



CYNGOR
Sir Ddinbych
Denbighshire
 COUNTY COUNCIL

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Tel: 01824 706800 Fax: 01824 706709

Heading:
 17/2012/1637
 Land near Maes Maelor
 Llandegla

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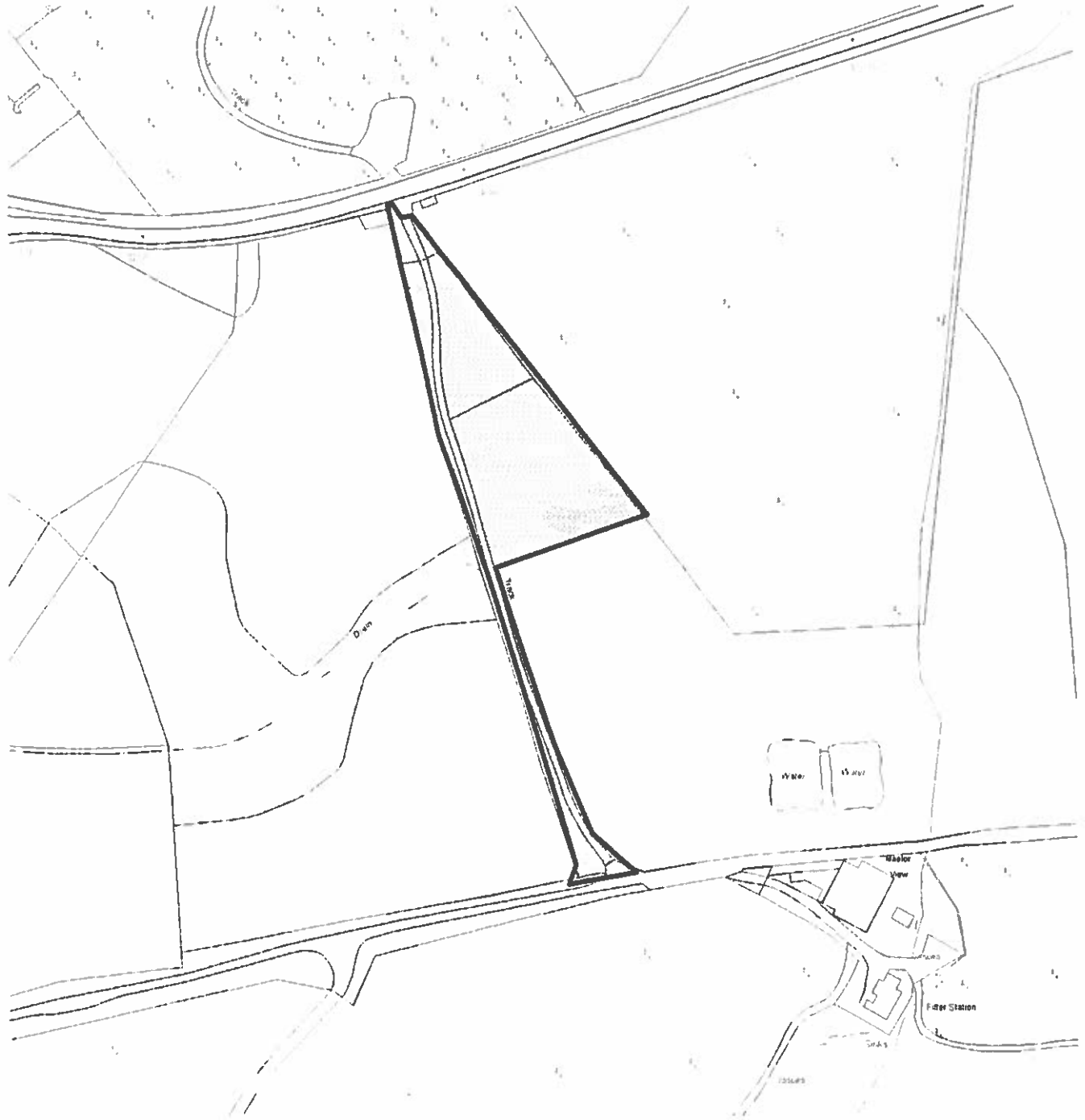


Application Site



Date 29/8/2013 Scale 1/2500
 Centre = 323547 E 352469 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.

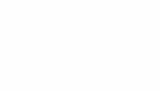
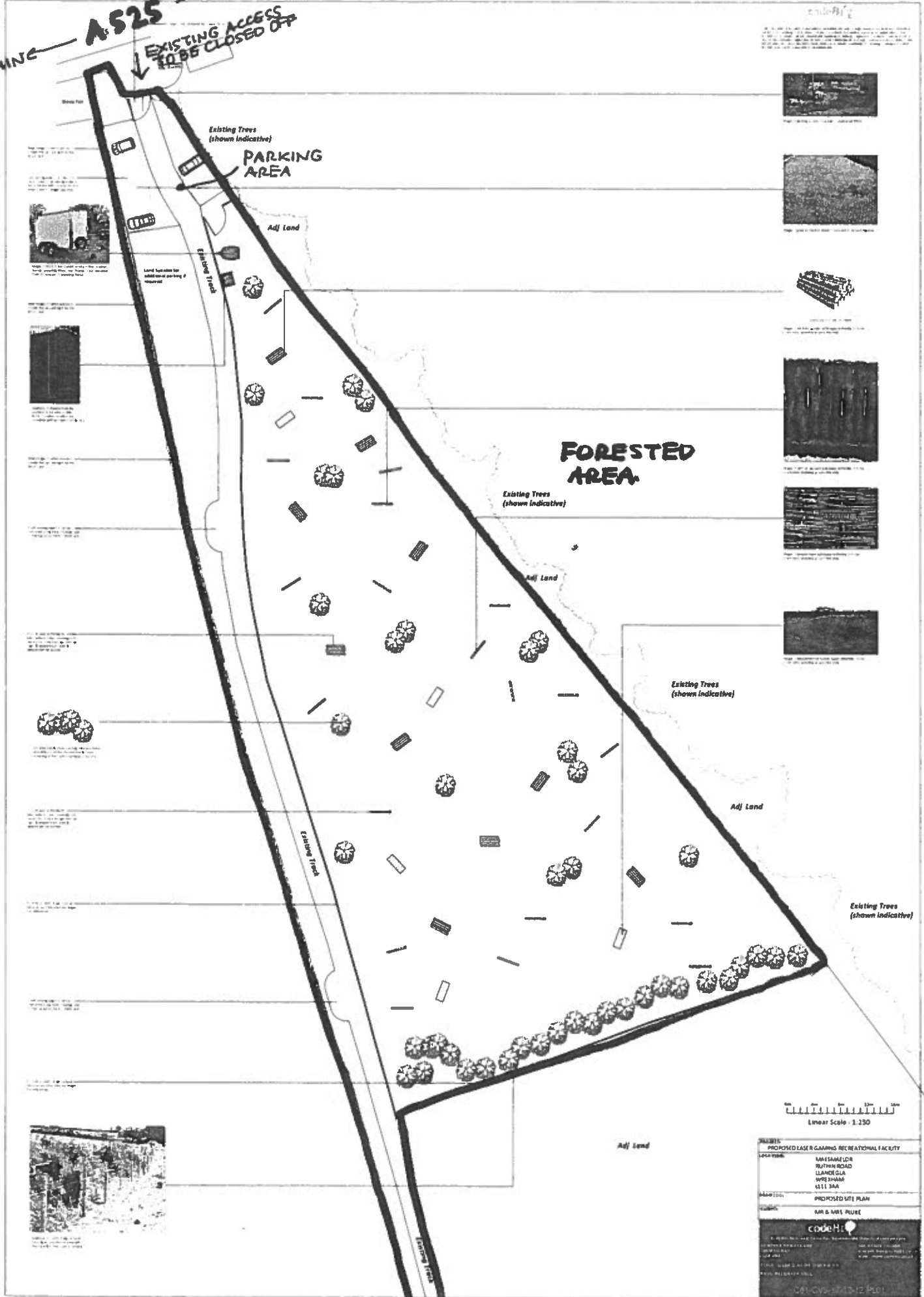


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SITE PLAN

RUTHINE → **A525** → WREXHAM
 ↓
 EXISTING ACCESS TO BE CLOSED OFF



Linear Scale - 1:250

PROJECT: PROPOSED LASE R GAMING RECREATIONAL FACILITY

CLIENT: M&S GAMING LTD, RUTHINE ROAD, LLANDULA, WREXHAM, GLL 3AA

DESIGNER: PROPOSED LIFE PLAN, M&S GAMING LTD

DATE: 01/12/2011

CODE: H1

SCALE: 1:250

DATE: 01/12/2011

PROJECT: PROPOSED LASE R GAMING RECREATIONAL FACILITY

CLIENT: M&S GAMING LTD, RUTHINE ROAD, LLANDULA, WREXHAM, GLL 3AA

DESIGNER: PROPOSED LIFE PLAN, M&S GAMING LTD

DATE: 01/12/2011

CODE: H1

SCALE: 1:250

DATE: 01/12/2011

↓
 MAIN ACCESS FROM OLD ROMAN ROAD



ITEM NO: 5

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: Councillor Martyn Holland
17/2012/1637/ PF

PROPOSAL: Temporary change of use of land for 3 years for use as a laser quest / family fun site with associated car parking

LOCATION: Land near Maes Maelor Llandegla Wrexham

APPLICANT: Mr & Mrs David Pluke

CONSTRAINTS: AONB

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

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

LLANDEGLA COMMUNITY COUNCIL:

"The Community Council have discussed the above application following their Community Council Meeting and it has been resolved to offer no objection to the proposals. However, the Community Council would draw your attention to the fact that a Public Right of Way (Path 517/3 on the definitive map 1978) runs through this land and it has not been mentioned on the application".

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE:**

"The JAC assumes that the revised access details have been submitted at the request of the highway authority to improve access to the site from the public highway serving the nearby Llandegla Mountain Biking Centre. Whilst it is accepted that a safe access must be provided to service the development, the JAC has some concerns about the details of the realigned access, notably the use of standard concrete kerbs which will introduce a discordant urban feature into this countryside location. The Committee would prefer an alternative specification with a concealed edge restraint to allow natural vegetation to soften the appearance of the tarmac access. In addition, no details have been provided to quantify the loss of existing trees and hedgerows to facilitate the new access, and the JAC would suggest that additional information is required to clarify these impacts together with details of any landscaping to mitigate their effect."

COUNTRYSIDE COUNCIL FOR WALES:

No objections. The site has been subject to survey and assessment in respect of statutory protected species. The assessment has been carried out to a satisfactory standard. It is considered that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species that may be present at the site.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Transport and Infrastructure**

- Highways Officer:
No objections subject to conditions relating to parking and the satisfactory creation of the access.
- Footpaths Officer:
No objection provided there is no obstruction to the Public Right of Way.

County Biodiversity Officer:

No objections, the nature and location of the proposal is unlikely to have a significant impact upon the SAC subject the assurance that the marsh ditch will not be affected by planting or features being placed on it

RESPONSE TO PUBLICITY:

In objection

Representations received from:

J. Froggatt, Pant Dedwydd, Bwlchgwyn
J. Jones, The Croft, Ffordd Uchaf, Gwynfryn, Wrexham
A C Cottier, Abergroes, Old Roman Road, Bwlchgwyn, LL11 5UL x2
D. Rhodes
R. Hargreaves, Bryn Eithin, Old Roman Road, Bwlchgwyn
J. Williams, Bryn Eithin, Old Roman Road, Bwlchgwyn
M. Billing, Dee Valley Water, Packsaddle, Wrexham Rd., Rhostyllen
C. Lockyer, 3, Plas Teg, Llandegla
T. Brownhill

Summary of planning based representations in objection:

- Highways:

Detrimental impact on highway safety by virtue of additional traffic, inadequate visibility, insufficient parking leading to fly-parking, and the nature of the proposed activity causing a distraction and alarm to horses on the highway.

- Residential amenity:

Detrimental impact on residential amenity by virtue of increase activity, noise and light pollution.

- Ecology:

Unacceptable disturbance to wildlife and biodiversity in the area.

- Landscape/visual amenity:

Detrimental impact on visual amenity of the area by virtue of the associated paraphernalia with the use (porta-loo, vehicle parking, activity in the open countryside etc).

In support:

Representations received from:

N. Low, Ty Isoe, Maesmaelior, Llandegla

In addition to planning based representations, additional information has been received in relation to covenants, and the existence of sewage pipelines on the site. This information has been forwarded to the applicant for his attention.

EXPIRY DATE OF APPLICATION: 15/8/13

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
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 A 3 year temporary permission is sought to allow a parcel of semi-agricultural/grass land to be used as a laser quest and family fun site. The basic idea of laser quest is to tag opponents as many times as possible, while the player avoids being tagged. The players are equipped with an infrared/laser hand held unit and a pack with infrared sensors.
- 1.1.2 As part of the application, a parking area for ten vehicles would be created using grass protection mesh and an existing access to the site from the unclassified road (the Old Roman Road) would be altered. Access to the site would only be from this altered access, and another existing access from the A525 would be blocked off. (See plans at front of the report)

- 1.1.3 There would be no other permanent form of development on the site, as all other facilities and features would be provided through mobile structures and chattels on the land. These features include a trailer which would serve as a reception and equipment store, a porta-loo, and wooden barricades and weaved willow tunnels. The trailer would be removed from site outside of operating hours, and the porta-loo is proposed to be screened with additional planting. The wooden barricades and weaved willow tunnels are said to be designed to be as naturalistic as possible.
- 1.1.4 As part of the application a traffic speed survey was undertaken, along with a full ecological assessment. The Design and Access statement has been revised through an addendum providing information on the newly adopted LDP policies.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the south of the A525 Ruthin Road and to the south east of the farm Maes Maelor. The parcel of land forming the site lies between the A525 and an unclassified road to the south. Access to the site is currently via a private track which connects the A525 and the unclassified road.
- 1.2.2 The land has been used for rough grazing and there is a range of different grasses evident, some indicative of high water content.
- 1.2.3 To the south of the site is Coed Llandegla, a popular mountain bike centre. There is further woodland to the east and north, whilst to the west the land remains in open agricultural use.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in the open countryside and immediately adjacent to the Clwydian and Berwyn Range Area of Outstanding Natural Beauty.

1.4 Relevant planning history

- 1.4.1 None

1.5 Developments/changes since the original submission

- 1.5.1 Since the original submission and at the request of the Highway Officer, the applicants have undertaken a traffic survey to assess the average speeds of vehicles on the Old Roman Road in the vicinity of the proposed access. This showed that the average speed was approximately 30mph. Amendments to the proposed access, taking into account the traffic speed, were submitted and a re-consultation exercise has been undertaken.

1.6 Other relevant background information

- 1.6.1 Prior to the submission of the application, agents acting on behalf of the applicant consulted with the Countryside Council for Wales and the AONB Committee. The application takes into account the advice of these two bodies.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
 - Policy PSE 5 - Rural Economy
 - Policy PSE 14 - Outdoor Activity Tourism
 - Policy VOE 1 – Key Areas of Importance
 - Policy VOE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
 - Policy VOE 5 – Conservation of Natural Resources
- 3.2 Supplementary Planning Guidance
 - SPG 18 - Nature conservation and species protection
 - SPG 21 – Parking Standards

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012
TAN 18 – Transport

Welsh Office Circular 5/93 – Public Rights of Way

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW 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 related to the development concerned., and that these 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 (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity and the character of the landscape/AONB
- 4.1.3 Highways issues
- 4.1.4 Impact on biodiversity and ecology
- 4.1.5 Impact on residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape. Planning Policy PSE 14 relates specifically to outdoor activity tourism. Policy PSE 14 supports proposals for development that expand or reinforce the tourism offer of the County, provided that proposal is appropriate to its setting and location in terms of infrastructure requirements and landscape impacts, with specific reference to the AONB.

Having regard to the nature of the proposal it is considered that although low key in terms of scale and facilities, it could have a positive impact on the tourism offer of the county. The proposal is therefore considered to be acceptable in principle subject to a detailed assessment of the impacts.

4.2.2 Impact on visual amenity and the character of the landscape/AONB:

Policies PSE 5 and PSE 14 both support the principle of development in the open countryside that would support the rural economy provided that there is no unacceptable impact upon the character of the surrounding landscape, and in particular the character of the AONB. Policy VOE 2 states development proposals within or affecting the AONB that would have unacceptably harm the the character and appearance of the landscape will not be permitted.

Whilst not in the AONB, the site is adjacent to the boundary of the AONB. The proposal does not propose a significant amount of development. The alteration to the site entrance would involve the removal of a hedgerow and the laying of tarmac and kerb stones. Within the site there would be a range of wooden barricades, log piles, weaved willow tunnels and additional trees being planted/placed. The parking area would be created from mesh grass-crete. The AONB committee have been consulted and are broadly supportive of the proposal subject to additional controls being imposed relating to the final layout and design of the site, including landscaping/materials used for the site entrance works. The AONB Committee further support the notion of a temporary permission to allow a full assessment of the visual impacts of the proposal.

In assessing the proposals impact on the visual amenity of the area, it is considered that the choice of materials for the site features is acceptable and unlikely to result in harm to the appearance of the area. Similarly, there seems little reason to doubt that the works to the access cannot be undertaken in a manner so as not to result in long term lasting harm to the appearance of the area.

There is potential for features such as the car park and the portaloo to appear incongruous within the open countryside setting, however it is possible that this harm can be mitigated by the use of additional landscaping; which the applicant has agreed to. It is therefore considered that the proposal would be relatively low key, and would not result in harm to the character of the surrounding landscape, subject to controls over additional landscaping. The proposal complies with adopted planning policy in terms of visual amenity.

4.2.3 Highway, Access and Public Rights of Way Issues:

Planning Policy Wales 5, and Technical Advice Note 18, Transport, contain advice that seeks to ensure development proposals do not have an adverse impact on highway safety. Policy ASA 3 Parking Standards, requires that adequate parking spaces are provided for a proposed use. There is also a requirement embodied in Welsh Office Circular 5/93 for Local Planning Authorities when determining planning applications, to take into account the impact the proposal would have on any public right of way that may be affected by the proposal.

The proposal is to amend an existing access onto the highway. It is stated that the average traffic speed in that location is 30 miles per hour, based on a traffic survey that has been undertaken. Technical Advice Note 18 advises that where the speed of traffic is a known 30 miles per hour, visibility splays of 70 metres are required at the point of access. The proposal achieves approximately 90 metres. Within the site 10 parking spaces and turning area would be provided. There is also space available within the site for overspill parking should the need arise. Concern has been raised by neighbouring properties that the parking proposed is not adequate and would lead to additional parking on the highway. A public footpath runs along the western edge of the site. It is proposed to keep this clear, and provide a pedestrian gate to the northern boundary adjacent to the A525. No objections have been received from the Highway Officer in relation to the design of the access, the parking proposed, or the impact upon the public right of way.

It is acknowledged that there are no adopted parking standards for such a use, and whilst the possibility of some parking occurring on the highway cannot be ruled out, it should be noted that the Local Planning Authority has no control over the choice of individuals to park on the public highway should they choose to do so. However, given the provision of 10 parking spaces with overspill parking (likely to accommodate an additional 5 cars) it is considered unlikely that there will be a need for people visiting the site to have to park elsewhere. The possibility of granting a three year temporary permission also offers the benefit of being able to monitor this situation. With regard to the visibility splays, the relevant standards in TAN 18 can be met. The amended access would result in the public footpath being altered, although it is possible to maintain the existing route, and there would not be a need to close the right of way. Therefore, with regard to the requirements of Planning Policy Wales 5 and TAN 18, it is considered that the proposal is acceptable, and would not have an adverse impact upon the highway infrastructure.

4.2.4 Impact on biodiversity and ecology:

There is a general requirement in Planning Policy Wales for Planning Authorities to take into account impact upon the natural environment. This is expanded on in Policies VOE 1 and VOE 5 of the Local Development Plan. Further guidance is offered in Supplementary Planning Guidance Note 18, Nature Conservation and Species Protection.

The site is open grassland, with some marshy areas within and adjacent to it. The site has been surveyed for protected species, and an ecological report has been submitted. The report summarises that the site does not support any rare or notable habitats or plant species, and assesses the site as being of low ecological value. No evidence of protected species was recorded during the survey. No objections have been received from Natural Resources Wales, or the County Council Biodiversity Officer. It has been requested that no additional planting or features should be placed in the area around the shallow drainage ditch and surrounding marsh area that runs along the rear (southern) boundary of the site.

It is considered that the proposal would have a low impact on biodiversity and the ecology of the area with no significant vegetation clearance or drainage works. The proposal is therefore considered acceptable in terms of biodiversity; subject to the imposition of relevant conditions relating to planting.

4.2.5 Impact on residential amenity:

Planning Policy Wales 5, paragraph 3.1.4 advises that in determining planning applications, Local Planning Authorities should consider what impact a proposal would have upon the amenity of any neighbouring residents.

The proposal would involve, according to the applicants, approximately 10 vehicles at any one time being at the site. The site is intended to be used by families. General activity on the site would be that normally associated with paint balling/laser quest type activities. There is a potential for noise to be generated through shouting, and possibly the simulated sound effect of gun fire. Within a 1km radius of the site, there are three dwellings, Maes Maelor (350m from the site and separated from the site by the A525), Casgan Dittw (540m from the site and again separated from the site by the A525) and Abergroes (780m from the site and separated from the site by woodland and an unclassified road).

Given the distances to the nearest dwellings, it is unlikely that the activity that would take place at the site would significantly affect the amenity of residents in the area. However, it is accepted that controls would be necessary over the detailing of the scheme (eg noise and or lights that may be involved in the proposal) and that it would be reasonable to condition details of the equipment to be used to be approved prior to the use commencing. Subject to the further approval of these details the proposal is considered acceptable in terms of its impact on residential amenity.

5. SUMMARY AND CONCLUSIONS:

5.1 With respect to the concerns of residents, it is considered that the proposed use would be low key and is acceptable in planning policy terms. As a result of the scale of the proposal and its location in relation to other land uses, it is unlikely to have a detrimental impact upon the amenity of the surrounding area.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The use hereby permitted shall cease on or before 11 September 2016.
2. A visibility splay of 2.4m x 90m in both directions measured along the nearside edge of the adjoining carriageway overland within the control of the applicant and or the highway Authority and within which there shall be no obstruction in excess of 1.05m in height shall be created prior to proposed use commencing, and shall be maintained as such at all times.
3. The access shall be laid out and constructed strictly in accordance with the submitted plan and completed before any works commence on site.
4. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.
5. Vehicular access to the adjoining highway shall be limited to the new access shown on the approved plan and the existing access shall be permanently closed before the new access is brought into use.
6. Prior to the use hereby approved commencing, full details of the laser equipment to be used by visitors to the laser-quest facility shall be submitted to and approved in writing by the Local Planning Authority and such details shall include details of any lights or noises that may be emitted from the equipment, and only that equipment as approved shall be used by visitors to the site.
7. The site shall not be open for business between the hours of 21:00hrs and 09:00hrs the following morning, Monday to Sunday inclusive.
8. The trailer proposed to be used for equipment storage and as a reception, shall be removed from site by 22:00hrs at the latest each night and shall not be returned until 08:00hrs each morning at the earliest.
9. The use shall not commence 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:
 - a) all 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 and vegetation including confirmation of species, numbers and location and the proposed timing of the planting;
 - c) proposed materials to be used on the parking areas, access track, paths and any other changes in surface type;
 - d) proposed details and siting of features such as barricades, wood piles and tunnels etc
 - e) proposed positions, designs, materials and type of boundary treatments.
10. 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 next planting and seeding season 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.

11. No external lighting shall be installed other than with prior formal written approval of the Local Planning Authority to the detailing thereof.

12. Details of proposals for the restoration of the site following the expiry of the temporary planning permission shall be submitted no later than 6 months after the grant of this permission to include for the removal of all equipment associated with the use and the treatment of the parking area and access, and the approved scheme shall be implemented in full within 6 months of the expiry of the permission.

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

1. To allow the Local Planning Authority to monitor the impact of the use on highway safety and visual amenity.
2. To ensure that adequate visibility is provided at the point of access to the highway.
3. To ensure the formation of a safe and satisfactory access in the interest of traffic safety.
4. To provide for the parking and turning 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.
5. To ensure that an inadequate access is not used for the proposed use in the interest of highway safety.
6. In the interest of visual and residential amenity.
7. In the interest of residential amenity.
8. In the interest of visual and residential amenity.
9. In the interest of visual amenity.
10. To ensure a satisfactory standard of development, in the interests of visual amenity.
11. In the interest of visual amenity.
12. In the interests of visual amenity.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of building works.

