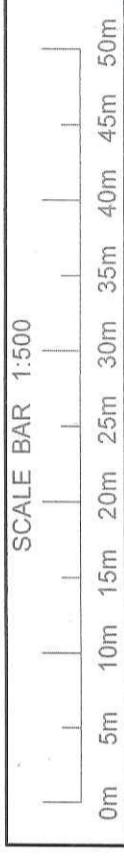
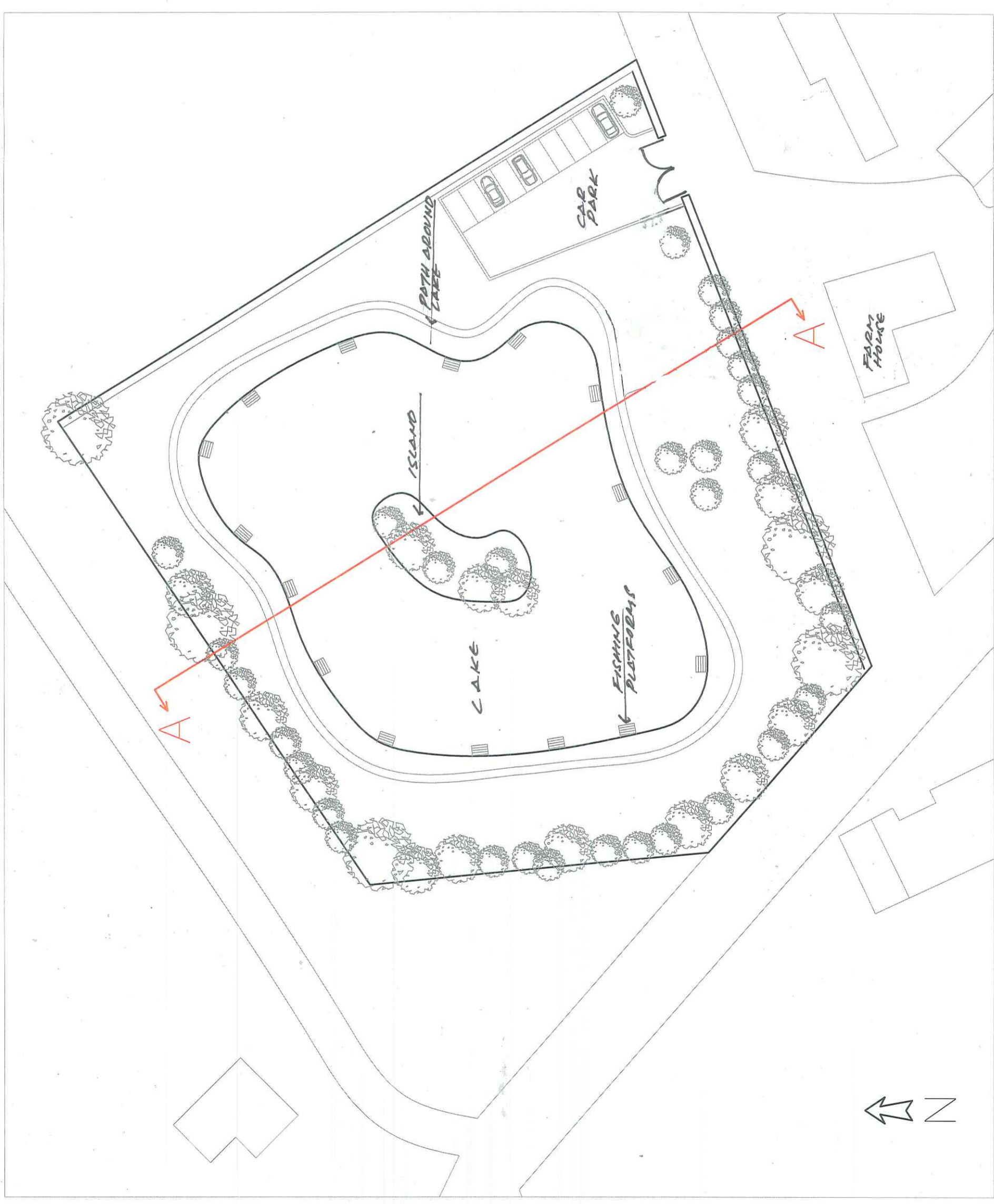


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23/2020/0067

Scale: 1:2500

Printed on: 26/10/2020 at 10:09 AM



Proposed Site Plan

Notes

| ISSUE | DATE | BY | REVISIONS |
|-------|-----------|----------|-----------|
| | 017 2019 | JAN 2020 | |
| | 1004 2020 | JUN 2020 | |
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Client

Structural Engineer

Project Manager

Building Contractor

Q5

Fire Officer

Planning

Building Control

Revisions

Contract

Proposed coarse fishing lake at Caer Mynydd Farm Saron, Denbigh, LL16 4TL

Drawing Title

Proposed Site Plan

John J. White Architect
 B.A. Dip. Arch. A.R.B.
 39 Mersey Road Liverpool L17 6AG
 Tel/Fax 0151 474 4701 Mob 07711 506988
 Email john.white39@blueyonder.co.uk

| | | | |
|-------|---------|----------------|----------|
| Scale | Date | Drawing number | revision |
| 1:500 | Oct '19 | | 4 |



Ground where amenity block has been removed



Site access



View of site entrance from the junction. Entrance where white car is parked.

WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER(S): Cllr Joseph Welch (c)

APPLICATION NO: 23/2020/0067/PF

PROPOSAL: Proposed engineering works to form fishing lake, internal pathways, car park and associated works.

LOCATION: Caer Mynydd Caravan Park Caer Mynydd Farm Saron Denbigh LL16 4TL

APPLICANT: Mr Adam Povey

CONSTRAINTS: None

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 – Town / Community Council objection

CONSULTATION RESPONSES:

LLANRHAEADR-YNG-NGHINMEIRCH COMMUNITY COUNCIL

Original consultation comments:

Llanrhaeadr-yng-nghinmeirch Community Council fully OBJECTS to the subject planning application and plans for the following reasons:-

1. The applicant, Mr Adam Povey, does not exist and therefore the application form is invalid.
2. The amenity block has been ordered to be demolished in a previous planning application condition as ordered by Denbighshire County Council Planning Department.
3. There would be too much disturbance from the site to other local properties due to noise pollution and public highway restrictions/obstructions etc.

Re-consultation comments:

Llanrhaeadr-yng-nghinmeirch Community Council objects to the above planning application and plans for the following reasons:-

1. The Site plan and location plan do not agree as plan shows the access road whereas the other plan does not show the information.
2. The application does not show the Saron Chapel Septic Tank and Soakaway on the application site which is too close to the fishing pond.
3. The application does not provide details of where the water for the lake comes from and does not supply of any licences applied for etc.
4. No accommodation should be allowed with the activities applied for.

5. There is no visibility splay nor pull inn/passing place at the highway entrance to the site.

6. The access highway infrastructure cannot cope with the anticipated 30 additional visitors to the site per day.

Additional comments:

Llanrhaeadr-yng-nghinmeirch Community Council has the following additional observations to the subject planning application:-

"The site plan and Location plan do not match up. The site plan shows the land extending right up to the South West boundary (which includes a section of land not in Caer Mynydd's ownership) where the Chapels Septic tank is situated whereas the Location plan shows the land stopping at a strip of trees. The design of the "Lake" to the South West corner is such that it will in all likelihood encroach on the sub irrigation pipework from the Chapel & Chapel Houses septic tank. (Where they have legal rights to discharge)."

Also it has been brought to our attention that the mains potable water supply for Saron comes up through the field in question – we suggest that this be verified or otherwise with Dwr Cymru/Welsh Water.

The access to the site is inadequate and will lead to cars standing in the road whilst visitors open the gates to enter the site. There should be a space for a vehicle to pull in off the road before getting out to open the gate.

The visibility splay for egress from the site is also inadequate and does not comply with current Highway requirements.

There is no allowance for Toilet accommodation – where will all the anglers "go"?

NATURAL RESOURCES WALES - initially advised further information was required to assess the potential for the former amenity building to provide habitat for protected species. Following confirmation that amenity block had been demolished and had been omitted from the application, NRW have no objection to the proposal.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

HIGHWAY OFFICER - taking into consideration the former use of the site and access Highways Officers would have no objection to the proposals for a coarse fishing lake.

The estimation of 30 visitors a day would not significantly impact the capacity of the highway, and would equate to approximately 4 vehicle trips per hour over an 8 hour day.

They are intending to provide 10 parking spaces on site. While there isn't specific guidance on parking requirements for fishing facilities it wouldn't be unreasonable to assume one parking space per fishing peg. They haven't stated the exact number of fishing pegs to be provided, but the site plan appears to show 16. However, the applicants have stated that it is only a short walk from the existing caravan park which one could assume the residents of the caravan park will be using the facility and there may be an option for additional parking. They also state '*The majority of anglers tend to arrive at coarse fisheries in company rather than as single travellers*'.

In summary from an access and highways capacity standpoint Highway Officers would have no objection to the proposals, subject to condition being imposed to ensure parking and turning is carried out in accordance with the approved details.

ECOLOGY OFFICER - Initially advised further information was required to assess the potential for the former amenity building to provide habitat for protected species, however no comments

received following the submission of amended plans omitting the former amenity building.

FLOOD RISK ENGINEER – confirmed separate SAB approval would be required for surface water drainage.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Stuart McFarlane, Ty Capel, Saron
The occupant, Bro Dawel, Saron

Summary of planning based representations in objection:

Principle:

Contradicts previous consent which required land to be reverted back to agricultural land.
Continued development in rural area.
No need – already fishing lakes / reservoirs / rivers in the area.

Visual amenity:

Damage to surrounding area / local landscape.
Negative impact on cultural values / local identity of Saron, which is a small Welsh village.

Residential amenity:

Noise pollution from more vehicles accessing the site
Disruption to local residents from traffic / visitors.

Traffic:

Increased traffic
Will car park be open to the general public?

Drainage:

Potential for flooding from lake

Other:

Health and safety of visitors near deep water / unsupervised

EXPIRY DATE OF APPLICATION: 23/09/2020

EXTENSION OF TIME AGREED? 11/11/2020

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- re-consultations / further publicity necessary on amended plans and / or additional
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for engineering works to form a fishing lake approximately 2,500 square metres in area with a depth of up to 2.25 metres as shown on the plans at the front of this report.
- 1.1.1 An existing vehicular access is proposed to serve the site and 10 parking spaces are proposed within the site.

1.1.2 The proposed site plan shows 16 fishing platforms positioned around the lake.

1.2 Other relevant information/supporting documents in the application

1.2.1 The application is accompanied by a Supporting Statement and a Tree Survey.

1.2.2 The Supporting Statement indicates the existing administrative office at the caravan site will serve to organise the function of the coarse fishery and toilet facilities can also be made available for anglers use.

1.2.3 It goes on to state the fishing pond would be open to the general public and caravan park visitors and would cater for approximately 30 visitors per day.

1.2.4 The Tree Report confirms there are no category A trees within the site. Some existing trees are proposed to be felled to facilitate the development, however the site plan shows new tree planting around the site boundary and within the site.

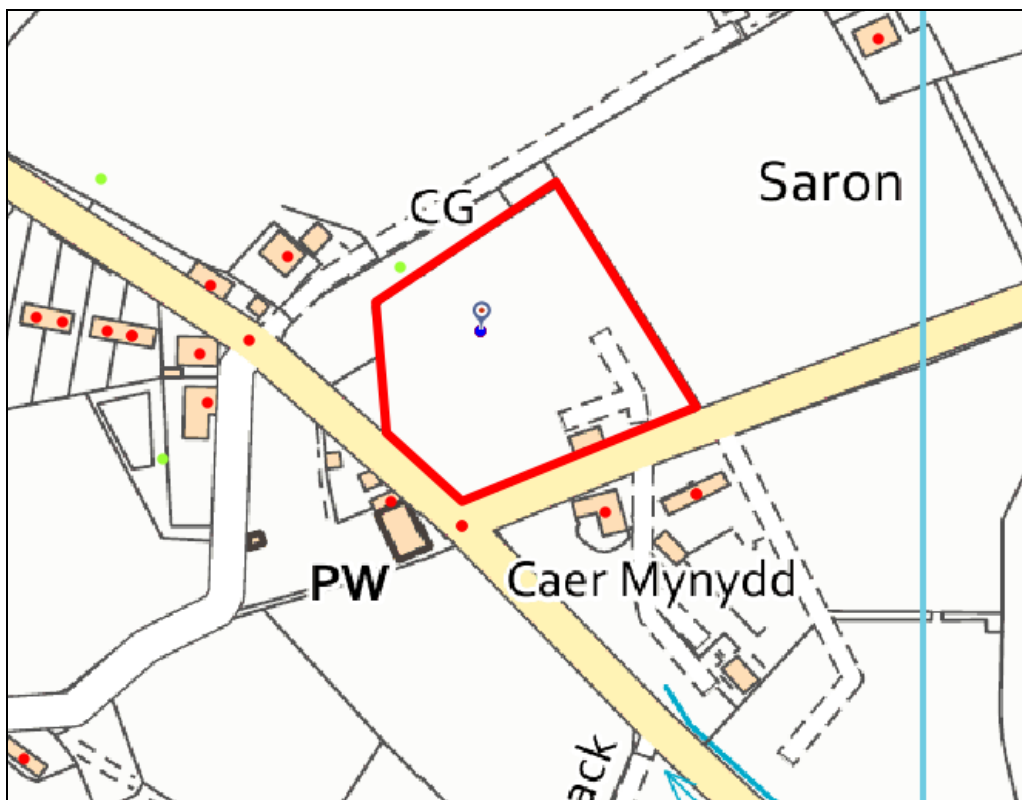
1.3 Description of site and surroundings

1.3.1 The site is located along a minor road in Pentre Saron, some 5 miles to the south west of Denbigh.

1.3.2 The site previously formed part of the Caer Mynydd caravan park, however the use of the land was relinquished in 2016 following the grant of planning consent for an extension to the caravan park and the site is currently a grassed field with an existing vehicular access.

1.3.3 The caravan park lies on the opposite side of the road to the south-east, and there is a residential property on the opposite side of the road to the south-west (Ty Capel) and Bro Dawel and Pentre cottage are to the north-west.

1.3.4 The relationship with properties in the village is shown below:



1.3.5 Officers photos of the site are below:



1.4 Relevant planning constraints/considerations

1.4.1 The site is located outside any development boundary as identified in the Local Development Plan.

1.5 Relevant planning history

1.5.1 Extensive planning history for this site which previously formed part of the Caer Mynydd Caravan site (referred to as Caer Mynydd North).

1.5.2 Planning permission granted in 2016 for an extension to the caravan site, however the consent was subject to the caravan site use of the application site (Caer Mynydd

North) being relinquished, and conditions were imposed requiring the amenity block to be demolished and the land restored to agricultural land.

- 1.5.3 Planning permission for the retention of the amenity block for agricultural use was refused in 2019.

1.6 Developments/changes since the original submission

- 1.6.1 The site was formerly used as part of the Caer Mynydd caravan site however the use of the land was relinquished to facilitate consent for an extension to the caravan park and the demolition of the former amenity block was required by condition. The amenity block had not however been demolished and the site was subject of a breach of condition enforcement notice.
- 1.6.2 The current application originally including the conversion of a former amenity block to an office / reception building, however in order to comply with the conditions imposed on the previous consent, the amenity building was demolished during the course of the application.
- 1.6.3 Amended plans and documents were submitted and the description of the development was amended to remove reference to the conversion of the amenity block. Re-consultation was then carried out on the application.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 23/2016/1218/ PF Extension of existing Holiday Park to allow for the siting of 35 Static Holiday Caravans in lieu of 41 Mixed Touring Pitches with the relinquishing of the northern element of the park. Granted 13/12/2017. The caravan use of the site subject of this application was relinquished and the following condition was imposed:
7. The amenity building, all caravans, hardstandings, play equipment and other ancillary structures currently sited on Cae'r Mynydd North (former 30 mixed touring unit site) shall be demolished and/or removed from the land no later than 6 months from the date of this permission and the land shall be restored to grassland/ agricultural use no later than 12 months from the date of this permission.
Reason: In the interest of clarity, permission is hereby granted on the basis of the cessation of the use of Cae'r Mynydd North for holiday use purposes.
- 2.2 23/2018/0521/PS Variation of condition 7 (restoration of Caer Mynydd North) of planning permission code no 23/2016/1218 to allow an additional 12 months to comply with the condition. Refused 06/08/2018.
- 2.3 23/2018/1164/PF Retention and change of use of amenity block to an agricultural building for the storage of equipment and machinery relating to the management of the land. Refused 04/03/2019. Appeal dismissed.

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 PSE6 – Retail economy

Policy PSE14 – Outdoor activity tourism

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

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 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

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
- 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
Policy PSE5 supports the principle of tourism and commercial development which help sustain the rural economy and Policy PSE14 supports proposals which expand or reinforce the tourism offer of the County in the outdoor activity sector subject to compliance with the policy criteria.

Representations have been received from the Community Council and members of public raising matters in relation to the principle of the proposal, including the need for a fishing lake in this area of the County and the conflict with conditions imposed on a previous planning application requiring the caravan site use of the land to be relinquished and the land restored to agricultural (the 2016 consent).

The proposal is for a recreational fishing lake and Officers consider the main policy against which the principle of the proposal should be assessed is Policy PSE14 which supports proposals which expand or reinforce the tourism offer in the County for outdoor activity sector and it is of note that this policy does not require proposals to be supported by a business case.

The fishing lake would be a recreational facility for anglers and would be open to the public and to visitors staying at the caravan site, so Officers are satisfied this would fall within the outdoor activity sector.

With respect to concerns raised regarding the conflict with the 2016 consent, Members may recall that the site previously formed part of the Caer Mynydd caravan site (North field). In April 2016 Planning Committee resolved to grant planning permission for an extension to the caravan site, however to mitigate the impacts of the proposed extension, the use of the North field was relinquished and consent was granted subject to a condition requiring the existing infrastructure to be removed and the land reinstated to agricultural land.

Officers consider the current proposal has to be assessed on its own merits. The proposal is for a fishing lake with landscaping and new planting around the periphery and within the site. Whilst the proposal includes the provision of a carpark area, there are no buildings proposed within the site and the land around the lake would be mainly grassed rather than hardstanding. Ponds and lakes are considered to be appropriate uses in the open countryside, and subject to details of landscaping being secured by conditions, Officers would consider the site would not appear to be developed but would instead appear to be more natural in appearance, and in Officers view, the proposal would not conflict with the reasons for imposing the condition 7 on the 2016 consent.

Officers would therefore conclude that, subject to an assessment of detailed impacts contained in the remainder of this report, the principle of the proposal is acceptable.

4.2.2 Visual 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 visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Policy PSE14 requires proposals to be appropriate to their setting and PSE5 requires proposals to be appropriate in scale and nature to the local area.

Representations from the community Council and members of the public have raised concerns on visual amenity grounds.

The site is not within protected landscape and it is well related to Pentre Saron and the Caer Mynydd caravan park on the opposite side of the road.

Whilst a parking area is proposed, no buildings are proposed within the site and the application documents indicate the existing office building at the caravan park can be used to manage the fishing lake and amenities within the caravan park can be made available to anglers.

As no buildings are proposed, other than the car park, Officers consider the site would appear more natural rather than developed.

Trees are proposed to be removed to facilitate the development, however the tree report submitted concludes there are no high value trees within the site and the site plan indicates that new planting is proposed within the site, however details of landscaping have not been provided, and therefore Officers consider it necessary to impose pre-commencement conditions requiring details of landscaping to be imposed.

No details of lighting have been provided, and given the setting Officers would consider lighting should be kept to a minimum, but again this is something which would be adequately be addressed by condition.

Subject to necessary conditions being imposed to secure details of landscaping and lighting, the proposal is not therefore considered to give rise to unacceptable impacts on visual amenity.

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.

Representations from the Community Council and members of the public have been received on grounds of residential amenity, including noise from traffic and general disturbance to local residents.

The plans show the fishing lake would provide 16 fishing platforms for anglers and 10 parking spaces are provided. The supporting information indicates that they would expect up to 30 visitors today, so based on those figures Officers would assume each angler would stay for several hours.

Officers would also note that angling is generally regarded as a quiet pastime.

Having regard to the nature and scale of the proposal, Officers do not consider the proposal would give rise to unacceptable levels of noise and disturbance.

Lighting can often be intrusive to neighbours, and therefore conditions are proposed to control the extent of outdoor lighting within the site, and similarly conditions can be imposed to restrict the use of audio equipment.

Subject to conditions being imposed, Officers consider the proposal would not give rise to unacceptable impacts from noise.

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.

Representations from the Community Council and members of the public have raised on drainage grounds, including concerns that potable water for the village comes up through these fields and that a neighbouring property has a legal right to discharge from their septic tank to the land and that the formation of a fishing lake may increase flooding.

NRW and the Council's Drainage Engineer have raised no objection to the proposal.

Respectfully, Officers would consider any legal rights over land would be a civil rather than a planning matter.

Notwithstanding the concerns raised by the Community Council, having regard to the nature of the proposal which is to create a fishing lake of up to 2.5m in depth, there is no evidence before the Council to indicate that such a proposal would adversely affect water resources within the locality or that it would result in an increased risk of flooding offsite.

Officers would also note that, owing to the area of the development, separate consent would be required for surface water drainage.

Officers therefore conclude the proposal does not appear to be in conflict with the policies listed above.

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.

Representations from the Community Council and members of the public have raised concerns on access and highway safety grounds.

Highway Officers have raised no objection to the proposal, subject to conditions being imposed to ensure parking and turning space is provided in accordance with the approved plans.

The proposal is to utilise an existing access which previously served the site when it was in use as a touring caravan site with 30 pitches.

10 carpark spaces are proposed within the site and it is expected the site would accommodate up to 30 visitors per day.

Owing to the nature and scale of the proposal, and the professional views of Highway Officers, subject to conditions being imposed, the proposal is not considered to give rise to an unacceptable impact 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.

Climate Change

Members are reminded that the Council declared a climate change and ecological emergency which included a commitment to make the authority net carbon zero by 2030, enhance biodiversity across the county and call on the Welsh and UK governments to provide assistance and resources to enable the Council to reduce greenhouse gas emissions. Having regard to recent case law, Members are advised that the local declaration now forming part of the Council's decision making is a material planning consideration, and has been taken into account in assessing this application.

5. SUMMARY AND CONCLUSIONS:

5.1 Notwithstanding the concerns raised by the Community Council and members of the public, subject to the imposition of necessary conditions, the proposal is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 11th November 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) Topographical Survey (Drawing No. 35478) - Received 30 July 2020
 - (ii) Location Plan (Drawing No. 1) - Received 30 July 2020
 - (iii) Aerial Photograph (Drawing No. 2) - Received 30 July 2020
 - (iv) Photograph of Existing Site Access (Drawing No. 3) - Received 30 July 2020
 - (v) Proposed Site Plan (Drawing No. 4) - Received 30 July 2020
 - (vi) Proposed Section A-A (Drawing No. 5) - Received 30 July 2020
 - (vii) Sketch Impression of Site as Proposed (Drawing No. 6) - Received 30 July 2020
 - (viii) Proposed Lake Contour Plan (Drawing No. 7) - Received 30 July 2020
 - (ix) Arboricultural Survey (Drawing No. ARB/4086/Y/100) - Received 30 July 2020
 - (x) Preliminary Ecological Appraisal - Received 30 July 2020
 - (xi) Ecological Scoping Survey and Biodiveristy Statement - Received 30 July 2020
 - (xii) Supporting Statement - Received 30 July 2020
3. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles as indicated on the approved plan, and shall be completed prior to the use commencing.
4. **PRE-COMMENCEMENT CONDITION**
No development or site clearance shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development.
5. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of 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

6. No external lighting shall be installed without the formal written approval of the Local Planning Authority to the detailing and siting of the proposed lighting. The approved scheme shall be implemented strictly in accordance with the approved details.
7. No signage shall be installed without the formal written approval of the Local Planning Authority to the detailing and siting of the proposed signage. The approved scheme shall be implemented strictly in accordance with the approved details.
8. No security or communication equipment, including CCTV, shall be installed without the formal written approval of the Local Planning Authority to the detailing and siting of the proposed equipment. The approved scheme shall be implemented strictly in accordance with the approved details
9. No ancillary buildings, storage containers, caravans or other such moveable structures shall be permitted to be stored, sited or stationed on the land at any time.

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. 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.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. In the interests of visual and residential amenity.
7. In the interests of visual and residential amenity.
8. In the interests of visual and residential amenity.
9. For the avoidance of doubt in order to control development in the open countryside and in the interests of visual and residential amenity.