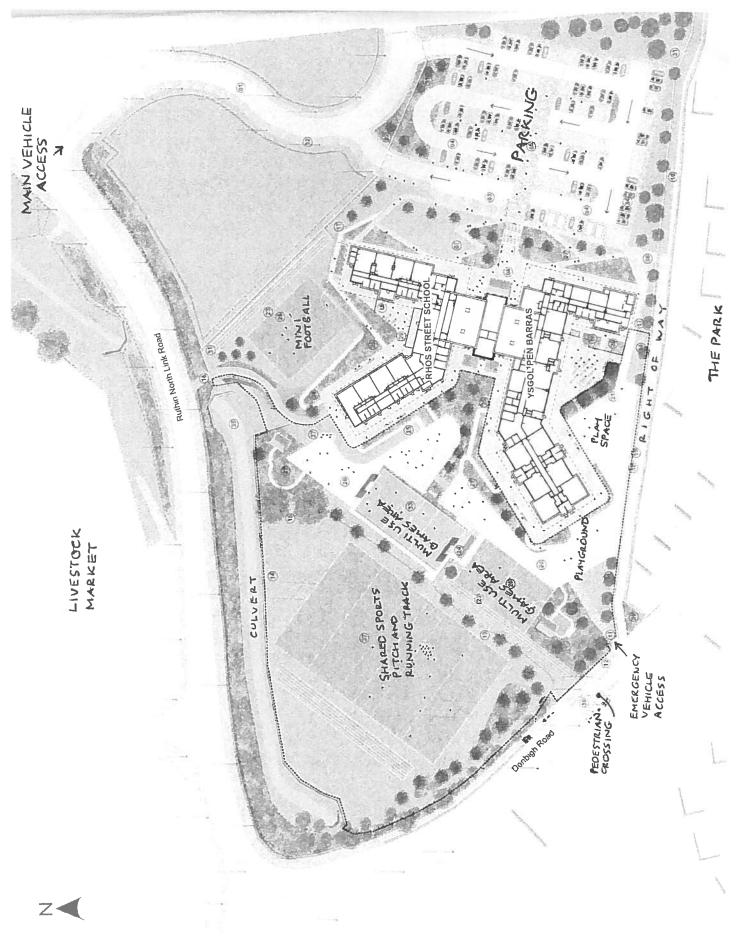


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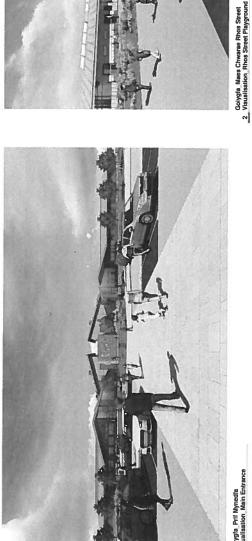
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David Roberts

WARD: WD28 – Ruthin

WARD MEMBER(S): Councillor Robina Lynn Feeley

Councillor Huw Hilditch-Roberts (c)

Councillor David Ian Smith

APPLICATION NO: 02/2016/0422/ PF

PROPOSAL: Demolition of existing farmhouse and associated outbuildings,

and construction of new school accommodating two primary schools with associated external works, including formation of new vehicular and pedestrian accesses, improvements to existing footpath, on-site parking with drop off area, external play and games areas, playing field, wildlife gardens and shelters, landscaping and boundary fencing, and surface water drainage

works involving filter drains and soakaways

LOCATION: Land at Glasdir Farm Ruthin

APPLICANT: Mrs Lowri Roberts - Denbighshire County Council

CONSTRAINTS: C2 Flood Zone

PUBLICITY Site Notice – Yes
UNDERTAKEN: Press Notice – Yes

Neighbour letters - Yes

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

• Recommendation to grant – Town Council concerns raised

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL

'Ruthin Town Council has SERIOUS CONCERNS regarding the following application. 02/2016/0422 – Land at Glasdir Farm, Ruthin

The concerns involve ensuring child safety with regards to the provisions for management of the increased traffic using the nearby roads to reach the new building. Also noted was the proximity of the proposed location to the livestock market, which already has a problem with vehicles parking on the verge on both sides of the northern link road on auction days, which would have an adverse impact on child safety. Safety of access and egress to and from the new site was raised, with the suggestion that vehicles leaving the site should be restricted to left turn only, for safety and to facilitate the flow of traffic. Councillors also enquired whether there are plans to designate the road as a clearway or to place double yellow lines on the road to deal with the issue of roadside parking.'

NATURAL RESOURCES WALES

No objection subject to conditions controlling details relating to protected species and flood risk.

DWR CYMRU / WELSH WATER

No objection. Request condition requiring the installation of a grease trap.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Highways Officer

No objection subject to conditions requiring highways works being completed prior to occupation.

Pollution Control Officer No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Dorothy Roberts, 50 The Park, Ruthin (comments received directly and also passed to the planning department by Darren Millar AM)

- Summary of planning based representations in objection:
 Impact on residential amenity scale and proximity of development and proposed boundary planting would lead to an overbearing impact and detrimental impact on residential amenity, loss of light, impact on health, overlooking and loss of privacy, impact of external lighting on residential amenity, increased noise and disturbance.
- Risk of damage to property due to tree planting
- Increased flood risk due to loss of natural drainage
- Impact on highways network excessive traffic, highway safety

Observations

Representations received from:

C. & M. Edwards, 46, Y Parc, Rhutun

Summary of planning based representations:

Concerned about height of fencing to car park, arrangement of car park and suggest the acoustic barrier should be extended.

EXPIRY DATE OF APPLICATION: 06/10/2016

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 Summary of proposals
 - 1.1.1 The proposal is for the erection of a new school. The school building would provide accommodation for 2 primary schools which are currently located in alternative premises in Ruthin.
 - 1.1.2 Submitted documents advise that the new development is required as the existing school site does not provide facilities that comply with recommended current standards and adaptation of the existing site is not feasible. The proposed development would be constructed in accordance with recommendations in BB99 (this document is produced by the Department for Education and Skills and sets non statutory standards for new primary schools) and to meet the standards required by the 21st Century Schools building programme.
 - 1.1.3 The proposed development includes an access road, parking area, outdoor recreation space (both formal and informal and a scheme of hard and soft landscaping.
 - 1.1.4 The site is proposed to be accessed from the link road to the north of the application site.
 - 1.1.5 A flood consequence assessment has been produced to support the application. The finished floor levels of the proposed school buildings are proposed in accordance with the recommendations of this report. Some increase in existing land levels is associated with this. Temporary storage areas for flood water and a new bund are also proposed as flood mitigation measures.
 - 1.1.6 A drainage strategy is included as part of the application. A connection to the mains sewer is proposed for foul water. Surface water would be dealt with through the utilisation of permeable surfaces and soakaways.

- 1.1.7 A noise assessment has been submitted which includes a number of recommendations in order to manage noise in relation to adjacent residential properties.
- 1.1.8 Ecological reports have been submitted and identify a number of mitigation measures.
- 1.1.9 Application documents also include a Transport Assessment, Travel Plan, Construction Traffic Management Plan, Design and Access Statement Geotechnical Report, Contamination Survey, Arboricultural Report and an Archaeological Report.

1.2 Description of site and surroundings

- 1.2.1 The application site is located to the north west of the town of Ruthin opposite the existing cattle market and adjacent to the Glasdir housing estate.
- 1.2.2 The site currently comprises of a farmstead and associated buildings and open fields.
- 1.2.3 The site area extends to 3.7ha.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary. Part of the application site is allocated for community facilities (which includes schools) and part of the site is allocated for housing. These designations are set by the Local Development Plan.
- 1.3.2 A small portion of the application site is located within a C2 flood zone. Land to the east of the site is located within a designated C1 flood zone.

1.4 Relevant planning history

1.4.1 The site was allocated for as land for a community facility within the Local Development Plan in 2013.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

2. 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

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

Policy BSC11 – Recreation and open space

Policy BSC12 - Community facilities

Policy PSE7 – Proposals for new retail development

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA2 - Provision of sustainable transport facilities

Policy ASA3 – Parking standards

2.1 Supplementary Planning Guidance

Conservation and enhancement of biodiversity

Parking requirements in new developments

Trees and landscaping

2.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Note 11: Noise (1997)

Technical Advice Note 15: Development and Flood Risk (2004)

3. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, 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.

- 3.1 The main land use planning issues in relation to the application are considered to be:
 - 3.1.1 Principle
 - 3.1.2 Visual Amenity
 - 3.1.3 Residential Amenity
 - 3.1.4 <u>Highways (including access and parking)</u>
 - 3.1.5 Drainage (including flooding)
 - 3.1.6 Open Space
 - 3.1.7 Ecology
- 3.2 In relation to the main planning considerations:

3.2.1 Principle

Policy RD 1 - Sustainable development and good standard design steers development towards sites within development boundaries. Policy BSC 12 states that the provision of community facilities will be supported when they are located within development boundaries.

The site lies within the development boundary as defined by the Local Development Plan. Part of the site is allocated for a community facility under policy BSC 12. Part of the application is allocated for housing under Policy BSC 1.

The applicant has stated that the land allocated specifically for a new community facility under policy BSC 12 is not sufficient to accommodate the proposed schools. It is also argued that there is potential for additional housing land to be released due to the existing site of the schools becoming vacant. A number of problems have been identified in relation to the suitability of the existing site in providing suitable educational facilities.

The use of allocated BSC 12 land for the proposed new schools is clearly compliant with policy and therefore entirely acceptable in principle. The remainder of the application site is within the development boundary, however is allocated as housing land and therefore the presumption would be in favour of developing the land for the purposes of housing. Having regard to the identified need for improved school facilities, the location within the development boundary, the potential release of land at the existing school site for development and the extent of the loss of allocated housing land, it is considered that the proposal would be on balance, acceptable in principle.

3.2.2 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning

considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

Having regard to the design, siting, scale, massing and materials of the proposed development in relation to the existing site and surroundings, it is considered that the proposals would have an acceptable impact on the site and surroundings and therefore comply with the requirements of the policies listed above, and would therefore have an acceptable impact on visual amenity.

3.2.3 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. Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

Neighbours have raised concerns over the impact of the development on residential amenity due to scale and proximity of development, proposed boundary planting leading to an overbearing impact, loss of light, loss of privacy, impact of external lighting and increased noise and disturbance.

2 windows have been removed from the elevation nearest the residential properties to the south of the proposed school at the request of the occupant of 50 The Park. An acoustic fence and green buffer zone are proposed and the design was informed by the submitted noise assessment. Landscaping and lighting details have been submitted for assessment.

Having regard to the scale, location and design of the proposed development in relation to the existing site and neighbouring properties, it is considered that with the mitigation measures proposed, the proposals would not have an unacceptable impact on residential amenity. The proposals therefore comply with the policies and guidance listed above.

3.2.4 <u>Highways (including access and parking)</u>

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 (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highways Officer has raised no objection subject to proposed highways works being completed prior to the occupation of the school. Concern have been raised by the Town Council in relation to highways safety. Highways Officers have had full regard to the issues raised and consider that the proposals are acceptable. In specific relation to the left turn only arrangement proposed by the Town Council, it is advised that this solution was investigated and modelled as part of the Transport Assessment process. The proposed left turn only was found to have a detrimental impact on the roundabout on the A525 and this solution was therefore considered to be less favourable than the arrangement proposed.

Having regards to the design, scale and location of the proposals it is considered that proposals would not have an unacceptable impact on the local highway network.

3.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to 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.

The submitted drainage report confirms that permeability tests have been undertaken. The report advises that the permeability of the ground conditions on site means that soakaways are a viable option for surface water drainage and that the soakaways proposed would deal with all surface water from the proposed development within the application site.

NRW have raised no objection in relation to flood risk subject to the recommendations on the FCA being followed. Dwr Cymru/Welsh Water have raised no objection subject to the installation of grease traps.

Having regard to the above it is considered that the proposals are acceptable in relation to flood risk subject to an appropriately worded condition requiring that the recommendations of the FCA are followed.

3.2.6 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.

Various protected species surveys have been submitted and various form of mitigation have been proposed. NRW have raised no objections subject to mitigation being secured by appropriately worded conditions.

Having regard to the above it is considered that the proposals are acceptable in relation to ecology subject to conditions securing appropriate mitigation.

4. SUMMARY AND CONCLUSIONS:

4.1 The proposal complies with planning polices and is therefore recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission
- 2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
- i. Proposed north and east elevations (Drawing No. GLA-LMA-00-XX-DR-A-2005 rev P4) received 21 July 2016
- ii. Proposed south and west elevations (Drawing No. GLA-LMA-00-XX-DR-A-2006 rev P3) received 3 May 2016
- iii. Proposed floor plan (Drawing No. GLA-LMA-00-00-DR-A-2000 rev P6) received 21 July 2016
- iv. Proposed roof plan (Drawing No. GLA-LMA-00-02-DR-A-2002 rev P2) received 3 May 2016
- v. Proposed substation plan (Drawing No. SP2022244 rev 5.0) received 20 June 2016

- vi. Highway works general arrangement plan (Drawing No. GLA-HAL-01-XX-DR-C-001 rev P5.0) received 20 June 2016
- vii. Proposed external lighting layout (Drawing No. GLA-ESD-XX-XX-DR-E-5000 rev P2) received 20 June 2016
- viii. Planting strategy (Drawing No. GLA-RYD-XX-XX-DR-L-6000 rev 3) received 20 June 2016
- ix. Landscape strategy (Drawing No. GLA-RYD-XX-XX-DR-L-0002 rev I) received 3 May 2016
- x. Boundary treatment strategy (Drawing No. GLA-RYD-XX-XX-DR-L-5000 rev 3) received 20 June 2016
- xi. Earth bund location plan (Drawing No. GLA-RYD-XX-XX-DR-L-003 rev 1) received 3 May 2016
- xii. Bat loft detail (Drawing No. GLA-RYD-XX-XX-DR-L-7000 rev I) received 3 May 2016
- xiii. Proposed site plan (Drawing No. GLA-RYD-XX-XX-DR-L-0004 rev 5) received 20 June 2016
- xiv. Location plan (Drawing No. GLA-LMA-01-XX-DR-A-1000 rev P3) received 3 May 2016
- xv. Construction Traffic Management Plan (Rev 0) received 2 June 2016
- xvi. Flood Consequences Assessment (second issue (25/05/2015) received 1 June 2016
- xvii. Transport Assessment (Rev C July 2016) received 4 July 2016
- xviii. Drainage Strategy (rev 1.3, 9.06.16) received 20 June 2016
- xix. Site Noise Assessment (ref PC-16-0022-RP3) dated 17/05/2016 received 20 June 2016
- xx. Acoustic Survey Report (rev B) received 12 May 2016
- xxi. Geotechnical Report received 12 May 2016
- xxii. Foundation Design Report received 12 May 2016
- xxiii. Hydraulic Modelling Report May 2016 received 12 May 2016
- xxiv. Water Conservation Report (REF GLA_ESD_XX_XX_RP_1002) received 3 May 2016
- xxv. Travel Plan (April 2016) received 3 May 2016
- xxvi. Preliminary Ecological Appraisal received 3 May 2016
- xxvii. Phase 1 Contaminated Land Survey (date issued 07/08/2015) received 3 May 2016
- xxviii. Great Crested Newt Report (dated August 2015) received 3 May 2016
- xxix. Geophysical Survey Report (dated 30/09/2015) received 3 May 2016
- xxx. Ecologist's Report for Land Use & Ecology Credits (dated 28/04/2016) received 3 May 2016
- xxxi. Bat Survey Report (dated November 2015) received 3 May 2016
- xxxii. Arboricultural Report, Impact Assessment and Method Statement received 3 May 2016
- xxxiii. Tree Survey and Constraints Report received 3 May 2016
- 3. Grease traps shall be installed in order to prevent the discharge of grease into the public sewer
- 4. All highways works, including the controlled crossing to Denbigh Road paring restrictions and site access road, shall be completed prior to the development being brought into use.
- 5. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plan, and shall be completed and available for use prior to the proposed development being brought into use.

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

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. For the avoidance of doubt and to ensure a satisfactory standard of development.
- 3. In the interest of maintaining the integrity of the public sewer.
- 4. In the interest of the safe and free flow of traffic.
- 5. In the interest of the safe and free flow of traffic.