

To: Chair and Members of the Planning Committee

Date: 2 November 2022

Direct Dial: 01824 712589

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 9 NOVEMBER 2022** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams
Monitoring Officer

AGENDA

1 APOLOGIES (Pages 3 - 4)

2 DECLARATIONS OF INTEREST (Pages 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 7 - 14)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 5 October 2022 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 6) -

5 APPLICATION NO. 01/2022/0690/PF - LAND ADJACENT YSGOL PENDREF, GWAENYNOG ROAD, DENBIGH (Pages 15 - 68)

To consider an application for erection of 110 dwellings, construction of a new vehicular access, landscaping and associated works (resubmission) at land adjacent Ysgol Pendref, Gwaenynog Road, Denbigh (copy attached).

6 APPLICATION NO. 45/2022/0533/PS - ROGER W JONES LTD, CEFNDY ROAD, RHYL (Pages 69 - 94)

To consider an application for erection of additional external yard racking (retrospective application) at Roger W Jones Ltd, Cefndy Road, Rhyl (copy attached).

7 INFORMATION REPORT - AMENDMENT TO THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (THE UCO) AND THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (THE GPDO) (Pages 95 - 98)

To receive an information report (copy attached) advising members of the Planning Committee of changes to national planning legislation.

MEMBERSHIP

Councillors

Councillor Mark Young (Chair)

Councillor Peter Scott (Vice-Chair)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones

Julie Matthews
Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Pete Prendergast
Gareth Sandilands
Andrea Tomlin
Elfed Williams

COPIES TO:

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Press and Libraries
Town and Community Councils

WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items where we have received requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information prior to the start of the meeting, including the late representations/amendments summary sheets ('Late Sheets') and any supplementary or revised plans relating to items for consideration.

The Late Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee currently consists of 21 elected Members. In accordance with protocol, 11 Members must be present at the start of a debate on an item to constitute a quorum and to allow a vote to be taken.

County Council Members who are not elected onto the Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Late Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, **he/she should not speak again** unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason(s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officers on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what motions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

Members attending via Zoom

The voting will proceed with the Chair going around all the Planning Committee members eligible to vote to ask for their verbal "For", "Against" or "Abstain" vote. The votes will be marked down.

Members attending in person in the Chamber

The Members will use the electronic voting system and the result will be read out by the Chair.

Final Result

The Chair will add up the votes and will announce whether the application has been approved or refused.

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-
*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 5 October 2022 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Raj Metri, Win Mullen-James, Merfyn Parry, Gareth Sandilands, Peter Scott (Vice-Chair), Andrea Tomlin, Elfed Williams and Mark Young (Chair)

Observer – Councillor Hugh Evans

ALSO PRESENT

Monitoring Officer (GW); Development Manager (PM); Principal Planning Officer (PG); Senior Engineer – Development Control (MP); Zoom Host (KJ); and Committee Administrator (SLW)

Public Speakers –

Mr Rodney Witter (Agenda Item 6)

Mr Arwen Davies (Agenda Item 7)

1 APOLOGIES

Apologies for absence were received from Councillor Pete Prendergast

2 DECLARATIONS OF INTEREST

Councillor Alan James declared a personal interest in item 9 (Roger W Jones Ltd) as he has an active builders account.

3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

4 MINUTES

The minutes of the Planning Committee held on 7 September 2022 were submitted.

RESOLVED that the minutes of the meeting held on 7 September be approved as a correct record.

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since the publication of the agenda, which contained additional information relating to those applications. In order to accommodate public speaking requests, it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 01/2021/0850/ PF - LLEWENI CARAVAN TOURER PARK, LLEWENI PARC, MOLD ROAD, DENBIGH

An application was submitted for amendment to approved layout to form an additional 14 touring caravan pitches, internal access tracks and pathways, connection to existing septic tank, planting, landscaping and associated works at Lleweni Caravan Tourer Park, Lleweni Parc, Mold Road, Denbigh.

Public Speaker –

Rodney Witter (For) – gave a brief history of the site and the background for the application. The current owners took over the custodianship of the land in 1989. Planning Committee had been helpful in the past and planning permissions had been obtained in the 1990's to recover the buildings to the superb 17 houses currently at Lleweni. Reclamation of the old shrubbery had commenced and in 1990 Planning Committee approved 10 caravans to the initial area. Later as a further section was restored, Planning Committee again unanimously agreed to increase to 20 caravans. Following unease regarding the number of movements of the caravans on the single track airfield lane, required every 28 days, the Planning Committee changed the condition and permitted the caravans to remain but only to be used for 28 days at a time, which are now recorded on an electronic diary. The reclamation of the shrubbery had now been completed which would enable a further 14 pitches in the secluded and screened area. This would be a quiet retreat for the guests who appreciate the attractions of the Vale of Clwyd. The guests bring spending power to the area. Mr Witter asked members support the officers' recommendation.

General Debate –

Councillor Delyth Jones read out a statement on behalf of Councillor Rhys Thomas (Ward Member). Councillor Thomas had serious reservations about the granting of the planning application, however, if by granting the application, the site would change from what it was at present into being well-managed and well-controlled then he would support the application. He would expect planning conditions on the site to be monitored regularly and conditions enforced if necessary. This would allay concerns of nearby residents.

Councillor Win Mullen-James stated if the Committee were to grant the application, could a condition be put on that it would be light sensitive to the AONB Dark Skies Site and nocturnal wildlife.

Officers confirmed that regarding controls over lighting for the impact of the nearby AONB condition number 5 which required an external lighting and internal lighting assessment to be carried out, the benefit of which would protect bat conservation. It was confirmed there would be an additional condition which required control over external lighting on the actual caravans.

Proposal – Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendation, seconded by Councillor Delyth Jones.

VOTE –

For – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendation.*

6 APPLICATION NO. 10/2021/1173/ PF - LAND AT NANT Y GAU, BRYNEGLWYS, CORWEN

An application was submitted for the erection of an agricultural workers dwelling, installation of a sewage treatment plant and associated works at land at Nant Y Gau, Bryneglwys, Corwen.

Public Speaker –

Arwen Davies (For) – Mr Davies was eager to keep the family farm going and hoped to be a fourth generation farmer who worked closely with his parents and had learnt the best ways of farming. He gave an outline of the farming he carried out and eventually hoped to take over the farm with his family. Mr Davies stated farming needed to change due to climate change, costs and new NBZ rules. With the knowledge which had been passed down through generations and the ongoing support from his parents and partner, Grace, he was confident the farm could flourish. However, he needed to be on the premises. He had looked at properties in the village and surrounding areas but these were not only unaffordable, but not practical due to his sheepdogs, lambing and calving. The wellbeing of the animals required Mr Davies to be on site particularly as he would soon be running the business. It was hoped the children would grow up on the farm and go to the local primary school as this was vital to the future of the farm and with the Planning Committee's help, he could aspire to be the fourth generation farmer of Nant Y Gau, taking a leading role in the business and preparing the farm for the next generation.

General Debate –

Councillor Hugh Evans (Local Member) thanked Mr Arwyn Davies for putting forward his statement. It was clear a lot of work had taken place between the applicant and officers and it was re-assuring to see that a majority of the material planning considerations had been met. There were no objections from the AONB, Community Council, residents or Natural Resource Wales (NRW). There was no visual negativity around the proposal and the application supports the carbon emissions target. The reason the application had been brought before Planning Committee was concerns between professional opinion of Reading University and Kite Consultants and Councillor Evans was also concerned that officers had taken notice of the Reading element of the advice as opposed to the Kite Consultants advice.

Councillor Evans explained how he found it difficult to understand why Reading University did not appreciate the funding availabilities in the farming business. The salary of the spouse had not been considered, or the external works the applicant

puts in. Councillor Evans felt the officers had not seen the complete financial picture when making their recommendations and requested Planning Committee delve more into the Reading University element of the advice. He stated he personally felt people in the rural areas were disadvantaged.

Information from Business Wales had been obtained which stated 40% of farms in Wales had now diversified which equated to 19% of the total income. Reading University had not considered this.

Reference 4.4 this application covers everything within that section.

Reference 4.5 – promoted diversification on established farms which this applicant does and 4.5.3 succession is critical.

Referring to the financial test he stated there was a grey area as it did state “should have good prospects of remaining economically sustainable for the reasonable period of time”. Reading University did not seem to accept that, based on pure financial figures, not on the history of the farm. In Councillor Evans’ view, he did not think there was any correlation between what information Reading University had provided and what TAN6 required. He did accept it was difficult for officers having to decide between Reading University and Kite Consultants.

In conclusion this was a genuine application by a hard working couple who wanted to stay on the farm. There was no other option for them as there were no other opportunities in the area. Councillor Evans did not think Reading University and TAN 6 were aligned. He did not think Reading University understand how Welsh family farms thrived and survived and it came down to flexibility, adaptability and serious hard work. This was the last hope for the applicants and hoped Planning Committee would show their support.

Planning officers confirmed independent consultants had been appointed on their behalf to assess all the information provided. The application was for a dwelling in the open countryside. In those locations normal rural constraints apply unless there was an exception. One of those exceptions was that the dwelling was required to support a rural enterprise and clearly the applicant had shown that this was required. There was a functional need for Mr Davies to be there and for succession. There was also shown there was no visual or harmful impact so the only issue was the financial test. They have to show that it would be profitable and it had a sustainable future. The consultants looked at the previous figures and came to the conclusion that the projected profits were not sufficient to pay a minimum wage for both the father and son and cover the mortgage costs. The consultants advise that this would undermine the business which proved a risk for the future. Another risk was if the application was not approved here, the business could disappear anyway preventing succession.

Reading University had applied TAN6 correctly. They found conflict with one element of the tests. TAN6 stated the business had to support itself, the building was there to support the enterprise. The tests were about the business which could not rely on the income of a spouse or sideline work.

During discussions the following points were raised –

- Members agreed it was a difficult decision as the material planning conditions had been met, the only issue was the financial aspect. A number of members agreed with the statement by the Local Member, Councillor Hugh Evans.
- If the building were to be approved, it would be for an agricultural workers building and not be able to be sold on the open market, it would be purely for the business. It was important to look at the business and the ability to maintain the building. It was also felt that Mr Davies and his partner would produce additional income and the farm would be a long term business. Officers responded by emphasising that the application was extremely borderline on how the assessment had been made.
- In future, need to reassess these types of cases and officers possibly needed to challenge Consultants more in terms of the information they provide. It was confirmed that officers were also dealing with Welsh Government Technical Advice Notes. Work would need to take place with the Welsh Government to amend the wording in some of their documents.
- The property would be a rural enterprise project and if members were to go against officer recommendation reasons would need to be formalised prior to going to the vote.
- Planning conditions would need to be imposed to ensure that the property itself was retained in perpetuity in connection with the rural enterprise. The conditions would normally be agreed with the local member and a set of draft conditions would be drawn up and the wording agreed with the Local Member.

Proposal - Councillor Huw Hilditch-Roberts proposed to grant the planning application against officer recommendations. The reasons to grant the application - Committee having considered all the information placed before it, what they had heard from the applicant and the late representations they are satisfied that the business does meet the financial test, seconded by Councillor Merfyn Parry.

VOTE –

For (against officer recommendation) – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** against officer recommendation.

7 APPLICATION NO. 01/2021/0836/ PF - PENNANT FLATS, HENLLAN STREET, DENBIGH, LL16 3PH

An application was submitted for the erection of 7 terraced dwellings, 2 apartment buildings comprising a total 4 apartments, formation of access, parking, landscaping and associated works at Pennant Flats, Henllan Street, Denbigh.

Councillor Delyth Jones (Ward Member) – the application had been designed to replace 2 blocks which were originally on the site. The roofline appears higher than the nearby houses, I understand it will be suitable in this location and to mitigate

against floods. Much work has been done with the plans and the flooding improvement requirements have been fulfilled. Councillor Jones welcomed the additional clause which requires the colour and type of materials used. It offers 100% social housing scheme which is much needed for the area.

Proposal – Councillor Delyth Jones proposed granting in accordance with officer recommendation, seconded by Councillor Alan James.

VOTE –

For – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendation.

**AT THIS JUNCTURE (10.20 A.M.) THERE WAS A BREAK.
THE MEETING RECONVENED AT 10.25 A.M.**

8 APPLICATION NO. 40/2021/0825/ PF - LAND OPPOSITE GLAN CLWYD HOSPITAL, RHUDDLAN ROAD, BODELWYDDAN, RHYL

An application was submitted for the erection of 108 dwellings, construction of a new vehicular access and associated works at land opposite Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan, Rhyl.

General Debate – A site meeting had taken place on Friday 30 September 2022. Councillor Peter Scott had attended the site meeting and looked at the site. The Highways Officer had also been in attendance at the site meeting to explain the access and egress from the site would be improved. There was to be a crossing for pedestrians and cyclists away from the roundabout of the hospital entrance. The drainage proposals for surface water would be SUDS legislation. During the site visit a question was asked regarding the public sewerage system. Within the late representation sheet a statement from Welsh Water was included that no-one else would be allowed to connect to their local public sewerage system due to lack of capacity. They advised that foul water from any further development on the wider KSS would need to be communicated with Kinmel Bay Wastewater Treatment Works. This would require substantial infrastructure improvements at the developers expense rendering any further development unviable.

Councillor Raj Metri (Local Member) stated, unfortunately he had been unable to attend the site visit due to health issues. There had been concern from local people regarding the dangers on Sarn Lane walking to and from the hospital. Concerns were also raised regarding the drainage on the road.

The Highways Officer confirmed a detailed transport assessment had been provided as part of the application. Local junctions had been assessed and all junctions would operate safely within capacity. The site was well served by all non-car modes of transport and is proposed to enhance the sites connectivity with the existing cycle footway network as part of Active Travel Wales by introducing a

controlled crossing point on Rhuddlan Road not far from the roundabout with a cycle footway path both sides of the carriageway linking into the new facility. The site access will take the form of a priority controlled junction which would not affect the free flow of traffic. The access arrangements comply with the requirements of TAN 18 visibility standards. The proposed site internal estate roads would be 5.5 metres in width with 2 metre footways. The current pull in layby would be removed. Taking all the information into account, there were no concerns by the Highways Department.

Councillor Alan James confirmed he had attended the site meeting and was happy with the proposals.

Proposal - Councillor Alan James proposed to grant the application in accordance with officer recommendation, seconded by Councillor Peter Scott.

VOTE –

For – (9 votes cast in the Chamber 10 votes cast via zoom) – 19

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendation.

9 APPLICATION NO. 45/2022/0533/ PS - ROGER W JONES LTD. CEFNDY ROAD, RHYL

An application was submitted for the erection of additional yard racking (retrospective application) at Roger W Jones Ltd., Cefndy Road, Rhyl.

A site visit had taken place on 30 September 2022.

Councillor Peter Scott proposed the application be deferred to talk to the applicants to ascertain if a compromise could be made, seconded by Councillor Alan James.

VOTE –

For Deferral – (9 votes cast in the Chamber 9 votes cast via zoom) – 18

Abstain – 0

Refuse – 0

RESOLVED that the planning application be **DEFERRED**.

10 APPLICATION NO. 45/2022/0543/ PF - 2 TYNEWYDD ROAD, RHYL

An application was submitted for the erection of a first floor extension over existing garage, formation of balcony to side of dwelling and associated works at 2 Ty Newydd Road, Rhyl.

Proposal - Councillor Win Mullen-James proposed granting of the application in accordance with officer recommendation, seconded by Councillor Ellie Chard.

VOTE –

For – (9 votes cast in the Chamber 9 votes cast via zoom) – 18

Abstain – 0

Refuse – 0

RESOLVED that the planning application be GRANTED in accordance with officer recommendation.

11 47/2020/0593 FORMER RHYL RUGBY CLUB, WAEN ROAD, RHUDDLAN, RHYL

To receive a report seeking nominations from Members of the Planning Committee to represent the Council at the Hearings for application ref: 47/2020/0593 which had been called in by Welsh Government for determination by Welsh Ministers.

Councillors Chris Evans and Peter Scott requested to be representatives.

It was unanimously agreed by a show of hands.

RESOLVED that Councillors Chris Evans and Peter Scott represent the Council at the Hearings for application ref: 47/2020/0593 which had been called in by the Welsh Government for determination by Welsh Ministers.

12 REVIEW OF SCHEME OF DELEGATION

To receive a report that outlined to Members suggested amendments to the Planning Scheme of Delegation.

Following a unanimous show of hands it was agreed to accept the amendments to the Planning Scheme of Delegation.

The meeting concluded at 10:50 a.m.

Agenda Item 5

WARD : Denbigh / Caledfryn / Henllan

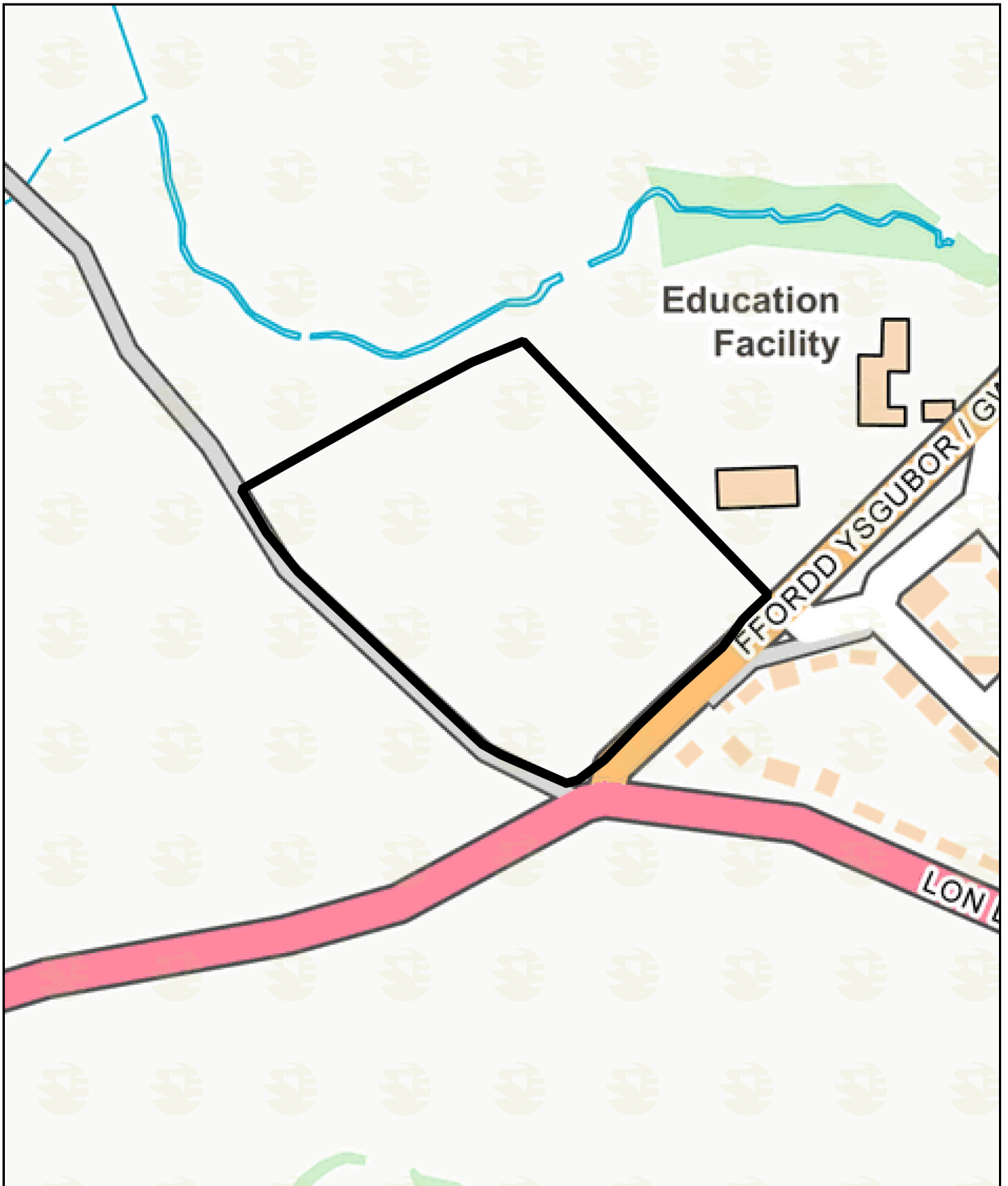
WARD MEMBER(S): Cllr Pauline Edwards
Cllr Delyth Jones (c)
Cllr Geraint Lloyd-Williams

APPLICATION NO: 01/2022/0690/ PF

PROPOSAL: Erection of 110 dwellings, construction of a new vehicular access, landscaping and associated works (resubmission)

LOCATION: Land Adjacent Ysgol Pendref Gwaenynog Road
Denbigh

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01/2022/0690



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Location plan



Proposed site plan



1 bed flats



Eg Semi detached 2 bed



Eg semi detached 3 bed



Eg. Detached 3 bed



Eg. semi detached 3 bed



Eg. detached 3 bed



Eg. detached 4 bed



View of the site facing east towards
Denbigh



View of the site facing north
towards Ysgol Pendref



Site access from the top of Gwaenynog Road

WARD : Denbigh / Caledfryn / Henllan

WARD MEMBER(S): Cllr Pauline Edwards
Cllr Delyth Jones (c)
Cllr Geraint Lloyd-Williams

APPLICATION NO: 01/2022/0690/ PF

PROPOSAL: Erection of 110 dwellings, construction of a new vehicular access, landscaping and associated works (resubmission)

LOCATION: Land Adjacent Ysgol Pendref Gwaenynog Road Denbigh

APPLICANT: Mr Matt Christie Castle Green

CONSTRAINTS: PROW

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

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

'Objection' on the following grounds:

The town councillors were very concerned regarding the removal/destruction of hedgerow without consent.

Insufficient Social/affordable Housing at the location

No planned work to improve Lenten Pool – Highways issue.

Insufficient infrastructure in town

No Housing needs assessment completed

Futures generation not taken into account

CLWYD- POWYS ARCHAEOLOGICAL TRUST

Having consulted the information held within the Historic Environment Record, confirm that there are no archaeological implications for the application.

NATURAL RESOURCES WALES

No objections providing the Ecological report and Ecological Compliance Audit is attached within the list of approved documents on any decision notice to grant.

DWR CYMRU / WELSH WATER

The site is crossed by a 12-inch water main and the development would be situated on top of the public water main. No operational development will be permitted within the easement of the public water main measured 6 metres either side of the centreline.

Advise of the need to divert the public water main under Section 185 of the Water Industry Act 1991. Request a condition is attached to any planning consent to ensure a scheme is approved to accommodate the strategic water main crossing the site to protect it and avoid damage.

No concerns raised regarding the method for foul drainage proposed.

Water supply can be made available to serve this development.

THE CAMPAIGN FOR THE PROTECTION FOR RURAL WALES- CLWYD BRANCH

Retain previous objection. Despite allocation within LDP due to circumstances having changed since the LDP was adopted. Climate change and impacts to food supplies makes it imperative to retain every hectare of agricultural land for growing crops. Development should be focused on brownfield sites not greenfield land. Impacts on schools, road safety, public transport from the site, carbon footprint of the town and impacts to doctors and hospitals. Previous reasons for refusal still apply.

WALES AND WEST UTILITIES-

No comments received. Previously raised no objection to the proposals but it should be noted that apparatus is held pursuant to easements and apparatus might be at risk during construction works and diversions works might be required.

NORTH WALES POLICE-

No comments to make.

BETSI-CADWALADER HEALTH BOARD

No comments received.

CHIEF FIRE OFFICER

No comments received.

SCOTTISH POWER

No comments received.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

-Highways Officer-

No objection subject to conditions.

Highways Officers have given consideration to the following elements of the proposals;

- Capacity of existing network
- Accessibility
- Site access
- Site Layout

The following information has been reviewed as part of the assessment of the proposals;

- Site Plans
- Transport Assessment
- Road Safety Audit

Having regard to the submitted details it is considered that sufficient information has been submitted.

Capacity of Existing Network

Criteria viii) of Policy RD 1 advises that proposals should not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate.

As part of the detailed Transport Assessment provided by the developer, two junctions were assessed. These included the A543/Gwaenynog Road junction and the Gwaenynog Road/Henllan Street junction.

As per typical guidance, a future assessment year of 2032 was adopted for the Transport Assessment (i.e. based on the year of application + 10 years for developments outside of the strategic road network).

Proportional impact assessments were undertaken to assess the traffic impact of the development on the aforementioned junctions in proximity to the development. The proportional impact assessment is utilised to identify junctions that have the potential to experience a significant increase in vehicular flow as a result of the development proposals. The assessment has shown that the proposed development will have a limited impact on the junctions with significant levels of spare capacity so any future increase in traffic flows can be accommodated.

Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

Collision data has also been provided for the latest 5-year period. No accidents have been recorded on the local highway network in the vicinity of the site during the study period.

Accessibility

At 8.7.1 Planning Policy Wales (PPW) specifies that when local planning authorities determine planning applications they should take account of the accessibility of a site by a range of different transport modes. TAN 18 at 6.2 states that walking should be promoted as the main mode of transport for shorter trips. Section 6.2 goes on to specify that when determining planning applications local planning authorities should;

- ensure that new development encourages walking as a prime means for local journeys by giving careful consideration to location, access arrangements and design, including the siting of buildings close to the main footway, public transport stops and pedestrian desire lines;
- ensure that pedestrian routes provide a safe and fully inclusive pedestrian environment, particularly for routes to primary schools;
- ensure the adoption of suitable measures, such as wide pavements, adequate lighting, pedestrian friendly desire lines and road crossings, and traffic calming;

Policy RD1 of the LDP states that development should provide safe and convenient access for disabled people, pedestrians and cyclists. Policy ASA 2 of the LDP identifies that schemes may be required to provide or contribute to the following;

- Capacity improvements or connection to the cycle network;
- Provision of walking and cycling links with public transport facilities;
- Improvement of public transport services.

A detailed assessment of the accessibility of the site by non-car modes of transport has been provided in the Transport Assessment. As summarised in the assessment, the site is considered to be well served by all major non-car modes of transport.

In addition to the new proposed site access arrangements which are discussed in more detail later in this response, it is also proposed to enhance the sites connectivity with the surrounding facilities by introducing further off site highway works which will include:

- Provide a link cycle/footway from the A543 to the footway adjacent to Ysgol Pendref
- Improve links to the wider public footpath networks in the vicinity of the site.
- Relocation of the 30mph speed limit with new street lighting westwards.

Having regard to the location of the existing site and access arrangements it is considered that the proposals are acceptable in terms of accessibility and the policy requirements identified above.

Site Access

Criteria vii) of Policy RD 1 of the Denbighshire Local Development Plan (LDP) requires that developments provide safe and convenient access for disabled people, pedestrians,

cyclists, vehicles and emergency vehicles. In order to comply with this requirement site accesses should meet relevant standards. Technical Advice Note 18: Transport (TAN 18) specifies at 5.11 that new junctions must have adequate visibility and identifies Annex B as providing further advice on required standards.

The proposed site access will provide a new priority junction off the Gwaenynog Road as show on the drawings. The access has been designed to typical residential standards and will have a 5.5m wide carriageway with new footway links.

A Stage 1 Road Safety Audit has been undertaken and submitted as part of the Transport Assessment. Stage 1 Road Safety Audits are undertaken at the completion of preliminary design and where possible, before planning consent is granted. Material safety concerns raised in the audit have been addressed by the developer in the form of a Designers Response.

Stage 2 Road Safety Audits are undertaken at completion of the detailed design stage of the works. The Audit Team will be able to consider the layout of junctions, position of signs, carriageway markings, lighting provision and other issues. As part of the detailed design of the access and submission of the relevant information required for the Highways Section Agreement, a Stage 2 Road Safety Audit will be requested.

The proposed site access arrangements demonstrate compliance with the visibility standards set out in Annex B TAN 18 and are therefore considered to be acceptable.

Site Layout (including roads, pavements, manoeuvring, lighting etc.)

Criteria vii) of Policy RD1 of the LDP states that development should provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate parking, services and manoeuvring space.

Specific design guidance is contained within the following documents;

- Manual for Streets
- Denbighshire County Council Highways and Infrastructure: Minimum Specification for the Construction of Roads Serving Residential Development and Industrial Estates
- Denbighshire County Council: Specification for Highway Lighting Installations
- Denbighshire County Council: General Requirement for Traffic Signs and Road Markings

The proposed site will have a main internal estate road, measuring 5.5m in width, which is accessed from Gwaenynog Road. 2.0m footways/service margins will be provided throughout the site. In order to demonstrate that the site can be serviced sufficiently, swept path analysis of a large 4-axle refuse vehicle has been undertaken at the site access and at the turning heads within the site. The swept path analysis demonstrates that a vehicle of this size can enter the site via the site access, turn within the site at appropriate points, and exit the site in a forward gear.

Having regard to the details provided and guidance identified above, it is considered that the on-site highways arrangements are acceptable.

Having regard to the detailed assessments above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Highways Officers would see no reason to object to the proposed development, subject to appropriate conditional controls.

A contribution of £25,000 shall be secured from the developer which will go towards the safer routes scheme adjacent to Ysgol Pendref being implemented by Denbighshire.

-Footpaths Officer

Our view expressed in the previous application were made as a result of experience with larger developments bordering the countryside. We find a high aspiration from new residents to be able to gain access to public paths to enjoy the benefits for their well-being, providing for recreation and exercising pet dogs. This often leads to a situation when there is no direct access to the path network, some residents taking to create unauthorised access onto neighbouring farm land, if it makes access easier for them, causing difficulties for the landholder. In the north west corner of the site is a public space bordering farmland and a right of way and in my experience this is likely to become a point of focus for such informal access being created.

This space between plots 21 and 22 might be better utilised to provide an access point onto path 74 Denbigh (footpath) that runs parallel and abuts the site. This would better benefit residents, especially those on the north western half of the development, wishing to access the path directly from the new development rather than having to head to the 'A' road junction then doubling back to follow the path running along the whole length of the Lodge Farm drive, that is also subject to vehicle movements related to the farm business where in the past we have had path users report difficulties when encountering large vehicles accessing the farm.

-Drainage Officer/Flood risk engineer -
SAB Approval will be required.

- Public Protection Officer-

No objection subject to conditions ensuring that solid hoarding is erected along the boundary with Ysgol Pendref and south east boundary to reduce noise and visual impact from the construction operations, the piling operation does not take place within 50m of the closest school building during term time and the site access shall have a sealed surface and incorporate a wheel wash facility.

- County Ecologist-

No objection subject to the imposition of conditions to ensure there are no negative impacts on protected species or the nature conservation value of the site. Recommend conditions are attached including; access through fencing is provided for hedgehogs, provision is made for roosting bats and nesting birds on each dwelling, an external lighting scheme is submitted for approval, details of an amphibian- friendly water management system is installed, works do not take place during bird breeding season and an updated landscaping scheme designed to deliver a net benefit for biodiversity is also submitted for approval by the Local Planning Authority.

Following discussions with the agent regarding practicalities of providing one hedgehog hole per dwelling, the County Ecologist agreed the maximum amount of holes have been shown on plans and no condition is required in this regard. The wildflower planting sub soil has been amended on the plans and is now acceptable.

- Strategic Housing & Policy Officer-

Principle

- The site is within the development boundary for Denbigh and the site is allocated for housing under Policy BSC1 and the principle of residential development on the site is agreed. A Site Development Brief (SDB) was adopted for this site.

Overall Housing Need

- The LDP 2006 -2021 made provision for 7,500 homes to be delivered over the plan period. To date 3,648 have been delivered, some 49% of the total required. There is evidence from the SARTH and Tai Teg housing registers of housing need in Denbigh. The development will assist in meeting the identified housing need in the County. The housing numbers indicated under policy BSC 1 are indicative only and not intended as a minimum or maximum for any site.

Housing Density

- The SDB stipulates that a minimum housing density of 35/hectare should be achieved in line with the requirements of LDP Policy RD1. The planning statement that accompanies the application states that the density is 40.57/hectare. This density is considered acceptable and in-line with Policy RD1.

Affordable Housing

- The sale of the site by the Council set a requirement of 20% affordable housing to be provided on site and this higher percentage is required and is provided in the proposal.
- The affordable housing mix has been agreed with the Council's Programme Manager for Housing Development to reflect the social housing need in the area and is considered to be acceptable.
- The affordable housing is distributed throughout the development which is welcomed and should meet the provisions set out in the Beautiful Homes and Spaces Standards.

Housing Mix

- The market housing mix is dominated by 3 bedroom dwellings which is considered to be acceptable and is the most popular size dwelling for purchase from the Tai Teg Register.

Open Space

- The SDB recommends that rather than creating a new small area of open space on-site, the existing open space in the area could be enhanced through the use of a commuted sum from any new development on this site.
- Open space is not to be provided on site which is acceptable providing a commuted sum of £136,093.76 is paid towards the existing open space in the area.

Education

- The education authority have confirmed that there is sufficient capacity in the local primary and secondary schools to accommodate the proposed development and that no contribution is required. No education contributions are required as there is sufficient space in the local primary and secondary schools to accommodate the development.
- Ysgol Pendref is the closest primary school to the development and it this is also one of the schools in line for investment as part of the Sustainable Communities for Learning programme funded by WG. It is anticipated that this development would generate pupils for the school which currently has a significant number of surplus places; in turn this would support the business case put forward to WG in terms of the intended capacity for the new school.

- Lead Officer Corporate Property and Housing Stock

The access track from the A543 (Lon Llewelyn) to the privately owned Lodge Farm has been retained within the Council's ownership. However, the owners of Lodge Farm have a specific and private right of way down the lane along its existing route. The Council has no legal right to change this right of way.

The track is the only access to the farm and accommodates all farm traffic including agricultural machinery, large milk tankers, feed delivery lorries, large tractors and trailers including silage trailers. Mixing large farm traffic with residential estate traffic raises concerns regarding future liabilities.

As such, any roundabout proposed at the junction of the A543 (Lon Llewelyn) and the B5382 (Ffordd Ysgubor) would need to provide a dedicated exit point to accommodate access to Lodge Farm via the existing farm track. Arguments presented on the basis that this could not be achieved and a change to the right of way is required to provide safe access to the site would be undermined by any availability of acceptable highway access arrangements elsewhere along the boundary.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

James Rogerson, Llwyn Onn, Gwaenynog Road, Denbigh

Nicola Roberts, 64 Bryn Garth, Denbigh

Clwyd Roberts, 64 Bryn Garth, Denbigh

Yvonne Lloyd, Bron Haul, Henllan Place, Denbigh

Margaret Pritchard, 2 Smithfield Road, Denbigh

Sian Lloyd Davies, 34 Park Street, Denbigh

Principle

Already enough new housing developments in Denbigh

Housing is not affordable for local people

Impacts on local services

The GPs, Dentists and schools are already at capacity

Highways

Will cause more congestion at peak times

Walking routes will be lost

Surrounding roads can't cope with the additional traffic

Recent layout changes to Gwaenynog Road will make traffic movements more difficult from the new development.

Parking already an issue on Gwaenynog Road

Ecology

Impacts to wildlife

Loss of hedgerow

Health and Well being

No open space on site and loss of Cae Howell in the future will impact the children

Loss of greenspace

Environment

Climate change impacts due to carbon dioxide pollution in the Vale

EXPIRY DATE OF APPLICATION: 18/09/2022

EXTENSION OF TIME AGREED: Yes 11/11/2022

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is a resubmission of a previously refused application by Planning Committee (ref/ 01/2021/0950) for the erection of 110 dwellings including 22 affordable homes and formation of a new access at land adjacent to Ysgol Pendref, Denbigh.
- 1.1.2 The site is an allocated housing site under Policy BSC1 within the adopted Local Development Plan. There is a proposal Site Development Brief adopted for the site and another parcel of land nearby which has already commenced development.

1.1.3 The affordable housing mix would equate to 20% of the 110 dwellings proposed which are proposed to be 'pepper potted' throughout the development. Tenure for the 22 affordable dwellings is proposed to be for social rent.

1.1.4 The proposed development will comprise the following housing mix:

Housing Type	No of units	Percentage
1 bed apartments (affordable homes)	4	3.6%
2 bed (semi-detached) affordable homes	14	13%
2 bed (detached) open market	16	14.5%
3 bed (semi-detached) affordable	2	1.8%
3 bed (detached) open market	16	14.5%
3 bed (semi-detached) open market	31	28%
4 bed (detached) affordable	2	1.8%
4 bed (detached) open market	25	23%
Total	110	100%

House Types:

4 no. 1-bed walk-up apartments (ground and first floor); (Affordable Homes)



2 no. 3 bed (left) (Affordable Homes)



14 no. 2-bed (semi-detached properties) (Affordable homes)



2 no. 4 bed semi detached properties (Affordable homes)



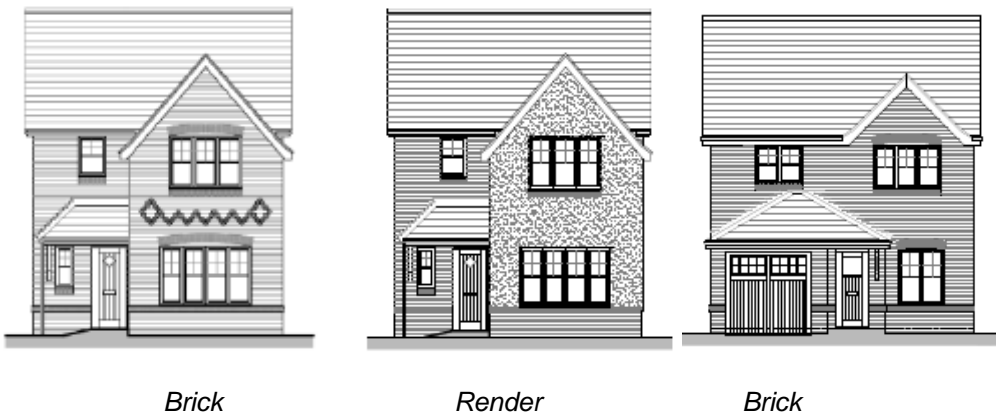
16 no. 2 bed semi detached properties (Open Market Homes)



16 no. 3 bed semi detached properties (Open Market Homes)



31 no. 3-bed detached properties examples; (Open Market Homes)



25 no. 4-bed detached properties example. (Open Market Homes)



1.1.5 The proposed net density on the site would be 40.57 dwellings per hectare.

1.1.6 Access into the site would be from the top of Gwaenynog Road near to the bend with A543. New internal estate roads and footpaths are proposed within the site, and parking would be provided for each unit.

- 1.1.7 The layout seeks to make the most efficient use of the land and topography within the site and proposes dwellings off an internal estate road.
- 1.1.8 The proposed dwellings would be 2 storeys and finished in facing red brick with through coloured render and marley roofing tiles.
- 1.1.9 The boundaries are proposed to be 1.8m high brick walls or 1.8m timber fences.
- 1.1.10 Part of the hedgerow to the south of the site (approximately 55m) is proposed to be removed to create access links into the development.
- 1.1.11 A landscaping scheme is proposed for the site including the planting of small ornamental trees, shrub planting and single species hedgerow to the front of properties and mixed native species hedgerow to the northern boundary (approximately 50m) and between plot 90 and the substation (approximately 40m).
- 1.1.12 A substation is proposed within the site to the south east corner adjacent to the footpath link to the school.
- 1.1.13 Foul water would connect to the mains sewer. Surface water drainage is proposed to discharge to the unnamed Ordinary Watercourse located 20m to the north of the site. An onsite sustainable drainage system incorporating permeable paving and onsite water butt storage facilities are proposed to collect rainwater from rooftops and to promote external water reuse. A surface water attenuation system is provided on site within below ground cells and oversized pipes to ensure flow is kept below Greenfield runoff rates.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Pre App Consultation Report, Landscaping scheme and planting details, Transport Assessment, Arboricultural Impact Assessment, Flood Risk and Drainage Statement, Preliminary Ecological Appraisal, Design and Access Statement.

Additional documents with this submission not forming part of original submission:

Agricultural Land Assessment
 Legal opinion
 Construction Method Statement
 Landscape Management Plan
 Planting Plan
 Footpath Link plan
 Gate and fence details
 Freestanding brick walls details
 Ecological Compliance Audit
 Ecological enhancements- hedgehog holes locations
 Materials plan

1.3 Description of site and surroundings

- 1.3.1 The site measures 2.71 hectares and is located at the western edge of the market town of Denbigh. The town lies around 7km south of the A55 trunk road.
- 1.3.2 The site is an existing agricultural field bound by hedgerows with the land to the north, west and south of the site also agricultural in nature, divided by existing road infrastructure/farm access roads (serving Lodge Farm). There is an existing watercourse to the north of the site (Henllan Brook).
- 1.3.3 To the east of the site lies the existing Ysgol Pendref Primary School, and its associated playing fields. Land to the east at Cae Howell is also designated as Recreation and Open Space under Policy BSC11 of the Denbighshire Local Development Plan.

- 1.3.4 To the south-east of the site lies existing residential development on Lon Llewelyn and Bryn Garth on the opposite side of Gwaenynog Road which forms the south-eastern boundary to the site.



Access to the site from Gwaenynog road



View from west boundary of the site facing south east towards Denbigh

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Denbigh and is within housing allocation BSC1 of the LDP.
- 1.4.2 There is a Grade II listed building, Lodge Farm Farmhouse within 350m of the site.
- 1.4.3 There is a watercourse to the north of the site (Henllan Brook)
- 1.4.4 There is a PROW which links Gwaenynog Road with Lodge Farm along the western boundary of the site.

1.5 Relevant planning history

- 1.5.1 Refusal at Planning Committee for the same development of 110 dwellings.
- 1.5.2 There is a site development brief developed for the site produced at the time the LDP was adopted.

1.6 Developments/changes since the original submission

- 1.6.1 Updated site layout plan incorporating amended pedestrian footpath links to lower Gwaenynog road near the school entrance. Updated Construction Method Statement. Updated ecological enhancement plan- hedgehog holes and Landscape Management Plan (including bat/bird boxes).

1.7 Other relevant background information

1.7.1 A Site Development Brief was adopted for the site, details below.

2. DETAILS OF PLANNING HISTORY:

01/2021/0950 Erection of 110 dwellings, construction of a new vehicular access, landscaping and associated works REFUSED at Planning Committee on 29/03/2022

Reasons for refusal:

1. *It is the opinion of the Local Planning Authority that the proposed development of 110 dwellings on this site would result in the loss of grade 3a Best and Most Versatile Agricultural Land. Whilst acknowledging the sites status as an allocated site, the LPA considers that the proposed windfall and enabling development of 300 dwellings at the site of the Former North Wales Hospital in Denbigh in association with other sites being developed in Denbigh sufficiently meets the housing need in the town. Therefore the proposal is considered unacceptable as there is no longer an overriding need to justify the loss of this Grade 3a Best and Most Versatile Agricultural Land and is contrary to Planning Policy Wales (PPW 11).*

2. *It is the opinion of the Local Planning Authority that the existing highway infrastructure surrounding the site and proposed access arrangements are insufficient to accommodate a residential development of the size proposed and the proposal would compound existing highway problems in the locality. The commuted sum offered by the developer is not considered sufficient to make the necessary improvements to make the existing highway infrastructure safe for pedestrians, cyclists and motorists. The proposal is therefore considered to be contrary to Local Development Plan Policy RD1 criterion vii) and viii), advice as contained in Technical Advice Note 18, and Planning Policy Wales (PPW11).*

3. *It is the opinion of the Local Planning Authority that the proposed development of 110 dwellings on this site would contribute unnecessarily to the climate change crisis through the loss of a greenfield site. Whilst acknowledging the sites status as an allocated site, the LPA considers that the proposed windfall and enabling development of 300 dwellings at the site of the Former North Wales Hospital in Denbigh in association with other sites being developed in Denbigh sufficiently meets the housing need in the town. Therefore, the proposal is considered unacceptable as there is no longer an overriding need to justify the development on a greenfield site and would be contrary to the declarations made within the Council's Climate Change and Ecological Emergency 2019, The Environment (Wales) Act 2016 and Planning Policy Wales (PPW 11).*

2.1 LEGAL ADVICE ON BEHALF OF THE DEVELOPER (David Manley QC)

Advises the reasons for refusal are indefensible and an appeal should be lodged.

Reason for refusal 1: Loss of Best and Most Versatile Land

The claim of an absence of need for additional housing lacks credibility. It is not possible to meet housing needs in Denbighshire without the loss of some land with 24 of the LDPs allocated housing sites on Best and Most Versatile Land.

A major element in the Denbighshire LDP for delivering housing has failed by the failure of the Strategic Housing site in Bodelwyddan coming forward.

At the Denbigh level, the LDP has failed to deliver the capacity of 341 units as only 161 units have been approved to date. The Denbigh Hospital Site has consent for 300 dwellings and 34 apartments with no affordable houses. There is no evidence to indicate it will meet all of Denbigh's housing needs.

The JHLSA published in 2019 and the 2021 Annual Monitoring report showed completions failed to meet the LDP housing requirement such that the requirement is not in excess of 700 dwellings per year.

Affordable housing provision in the District and Denbigh is well below that anticipated by the LDP.

Reason for Refusal 2: Highways

There was no objection to the proposal from the Highway Authority and the Transport Assessment was scoped and agreed with them.

The Site Development Brief from 2017 shows the site was allocated in the first place for housing.

Reason for Refusal 3: Climate change

Exclusively hinges upon the proposition of there being no need for any additional housing in Denbigh.

That argument is without merit and indefensible. The Council's Climate and Ecological Change Strategy 2021/22 – 2029/30 regards development in accordance with the Development Plan as environmentally acceptable.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA1 – New transport infrastructure

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning for Community Safety

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Planning and the Welsh language

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

3.3 Site Development Brief: Residential Development

Summary:

- The Development Brief is a material planning consideration in the determination of any planning application on the Site;
- The Site is located in the settlement boundary of Denbigh;
- Development of the Site should raise design standards and apply the objectives of good design set out in TAN12;
- Infrastructure requirements will be expected consistent with Policy BSC3 of the Local Development Plan, and which may include contributions towards local education;
- 10% affordable housing will be required, consistent with Policy BSC4 of the Local Development Plan;
- Open space provision may be secured either on-site or via a commuted sum to improve existing local open space that would be of direct benefits to residents of the proposed development. Given the proximity of the Site to Cae Howell, it is may be

more appropriate to meet the open space requirements for the Site via a commuted sum to improve the existing facility;

- A Community and Linguistic Impact Assessment will be required as part of this Application;
- The proposed development of the Site should respect and where possible enhance built heritage assets. The Site is identified as having an excellent view of Denbigh Castle;
- The proposed development should protect and enhance the natural environment;
- Water conservation and measures to eliminate surface water run-off from the Site should be incorporated into the proposed development where practicable;
- Appropriate levels of car parking should be provided, consistent with Policy ASA3 of the Local Development Plan. A Transport Assessment is also required as part of this Application;
- A series of highways considerations are required including:
 - The Public Right of Way that runs from the junction of Gwaenynog Road with the A543 towards Lodge Farm should be maintained at all times;
 - An assessment of vehicle speeds will need to be undertaken to inform the location of the Site access and to ensure that the correct visibility splays are achieved;
 - There is currently no footpath along the Site frontage with Gwaenynog Road. This will likely need to be introduced on the Site owing to the presence of the existing hedgerow and carriageway width;
 - Consideration should be given to providing improve routes to Mount Wood given that residents of the proposed development are likely to use it as a recreational facility;
 - The proposals should ensure safe and convenient access to disabled people, pedestrians and cyclists, promoting access for all;
 - There are no known archaeological sites noted on the Historic Environment Record for the Site. A geophysical survey should be undertaken in the first instance, which might highlight the presence of archaeology and might trigger the requirement for further evaluation;
 - Ecological surveys of the Site should be undertaken, including an Extended Phase 1 Survey and Bat Survey which covers the existing activity on the Site (including trees). The proposed development should seek to retain ecologically sensitive features;
 - The retention of existing tree and hedgerow planting, and additional landscaping, along the Site boundary should be considered;
 - The proposed development should create attractive and safe public spaces and movement routes, including for pedestrians and cyclists, whilst maximising the potential for natural surveillance;
 - The existing hedgerow along the southwest and southeast of Site 1 should be retained and enhanced with additional planting and trees. Where any removal is necessary to undertake highway works, compensatory planting should be provided;
 - A Construction Plan must be submitted with the Application; and
 - There are six design objectives for the Site which the proposed development.

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 2 Affordable Housing
TAN 5 Nature Conservation and Planning (2009)
TAN 12 Design (2016)
TAN 16 Sport, Recreation and Open Space (2009)
TAN 18 Transport (2007)
TAN 20 Planning and the Welsh Language (2017)

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 high grade agricultural land
- 4.1.3 Density of development
- 4.1.4 Mix and tenure
- 4.1.5 Affordable Housing
- 4.1.6 Visual amenity
- 4.1.7 Residential amenity
- 4.1.8 Ecology including trees
- 4.1.9 Drainage (including flooding)
- 4.1.10 Highways (including access and parking)
- 4.1.11 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.12 Archaeology
- 4.1.13 Open Space
- 4.1.14 Education

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales, Edition 11 (PPW 11) at 1.22 states planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise.

Future Wales and the Denbighshire Local Development Plan (LDP) make up the statutory development plan for the area.

Future Wales Policy 7 states in response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

LDP Policy BSC1 seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

LDP Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4.

LDP Policy BSC4 seeks to ensure the delivery of a minimum of 10% affordable housing on development sites of 10 or more residential units.

Representations from the public raise objections to the principle of the proposal that there is already sufficient housing in Denbigh to meet the need.

The site is allocated for housing development in the Denbighshire Local Development Plan under Policy BSC1 and is contained within the adopted development boundary of Denbigh, being described as a lower growth town for the purposes of the plan.

Planning applications must be determined in accordance with the adopted plan and Site Development Brief, unless material considerations indicate otherwise.

The application proposes the development of the entire site for residential purposes for 110 dwellings including 22 affordable dwellings (20%).

In noting concerns over the need for the development, it has to be recognised that the site is allocated in the adopted Local Development Plan for housing purposes, and the development of 110 dwellings would make a positive contribution to meeting identified housing needs including affordable housing needs.

The Strategic Planning and Housing Officer is in support of the principle of housing development as it has been established through the allocation of the site under Policy BSC1 within the adopted LDP. The LDP 2006 -2021 made provision for 7,500 homes to be delivered over the plan period. To date 3,648 have been delivered, some 49% of the total required. There is evidence from the SARTH and Tai Teg housing registers of housing need in Denbigh. The development of this site for housing in line with LDP Policy BSC 1 will assist in meeting this identified housing need. There is little evidence to support the suggestion that there is no need for additional housing in the area.

Regarding part of the reasons for refusal stating there is no need for more housing in Denbigh, the facts are that the Bodelwyddan Key Strategic Site for delivering housing in Denbighshire has not come forward resulting in a large shortfall. The current LDP has failed to deliver the capacity of 341 units in Denbigh during the plan period as only 161 units have been approved to date. The Denbigh Hospital Site has consent

for 300 dwellings and 34 apartments with no affordable houses. There is no evidence to indicate it will meet all of Denbigh's housing needs.

With respect to comments received, it is considered that the principle of residential development on this allocated housing site within the development boundary of the town is acceptable, subject to an assessment of the localised impacts such as those identified in the adopted Site Development Brief.

4.2.2 Loss of high grade agricultural land

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 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality 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.

No representations have been received on this resubmission which raise objections to the proposal due to loss of agricultural land.

The land is grade 3a which is the high quality and PPW 11 states that such land should be protected as less than 20% of land in Wales is classed as the best and most versatile with the highest agricultural capability.

As the site is located on allocated land for housing which has been adopted as part of the current LDP, the tests set out in PPW to justify the loss of high grade agricultural land would have already been considered and it is not for deliberation at this stage.

Having regard to the legal advice provided on behalf of the developer on the reason for refusal imposed by Planning Committee, Officers are in agreement that some greenfield land had to be lost in order to allocate housing in the LDP. Each allocated site in the LDP was assessed by the Local Planning Authority and by the Planning Inspector before it was adopted. The justification for the loss of the Best and Most Versatile Land was agreed in principle at this site on adoption of the LDP.

The loss of 3a agricultural land is therefore considered to be justified and already accepted at a Public Inquiry when the site was allocated.

4.2.3 Density of development

Planning Policy Wales, Chapter 4, outlines how the planning system implements the objectives set out in the Well-being of Future Generations (Wales) Act 2015'. Well-being goal 'A prospective Wales' recognises that land is a finite resource that needs to be planned for in an efficient way.

Policy RD1 test ii) seeks to make the most efficient use of land and advocates a minimum density of 35 dwellings per hectare unless there are local circumstances that dictate a lower density.

Supplementary Planning Guidance Note 'Residential Development' reinforces the need for developments to make the best use of land available for residential development in line with Policy RD 1. The Site Development Brief for the site advises that a lower density may be permissible given the prominent nature of the site.

No representations have been received on the resubmission raising concerns regarding overdevelopment of the site in terms of the high density.

The site is approximately 2.71 hectares in area with a proposal for 110 dwellings which equates to a density of 40.74 dwellings per hectare.

It is acknowledged that the density is above the 35 dwellings per ha in Policy RD1, however Officers consider this is not an unacceptable density in this location taking into account a balance between housing delivery and respecting the character of the area. It is noted that Policy RD1 advocates a *minimum* of 35 dwellings per hectare. Therefore it is considered that the proposed number of dwellings would be acceptable with the requirement of adopted planning policy RD1.

4.2.4 Housing Mix and Tenure

Local policy BSC1 sets out that 'Developers will be expected to provide a range of house sizes, types and tenure to reflect local need and demand and the results of the Local Housing Market Assessment.' This requirement goes beyond the provision of market and affordable houses, and includes the mix of houses addressing the findings and results of the latest local housing market assessment (LHMA). The LHMA identifies a need for more two and three bed dwellings in Denbigh, amongst other issues.

The affordable housing mix has been agreed with the Council's Programme Manager for Housing Development to reflect the social housing need in the area and is considered to be acceptable. The affordable housing meets the provisions set out in the Beautiful Homes and Spaces Standards (BHS).

The proposed development will comprise the following housing mix in comparison to the recommended mix:

Housing Mix				
	1 + 2 bed	3 bed	4 bed+	Total
LHMA Recommending Housing Mix (Market Housing)	30%	35%	35%	100%
Land adj Ysgol Pendref proposal	31%	44.5%	24.5%	100%

The Strategic Planning and Housing Officer has advised that the housing mix is acceptable. The proposed open market mix is dominated by 3 bedroom housing which is shown to be the most popular size dwelling for purchase. The affordable housing provision for this site is 20% and the precise make up has been agreed with the Strategic Planning and Housing Officer to reflect the known social housing need in the area.

Having regard to the above, it is considered that the proposals would provide for an appropriate density and mix of dwellings, consistent with the intentions of Policy BSC1 and RD1.

4.2.5 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure that all developments of 3 or more residential units provide a **minimum of 10%** affordable housing. Developments of 10 or more are expected to make on site provision and development of less than 10 residential are expected to make provision by way of financial contribution.

Representations have been raised regarding the new housing not being affordable for local people.

Submitted information states that it is the intention of the applicant to provide 20% affordable housing on site. The applicants have offered 22 dwellings which is in excess of the 10% requirement set out in the Site Development Brief and within Policy BSC4.

The Registered Social Landlords (RSLs) operating in the area are likely to purchase more properties in this location under their 2023 budget. These can't be tied through s106 agreement however. An example of this is Cae Topyn, Denbigh which had only 10% (7) units as stipulated by Policy but there have been an extra 23 affordable units on this site through RSL's Adra, Clwyd Alyn, and North Wales Housing. Another example is in Dyserth where an extra 15 units have been delivered over and above the 6 required through Planning Obligation. These additional units would not have all come forward if tied to Planning Obligations due to funding constraints. Whilst the LPA cannot control the number of additional affordable units above the 22 proposed, it is very likely that a number of additional units will be brought forward with funding from Welsh Government directly to the RSLs.

Strategic Housing & Policy Officer confirms that this level of affordable housing provision reflects the social housing need in the area.

The provision of affordable housing is a policy requirement. It is recommended that should permission be granted, that it be subject to a Section 106 legal agreement to secure the delivery of the 22 affordable dwellings. This would need to be completed prior to the decision notice being released.

With respect to comments received, in Officers' opinion, the 20% affordable housing provision would go some way to contributing to the affordable housing provision in the County which is well below the levels anticipated by the LDP. The proposal is acceptable in this regard.

4.2.6 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

No representations have been received raising visual amenity concerns.

The layout of the site, and the design of the proposed houses can be seen from the layout plan at the front of this report.

Whilst acknowledging the concerns raised over the visual impact of the development, in Officers opinion, proposed layout is not unacceptable as it has been designed to work with the topography constraints of the site and provides a frontage to the street where properties will be visible and other properties contained behind the hedge are orientated differently.

In respect of the density of development, the Site Development Brief and LDP refers to a total of 99 dwellings, but the proposal is to develop 110 dwellings which includes a block of 4 x 1 bed flats. As mentioned above, Officers consider the density to be acceptable and would reflect the surrounding development pattern taking into account a balance between housing delivery and respecting the character of the area. It is Officers opinion that any form of development on a sloping, periphery site such as this on the edge of a settlement will inevitably alter the appearance of the site.

The choice of materials is important to the appearance of the dwellings and it is considered that the proposed red brick and render are not uncommon materials on new development sites across the county and would respect the surrounding development in this area, including the approved passiv haus scheme on land adjacent to Tan y Sgubor nearby. In terms of design of the dwellings, these include a mix of semi-detached and detached two storey properties, some with front gables and brick patterns which create interest and prevent the site from looking too uniform within the landscape. The mix of house types across the site, including the affordable dwellings are considered to be acceptable and would help to create a sense of place for the future occupiers of the dwellings.

The proposed landscaping scheme includes some replacement hedgerow planting, ornamental trees, additional hedges and shrub planting within the site. The species proposed are considered to be attractive, native specimens which will enhance the character of the site and soften the development into the landscape. The removal of the trees to the south eastern corner of the site are not considered to raise any unacceptable visual amenity concerns and the Council's Tree Officer has concurred they do not contribute significantly to the amenity of the area.

With respect to the concerns raised, it is Officers opinion that the proposal would not have an unacceptable impact upon the character of the area in terms of visual amenity. The proposal is considered to be in accordance with adopted planning policy.

4.2.7 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc. Supplementary Planning Guidance 'Residential Development Design Guide' offers guidance on what separation distances are usually considered acceptable in residential developments.

No representations have been received regarding residential amenity impacts. Previous comments however, included concerns over an overbearing impact of the new dwellings on the properties across the road, loss of sunlight and the impacts to wellbeing through the loss of habitats and biodiversity.

The layout of the site, and its relation to existing dwellings can be seen at the front of the report. The nearest residential properties are located to the south east of the site on the opposite side of Gwaenynog Road on Bryn Garth and on Lon Llewelyn approximately 36m from the front of the properties nearest the boundary.

It is acknowledged that there would be an elevational difference between the new estate and the properties to the south east, however, given the distance between the properties separated by the road, Officers do not consider the new dwellings would result in unacceptable overbearing impacts due to them being set back from the boundary and contained behind the existing hedgerow. Having regard to overshadowing impacts to the front of those properties it is not considered that the orientation of the sun and its movement throughout the day would result in an unacceptable loss of sunlight to the front of the properties on Bryn Garth as a result of the development and would not be a reason to refuse the proposal.

In terms of privacy and overlooking, the Residential Development SPG at 6.41 states "Extensions and new built houses should not overlook neighbouring houses or

gardens. If habitable rooms such as bedrooms, living rooms, studies or kitchens are proposed on the first floor or above, care should be taken to avoid direct overlooking from windows and balconies particularly where the extension is close to the boundary. In some cases such as sloping sites, care should be taken to avoid overlooking from ground floor extensions.” At 6.43 it states that “Where a proposed window to a lounge, dining room, bedroom or kitchen will directly face a similar window or a neighbouring property the distance between them should be at least 21 metres in a back to back situation. Where direct overlooking of a lounge, dining room, bedroom or kitchen can be avoided by the positioning of the windows then the distance can be a minimum of 18 metres.”

In terms of the residential amenity of the future occupiers of the new dwellings, the proposed back to back separation distances between the properties ranges from between 19m and 24 metres. Given the topographical constraints at the site, and the positioning of windows, it is not considered that the distances would raise any significant unacceptable residential amenity issues which would warrant a reason for refusal on this basis.

In terms of residential space standards, the proposed floor plans for each housing type, including the affordable dwellings would meet or exceed the minimum floor space standards set out in the Residential Space Standards SPG and the proposed site plans show sufficient garden space meeting the 40sqm standard or above is provided for each unit.

The Public Protection Officer has raised no objection to the Construction Method Statement subject to conditions ensuring that the impact to the school and neighbours is limited during the construction works. They have advised that solid hoarding should be erected along the boundary with Ysgol Pendref and south east boundary to reduce noise and visual impact from the construction operations, the piling operation does not take place within 50m of the closest school building during term time and the site access shall have a sealed surface and incorporate a wheel wash facility.

Subject to the imposition of conditions, it is not considered that there would be an unacceptable impact on residential amenity due to the construction works however, the granting of planning permission does not preclude the Public Protection Department from carrying out a formal investigation should a complaint of noise or odour nuisance be received in the future.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity of the future occupiers or the occupiers of nearby properties, and would therefore be in general compliance with the tests of the policies referred to.

4.2.8 Ecology including trees

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

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 (Section 5.2) current legislation and SPG 18 – Nature Conservation and Species Protection, 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.

Representations have been received raising concerns over the ecological impacts the development would have including, the loss of hedgerow and the lack of green spaces within the development and the impacts to wildlife.

An Ecological Survey and Ecological Compliance Audit have been submitted with the application and neither NRW nor the County Ecologist have raised an objection to the proposal. However, the County Ecologist has recommended that conditions are attached to ensure there are no negative impacts on protected species or the nature conservation value of the site and to ensure all reasonable steps have been taken to maintain and enhance biodiversity.

Additional information has been provided on the hedgehog holes provision with justification for the final numbers due to site constraints, bat and bird box details have been provided per dwelling and details of the wildflower planting. The County Ecologist has no concerns regarding these details but has recommended conditions including the submission of an external lighting scheme and details of an amphibian-friendly water management system is installed.

The proposed landscaping scheme is considered to be acceptable in terms of the proposed planting list and overall design across the site and the Council's Tree Consultant considers the details to be satisfactory.

In accordance with the Hedgerow Regulations 1997, hedgerows (in the context of the Regulations) should not be removed without a Hedgerow Removal Notice issued by the relevant Local Authority, *unless* that removal is subject to an appropriate consent under the Town and Country Planning Act 1990 – ie planning permission. In this instance, the development will require the removal of approximately 55m of a section of hedgerow to the south of the development to facilitate the new access. Appropriate compensation by way of new planting is provided to the northern boundary at 50m of new native species hedgerow plus 8m to the side of the sub-station which is considered to be in line with current planning policy and legislation. The County Ecologist has not raised an objection to this proposal.

The Council's Tree Consultant has previously advised that the proposal would have a minimal impact on the trees within the site boundary and advises that a condition should be attached to any decision to grant to ensure compliance with the Arboricultural Impact Assessment.

Officers consider the suggested conditions to be reasonable to ensure there are no negative impacts on protected species or the nature conservation value of the site and all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11. Subject to the inclusion of these conditions on any permission, it is suggested ecological interests can be suitably protected in relation to a development on this site.

4.2.9 Environment

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

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.

Representations have been received in objection raising concerns over the development of the site and impacts on climate change this will bring. The Legal Advice concluded that the argument around the impacts to climate change would be indefensible at an appeal as the Council's Climate and Ecological Change Strategy 2021/22 – 2029/30 regards development in accordance with the Development Plan as environmentally acceptable.

Therefore Officers are of the opinion that as this is an allocated site within the LDP, that the proposal is acceptable from an environmental perspective.

Having regard to the advice from the Council's technical consultee, it is not considered that the proposed development for 110 houses on an allocated housing site would have an unacceptable impact on the environment or public health within the town to warrant a reason for refusal on these grounds.

4.2.10 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

Representations regarding flood risk have been received including concerns raised over surface water and the drains not able to cope with the volumes down Gwaenynog Road, outside the school and at the bottom of Henllan Street due to the slope of the land.

Dwr Cymru/ Welsh Water have not raised any objections to the proposal but have advised that no operational development will be permitted within the easement of the public watermain which crosses the site and that a diversion may be required. Dwr Cymru/Welsh Water have advised that a condition is attached to any planning consent to ensure a scheme is approved to accommodate the strategic water main crossing the site to protect it and avoid damage. No concerns were raised regarding the method for foul drainage proposed.

There is no known flood risk at the site, however the application is supported by a Flood Risk and Drainage Scoping Statement and Flood Risk Assessment which concludes that the flood risks at the site are very low or can be sufficiently catered for through the implementation of mitigation measures.

Surface water drainage is proposed to discharge to the unnamed Ordinary Watercourse located 20m to the north of the site. An onsite sustainable drainage system incorporating permeable paving and onsite water butt storage facilities are proposed to collect rainwater from rooftops and to promote external water reuse. A surface water attenuation system is provided on site within below ground cells and oversized pipes to ensure flow is kept below Greenfield runoff rates.

The Council's Flood Risk Engineer is satisfied that the drainage proposals are of an acceptable standard and that due diligence has been followed to ensure that there is no increase to the flood risk to the site or elsewhere within the town. It is confirmed that the Henllan Brook watercourse has the capacity to accommodate surface water drainage from this site, provided that the surface water drainage is controlled to equal or be less than greenfield run off rate.

The Drainage Officer has advised that approval will be required from the SUDs Approval Body (SAB) which is a separate process to planning and is covered by drainage legislation. SAB will control and will only be approved if it is kept below Greenfield run off rates. An ordinary watercourse consent will also be required to allow surface water to discharge into the Henllan Brook. The development could not proceed without SAB first being in place, and an ordinary watercourse consent being issued. It is stressed that these regulatory controls are parallel to and outside of the planning process.

Given the comments of the technical consultees, it is considered reasonable to assume that an acceptable drainage scheme can be achieved on the site, and this can be secured through suitable conditions and through the SuDS Approval Body process. The proposals are therefore considered acceptable in relation to drainage.

4.2.11 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network.

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 and TAN 18 – Transport, in support of sustainable development.

Representations have been received in objection over highways concerns including the impacts an increase in number of vehicles in upper Denbigh would have and the ability of the infrastructure of the town to accommodate this increase especially during peak times. The recent layout changes and parking on Gwaenynog Road have been raised as an issue over vehicle movements to and from the site.

The Site Development Brief identifies the need for a Transport Assessment (TA) to be submitted with the development proposal. The Transport Assessment sets out how the development proposal would mitigate transport impact through design and the imposition of planning conditions or obligations. The Brief also specifically refers to assessing the combined impact on the highways network of both the Tan y Sgubor site for 22 dwellings approved on (ref 01/2019/0744) and the current application site when complete. The Road Safety Audit within the TA confirms that there are no highways safety reasons which would prohibit the scheme from coming forward. It also concludes that the site is well located in terms of accessibility to encourage active travel.

Regarding the requests for considering an alternative access arrangements including a roundabout, the Council's Estates Officer has advised that the access track from the A543 (Lon Llewelyn) to the privately owned Lodge Farm has been retained within the Council's ownership. However, the owners of Lodge Farm have a specific and private right of way down the lane along its existing route. The Council has no legal right to change this right of way. The track is the only access to the farm and accommodates all farm traffic including agricultural machinery, large milk tankers, feed delivery

lorries, large tractors and trailers including silage trailers. Mixing large farm traffic with residential estate traffic raises concerns regarding future liabilities.

As such, any roundabout proposed at the junction of the A543 (Lon Llewelyn) and the B5382 (Ffordd Ysgubor) would need to provide a dedicated exit point to accommodate access to Lodge Farm via the existing farm track. Arguments presented on the basis that this could not be achieved and a change to the right of way is required to provide safe access to the site would be undermined by any availability of acceptable highway access arrangements elsewhere along the boundary.

The Highway Officer raises no objection to the proposal subject to the imposition of conditions including further details on the layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road/a and access to the site, footway links and associated highways works. The cycle/pedestrian link into the Ysgol Pendref site also needs to be completed before any dwellings are occupied.

Regarding the comments received around the capacity of the existing network, the assessment submitted shows that the development would have limited impact on the junctions with significant levels of spare capacity to accommodate an increase in traffic flows. The Highways Officer has advised that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

In terms of access to the site the arrangements demonstrate compliance with the visibility standards set out in Annex B TAN 18 and are therefore considered to be acceptable.

The Highways Officer has also advised that a financial contribution of £25,000 has been sought and agreed between the developers and the Local Highways Authority towards the ongoing highways safer routes improvement scheme and Active Travel projects on Gwaenynog Road and around the town. The contribution has been sought due to the additional demand 110 new dwellings would have on the existing highways network. The sum will contribute towards improving the existing network and towards improving safe Active Travel links from the development to the town which will encourage more active travel and benefit the wellbeing of people living in the area.

The proposal would involve relocating the existing 30mph zone further along the A534 which will slow traffic on approach to the junction and improve the safety of the access. The road alignment would also be changed to prevent vehicles from 'sweeping' into Gwaenygog Road, and this would act as a form of traffic calming. A central island would also be introduced into the junction which would serve to slow drivers and improve safety.

Officers consider that the proposed access arrangements, parking and turning provision are acceptable subject to further details being conditioned or dealt with under separate Highways legislation.

In terms of impacts to Public Rights of Way, there is a footpath along the existing Lodge Farm lane to the west of the site boundary which is likely to have increased usage by the future occupiers of the development. The Public Rights of Way Officer has not raised an objection to the proposal but has suggested creating a link onto the path from the north of the development site. This has been included on the plans to the north west corner of the site onto Lodge Lane and is considered to be acceptable subject to an agreement with the private owner.

The Legal advice received highlights that there was no objection to the proposal from the Highway Authority and the Transport Assessment was scoped and agreed with them. It is therefore considered that the proposal is acceptable from a highways

standpoint and a reason for refusal on these grounds is not likely to stand up at appeal.

Having regard to the detailed assessments above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout advice provided by the Council's Highways Officers, it is not considered that the proposal would raise any unacceptable impacts on the highways network subject to the imposition of appropriately worded conditions.

4.2.12 Open Space

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG adopted in March 2017 sets out thresholds for onsite provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

Representations have been received raising concerns over the loss of greenspace and how the development does not provide any open space on site.

The proposal is for 110 units with no on site provision for open space. The Site Development Brief stated that due to the proximity of the site to Cae Howell, it may be more appropriate to meet the open space requirements via a commuted sum to improve the existing facility. The developer should ensure maintenance arrangements are in place for any areas of public amenity space provided on site, alongside SUDs and trees & hedgerows/landscaping and an appropriately worded condition will be attached to any decision to grant.

There is an identified need for additional provision for children and young people and outdoor sports facilities in Upper Denbigh as evidenced in the Denbighshire Open Space Assessment and Audit published 2018.

Strategic Housing and Policy Officers have advised that a commuted sum payment of £136,093.76 is required to be paid towards improving the existing open space in the area and confirm that as the Site Development Brief makes reference to Cae Howell and that rather than creating a new smaller area of open space on site, the existing open space in the area could be enhanced through the use of a commuted sum. Officers are satisfied with this approach subject to conditions being imposed to secure the legal agreement.

4.2.13 Education

Objective 12 of Chapter 4 of the Local Development Plan identifies that the Plan will ensure that an adequate level of community infrastructure (including schools) will be provided alongside new developments. Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development.

Paragraph 5.26 of the site development brief states that financial contributions towards education provision will not be required. The Education Officer has confirmed that based on the latest school roll information available that there is sufficient capacity at Ysgol Pendref and Denbigh High School to accommodate any additional pupils arising from the development and a financial contribution is therefore not required.

Having consulted with the Local Education Authority, the Strategic Planning and Housing Officer has advised that there is sufficient capacity at the local primary and secondary schools in the area at present and therefore based on current data, the proposal would be unlikely to generate the need for a planning contribution due to current surplus places. It is noted that school roll information changes frequently, but at the time of writing the report, Officers would conclude there is sufficient capacity within local schools to accommodate the development, and accordingly a commuted sum is not required in this instance.

4.2.14 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Planning Policy Wales (PPW 11); TAN 20 and Policy RD 5 of the Local Development Plan.

TAN 20 (2017) provides the most up to date guidance on the consideration of the Welsh Language and paragraph 3.1.3 states that *planning applications should not routinely be subject to Welsh Language impact assessment, as this would duplicate the Sustainability Appraisal (SA) and LDP site selection process*. An assessment of the impacts to the Welsh Language of a development at this site would therefore have been undertaken during the site allocation process at the plan preparation stage of the adopted LDP.

There are representations expressing concerns over the potential impact of the development on the Welsh language though people moving to the development not able to speak Welsh.

It is acknowledged that the site has put forward 22 of the 110 houses for local affordable need. It would therefore be assumed that the future occupants of at least 20% of the estate will be local people who may speak Welsh. The planning system does not attempt to discriminate between individuals on the basis of their linguistic ability nor control housing occupancy on linguistic grounds. According to the Welsh Language SPG, a housing survey carried out in 2011 by the Authority revealed that 67% of the people living in new-build housing in the County had moved from within Denbighshire with an additional 27% from elsewhere in Wales. Of the new occupants 24.9% were fluent Welsh speakers which is very similar to the overall 2011 census figure of 24.6%. This survey strongly indicates that a high percentage of new occupants were either County residents or from other areas of Wales (New Housing Occupancy Survey Denbighshire: December 2011).

The Council is also keen that new development sites have historically and culturally relevant names when proposing new names for streets in the County and Welsh Street names will be put forward for consideration.

It is not considered that this development proposal will have a significant impact on the linguistic and cultural character of the area.

4.2.15 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96.

The Site Development Brief identifies the need for possible pre-determination geophysical investigation.

The Clwyd Powys Archaeological Trust (CPAT) have advised that there are no recorded archaeological sites within or adjacent to this development area and it lies well to the west of the medieval and later historic core of Denbigh. Overall, the archaeological potential of the field is low and no archaeological requirements were advised to be undertaken.

Having regard to the comments of CPAT it is considered that the proposals would not give rise to any unacceptable impacts in relation to archaeology.

Other matters

Local Employment Strategy

Planning Obligations SPG promotes measures to encourage local training and employment. The SPG identifies that obligations may be sought in relation to major commercial and industrial development. It specifies more significant housing developments may be required to provide or support local apprenticeships, training and employment opportunities.

The applicant is a local developer, who has developed sites across North Wales. The proposal is for the construction of 110 dwellings.

Having regard to the above it is considered that the proposed development would support the priority of supporting the local economy. However, this is on the understanding that the developer remains to be a local employer. If this were to change, it is important to ensure that local employment opportunities are not lost. It is considered that this can be adequately addressed via a planning condition requiring the submission of a Local Employment Strategy.

The Local Employment strategy in association with the carrying out of the development will ensure due opportunity for the economic benefits of development to be felt locally.

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 report sets out the main planning issues which appear relevant to the consideration of the application on an allocated site within the adopted LDP and concludes that the proposal is acceptable having regard to relevant policies and guidance.

5.2 It is therefore recommended that Members resolve to grant permission subject to :

1. Completion of a Section 106 Obligation to secure affordable housing provision, a financial contribution of £136,093.76 towards the provision open space and a

contribution of £25,000 towards the highways safer routes improvements and active travel along Gwaenynog Road and A543.

The precise wording of the Section 106 would be a matter for the legal officer to finalise. In the event of failure to complete the Section 106 agreement within 12 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

2. Compliance with the following Conditions:

The Certificate of Decision would not be released until the completion of the Section 106 Obligation.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 9th November 2027.
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) Location Plan (Drawing No. PEN-DEN-LP.01) - Received 25 July 2022
 - (ii) Topographical Survey (Drawing No. 10490/1) - Received 25 July 2022
 - (iii) Proposed Site Plan (Drawing No. PEN-DEN-SP01 Rev N) - Received 27 September 2022
 - (iv) 2P1B Floor Plans and Elevations (3 Drawings No. CGH-2B1P-HP01, HP02 & HP03) - Received 25 July 2022
 - (v) 5P3B & 4P2B Floor Plans and Elevations (3 Drawings No. CGH-5P3B4P2B-HP01, HP02 & HP03) - Received 25 July 2022
 - (vi) 4P2B Semi Block Floor Plans and Elevations (3 Drawings No. CGH-4P2BX2-HP01, HP02 & HP03) - Received 25 July 2022
 - (vii) 6P4B Semi Floor Plans and Elevations (3 Drawings No. CGH-6P4B-HP01, HP02 & HP03) - Received 25 July 2022
 - (viii) Highfield Oakley Block Floor Plans and Elevations (5 Drawings No. CGH-HIOAK-HP01, HP02, HP03, HP04 & HP04) - Received 25 July 2022
 - (ix) Oakley Oakley Floor Plans and Elevations (3 Drawings No. CGH-OAOA-HP00, HP01 & HP02) - Received 25 July 2022
 - (x) Highfield Highfield Floor Plans and Elevations (3 Drawings No. CGH-HIHI-HP00, HP01 & HP02) - Received 25 July 2022
 - (xi) Marlow Detached Floor Plans and Elevations (3 Drawings No. CGH-MAR-HP01, HP02 & HP03) - Received 25 July 2022
 - (xii) Henley Floor Plans and Elevations (3 Drawings No. CGH-HEN-HP01, HP02 & HP03) - Received 25 July 2022
 - (xiii) Stratford Floor Plans and Elevations (3 Drawings No. CGH-STRAT-HP01, HP02 & HP03) - Received 25 July 2022
 - (xiv) Broadway Floor Plans and Elevations (3 Drawings No. CGH-BROAD-HP01, HP02 & HP03) - Received 25 July 2022
 - (xv) Baeumont Floor Plans and Elevations (3 Drawings No. CGH-BEAU-HP01A, HP02A & HP03A) - Received 25 July 2022
 - (xvi) Wentworth Floor Plans and Elevations (3 Drawings No. CGH-WENT-HP01, HP02 & HP03) - Received 25 July 2022
 - (xvii) Landscape Layout (2 Drawings No. P1486.21.03 Rev I) - Received 19 October 2022
 - (xviii) Planting Plan (3 Drawings No. P1486.21.04 Rev H) - Received 19 October 2022
 - (xix) Materials Plan (Drawing No. PEN-DEN-MP01 Rev A) - Received 13 October 2022
 - (xx) Boundary Treatments Plan (Drawing No. PEN-DEN-00BTP) - Received 25 July 2022
 - (xxi) Screen Fencing Details (Drawing No. SD-700) - Received 25 July 2022
 - (xxii) Gate Within Screen Fence Details (Drawing No. SD-701) - Received 25 July 2022
 - (xxiii) Free Standing Brick Walls Details (Drawing No. SD-709) - Received 25 July 2022

(xxiv) Footpath Link Site Plan - Received 25 July 2022

(xxv) S38 Agreement Plan (Drawing No. CGH12-BET-C-201 Rev B) - Received 25 July 2022

(xxvi) S38 Surfacing Plan (Drawing No. CGH12-BET-C-202 Rev B) - Received 25 July 2022

(xxvii) S38 Kerbing Plan (Drawing No. CGH12-BET-C-203 Rev B) - Received 25 July 2022

(xxviii) S38 Contours Plan, Visibility and Forward Splays and Highway Drainage (Drawing No. CGH12-BET-C-204 Rev B) - Received 25 July 2022

(xxix) S38 Vehicular Tracking Refuse Wagon (Drawing No. CGH12-BET-C-205 Rev B) - Received 25 July 2022

(xxx) S38 Construction Details (Drawing No. CGH12-BET-C-206 Rev B) - Received 25 July 2022

(xxxi) S38 Road Setting Out Sheet 1 of 2 (Drawing No. CGH12-BET-C-207 Rev B) - Received 25 July 2022

(xxxii) S38 Road Setting Out Sheet 2 of 2 (Drawing No. CGH12-BET-C-208 Rev B) - Received 25 July 2022

(xxxiii) S38 Long Sections Sheet 1 of 3 (Drawing No. CGH12-BET-C-209 Rev B) - Received 25 July 2022

(xxxiv) S38 Long Sections Sheet 2 of 3 (Drawing No. CGH12-BET-C-210 Rev B) - Received 25 July 2022

(xxxv) S38 Long Sections Sheet 3 of 3 (Drawing No. CGH12-BET-C-211 Rev A) - Received 25 July 2022

(xxxvi) Footpath Link Details (Drawing no. YDP-FPLD-01)- Received 27 September 2022

(xxxvii) S104 Agreement Plan Foul Water (Drawing No. CGH12-BET-102 Rev F) - Received 25 July 2022

(xxxviii) S104 Foul Water Land Registry Compliant Plan (Drawing No. CGH12-BET-103 Rev C) - Received 25 July 2022

(xxxix) S104 Foul Water Road & Sewer Longsections Sheet 1 of 3 (Drawings. No CGH12-BET-104 Rev C) - Received 25 July 2022

(xl) S104 Foul Water Road & Sewer Longsections Sheet 2 of 3 (Drawings. No CGH12-BET-105 Rev C) - Received 25 July 2022

(xli) S104 Foul Water Road & Sewer Longsections Sheet 3 of 3 (Drawings. No CGH12-BET-106 Rev C) - Received 25 July 2022

(xlii) S104 Foul Water Plot Drainage Longsections Sheet 1 of 5 (Drawings. No CGH12-BET-107 Rev B) - Received 25 July 2022

(xliii) S104 Foul Water Plot Drainage Longsections Sheet 2 of 5 (Drawings. No CGH12-BET-108 Rev B) - Received 25 July 2022

(xliv) S104 Foul Water Plot Drainage Longsections Sheet 3 of 5 (Drawings. No CGH12-BET-109 Rev B) - Received 25 July 2022

(xlv) S104 Foul Water Plot Drainage Longsections Sheet 4 of 5 (Drawings. No CGH12-BET-110 Rev B) - Received 25 July 2022

(xlvi) S104 Foul Water Plot Drainage Longsections Sheet 5 of 5 (Drawings. No CGH12-BET-111 Rev B) - Received 25 July 2022

(xlvii) S104 Foul Water Construction Details and Schedules (Drawings. No CGH12-BET-112A Rev B) - Received 25 July 2022

(xlviii) S104 Foul Water Manhole Schedules (Drawings. No CGH12-BET-113 Rev B) - Received 25 July 2022

(xlix) S104 Foul Water Sewer Longsections FF2 to FF5, FF11 to FF15 (Drawings. No CGH12-BET-114 Rev A) - Received 25 July 2022

(l) S104 Foul Water Sewer Longsections FF15 to Existing WW Network (Drawings. No CGH12-BET-115 Rev A) - Received 25 July 2022

(li) S104 Agreement Plan Showing Retaining with Foul Water Drainage Structure (Drawings. No CGH12-BET-116 Rev C) - Received 25 July 2022

(lii) S104 Programme of Works Rev B - Received 25 July 2022

(liii) General Arrangement Section 278 Works (Drawing No. SCP/210633/0000/002) - Received 25 July 2022

(liv) Setting Out Section 278 Works (Drawing No. SCP/210633/0100/001) - Received 25 July 2022

(lv) Site Clearance Section 278 Works (Drawing No. SCP/210633/0200/001) - Received 25 July 2022

(lvi) Pavement Construction Section 278 Works (Drawing No. SCP/210633/0700/001) - Received 25 July 2022

(lvii) Kerb and Edgings Section 278 Works (Drawing No. SCP/210633/1100/001) - Received 25 July 2022

(lviii) Signs & Road Markings Section 278 Works (Drawing No. SCP/210633/1200/001) - Received 25 July 2022

(lix) Construction Details Section 278 Works (Drawing No. SCP/210633/4000/001) - Received 25 July 2022

(lx) Planning, Design and Access Statement (Grimster Planning Dated February 2022) - Received 25 July 2022

(lxi) Planning, Design and Access Statement Addendum (Grimster Planning Dated July 2022) - Received 25 July 2022

(lxii) Pre-Application Community Consultation Report (Grimster Planning Dated September 2021) - Received 25 July 2022

(lxiii) Preliminary Ecological Appraisal (Cheshire Ecological Services Dated 19/07/21) - Received 25 July 2022

(lxiv) Arboricultural Impact Assessment Rev F (Ascerta, Dated 28/09/22) - Received 13 October 2022

(lxv) Landscape Management Plan (Ascerta Dated 19/10/22) - Received 19 October 2022

(lxvi) Flood Consequences Assessment and Drainage Management Strategy (Betts Hydro Consulting Engineers Dated October 2022) - Received 13 October 2022

(lxvii) Transport Assessment Rev 2 (SCP Dated 11/10/2022) - Received 13 October 2022

(lxviii) Construction Method Statement Rev B (Castle Green, dated 19/10/22) - Received 19 October 2022

(lix) Construction Management Layout Plan (Drawing No. DEN-CMP-SP01) - Received 25 July 2022

(lxx) Agricultural Land Assessment (Reading Agricultural Consultants Dated July 2022) - Received 25 July 2022

(lxxi) Legal Opinion (D E Manley QC Dated 14/07/22) - Received 25 July 2022

(lxxii) Ecological Compliance Audit (Cheshire Ecological Services, Dated August 2022) - Received 4 August 2022

(lxxiii) Noise Assessment Rev 2 (Van Elle, SET 14, dated 16/04/2020) - Received 19 October 2022

(lxxiv) Soilmec SR 30 Drilling Rig specification - Received 19 October 2022

(lxxv) CFA Vibration Report Pembroke College - Received 19 October 2022

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the first unit. 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.
4. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
5. The development hereby approved shall proceed in strict accordance with the details contained within the Arboricultural Impact Assessment (Ascerta, dated 28/09/22).
6. The development hereby approved shall proceed in strict accordance with the details contained within the Landscape Management Plan (Ascerta, Dated 19/10/22), Landscape Layout (2 Drawings No. P1486.21.03 Rev I) and the Planting Plan (3 Drawings No. P1486.21.04 Rev H).
7. **DRAINAGE**
No development shall take place until details of a scheme to accommodate the strategic water main crossing the site has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include a detailed design outlining the measures taken to secure and divert the public watermain and ongoing access of the strategic water main. No other development pursuant to this permission shall be carried out until the approved diversion measures have been implemented and completed before the occupation of the first dwelling. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

ECOLOGY/BIODIVERSITY:

8. The development hereby approved shall proceed in strict accordance with the proposed mitigation, compensation and enhancement recommendations set out in Section 6 of the Preliminary Ecological Appraisal (Cheshire Ecological Services, Dated 19/07/21), the Landscape Layout Plan (2 Drawings No. P1486.21.03 Rev I) in respect of bat/bird boxes and hedgehog holes and the Ecological Compliance Audit (Cheshire Ecological Services, Dated August 2022).
9. Prior to the installation of any lighting on the dwellings, an external lighting/internal light spillage scheme designed to avoid negative impacts on bats shall be submitted to and approved in writing by the Local Planning Authority and all lighting installed shall be in accordance with the approved details.
10. Notwithstanding the submitted plans, no development shall be permitted to commence on the surface water drainage system until the formal written approval of the Local Planning Authority has been obtained to details concerning the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots. The approved details shall be implemented and retained at all times.

HIGHWAYS:

11. The facilities for the parking and turning of vehicles within the site shall be completed in accordance with the approved plan before the dwelling to which they relate is first brought into use, and shall be retained as approved at all times thereafter.
12. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road/and access to the site, off-site pedestrian crossings/footways, footway links and associated highway works, and the timing for the implementation of the approved works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.
13. No dwelling shall be permitted to be occupied until the pedestrian/cycle link from the site into Ysgol Pendref has been completed to the satisfaction of the Local Planning Authority and available for use. The scheme shall proceed in accordance with such approved details and shall be retained as approved at all times thereafter.
14. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway.

LOCAL EMPLOYMENT:

15. **PRE-COMMENCEMENT CONDITION**
No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a Local Employment Strategy. The Strategy shall contain details of measures which contribute to the promotion of local employment and training in association with the development. The Local Employment Strategy shall be implemented in accordance with the approved details.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To protect the integrity of the public watermain(s) and avoid damage thereto.
8. In the interests of nature conservation and to ensure ecological mitigation and enhancement measures are provided.
9. In the interest of maintaining the favourable conservation status of protected bat species.
10. In the interest of maintaining the favourable conservation status of protected bat species.
11. To ensure the development is served by safe and satisfactory highway arrangements.
12. To ensure the development is served by a safe and satisfactory access and parking/turning facilities, and in the interests of the free and safe movement of traffic on the adjacent highway.
13. To ensure the development is served by a safe and satisfactory access, and in the interests of the free and safe movement of traffic on the adjacent highway.
14. To ensure that adequate visibility is provided at the proposed point of access to the highway.
15. In the interest of providing local employment opportunities.

Agenda Item 6

WARD : Rhyl South West

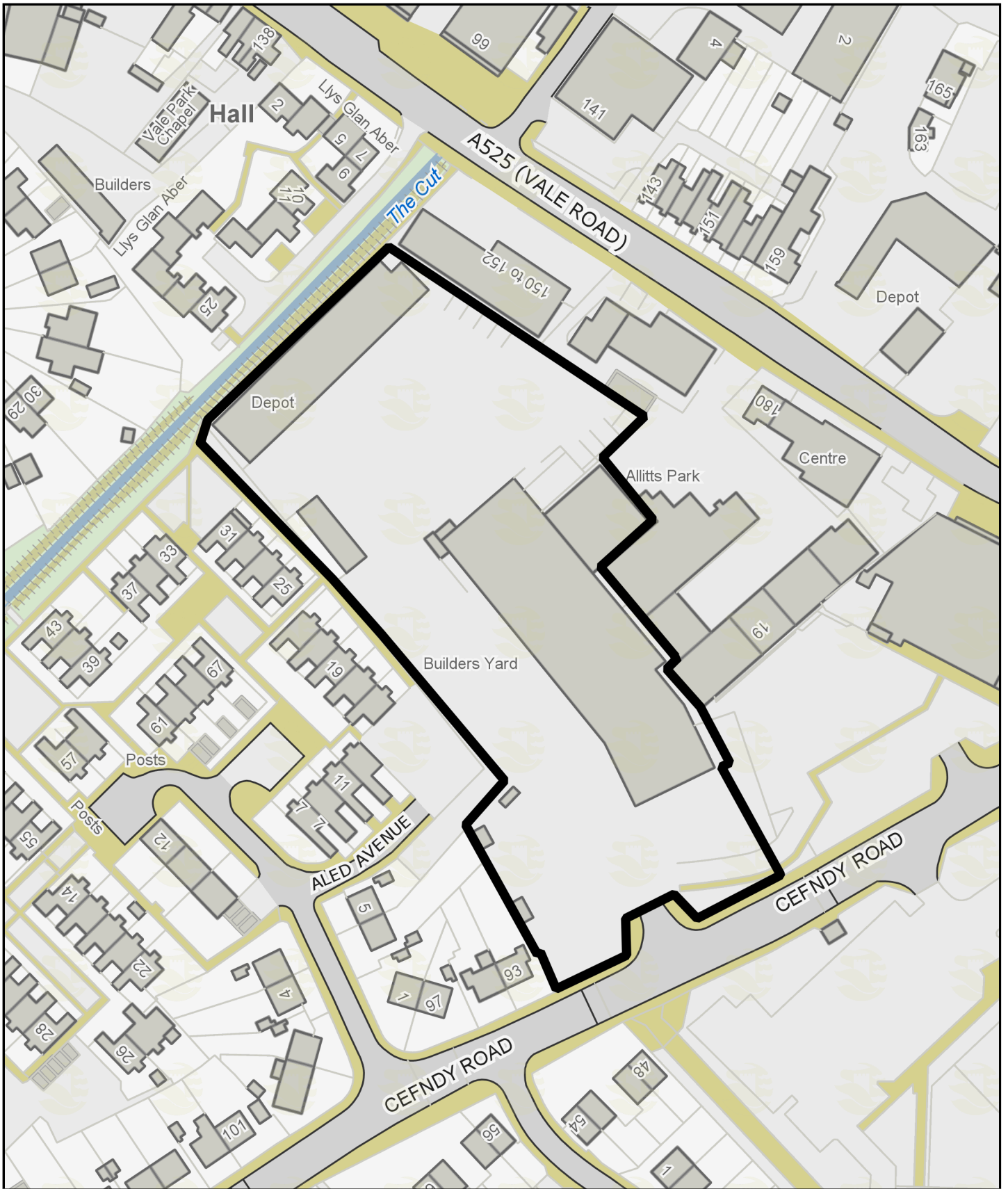
WARD MEMBER(S): Cllr Peter Prendergast (c)
Cllr Diane King

APPLICATION NO: 45/2022/0533/ PS

PROPOSAL: Erection of additional external yard racking
(retrospective application)

LOCATION: Roger W Jones Ltd. Cefndy Road Rhyl LL18 2EU

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45/2022/0533

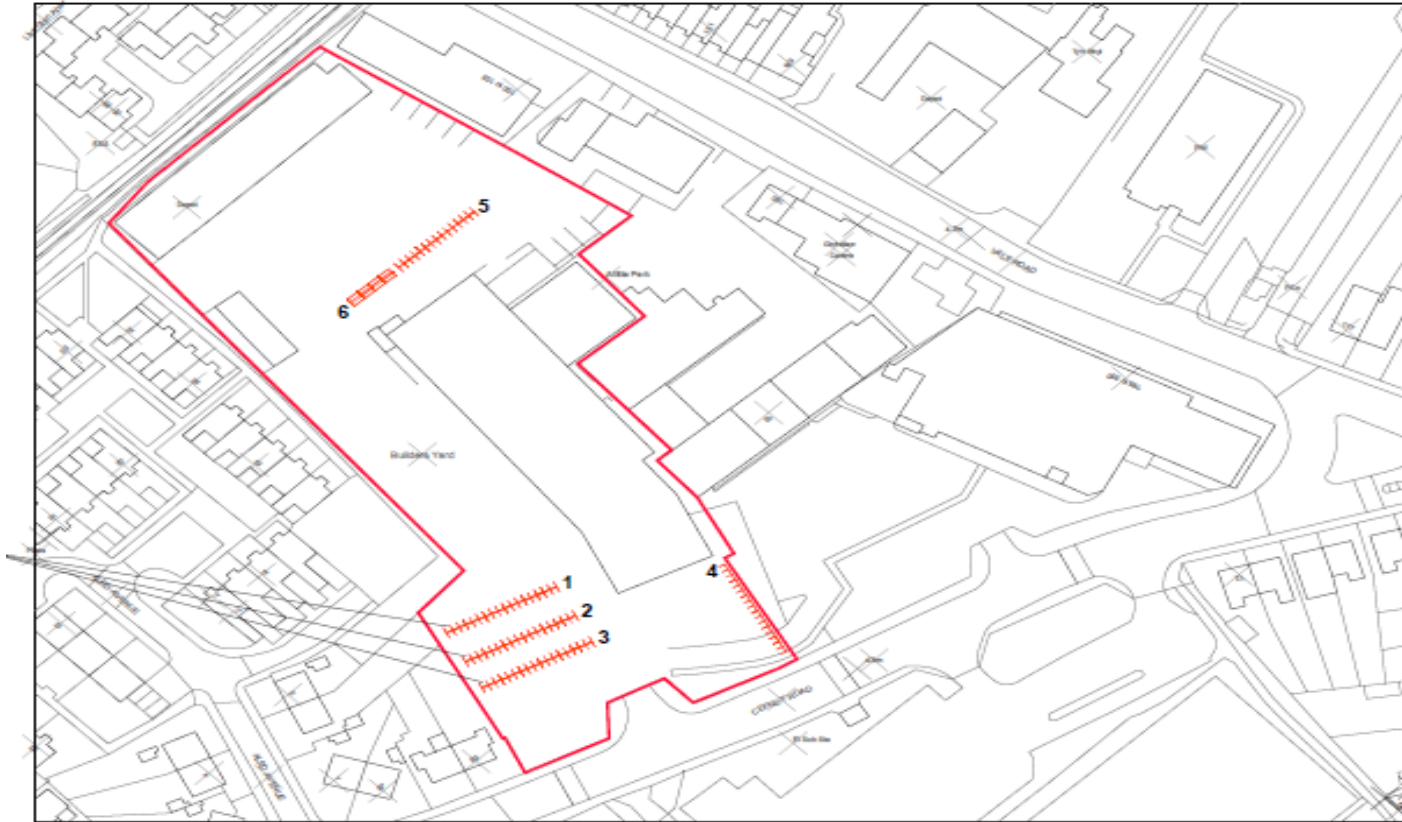



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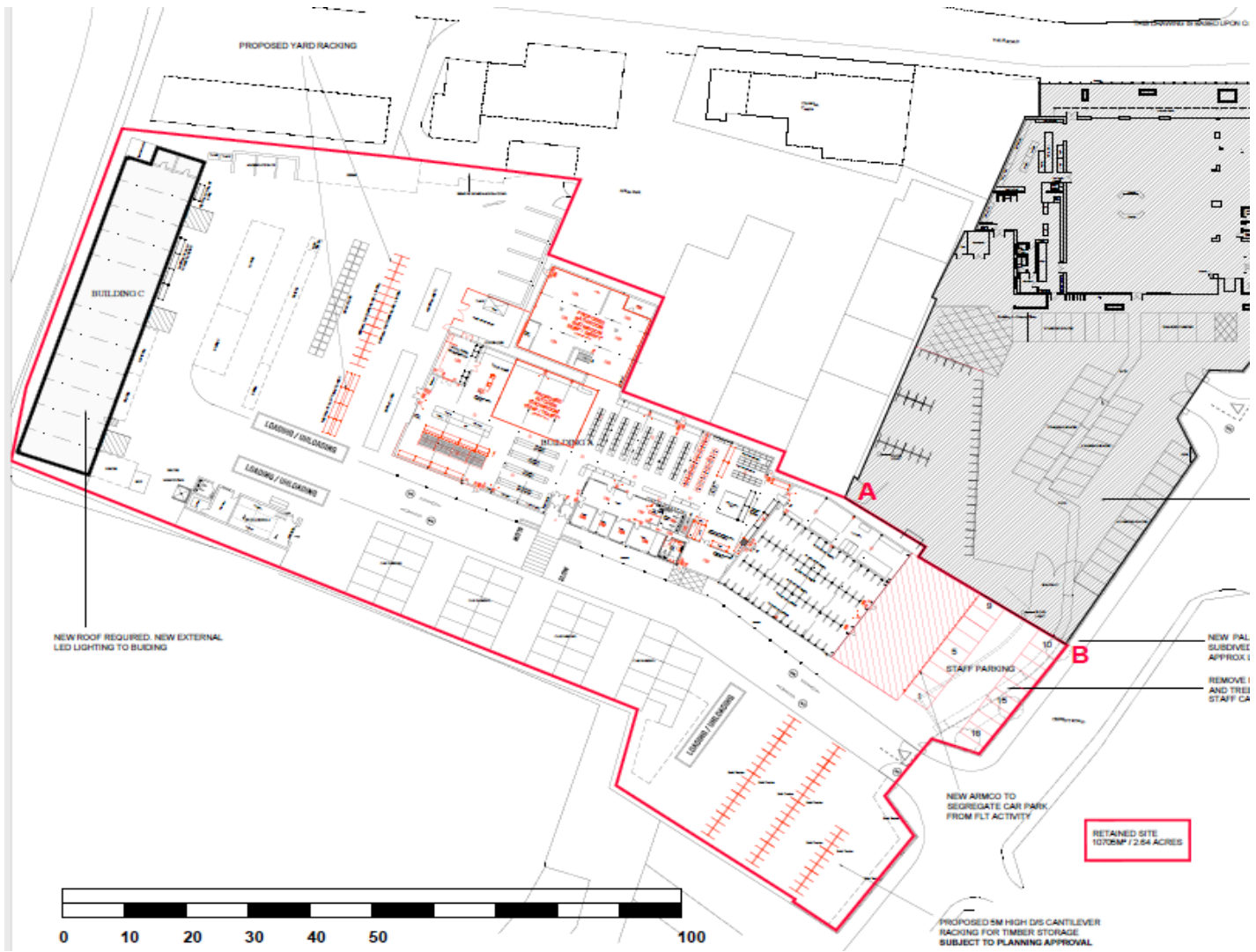
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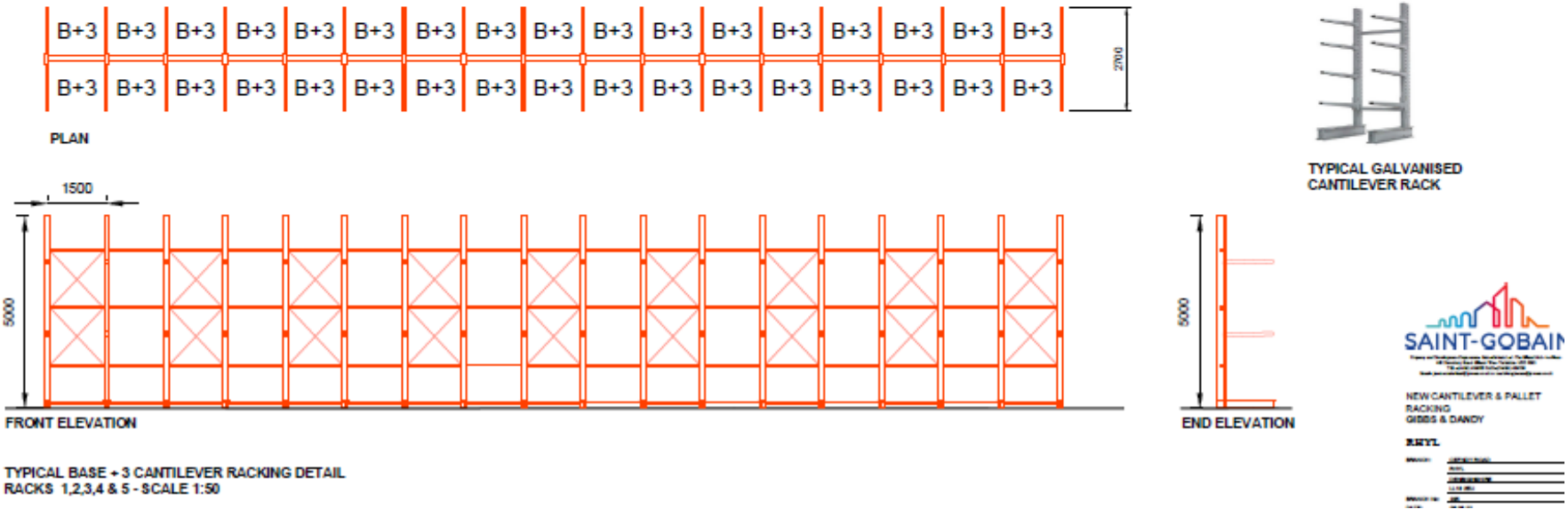
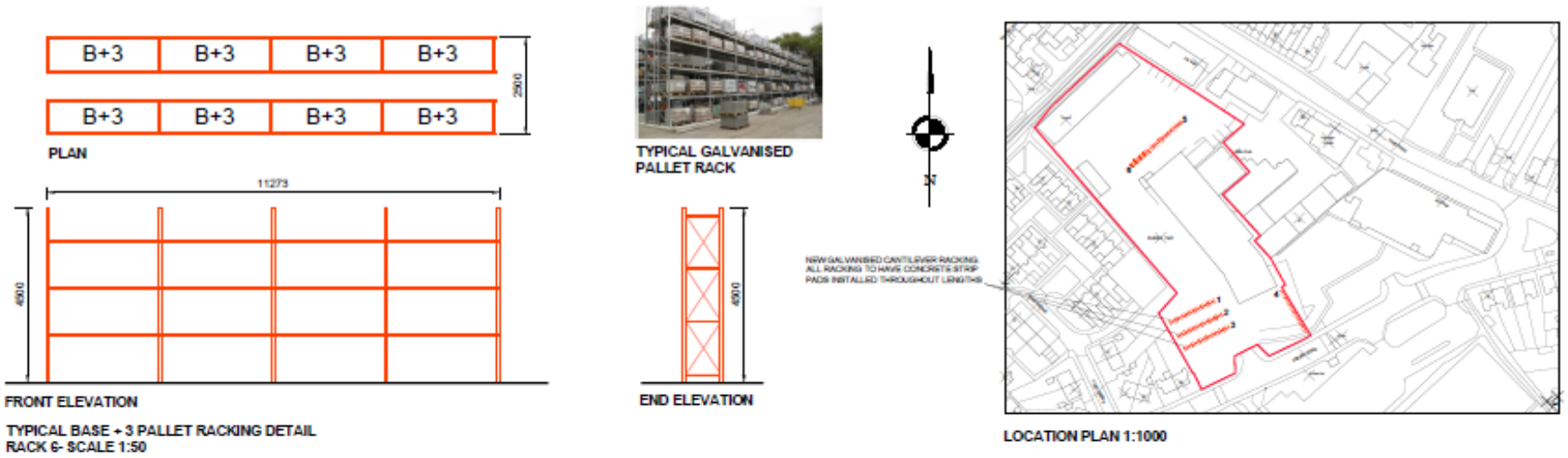


LOCATION PLAN 1:1000

Location Plan



Proposed Site Layout Plan



Proposed Racking detail



Views from Cefndy Road



Views from Aled Avenue



View from Aled Avenue

WARD : Rhyl South West

WARD MEMBER(S): Cllr Peter Prendergast (c)
Cllr Diane King

APPLICATION NO: 45/2022/0533/ PS

PROPOSAL: Erection of additional external yard racking (retrospective application)

LOCATION: Roger W Jones Ltd. Cefndy Road Rhyl LL18 2EU

APPLICANT: Saint Gobain Building Distribution

CONSTRAINTS: C1 Flood Zone
PROW
Article 4 Direction

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:

RHYL TOWN COUNCIL
No objection

Public Protection Officer
Verbally advised no objection however consideration should be given to mitigation measures.

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Leanne Wilkinson, 17 Aled Avenue, Rhyl
Vikki Roberts-Hall, 3 Aled Avenue, Rhyl
Ashley Faulkner, 95 Cefndy Road, Rhyl
Paul Hatherly, 11 Aled Avenue, Rhyl

Summary of planning based representations in objection:
Visual amenity- height and proximity would result in intrusive feature into the street scene, and from neighbouring properties.
H&S - proximity of racking to the boundary would introduce a risk to public safety during high winds/storm's.
Residential amenity- noise and disturbance

EXPIRY DATE OF APPLICATION: 03/08/2022

EXTENSION OF TIME AGREED: 07/11/2022

REASONS FOR DELAY IN DECISION (where applicable):

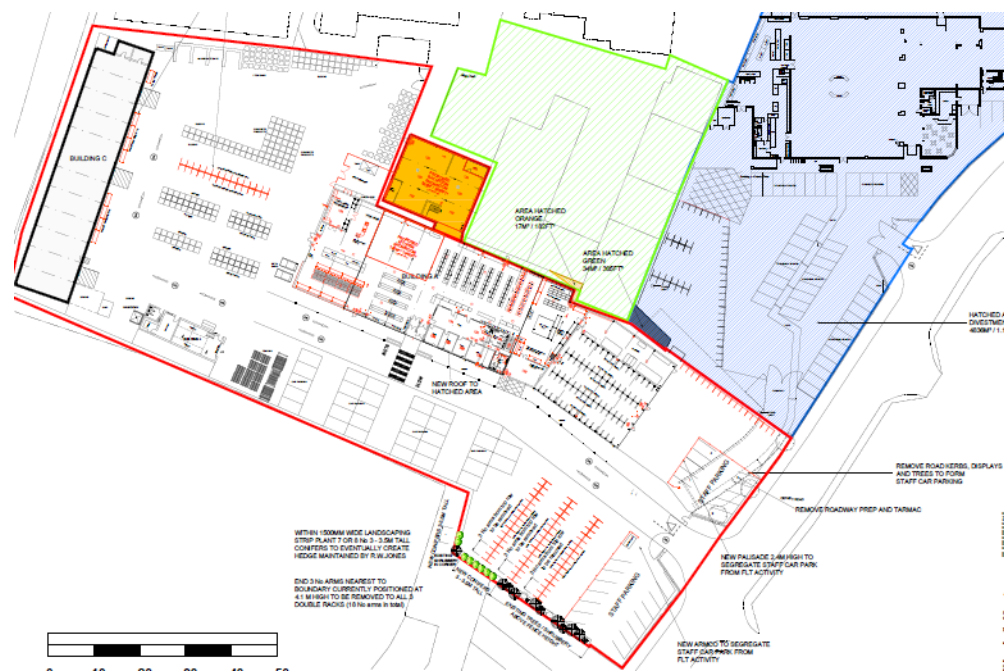
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the retention of external yard racking at Roger Jones Builders Merchants on Cefndy Road in Rhyl. The racking has been erected on the site.
- 1.1.2 The racking comprises of galvanised steel frames (cantilevered racking) for the storage of timber. It measures 5 metre in height. Three of the racks measure approximately 25 metre in length and two would be approximately half the length. A slightly different style of rack is also proposed at the rear of the site to accommodate pallet storage, this would be 4.5 metres in height.
- 1.1.3 Three sections of racking are located to the west of the entrance to the site, and two at the rear of the yard (*as per snip of the Site Layout Plan)



1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is supported by a justification statement which refers to the following:

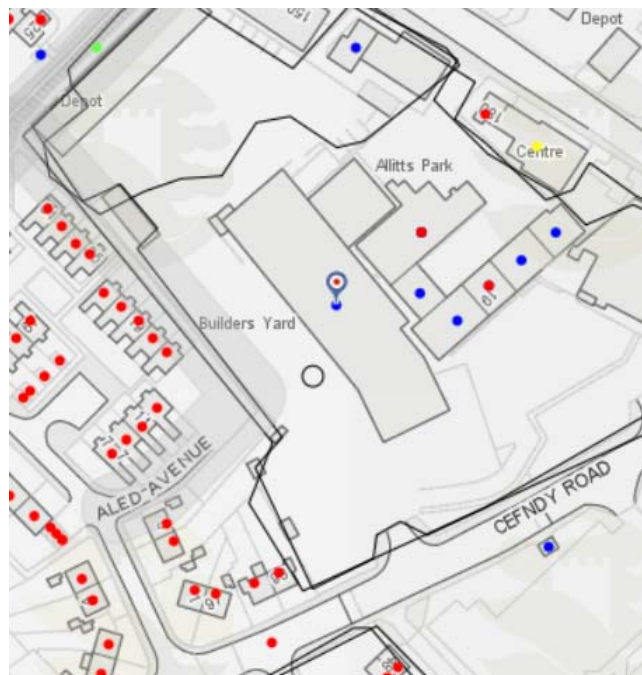
We are currently in the process of selling off our showroom as well as some of the car park space and creating a one stop shop for our customers and colleagues in our main branch. In addition to this move, we have 4 additional benefits listed below which is a key benefit for our customers and colleagues as well as our stake holders.

- **Timber** – 5 Racking bays for us to store our timber on, giving us the space we need for a new staff car park for 40 work colleagues due to the sale of our showroom/staff car park.
- **Theft** – To protect our timber stock from being stolen, having it on racking makes it harder for the opportunists to steal our products. Roger W. Jones has had 8 attempted break ins in the last the 2 years that we know of and it has been mainly timber products that have been targeted.
- **Health and Safety** – We have a great culture and reputation on all health and safety processes at branch for our customers and colleagues, having our timber on racking and not on ground level will only enhance the safety process even further at branch.

- **CO2 carbon footprint** – We will reduce our carbon footprint for 2022 by saving 56,890 kw of energy by selling our showroom/car park, this will only be possible by having the additional racking bays to create the additional space at branch.
- RWJ are to commence manufacturing timber joists in November 2022. This will allow for 2 new staff members in addition to the existing 33 No currently employed.
- The racking to the rear yard has been reconfigured on site The rear yard racking is positioned so articulated vehicles can safely manoeuvre around the perimeter of the stock, load/unload as necessary and exit through the rear gates
- We will be looking at our Fork lift truck reversing beepers to be changed to white noise sounders, in place now we have put a reduction of forklift activity in the front yard area until 07.30am and no loading / unloading in front yard until 08.00 am.

1.3 Description of site and surroundings

- 1.3.1 The site is an existing Builders Merchants located off Cefndy Road in Rhyl. The site has a frontage to Wellington Road but as mentioned about is being subdivided as a result of a new business model.
- 1.3.2 The west of the site is bounded by dwellings; at the front of the site these are located on Cefndy Road and to the side (west) these are located on Aled Avenue. The boundary to these dwellings comprises of palisade fencing with some interspersed landscaping. Opposite the site is Christ the Word Secondary School



View of the site/racking from Aled Avenue



1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary.

1.5 Relevant planning history

1.5.1 There is planning history associated with the site as a Builders Merchants none is of particular relevance to this application for the racking.

1.6 Developments/changes since the original submission

1.6.1 Additional information was sought from the Application to justify the site and consider mitigation, as per the Public Protection Officers advice. The following suggestions have been put forward;

- Regarding work/deliveries and access to the new 5m racking, we can restrict working with a fork lift in this area till 7.30 am and not to take in any deliveries in this area till after 8.00am
- Landscaping mitigation along the western boundary.
- Fitting the forklifts on site and side loader forklift with white noise beepers

1.6.2 Following deferral at the previous planning committee the plans have been revised to remove the top three 'arms' adjacent to the boundary with the residential properties. This will prevent storage being above 4 metres in height. Additional planting is also shown as being a row of conifer trees at a height of 3.5 metres.

1.7 Other relevant background information

1.7.1 Cllr Prendergast has requested the application be considered by Committee to allow a full discussion on the impacts of the proposal on the amenity of adjacent residents, and its impact on the visual amenity of the area. The application was subject to a site inspection panel prior to the previous planning committee, and then was deferred at committee with members asking Officers to seek amendments to the scheme. The scheme has been

amended as detailed above in section 1.6. For reference, the notes of the site panel meeting are set out here;

1.7.2 The application was subject to a Site Inspection Panel meeting at 09.30am on Friday 30th September 2022.

In attendance were:
CHAIR – Cllr Mark Young

VICE CHAIR – Cllr Peter Scott
LOCAL MEMBER – apologies sent

GROUP MEMBERS –
Conservative Group – none (although it is noted Cllr Peter Scott was in attendance)
Green Group – Cllr Jon Harland
Labour group – Cllr Alan James
Plaid Cymru Group – None
Independent Group – Cllr Merfyn Parry

RHYL TOWN COUNCIL – Pat Jones

The Officer present was Paul Griffin (Development Management)

The reason for calling the site panel was to allow opportunity to view the storage racks on the site in relation to nearby existing properties.

At the Site Inspection panel meeting, Members considered the following matters:

1. The detailing of the proposal.
2. Relationship to the surrounding properties.
3. Character of the area and visibility of the site.

In relation to the matters outlined:

1. Members studied the proposed site location plan, and viewed the racks in situ from a range of vantage points, including outside of the site. Officers clarified that it was only the racking (the operational development involved in erecting the storage racks) that was subject of the application, not the overall use of the site for open storage.
2. Members observed the position of the racks in relation to the site boundary and adjacent residential properties. It was noted that whilst the racks themselves were approximately 1.5m from the site boundary, when loaded with timber, the racks were effectively much closer to the boundary. Members also observed the height of the racks in relation to the boundary.
3. Members looked at the character of other development in the area and considered the potential impacts that any uncontrolled, free standing storage would have on neighbours.

2. DETAILS OF PLANNING HISTORY:

2.1 N/A

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE3 – Protection of employment land and buildings

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

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 Visual amenity

4.1.3 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl, where new development will, in principle, be supported provided that it meets the criteria of other policies in the Local Development Plan and material planning considerations.

The site is a well-established Builders Merchants within the development boundary. Officers consider the existing use of the site, and historic use of the parts of the site subject to this application for timber storage has to be given some weight with the following considerations.

The assessment of the detailed impact is set out in the following sections.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

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.

The application proposes the retention of 5 metre high racking for the storage of Timber and building products. The racking would be seen from Cefndy Road in the context of the Builders Merchants. It would be set back from 13 metres from the road frontage. It is noted that the racking would only be 4 metres high where it is adjacent to the residential boundaries. 3.5 metre high conifer trees are also proposed to help screen the view of the racking from the adjacent dwellings.

The character of the area is mixed; the west of the site is bounded by housing, the east by commercial uses fronting Wellington Road and the south by Cefndy Road and a school beyond.

The most prominent section of racking is roughly a similar height to the dwellings on Cefndy Road, and Aled Avenue which abut the site. There is palisade fencing along the boundary with these dwellings interspersed by some planting. The racking to the rear of the site would be well within the existing 'yard' area.

As mentioned above, the racking would be seen in the context of the existing Builders Merchants. It clearly has a presence in the streetscene owing to its scale and form, but whether this presence is harmful enough to warrant refusal is debatable. It is not uncommon to see this type of storage on these sites. Officers do not consider that the visual impact of the racking would be so harmful to warrant refusal of planning permission.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact

on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

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.

Concerns have been raised by neighbours and Members over the amenity impacts of the racking.

The application proposes the retention of 5 metre high racking for the storage of timber and building products. The racking would be located approximately 1.5 metres from the boundary with dwellings to the west of the site. The closest dwelling would be no 93 Cefndy, the side elevation of this dwelling faces the site. It is noted that the racking would only be 4 metres high where it is adjacent to the residential boundaries. 3.5 metre high conifer trees are also proposed to help screen the view of the racking from the adjacent dwellings.

The Applicant has advised that access to the racking by personnel/staff is forbidden. The structures are loaded and unloaded by fork lights and mechanical means. Mitigation suggested by the Applicant to address neighbours concerns are mentioned above, i.e. additional landscaping, restricted hours of operation within the area to the front of the site and a landscaping buffer. Historic records show the area of the site on which the racking has been erected has historically been used for timber storage.

The racking is for timber/ materials storage only, it does not allow for elevated views into gardens or the rear of dwellings, thus giving rise to loss of privacy. Operationally it would be difficult to prove if it resulted in additional activity on that portion of the site as the Applicants maintain the existence of racking results in less vehicle movements overall on the site. Clearly loading and unloading would occur from the racking, historically this would have taken place somewhere else on the site. Whether the racking represents an overbearing feature for the adjoining residents is the most relevant consideration. The very nature of the racking is open storage, hence the overbearing impact would be markedly less than a solid structure adjacent to the dwellings. However its presence in close proximity to the side elevation and private garden of no. 93 and to a lesser extent no. 95 Cefndy Road does require careful consideration. Whether the racking would have an overbearing impact on the occupants of these dwellings is debatable, it is located at the rear of their gardens at a distance of some 20 metres at least. The fact neighbours can see the racking would not in itself be reason to refuse the application.

In Officers opinion, given the existing nature of the site, the nature of the proposal and the distances to the existing dwellings, Officers do not consider that there would be an impact on the amenity of the neighbouring dwellings so harmful as to justify refusing consent.

4.2.4 Other matters Health and Safety

Concerns have been raised over the safety of the racking. The Applicants have stated that there are Health and Safety measures in place to inspect the racking and timber weekly for H&S and insurance purposes. Furthermore the site would be subject to Health and Safety regulations in the same manner as any other work place. It is not considered within the remit of land use planning to assess H&S 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 Whilst respecting the concerns raised by residents and Members, and acknowledging the potential overbearing impacts on no. 93 in particular, Officers are of the opinion that given the use of the overall use of the site and historic use of the area for timber storage, and mitigation put forward by the Agents which would be conditions, Officers consider it would be difficult to resist the application on amenity grounds alone. As such the application is recommend for approval.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 9th November 2027
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) New yard racking details (Drawing No. 395 023A) received 13 October 2022
 - (ii) Existing site layout (Drawing No. 395 024A) received 13 October 2022
 - (iii) Proposed site layout (Drawing No. 395 016K) received 13 October 2022
 - (iv) Location plan (Drawing No. 395019) received 9 June 2022
 - (v) Justification letter received 13 October 2022
3. The application relates to the installation of 5 no. timber and materials racks only as shown on the approval plan ""Proposed site layout (Drawing No. 395016K) received 13 October 2022"".
4. Within 1 month of the date of this permission the following mitigation measures shall be put in place on the site unless otherwise agreed in writing by the Local Planning Authority;
All Forklifts and side lifts operated by the applicants on site shall have white noise beepers.
Access to the Racking to the south west of the site shall be limited to after 7.30 for work and 08.00 for deliveries ceasing at 18.00 Monday to Saturday.
5. The approved landscaping scheme (as shown on approved plan 395016K) shall be implemented within the first planting season following the approval and maintained thereafter. Any plants/trees that die within 5 years shall be replaced with the specimen of the same type and height.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of clarity.
4. In the interests of amenity of adjoining occupiers.
5. In the interests of amenity of adjoining occupiers.

Report to	Planning Committee
Date of meeting	9 th November 2022
Lead Member / Officer	Emlyn Jones, Head of Planning, Public Protection and Countryside Services
Report author	Paul Griffin
Title	Information report on amendment to the The Town and Country Planning (Use Classes) Order 1987 (the UCO) and The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO).

1. What is the report about?

1.1. The report is intended to highlight recent legislative changes within Wales to Planning Use categories. Welsh Government has recently introduced new use categories for second homes and short-term lets in an attempt to manage the impacts that these uses are having in certain parts of Wales.

2. What is the reason for making this report?

2.1. To keep Members of the Planning Committee aware of changes to national planning legislation

3. What are the Recommendations?

3.1. That members note the changes to the UCO and GDPO.

4. Report details

Background information

4.1 The planning system in England and Wales seeks to control the uses of land and buildings. This is done, in part, by having a Use Classes system which differentiates between certain land uses such as dwellings, shops, factories and leisure uses.

Planning permission may be required for changes of use between certain land uses. However, there are some other changes of use which do not require planning permission and which can be implemented under permitted rights. One such permitted change allowed ordinary dwelling houses to be used as second-homes and/or short-term holiday lets.

On 4th July 2022 the First Minister and the Leader of Plaid Cymru announced a package of measures to tackle the issue of second homes and short-term lets in Wales. This included a land use planning element with the introduction of three new use classes. These three new use classes will give local planning authorities the ability, where they have evidence, to make local amendments to the planning system through an Article 4 Direction, allowing them to consider whether planning permission would be required to change from one use class to another and to control the number of additional second homes and short-term lets in an area. These changes to planning legislation have now been agreed as follows:

- The Town and Country Planning (Use Classes) Order 1987 (the UCO) is being amended to create new use classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6);
- The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) is being amended to allow permitted changes between the new use classes, C3, C5 and C6. These permitted development rights can be dis-applied within a specific area by an Article 4 Direction made by a Local Planning Authority on the basis of robust local evidence.

4.2 The above changes came into force on 20th October 2022. Officers will be analysing the approach taken by other Council's across Wales where the impacts of second homes and short-term holiday lets are more pronounced. How this Council approaches this issue will be discussed in Scrutiny Committee's once more detailed research has been carried out.

5. How does the decision contribute to the Corporate Priorities?

5.1. Not applicable at this stage.

6. What will it cost and how will it affect other services?

6.1. Not applicable at this stage.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. 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.

7.2. 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.

8. What consultations have been carried out with Scrutiny and others?

8.1. Not applicable.

9. Chief Finance Officer Statement

9.1. Not applicable.

10. What risks are there and is there anything we can do to reduce them?

10.1. Not applicable.

11. Power to make the decision

11.1. Not applicable