

**42/2021/0729**



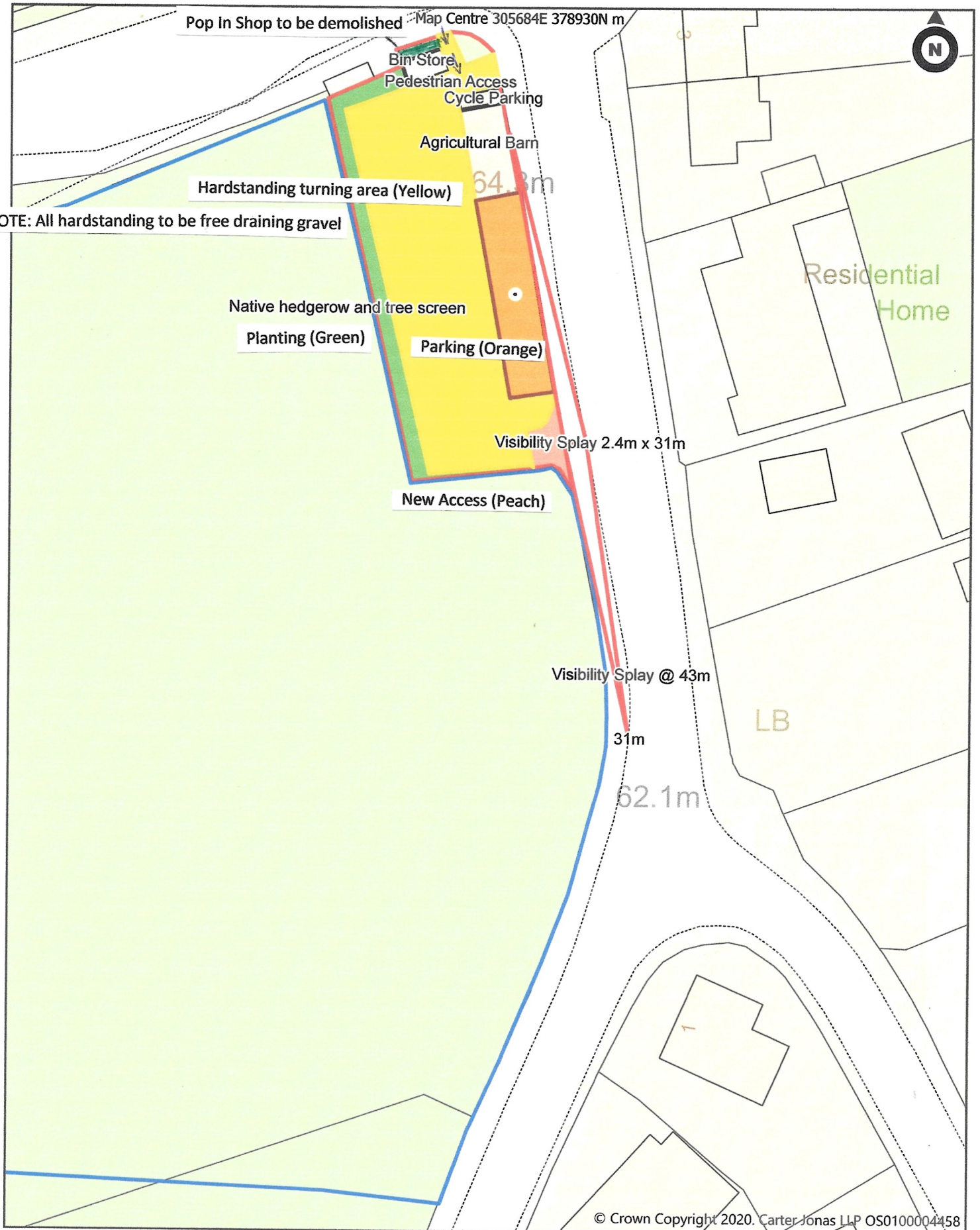
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Client:

Project: Pop In Shop and Barn

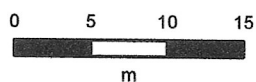
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Date: 11/4/2021

Drawn By: CS

Dwg no:

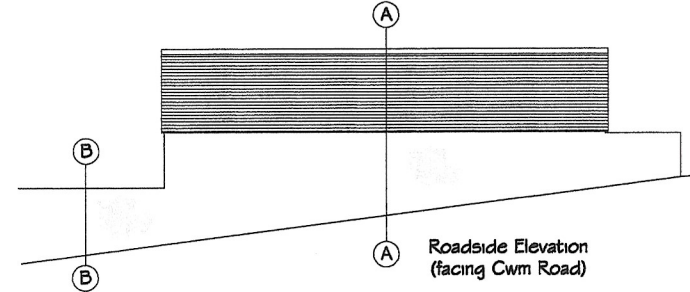
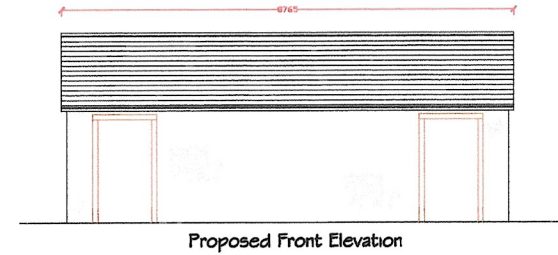
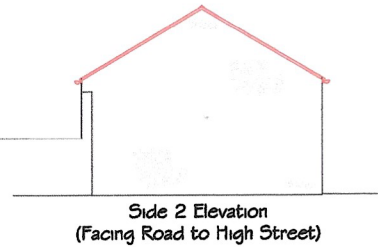
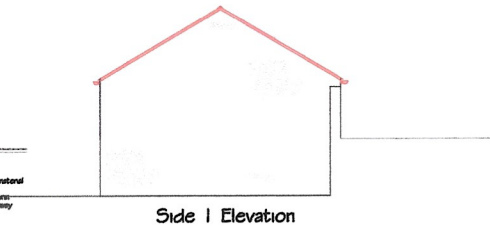
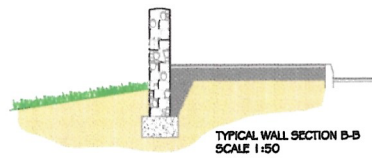
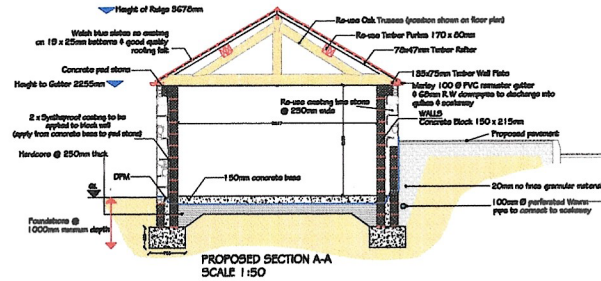




**NOTES**

Do not scale off drawing.  
 Drawing to be read in conjunction with all relevant Structural, Mechanical and Electrical Drawings.  
 All dimensions to be checked on site.


DENBIGHSHIRE COUNTY COUNCIL CONTACT:  
 • SAK JACOBS  
 • SAK.JACOBS@denbighshire.gov.uk  
 • OFFICE TEL: 01844 706007  
 • OFFICE FAX: 01844 814750  
 DENBIGHSHIRE COUNTY COUNCIL  
 BUILDING SERVICES  
 CALCATION OFFICE  
 SAINTFIELD ROAD  
 OSWESTRY  
 DENBIGHSHIRE  
 LL16 5AU



SCALE 1:50 @ A1

PROPOSED ELEVATIONS/SECTION AND FLOOR PLAN

Rev No.	Date	Amendment	Initials


 Dyngor  
 Sir Ddiwydych  
 Denbighshire  
 County Council

**BUILDING SERVICES**

Checked name: \_\_\_\_\_

Scale: 1:50      Date: SAK

**PLANNING**

Drawn: \_\_\_\_\_

Proposed Floor Plan / Elevations and Section

Dwg No: 002      Rev No: -

Date: 27/08/08      Date: \_\_\_\_\_





Existing agricultural building







View of existing agricultural building and existing access





Existing agricultural building





View along Cwm Road towards traffic light junction  
with A5151





Junction between Cwm Road and A5151







View along boundary with Cwm Road





Existing 'Pop-in' retail unit





Existing 'Pop-in' retail unit



**WARD :** Dyserth

**WARD MEMBER(S):** Cllr David Gwyn Williams

**APPLICATION NO:** 42/2021/0729/ PF

**PROPOSAL:** Demolition of existing pop-in shop and change of use of agricultural building to retail use, formation of new vehicular access, provision of car parking and associated works

**LOCATION:** The Pop In Shop and Agricultural Building, Cwm Road, Dyserth

**APPLICANT:** Bodrhyddan Estate

**CONSTRAINTS:** None

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
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:**

**DYSERTH COMMUNITY COUNCIL**

*Original comments:*

Whilst the Community Council have no objection in principle, providing that the application is subject to compliance with relevant policies and planning guidance notes. However, upon perusing the deposited plan the Council raise the following concern: Vehicles entering / exiting the proposed car park may be a cause of danger, in particular, as it is within a very short distance to the traffic lights. Possibly the car park entrance could be located further away from the junction.

*Re-consultation comment:*

The Community Council have no objection in principle, providing that the application is subject to compliance with relevant policies and planning guidance notes. The Community Council were initially concerned with the access to the premises; it is noted however, that this has been revised and will be repositioned further south.

**NATURAL RESOURCES WALES –** No comments to make.

**DWR CYMRU / WELSH WATER -** No objection, subject to condition being imposed to prevent surface water discharging to the public sewer.

**WELSH GOVERNMENT (LANDSCAPES, NATURE AND FORESTRY DIVISION)**

The Department has not previously surveyed the site. According to the Predictive Agricultural Land Classification (ALC) Map for Wales, the land is considered 'Urban' and Grade 2. Due to the small size of the site, Welsh Government do not recommend a detailed ALC survey of the site is undertaken and it would be impractical.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Traffic, Parking and Road Safety

-Highways Officer:

*Original comments:*

Raised concerns with the use of the existing access on highway safety grounds due to proximity to cross roads junction.

*Re-consultation response:*

A speed survey has been carried out at the location and the results show that 85 percentile of traffic speeds over a 7 day period are 26.8 mph. In accordance with TAN 18, Table B, 31m in both directions is provided at the point of access and to achieve this, the access location has been repositioned further south of the site which Highways Officers consider a safer alternative to the previous proposals utilising the existing access.

In accordance with D.C.C's parking standards, 1 commercial vehicle space and 1 operational space is required per 60m<sup>2</sup> of the gross floor space. The proposals provide 6 parking spaces above the guidelines. It must be noted that given the size of the building and advice received that the use of the building will be a small scale shop i.e., farm shop offering local products. Following discussion with the planning officer restrictions can be imposed on the type of size of commercial vehicle and this will be addressed with the officer concerned.

It is proposed to extend the double yellow lines on the boundary side of the development and separate negotiations are underway to alter the parking restrictions which will be a separate matter to the planning application.

Having assessed the proposals and in light of the small scale development Highways Officers consider that the access, visibility, parking arrangements are adequate and acceptable and do not foresee, given the above, any significant highway related issues arising from the development.

Therefore have no objection subject to notes to applicant being imposed.

**Strategic Housing & Policy Officer:**

LDP policies PSE 9 and PSE 10 are supportive of new small scale retail development in towns and villages. It is acknowledged the building is outside the development boundary, however it is adjacent to the boundary and the planning proposal is considered to be aligned with the thrust of these policies.

Policy PSE4 supports the conversion of rural buildings for employment uses.

Principle is therefore supported by local policies.

Policy ASA3 and Parking Requirements SPG deal with parking, however parking bay numbers are not specified. It is however stressed standards laid out in SPG are maximum standards and it should be noted the site is close to a bus stop and accessible on foot from centre of Dyserth.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Linda Platt, Golygfa, 11 Cwm Road, Dyserth

Graham Platt, Golygfa, 11 Cwm Road, Dyserth

Andrew Hurst, 5, Cwm Road, Dyserth Megan Hurst, 5, Cwm Road, Dyserth

Elizabeth Baines, 15 Cwm Road, Dyserth

Robert Baines, 15, Cwm Road, Dyserth

Summary of planning based representations in objection:

*Principle:*

Pop-in has been closed for years, so not replacing existing shop

Does not add value to Dyserth or to local community

Loss of agricultural land to create carpark.

Not traditional building – it was re-built following road widening.

*Highways:*



Access is too close to the cross roads junction with main A-road. Will adversely impact on highway safety along Cwm Road.

Access is close to residential accesses on opposite side of road.

On-road parking along Cwm Road is already a hazard.

Cwm Road / A Road already congested.

Close to bus stop used by school children.

Cwm road is a pedestrian route to local school.

Would increase on-road parking.

*Re-consultation responses:*

Bob Baines, 15 Cwm Road, Dyserth

Megan Hurst, 5, Cwm Road, Dyserth

Gary Griffith, 9 Cwm road Dyserth

Summary of planning based representations in objection:

*Highways:*

Do not consider altered access would be sufficient to overcome highway safety concerns – access should be much further away from cross roads, or off the main A road.

*Other:*

Do not support larger commercial development

Plans are not clear to understand / no key.

In support

Representations received from:

Gaz Thomas, 25, Church Street, Dyserth

Lee King, 1 Bridge Street, Rhyl

Erin Connor, 13, Pendre Avenue, Prestatyn

Summary of planning based representations in support:

*Principle:*

New retail would be positive addition to town

Employment development / boost local economy

Re-use of vacant building

*Highways:*

Cars shouldn't be parking on road close to junction anyway – should be controlled by double yellow lines.

Retail unit proposed includes onsite parking

**EXPIRY DATE OF APPLICATION: 07/09/2021**

**EXTENSION OF TIME AGREED: 15/12/2021**

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

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The proposal is for the demolition of the existing 'pop-in' shop and for change of use of an agricultural building to A1 retail use.
- 1.1.2 A new vehicular access is proposed along the road frontage off Cwm Road, and a parking and turning area is proposed within the site.

## 1.2 Description of site and surroundings

1.2.1 The site comprises a redundant retail unit (the pop-in shop), an existing agricultural building situated in the corner of an agricultural field and agricultural land.

1.2.2 The site is located on the edge of the Dyserth settlement, and is adjacent to the traffic light junction between the A5151 and Cwm Road.

## 1.3 Relevant planning constraints/considerations

1.3.1 The site lies outside of, but adjacent to, the Dyserth development boundary.

## 1.4 Relevant planning history

1.4.1 Planning permission was granted in 2008 for the existing stone livestock shed to be dismantled and then re-erected further back from Cwm Road in order to facilitate the provision of a shared footway and cycleway along the westerly side of Cwm Road.

## 1.5 Developments/changes since the original submission

1.5.1 In response to highway concerns, a speed survey was carried out and the proposed vehicular access arrangements have been amended. A new vehicular access is now proposed rather than utilising the existing field access.

1.5.2 Following the submission of amended plans, the application was re-consulted upon.

## 1.7 Other relevant background information

1.7.1 None.

## **2. DETAILS OF PLANNING HISTORY:**

2.1 42/2008/1034. Re-siting of existing field shelter. Granted 27/11/2008

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE4** – Re-use and adaptation of rural buildings in open countryside

**Policy PSE5** – Rural economy

**Policy PSE6** – Retail economy

**Policy PSE10** – Local shops and services

**Policy ASA3** – Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

### **Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 18 Transport (2007)

## **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 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Loss of agricultural land
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Highways (including access and parking)
- 4.1.6 Drainage

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy PSE4 states proposals for the conversion of rural buildings outside development boundaries for employment use will be supported.

Policy PSE5 supports commercial development outside development boundaries, subject to compliance with policy criteria, including that proposals are appropriate in scale and nature to its location and existing buildings are converted in preference to new build.

Policy PSE9 and PSE10 support small scale retail developments within existing settlements. It is noted the site lies outside of, but immediately adjacent to the Dyserth development boundary.

Public representations have been made both in support and objection to the principle of the development.

The Strategic Planning Officer has raised no objection to the principle.

The site lies just outside the Dyserth development boundary and the proposal is to convert a redundant agricultural building into a small retail unit.

Having regard to the policies above, the proposal is considered to be acceptable subject to an assessment of impacts considered in the remainder of this report:

#### 4.2.2 Loss of agricultural land

Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 11 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

The site lies within the corner of an agricultural field on the edge of Dyserth, and some agricultural land would be lost to development.

According to the Predictive Agricultural Land Classification (ALC) Map for Wales, the land is considered 'Urban' and Grade 2.

Due to the small size of the site, Welsh Government do not recommend a detailed ALC survey of the site is undertaken as it would be impractical.

The proposal would result in the loss of approximately 400 square metres (0.04 hectares) of agricultural land. Officers would note the remainder of the field would remain in agricultural use.

Owing to the small site area, the fact the remainder of the field would remain in agricultural use, and that the opportunity for further loss of agricultural land in this location is limited, Officers consider the very limited loss of agricultural land is justified in this instance.

#### 4.2.3 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.

PPW 11 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

No representations have been received on visual amenity grounds.

The proposal is to demolish the existing 'pop-in' shop and to convert an existing agricultural building into a retail unit. No external changes are proposed to the building.

A new vehicular access and parking / turning area are proposed.

Whilst the proposal will result in the loss of a small section of agricultural field, having regard to the scale and siting, Officers do not consider the proposal would result in a detrimental impact on the character of the local area.

The proposed plan shows that a new hedgerow is proposed to enclose the site, however planting details have not been specified. Harding standing areas are proposed to be free draining gravel, however other detailing such how land would be reinstated following the demolition of the pop-in shop, or the treatment proposed for the existing vehicular access has not been confirmed.

Whilst the detailing is limited, Officers consider it can nevertheless be controlled by condition.

Owing to the siting and location of the proposal, Officers also consider it necessary to restrict permitted development rights which extend to retail facilities in the interests of visual amenity.

Having regard to the design, siting, scale, massing and materials of the proposal, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

#### 4.2.4 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.

No representations have been received on residential amenity grounds.

There are residential properties opposite the site along Cwm Road.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

#### 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 11) 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.

The Community Council and public representations have raised concerns on highway safety grounds.

Highways Officers initially raised concerns with the original proposal to utilise an existing field access on highway safety grounds. Following a speed survey being undertaken and the site access being relocated, Highways Officers have confirmed they have no objection to the proposal.

The original plan showed an existing field access being utilised to provide vehicular access to the proposed retail unit.

In response to highway concerns raised, the applicant carried out a speed survey and amended plans have been submitted. A new vehicular access is now proposed further along Cwm Road rather than utilising the existing field access.

In accordance with Parking Requirements SPG, 1 commercial vehicle space and 1 operational space is required per 60m<sup>2</sup> of the gross floor space.

The proposed block plan includes provision for onsite vehicular parking and turning, which is of a sufficient size to provide onsite parking in excess of the standards laid out in the SPG.

The site is also close to a bus stop and is within walking distance from the centre of Dyserth.

Highways Officers have also indicated that, owing to the proximity to the road junction with the A5151, restrictions should be imposed on the type of size of commercial vehicle which can access and egress the site. Officers consider that conditions can be imposed to prevent Heavy Goods Vehicles accessing the site.

Officers also consider conditions are necessary to ensure the existing field access is not utilised, and parking and turning area is provided before the retail use commences.

Owing to the siting and location of the proposal, Officers also consider it necessary to restrict permitted development rights which extend to retail facilities in the interests of highway safety.

Notwithstanding the concerns raised by members of the public, owing to the size of the retail unit proposed, the results of the speed survey data and the advice of the Highway Officer, the proposal would not result in any unacceptable adverse impact on highway safety.

#### 4.2.6 Drainage

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.

Dwr Cymru have raised no objection, subject to conditions being imposed to prevent surface water runoff discharging to the public sewer.

No foul water drainage is proposed and no details of surface water drainage are provided.

Dyserth is served by the mains sewer and any future foul drainage should therefore connect to the mains sewer.

Owing to the site area, surface water drainage would be subject to separate SAB approval, and therefore does not need to be controlled through the planning process

As foul drainage does not form part of the application, should a connection to the mains sewer be unfeasible and a private treatment system be required, this would require planning permission. A note to applicant is proposed to make this clear to the applicant.

#### 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 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 15th December 2026
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) Existing plans and elevations received 14 July 2021
  - (ii) Proposed elevations and floor plans received 14 July 2021
  - (iii) Existing block plan received 14 July 2021
  - (iv) Existing block plan with annotation received 14 July 2021
  - (v) Proposed block plan (V3) received 16 November 2021
  - (vi) Location plan received 14 July 2021
  - (vii) Design and Access Statement received 14 July 2021
  - (viii) Ecological Survey received 14 July 2021 (ix) Additional information email received 19 August 2021
  - (x) Traffic Speed Survey received 4 November 2021
3. Notwithstanding the provisions of all Classes of Part 42 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said

Classes shall be carried out without approval in writing of the Local Planning Authority.

4. No development or site clearance shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
  - a) boundary treatments;
  - b) planting schedules and species lists;
  - c) surfacing of parking and turning areas;
  - d) reinstatement of land following demolition of the existing 'pop-in shop' retail unit;
  - e) treatment of the existing farm access to be closed off; and
  - f) means of enclosure of bin storage area.The development shall be carried out in accordance with the approved details.
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. The existing 'pop-in shop' retail unit shall be demolished and the land reinstated in accordance with details of landscaping subject of condition 4 above, prior to the commencement of the retail use hereby permitted.
7. Notwithstanding the submitted details, no works in connection with the siting, design and construction of the means of access to the site hereby approved shall be undertaken without the written approval of the Local Planning Authority to the detailing thereof. The approved works shall be completed prior to the commencement of the retail use hereby permitted.
8. The existing field access shall be permanently closed to vehicular traffic prior to the commencement of the retail use hereby permitted.
9. 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 commencement of the retail use hereby permitted.
10. No vehicles which fall within classes OGV1, OVG2 or PSV as defined by the Design Manual for Roads and Bridges shall be permitted to exit / egress the site at any time.
11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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. In the interest of residential and visual amenity and highway safety.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
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. In the interests of highway safety.
9. 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.
10. In the interests of highway safety.
11. 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.



