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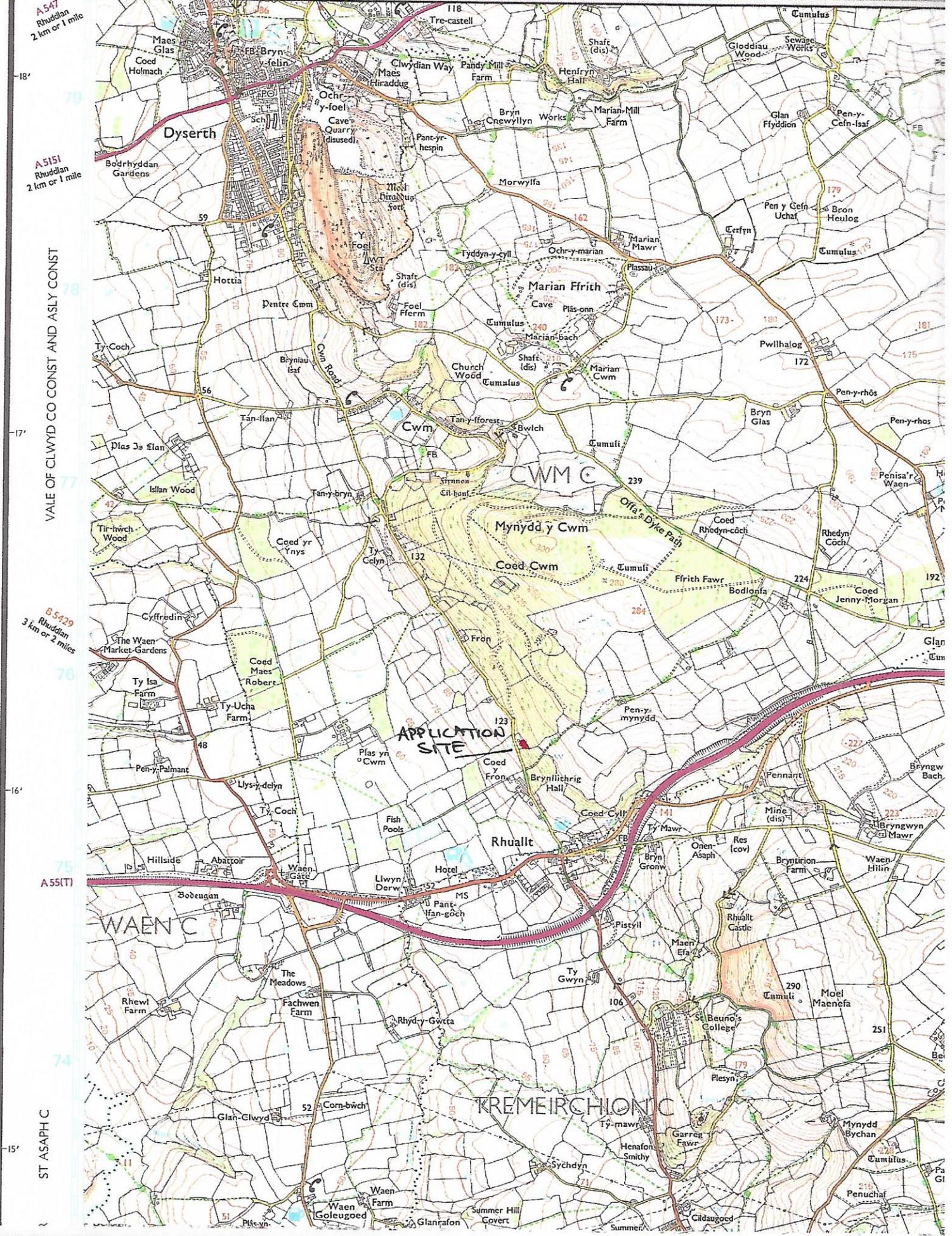
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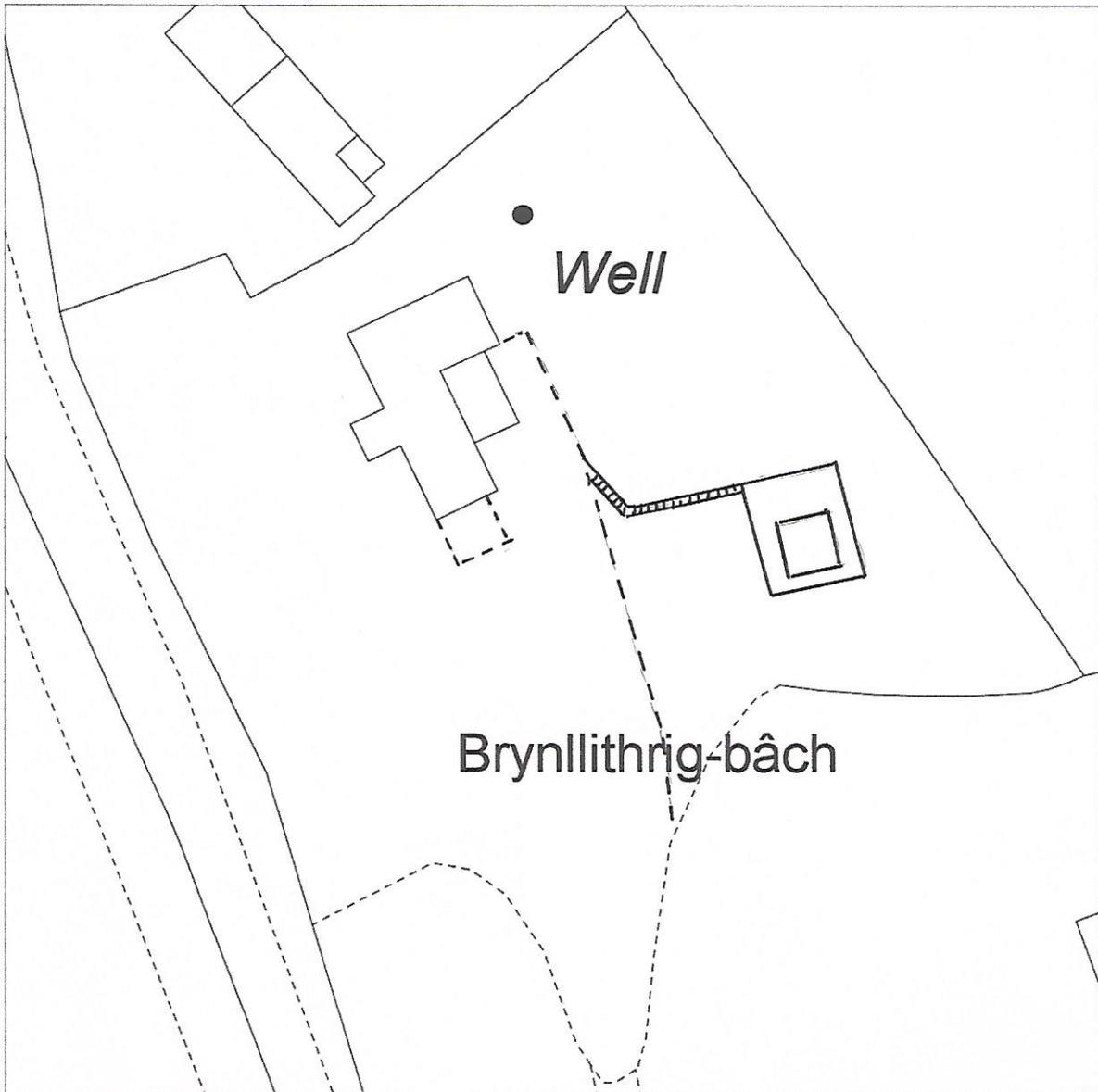
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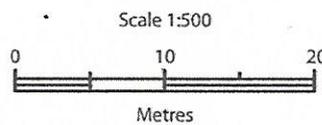
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USE OF CLAMPING POD FOR HOLIDAY LET AT
 BRYNLLITHRIG BACH. LOCATION IN RELATION TO
 ORFA'S DYKE PATH.



Brynlithrig Bach, Rhualt, St Asaph



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Date Of Issue: 09 March 2020
Supplied By: Getmapping
Supplier Plan Id: 233059_500
OS License Number: 100030848
Applicant: Alister Edwards
Application Reference: Block plan

Proposed use of Glamping Pod for holiday letting at Brynlithrig Bach, Rhualt
Existing Block Plan

Scale 1:500

Huw Evans Planning
March 2020

WARD : Tremeirchion

WARD MEMBER(S): Cllr Christine Marston (c)

APPLICATION NO: 47/2020/0216/ PF

PROPOSAL: Siting of a glamping pod for holiday accommodation use

LOCATION: Brynllithrig Bach Cottage, Rhualt St. Asaph LL17 0TP

APPLICANT: Mr Alister Edwards

CONSTRAINTS: 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

CONSULTATION RESPONSES:

TREMEIRCHION, CWM & WAEN COMMUNITY COUNCIL

No objection subject to the following concerns that the Planning Authority should address and take heed of:-

1. The new pod if granted should not be visible from the roadway.
2. The existing cabin is being used for family and friends without planning. The problem appears to be the use as a holiday let, and we are aware of local concerns.
3. There are several other holiday lets close to the Offas Dyke Footpath in the Cwm area, all converted stone outbuildings/derelict cottage. There appears to be no requirement for further accommodation, particularly as the location is near the end/start of the Offa's Dyke path when most walkers will continue before stopping for the night.
4. No support as it is a new tourism development within the AONB,
5. The proposed building materials are not specified in original application.
6. Concerns re: Car parking provision, lighting provision, environmental impact and business case are not included in the application.
7. Overlooks and impacts on the privacy of Tyddyn y Driv.

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE

"Subject to the planning authority being satisfied that the pod structure is permitted development, the Joint Committee has no objection to its use as holiday accommodation. The committee would suggest that to help assimilate the building into its rural setting the colour and finish of the timber cladding should be recessive in nature. In this context, the committee favours timber cladding with a naturally weathered finish. No details of external lighting are shown, but this is a very dark area of countryside and it is recommended that any external lighting should be the minimum necessary and designed and specified to conserve the AONB's dark sky and nocturnal wildlife."

OFFAS DYKE ASSOCIATION

Supports the provision of a glamping pod in this location. Sited within woodland it would not in affect the visual amenity value of visitors using Offa's Dyke Path & Association encourages a range of different types of accommodation along the Trail and being sited directly on the route of the National Trail the glamping pod avoids the need for car journeys. Overall, therefore, Offas Dyke Association believe the development would help to encourage walking based tourism, it is sympathetic to its surroundings and would not compromise the conservation aims of the AONB.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
-Traffic, Parking and Road Safety
-Highways Officer – No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr Peter Cook, Hendre Sian, Rhualt
Mrs Felley, Fron Farm, Rhualt Road, Cwm
John M Kenny, Tyddyn y Driw, Rhualt
Emyr George, Gorwel, Rhualt

Summary of planning based representations in objection:

Principle / need:

- No need for additional tourism accommodation - already caravan park, camping and lodges in village & needs of walkers already met by existing accommodation in wider Prestatyn / Bodfari areas.
- Would set a precedent for similar developments in the area.

Visual amenity:

- Within the AONB - site is elevated and would be unsightly
- Materials not suitable / not enough details provided
- More than 20m from the house
- Will adversely impact on amenity value of Offas Dyke trail
- Larger than existing cabin and would be more visually prominent
- No details of lighting provided

Residential amenity:

- Pod proposed would be closer to neighbouring property than distances stated in supporting statement
- Would be visible from neighbouring property
- Would overlook windows in neighbouring property and would be affect neighbour's privacy.

Environmental impact:

- Environmental impact not addressed in application

Highways / traffic:

- Would increase traffic on a narrow country road which already carries far more vehicles than it was constructed for.

Other:

- No details of services provided.
- Existing septic tank already serves 2 dwellings and could not accommodate the pod proposed.
- Existing cabin does not appear to have planning permission and therefore its existence cannot be justification for the proposed glamping pod.

In support

Representations received from:

Christopher Evans, 8 Bryn Teg, Rhualt
Kim Moore, Rhualt House, Rhualt
Lisa Cunnah-Palframan, Brynllithrig Hall, Rhualt
Stewart Hoyles, 7 Bryn Tyrion, Henllan
L. Harrison-Smith, Rhualt Hall, Holywell Rd., Rhualt
Mr Williams, Plas Dfynog, Llanrhaeadr

Summary of planning based representations in support:

Principle / need:

- Tourism accommodation compliments the local area
- Close to Offa's Dyke trail / not much existing accommodation close to trail & would attract walkers for overnight stays
- Would bring visitors to the area and help support local food & leisure businesses – helps keep the area vibrant.
- Encouraging people to village is a good thing.

Visual amenity:

- Site is surrounded by trees and cannot be easily seen from the road below.
- Replacing existing wooden cabin would be a visual improvement
- Subtle location
- Small scale development of 1 pod

Residential amenity:

- Would not cause any noise pollution & applicant's house is the nearest dwelling.

EXPIRY DATE OF APPLICATION: 20/05/2020

EXTENSION OF TIME AGREED? 31/07/2020

REASONS FOR DELAY IN DECISION (where applicable):

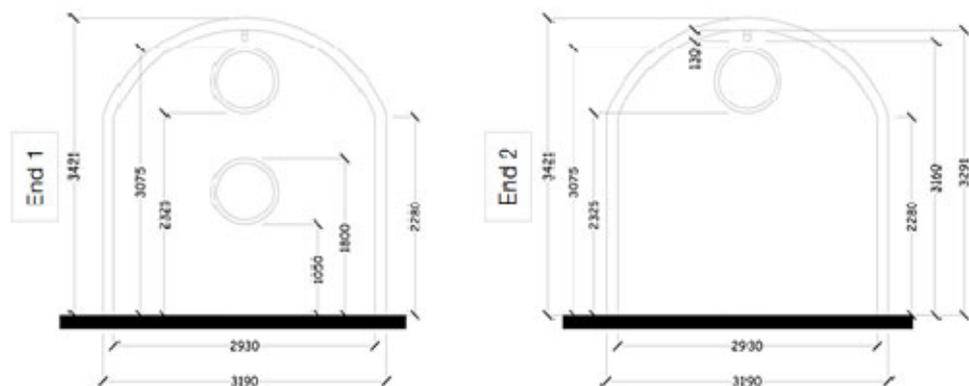
- disruption to planning service caused by Covid-19 pandemic
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for a glamping pod to be used as a unit of holiday accommodation which would be sited on an existing elevated paved terrace within the residential curtilage which is accessed via a stepped pathway leading up from the garden.
- 1.1.2 The proposed pod would replace an existing domestic timber cabin on elevated ground within the residential curtilage of the dwelling.
- 1.1.3 The glamping pod would be of timber construction with a domed roof and would be 7m in length, 3.2m wide with a height of 3.4m. Elevation and floor plans are as follows:



1.1.4 Materials have not been specified on the proposed elevation plans, however the supporting information indicates walls would be finished with Cedar wood cladding and domed roof would be finished with flat sheet tin in a grey colour.

1.1.5 There is a large parking area to the front of the house which would provide space for visitor parking.

1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a Planning Statement and an Additional Supporting Statement.

1.2.2 Photos included in the additional Supporting Statement are shown below for information:

Photo of Existing domestic cabin on raised terrace:



View towards site from boundary with neighbouring property:



ew from existing raised terraces (showing side elevation of existing domestic cabin)
towards dwelling and neighbouring property:



1.3 Description of site and surroundings

- 1.3.1 The site is located on elevated ground within the residential curtilage some 21m to the south-east of the main dwelling, and 50m to the east of the highway.
- 1.3.2 To the north, east and south the site is bounded by woodland. The Offa Dyke national trail runs to the south and south-east of the site, and is at its closest point approximately 70m from the pod proposed.
- 1.3.3 There is a neighbouring residential to the north of the main dwelling, which would be approximately 45m from the proposed pod.
- 1.3.4 The Extract from the Council's aerial mapping shows the proximity to the neighbouring property and Offa Dyke trail:



1.4 Relevant planning constraints/considerations

1.4.1 The site lies outside of any development boundary established by the LDP and is within the Clwydian Range and Dee Valley AONB.

1.5 Relevant planning history

1.5.1 Consent for extensions to dwelling granted in 2006.

1.6 Developments/changes since the original submission

1.6.1 Additional statement submitted during course of application.

1.7 Other relevant background information

1.7.1 A public representation has noted the existing domestic cabin at the application site does not benefit from planning permission. Officers would note that as the cabin is more than 20m from the dwelling, depending on its dimensions, planning permission may have been required. However the applicant has confirmed the cabin was in-situ when they bought the property and based on aerial photography and digital mapping, Officers would note a cabin appears to have been in this location for more than 10 years, and therefore the existing cabin would be lawful due to the passage of time.

2. **DETAILS OF PLANNING HISTORY:**

2.1 47/2006/1177. Erection of first floor pitched roof extension to rear and conservatory and utility room to side of dwelling. Granted 08/11/2006.

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 PSE5 – Rural economy

Policy PSE12 – Chalet, static and touring caravan and camping sites

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning guidance Note: Residential Development

Supplementary Planning Guidance Note: Caravans, Chalets & Camping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

TAN 12 Design (2016)

TAN 13 Tourism (1997)

3.3 Other material considerations

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 Visual amenity (including impact on AONB)
- 4.1.3 Residential amenity
- 4.1.4 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy PSE 12 relates to chalet, static and touring caravan and camping sites. The policy states proposals for new static caravan sites will not be permitted.

The Justification to Policy PSE12 states *“In the inland rural areas, caravan development, particularly static caravans, can be obtrusive in the landscape and damaging to the character of the rural area unless strictly controlled.”*

Policy PSE5 supports tourism and commercial development which helps sustain the rural economy where it can be demonstrated all four policy tests are met. The tests are:

- i) The proposal is appropriate in scale and nature to its location; and
- ii) Any suitable existing buildings are converted or re-used in preference to new build; and
- iii) Proposal for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities;
- iv) Within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.

The Caravans, Chalets & Camping SPG makes it clear that lodges, chalets, pods and other similar structures which fall within the legal definition of a caravan set out in the Caravan Sites Act 1968 will be treated as a static caravan for the purposes of applying Policy PSE12.

In terms of tourism development, PPW Section 5.5.3 states ‘In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.’

The Community Council and public representations have raised concerns on the need for new holiday accommodation in this area, however it is noted that a number of public representations have also been received in support of the proposal. The Offas Dyke Association is also supportive of the proposal, and has confirmed there is limited existing tourism accommodation is such close proximity to the Offas Dyke trail.

The Glamping Pod proposed would be of timber construction with a domed roof. The unit would not be on wheels, and whilst the pod would be placed on the land, the unit could be considered immobile by its own weight and would result in physical

attachment to the ground. There is no evidence that the building would be moved once it had been constructed. It is further noted that the internal height of the pod would exceed the maximum height of a caravan as defined by the 1968 caravan act. Accordingly Officers are satisfied that the unit does not fall within the definition of static caravans, and therefore LDP PSE12 is not applicable in this instance.

The lies within the AONB, however the pod would be sited within the residential curtilage of the dwelling, and would replace an existing domestic timber cabin.

The Planning Statement and further supporting statement indicate the proposal would, due to the proximity to the Offa's Dyke trail, encourage walkers to stay overnight and would also encourage visitors to the local area which would help support the local rural economy, as visitors would likely use local shops and services.

Overall, the proposal is for a small scale development of one unit of tourism accommodation which would be sited within the residential curtilage, and therefore would not result in an encroachment into the countryside, and could be considered to be appropriate in scale and nature to its location. Whilst a fully worked up business case has not been provided, the supporting information does go some way to demonstrate how the proposal would contribute to the rural economy, albeit on a small scale, and Officers consider on balance, the principle of the proposal could be to be in general compliance with PSE5.

Officers would however propose conditions to restrict the use of the pods to holiday accommodation only. As the pod is within the residential curtilage and closely related to the existing dwelling, Officers also consider it necessary to apply conditions to ensure the pod remains within the same planning unit as the main dwelling.

4.2.2 Visual amenity (including impact on AONB)

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

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 Clwydian Range and Dee Valley AONB SPG provides further guidance on developments within the AONB.

The Community Council and some public representations have raised concerns on visual amenity grounds, including impact on the AONB. The AONB Advisory Committee has raised no objections to the proposal, but has made recommendations in terms of materials and lighting. The Offas Dyke Association have confirmed they are supportive of the proposal.

The site lies within the AONB and Offa's Dyke national trail is approximately 70m from the site.

Officers would note the site for the glamping pod proposed is an existing paved raised terrace area within the residential curtilage of the dwelling, and it would replace an existing domestic timber cabin which is currently in-situ at the site. Whilst the glamping pod proposed is of a different design and form to the existing cabin, it is a similar scale to the existing cabin, and therefore Officers do not consider it would

materially alter the appearance of the site from public view points, and as it's within the residential curtilage, it would not unduly affect the character of the protected landscape.

In terms of impact on the Offa's Dyke trail, existing mature woodland lies between the trail and the site which would screen any views of the application site from along the trail, and therefore Officers do not consider the proposal would adversely impact upon visual amenity of users of the trail.

The elevation plans do not include details of materials, however the supporting information states walls would be Cedar cladding and roof would be a grey flat sheet timber. The AONB Advisory Committee has advised the walls should have a natural weathered finish in the interests of preserving the character of the protected landscape. Officers consider walls and roof materials can be controlled by condition.

No details of external lighting is provided. The AONB Advisory Committee have noted lighting needs to be carefully considered in the interests of protecting the AONB, however officers consider lighting can also be dealt with by condition.

Subject to the imposition of necessary planning conditions, Officers therefore consider the proposal would not unduly impact on visual amenity or the character of the protected landscape.

4.2.3 Residential amenity

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.

Public representations have been received raising concerns on residential amenity grounds due to overlooking of neighbouring property, with the southern elevation of the neighbouring property facing towards the site.

Windows are proposed in the side elevation of the pod, and as the pod is on elevated ground, there would be the potential to overlook the neighbouring property, Tyddyn y Driw, which is approximately 45m to the north-west of the application site.

Officers would note the neighbouring property is a barn conversion which was originally ancillary to Brynllithrig Bach Cottage. The applicant has provided a copy of a legal covenant from the sale of the neighbouring property, which requires all windows and doors in the southern gable to be obscurely glazed.

Whilst the proposal is for holiday accommodation and not a residential property, the Residential Development SPG is nevertheless material in that it provides guidance on appropriate separation distances to prevent overlooking, and in back-to-back situations, a 21m separation distance recommended between habitable windows, and where a 12m set back is recommended between habitable first floor windows and boundaries with a neighbouring property.

Whilst the site is elevated above the neighbouring property and there would be some visibility from the lodge proposed towards the neighbour, the site is some 45m away from the neighbouring property, and having regard to the separation distances recommended in the SPG, Officers do not consider the proposal would result in any unacceptable overlooking or give rise to an overbearing impact on the neighbour.

Concerns have also been raised regarding noise and disturbance, however Officers note the proposal is for a single holiday unit within the residential curtilage and the

pod would be little over 20m from the applicant's dwelling, and accordingly it is reasonable to assume the proposal would not generate any unacceptable noise. However, in the interests of residential amenity, a condition is proposed to ensure the pod remains within the same planning unit as the main dwelling.

No details of external lighting have been provided, however Officers condition this can be dealt with by condition.

Subject to the imposition of conditions, Officers consider the proposal would not have an unacceptable adverse impact on residential amenity.

4.2.4 Drainage (including flooding)

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 drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Public representations received have raised concerns regarding foul drainage, and in particular the capacity of the existing septic tank to serve the site.

The application form indicates the proposed pod would connect to the existing septic tank and surface water would be directed to existing soakaways within the site.

In terms of surface water, Officers would note there is an existing cabin in-situ at the site which is located on a paved elevated terrace. Officers do not consider the pod proposed would materially increase runoff from the site, and therefore the proposed surface water drainage is considered to be acceptable.

In terms of foul water disposal, whilst a public representation has queried the capacity of the existing septic tank to accept additional foul water, the application form confirms the pod would discharge to the existing septic tank and the proposed site plan shows the location of the septic tank within the residential curtilage. Having regard to the scale and nature of the proposal, it would be unreasonable to refuse planning permission on drainage grounds as there is no evidence before the Council which demonstrates that the existing septic tank cannot accommodate additional waste.

4.2.5 Highways (including access and parking)

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.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Public representations received have raised concern regarding highway safety due to increased traffic. Highway Officers have raised no objection to the application.

There is no specific parking requirement for units of holiday accommodation, however having regard to the size of the unit proposed, it would likely be occupied by a couple or family and not groups and therefore a single parking space would be sufficient to serve the development.

Officers would note there is a large onsite parking area within the residential curtilage which could easily accommodate visitor parking.

Concerns have been raised on highway safety grounds, however the proposed development would likely generate only one additional vehicular movement to and from the site, and therefore Officers do not consider the proposal would not unduly impact on highway safety.

Notwithstanding the concerns raised in public representations, having regard to the scale of the development, the presence of off-road parking space and the views of Highway Officers, Officers would conclude the proposal would not give rise to unacceptable adverse impacts on highway safety.

Other matters

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 Subject to the imposition of necessary planning conditions to protect interests of residential amenity, visual amenity and the character of the protected landscape, Officers consider the proposal is acceptable and recommend the application for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th July 2025
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Pod details received 11 March 2020
 - (ii) Existing block plan received 11 March 2020
 - (iii) Proposed block plan received 11 March 2020
 - (iv) Location plan received 11 March 2020
 - (v) Location in relation of Offa's Dyke path received 11 March 2020
3. The holiday accommodation unit hereby approved shall not be occupied as a person's sole or main residence at any time. An up to date register shall be kept at the holiday accommodation

hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

4. The holiday accommodation unit hereby permitted shall be used as ancillary to the main dwelling known as Brynlithrig Bach at all times.
5. The external walls of the development hereby permitted shall be finished with Cedar wood cladding with a naturally weathered finish and the external roof shall be finished with dark grey flat sheet tin unless otherwise agreed in writing with the Local Planning Authority.
6. No external lighting shall be installed without the formal written approval of the Local Planning Authority to the detailing of the proposed lighting. The approved scheme shall be implemented strictly in accordance with the approved details.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. For the avoidance of doubt and in the interests of residential and visual amenity and compliance with rural restraint policy.
4. In the interest of residential and visual amenity
5. In the interests of visual amenity and to protect the character of the protected landscape.
6. In the interests of residential and visual amenity and to protect the character of the protected landscape.