

REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

**PLANNING CONDITIONS REPORT: APPLICATION REFERENCE NUMBER
40/2021/0309 – PLOT C7, ST. ASAPH BUSINESS PARK, ST. ASAPH**

1. PURPOSE OF THIS REPORT:

- 1.1 Members will recall that planning application reference: 40/2021/0309 was discussed at the October Planning Committee meeting.
- 1.2 .The application related to the erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works on the St Asaph Business Park.
- 1.3 Committee resolved to grant planning permission contrary to Officers recommendation, subject to the planning conditions being brought back to Committee for approval.
- 1.4 This report seeks Members approval on the conditions to be imposed on the planning consent.

2. PROPOSED CONDITIONS:

- 2.1 Having regard to the nature and scale of the development, advice of statutory consultees and the resolution of Planning Committee, Officers would propose the following conditions and advisory notes should be imposed on the planning consent:

1. The development to which this permission relates shall be begun no later than 10th November 2021

Reason 1: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Proposed Context Elevations (Front and Side) (Drawing No. BR:STAR:BR:PL26) - - Received 26 March 2021
 - (ii) Proposed Context Elevations (Rear and Side) (Drawing No. BR:STAR:BR:PL27) - Received 26 March 2021
 - (iii) Proposed Elevations (A and B) (Drawing No. BR:STAR:BR:PL21) - Received 26 March 2021
 - (iv) Proposed Elevations (C and D) (Drawing No. BR:STAR:BR:PL22) - Received 26 March 2021
 - (v) Proposed Elevations (E and F) (Drawing No. BR:STAR:BR:PL23) - Received 26 March 2021
 - (vi) Proposed Elevations (G and H) (Drawing No. BR: STAR:BR:PL24) - Received 26 March 2021
 - (vii) Proposed Elevations 3D Visual (Drawing No. BR:STAR:BR:PL25) - Received 26 March 2021
 - (viii) Proposed External Finishes (Drawing No. BR:STAR:BR:PL18) - Received 26 March 2021
 - (ix) Proposed Ground Floor Plan (Block A) (Drawing No. BR:STAR:BR:PL08) - Received 26 March 2021
 - (x) Proposed First Floor Plan (Block A) (Drawing No. BR:STAR:BR:PL09) - Received 26 March 2021
 - (xi) Proposed Second Floor Plan (Block A) (Drawing No. BR:STAR:BR:PL10) - Received 26 March 2021
 - (xii) Proposed Roof Plan (Block A) (Drawing No. BR:STAR:BR:PL11) - Received 26 March 2021
 - (xiii) Proposed Ground Floor Plan (Block B) (Drawing No. BR:STAR:BR:PL04) - Received 26 March 2021
 - (xiv) Proposed First Floor Plan (Block B) (Drawing No. BR:STAR:BR:PL05) - Received 26 March 2021
 - (xv) Proposed Second Floor Plan (Block B) (Drawing No. BR:STAR:BR:PL06) - Received 26 March 2021
 - (xvi) Proposed Roof Plan (Block B) (Drawing No. BR:STAR:BR:PL07) - Received 26 March 2021
 - (xvii) Proposed Ground Floor (Block C) (Drawing No. BR:STAR:BR:PL12) - Received 26 March 2021
 - (xviii) Proposed First Floor Plan (Block C) (Drawing No. BR:STAR:BR:PL13) - Received 26 March 2021
 - (xix) Proposed Second Floor Plan (Block C) (Drawing No. BR:STAR:BR:PL14) - Received 26 March 2021
 - (xx) Proposed Roof Plan (Block C) (Drawing No. BR:STAR:BR:PL15) - Received 26 March 2021
 - (xxi) Proposed General Arrangement (Ground and First Floor) (Drawing No. BR:STAR:BR:PL16) - Received 26 March 2021
 - (xxii) Proposed General Arrangement (Second Floor and 3D Sketch) (Drawing No. BR:STAR:BR:PL17) - Received 26 March 2021
 - (xxiii) Proposed Section AA (Drawing No. BR:STAR:BR:PL19) - Received 26 March 2021
 - (xxiv) Proposed Section BB (Drawing No. BR:STAR:BR:PL20) - Received 26 March 2021
 - (xxv) 3D Sketches (10 Drawings) - Received 26 March 2021

(xxvi) 3D CGI (5 Drawings) - Received 26 March 2021
 (xxvii) External Car Parking & Access Road Lighting (Revision R1) - Received 26 March 2021
 (xxviii) Courtyard Landscape General Arrangement (Drawing No.PPL.19.1094.100 Revision r1) - Received 26 March 2021
 (xxix) Courtyard Landscape Hardworks (Drawing No. PPL.19.1094.101 Revision r1) - 8 April 2021
 (xxx) Courtyard Landscape Softworks / Multi Stem Shrubs & Trees (Drawing No. PPL.19.1094.102 Revision r1) - Received 8 April 2021
 (xxxi) Courtyard Landscape Hedges, Shrubs, Ground Cover & Herbaceous Perennial Planting (Drawing No. PPL.19.1094.103 Revision r1) - Received 8 April 2021
 (xxxii) Courtyard Landscape Levels (Drawing No. PPL.19.1094.104 Revision r1) - Received 8 April 2021
 (xxxiii) Courtyard Landscape Lighting Concept (Drawing No. PPL.19.1094.105 Revision r1) - Received 8 April 2021
 (xxxiv) External Landscape General Arrangement (Drawing No. PPL.19.1094.200 Revision r1) - Received 26 March 2021
 (xxxv) External Hardworks (Drawing No. PPL.19.1094.201 Revision r1) - Received 8 April 2021
 (xxxvi) External Hardworks (Sheet 1) (Drawing No. PPL.19.1094.201 Revision r1) - Received 8 April 2021
 (xxxvii) External Hardworks (Sheet 2) (Drawing No. PPL.19.1094.201 Revision r1) - Received 8 April 2021
 (xxxviii) External Hardworks (Sheet 3) (Drawing No. PPL.19.1094.201 Revision r1) - Received 8 April 2021
 (xxxix) External Hardworks (Sheet 4) (Drawing No. PPL.19.1094.201 Revision r1) - Received 8 April 2021
 (xl) External Softworks (Drawing No. PPL.19.1094.202 Revision r1) - Received 8 April 2021
 (xli) External Softworks (Sheet 1) (Drawing No. PPL.19.1094.202 Revision r1) - Received 8 April 2021
 (xlii) External Softworks (Sheet 2) (Drawing No. PPL.19.1094.202 Revision r1) - Received 8 April 2021
 (xliii) External Softworks (Sheet 3) (Drawing No. PPL.19.1094.202 Revision r1) - Received 8 April 2021
 (xliv) External Softworks (Sheet 4) (Drawing No. PPL.19.1094.202 Revision r1) - Received 8 April 2021 (xlv) Ramp Levels (Drawing No. PPL.19.1094.203 Revision r1) - Received 26 March 2021
 (xlvi) External Boundary Treatments (Drawing No. PPL.19.1094.204 Revision r1) - Received 26 March 2021
 (xlvii) Drainage Layout (Drawing No. 3825-CAU-XX-XX-DR-C-1601-P1.0) - Received 26 March 2021
 (xxxv) Existing Site Layout (Drawing No. 3825-CAU-XX-XX-SK-C-0100 Rev P1.0) - Received 26 March 2021
 (xlviii) Proposed Site Plan (Drawing No. BR:STAR:BR:PL02) - Received 26 March 2021
 (xlix) Proposed Block Plan (Drawing No. BR:STAR:BR:PL03) - Received 26 March 2021
 (xxxix) Site Location Plan (Drawing No. 3825-CAU-XX-XX-T-1800 rev P1) - Received 26 March 2021
 (l) Planning Boundary (Drawing No. 3825-CAU-XX-XX-T-1801 rev P1) - Received 26 March 2021
 (li) Supporting Planning Statement (Dated March 2021) - Received 26 March 2021
 (lii) Air Quality Assessment (Dated March 2019) - Received 26 March 2021
 (liii) Arboricultural Survey (Dated 06/03/19) - Received 26 March 2021
 (liv) Noise Assessment (Dated 08/02/21) - Received 26 March 2021
 (lv) Preliminary Ecological Appraisal (Etive Ecology Ltd Dated March 2019) - Received 26 March 2021
 (lvi) Transport Assessment (Dated Feb 2021) - Received 26 March 2021
 (lvii) Luminaire Calculations (Dated 03.10.19) - Received 26 March 2021
 (lviii) Planning Need Assessment (Dated February 2021) - Received 26 March 2021
 (lix) Travel Plan (Dated May 19) - Received 26 March 2021
 (lx) Sequential Site Search Assessment (Dated February 2021) - Received 26 March 2021
 (lxi) Highway Advice Technical Note - Received 26 March 2021
 (lxii) Email from Star Units Limited (Dated 18/05/21) - Received 20 May 2021
 (lxiii) Response to BCUHB Letter from Star Units Limited (dated 20/07/21) - Received 21 July 2021
 (lxiv) Carterwood letter responding to consultation responses (dated 20/07/21) - Received 21 July 2021
 (lxv) Caulmert letter responding to Strategic Planning and Housing Team (dated 24/09/21) - Received 24 September 2021

Reason 2: For the avoidance of doubt and to ensure a satisfactory standard of development.

Highways conditions

3. Notwithstanding the submitted details, no works in connection with the vehicular access and highway shall be permitted to commence until the written approval of the Local Planning authority has been obtained to the details of the proposed access/highway works including the design and construction of the roads, footway, drainage, street

lighting, and signage. The approved works shall then be completed in accordance with the approved detailed prior to the commencement of the use hereby approved.

Reason 3: To ensure the formation of a safe and satisfactory access in the interest of highway safety.

4. PRE-COMMENCEMENT CONDITION. The use / 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.

Reason 4: The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.

5. 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.

Reason 5: 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.

Ecology condition:

6. PRE-COMMENCEMENT CONDITION. No development shall commence until an amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The Conservation Plan shall include, but not be limited to:

- a) Build upon the principles outlined in the approved Preliminary Ecological Appraisal (Etive Ecology Ltd, March 2019)
- b) Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications and locations); access requirements across the fence during construction; and monitoring and maintenance requirements. Submission to include proposed timescales and reporting requirements;
- c) Submission of a long-term site management plan for the SuDS pond. Provisions of this plan shall include aims and objectives, (including those related to amphibians; the habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; surveillance and monitoring ; licensing requirements for undertaking habitat management and surveillance; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan ;
- d) Submission of measures designed to prevent the accidental capture/killing of amphibians during operational phase of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features);
- e) Details of timing, phasing and duration of construction activities and conservation measures
- f) Timetable for implementation demonstrating that works are aligned with the proposed development
- g) Ecological Compliance Audit, including key performance indicators
- h) Persons responsible for implementing the works

- i) Post construction monitoring for amphibians in the SuDS Pond throughout the operation phase of the facility. The water body shall be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7&AspxAutoDetectCookieSupport=1>) with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include annual abundance counts and Habitat Suitability Index (HSI) assessments.
- j) Submission of a biosecurity risk assessment.

The Conservation Plan shall be carried out in accordance with the approved details.

Reason 6: in the interests of nature conservation and to protect the favourable conservation status of protected species

Landscaping condition:

7. 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

Reason 7: In the interests of visual amenity

Drainage condition:

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason 8: 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

Noise condition:

9. All habitable rooms in the development hereby approved shall be fitted with windows which are non-opening and retained as such at all times, unless for an emergency evacuation.

Reason 9: In the interests of protecting residential care home residents from unacceptable levels of noise

NOTES TO APPLICANT:

developer.services@dwrwymru.com

DCWW3 – Public Sewer Connection

The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under the Water Industry Act 1991. If the connection to the public sewer is either via a lateral drain (i.e a drain which extends beyond the connecting property boundary) or via a new sewer (i.e serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication “Sewers for Adoption” – 7th Edition). Further information can be obtained via the Developer Services pages of www.dwrwymru.com

DCWW 5 - Asset Protection

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

DCWW 6 – Water Supply

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

HIGHWAY1 - Highway Supplementary Notes

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

HIGHWAY3- Section 278 Agreement

Please be advised there will be a need for a Section 278 Agreement under the Highways Act to be entered into prior to the commencement of the development.

SUDS – SuDS Approval required

Developments of more than a single dwelling, or those involving a construction area of more than 100sq.m may be subject to the Sustainable Urban Drainage approval process. Denbighshire County Council is the appointed SuDS Approval Body, contact 01824 706901 or email landdrainage.consultations@denbighshire.gov.uk

Detailed information and advice is available on the Councils website:

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/sustainable-drainage-systems-suds/sustainable-drainage-systems-suds.aspx>

COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

Please be reminded that any permission or consent must be carried out strictly in accordance with the approved plans and conditions imposed which are clearly listed on this certificate of decision. Pre-Commencement conditions should be given particular attention. Failure to do so could result in enforcement action being taken by the Local Planning Authority.

Further detailed information on how to comply along with other relevant information relating to your decision is contained in the detailed Notes to Applicant attached to this certificate which you are strongly advised to consider.

If you are in any doubt about your obligations, including any obligation you may have to pay commuted sums, please contact the Local Planning Authority at planning@denbighshire.gov.uk quoting the reference of your planning permission.

3. RESOLUTION:

- 3.1 To approve the conditions and advisory notes set out in Section 2 above for inclusion on the Decision Notice.

EMLYN JONES

HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTYSIDE SERVICE

