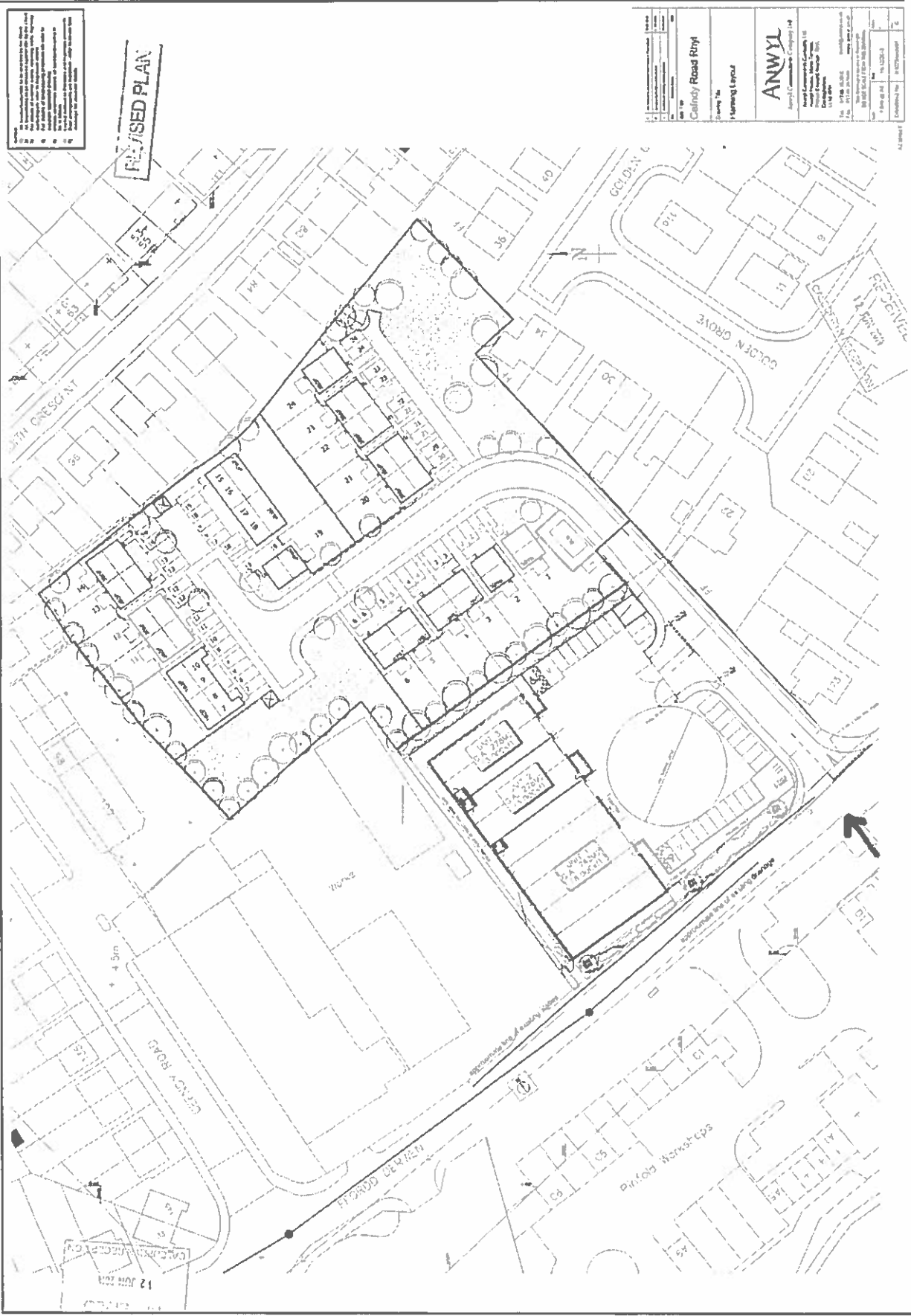


LAYOUT PLAN

45 2011 004 21 P F



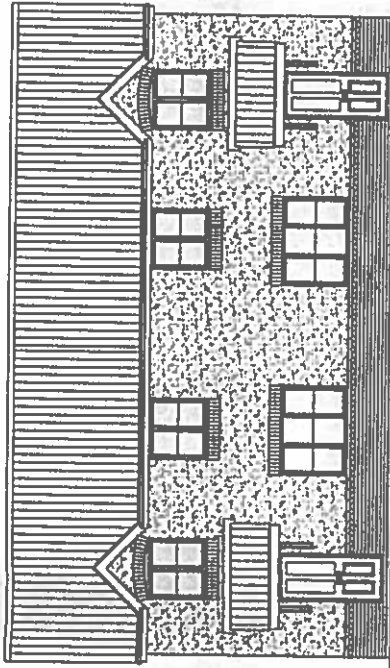
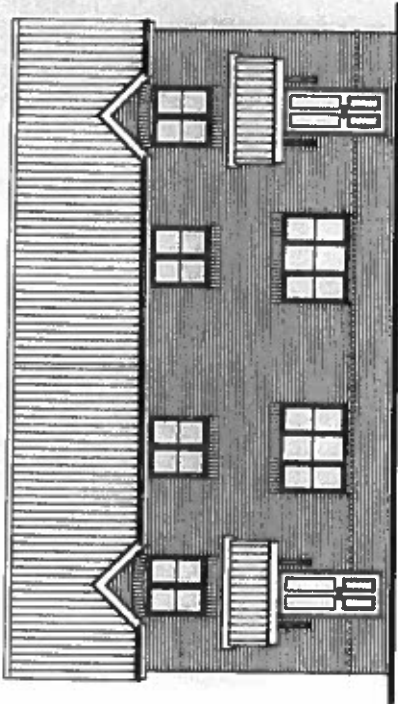
- 1. All dimensions are in metres unless otherwise stated.
- 2. All dimensions are to the centre of the line unless otherwise stated.
- 3. All dimensions are to the face of the wall unless otherwise stated.
- 4. All dimensions are to the face of the wall unless otherwise stated.
- 5. All dimensions are to the face of the wall unless otherwise stated.
- 6. All dimensions are to the face of the wall unless otherwise stated.
- 7. All dimensions are to the face of the wall unless otherwise stated.
- 8. All dimensions are to the face of the wall unless otherwise stated.
- 9. All dimensions are to the face of the wall unless otherwise stated.
- 10. All dimensions are to the face of the wall unless otherwise stated.

REVISED PLAN

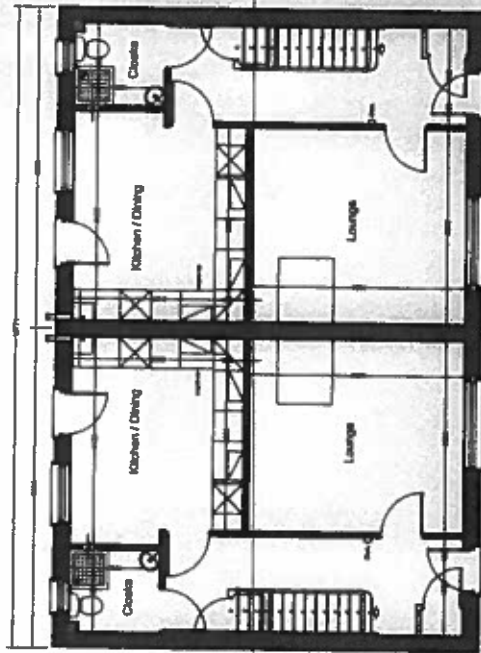
<p>ANWYL Anwyl Construction Company Ltd 100-110 Calindy Road Calindy, QLD 4078 Australia Tel: 07 556 1111 Fax: 07 556 1112 Email: info@anwyl.com.au Website: www.anwyl.com.au</p>	
<p>Project Name Calindy Road City</p>	<p>Client Calindy Road City</p>
<p>Project No 45 2011 004 21 P F</p>	<p>Scale 1:100</p>
<p>Drawn By [Name]</p>	<p>Checked By [Name]</p>
<p>Date 12 JUN 2011</p>	<p>Revision 1</p>

12 JUN 2011
 CIVIL ENGINEER

45 / 2014 / 0042 / PF

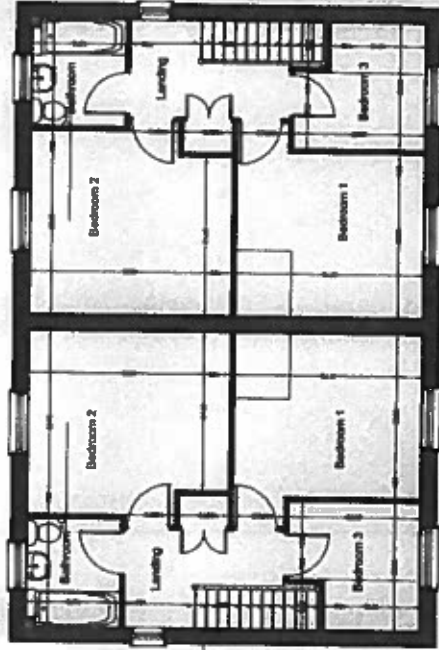


RECEIVED
16 JAN 2014
CALEDFRYN RECEPTION



Proposed Ground Floor Plan

3B 5P DQR / LIFETIME HOMES 94.3m2/1015sqft



Proposed First Floor Plan

HOUSE TYPES

No	Date	Issue	Description

This drawing is subject to copyright

Project Name
3 bed 5 Person house dqr/lth

Job No

Cefndry Road Rhyll,

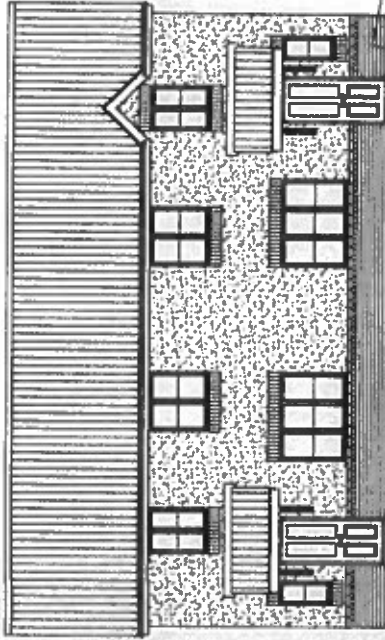
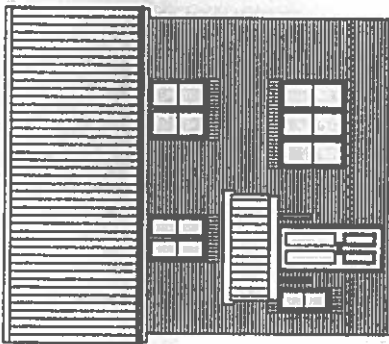
Drawing Title

Plans & Elevations

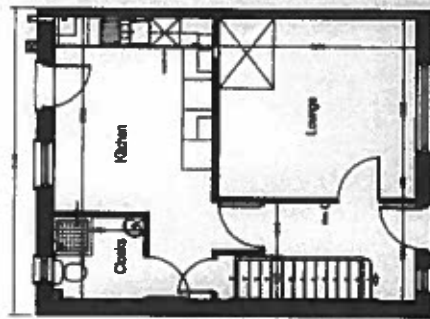
Scale	1:100	Drawn	By
Date	06/01/2014	Checked	
Drawn by	h1075-3b5pht-01	Reviewed	

ANWYL
Anwyl Construction Company Ltd

45 / 2014 / 0042 / PF

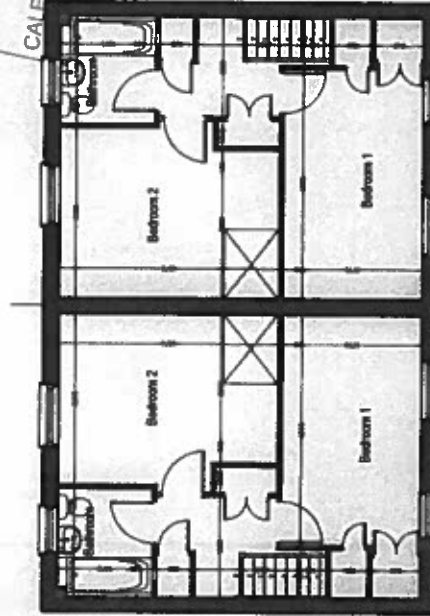


RECEIVED
16 JAN 2014
CALEDFRYN RECEPTION



Proposed Ground Floor Plan

2B 4P - DQR / LIFETIME HOMES 63.06m²/694sqft



Proposed First Floor Plan

No	Date	Issued	Description

This drawing is subject to Copyright

Project Name
2 bed 3 Person house dqr/lth

Job No.

Cefndy Road Rhyf,

Drawn By

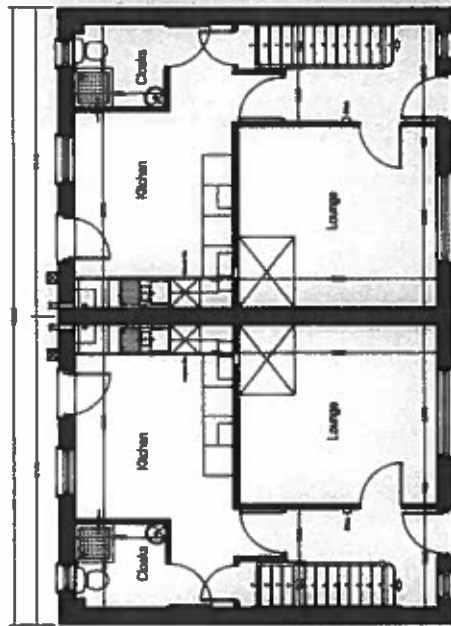
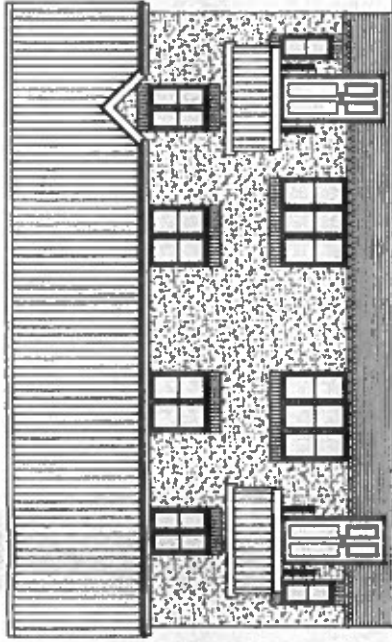
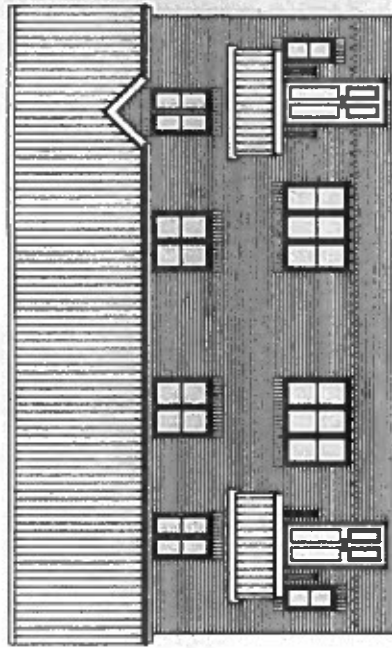
Plans & Elevations

Scale	1:500	Drawn	14
Date	04 Dec 2013	Checked	
Checked By	h1675-263ph-02	Approved	

ANWYL
Anwyl Construction Company Ltd

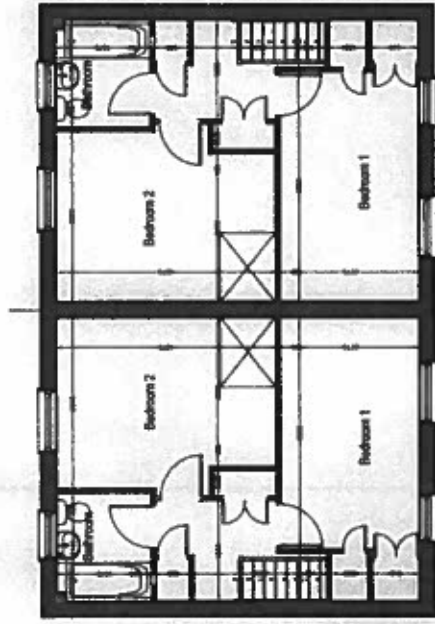
HOUSE TYPES

45 / 2014 / 0042 / PF



Proposed Ground Floor Plan

2B 4P - DQR / LIFETIME HOMES 83.08m2/894sqft



Proposed First Floor Plan

RECEIVED
16 JAN 2014
CALEDFRYN RECEPTION

HOUSE TYPES

No.	Code	Name	Description

The Drawing is subject to Disapproval

Project Name
2 bed 3 Person house dqr/lth

Job No
Cefndy Road Rhyll,

Drawing No
Plans & Elevations

Name	1:00	Date	By

Drawing No
h1075-2b-dqr-lth-01

ANWYL
Anwyl Construction Company Ltd

Heading:

REFERENCE NO. 45/2014/0042/PF
 CEFNDY TRADING ESTATE
 FFORDD DERWEN, RHYL

Graham Boase
 Head of Planning & Public Protection
 Denbighshire County Council
 Caledfryn
 Smithfield Road
 Denbigh
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

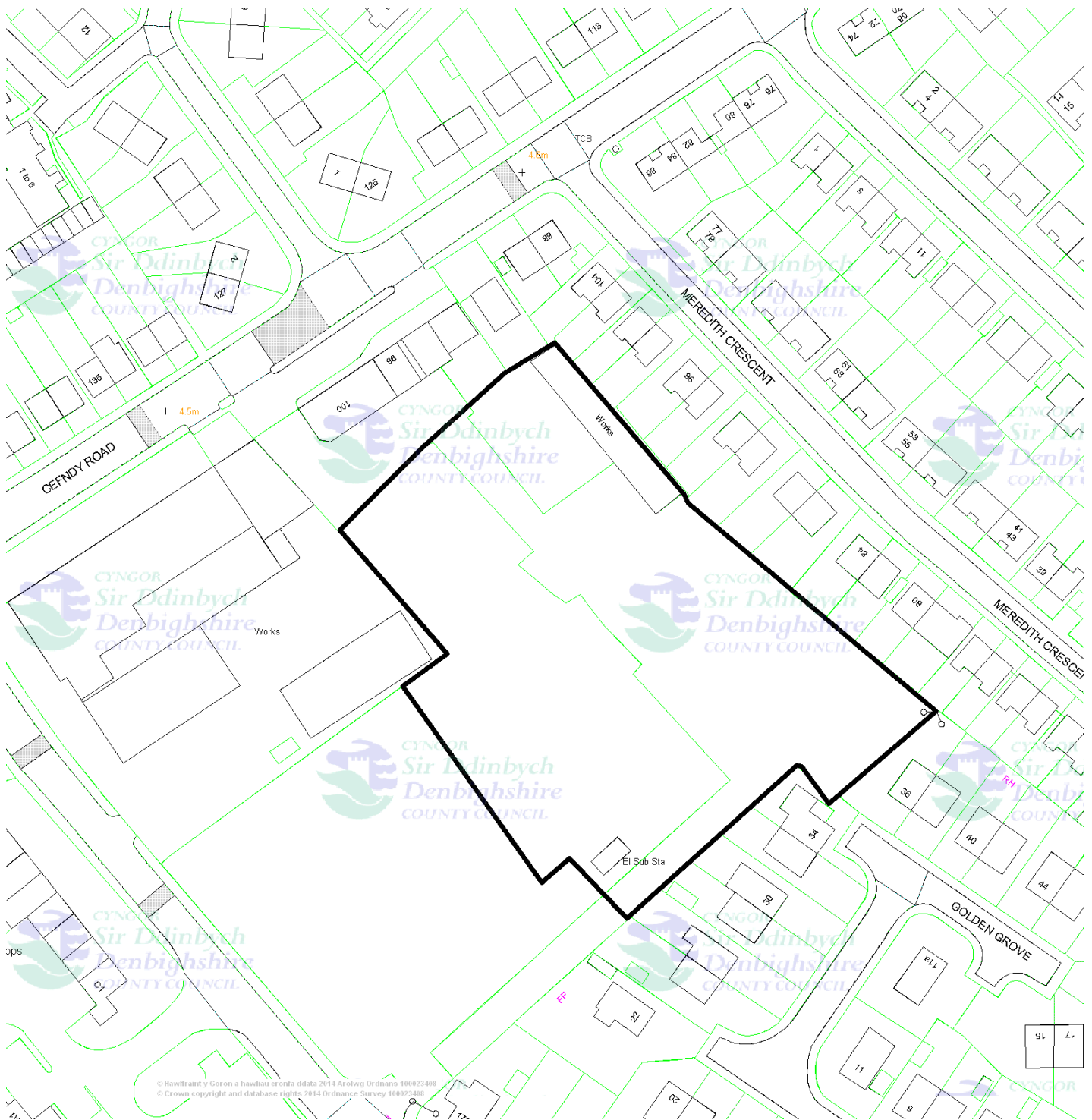


Date 16/7/2014

Scale 1/1250

Centre = 301426 E 380564 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



© Hawlfraint y Goron a hawllais ei omfa ddata 2014 Arolwg Ordnance 100023408
 © Crown copyright and database rights 2014 Ordnance Survey 100023408

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.

Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawlfraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

ITEM NO: 10

WARD NO: Rhyl South West

WARD MEMBER(S): Cllr Pat Jones
Cllr Margaret McCarroll

APPLICATION NO: 45/2014/0042/ PF

PROPOSAL: Erection of 24 dwellings including 22 affordable dwellings, access, parking, open space and landscaping

LOCATION: Land at Cefndy Trading Estate Ffordd Derwen Rhyl

APPLICANT: Wales & West Housing Association

CONSTRAINTS:

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 – Town / Community Council objection
- Recommendation to grant / approve – Departure from Development plan

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

Original Response: - "Object due to over-intensification of social housing".

Response to revised scheme will be reported at the Planning Committee Meeting.

NATURAL RESOURCES WALES

No objection subject to the inclusion of conditions relating to the flood defence wall, finished floor levels and ground contamination.

DWR CYMRU / WELSH WATER

No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions to secure parking within the site, details of layout, design, means of traffic calming, street lighting, signing, drainage and construction of internal estate road and details of site compound location, traffic management scheme, vehicle washing, hours and days of operation and the management and operation of construction vehicle

Ecologist

No objection

Housing and Community Development Service

Supportive of the proposal given the high housing need in the Rhyl area. The ratio of affordable housing is high however it is proposed to provide some for social rented, some

will be intermediate market rent and some will be offered for sale on a shared equity basis.

Economic and Business Development Officer
No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:

R. Martell, 84, Meredith Crescent, Rhyl

Summary of planning based representations in objection:

Residential Amenity: Potential for overlooking

EXPIRY DATE OF APPLICATION: 12/3/2014

REASONS FOR DELAY IN DECISION:

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal seeks full planning permission for the erection of 24 dwellings to include 22 affordable housing units with associated access, parking, open space and landscaping on land at the Cefndy Trading Estate on Ffordd Derwen in Rhyl.
- 1.1.2 The application proposes the erection of 24 two storey dwellings. The majority are semi-detached dwellings but there are also 4 detached dwellings and 2 terraces of 4 dwellings. Each property would be provided with private amenity areas and off street parking facilities.
- 1.1.3 The site is accessed off Ffordd Derwen from a recently improved access constructed in association with commercial units which have been completed.
- 1.1.4 It is proposed to provide Community Recreational Open Space (CROS) on the site over 2 areas within the site, which are shown to be open landscaped areas.
- 1.1.5 The application is supported by a number of documents which include the following:

A Design and Access Statement – The report outlines the vision for the site, the conclusions making reference to a quality residential development that has a mix of accommodation types and tenure.

A Planning Supporting Statement:

The report acknowledges the site's location in an Employment area but makes reference to the following points:

- *Planning permission ref 45/2011/1048/PF for a mixed commercial/residential scheme has been granted which establishes the principle of residential development.*

. *The report refers to the lack of 5 year housing land supply and Welsh Government policy that for Councils who do not have a 5 year housing land supply will be expected to approve housing applications, provided all other relevant policy considerations are met.*

- The report refers to a Ministerial Statement by the Minister for Housing and Regeneration which sets out Welsh Government's priority to increase the supply of all housing, market housing and affordable housing.

- In relation to LDP Policies, Policy PSE 3 is considered to be most relevant and taking each policy test in turn;

Test i) There are no other suitable sites available for this development. There is an overwhelming need for affordable homes in Rhyl which demonstrates there are insufficient sites elsewhere in Rhyl to meet both general market demand and local affordable housing. There are no feasible and suitable sites elsewhere to meet an acute affordable housing need which is a material consideration that should be given weight.

Test ii) A continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes;

A continuous marketing exercise over several years (at least 3 years) clearly demonstrates that the site is no longer capable of providing any, least wise acceptable, standard of accommodation for employment. All practical steps possible to retain the employment use have also been attempted but proved unsuccessful. The updated marketing report confirms the position that there is no commercial basis for retaining the bare land for employment purposes.

Test iii) The loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relation of a non-conforming use from an unsuitable site.

There are ample small premises of less than 300sqm meeting limited local demand. There are vacant premises adjoining and across the road from the site. There are no new employment land allocations in Rhyl or Prestatyn, which indicates that there are more than enough existing land and premises in the area. There are a number of employment parks locally ranging from 200sqm, 250sqm and 500sqm which cumulatively total 5000sqm of employment floor space: Cefndy Trade Park, Parc Cefndy Estate, Pinfold Employment Park, Bridge Enterprise Park, Aber Trading Estate, Wesbourne Employment Estate and Victoria Park.

In relation to Policy BSC 4 and the affordable housing provision proposed, the supporting information refers to the policy wording "In the interest of creating and maintaining sustained mixed communities proposals for 100% affordable housing, sites will only be considered on sites of 10 units or less" and states that this policy severely constrains the ability of Registered Social Landlords, Councils and other Housing Trusts to develop relatively small sites for affordable housing. Nevertheless, the application is not for 100% affordable housing.

An additional supporting statement from the applicant, Wales & West Housing, has been submitted to emphasise that there is an acute need within the Rhyl area for affordable housing with limited sites available, it indicates there are 1,005 people on the waiting list held by and updated annually by Denbighshire Housing and Wales & West Housing for Rhyl.

To conclude, the applicant considers that the proposal represents an opportunity to redevelop the site for a residential use more suited to its context, with a resulting benefit to the local community. The site is well suited to the proposal and the submitted plans demonstrate that a high quality design can be produced which would create an attractive, useable and viable development.

Marketing Report/Information – The submission includes details from Gareth Williams and Legat Owen Chartered Surveyors setting out the following:

- The whole site was marketed as a 'Design and Build' with very little interest until Howdens came forward. A decision was then taken to develop the site as is, providing 1,300sqm of commercial floorspace.

- 'Screwfix' are now interested in the second portion of the site, adjacent to Howdens with the attraction being the clustering of building suppliers locally and there are no more trade orientated company's looking for representation in the area.

- Development of a further phase would be totally non-viable and it would not be recommended to speculatively develop further units on the remaining land.

- Small unit requirements are more than adequately catered for.

- In addition as a backland site, the prospects of future viable commercial occupation are even more remote.

Flood Consequences Assessment – The Assessment highlights that part of the site is located within a flood zone and that the applicant has discussed mitigation options with Natural Resources Wales.

Open Space

In relation to the open space offer, the applicant is offering a commuted sum in relation to the provision and maintenance of off-site Children's Play Space and Community Recreational Open Space (CROS) is to be provided on site in accordance with the minimum standard, with a management company responsible for the maintenance of the site.

1.2 Description of site and surroundings

- 1.2.1 The site has been cleared of all buildings and is a relatively flat, rectangular shaped area of land. The site had previously provided employment buildings/land for over 60 years.
- 1.2.2 To the north and south east are areas of established residential development with Meredith Crescent and Golden Grove immediately adjoining the boundary of the site. To the south and north western boundaries are a variety of commercial premises, both new build and older commercial buildings.
- 1.2.3 The site is located at the junction of two important thoroughfares, Cefndy Road and Ffordd Derwen. The site is bounded by fencing and has a main vehicular access off Ffordd Derwen. It is this access point which will be used to gain vehicular and pedestrian access to the site. See site plan at the front of this report.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl and in an area allocated for Employment uses as set out in the Local Development Plan. The site is located within a C1 flood zone as set out within the Development Advice maps on TAN 15.

1.4 Relevant planning history

- 1.4.1 Planning permission was refused in 2010 for the development of the site by the erection of 34 dwellings (Class C3) and 6 independent living apartments (units for the residential accommodation and care of people in need of care – Class C2), together with associated open space, a 900 sq.m industrial unit and the construction of a new vehicular and pedestrian access off Ffordd Derwen.
- 1.4.2 The above application was the subject of a planning appeal and a Public Inquiry was held in August 2010. The Planning Inspector dismissed the planning appeal.
- 1.4.3 Following the appeal decision, an amended proposal for the development of 1.35ha of land by the erection of 24 no. dwellings including landscaping, open space and

access and erection of a 1,299 sqm commercial unit including parking, servicing and access has been granted. A resolution to grant was agreed by the Planning Committee in May 2012, and the Section 106 associated with that application was signed on 4th July 2014 when the planning permission was released.

- 1.4.4 For various reasons, a separate planning application was submitted later in 2012 for the erection of the 1,300sqm of commercial floorspace alone. This scheme was approved and these units have been fully constructed and are partly in use as Howden's.

1.5 Developments/changes since the original submission

- 1.5.1 The scheme has been revised from 26 units to 24 units with the number of affordable housing units reduced from 24 to 22. Additional supporting marketing information, an ecology report and supporting information from the applicant regarding the need for affordable housing units has also been submitted.

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1.1 45/2009/1595/PF – Development of 1.35ha of land by the erection of 34no. dwellings (Class C3), 6no. supported living apartments (Class C2), together with associated open space, a 900 sq.m industrial unit and the construction of a new vehicular and pedestrian access off Ffordd Derwen. – REFUSED by PLANNING COMMITTEE AND DISMISSED ON APPEAL 15/9/10.

45/2011/1048/PF - Development of 1.35ha of land by the erection of 24 no. dwellings including landscaping, open space and access and erection of a 1,299 sqm commercial unit including parking, servicing and access off Ffordd Derwen. – Resolution to GRANT by PLANNING COMMITTEE in May 2012. Section 106 agreement signed and planning permission released on 4th July, 2014.

In terms of this planning permission it is considered helpful to highlight the key issues of the aforementioned appeal. The original scheme attempted to provide a proportion of the site for employment purposes with the other area shown for housing uses. The proportion offered at that appeal was roughly 4-1 of the site in favour of housing. It was accepted that the location of the site, marketing attempts, the current economic climate and the proximity of existing nearby residential dwellings meant that the redevelopment of the whole site for an industrial use would not be viable. However, the Inspector commented that:-

“.....the mixed scheme assessed by the parties, i.e. a ratio of 4:1 in favour of industrial floor space, would not be likely to be viable. However, this position leaves a marked gap in information on the potential viability of a scheme that would provide a mix of uses that would lie between the two ratios that have been examined.”

The Inspector was effectively inviting a revised scheme which provided less housing and more industrial floor space. We now have a scheme with less housing (24 as opposed to 34), the removal of the previous supported living unit and more commercial floorspace at 1299sq.m as opposed to 900sq.m.

45/2012/1209/PF - Erection of a 1,300 sqm commercial unit including access road, service area, car parking and landscaping – GRANTED under DELEGATED POWERS on 5th November 2012.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC4 – Affordable Housing
Policy BSC11 – Recreation and open space
Policy PSE1 – North Wales Coast Strategic Regeneration Area
Policy PSE2 – Land for employment uses
Policy PSE3 – Protection of employment land and buildings
Policy VOE6 – Water management
Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

SPG 2 – Landscaping
SPG 4 – Recreational Public Open Space
SPG 7 – Space Standards in new developments
SPG 21 – Parking standards
SPG Affordable Housing

3.2 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Density of development
- 4.1.10 Sustainability codes and water management
- 4.1.11 Contaminated land

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The application involves residential development on an allocated employment area within the development boundary of Rhyl as identified in the adopted Local Development Plan. It obliges consideration of a range of planning policies and guidance which apply to the principles of development on employment land and the

provision of housing, as well as the policies relating to the assessment of localised impact of such development. The weighing up of the merits of the proposals involves due consideration of the socio-economic and commercial viability arguments, in the context of the scheme being a comprehensive redevelopment of previously developed land, and with due regard to the planning history.

Planning Policy Context

The main policies in the Local Development Plan which are relevant to the principle of the development are:

Policy BSC 1, which sets out the basic housing growth strategy for the County.

Policy PSE 1, which relates to the North Wales Coast Strategic Regeneration Area and provides general support for the retention and promotion of a mix of employment generating uses and new family accommodation.

Policy PSE 2, which relates to employment sites on the LDP's proposals maps and supports employment development in use classes B1, B2 and B8.

Policy PSE 3, which seeks to protect employment land and buildings and only offers support for proposals which would result in the loss of such land and buildings where strict tests can be met, i.e where there are no other suitable sites available for the development; there is evidence of a continuous marketing process alongside practical attempts to retain the employment use and where the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes; and evidence that the loss of the site/premises would not prejudice the ability of an area to meet a range of employment needs.

The range of LDP policies referred to above are in general conformity with the approach to development in Planning Policy Wales, supporting sustainable economic development. Planning Policy Wales also contains a preference for the re-use of land which meets with the definition of 'previously developed land', in preference to greenfield sites.

A key policy in the LDP is Policy PSE 3 which seeks to protect existing employment land and buildings. The proposal as submitted clearly seeks to develop housing on an area of land allocated for employment uses. Policy PSE 3 contains 3 policy tests against which development proposals must be assessed. In summary these tests are:

- i) there are no other suitable sites available for the development;
- ii) a continuous marketing process of 1 year, alongside practical attempts to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes
- iii) the loss of the site or premises would not prejudice the ability of an area to meet a range of employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable area.

In relation to this policy it is considered appropriate to make reference to previous planning assessments made for schemes on this site and in particular the 2010 appeal decision. In addition current Council priorities should also have an influence on how the Policy is applied in this case.

Relevance of planning history

All of the above policy tests were examined in detail in the 2010 Planning Appeal as the tests of Policy EMP 2 in the UDP were very similar to the tests of Policy PSE 3 of the LDP.

It is considered helpful to revisit the appeal decision and highlight the key issues as the proposal has similarities to the proposal before Members now.

In essence the 2010 appeal scheme attempted to provide a proportion of the site for

employment purposes with the other area shown for housing uses. The proportion offered at that appeal was roughly 4-1 of the site in favour of housing.

At the appeal in 2010, the parties accepted that the location of the site, marketing attempts, the current economic climate and the proximity of existing nearby residential dwellings meant that the redevelopment of the whole site for an industrial use would not be viable. However, the Inspector commented in his decision letter that:-
“.....the mixed scheme assessed by the parties, i.e. a ratio of 4:1 in favour of industrial floor space, would not be likely to be viable. However, this position leaves a marked gap in information on the potential viability of a scheme that would provide a mix of uses that would lie between the two ratios that have been examined.”

In essence, the Inspector was inviting a revised scheme which provided less housing and more industrial floor space.

The scheme presented to Planning Committee in May 2012 (which Members resolved to grant) was for less housing (24 as opposed to 34), the removal of the previous supported living unit and more commercial floorspace at 1299sq.m, as opposed to 900sq.m.

Having regard to the above and the general improvements made to the layout of a mixed scheme of residential and industrial space, planning application ref 45/2011/1048/PF was considered acceptable in principle by Members and following completion of a Section 106 agreement securing 7 affordable housing units and open space provision, planning permission was granted 4th July 2014.

The current scheme relates to the same area of residential development referred to above, which already has the benefit of full planning permission for 24 housing units. In Officer's opinion, based on the appeal decision and subsequent planning permission granted for a more balanced mix of commercial/residential development over the whole site, it would be unreasonable to resist this stand alone residential proposal.

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.

There are no objections from local residents or the Town Council in relation to the visual impact of the proposal. The site has traditionally contained a number of large industrial style buildings and now has some more modern commercial units to the Ffordd Derwen frontage. It is not considered that this residential scheme containing a good proportion of open space within the site would have any adverse impact on the visual amenities of the area.

The external materials on the dwellings are indicated as facing bricks with some render, with tiled roofs, to the Council's approval. Overall, it is considered that the proposal by virtue of the scale and design along with open space and associated landscaping proposed would not have a negative visual impact on the area. It is therefore considered acceptable in relation to the policies and guidance listed above.

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.

There is a comment from a local resident over potential for loss of privacy from the new development on the site.

With respect to the resident's concerns, having regard to the revised layout for 24 units and the detailing of dwellings relative to nearby development, Officers opinion is that there would be no adverse impacts on the amenities of occupiers of existing or proposed dwellings. There will be adequate separation distances between existing and proposed dwellings with suitable boundary treatments affording relevant levels of privacy.

4.2.4 Ecology

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.

An ecological survey of the site has been undertaken which confirms the site does not support any flora or fauna of any interest. The Council's Biodiversity Officer has raised no objections to the proposal.

In Officers' opinion, the consultation responses suggest there are no ecology grounds to oppose the development of the application site.

4.2.5 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.

There are no representations from the public relating to the drainage implications of the development. The applicant has indicated an intention to connect to the existing main foul sewer adjoining the site in Ffordd Derwen. Previous discussions and agreements had indicated that some surface water discharge would be allowed into the combined public sewer, with some also being taken over to the nearby Brickfields Pond. However further discussions have taken place with NRW and Dwr Cymru / Welsh Water, and it has been demonstrated that surface water cannot drain by gravity to either Rhyl Cut or Brickfields Pond and there would need to be 2 on-site pumping stations and easement strips. It was therefore agreed to discharge surface water to the combined sewer system and neither NRW nor Dwr Cymru/Welsh Water have raised any objections to, but require further details of the drainage scheme which is suggested as a planning condition.

In relation to flood risk, NRW have raised no objections to the proposal and to the Flood Consequences Assessment submitted. The proposal includes a small flood mitigation boundary wall around the perimeter of the lower part of the site which is

considered to be a reasonable mitigation measure. This has been designed in conjunction with the Council's own flood risk manager and NRW.

In Officers' opinion, the consultation responses suggest there are no drainage or flooding grounds to oppose the development of the application site.

4.2.5 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 (Section 8) and TAN 18 – Transport, in support of sustainable development.

There are no representations from the public relating to the highway implications of the development.

Highway Officers have assessed the proposed development as acceptable. The access to the site is considered acceptable and the proposal provides parking on-site for each property in accordance with adopted standards.

In Officers' opinion there are no highway grounds to oppose the development of the application site.

4.2.6 Affordable Housing

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. Policy BSC4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either onsite on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

The applicant is Wales and West Housing and the proposal is to provide 22 affordable housing units on a development of 24 units. Rhyl Town Council has raised concerns over the intensity of social housing on the site.

Policy BSC 4 in the LDP states that in the interests of creating and maintaining sustainable mixed communities, proposals for 100% affordable housing sites will only be considered on site of 10 units or less. The proposal is to provide 22 of 24 units as affordable housing units with 2 remaining as open market housing. It is proposed that the properties would be let under general need terms using 'Tenure Neutral' agreements which allows residents to purchase their property at a later date.

Having regard to the comments of the Town Council in relation to the over-intensification of affordable housing, information has been submitted by the applicant, Wales and West, relating to the acute need for affordable housing units in the Rhyl area. This is supported by the Councils Housing Service who supports the application. In policy terms the proposal is not proposing 100% affordable housing and is therefore not in conflict with Policy BSC 4.

In Officers' opinion there are no affordable housing policy grounds to oppose the development of the application site.

4.2.7 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including

recreation and open space, in accordance with policy BSC 11. Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. It states that open space should always be provided on site, and that commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement be provided onsite, or where it is impractical to provide the full requirement onsite. Where there is no identified shortfall of open space in an area, the option of a commuted sum payment may be appropriate to mitigate impact on existing open space and equipment.

The development of 24 dwellings generates a requirement for open space in line with Policy BSC 11. The applicant is offering a commuted sum in relation to the provision and maintenance of off-site Children's Play Space and the provision of Community Recreational Open Space (CROS) is to be provided on site in accordance with the minimum standard, with a management company responsible for the maintenance of the site.

In Officers' opinion the proposal to provide a commuted sum for Children's Play Space and on site CROS is consistent with the requirements of Policy BSC11 of the Local Development Plan, this would be secured by a Section 106 agreement, along with details of the management arrangements for the on-site open space.

4.2.8 Density of development

Local Development Plan Policy RD 1 test (ii) requires due consideration of the efficiency of use of land through achieving a suitable density of residential development, referring to a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density.

The site area measures approx 0.8ha and the density of development therefore would be around 30 dwellings per hectare, which is under the 35 dwellings per hectare required by Policy RD 1. There are 2 areas of open space being provided within the site and having regards to the site and characteristics of the area, this density, in this instance, is considered acceptable. The proposed development will contribute to the housing targets set out within the LDP by delivery of 24 units, 22 of which will also be affordable. This is considered to outweigh any shortfall in density given the history of this site and will contribute towards meeting the corporate priority of access to quality housing.

4.2.9 Sustainability codes and water management

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales (Section 4.12) sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that building(s) can meet specific standards of construction and carbon emission levels.

In the case of this submission, the application is accompanied by a Code for Sustainable Homes Pre-Assessment report in accordance with the requirements of TAN 12, TAN 22 and Planning Policy Wales at the time of submission. However, the Minister for Housing and Regeneration has recently announced amendments to the National Planning for Sustainable Buildings policy contained in Planning Policy Wales (PPW) and the cancellation of Technical Advice Note (TAN) 22 when the changes to Part L (relating to energy efficiency) of the Building Regulations come into force at the end of July 2014.

Any applications determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes. Given the timing of the determination of this application and that the development could not be implemented before the end of July 2014 it is considered to be unreasonable to impose the standard conditions requiring compliance with the Code for Sustainable Homes.

4.2.10 Contaminated land

Planning Policy Wales (Section 13.5 -7) provides guidance on dealing with contaminated land and requires such physical constraints to be taken into account at all stages of the planning process. PPW requires planning decisions to address potential hazards that contamination presents, the results of investigation into such contamination, and any remedial measures necessary to deal with it.

Natural Resources Wales have assessed the proposals having regard to any nearby landfill sites and the historic uses on this site. They have concluded that subject to conditions which deal with site investigations the proposed development is accepted in principle. There will have been the potential for historic industrial processes on this site contaminating part of the land. Suitably worded planning conditions can deal with this and further details will then need to be agreed with the Natural Resources Wales.

5. SUMMARY AND CONCLUSIONS:

5.1 The site lies within the development boundary of Rhyl. The site has historically been used for commercial/industrial uses which have operated in close proximity to residential uses. A previous planning appeal has strongly indicated that a mix of commercial and residential would be the only viable scheme for the site, and a full planning consent for 24 dwellings has recently been granted.

The detailing of the 24 dwellings is considered acceptable, along with arrangements for affordable housing and open space. With due respect to the concerns of the Town Council, there is an acute need for affordable housing in the Rhyl area with limited alternative sites available.

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure:

(a) The payment of a commuted sum for provision and maintenance of Children's Play Space of £31,115.52 apportioned as follows:

CPA Provision Costs	£22,740.48
CPA Maintenance Costs	£8,375.04

(b) Details of the Management Arrangements for the on- site Community Recreational Open Space.

The Certificate of Decision would only be released on completion of the legal obligation, and on failure to complete within the time period, the application would be re-presented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this Committee.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. **PRE-COMMENCEMENT**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 : Planning & Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
4. **PRE-COMMENCEMENT**
Prior to the commencement of development, the detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road shall be submitted to and approved by the Local Planning Authority and the road shall be constructed in accordance with such approved details before any dwelling is occupied.
5. **PRE COMMENCEMENT**
Prior to the commencement of development, details of the site compound location, traffic management scheme, vehicle wheel washing facilities, hours and days of operation and the management and operation of construction vehicles shall be submitted to and approved by the Local Planning Authority and the works shall be carried out strictly in accordance with the approved details.
6. Facilities shall be provided and retained within the site for the parking, turning, loading and unloading of vehicles in accordance with the approved plan and which shall be completed prior to the proposed developments being brought into use.
7. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
8. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. **PRE COMMENCEMENT**
Prior to the commencement of development, details of the design of the flood defence wall shall be submitted to and approved by the Local Planning Authority and the works shall be carried out strictly in accordance with the approved details and no dwelling shall be occupied until the wall has been completed in accordance with the approved details.

10. **PRE COMMENCEMENT**
Prior to the commencement of development, details of the finished floor levels of all the dwellings shall be submitted to and approved by the Local Planning Authority and the works shall be carried out strictly in accordance with the approved details
11. **PRE-COMMENCEMENT**
Prior to the commencement of development, approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - (i) A preliminary risk assessment which has identified:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site
 - ii) A site investigation scheme, based on
 - (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
12. **PRE-COMMENCEMENT**
Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
13. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
15. **PRE COMMENCEMENT**
Prior to the commencement of the development, details of a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed shall be implemented thereafter.

The reasons for the conditions are:-

1. To ensure the early redevelopment of this prominent, vacant development site.
2. In the interests of visual amenity.
3. In order to ensure an adequate supply of affordable housing in accordance with planning policies of the Denbighshire Local Development Plan.
4. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
5. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
6. To provide for the parking and turning of vehicles clear of the highway and to ensure the reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. To minimise flood risk to the properties and any future occupiers.
10. To minimise flood risk to the properties and any future occupiers.
11. For the protection of controlled waters. Given the past use of the site, it is possible that there have been unrecorded leaks from tanks and/or pipes leading to a persistent loss of fuel over time which could result in a source of contamination being present in the ground.
12. For the protection of controlled waters. Given the past use of the site, it is possible that there have been unrecorded leaks from tanks and/or pipes leading to a persistent loss of fuel over time which could result in a source of contamination being present in the ground.
13. For the protection of controlled waters. The past uses of the site have not been fully defined, but they are noted as being commercial/industrial, which could potentially give rise to unsuspected contamination.
14. For the protection of controlled waters. The past uses of the site have not been fully defined, but they are noted as being commercial/industrial, which could potentially give rise to unsuspected contamination.
15. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment of the existing public sewerage system.

NOTES TO APPLICANT:

Notes from Wales and West Utilities

Natural Resources Wales strongly recommend that a covenant be placed on each of the property deeds specifying the purpose of the wall and noting that it should not be modified or damaged.

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