









**WARD :** Llanbedr D.C.

**WARD MEMBER:** Councillor Huw O. Williams (c )

**APPLICATION NO:** 16/2016/1045/ PS

**PROPOSAL:** Variation of condition number 12 of planning permission ref 16/2016/0545 to allow continued use of both accesses to the development, removing the requirement to restrict the use of Lon y Mynydd access

**LOCATION:** Llanbedr Hall Llanbedr Dyffryn Clwyd Ruthin

**APPLICANT:** Mr Rod Cox

**CONSTRAINTS:** Tree Preservation  
PROW  
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:**

**LLANBEDR DC COMMUNITY COUNCIL**

“Llanbedr Dyffryn Clwyd Community Council objects to the above planning application for the following reasons:-

1. There is a bad corner on Lon Y Mynydd where there have been accidents, increasing the traffic around this bend would lead to more accidents.
2. The access onto the Llanbedr hall back drive is tight at Millstream cottage so not suitable for significantly more traffic.
3. The width of the back drive going past Millstream cottage is narrow and restricted from getting any wider by the house on one side and a wall on the other side.
4. From Millstream Cottage the back drive follows a narrow route through trees, which has a steep drop on one side. The lane is only wide enough for one car and for vehicles to pass we already have to reverse to either next to Millstream Cottage or the corner at the end of the trees. If more traffic was to use this lane then it would severely hamper access and egress from the properties.
5. The back drive has not been maintained by the owner for many years, recently other residents have had to repair pot holes and other problems themselves, however even with these repairs the lane is not suitable for significantly more traffic.
6. The back drive is just about appropriate for the current residents of the Llanbedr hall estate area, the addition of traffic to build 11 houses then the residents of these 11 houses would cause access problems for all involved.
7. By opening the access along the back drive as well as the front drive there is a risk that these narrow lanes could become a rat run for people trying to avoid the village of Llanbedr. This would be totally unacceptable due to all the reasons stated above.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Head of Highways and Infrastructure

- Highways Officer

Has assessed the information submitted as part of the application and refers to an existing planning permission code number 16/2014/1020/PF for the erection of 9 dwellings on the site granted permission in January 2015 with no condition imposed restricting access to the front drive. Notes that the July 2016 planning permission for 11 dwellings contained a condition restricting access to the front drive only, along with a separate condition requiring improvements on the front drive in relation to passing places being provided the details of which were to be agreed.

Taking the planning history into account and the increase in vehicle movements would be two dwellings on top of what was permitted under the 2015 permission, along with the improvements proposed on the front drive, considers it would be very difficult to sustain a reason for refusal on highway grounds at any future appeal and therefore has no objection to the application.

**RESPONSE TO PUBLICITY:**

Representations received from:

I Phillips, Coach House, Llanbedr Hall  
Julie Baddock, Fern Hill, Llanbedr DC  
Stuart Desborough, Bryan Adar, Llanbedr  
Theresa Burling, 4 Bryn Coed, Llanbedr Hall, Llanbedr DC  
Anthony Smith, Fairways, Llanbedr Hall Drive, Llanbedr  
Dr David Howells, 16 Tan y Bryn, LlanbedrDC  
Alan Hinchliffe, Delfryn, Llanbedr Hall Drive, Llanbedr DC  
Tim Jones, Isgaer Wen, Lon y Mynydd, Llanbedr DC  
David Hughes  
Paul Coups, Bryn Haul, Llanbedr Hall Estate, Llanbedr DC  
C. Kenworthy,  
A.P. Ravenscroft, Redwoods, Llanbedr Hall, Llanbedr DC  
David Livesey, 3 Bryn Coed, Llanbedr Hall, Llanbedr DC  
J. Ingham, Llanbedr Hall Residents Association, Millstream Cottage, Llanbedr DC  
B. Stapleton, The Quentin, Lon y Mynydd, Llanbedr DC  
R. Houghton, 4 Y Lllys, Llanbedr Hall, Llanbedr DC.  
Guy Alford, 17 Tan y Bryn, Llanbedr DC

In objection

Summary of planning based representations in objection:

Highways concerns

Inadequacies of rear access track and Lon y Mynydd / Lon Cae Glas

- Narrow private track already serves over 30 properties; has few passing places, poor visibility, a blind bend, steep embankment, narrow near Millstream Cottage, has a poor junction with Lon Cae Glas, and is not a suitable access route for any extra traffic / is already signed as being unsuitable for motor vehicles
- Lon Cae Glas and Lon y Mynydd are equally dangerous, with narrow sections and bends and are two poor approaches to the A494 / Highway Authority have been involved with Community Council in discussions over effective traffic management measures along Lon Cae Glas
- Rear drive has not been maintained by the owner for many years, the lane is not suitable for significantly more traffic, and there will remain concerns over future maintenance.
- An improved front drive would be perfectly adequate to serve the proposed development, making a second access unnecessary.
- By opening the access along the back drive as well as the front drive there is a risk that these narrow lanes could become a rat run for people trying to avoid the village of Llanbedr.
- Vehicle collisions have occurred in the locality including the corner adjacent to the Cedars

- Track includes lengths of footpaths popular with walkers, cyclists, and is used by children
- Track and approach roads not suitable for any construction traffic
- Track runs close to existing building and additional use could undermine foundations and drains
- Variation to condition should not be approved
- Vehicle gate near Bellendean should be replaced with a pedestrian gate to obstruct vehicular access to the back drive, Lon y Mynydd and Lon Cae Glas

Other matters

Long history of disputes over use of access drives

**EXPIRY DATE OF APPLICATION: 14/12/2016**

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

- timing of receipt of representations
- awaiting consideration by Committee

## **1. THE PROPOSAL:**

### **1.1 Summary of proposals**

1.1.1 The application relates to a condition imposed on the planning permission granted at Planning Committee in July 2016 for the demolition of Llanbedr Hall and the erection of a block of 11 dwellings.

1.1.2 Factually, the planning permission granted under code no. 16/2016/0545/PF contained a number of conditions, including ones relating to parking, access and highway matters. Condition 12 was worded as follows :

*No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed arrangements for ensuring vehicular access for residents is restricted to the access road from the site to the B5429, and to the provision of additional passing bays along that section of road. None of the dwellings shall be permitted to be occupied until the arrangements approved under this condition have been completed, and the arrangements shall be maintained as approved at all times thereafter.*

*The reason for the condition was: In the interests of highway safety and the users of the private roads serving the complex of buildings in this area.*

1.1.3 The application seeks to amend the wording of Condition 12. The Planning Statement submitted with the application clarifies that the amended wording sought is as follows :

*'No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed arrangements for the provision of additional passing bays along the access road from the site to the B5429. None of the dwellings shall be permitted to be occupied until the arrangements under this condition have been completed, and the arrangements shall be maintained as approved at all times thereafter'*

1.1.4 The effect of the amendment is to remove the restriction imposed in condition 12 that all access for residents of the 11 dwelling development is restricted to the drive to the B5429, i.e. it seeks to allow residents to use that drive and the existing drive serving the Llanbedr Hall complex which runs south and then east to join Lon Cae Glas (the Llanbedr – Moel Famau road) near its junction with Lon y Mynydd. In the documents, the road from the site to the B5429 is referred to as the 'front' drive and the road to Lon Cae Glas is the 'back' drive. Both drives are unadopted private roads.

1.1.5 The Planning Statement runs to 17 pages, with an appendix. Its main points are :

- The existing (established) use of Llanbedr Hall is 11 dwellings plus a restaurant;
- The existing traffic which could be generated by the established use has full rights to the use of the back drive and this is not materially different to the proposed use.
- The requirement to restrict the traffic from the permitted dwellings to the front drive is considered unreasonable and therefore it is sought that this condition be varied so that improvements can be made to the front drive, to make it more attractive, but without restricting the use of the back drive.
- It is considered that the proposed amendments are in line with policy and guidance and should therefore be allowed
  
- The planning history is a relevant consideration.
  - Denbighshire granted permission in January 2015 for the demolition of the Hall and the erection of 9 three storey dwellings. The issue of restrictions on the use of the rear drive was discussed and was not considered necessary or reasonable. A condition was imposed requiring the provision of additional passing places along the access road to the site from the B5429, but there was no restriction on the use of the rear drive in connection with the development.
  - There was an earlier planning appeal involving matters relevant to the use of the two access drives. This was in relation to a 2006 permission for the conversion of the Hall and restaurant to 20 flats. The appeal Inspector considered the merits of use of the front and rear drives in relation to the 20 flat scheme and concluded that as the front drive was likely to take the majority of traffic, and there would be no material increase of use of the on the back drive, the use of both drives would be acceptable by residents.
  
- Condition 12 was not included in the original recommendation of the planning officer on application 16/2016/0545, but was introduced in the late information sheets and was referred to by the Highways Officer at the meeting.
  
- Condition 12 does not meet the six tests relating to the imposition of planning conditions as set out in Welsh Government Circular 016/2014.

1.1.6 The plan at the front of the report illustrates the access routes referred to.

## 1.2 Description of site and surroundings

1.2.1 Llanbedr Hall is a late Victorian building set in landscaped grounds. The front part of the hall is constructed in buff brick with red brick detailing and a steeply hipped slate roof, and incorporates a corner tower along with gabled and dormer features.

1.2.2 The rear part of the hall is a predominantly two storey rendered structure with slate pitched roof. The hall benefits from substantial formal landscape gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the back drive to the main hall.

- 1.2.3 The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Tree Preservation Order.
- 1.2.4 To the south-west of the main hall is a walled garden area containing a former boiler room and glass house which has recently gained permission to be converted into a dwelling (see planning history).
- 1.2.5 There are public footpaths which run through and adjoin the site, including one which runs past the remains of St Peter's Church which lies to the west of the hall.
- 1.2.6 The Llanbedr Hall complex has historically been accessed by vehicles from two main private 'drives', one running south west and joining the B5429 immediately to the south of the Maes Derwen development, and one running south / south east and joining Lon Cae Glas.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies outside of the development boundary for the village of Llanbedr DC and is set within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the Vale of Clwyd Historic Landscape, but without any other specific designation in the Local Development Plan.
- 1.3.2 There are Public Footpaths running through the site and along parts of the access drives.

### 1.4 Relevant planning history

- 1.4.1 Whilst there is a long history of planning applications relating to Llanbedr Hall, the ones of particular relevance to the matters for consideration in connection with the variation of Condition 12 of the July 2016 planning permission are more limited.
- 1.4.2 The key application is the one for 11 residential units granted under code no.16/2016/0545, which contained the condition now under scrutiny. This is an extant planning permission, in connection with which the Council is currently processing a number of approval of condition applications which have been submitted containing specific details of the development (e.g. photographic records, drainage, construction method statement).
- 1.4.3 There is a second extant permission for the demolition of the Hall and the development of a block of 9 residential units, granted at planning committee in early 2015. This permission did not restrict the routing of traffic from the development to the 'front' drive, i.e. it allowed for use of both the 'front' and 'rear' drives to the main highway network, with a requirement in condition 12 to provide additional passing bays along the front drive to the B5429.
- 1.4.4 The applicant's agent has referred to a July 2006 permission for the conversion of the Hall to 20 flats, and the conclusions of an appeal Inspector's decision on an appeal against conditions imposed by the Council relating to the use of the front and rear access tracks. The Inspector concluded that it was likely that as the front drive was likely to take the majority of traffic from that development, and there would be no material increase of use of the on the back drive, the use of both drives would be acceptable by residents.

### 1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

1.6.1 Condition 12 was included on the July 2016 permission following a request from the Local Member to consider the concerns of local residents over the highway implications of an 11 dwelling scheme.

**2. DETAILS OF PLANNING HISTORY:**

Recent history

16/2006/0872

Conversion and alteration of existing flats and restaurant to 20 self contained flats and construction of associated parking areas

Granted at Committee. Decision dated 10/10/2006 subject to conditions

Subsequent appeal against conditions 6 and 9 upheld 30/07/2007

16/2014/1020

Demolition of Llanbedr Hall and the erection of 9 three-storey dwellings and associated works

Granted at Committee. Decision dated 21/01/2015 subject to conditions

16/2016/0545

Demolition of Llanbedr Hall and the erection of 11 three-storey dwellings and associated works

Granted at Committee. Decision dated 27/07/2016 subject to conditions

Condition 12 is the subject of this application and is quoted in full in paragraph 1.1.2 of the report.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan

**Policy RD1** – Sustainable development and good standard design

**Policy ASA3** - Parking Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 9 2016.

Technical Advice Note 18 – Transport

Development Management Manual

Welsh Government Circulars

WGC 016/2014 - The use of conditions in Development Management

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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' (PPW section 3.1.3).

Development Management Manual 2016 (DMM) states that material considerations 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 (DMM section 9.4).

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.

Welsh Government Circular 016/2014 is a relevant consideration on applications of this nature as it highlights specific tests Local Planning Authorities are obliged to apply in relation to the imposition of planning conditions. The basis is that conditions should only be imposed where they satisfy tests to determine that they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. These remain important criteria to be addressed on applications for variation or deletion of conditions.

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

4.1.1 Highways implications

In relation to the main planning considerations:

4.1.2 Highways implications

Policies and guidance

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. The policy relates to development proposals within development boundaries but the tests are applicable as material to the consideration of schemes in all locations.

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 Section 8 of Planning Policy Wales –(Transport), the Development Management Manual and TAN 18 – Transport, in support of sustainable development. The tests to be applied to the imposition of planning conditions, as set out in Welsh Government Circular 016/2014 are referred to above.

4.1.3 Clarification of what is being applied for

The development to which the variation to condition application relates is the July 2016 permission for the demolition of Llanbedr Hall and the erection of 11 three storey residential units. The application did not seek to restrict vehicular access to residents of the new development to what is referred to as the 'front' drive, allowing continued use of the 'back' drive to Lon Cae Glas.

Condition 12 was imposed following consideration of the highway implications - including strong local objection from the Community Council and local residents. The requirement of Condition 12 is that the formal approval of the Council is obtained to a means of restricting vehicular access for residents of the 11 units to the 'front' drive to the B5429.

The application to be determined seeks to amend the wording of condition 12 by removing the requirement to restrict vehicular access for residents to the 'front' drive, hence allowing residents to access the development from either drive serving the

complex.

## Representations

There are representations from the Community Council and local residents opposing the variation to condition 12. The basis of the concerns repeats those expressed in relation to the main application for the 11 residential units, in highlighting what are considered to be inadequacies in the 'rear' drive and the connecting road to the A494 (Lon Cae Glas) to accommodate additional vehicular traffic, and in particular larger vehicles. Reference is made to the narrowness of the track, a lack of passing places, dangers for all users, including at the junction with Lon Cae Glas and along the second route to the A494, Lon y Mynydd.

The Highway Officer has considered the comments made in objection alongside the arguments set out by the applicant's agent in respect of the planning history, and has no objection to the application to vary Condition 12. His conclusion is that the 9 dwelling permission granted in January 2015 with no condition imposed restricting access to the front drive is a significant consideration, and that a potential increase in vehicle movements from two dwellings on top of what was permitted under the 2015 permission, along with the improvements proposed on the front drive, would make it difficult to sustain a reason for refusal on highway grounds at any future appeal.

## Assessment

Officers acknowledge there are strongly voiced objections to the variation of Condition 12. There is little dispute that there are limitations on the standard of the 'rear' drive serving the Llanbedr Hall complex, and that due regard should be given to these in weighing the issues.

As Members may appreciate from the background to the application, however, this is a case where the planning history is a relevant factor, and where due consideration has to be given to arguments which may weigh in favour of consenting to the request to vary the Condition, not least given the prospect of a subsequent appeal and the need to support a refusal with evidence to justify that stance.

Factors to weigh against consenting to the variation to Condition 12 are:

The standard of the 'rear' driveway and its capacity to deal with any additional traffic.

The report sets out the limitations of the rear drive in terms of its restricted width and passing places, its alignment and junction with Lon Cae Glas. It is argued that the rear drive is simply not suitable as an access to serve existing properties, and the Council should not allow any additional use, as would be involved in the 11 unit development.

- The standard of Lon Cae Glas and the alternative link to the A494 above the Tan yr Unto bends

Attention is drawn to the narrowness and alignment of this approach road off the trunk road, again suggesting that the opportunity should be taken to prevent use by any additional traffic from the Llanbedr Hall site.

- Increased dangers to walkers, cyclists, and children who use the 'rear' drive  
It is pointed out that the rear drive contains sections of public footpath which are used regularly by pedestrians and cyclists, and that use by additional traffic would add to concerns over their safety

Factors to weigh in favour of approving the variation to condition 12 are:

- The planning permission granted at Committee in January 2015 for the demolition of the Hall and the erection of a block of 9 three storey residential units. This permission remains extant, and contains no condition restricting the routing of residents' vehicles to the 'front' drive. The development to which the current application relates is for 11 residential units on the same physical footprint as the 9 unit scheme (i.e. it is not possible to implement both permissions). It may be questionable whether the Council could sustain an argument that an additional 2 residential units would generate a significantly different level of traffic along the respective approach drives to now justify restricting movement to the 'front' drive only.
- The implications of the 2006 permission for the conversion of the Hall into 20 flats, and the Planning Inspector's conclusion on the subsequent appeal concerning the use of the respective drives  
The case is of relevance insofar as the development would have permitted a total of 20 flats within the Hall, and the appeal Inspector took the view that with the proposed improvements to the front drive, it was likely that this would take the majority of traffic, and there would be no material increase of use of the tortuous back drive. The appeal Inspector concluded that the use of both drives would be acceptable by residents. Even if Condition 12 were to be varied as proposed, its wording still includes the requirement to seek approval of details of additional passing bays along the 'front' drive to the B5429, which would seem to support the conclusion of the appeal Inspector that with improvements, it is still likely that most residents to the development would seek to access the site from the 'front' drive, placing limited if any additional pressure on the 'rear' drive.
- There is a separate condition on the July 2016 permission for the 11 unit development requiring approval of a Construction Environmental Management Plan in connection with the development (Number 10).  
The applicants have already sought and obtained approval of arrangements which will restrict routing of construction vehicles for the development to the 'front' drive to the B5429. These have been accepted by the Highways Officer and would preclude construction vehicles from using the 'rear' drive. There are consequently no implications on the 'rear' drive from the passage of construction vehicles in relation to the consented 11 unit development.

#### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5 .SUMMARY AND CONCLUSIONS:**

5.1 The application raises difficult issues and there are arguments of substance both against and in favour of consenting to the variation of Condition 12.

5.2 In Officers' opinion, the basis of objections are understandable and well reasoned. However, it is apparent that this is a case where the planning background has to be afforded due weight, and on scrutiny it is considered this offers limited support for a refusal of the variation of Condition 12.

5.3 Officers' recommendation to approve the variation to Condition 12 is based primarily on:

- the existence of the January 2015 permission for the 9 living units on the Llanbedr Hall site, which contains no restriction on the use of the 'front' or 'rear' drives. It may be difficult to sustain an argument that an additional 2 residential units on top of what was allowed with this scheme now justifies the restriction over use of the 'rear' drive. The effect of the January 2015 permission was to consent to development raising the number of properties accessing the drives to the Llanbedr Hall complex to over 40 – hence questioning the strength of case to resist use by an additional 2 properties.
- It seems reasonable to conclude in line with the 2006 appeal Inspector that like users of a 20 flat conversion at Llanbedr Hall, the residents of the approved 11 unit scheme would naturally choose to use an improved 'front' drive as the main access to the site, and that pressure on the tortuous rear drive would not be increased to a point where it would be necessary or reasonable to restrict its use.

5.4 It is not considered that the variation would give rise to unacceptable impact on highway safety on top of that which would arise from the 9 dwelling scheme approved in 2015, and it is recommended that the application is approved.

**RECOMMENDATION: APPROVE VARIATION TO CONDITION 12 –**

**Condition 12 of Planning permission 16/2016/0545 is therefore revised as follows:**

'No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed arrangements for the provision of additional passing bays along the access road from the site to the B5429. None of the dwellings shall be permitted to be occupied until the arrangements under this condition have been completed, and the arrangements shall be maintained as approved at all times thereafter'

**NOTES TO APPLICANT:**

You should contact the Highway Section of the Council to discuss the detailing of the passing places along the front drive prior to submission of any detailed plans in connection with Condition 12.