

This receipt of work drawings is given with Conditions & Scope List and shall not be subject to interpretation unless for reasons of clarity. All interpretations shall be the responsibility of the drawing. All interpretations shall be the responsibility of the drawing. All interpretations shall be the responsibility of the drawing.



- Planning Jurisdiction Line
- Site Ownership Line
- Existing Building
- Proposed Vegetation
- Existing Trees
- Proposed Store Location
- Site Access
- Building Access
- Proposed Hatched Fence
- Existing Level
- Proposed Level
- Existing Ground Level
- Existing Substrata to be removed
- New Substrata
- Permeable Stone
- Impervious Stone
- New Impervious
- New Impervious PC paving stone (60% v. 100%)
- Gravel Driveway
- Concrete strip with treated stone
- Proposed Surf

SITE PLAN

FOR PLANNING

Client: NEW RIVER METAL LTD.
 Proposed Retail Store
 TY FRY INT'L FTY LN, BISHOPSTOWN, BNG, U110 2
 Drawing No: 131106
 Project No: R/F64-032
 Date: 08.12.2014

CORSTORPHINE + WRIGHT

Brown Hill - South Street - Warwick - CV34 4BE
 01926 289971 - www.corstorphine-wright.com



WARD : Bodelwyddan

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

APPLICATION NO: 40/2015/1150/ PS

PROPOSAL: Variation of condition No. 3 of planning permission Code No. 40/2014/1445/PF to read ""deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity within the service area, outside the hours of 07:00hrs and 21:00hrs Monday to Friday, 07:00hrs - 20:00hrs Saturdays and 09:00hrs - 18:00hrs Sundays and Bank Holidays""

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

APPLICANT: New River Retail Property Unit Trust No. 4

CONSTRAINTS: None

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

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

BODELWYDDAN TOWN COUNCIL

Concerns raised over original consultation, however the description was incorrect. The description was updated and a re-consultation was sent, to date no response has been received to the re-consultation sent 11/01/2016

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES – HEAD OF HIGHWAYS AND INFRASTRUCTURE

Highways Officer
No objection.

Public Protection Officer
No objection.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 21/01/2016

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for a variation of condition relating to the opening hours of a consented convenience store, on part of the car park at the Ty Fry Inn, in the centre of Bodelwyddan village.
- 1.1.2 The convenience store was given planning permission in September 2015, but to date the planning permission has not been implemented.
- 1.1.3 The application seeks to vary condition no. 3 of the original planning permission to enable extended delivery and dispatch times on a Saturday. The original condition read:
“Deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity within the service area, outside the hours of 07:00hrs and 21:00hrs Monday to Friday, 08:00hrs - 18:00hrs Saturdays and 09:00hrs - 18:00hrs Sundays and Bank Holidays”.
“The reason for the condition was: In the interests of the residential amenities of occupiers of nearby properties”.
- 1.1.4 The variation would result in the following condition:
“Deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity within the service area, outside the hours of 07:00hrs and 21:00hrs Monday to Friday, 07:00hrs - 20:00hrs Saturdays and 09:00hrs - 18:00hrs Sundays and Bank Holidays”.
- 1.1.5 The plans and details are as per the original application. The proposed site layout includes a service yard to the rear and side, surrounded by a 2.7 metre high acoustic fence.
- 1.1.6 The supporting documents include a Design and Access Statement and a Noise Impact Assessment.

1.2 Description of site and surroundings

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

1.3 Relevant planning constraints/considerations

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

1.4 Relevant planning history

- 1.4.1 As mentioned above the convenience store was originally granted planning permission in September 2015.

1.5 Developments/changes since the original submission

- 1.5.1 The original description of the proposal contained an error which implied unrestricted hours were being sought. This was an administrative error made by the Council. It was rectified by changing the description and undertaking a re-consultation exercise.

1.6 Other relevant background information

- 1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 40/2014/1445 Erection of class A1 convenience store with ATM machine, associated parking, access arrangements and landscaping. Granted permission by Planning Committee 23/09/2015.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design

3.1 Government Policy / Guidance Planning Policy Wales Edition 8

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Residential amenity
- 4.1.3 Highways (including access and parking)

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The principle of the convenience store development was established under the original planning permission granted in September 2015. Hence the only issue for consideration here is the amenity impacts of the proposed extended hours. This is considered below.

- 4.2.2 Residential amenity
Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The application proposes a variation to the opening hours on a Saturday only. The variation proposed would enable deliveries and dispatches to be made from the store between the hours of 07.00hrs and 20.00hrs which equates to one hour earlier on a Saturday morning and two hours later than originally approved in the evening. The area to the north, east and south of the site is predominantly residential. A number of dwellings have a boundary with the site and the Public House. The boundary treatments proposed include screen planting and fencing and an acoustic fence around the yard area.

The Community Council raised concerns on receipt of the initial consultation, as set out in Section 1.5 above. No response has been received to date to the re-consultation. No representations have been received from neighbours relating to the extended delivery/dispatch hours. Concerns have been raised over the amenity impacts of the extended hours by the local County Council Member.

In Officers opinion, the extended delivery and dispatch hours on a Saturday are not considered unreasonable. The original condition was attached on the basis of the original hours suggested by the Councils Public Protection Officer, although it is understood that that these hours did not fully suit the proposed store operator. The extension to allow an additional hour on Saturday morning and two additional hours in the evening are not considered excessive. The proposed hours are within recognised 'daytime' hours, when there is likely to be activity in the area owing to the existence of the public houses and the parade of shops opposite the site. Public Protection Officers have considered the noise assessment submitted with the application and have raised no objection to the proposal. Hence it is the opinion of Officers that it would be unreasonable to resist the variation of condition.

4.2.3 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway This policy reflects general principles set out in Planning Policy Wales (Section 8) in support of sustainable development.

The application proposes a variation to the delivery and dispatch times on a Saturday only. The principle of the use has been established in the original planning permission and the highways impact of the use assessed at that stage. The Highways Officer has raised no objection to the proposal as it would have no significant impacts on highway safety. Concerns have been raised over the highways impacts of the extended hours by the local County Council Member.

With respect to the concerns of the County Council Member, having regard to the nature of the application, it is considered that proposals would not impact on highway safety or an unacceptable impact on the local highway network.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposal complies with relevant planning policies and it is therefore recommended for grant.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. Deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity within the service area, outside the hours of 07:00hrs and 21:00hrs Monday to Friday, 07:00hrs - 20:00hrs Saturdays and 09:00hrs - 18:00hrs Sundays and Bank Holidays.

The reason for the condition is :-

1. In the interests of the residential amenities of occupiers of nearby properties.

NOTES TO APPLICANT:

None