

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**PLANNING APPEAL**

**Variation of condition no. 12 of planning  
permission code no. 18/2012/1595 to allow 2 no.  
access points to remain open**

**Highfield Park, Llangwyfan, Denbigh**

**APPLICATION NO. 18/2014/1164/PS**

**1. PURPOSE OF REPORT**

- 1.1 This report relates to a refusal decision of the Planning Committee against which a formal appeal has subsequently been lodged. The Planning Inspectorate have confirmed that the appeal will be dealt with by way of a Public Inquiry.
- 1.2 The report will provide Members with the relevant background information and request that members appoint two representatives to give evidence at the hearing in accordance with Para. 9.3 of the Planning Appeals and Member Involvement Protocol.

**2. BACKGROUND**

- 2.1 The planning appeal has arisen from the decision of the Committee to refuse to approve an application to vary a condition imposed on planning permission 18/2012/1595, which was granted in June 2013 for the demolition of existing 'Sycamore' building, gardeners store and maintenance building, erection of 3 no. eight bed roomed residential health care facilities and construction of associated car park at Highfield Park, Llangwyfan.
- 2.2 The condition in question was no. 12 which states as follows :

*12. Vehicular access/egress to the adjoining highway shall be limited to the existing main entrance and access adjacent to Alexandra House, as shown on the approved plan. The existing 2 access points to the north of the site shall be permanently closed in accordance with details to be submitted to an approved in writing by the Local Planning Authority before the development is brought into use. The development shall proceed strictly in accordance with such approved details.*
- 2.3 The application for permission to vary the wording of Condition 12 was submitted under code no. 18/2014/1164, and sought to allow two access points to remain open. The application was finally determined by the Committee in September 2015. The Officer recommendation was to GRANT the variation proposed, but the Committee resolved to REFUSE consent for the

following reasons:

1. It is the opinion of the Local Planning Authority that the continuation of the use of Access C and Access D would have an adverse impact on the safe and free flow of traffic on nearby County roads. This is considered to be directly linked to the increased intensity of use of the accesses associated with the development allowed by planning permission 18/2012/1595.

2. It is the opinion of the Local Planning Authority that the works proposed in association with the continuation of the use of the accesses, including increased visibility splays and the loss of a mature Yew Tree, would lead to an urbanisation of the locality and in turn have an adverse impact on the character and appearance of the locality. The proposals are therefore contrary to advice contained within chapter 3 of Planning Policy Wales Edition 7.

- 2.4 The resolution to refuse permission was proposed by Councillor Joseph Welch and was seconded by Councillor Dewi Owen.
- 2.5 The formal Certificate of Decision was dated 8<sup>th</sup> October 2015.
- 2.6 The Planning Inspectorate have notified the Council of the appeal and have indicated they propose to hold an Inquiry, opening on Wednesday 7<sup>th</sup> September, 2016, and that the Inquiry will last 2 days.
- 2.7 The Council's Statement on the appeal, and any further comments by third parties have to be sent to the Planning Inspectorate by the 6<sup>th</sup> June, 2016.

### **3. DECISION SOUGHT**

- 3.1 As the refusal decision was contrary to officer recommendation, it is necessary to follow the adopted Protocol for dealing with Planning Appeals and Member Involvement.

Paragraph 9.3 states:

"Members of the Planning Committee will be required to give evidence at inquiry or informal hearing in appeals where an officer recommendation has been reversed. The Planning Committee shall appoint representatives to give evidence at the hearing/inquiry (normally the proposer and the seconder of the proposal)"

### **4. RECOMMENDATION**

- 4.1 That the Planning Committee appoints two representatives to give evidence at the Hearing.

**GRAHAM H. BOASE  
HEAD OF PLANNING & PUBLIC PROTECTION**