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44/2015/1075/PO

Scale: 1:2500

Printed on: 3/2/2016 at 10:54 AM

WARD : Rhuddlan

WARD MEMBER(S): Cllr Ann Davies
Cllr Arwel Roberts (c)

APPLICATION NO: 44/2015/1075/ PO

PROPOSAL: Development of 3.39 hectares of land for residential development
(outline application - all matters reserved)

LOCATION: Land east of Tirionfa Rhuddlan Rhyl

APPLICANT: Lloyds (Wales) Building And Civil Construction Ltd.

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 – 4 or more objections received

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL
None received at time of writing report

NATURAL RESOURCES WALES
No objection

DWR CYMRU / WELSH WATER
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
Highways Officer
No objection in principle

Archaeologist
No objection

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Barrie Newton, South Stack, Pentre Lane
Mr. D. Thomas, 11, Tirionfa, Rhuddlan
Mrs. M. Thomas, 11, Tirionfa, Rhuddlan
Mr D. G. Evans - Hafod y Gan, Pentre Lane, Rhuddlan
Mrs P. N. Evans - Hafod y Gan, Pentre Lane, Rhuddlan
Owner / Occupier - Bryn Mai, Pentre Lane, Rhuddlan
Mrs Brown - Bryn Mai, Pentre Lane, Rhuddlan
Mr Martin S. Parker - Oaklands, Pentre Lane, Rhuddlan
Dawn Parker - Oaklands, Pentre Lane, Rhuddlan
Dr L. W. Jones - Tryfan, Pentre Lane, Rhuddlan
Jones - Tryfan, Pentre Lane, Rhuddlan
P.J. Murray - Mount Clear, Pentre Lane, Rhuddlan
Mrs T. B. Murray - Mount Clear, Pentre Lane, Rhuddlan

Mrs H. Davies - Pegasus, Pentre Lane, Rhuddlan
E.A. Summers - Somavern, Pentre Lane, Rhuddlan
L.A. Williams - Somavern, Pentre Lane, Rhuddlan
P. Vaughan Thomas - Glan Aber, Rhyl Road, Rhuddlan
S, Vaughan Thomas - Glan Aber, Rhyl Road, Rhuddlan
P. Hudson - Highfield, Rhyl Road, Rhuddlan
Richard Owen Jones - Pant, Clos Yr Ucheldir, Rhuddlan
Margiad Jones - 16 Clos Yr Ucheldir, Rhuddlan
T. B. Williams - 1 Kerfoot Avenue, Rhuddlan
M. Mind & K. Davies - 3 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 5 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 7 Kerfoot Avenue, Rhuddlan
Godfrey - 11 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 21 Kerfoot Avenue, Rhuddlan
D. Winder - 23 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 25 Kerfoot Avenue, Rhuddlan
J & W Semple - 27 Kerfoot Avenue, Rhuddlan
K Humphrey & W Davies - 29 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 31 Kerfoot Avenue, Rhuddlan
G. & J Tunney - 35 Kerfoot Avenue, Rhuddlan
Tadd - 39 Kerfoot Avenue, Rhuddlan
Helen Stocker - 43 Kerfoot Avenue, Rhuddlan
Boyton - 45 Kerfoot Avenue, Rhuddlan
Mr & Mrs Evans - 8 Kerfoot Avenue, Rhuddlan
J. Williams - 18 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 20 Kerfoot Avenue, Rhuddlan
F. W. Taylor - 22 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 24 Kerfoot Avenue, Rhuddlan
M. Parry - 26 Kerfoot Avenue, Rhuddlan
Mr & Mrs Royles - 30 Kerfoot Avenue, Rhuddlan
E. S & J. A Birlett - 38 Kerfoot Avenue, Rhuddlan
Owner / Occupier - 48 Kerfoot Avenue, Rhuddlan
Hampton - 50 Kerfoot Avenue, Rhuddlan
Marfield - 2 Maes Alaw, Rhuddlan
I. S & J Row - 3 Maes Alaw, Rhuddlan
Mr & Mrs Jones - 4 Maes Alaw, Rhuddlan
Owner / Occupier - 5 Maes Alaw, Rhuddlan
M Jones - 6 Maes Alaw, Rhuddlan
Mr. M. Jones, 8, Tirionfa, Rhuddlan
Mr and Mrs D Robinson, 5 Tirionfa, Rhuddlan
Dr K Jain - 1 Tirionfa, Rhuddlan
T.W. Mayers - 2 Tirionfa, Rhuddlan
Mr D. J. Yates - 3 Tirionfa, Rhuddlan
M. H. Walsh - 4 Tirionfa, Rhuddlan
Robinson - 5 Tirionfa, Rhuddlan

Summary of planning based representations in objection:

Principle - Dwellings not required, number of dwellings exceeds need, local services insufficient to support number of dwellings proposed

Impact on residential amenity - adverse impact due to proximity and scale of dwellings

Highways - Access road cannot support level of traffic that would be generated, road junction not safe for level of traffic

Archaeology - site is potentially sensitive in terms of archaeology

Drainage - unacceptable impacts elsewhere due to loss of greenfield site

EXPIRY DATE OF APPLICATION: 30/12/2015

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

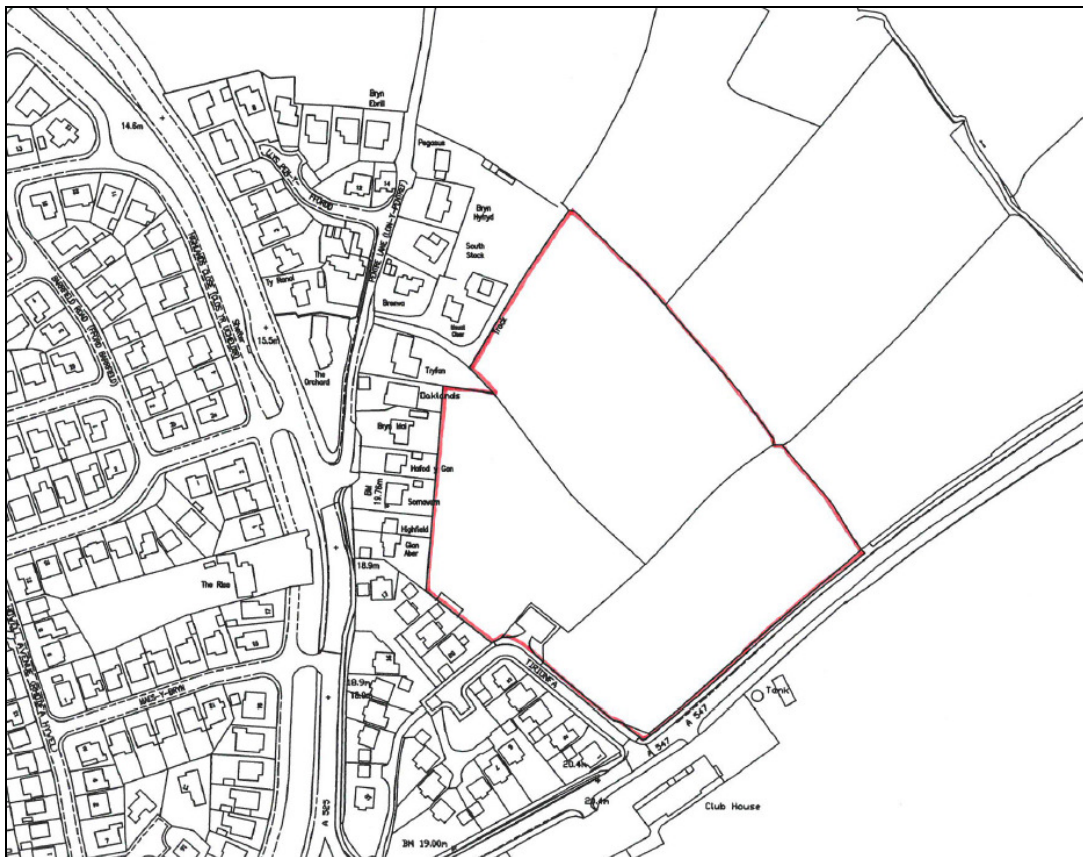
1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the development 3.39 hectares of land for residential development. The application is outline with all matters reserved. Plans that have been submitted are specifically identified as indicative.
- 1.1.2 The indicative layout shows a total of 89 dwellings. The site plan indicates 1 point of access to the development off Tirionfa.
- 1.1.3 The application includes a Design and Access statement which sets out the position of the applicant in relation to planning policy matter including information relating to a Community Linguistic Assessment, Affordable Housing and Open Space. An ecological survey and an aboriginal report have also been submitted.

1.2 Description of site and surroundings

- 1.2.1 The site is located to the western edge of the settlement of Rhuddlan. The site is bounded to the south east by the A547, open fields to the north east and existing residential development to the south western and north western boundaries. Rhuddlan Golf club is located to the south east across the A547. See site location plan extract below.



1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary and is allocated for housing development in the Denbighshire Local Development Plan.

1.4 Relevant planning history

1.4.1 The site was included as a housing allocation upon the adoption of the Local Development Plan in 2013.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 Part of the application site is owned by Denbighshire County Council. Notice has been served on the Council by the applicant in accordance with required procedures.

2. DETAILS OF PLANNING HISTORY:

2.1 The site was formally adopted as an allocated housing site on 4th June 2013.

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 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 BSC12 – Community Facilities

Policy VOE5 – Conservation of natural resources

Policy ASA1 – New transport infrastructure

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Access for all

Supplementary Planning Guidance Note: Affordable Housing in New Developments

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Nature and Protected Species

Supplementary Planning Guidance Note: Householder Development Design Guide

Supplementary Planning Guidance Note: Extension to Dwellings

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8

Technical Advice Notes

TAN 1: Joint Housing Land Availability Studies

TAN 5 Nature Conservation and Planning

TAN 12: Design

TAN 15: Development and Flood Risk

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8 (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 Density of Development
- 4.1.3 Affordable Housing
- 4.1.4 Residential Amenity
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Inclusive Design
- 4.1.9 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.10 Archaeology

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy BSC 1 states that new housing within the county is required to meet the needs of local communities and to meet projected population changes. In order to meet these needs the Local Development Plan has made provision for approximately 7,500 homes up to 2021.

The application proposes the development of the entire site for residential purposes.

In respect of the concerns over the need for development, the site has already been allocated for housing purposes and therefore the principle of residential development on the site has been established as acceptable.

4.2.2 Density of Development

Policy RD1 test ii) states that a minimum density of 35 dwellings per hectare should be achieved in order to ensure the most efficient use of land is achieved. It is confirmed that this minimum standard should be achieved unless there are local circumstances that dictate a lower density. Policy BSC 1 identifies the site as providing 121 dwellings.

The indicative layout submitted shows 89 dwellings. The submitted design and access statement specifies that density is primarily an issue for a subsequent reserved matter application. However it is also suggested within the statement that a greater density would be difficult to achieve. A development of 89 dwellings would represent a density of 26 dwellings per hectare.

Officers note that this matter is to be considered in detail at reserved matters stage. It is not considered that failure to meet the required minimum density and the number identified by policy BSC 1 is a determinant issue at this stage. In line with this Officers recommend that it is made clear through a note to applicant that a lower density development is not currently considered acceptable and the Council would seek to ensure that any future reserved matters application should meet the minimum density requirements.

4.2.3 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure that all developments of 3 or more residential units provide 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.

Submitted information states that it is the intention of the applicant to provide 10% affordable housing.

The provision of affordable housing is a policy requirement. In accordance with policy, it is now accepted practice to use a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions in recent years, to cover the mechanism for provision of affordable housing. Officers suggest this approach to be appropriate in this instance.

4.2.4 Residential Amenity

Paragraph 3.1.7 of PPW states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

Concerns have been raised in relation to the potential impact of the development on the amenity of existing neighbouring properties.

As the proposals are indicative only the detailed assessment of the impact of proposal is not possible until reserved a matters details are submitted and therefore this is not a matter for consideration at this time.

4.2.5 Ecology

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.

A protected species survey has been submitted and NRW have raised no objections subject to the recommendations being followed.

The proposals are therefore considered acceptable in relation to impact on ecology subject to the recommendation of the report being followed. This can be secured through planning condition.

4.2.6 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 individual objections on drainage grounds. Although no drainage details have been submitted for formal assessment at this stage, Natural Resources Wales and Dwr Cymru Welsh Water have raised no objection.

Given the comments of the technical consultees, It is considered that it is reasonable to assume that an acceptable drainage scheme can be achieved on the site. The development of such a scheme would need to be in conjunction with the detailed layout of the scheme. It is considered appropriate to secure the provision of an appropriate drainage scheme through condition. The proposals are therefore considered acceptable in relation to drainage.

4.2.7 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.

The detailed access arrangements are a reserved matter and therefore the detailed aspects of access to the site are not under consideration. The Highways Officer has raised no objection to the development in principle and does not have any concerns in relation to the capacity of the local highway network. However it has been suggested that a single access point may not be the optimal solution for the site. There are objections based on the adequacy of the access road/road network.

As the detailed arrangements are not under consideration at this stage and there are no concerns in relation to the capacity of the local highway network it is not considered that the proposals are unacceptable in relation to the tests identified above. In light of comments relating to the appropriate detailed access arrangement it is considered appropriate to suggest, as a note to applicant, that alternative arrangements should be considered and that the Highways section should be contacted to discuss this matter further, prior to the submission of reserved matters.

4.2.8 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 Policy RD 5 in the Local Development Plan.

The Community Linguistic Statement submitted with the application concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language.

In Officers' opinion a residential development on this site would not by virtue of its size, scale, and location give rise to significant harm to the character and language balance of the community.

4.2.9 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.

Comments have been made by objectors in relation to potential impact on archaeology. The County Archaeologist has advised that there are no records of archaeology in the area and has therefore raised no objection.

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

5. SUMMARY AND CONCLUSIONS:

5.1 The report sets out the main planning issues which appear relevant to the consideration of the application and concludes that the proposal is acceptable under the relevant policies.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins, and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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. L.1287/2) received 26 October 2015
 - (ii) Extended phase one survey and planning application assessment (Job no. 0870) received 26 October 2015
 - (iii) Planning, Design and Access Statement: Section 4 - Community and Linguistic Impact Assessment received 26 October 2015
5. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - h) the hours of site works and deliveries.
 The approved Statement shall be adhered to throughout the construction period
6. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Affordable Housing. The development shall proceed strictly in accordance with the approved arrangements.
7. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the details of proposals for the disposal of foul drainage and surface water drainage (including roofwater) in connection with the development. The scheme shall include details of the timing of implementation and the works shall be carried out strictly in accordance with the approved details.
8. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Open Space. The development shall proceed strictly in accordance with the approved arrangements.
9. No dwelling shall be occupied until the written approval of the Local Planning Authority has been obtained for the arrangements for compliance with the Council's policies in relation to the provision of contributions towards education facilities.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990
4. For the avoidance of doubt and to ensure a satisfactory standard of development.

5. To ensure suitable arrangements are in place to control construction stage works, in the interests of residential amenity and highway safety.
6. To ensure the development is in compliance with the Council's adopted affordable housing policies and guidance.
7. To ensure the development is served by a satisfactory drainage system.
8. To ensure the development is in compliance with the Council's adopted Open Space policies and guidance.
9. In the interest of compliance with policies relating to infrastructure contributions.

NOTES TO APPLICANT:

Please note that the site layout has been taken as indicative only. It is advised that the indicative number of 89 dwellings is not considered to have been justified. No site specific constraints have been identified at this stage that would justify a density not meeting minimum standards. On that basis it is advised that this matter should be fully addressed prior to the submission of a subsequent reserved matters stage and consideration should be given to meeting the minimum standards.

In relation to how the site would be accessed please see attached comments of the Highways Officer. You are encouraged to contact the Highways section to discuss this further prior to the submission of any reserved matters application.

Please note that Denbighshire County Council has an adopted Welsh Language Scheme in relation to the naming, which promotes the choice of Welsh or bilingual names, to take into account the character of the local area. Where this is a relevant consideration, you are encouraged to adopt a sympathetic approach to the naming of property, and to contact the Council's Business Improvement and Modernisation section who are involved in the registration process and who will consult with town/community councils, local members and the emergency services.