

41-2024-0115



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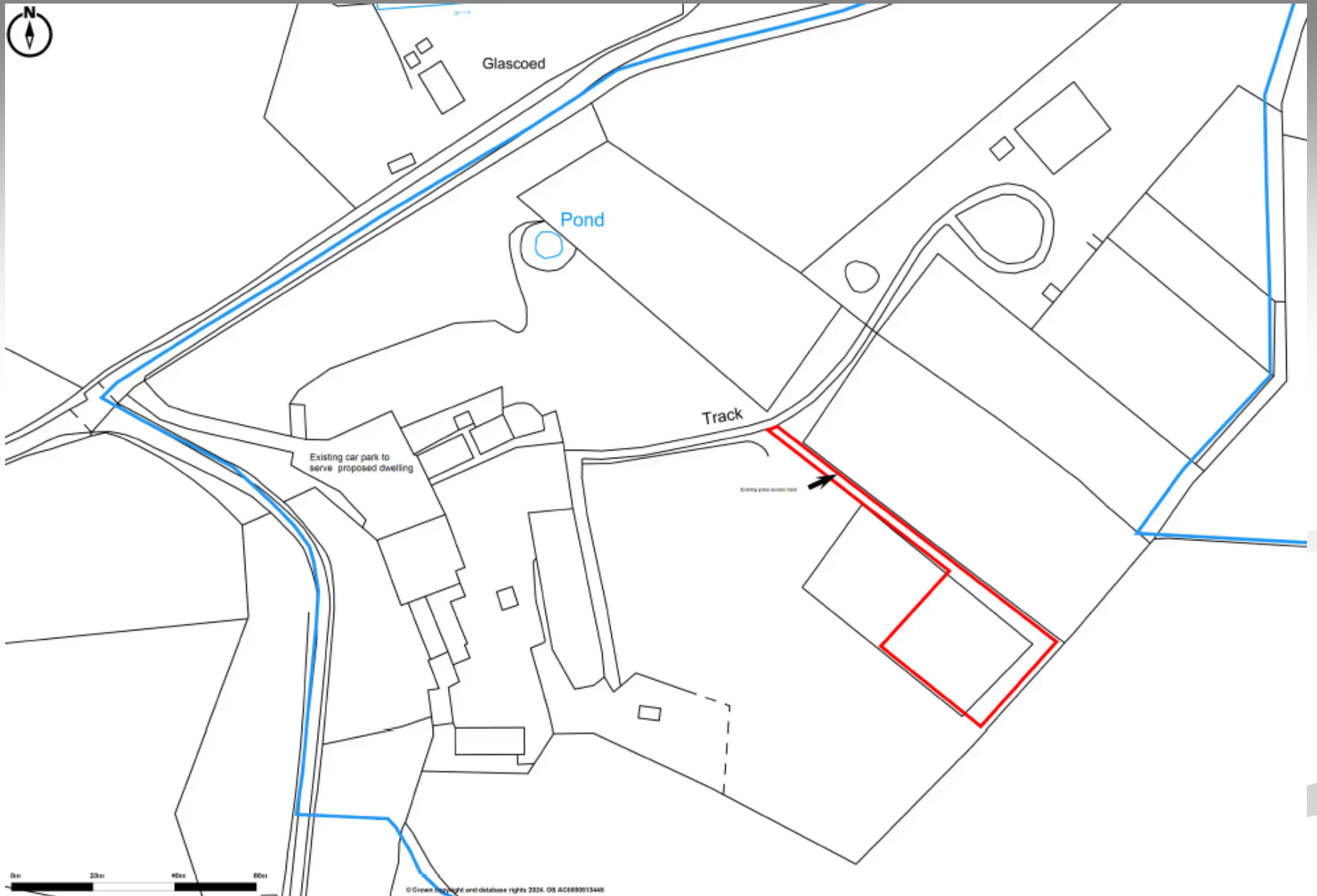
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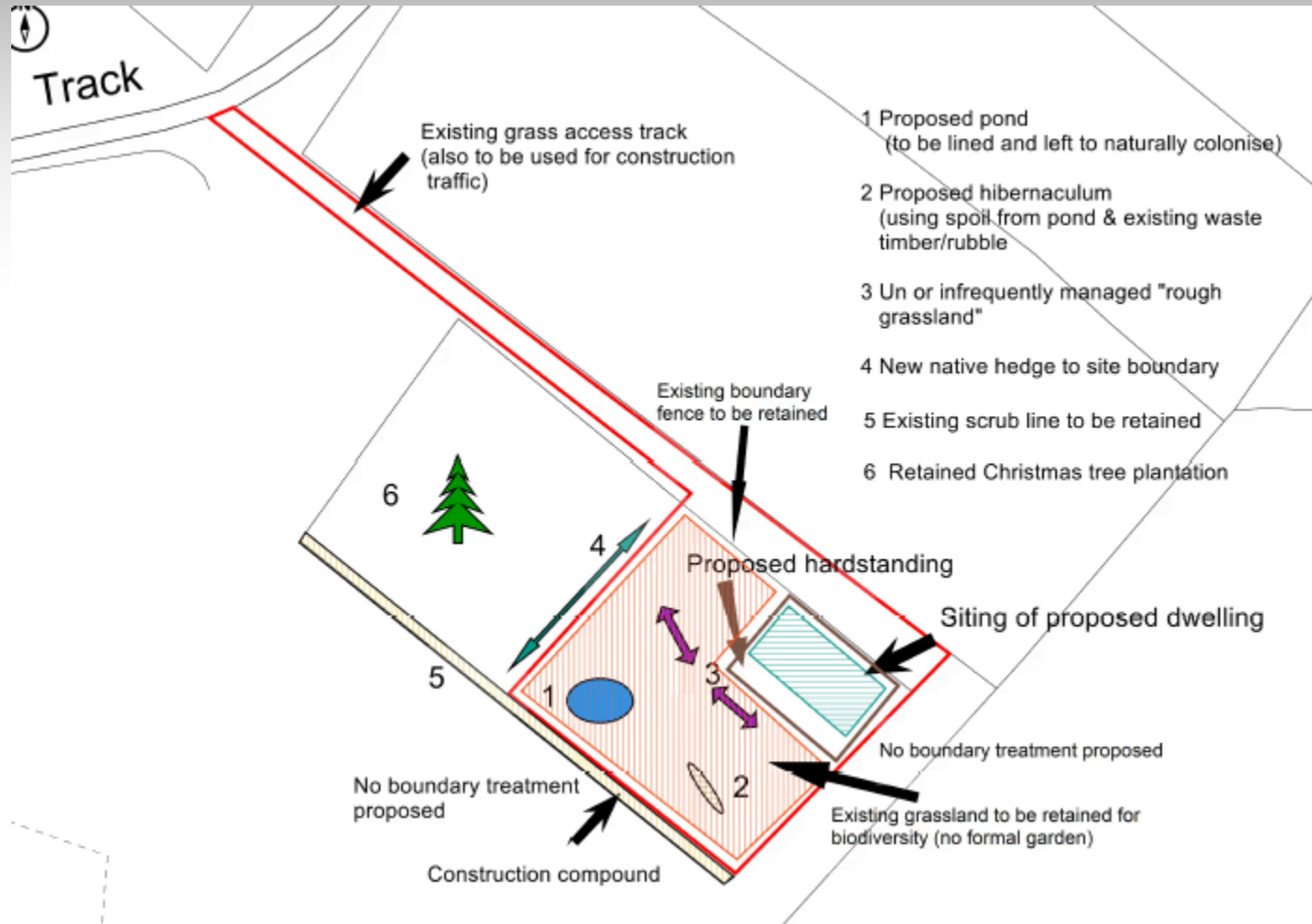
41/2024/0115/PF – The Warren, Bodfari

**Erection of a rural enterprise dwelling,
installation of a septic tank and
associated works**

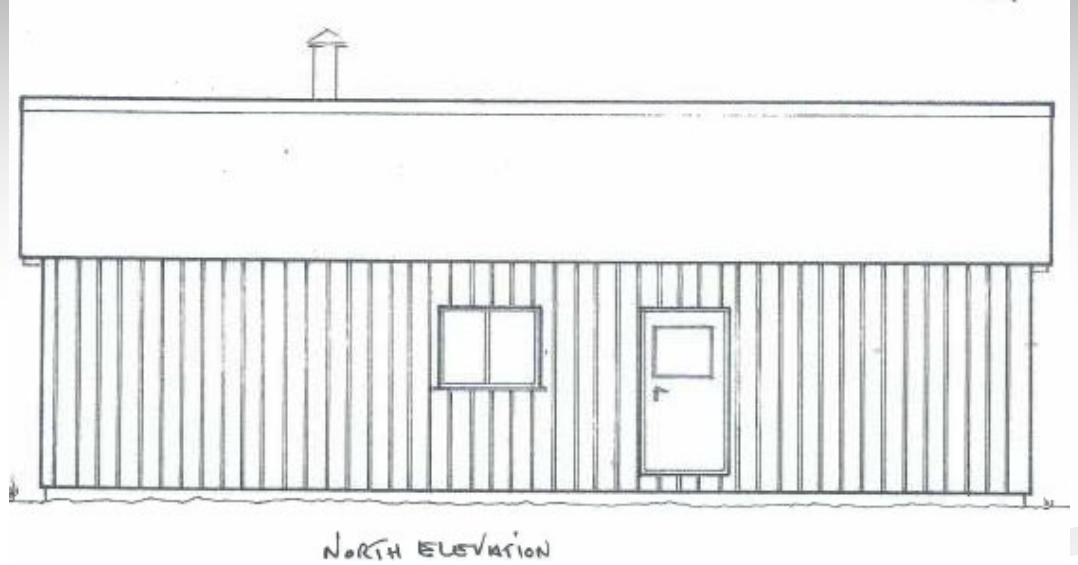
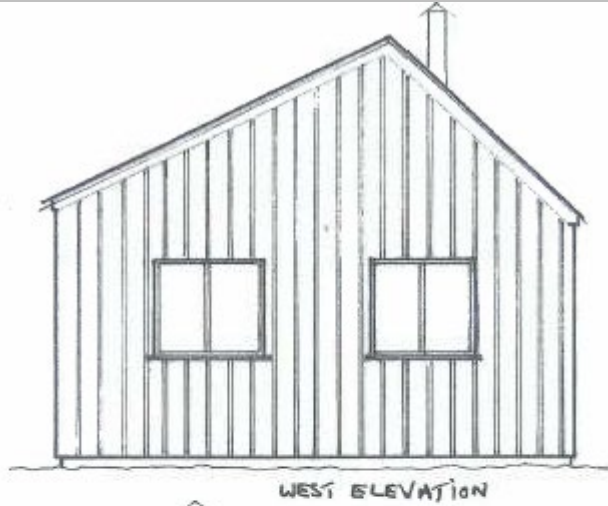


Location plan

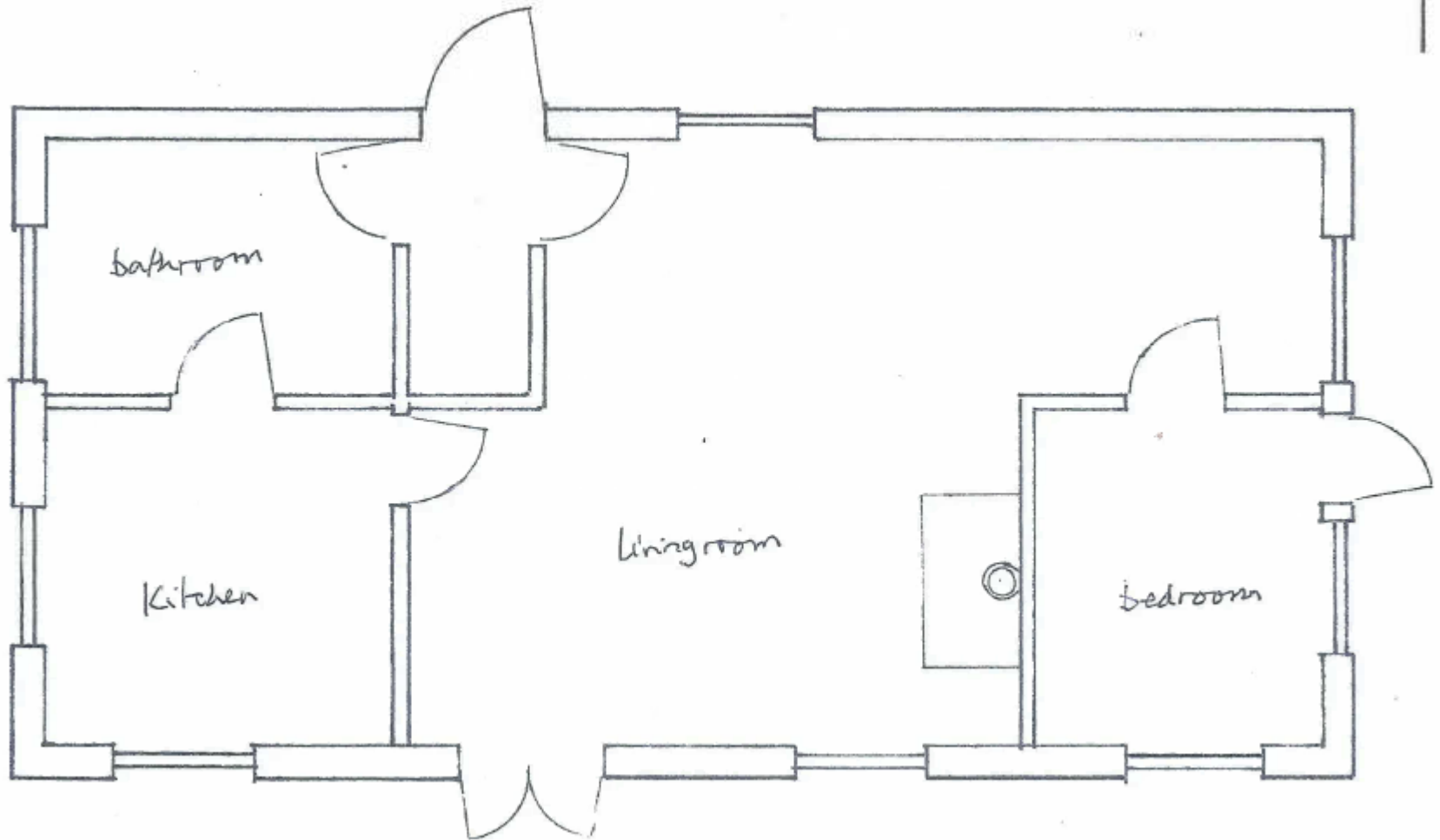
Proposed site plan



Elevations of proposed dwelling



Floor plan of proposed dwelling



Site photographs



Some existing buildings at The Warren



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

PLANNING CONDITIONS REPORT: APPLICATION REFERENCE NUMBER 41/2024/0115/PF

The Warren, Bodfari

1. PURPOSE OF THIS REPORT:

1.1 Members will recall that planning application reference: 41/2024/0115/PF was discussed at the September Planning Committee meeting.

1.2 The application related to the erection of a rural enterprise dwelling, installation of a septic tank and associated works

1.3 Committee resolved to grant planning permission contrary to Officers recommendation, subject to the planning conditions being brought back to Committee for approval.

1.4 This report seeks Members approval on the conditions to be imposed on the planning consent.

2. PROPOSED CONDITIONS:

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

At the request of Planning Committee, the occupancy condition (Condition 3) limits use of the dwelling to a person solely or mainly working for the rural enterprise at The Warren only. If the dwelling is no longer required, Condition 4 requires the removal of the building.

Suggested conditions:

1. The development to which this permission relates shall be begun no later than 5 YEARS FROM THE DATE OF THE DECISION NOTICE

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

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

- (i) Proposed east and west elevations received 15 February 2024
- (ii) Proposed north elevation received 15 February 2024
- (iii) Proposed south elevation received 15 February 2024
- (iv) Proposed floor plan received 15 February 2024
- (v) Existing site plan received 3 May 2024
- (vi) Proposed site plan received 3 May 2024
- (vii) Location plan received 3 May 2024
- (viii) Location of existing land uses received 15 February 2024
- (ix) Clearwater 2800 litre septic tank details received 15 February 2024
- (x) Planning and Green Infrastructure Statement (Kerry James dated February 2024) received 15 February 2024

(xi) Ecology Walkover Survey (Marches Ecology Ref. C532/V1.0 dated January 2024) received 15 February 2024

(xii) Rural Enterprise dwelling appraisal and appendices received 15 February 2024(xiii) Supporting Information received 3 May 2024

3. The occupancy of the approved dwelling shall be restricted to a person solely or mainly working for the rural enterprise at The Warren, Bodfari.

Reason: Permission has only been granted on the basis of the specific needs of the rural enterprise at The Warren which is considered sufficient to override the general presumption against new residential development in this area.

4. Should the rural enterprise dwelling no longer be required, the residential use of the building shall cease and the building shall be removed from site within 6 months of the date of the cessation. The land shall be restored to a condition fit for revegetation.

Reason: There is no longer a need for the dwelling in connection with the rural enterprise and in the interest of visual amenity and biodiversity enhancement

PRECOMMENCEMENT CONDITION

5. No development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a minimum of 1 new pond, 1 new hibernaculum, an area of un- or in-frequently managed 'rough grassland', and a new native hedgerow as detailed within the approved Ecological Walkover Survey (Marches Ecology, January 2024). Full details shall be provided on the locations and specifications of each enhancement feature and shown on appropriate plans and shall include a timeframe for their implementation. The development shall be carried out strictly in accordance with the approved details and shall be implemented in full prior to the use hereby permitted commencing.

Reason: In order to maintain and enhance biodiversity.

6. No development shall take place until a detailed Reasonable Avoidance Method Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority, following the recommendations laid out in the approved Ecological Walkover Survey (Marches Ecology, January 2024). The development shall be carried out strictly in accordance with the approved details.

Reason: In order to maintain and enhance biodiversity.

7. No new internal or external lighting shall be installed unless a detailed lighting plan is submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall identify measures to avoid negative impacts on nocturnal wildlife in accordance with the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/23 Bats and Artificial Lighting at Night.

The lighting shall be implanted as approved and maintained thereafter

Reason: To maintain the favourable conservation status of protected bat species.

8. Prior to the commencement of development, a detailed scheme of hard and soft landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The 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 and only feature species of known benefit to wildlife.

(c) the timing of the implementation of the planting and landscaping scheme.

Reason: To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development

9. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

Reason: In the interests of visual amenity

Notes to Applicant

COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

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

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

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

Bat External Lighting General

Any external lighting should be sensitively designed to reduce impacts on nocturnal wildlife. All lighting should be angled downwards and installed with a protective cowl to reduce light spillage.

Guidance is set out in Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) published by Bat Conservation Trust and the Institution of Lighting Professionals. A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component. Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. The document can be found at <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

General Note Destruction of Bird Nests

Works which could result in the damage or destruction of active bird nests should take place outside of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.

Landscaping

In relation to Condition 8, a full plant list is required for the landscaping scheme. No species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) should be included in the planting list.

3. RESOLUTION:

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

EMLYN JONES

HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTYSIDE SERVICE