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42/2015/0237

Scale: 1:2500

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PROPOSED TO BE REMOVED OR NOT TO BE PLANTED AT THIS POINT IN TIME TO AVOID...

Area to the rear of Units 210 to be enclosed with Level 2 concrete. Erect two 2m high steel post-rail fence along boundaries.

Existing woodland area to be retained

EMPLOYMENT DEVELOPMENT

Existing steel cables to be removed. Area to be reserved for additional amenity space for apartment Blocks A and B.

Construct new footway / cycleway link from access road onto existing footway. Link to have steel balustrade to prevent vehicular work.

Existing footpath link from car parking area to be upgraded by the provision of new slabs. Hedge to be cut back, either side of opening and aligned with existing fence. Ground pathway to access road.

Existing footway to the AS151 to be extended to meet proposed footway access. Provide new crossing points for the visually impaired with tactile paving and drop kerbs to be provided at existing and proposed footways.

Proposed length of stone wall to be extended to meet proposed footway. Provide new crossing points for the visually impaired with tactile paving and drop kerbs to be provided at existing and proposed footways.

Existing "Open Space" area to be reserved for the general public using the amenity footpaths and nature walks. The existing picnic benches grassed area will be maintained as part of the overall maintenance programme.

Cut every embankment to allow 2m wide access to rear of every unit. Construct 1.5m high steel post-rail fence. Ground above retaining wall to be grassed to full site contours.

APARTMENT DEVELOPMENT

Existing Laurel hedge between Workshop and proposed Residential site.

7 No. Affordable Housing Units Within New Apartment Block

SITE 'C'

SITE 'B'

SITE 'A'

ST

AS151
TRELAWNYD

LAYOUT PLAN



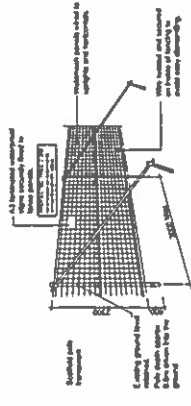
Client: Mr & Mrs. A. & B. (Proprietors) / 10000, 10000, 10000, 10000, 10000, 10000, 10000, 10000, 10000, 10000.

Project: Proposed Redevelopment of Land Near Market Road, Dymally.

Date: 1 December 2014

Scale: 1:500

Drawn by: W. 1087 / 4



PROTECTIVE BARRIER TO RETAINED TREES (BS.5837)
(Consultable, Issue and retain until systems. Eng. Register no. 1087/4)

EXTERNAL MATERIALS:

WALLS:
 Existing facing brick to rear elevations to be covered with pre-coloured K-Rend render. Colour to be approved.
 Existing facing brick to side elevations to be covered with pre-coloured K-Rend render. Colour to be approved. Feature panels to be formed with Western Cedar cladding.
 Existing facing brick to front elevation to be clad with western cedar timber faced horizontally and incorporating western cedar cladding. Existing facing brick to be covered with K-Rend to match rear and side elevations.
 Feature eaves banding and gables to be clad with standing seam metal sheeting. Colour: Anthracite.
ROOF:
 Existing natural slates to be retained.
WINDOWS:
 Natural softwood, factory painted. Colour: - Grey.
DOORS:
 Natural softwood frames, factory painted. Colour: - Grey.
 Doors to be hardware and painted to approved colour.

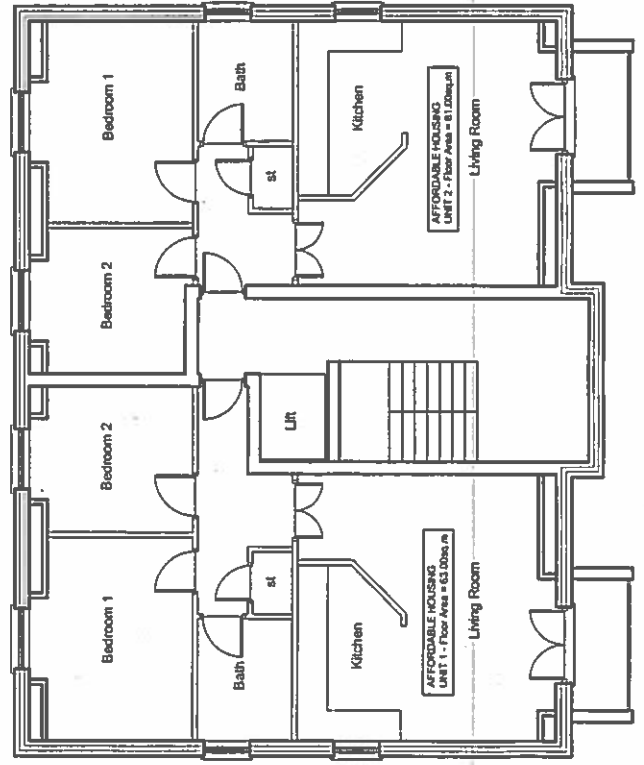
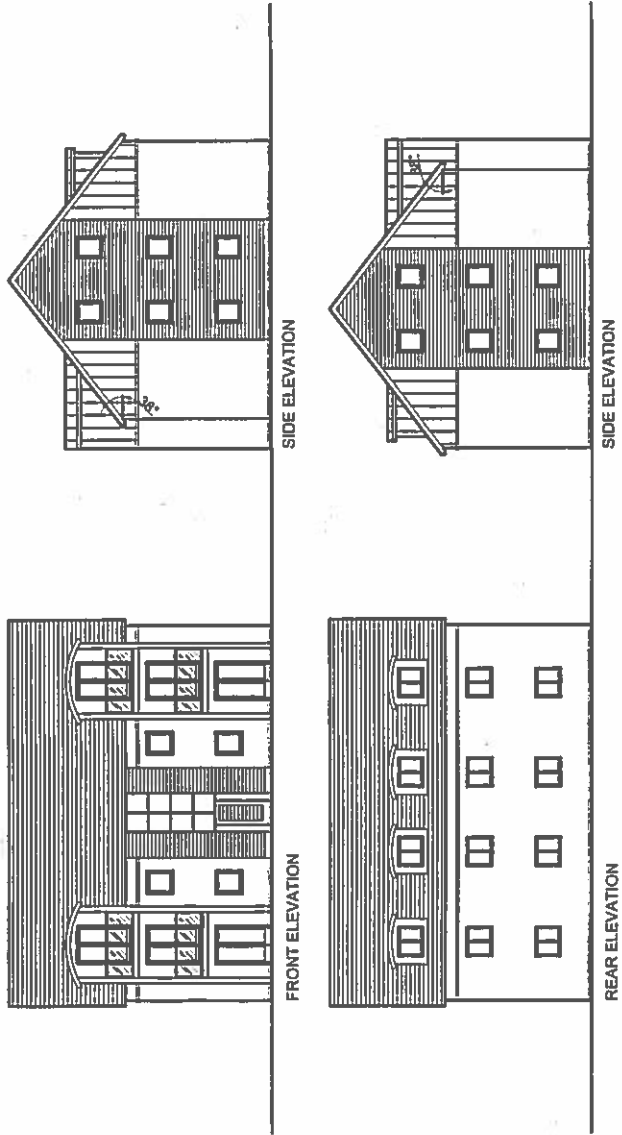
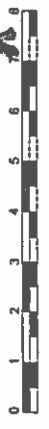
Apartment Block D



Wash Developments	11/08 A 1/200	20 Aug 10/12
Proposed Apartment Block		
Newmarket Road		
Dunwich		
W.1227/12		A

PROPOSED NEW APARTMENT BLOCK

REVISIONS:
 20/02/2015
 2 No. Affordable Housing Units added



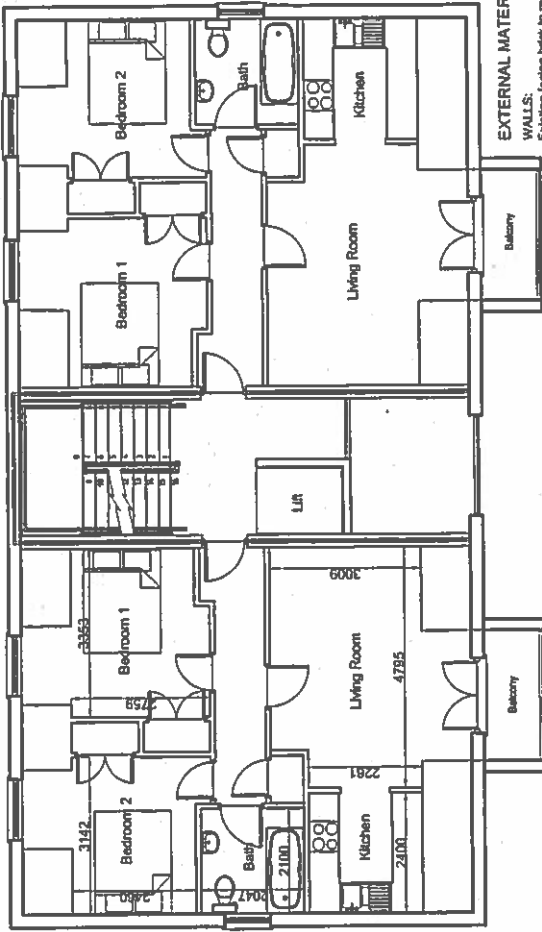
SECOND FLOOR PLAN

CONVERSIONS BLOCKS A & B

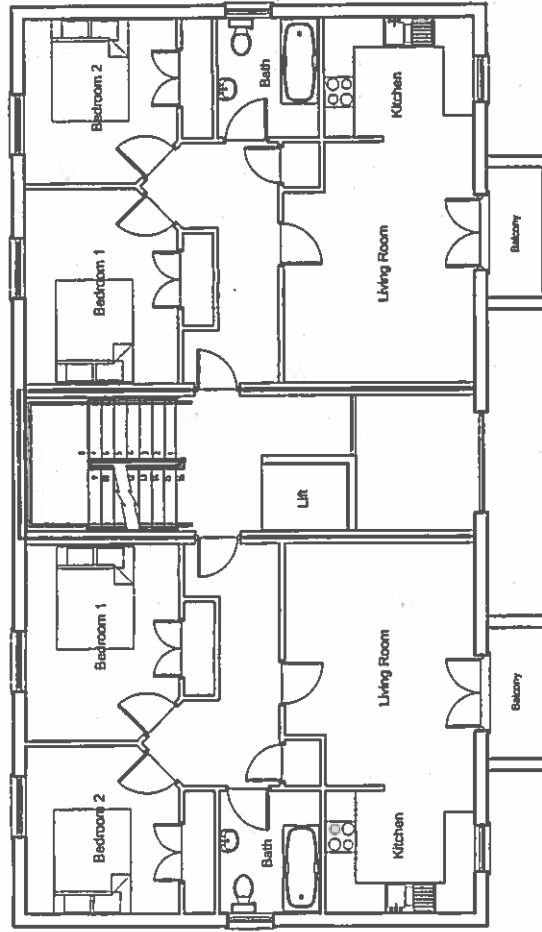


Wash Developments
Proposed Apartment Block
Newmarket Road
Dunfermline
11/00 1:200 27 Sept 1993
W.1227/3

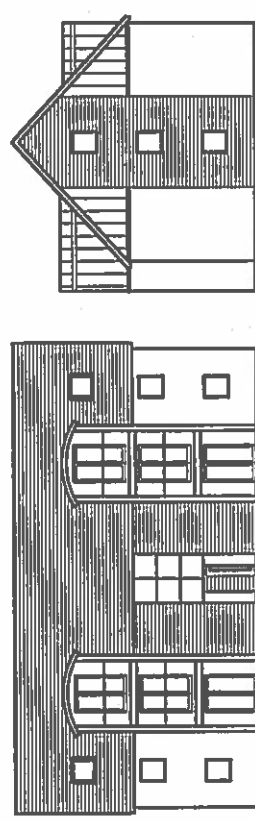
EXTERNAL MATERIALS:
WALLS: Existing facing brick to new elevations to be covered with pre-coloured K-Rend render. Colour to be approved.
Existing facing brick to side elevations to be covered with pre-coloured K-Rend render. Colour to be approved. Feature panels to be formed with Western Cedar cladding.
Existing facing brick to front elevation to be clad with western cedar timber fixed horizontally and incorporating vertical joints as indicated, remaining walls to be covered with K-Rend to match rear and side elevations.
Feature screen banding and panels to be clad with standing seam metal sheeting. Colour: Antenna.
ROOF: Existing natural slates to be retained.
WINDOWS: Natural softwood, factory painted. Colour: Grey.
DOORS: Natural softwood frames, factory painted. Colour: Grey. Doors to be hardwood and painted to approved colour.



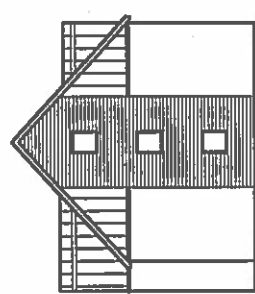
SECOND FLOOR PLAN



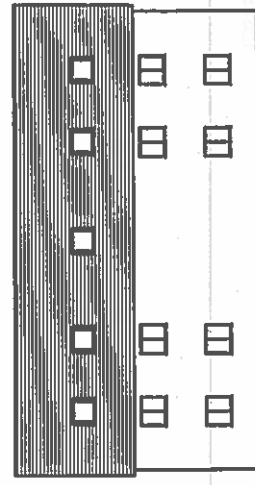
FIRST FLOOR PLAN



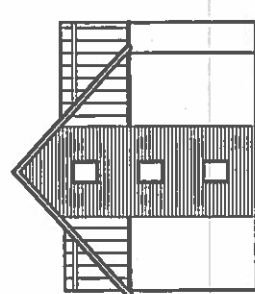
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

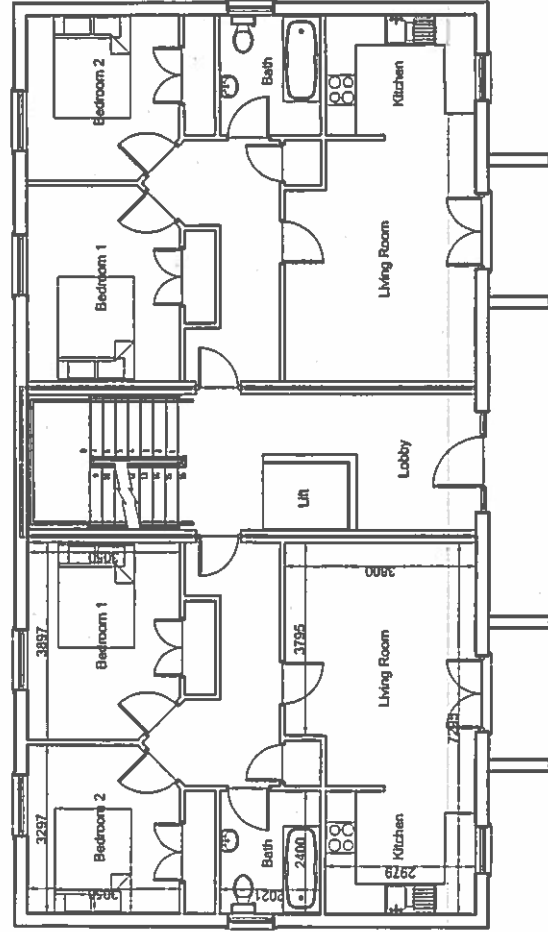


SIDE ELEVATION

Apartment Blocks A and B



GROUND FLOOR PLAN

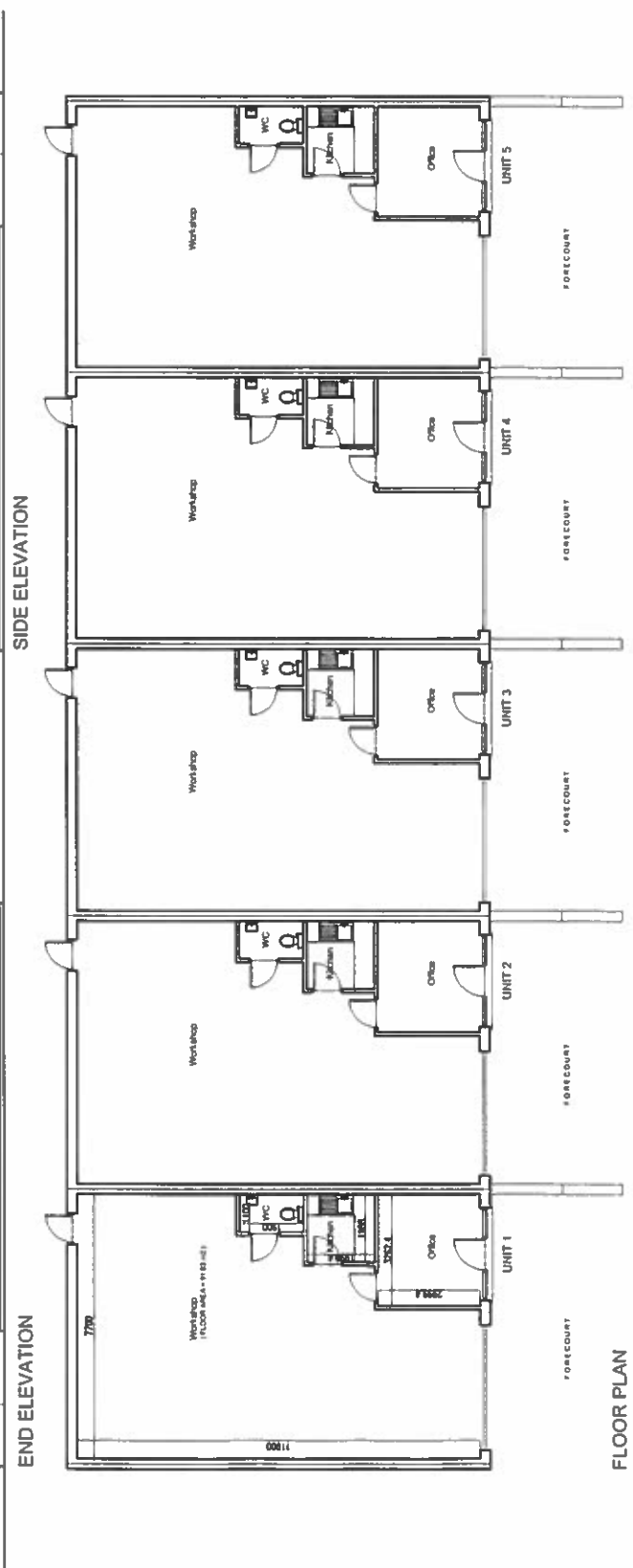
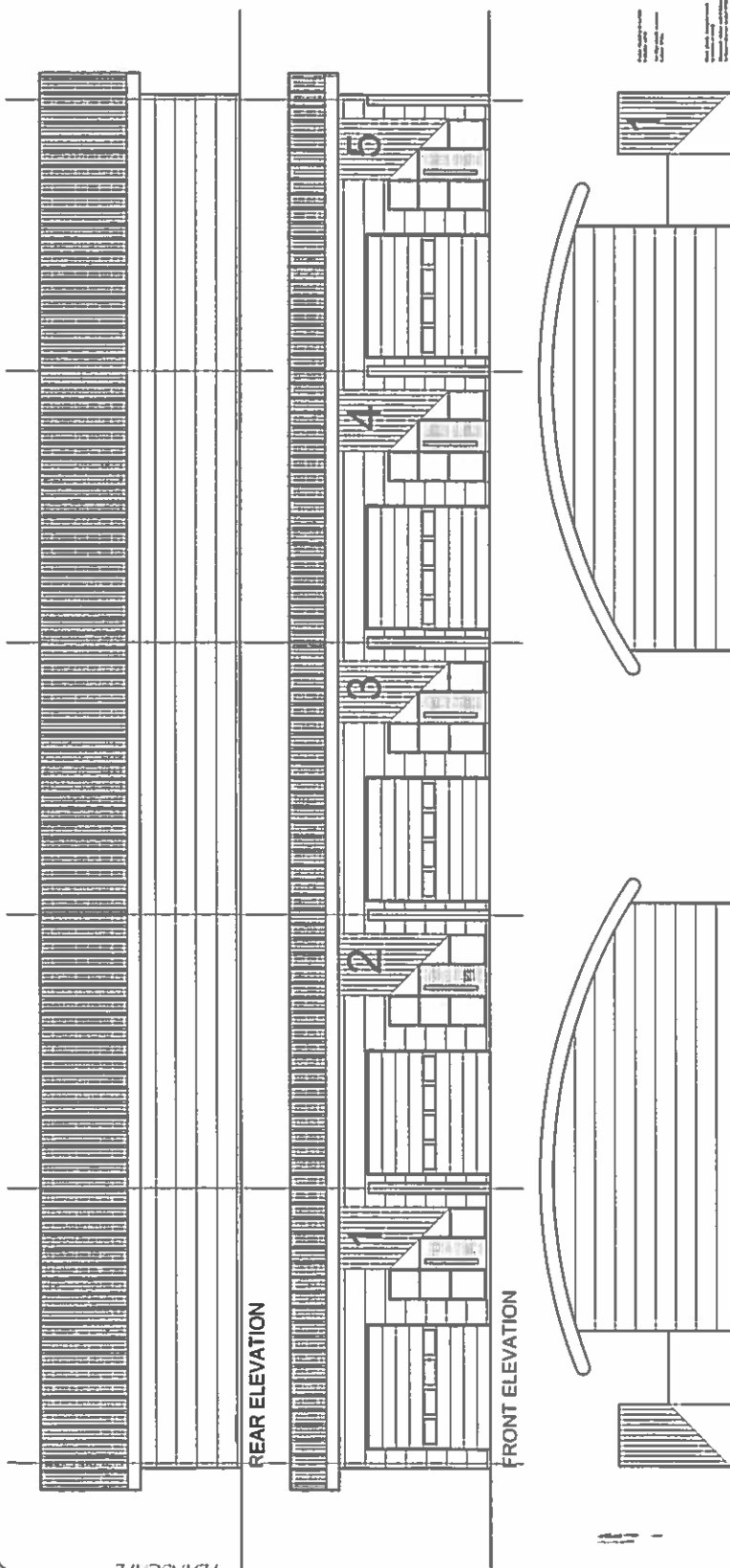


WORKSHOP UNITS

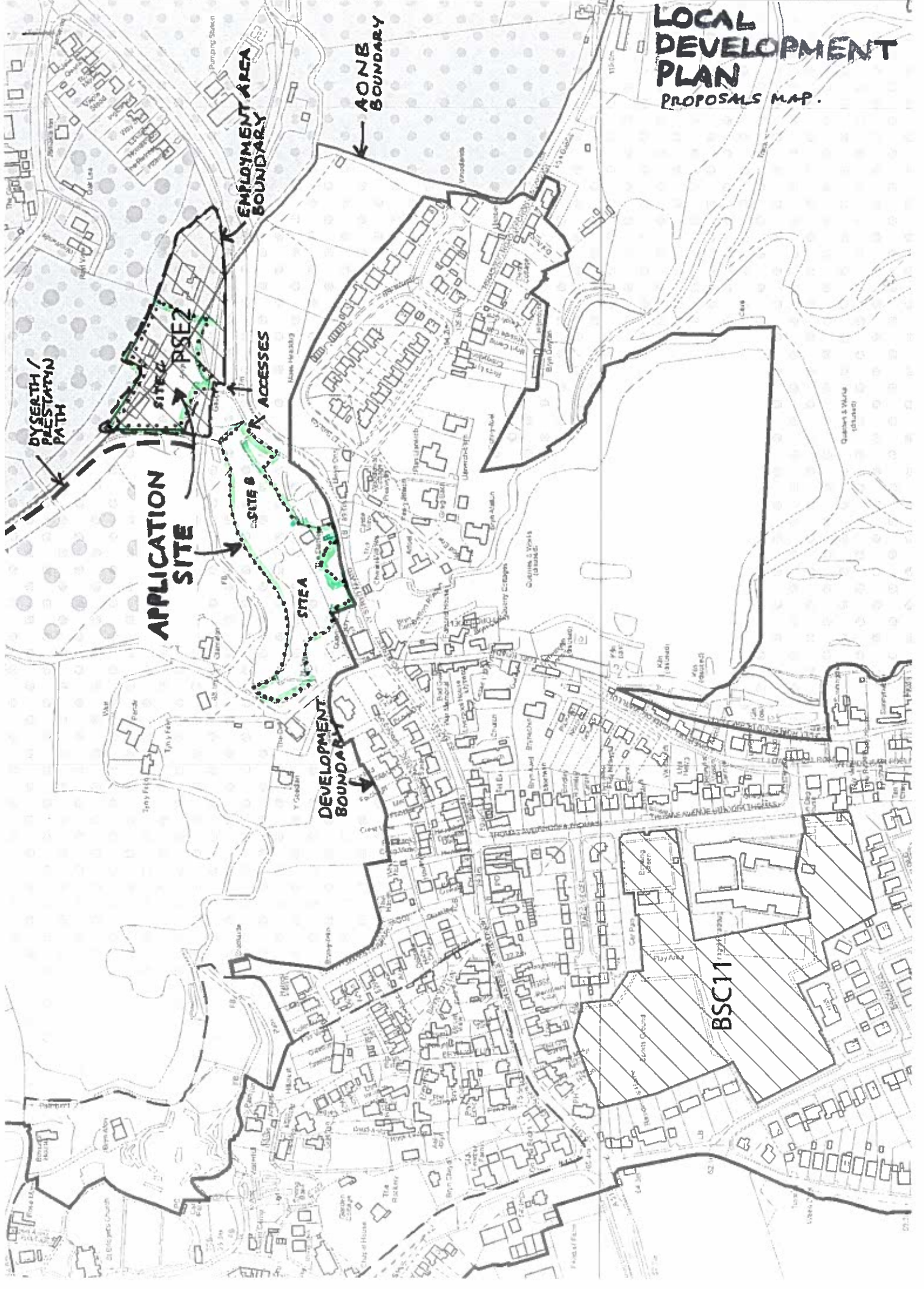


IRL: WALSH
 ARCHITECTS
 100-102 WINDMILL LANE
 DUBLIN 15
 1100
 2 APRIL 2013
 W.1243/1

EXTERNAL MATERIALS:
 ROOF:
 Corrugated steel sheet cladding
 Colour - LIGHT GREY
 Windows:
 Aluminium powder coated steel cladding
 Colour - LIGHT GREY
DOORS AND WINDOWS:
 Aluminium
 Colour/Powder Coated - Dark Metal Grey
 Door to be in a primary colour
 Window Colour (metal cladding above door)



LOCAL DEVELOPMENT PLAN PROPOSALS MAP.



WARD : Dyserth

WARD MEMBER: Councillor Peter Owen

APPLICATION NO: 42/2015/0237/ PF

PROPOSAL: Conversion of offices/workshops to provide 19 self-contained apartments.(ii) Erection of block of 6 self-contained apartments (including 2 Affordable Units).(iii) Erection of 13 Employment Starter Units(iv) Provision of Associated Car Parking, amenity and recreation space

LOCATION: Former Anglia Builder's Yard & Adjacent Car Parks Newmarket Road Dyserth Rhyl

APPLICANT: Walsh Investment Properties

CONSTRAINTS: AONB

PUBLICITY UNDERTAKEN: Site Notice – Yes
Press Notice – Yes
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

CONSULTATION RESPONSES:

DYSERTH COMMUNITY COUNCIL

Original comments

“The Dyserth Community Council raise the following objections and concerns:

- (a) The site is outside the existing Development Boundary designated in the adopted Denbighshire Unitary Development Plan.
- (b) The site is adjacent to the Clwydian Area of Outstanding Natural Beauty.
- (c) The site's boundary to the north is adjacent to an International / National nature conservation importance.
- (d) The site's boundary to the north and north west, is near to a Local Landscape Area.
- (e) Between the two sites, lies a recreational, walking and cycling route.
- (f) The proposals would over dominate the area.
- (g) Noise - concerns of industrial units in the vicinity of a residential area.
- (h) Are there sufficient applicants for affordable housing in Dyserth.
- (i) Volume of traffic - road safety concerns.

- (j) Pedestrian safety.
- (k) Additional traffic in Dyserth High Street. The High Street is presently difficult to negotiate.
- (l) The lack of suitable pavement from the centre of Dyserth.
- (m) There have been many reported and un-reported accidents at the entrance to the site.

Comments on plans as revised in September 2015

1. The site is outside the existing Development Boundary designated in the adopted Denbighshire Unitary Development Plan.
2. The site is adjacent to the Clwydian Area of Outstanding Natural Beauty.
3. The site's boundary to the North is adjacent to an International / National Nature Conservation Importance.
4. The site's boundary to the North and North West, is near to a Local Landscape Area.
5. Between the two sites, lies a recreational, walking and cycling route.
6. The proposals would over dominate the area.
7. Noise - concerns of industrial units in the vicinity of a residential area.
8. Are there sufficient applicants for affordable housing in Dyserth.
9. Volume of traffic - road safety concerns.
10. Pedestrian safety.
11. Additional traffic in Dyserth High Street. The High Street is presently difficult to negotiate.
12. The lack of suitable pavement from the centre of Dyserth to the site.
13. There have been many reported and un-reported accidents at the entrance to the site.
14. Concern is expressed in relation to the present shortage of General Practitioner Doctor in post, within the Betsi Cadwaladr University Health Board - across North Wales. It has been reported in the media, that the shortage will take many years to reach the Doctor capacity required."

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP

Original comments

"The Partnership notes that this site lies outside but immediately adjoins the LDP Development Boundary for Dyserth. However, the site is well contained by existing development and surrounding woodlands and, given the various developments that have taken place across the site in recent years, could now be classed as a 'brownfield' site. Having regard to the screening effect of surrounding woodland and the local topography, the Partnership acknowledges that the development would not have a significant harmful effect on the wider AONB landscape or its setting.

The provision of suitably designed employment starter units and affordable homes is supported in principle and will assist in the economic and social development of the AONB. The Partnership would however hope that a greater proportion of affordable housing units could be provided than the two currently proposed.

A fully detailed landscaping scheme comprising native local species is also required, and the Partnership would emphasise the importance of retaining, enhancing and positively managing the existing woodlands and trees which screen the site for their long term landscape and wildlife value (part of the site is a County Wildlife Site), and would recommend that options for achieving this should be explored with the applicants prior to determination of the application. This should include adjoining land in the applicant's

ownership which is outside the present application site. Denbighshire's Countryside Service would be happy to contribute to such discussions.

The retention of public parking to serve users of the Prestatyn-Dyserth Way is welcome, but the Partnership would suggest that more than 10 spaces are required and that arrangements should be put in place to ensure the public parking area is properly maintained and managed. In addition, the opportunity should be taken to secure a new section of dedicated off-road cyclepath between the end of the Prestatyn- Dyserth Way/A5151 and Pandy Lane as part of the development.

The design of the workshop units is acceptable, but the Partnership has some concerns about the specification of light grey cladding for the roofs and walls and would suggest that darker, more recessive colours (e.g. slate grey for the roofs) would better integrate the development into its rural setting. Sample panels erected on site prior to construction would assist in making the final selection. Care will also be required to ensure that any future signage is controlled to avoid clutter and visual intrusion."

Comments on plans as revised in September 2015

"The Joint Committee notes that the applicants will permit a new cyclepath through the adjoining woodland at the expense of the local authority, but does not consider this to be a practical or deliverable solution to link the Prestatyn-Dyserth Way to the A5151 or Pandy Lane. In addition, the necessary works to create such a link would inevitably have a damaging effect on the woodland. This element of the scheme should be looked at again.

The intention to create a new footpath/cyclepath link between Site C and the Prestatyn-Dyserth Way is welcome, but the Joint Committee considers this should be a permanently accessible part of the public footpath/cyclepath network and not restricted by a gate and key-code system.

The committee would again emphasise the importance of retaining public car parking within the site to serve users of the Prestatyn-Dyserth Way, and still considers the current proposals to be inadequate in this regard. This is a very popular access point for both cyclists and walkers, and the committee would recommend that the number of public parking spaces should be increased from that currently proposed.

Finally, it is noted that the amended plans indicate 2m high steel palisade fences to enclose and secure parts of the site. The committee would recommend that any such fencing should be sited and designed to be as visually recessive as possible and should be dark green in colour."

I would be grateful if you could take account of the AONB's views when deciding this application.

NATURAL RESOURCES WALES

Original response

NRW originally voiced objections on flood risk grounds as it was considered that the submitted Flood Consequences Assessment failed to demonstrate that the apartments on site C would remain flood free during extreme flood events; and suggested additional investigations and consideration of mitigation measures, and further dialogue with Officials. In relation to Groundwater and Contaminated Land, NRW suggested imposition of detailed conditions in the event of permission being granted.

NRW were forwarded the additional Flood Consequences information from the applicants Consultants in September 2015 and have been made aware of representations from objectors questioning the adequacy of information in relation to flooding and land drainage. Their response in November 2015 states as follows-

"The Author of the Flood Consequences Assessment (FCA) (Waterco Limited, w1788-150605-FCA, June 2015) produced in support the re-development of Anglia Yard, has undertaken their own hydrological and hydraulic modelling of Glanffyddion Stream to identify the flood risks at the site, and subsequently inform appropriate mitigation measures. At the time, Natural Resources Wales undertook a technical review of the FCA and supporting Hydrological and Hydraulic model. We are, and continue to be, satisfied that the outputs of the assessments are generally fit for purpose.

The Flood Map Study (Glanffyddion Stream at Dyserth, JBA Consulting, April 2015), and the outputs from it, referred to in the correspondence that your Authority has received from the "Don't Destroy Dyserth" group, have not been used to inform the Anglia Yard FCA. We will be responding to the Group's concerns relating to our Flood Map Study in due course.

We are satisfied that the contents of our final planning consultation response are appropriate. Again, notwithstanding the contents of the FCA, in June 2015 we reminded your Authority of the new notification requirements arising under Circular No. 07/12 and the potential need to notify the Welsh Ministers in relation to this proposal.

NRW are satisfied that the application can now be considered by the County Council on the basis of the information submitted ".

DWR CYMRU / WELSH WATER

Original comments

Raise no objections to the proposals. In relation to :

- Sewerage. Conditions should be imposed on any permission requiring approval of drainage detailing.
- Sewage treatment. No problems envisaged with the waste treatment plant for the treatment of domestic discharges from the site.
- Water Supply. No objections.

Comments on plans as revised in September 2015

Repeat that no surface water or land drainage should connect to the public sewer. If infiltration tests carried out in accord with the Flood Consequences Assessment prove that the land is not suitable, then a connection into the Afon Ffyddion should be feasible. Surface water run off to the public sewer is not required

CLWYD POWYS ARCHAEOLOGICAL TRUST

Original comments

Has no archaeological requirements in response to the development.

The Historic Environment Record indicates two recorded archaeological sites – referred to as the Dyserth Railway Terminus, and Dyserth Building. Given the extent of ground disturbance and modern development, it is not anticipated that any remains of the Railway terminus survive on site, and proposed new buildings will be on the footprint of existing modern buildings and the potential for seeing unrecorded archaeology of any significance is negligible. The Dyserth Building is outside the development area on the woodland slopes to the north.

Comments on plans as revised in September 2015

Amended information does not change previous advice – no objection as there will be no significant archaeological impacts due to previous destruction caused by creation of the car parking and the builder's yard.

WALES AND WEST UTILITIES

Advise there is no record of apparatus in the locality. Developers would have responsibility to ensure no damage to any private supply pipes which may be present.

SUSTRANS

Comments on plans as revised in September 2015

Acknowledge that some measures have been included to consider sustainable transport, but lodge objection on grounds that the new development does not include any enhanced provision or new connections to the existing active travel routes to the north and west of the

site. Suggest revisions to the scheme to provide suitable links through sites A and B and cycle parking in an alternative location.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure

- Highways Officer

Comments on plans as revised in September 2015

The Highway Authority would advise that in terms of parking the proposals are satisfactory. It should be noted that the existing parking facilities for the former use affords some 250 spaces, significantly more than the proposed use requires. In terms of traffic movement I am satisfied that the proposed development would not have a detrimental impact on Highway Safety if the current parking facilities were at full capacity.

Measures have been included in the proposals to improve pedestrian facilities within the site and also improve links to the existing access/footway on A5151 into the village, public transport and surrounding areas. The existing open space and parking facilities will be retained as part of the proposals with an additional area for cycle parking for the general public using nearby footpaths and nature walks.

There has been 1 recorded slight incident in the last five years at this location, however, this was not connected to the site accesses. A speed survey has been carried out and the results found that vehicles travelling in the East Direction are slightly higher than the actual speed limit of 30mph, showing that the 85% percentile traffic speeds recorded are 33mph. In accordance with Tan 18, Visibility Guidelines, 2.4m x 52 m shall be provided, from inspection this can be achieved. Vehicles speeds in the West Direction are below the 30mph speed limit.

Given the above, the Highway Authority consider the proposals are acceptable and therefore have no objection subject to...imposition of conditions requiring completion of proposed highway works, further details of certain works and a construction method statement.

- Footpaths Officer

Draws attention to public footpath 24 which crosses that part of the site which forms the car park off Newmarket Road. Advises that the right of way needs to be safeguarded and cannot be altered or obstructed without a formal legal diversion. The applicants should be advised of their responsibilities if a planning permission is granted.

Biodiversity Officer

Woodland areas are still of local ecological importance and should be protected throughout development, so should be a condition of any permission, along with mitigation for swallows, protection for nesting birds, updated badger and bat surveys with relevant avoidance, mitigation and compensation measures.

Archaeologist

No objection to the application from an archaeological perspective. Old maps suggest presence of some building on the site but it has been so thoroughly altered that there are unlikely to be any remains surviving.

Coastal Team Leader, Economic and Business Development

Original comments

Advises there is strong and unfulfilled demand for small modern workshop units to rent in northern Denbighshire. Demand for larger office units is weaker apart from St Asaph

Business Park. The focus of EU and domestic regeneration funding programmes has moved away from the development of new workshop units so there is now a dependency on the private sector to provide this type of unit. The mixed development would help to deliver the type of units for which there is an unfulfilled demand locally and contribute to the County's economic growth.

In response to suggestions that there are adequate workshop premises available for rent in the locality:

A growing economy requires a mix of sufficient vacant commercial properties of appropriate size and quality which are available for new businesses to move into and to enable growing businesses to expand. The properties cited (by an objector) are mainly of a different size or quality from the ones proposed for this site, particularly in the case of the Council's commercial premises in Rhyl where the majority of those currently available are either much smaller units or offices rather than workshops. A number of the privately owned properties mentioned are now under offer to new occupiers. This gives added weight to my original comment to the effect that this development will provide units of a size and quality for which there is currently an unfulfilled demand in the immediate area.

RESPONSE TO PUBLICITY:

In objection

Original submission

G. Price, 13 Glan Ffyddion, Dyserth
M. Kerfoot-Higginson, Voel Coaches, Dyserth.
Mr and Mrs. Higginson, 55 St Asaph Road, Dyserth
E. Pierce, 8 Hyfrydle, Maes Glas, Dyserth
J.K. Ashton, 15 Glan Ffyddion, Dyserth
D. Wilson, Glanrafon, Pandy Lane, Dyserth
H. Prydderch, 7 Glan Ffyddion, Dyserth
V. Adams-Kivi, The Willows, High Street, Dyserth
R. Walliker, 11, Rhodfa, Dyserth
H. Walliker, 11, Rhodfa, Dyserth
G.and A. Morgan, Trecastell Farm, Newmarket Road, Dyserth

Additional representations / comments on plans as revised in September 2015, from:

Heather Prydderch, 7 Glan Ffyddion, Dyserth (with attached comments from the Don't Destroy Dyserth group – 2 page document)
R. Walliker, 11, Rhodfa Gofer, Dyserth
Mrs J.K. Ashton, 15 Glan Ffyddion, Dyserth
N. Turner, Hafan, St Asaph Road, Dyserth
V. Adams-Kivi, The Willows, High Street, Dyserth
S. Randall by email
W.M. Kerfoot-Davies, 78 Cwm Road, Dyserth.
K. Prydderch, 7 Glan ffyddion, Dyserth
J. and K Tierney, 5 Bron Haul, Dyserth
L.E. Owen, Arwel, James Park, Dyserth
G.K. and K.K. Higginson, 22 Bron Deg, Dyserth
Mr and Mrs M. Higginson, 55, St Asaph Road, Dyserth
G.K. Higginson, Arwel, James Park, Dyserth
G.K. Ashton, 13 Overton Avenue, Prestatyn
B. Taylor, 13 Kerfoot Avenue, Rhuddlan
H. Walliker, 11, Rhodfa Gofer, Dyserth
B. Halstead, Derry, Cwm Road, Dyserth
S.Jones, 69 St Asaph Road, Dyserth
H.Williams, Bryn Awel, Ffordd Ffynnon, Dyserth

*S. Randall, Chwarel, High Street, Dyserth
B.Zaba, 25 Lower Foel Road, Dyserth
M.G. Harris, 59, St David's Terrace, Saltney Ferry, Chester*

Summary of planning based representations in objection:

Comments in italics relate to the plans as revised in September 2015, where they raise new issues

Principle of elements of scheme

Questions over need for workshops in the area / marketing of existing buildings / principle of changing a designated industrial commercial area to residential use and using land for industrial use / Anglia site itself should accommodate any need for workshop provision / existing buildings should be used as offices / houses would be preferable on area proposed for workshops / best alternative would be to demolish the existing buildings and return to an open space / Conflict with Development Plan / no need for more homes when there are long term empty houses in the County and Dyserth which should be brought back into use first / no need for industrial units / site outside Development Boundary / incompatibility with leisure uses / would type of dwellings be suitable for people who wish to live in Dyserth and satisfy housing need in Dyserth / would units be affordable / concern over future changes in plan to build houses on whole site / scale of development will ruin character of village / fears over future changes in plans and requests for additional houses/ development should only be allowed if there are very obvious significant benefits for the village, which it is not clear will accrue/ if current business units cannot be tenanted, there seems little prospect of finding ones for new units / contrary to the comments of the Economic Regeneration Officer, there is evidence from local property agents that there are workshops available for rent locally, suggesting there are sufficient workshop units to rent in the area.

Highway concerns

Safety of access -history of accidents at entrance to site / Dangerous access at foot of a steep incline on a narrow bend/ increased traffic movements would add to congestion in the village and High Street in particular /pavement on one side of the road is unusable and the other is narrow and unsafe for many to use safely / inadequate parking spaces for apartments and workshop units leading to concern that visitor parking for Walkway will be used as overspill leaving inadequate spaces for dog walkers and ramblers / impact on users of Dyserth trail / revised proposals do not contain proposals to mitigate potential traffic dangers or provide adequate reserved parking to meet needs / car parking for dog walkers and walking groups is inadequate and is in a dangerous position next to workshop units/ access onto B5151 is onto a busy road where vehicles travel in excess of 30mph limit, creating potential for accidents / in combination with other proposed developments in and around the village, would make traffic conditions in the village intolerable / need for serious attention to resolving traffic issues in the village, e.g. removing parking spaces along High Street, introducing a roundabout at site entrance to act as traffic calming measure

Overdevelopment of the site

Joint business and housing proposal excessive for the area of land to be utilised

Drainage / flooding

Potential for downstream flooding, flooding in dip in the road / would additional development contribute to flooding in Lower Dyserth / can site drain to foul sewer given levels / is there capacity in the existing system to cope / questions over adequacy and contents of flood assessment and NRW Glan ffyddion Stream Flood Risk Report ,concerns that the reports fail to take account of impact of surface water discharge on downstream interests, aquifer at Caerwys and catchment area, and should be subject of a proper survey investigation / sewer system inadequate

Pollution

Threat to river from soakaway or surface water drainage from business units / release of pollutants from ground works on workshop site (airbourne and to river)

Landscape impact

Site near to the AONB and development may spoil views of the landscape / potential threat to trees

Ecological impact

Tree loss will affect local bat and owl population / lack of clarity over conservation of wooded bank between site and river and fencing to prevent access/ potential impact on nearby SSSI from residential apartments / impact on badgers / next to an area that will soon become a community woodland / *character of the area would change significantly*

Residential amenity

Potential for noise from workshop units on nearby residential development / visual impact of workshops as trees on wooded bank between the site and the river are all deciduous / workshops would be closer to centre of village/ if permission is considered, must be strict controls over workshop uses / *inadequate private space around residential units*

Impact on local services

Questions over capacity at local schools and GP surgery, impact on electricity and telephone broadband supplies / *more pressure and impact on Glanclwyd Hospital which remains in Special measures*

Land stability

Concerns over stability of former slag heap and impacts of soakaways / potential impacts of construction vehicles

Adequacy of open space

Seems to be little space around the houses, or provision for children to play, for washing to be hung, for bins to be kept / *general concerns for safety of place for children to play, walk or cycle from school*

In addition to the above:

P.J. Robinson, Chairman, Dyserth Environmental Group, 1 Foel Park, Dyserth has submitted a request for the designation of a Tree Preservation Order for trees on and around the site, citing the proximity to a SSSI and AONB, the value of the tree screen, and potential impacts of tree removal on run-off and stability of the river bank.

A petition signed by 20 persons has been submitted. The petition registers concern regarding the application, based on the traffic generated from the development is likely to cause problems as the exit is on a very dangerous bend on a main road, and will cause further congestion in Dyserth High Street, which is becoming worse daily.

EXPIRY DATE OF APPLICATION: 03/05/2015

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes a development on two physically separate parcels of land which comprised the former Anglia Builders Yard premises, involving the office and warehouse buildings and the car parking area associated with the business, which lies to the west of the buildings. These areas are on the north side of Newmarket Road on the fringe of Dyserth village.
- 1.1.2 The site area is indicated as 1.29 hectares. The main elements of the scheme now before the Council are annotated on the plan at the front of the report. The plan splits the site into 3 areas, referred to as sites A, B and C. The proposals within each site are as follows –

Site A

- The erection of 8 ‘Employment Starter Units’, in a block of 6 units and a block of 2 units on the ‘western’ section of the old car park area used in connection with the Anglia Yard, which it is understood was historically part of the old Cobalt Works and Dyserth Quarry. This is annotated as a ‘Second Phase of Employment Land’ on the site plan. The floorspace of each of the units would be approximately 92 square metres (1000 square feet).
- The provision of parking spaces for employees separate from the forecourts of the units, and proposals for landscaping/planting around the periphery of the site.
- Vehicular and pedestrian access from a single service road intended as the main access for the development proposed on Site B, which feeds off the existing junction with the A5151 Newmarket Road.
- The retention of an existing bungalow to the south east of the proposed units, The Stables. This is served by an existing private driveway from the Newmarket Road.

Site B

- The erection of 5 ‘Employment Starter Units’, in a single block on the ‘eastern’ section of the aforementioned old car park area.
- The floorspace of each of the units would be approximately 92 square metres (1000 square feet).
- The provision of parking spaces for employees to the north of the buildings, separate from the forecourts of the units, and proposals for landscaping/planting around the periphery of the site.
- Vehicular and pedestrian access from the existing junction with the A5151 Newmarket Road.
- The retention of 13 space public car parking spaces with cycle parking, and an adjacent play area of 249 square metres, for parking and recreational use in connection with the Dyserth - Prestatyn path which runs from the site to the north, along the line of a former railway. This area is located adjacent to the start of the path.

Site C.

- The conversion / remodelling of 3 existing redundant office / workshops to provide a total of 19 self contained apartments
- The erection of a new 3 storey apartment block of similar design, containing 6 self contained apartments, 2 of which are proposed as Affordable apartments
- The provision of a total of 38 parking spaces, using the existing main entrance to the Anglia Yard site off the A5151 over a stone bridge
- The provision of an area of open space totalling 845 square metres.
- The provision of a footway / cycleway link from site C to the Dyserth - Prestatyn Path.

The proposal does not include an existing commercial vehicle repair workshop in the applicant’s ownership to the east of Site C.

- 1.1.3 The application is accompanied by a number of plans and supporting documents, including a –

Planning Statement
Design and Access Statement
Arboricultural Report
Phase 1 Land Contamination Assessment
Ecological Assessment
Letter from the Minerals Section in Flintshire County
Market Appraisal and viability assessment
Flood Consequences Assessment
Community and Linguistic Assessment
Water Conservation Statement

1.1.4 The main points of relevance to the proposals in the key documents are:

- The planning statement

The statement provides a detailed factual background relating to the site. It refers to the closure of the building company in 2008 and marketing attempts since 2010, and states there have been no firm offers to purchase or let the buildings (expanded on in the Market Appraisal and Viability Assessment).

In relation to the main elements of the proposals –

Of the 19 converted apartments, 16 would be 2 bed units, 2 would be 3 bed units, and 1 would be a 1 bed unit. All 6 new build units would be 2 bed units, and 2 of these would be provided as affordable units for local housing need. The remainder would be for open market disposal / rental purposes, including low cost rental for the local market.

Development of the employment units would be in two phases and available for occupation linked to occupation of the residential apartments. A legal agreement would be entered into to secure the phasing.

In relation to the loss of an area of Employment land, the submission refers to the fact that the existing site and office / depot have been vacant since 2008 and have been marketed by Legat Owen since 2010 for sale or let for continued employment use. There has been no serious interest in buying or leasing offices, Dyserth is considered 'somewhat off the beaten track' away from the A55 and principal commercial areas of St Asaph and Bodelwyddan, the configuration of the space is considered bespoke to the previous occupier, is awkward in layout and does not meet the needs of the current market. On the basis of the above, it is considered the existing premises are unlikely to contribute to local employment provision in the foreseeable future.

The approach taken is therefore to seek to provide new employment floorspace more appropriate to the current market for new and young companies, through cross-funding by a £300,000 subsidy generated from the conversion of the existing employment space and the erection of a new block of 6 apartments.

Redevelopment of the existing builders' yard is not considered viable.

It is recognised that the site is outside the development boundary of Dyserth, but it is previously developed brownfield land close to the village boundary. The Anglia yard site is already developed, and its use as proposed is in compliance with Policy PSE 3 given the continuous marketing and the proposal to provide new employment space more suited to local demand, as part of the proposals.

It is suggested the development will result in the creation of new jobs and assist the local economy, provide affordable housing, and be consistent with sustainable development principles.

- The Design and Access Statement

In terms of relevant local and national policy, the statement reviews a range of policies and guidance which are considered relevant to the proposals.

It refers to general guidance in Planning Policy Wales on the need to promote sustainability through good design, and to TAN 12 Design which advises on the contents of Design and Access Statements.

The Statement describes the site and its features, referring to access points, existing uses and circulation patterns

The Design Issues section outlines the approach to the proposals for conversions of the employment buildings and the new apartment block and the new build employment units

There are sections dealing with community safety, environmental sustainability and movement.

- The Tree Report
The Greengrass Services report contains a tree assessment and recommendations on future management.
- The Phase 1 Land Contamination Assessment
The Peak Associates Assessment notes this is a complicated site with regard to potential land contaminants and their pathways onto and from the site, arising from the mining history in the area. What is referred to as site C has been used as a coal yard and recycling site with fuel tanks and car wash facilities. River quality sampling up to 2009 does not appear to show impacts from leachates, but movement of material may instigate release of contaminants from the ground. Ground investigation is recommended in association with development works. Part of site C has been identified as being at risk from flood and due analysis of this risk is likely to be needed. Radon protective measures would be necessary in the construction of new dwellings. Specialist advice is required in relation to potential geotechnical impacts due to the former slag heap on sites A and B.
- The Ecological /Protected Species Survey
This Survey by Clwydian Ecology concludes there would be no significant issues relating to plant populations, badgers, birds, or protected species.

The letter from Flintshire's Minerals Officer dates back to November 2011 and comments on Former Unitary Development Plan Policies and the limited potential for limestone extraction in this location.

- The Market Appraisal and Viability Assessment
The Legat Owen appraisal outlines the marketing exercise undertaken in relation to the office and workshop accommodation since late 2010 and reviews the proposed scheme. Its conclusions are that despite usual marketing techniques for over 4 years there has been no firm proposal to lease or purchase the property. It suggests the office market in north Wales is driven to a large extent by the public sector which is rationalising rather than taking on additional accommodation, and that the physical nature of the property is such that it does not accord with the requirements of a typical occupier in the private sector.
The development mix proposed is considered more appropriate to the market and will deliver both housing and employment floorspace in a format which is more appropriate to the market.
The Assessment concludes that the provision of employment floorspace is unviable without a significant cross –subsidy in the order of £300,000 which would be generated from the development of the Anglia Yard with open market residential dwellings. It states the development of the site in the manner proposed will bring forward new employment floor space and facilitate the re-use of a redundant brownfield site.
The document sets out detailed viability appraisals for the two elements of the development, i.e. the residential scheme on the Anglia Yard buildings site, and the workshop units on the car park site. It adopts a 20% profit on cost for the developer, reflecting a figure accepted by the DVS in its 2014 review of the previous scheme. It states the scheme as proposed is commercially viable.
- The Flood Consequences Assessment
The Waterco Assessment, prepared in June 2015 notes the sites A and B are located within Flood Zone A on the Welsh Government Development Advice map, which is considered land at little or no risk of fluvial flooding. Site C (the Anglia Yard Buildings) is in Flood Zone A and partially in Flood Zone C2.

The report states all sources of flooding have been assessed. Modelling of the river has been undertaken and shows the site is flood free up to and including the extreme 0.1 AEP event, and should therefore be considered at Flood Zone A. Potential risk arises from blockage of an arch culvert beneath the access to site C; although the culvert is large and the likelihood of blockage is very low. Alternative pedestrian access is available onto the public footpath if the main entrance to the site is blocked. In order to ensure no increase in flood risk elsewhere and betterment to the existing situation, runoff will be dealt with via sustainable drainage systems.

The Assessment recommends finished floor levels are set above the estimated water level during a 90% blockage of the access bridge culvert; the preparation of a Flood Plan to inform future owner / occupiers; relevant soil infiltration tests to determine the suitability of soakaways and attenuation proposals if a surface water connection to the river is required.

- The Community and Linguistic Impact Assessment
The Assessment has been prepared in accordance with Policy RD5 of the Local Plan and the accompanying Supplementary Planning Guidance. It concludes that the development would have a significantly beneficial impact on the local community.
- The Water Conservation Statement
The Statement sets out basic principles to be adopted in relation to water conservation and management within the site.

1.2 Description of site and surroundings

1.2.1 The two parts of the application site are on the north side of the A5151 as it runs to the east out of Dyserth towards Trelawnyd.

1.2.2 With regard to the parts of the site as referenced on the plan at the front of the report

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Site A currently contains an old bungalow (The Stables) and outbuildings, and the western ‘half’ of the old Anglia Builders Yard car park. The dwelling itself is served by a driveway and access off the A5151, which enters High Street next to the access serving the Quarry House GP Surgery on the corner of Pandy Lane. There are no proposals in relation to this dwelling in the application.

Site B is the eastern half of the large surfaced car park used as overspill in connection with the Anglia Builders Yard until it ceased trading, since when the majority of the area has been fenced off to prevent access. There are some 13 parking spaces and a grassed area available for public use near the entrance to the A road and the start of the Dyserth – Prestatyn walkway. Land levels slope down to the site from the A road, level out somewhat within the site itself, then drop down again from the northern boundary to the river. The Prestatyn – Dyserth Path and a Public footpath run from the north east corner of this part of the site.

Site C is the old Anglia Builders Yard, which was formerly a railway siding. It comprises a substantial tarmac parking area, and 3 buildings which the submitted plans show as primarily warehouse / storage space with some office accommodation at ground floor level, office space at first floor level, and storage space within their roof areas. Units A and B are linked by a passageway at second floor level, and Units B and C by a passageway at first floor level. Access to this part of the site is from the A5151 and via a bridge over Afon Ffyddion. The main elevations of the buildings are constructed of facing brick, with rendered gables and concrete tile roofs. Most of the site is level, but it rises up to the north east behind the buildings. Buildings to the east of the application site in the same ownership are in use as a commercial vehicle repair workshop and are accessed from a separate entrance onto the A road. It is understood the Builders yard use ceased in 2008.

- 1.2.3 Land around the boundary of the site contains older established property along Dyserth High Street to the south and west of Pandy Lane, the GP surgery on the corner of High Street and Pandy Lane, woodland sloping steeply down to the river to the north; woodland along the river and the old Dyserth – Prestatyn railway line path, and the workshop building formerly used in connection with the Anglia Yard.
- 1.2.4 There are two public footpaths starting from the existing car park in site B, one leading down to the river and back to Pandy Lane, and the other forming the Dyserth – Prestatyn walkway.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site lies to the east and north, but outside the development boundary for Dyserth village on the Proposals Map which accompanies the Local Development Plan. The location of the site relative to the Development Boundary is shown on a plan at the front of the report. For planning policy purposes the application site is therefore in open countryside.
- 1.3.2 Factually, in terms of the settlement hierarchy in the Local Development Plan, Dyserth is designated as a village. In relation to development in villages, the text to policy BSC1 which sets out the County's Growth Strategy indicates that all villages have defined development boundaries to control the amount of potential development. There is one large site allocated within the village boundary for housing development, adjoining the Glan Ffyddion Estate, with an indicative number of 99 dwellings in the table of allocations in the Local Development Plan.
- 1.3.3 The application site is within a Green Barrier, which is subject to Policy RD2 of the Local Development Plan.
- 1.3.4 That part of the application site identified as Site C, along with the adjoining commercial vehicle repair workshop are included within an Employment Area designation, which is subject to Policy PSE2 of the Local Development Plan.
- 1.3.5 The boundary of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty bisects Site C in a north west – south east axis, running through the centre of two of the three buildings proposed for conversion to apartments. Policy VOE2 of the Local Development Plan is relevant to development in the AONB.
- 1.3.6 The Prestatyn – Dyserth Path ends close to the entrance to site B, and is accessed from the A5151 through part of the application site. The path is annotated on the Local Development Proposals map for Dyserth, and runs in a north / north westerly direction away from the site. Policy ASA1 of the Plan is relevant to the use of disused railway lines as recreational routes and seeks to safeguard such cycle and walking networks in the County.
- 1.3.7 The site is located within a Mineral Safeguarded Area (Limestone) as annotated on the Local Development Plan Proposals map, which is subject to Policy PSE 15 of the Plan.

1.4 Relevant planning history

- 1.4.1 Members will see from the history appended to section 2 of the report that there have been a number of applications relating to the different parts of the site.
- 1.4.2 The site history confirms that the office / workshop units on site C were originally granted permission in 2004 and 2008. There was a permission for a fourth building between the 3 buildings constructed and the MOT/Service workshop immediately to the east (now the subject of that part of the application seeking permission for the new block of 6 apartments).

1.4.3 Permission was granted in 2001 for the creation of the large parking area occupying sites A and B, for use by contractors vehicles.. There have been refusals of permission for a dwelling on the western extremity of site A adjacent to Pandy Lane for a replacement dwelling in 2007 and 2008. A Certificate of Lawfulness of Development was granted in 2004 for the dwelling The Stables.

1.4.4 The application follows withdrawal of a submission lodged in 2013 for similar developments as now proposed on sites B and C, along with 12 new build affordable dwellings and a replacement dwelling for The Stables on site A .

1.5 Developments/changes since the original submission

1.5.1 Additional information was submitted in mid September 2015 in the form of a revised Flood Consequences Assessment, an amended Tree report, and revised site / location plans. A reconsultation exercise was carried out at that point.

1.5.2 In response to requests from local residents, hard copy versions of the plans were made available at Paterson Hall at the end of April 2015, and at Dyserth Community Centre on 13th October, 2015 when Development Management Officers were in attendance to assist questions and an explanation of the planning process.

1.6 Other relevant background information

1.6.1 The Development Appraisal submitted with the 2013 application was reviewed for the County Council by the District Valuer Service (DVS) to assist consideration of the viability arguments for that particular scheme. Whilst the plans now before the Council are simplified somewhat from those in the earlier application, eliminating proposals for 12 dwellings and a replacement dwelling on site A, the broad conclusions of the DVS in August 2014 are still of relevance to consideration of the application.

1.6.2 The DVS review concluded, with caveats, that the applicants had undertaken reasonable endeavours with regard to the marketing of the site and that there was limited evidence of current or future demand for office space in this location. It raised questions over the viability of the scheme then proposed based on market evidence, but accepted that some developers may make different assumptions on development variables and may be willing to take the scheme forward as proposed.

2. DETAILS OF PLANNING HISTORY:

– Conversion of office / workshop units and new apartment site

42/2000/0099

Erection of two-storey building for storage of building materials, associated offices etc.; provision of valeting and washing facilities; formation of toilet and generator room, oil storage compound; provision of portable building for use as staffroom;

Granted 26/04/2000

42/2004/0474

Erection of 2 No. store/warehouse buildings; retention of parking areas; erection of fencing, gates and overhead barrier; alterations to existing vehicular/pedestrian access; retention of 4 No. portacabins and 4 No. flagpoles (partly retrospective)

Granted 16/07/2004

42/2008/1057

Erection of three-storey office building and associated parking facilities

08/12/2008

42/2010/0496

Continuation of use of land for hand car-wash and valeting for public use
Granted 22/06/2012

(Vehicle repair / MOT workshop adjacent)

2/DYS/0099/93

New Workshop For Repair And Service Of Commercial Vehicles

Granted 11/05/1993

42/2005/1507

Erection of workshop building

Granted 04/08/2006

– New employment units site

42/2001/0223

Formation of car parks (1 No. for Walkway and 1 No. for Contractor's Depot), alterations to existing vehicular/pedestrian access and erection of gates and fencing (partly in retrospect)

Granted 26/07/2001

Relating to The Stables

42/2002/0688 Certificate of Lawfulness for existing use as a single dwelling-house

Granted 07/06/2004

42/2007/0761

Erection of new dwelling and construction of new vehicular access with passing place and installation of new private treatment plant

Refused 13/11/2007 (4 reasons – Open Countryside, impact on privacy and amenity of occupiers of The Dell, unacceptable access off Pandy lane, impact on wildlife site)

42/2008/1061

Erection of new dwelling, construction of new vehicular access and installation of new private treatment plant (on approx. 0.08ha of land)

Refused 23/10/2008 (6 reasons - Open Countryside, impact on privacy and amenity of occupiers of The Dell, unacceptable access off Pandy lane, impact on wildlife site) ADD 2 OTHERS

- Whole site

42/2013/1569

(i) Conversion of offices/workshops to provide 19 self-contained apartments.(ii) Erection of block of 6 self-contained apartments (including 2 Affordable Units).(iii) Erection of 13 Employment Starter Units(iv) Provision of Associated Car Parking, amenity and recreation space

Withdrawn March 2015

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD2 – Green Barriers

Policy RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC2 – Brownfield development priority
Policy BSC3 – Securing infrastructure contributions from Development
Policy BSC11 – Recreation and open space
Policy BSC12 – Community facilities
Policy PSE2 – Land for employment uses
Policy PSE3 – Protection of employment land and buildings
Policy PSE4 – Re-use and adaptation of rural buildings in open countryside
Policy PSE5 – Rural economy
Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy VOE6 – Water management
Policy ASA1 – New transport infrastructure
Policy ASA2 – Provision of sustainable transport facilities
Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance - Recreational Public Open Space

Supplementary Planning Guidance - Access for all

Supplementary Planning Guidance - Affordable Housing in New Developments

Supplementary Planning Guidance - Residential Development Design Guide

Supplementary Planning Guidance - Parking requirements in new developments

Supplementary Planning Guidance – Conversion of rural buildings

3.1 Government Policy / Guidance

Planning Policy Wales Edition 7, 2014

Technical Advice Notes

TAN 1: Joint Housing land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 12: Design (2009)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007)

TAN 20: The Welsh Language – Unitary Development Plans and Planning Control (2000)

3.2 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, 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 Protection of employment land and buildings
- 4.1.3 Conversion of existing buildings
- 4.1.4 New build residential units in open countryside
- 4.1.5 New build workshop units in open countryside
- 4.1.6 Affordable Housing
- 4.1.7 Visual amenity
- 4.1.8 Residential amenity
- 4.1.9 Landscape impact / Area of Outstanding Natural Beauty / Green Barrier
- 4.1.10 Ecology
- 4.1.11 Drainage / flooding
- 4.1.12 Highways (including access and parking)
- 4.1.13 Archaeology
- 4.1.14 Open Space
- 4.1.15 Sustainability considerations
- 4.1.16 Inclusive design
- 4.1.17 Contaminated land
- 4.1.18 Impact on Welsh Language and Social and Cultural Fabric

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Members will appreciate that this is a complex application involving development on land outside the village boundary of Dyserth village. The different elements of the application have to be considered in relation to relevant policies in the Local Development Plan and Planning Policy Wales, and oblige an appropriate 'weighing up' of other material considerations. The length of the report is therefore reflective of the range of issues the application raises, and the extent of local interest in the proposals.

In relation to the principle of the proposals for the different parts of the site :

- **Site C – Conversion of 3 office workshops to 19 self contained apartments, and the erection of a new apartment block with 6 self contained apartments:**

Conversion proposals on site C –

As the site is outside the village boundary, the principle of the conversion of the business units to dwellings would need to be considered in relation to Policies PSE 3 and PSE 4.

PSE 3 states that proposals which would result in the loss of employment land or buildings will only be supported where there are no other suitable sites available for the development; there has been a continuous marketing process of 1 year alongside all reasonable attempts to retain the use, which demonstrate the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes; and the loss of the premises would not prejudice the ability of an area to meet a range of local employment needs, or the proposal involves the satisfactory relocation of a non – conforming use from an unsuitable site.

PSE 4 relates to the re-use and adaptation of rural buildings in open countryside. The policy supports the conversion of rural buildings outside development boundaries for residential use only where an employment use has been demonstrated not to be viable, and where the dwellings are affordable to meet local need.

The erection of a new apartment block on site C-

The erection of open market residential units on allocated Employment land outside a village development boundary is not the subject of any specific Local Development Plan policy. PSE 3 above is partly relevant as this element of the proposals involves loss of a small part of the Employment Area allocated on the Proposals map for Dyserth in the Plan.

In relation to the principle of development of 'brownfield' (i.e. previously developed land), Policy BSC 2 of the Local Development Plan seeks to direct development proposals in villages with development boundaries towards previously developed land, except where greenfield land is allocated for development in the Plan. The text to the policy states the Plan aims to minimise the pressure to develop further greenfield sites and the spreading of new development into the open countryside by regenerating previously developed sites. The allocated sites under this policy are the gasworks site in Prestatyn, the Ocean Plaza site in Rhyl, and the Rhuddlan triangle site. The policy is not directly applicable to the Anglia Yard site as it is not within the development boundary of Dyserth village.

Planning Policy Wales, Section 4.9 outlines a preference for re-use of previously developed land in built up areas, in preference to greenfield sites, which includes sites in and around existing settlements where there is vacant or under-used land, commercial property or housing, and which facilitate the regeneration of existing communities.

Sites A and B – New employment units

PSE 5 relates to the rural economy, and offers support for tourism and commercial development subject to tests and making a contribution to sustainable development and recognising the special status of the AONB. The tests relate to conversions and new build outside development boundaries, which will be supported provided they are appropriate in scale and nature to the location; any suitable existing buildings are converted and re-used in preference to new build; proposals for new build are supported by an appropriate business case which demonstrates it will support the local economy to help sustain rural communities; and where a site is within the AONB, full account of the impact on the nature and distinctive qualities of the local landscape.

The relevance of the aforementioned policies to the principles involved in different elements of the scheme is reviewed in detail in the following sections of the report. From a basic assessment of the proposals, Officers suggest there are conflicts with policies of the Local Development Plan, but there are considerations which have to be taken into account here in order to determine whether there is a case to justify a grant of permission. The fact that the application has been advertised as a Departure in accordance with legislation in the local press and on site notices does not mean the Council is bound to refuse the application, but it would be necessary to weigh any conflict with policy against relevant material planning considerations to justify the grant of permission.

4.2.2 Protection of employment land and buildings

Policy PSE 3 of the Development Plan relates to proposals which would result in the loss of employment land or buildings, and states these will only be supported where there are no other suitable sites available for the development; there has been a continuous marketing process of 1 year alongside all reasonable attempts to retain the use, which demonstrate the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes; and the loss of the premises would not prejudice the ability of an area to meet a range of local employment needs, or the proposal involves the satisfactory relocation of a non – conforming use from an unsuitable site.

The application documents outline the recent history of the site and detail unsuccessful marketing attempts for the Office / warehouse buildings over a 4 year period. The commentary in the Planning Statement and the Market Appraisal and Viability Assessment suggests this is a result of the office market in north Wales being driven to a large extent by the public sector which is rationalising rather than taking on additional accommodation, and that the physical nature of the property is such that it does not accord with the requirements of a typical occupier in the private sector. It argues that the development mix proposed is more appropriate to the market and will deliver both housing and employment floorspace in a format which is more appropriate to the market.

There are local objections to the proposals based on the principle of changing a designated industrial commercial area to residential use and questions over the arguments in favour of the change on the basis that if current business units cannot be tenanted, there seems little prospect of finding ones for new units. Objectors have also suggested that there are a number of workshop units available for rent in the area and there is no need to concede the loss of an allocated employment area.

The Economic and Business Officer of the Council has advised there is a strong and unfulfilled demand locally for small modern workshop units to rent in the area, and suggests the mixed development would contribute to the County's economic growth.

In concluding on this matter, Officers take on the proposals in relation to the 3 tests in policy PSE3, which seeks to protect employment land and buildings, is that -

- i) the applicants are in effect making a 'suitable' alternative site available to compensate for the loss of employment land through proposing the construction of workshop units on sites A and B immediately to west of the existing employment land;
- ii) there has been a reasonable marketing process and limited evidence of demand for office / warehouse accommodation of the type on the site, which is reflected in the District Valuer Service review of the 2013 application. The Economic and Business Officer suggests there is limited demand for office space ;
- iii) the proposals to provide a total of 13 workshop units on the western car park would create a larger area of employment land than currently in existence on the allocated employment site. It could be argued in this context that the loss of the current site would be more than compensated for by the provision of the new units, and that the development would not prejudice the ability of the area to meet a range of employment needs.

Overall, it is considered that the package of proposals does not pose any obvious conflict with Policy PSE3 and that there are employment benefits which could arise for the area from the provision of modern workshop units, which are a positive factor to weigh in the determination of the application.

4.2.3 Conversion of existing buildings

As the Anglia Yard site is outside the development boundary of Dyserth village, the conversion of the existing office / warehouse buildings needs to be considered in relation to Policy PSE 4, which relates to the re-use and adaptation of rural buildings in open countryside. It supports the conversion of rural buildings outside development boundaries for residential use only where an employment use has been demonstrated not to be viable, and where the dwellings are affordable to meet local need.

The application is proposing the conversion of the 3 existing Anglia Yard buildings to 19 open market apartments and the erection of a fourth new build block with a further 6 apartments (2 of which are to be offered as affordable units). The applicants submissions refer to the mix of sizes of apartments to be

created, the intention to provide 2 of the units in the new build block as affordable units for local housing need, with the remainder being for open market disposal / rental purposes, including low cost rental for the local market. The application also explains the significance of the funding generated from the conversion of the existing employment space and the new block in generating the cross-funding / subsidy of £300,000 to permit the development of the employment units. The applicants have confirmed that provision of additional affordable units is not reasonable as this would prejudice the viability of the scheme.

There are no representations specifically in relation to the conversion of the Anglia Yard buildings to apartments, but there are general questions over compliance with policy, the need for more homes when there are long term empty houses in the County and Dyserth which should be brought back into use first , and whether the type of dwellings would be suitable for people who wish to live in Dyserth, satisfy housing need in the village , and would be affordable.

Officers opinion in relation to PSE 4 is that in respect of the premise of the policy, the detailing on the plans suggests the conversions would make a positive contribution to the local landscape, improving the external appearance of the buildings. In relation to the two tests of the policy, it is considered that test i) is met as the marketing of the site suggests the current nature / configuration of the employment use is no longer attractive to the market, questioning the viability of that use. Test ii) cannot be met as none of the apartments to be created by conversion are proposed for affordable use. As noted above, the applicants have confirmed that the viability of the scheme would be compromised by insistence on additional affordable units. Ultimately, Officers conclusion is that the proposals are in part compliance and part conflict with the policy, which are matters to weigh in the balance against other considerations relevant to the determination.

4.2.4 New build apartments in open countryside

There are no policies in the Local Development Plan which apply directly to applications for new build apartment development in open countryside. The Plan's strategy is to direct new development within identified settlements to meet sustainability principles, with the sole concessions being local connections affordable housing in hamlets (the application site is not a hamlet recognised in the Plan), rural exception sites (the site does not adjoin the village development boundary and only 2 of the 6 apartments are proposed as affordable), and local connections affordable housing within small groups or clusters (the proposal is for more than one or two units).

General guidance on housing development in rural areas in Section 9 of Planning Policy Wales reinforces the use of sustainability principles and emphasises the need to safeguard the character and appearance of the countryside, seeking strict control over new houses away from recognised settlements. There are separate considerations applied to agricultural and rural enterprise dwellings in open countryside, set out in TAN 6 and accompanying guidance notes.

The application documents do not argue the case for the new apartment block on the basis of current planning policy but the Development Appraisal makes clear it is critical in assisting the viability of the whole scheme by generating an element of the cross subsidy to finance the construction of the workshop units.

In terms of representations, the Community Council point to the site being outside the Development Boundary, and there are individual objections questioning the need for more residential development in Dyserth.

Officers' conclusion is that there is limited support for the principle of developing a new build apartment block on a site outside a settlement boundary in current housing planning policy at local or national level. The Local Development Plan makes provision for housing need in Dyserth and the surrounding area in a single housing allocation at Glan Ffyddion and other smaller sites. However, the provision of the apartments and new build units in this location could be regarded as a 'windfall' site providing a contribution to overall housing provision in the County. The new build apartment block is also a factor in the viability arguments put forward in the submissions, and would contribute to the proposed provision of the workshop units, which is another factor to weigh in the balance on this matter.

4.2.5 New build workshop units in open countryside

Policy PSE 5 of the Local Development Plan relating to the rural economy offers support for tourism and commercial development subject to tests. These relate to conversions and new build outside development boundaries, which will be supported provided they are appropriate in scale and nature to the location; any suitable existing buildings are converted and re-used in preference to new build; proposals for new build are supported by an appropriate business case which demonstrates it will support the local economy to help sustain rural communities; and where a site is within the AONB, full account is taken of the impact on the nature and distinctive qualities of the local landscape. There is support for small scale enterprises adjacent to defined settlement boundaries in Planning Policy Wales section 7.3, which recognises the contribution these may make to the economy.

The supporting documents with the application set out the argument that the proposals for the new workshop units are in line with policy and offer a clear gain from the development, providing more modern employment floorspace than the existing office / warehouse buildings.

Representations on the application question the need for new workshop units in the area and suggest if any development is necessary, it should be restricted to the redevelopment of the existing Anglia Yard site which is designated Employment land.

As noted previously, the Economic and Business Officer of the Council has advised there is a strong and unfulfilled demand locally for small modern workshop units to rent in the area. The AONB Partnership offer support for provision of suitably designed employment starter units in principle and consider that the development would not have a significant harmful effect on the wider AONB landscape or its setting.

Officers consider policy PSE 5 offers a degree of support in principle for proposals for new build workshops in the County, whether in existing settlements or as in this case on the edge of a village. The premise of the policy is to help sustain the local economy through appropriate development throughout the County. In terms of the design detailing of the proposed workshop units, this is clearly modern and modest in scale. The comments of the Economic and Business Development Officer offer support for the provision of these type of units which would contribute to the development of the local economy and local community. With sensitive use of external materials and attention to associated detailing it is suggested that the buildings would fit reasonably into the location. It is considered a positive factor in terms of the elements of the application that the

units would provide floorspace for small local businesses and would be a useful addition to the County's stock of employment buildings, potentially supporting the local economy and rural communities, compensating for the loss of the Employment Land on site C.

4.2.6 Affordable Housing

Whilst there are no housing policies in the Local Development Plan specific to the type of development proposed in the application, Local Development Plan Policy BSC 4 expects the provision of a minimum of 10% affordable housing on site on developments of 10 or more residential units. Policy PSE 4 relating to the re-use and adaptation of rural buildings in open countryside permits conversion for residential use only where an employment use has been demonstrated not to be viable, and where the dwellings are affordable to meet local need.

The proposals in relation to the conversion of the existing office / warehouse buildings are for open market apartments, with no affordable units. 2 affordable units are proposed out of the 6 apartments in the new build block. As mentioned previously, the applicants have argued that affordable provision above that proposed would impact on the viability of the scheme and prejudice the provision of the employment units.

The Community Council have questioned whether there are sufficient applicants for affordable housing in Dyserth. The AONB Committee suggest consideration be given to increasing the numbers of affordable units in the scheme. Private individuals question whether the units would be affordable.

The Strategic Planning and Housing Officer has confirmed that there is an identifiable need for affordable houses in Dyserth and the locality, with a need of 83 homes in November 2015. It is confirmed that 3 affordable homes have been brought forward in Dyserth since 2004/5.

Officers' conclusion in relation to the provision of affordable housing is that the proposals are inevitably in conflict with one of the tests of the conversions policy. As mentioned in previous sections, policy PSE4 requires all units in conversions to be affordable, and none are proposed for this purpose in the conversion scheme. There is no policy in the Development Plan directly relevant to the erection of a new apartment block of 6 units in open countryside, to stipulate an affordable requirement, albeit that the offer is for 2 of the 6 units in this block to be affordable, and the Strategic Planning and Housing Officer has confirmed there is a need for at least two affordable units in Dyserth. The basic argument in the submission is that insistence on a higher affordable requirement would compromise the viability of the scheme and impact on the ability to deliver the workshop units, which is another matter to be weighed in the balance on the application.

4.2.7 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. 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.

There are objections over the visual impact of the Workshop units, and concerns over the potential loss of trees. The AONB Partnership suggest careful attention is necessary to the choice of external materials on these units, and that a fully detailed landscaping scheme be sought.

With regard to representations, Officers suggest the design detailing of the workshop units would be acceptable in this location, and whilst parts of the units may be visible - particularly in winter months when there is limited foliage on the trees around the periphery of the site – it is considered that with suitable control over the choice of external materials and improved landscaping / planting there are no reasonable visual amenity grounds to refuse permission. The AONB Partnership's comments on the need for proper landscaping proposals and use of materials on the workshop buildings are duly noted and these can be conditioned if a permission was to be considered. The proposals involve mainly remedial tree surgery on trees near the site entrance and removal of only one badly diseased specimen.

4.2.8 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.

There are representations expressing concerns over residential amenity impact from the development, in terms of potential for noise from workshop units on nearby residential property, concerns over the actual uses to which the units could be put, and there is separate comment on the adequacy of private space around the proposed residential units.

By virtue of the site characteristics and the detailing of the proposals, the only element of the scheme likely to impact on occupiers of existing residential properties is the proposed new workshop units on site A and B which are close to the dwelling The Stables (which is included within the site and hence in the applicant's ownership), Glanrafon, which is on land significantly below the site by the river, some 70 metres north of the nearest proposed workshop , and properties on higher ground on the south side of the A5151. In respecting the points raised, given the distances involved, and the ability of the Council to impose restrictions on the hours of operation of buildings including deliveries, limitations on the uses (e.g. to B1 Business use and B8 warehousing), and noise limits, it is considered that there are reasonable controls available through planning conditions to address the concerns. In terms of the adequacy of private space around the apartment units, the plans show an 845 sq.m open space area

immediately to the north of the four blocks, which – subject to detailing - would offer reasonable communal amenity space for use by residents.

4.2.9 Landscape impact / Area of Outstanding Natural Beauty / Green Barrier

The application site is within a Green Barrier as defined on the Local Development Plan Proposals map. Policy RD2 of the Plan indicates that Green Barriers have been designated to reinforce the separation of neighbouring settlements and to preserve the character of historic towns. The policy states that within Green Barriers, development will only be permitted provided the open character and appearance of the land is not prejudiced.

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.

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 the landscape is therefore a relevant test on planning applications.

The applicant's agent has confirmed that specific tree protection measures are part of the proposals and that the adjacent woodland will be managed and maintained, although it is not considered necessary to enter a formal woodland management agreement to achieve this.

The Community Council have drawn attention to the site's location close to the AONB, and a Local Landscape Area, and there are individual representations expressing concern over potential impacts on the AONB and over the future of the woodland in close proximity to the site, with a request that the trees be protected by a Preservation Order. The AONB Partnership do not raise objection in relation to the potential impact on the AONB or its setting, having regard to the screening effect of surrounding woodland and the local topography; suggest a fully detailed landscaping scheme comprising native local species is also required, and emphasise the importance of retaining, enhancing and positively managing the existing woodlands. They also express concerns about the specification of light grey cladding for the roofs and walls of the workshops and suggest use of darker, more recessive colours (e.g. slate grey for the roofs).

Officers suggest the proposals would have limited effect on the local landscape, Green Barrier and AONB designations. The scheme of conversion on the Anglia Yard buildings would upgrade their appearance, and the additional apartment block would repeat the same detailing. The workshops are proposed within a car park area on a terrace with heavily wooded areas immediately to the north and south offering a degree of natural screening from a number of viewpoints. Use of appropriate colours on the external walls and roofs of the workshops, and additional landscaping / planting within the site would assist in limiting the physical impact of the development. The Tree Report with the application indicates only one diseased specimen needs to be removed and otherwise the proposals involve remedial work including removal of ivy, some crown reduction and selective branch removal where justified. The Council's Tree Consultant is assessing the case for a Tree Preservation Order (TPO) on trees outside the application site. Officers recognise the landscape and visual amenity value of the woodland area in the applicant's ownership between the car park site and the river, and quite aside from

the Tree Consultant's consideration of the case for a TPO, if permission were to be considered for the development, it would be appropriate to negotiate an agreement through a Section 106 obligation to a form of woodland management plan or similar mechanism to protect this area.

4.2.10 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.

There are representations questioning the impact of development on the nearby SSSI and on ecological interests, including bat and owl populations, and badgers. Separate concerns are raised over the future of the woodland areas outside the site boundaries, which are referred to in the preceding section of the report.

There are no concerns raised by Natural Resources Wales in relation to the ecological implications of the scheme. The Council's Biodiversity Officer has no objections, noting woodland areas are still of local ecological importance and should be protected throughout development, so should be a condition of any permission, along with mitigation for swallows, protection for nesting birds, updated badger and bat surveys with relevant avoidance, mitigation and compensation measures.

On the basis of the comments of the Biodiversity Officer and Natural Resources Wales it is not considered that there are any significant ecological issues of concern in this instance. Appropriate conditions can be imposed to address particular issues raised in the responses.

The woodland area outside the application site but within the applicant's control is not directly affected by the proposals but it is recognised that it is of some ecological / amenity value and as indicated previously, it would be appropriate to seek a management plan for this area as part of a legal agreement alongside a permission, should the Committee consider the overall scheme acceptable.

4.2.11 Drainage / 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.

It is apparent from the responses received to the application that part of Site C containing the existing Anglia Yard buildings lies within a flood zone, and Natural Resources Wales have sought additional information from the applicants in relation to the implications for the residential element of the proposals to allow the proposals to be fully assessed. The following paragraphs outline the issues raised as the application has progressed, and the conclusions of Natural Resources Wales on the matter.

In terms of the representations on the application, the summary earlier in the report sets out the basis of local concerns over the potential impacts of the development – which centre on the potential for downstream flooding in Lower Dyserth and raise

questions over the adequacy and contents of the applicant's flood assessment and NRW's Glan Ffyddion Stream Flood Risk Report. The objectors suggest that the reports fail to take account of impact of surface water discharge on downstream interests and associated considerations, and should be subject of a proper survey investigation.

The November 2015 response from Natural Resources Wales is quoted in the Consultation Responses section of the report. This confirms NRW undertook a technical review of the applicant's June 2015 Flood Consequences Assessment and supporting Hydrological and Hydraulic model, and are satisfied that the outputs of the assessments are generally fit for purpose. NRW indicate they will be responding separately to the Don't Destroy Dyserth Group's concerns relating to the Glan Ffyddion Flood Map Study. NRW remain satisfied that the contents of their final planning consultation response are appropriate and are satisfied that the application can now be considered by the County Council on the basis of the information submitted. The June 2015 response from NRW confirmed that having reviewed the contents of the revised FCA, they are satisfied that the potential flood risks to, and arising from, the development can be managed in accordance with the requirements of the relevant sections of TAN15, which allowed them to conditionally withdraw their objection to the proposals, and to state they do not object to the proposal. The June response recommended the imposition of a detailed condition on any planning approval to ensure that mitigation measures contained in the FCA are implemented, and reminded the Council of its duty to refer the application to Welsh Ministers in accordance with circular advice involving developments of more than 10 dwellings in a flood zone.

Dwr Cymru Welsh Water do not object to the application provided conditions are attached in relation to the detailing of the drainage systems.

On the basis of the most recent response from Natural Resources Wales, Officers take the view that the flooding issues have been thoroughly investigated and that with respect to local concerns, the technical advice is clear in concluding a permission can be granted subject to imposition of relevant conditions. NRW are a key technical consultee in respect of flooding and drainage matters and have had close regard to the information fed in by the applicants and the objectors in making their recommendations, and they consider development can be managed in accordance with the requirements of relevant tests in TAN 15. Officers suggest the proposals meet the 'justification' tests in TAN 15 for development in zone C, offering a contribution to local authority strategy sustaining a settlement, contributing to key employment objectives, and meeting the definition of previously developed land, and NRW confirm the potential consequences of flooding have been considered and are found to be acceptable.

4.2.12 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.

The applicant's agent has responded to representations to draw attention to revisions to the scheme to address detailed concerns. It is requested that it be noted that the volume of traffic to and from the site is likely to reduce significantly compared with the previous lawful depot use operating from the site. It is not agreed that a cycle route through sites A and B would be acceptable for security purposes, but there is willingness to allow a route along the river bank to Pandy Lane if anybody wishes to provide this. Provision can be made to connect site C to the Dyserth – Prestatyn Walkway.

There are objections to the proposals on highways / access grounds, from the Community Council and private individuals. The main concerns are over dangers at the point of access onto the A road and over the potential for additional traffic leading to more congestion in the village. There are questions over the adequacy of local footways and over the number of parking spaces for the residential development. It is suggested by the AONB Partnership and others that additional public parking spaces be sought for users of the Dyserth-Prestatyn Walkway, and that a new section of cycleway should be provided between the end of the Walkway and Pandy Lane.

In noting the various concerns here, it is significant that the Highway Officer has no objections to the proposals. The Officer has had regard to the number of parking spaces in place for the depot use, which are considered to be significantly more than the proposed uses require, and in this context states in terms of traffic movement the development would not have a detrimental impact on highway safety. Improvements are proposed to pedestrian facilities within the site. There is a record of one slight incident in this location but this was not connected to the site entrance, and speed surveys suggest vehicles moving east are travelling marginally higher than the limit of 30mph in place, whilst those travelling west are below this limit. The conclusion is that the proposals are acceptable subject to conditions relating to visibility and detailed highway works.

In acknowledging the basis of local concerns, it is not considered in the context of the established planning use of the site and the Highway Officer's comments, that this is a case where there are strong highway grounds to refuse permission. In respect of existing parking and congestion problems on the High Street, these are matters which require separate consideration by the relevant authorities and should not be used as a ground to resist development which is unlikely to generate traffic volumes up to the levels which could have been involved with the established depot use. Parking within the respective parts of the site are considered adequate. The proposal to replicate the provision of public parking spaces for walkers in the same location as at present is considered reasonable, although it does seem feasible to redesign this area to improve the layout and provision – a matter which could be dealt with through condition if permission were to be granted.

4.2.13 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 provided earlier advice on the importance of archaeological matters in the planning process, stressing the need for due assessment of the nature and importance of any features and their setting.

There are no individual representations raising archaeological issues. The County Archaeologist and CPAT have no objections to the proposals and indicate there are unlikely to be any remains of archaeological interest surviving.

It is concluded that archaeological interests would not be adversely affected by the development.

4.2.14 Open Space

Policy BSC 11 requires proposals for all new residential development to make adequate provision for recreation and open space for the benefit of residents. The policy confirms that the Council expects developers to include the required amount of formal and informal open space within their developments and on site, and that commuted sums will only be acceptable where it is demonstrated that a development would not be financially viable should the full requirement for open space be provided on site, or where it is impractical to provide the full requirement for open space on site. The relevant County Standard for on site provision is set out in the text to the policy.

The proposals are to provide an open space area of some 845 square metres to the north of the apartments and to retain a 250 square metre open space for general public use next to the public car parking spaces for users of the Dyserth – Prestatyn path, immediately to the east of the Phase 1 workshop units. It is indicated that any shortfall in open space provision would be accommodated by way of a commuted sum payment. The Council's current open space calculator indicates a development of 25 residential units requires 1200 square metres Community Recreational Open Space and 600 square metres Children's Play Space, meaning a commuted sum would be required to meet the requirements of the policy.

There are concerns in responses to the application that there is insufficient open space for children in connection with the residential units.

In noting the above, the proposals involve a unique mix of residential and employment uses on an old industrial site bordering open countryside. The open space it is intended to provide includes an area for residents of the apartments, and a separate area for use by the general public in conjunction with the public parking area for users of the Dyserth – Prestatyn Path. Whilst the total area of open space is below the current County Standard for the number of dwellings, in Officers' opinion this shortfall is not significant and the proposal for payment of a commuted sum in lieu of the full provision for use to improve recreational facilities in the locality would be a satisfactory approach.

4.2.15 Sustainability considerations

Sustainable development is a key part of the Local Development Plan Strategy. Planning Policy Wales and associated Technical Advice Notes have previously set out specific requirements in relation to standards of construction in development as part of planning proposals, but as a consequence of changes in approach from Welsh Government in 2014, it is no longer necessary to include Sustainability Code requirements which were embodied in TAN 12 Design and TAN 22 Sustainable Buildings into planning permissions. Revisions to the Building Regulations in 2014, in particular into Part L now place the onus on developers to embody the relevant sustainability standards into Building Regulation submissions, so there is no need for consideration of these matters in relation to buildings proposed as part of the application.

4.2.16 Inclusive design

The requirement to embody the principles of inclusive design in development proposals is set out in Planning Policy Wales (Section 3.4) which outlines

accessibility considerations to be given to all development proposals, reflected in TAN 12 Design, TAN 18 Transport, and through the obligation to submit Access Statements as part of most planning applications.

The submission includes an Access Statement which details inclusive design measures to be incorporated into external areas, around and within the proposed apartments, including access ramps and lighting. It is recognised that the proposals will also have to meet specific requirements of Part M of the Building Regulations and demonstrate a satisfactory approach to devising solutions for a difficult site.

4.2.17 Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Chapter 13 of Planning Policy Wales, which requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination.

The submitted Land Contamination Assessment confirms this is a complicated site with regard to potential land contaminants arising from the mining history in the area. It recommends further ground investigation in association with development works, the need for radon protective measures in the construction of new dwellings, and specialist advice in relation to potential geotechnical impacts due to the former slag heap on sites A and B.

There are concerns from a private individual over contamination arising from ground disturbance and soakaway drainage.

Natural Resources Wales have suggested imposition of a range of conditions to cover contamination issues. This would oblige relevant investigation works and submission of proposals where necessary for remediation / mitigation.

Given the history of the site, and the contents of the submissions, there is clearly a potential for the presence of contaminated material and it would be appropriate to attach standard conditions on any permission requiring suitable further investigation and details of proposals for remediation in the event of contamination being found. This is considered to be a suitable precautionary approach to protect relevant interests.

4.2.18 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Policy RD 5 in the Local Development Plan.

The Community Linguistic Statement submitted with the application concludes that the proposals would have a significantly beneficial impact on the local community.

There are no representations expressing views on the potential impact of the mixed use development on the needs and interests of the Welsh language.

In Officers' opinion, the proposed conversions and new build development on this site would not by virtue of their size, scale, and location cause significant harm to the character and language balance of the community.

Other matters

Overdevelopment of the site

Representations on the application suggest the proposals would be an overdevelopment of the site. Overdevelopment would normally be where proposals involve the construction of buildings which occupy a high proportion of a site area, leading to a cramped form of development, creating unacceptable relationships with adjacent development, and leaving unsatisfactory provision for parking, servicing, circulation space and open space in connection with the proposed uses.

In commenting on the issue, Officers suggest with respect that the site layout plans do not indicate the proposals would represent an overdevelopment of any parts of the two sites involved. The three office units proposed for conversion and the new build unit are set within a site which contains a substantial parking area to the south, and an open area to the north, both of which are to be retained as part of the development. The site proposed for the workshop units is a vast open parking area and the layout demonstrates that the units can be comfortably accommodated with a service road, turning area and visitor parking, without any cramping of development.

Impact on local services

In respecting concerns over the potential impact on local services, Officers suggest it would not be appropriate to consider refusal of permission for a single development site involving 25 apartments on this ground. Population growth will happen over time throughout the County, and there is a responsibility on all service providers to plan ahead for the delivery of their own service, based on potential population changes, in connection with which there is clear approved strategy and proposals in the adopted Local Development Plan to accommodate that population. This development is likely to be phased over a number of years and it is respectfully suggested the potential demand it could actually place on schools, local hospitals and GP practices should be capable of being accommodated reasonably in the forward planning of those service providers.

Trees

A request was submitted in early November 2015 on behalf of the Dyserth Environmental Group for designation of a Tree Preservation Order for trees on and around the application site. This is under consideration by the Council's Tree Consultant and any conclusions reached before the application is dealt with at Committee. In terms of relevance to the consideration of the planning application, it is apparent that the proposals themselves involve development on existing buildings and within existing car parking areas and do not involve any significant tree removal or offer any direct threat to trees around the periphery of the site. The only woodland area of significance within the applicant's ownership is on the steep embankment between the current car park area and the river, but this is not within the application site and not the subject of any development proposals. Officers do recognise the value of this woodland, however, and as stated previously, would suggest if a permission were to be considered, that the idea of the woodland management scheme be pursued as part of a legal agreement with the applicant.

Land stability

There are representations questioning the stability of the land in sites A and B in light of the proposals for the development of the workshop units. In recognising the concerns

expressed, there are separate legislative safeguards under the Building Regulations to ensure safe building practice is followed in any development, which would take due account of issues which may arise with ground conditions.

Conflict with planning policy and material planning considerations

Members will be aware of the requirements of current planning legislation in respect of the consideration of planning applications, which are that they 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2 of Planning Policy Wales, as set out in the 1990 Planning Act and Planning and Compulsory Purchase Act 2004). The guidance is 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.

This is a case where there are interesting considerations in relation to the policies of the Local Development Plan, highlighted in the preceding paragraphs of the report. There are material considerations which require serious assessment to weigh against potential policy conflicts, which may constitute grounds for granting planning permission. The following are matters Officers suggest are material to the consideration of the current application, to assist Members deliberations –

- **Viability issues and the funding of 'replacement' Employment buildings**

Viability considerations may be material to the assessment of an application, as a factor to be weighed in the acceptability of a particular proposal. In this case it is apparent from the submitted information that marketing of the existing buildings has failed to generate serious interest over a 4 year period, and that redevelopment of the builders' yard for employment use does not appear to be a viable proposition. Insistence on the land remaining in employment use may result in it being left to fall into dereliction with no benefit to the local community.

It may be legitimate to consider the benefits arising from permitting new development in a location outside a development boundary, where this is for a clear planning purpose and public benefit. In this instance the generation of funds to develop new workshop units for employment use as a direct replacement for the employment land lost through the development of the Anglia Yard may be argued to serve a specific planning purpose, and - subject to suitable controls through legal agreement to guarantee delivery – is a matter which can be weighed against the conflict with planning policies.

- **Provision of replacement Employment buildings of better quality than existing**

The proposals would deliver a total of 13 modern workshop units with associated parking and servicing areas which are more likely to attract interest than the existing 'purpose built' office / warehouse buildings. There are potential employment benefits for the local community from the development of these units. The proposals also effectively involve the creation of 'alternative' Employment Land which would be larger in size than the current allocated land at the Anglia Yard. There is support from the Economic and Business Development team for the provision of workshop units. This is a matter to be weighed against the loss of part of the existing Employment Land.

- **Previously developed land**

The Anglia Yard site and its car park may fall within the definition of 'Previously Developed Land' in Planning Policy Wales, which expresses a general preference for the re-use of such land wherever possible, rather than development of greenfield sites. Whilst Planning Policy Wales states that not all previously developed land is suitable for

development, Officers suggest the combination of circumstances applying at the site, the location of the Anglia Yard on the fringe of the village, and its industrial history, may support an argument for accepting low key employment development in the form proposed, albeit that the site is outside the current development boundary.

- **Employment objectives in the Local Development Plan and Council Strategies**
One of the two Economy and Jobs Objectives set out in the Local Development Plan is to allow sufficient flexibility to provide for local employment opportunities, particularly in rural areas. This is a material consideration which may be placed in the balance against the identified planning policy conflicts.

- **Use of Section 106 Obligation to secure gains**
Section 106 Obligations can be used to secure planning gains from development proposals which may pose conflict with planning policy, subject to meeting standard tests of acceptability (reasonable, necessary, relevance to planning, etc). In this instance Officers suggest there may be recognisable gains to be secured through a Section 106 agreement, and these have been raised on a 'without prejudice' basis with the applicants and agent as a possible way forwards:
 - tying the construction of the different phases of the new workshop units to the completion of agreed phases of the apartment development (to ensure the workshops are completed prior to first occupation of the apartments in these phases, to prevent the residential development proceeding to completion independently, without any workshops being provided)
 - retaining the car parking and open space to the east of the Phase 1 Workshop development for public use
 - securing the retention of the affordable units and future arrangements for occupation for persons in need of affordable housing; and the relevant open space commuted sum payment to address the shortfall of provision on site
 - securing a woodland management plan in relation to the woodland between sites A and B and Afon Ffyddion
 - allowing for the creation of a cycle path along the riverbank to Pandy Lane

Officers would argue in the particular circumstances of this case that the above heads of terms of a legal agreement would help to secure tangible public benefits from the grant of permission and merit serious consideration.

5 SUMMARY AND CONCLUSIONS:

- 5.1 The application proposes a 25 apartment development through the conversion of existing offices and a new build block on allocated employment land at the Anglia Yard, alongside the development of 13 workshop units on the old car park area which lies between the site and Dyserth village.

- 5.2 The report sets out in some detail the proposals and the issues they raise. The site is outside the village boundary and elements of the scheme are in conflict with policies of the Local Development Plan (new housing development, loss of employment land, limited affordable housing provision). There are material planning considerations to address which may justify considering the grant of permission (failure of marketing attempts for the existing offices, avoiding further deterioration of the buildings, the provision of more modern workshop units, creation of a larger Employment area than the existing one at Anglia Yard, potential employment opportunities for local community, use of previously developed land). There are interesting balances to weigh to determine whether the proposals merit support.

- 5.3 Consultation responses express contrasting views on the application. The Community Council have listed a number of considerations and have particular concerns over highway impacts, reflecting comments of private individuals on the application. The Economic and Business Development section of the Council refer to a demand locally for small modern workshop units to rent in the area, and suggest the mixed development would contribute to the County's economic growth.
- 5.4 Ultimately, Officers suggest the determination rests on the weight to be attached to material considerations which may support the grant of permission and whether these outweigh any conflict with current Development Plan policies. Having regard to these matters, the recommendation is to grant permission based on the positive planning benefits that the proposals offer, and the limited harm which would arise from the development – all subject to strict planning conditions and a legal agreement to secure the benefits. Officers believe where matters may be finely balanced, it would be reasonable to attach significant weight to the regeneration, employment and other public benefits of a scheme of this nature, which would be in line with one of the key objectives in the Local Development Plan and wider Council strategies.
- 5.5 The Officer recommendation therefore is to grant permission subject to
1. Notification of the application to Welsh Ministers in accordance with Welsh Government Circular 07/12, as part of site C falls within a Flood Zone C2 outline and the development on that site involves residential development of more than 10 dwellings; and therefore the grant of permission would be subject to confirmation that the Council may proceed to issue the decision on the application.
 2. Completion of a Section 106 Obligation seeking to :-
 - A) tie the construction of the different phases of the employment unit development to the completion of agreed stages of the apartment development (to ensure the first phase of the employment unit development (Units 1-5) is completed and available for occupation before occupation of any of the apartments in blocks A and B; and the second phase of the employment unit development (Units 6-13) is completed and available for occupation before occupation of any of the apartments in blocks C and D.
 - B) retain a minimum of 13 car parking spaces and the open space area to the east of the Phase 1 Employment unit development for public use
 - C) secure the retention of the proposed affordable units and future arrangements for occupation for persons in need of affordable housing, in accordance with the Council's policies and guidance
 - D) secure the payment of a commuted sum to the Council to meet the shortfall of provision of open space within the site, in accordance with the Open Space calculator in force at the time of completing the agreement
 - E) secure a woodland management plan in relation to the woodland between sites A and B and Afon Ffyddion
 - F) allow for the creation of a cycle path along the riverbank to Pandy Lane

The precise wording of the Section 106 would be a matter for the legal officer to finalise.

In the event of failure to complete the Section 106 agreement within 12 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the 1990 Planning Act.

2. The development hereby permitted shall be carried out in strict accordance with the following plans and documents, unless otherwise specified in the conditions attached to this permission, or as formally approved in writing by the Local Planning Authority:

- (i) Plan of existing - Unit A (Drawing No. W.1227/6) received 6 March 2015
- (ii) Plan of existing - Unit B (Drawing No. W.1227/7) received 6 March 2015
- (iii) Plan of existing - Unit C (Drawing No. W.1227/8) received 6 March 2015
- (iv) Proposed industrial units (Drawing No. W.1243/1) received 6 March 2015
- (v) Proposed Apartment Block (Dwg. No. W.1227/1) received 6 March 2015
- (vi) Proposed Redevelopment of Land (Dwg. No. W.1087/4 Rev A) received 6 March 2015
- (vii) Proposed Apartment Block (Dwg. No. W.1227/3) received 6 March 2015
- (viii) Proposed Apartment Block (Dwg. No. W.1227/5) received 6 March 2015
- (ix) Proposed Apartment Block (Dwg. No. W.1227/4) received 6 March 2015
- (x) Proposed Apartment Block (Dwg. No. W.1227/2 Rev A) received 6 March 2015
- (xi) Proposed industrial units (Dwg. No. W.1243/1) received 6 March 2015
- (xii) Site layout plan 1:500 (Dwg. No. W.1087/4) received 16 September 2015
- (xiii) Topographic Survey (Drawing No. W.1087/3) received 6 March 2015
- (xiv) Location plan received 16 September 2015
- (xv) Planning Statement received 6 March 2015
- (xvi) Design and Access Statement received 6 March 2015 received 6 March 2015
- (xvii) Ecological Assessment – Clwydian Ecology received 6 March 2015
- (xviii) Community and Linguistic Statement received 6 March 2015
- (xix) Market Appraisal and Viability Assessment – Legat Owen received 6 March 2015
- (xx) Phase 1 Land Contamination Assessment – Peak Associates received 6 March 2015
- (xxi) Water Conservation Statement received 6 March 2015
- (xxii) Tree Report – GSL received 16 September 2015
- (xxiii) Flood Consequences Assessment – Waterco Consultants received 16 September 2015

Reason – For the avoidance of doubt

3. No works on the conversion of any buildings, the erection of the new apartment block, or the new workshop units shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to all of the following:

a. All external materials to be used on the walls and roofs of the buildings

b., a detailed scheme of hard and soft landscaping for the site, to 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 parking areas, access roads, footways,

- paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) proposed positions, design, materials and type of boundary treatment, including screen walls and fences, including a suitable visual and acoustic screen between the proposed new apartment block and the motor workshop to the east;
 - (f) the proposed open space area to the north of the apartment blocks, including levels, surfacing and hard and soft landscaping / planting, and means of access for occupiers of the apartments.
 - (g) the proposed layout of the public parking area and open space at the entrance to site B, which shall not be as shown on the submitted plans;
 - (h) the timing of the carrying out of the planting, landscaping, erection of screen walls and fences
 - (i) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all play areas, open space and landscaping.

The development shall be carried out strictly in accordance with the approved details.

Reason – In the interests of visual and residential amenity.

4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the completion of that part of the development to which they relate, and any trees of plants which, within a period of five years of being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason – In the interests of visual and residential amenity.

5. The development shall be carried out strictly in accordance with the recommendations of the GSL Tree Report and no trees within the application site other than those identified in that report shall be felled without the prior written approval of the Local Planning Authority.

Reason - In the interests of visual amenity.

6. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed phasing of the different elements of the scheme, linking the completion of the two phases of employment unit development to the first occupation of the apartments.

Reason – To ensure the residential development is not completed in advance of the employment units as the permission has only been granted on this basis.

7. No development shall be permitted to commence on the conversion of the existing buildings or the construction of the new apartment block until the written approval of the Local Planning Authority has been obtained to details of the provision to be made for disabled people to gain access to all buildings. The agreed details shall be incorporated into the developments

associated with the residential units before any of the apartments are first occupied, and shall be retained at all times thereafter.

Reason - To ensure adequate accessibility for persons with disability.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Consequences Assessment (Waterco Limited, w1788-150605-FCA, June 2015) and the following mitigation measures detailed within the FCA:
 1. Finished Floor Levels are set no lower than the levels (relative to Ordnance Datum) presented in Table 3 of the FCA.
 2. A Flood Plan shall be provided to all future occupants of Site C, so that they can identify the safest route into and out of the site should flooding of the site occur.
 3. Limiting the surface water run-off generated by a range of storm events of up to and including the 1 in 100 year (1% AEP) event, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason - To reduce the risk of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site, and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

PRE COMMENCEMENT CONDITION

9. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the development showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority. The development shall only be permitted to proceed in accordance with the details approved under this condition.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

10. Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

11. No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

12. None of the apartments hereby approved shall be occupied until the access and parking arrangements relating to those units have been completed in accordance with the submitted plans, and the details of the link from Site C to the Dyserth – Prestatyn Path have been submitted to and approved in writing by the Local Planning Authority. The access and parking arrangements and the link to the Path shall be maintained as approved at all times.

Reason - To ensure the units are served by adequate access and parking arrangements.

13. None of the workshop units hereby approved shall be occupied until the access and parking arrangements relating to those units have been completed in accordance with the submitted plans. The access and parking arrangements shall be maintained as approved at all times.

Reason - To ensure the units are served by adequate access and parking arrangements.

PRE-COMMENCEMENT CONDITION

14. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure suitable safeguards are in existence to establish the presence of hazardous or contaminated material, and to protect the interests of existing residents, potential users of the land, wildlife, and the quality of water drainage in local streams.

15. Prior to occupation of any apartment or workshop unit, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason - To ensure suitable safeguards are in existence to establish the presence of hazardous or contaminated material, and to protect the interests of existing residents, potential users of the land, wildlife, and the quality of water drainage in local streams.

16. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority

as set out in that plan. On completion of the monitoring program a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason - To ensure suitable safeguards are in existence to establish the presence of hazardous or contaminated material, and to protect the interests of existing residents, potential users of the land, wildlife, and the quality of water drainage in local streams.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To ensure suitable measures are take to deal with unexpected contamination, to protect the interests of existing residents, potential users of the land, wildlife, and the quality of water drainage in local streams.

18. The use of the employment units shall be restricted to uses within Classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or such equivalent uses as may be set out in any revised Order).

Reason: In the interests of the amenities of occupiers of residential property in the locality.

19. None of the employment units shall be permitted to be brought into use until the written approval of the Local Planning Authority has been obtained to the hours of operation and deliveries, and the maximum noise levels to be permitted.

The units shall be operated at all times within the limitations as agreed under this condition.

Reason: In the interests of the amenities of occupiers of residential property in the locality.

20. The approved facilities for the loading/unloading, parking and turning of vehicles shall be completed before the parts of the development to which they relate are brought into use, and shall be retained as approved at all times thereafter.

Reason : 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 highway safety.

PRE COMMENCEMENT CONDITION

21. Notwithstanding the submitted details, no development shall be permitted to commence until the written approval of the Local Planning Authority shall be obtained to full details of the alterations to existing accesses and any associated highway works, and the works shall be completed in accordance with the approved details before the relevant part of the development is brought into use.

Reason: To ensure the formation of a safe and satisfactory accesses in the interest of highway safety.

22. The accesses onto the A5151 shall have a visibility splay of 2.4m x 5.2m in both directions measured along the nearside edge of the carriageway over land within the control of the Applicant and/or the Highway Authority and there shall be no obstruction in excess of 1.05m in height within those splays at any time.

Reason : To ensure that adequate visibility is provided at the point of access to the highway in the interest of highway safety.

PRE COMMENCEMENT CONDITION

23. No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicles routes.
The works shall be carried out strictly in accordance with the approved details.

Reason : In the interest of free and safe movement of traffic on the adjacent highway.

24. No removal of hedgerows, trees, shrubs, climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check 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 shall be submitted to the local planning authority prior to the commencement of any of the aforementioned works.

Reason: To protect ecological interests.

PRE COMMENCEMENT CONDITION

25. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to all of the following:

(a) Measures for the protection of adjacent woodland habitat through the construction and operational stages of the development;

(b) Updated bat, badger and bird surveys to include avoidance, mitigation and compensation measures as required, and specific mitigation measures for swallows.

Reason: To protect ecological interests.

NOTES TO APPLICANT:

You are reminded that this planning permission is the subject of a separate Section 106 Obligation containing specific terms governing the phasing and completion of works on the residential and workshop elements of the development, and the provision of affordable housing units.

In relation to highways matters:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

The Footpaths Officer has advised that Public Footpath 24 (Dyserth Community) crosses the development area at the location of the current Car Park entrance off Newmarket Rd. The Public Right of Way needs to be safeguarded, and the following need to be considered.

No alteration or obstruction to the line of the Path, without a formal legal diversion under the Town and Country Planning Act 1990. The actual line of the Footpath runs from the entrance of the carpark and then runs parallel within the planning boundary, before heading in a north westerly direction to the river. It then runs parallel with the river and exist on Pandy Road, just below the Property known as Glanrafon.

The minimum time period for completion of such an order is 12 months, plus the original line of the Path can not be built on until the order has been confirmed. Please contact Tania Evans, the Diversions Officer, on 01824 706923 for further information.

If the current line of the Path can be accommodated, the following conditions will apply:

No building materials to be stored on the right of way, which may cause a nuisance, or obstruction to the user.

No diminution in width of the Footpath as a result of the development

No additional barriers, such as new fence lines to be placed across the right of way, of either a temporary or permanent nature, unless authorised by the Council for agricultural reasons. Please ensure the developer contacts Paul Owen of the Public Rights of Way Unit on 01824 706872 to discuss further, since from the planning application it would appear that a new boundary fence line is to be constructed across the Public Footpath.

In relation to conditions 8 – 11 your attention is drawn to the following advisory notes from Dwr Cymru Welsh Water:

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

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

On the 1st October 2012 the Welsh Government introduced the Welsh Ministers Standards and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com