

COLOMENDY APPLICATION:

RELATIONSHIP BETWEEN PLOTS



18304		18304		18304	
CLASSIFICATION/SCALE		CLASSIFICATION/SCALE		CLASSIFICATION/SCALE	
NTS		NTS		NTS	
RPA CATEGORY/CLASSIFICATION		RPA CATEGORY/CLASSIFICATION		RPA CATEGORY/CLASSIFICATION	
S-10565		S-10565		S-10565	
PREPARED BY/DATE		PREPARED BY/DATE		PREPARED BY/DATE	
RT		RT		RT	
CHECKED BY/DATE		CHECKED BY/DATE		CHECKED BY/DATE	
EP		EP		EP	
ISSUE		ISSUE		ISSUE	
24/01/20		24/01/20		24/01/20	
WASTE RE-ORGANISATION		WASTE RE-ORGANISATION		WASTE RE-ORGANISATION	
TREE SURVEY & PROPOSED SITE LAYOUT		TREE SURVEY & PROPOSED SITE LAYOUT		TREE SURVEY & PROPOSED SITE LAYOUT	
H3/18304/D/131A		H3/18304/D/131A		H3/18304/D/131A	



PENNAETH PRIFYRDD A GWASANAETHAU AMGYLCHEDDOL
HEAD OF HIGHWAYS AND ENVIRONMENTAL SERVICES
ADARAN PRIFYRDD A GWASANAETHAU AMGYLCHEDDOL
DEPARTMENT OF HIGHWAYS AND ENVIRONMENTAL SERVICES



ELEVATIONS & FLOOR PLAN

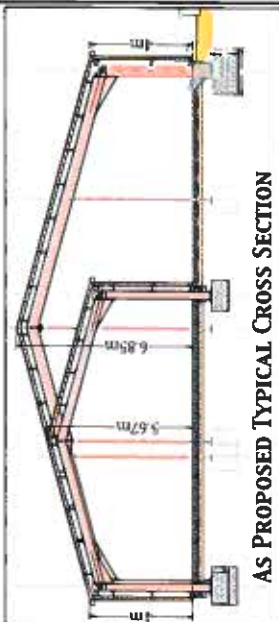
AS PROPOSED WEST (REAR) ELEVATION

AS PROPOSED EAST (FRONT) ELEVATION

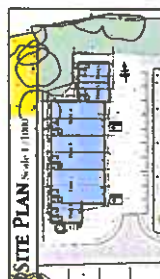
AS PROPOSED SOUTH (LEFT) ELEVATION

AS PROPOSED NORTH (RIGHT) ELEVATION

NOTE - External Treatment
 WALLS - Metal Insulated Sandwich Panels, Colours: (Albarrow - R518077)
 ROOF - Metal Insulated Sandwich Panels, Colours: (Albarrow - R518077)
 THIN - Insulated concrete blockwork, Colours: (Albarrow - R518077)
 DOORS - Powder coated steel to match sheeting (purpose - RAL5010)
 WINDOWS - Metal Frame and double glazed window colour to match trim
 RAINWATER - G.I. - Powder coated steel to match trim

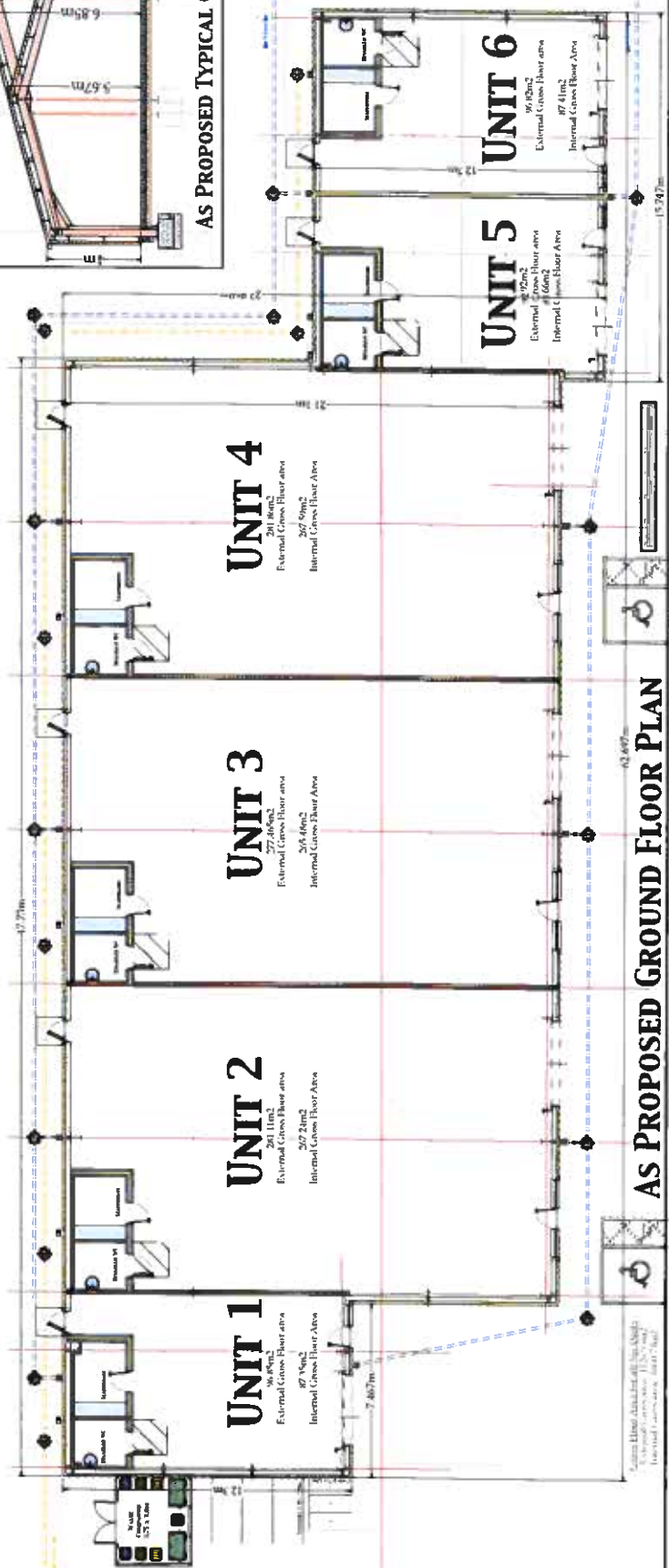


AS PROPOSED TYPICAL CROSS SECTION



PLOT 2

R. Arvel Davies & Co
 Colomendy Industrial Estate
 Llwyn Goch,
 Denbigh, Denbighshire, LL16 5TA
 - Yard Space Wales Ltd
 Proposed Extension to Industrial Estate
 As Proposed Drawing of Units
 2019/08/AP1 e
 1/100
 20th Sept 2019 1:00



AS PROPOSED GROUND FLOOR PLAN

WARD : Denbigh Lower

WARD MEMBERS: Councillors Rhys Thomas and Mark Young (c)

APPLICATION NO: 01/2019/1012/ PF

PROPOSAL: Hybrid planning application for:

- i) Full planning permission for the erection of 6 units (for B1, B2 and B8 uses), connection to existing access, construction of internal access road, service yard, storage and parking areas, drainage and substations (to serve plots 1-5), landscaping and associated works
- ii) Outline planning permission including access, layout and landscaping for the development of land for 25 units (for B1, B2 and B8 Uses)

LOCATION: Plot 2, Land Adjacent to Colomendy Industrial Estate, Denbigh

APPLICANT: Yard Space Wales Ltd.

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL:

"No objections were raised, however the Town Councillors felt strongly that automatic roller doors should be installed and not manual doors. This would alleviate the risk of excess odour coming from the waste transfer station as well as reducing the risk of the doors being left open by staff.

Also could the food waste be taken directly to the bio plant on the Rhualt thus reducing the risk of excess odour at the waste transfer station? In the details received food waste would be taken directly to the bio plant if the storage facility at Denbigh was full, why not take all the waste there directly.

Clarification is also required regarding the planting of new hedgerow and trees. No definitive date is stated. The Town Councillors would like an update of completion of the planting".

OFFICER NOTE – the Town Council submitted the above comments in their response to all 5 of the Colomendy applications before Committee. However, Members may appreciate nonetheless that the comments regarding odour and food waste relate solely to the first application on the agenda concerning to the waste management site (application 01/2020/1011).

NATURAL RESOURCES WALES

Refer to need for Great Crested Newt mitigation and management, and recommend planning permission should only be granted with the inclusion of a condition to list the approved Amphibian Conservation Plan (comprising the Ecological Impact Assessments, Outline Great Crested Newt Strategy, Long-term habitat management plan, monitoring/surveillance, wardening, compliance audit and biodiversity risk assessment and the bat and bird box location

plan within the associated approved plans and documents which includes mitigation and compensation measures including plans during and post construction.

As a commuted sum is required for off-site and on-site amphibian mitigation and habitat creation, and the implementation of an amphibian conservation management plan for a 25 year period, a section 106 agreement would be required.

NRW consider that the survey and assessment in respect to bats and dormouse are satisfactory, and that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bats and dormouse.

DWR CYMRU / WELSH WATER

Confirm foul flows from the proposed development can be accommodated within the public sewerage system. The method of disposal for surface water flows will require approval by the determining SuDS Approval Body (SAB). A Hydraulic Modelling Assessment will be required of the potable water supply network to ensure the development is served by an adequate water supply. Request conditions and advisory notes be added to any permission in relation to preventing hydraulic overloading of the public sewerage system and a potable water scheme to serve the site.

CLWYD POWYS ARCHAEOLOGICAL TRUST:

Advise there are no archaeological implications for the proposed development.

SP ENERGY NETWORKS

No objections.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection subject to the imposition of a condition to require the submission of a construction Method Statement and details of the internal estate road, vehicular access and associated highway works.

Public Protection Officer

No objections or concerns relating to the proposal.

County Ecologist

Has no objection to the proposal subject to conditions in relation to the landscaping, ecological mitigation and lighting details to ensure there would be no harm to European Protected Species.

Flood Risk Engineer:

Notes the development exceeds 100 square metres, therefore the applicant will require SAB approval.

Tree Specialist

No objection subject to conditions requiring an Arboricultural Method Statement to safeguard trees during the development phase and the installation for the re-routed electrical cables. A condition should also require on-site arboricultural supervision during the development including when the drainage is installed.

Landscape Officer

Has no objection to the proposal, subject to the landscaping plans being conditioned, and implemented as approved.

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 10/02/2020

EXTENSION OF TIME AGREED: 25/03/2020

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- awaiting consideration by Committee
- drafting of Section 106 legal agreement

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is one of the five linked schemes being reported to Committee involving the development of land to the north of the existing Colomendy Industrial Estate to develop land referred to as Plot 2.
- 1.1.2 The proposed Hybrid planning application is for the development of 31 units for B1 (Business/ offices), B2 (General Industrial) and B8 (Storage or distribution) on a 2.02 hectare (ha) site. The application also includes the creation of an internal access road (shared with Plot 3), car parking and servicing areas, external storage/loading areas, and connection to the joint surface water and foul system.
- 1.1.3 The proposals for Plot 2 have been submitted as a hybrid planning application for:-
 - Full planning permission – for the erection of 6 units (for B1, B2 and B8 uses) and creation of connection onto existing access, internal access roads, service yard, storage areas, parking areas, and, associated drainage and landscaping (to serve whole site); and
 - Outline planning permission - for the erection of 25 units (for B1, B2 and B8 uses) with matters to be determined to include access, layout and landscaping and the details of the buildings' scale and appearance to be determined at a later date as reserved matters
 - The application site also provides for two prefabricated electrical substations that would serve the site.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 As noted above, this planning application relates to the proposed development of Plot 2 of a wider five plot development site, applications relating to which have been submitted separately and are the subject of the immediately preceding and following reports on the agenda. Officers are considering these as a linked project. The wider development of the five whole plots (8.25ha) is proposed on allocated land adjacent to the Colomendy Industrial Estate in Denbigh, as will be seen from the plans at the front of the report.
- 1.2.2 In order to provide context of the wider development, a summary is provided below:
 - **Plot 1 – Denbighshire County Council** (2.36ha) Construction of a single central Local Authority waste transfer station to undertake sorting and bailing of separately collected recyclable waste streams. This includes a 2,700m² building.
 - **Plot 2 – Yard Space Wales Ltd** (2.02ha) Hybrid application for the erection of 31 units (for B1, B2 and B8 uses), internal access road, car parking and servicing areas, external storage/ loading areas, and connection into the joint surface water and foul systems. The development would be brought forward in phases, the first phase which would be applied for in full detail consists of 1,116m² and the remainder of 4,296m² in outline. This is 5,412m² total floor space within the 31 units.
 - **Plot 3 – Henllan Bread** (0.9ha) Full application for the erection of 1,585m² unit extension (for B1, B2 and B8 uses), internal access road, car parking and servicing

areas, external storage/ loading areas, and connection into the joint surface water and foul systems.

- **Plot 4 – Lock Stock** (1ha) Full application for the erection of 11 units (for B1, B2 and B8 uses), and change of use of land for the siting of 239 storage containers, access road, car parking and servicing areas, external storage/ loading areas, and connection into the joint surface water and foul systems. The development proposes 1,275m² total floor space within the 11 units.
- **Plot 5 – Emyr Evans** (1.87ha) Hybrid application for the erection of 22 units (for B1, B2 and B8 uses), internal access road, car parking and servicing areas, external storage/loading areas, and connection into the joint surface water and foul systems. The development would be brought forward in phases, the first phase which would be applied for in full consists of 1,486m² and the remainder of 3,695m² in outline. This is 5,181m² total floor space within the 22 units.

1.2.3 As the proposed development at the application site forms part of a wider development (Plots 1-5), which is being brought forward as a consortium, there are aspects of the site works which will serve the wider site. These include:

- Foul Drainage
- Surface Water Drainage system
- Landscaping areas/ biodiversity enhancement areas and associated section 106 agreement for great crested newt mitigation
- Four prefabricated electric sub-stations

1.2.4 The application is accompanied by a number of technical documents to support the application. These include:-

- Pre-Application Consultation Report – 2019.0107
- Economic Impact Assessment 2019.107 – Dated October 2019
- Welsh Language Statement 2019.107 – Dated November 2019
- Transport Assessment 662566 – Dated October 2019
- Travel Plan 662566 – Dated October 2019
- Planning Acoustic Report – Revision 1 Dated 24/10/2019
- Air Quality Assessment – Revision 2 Dated 21/10/2019
- Design, Access and Planning Statement – 2019.107
- Tree Condition Survey 082019/TCS/HESCIE
- Drainage Strategy – November 2019
- SUDs Application Form
- North-East Ecological Impact Assessment – SJ05746.67407
- North-West Ecological Impact Assessment – SJ05389.67434
- Long-Term Habitat Management Plan, Monitoring/ Surveillance, Wardening, Compliance Audit and Biodiversity Risk Assessment – Prepared 25/11/2019, revised 21/01/2020
- Outline Great Crested Newt Mitigation Strategy – Dated 25/11/2019, revised 21/01/2020
- Product Specification – LG Solar Panels
- Preliminary Geotechnical Report V.01 – Dates April 2019
- Landscape and Visual Impact Assessment – MH-057 Rev-02
- Tata Steel Colour sheet
- Cut and Fill Report Dated 03.09.2019
- Colomendy Industrial Estate Extension – Plots 1 to 5 Earthworks Strategy dated 20/01/2020. Received 21 January 2020
- Bat and Bird Box Location Plan - Prepared 21/01/2020
- Construction Method Statement

1.3 Description of site and surroundings

- 1.3.1 The application site is located on land adjoining the Colomendy Industrial Estate; located immediately to the north of the existing industrial estate.
- 1.3.2 The application site is referred to Plot 2 of the 5 Plots being proposed for development.
- 1.3.3 Plot 2 is located to the north of Vale Park Industrial Estate and Mars Jones. The plot is located in between the proposed Denbighshire County Council Waste Transfer Station depot (at Plot 1) and the proposed extension of Henllan Bread (at Plot 3).
- 1.3.4 The site is located on the northern edge of the town of Denbigh.
- 1.3.5 The site slopes down in a general west to east direction.

1.4 Relevant planning constraints/considerations

- 1.4.1 A Grade II listed building, Plas Clough is located 330 metres to the north of the application site.

1.5 Relevant planning history

- 1.5.1 None.

1.6 Developments/changes since the original submission

- 1.6.1 None.

1.7 Other relevant background information

- 1.7.1 The applicant has undertaken formal pre-application consultation as required by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended by the 2016 Order.
- 1.7.2 A request for the Local Planning Authority to provide a Screening Opinion for the project was made prior to the submission of the planning application. The application was screened negatively on 25 September 2019 in accordance with the provisions of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017 (i.e. the application was not considered to be Environmental Impact Assessment Development requiring the submission of an Environmental Statement).

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 There is no record of any previous planning history at the site.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

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 BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy PSE2 – Land for employment uses

Policy PSE3 – Protection of employment land and buildings

Policy PSE15 – Safeguarding Minerals

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA1 – New transport infrastructure

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access for All
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Planning Obligations
Supplementary Planning Guidance Note: Planning and the Welsh language
Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018
Development Control Manual November 2016
Technical Advice Notes

TAN 4 Retail and Commercial Development (2016)
TAN 5 Nature Conservation and Planning (2009)
TAN 11 Noise (1997)
TAN 12 Design (2016)
TAN 18 Transport (2007)
TAN 20 Planning and the Welsh Language (2017)
TAN 23 Economic Development (2014)

Circular 13-97: Planning Obligations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Landscape and visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology and built heritage
- 4.1.8 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.9 Economic Impact Assessment
- 4.1.10 Environmental Impact Assessment
- 4.1.11 Agricultural Land

Other Matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

The application site is allocated in the Denbighshire Local Development Plan under Policy PSE 2 - 'Land for Employment Uses' as a new allocation for employment purposes. The policy states that within these areas, employment development for the following use classes will be supported:

1. B1 Business Use,
2. B2 General Industrial and waste management facilities, and
3. B8 Warehousing and Distribution.

The development is considered to fall within the scope of the use classes listed within the Policy, and is considered in principle to be acceptable subject to due assessment of localised impacts.

4.2.2 Landscape and Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

The site is not within any designated landscape areas. A protected ancient woodland is located to the west of the Waste Transfer site (Plot 1). The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), a landscaping scheme and a tree survey. The reports have been undertaken on a holistic approach, considering all five plots as a 'masterplan'.

The LVIA identified the critical near viewpoints to the north of the site, where much of the effort for retaining trees and new planting, including an element of evergreen, has been placed. The views from the centre of Denbigh and in particular the castle would not be considered to be significantly changed due to the distance and the extension being behind the existing estate. In addition the new buildings would be below the horizon when viewed from the other view-points of the LVIA.

The early cut and fill stage of development would be considered to be moderately intrusive when viewed from the north but in the longer term, the new planting proposed would provide adequate screening of the site. Phasing of the development over a number of years would allow the new planting to grow before some units are constructed.

In relation to trees on site, an arboricultural method statement would be required by condition to establish the special measures that would be employed to safeguard those trees that would be retained during development. Having assessed those trees that are proposed to be removed as a result of the development, the Tree advisor has noted that the Elms are likely to succumb to Dutch Elm Disease in due course and it would be difficult to retain them with the proposed site layout. The 'developing veteran' trees along the northern boundary that are proposed to be retained would provide ecological and landscaping benefits which would off-set the impact of the removal of other 'developing veteran' trees on the site designated so for their

ecological and wildlife value. Other trees that are to be removed are of no particular merit.

Denbigh Town Council have raised questions over the planting of new hedgerow and trees, and over the timing of planting work. Detailed landscaping plans have been submitted with the proposal, alongside details of which trees would be retained or removed. It is the intention that any new hedgerows and trees would be planted during the first available planting season in 2021. The timing of planting works and protection for existing trees can be covered by planning condition.

No other representations or consultation responses have been received raising concerns in relation to the proposed landscaping or visual impact of the proposals. Having regard to the detailing of the development, in relation to the character and appearance of the locality, it is considered the proposals would not have an unacceptable impact on visual amenity and the landscape would therefore be in general compliance with the tests in the policies referred to above.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

No representations or consultation responses have been received raising comment on the residential amenity impacts of the proposals. NRW and the Council's Public Protection Officer raise no objections to the proposals.

The nearest residential dwelling to the site is located 330m to the north-west of the site.

A noise impact assessment accompanying the planning application assesses the potential noise emissions that would arise from the proposed development. All noise generating plant and equipment associated with the proposed development would be designed to ensure that the noise levels are not unacceptable. The noise impact assessment concludes that there would be no significant effects as a result of noise from the proposed development.

An air quality assessment has also been prepared to accompany the application and concludes that the overall air quality impacts of the proposed development would not be significant and should not be viewed as a constraint to planning.

During the construction period, a dust management plan would be implemented (as part of the required construction method statement). This would ensure that dust generated during the construction period is mitigated and managed.

Having regard to the submitted details, subject to the imposition of conditions, it is considered that the proposals accord with the provisions of Policy RD 1 of the adopted Denbighshire Local Development Plan.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. 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 6.4), 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.

Planning Policy Wales (PPW) 10 sets out that *“planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity”* (para 6.4.5 refers). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Given the presence of protected species, (great crested newt) the works can only be carried out under a European Protected Species (EPS) License from NRW. In considering the grant of planning permission the LPA must consider whether the disturbance of the protected species is required for the purpose of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment.”*

NRW and the Council's Ecologist raise no objections to the proposal subject to the inclusion of planning conditions to ensure the development is undertaken in accordance with the recommendations and mitigation set out within the assessments, and the applicant entering into a section 106 agreement for the provision of a commuted sum for on and off-site amphibian mitigation and management.

The application is accompanied by an ecological impact assessment, an amphibian conservation management plan, a long-term Habitat Management Plan (25 years), monitoring/surveillance, wardening, compliance audit and a Biodiversity Risk

Assessment. The applicant has also provided an outline great crested newt mitigation strategy.

The proposed development would effectively result in the loss of habitat for the European protected species; the great crested newt. To mitigate against this loss, the applicant is proposing an on-site ecological area, monitoring, surveillance and reporting regarding the population status of the great crested newt in this, the payment of an annual commuted sum (index linked) for management and maintenance of the ecological area and provision to pay for off-site mitigation and management in the form of a commuted sum.

The area of on-site great crested newt compensation habitat proposed on the northern and eastern boundaries of the wider site encompassing Plots 1-5 would cover an area equal to that of the soft landscaping incorporated into the site design. The area across the five plots would include the creation of five new ponds, swales and an area of contiguous terrestrial habitat which would provide enhancements to existing habitat and create new habitat. The applicant has offered an annual commuted sum for the maintenance and management of the on-site ecological land. The management would be undertaken by DCC Countryside Services. An accompanying management plan has been submitted and approved by NRW and the Council's Ecologist, and would form part of the suite of approved plans, and the Section 106 legal agreement should planning permission be granted. The applicant has also offered a commuted sum for off-site newt mitigation/habitat creation elsewhere within Denbighshire to compensate for the habitat that would be lost by the proposed development. The applicant has confirmed willingness to enter into a section 106 agreement to secure the payment of the commuted sum for the off-site mitigation, and also an annual payment for on-site management of the ecological area.

It is noted that adequate mitigation and management methods have been proposed and no objections to these have been raised by the County Ecologist or NRW. It is therefore considered that if the development was permitted, it would not be detrimental to the maintenance of the population species concerned.

Given the advice from the County Biodiversity Officer and NRW, it is considered the proposal meets the '3 tests'. However it is noted that these are also requirements of the EPS licence and in line with paragraph 3.12 of WGC 016/2014, this is considered to be unnecessary duplication. The monitoring condition in particular is considered to be a measurement of the EPS population status which is not a function of the Local Planning Authority. It is therefore not proposed to impose these additional conditions. A note to applicant would be included in any decision notice stressing the requirement to obtain an EPS Licence is proposed.

Having reviewed the proposals and submitted information, with the imposition of conditions and a section 106 agreement, it is considered that the proposal accords with the provisions of TAN5, and Policies RD 1, and VOE 5 of the adopted Denbighshire Local Development Plan and SPG 18.

4.2.5 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 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (PPW 10) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Dŵr Cymru Welsh Water and the Council's Flood Risk Manager have offered no objections subject to the inclusion of conditions relating to drainage.

The site is not within a C1 or C2 flood zone.

In relation to surface water drainage, Members may be aware that the Flood and Water Management Act (FWMA) set up a separate system of approval for sustainable drainage systems by SAB bodies, applicable to planning applications submitted from January 2019. The development would be subject to SAB approval.

With regard to the responses of the drainage consultees, it is not considered there are any flooding or drainage concerns here.

4.2.6 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments. These policies reflect general principles set out in Planning Policy Wales (PPW 10) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

No representations have been received raising objections to the highway impacts of the proposals. The Highway Officer does not object subject to the imposition of a condition to require a Construction Method Statement and a scheme that provides the full details of the proposed internal estate road, vehicular access and associated highways works.

The proposal includes the opening of an existing, unutilised access off the main industrial estate road (Llwyn Goch), and the construction of a new internal access road located between the existing Mars Jones and D Jones Plant sites. This new internal access road would form a shared access with both Plot 2 and Plot 3 should planning permission be granted. There would be standard parking spaces for staff and visitors including disability spaces. In addition, there would be large parking spaces for operational vehicles. Motorcycle and bicycle parking would be provided.

The application is accompanied by a Transport Assessment and a Travel Plan. The Transport Assessment considers the proposed development of Plot 2, and the wider cumulative impact from the developments of Plots 1-5. The Assessment concludes that the predicted effects of the proposed development of Plot 2 during peak periods would have a negligible impact of the operation of the highway network. The existing junction between Graig Road and Llwyn Goch would operate within capacity, even with the completion of the wider development across the five plots, should planning

permission be granted. The proposed site access would operate comfortably within capacity, with minimal queuing.

In terms of sustainable transport, the proposed development is located in a highly sustainable location accessible by all means of public and private transport. The proposal includes cycle storage provision. The implementation of the Travel Plan can be conditioned to ensure that the sustainable travel objectives are achieved.

The general layout of the proposed site access arrangements demonstrate compliance with the visibility standards set out in TAN 18. Having regard to the details provided and guidance identified above, it is considered that the on-site highways arrangements are acceptable. The proposed parking arrangements are compliant with the standards set out in the Parking Supplementary Planning Guidance Note and are therefore considered acceptable. It is considered therefore that the proposal, subject to conditions, accords with the provisions of Policies RD1, ASA 1 and ASA 3 of the adopted Local Development Plan.

4.2.7 Archaeology and built heritage

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 1 of the Local Development Plan seeks to protect areas of archaeological and historic importance from development which would adversely affect them, reflecting general advice in Planning Policy Wales (Section 6.1.23 - 29) which sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to conservation of remains and their settings where relevant.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The impact on archaeology may therefore be regarded as a potential material consideration.

CPAT do not object to the proposal as there are no archaeological implications for the proposed development.

The application is accompanied with a Heritage Statement contained within the Design, Access and Planning Statement. The site lies within the Vale of Clwyd Registered Historic Landscape and is in close proximity (260m away) to the important Grade II Listed Plas Clough and these are considered to be the main historic assets that could be affected by the proposal. There is a clear and defensible boundary between the application site and the land that forms the immediate setting of the listed building. This would be retained. Furthermore, the proposed landscaping would also serve as a boundary to the parkland and garden that are associated with the house, historically.

It is considered that the proposal would not have an adverse or detrimental impact on the listed building or its setting, and therefore would accord with the provisions of Policies RD1 (iii) and VOE1 of the adopted Local Development Plan.

4.2.8 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh language is set out in Policy RD 5 in the Local Development Plan. The policy obliges consideration of the potential harm to the character and language balance of a community from the size, scale or location of a development. It indicates developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh language, and that in

appropriate circumstances, mitigation against any adverse effect may be secured through a financial contribution.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The impact on the Welsh language should therefore be regarded as a potential material consideration.

Planning Policy Wales Section 3.28 states that considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for planning permission.

TAN 20 has clarified the approach to be taken in relation to the assessment of individual planning applications in that it does not require applications to be subject to Welsh language impact assessment where this would duplicate the Strategic Assessment and Local Development Plan site selection processes. As the application site is an allocated Employment site in the Local Development Plan, no impact assessment is necessary as part of the application.

However, the applicant has provided a Welsh Language Statement assessing the effects of the proposed development on the Welsh Language. No mitigation measures are considered to be necessary to make the proposed development acceptable, however, the proposal is to use Welsh street names, to be agreed with the Town and County Council. All external signage would be bilingual. It is likely that most internal signage would also be bilingual. The presence of the Welsh language is visible on the existing Colomendy Industrial Estate and therefore it is considered appropriate that it continues within the development.

4.2.9 Economic Impact Assessment

Policy PSE 2 of the Local Development Plan supports development of existing employment sites on the proposals maps, by way of uses within Class B1 (Business Use), B2 (General Industrial and Waste Management facilities) and B8 (Warehousing and Distribution).

Policy PSE 3 seeks to protect employment land and buildings and only offers support for proposals which would result in the loss of such land and buildings where strict tests can be met:

- where there are no other suitable sites available for the development;
- where there is evidence of a continuous marketing process of 1 year alongside practical attempts to retain the employment use and where the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes;
- where there is evidence that the loss of the site/premises would not prejudice the ability of an area to meet a range of employment needs, or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

The range of policies referred to above are in general conformity with the approach to development in Planning Policy Wales (PPW 10), supporting sustainable economic development.

The application is accompanied by an Economic Impact Assessment. It concludes that the proposed development at Colomendy Industrial Estate will have a cumulatively significant positive impact on both the estate and the town of Denbigh itself. Over £11 million would be invested by the private sector collectively over Plots 2-5 for the delivery of the proposed development. The collaborative nature of the

proposal, bringing together the Local Authority with four key businesses on the estate, is innovative and demonstrates a pathway forward for future rural economic development.

The proposal is consistent with the principles of developing sustainable communities, through the promotion of the economic, social and environmental well-being of the area. The development would facilitate the creation of jobs, with the added economic benefits of employment during the construction phase.

4.2.10 Environmental Impact Assessment

The application was screened negatively on 25 September 2019 in accordance with the provisions of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017 (i.e. the application was not considered to be Environmental Impact Assessment requiring the submission of an Environmental Statement).

Having regard to the relevant Schedules of the 2017 Regulations and the advice set out in Welsh Office Circular 11/99: Environmental Impact Assessment, it is the view of the Council that the wider development of 4 plots falls within the following description of development listed in Column 1 of the table contained in Schedule 2 Regulation 2 (1) of the above regulations:

- The proposed development falls within a Schedule 2 development (10a) as defined in 'The Town and Country (Environmental Impact Assessment) (Wales) Regulations 2017' as the proposal is considered to be defined as an 'Industrial Estate Development Project' under part 10 'Infrastructure Projects'.
- The wider development project exceeds the thresholds identified in Column 2, as the area of development exceeds 5ha.
- The proposed development of Plot 2 does not however exceed the indicative thresholds by area alone as the site area is 2.02ha. However, the project has been screened as a whole as each site is reliant on the wider site being developed for procurement and infrastructure purposes.

However, having regard to the selection criteria for screening Schedule 2 development contained in Schedule 3 of the 2017 Regulations, it is the opinion of the Council that the proposed development, and the development of the entire site containing 5 plots, considering the cumulative effect is not likely to have significant effects on the environment by virtue of factors such as its nature, size and location.

Consequently the proposed development, and the wider project is not considered to be Environmental Impact Assessment development requiring the submission of an Environmental Statement.

4.2.11 Agricultural Land

Planning Policy Wales (PPW 10) (Section 3.54 and 3.55) obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification (ALC). PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

As the application site is allocated under the LDP for employment uses, it is considered that the tests of the loss of best and most versatile land have been applied already and it is not necessary to revisit this matter at application stage.

It is nonetheless relevant that need has been demonstrated for the employment land allocation through the LDP processes through its preparation and adoption.

Other matters

Materials Balance

Waste would be generated during the construction phase of the project. Due to considerable level changes across the site, materials balance calculations have been undertaken across the site considering the needs of 'cut' or 'fill' across the five plots, assuming all five receive planning consent. The calculations establish how much material would be removed from each plot/site, and how much would be required to create the desired development platform for each planning application.

Topsoil with a depth between 250mm and 300mm would be stripped and initially stored on the site in designated stockpiles no greater than 2m high. Surplus topsoil would be removed from site when primary aggregates are imported to the project along designated haul roads. Surplus sub soil and topsoil would be loaded and backhauled (where possible) to minimise road wagon movements and reduce the carbon footprint of the project. Enough topsoil would be left on site in stockpiles for verge and landscape areas. A haul road would be constructed along the south boundary of the site which would be a continuation of the proposed site access point for Plot 1.

The majority of the cut material would be derived from Plot 3 (Henllan Bread) as this plot is considerably higher than the adjoining Henllan Bread, with Plot 1 mainly fill to create the desired development platform to construct the waste transfer station building. The five plots have been considered as a project with regards to earthworks and material balance requirements. The plots with a surplus of excavated materials are Plots 3, 4 and 5. Plot 2 is balanced where cut material would be excavated and placed as fill where required. The strategy for the earthworks would be to excavate the surplus from Plots 3, 4 and 5 and place and compact into the main fill area in Plot 1. Once this main haul of materials is complete, localised cut to fill operations would be carried out in Plots 2, 3, 4 and 5. This demonstrates that the applicant has considered the sustainability of the project holistically to reduce the need to import materials where soils/earth can be used from others sites over the 5 plots. This reduces the amount of vehicle movements required to bring in material onto site, or remove unwanted material off site, and also reduces the waste arisings associated with the project, thus reusing material where required.

Overall, there would be a surplus of top soils and materials that would not be reused on site over the 5 plots. Therefore this would be removed off site. However, no soil/earth materials would be imported to create the desired development platform thus reducing the overall vehicle movements associated with the project as a whole.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 principle of the development is considered acceptable in this location. The proposed development would result in the application site being brought forward for employment purposes in line with the site allocation in the adopted LDP.

5.2 It is not considered that there would be any adverse localised impacts in relation to visual, landscape or residential amenity from the emissions of noise, dust or light, subject to imposition of suitable conditions. In highways and drainage terms the proposal is considered acceptable. With the inclusion of conditions and a section 106 legal agreement nature conservation and built heritage impacts would be safeguarded.

5.3 It is considered with regard to responses from specialist consultees, that the proposal is acceptable in relation to relevant detailed policy and local impact considerations.

5.4 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, Officers consider there is no justifiable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted. A Section 106 legal agreement is required for an amphibian conservation management plan, and a commuted sum for on and offsite management and mitigation.

It is therefore recommended that Members resolve to grant planning permission subject to:-

1. The completion of a suitable agreement under Section 106 of the Planning Act to provide for a commuted sum for on and off-site amphibian mitigation and management, together with the implementation of an amphibian conservation management plan for a 25 year period.

The precise wording of the agreement would be a matter for the legal officer to finalise. In the event of failure to complete the agreement within 6 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

2. Compliance with the conditions listed below.

RECOMMENDATION: - GRANT subject to the following conditions:-

COMMENCEMENT

1. The development to which this permission relates shall be begun no later than five years from the date of this permission.

MATTERS RESERVED

2. Details of the appearance, and scale (hereinafter called ""the reserved matters"") of the outline element of the application (namely the development of Class B1/B2/B8 units shown in yellow on approved plan 2019/08/SP1/i) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of each unit.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

LIST OF APPROVED PLANS AND DOCUMENTS

5. 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) Land Plan, Plots 1-5 Aerial Background (Drawing No. H4/18304/D54B) - Received 2 December 2019
- (ii) Landscape Proposals (3 Drawings No. MH-057-LP-01 Rev C, MH-057-LP-02C & MH-057-LP-03 Rev C) - Received 18 February 2020
- (iii) Piped Drainage Layout (Drawing No. H3-18304-D-072B) - Received 11 December 2019
- (iv) Site PV Layout (Drawing No. P1759/E702 Rev P1) - Received 2 December 2019
- (v) As Proposed Site Plan (Drawing No. 2019/08/SP1/j) - Received 18 February 2020
- (vi) As Proposed Site Plan at 1:500 (Drawing No. 2019/08/SP2/d) - Received 18 February 2020
- (vii) As Proposed Drawing of Units (Drawing No. 2019/08/AP1/e) - Received 20 January 2020
- (viii) Proposed Substations H3/18304/D/83D – Received 18 February 2020
- (ix) Location Plan (Drawing No. 2019/08/LP1/e) - Received 11 December 2019
- (x) As Existing Site Plan at 1:500 (Drawing No. 2019/08/AE1) - Received 11 December 2019
- (xi) Earthworks Strategy - Received 21 January 2020
- (xii) Tree Survey and Proposed Site Layout Plan (Drawing No. H3-18304-D-131B) – Received 24 February 2020
- (xiii) Adoptable Road Street Lighting Services (Drawing No. P1733/E101 P1) – received 20 February 2020
- (xiv) Swale Sections (Drawing No. H3/18304/D/139B) – received 20 February 2020
- (xv) On-site Mitigation Area (Drawing No. H3/18304/D/138A) – received 20 February 2020

Documents

- Pre-Application Consultation Report – 2019.0107
- Economic Impact Assessment 2019.107 – Dated October 2019
- Welsh Language Statement 2019.107 – Dated November 2019
- Transport Assessment 662566 – Dated October 2019
- Travel Plan 662566 – Dated October 2019
- Planning Acoustic Report – Revision 1 Dated 24/10/2019
- Air Quality Assessment – Revision 2 Dated 21/10/2019
- Design, Access and Planning Statement – 2019.107
- Tree Condition Survey 022020/TCS/HESCIE dated 14/02/2020 received 18/02/2020
- Drainage Strategy – November 2019
- SUDs Application Form
- North-East Ecological Impact Assessment – SJ05746.67407
- North-West Ecological Impact Assessment – SJ05389.67434
- Long-Term Habitat Management Plan, Monitoring/ Surveillance, Wardening, Compliance Audit and Biodiversity Risk Assessment – Prepared 25/11/2019, revised 21/01/2020
- Outline Great Crested Newt Mitigation Strategy – Dated 25/11/2019, revised 21/01/2020
- Product Specification – LG Solar Panels
- Preliminary Geotechnical Report V.01 – Dates April 2019
- Landscape and Visual Impact Assessment – MH-057 Rev-03 Dated February 2020
- Photomontage MH-57-VR- 1, 2 and 3 dated October 2019
- Tata Steel Colour sheet
- Cut and Fill Report Dated 03.09.2019
- Colomendy Industrial Estate Extension – Plots 1 to 5 Earthworks Strategy dated 20/01/2020. Received 21 January 2020
- Bat and Bird Box Location Plan - Prepared 21/01/2020
- Construction Method Statement – dated Feb 2020 - received 18/02/2020
- Lighting Calculation: Colomendy Street Lighting Design – P1733 dated 17 February 2020 – received 20 February 2020

HIGHWAYS

Construction Method Statement

6. The development hereby permitted shall not be allowed to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
- a) the arrangements for the parking of vehicles of site operatives and visitors;
 - b) the location of any construction compound and measures to reinstate the land following completion of the works
 - c) the hours of site works and deliveries
 - d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary
 - e) the location of areas designated for the loading, unloading, and storage of plant and materials;
 - f) the proposals for security fencing or hoardings around the site
 - g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses
 - h) wheel washing facilities;
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - j) any proposed external lighting
 - k) the piling methods, in the event that this form of foundation construction is proposed

Access

7. None of the buildings hereby approved shall be constructed above slab level until the written approval of the Local Planning Authority has been obtained to full details of the internal estate road, vehicular access and associated highway works as indicated on the approved plans including the detailed design, layout, construction, visibility splays, street lighting, signing, drainage and traffic regulation orders. The works as approved under this condition shall be completed in accordance with the approved plans prior to the use of the proposed buildings.

Parking

8. Facilities shall be provided and retained within the site for the access, loading, unloading, parking and turning of vehicles in connection with the development, as indicated on the approved plans, and shall be completed prior to the occupation of any of the buildings. The arrangements shall be maintained as such at all times and shall be used for no other purposes.

Travel Plan

9. The approved Travel Plan dated October 2019 shall be implemented on commencement of development hereby approved and in line with the provisions and timescales set out within the Plan.

NATURE CONSERVATION

10. The development hereby approved shall be undertaken in accordance with the proposed mitigation, compensation and enhancement set out in the submitted ecological assessments and ecological reports:-
- North-East Ecological Impact Assessment – SJ05746.67407 – Updated 24/09/2019
 - North-West Ecological Impact Assessment – SJ05389.67434 – Updated 24/09/2019
 - Long-Term Habitat Management Plan, Monitoring/ Surveillance, Wardening, Compliance Audit and Biodiversity Risk Assessment – Prepared 25/11/2019, revised 21/01/2020
 - Outline Great Crested Newt Mitigation Strategy – Dated 25/11/2019, revised 21/01/2020
 - Bat and Bird Box Location Plan - Prepared 21/01/2020

PLANTING / LANDSCAPING

11. All planting comprised in the approved details of landscaping shall be carried out in accordance with approved plans Drawings No. MH-057-LP-01 Rev C, MH-057-LP-02 Rev C & MH-057-LP-03 Rev C no later than the first planting and seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

12. Prior to the commencement of development hereby approved, a Plan shall be submitted for the written approval of the Local Planning Authority showing all trees and hedgerows on site to be retained. None of the trees or hedgerows shown to be retained on the approved plan shall be felled, lopped or topped without the prior consent of the Local Planning Authority. The approved plan shall provide details of the root protection areas required for each retained tree/hedgerow. The approved plan shall also provide details of the location and specification details of fencing to be used to protect trees and hedgerows during construction. The approved tree protection fencing shall be installed as approved prior to commencement of development and retained for the duration of the construction period, with the exception of works that take place within the root protection areas show on the approved plan. Works that take place within these root protection areas shall take place in accordance with the approved Arboricultural Method Statement as required by condition No.14.
13. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work in accordance with the scheme required and approved by condition No.12. No construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
14. Prior to the commencement of development hereby approved, an Arboricultural Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Arboricultural Method statement shall provide details of special measures to safeguard trees during the development, specifically when excavating and carrying out works within the root protection areas of the retained trees/hedgerows. Excavation works that take place within the root protection areas shall be supervised by a qualified arboriculturalist at all times during these works.

LIGHTING

15. No external lighting other than that shown on the approved plan 'Adoptable Road Street Lighting Services' (Drawing No. P1733/E101 P1) and as prescribed in approved document 'Lighting Calculation: Colomendy Street Lighting dated 17 February 2020' shall be installed without the formal written approval of the Local Planning Authority. The approved lighting shall be kept facing down and shielded as detailed, and shall not trespass into the on-site wildlife mitigation area as shown on approved plan Drawing No. H3/18304/D/138A. The approved scheme shall be implemented strictly in accordance with the approved details unless otherwise approved in writing with the Local Planning Authority.
16. Notwithstanding Condition No. 15, unless otherwise agreed in writing with the Local Planning Authority, any lighting installed on the site, shall follow the guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK (2018) Bat conservation Trust & the Institute for Lighting Professionals. Lighting shall emit a warm white spectrum of 2700 Kelvin or less to reduce blue light component. Peak wavelengths emitted from the lighting shall be higher than 550nm.

MATERIALS

17. Unless otherwise agreed in writing by the Local Planning Authority, the cladding to be used on the external walls of the buildings hereby approved shall be coloured:
 - Metal Insulated Sandwich Panels, Colourcoat finish Albatross (BS18B17) (Walls)
 - Metal Insulated Sandwich Panels, Colourcoat finish Merlin Grey (BS18B25) (Roof Cladding)
 - Powder coated metal to match sheeting Sargasso (RAL5003) (Trim, Windows, Doors, Gutters and Down-pipes)

SOIL MANAGEMENT AND STORAGE

18. Storage stockpiles of Topsoil shall not exceed 2 metres in height.
19. Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition, and no movement of soils shall occur:
 - a) The cohesive soils at the site are at or slightly above the Plastic Limit (PL) in their natural condition. To re-use the cohesive soil as fill on the site during the earthworks contract it will need to be 'Plastic'; optimum compaction (<5% air voids) is generally achieved when the moisture content is between 1.1xPL to 1.2xPL. If the soil becomes friable, water will have to be added to compact it. There would also be an increase in dust generation.
 - b) Water naturally pools at the surface following rainfall as the subsoils over the majority of the site are low permeability cohesive soils.

DRAINAGE

20. Within three months of the date of this consent, a foul water drainage scheme shall be submitted to for the written approval of the local Planning Authority. The scheme shall provide for the disposal of foul water flows and shall be implemented in accordance with the approved details prior to the commencement of the use hereby approved.
21. Within three months of the date of this consent, a potable water scheme to serve the site, to demonstrate that the existing water supply network can suitably accommodate the proposed development shall be submitted for the written approval of the local Planning Authority. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the use of any building. The agreed scheme shall be constructed in full and remain in perpetuity.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990
4. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
5. For the avoidance of doubt and to ensure a satisfactory standard of development
6. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. To ensure the development is served by a safe and satisfactory access, and in the interests of the free and safe movement of traffic on the adjacent highway.
8. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. To provide sustainable transport measures for visitors and staff and to ensure that the impact of the proposal on the free and safe flow of traffic on the highway is kept to a minimum.
10. In the interest of preserving ecological interests.
11. For the avoidance of doubt and in the interests of visual amenity.
12. In the interests of visual amenity and for the protection of trees.
13. In the interests of visual amenity and for the protection of trees
14. In the interests of visual amenity and for the protection of trees
15. For the avoidance of doubt and in the interest of amenity and to protect the amenity of nearby residents, and nature conservation.
16. For the avoidance of doubt and in the interest nature conservation and reduce the impact of lighting on the bat population.
17. For the avoidance of doubt and in the interests of visual amenity.
18. For the avoidance of doubt, in the interests of the protection of soil resources on site
19. For the avoidance of doubt, in the interests of the protection of soil resources on site
20. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
21. To ensure the site is served by a suitable potable water supply.