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REFERENCE NO. 40/2014/1445

Scale: 1:1250

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Denbighshire Boundary	
DCC	



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- Proposed Addition Line
- Site Change Line
- Existing Building
- Proposed Vegetation
- Existing Trees
- Proposed Store Location
- Site Access
- Existing Access
- Proposed Access Point
- Existing Level
- Proposed Level
- Existing External GPR
- Existing Internal GPR
- Existing Services to be retained
- New Services
- Proposed Road
- Proposed Car Park
- New Internal Boundary
- New Boundary (C. Existing Status (C20) - 100m)
- Ground Surveys
- Car Park Area with Boundary Lines
- Proposed LPI

Scale: 1:200

1	62.00	15	Current Status: retained to show a vehicle status
2	24.00	15	New Site Access retained
3	62.00	15	Area for parking retained to 3 spaces. Detailed by 17.02.15
4	17.02.15	15	Existing building retained. New Store Area
5	62.00	15	Existing car parking status added for the 17.02.15
6	17.02.15	15	Existing Site Area retained
7	62.00	15	Car park Brand and Access retained
8	62.00	15	Car park Brand and Access retained
9	62.00	15	Car park Brand and Access retained

FOR PLANNING

NEWBORN RETAIL LTD.

PROPOSED RETAIL STORE
 TYFRY 1st Fy Ln Budeyresdon, RNL, LL18 5TE

PROPOSED SITE PLAN

Client: Newborn Retail Ltd.
 Date: 10/12/14
 Drawn: [Name]
 Checked: [Name]
 Approved: [Name]

CORSTORPHINE + WRIGHT

1311108
 1311109
 1311110

ASCO
 A1 1320
 RFD-0102

06.12.2014
 1

1311108

1311109

1311110

WARD : Bodelwyddan

WARD MEMBER(S): Cllr Alice Jones (c)

APPLICATION NO: 40/2014/1445/ PF

PROPOSAL: Erection of class A1 convenience store with ATM machine, associated parking, access arrangements and landscaping

LOCATION: Land at Ty Fry Inn Ty Fry Lane Bodelwyddan Rhyl

APPLICANT: New River Retail Property Unit Trust No.4

CONSTRAINTS:

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 – Town / Community Council objection

CONSULTATION RESPONSES:

BODELWYDDAN TOWN COUNCIL

No response to re-consultation sent 30th July 2015, response to original consultation below:

“The Town Council objects to this application on the following grounds:-

1. There is a high volume of traffic in this area already at all times of the day and the addition of this store will add significantly to the amount of traffic on the main road. There are four junctions in close proximity to the proposed site. The main junction from Abergele Road, the turning into the community centre, the turning into the shops at Church View and turning into Maes Stanley. The Town Council are concerned that the extra traffic will have a significant effect.
2. There is a 7.5 weight tonne limit on the road to the proposed site however at the site meeting the company indicated that they would be using 18 tonne vehicles.
3. The plan also indicates that delivery vehicle will be reversing in the small carpark where customers will be parking and pedestrians walking across. The Town Council are concerned for the safety of those persons in the car park.
The Vehicles are then understood to be driving out and down Ty Fry lane where the weight restriction continues.”

NATURAL RESOURCES WALES

No objection.

DWR CYMRU/WELSH WATER

No objection.

WALES AND WEST UTILITIES

No objection, developers should be made aware of utilities apparatus in the area.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
HEAD OF HIGHWAYS AND INFRASTRUCTURE**

Highways Officer

No objection, subject to conditions relating to parking, access and signage details and provision of road markings.

Licensing Officer

No objection, applicant should be advised a Premises Licence will be required should they wish to sell alcohol.

Public Protection Officer

No objection, subject to conditions controlling delivery times and plant noise.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 04/03/2015

REASONS FOR DELAY IN DECISION:

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of a convenience store on part of the car park at the Ty Fry Inn, in the centre of Bodelwyddan village.
- 1.1.2 The single storey foodstore would be sited to the south east of the Inn. It would have a floor area of 279 sq. metres. An ATM is proposed adjacent to the entrance to the store.
- 1.1.3 The proposed site layout includes a service yard to the rear and side, a 2.7 metre high acoustic fence is proposed around the yard area of the foodstore.
- 1.1.4 The access and parking arrangements are proposed to be altered to accommodate the foodstore. The main entrance to the site would be relocated and widened, and the secondary access retained for deliveries only. Parking areas for both the public house and foodstore would be available within the car-park.
- 1.1.5 The supporting documents include a Design and Access Statement, a Planning and Retail Statement, a Noise Impact Assessment, an Initial Highways Assessment and a Stage 1 Road Safety Audit.

1.2 Description of site and surroundings

- 1.2.1 The site is currently car park servicing an existing public house, the Ty Fry Inn.
- 1.2.2 It is a flat site, bounded by dwellings to all sides apart from the road frontage to Ronaldsway.
- 1.2.3 The site is close to the village centre, opposite the site there is a small parade comprising of shops and two takeaways. To the north and east the area is primarily residential in character.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Bodelwyddan.

1.4 Relevant planning history

- 1.4.1 There is no planning history relevant to this proposal on the site.

1.5 Developments/changes since the original submission

- 1.5.1 The original scheme has been amended following concerns raised by Highways Officers over the site layout and access/parking arrangements.

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 BSC1 – Growth Strategy for Denbighshire

Policy PSE9 – Out of centre retail development

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, 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 Highways (including access and parking)

4.1.5 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. The proposal for development within Bodelwyddan is compatible with the general strategy of the Local Development Plan which seeks to concentrate new development in existing settlements. As the site is located outside the defined town centre, Policy PSE 9 is also relevant. This policy relates to out of centre retail development and advises that proposal for small scale retail development within development boundaries but outside of town centres will be supported subject to compliance with detailed criteria. The detailed criteria require that the development; i) is less than 500m² gross area, ii) serve the local area, iii) do not form part of an industrial estate, and iv) do not jeopardise the viability and vitality of town or district centres.

Having regard to the amount of floorspace proposed, the residential population in the immediate locality and the evidence provided in the application in relation to need and

vitality/viability impacts, it is the opinion of Officers that the proposal is acceptable in principle.

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.

A single storey building is proposed to house the foodstore. It would be finished in redbrick, render and have a slate roof. The front elevation would be heavily glazed and there would be an ATM alongside the entrance.

Having regard to the design, siting, scale, massing and materials of the proposed development in relation to the existing site and surroundings, it is considered that the proposals would not have an adverse impact on the site and surroundings. It is therefore considered that the proposal complies with the requirements of the policies listed above.

4.2.3 Residential 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 touch on the potential for impact on residential amenity; 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.

The area to the north, east and south of the site is predominantly residential. A number of dwellings have a boundary with the site and the Public House. The boundary treatments proposed include screen planting and fencing and an acoustic fence around the yard area.

In Officers opinion, the layout plans show a development which has been detailed with some sensitivity to relationships with surrounding property, and it is not considered that there would be unacceptable residential amenity implications, subject to control over minor points of plant detail suggested by Public Protection Officers. It is therefore considered that the proposals would not be unacceptable in relation to requirements of Policy RD1 set out above.

4.2.4 Highways (including access and parking)

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. 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) in support of sustainable development.

Highways Officers have been involved with this application from an early stage and have requested additional information to assist their assessment of the impacts of the development, including a Stage 1 Road Safety Audit (carried out by an independent third party). In response to the latest plans which were amended slightly following to Safety Audit the Highways Officer has raised no objection to the proposal. The Highways Officer is satisfied that the proposed access arrangements are acceptable and there is adequate on site space for deliveries, parking and turning. Concerns have been raised by the Town Council relating to Highways matters.

Having regard to the nature of the existing highway network and access arrangements, the proposed use, the existing use of the site, the character of the locality, scale and location of the proposals it is considered that proposals would not have an unacceptable impact on the local highway network.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposal complies with relevant planning policies, it is therefore 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. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed elevations (Drawing No. RF64-0305 rev B) received 29 July 2015
 - (ii) Proposed floor plan (Drawing No. RF64-0303 rev B) received 29 July 2015
 - (iii) Proposed roof plan (Drawing No. RF64-0304) received 24 December 2014
 - (iv) Service area plan (Drawing No. RF64-0306 rev B) received 29 July 2015
 - (v) Proposed site access arrangements (Drawing No. RF64-010 rev E) received 7 August 2015
 - (vi) Swept path analysis (Drawing No. RF64-TR001 rev G) received 7 August 2015
 - (vii) Swept path analysis - pub deliveries (Drawing No. RF64-TR002 rev A) received 7 August 2015
 - (viii) Existing site plan (Drawing No. RF64-0301) received 24 December 2014
 - (ix) Proposed site plan (Drawing No. RF64-0302 rev I) received 7 August 2015
 - (x) Site location plan (Drawing No. RF64-0300 rev B) received 29 July 2015
3. Deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity within the service area, outside the hours of 07:00hrs and 21:00hrs Monday to Friday, 08:00hrs - 18:00hrs Saturdays and 09:00hrs - 18:00hrs Sundays and Bank Holidays.
4. Notwithstanding the approved plans, prior to the commencement of the use, full details of all plant should be submitted to and approved in writing by the Local Planning Authority and it should be installed in accordance with the Noise Impact Assessment Report produced by Peter Brett Associates dated December 2014.

The plant shall meet the following;

 - i. Noise emissions shall be designed to a level that is at least 5 dB below the typical background noise level at 1 m from the nearest neighbouring residential window.
 - ii. If the cumulative plant noise levels are deemed to be tonal or intermittent the plant noise emissions should be designed to a level that is at least 10 dB below the typical background noise level at 1 m from the nearest neighbouring residential window.
 - iii. If complaints of noise nuisance are received by the Local Planning Authority, the developer shall be notified in writing and the developer shall employ a suitably qualified acoustic consultant to undertake a noise assessment within 1 month of notification to ensure that the above condition is being complied with. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the Applicant fails to undertake a noise assessment within 1 month of notification, the Local Planning Authority shall undertake an independent noise assessment and the Applicant shall be required to cover the cost incurred by the Local Planning Authority.
 - iv. If the development is found to exceed the noise limits specified in the condition above, suitable mitigation measures that will ensure compliance with the condition shall be agreed in writing with the Local Planning Authority and implemented within an agreed timeframe.

5. The facilities for the parking and turning of vehicles within the site shall be completed in accordance with the approved plan before the development / use to which they relate is first brought into use, and shall be retained as approved at all times thereafter.

Reasons for the conditions:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development
3. In the interests of the residential amenities of occupiers of nearby properties.
4. In the interests of the residential amenities of occupiers of nearby properties.
5. To ensure the development is served by a safe and satisfactory access and parking/turning facilities, and in the interests of the free and safe movement of traffic on the adjacent highway.

NOTES TO APPLICANT:

Denbighshire County Council Licensing Note:

You are advised that should the retailer wish to sell alcohol a premises licence will be required from the Councils Licensing Section.

Dwr Cymru/Welsh Water Note:

Dwr Cymru/Welsh Water have advised that there assets may cross the site. It is recommended that you contact Dwr Cymru/Welsh Water to discuss acceptable solutions for this issue. Please see attached information and contact details.

Wales and West Utilities Note:

Wales and West Utilities have advised that there assets may cross the site. It is recommended that you contact Wales and West Utilities to discuss acceptable solutions for this issue. Please see attached information and contact details.

Natural Resources Wales Note:

NRW have advised that you are provided with their standard advice for Developers which is attached.