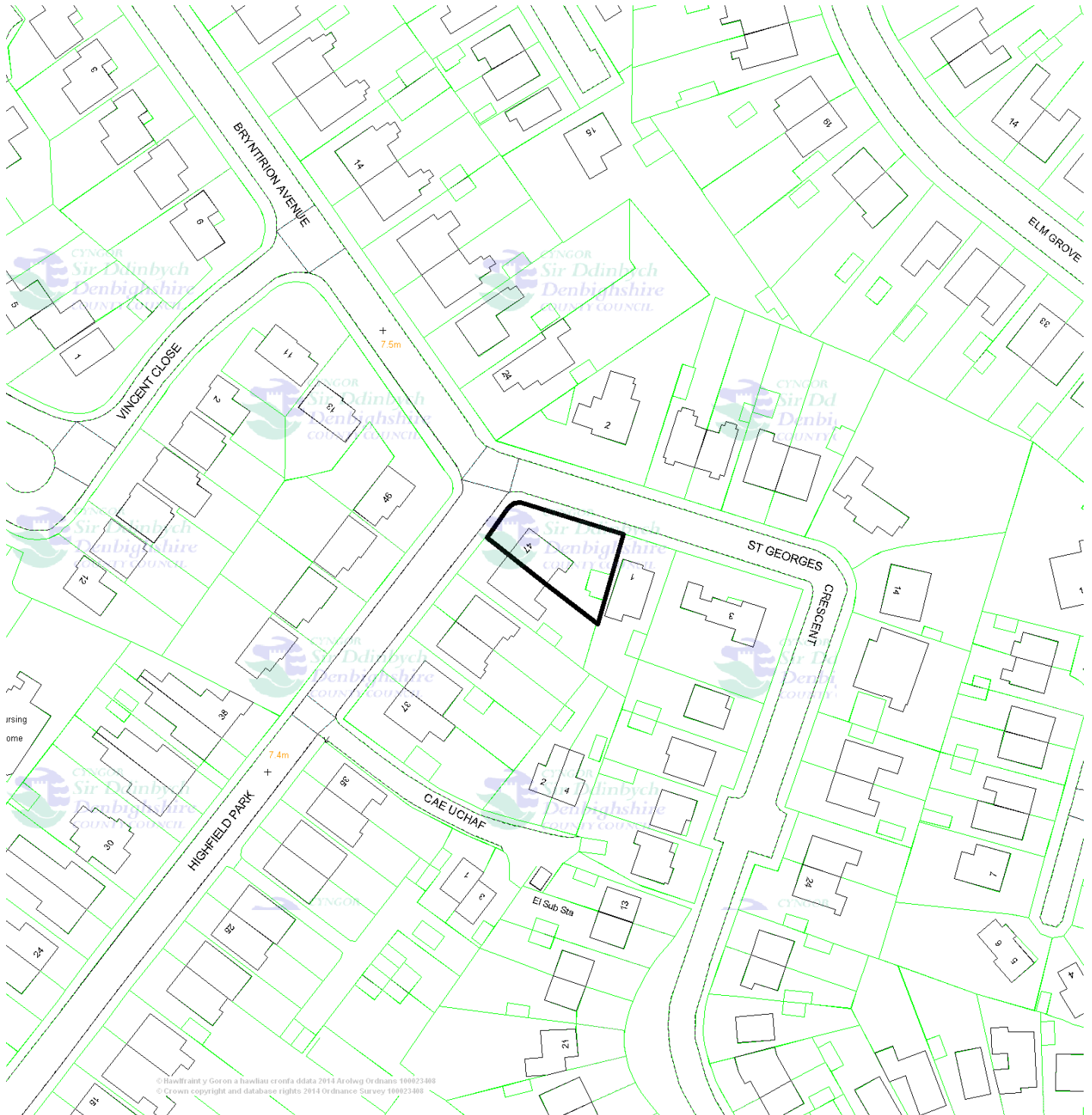


Date 5/1/2015

Scale 1/1250

Centre = 301606 E 381837 N

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



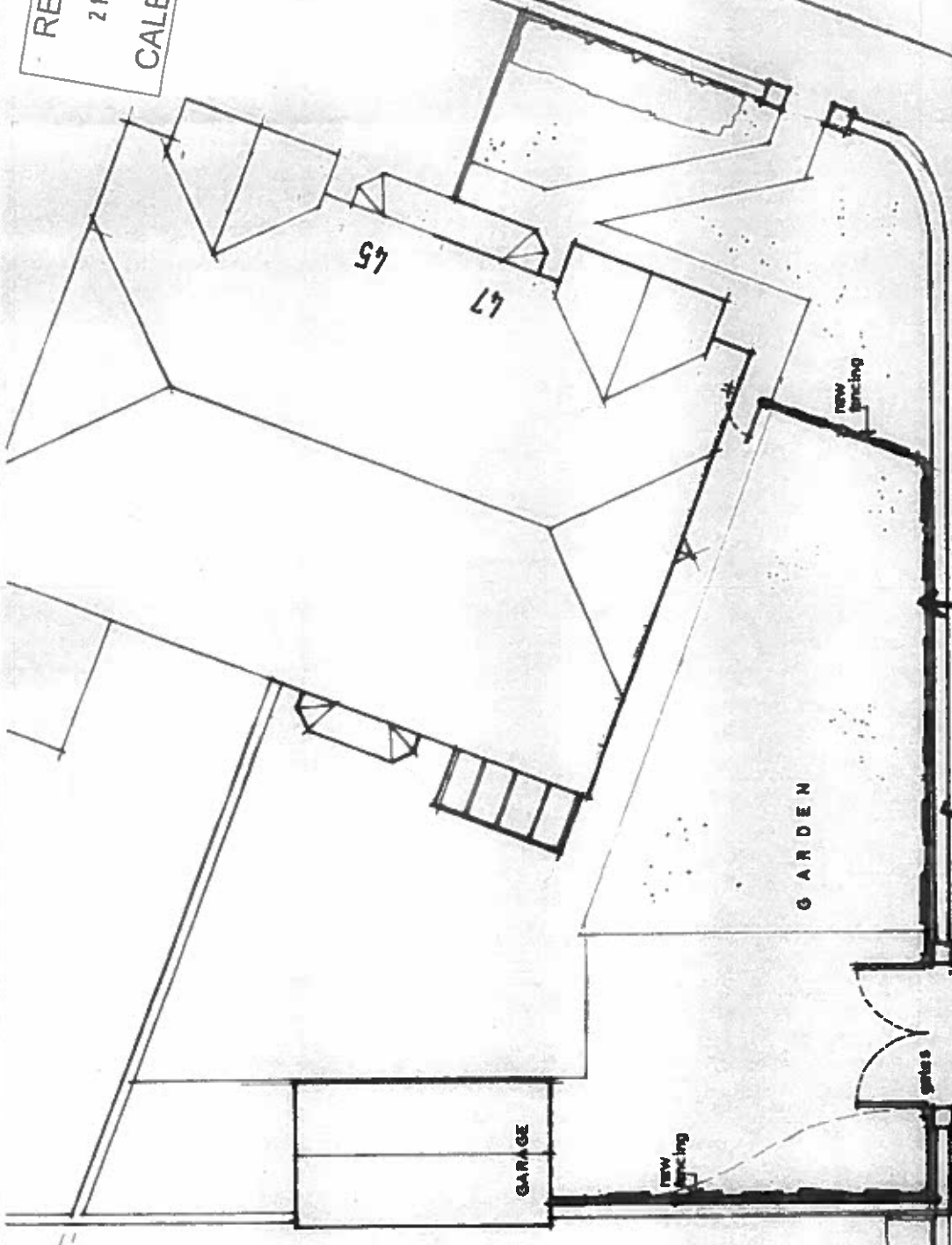
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stephen funnel
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MR. T. WOOD
427 HIGHFIELD PARK, CHIV.
NEW FENCING.
PROPOSED SITE PLAN
11/107 13 11/107 04

RECEIVED
21 OCT 2014
CALEDFRYN

HIGHFIELD PARK



PROPOSED LOCATION
OF FENCING

BOUNDARY
WALL

GARDEN

GARAGE

new
fencing

glass

new
fencing

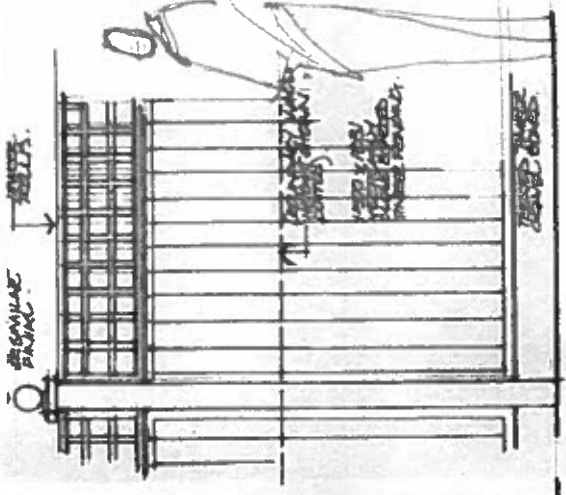
new fencing behind boundary walling

ST. GEORGES CRESCENT

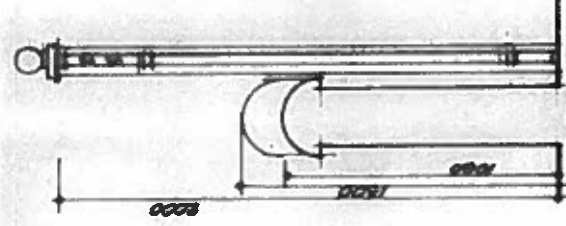
ELEVATION DETAILING

Stephen Funnell architect	
47 Highfield Park, B.V.L.	
New Fencing	
Proposed Elevations	
11/00	4/11/07 05/11

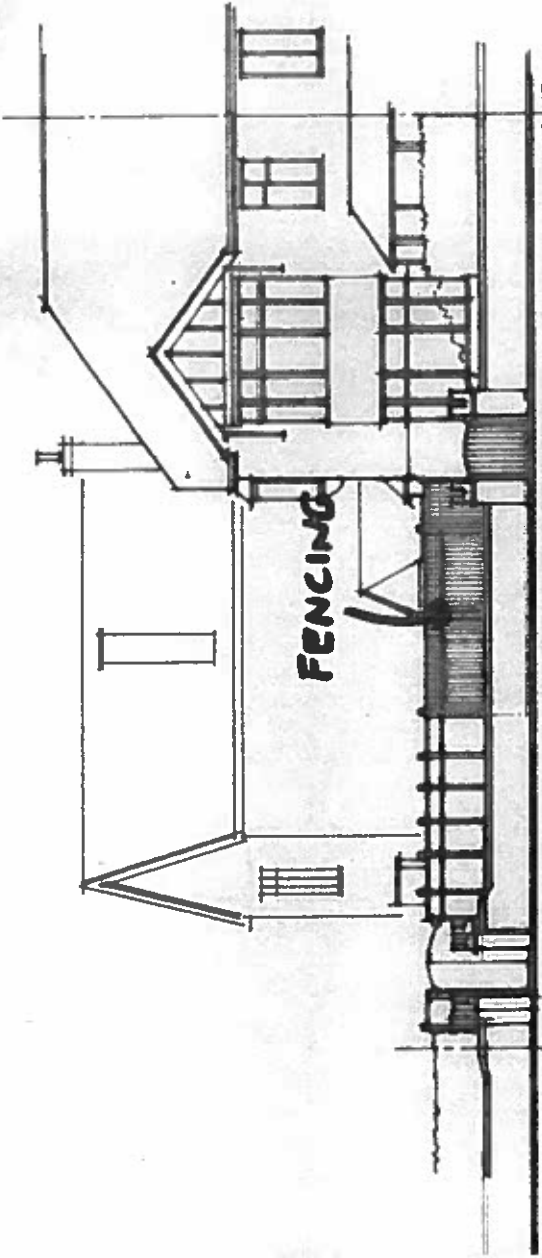
RECEIVED
21 OCT 2014
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elevation
NEW FENCE
1:20

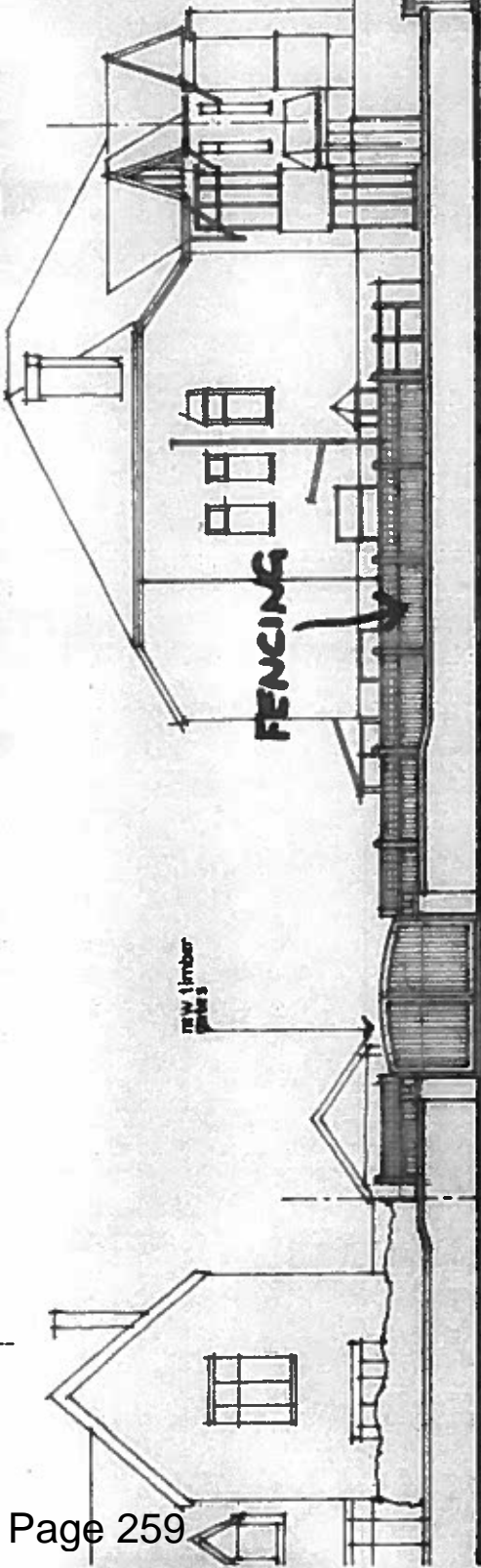


section
NEW FENCE
1:20



south east elevation
1:100

new fencing behind boundary
fencing back to house



south west elevation
1:50

new fencing behind boundary walling

WARD : Rhyl East

WARD MEMBER(S): Cllr Barry Mellor
Cllr David Simmons

APPLICATION NO: 45/2014/1202/PF

PROPOSAL: Erection of 2m high timber fencing adjacent to highway

LOCATION: 47 Highfield Park Rhyl

APPLICANT: Mrs Tracey Wood

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL – “Object on the following grounds: The fence is considered to be detrimental to the visual appearance of the neighbourhood and is out of keeping with the layout of the estate as designed, which is predominately comprised of properties with standard red brick boundary walls of consistent height. As such the Council feel that the proposed wall represents a negative impact on the street scene.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEEES –
Head of Highways and Infrastructure
- Highways Officer – No objection.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 15/12/2014

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for the erection of a 2m high timber fence within the garden area of the dwelling in a position adjacent to the highway and the insertion of new timber gates at the vehicular access.

1.1.2 The fence would be erected behind an existing red brick boundary wall which forms the side boundary with the highway along St Georges Crescent. The existing brick wall is approx. 1m in height, and increases slightly at the vehicular access point.

1.1.3 The plan at the front of the report shows the detailing of the fencing.

1.2 Description of site and surroundings

1.2.1 The site contains an existing semi-detached dwelling in a corner plot at the junction between Bryntirion Avenue, Highfield Park and St. Georges Crescent.

- 1.2.2 The residential curtilage has two boundaries with the highway; to the front with Highfield Park and to the side with St. Georges Crescent.
- 1.2.3 Property boundaries which front a road in the area are primarily formed by brick walls and vegetation.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Local Development Plan development boundary for Rhyl.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 N/A

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 The main land use planning issues in relation to the application are considered to be:

- 3.1.1 Principle
- 3.1.2 Visual Amenity
- 3.1.3 Highways

- 3.2 In relation to the main planning considerations:

- 3.2.1 Principle

Policy RD 3 advises that the extension or alterations to existing dwellings will be supported subject to compliance with detailed criteria. The principle of fencing within the curtilage of existing dwellings is therefore considered to be acceptable subject to an assessment of the detailed local impacts, which are considered in the following sections of the report.

- 3.2.2 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria i) of Policy RD 3 the scale and form of a proposed extension or alteration is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The Town Council has objected to the proposal and considers the proposal would be out of keeping with the layout of the estate and would have detrimental visual appearance.

Physically, the site is a corner plot at a junction with three residential streets and the residential curtilage is bounded by the highway to the front and side.

The proposal is to erect a 2m high fence behind the existing red brick wall which forms the boundary with the highway, and would be retained. New timber gates are

also proposed to enclose the existing vehicular access. The proposed 2m high fence along the side boundary would be approximately 16.5m in length. A new fence with a length of 4.7m would then run from the side boundary back to the house. (This is illustrated on the plan at the front of the report.)

Most road boundaries on the housing estate are formed by red brick walls rather than fencing and therefore the addition of timber fencing close to the road would have some visual effect and may appear to be out of accord with the character of the surrounding area. However it is to be noted that the current proposal is to retain the boundary wall and to erect the fencing behind this wall, and that the fencing proposed would also have some 0.2m of trellis detailing at the top of the timber panels, which would help to limit the visual impact.

Additionally, the new fencing would not run the full length of the side boundary, and would be set back from the front elevation of the property by approx. 1m. It would not therefore obstruct views of the front of house from the street, or of the street from the house and in Officers opinion, would accord with the guidance in the Householder Development Design Guide SPG.

Having regard to the design of the proposed fencing and its siting behind the existing red brick boundary wall, Officers therefore conclude, with respect to the comments of the Town Council, that the proposal would not have an unacceptable impact on visual amenity.

3.2.3 Highways

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network.

The Council's Highways Officer has raised no objection to the proposal and Officers would therefore conclude the erection of a 2m fence along the side boundary would not lead to unacceptable impact on highway safety.

4. SUMMARY AND CONCLUSIONS:

4.1 The proposal is for the erection of a 2m high fence and the insertion of new timber gates at the existing vehicular access.

4.2 The fencing would be erected behind the existing red brick boundary wall which would be retained. The top 0.2m of the fencing proposed would be trellis, which would limit the visual impact.

4.3 Whilst the fencing would have a visual effect on the immediate area around the property, due to its design and siting, Officers do not consider the impact on visual amenity is significant enough to warrant a refusal of planning permission.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.

The reason(s) for the conditions(s) is(are):

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

NOTES TO APPLICANT:

None

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