

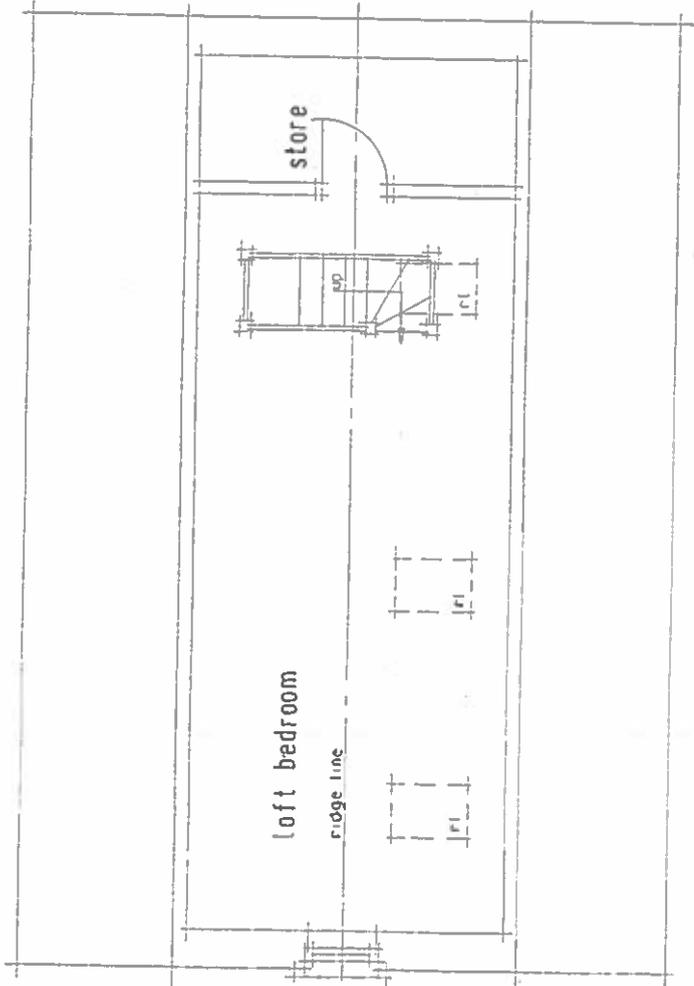
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09/2017/1153

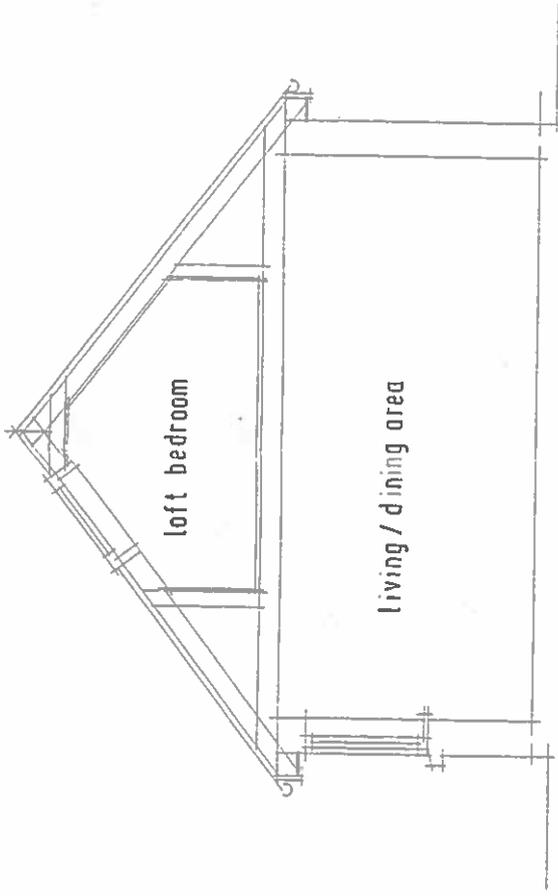
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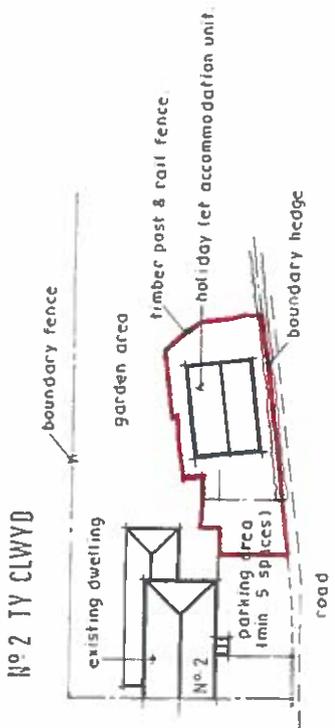
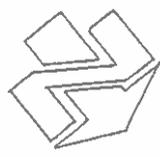


FIRST FLOOR LAYOUT PLAN  
1:50



SECTION DETAIL  
1:50

rec  
4/12/17



SITE LAYOUT PLAN  
1:500

**SITE PLAN**

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**MATISCHOK & ROSS**  
architectural services

project title  
*Tuolumne, 2 Ty Clwyd, Waen, Bodfari.*

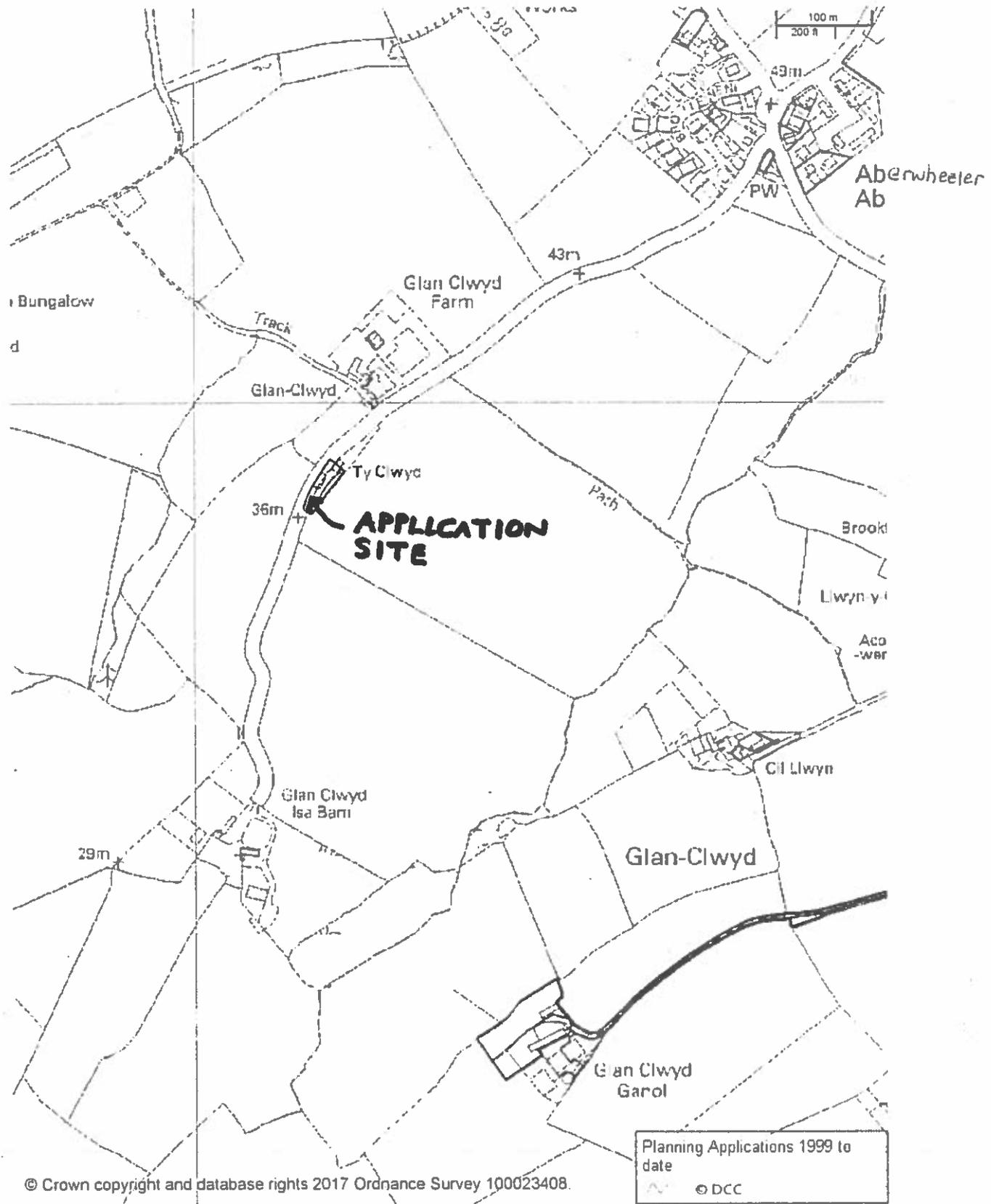
drawing title  
*Proposed Plan, Section & Site Plan.*

project no.	0019	drawing no.	14	revision	
date	11/08/2017	scale	1:50/1:500	drawn by	PM

Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA  
 ☎ 01824 705 222 ☎ 01824 707 171  
 ✉ mail@matischokross.co.uk www.matischokross.co.uk



# HIGHWAY NETWORK IN THE VICINITY



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Planning Applications 1999 to date  
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**WARD :** Llandyrnog

**WARD MEMBER:** Councillor Merfyn Parry (c )

**APPLICATION NO:** 09/2017/1153/ PS

**PROPOSAL:** Variation of Condition 5 of planning permission code no. 09/2017/0887 to allow vehicles to reverse into the parking space and associated signage

**LOCATION:** 2 Ty Clwyd Chapel Lane Bodfari Denbigh

**APPLICANT:** Mr & Mrs Steven & Jackie Emery

**CONSTRAINTS:** None

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**ABERWHEELER COMMUNITY COUNCIL**

*“At the Community Council Meeting on 9<sup>th</sup> January, 2018. Members OBJECT very strongly to this application.*

*Because the Planning Committee agreed 09/2017/0887 (retrospective application) that the applicant should make provision on site for vehicles to park and turn arrange on site avoiding reversing in or out of the site, giving consideration to vehicles going up and down to Glan Clwyd Isa Farmhouse, Barn Conversions, and a Bed and Breakfast establishment. Farmers and Contractors require assess to land.*

*The correct address is 2 Ty Clwyd, Glan Clwyd Isa Lane, Aberwheeler, Waen Bodfari.”*

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Highways Officer -

The applicant has provided adequate measures as provided in the statement to release the condition and therefore has no objection.

**EXPIRY DATE OF APPLICATION: 26/02/2018**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application follows the grant of planning permission for the change of use and alterations of a detached ancillary accommodation building to form a holiday let at the property at Planning Committee on 15 November 2017.
- 1.1.2 Planning Committee resolved that permission be granted in accordance with officer recommendation, subject to an additional condition requiring a vehicle turning area to be provided on the land, on highway safety grounds.
- 1.1.3 Condition 5 attached to planning permission ref: 09/2017/0887 is worded as follows:

*5. Within 3 months of the date of this permission, proposals for the provision of a vehicle turning space within the site, to allow for all vehicles to enter the highway in a forward direction, shall be submitted for the consideration of the Local Planning Authority. Such details as may subsequently be approved by the Authority in writing shall be completed no later than 31st May 2018 and shall be retained at all times thereafter; and in the event that the details have not been submitted, approved and completed by that date, the use of the holiday let unit shall not be permitted to continue until the approved turning space has been completed.*

The reason for the condition was: ' In the interests of highway safety'.

- 1.1.4 Instead of providing a turning space within the site, the current application is proposing to vary condition 5, allowing for cars to reverse into the allocated parking space off the country road, to ensure vehicles exit the site in forward gear. A sign is also proposed to be erected at the site to inform visitors of the requirement, and the applicant is also proposing to incorporate this requirement into the terms of letting of the holiday let unit.
  - 1.1.5 The site plan at the front of the report illustrates the location of the parking spaces relative to the highway and the holiday unit.
  - 1.1.6 In the submission, the applicant has stated the existing parking area for 4 or 5 car spaces is directly off the unclassified public road, and has existed with no turning space on site and no restriction to access onto the public highway for some time. It is proposed to continue to use an arrangement that has been in place over time and to use part of this area for the designated parking space for the holiday let unit.
  - 1.1.7 The applicant has stated the only available turning area within the site would be directly in front of the sun lounge area attached to the main dwelling and would involve grubbing up an existing flagged patio area, which would detrimentally affect the amenity of occupiers of the main dwelling.
- 1.2 Description of site and surroundings
- 1.2.1 The holiday let unit is within the garden area of 2 Ty Clwyd, which is located along a minor unclassified road approximately 0.6km to the south-west of Aberwheeler village.
  - 1.2.2 2 Ty Clwyd is one of a pair of semi detached dwellings, linked to 1 Ty Clwyd immediately to the north-east. There are no other immediate neighbouring properties.
  - 1.2.3 There is an off-road parking area to the front of the dwelling which provides parking space for the dwelling and the holiday let unit.
- 1.3 Relevant planning constraints/considerations
- 1.3.1 The site is outside any development boundaries as defined in the Local Development Plan, hence in planning policy terms is in open countryside.
  - 1.3.2 The site is within the Vale of Clwyd Historic Landscape.
- 1.4 Relevant planning history
- 1.4.1 Planning permission was granted for the change of use of an ancillary building to holiday let accommodation at Planning Committee in November 2017.
- 1.5 Developments/changes since the original submission
- 1.5.1 The current application was originally submitted as an approval of condition application, however due to the nature of the proposal, the agent was advised to submit a variation of condition application instead.
- 1.6 Other relevant background information

1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 09/2017/0887. Change of use and alterations of detached ancillary accommodation building to form a holiday let (retrospective application) Granted 15/11/2017.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance  
Parking in new developments SPG

3.3 Government Policy / Guidance  
Planning Policy Wales (Edition 9) November 2016  
Development Control Manual November 2016

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 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 (DMM section 9.4).

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 issue in relation to the application are considered to be:

4.1.1 Highways impact

4.2 In relation to the main planning consideration:

4.2.1 Highways impact

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a 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 (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Community Council has objected to the proposal on highway safety grounds due to concerns over vehicles reversing on the road would adversely impact on other highway users.

The Council's Highway Officer has assessed the proposals and has no objection to the variation of condition application.

In respecting the Community Council's comments, it is relevant to look carefully at the particular circumstances applying in this location :

- Factually, there is a large parking area to the front of the existing dwelling which serves the dwelling and the holiday let unit. Vehicles have reversed onto and off the road to use this parking area for many years. No changes are proposed to these existing arrangements.
- There is no indication of hazards or a history of accidents arising from the use of the parking arrangements at Ty Clwyd.
- The holiday let is a 1 bedroom accommodation unit and requires 1 dedicated parking space.
- The approved plans show a section of the existing parking area would be dedicated for users of the holiday let unit.
- When the original application was assessed, Highways Officers raised no objection to the proposal as they did not consider the parking arrangements proposed would adversely impact on highway safety, and accordingly, Officers did not propose a planning condition to this effect.
- The applicant considers it unreasonable to require a turning area within the site in this location for the 1 vehicle associated with the holiday let unit, as the 3 or 4 other car parking spaces for the existing dwelling can continue to be accessed by reversing off or onto the unclassified public road. Additionally, insistence on a turning space within the site would involve loss of an existing patio area.
- Signage is proposed in connection with the proposal. The contents of the sign and its location would need to be covered by condition. This would help to reinforce the message that vehicles should reverse off the highway into the parking space and enter the road in a forward direction.

In assessing the application, Officers suggest due consideration has to be given to the actual 'danger' likely to arise to other road users from the proposed parking and turning arrangements. In reviewing this, it is to be noted that the lane serving the holiday unit beyond Ty Clwyd is a 'dead end' road which provides access only to properties at Glan Clwyd Isa and field accesses. Officers understand there is the original dwelling and four small residential units created through a conversion of an old barn at Glan Clwyd Isa – hence a maximum of five residential units. The volume of traffic likely to use this lane is consequently limited, meaning the chances of conflicts with one vehicle in connection with the holiday unit are respectfully remote. There is no evidence to suggest the existing arrangement causes any impact on highway safety or impedes other road users.

As only 1 parking space is dedicated to the holiday let unit, given the considerations above and having regard to the views of Highway Officers and the information put forward in the planning application documents, Officers would conclude the proposed alternative parking arrangements would not give rise to unacceptable adverse impacts on highway safety.

Therefore, notwithstanding the concerns of the Community Council, Officers consider it would be unreasonable to refuse to vary condition 5 as proposed, as there is no compelling case for insisting on a turning area to be provided within the site on highway safety grounds.

Officers therefore recommend the application should be approved and condition 5 should be re-worded accordingly.

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 been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. 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 Notwithstanding the concerns raised by the Community Council, Officers consider the continuation of use of a parking arrangement which has been in existence for some time would not have any additional impact on highway safety and therefore consider it would be unreasonable to refuse to vary condition 5 as there is no compelling case for insisting on a turning area to be provided within the site on highway safety grounds.

5.2 Officers therefore recommend the application should be approved and condition 5 should be re-worded accordingly.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

Condition 5 on 09/2017/0887/PF shall now read as follows:

5. Vehicles shall at all times exit the car parking area dedicated to the holiday let unit in forward gear.

Reason: In the interests of highway safety.

The variation is subject to the following condition:

1. Details of the contents and location of the proposed sign to be displayed to advise users of the holiday unit to reverse off the highway into the dedicated parking space shall be submitted to the Local Planning Authority within one month of the date of this decision, and such details as may subsequently be approved in writing by the Authority shall be implemented no later than 3 months from the date of this decision. The sign shall remain in place at all times the holiday unit is use.

The reason for the condition is :-

1. In the interests of highway safety.