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18/2016/0599

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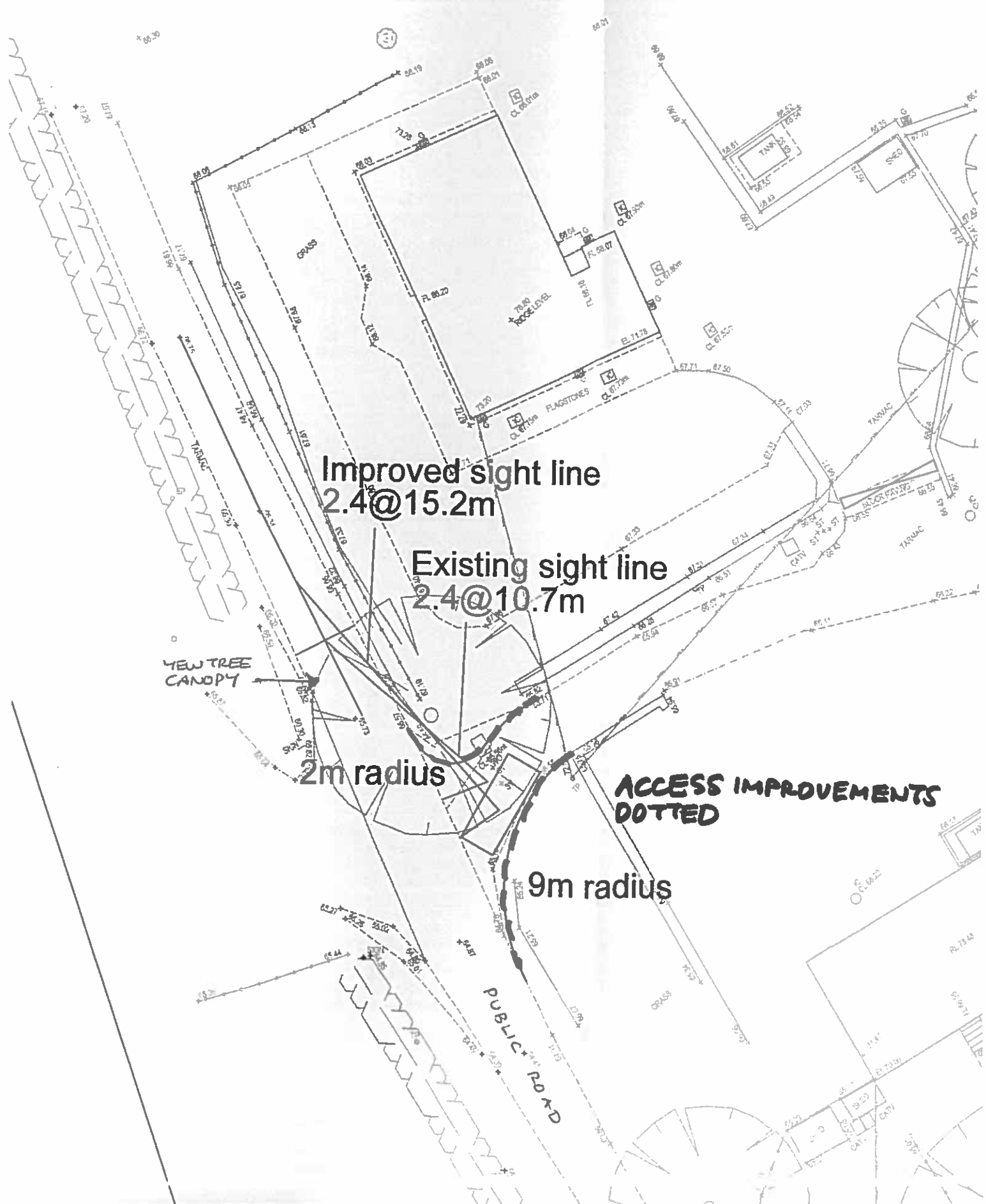
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# IMPROVEMENTS TO ACCESS 'C'



Improved sight line  
2.4@15.2m

Existing sight line  
2.4@10.7m

YEW TREE  
CANOPY

2m radius

ACCESS IMPROVEMENTS  
DOTTED

9m radius

PUBLIC ROAD



**WARD :** Llandyrnog

**WARD MEMBER(S):** Cllr Mervyn Parry

**APPLICATION NO:** 18/2016/0599/PS

**PROPOSAL:** Variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow accesses 'C' and 'D' to remain open subject to mitigation measures

**LOCATION:** Highfield Park Llangwyfan Denbigh

**APPLICANT:** MHC Highfield Park Ltd.

**CONSTRAINTS:** AONB

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

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

- Referral by Development Manager

**CONSULTATION RESPONSES:**

LLANDYRNOG COMMUNITY COUNCIL  
Response awaited

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Head of Highways and Infrastructure  
Highways Officer  
Advises that there are no objections to the proposals.

**RESPONSE TO PUBLICITY:**

Representations received from:  
R., G., J., H., and A. Ashcroft, Fron Yw Manor, Llangwyfan

Main points in objection to the application:

Highway safety concerns

Single track road cannot be used safely by existing users and a business operating 24 hours a day, 7 days a week / dangers from speed of traffic, blind corners, one pull in not adequate / accident has occurred recently / danger to pedestrians, cyclists, horse riders / popular tourist route / existing main access to Highfield Park is more than able to take all the traffic

**EXPIRY DATE OF APPLICATION: 17/08/2016**

**REASONS FOR DELAY IN DECISION:**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The application relates to a condition imposed on a 2013 planning permission for the development of additional accommodation units and a car park at Highfield Park,

which set out restrictions on the use of two of the four access points onto the public highway from the complex.

- 1.1.2 There have been two previous applications seeking to vary the terms of condition 12, one refused at Planning Committee in September 2015, and a second was withdrawn before consideration in February 2016.
- 1.1.3 The applicants have lodged an appeal against the refusal decision and this is due to be dealt with at a Public Inquiry in September 2016.
- 1.1.4 Without prejudice to the respective cases in the event of the Inquiry taking place, the applicants and officers have engaged in dialogue over alternative ideas to mitigate local concerns over the access arrangements. This has resulted in the submission of the current application.
- 1.1.5 Factually, the planning permission granted under code no. 18/2012/1595/PF contained a number of conditions, including ones relating to parking, access and highway matters. Condition 12 imposed on the permission was worded as follows :

*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.*

The reason for the condition was:

*In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.*

- 1.1.6 Condition 12 was imposed on the 2013 permission on the recommendation of the County Council's Highway Officer, having regard to the contents of the submission and representations from the local Community Council and private individuals.
- 1.1.7 The current application is accompanied by a Planning Statement and a Transport Statement explaining the basis of the proposed variation to Condition 12, including additional mitigation measures. Reference should be made to the plan at the front of the report which annotates the access points referred to and the location of buildings, parking etc within the site.

The Planning Statement sets out the history of developments at the site and explains the detailed proposals attempt to address previous concerns from the Council and local residents. The application seeks to permit:

- the use of access C for the purpose of providing access and egress to staff / visitors / deliveries etc. to Rose Cottage and Pine Cottage together with emergency access / egress; and

- the use of access D for maintenance/estate vehicles together with emergency access / egress.

The following additional measures are proposed to further improve the operational efficiency of the Site:-

- additional directional signage for visitors to the Site, to alert users of Satellite Navigation systems to follow signs for Highfield Park, and to separately sign Rose and Pine Cottage;

- an additional sign near access C indicating it is to provide access/parking for Pine Cottage and Rose Cottage;

Details of the above are contained in the transport statement submitted with the



Application.

- minor revisions to the configuration of access C. This will entail some minor resurfacing, minor reconfiguration of the highway verge to the left of the access and some directional painting on the access.

Details are set out in a drawing accompanying the Application. The purpose of these minor improvements is to encourage vehicles exiting access C to position themselves turning left thereby improving their visibility. It is stated that should the Application be approved, these minor improvements would supersede the previous improvements proposed to access C in the Appeal scheme which would involve the removal of the yew tree and the demolition and reconfiguring of the stone wall adjacent to the access.

As part of the Application, a plan has been submitted indicating possible areas on the Site available for overspill parking at peak times. This is contained in the transport statement. The purpose of this plan is to demonstrate that additional overspill parking is available for 31 vehicles at times of peak demand thereby demonstrating that there will be less pressure for the parking at Rose Cottage and Pine Cottage to be used for this overspill parking.

- 1.1.8 In terms of the other accesses into the site, Access A would remain as the Main Estate Access, to provide access/egress for the majority of the Highfield Park Estate, and Access B is shown as 'generally egress for Alexander House and Beech'.

## 1.2 Description of site and surroundings

- 1.2.1 Highfield Park has been run for many years as a residential support and mental care facility. Historically, it has been in use as a T.B. Hospital (known as Llangwyfan Hospital) and subsequently as a sanatorium until closure in the early 1980's, when it was acquired by Mental Health Care Limited.
- 1.2.2 The site is located in open countryside, within the Clwydian Range and Dee Valley AONB, some 2km from the village of Llandyrnog, and 9km from the town of Denbigh, which lies to the west.
- 1.2.3 The site is accessed primarily from the west via a classified road running from Llandyrnog village through the Clwydian hills to Nannerch. Vehicles seeking to enter Highfield Park have to turn north off this road onto a country lane which serves the four access points into the site, and is the sole public highway serving Llangwyfan Farm, nos. 1-4 Tan y Ffordd Cottages, St Gwyfan's Church, the cottages at Fron Yw and Fron Yw itself.
- 1.2.4 The plan at the front of the report shows the relationship of Highfield Park to surrounding development, and identifies the four access points into the site referred to in the application documents. Access A is used as the main vehicular entrance to the site. It is understood Access B is used in connection with Alexander House (the main Admin. Block); Access C has been used in connection with Pine Cottage and Rose House, and Access D has been used by maintenance vehicles in connection with workshops in that area.
- 1.2.5 The public highway providing access to entrance A is capable of allowing two vehicles to pass, but beyond that point it is of single vehicle width with passing places. There is no pedestrian footway along the highway.
- 1.2.6 The highway has high grass verges and hedgerows along much of its length along the site boundary beyond Access A, and there are a number of significant trees close to the road both within the grounds of Highfield Park and on the south western side

abutting agricultural land.

1.2.7 There is a network of public footpaths in the immediate vicinity of the appeal site.

### 1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside, outside of any development boundary identified in the Local Development Plan.

1.3.2 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

### 1.4 Relevant planning history

1.4.1 The detailed history of relevance to the current application is listed in section 2 of the report.

1.4.2 The main applications concerning the use of the accesses onto the lane running along the western boundary of the site are the one granted permission in June 2013 for the 3 units of accommodation and the main car park (which contained condition 12, the subject of the variation application), and the two subsequent applications to vary the condition, in 2014 and 2015.

### 1.5 Developments/changes since the original submission

1.5.1 None.

### 1.6 Other relevant background information

1.6.1 The 2013 permission for the additional units of accommodation and the main car park has been implemented and construction work on these developments has been completed.

## 2. DETAILS OF PLANNING HISTORY:

Recent history

**18/2006/0784**

Demolition of existing 'Sycamore' building, erection of 3 no. eight bedded 'bungalow style' buildings and construction of associated car parks

Granted 08/11/2006

Permission not taken up.

**18/2012/1595**

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

Granted 19/06/2013

Permission implemented.

Condition 12 reads as follows:

*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.*

*Reason: In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.*

**18/2014/1164**

Variation of Condition 12 of planning permission code no. 18/2012/1595 to allow 2no. access points to remain open  
(including layout changes to Access C)

The original submission included a proposal to create an additional passing place between access C and D, but the application was revised in February 2015, to exclude this feature.

Refused 08/10/2015

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.*

**18/2015/1146**

Variation of Condition 12 of planning permission code no. 18/2012/1595 to allow 2no. access points to remain open  
(including layout changes to Access C)

This was a resubmission of application 18/2014/1164, but was withdrawn by the applicants before consideration at Planning Committee in February 2016.

**18/2016/0237**

Details for permanently closing off the 2 no. northern access points, submitted in accordance with condition number 12 of planning permission code no. 18/2012/1595/PF

Approved 26/04/2016

**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 PSE 5 Rural Economy  
Policy VOE 2 Area of Outstanding Natural Beauty and Area of Outstanding Beauty  
Policy ASA 3 Parking Standards

**3.1 Government Policy / Guidance**

Planning Policy Wales Edition 8, January 2016.  
Technical Advice Note 18 - Transport

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8 (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 Highways (including access and parking)
- 4.1.2 Visual Amenity

4.2 In relation to the main planning considerations:

4.2.1 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales Sections 3.1.3 and 3.1.4 and Chapter 8 – Transport, and TAN 18 – Transport, in support of sustainable development.

There is a relevant recent history of applications in relation to the use of the accesses into Highfield Park.

The 2013 permission is the key starting point as it permitted the development of additional accommodation units and a significant central car park within Highfield Park, and established that the use of Access points A and B were acceptable to serve the majority of the complex. The requirement to permanently close off access C and D in condition 12 was considered necessary at that time, having regard to the proposals in front of the Council, to prevent use of those access points in the interests of the free flow and safety of traffic on the adjacent highway.

The 2014 application to vary Condition 12 included for the provision of additional passing bays along the highway and sought the use of access C for use by Rose House and Pine Cottages, and for emergency access and egress; and the use of access D by maintenance and service vehicles, and for emergency access and egress. The application was recommended for approval by officers, but was refused at Committee on highway safety and visual amenity grounds. This is the subject of the current appeal and Public Inquiry.

The current application for the variation of condition 12 includes for a number of additional measures, set out in section 1.1.7 of the report, as an attempt to address local concerns over the use of accesses C and D. This includes additional directional signage at access A for visitors to the Site, an additional sign near access C indicating it is to provide access/parking for Pine Cottage and Rose Cottage, revisions to the configuration of access C (minor resurfacing and reconfiguration of the highway verge to the left of the access, and some directional painting on the access, avoiding the need to remove the Yew tree and extensive visibility works), and additional overspill parking for 31 vehicles at times of peak demand, to demonstrate that there will be less pressure for the parking at Rose Cottage and Pine Cottage to be used for this overspill parking.

There are objections from local residents at the latest proposals, which repeat previous concerns over the use of the highway network beyond the main access into Highfield Park (Access A). The Highways Officer has assessed the application and all the information contained within the updated Highways Statement submitted by the

applicant and with regard to the specific details, has no objection to the proposals to allow access C and D to remain open, subject to the proposed mitigation measures being implemented.

In acknowledging the background history and local reservations, Officers are of the view that the use of accesses C and D as proposed are acceptable having regard to the mitigation now proposed and the likely nature and scale of use. The use of access C would be limited to vehicles associated with Pine Cottage and Rose Cottage and allow for emergency access. Access D would be used (as it has been historically) by maintenance vehicles and for emergencies. Access A would operate as the main access in and out of the site for the majority of traffic associated with the Highfield Park complex. It is considered that the revised proposals contained in the application to vary condition 12 are reasonable on highway grounds.

#### 4.2.2 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.

The previous concerns over the visual impact of the proposal to vary condition 12 are addressed in the current submission as the proposals no longer involve the removal of a Yew tree close to the highway at access C, and extensive ground works to improve visibility. Local residents had previously raised concerns relating to the loss of the tree in order to facilitate improvements to access C.

## 5. SUMMARY AND CONCLUSIONS:

5.1 In Officers' opinion, the revised proposals to vary condition 12 address issues which led to the refusal of the previous application. It is not considered that the variation would give rise to adverse impact on highway safety or visual amenity, and it is recommended that the application is approved.

**RECOMMENDATION: APPROVE-** subject to the following conditions:-

1. The approved plans and documents are
  - (i) Sight line and access (Drawing No. J305/sight line/Fig1) received 23 June 2016
  - (ii) Highfield Park Access / Egress Strategy plan ref 13-130-16A received 23 June 2016
  - (iii) Location plan (Drawing No. 13-130-100) received 23 June 2016
  - (iv) Planning Statement received 23 June 2016
  - (v) Transport Statement received 23 June 2016
2. The signage and access C reconfiguration measures outlined in the application documents shall be implemented no later than the 31st December 2016 and shall be retained at all times.
3. No overspill parking areas shall be permitted to be developed until the written approval of the Local Planning authority has been obtained to the detailing thereof, and the areas shall be laid out strictly in accordance with the approved details.

The reason(s) for the condition(s) is(are):-

1. For the avoidance of doubt
2. In the interests of all users of the highway.
3. To ensure the location and detailing of the parking areas are acceptable.

**NOTES TO APPLICANT:**

You should contact the Highway Section of the Council prior to the carrying out of the improvements to access C to clarify the need for formal consent for works on or adjacent to the highway.