



# LOCATION

Passing places

Passing place

THE WARREN

Promap

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**WARD :** Tremeirchion

**WARD MEMBER(S):** Cllr Barbara Smith

**APPLICATION NO:** 41/2015/1229/ PS

**PROPOSAL:** Removal of condition number 2(a) of planning permission 41/2010/1177/PF restricting woodland based education and training centre use to a maximum of 200 days in any calendar year

**LOCATION:** Warren Woods Ltd. The Warren Mold Road Bodfari Denbigh

**APPLICANT:** Mr Rod Waterfield Warren Woods Limited

**CONSTRAINTS:** AONB

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

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**BODFARI COMMUNITY COUNCIL**

“Bodfari Community Council recommend approval but note that as the original condition was set to allow the local authority to control highway safety and residential amenity, there remain unaddressed issues and that conditions should therefore still set a limit to the number of days and address these significant highway safety issue.”

**NATURAL RESOURCES WALES**

No objection.

**DWR CYMRU / WELSH WATER**

No objection.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

- Highways Officer

The case officer has indicated verbally that there are no objections. Planning conditions will be required to control access matters. These will be reported on the late information sheets.

Pollution Control Officer

No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

S. Rathbone, Argoed, Mold Road, Bodfari

Mr Dai Watkins, Lodge Farm, Bodfari

Michael R Berry, Ty Newydd Sodom, Bodfari

Elena Fowler - Glas Coed, off Mold Road, Bodfari

Councillor Gwladys Edwards - Ardugout, Tremeirchion Road, Bodfari

Anne a Medwyn Roberts, Swn yr Afon, Ffordd y Wyddgrug, Bodfari  
)Mr. & Mrs. Collins, 5, Llys Cerrig, St. Asaph  
L P Morton, 39, Oakthorne Grove, Heydock

Summary of planning based representations in objection:  
Highways safety- increased use of access onto B road unsafe, surrounding highway network poor/ narrow approach road, no need for passing places.  
Residential amenity- increased activity owing to increase in use of site.  
Visual impact- negative effect on the area and the AONB.

**EXPIRY DATE OF APPLICATION: 10/03/2016**

**REASONS FOR DELAY IN DECISION (where applicable):**

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application proposes developments associated with an existing woodland business at Warren Woods, in Bodfari.
- 1.1.2 The proposal is for the removal of condition number 2(a) of planning permission 41/2010/1177/PF which restricts the use of the site for woodland based education and training centre to a maximum of 200 days in any calendar year.
- 1.1.3 Condition 2(a) reads:  
*No. 2 In relation to the woodland based education and training centre use:*  
*a. The use shall only be permitted to take place up to a maximum of 200 days in any calendar year.*  
The reason for this condition was:  
*In order that the local planning authority is able to retain control over the use of the woodland based education and training centre in the interest of highway safety and residential amenity.*
- 1.1.4 The application also includes plans showing the installation of three passing places on the minor road that links the site to the A541 road.
- 1.1.5 The Agent has advised that the removal of the condition would enable the use to expand from the existing 2 weekend and 2 weekday level.
- 1.1.6 The education and training centre is used by a range of people from school children to families, more recently the centre has been used by groups under the guise of 'social forestry', health and wellbeing courses in a woodland setting.
- 1.1.7 The application is supported by the following documents:
- Design and Access Statement, which refers to the relevant planning policies, site context and constraints, environmental sustainability, character, movement, community safety and access.
  - A Traffic Management Document which includes details of the Applicants intentions in relation to Highways improvement, the installation of the passing places and details of the Applicants intentions to carry out 'tree and hedge work' at the junction with A541.

**1.2 Description of site and surroundings**

- 1.2.1 Warren Woods is located in the open countryside some 1.5km to the north east of the village of Bodfari. Access is via a Class C minor county road which links to the A541

from two junctions 0.5 km apart (see plan at the front of the report).

- 1.2.2 The site comprises an open area of land to the north which is used as a caravan club site, and a group of buildings to the south, adjacent to woodland to the east. The site has been partly hard-cored and there is an earth bund on the lower northern side. There is some landscaping around the boundaries of the site and to the north of the group of buildings.
- 1.2.3 The nearest properties to the site are Glascoed to the north, Argoed House to the north west, and Warren House to the south (see plan).
- 1.2.4 In planning terms the use of site is mixed, comprising land used for woodland based education and training, forestry and a landscape contractors business.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, in the Clwydian Range and Dee Valley AONB.

### 1.4 Relevant planning history

- 1.4.1 The original planning permission for the site was granted at Planning Committee in 2003. This permission was for the use of the land for production of charcoal using a twin unit kiln and for associated bagging and storing of charcoal; for the cutting, bagging and storage of fuel wood (e.g. logs, kinder); production of coppice craft goods, retention of the earth bund, erection of a polytunnel (involving engineering operations to level sloping ground). The application also referred to using the land as a tree nursery and providing woodland education services and a landscape contractors business.
- 1.4.2 As the use of the site developed a subsequent planning permission was made in 2010 for a more formal training space. Planning Committee granted permission for the erection of a classroom, installation of new septic tank, continuation of use for woodland based education and training centre for up to 200 days per year and the retention of 2 'forest school' structures in the woodland. It is understood that this use of this building started on completion of the build in 2013.
- 1.4.3 There is currently another application being considered (at this Committee) for an additional classroom building on the site (application 41/2016/0027). That application also shows the creation of the three passing places on the minor road.

### 1.1 Developments/changes since the original submission

- 1.1.1 Following concerns raised by Highways Officers, the application has been amended to include the creation of the passing places on the minor road serving the site.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 41/2002/0808 - Retention of hardstanding, and earth bund and continued use of land for mixed forestry-related uses incorporating storage of machinery/materials in connection with Landscape Contractor's business, timber storage, cutting, bagging & storage of fuelwood, charcoal production, tree nursery, coppice crafts, and woodland-based education and training. Erection of polytunnel. (Retrospective application). GRANTED 23/04/2003
- 2.2 41/2010/ Erection of a detached building to provide classroom, office, kitchen and WC and installation of new septic tank; and retention of use for woodland based education and training centre for up to 200 days per year and 2 no. forest school structures in woodland known as The Warren. GRANTED 16/06/2011

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE5** – Rural economy

**Policy VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

**Policy ASA3** – Parking standards

### 3.1 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 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 application site lies outside any development boundary. Local Development Plan Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

Welsh Government Guidance in TAN6 encourages the development of appropriate scale woodland-based enterprise that adds to rural diversification. Section 7.3 of Planning Policy Wales seeks to promote diversification in the rural economy, and offers in principle support for suitable small scale enterprises, and the expansion of existing businesses located in the open Countryside provided there are no unacceptable impacts on local amenity.

The proposal is for the removal of condition number 2(a) of planning permission 41/2010/1177/PF which restricts the use of the site for woodland based education and training centre to a maximum of 200 days in any calendar year. The reason this condition was attached related to highways safety and amenity impacts. The highway and amenity issues are reviewed in the following sections of the report.

4.2.2 Residential amenity

Paragraph 3.1.7 of PPW 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. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The documentation submitted with the application states that the removal of the condition is sought to allow for the expansion of the “social forestry” element of the use. Courses are proposed to be run every day between the hours of 08.00 and 17.00. The nearest dwellings are Glascoed to the north of the site on the opposite side of the minor Road, and Argoed House to the north west. There is some screening along the boundary and two bunds partially obscure views to the buildings on site.

Public Protection Officers have raised no objection to the proposal as there are conditions on the original planning permission relating to noise which are still in place. Concerns have been raised by neighbours and the Community Council over increased activity on the site.

With respect to the concerns from the Community Council and private individuals, owing to the separation distances and nature of the use, it is not considered that the removal of the condition would give rise to significant impacts on the amenity of adjacent occupiers. With the existing noise controls in place it would be difficult to justify opposing the proposal based solely on noise issues. It is considered there would be no policy conflicts as a result of the development.

#### 4.2.3 Highways (including access and parking)

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales Section 8 relating to consideration of highways safety and transport implications of development proposals.

Access to the site would be from the existing entrance and driveway from the minor road. Three passing places are proposed to be created on the minor road to improve access. There is onsite parking for 13 cars (including one disabled space) and a minibus. The applicant has also provided details of his intentions to carry out tree work at the A541 junction.

Concerns have been raised by the Community Council, AONB JAC and neighbours over the highways safety implications of the removal of the condition. The woodland based education and training centre has been operating since 2010 (when the Social Enterprise was created).

Highways Officers in their assessment of the application and having checked records, there have been no reported highway related problems arising from the Woodland Skills Centre, and no reported accidents at the Junction with the A541 Mold Road. Based on the vehicle movements indicated and the improvements proposed to the highway network leading to the site, Highway Officers have raised no objection to the proposal, subject to suitable conditions. Hence it is not considered that the proposal conflicts with the highways considerations of Policy ASA 3 or PPW.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 Although there are local concerns over this proposal and further developments on the site, Officers' view is that the proposal does not raise significant policy issues, and therefore. Therefore it is recommended for grant, subject to suitable conditions.

**RECOMMENDATION: Grant deletion of Condition 2 (a) of 41/2010/1177**

### NOTES TO APPLICANT:

**Planning Conditions/History:**

You are reminded that this decision relates solely to the deletion of condition 2a of planning permission 41/2010/1177 and that the conditions on this permission and relevant previous consents still apply at the site.