

**09-2022-1080**

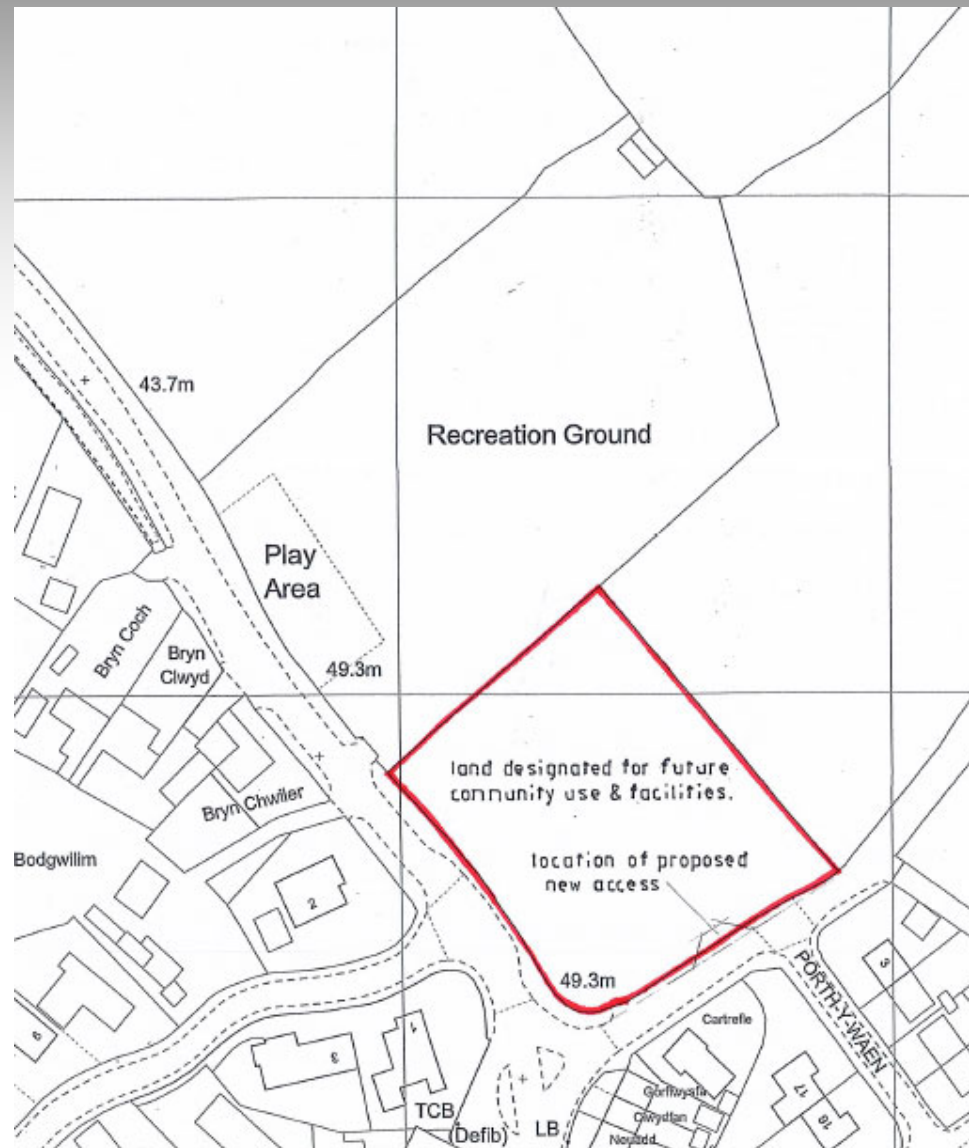
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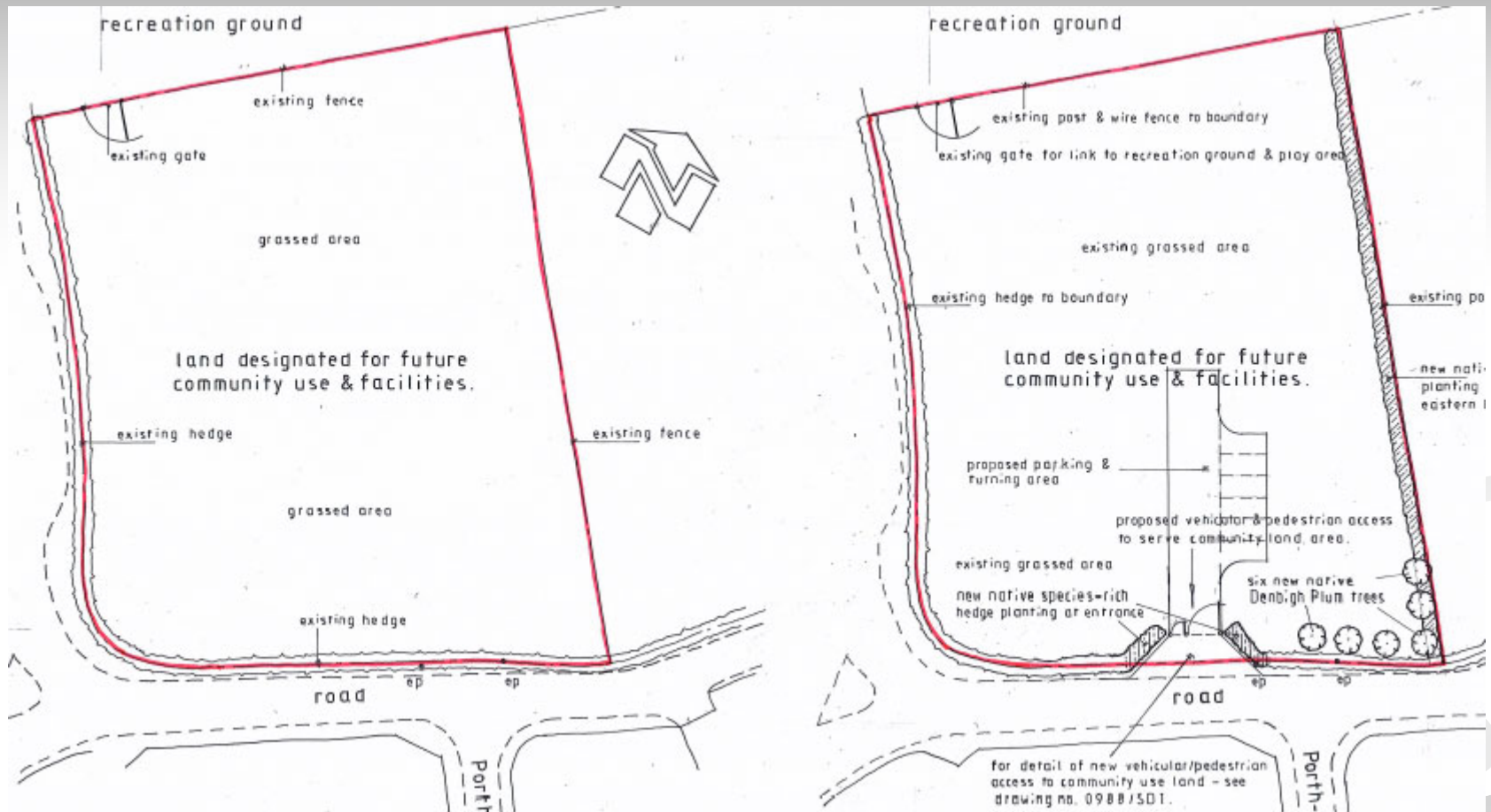
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Location plan





Existing and proposed site plan





Aerial view of the site







Location of access opposite Porth y Waen





Hedgerow within the site to be removed for access







View of the site from centre of the village



**WARD :** Llandyrnog

**WARD MEMBER(S):** Cllr Merfyn Parry (c)

**APPLICATION NO:** 09/2022/1080/ PF

**PROPOSAL:** Change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works

**LOCATION:** Land opposite Porth y Waen Aberwheeler Denbigh

**APPLICANT:** Mrs Helen Williams  
Aberwheeler Community Council

**CONSTRAINTS:** None.

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**ABERWHEELER COMMUNITY COUNCIL-**

No response received (applicant)

**CLWYD POWYS ARCHAEOLOGICAL TRUST**

'After checking the location via Google Street, the hedgerow involved looks to be quite modern, with the likelihood that a visibility splay increase for the road junction may have removed a section at the southwestern end. A little more investigation may be necessary, but I would suggest that the hedgerow may have been re-aligned with a road widening too, making the hedgerow of little significance. There are no known heritage assets on, or near the proposed section to be removed, and although the hedgerow/roadside is visible on the 1st ed Ordnance Survey mapping, I would suggest that it is not of any historic significance'.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

**Traffic, Parking and Road Safety:**

- Highways Officer  
No objection. Access is adequate to serve the development. Walking to the site would be more favourable and footway is opposite the site. There are low traffic movements on the road and no highways related issues are likely to arise from vehicular or pedestrian movement to/from the site. Consent will be required under Section 184 of the Highways Act.
- Ecology Officer  
A hedgerow assessment was undertaken and the hedgerow satisfied criteria 7.a) on average in a 30m length, at least 7 woody shrub and tree species listed in the regulations which means the hedgerow is classified as important and should be protected under the Hedgerow Regulations 1997.

Confirmed that the woody species in this hedgerow are hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), ash (*Fraxinus excelsior*), elder (*Sambucus nigra*), rose (*Rosa* species), hazel (*Corylus avellana*), and holly (*Ilex aquifolium*).

- Drainage Officer  
SAB approval required.
- Strategic Housing & Policy Officer-  
The site is Grade 3a agricultural land which is classed as Best and Most Versatile (BMV). Planning Policy Wales (11).

The applicant will need to demonstrate the overriding need for the development on this BMV land in line with national policy.

The site lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature. The provision of built community facilities can, subject to material planning considerations, be supported under LDP policy BSC 12 and a communities aspiration for additional facilities is understood.

The proposed car park on its own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

## **RECONSULTATION RESPONSES**

Submission of Ecological Appraisal

### **DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

- Ecology Officer  
No objection but recommend conditions are attached to ensure there are no negative impacts on protected species. The recommended conditions include; the submission of a detailed landscaping scheme and planting list, Habitat Management Plan (prior to completion) and ensuring all works which could result in the damage or destruction of active bird's nests takes place outside of bird breeding season (March-August inclusive).

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

Chris Dickson, Cartrefle, Aberwheeler

Nicola Bellerby, Cartrefle, Waen, Aberwheeler, Bodfari Kate Jackson, Bryn Awel, Bodfari

Summary of planning based representations in objection:

### *Principle*

Why does the site need to be in this location when the chapel can be used as a community centre

Already an entrance on the B5429 to the playground

Only part of the scheme submitted and only for a car park.

The park and recreational area is already underused and in need of development and maintenance, eg, provision for older children, benches for parents, upkeep of the football field, outdoor gym equipment, cycle run etc.

Wildflower planting can take place at the existing park

### *Highways*

The road is too narrow for an entrance to be used safely

No footpath on that side of the road



A new access will cause safety concerns for road users including pedestrians and horses, horse boxes, delivery vans, tractors buses  
Impacts to driveways opposite  
Hedge is kept high so visibility is a concern  
Query why existing entrance can't be used or a different entrance into the site  
No pedestrian walkway  
Improvements should be made to the existing park entrance at the brow of the hill

*Visual amenity*

Concerns the field is at a higher level than the road

*Ecology*

Loss of ancient hedgerows and impacts to birds and wildlife

*Residential amenity*

The access will impede the use of driveways of occupiers of dwellings opposite

*Drainage and flooding*

The field regularly floods in the south east corner and contained by the vegetation

**RECONSULTATION RESPONSES:**

None received.

**EXPIRY DATE OF APPLICATION: 08/03/2023**

**EXTENSION OF TIME AGREED: 26/05/2023**

**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
- deferral by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application seeks permission for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at land opposite Porth y Waen, Aberwheeler.
- 1.1.2 The existing field is proposed to be used as public open space land for use by the community and visitors. There is an existing gate to link with the recreation ground and play area to the north.
- 1.1.3 The application proposes a new access point into the site opposite Porth y Waen cul de sac. The access would involve the loss of 15.2m of hedgerow and would be set back 5m from the road. There would be a vehicle gate measuring 4m in width and a pedestrian gate 1.2m in width.
- 1.1.4 A 31m central access track is proposed in the centre of the field with car parking for 6 vehicles to the east side.
- 1.1.5 6 native species Denbigh Plum trees are proposed to be planted to the southeast corner along with replacement hedging to each side of the access.

- 1.1.6 A new native species hedgerow is proposed to be planted along the east boundary to supplement the existing fence line.

## 1.2 Other relevant information/supporting documents in the application

- 1.2.1 Planning Statement, Community Council Feasibility Study and Ecological Appraisal.

## 1.3 Description of site and surroundings

- 1.3.1 The site is an open agricultural field bound on 2 sides by mature hedgerow. A post and wire fence separates the site to the north from the existing community recreation area and play park.
- 1.3.2 There is no direct field access into the site within the red line boundary as submitted.

## 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside the Aberwheeler development boundary as defined by the LDP.
- 1.4.2 The site is Grade 3a high quality agricultural land as classified by the Welsh Governments Predictive Agricultural Land Classification.

## 1.5 Relevant planning history

- 1.5.1 Previous unsuccessful applications for development of the land for residential purposes including 'loss of important hedgerow' and loss of high grade agricultural land as reasons for refusal.

## 1.6 Developments/changes since the original submission

- 1.6.1 Submission of Community Council Feasibility Study (confidential) and Ecological Appraisal.

## 1.7 Other relevant background information

- 1.7.1 Members will recall that this application was deferred by Members at the April Planning Committee to allow time for consideration of an Ecological Appraisal and to arrange a Site Panel visit.
- 1.7.2 The land is currently owned by Denbighshire County Council and discussions are being had with Property over the transfer of land to the Community Council.

A Community Consultation and Feasibility Study was carried out by the Community Council in September 2022 regarding the potential uses of the community field. It concluded that there was little community facilities and activities in the village.

An outline plan was drawn up for future development opportunities at the site including a community hub building potentially serving food and drinks, gardens, planting and pitch improvements.

The report states that the Community Council have advised the use of the chapel as a community facility is currently not 'fit for purpose' which limits what types of activities and events are allowable there. The study recommends that the Community Council will need to fully satisfy themselves that; i) the facilities at the chapel are not appropriate for future needs, ii) the capital cost of redeveloping the facilities would be too prohibitive and iii) the development of any facility on the playing fields would not unduly undermine the chapel's continued operation as a place of worship.

The study also recommends the more detailed designs of the whole site are commissioned for the landscaping and Community hub building.

## 2. DETAILS OF PLANNING HISTORY:

2.1 5/19/7493 Development of land for residential purposes and new access, WITHDRAWN 16/04/1985

2.2 5/11797 Residential development, GRANTED 11/04/1991

2.3 09/212/97 Development of 0/70 hectares of land for residential purposes, REFUSED 19/06/1997

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 2 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

2.4 09/0020/98 Development of land for residential purposes, REFUSED 16/06/1998

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The Local Planning Authority consider the proposal conflicts with Policy H.4 of the Glyndwr District Council Local Plan, and would result in an unacceptable scale of development out of character with the village, and inappropriate in terms of available facilities/services, being likely to set an undesirable precedent for similar development in small rural settlements.
- 2 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 4 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

## 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 BSC12** – Community facilities

**Policy VOE5** – Conservation of natural resources

**Policy ASA3** – Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Recreational Public Open Space  
Supplementary Planning Guidance Note: Trees & Landscaping

**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 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

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 best and most versatile agricultural land

4.1.3 Visual amenity

- 4.1.4 Residential amenity
- 4.1.5 Ecology and hedgerow removal
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (PPW 11) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 3.37 of PPW 11 states that “*The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources*”.

PPW states the countryside, in line with sustainability principles, should be conserved and where possible enhanced for its own sake.

Policy BSC 12 states that proposals for the provision of community facilities will be supported provided:

- i) they are located within existing development boundaries; or
- ii) outside of development boundaries, but within settlement clusters, the proposal will provide an essential facility to support the community.

The policy recognises that access to community facilities is an essential element of sustainable and inclusive communities. Community facilities such as schools, theatres, village halls and places of worship often serve a network of small settlements and are essential to reduce the amount of travelling to reach alternative community facilities. The loss of local facilities will lower community sustainability, and this can have a knock-on effect on the future well-being of the Welsh language. The Council will support and encourage the retention and improvement of community facilities which provide an essential facility to support the sustainability of Denbighshire's communities.

The proposal is for the change of use of land to community recreational area including the creation of an access and car park.

The provision of built community facilities can; subject to material planning considerations, be supported under LDP policy BSC 12 and a community's aspiration for additional facilities is understood. However, the application does not include details of a community building and therefore Policy BSC12 can not be applied in this case.

The site is lies in open countryside where development must be strictly controlled. The applicant refers to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

It is therefore considered that the principle of development in the open countryside is contrary to Local and National Planning Policy and is not supported.

#### 4.2.2 Loss of best and most versatile 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 (BMV) and justifies conservation as a finite resource for the future.

PPW states that land of this quality (grade 1, 2, or 3a) 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 proposal involves the loss of 0.04ha of agricultural land of Grade 3a quality to a community recreation facility and car park.

The approach to development on BMV land is two-fold:

##### *a) is there an overriding need for the proposed development?*

Officers remain of the view that insufficient justification has been provided to prove an overriding need for the use of the agricultural land for the development proposed. In Officers view any localised parking issues are not sufficiently evidenced or significant to justify the use of agricultural land.

The proposal is considered to be premature and piecemeal, and whilst the Feasibility Study indicates that there may be a proposal for a community hub in this location in the future, no details have been put forward of how the land is proposed to be used as a community facility, or indeed whether this proposal itself would justify the loss of Grade 3a agricultural land.

##### *b) is there no other alternative site available?*

The site is adjacent to a recreational area and children's play park. Representations have been received which suggest the existing chapel could be used for community use with upgrades, yet this option has not been explored before considering development on a greenfield site and BMV site. Other comments suggest that improvements need to be made to the existing play area and field to provide for a wider group of people. The existing field has a vehicular access point and Officers consider that utilising the existing access should be explored further. There could be scope to improve a community walking route around the existing playing field or utilising the existing area more efficiently, providing a wider range of facilities for all ages.

Overall, Officers consider the proposal for the change of use of land to a community recreational area and car park does not outweigh the loss of grade 3a best and most versatile agricultural land and the proposal is contrary to National Planning Policy.

#### 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.'*

Representations have been received raising visual amenity concerns due to the levels of the land which are higher than the road.

The proposal involves the change of use of agricultural land to community recreation land including a new access and car parking for 6 vehicles. The proposal would include the loss of 15m of hedgerow to facilitate the access.

No details of the community hub building (which has been suggested in the Feasibility Study) have been put forward with the proposal, nor the community gardens or how the space is to be used by the community. Members are advised therefore that the proposal being considered is solely that of one for a car park in the centre of the field, an associated vehicular highway access and track.

The loss of hedgerow to create the access will no doubt have a visual impact on the character of the area. However, the access is located to the east of the village up a lane and is not clearly visible from the centre of the village or the B4529. The hardstanding to create the access and car park is not likely to be clearly visible from outside the site, but would likely be visible from higher ground to the east. Officers question the siting of the access and car park in this location and query whether there is a more suitable location which utilises the existing access to the playing field and park. Officers are not aware that parking is a concern in the village as it would be expected that most visitors are local and would walk to the park and facilities.

Nevertheless, despite the full proposal (as indicated in the Feasibility Study) involving a community hub not being submitted with this application, the proposal only involves a car park and access at this point. Further consideration of any future development of the site would be undertaken with another planning application in the future.

Regarding the proposal, Officers do not consider the visual amenity impacts of the access and car park in this location would be significant enough to warrant a reason for refusal in this regard.

#### 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.

Representations have been received raising residential amenity concerns due to the new access impeding on the ability to use driveways to the properties opposite.

The proposal is for the change of use of land to community recreation area including car park and new access.

The proposed access is opposite an existing access off a lane which the Highways Officers have advised has low vehicle movements.

Officers acknowledge the concerns raised, however do not consider the new access would impact unacceptably on the occupiers of Cartrefle due to the low vehicle movements anticipated from the development. There is a community recreation ground existing to the north of the site and it is not expected that the use of this land would result in a level of disturbance to the occupiers of the neighbouring properties, more than what already exists.

The proposals would therefore be in general compliance with the policies and guidance listed above.

#### 4.2.5 Ecology and hedgerow removal

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

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 ecological impacts of development should therefore be regarded as a potential material consideration.

Concerns have been raised regarding the loss of hedgerow and the impact to wildlife.

The proposal is supported by an Ecological Appraisal which concludes that the hedgerow is species poor and the change of use may result in the loss or damage to some or all of the poor semi-improved grassland which characterises the site.

The proposal involves the loss of 15.2m of hedgerow to create the new access into the site and proposed a scheme of planting including 4 Denbigh plum trees and a length of hedgerow along the eastern boundary fence as ecological compensation and enhancement measures.

In determining planning applications which include the loss of hedgerows, Local Planning Authorities should have regard to the 'importance of the hedgerow'. There are two key aspects to the definition of an 'important hedgerow' which include whether the hedgerow is historic and if it is ecologically species rich.

The Clwyd Powys Archaeological Trust has considered the proposal and checked it against the Historic Environment Record. They have advised that the hedgerow does not fulfil any of the historical criteria for an important hedgerow.

The County Ecologist has advised that the hedgerow satisfies the criteria and is classed as 'important'. However, the County Ecologist has considered the contents of the Ecological Appraisal including the compensation and enhancement planting



scheme and has agreed that the additional hedgerow planting would compensate for the loss of hedgerow for the access, but more information would be required to be conditioned to control an appropriate mix of species and long term management.

Having regard to the advice provided by the County Ecologist, Officers are of the opinion that whilst the hedgerow does meet the criteria for an important hedgerow, the proposed compensation and enhancement planting would offset this loss. Therefore it is not considered justified to recommend a reason for refusal on the loss of a hedgerow. The recommended conditions include; the submission of a detailed landscaping scheme and planting list, Habitat Management Plan (prior to completion) and ensuring all works which could result in the damage or destruction of active bird's nests takes place outside of bird breeding season (March-August inclusive).

Should Members resolve to grant planning permission, it is considered reasonable to attach the recommended conditions to the decision to ensure there are no negative impacts on protected species or the nature conservation value of the site and to demonstrate that all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11.

#### 4.2.6 Drainage (including flooding)

Planning Policy Wales (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Drainage concerns have been raised by a neighbour that the field becomes waterlogged in one corner.

As the site is not within a known area of flood risk, it is not considered the proposals would raise any further impacts on the area. A permeable surface should be installed for the new access and parking areas (no details provided) and the surface water drainage will be controlled through the SUDS SAB approval process. A note to applicant will be attached on any decision to grant to remind the applicants of their duty to obtain this consent which is covered by separate drainage legislation.

#### 4.2.7 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.

Representations have been received raising highways concerns due to the access onto a narrow lane, lack of pedestrian footway on that side of the road and issues to vehicles using the access and impacts on neighbouring driveways.

The proposal involves the creation of a new access through an existing hedge, central access road to 31m in length to the centre of the field and parking provision for 6 vehicles.

The Highways Officer has raised no objection to the proposals and has advised that the vehicular movements on the road are low and therefore the access proposed is not considered likely to result in an unacceptable impact on the highway network.

#### 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 The site is lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

5.2 The proposed car park on it's own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

## **RECOMMENDATION: REFUSE-** for the following reasons:-

1. It is the opinion of the Local Planning Authority that as the site is located on grade 3a agricultural land, (which Planning Policy Wales 11 considers to be the 'best and most versatile'), the application has not satisfactorily demonstrated that there is an overriding need

for the development in this location or that alternative lower grade agricultural or previously developed land is not available. The proposal is therefore contrary to the advice and guidance contained in Planning Policy Wales (Edition 11) Section 3.58 and 3.59.