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Heading:

45/2011/1048

Land at Cefndy Trading Estate

Rhyl



Application Site

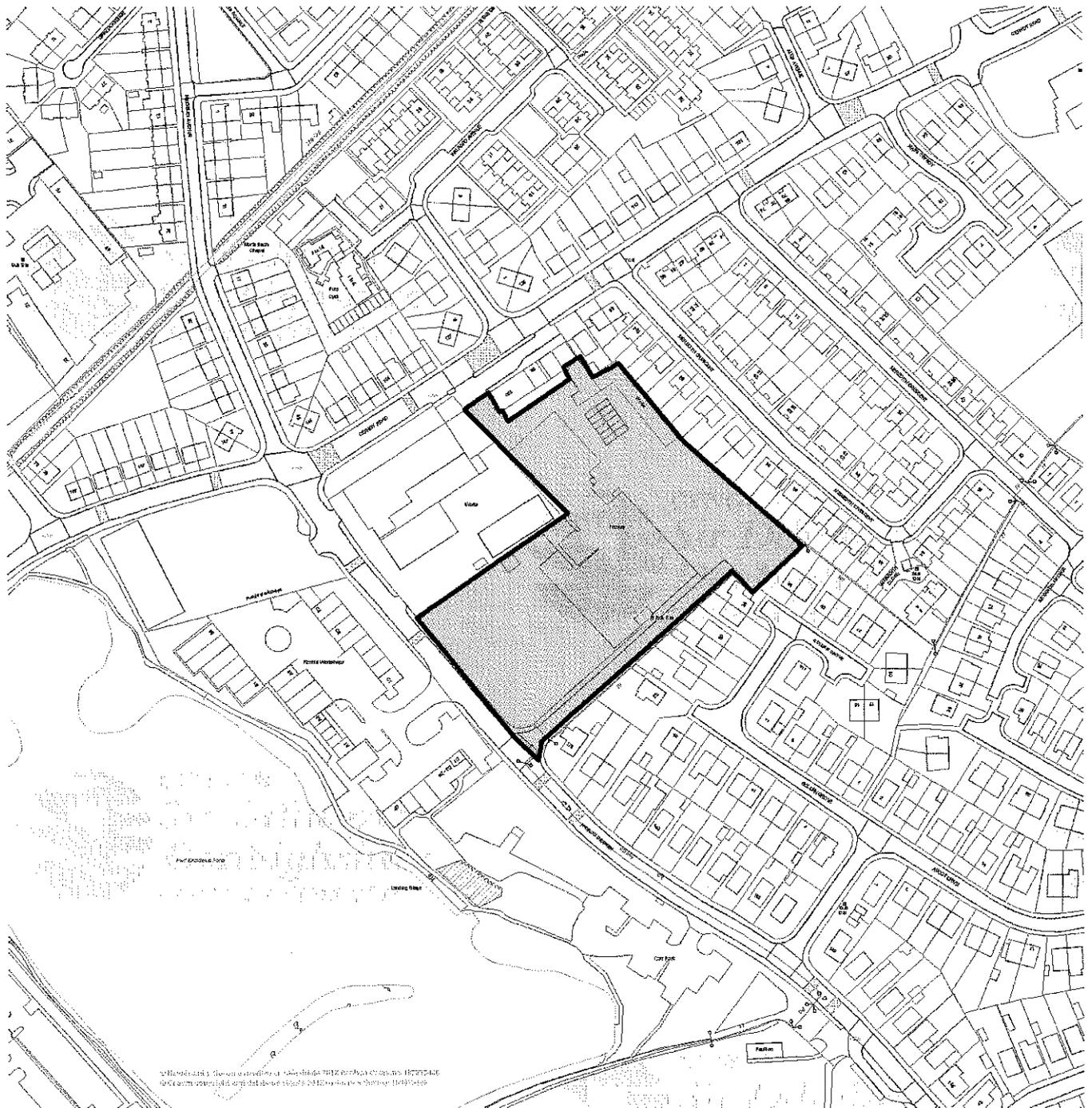


Date 16/5/2012

Scale 1/2500

Centre = 301398 E 380526 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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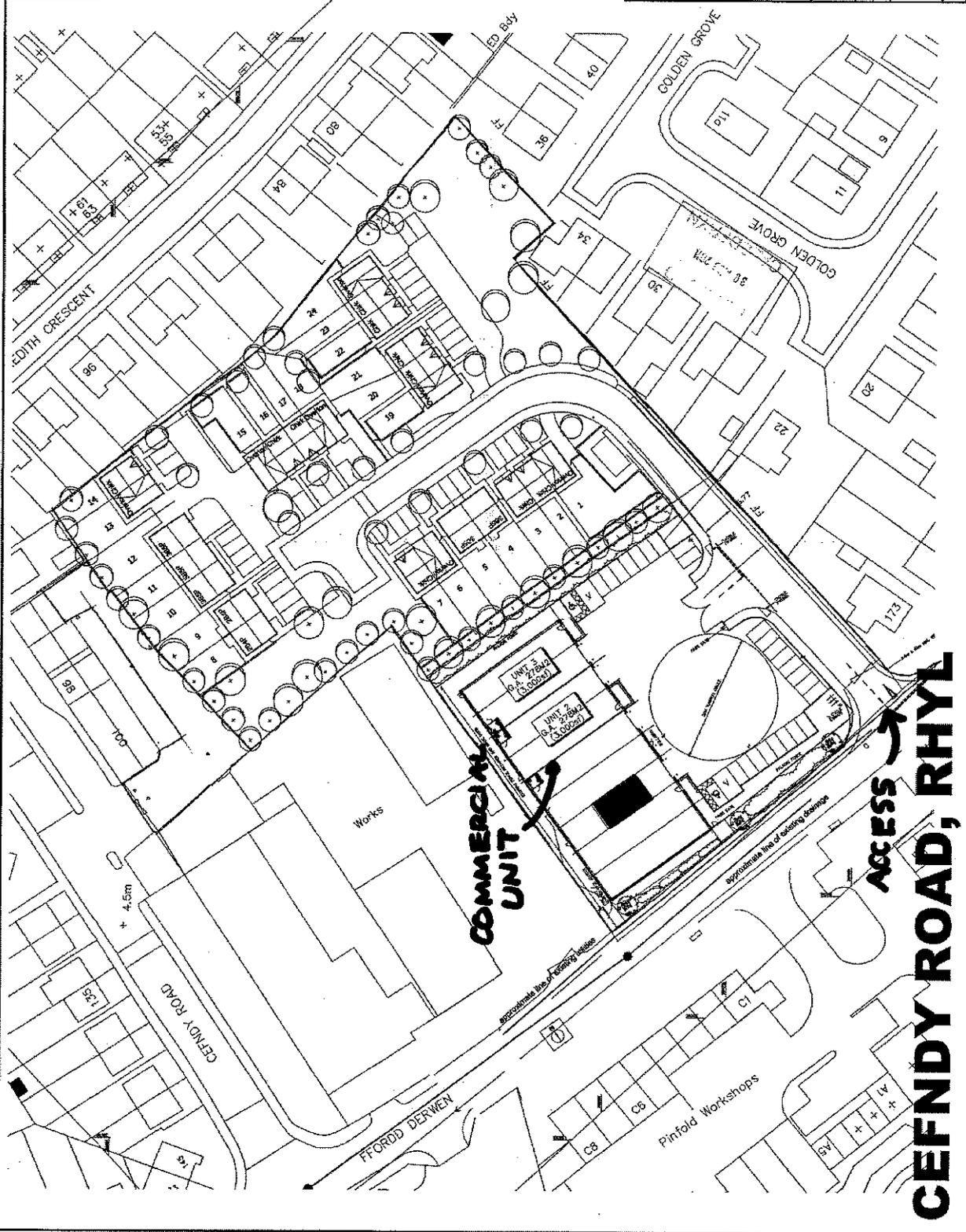
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LAYOUT

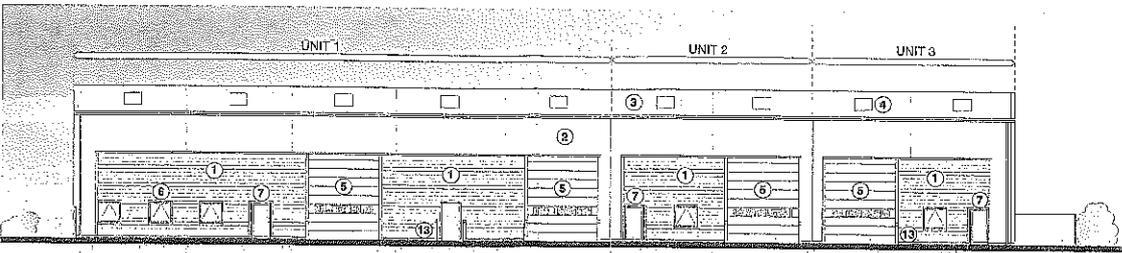
4.5 / 2011 / 10.48 / P.F

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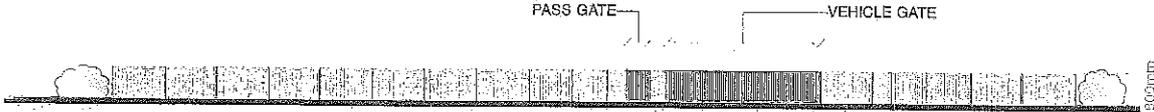
Project Name ANHYL HOMES CEFNDY ROAD RHYL	Client PLANNING LAYOUT
Date 25/07/11	Scale 1:500/000
Astle Planning & Design 10, The Quadrant, Rhyll, Flintshire, CH7 1JG Tel: 01248 861111 Fax: 01248 861112 Email: info@astleplanning.co.uk Website: www.astleplanning.co.uk	



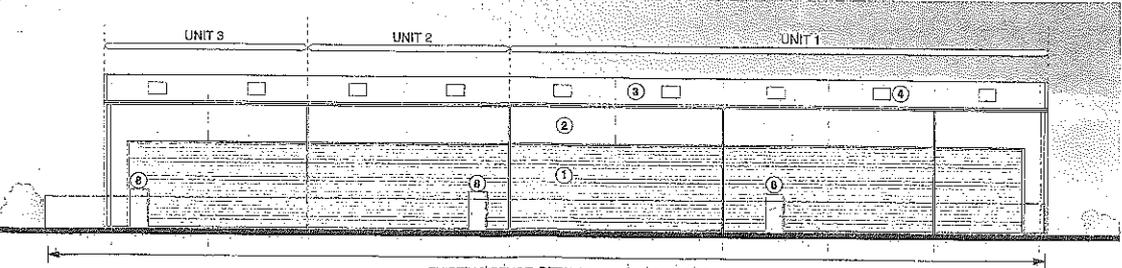
ELEVATIONS OF COMMERCIAL UNITS



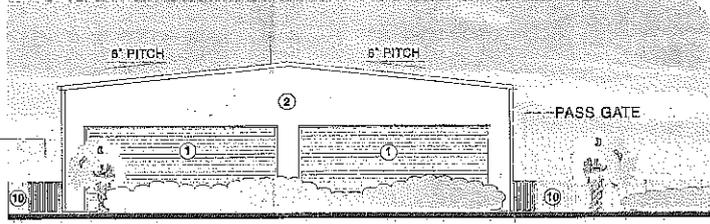
UNITS 1-3 : SOUTH EAST ELEVATION



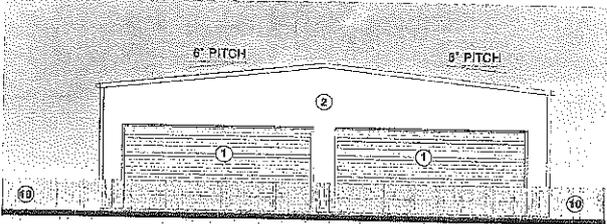
PALADIN FENCE : SOUTH EAST ELEVATION



UNITS 1-3 : NORTH WEST ELEVATION



UNIT 1 : SOUTH WEST ELEVATION



UNIT 3 : NORTH EAST ELEVATION

PJM

ITEM NO: 5

WARD NO: Rhyl South West

APPLICATION NO: 45/2011/1048/ PF

PROPOSAL: Development of 1.35ha of land by the erection of 24 no. dwellings including landscaping, open space and access and erection of a 1,299 sqm commercial unit including parking, servicing and access

LOCATION: Land at Cefndy Trading Estate, Ffordd Derwen and Cefndy Road Rhyl

APPLICANT: Anwyl Construction Co. Ltd.

CONSTRAINTS: C1 Flood Zone
Tree Preservation Order

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

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"Objection unless the application is amended to provide or conditions applied to:

1. The operations of commercial units should be restricted to prevent vehicle deliveries/departures between the hours of 2100hrs and 0800hrs in the interests of the amenities of adjacent residential properties.
2. Appropriate parking restrictions/signage to be included preventing the parking of vehicles on the feeder road and Ffordd Derwen limiting the parking in the residential part of the development to residents only. The reason for this condition is that the Town Council are aware of issues which have occurred in neighbouring areas (Marsh Road/Fforddilas) whereby commercial operators (particularly businesses involved in car maintenance activities) have utilized neighbouring residential roads for the parking and storage of customer and staff vehicles to the inconvenience and disadvantage of local residents.
3. The Open Space should include for CCTV installation by the developer to avoid it becoming an area which attracts anti-social behaviour to the detriment of the amenities currently enjoyed by residents of Golden Grove, Meredith Crescent and the new development. The new development should accord with the provisions of Section 17 of the Crime and Disorder Act 1998.
4. The Open Space to include suitably sized fencing on all four sides to take account of ball games and other activities likely to occur. The close proximity of adjoining gardens from Golden Grove and Meredith Crescent are likely to result in recreational objects (such as footballs) entering adjoining private gardens. Due to the layout of the streets persons seeking to recover such items are unlikely to follow the road system to recover the footballs but instead climb over the boundary fences and enter the private gardens. Similarly the layout provides for 8 parking spaces in close proximity to the open space which will result in vehicles being vulnerable to damage from mis-hit objects from the open space. The inclusion of the fence will also help prevent an informal access from the open space being developed from the Golden Grove boundary."

WELSH WATER

No objection subject to foul and surface water discharges being drained separately from the site. Welsh Water has also accepted that the surface water being taken to the Brickfield pond with only part of the water entering their system is an acceptable compromise.

ENVIRONMENT AGENCY

Have suggested conditions in relation to dealing with possible land contamination. In relation to flood risk the Agency have explained that is for DCC to assess the acceptability or otherwise of the flood risk mitigation proposed in terms of the bund wall. The Agency requires 100 years Lifetime of Development criteria to be met.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND TRANSPORTATION

No objection subject to conditions to deal with parking, estate road designs and the provision of additional parking restrictions along Ffordd Derwen.

ENVIRONMENT OFFICER (Contamination)

Recommends similar conditions to those suggested by the Environment Agency in relation to ground testing.

AFFORDABLE HOUSING OFFICER

Response to be reported

RESPONSE TO PUBLICITY:

Objections received from:-

Brian Jones, Managing Director, Thorpe DT, Cefndy Rd, Rhyl, LL18, 2TT

Summary of planning based representations:

Concerns over the impact of existing manufacturing on the new housing development in terms of noise and logistics. Also concerns over the impact of the development on the existing highway network and parking availability.

EXPIRY DATE OF APPLICATION: 31/10/2011

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes the development of 1.35ha of land by the erection of 24no. dwellings including landscaping, open space and access and the erection of a 1299 sq.m commercial unit including parking servicing and access. The site is located to the south of Rhyl within the development boundary and within an allocated Employment Site as set out within the adopted Unitary Development Plan.

1.1.2 The application includes the following documentation:

- Design and Access Statement – The report outlines the vision for the site acknowledging its location in an Employment area and on brownfield land. The conclusions of the DAS make reference to a well designed mixed use development sensitive to and well connected to its surrounding area. It emphasises that the scheme is sustainable creating on site open space and play areas in compliance with the principles of national and local guidance.
- Sustainability documents – The submission includes a BREEAM document highlighting that the proposed commercial unit can achieve a very good rating against the set criteria. The submission also includes a compliance statement for the Code for Sustainable Homes highlighting a level 3 compliance.
- Flood Consequences Assessment – The Assessment highlights that part of the site is located within a flood zone and that the applicant has discussed mitigation options with the Environment Agency. The Lifetime of Development criteria has been included within this assessment as well as arrangements for the disposal of surface water.
- Marketing Report – The submission includes details from Legat Owen of how the site has been marketed for employment purposes. The report concludes that the site has been rejected by almost all national trade counter operators. There is, however, interest from a single operator who require 8,000 sq.ft of space and the developer is willing to promote a scheme to include a further 6,000 sq.ft of speculative space. The conclusion of the report is that this is the best employment level which could be achieved in this location.
- Affordable Housing Questionnaire – The submitted document highlights that the developer seeks to meet the adopted Council Policy of 30% affordable units within the 24no. proposed. This would give 7no. units.

1.2 Description of site and surroundings

- 1.2.1 The site has been cleared in the past few years and is a relatively flat, rectangular shaped area of land. The site had provided an employment offer for over 60 years and is in an area of Rhyl characterised by family housing supported by a variety of commercial premises. The site is located at the junction of two important thoroughfares, Cefndy Road and Ffordd Derwen. The site adjoins a flourishing commercial storage and manufacturing business to the north-west corner of the junction with a builder's merchants and light industrial estate located to the south side of Ffordd Derwen. To the north-east and south-east of the site are established residential estates. The site is bounded by fencing and has vehicular access points off Cefndy Road and Ffordd Derwen.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl and in an area allocated for Employment uses as set out in the Unitary Development Plan (EMP 2). The site is located within a C1 flood zone as set out within the Flood Advice maps.

1.4 Relevant planning history

- 1.4.1 The most relevant planning record for this site is the application reference 45/2009/1595 which sought the development of the site by the erection of 34 dwellings (Class C3) and 6no. independent living apartments (units for the residential accommodation and care of people in need of care – Class C2), together with associated open space, a 900 sq.m industrial unit and the construction of a new vehicular and pedestrian access off Ffordd Derwen.

- 1.4.2 The above application was the subject of a planning inquiry held in August 2010. The Planning Inspector dismissed the planning appeal and the relevant issues pertaining to this decision will be discussed at length later in the report.

1.5 Developments/changes since the original submission

- 1.5.1 During the course of the application the applicants submitted some revised and additional plans which attempted to deal with some drainage and flood risk concerns. The plans were revised to show how the flood risk acknowledged on part of this site would be dealt with by the construction of a flood defence wall around part of the site. Plans indicating relevant levels around the site were also included to highlight the flood risk mitigation measures. A drainage appraisal plan was also submitted highlighting the applicants' intentions to take foul water to the public sewer and take surface water in part to the combined sewer with a proportion pumped to the Brickfields Pond.

1.6 Other relevant background information

- 1.6.1 The proposed discharge of some storm waters from the site into the Brickfields Pond requires agreement from the Council as land owner. The applicant has agreed to pay for this and has suggested that this money can be used towards the Rhyl Cut scheme.

2. DETAILS OF PLANNING HISTORY:

- 2.1 The following are considered of relevance to this application:

Code 45/2009/1595/PF – Development of 1.35ha of land by the erection of 34no. dwellings (Class C3), 6no. supported living apartments (Class C2), together with associated open space, a 900 sq.m industrial unit and the construction of a new vehicular and pedestrian access off Ffordd Derwen. – REFUSED by PLANNING COMMITTEE AND DISMISSED ON APPEAL 15/9/10.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

- Policy STRAT 1 - General
- Policy STRAT 5 - Design
- Policy STRAT 6 - Location
- Policy STRAT 8 - Employment
- Policy STRAT 15 - Housing
- Policy GEN 1 - Development within Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy HSG 10 - Affordable housing within development boundaries
- Policy EMP 2 - Main Employment Areas
- Policy EMP 10 - Protection of employment land/buildings
- Policy REC 2 - Open Space requirements in new developments
- Policy ENP 1 – Pollution
- Policy ENP 4 – Foul and surface water drainage
- Policy ENP 6 – Flooding
- Policy ENP 8 – Contaminated Land
- Policy TRA 6 – Impact of new development on traffic flows
- Policy TRA 9 – Parking Provision

3.2 Supplementary Planning Guidance

- SPG 2 – Landscaping
- SPG 4 – Recreational Public Open Space

SPG 7 – Space Standards in new developments
SPG 8 – Access for All
SPG 18 – Nature Conservation and Species Protection
SPG 21 – Parking
SPG 22 – Affordable Housing

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales, 2011
TAN 1 – Joint Housing Land Availability
TAN 2 – Planning and Affordable Housing
TAN 8 – Renewable Energy
TAN 11 – Noise
TAN 12 – Design
TAN 15 – Development and Flood Risk
TAN 16 – Sport, Recreation and Open Space
TAN 18 – Transport
TAN 22 – Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on residential amenity
- 4.1.3 Impact on visual amenity
- 4.1.4 Highway and parking impacts
- 4.1.5 Flood risk and drainage issues
- 4.1.6 Land contamination issues
- 4.1.7 Affordable Housing Provision
- 4.1.8 Open space
- 4.1.9 Biodiversity/Protected Species
- 4.1.10 Design and access/Sustainability Code/Access for all

4.2 In relation to the main planning considerations:

4.2.1 Principle

The Unitary Development Plan reaffirms the support for sustainable development. Strategic Policies STRAT 1-16 highlight those considerations necessary in relation to such development; highlighting considerations relevant to location of development, regeneration, energy efficiency, minimising waste, integrated transport systems and design quality. Briefly, in terms of the specific strategic issues; STRAT 1 sets the main sustainable development approach with preference for maximising the use or re-use of derelict, vacant and under used land and buildings for development as opposed to greenfield sites; and requires that development is located so as to minimise the need for travel by private car and utilise existing infrastructure, facilities and services; the protection of biodiversity; protecting the best and most versatile agricultural land. STRAT 5 highlights the need for high quality design including the need to protect the character of the locality and respect local styles. STRAT 6 states that development should be primarily located in existing settlements and employment areas as opposed to open countryside. STRAT 8 stresses that any land allocated for industry and business will generally be retained and protected for those purposes. STRAT 15 highlights that there is a need to make provision for affordable housing in developments.

The Strategic policies would generally support the principle of commercial development on an allocated Employment site and housing (containing affordable units) within the development boundary of Rhyl. The key test in this application is whether a mixed use (commercial/residential) at the proportion proposed would meet the strategic aims of the Plan.

In relation to General policies in the Plan the most relevant to this case are:-
Policy GEN 1 – This policy supports the proposal as the development will be located within an existing settlement.

Policy GEN 6 – This is a generic policy which sets out a number of development control criteria against which proposals are assessed. The main thrust of the Policy is to ensure developments respect the site and surroundings in terms of siting of buildings and land uses, protect landscape features, protect the amenity of existing residents, provide safe and convenient access for persons with disabilities, pedestrians and cyclists and avoids congestion and highway dangers.

The above General policies would support the scheme but certain criteria would be need to be examined further. These criteria are looked at further in this report.

The key specific policy in the Plan is Policy EMP 10 which seeks to protect existing employment land and buildings. The proposal as submitted clearly seeks to develop housing on part of the allocated Employment site. The relevant EMP 10 Policy contains four criteria against which development proposals must be assessed. In summary these criteria are: the availability of other sites for the proposed development; the capability of the site to provide acceptable employment accommodation; whether the loss of the site would prejudice the ability of an area to meet a range of local employment needs; and the potential to relocate a non-conforming use.

All of the above criteria were examined in detail in the 2010 Planning Appeal outlined at para 1.4.2 above.

It is considered helpful to highlight the key issues of the aforementioned appeal as the proposal then had similarities to the proposal before Members now. In essence the previous scheme attempted to provide a proportion of the site for employment purposes with the other area shown for housing uses. The proportion offered at that appeal was roughly 4-1 of the site in favour of housing.

At the appeal parties had to accept that the location of the site, marketing attempts, the current economic climate and the proximity of existing nearby residential dwellings meant that the redevelopment of the whole site for an industrial use would not be viable. However, the Inspector commented that:-
“.....the mixed scheme assessed by the parties, i.e. a ratio of 4:1 in favour of industrial floor space, would not be likely to be viable. However, this position leaves a marked gap in information on the potential viability of a scheme that would provide a mix of uses that would lie between the two ratios that have been examined.”

In essence, the Inspector was inviting a revised scheme which provided less housing and more industrial floor space. We now have a scheme with less housing (24 as opposed to 34), the removal of the previous supported living unit and more commercial floorspace at 1299sq.m as opposed to 900sq.m.

Officers consider that, having regard to the marketing exercise carried out since the appeal, the assessment of the viability of the scheme by the Council's Viability consultant and the general improvements made to the layout of the scheme the mix of residential and industrial space is acceptable in principle.

4.2.2 Impact on residential amenity

Policy GEN 6 of the UDP seeks to ensure new development does not

unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes and litter, and provides satisfactory amenity standards in itself.

The site has historically been used for industrial purposes since the 1950's. Such uses have operated at the site in proximity to residential dwellings nearby. The 1299 sq.m commercial units are shown to be sited to the Ffordd Derwen end of the site abutting the existing industrial use at Thorpe Bros. The proposed units would be some 45m away from the nearest residential dwelling which fronts onto Ffordd Derwen. The units would be further away from existing residential units than previous industrial buildings on the site. This is considered to be an improvement to the levels of residential amenity previously experienced. The hours of operation of the commercial units can be controlled through condition as will the retention of parking areas for the commercial unit users. This will further reduce the potential for any negative impacts upon residential amenity.

Officers have assessed the location of the proposed 24no. residential dwellings, their floor levels in comparison to existing dwellings and the distances afforded between proposed and existing dwellings. The siting, scale and design of these dwellings would meet the adopted standards within the UDP in terms of space between dwellings, room and garden sizes. Officers are content, therefore, that the scheme will have no significantly detrimental impact on residential amenity.

4.2.3 Impact on Visual Amenity

Policy GEN 6 of the UDP also seeks to ensure that the form and character of the surrounding area is not harmed by any new developments ensuring that the development respects the site in terms of siting, layout, scale, form, design, density, materials and aspect.

The new industrial unit would have a maximum height of 8.5m which is commensurate with other previous industrial buildings on this site. It would be located some 45m from the nearest residential dwelling and set back from the main Ffordd Derwen road. The use of modern roofing and cladding materials on this building would not harm the visual amenities of the site or surroundings.

The residential units proposed are all designed to be two storeys in height. This would match those existing nearby on Meredith Crescent. The materials used on the properties would be brick and render and would not be out of character with those in the area generally. The layout of the scheme affords space around the buildings with garden sizes meeting the adopted SPG guidance.

Officers do not consider that the industrial units or the residential dwelling layout, scale or design would have an unacceptable impact on the visual amenities of the area.

4.2.4 Highway and parking impacts

Policies TRA 6 – Impact of new development on traffic flows; TRA 7 – Road design; TRA 9 – Parking and Servicing Provision; GEN 6 criteria v) and vii) are the main highway policies relevant to assessing the application.

Highway Officers have assessed the proposed development as acceptable. The industrial unit will 27 car parking spaces (including 2 disabled spaces) as well as cycle parking. The residential element provides parking on-site with each property in accordance with the adopted standards in the relevant SPG.

Subject to conditions which will require additional parking restrictions to be provided on Ffordd Derwen to prevent parking on junctions the scheme is acceptable in highway and parking terms.

4.2.5 Flood risk and drainage issues

Policies GEN 6 criteria x); ENP 1 Pollution, criteria i) ENP 4 – Foul and Surface Water Drainage, together with policy ENP 6 – Flooding, seek to control and avoid unacceptable harm to the environment /locality in terms of flooding and drainage implications. ENP 4 highlights that development will not be permitted unless satisfactory arrangements can be made for the disposal of foul sewage and surface water. TAN 15 guides development in respect of vulnerability and the degrees of flood risk.

The applicant has worked closely with Officers, Welsh Water and the Environment Agency in seeking an acceptable scheme for the disposal of foul and surface water drainage. Revised plans have been worked up which show a compromise position involving some surface water discharge being allowed into the combined public sewer and some being taken over to the nearby Brickfields Pond. Drainage Officers and Officers responsible for the Brickfields Pond see this as acceptable and will ensure that no contaminants enter the pond. The water discharged to the pond will be storm water and this provides a sustainable way of dealing with such discharge.

In terms of flood risk the Environment Agency had raised concerns about the residential development being located within a C1 Flood zone. The applicant has attempted to address the required 100 year Lifetime Homes criteria set out by the agency by proposing a small flood mitigation boundary wall around the perimeter of the lower part of the site. This is considered a reasonable mitigation measure by the Council subject to planning conditions to secure the future maintenance of the wall at the developers expense.

4.2.6 Land contamination issues

Policy ENP 8 of the UDP relates to Contaminated Land issues emphasising that development will not be permitted on or close to contaminated land unless it can be demonstrated that there is no unacceptable risk to life, the environment, water resources or property.

Both the Environment Agency and the Council's own Contaminated Land Consultant (Conwy CBC) have assessed the proposals having regard to any nearby landfill sites and the historic uses on this site. They have concluded that subject to conditions which deal with site investigations the proposed development is accepted in principle. There will have been the potential for historic industrial processes on this site contaminating part of the land. Suitably worded planning conditions can deal with this and further details will then need to be agreed with the EA.

4.2.7 Affordable Housing Issues

The requirement for provision of affordable housing in connection with housing developments within development boundaries is set out in Policy HSG 10 of the Unitary Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1 hectare or more and/or where more than 3 units are proposed. In this instance 24 units of accommodation are proposed in total, 30% of which are required to be affordable in the guidance.

The applicants have confirmed that they intend to make 7 units available as affordable within the scheme. This would be secured through a s.106 legal agreement. The units are spread throughout the site and will be consistent

with the design of the open market units. To this end there is no conflict with the adopted policies and guidance and the scheme is supported by the Affordable Housing Officer of the Council.

4.2.8 Open Space/Play

Policy REC 2 of the Unitary Plan sets out how new development (of 10 residential units or more) should provide landscaped amenity areas and open space. The Policy explains that the open space requirement is calculated dependent on the intended occupancy of the development. The space must be provided so that it is of benefit to the occupants of the new development. The first preference for this provision would be on-site or in certain instance off-site, providing it was close to an accessible from the development. Where the above options are not feasible a commuted sum may be considered.

The applicants intend to provide 929 sq.m of on-site community recreational open space to the east part of the site providing a buffer between some existing dwellings on Golden Grove and the new development. The remainder of the open space/play area provision would be given by way of a commuted sum.

This issue was examined at the previous planning appeal at this site. The Inspector accepted that, given the size and location of the site, it would be unviable to try to accommodate all open space and play provision on site. He noted the potential to contribute towards improvements to nearby play areas/open space at Brickfields Pond, Ffordd Derwen and at Meredith Crescent by way of a commuted sum.

Having regard to the previous appeal decision and the fact that an on-site play facility can be provided Officers feel that the proposal would comply with the intentions of the adopted policies and guidance.

4.2.9 Biodiversity/Protected Species

There are no known issues relating to any protected species on this site. The site is hard surfaced throughout and has been cleared of all buildings some years ago.

4.2.10 Design and access/Sustainability Code/Access for all

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan at STRAT 1 and STRAT 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes pre-assessment report indicates that the commercial development will attain a BREEAM rating of very good and the residential development will achieve the required number of credits under "Ene-1 – Dwelling Emission Rates and a Code Level 3. In line with advice contained within TAN 22, suitably worded conditions are proposed to ensure that the development is carried out in accordance with the Code.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The site lies within the development boundary of Rhyl. The site has historically been used for commercial/industrial uses which have operated in close proximity to residential uses. Whilst a scheme of 100% employment use on this site would fully comply with the adopted Policy of the UDP, a previous planning appeal has strongly suggested that a mix of commercial and residential would be the only viable scheme for the site.
- 5.2 To this end the applicant has addressed previous concerns raised as to the ratio of commercial to residential development and attempted to provide more commercial space, more open space and fewer dwellings.
- 5.3 The scheme would provide some much needed employment/commercial space and also contribute towards an affordable housing need. The density of the development would not lead to an unacceptable relationship with existing properties nearby and the space provided between dwellings and within plots meets the adopted policies and SPG standards.
- 5.4 Planning conditions would need to be imposed which would deal with parking, access, land contamination, landscaping, hours of operation for the commercial unit, noise controls and play facilities. A
- 5.5 The recommendation is subject to the completion of an obligation under s.106 of the Town and Country Planning Act 1990 within 12 months of the resolution of this Committee to secure:
- a) The provision of 7 affordable housing units and the retention of these for affordable purposes.
 - b) The paying of a commuted sum for the provision of off-site open space and children's play areas.
 - c) The provision and maintenance of on-site play areas.
 - d) The retention and maintenance of a flood mitigation wall as shown in the approved plans.
- 5.6 The Certificate of Decision would only be released on completion of the legal obligation. Should such an obligation not be completed within 12 months of this Committee resolution the application would be represented back to Planning Committee and determined in accordance with the Policies applicable at that time, should material circumstances change.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. Facilities shall be provided and retained within the housing estate and the industrial unit site for the parking, turning, loading and unloading of vehicles in accordance with the approved plan and which shall be completed prior to the proposed developments being brought into use.
3. **PRE-COMMENCEMENT**
The detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road and associated highway works shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any work on site and the work shall be constructed as the approved drawings before any dwelling is occupied.
4. The parking restrictions on Ffordd Derwen shall be extended in accordance with details to be agreed in writing by the Local Planning Authority and the order shall be in place before any work starts on site.

5. PRE-COMMENCEMENT

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment.

6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years 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.

7. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes [Level 3] and achieve a minimum of [6 credits] under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009]. The development shall be carried out entirely in accordance with the approved assessment and certification.

8. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

9. Prior to the occupation of each dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes [Level 3] and a minimum of [6 credits] under 'Ene1 - Dwelling Emission Rate', has been achieved for each dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide [May 2009].

10. PRE-COMMENCEMENT

Prior to the commencement of development, approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (i) A preliminary risk assessment which has identified:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site
 - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

11. PRE-COMMENCEMENT

Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

12. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

14. PRE-COMMENCEMENT

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed phasing strategy and construction method statement for the development of the site. Such a strategy shall include details of how the commercial units shall be constructed concurrently with the residential units and include details of timing and routing of constructions traffic, site compound details and all mitigation measures required during construction. Only those details subsequently approved shall be implemented thereafter.

15. Prior to their use in the development details of the precise materials and finishes for the commercial units and residential dwellings shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be used thereafter.

16. Foul and surface water discharges shall be drained separately from the site.

17. PRE-COMMENCEMENT

No development shall take place until a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed shall be implemented thereafter.

18. Prior to the construction, laying out and equipping of any formalised play areas within the site details of such areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include fencing types, security measures, signing and landscaping all of which shall be implemented and maintained thereafter in accordance with the approved details.

19. The commercial units hereby permitted shall be used for Class B1 or B8 usage only.

20. There shall be no outside storage of any materials associated with the commercial units hereby permitted unless in areas agreed in writing by the Local Planning Authority. Only those areas agreed shall be used thereafter.

21. All parking areas associated with the commercial units shall be kept available for that purpose at all times with appropriate signing provided to ensure this is managed. Such car parking management methods for the commercial units shall be submitted to and approved in writing prior to the areas first being used for that purpose.

22. The commercial units hereby permitted shall not be operational or open to the public outside of the following hours:-

Monday - Friday - 0700 - 2000hrs

Saturday - 0700 - 1800hrs

Sunday and any Bank Holidays - 0900 - 1300hrs

The reason(s) for the condition(s) is(are):-

1. To ensure the early redevelopment of this prominent, vacant development site.
2. 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.
3. In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.
4. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
10. For the protection of controlled waters. Given the past use of the site, it is possible that there have been unrecorded leaks from tanks and/or pipes leading to a persistent loss of fuel over time which could result in a source of contamination being present in the ground.
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13. For the protection of controlled waters. The past uses of the site have not been fully defined, but they are noted as being commercial/industrial, which could potentially give rise to unsuspected contamination.
14. To ensure employment provision on this allocated site is provided in conjunction with the residential development and to ensure the construction of the site proceeds without detriment to the surrounding areas.
15. In the interests of visual amenity.
16. To protect the integrity of the public sewerage system.
17. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment of the existing public sewerage system.
18. In the interests of visual and residential amenity.
19. For the avoidance of doubt and to protect the amenity of nearby residential dwellings.
20. In the interests of visual amenity.
21. In the interests of highway safety and to prevent the parking of vehicles on the nearby access roads.
22. In the interests of residential amenity.

NOTES TO APPLICANT:

None